

Board of Adjustment Agenda

April 18, 2019 – 5:00 pm

Council Auditorium

City Hall, 103 N. Perry St.

BOARD OF ADJUSTMENT MEMBERS

John Stanley, *Chairman*

K. T. Brown, *Vice-Chairman*

Beau Holmes

George C. Howell, Jr.

Steve Hughes

Cory Johnson

Bart Prince

Pickett Reese

Nathan Williams

**Land Use Division
25 Washington Ave., 4th Floor
Montgomery, AL 36104
(334)625-2722**

I. Chairman's Message

II. Approval of Minutes from the March 25, 2019 meeting

April 18, 2019

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
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2.	2019-017	Kyle Ashcraft	FH	550 Stokes Road (Mobile home)	2
3.	2019-018	Aaron Ashcraft	Fh	440 Stokes Road (Mobile home)	3
4.	2019-019	Jeremy Alford	PUD	8124 & 8136 Decker Lane (Church – special exception)	4
5.	2019-016	Tashina Morris	R-60-d	McGowan Street (Youth center & church)	5
6.	2019-020	Larry E. Speaks & Associates	T4-O	Forest Avenue (Exception to SmartCode)	6
7.	2019-021	Huriesh Johnson	R-60-s	1733 Yancey Avenue (Addition to dwelling)	7
8.	2019-023	Isaiah Sankey	T4-O	Mildred Street (Sanitary facilities in accessory structure)	8
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The next Board of Adjustment meeting is on May 16, 2019

1. BD-2019-015 **PRESENTED BY:** Dicky L. Sanford

REPRESENTING: Same

SUBJECT: Request a coverage variance, rear yard variance, separation between structures variance, height variance, and street side yard variance for accessory structures and a privacy fence to be located at 370 Mitchell Avenue and 4003 Wares Ferry Road in an R-100 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain three (3) accessory structures totaling 2,126 sq. ft., whereas 900 sq. ft. is allowed.

- Accessory structure (B) comes within 4 ft. of the rear property line, whereas 5 ft. is required.
- Accessory structures (A) and (B) are 8.5 ft. apart, whereas a 10 ft. separation is required.
- The proposed privacy fence will be 6 ft. in height, whereas 3 ft. is allowed, and comes within 22 ft. of the street side yard (Mitchell Avenue) property line, whereas 35 ft. is required.

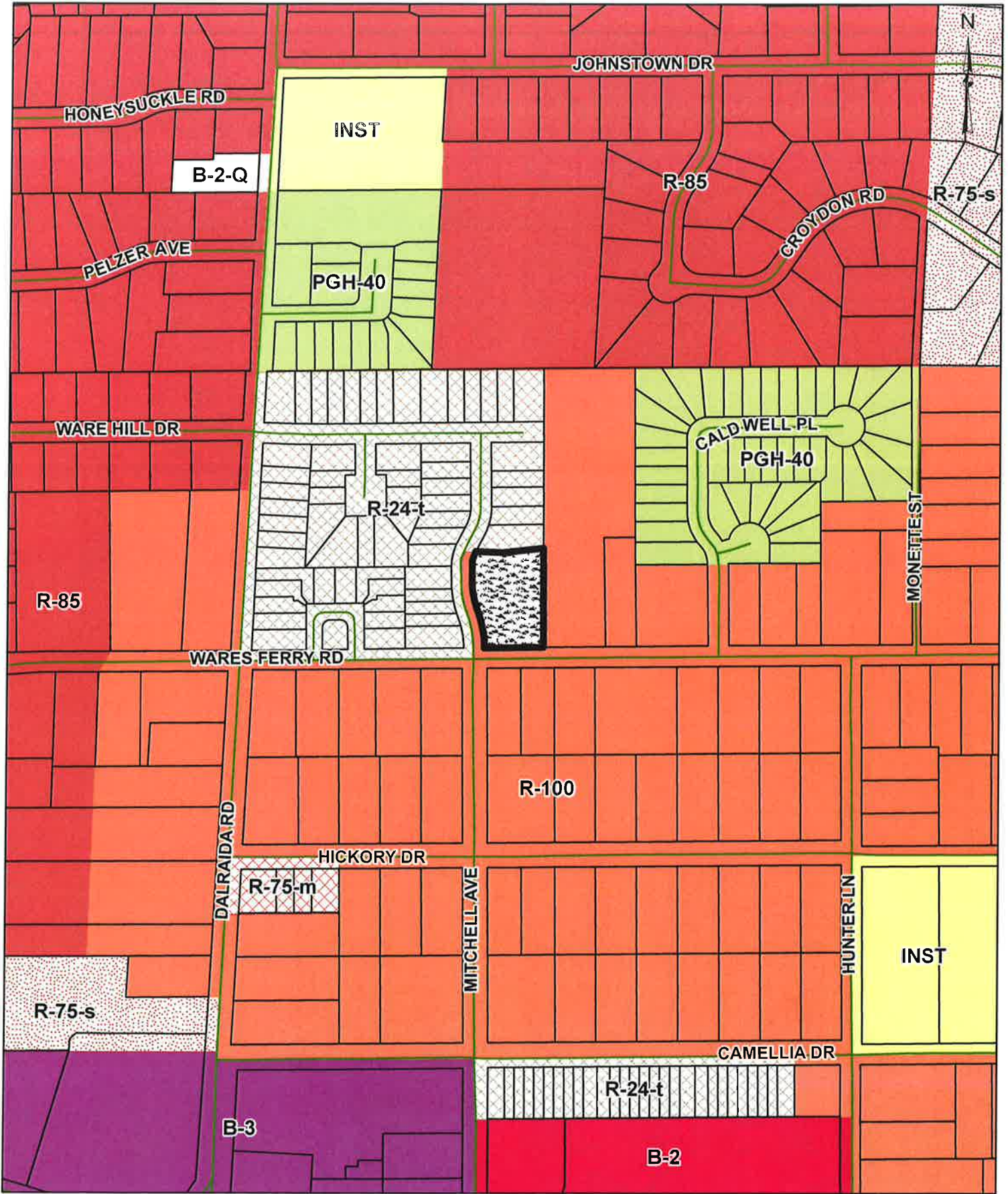
The requests are a 1,226 sq. ft. coverage variance, a 1 ft. rear yard variance (accessory structure B), a 1.5 ft. separation between structures variance (accessory structures A and B), and a 3 ft. height variance and 13 ft. street side yard variance (fence).

Land Use Division: If approved it should be noted that none of the accessory structures can be used for living purposes. These are two (2) separate lots, therefore if approved, the approval is subject to replatting these two (2) lots into one (1) lot so that all structures are in compliance. A replat will be heard by the Planning Commission on April 25, 2019.

COUNCIL DISTRICT: 2

COMMENTS _____

ACTION TAKEN: _____



Site Location 

1 inch = 300 feet

Item No. 1A



Site Location

1 inch = 30 feet

Item No. 1B

2. BD-2019-017 **PRESENTED BY:** Kyle Ashcraft

REPRESENTING: Same

SUBJECT: Request a special exception for a mobile home to be located at 550 Stokes Road in a FH (Flood Hazard) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home on a 10 acre parcel for living purposes. The mobile home will sit at least 800 ft. from the front property line.

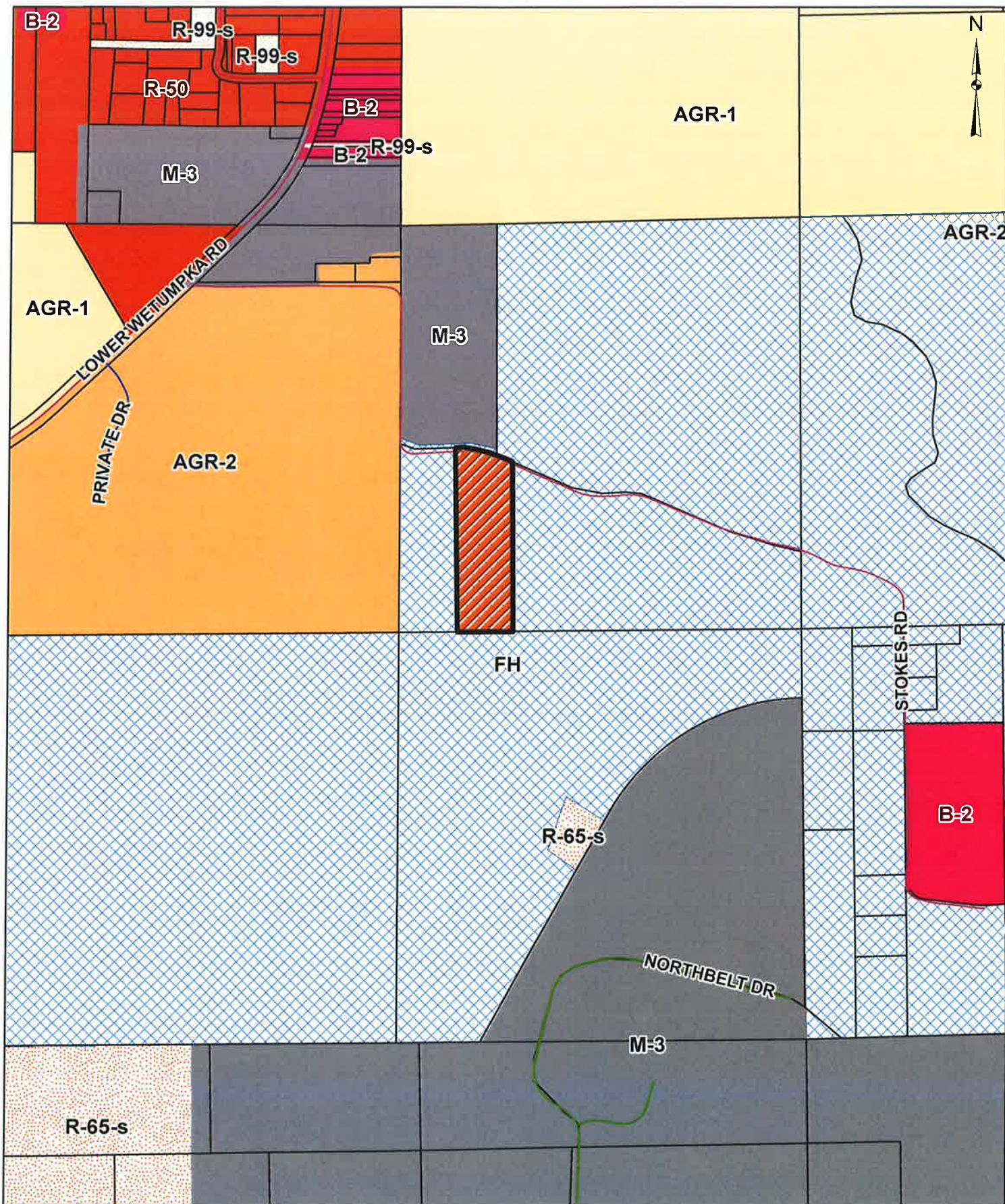
The request is a special exception for a mobile home.

COUNCIL DISTRICT: Police Jurisdiction

COUNTY COMMISSION DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



Site Location 

1 inch = 800 feet

Item No. 2A



Site Location

1 inch = 200 feet

Item No. 2B

3. BD-2019-018 **PRESENTED BY:** Aaron Ashcraft

REPRESENTING: Same

SUBJECT: Request a special exception for a mobile home to be located at 440 Stokes Road in a FH (Flood Hazard) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home on a 10 acre parcel for living purposes. The mobile home will sit at least 800 ft. from the front property line.

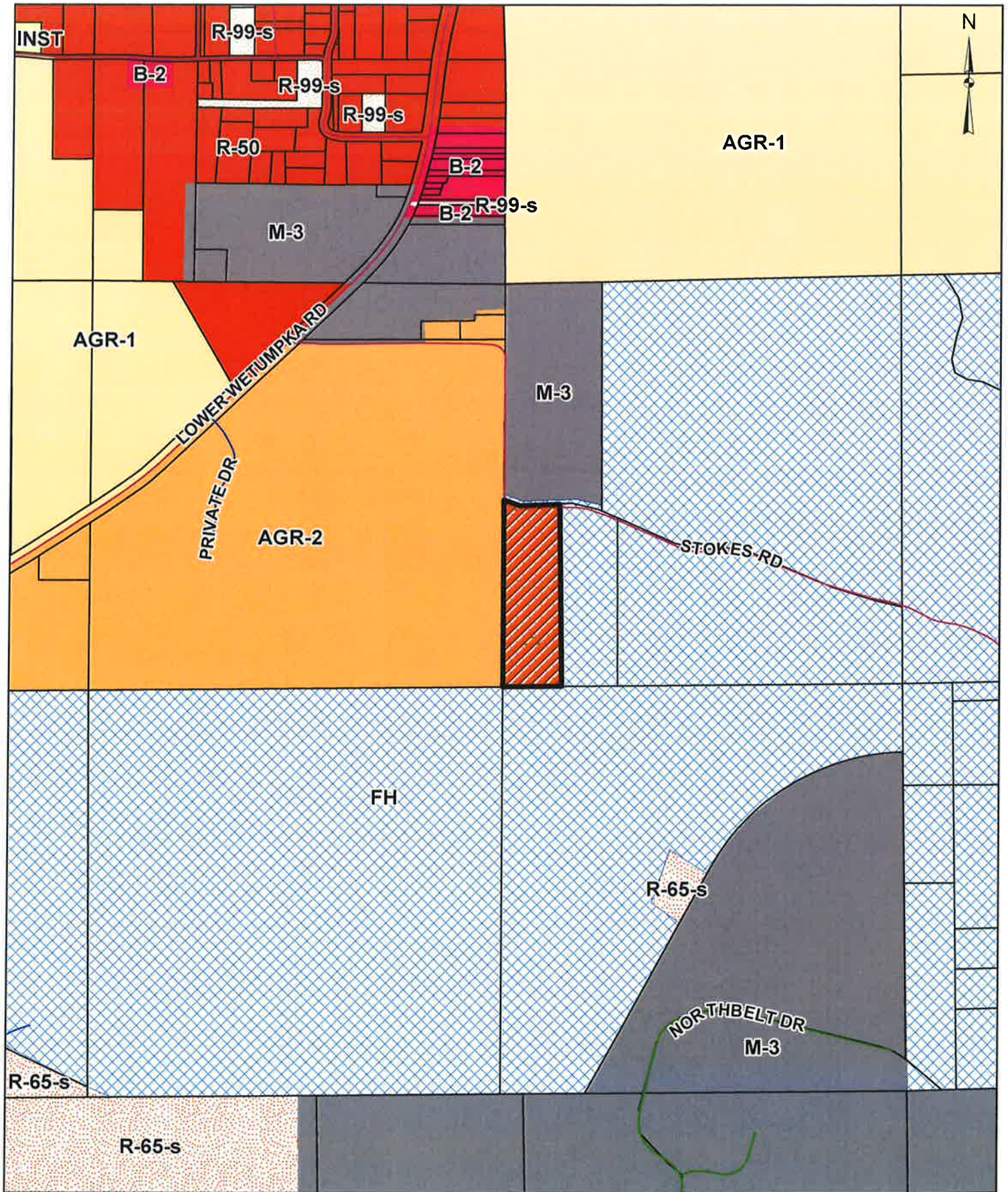
The request is a special exception for a mobile home.

COUNCIL DISTRICT: Police Jurisdiction

COUNTY COMMISSION DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



Site Location 

1 inch = 800 feet

Item No. 3A



Site Location

1 inch = 200 feet

Item No. 3B

4. BD-2019-019 **PRESENTED BY:** Jeremy Alford

REPRESENTING: Panama St. Church of Christ

SUBJECT: Request a special exception for church use on property located at 8124 and 8136 Decker Lane in a PUD (Planned Unit Development).

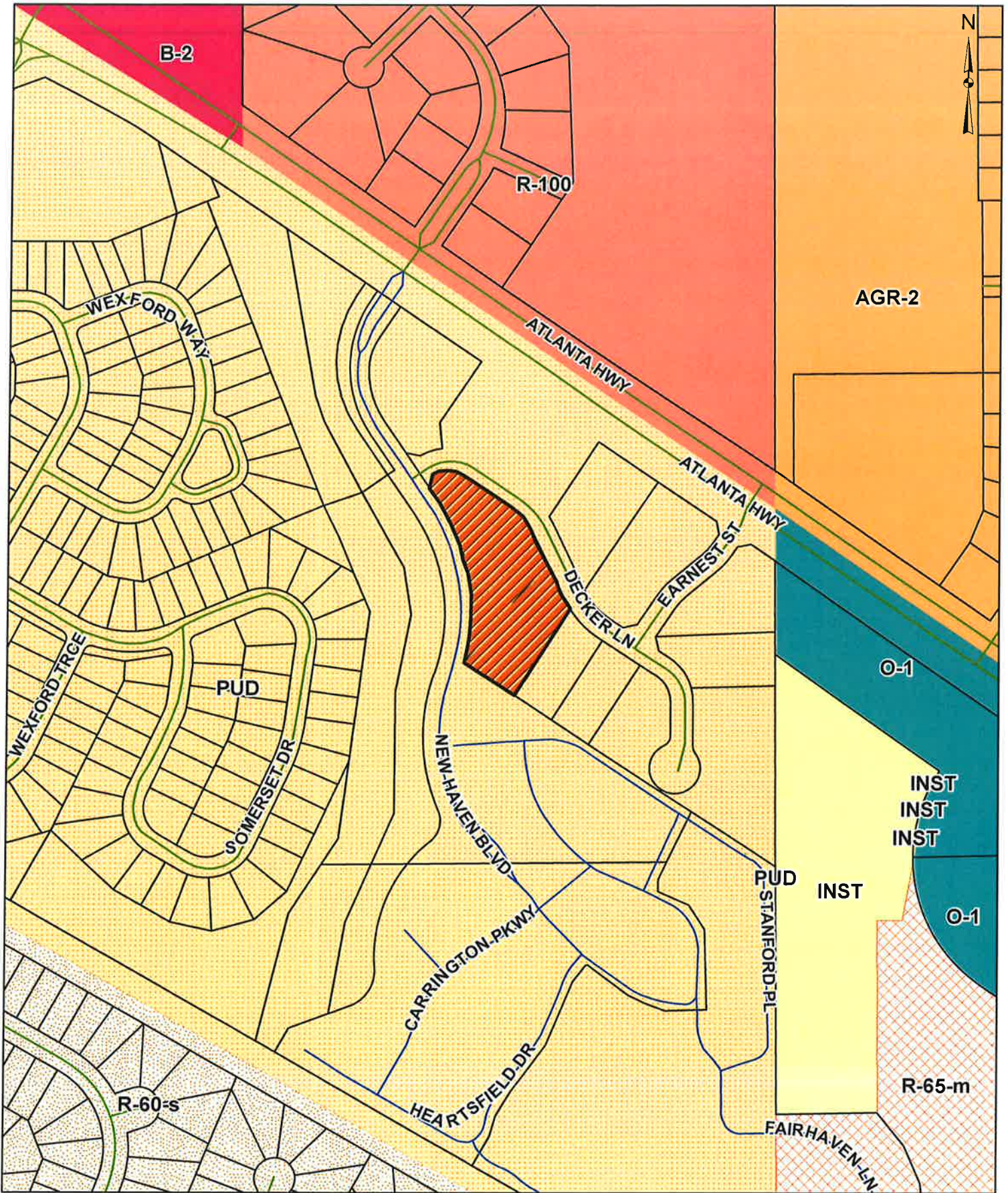
REMARKS: This request is being made to give the petitioner permission to use these two lots for church use. A master plan will be submitted at a later date. The petitioner anticipates a seating capacity of 200-300 seats. Sunday services: 9:00 a.m. – 11:00 a.m.; Wednesday: 7:00 p.m. – 8:00 p.m.

The request is a special exception for church use.

COUNCIL DISTRICT: 1

COMMENTS _____

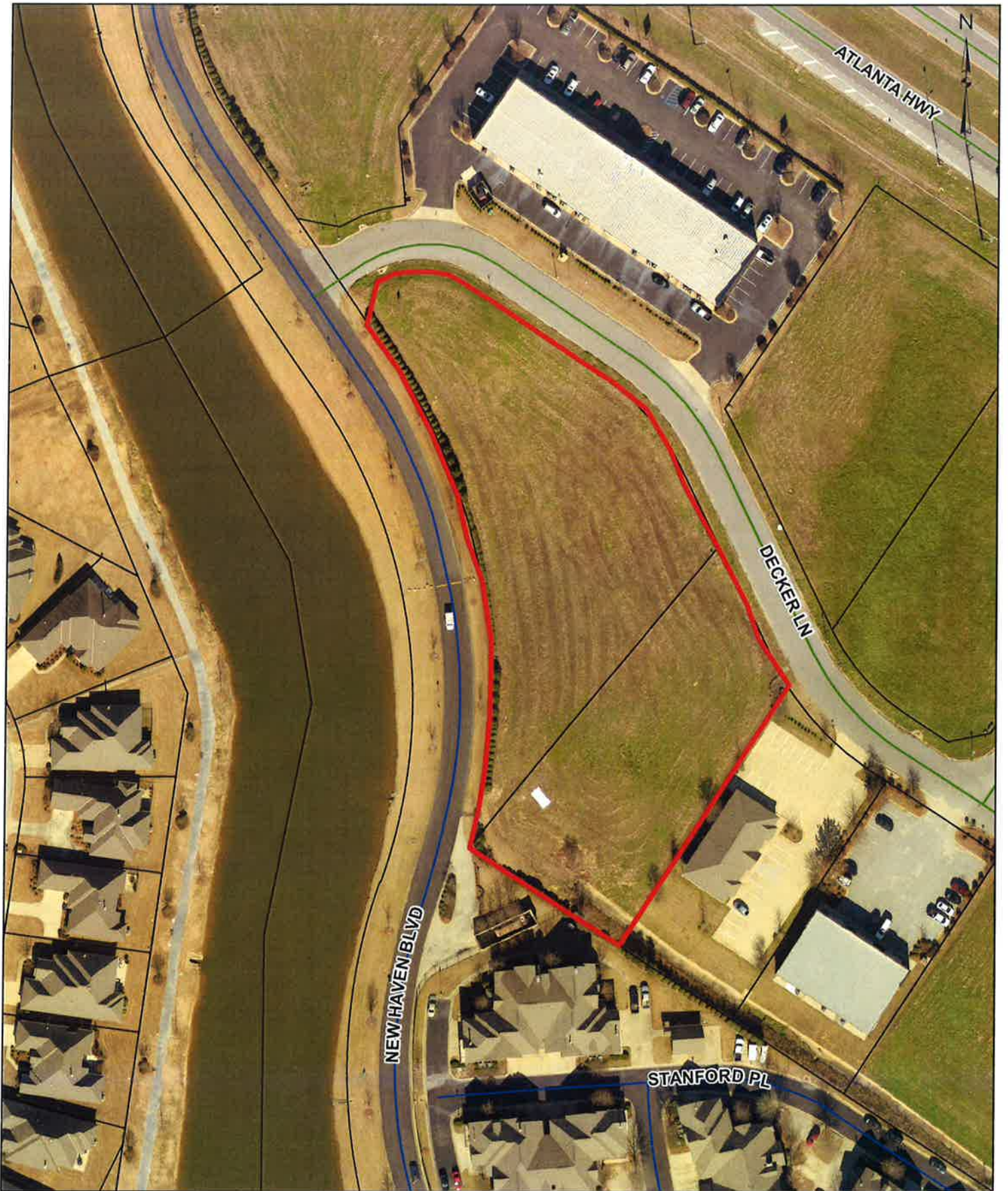
ACTION TAKEN: _____



Site Location 

1 inch = 300 feet

Item No. 4A



Site Location

1 inch = 100 feet

Item No. 4B

5. BD-2019-016 **PRESENTED BY:** Tashina Morris

REPRESENTING: T. S. Morris Youth Intervention & Ministry

SUBJECT: Request a special exception for church use and to operate a youth center on properties located along the south side and at the west end of McGowan Street in an R-60-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to hold bible studies and operate a youth center to include the following:

Monday & Wednesday

- 8:00 a.m. – 4:00 p.m.: Assistance with Exempt applications, Pardon applications and Voter’s Restoration
- 5:00 p.m. – 7:00 p.m.: Bible study

Tuesday & Thursday

- 9:00 a.m. – 6:00 p.m.: Teenage Seminars/Activities, after school tutoring, life skill classes (teen pregnancy, drug abuse, generational curse), and soccer/kick ball.

Friday

- 5:00 p.m. – 7:00 p.m.: Seminars/Bible study

Outside Field

- Open air flea market – 1st and 3rd Saturday, 6:00 a.m. – 4:00 p.m.
- Soccer and kick ball games – 2nd and 4th Saturday, 9:00 a.m. – 2:00 p.m.
- Bible study – 2nd and 4th Saturday, 3:00 p.m. – 7:00 p.m.; Sunday, 2:00 p.m. – 7:00 p.m.

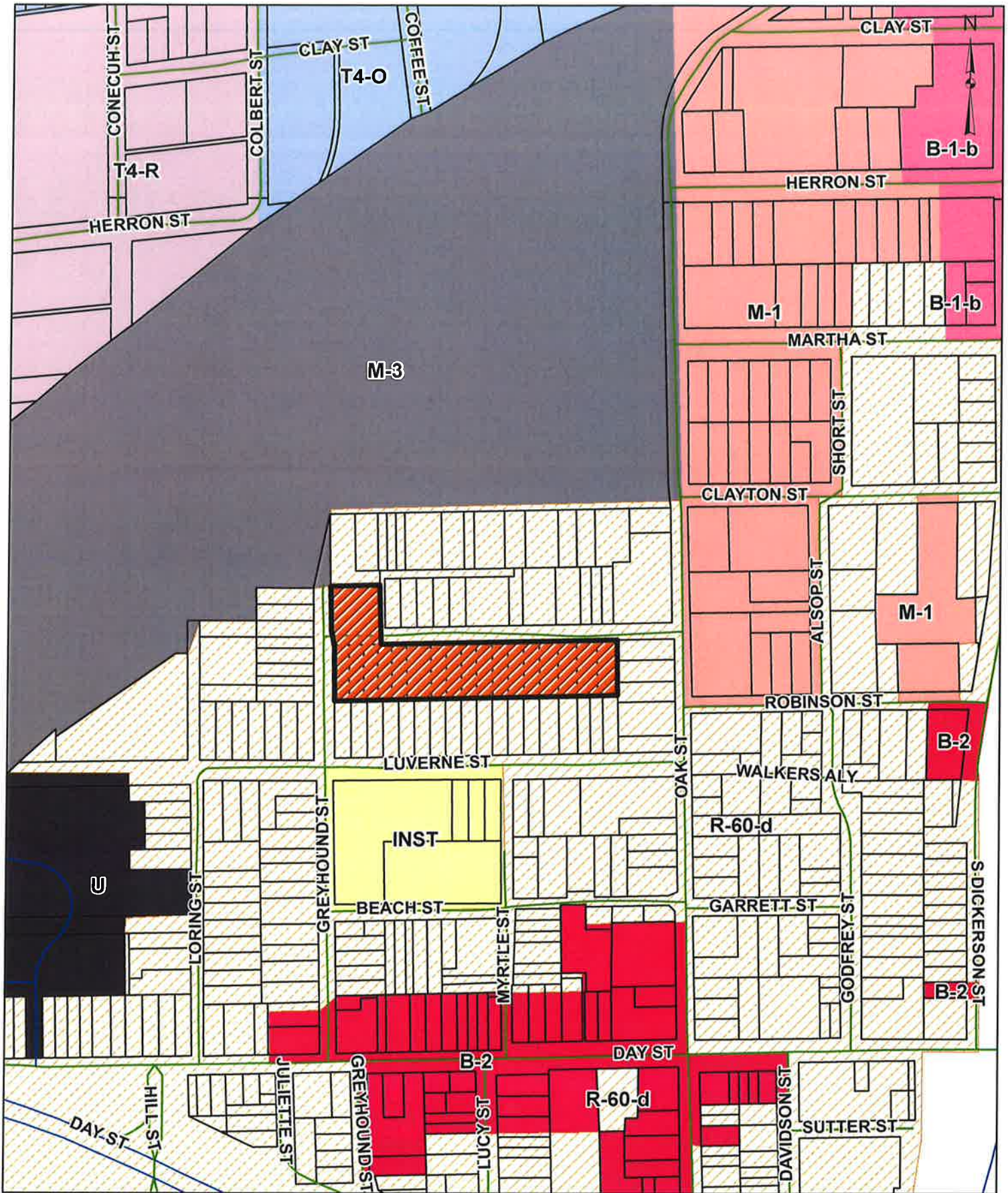
The City of Montgomery sold these properties to Ms. Morris for the purpose of operating a youth center. A development plan will be submitted at a later date.

The request is a special exception for church use and to operate a youth center.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



Site Location 

1 inch = 300 feet

Item No. 5A



Site Location

1 inch = 120 feet

Item No. 5B

6. BD-2019-020 **PRESENTED BY:** Larry E. Speaks & Associates

REPRESENTING: Jackson Hospital

SUBJECT: Request exceptions to SmartCode for a new parking lot to be located at the southwest corner of Glenn Palmer Avenue and Forest Avenue in a T4-O (General Urban Zone-Open) SmartCode Zoning District.

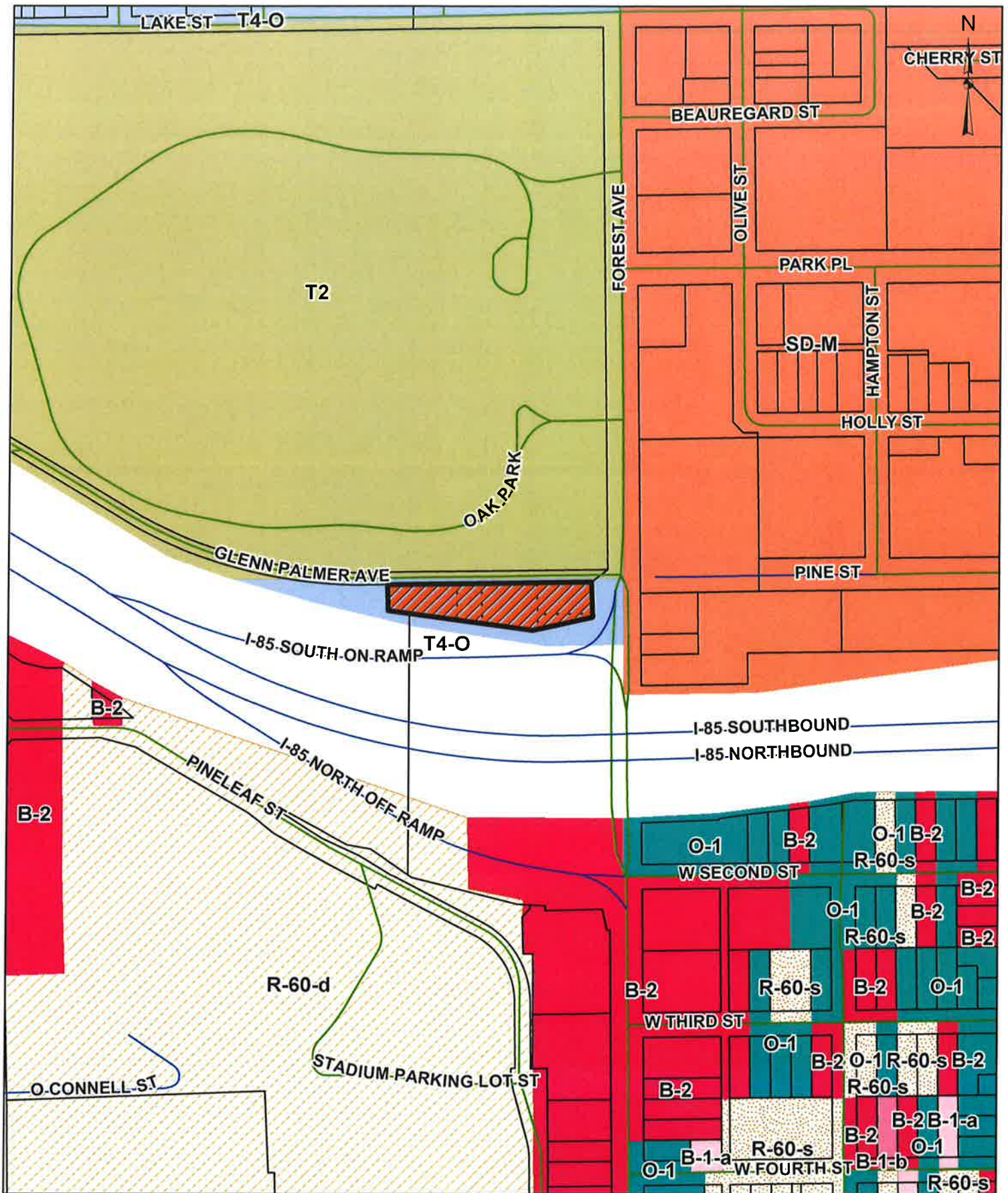
REMARKS: This request is being made to give the petitioner permission to construct a surface parking lot and to not provide a bicycle rack. There are two (2) access drives from Glenn Palmer Avenue and none from Forest Avenue.

The request is an exception for a surface parking lot and to not provide a bicycle rack.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



Site Location 

1 inch = 300 feet

Item No. 6A



OAK PARK

FOREST AVE

GLENN PALMER AVE

I-85 SOUTH ON RAMP

I-85 SOUTHBOUND

I-85 NORTHBOUND

I-85 NORTH OFF-RAMP

Site Location 

1 inch = 100 feet

Item No. 6C

COMPLAINT

7. BD-2019-021 **PRESENTED BY:** Huriesh Johnson

REPRESENTING: Same

SUBJECT: Request a side yard variance for an addition to the dwelling located at 1733 Yancey Avenue in an R-60-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain an attached carport that comes to the side property lines, whereas 10 ft. is required.

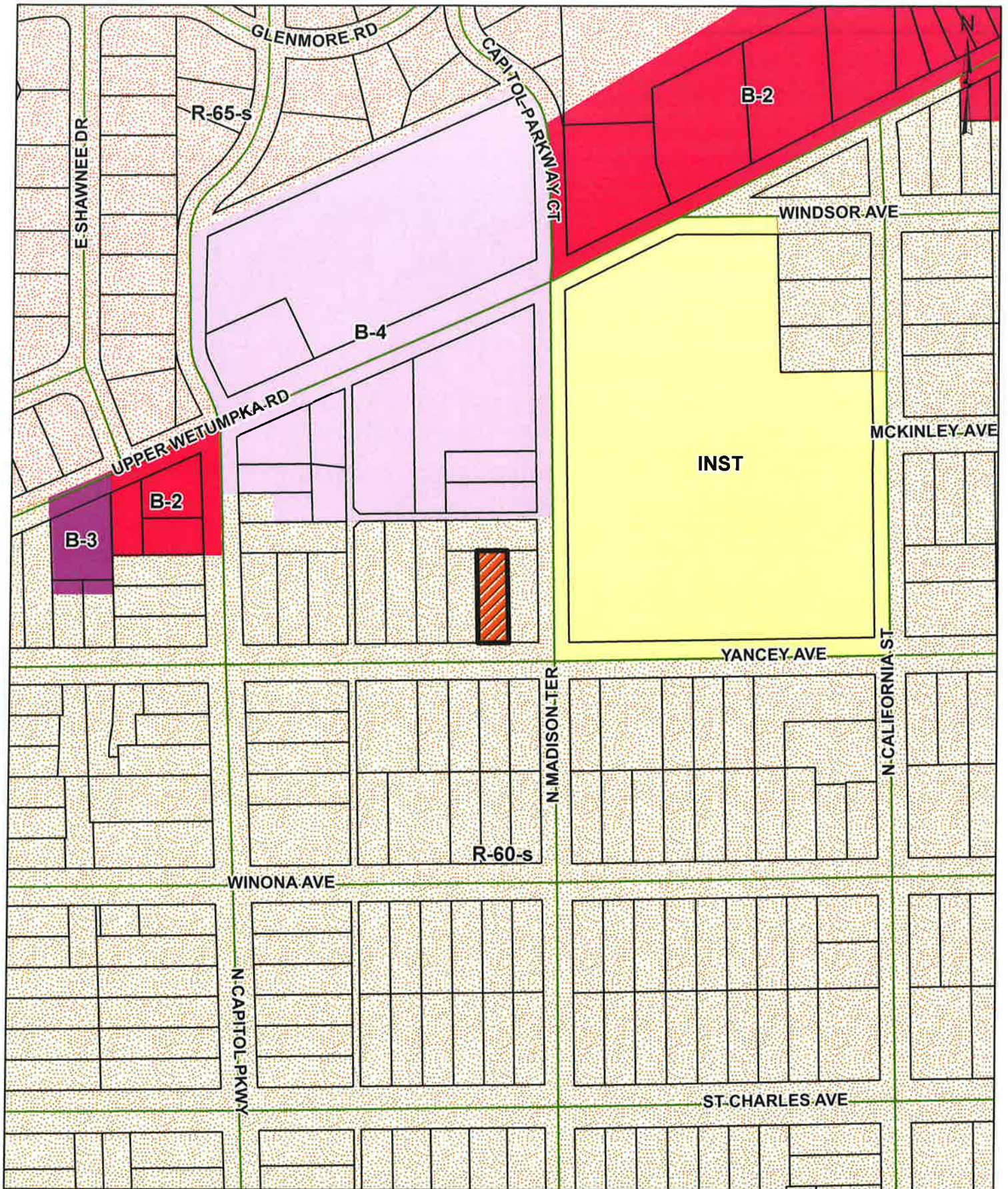
Land Use Division: Gutters and downspouts will be required to direct drainage from the adjoining property.

This request is a 10 ft. side yard variance.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



Site Location 

1 inch = 200 feet

Item No. 7A



Existing Carport

N. MADISON TER

YANCEY AVE

N

Site Location

1 inch = 30 feet

Item No. 7B

8. BD-2019-023 **PRESENTED BY:** Isaiah Sankey

REPRESENTING: Same

SUBJECT: Request a special exception for an accessory structure without a main dwelling and sanitary facilities in an accessory structure to be located at on the south side of Mildred Street, approximately 70 ft. west of Virginia Avenue, in a T4-O (General Urban Zone-Open) SmartCode Zoning District.

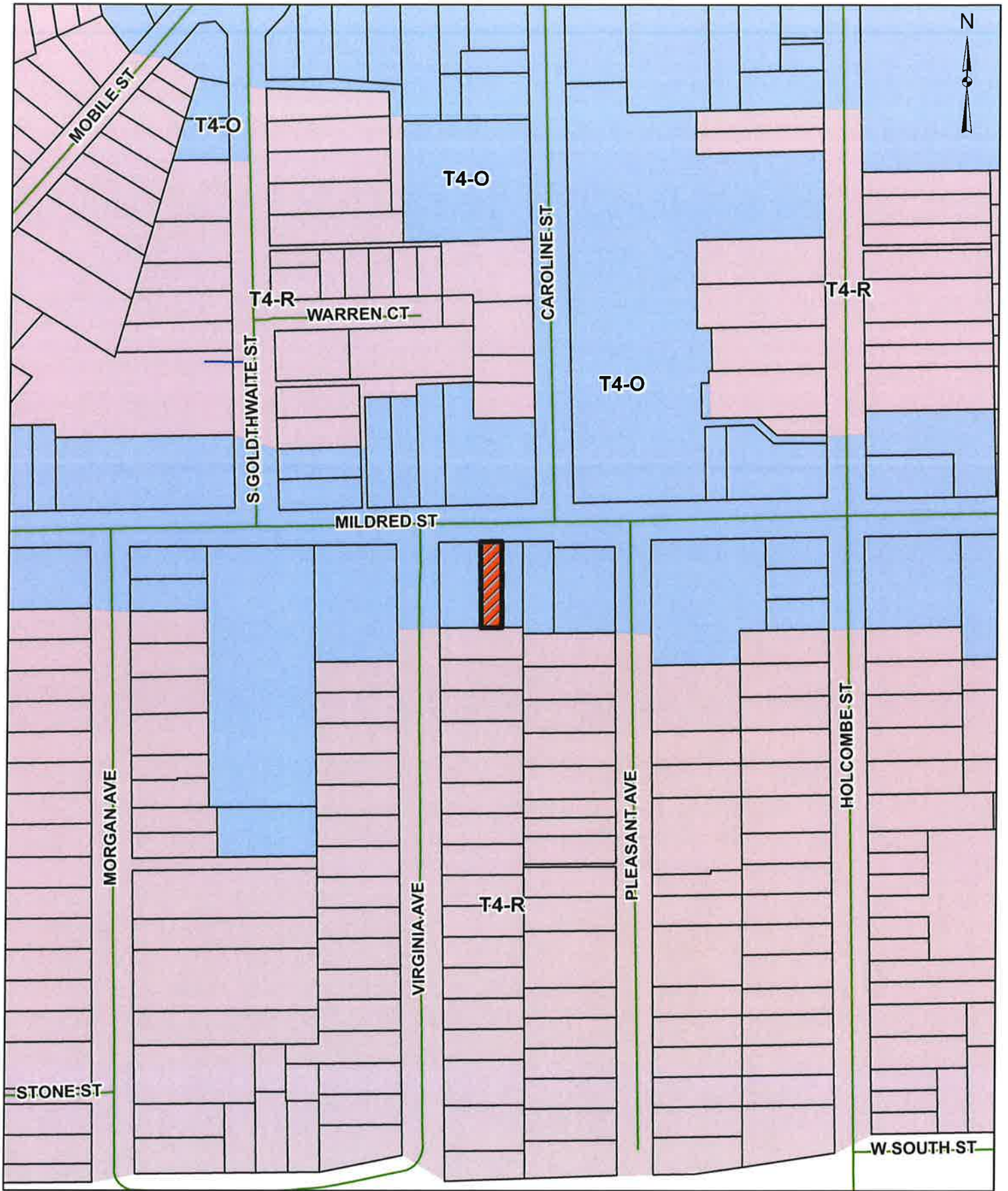
REMARKS: This request is being made to give the petitioner permission to construct an accessory structure (man cave) on a lot without a main dwelling and to install plumbing in the accessory structure. Mr. Sankey's residence is on the lot next door at 313 Mildred Street and he owns both lots.

The requests are a special exception for an accessory structure without a main dwelling and to install sanitary facilities in the accessory structure.

COUNCIL DISTRICT: 7

COMMENTS _____

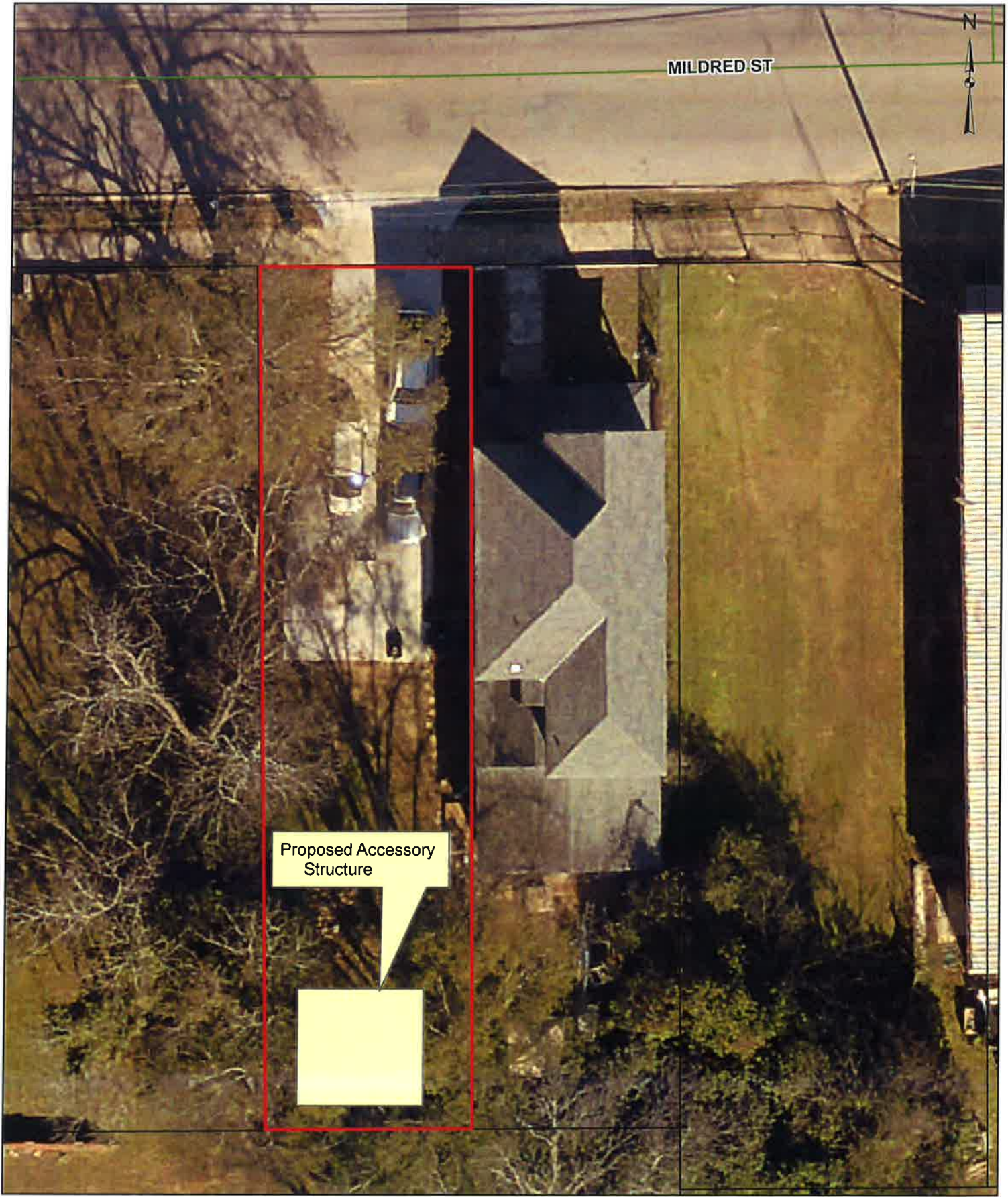
ACTION TAKEN: _____



Site Location 

1 inch = 200 feet

Item No. 8A



MILDRED ST



Proposed Accessory Structure



Site Location

1 inch = 20 feet

Item No. 8B

9. BD-2019-022 **PRESENTED BY:** Jeffcoat Engineers & Surveyors

REPRESENTING: Oruen, LLC

SUBJECT: Request a coverage variance for a new building to be located at 1115 Adams Avenue in an M-1 (Light Industrial) Zoning District.

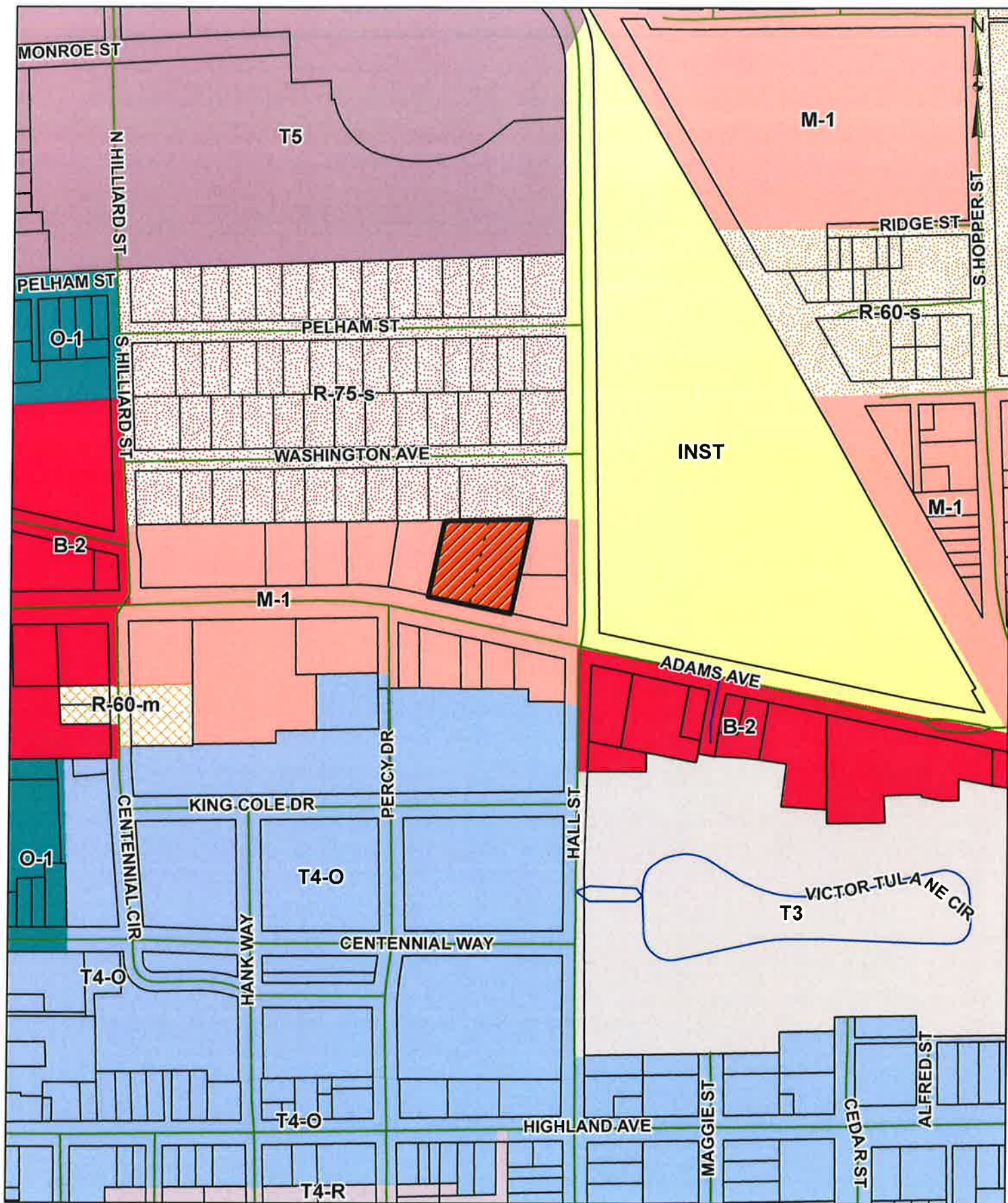
REMARKS: This request is being made to give the petitioner permission to construct a new building that will be cover 54% of the lot, whereas 50% coverage is allowed.

The request is a 4% coverage variance.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



Site Location 

1 inch = 300 feet

Item No. 9A



Site Location

1 inch = 60 feet

Item No. 9C

10. BD-2019-025 **PRESENTED BY:** Jamie E. McBride Jr.

REPRESENTING: Tipsys Lounge LLC

SUBJECT: Request a variance to Ordinance No. 17-2014 for a building located at 305 Air Base Boulevard in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a lounge that will serve alcoholic beverages on the premises. The closest door is 110 ft. from the nearest residential district boundary, whereas 250 ft. is required. According to city directories, there has been a lounge/bar at this location dating back to 1991. If approved, City Council will have final approval on the liquor license.

Ord. No. 17-2014

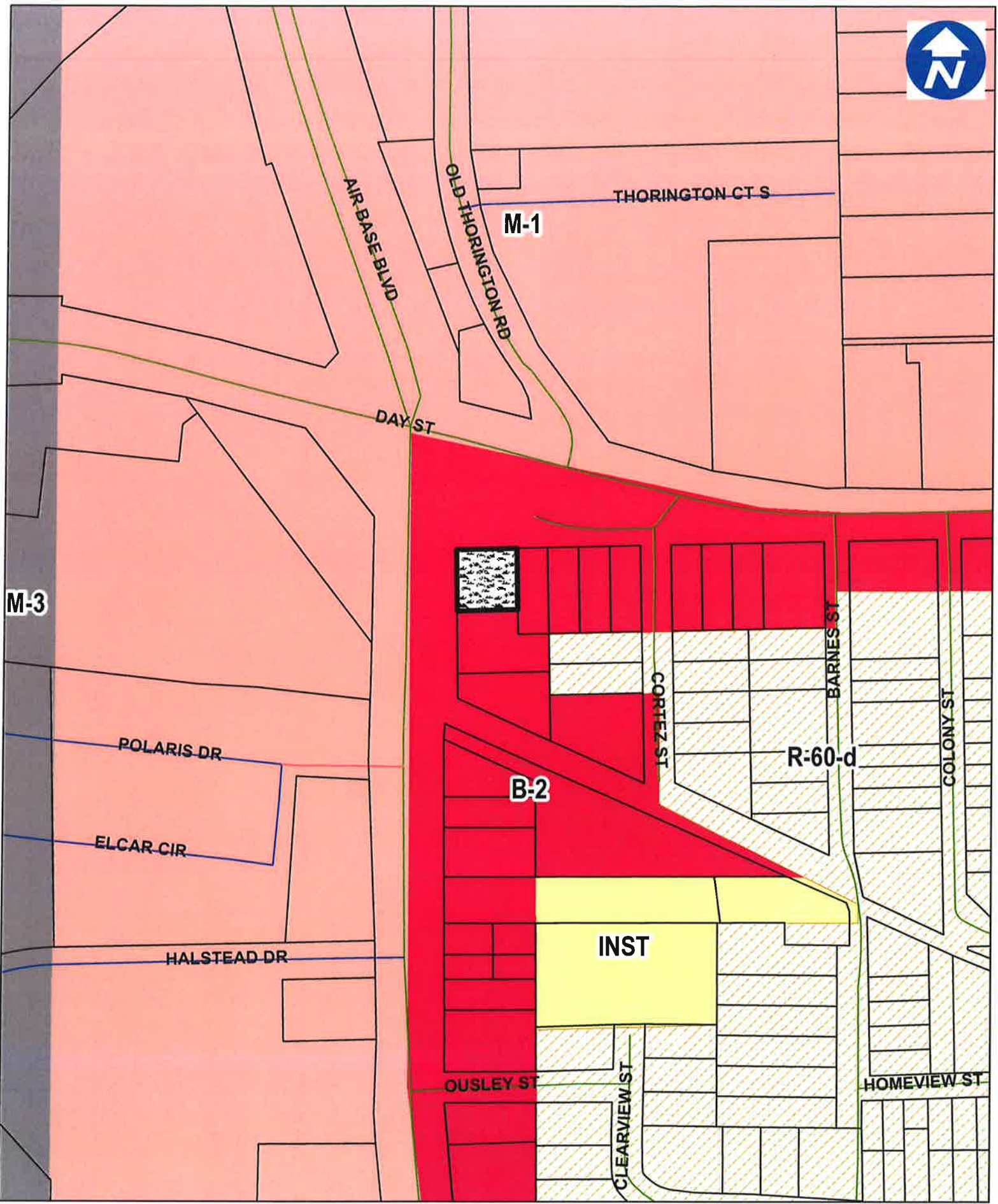
Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum setback for structures shall be 250 ft. from any residential district boundary or planned unit development residential boundary (based on approved master plan). The distance for setback shall be measured from the closest door of the building, or closest door of a tenant space in a multi-tenant building, to any residential or PUD residential district line. Facilities operating prior to the adoption of this ordinance shall be considered legal non-conforming.

The request is a 140 ft. variance to Ord. No 17-2014.

COUNCIL DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



M-3

M-1

B-2

INST

R-60-d

Site 

1 inch = 200 feet

Item 10A



M-1

DAY ST

CORTEZ ST

110 ft.

R-60-d

POLARIS DR

B-2

AIR BASE BLVD

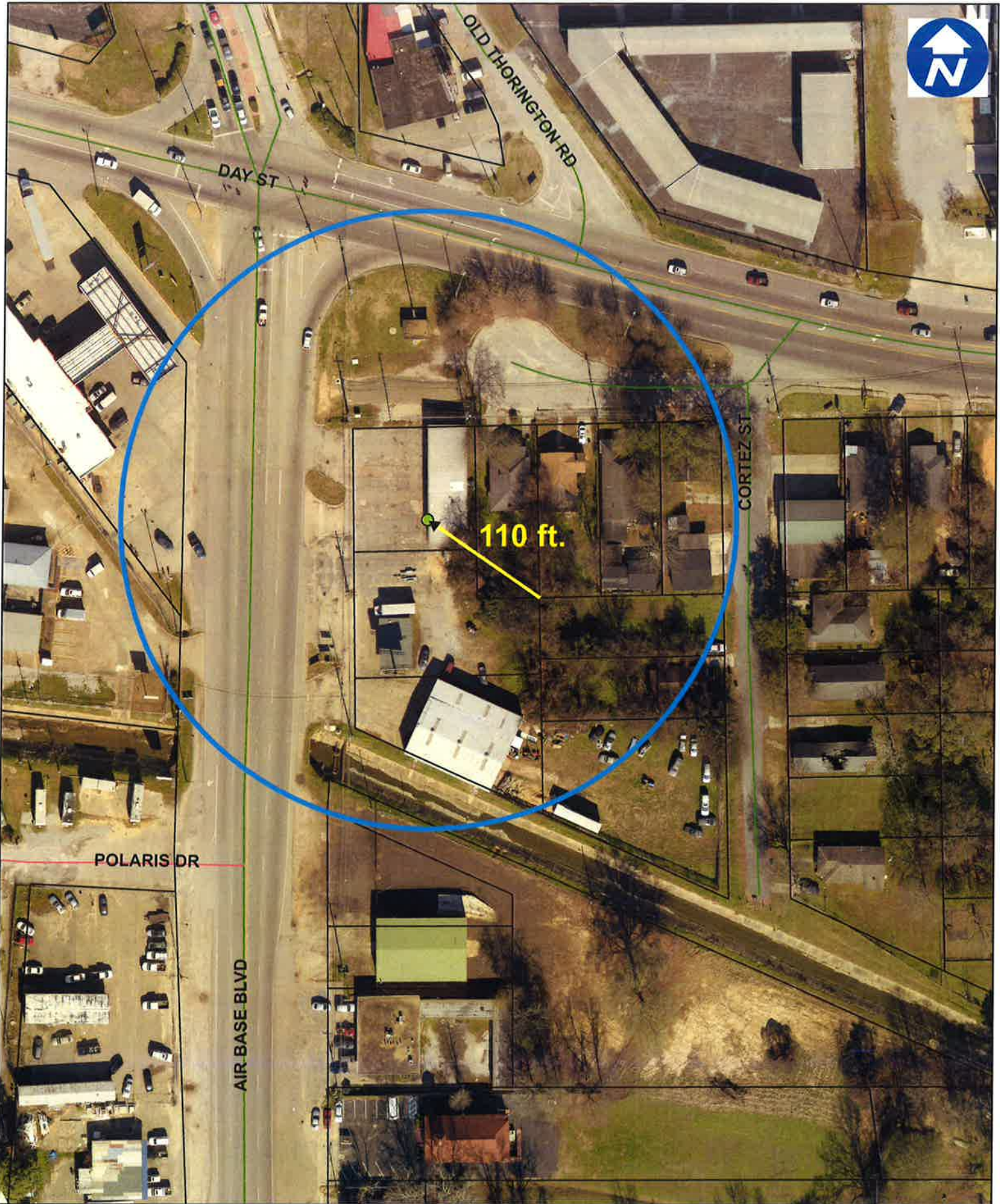
INST

250 ft. buffer



1 inch = 100 feet

Item 10B



250 ft. buffer 

1 inch = 100 feet

Item 10C

11. BD-2019-024 **PRESENTED BY:** Mike Toney

REPRESENTING: Linda Jones

SUBJECT: Request a side yard variance for an addition to the dwelling located at 944 Rialto Drive in an R-65-s (Single-Family Residential) Zoning District.

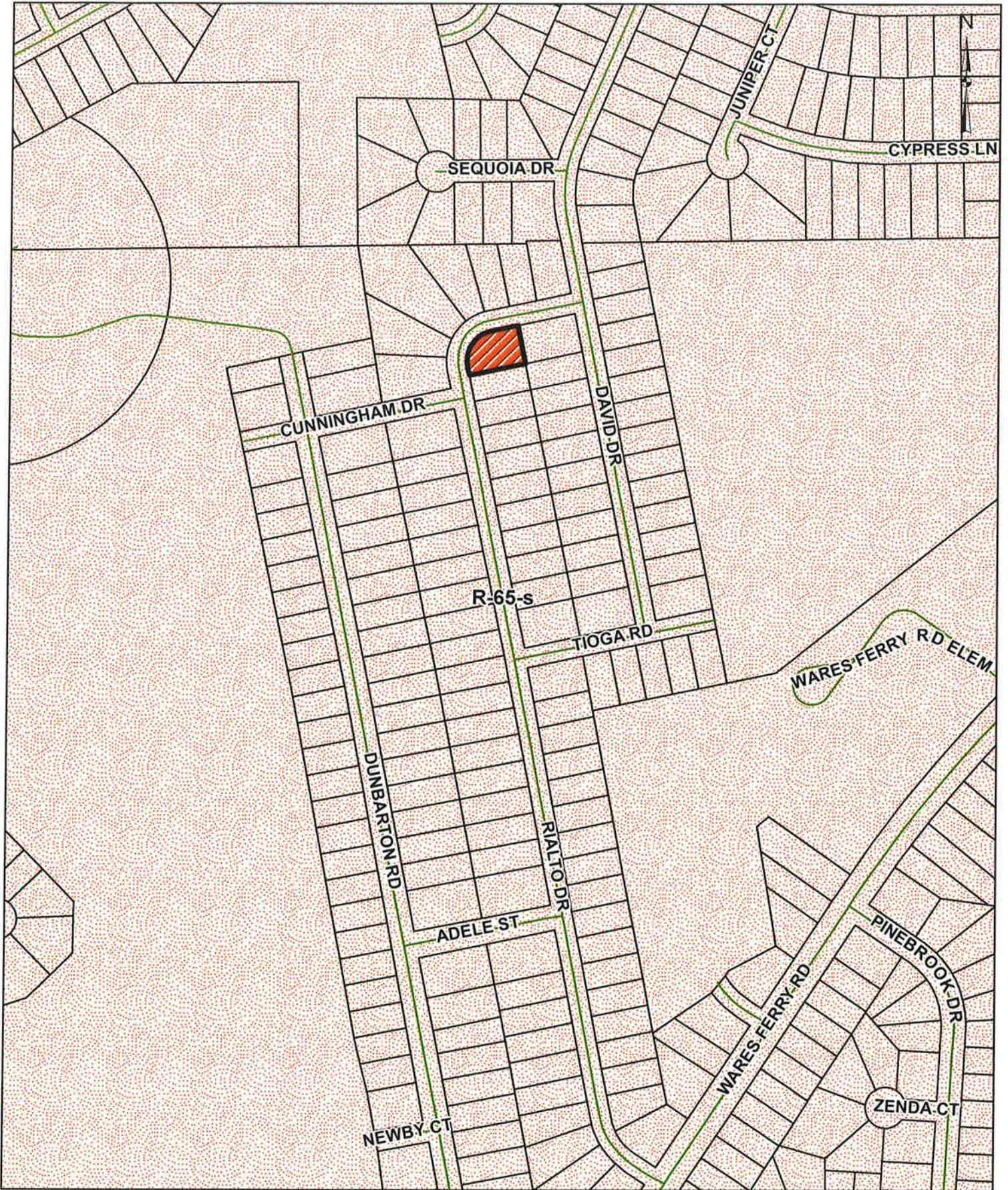
REMARKS: This request is being made to give the petitioner permission to construct an attached carport that will come to the side property line, whereas 10 ft. is required.

The request is a 10 ft. side yard variance.

COUNCIL DISTRICT: 2

COMMENTS _____

ACTION TAKEN: _____



Site Location 

1 inch = 300 feet

Item No. 11A



Site Location

1 inch = 30 feet

Item No. 11B