

# Board of Adjustment Agenda

December 19, 2019 – 5:00 p.m.

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

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

I. Chairman's Message

II. Approval of Minutes from the November 21, 2019 meeting

**December 19, 2019**

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	1965-049	Elite and Company LLC	B-4	15 West South Boulevard (Place of amusement & assembly)	1
2.	2019-073	Tifney D. Dudley	R-100	131 Creek Drive (Ducks)	2
3.	2019-068	Baker Donelson	PGH-40	Susan Drive (Cell tower)	3
4.	2019-072	Benny Newton	R-60-d	1112 South Holt Street (Radio tower)	4
5.	1986-237	Charlie Johnson	R-60-d	2231 Edward J. Nettles Lane (Mobile home)	5
6.	2019-075	Brian Schmidt	PGH-35	6201 Burbank Crossing Loop (Rear yard variance)	6
7.	2019-067	Breonna Alexander	R-65-s	32 Fleetwood Drive (Accessory structure)	7

*The next Board of Adjustment meeting is on January 16, 2020*

1. BD-1965-049 **PRESENTED BY:** Elite and Company LLC

**REPRESENTING:** Same

**SUBJECT:** Request a special exception for a place of amusement and assembly to be located at 15 West South Boulevard in a B-4 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to operate a bar & grill. To be considered a restaurant, 60% of sales must come from food sales and must close by midnight. The petitioner would like the hours of operation to be:

Daily: Breakfast 7:00 a.m. – noon  
Sunday – Thursday 7:00 p.m. – 11:00 p.m.  
Friday & Saturday 7:00 p.m. – 2:00 a.m.

*The request is a special exception for a place of amusement and assembly.*

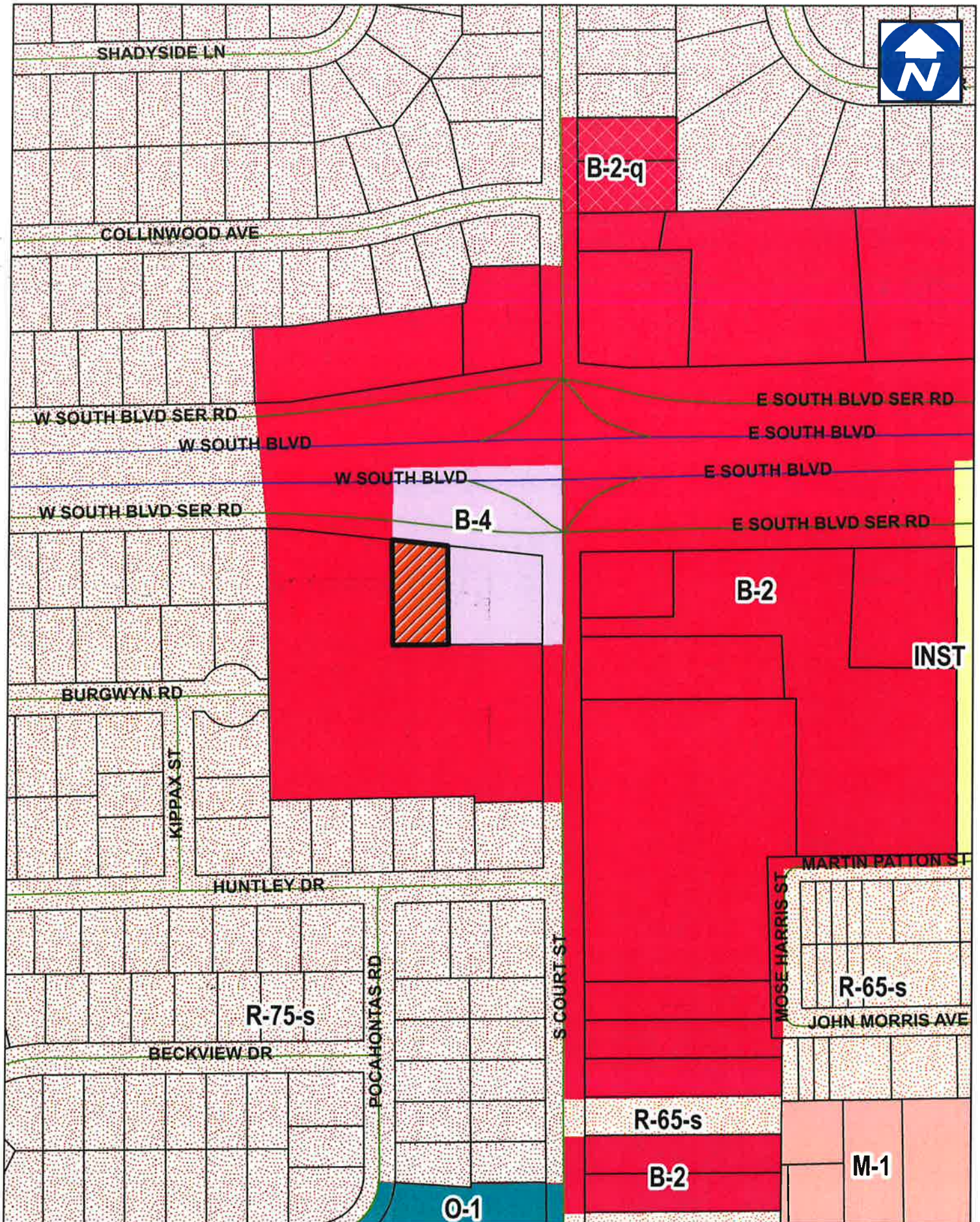
*This request was delayed so that the petitioner could come back with a parking plan.*

**COUNCIL DISTRICT: 5**

COMMENTS \_\_\_\_\_

ACTION TAKEN: \_\_\_\_\_



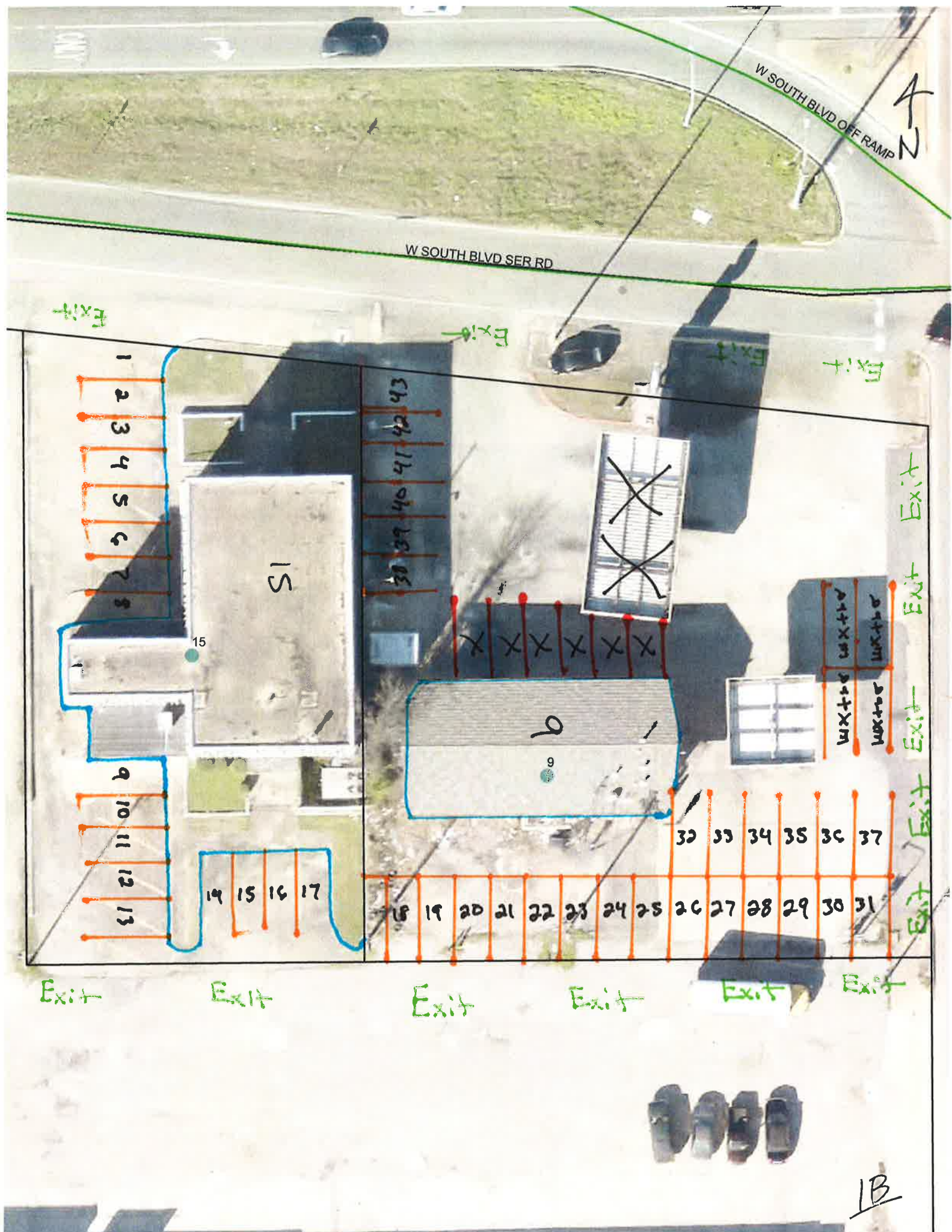


Site 

1 inch = 200 feet

Item IA





W SOUTH BLVD OFF RAMP  
N  
S  
E  
W

W SOUTH BLVD SER RD

Exit

Exit

Exit

Exit

Exit

Exit

Exit

Exit

Exit

Exit

Exit

Exit

Exit

Exit

Exit

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 30
- 39
- 40
- 41
- 42
- 43

- WXX+6
- WXX+6
- WXX+6
- WXX+6

- 9
- 10
- 11
- 12
- 13

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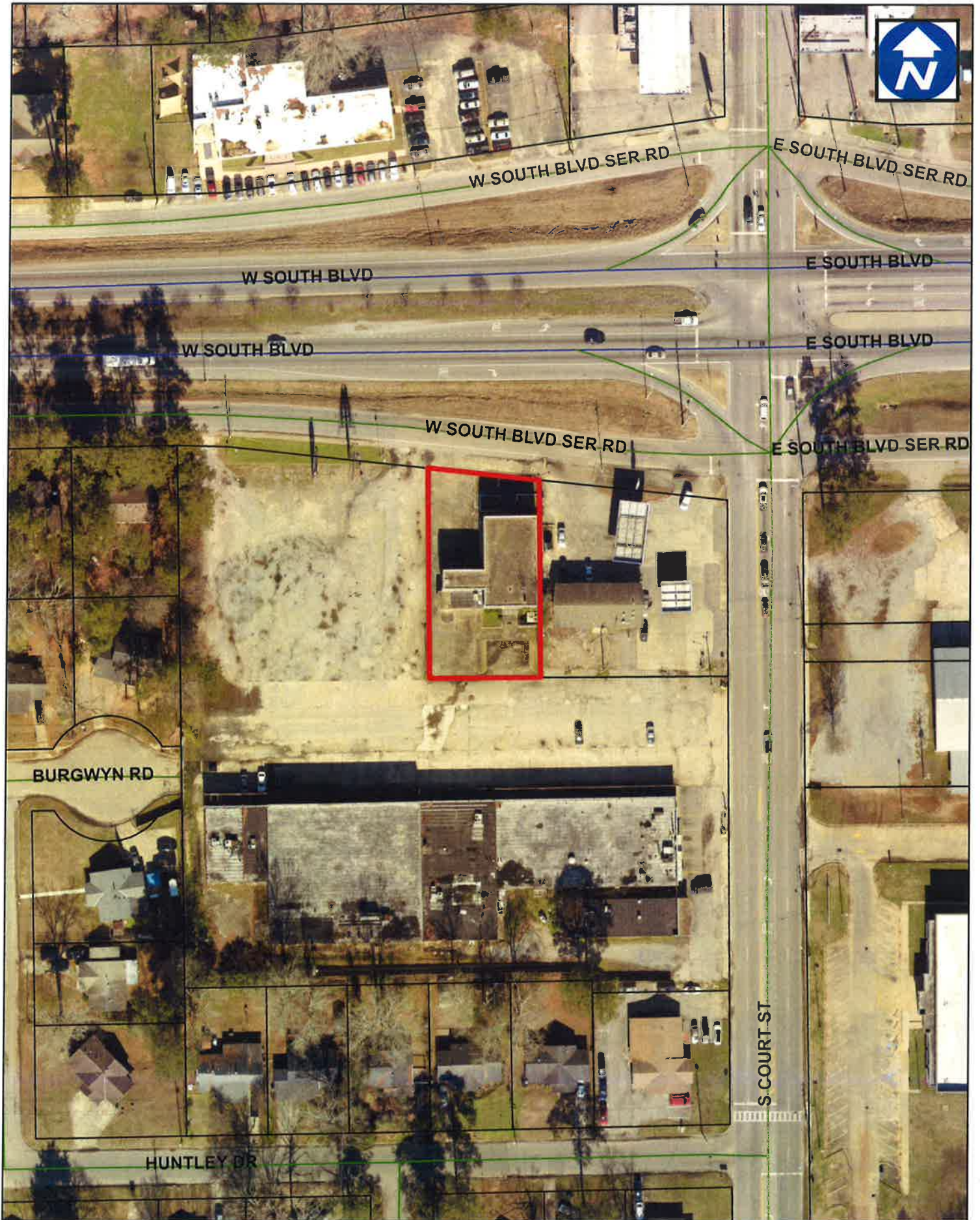
- 32
- 33
- 34
- 35
- 36
- 37

15

9

1B





Site 

1 inch = 100 feet

Item 1C

2. BD-2019-073 **PRESENTED BY:** Tifiney D. Dudley

**REPRESENTING:** Same

**SUBJECT:** Request a special exception to keep ducks on the property located at 131 Creek Drive in an R-100 (Single-Family Residential) Zoning District.

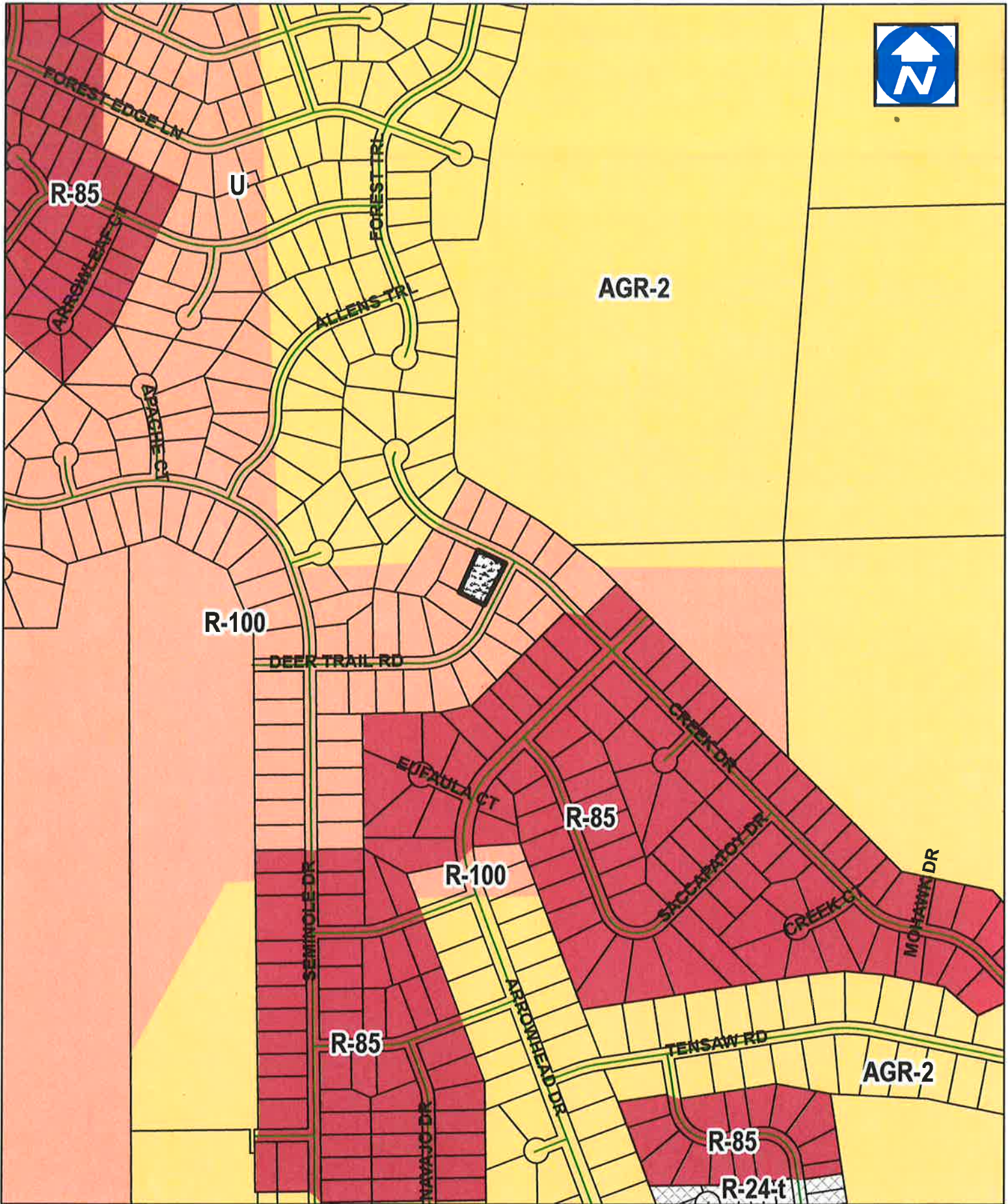
**REMARKS:** This request is being made to give the petitioner permission to keep 11 ducks. There is one (1) coop on the property and a possibility to create two (2). This is a ½ acre lot.

**COUNCIL DISTRICT:** 1

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_





Site 

1 inch = 500 feet

Item 2A





Approximate location of coop

Site 

1 inch = 50 feet  
Item 2B

3. BD-2019-068 **PRESENTED BY:** Baker Donelson

**REPRESENTING:** AT&T

**SUBJECT:** Request a special exception for a cell tower to be located at the southeast end of Susan Drive in a PGH-40 (Patio-Garden Home) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a 195 ft. monopole cell tower within a 100 ft. x 100 ft. lease area, with a proposed 4 ft. minimum landscape buffer. There is a 30 ft. access & utility easement from Susan Drive.

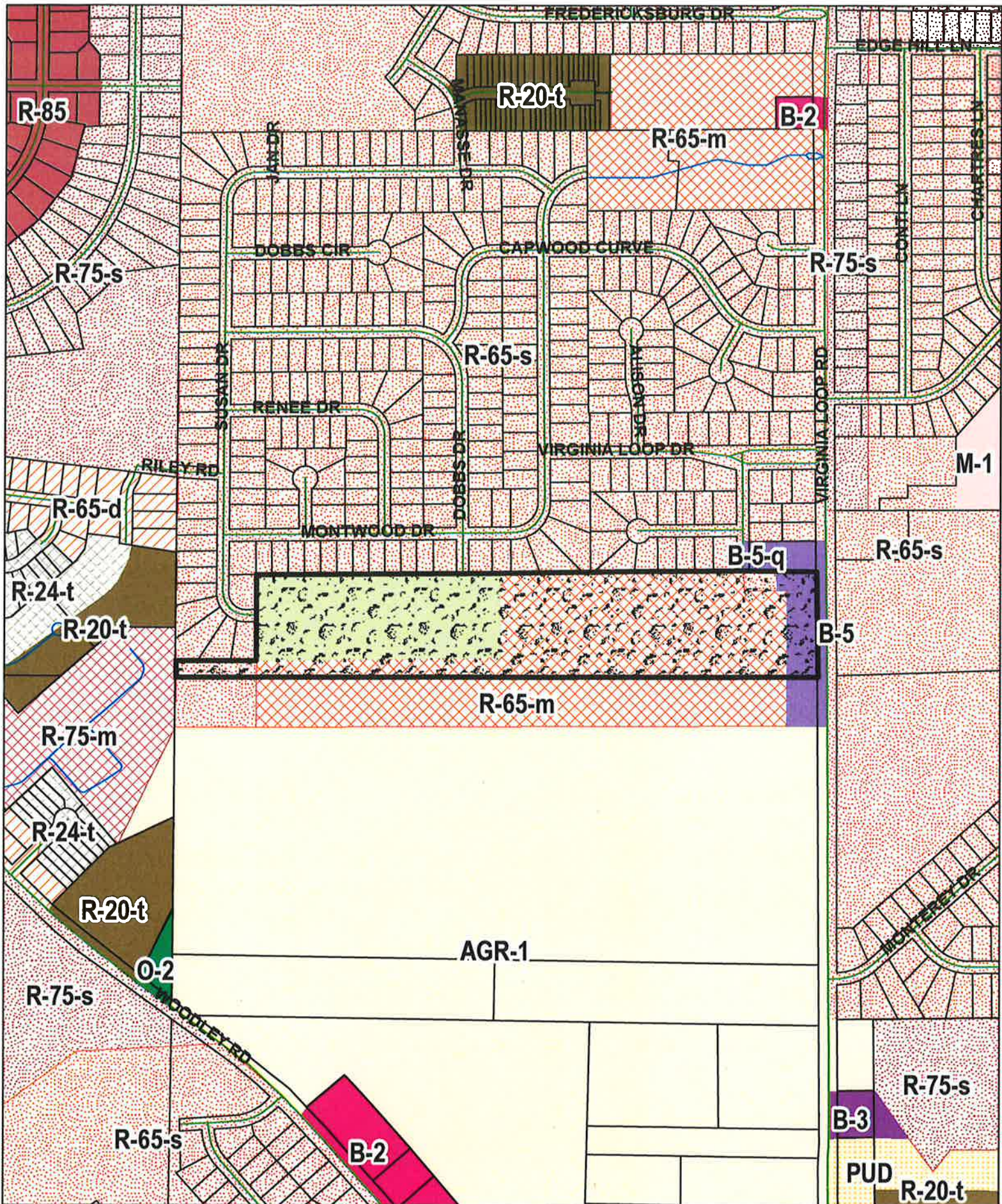
*The request is a special exception for a cell tower.*

**COUNCIL DISTRICT:** 6

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_



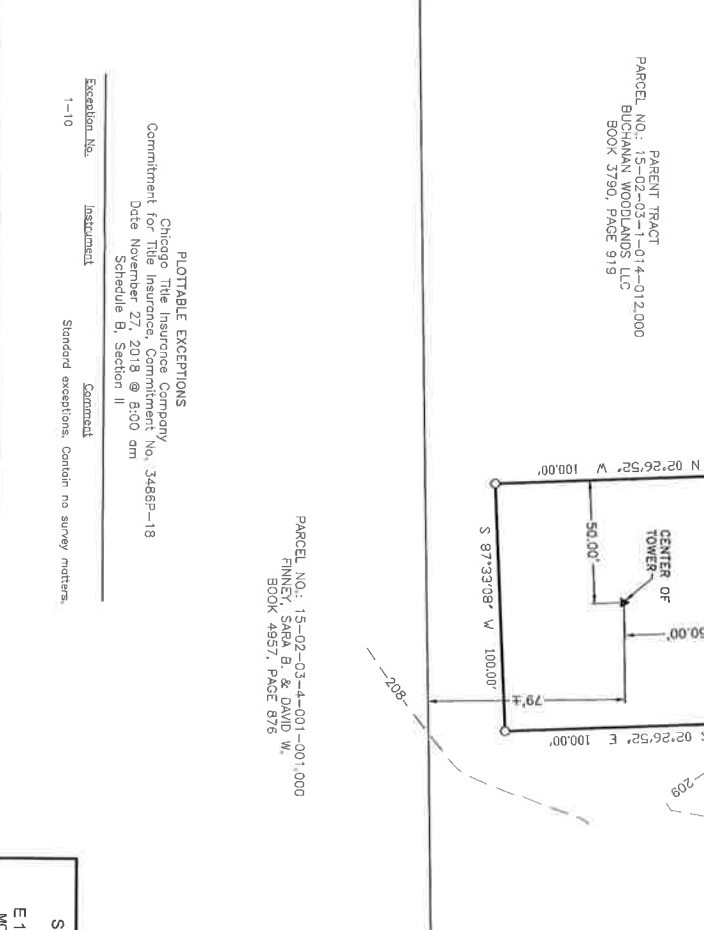
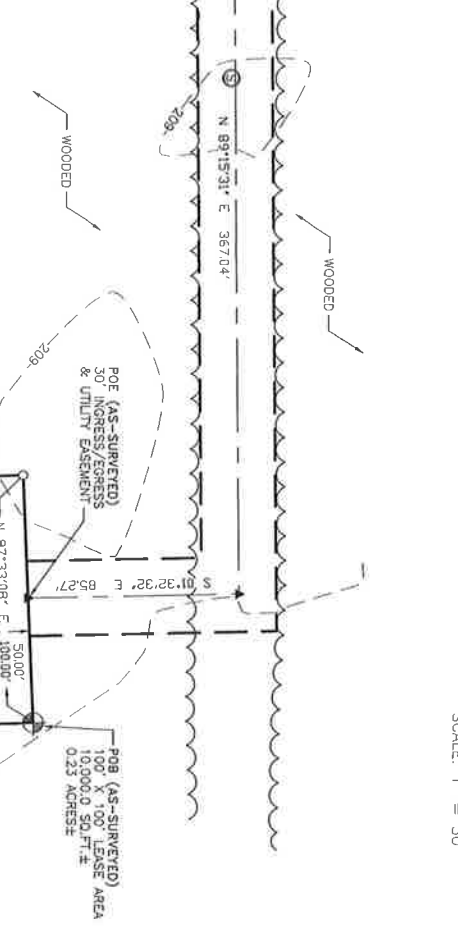
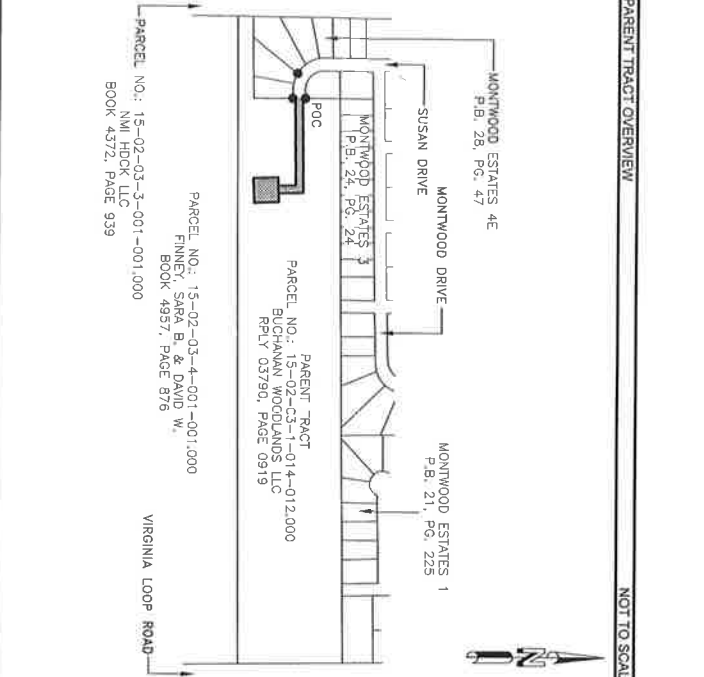
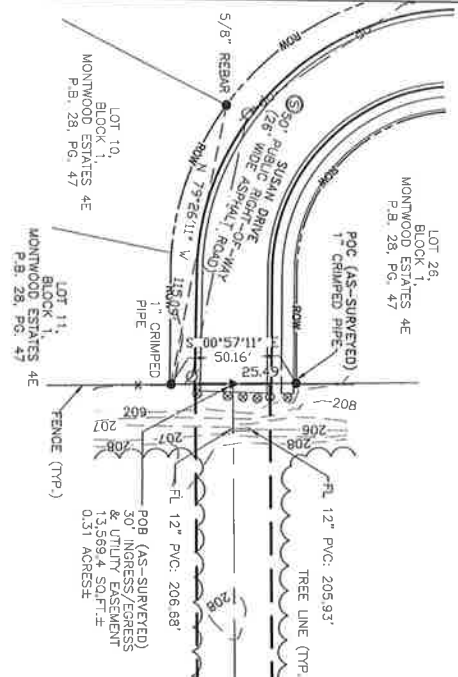


Site

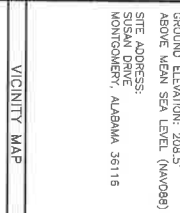
1 inch = 500 feet

Item 3A





**TOWER INFO**  
 CENTER OF TOWER:  
 LATITUDE: 32°18'30.042" NORTH  
 LONGITUDE: 86°14'43.328" WEST  
 (NAD 83)  
 GROUND ELEVATION: 208.5'  
 ABOVE MEAN SEA LEVEL (NAVD83)  
 SITE ADDRESS:  
 SUSAN DRIVE  
 MONTGOMERY, ALABAMA 36118



**ALABAMA EAST**  
 GRID TO TRUE NORTH  
 CONVERGENCE  
 -0731281124"  
 TRUE NORTH TO MAGNETIC  
 DECLINATION  
 3°45'28.8" W  
 COMBINED SCALE FACTOR  
 0.9997975860

- LEGEND**
- = 5/8" REBAR SET
  - = FOUND PROPERTY MARKER
  - POB = POINT OF BEGINNING
  - POC = POINT OF COMMENCEMENT
  - POE = POINT OF ENDING
  - ▲ = CALCULATED POINT
  - ⊗ = POWER POLE
  - ⊙ = CONCRETE GUARD POST
  - ⊕ = SANITARY SEWER MANHOLE
  - ⊖ = TEMPORARY BENCHMARK
  - 5/8" REBAR SET  
ELEVATION: 208.94'

**FLOOD NOTE**  
 By grade shading only, the subject property is shown to be in Zone X of the Flood Insurance Rate Map which bears an effective date of February 5, 2014 and is not in a special flood hazard area.  
 Zone 'X': Areas determined to be outside the 0.2% annual chance floodplain.

**PLOTTABLE EXCEPTIONS**  
 Chicago Title Insurance Company  
 Commitment for Title Insurance, Commitment No. 3485P-18  
 Date November 27, 2018 @ 8:00 am  
 Schedule B, Section II

**Standard exceptions. Contain no survey matters.**

Excemption No. 1-10

**SOUTH WOODLEY ROAD**  
 14648879  
 E 1/2 SEC. 3, T-15-N, R-18-E  
 MONTGOMERY COUNTY, ALABAMA





Site 

1 inch = 400 feet

Item 3C



4. BD-2019-072 **PRESENTED BY:** Benny Newton

**REPRESENTING:** Equality Broadcasting

**SUBJECT:** Request a special exception for a radio tower to be located at 1112 South Holt Street in an R-60-d (Duplex Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a 160 ft. tall radio tower.

**Land Use Division:** ALDOT approval and/or permit will be required.

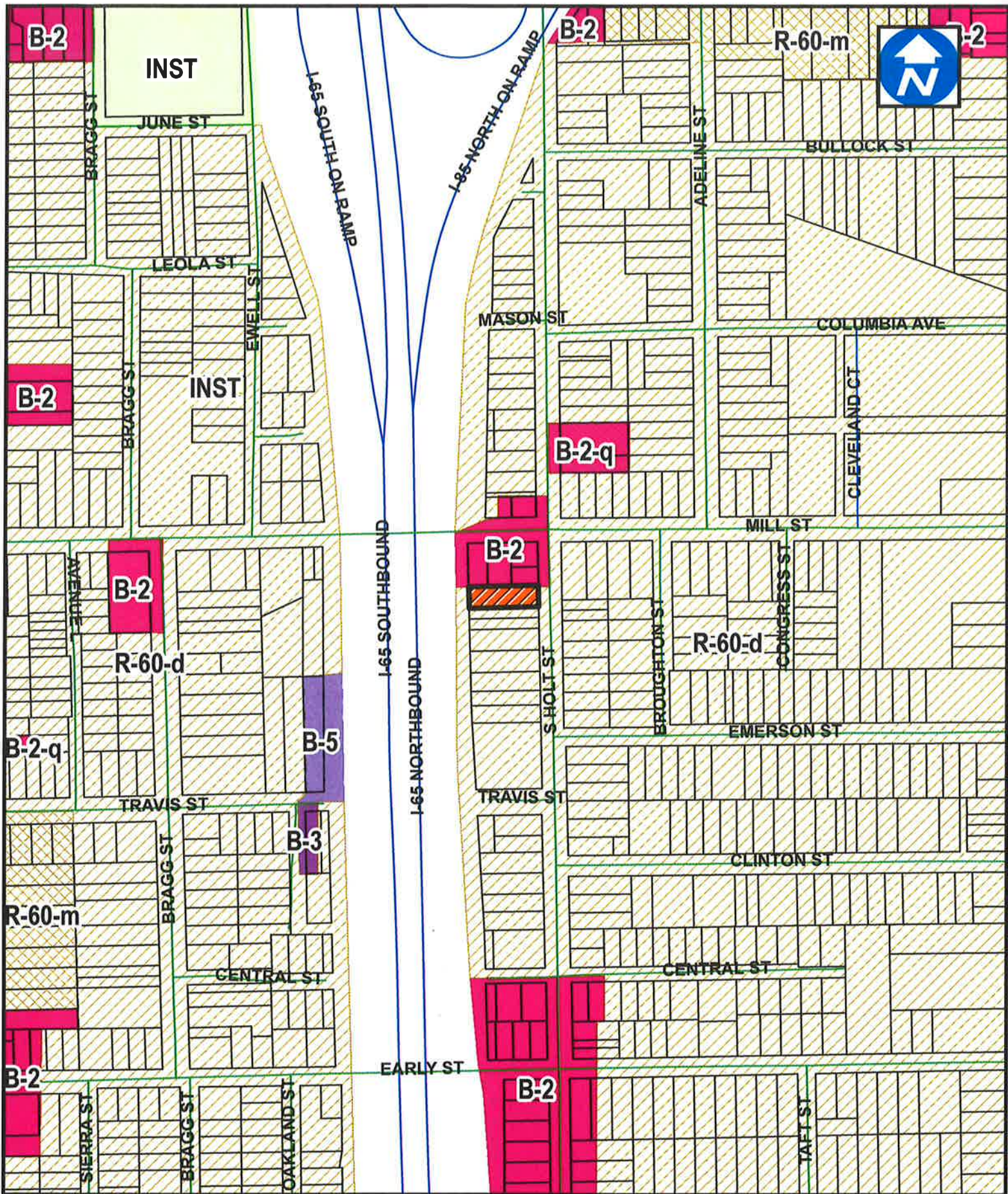
*The request is a special exception for a radio tower.*

**COUNCIL DISTRICT:** 7

**COMMENTS** \_\_\_\_\_

**ACTION TAKEN:** \_\_\_\_\_





Site 

1 inch = 300 feet

Item 4A



Option #1

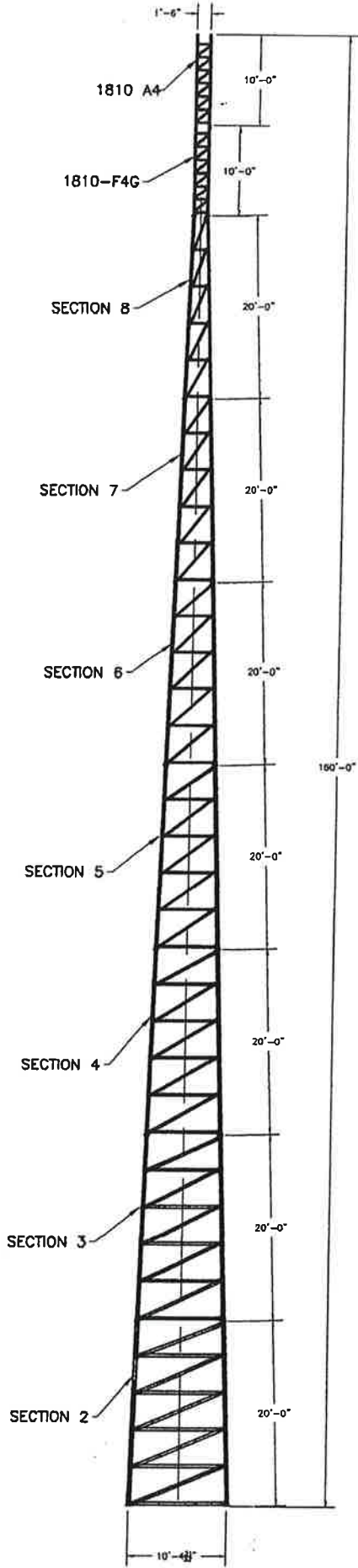


4B



# Option #2

ASTM		A36		GRADE 5	
LEGS	3.5" x 0.300"	2.875" x 0.276"	2.875" x 0.203"	2.375" x 0.218"	2.375" x 0.154"
DIAGONALS	L3 1/2x3 1/2x1/4	L3 x 3 x 3/16	L2 1/2x2 1/2x3/16	L2 x 2 x 1/8	L2 x 2 x 1/8
GIRTS	L3 1/2x3 1/2x1/4	L3 x 3 x 3/16	L2 1/2x2 1/2x3/16	L2 x 2 x 1/8	L2 x 2 x 1/8
BRACE BOLTS	(1)-3/4"	(1)-3/4"	(1)-5/8"	(1)-3/4 x 1/8	(1)-3/4 x 1/8
SPLICE BOLTS	(4)-1"	(4)-1"	(4)-5/8"	(4)-1/2"	(4)-1/2"
ANCHOR BOLTS	(4)-1"	(4)-1"	(4)-5/8"	(4)-1/2"	(4)-1/2"



According to ANSI/EIA-222-F 1996

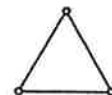
90 mph/78 mph + 1/2" radial ice w/ (3 second gust) per OBC AND IBC

	CaAa	Flat Plate Area	Weight	Elevation
No Ice	29.5 sq ft	16.39 sq ft	200 lbs	160 ft
1/2" Ice	36.0 sq ft	20.00 sq ft	350 lbs	160 ft
No Ice	50.0 sq ft	27.78 sq ft	350 lbs	160 ft to 130 ft
1/2" Ice	60.5 sq ft	33.61 sq ft	600 lbs	160 ft to 130 ft
(1)-7/8" coax Elevation 0 ft to 160 ft				
Climbing Ladder Elevation 0 ft to 140 ft				

70 mph/61 mph + 1/2" radial ice (Fastest MPH) per EIA-222-F

	CaAa	Flat Plate Area	Weight	Elevation
No Ice	30.0 sq ft	16.67 sq ft	200 lbs	160 ft
1/2" Ice	36.5 sq ft	20.28 sq ft	350 lbs	160 ft
No Ice	51.5 sq ft	28.61 sq ft	350 lbs	160 ft to 130 ft
1/2" Ice	61.5 sq ft	34.17 sq ft	600 lbs	160 ft to 130 ft
(1)-7/8" coax Elevation 0 ft to 160 ft				
Climbing Ladder Elevation 0 ft to 140 ft				

\* PIPE LEGS 42 KSI MIN YIELD  
10 GA TUBE LEGS 30 KSI MIN YIELD



INTERIOR BRACING  
- NOT REQUIRED -

FOUNDATION REACTIONS  
TOTAL MOMENT: 618  
TOTAL SHEAR: 8 KIPS  
TOTAL DOWNLOAD: 14 KIPS

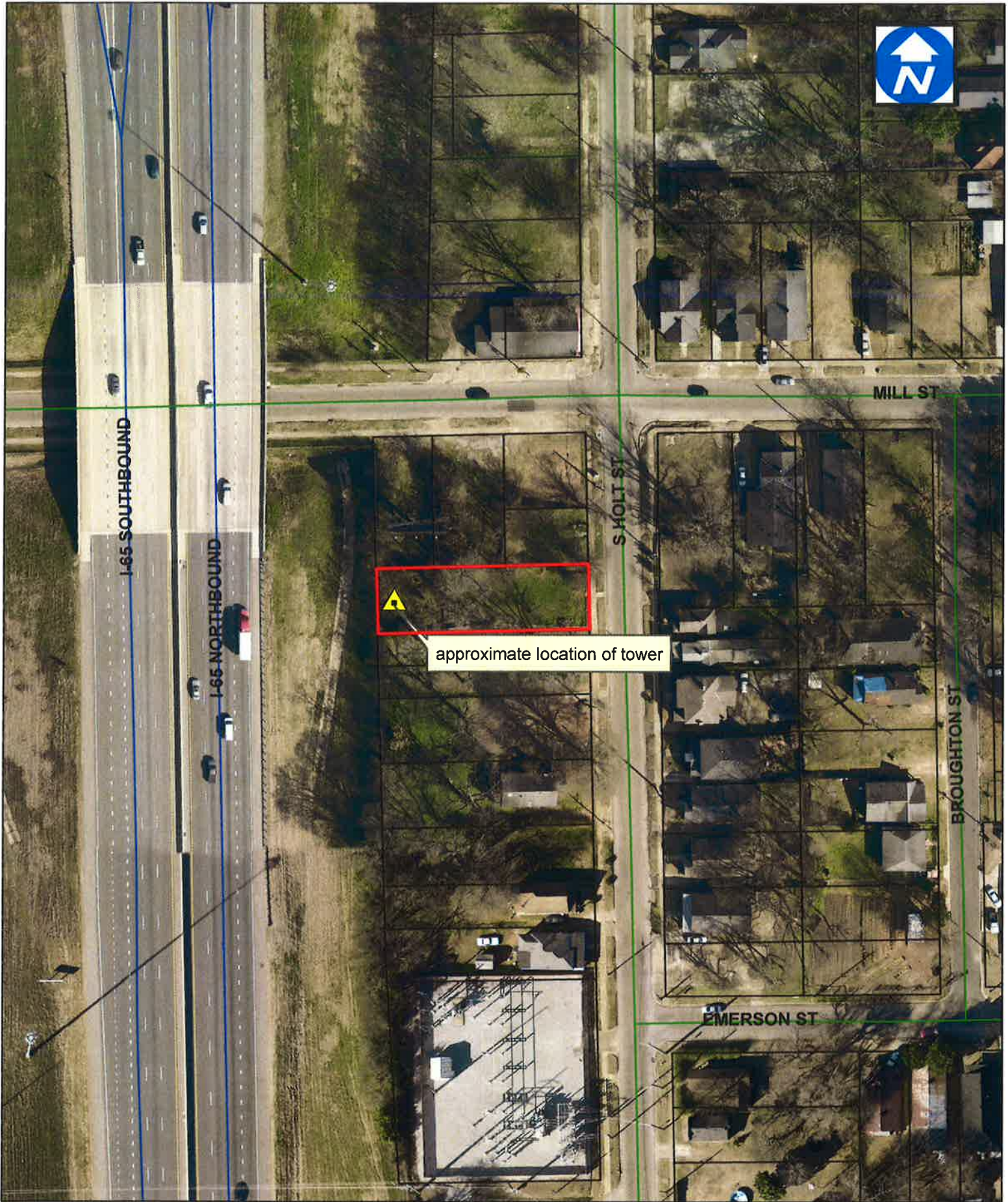
AMERICAN TOWER COMPANY  
ISO 9001-2000  
P.O. Box 20 Shelby, Ohio 44875  
www.amertower.com  
info@amertower.com  
Telephone (419) 347-1185 Since 1953 Fax (419) 347-1884

160' STANDARD

BY: DOW DATE: 12/21/02  
DWG NO. 1058

4C





approximate location of tower

Site 

1 inch = 100 feet

Item 4D



5. BD-1986-237 **PRESENTED BY:** Charlie Johnson

**REPRESENTING:** Same

**SUBJECT:** Request a side yard variance and rear yard variance for a mobile home located at 2231 Edward J. Nettles Lane in an R-60-d (Duplex Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to maintain the location of the mobile home which is 9 ft. off the west property line, whereas 10 ft. is required; comes to the west side property line, whereas 5 ft. is required; and is 8 ft. off the rear property line, whereas 20 ft. is required. This parcel includes one whole lot (Lot 12) and half of another lot (Lot 11).

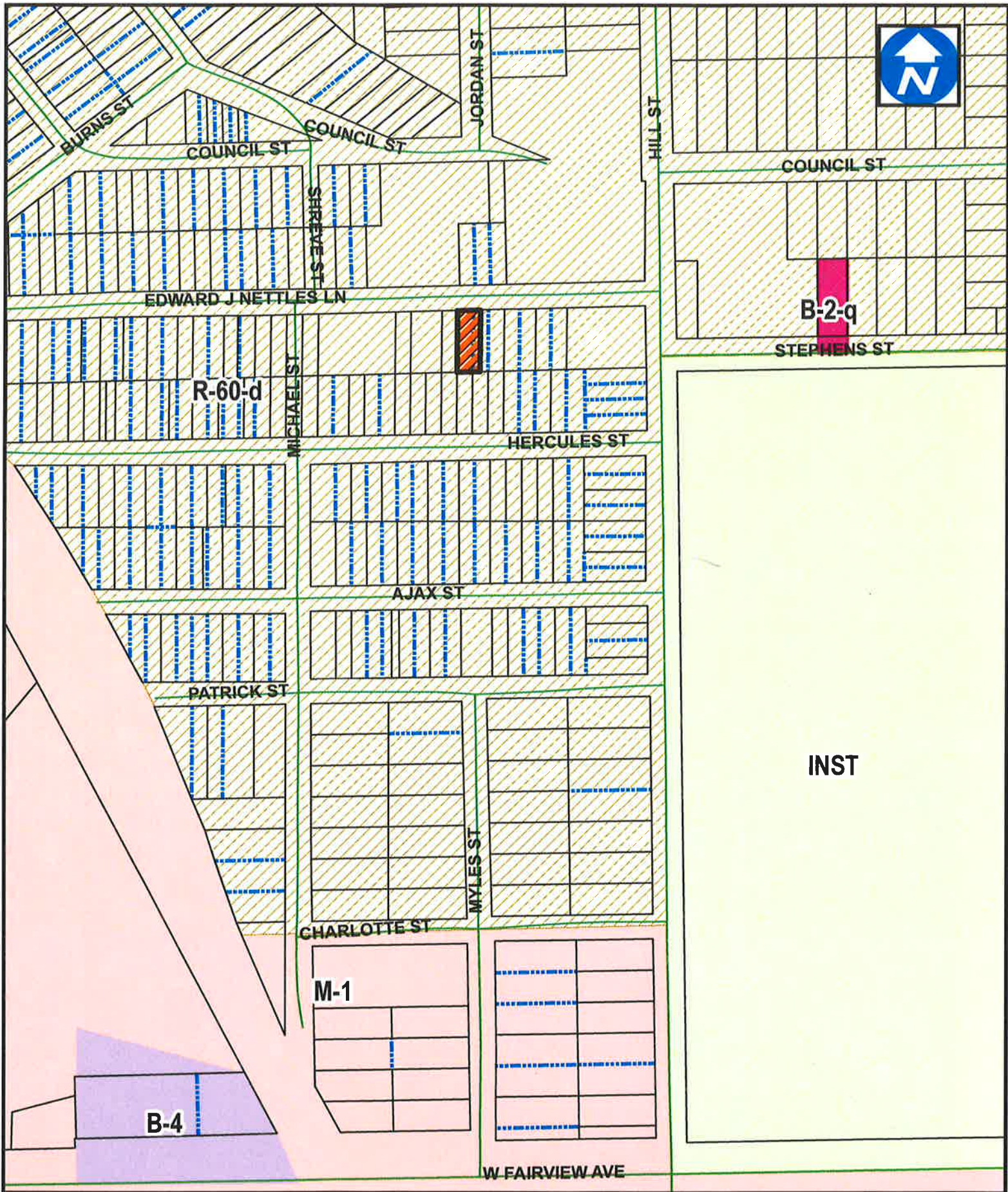
A mobile home was approved in 1986 and is being replaced.

The requests are a 1 ft. side yard variance (west property line), 10 ft. side yard variance (east property line), and 12 ft. rear yard variance.

**COUNCIL DISTRICT:** 4

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_



Site 

1 inch = 200 feet

Item 5A



**SURVEYOR'S NOTES:**

SURVEYOR HAS NOT MADE ANY ATTEMPT TO LOCATE IMPROVEMENTS ON LAND (INCLUDING CEMETERIES).

NO UNDERGROUND UTILITIES, SEPTIC TANKS/SEPTIC SYSTEMS, UNDERGROUND ENCROACHMENTS, OR BUILDING FOUNDATIONS OR OTHER IMPROVEMENTS WERE MEASURED OR LOCATED AS A PART OF THIS SURVEY, UNLESS OTHERWISE SHOWN. TREES AND SHRUBS NOT LOCATED, UNLESS OTHERWISE SHOWN.

THIS SURVEY WAS CONDUCTED FOR THE PURPOSE OF A BOUNDARY SURVEY ONLY, AND IS NOT INTENDED TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE, REGIONAL, OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER SIMILAR ENTITY.

THIS SURVEY WAS CONDUCTED WITHOUT REFERENCE TO AN ABSTRACT OR TITLE SEARCH BUT MATERIAL FROM SOURCE OF INFORMATION ABOVE WAS USED.

THERE MAY BE OTHER EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, RESTRICTIONS, OR OTHER MATTERS OF PUBLIC RECORD THAT ARE NOT DEPICTED ON THIS SURVEY.

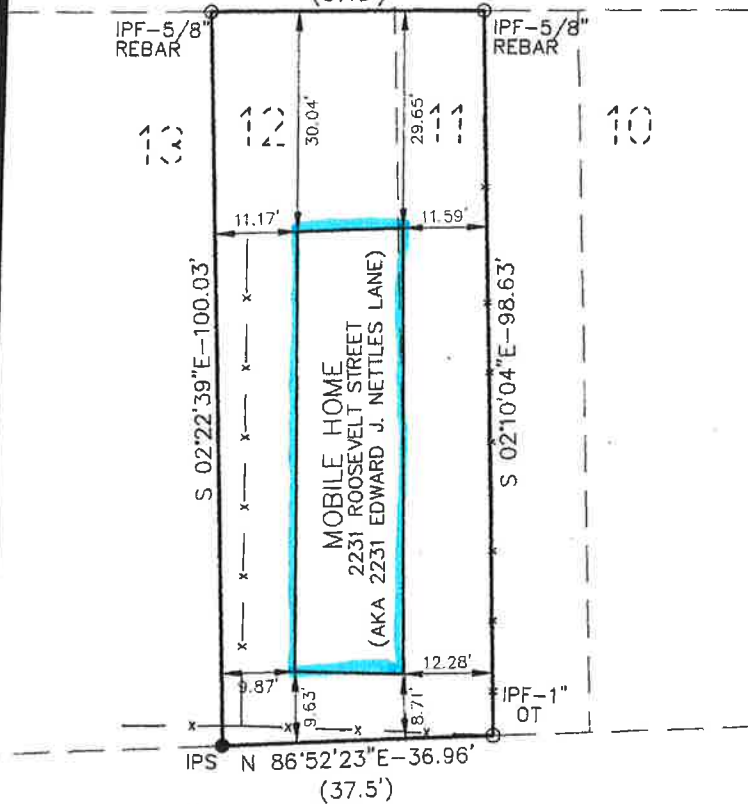
**LEGEND:**

- IPS - IRON PIN SET (1/2" IRON WITH PLASTIC ID CAP READING "JEFFCOAT 9587")
- IPF - IRON PIN FOUND
- ✕✕ - FENCE LINE
- △ - CALCULATED POINT
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R.O.W. - RIGHT OF WAY
- CH. - CHORD
- ( ) - PLAT OR DEED CALL
- C.T. - CRIMP TOP PIPE
- O.T. - OPEN TOP PIPE



**ROOSEVELT STREET**  
(AKA EDWARD J. NETTLES LANE)

N 89°02'00"E-37.33'  
(37.5')



**BASIS OF BEARING:**  
THIS SURVEY HAS BEEN ROTATED TO MATCH THE STATE PLANE COORDINATE SYSTEM (ALABAMA EAST REGION)

**SOURCE OF INFORMATION:**

- RLPY 1015, PAGE 218
- SHREVE SUBDIVISION (PB. 2, PAGE 53)

**LEGAL DESCRIPTION:**

LOT 12 AND THE WEST HALF OF LOT 11, SQUARE 1, ACCORDING TO THE SHREVE SUBDIVISION PLAT AS THE SAME IS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF MONTGOMERY COUNTY, ALABAMA IN PLAT BOOK 2 AT PAGE 53

**PROPERTY BOUNDARY SURVEY MAP FOR TIMBERLINE HOMES**

STATE OF ALABAMA  
COUNTY OF MONTGOMERY

I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, unless stated hereon.

This the 27TH day of NOVEMBER, 2019.

*O. Guthrie Jeffcoat, Jr.*  
O. GUTHRIE JEFFCOAT, JR., PE & PLS.  
AL REG. 9587

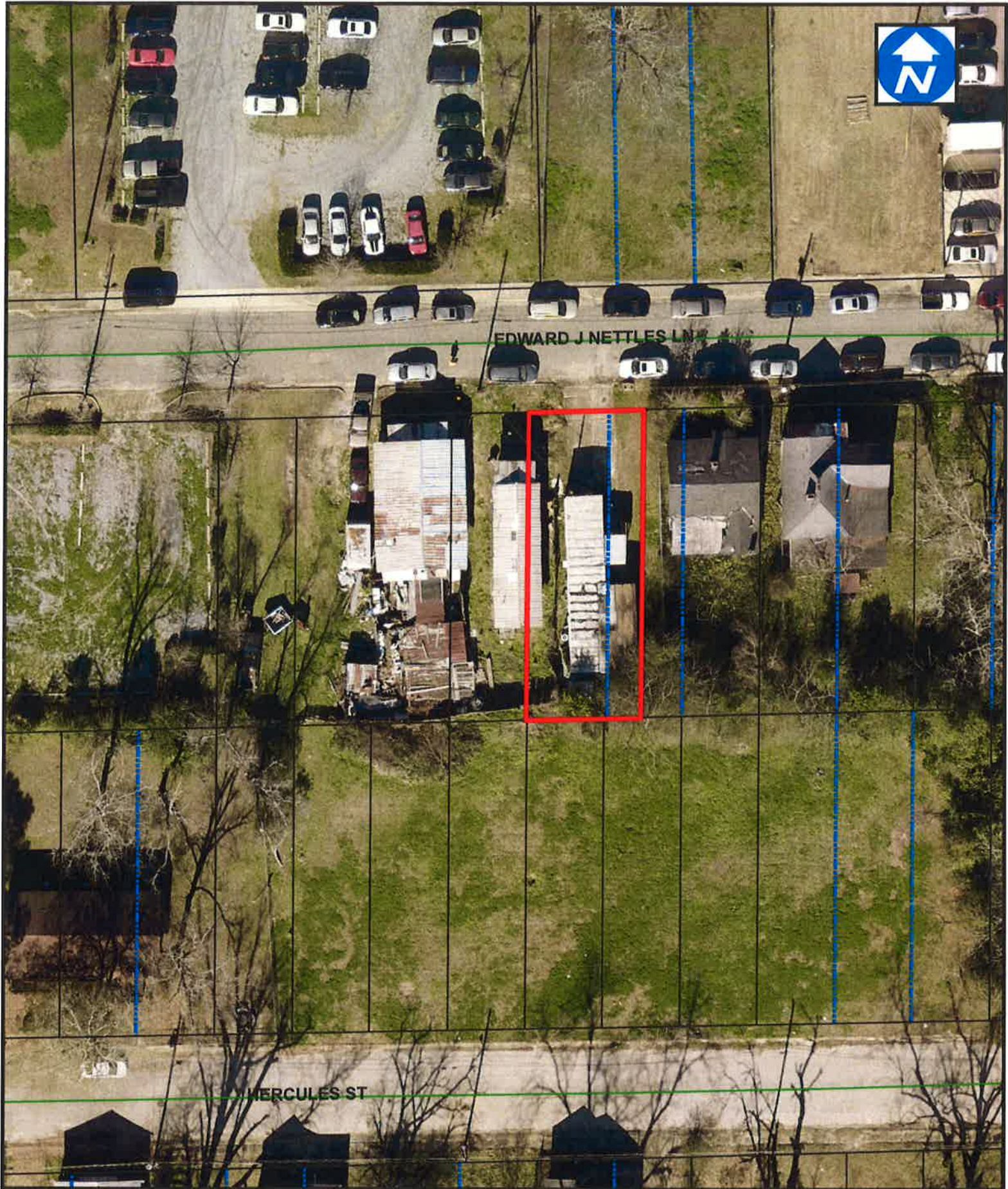


**JEFFCOAT ENGINEERS & SURVEYORS, L.L.C.**  
928 SOUTH HULL STREET  
MONTGOMERY, AL 36104  
(334) 265-1246  
CLANTON  
(205) 756-3677  
TROY  
(334) 566-0030

FIELD SURVEY: 11/27/19 (JL)  
PROJECT NAME: TIMBERLINE  
PROJECT NO.: 19-350  
DWG NAME: 19350.DWG  
COGO NAME: 19350.CSV  
DRAWN BY: SH  
LEGAL BY: SH  
DWG PROOFED BY: GJ  
LEGAL PROOFED BY: GJ

5B





Site 

1 inch = 40 feet

Item 5C



**ADD-ON**

6. BD-2019-075 **PRESENTED BY:** Brian Schmidt & Greg Mitchum

**REPRESENTING:** Three Rivers Enterprises, LLC

**SUBJECT:** Request a rear yard variance for a new dwelling to be located at 6201 Burbank Crossing Loop in a PGH-35 (Patio-Garden Home) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct new dwelling that will come to the rear yard property line (corner of house), whereas 15 ft. is required. The petitioner pulled permits and the foundation has been poured; however a stop work order was issued after the foundation inspection failed. The dwelling faces the north property line; however the east property line is the legal front.

*This request is an add-on instead of having a special called meeting. If approved, it will be on the next agenda as a confirmation so that we can legally advertise it.*

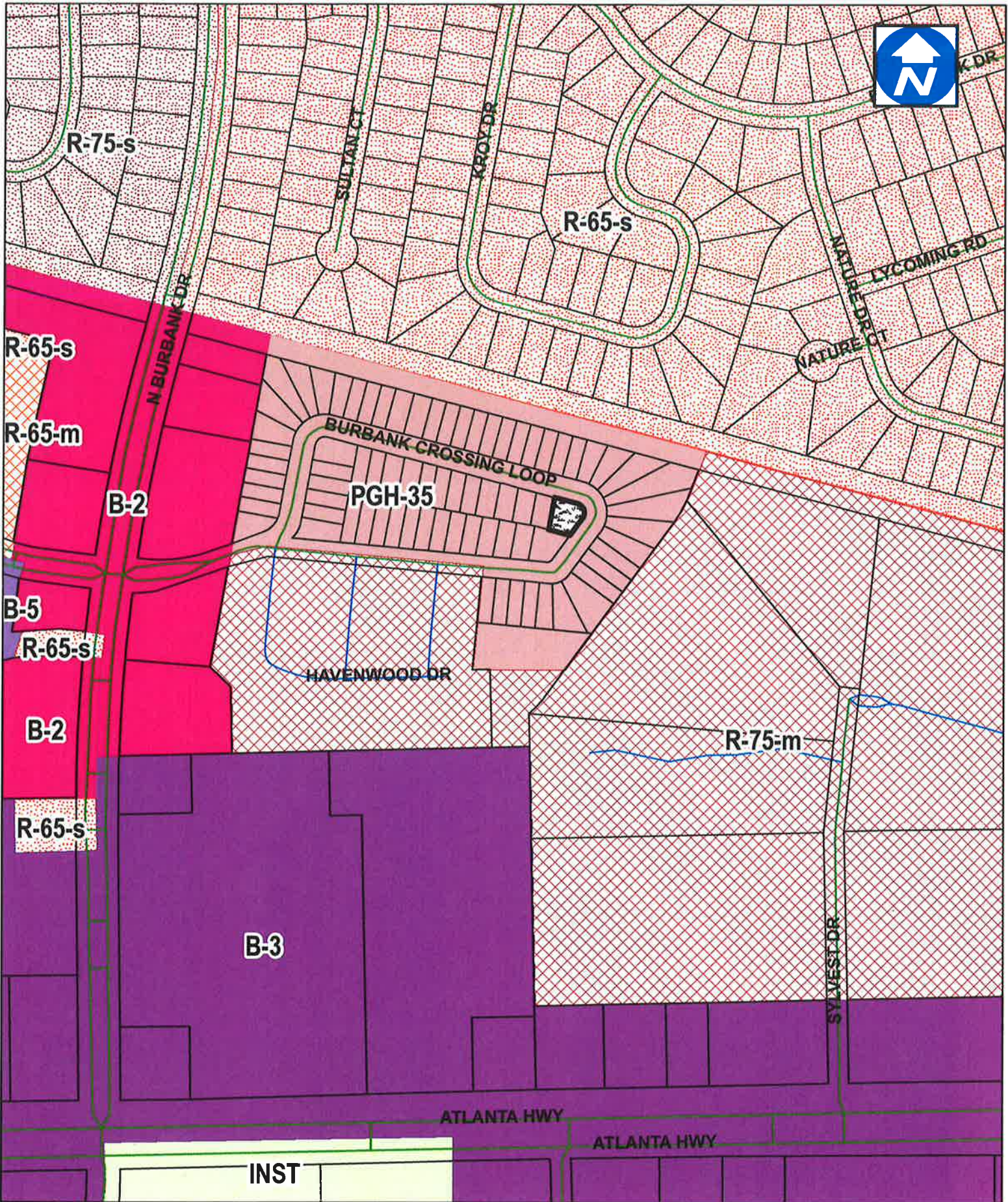
*The request is a 15 ft. rear yard variance.*

**COUNCIL DISTRICT: 4**

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_



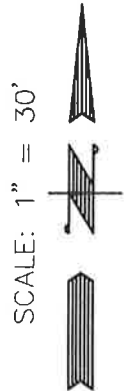
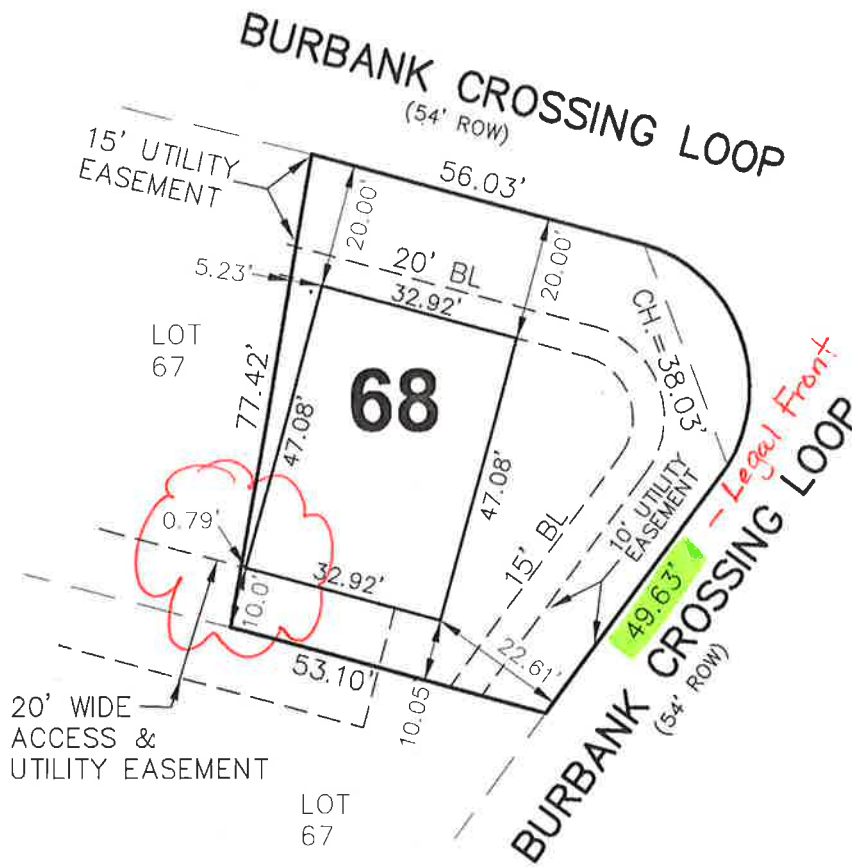


Site 

1 inch = 300 feet

Item 6A





NOTE:  
THIS IS NOT A PROPERTY  
BOUNDARY SURVEY MAP.

**SCHEMATIC SITE PLAN FOR LOT 68,  
BURBANK CROSSING PLAT NO.1  
(6201 BURBANK CROSSING LOOP)**

FIELD SURVEY:  
PROJECT NAME: SCHMIDT  
PROJECT NO.: 19-297  
DWG NAME: 19297LOT68.DWG

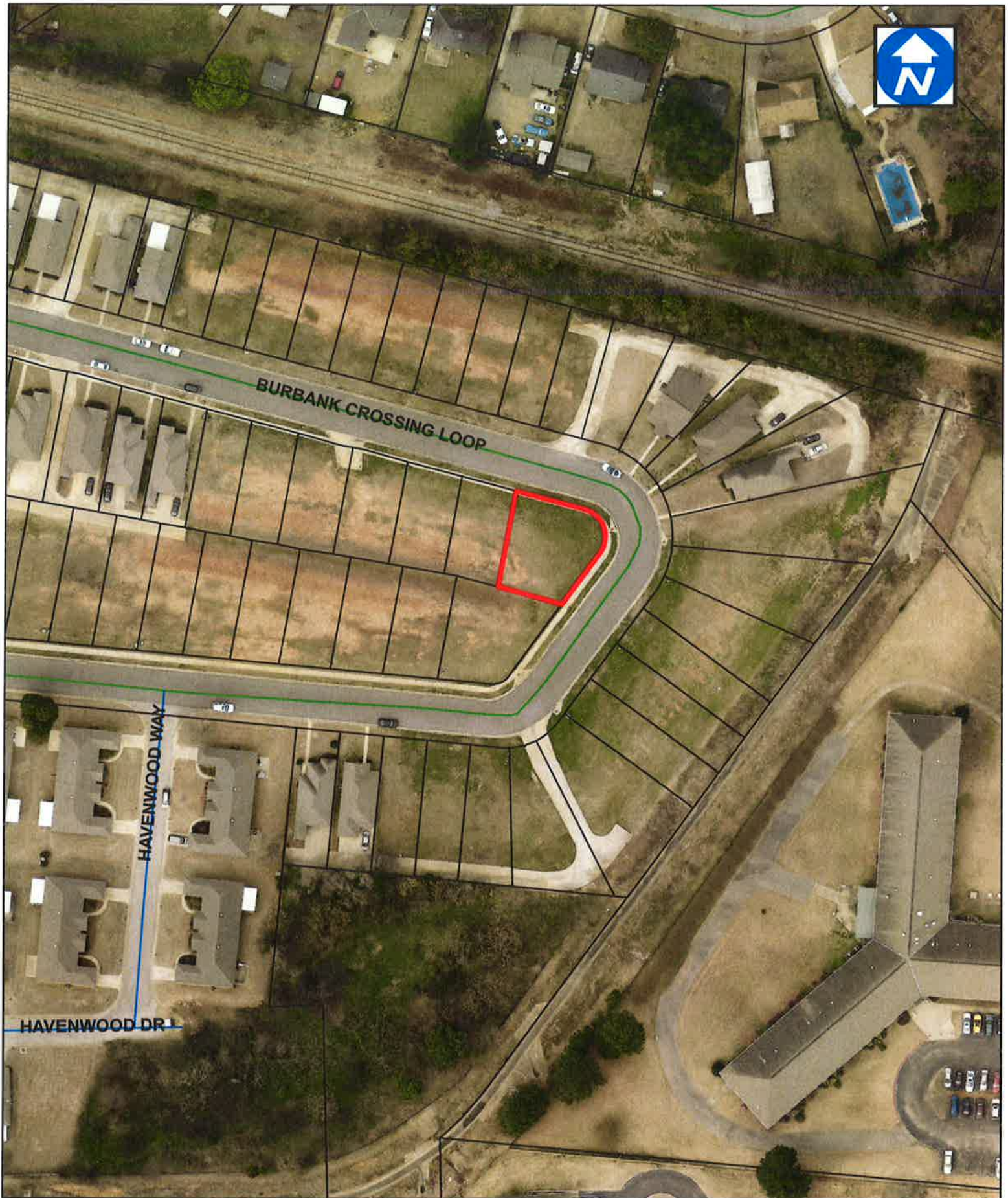


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CLANTON  
(205) 755-3877  
TROY  
(334) 566-0030

COGO NAME: 19297.CSV  
DRAWN BY: SM  
DWG PROOFED BY: GJ





Site 

1 inch = 100 feet

Item bc



## CONFIRMATION

7. BD-2019-067 Request a side yard variance and coverage variance for a new accessory structure to be located at 32 Fleetwood Drive in an R-65-s (Single-Family Residential) Zoning District.

(The requests are a 3 ft. 6 in. side yard variance and a 59 sq. ft. coverage variance.)