

Board of Adjustment Agenda

August 20, 2020 – 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

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

I. Chairman's Message

II. Approval of Minutes from the July 16, 2020 meeting.

August 20, 2020

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2020-036	Flowers & White Engineering	B-2	380 Arba Street (Church use)	1
2.	2020-033	Don Price	R-100	1853 Wentworth Drive (Privacy fence)	2
3.	2020-035	Pastor Herbert McCoy	B-2	2601 Fairground Road (Church)	3
4.	2020-034	Eboni L. Gray	AGR-2	5100 Jack Drive (Mobile home)	4
5.	1989-054	Architectural Group III, Inc.	T5	400 North Perry Street (Exception to SmartCode)	5
6.	1978-135	WA Black Construction	R-125	3127 Boxwood Drive (Addition to dwelling)	6
7.	1972-057	Tom & Darby Mitchell	R-100	1748 Croom Drive (Abatement of Nuisance)	7
8.	1958-004	Calvin Salery	B-2	2665 Todd Road (Variance to Ord. No. 17-2014)	8

The next Board of Adjustment meeting is on September 17, 2020

1. BD-2020-036 **PRESENTED BY:** Flowers & White Engineering

REPRESENTING: First Baptist Church

SUBJECT: Request a special exception for church related use and a street side yard variance for an addition to the building located at 380 Arba Street in a B-2 (Commercial) Zoning District.

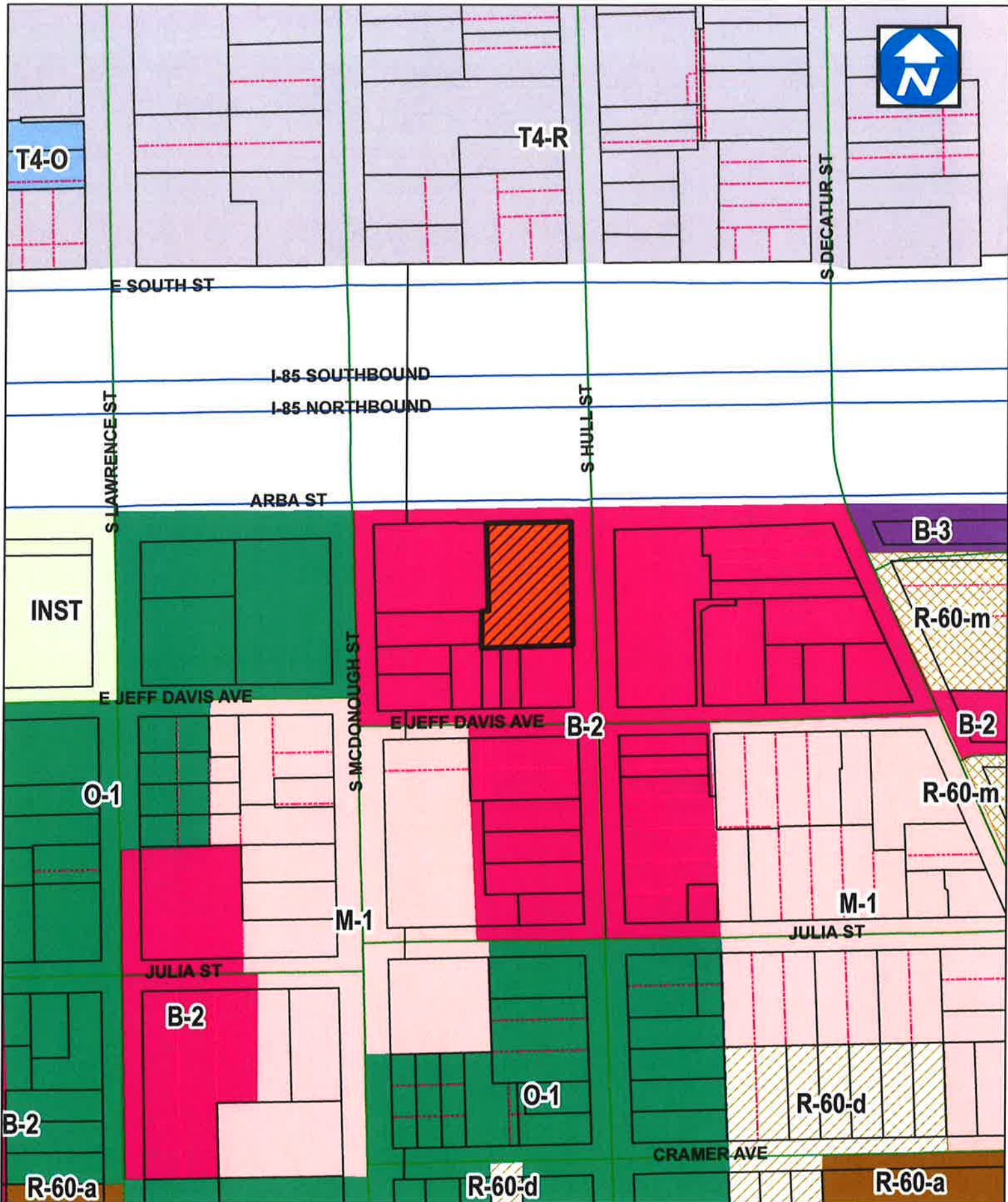
REMARKS: This request is being made to give the petitioner permission to use an existing building for church related use (First Baptist Church Caring Center). There will be a canopy addition that will come within 1 ft. of the street side yard property line (South Hull Street), whereas 35 ft. is required.

The requests are a special exception for church related use and a 34 ft. street side yard variance.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 200 feet

Item 1A



Site 

1 inch = 50 feet

Item IC

2. BD-2020-033 **PRESENTED BY:** Don Price

REPRESENTING: Same

SUBJECT: Request a height variance and street side yard variance for a privacy fence to be located at 1853 Wentworth Drive in an R-100 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 7 ft. high privacy fence, whereas 3 ft. height is allowed. The proposed fence will come to the street side yard property line (Vaughn Road), whereas 35 ft. is required.

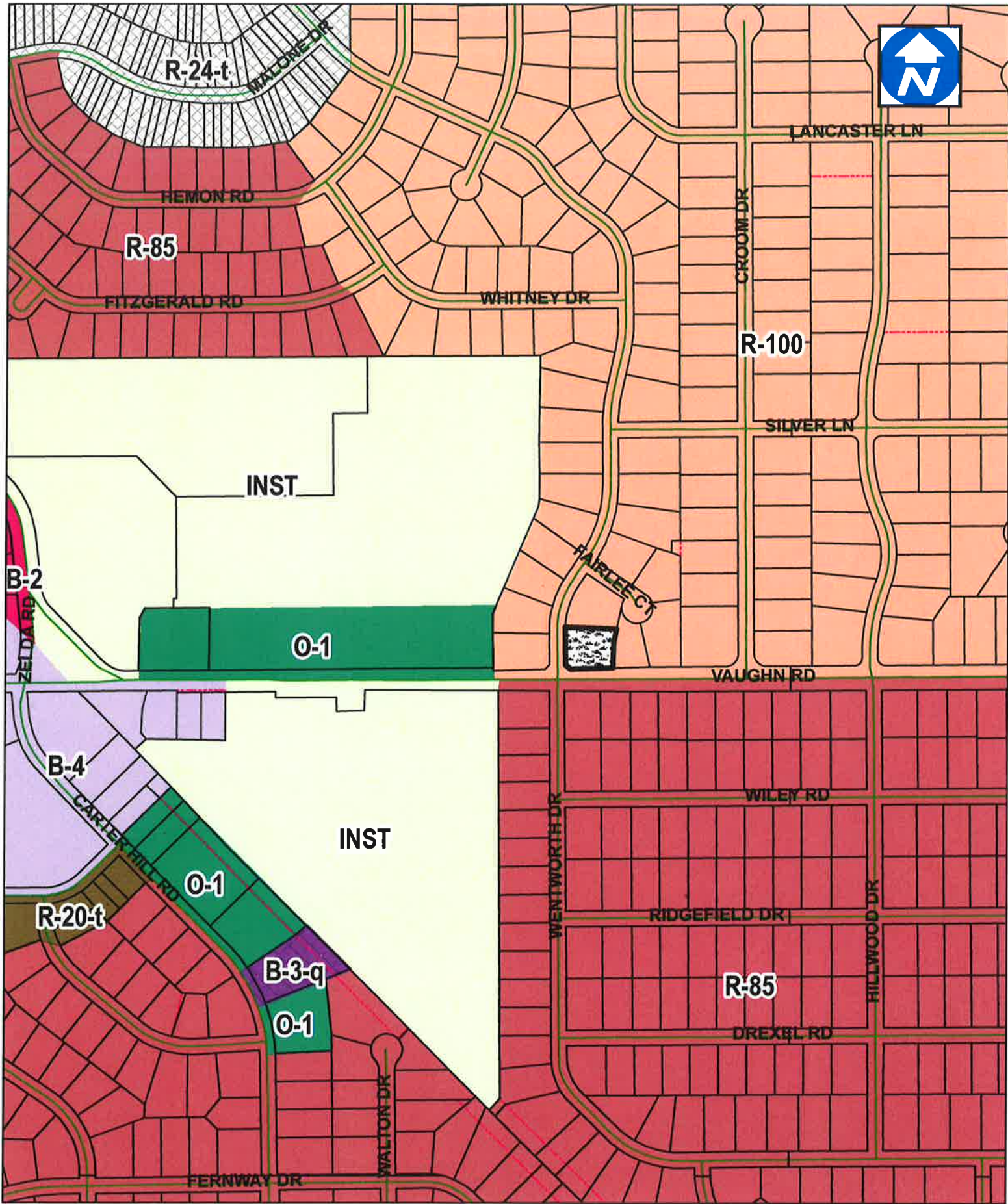
Land Use Division: The proposed fence will tie into the Hillwood West entrance wall that was approved by the Board of Adjustment on September 20, 1976.

The requests are a 4 ft. height variance and a 35 ft. street side yard variance.

COUNCIL DISTRICT: 7

COMMENTS _____

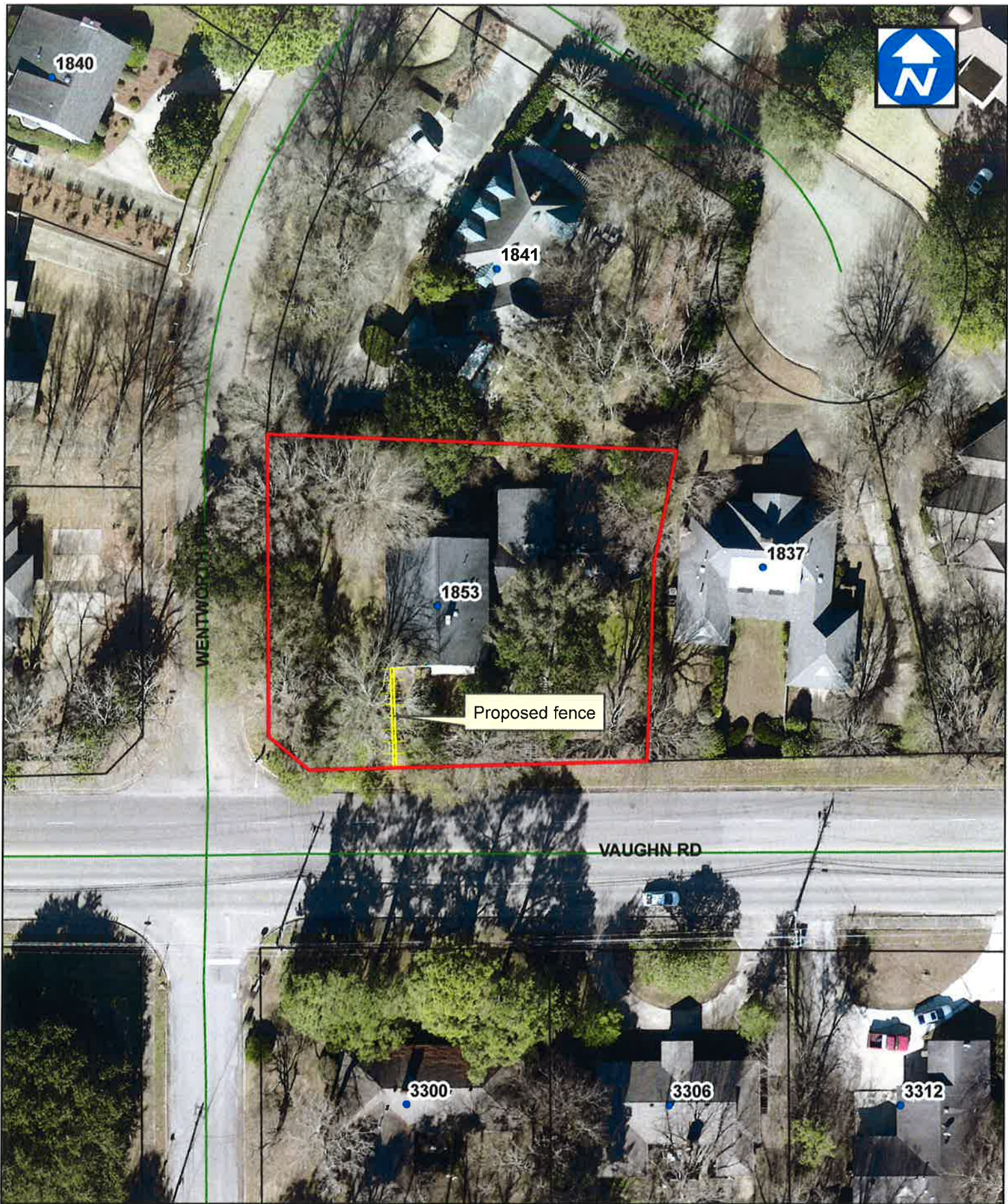
ACTION TAKEN: _____



Site 

1 inch = 400 feet

Item 2A



1840

1841

1853

1837

Proposed fence

WENTWORTH

VAUGHN RD

3300

3306

3312

Site 

1 inch = 50 feet
Item 2B

3. BD-2020-035 **PRESENTED BY:** Pastor Herbert McCoy

REPRESENTING: Christian Faith Worship Center

SUBJECT: Request a special exception for a church to be located at 2601 Fairground Road in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to use the building for church use. There are approximately 100 members which will require 25 parking spaces. Written permission to use the property to the north for additional parking is on file.

Service Hours

Sunday: 9:30 a.m. – 1:30 p.m.

Wednesday: 6:00 p.m. – 7:30 p.m.

The request is a special exception for church use.

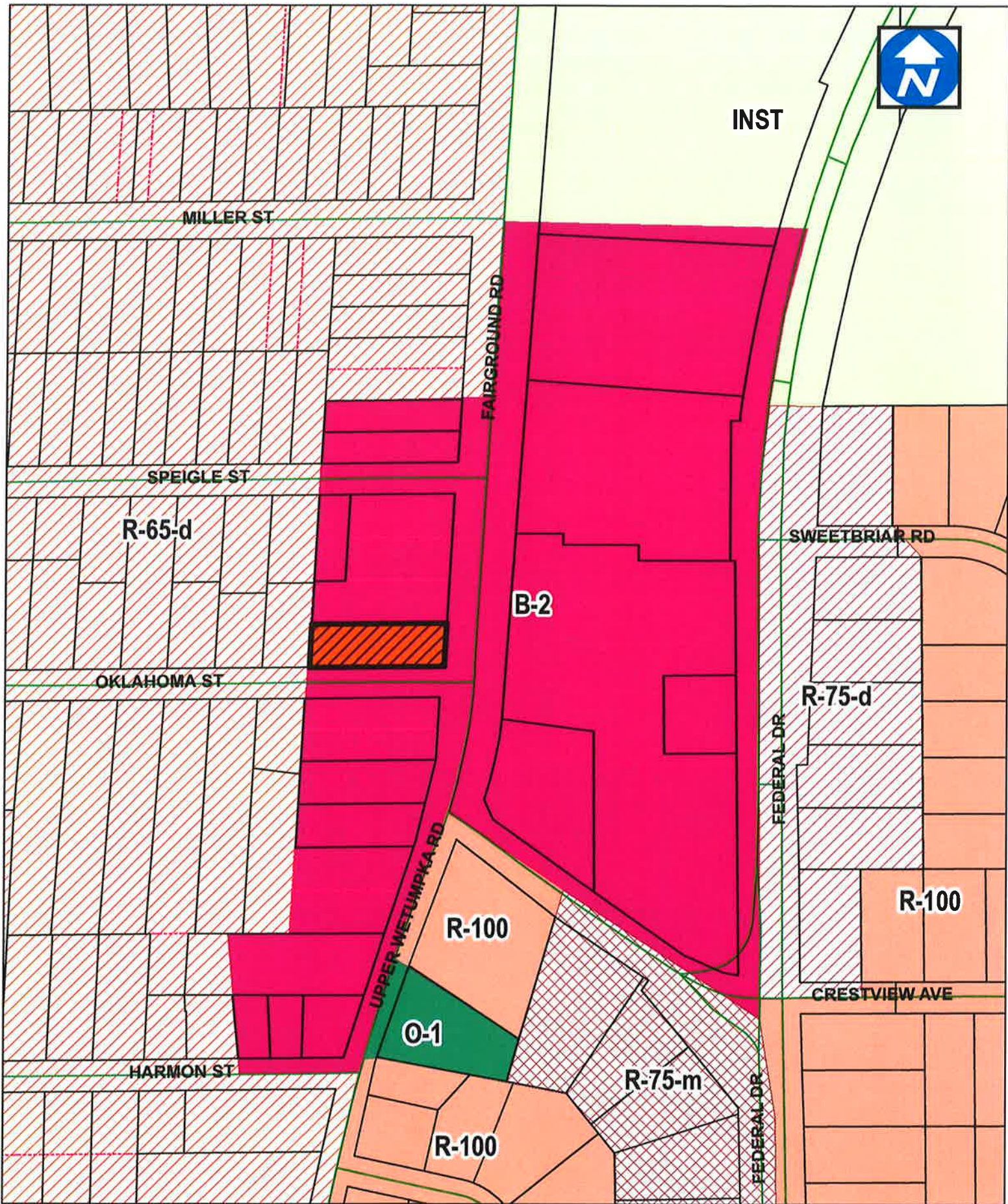
COUNCIL DISTRICT: 2

COMMENTS _____

ACTION TAKEN: _____



INST



Site 

1 inch = 200 feet

Item 3A



SPEIGLE ST

FAIRGROUND RD

Additional
Parking

OKLAHOMA ST

Site 

1 inch = 50 feet

Item 3B

4. BD-2020-034 **PRESENTED BY:** Eboni L. Gray

REPRESENTING: Same

SUBJECT: Request a front yard variance and a special exception for a mobile home for living purposes to be located at 5100 Jack Drive in an AGR-2 (General Agriculture) Zoning District.

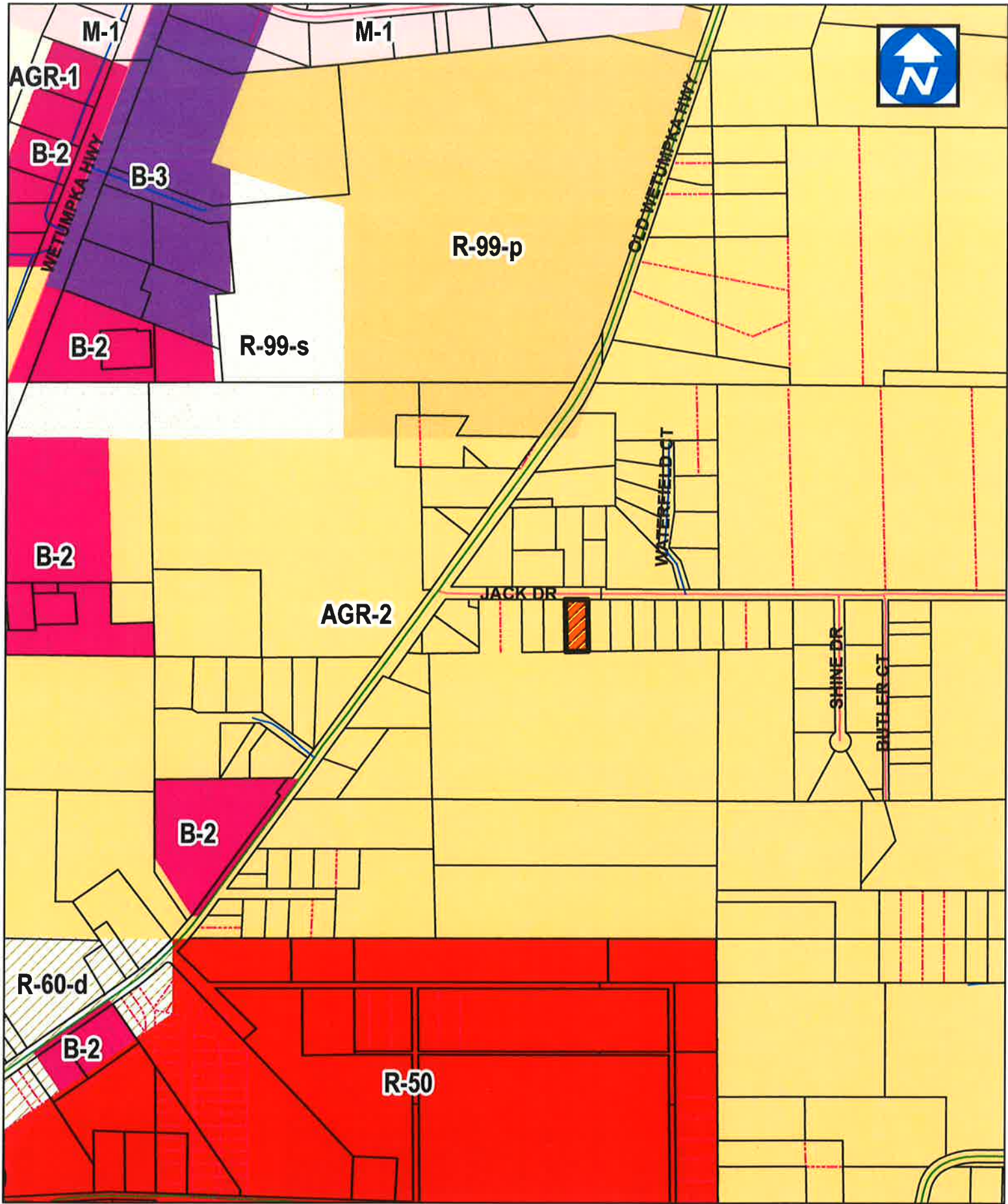
REMARKS: This request is being made to give the petitioner permission to place a mobile home for living purposes on a platted lot. The existing home will be demolished prior to the mobile home being placed on the lot. The petitioner would like to place it in the same location as the home, which is 40 ft. off the front property line, whereas 50 ft. is required.

The request is 10 ft. front yard variance and a special exception for a mobile home for living purposes.

COUNTY COMMISSION DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 600 feet

Item 4A



Site 

1 inch = 60 feet

Item 4B

5. BD-1989-054 **PRESENTED BY:** Architectural Group III, Inc

REPRESENTING: Ascent Hospitality Management, LLC

SUBJECT: Request an exception to SmartCode Standards for two (2) new hotels to be located at 400 North Perry Street in a T5 (Urban Center Zone) SmartCode Zoning District.

REMARKS: This request is being made to give the petitioner permission to allow doors that operate as sliders, which is prohibited along frontages in this district.

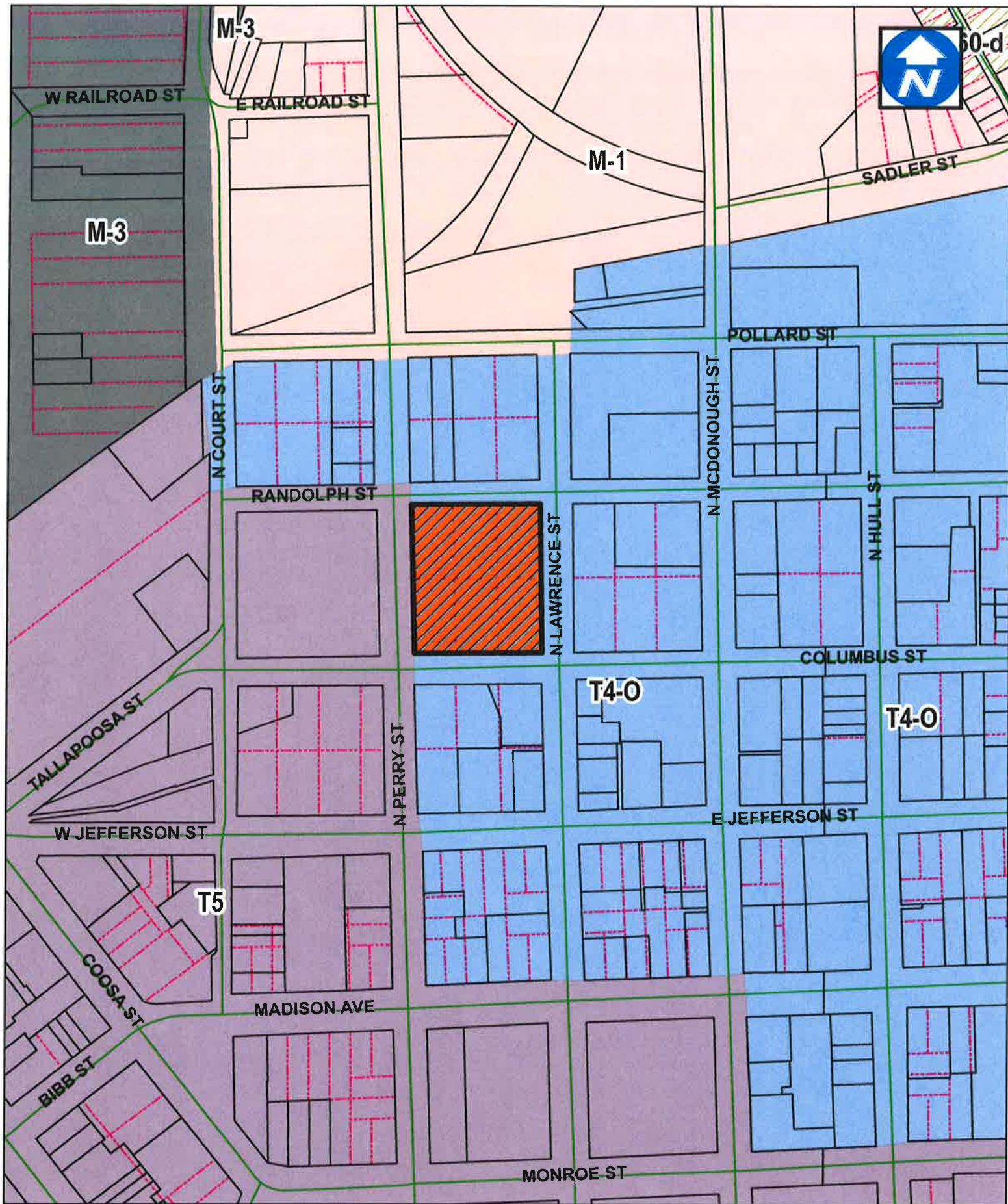
Section 5.6.5(f): Doors and windows that operate as sliders are prohibited along frontages.

The request is an exception to SmartCode Standards to allow doors that operate as sliders.

COUNCIL DISTRICT: 3

COMMENTS _____

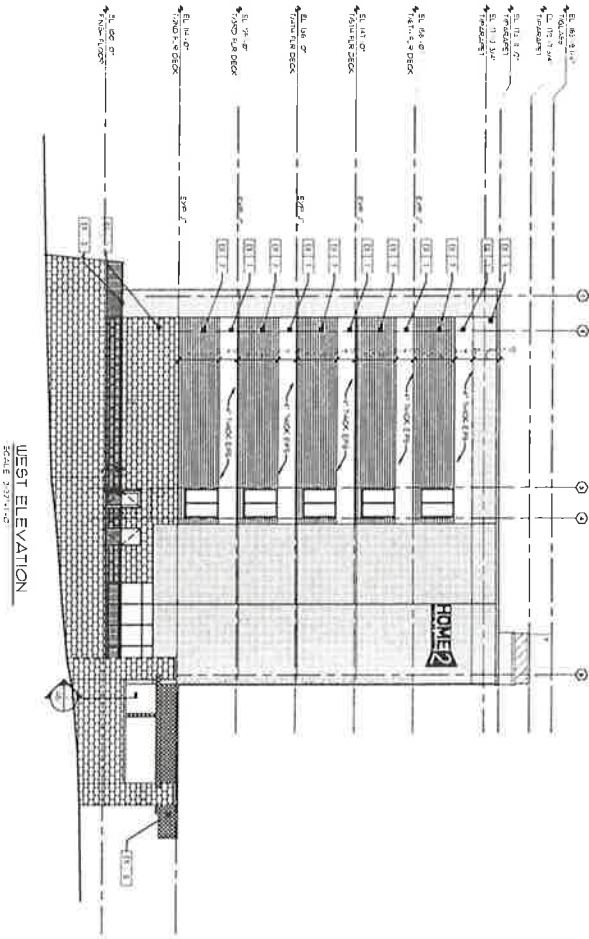
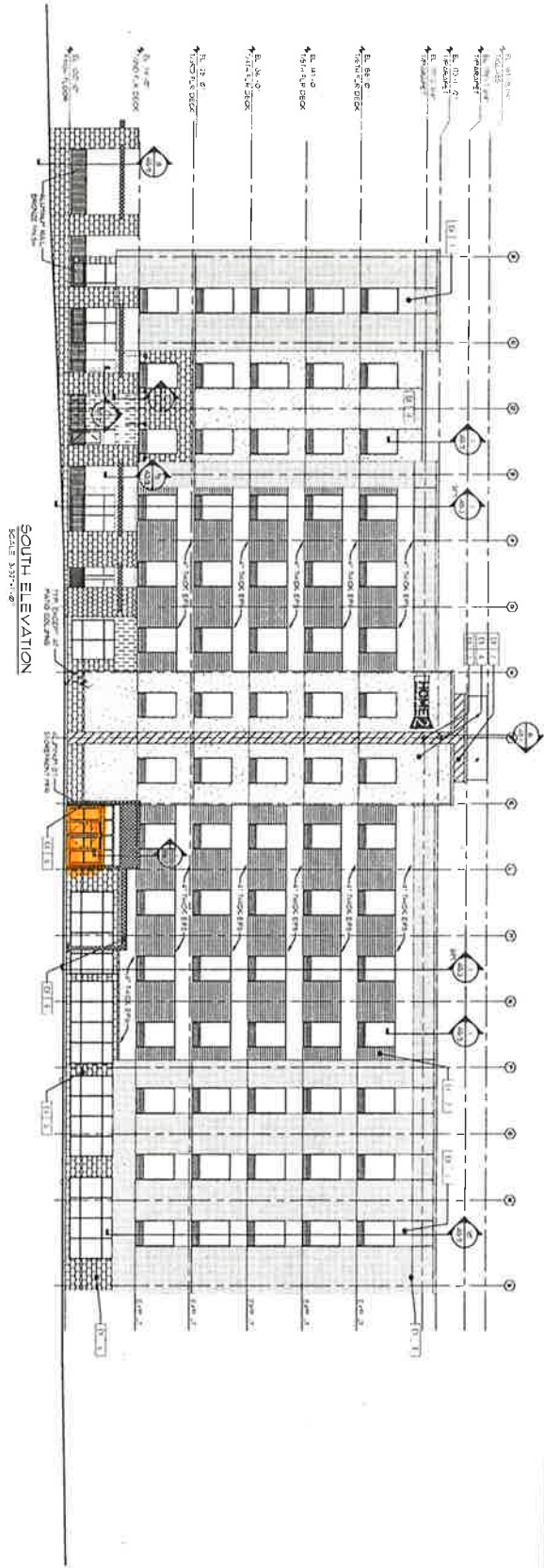
ACTION TAKEN: _____



Site 

1 inch = 300 feet

Item 5A



1/1	1/2	1/3	1/4	1/5	1/6	1/7	1/8	1/9	1/10
FINISH	PAINT	GLASS	BRICK	CONCRETE	WOOD	ROOFING	MECHANICAL	ELECTRICAL	PLUMBING
FINISH	PAINT	GLASS	BRICK	CONCRETE	WOOD	ROOFING	MECHANICAL	ELECTRICAL	PLUMBING

HOME2 SUITES
SOUTH BUILDING SIGN
SCALE 3/8"=1'-0"

HOME2 SUITES
WEST BUILDING SIGN
SCALE 3/8"=1'-0"

521



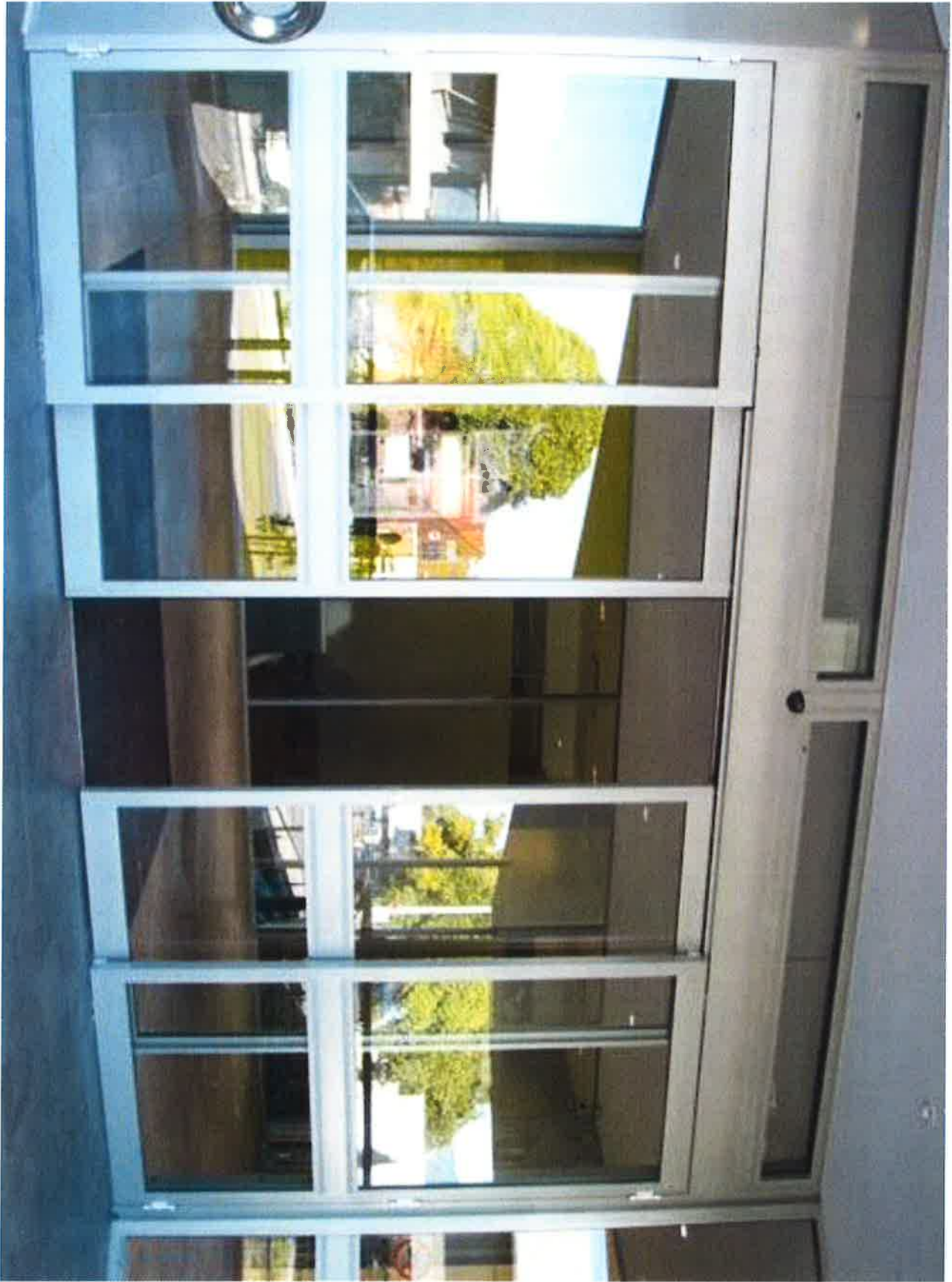
ARCHITECTURAL GROUP III
201 S. Nipporee St. | West, Indiana 46114-3952 | 574/293-0206
architecturalgroup3.com



Home2 SUITES
400 NORTH PERRY STREET
MONTGOMERY, AL
A NEW 137 ROOM HOTEL

JOB NO. 19110
DATE 03/24/20
REVISIONS

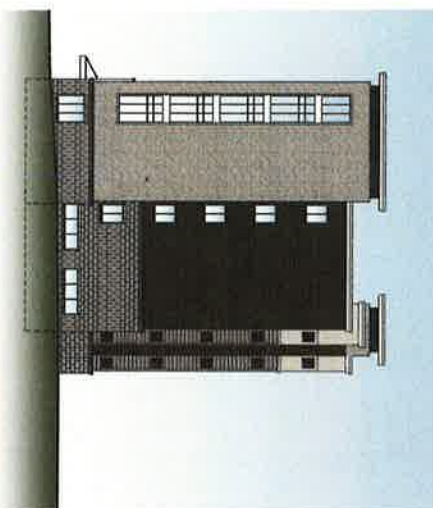
SHEET NO. **A2.1**
EXTERIOR ELEVATIONS & NOTES



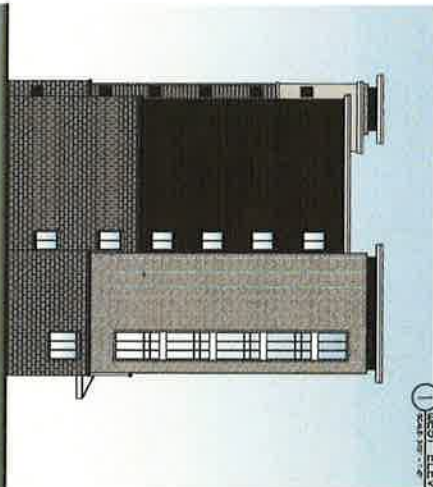
Example



① WEST ELEVATION



② SOUTH ELEVATION



③ NORTH ELEVATION



④ EAST ELEVATION

[Symbol]	MAJORITY MATERIAL STANDARD FINISH/PAINT/TEXTURE	[Symbol]	FINISH MATERIAL - APPROXIMATE THICKNESS AND COLOR TO BE MATCHED FINISHED WITH COMMON COLOR VALUES TO BE MATCHED FINISHED IN LIGHT TO MEDIUM TONAL RANGE
[Symbol]	STAINED WOOD - VENEER UNFINISHED WOOD	[Symbol]	FINISH MATERIAL - APPROXIMATE THICKNESS AND COLOR TO BE MATCHED FINISHED WITH COMMON COLOR VALUES TO BE MATCHED FINISHED IN LIGHT TO MEDIUM TONAL RANGE
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5E

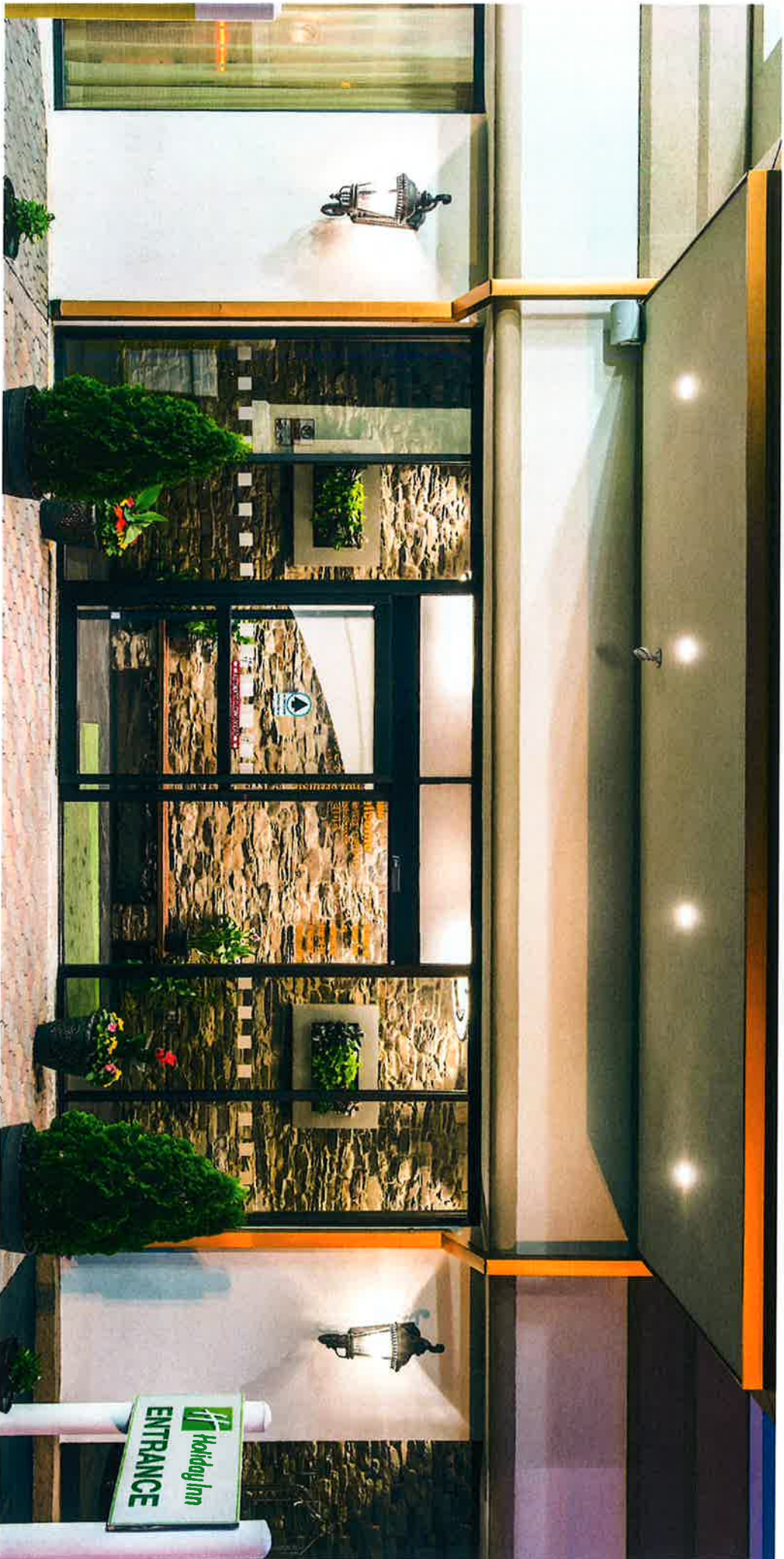
J. Frank, Inc.
12401 Spring Hill Dr. Group, N 4530
137/761-1000

Residence Inn
BY MARRIOTT

RESIDENCE INN
by MARRIOTT
MONTGOMERY, AL
A NEW 144 ROOM HOTEL

JOB NO. 19109
DATE 07/09/20
REVISIONS

SHEET NO. A2.1
EXTERIOR ELEVATIONS



Example

5F



Site 

1 inch = 300 feet

Item 50

6. BD-1978-135 **PRESENTED BY:** WA Black Construction

REPRESENTING: Perry Colvin

SUBJECT: Request a front yard variance for an addition to the dwelling located at 3127 Boxwood Drive in an R-125 (Residential) Zoning District.

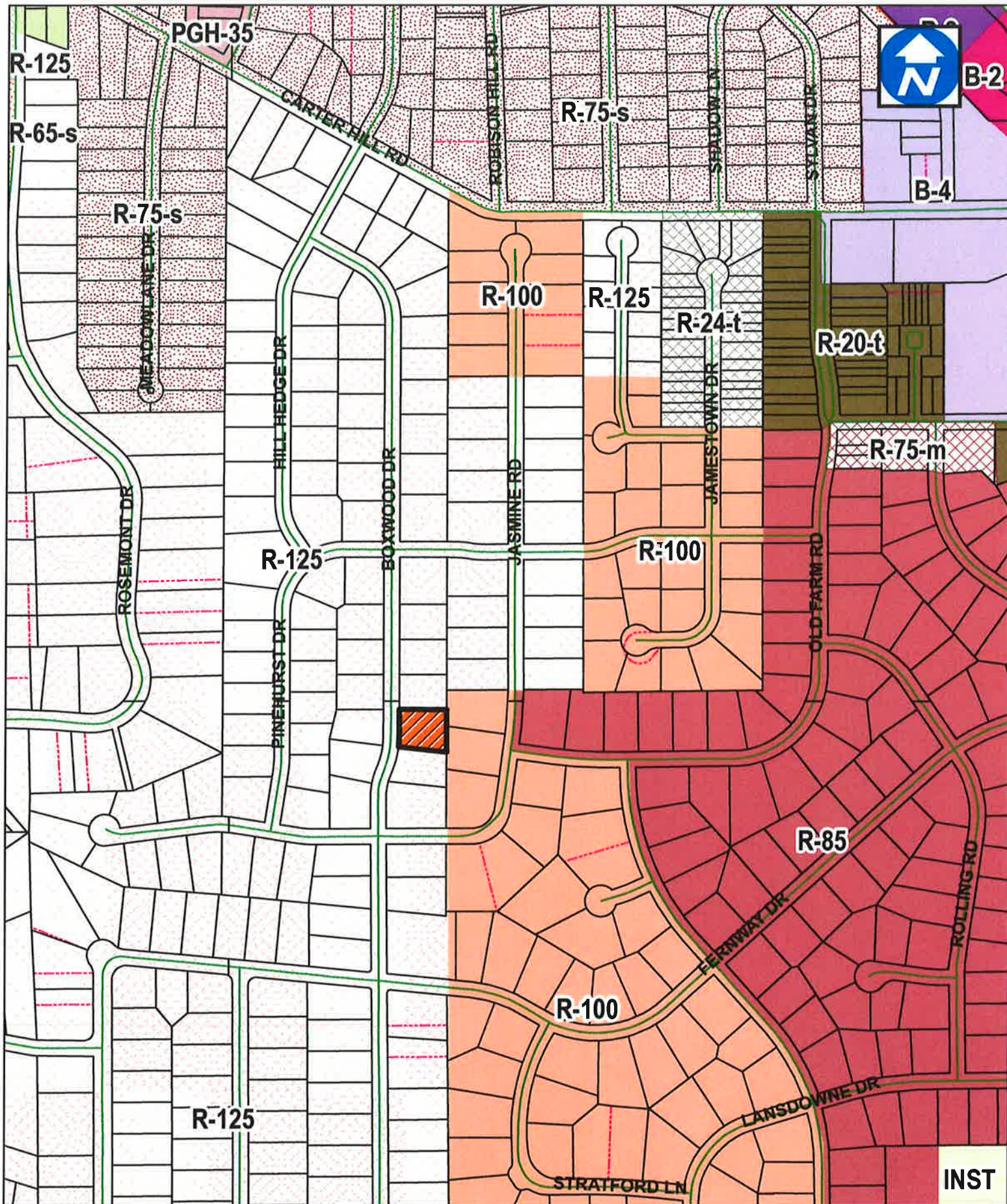
REMARKS: This request is being made to give the petitioner permission to construct a 5 ft. 8 in. x 10 ft. 8 in. front porch addition. The porch will come within 36 ft. of the front property line, whereas 50 ft. is required.

The request is a 14 ft. front yard variance.

COUNCIL DISTRICT: 7

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 400 feet

Item 6A



BOXWOOD DR

3121

3127

Proposed Addition

3133



Site 

1 inch = 30 feet

Item 6B

7. BD-1972-057 **PRESENTED BY:** Tom and Darby Mitchell

REPRESENTING: Same

SUBJECT: Request an abatement of a nuisance for a recreational vehicle being stored at 1748 Croom Drive in an R-100 (Single-Family Residential) Zoning District.

REMARKS: This request is for an abatement of a nuisance concerning a recreational vehicle being stored in the rear yard of 1748 Croom Drive and is adjacent to the rear yard of 1761 Wentworth Drive (home of the petitioners). The RV meets the requirements of the Zoning Ordinance; however the petitioners feel this is a nuisance to their comfort.

The request is an abatement of a nuisance by the removal of the subject recreational vehicle.

Sections 9 and 10.5 from the Zoning Ordinance

9. Abatement of Uses Creating Hazards or Nuisances

The Board of Adjustment may require the conduct of any conforming or non-conforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, explosion hazard, or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The Board may direct the Administrative Official to issue an abatement order, but no such order may be directed only after a public hearing by the Board, notice of which shall be sent by certified mail to the owners or operators of the property on which the use is conducted, in addition to due notice by advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the Board either upon petition signed by any person affected by the hazard or nuisance, or upon the initiative of the Board. An abatement order shall be directed by the Board only upon reasonable evidence of hazard or nuisance, and such order shall specify the date by which the hazard or nuisance shall be abated.

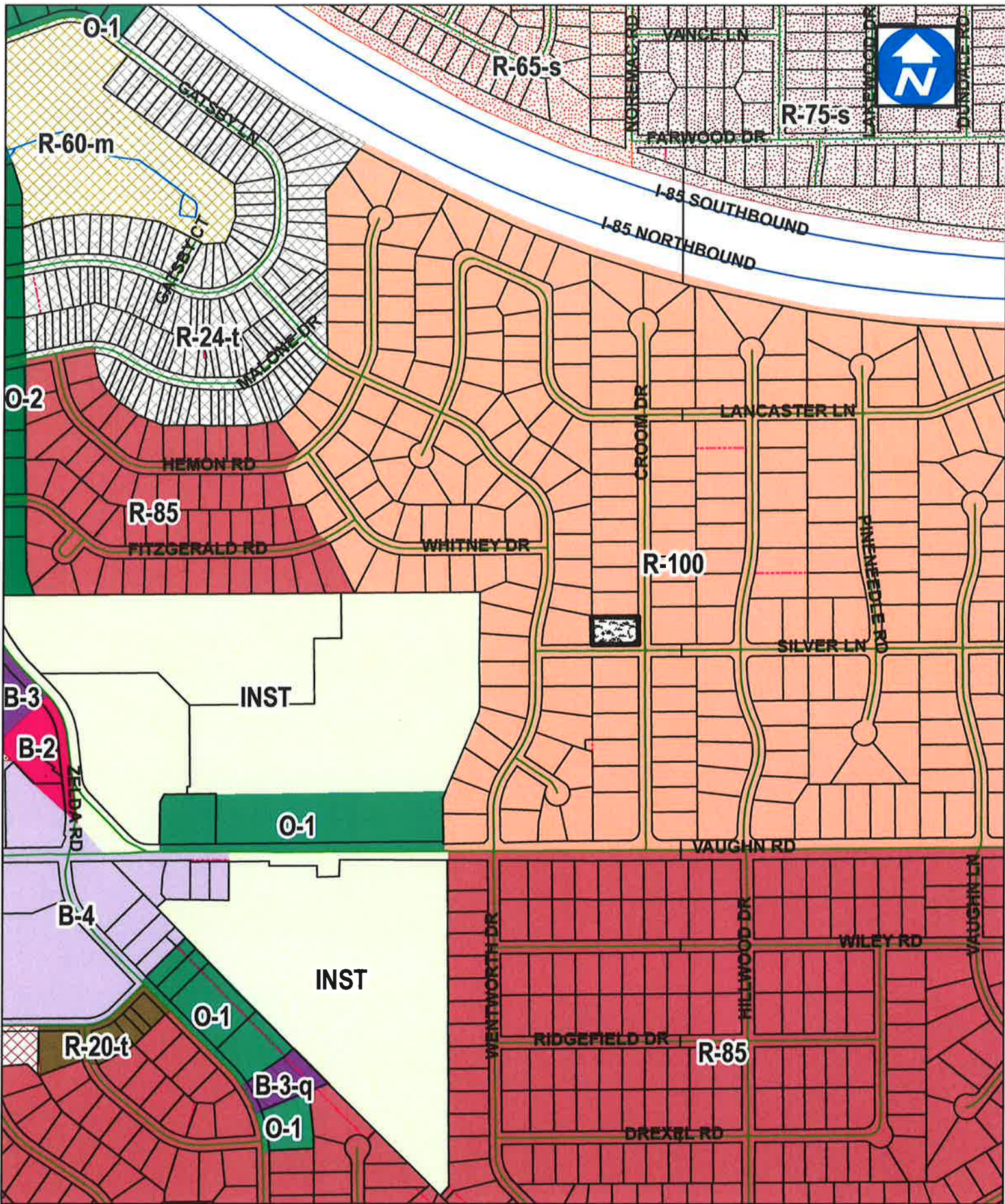
10.5 Recreational Vehicles (Ord. No. 31-73)

- The following regulations apply to recreational vehicles stored outside an approved travel trailer park:
- a. Recreational vehicles may not be stored on public streets.
 - b. Recreational vehicles shall be stored in such a manner as to be substantially hidden from public view.
 - c. Recreational vehicles stored on private property shall be stored behind building setback lines as defined by this Ordinance.
 - d. Individual recreational vehicles may be stored on private property as long as they are in compliance with the above requirements. Upon objection by residents of neighboring property the Board of Adjustment shall have the power to modify the above requirements or to revoke the privilege of storing recreational vehicles on private property in individual cases. Provided, however, that such action of the Board shall not take place until after a public hearing on the matter has been held.

COUNCIL DISTRICT: 7

COMMENTS _____

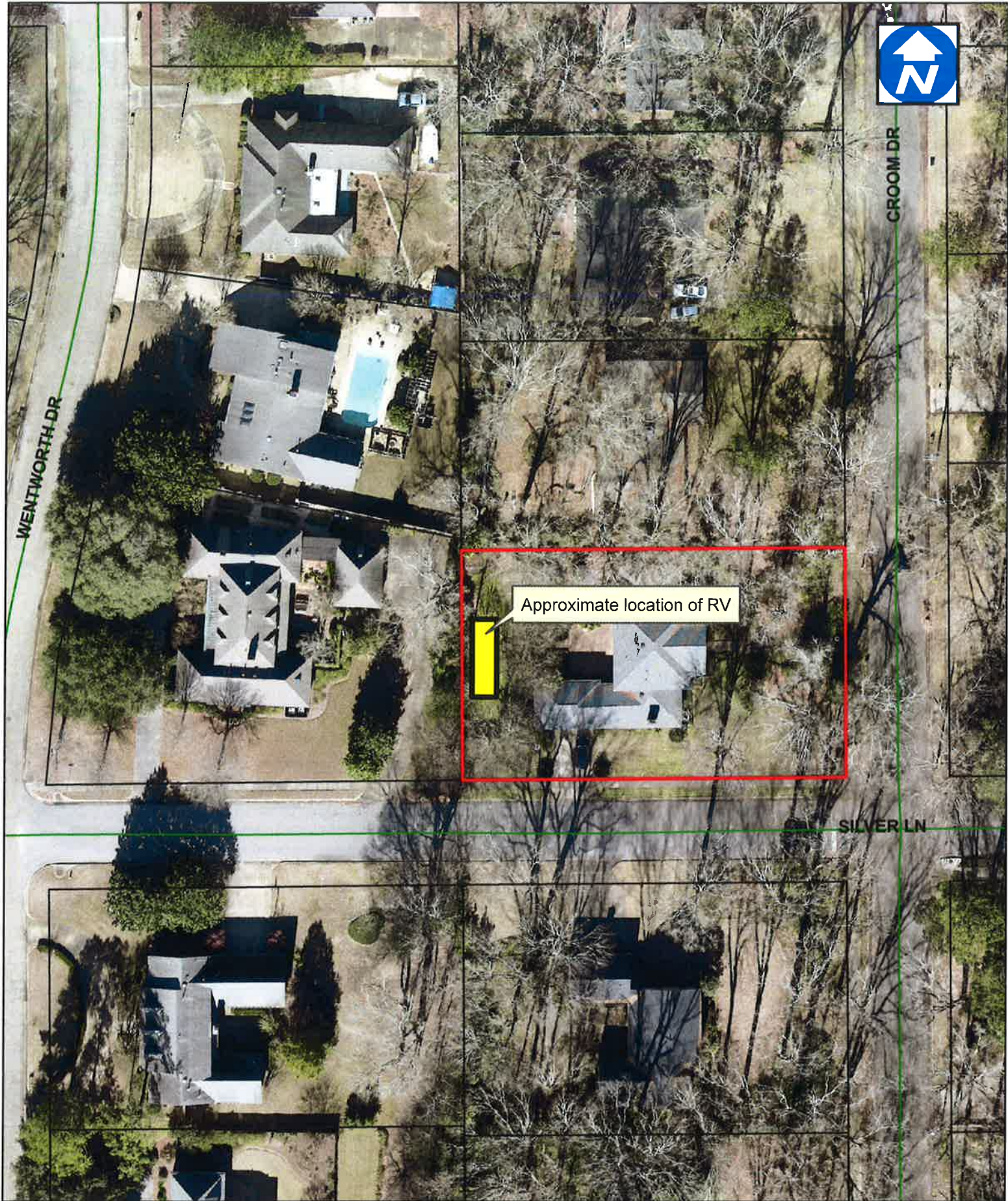
ACTION TAKEN: _____



Site 

1 inch = 500 feet

Item 7A



Approximate location of RV

Site 

1 inch = 60 feet

Item 7B

8. BD-1958-004 **PRESENTED BY:** Calvin Salery

REPRESENTING: Same

SUBJECT: Request a variance to Ordinance No. 17-2014 for a building located at 2665 Todd Road in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate an event center within 10 ft. of a residential boundary, whereas a 250 ft. buffer is required.

Ord. No. 17-2014

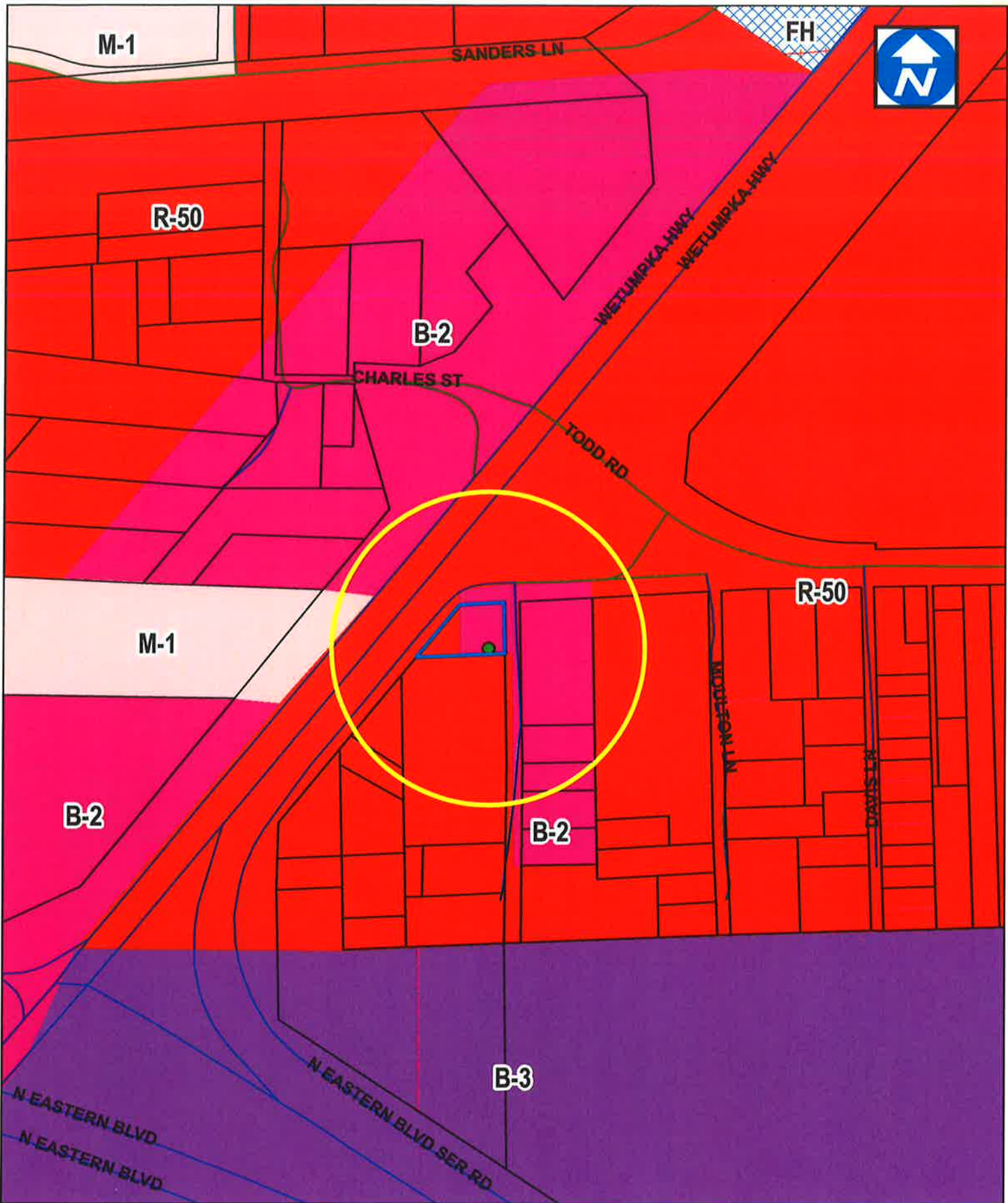
Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum 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 variance requested is a 240 ft. variance to Ord. No. 17-2014

COUNCIL DISTRICT: 2

COMMENTS _____

ACTION TAKEN: _____

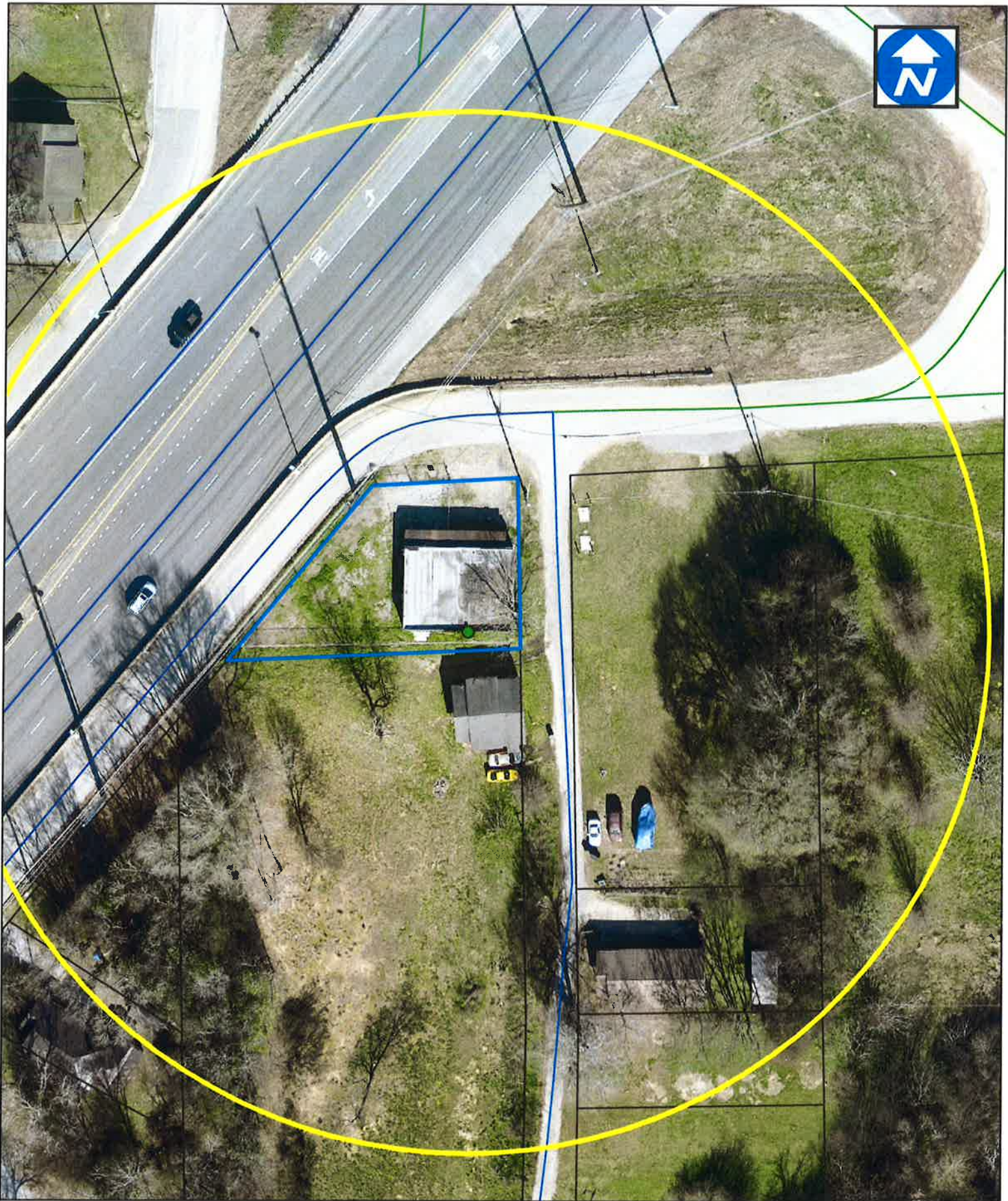


Site 

250 ft. buffer 

1 inch = 200 feet

Item 8A



Site 

250 ft. buffer 

1 inch = 60 feet

Item 8B