

# Board of Adjustment Agenda

September 17, 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

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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 August 20, 2020 meeting.**

**September 17, 2020**

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	1989-054	Architectural Group III, Inc.	T5	400 North Perry Street (Exception to SmartCode)	1
2.	1958-004	Calvin Salery	B-2	2665 Todd Road (Variance to Ord. No. 17-2014)	2
3.	1972-057	Tom & Darby Mitchell	R-100	1748 Croom Drive (Abatement of Nuisance)	3
4.	2020-038	Jenifer A. Houlton	R-75-s	851 Westover Road (Accessory structure)	4
5.	2020-040	Brenna Terry	R-65-s	1219 Zephyr Hills Drive (Addition - side yard variance)	5
6.	2020-037	Criseldy Perez	R-65-d	2057 Speigle Street (Chickens)	6
7.	2020-039	Jones Brothers Roofing	R-75-s	3553 Dee Drive (Addition – side yard variance)	7

*The next Board of Adjustment meeting is on October 15, 2020*

1. 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.

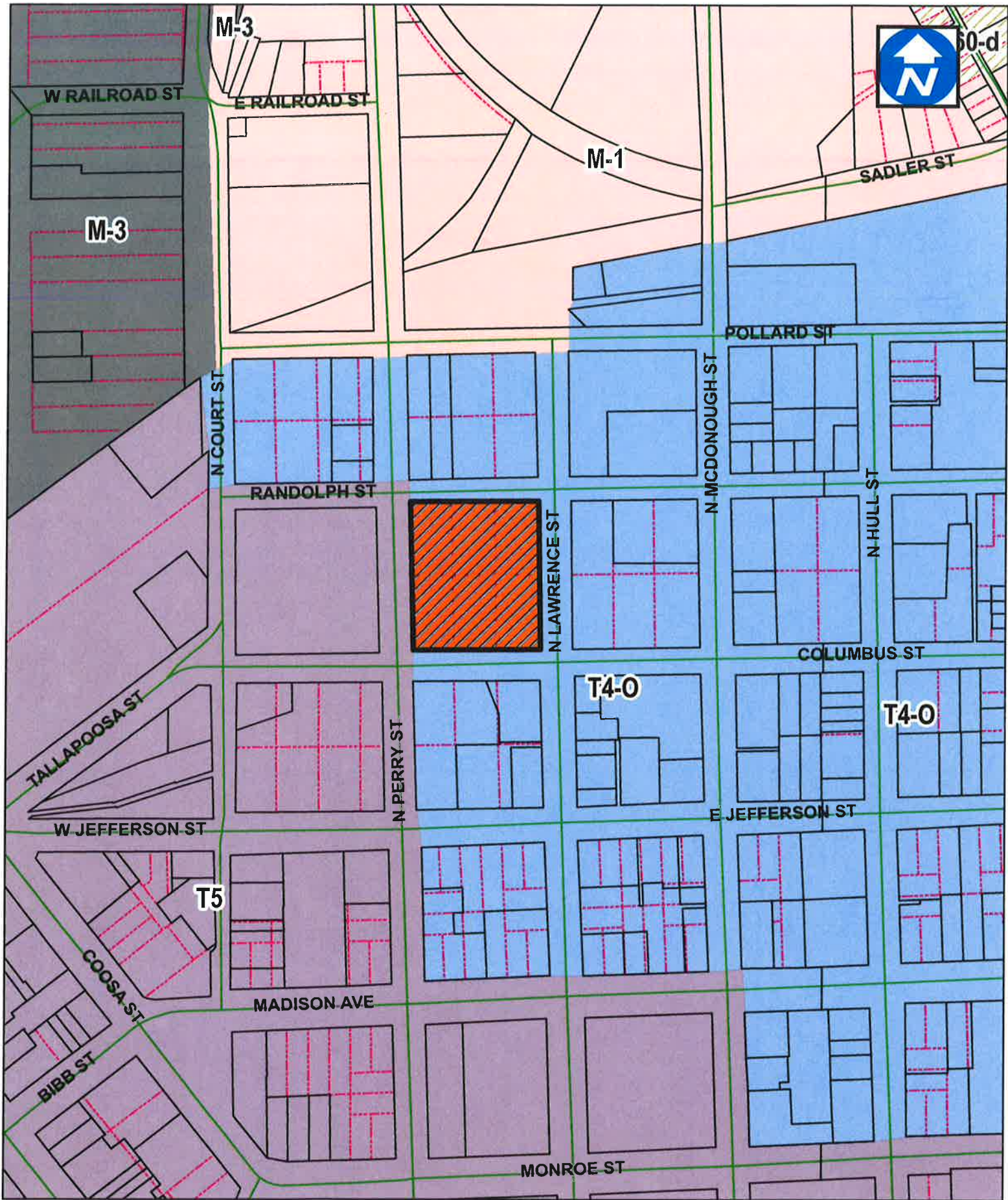
**REMARKS:** This request is being made to give the petitioner permission to allow doors that operate as sliders, which is prohibited along frontages in this district.

**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.*

*This request was delayed at the August 20, 2020 meeting due to no one being present to present this request.*

**COUNCIL DISTRICT: 3**



Site 

1 inch = 300 feet

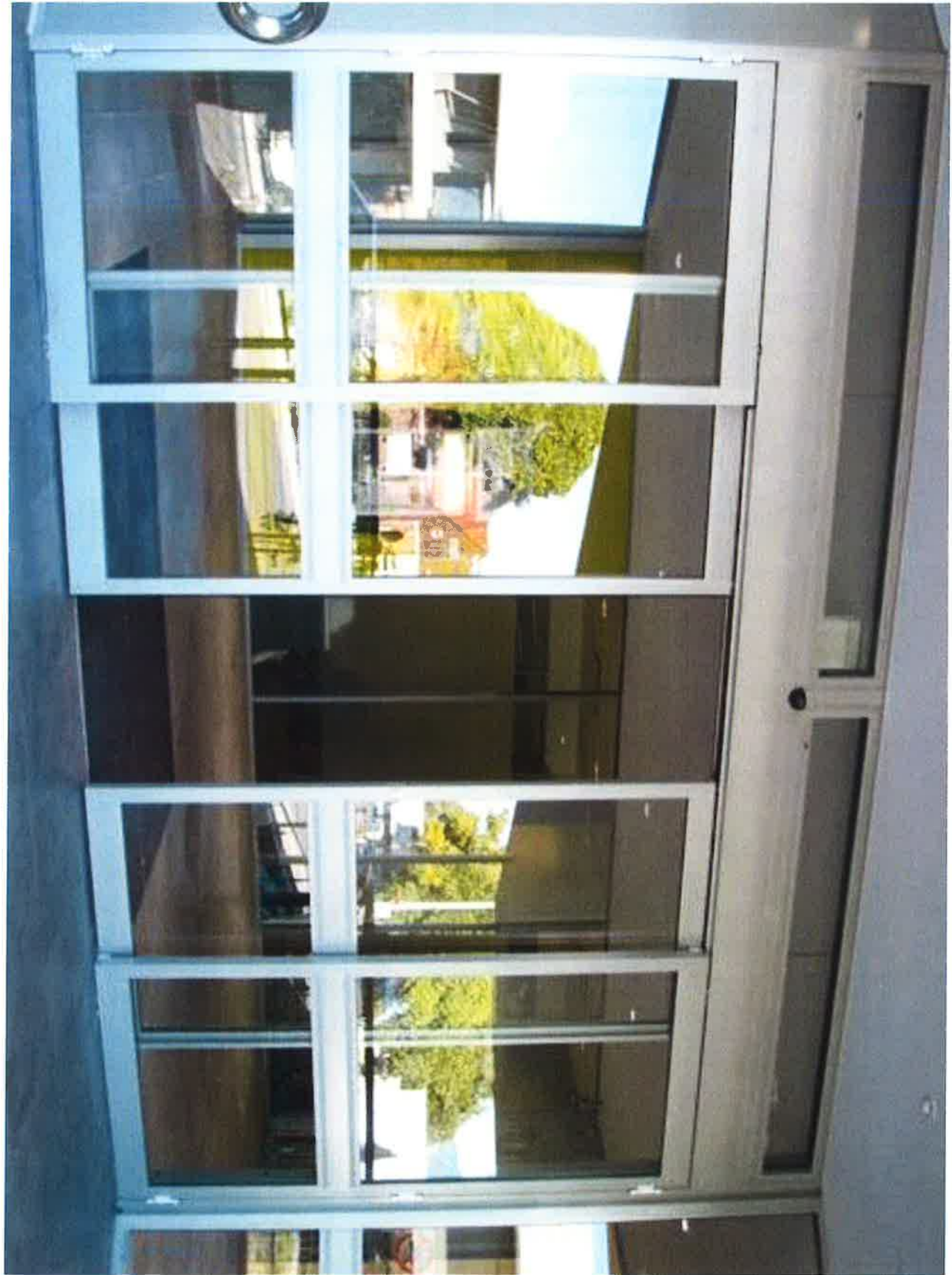
Item   A









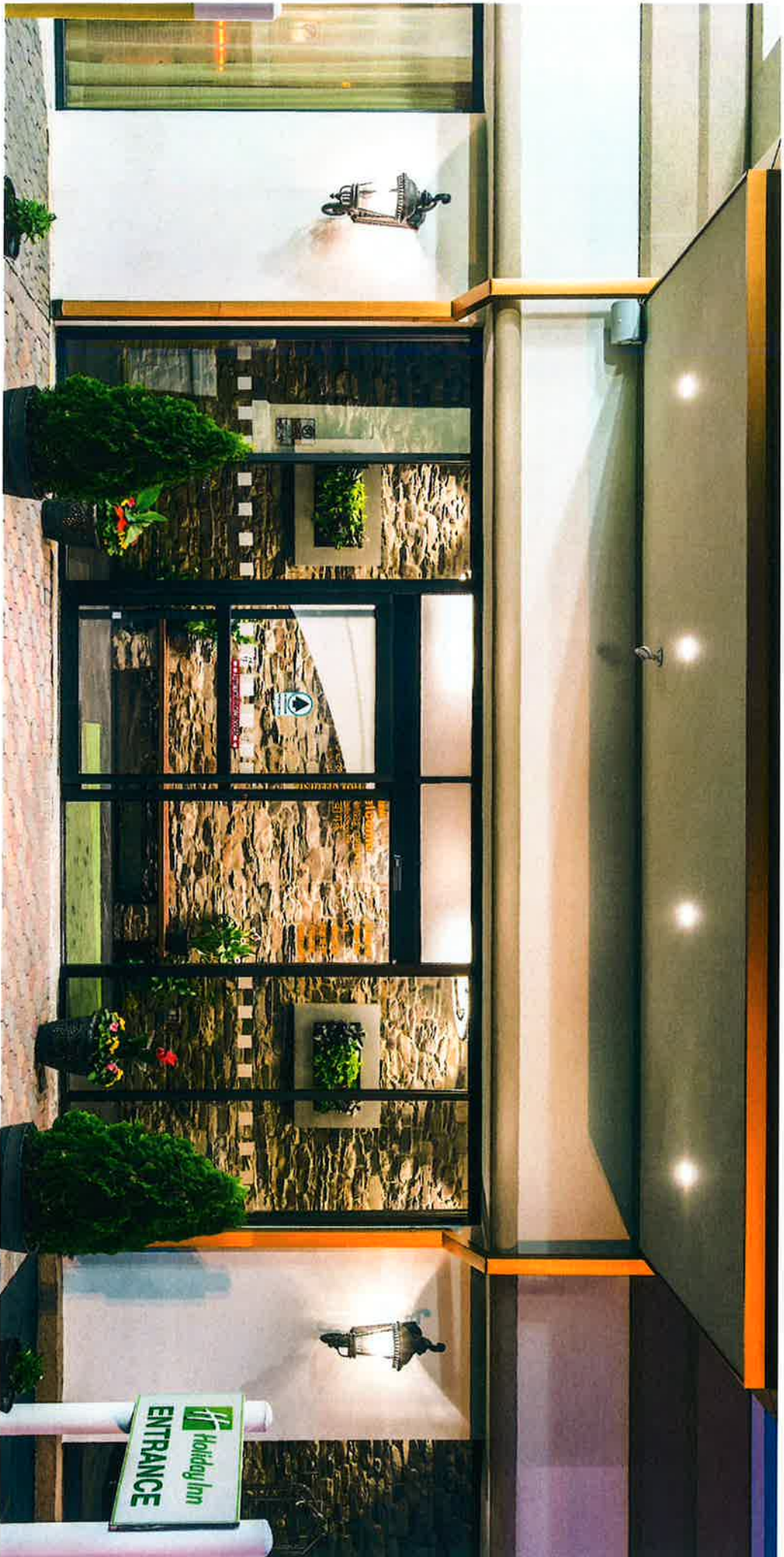


Example

10







Example

IF





Site 

1 inch = 300 feet

Item IG



2. 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.

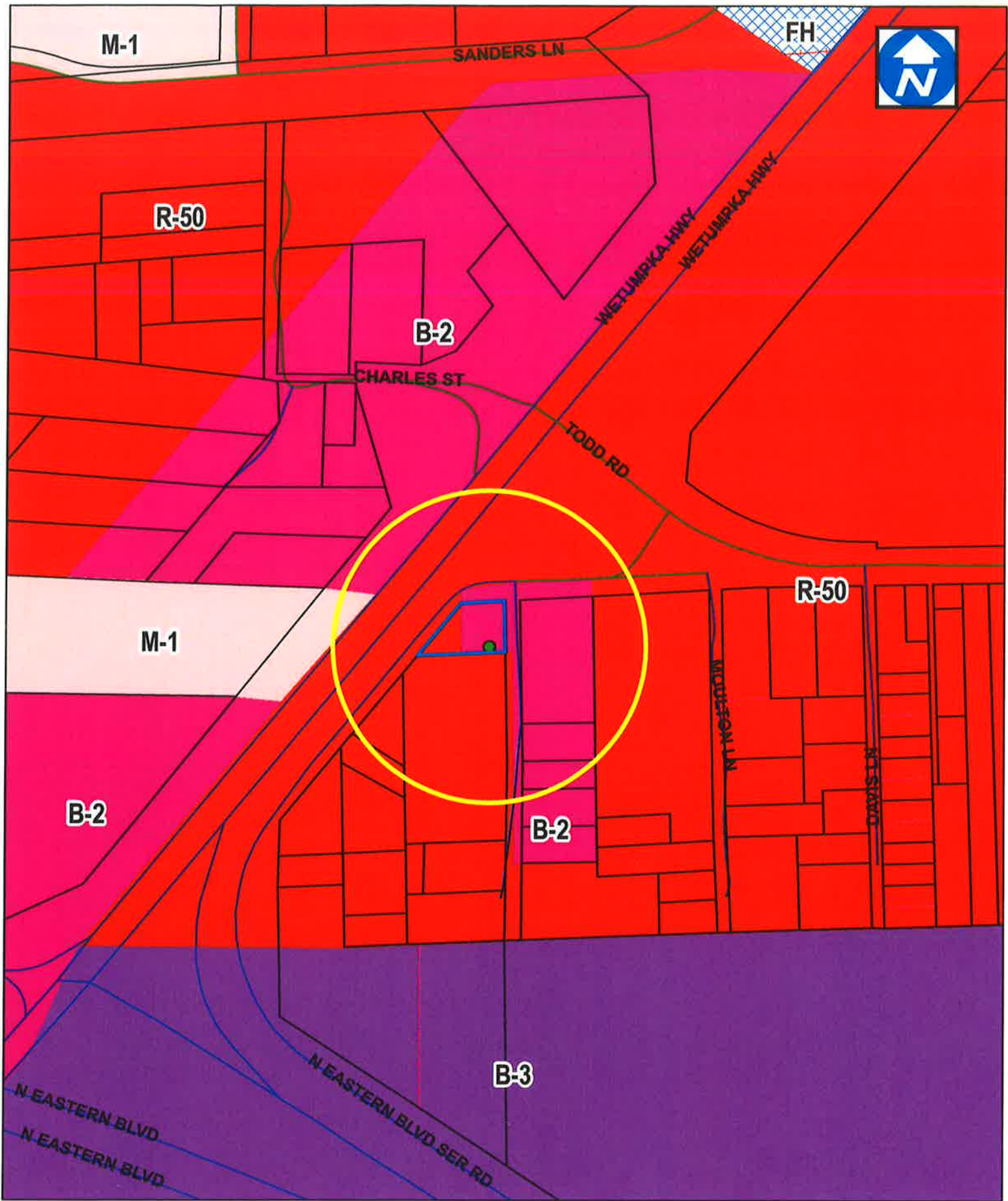
*The variance requested is a 240 ft. variance to Ord. No. 17-2014*

*This request was delayed at the August 20, 2020 meeting so that the petitioner can provide written permission to park on the adjacent property and to provide a parking plan.*

**Per the Board's request, Land Use asked that a parking plan be provided prior to or at the meeting.**

**COUNCIL DISTRICT: 2**





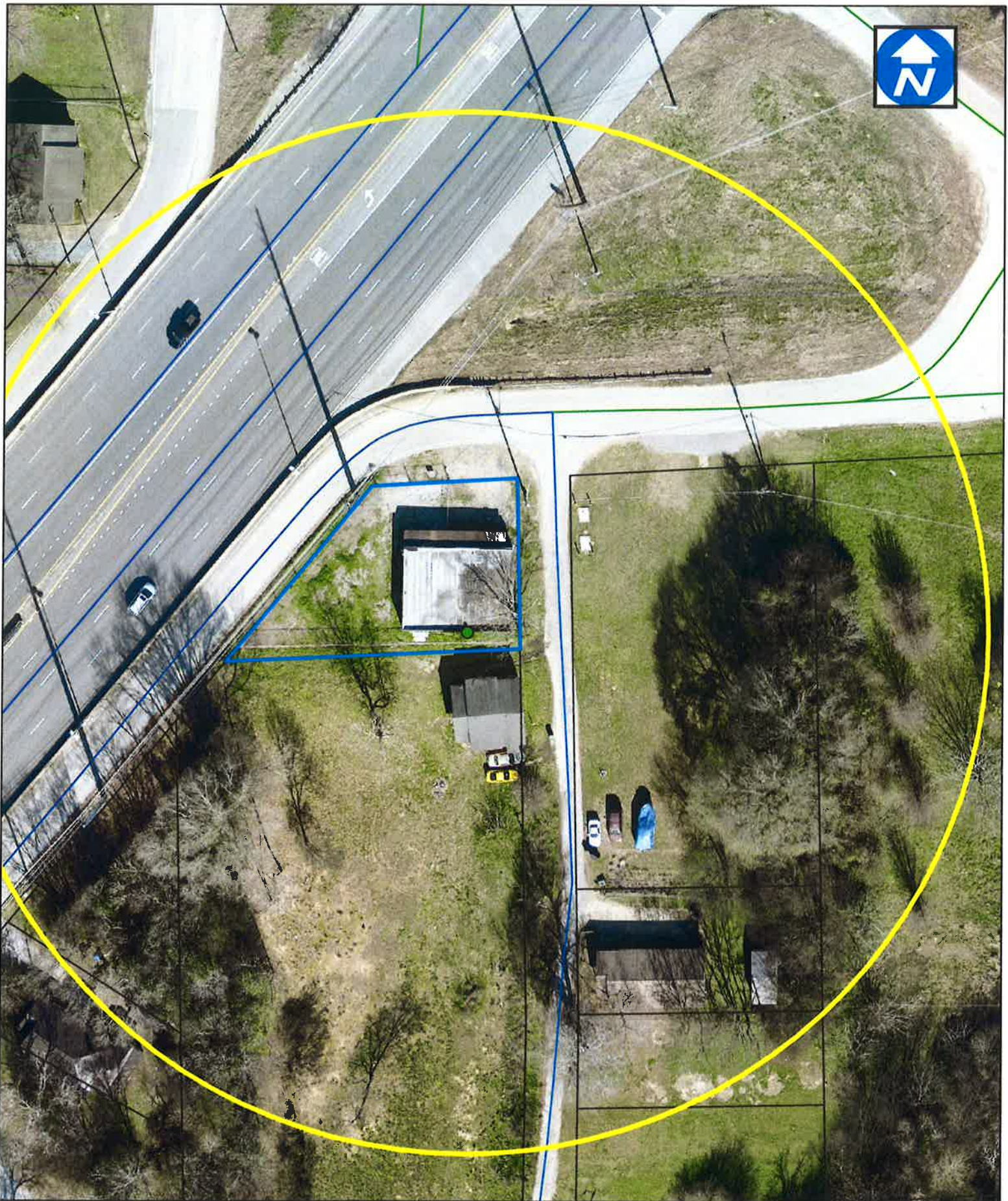
Site 

250 ft. buffer 

1 inch = 200 feet

Item 2A





Site 

250 ft. buffer 

1 inch = 60 feet

Item 2B



3. 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

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#### 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.

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

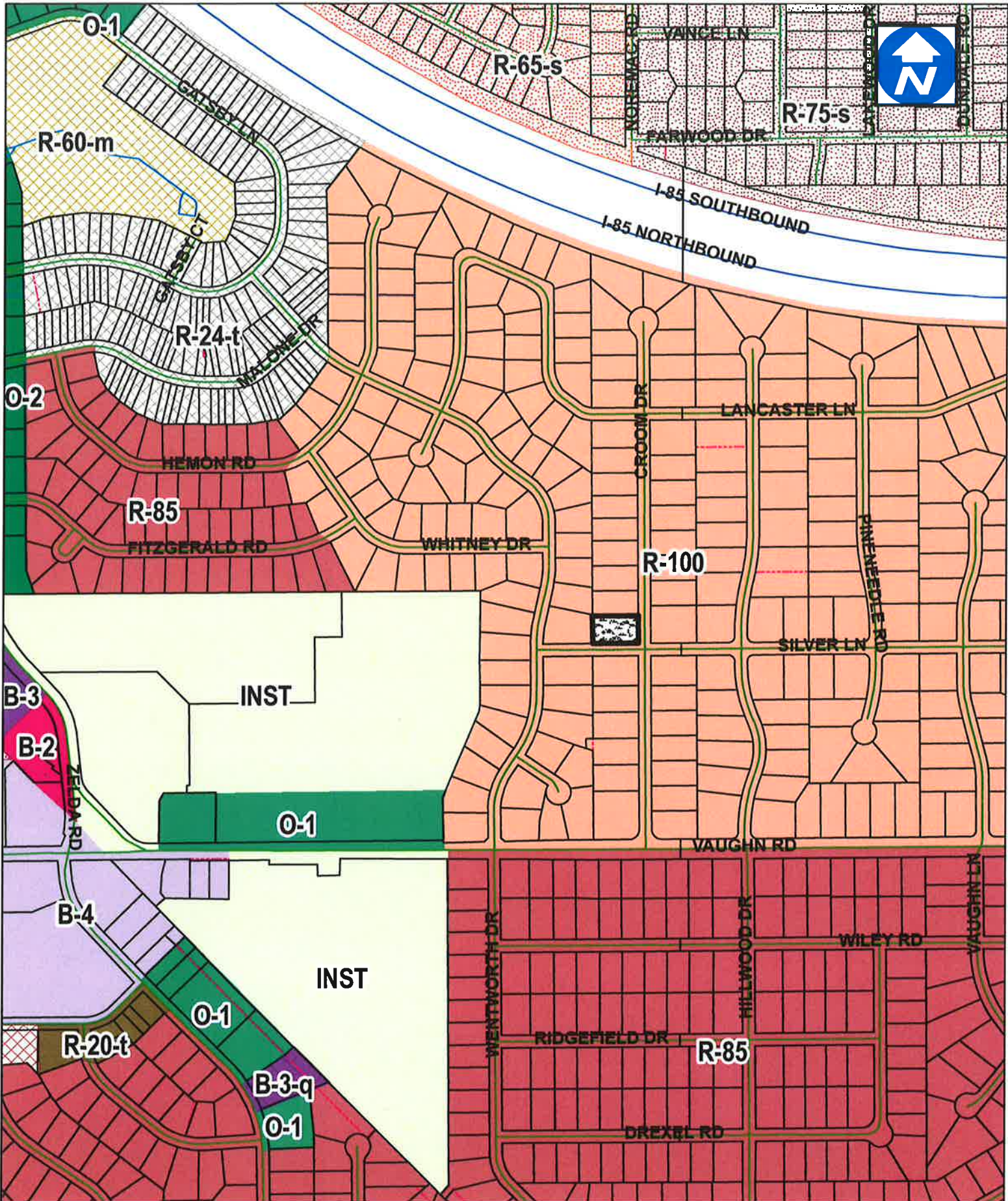
The following regulations apply to recreational vehicles stored outside an approved travel trailer park:

- 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.

*This request was delayed prior to the August 20, 2020 meeting by the petitioner.*

**COUNCIL DISTRICT:** 7



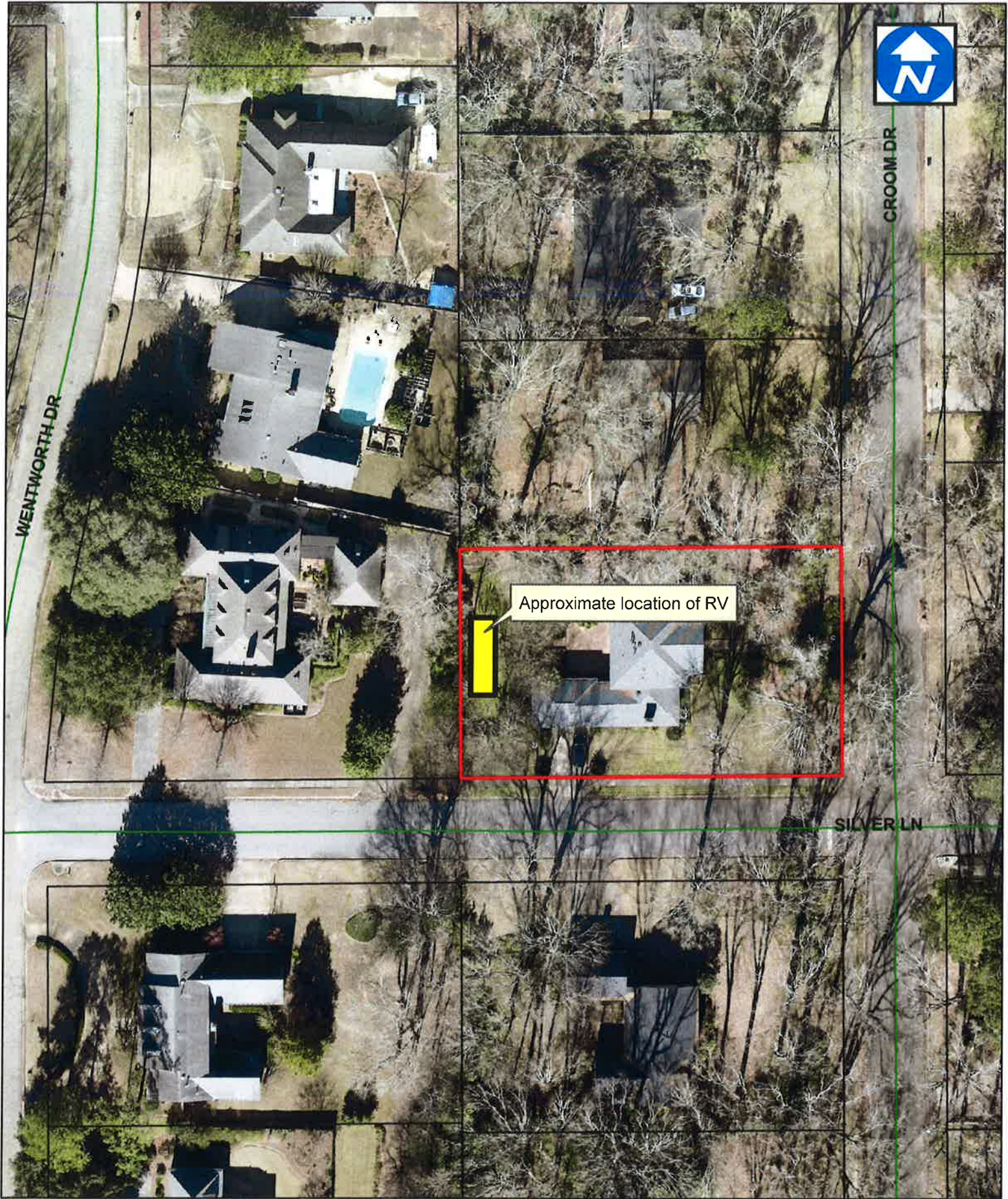


Site 

1 inch = 500 feet

Item 3A





CROOM DR

WENTWORTH DR

SILVER LN

Approximate location of RV

Site 

1 inch = 60 feet

Item 3B



**COMPLAINT**

4. BD-2020-038 **PRESENTED BY:** Jenifer A. Houlton

**REPRESENTING:** Same

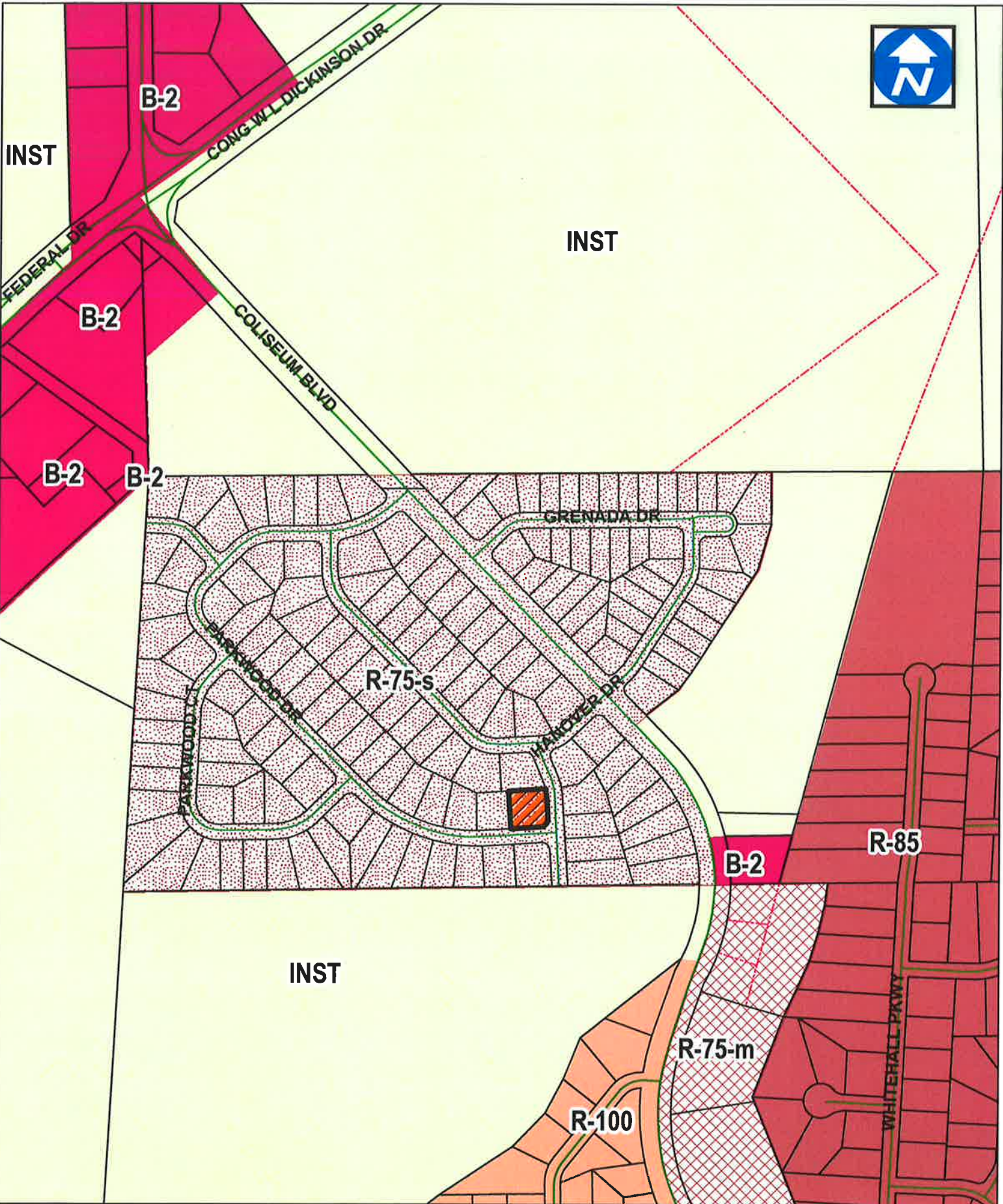
**SUBJECT:** Request a variance to maintain an accessory structure in the required side yard, a side yard variance and a separation between structures variance for an accessory structure located at 851 Westover Road in an R-75-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to maintain an existing accessory structure that is in the required side yard. The accessory structure comes within 3 ft. of the side property line, whereas a 10 ft. side yard is required. The structure comes within 6 ft. of the main dwelling, whereas 10 ft. separation is required.

*The requests are a variance to maintain the accessory structure in the required side yard, a 7 ft. side yard variance, and a 4 ft. separation between structures variance.*

**COUNCIL DISTRICT: 2**



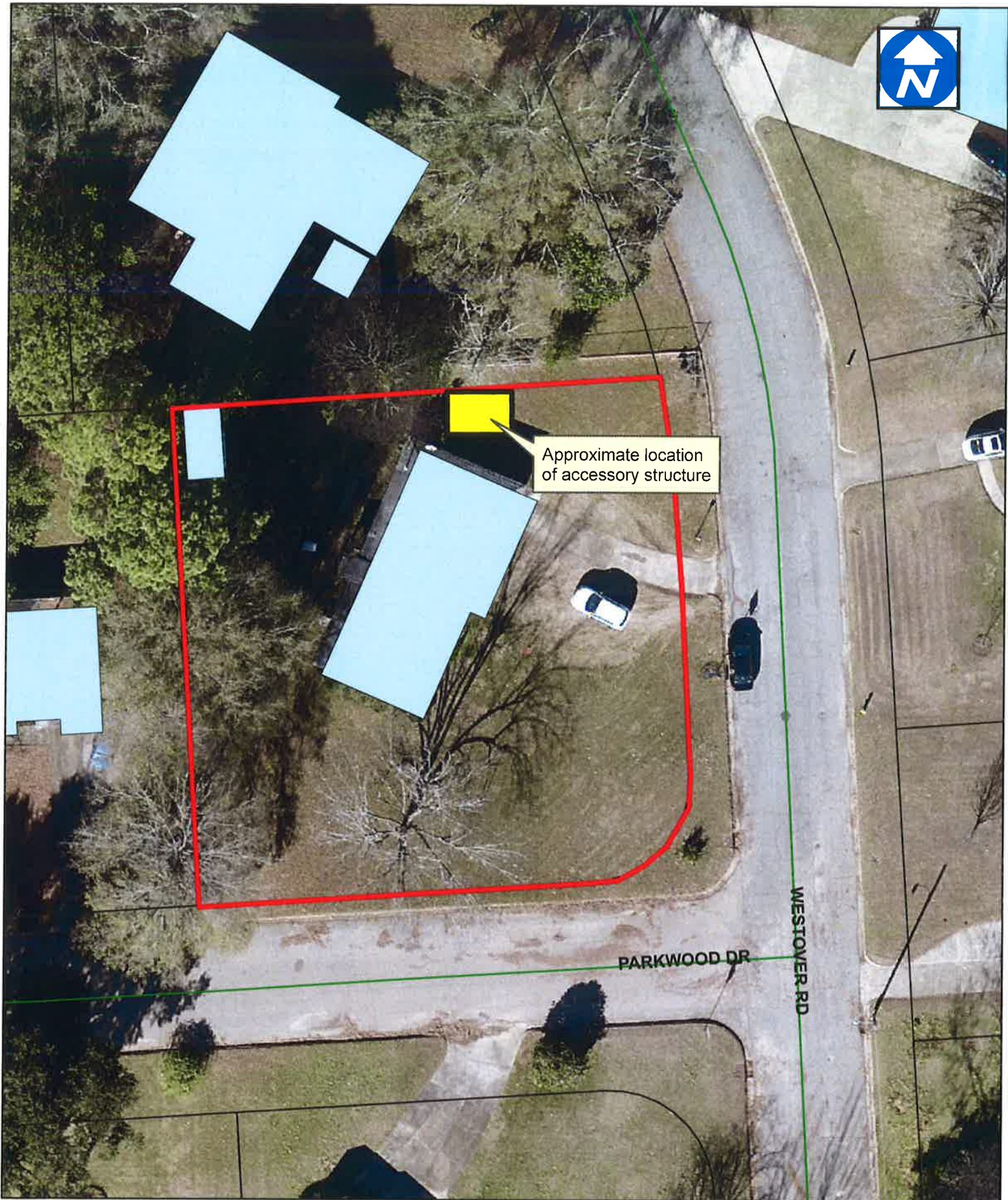


Site 

1 inch = 400 feet

Item 4A





Site 

**Note: The parcel lines on this aerial are not 100% accurate.**

1 inch = 30 feet  
Item 4B

**COMPLAINT**

5. BD-2020-040 **PRESENTED BY:** Brenna Terry

**REPRESENTING:** Same

**SUBJECT:** Request a side yard variance for an addition to the dwelling located at 1219 Zephyr Hills 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 comes within 5 ft. of the side property line, whereas a 10 ft. side yard is required.

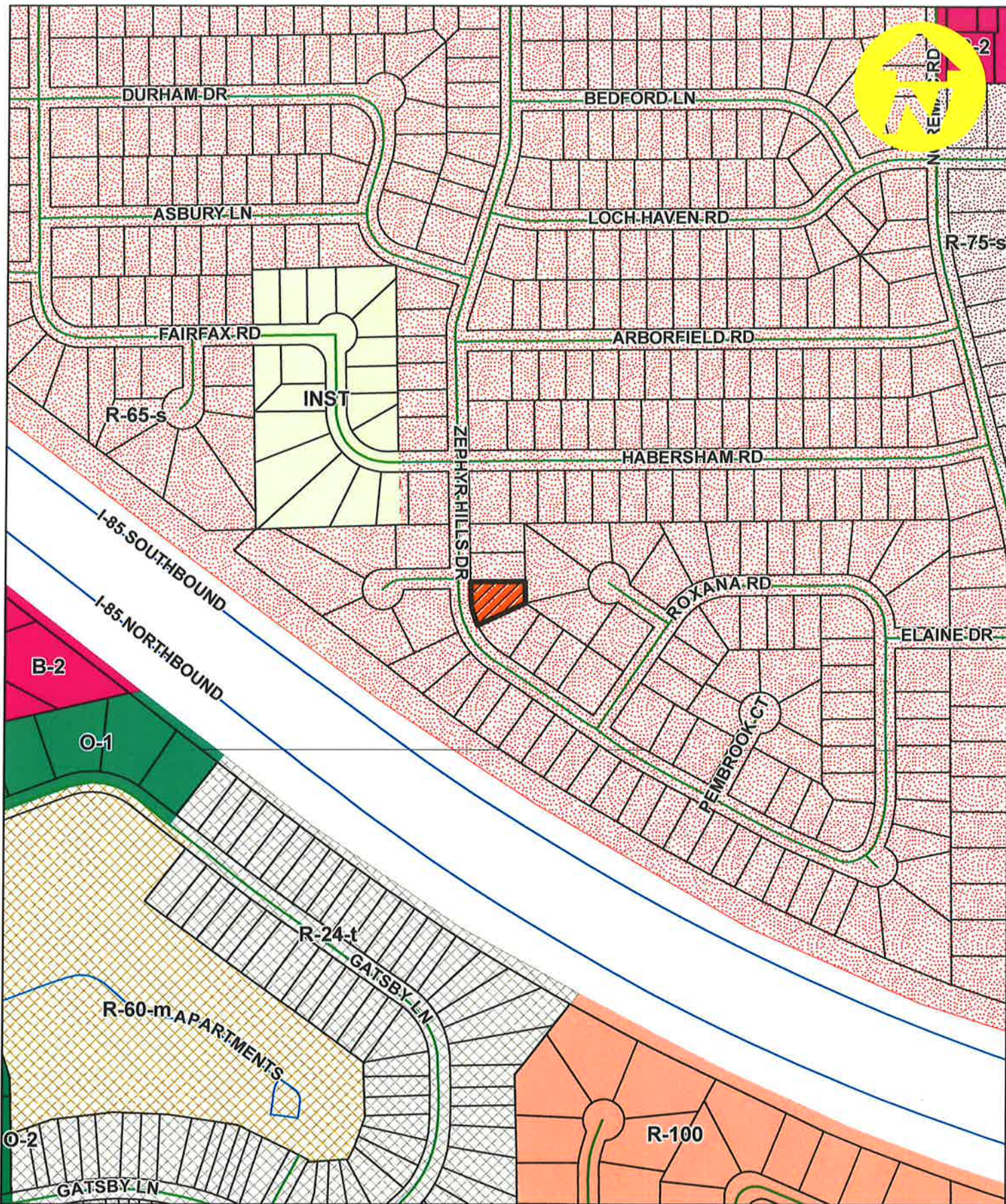
*The request is a 5 ft. side yard variance.*

**COUNCIL DISTRICT:** 7

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

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





Site Location 

1 inch = 300 feet

Item No. 5A





ZEPHYR HILLS DR



Proposed Carport

5 Feet

Site Location

1 inch = 30 feet

Item No. 5B



**COMPLAINT**

6. BD-2020-037 **PRESENTED BY:** Criseldy Perez

**REPRESENTING:** Same

**SUBJECT:** Request a special exception to keep chickens on the property located at 2057 Speigle Street in an R-65-d (Duplex Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to keep up to six (6) hens. According to the petitioner, there is a coop in the back yard that is in compliance with the Chicken Guidelines. Part of the complaint was that there was a rooster on the property, which the petitioner said he would get rid of.

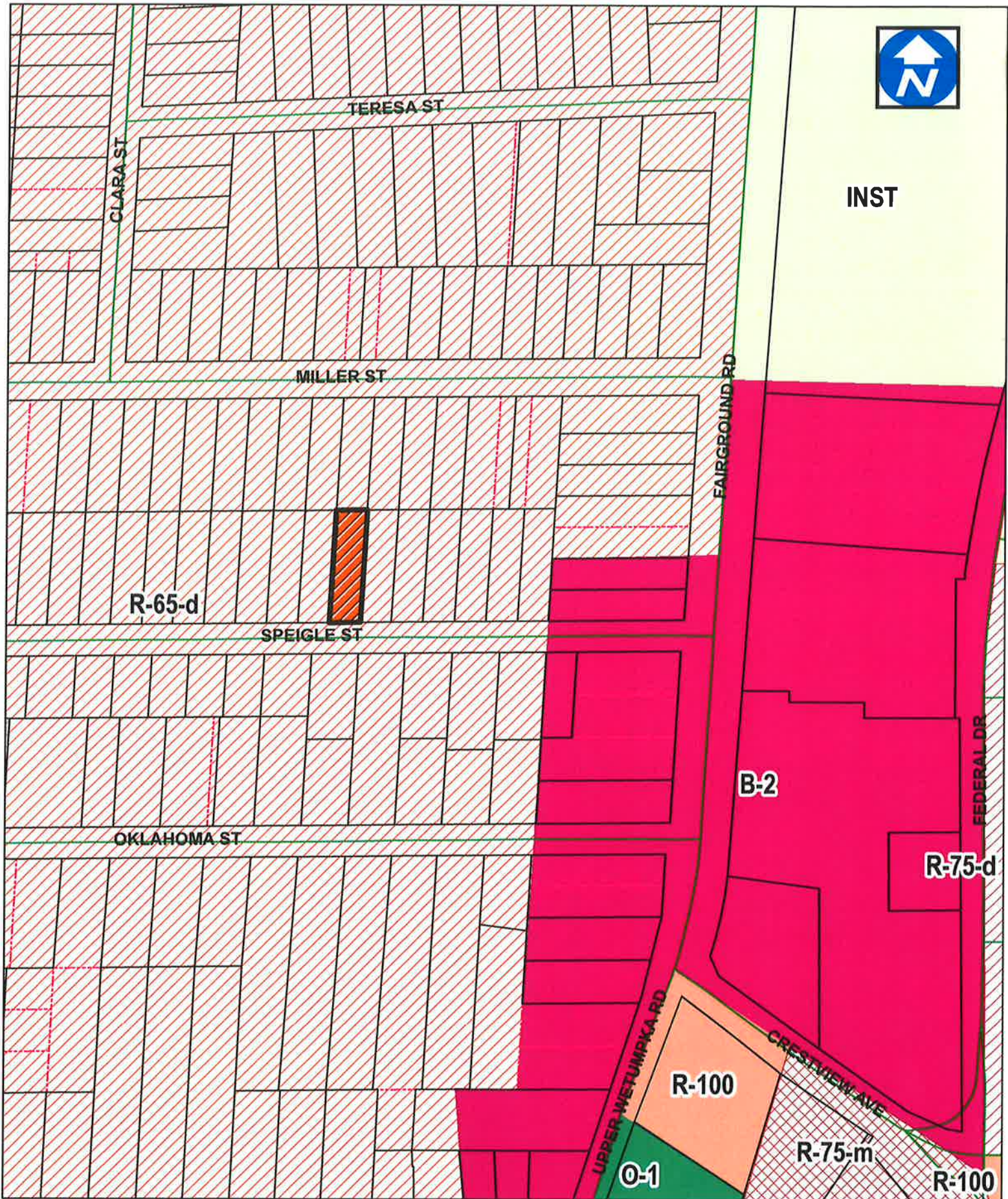
*The request is a special exception to keep up to six (6) chickens.*

**COUNCIL DISTRICT: 2**





INST



Site 

1 inch = 200 feet

Item 6A





Site 

1 inch = 40 feet

Item 6B



7. BD-2020-039 **PRESENTED BY:** Jones Brothers Roofing

**REPRESENTING:** Theodore Swain

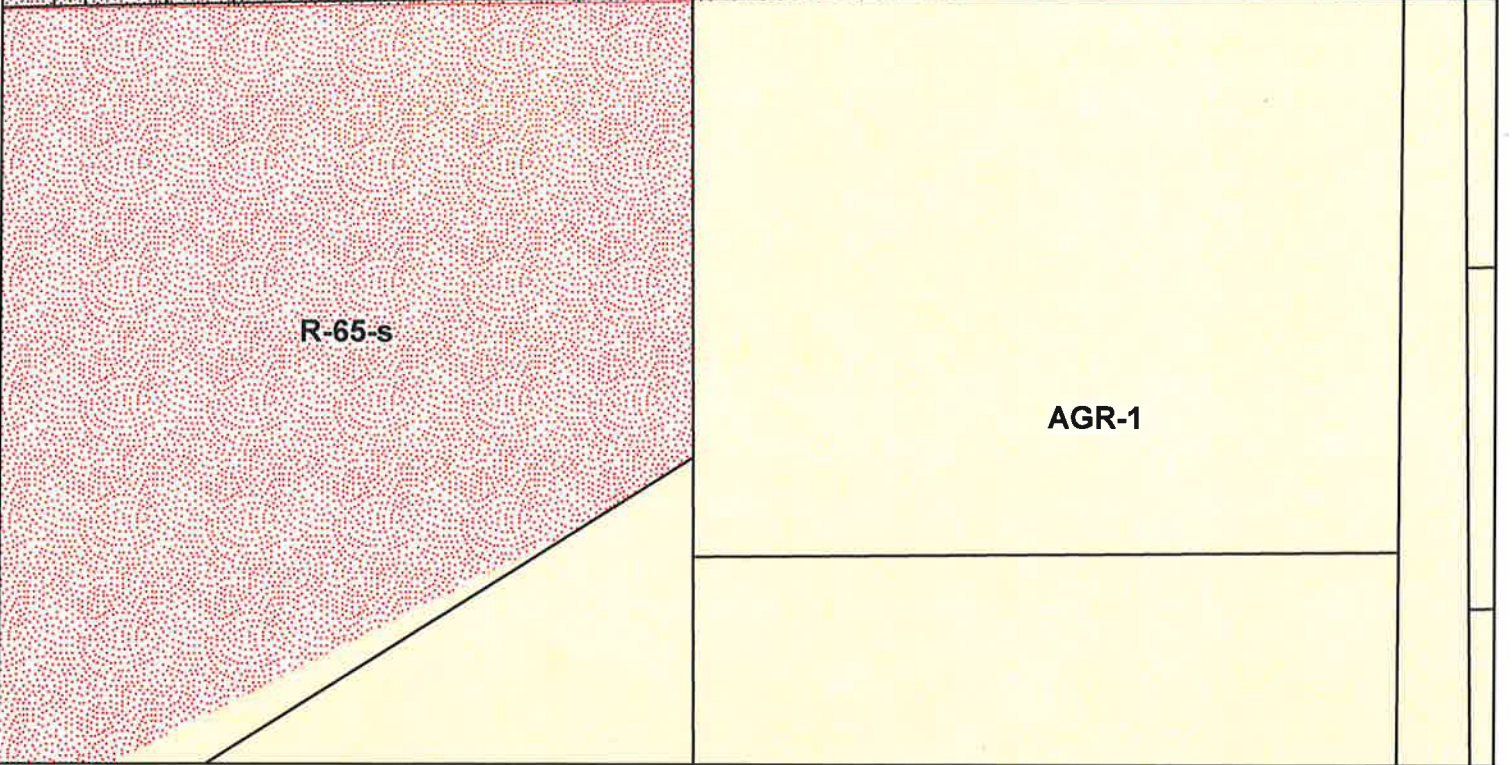
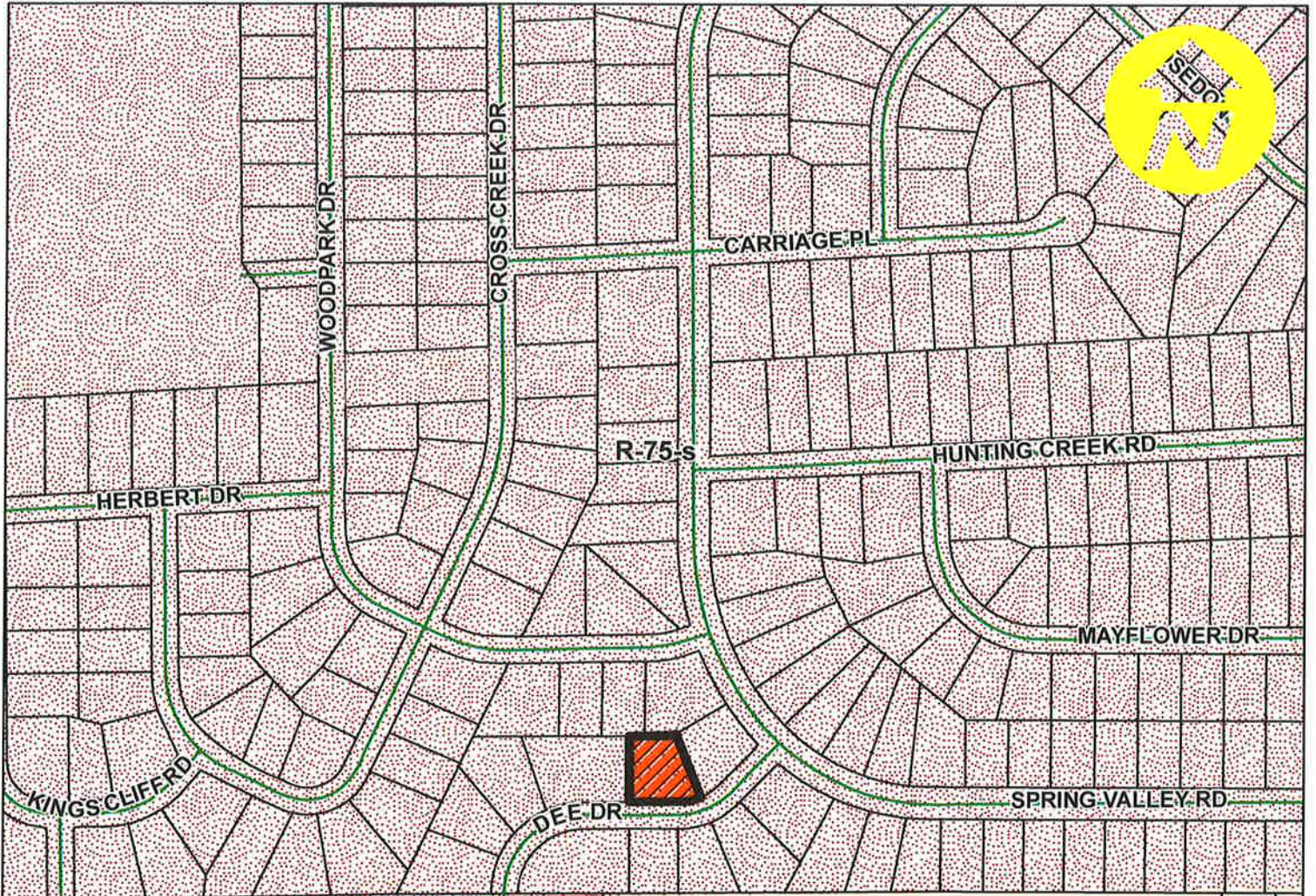
**SUBJECT:** Request a side yard variance for an addition to the dwelling located 3553 Dee Drive in an R-75-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a 21 ft. wide carport with a 6 ft. wide attached covered walkway between the dwelling and carport. The proposed carport will come within 3 ft. of the side property line, whereas a 10 ft. side yard is required.

*The request is a 7 ft. side yard variance.*

**COUNCIL DISTRICT: 6**



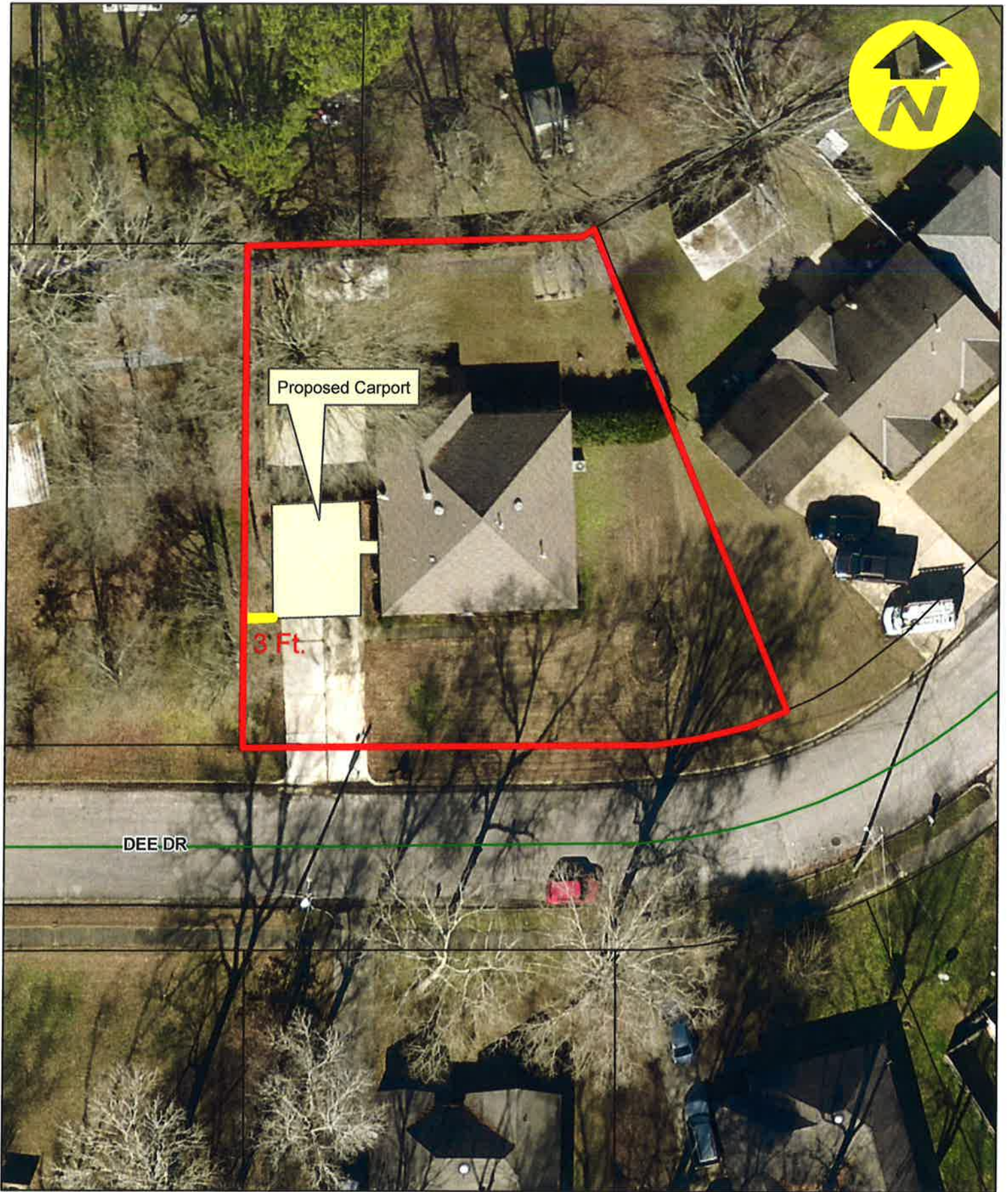


Site Location 

1 inch = 300 feet

Item No. 7A





Site Location

1 inch = 30 feet

Item No. 7B