

Board of Adjustment Agenda

January 21, 2021 – 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.

Cory Johnson

Blake Markham

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 December 17, 2020 meeting.

January 21, 2021					
<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2021-007	Kagan Cangirili	T4-O	837 Madison Avenue (Exception to SmartCode)	1
2.	2021-008	Justin Pettaway	R-65-s	2011 Grande Avenue (Coverage variance)	2
3.	2021-004	Brandon C. Stone	R-100	1625 Croom Drive (Variances for new dwelling)	3
4.	2021-003	David Nelson Brown	R-75-s	224 Smallbrook Drive (Accessory structure)	4
5.	1987-255	Sarah Ross	B-3	4343 Virginia Loop Road (Church)	5
6.	2021-002	A. R. Sabree	O-1	Dorchester Drive (Church)	6
7.	2021-006	Malcolm Calhoun	B-2	4155 Lomac Street (Assisted Living Facility)	7
8.	2021-001	William Tucker	B-4	3036 Woodley Road (Place of amusement & assembly)	8
9.	2021-005	Joseph Doss	R-65-d	2516 Clower Street (Privacy Fence)	9
10.	2021-009	Andrew D. Hall	R-125	2078 Myrtlewood Drive (Addition to dwelling)	10

III. Election of Officers

The next Board of Adjustment meeting is on February 18, 2021

1. BD-2021-007 **PRESENTED BY:** Kagan Cangirili

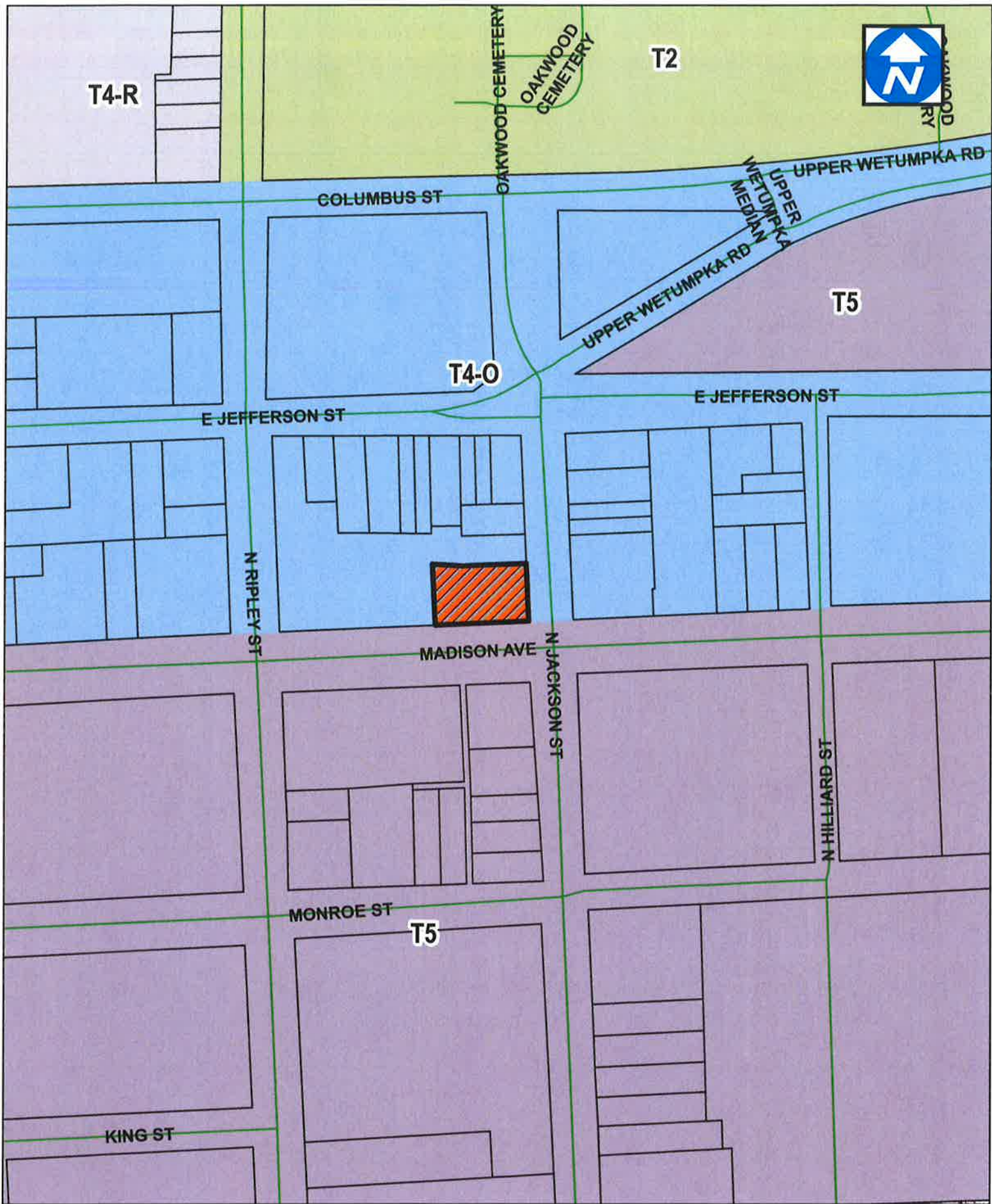
REPRESENTING: Same

SUBJECT: Request an exception to SmartCode to allow a paint booth at 837 Madison Avenue in a T4-O (General Urban Zone) SmartCode Zoning District.

REMARKS: This request is being made to give the petitioner permission to convert a work bay to a paint booth in an existing auto repair business. SmartCode does not allow auto painting. The repair shop has been in business in excess of 7 years.

The request is an exception to allow auto painting in a T4-O SmartCode zoning.

COUNCIL DISTRICT: 3



Site 

1 inch = 200 feet

Item 1A



Site 

1 inch = 30 feet

Item 1B

2. BD-2021-008 **PRESENTED BY:** Justin Pettaway

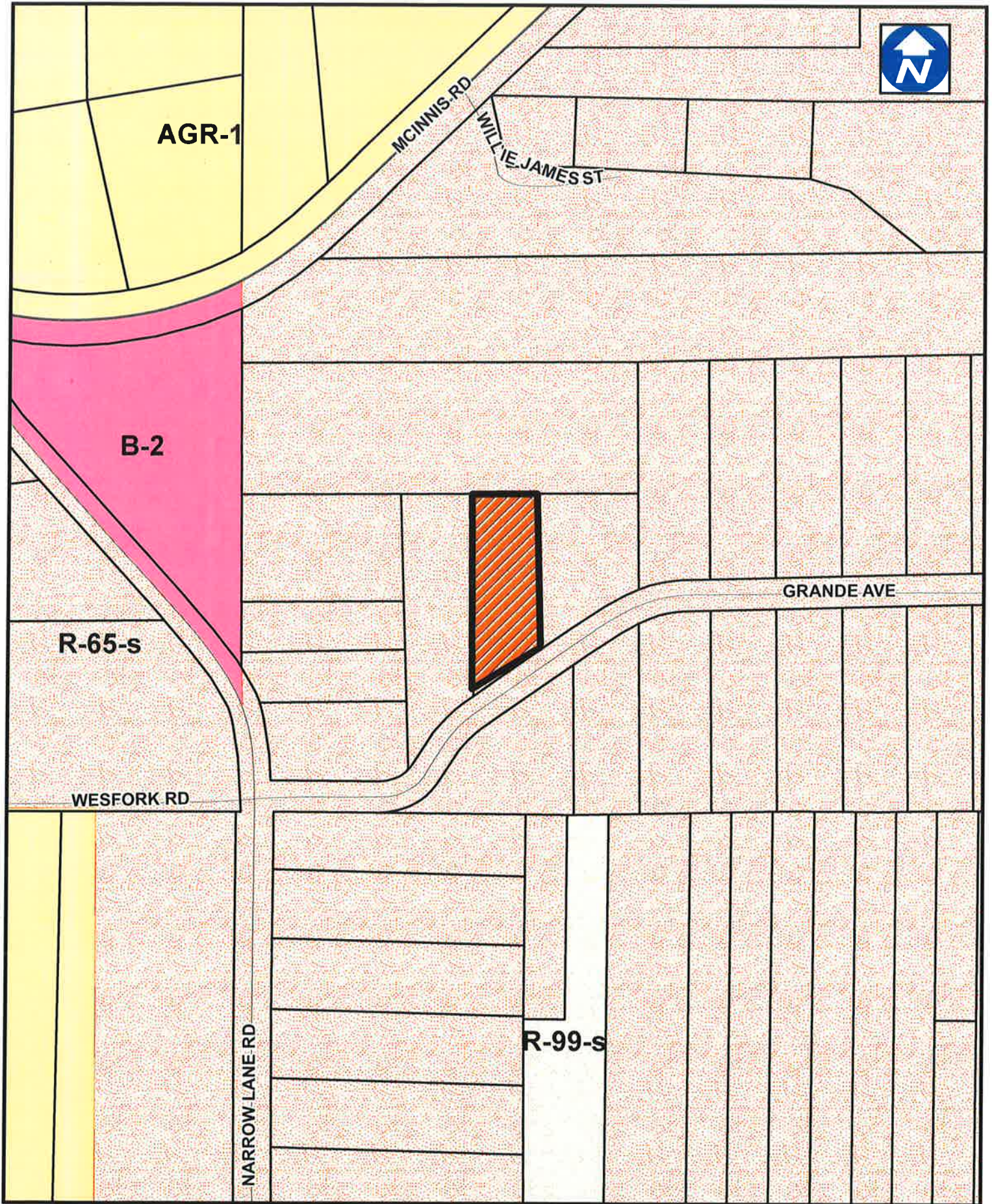
REPRESENTING: Same

SUBJECT: Request a coverage variance for an accessory structure to be located at 2011 Grande Avenue in an R-65-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 1,421 sq. ft. (29 ft. x 49 ft.) accessory structure (4 car garage), whereas 585 sq. ft. is allowed. All setback requirements will be met. This is a 0.69 acre parcel.

The request is an 836 sq. ft. coverage variance.

COUNCIL DISTRICT: 6



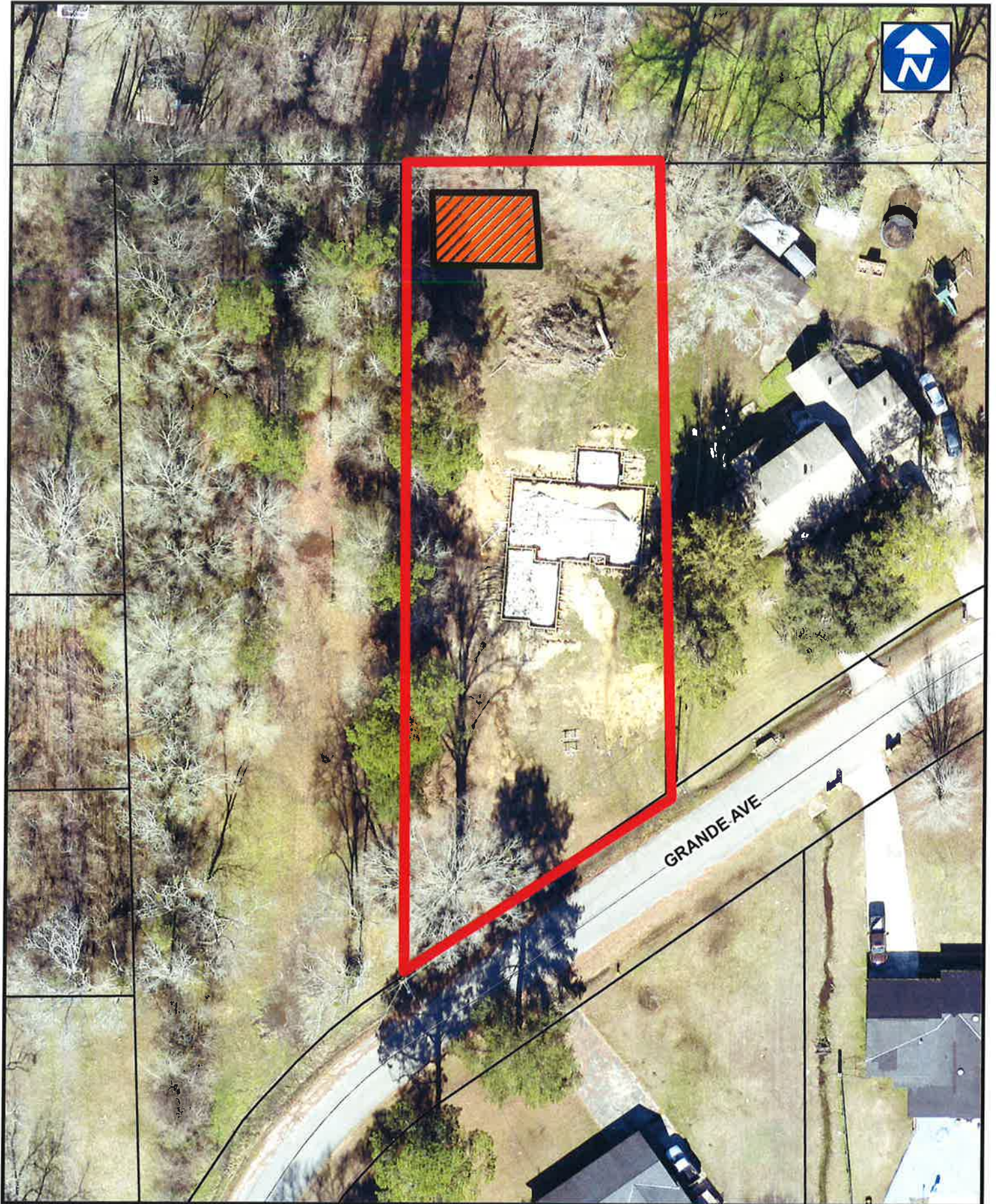
BOARD OF AJUSTMENT

SUBJECT PROPERTY



ITEM NO. 2A

1 inch = 200 feet



BOARD OF AJUSTMENT

SUBJECT PROPERTY



ITEM NO. 2B

1 inch = 50 feet

3. BD-2021-004 **PRESENTED BY:** Brandon C. Stone

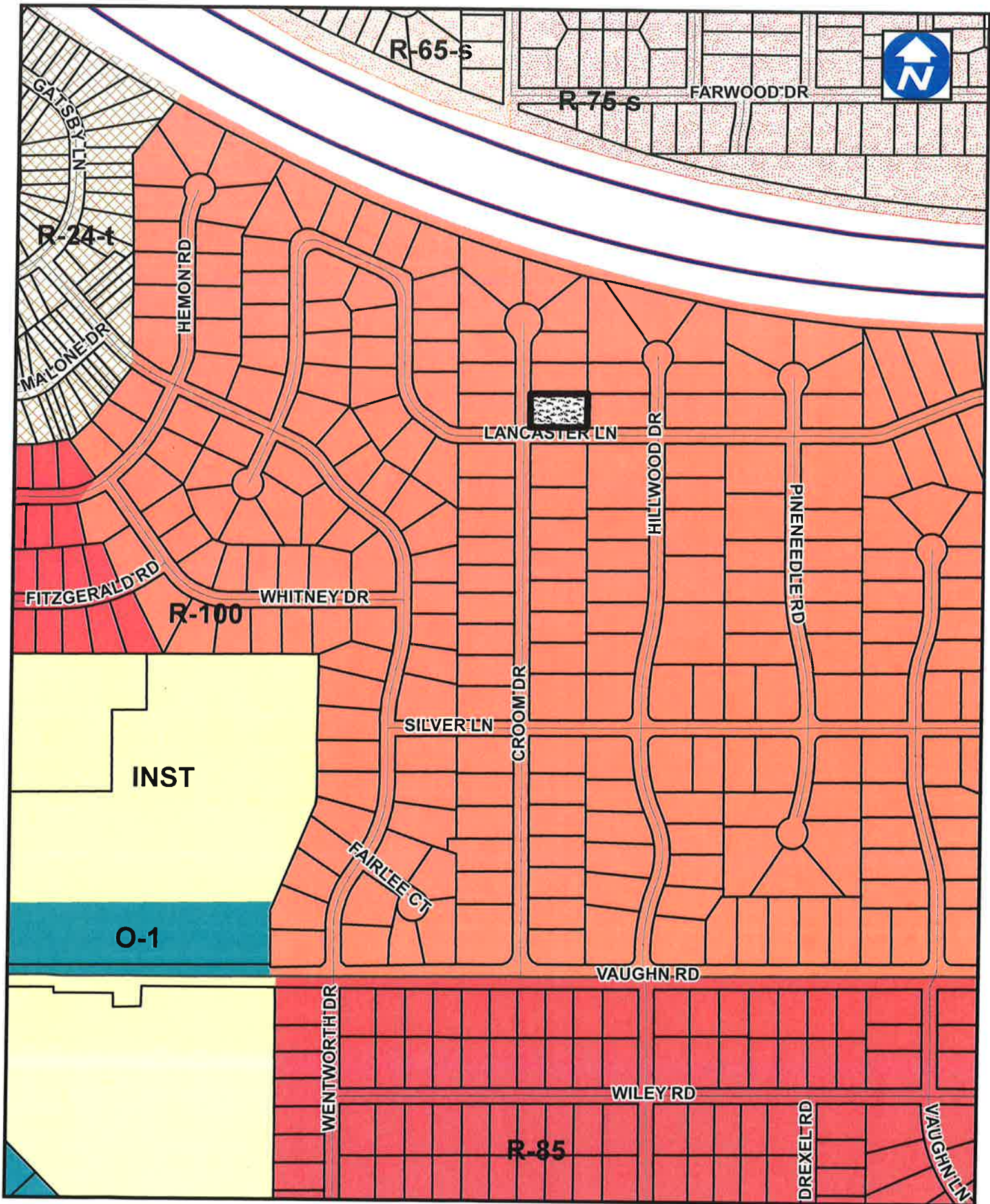
REPRESENTING: Same

SUBJECT: Request a rear yard variance, side yard variance and street side yard variance for a new dwelling to be located at 1625 Croom Drive in an R-100 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a new dwelling that will come within 10 ft. of the rear property line, whereas 30 ft. is required; within 10 ft. of the side property line, whereas 12 ft. is required; and within 25 ft. of the street side yard property line (Lancaster Lane), whereas 35 ft. is required.

The requests are a 20 ft. rear yard variance, 2 ft. side yard variance and a 10 ft. street side yard variance.

COUNCIL DISTRICT: 7



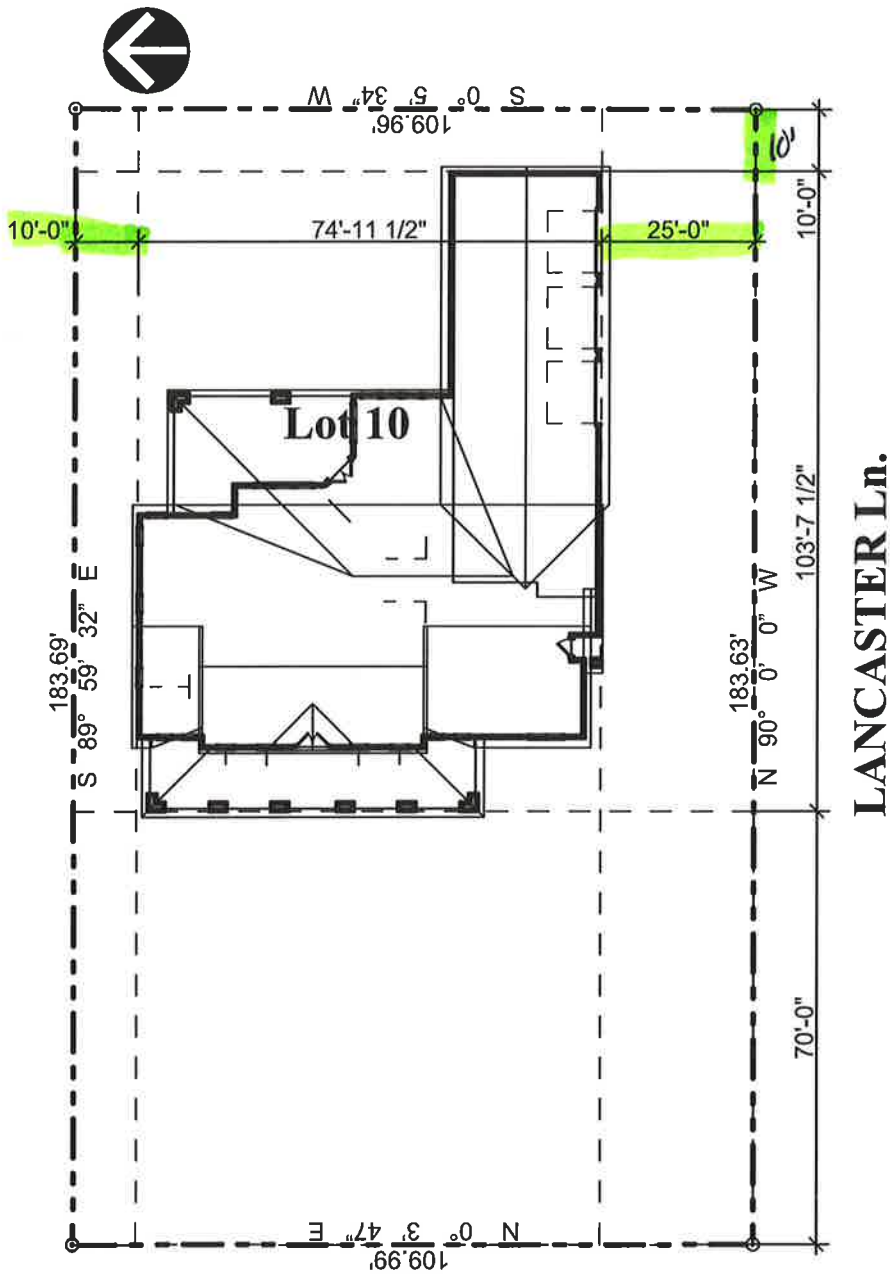
BOARD OF AJUSTMENT

SUBJECT PROPERTY



ITEM NO. 3A

1 inch = 400 feet



CROOM Dr.

SP **SP Walton Estates Lot 10**
SCALE: 1" = 30'

LANCASTER Ln.

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PLAN:
A311-V1
Stone

DIMENSIONS:
WIDTH: 00'-00"
DEPTH: 00'-00"

FOOTAGE:
 1. First Floor: 2,882.5
 2. Second Floor: 1,032.7
TOTAL LIVING 3,915.2
 Car/Storage: 929.9
 Porches: 977.5
TOTAL ROOFED 5,822.6
 Expandable 530.2

ROOMS:
 FLOORS: 0
 BEDROOMS: 0
 BATHS: 0
 STORAGE: 0
 GARAGE/PORT.: 0



2074 Hwy 14 East
 Pralville, AL 36966
 Office: 334.365.4567
 Fax: 334.491.2020
 Email: hudson1@hhdplans.com

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CONTACT:

A-7
SITE PLAN



BOARD OF AJUSTMENT

SUBJECT PROPERTY



ITEM NO.

30

1 inch = 50 feet

4. BD-2021-003 **PRESENTED BY:** David Nelson Brown

REPRESENTING: Same

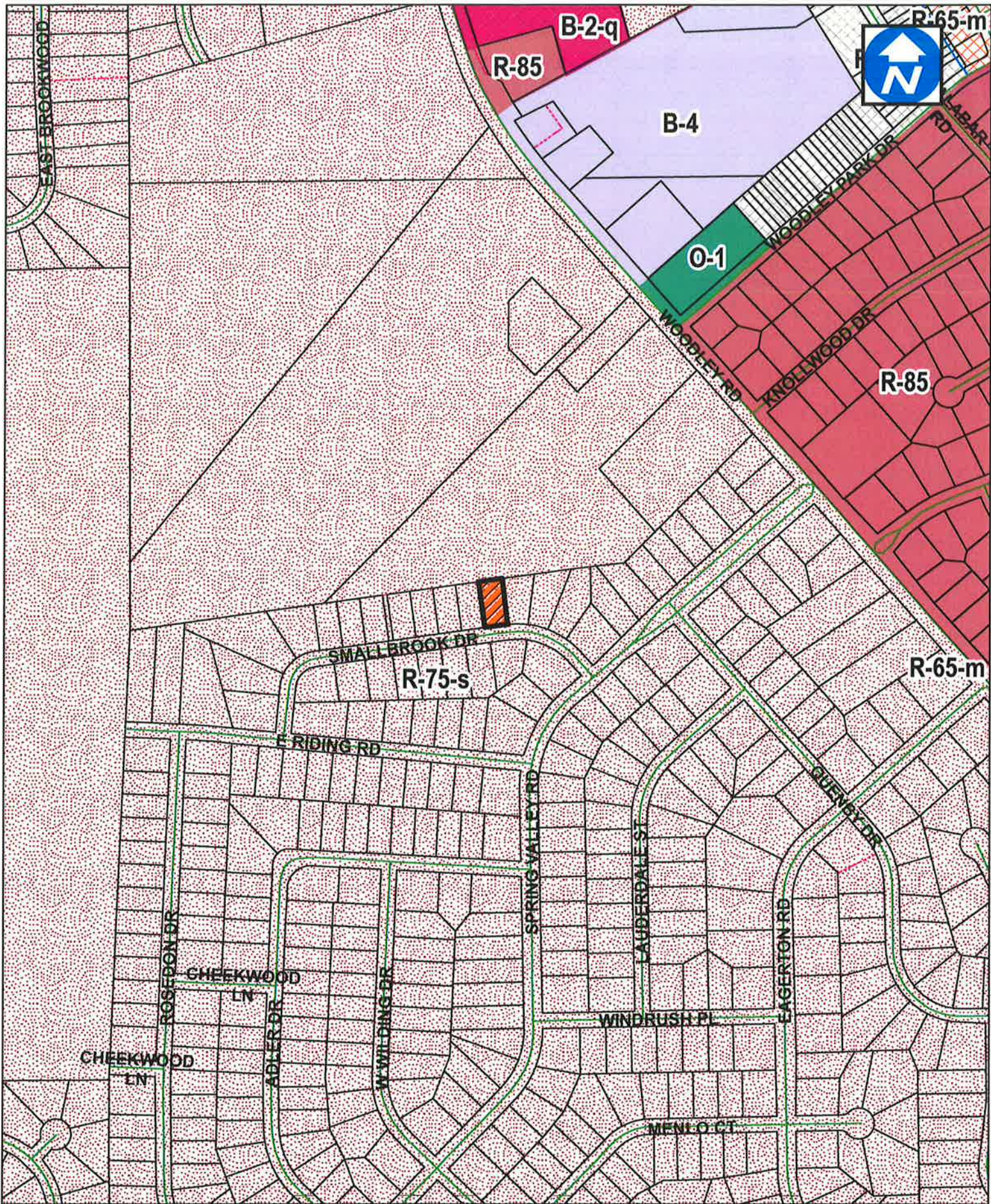
SUBJECT: Request a side yard variance, separation between structures variance and a coverage variance for a new accessory structure to be located at 224 Smallbrook Drive in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 630 sq. ft. (18 ft. x 35 ft.) accessory structure. There is an existing 64 sq. ft. (8 ft. x 8 ft.) accessory structure which totals 694 sq. ft., whereas 675 sq. ft. is allowed. The proposed accessory structure will come within 2 ft. 10 in. of the side property line, whereas 5 ft. is required; and within 4 ft. 4 in. of the dwelling, whereas a 10 ft. separation is required.

The requests are:

- 2 ft. 2 inch setback variance
- 5 ft. 8 inch between structures variance
- 19 sq. ft. coverage variance

COUNCIL DISTRICT: 6



Site 

1 inch = 400 feet

Item 4A



Proposed accessory structure

SMALLBROOK DR

Site 

1 inch = 30 feet
Item 4B

5. BD-1987-255 **PRESENTED BY:** Sarah Ross

REPRESENTING: Same

SUBJECT: Request a special exception to operate a church in a multi-tenant building located at 4343 Virginia Loop Road in a B-3 (Commercial) Zoning District.

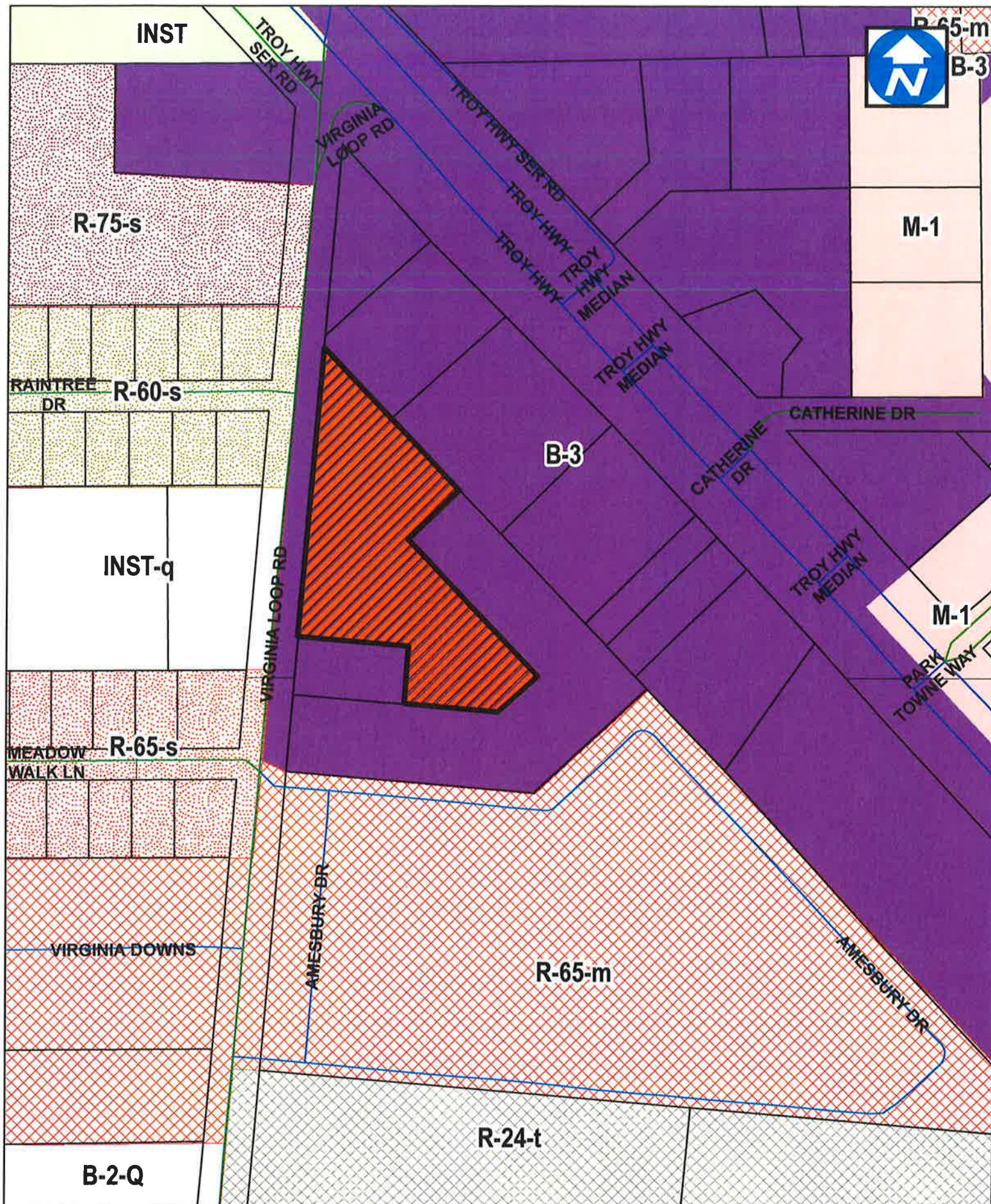
REMARKS: This request is being made to give the petitioner permission to have church related services. There are approximately 35 members, which requires 7 parking spaces (there is cross-over parking through-out the strip mall).

Hours of operation

- Sunday, 10:00 a.m. – 12:00 p.m.
- Wednesday, 7:00 p.m. – 8:00 p.m.

The request is a special exception for church use.

COUNCIL DISTRICT: 6



Site 

1 inch = 200 feet
 Item SA



Site 

1 inch = 100 feet

Item 5B

6. BD-2021-002 **PRESENTED BY:** A. R. Sabree

REPRESENTING: The House of Worship

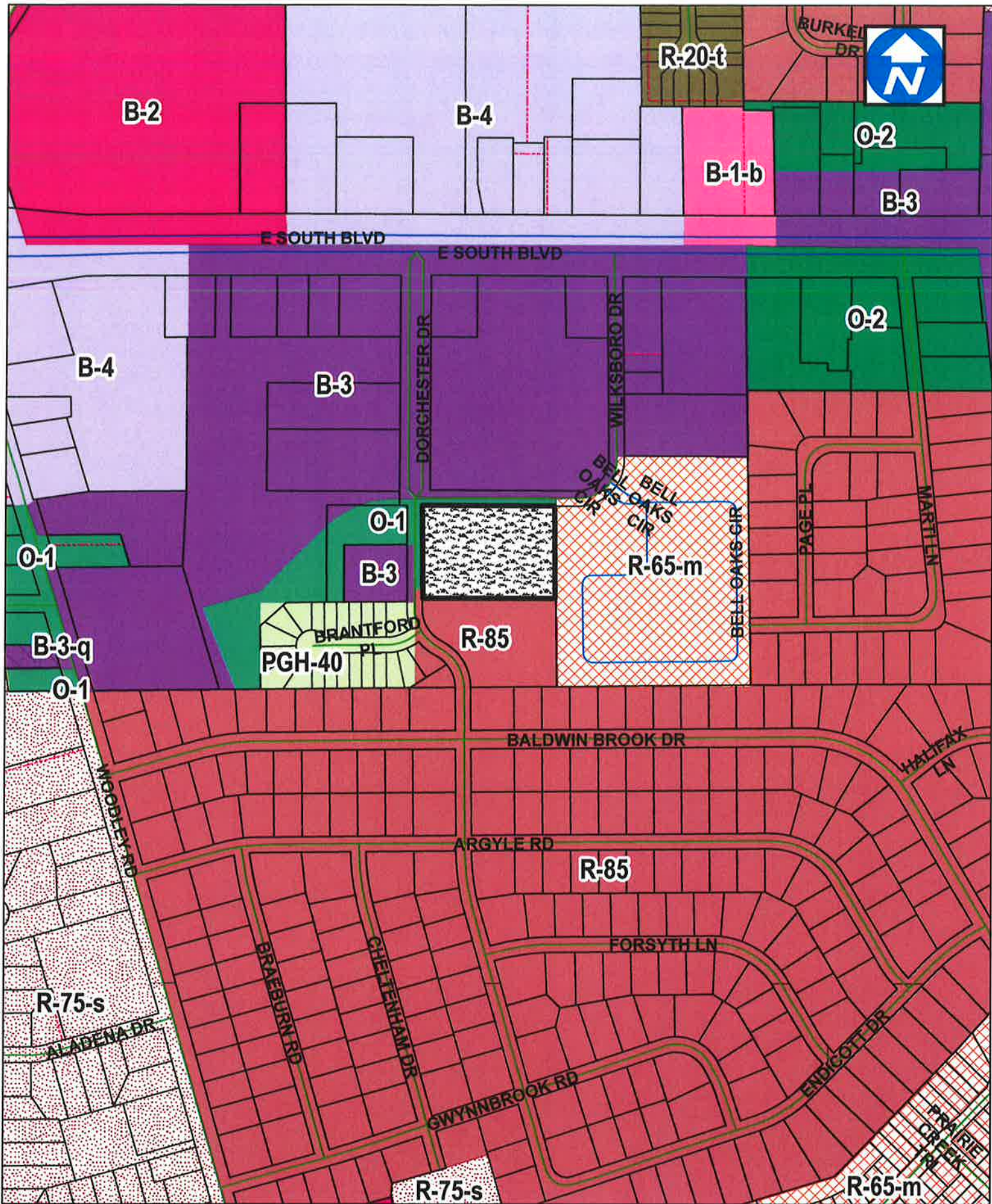
SUBJECT: Request a special exception and master plan approval for a new church to be located on the southeast corner of Dorchester Drive and Wilksboro Drive in an O-1 (Office) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 3,200 sq. ft. building to be used for church purposes. There are 18 paved parking spaces indicated on the site plan, which exceeds the requirement for the 40 member congregation. There is one (1) access drive to Dorchester Drive.

Land Use Division: If approved a detailed Development Plan and Landscape Plan will be required.

The request is a special exception for church use and master plan approval.

COUNCIL DISTRICT: 6

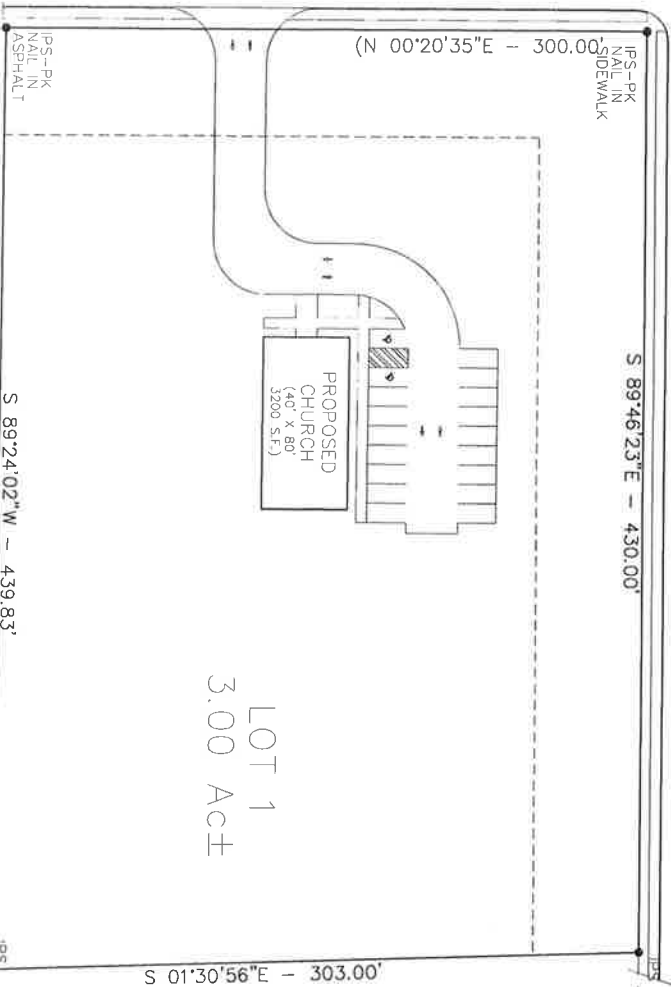


Site 

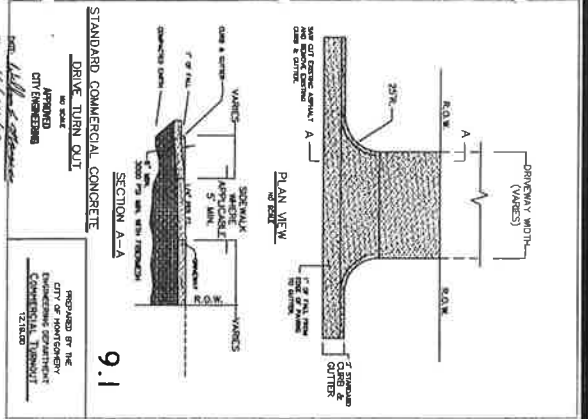
1 inch = 400 feet

Item 6A

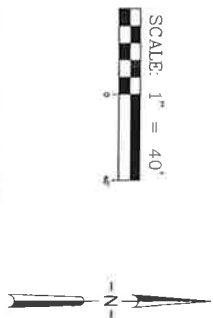
DORCHESTER DRIVE
(50' ROW)



WILKSBORO DRIVE
(50' ROW)



- NOTES
1. BEFORE WORK BEGINS WITHIN RIGHT-OF-WAY (ROW) CONTRACTOR SHALL NOTIFY ENGINEERING CHIEF INSPECTOR AT 625-2880 OR 354-4181.
 2. ALL UTILITY CONNECTIONS MADE WITHIN EXISTING CITY STREETS MUST BE 6000 UNLESS OTHERWISE DETERMINED BY CITY MAINTENANCE DEPARTMENT (241-2880 OR 590-9727).
 3. ANY STREET CUTS REQUIRE A CITY STANDARD PAVEMENT PATCH AND 97' LONG, FULL STREET WIDTH ASPHALT OVERLAY.
 4. BEFORE ANY STREET CUTS, CONTRACTOR SHALL THAW WITH CITY MAIN BALANCE AT 241-2880 OR 590-9727.
 5. DIRECT ALL STORM WATER INCLUDING ROOF DRAINS TO STREET ROW OR TO DRAINAGE FACILITY.
 6. CONTRACTOR IS RESPONSIBLE FOR INSTALLING AND MAINTAINING ADEQUATE EROSION/SEDIMENTATION CONTROL DURING ALL PHASES OF CONSTRUCTION.
 7. CONTRACTOR IS RESPONSIBLE FOR KEEPING MUD AND DEBRIS OFF CITY STREETS AND ROW. CLEAN UP IS REQUIRED DAILY.
 8. CONTRACTOR IS RESPONSIBLE FOR THE REPAIR/REPLACE OF SIDEWALK AND CURB AND GUTTER DAMAGED DURING CONSTRUCTION.
 9. ANY CHANGES OR REVISIONS MADE TO SITE PLANS MUST BE SUBMITTED FOR APPROVAL.
 10. ALL AREAS OF ROW THAT ARE DISTURBED DURING CONSTRUCTION SHALL BE REPAIRED WITH 300 ASPHALT OR CONCRETE WHICHEVER ENGINEERING DEPARTMENT DEEMS NECESSARY.
 11. CONVERT ALL GRAPE INLETS TO 8" STREET INLETS.
 12. ALL EXISTING GRAPE ADJACENT TO THE PROPERTY SHALL BE REMOVED AND REPLACED WITH 3" COMBINATION CURB AND GUTTER. THE NEW CURB LINE SHALL MATCH THE EXISTING CURB LINE. ALL ASPHALT ADJACENT TO THE PROPOSED CURB AND GUTTER SHALL BE SAW CUT. THE FULL DEPTH OF THE ASPHALT TO PROVIDE A CLEAN EDGE SHOULD THE ASPHALT BE TORN OR A ROAD EDGE BE CREATED. THE CONTRACTOR SHALL BE REQUIRED TO OVERLAY THE FULL STREET WIDTH AT HIS OWN EXPENSE. THIS DETERMINATION SHALL BE MADE BY THE CITY ENGINEERING DEPARTMENT.
 13. PROVIDE HANDICAP RAVERS AT ALL SIDEWALK AND DRIVEWAY INTERSECTIONS.
 14. THE DESCRIBED PROPERTY IS LOCATED IN ZONE X ACCORDING TO COMMUNITY PLAN NUMBER 01010208, DATED 2014.
 15. 30' COVERS IS REQUIRED AT ALL TIMES OVER EXISTING WATER AND SANITARY SEWER MAINS.
 16. ALL WATER AND SANITARY SEWER WORK SHALL BE COMPLETED IN ACCORDANCE WITH MWSSES SPECIFICATIONS.



- LEGEND:
- IPS - IRON PIN SET (1/2" REBAR & RED PLASTIC ID CAP READING "JEFFCOAT 9587")
 - IPF - IRON PIN FOUND
 - X-X- FENCE LINE
 - O- CALCULATED POINT
 - P.O.B. POINT OF BEGINNING
 - E.O.C. POINT OF COMMENCEMENT
 - R.O.W. RIGHT OF WAY
 - CH. CHORD
 - () - PLAT OR DEED CALL

- LEGAL DESCRIPTION:
- LOT 1 OF THE PROPOSED OAK PARTNERS PLAT NO. 1
- SPECIAL NOTES:
1. INTENDED USE: CHURCH
 2. CURRENT ZONING: O-1
 3. PROPERTY IS CONTAINED IN LOT 1 OF THE PROPOSED "OAK PARTNERS PLAT NO. 1"
 4. PROPOSED PARKING TOTALS 18 SPACES (INCLUDING 2 HANDICAPPED). PARKING SECURED BY A MAXIMUM OF 75 PERSONS ON SITE IS 15 PARKING SPACES.
 5. UNUSED WATER AND SEWER LATERALS SHALL BE ABANDONED PER MWSSES SPECIFICATIONS.

MASTER PLAN FOR
 "THE HOUSE OF WORSHIP"
 DORCHESTER DRIVE,
 MONTGOMERY, ALABAMA
 LOT 1 OF THE PROPOSED
 "OAK PARTNERS PLAT NO. 1"

JEFFCOAT ENGINEERS & SURVEYORS, L.L.C.
 CIVIL ENGINEERS/LAND SURVEYORS/PLANNERS

MAIN OFFICE
 928 SOUTH HULL STREET
 MONTGOMERY, ALABAMA 36104
 (314) 265-1249

BRANCH OFFICES

GLANTON
 (205) 755-1677

MOBILE
 (878) 546-8030



NO.	REVISIONS	DATE

PROJECT NO. 20-448
 PROJECT NAME
 DRAWN BY SH
 REVIEWED BY SH
 FIELD SURVEY 11/22/20 (JL)
 APPROVED BY COJ
 DATE 11/17/20
 SCALE NOTED
 DRAWING NAME
 20448 MASTER PLAN 11.18.20.DWG

OB



BOARD OF AJUSTMENT

SUBJECT PROPERTY



ITEM NO. 6C

1 inch = 200 feet

7. BD-2021-006 **PRESENTED BY:** Malcolm Calhoun

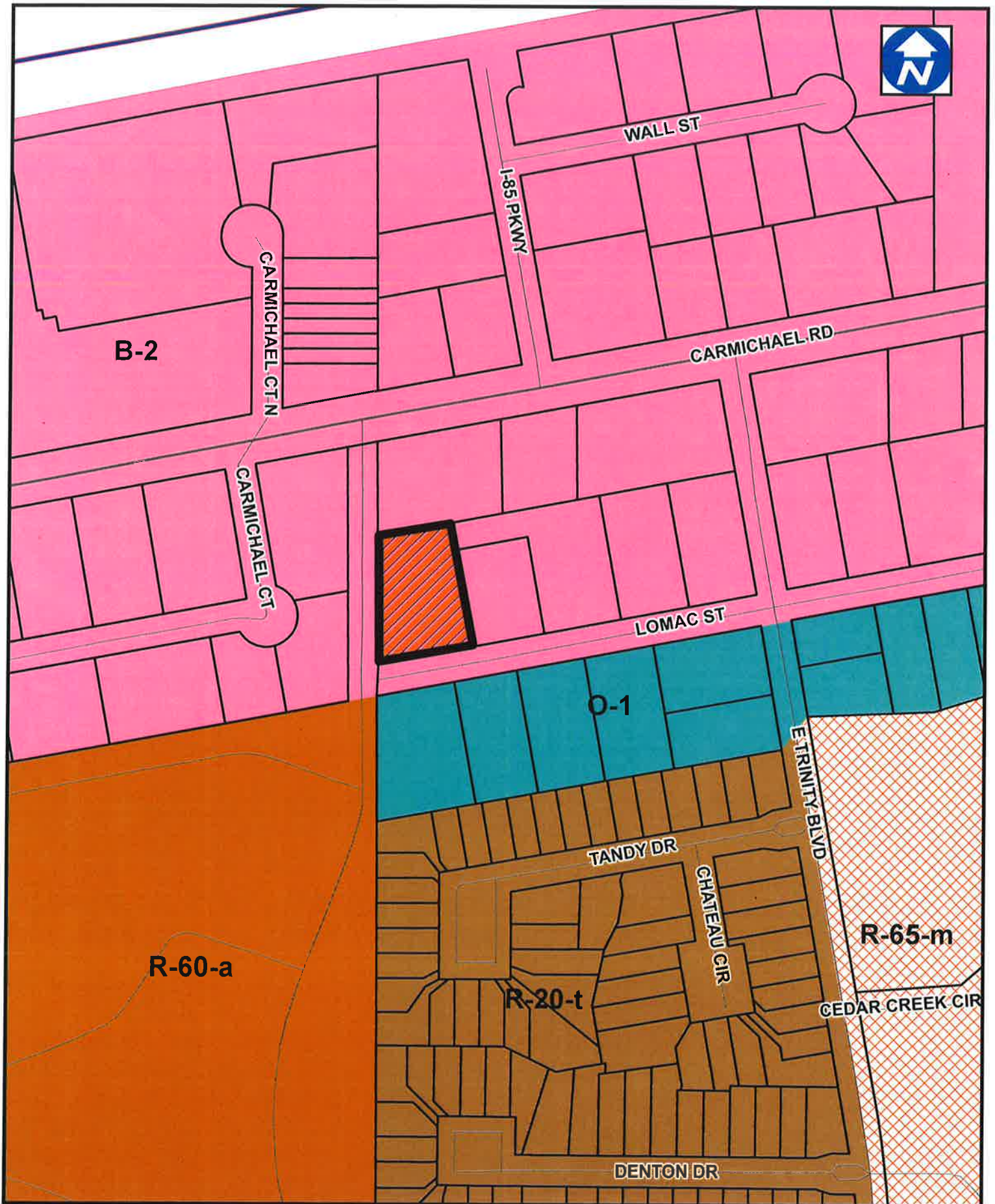
REPRESENTING: Same

SUBJECT: Request a special exception to operate an assisted living facility at 4155 Lomac Street in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a 40-50 bed assisted living facility. There will be a maximum of 10 employees and security will be provided at all times. Lighting from the building illuminates the parking lot.

The request is a special exception for an assisted living facility.

COUNCIL DISTRICT: 5



BOARD OF AJUSTMENT

1 inch = 200 feet

SUBJECT PROPERTY



ITEM NO. 7A



BOARD OF AJUSTMENT

SUBJECT PROPERTY



ITEM NO. TB

1 inch = 50 feet

8. BD-2021-001 **PRESENTED BY:** William Tucker

REPRESENTING: Same

SUBJECT: Request a special exception for a place of amusement and assembly, and a variance to Ordinance No. 17-2014 for a tenant space located at 3036 Woodley Road in a B-4 (Commercial) Zoning District.

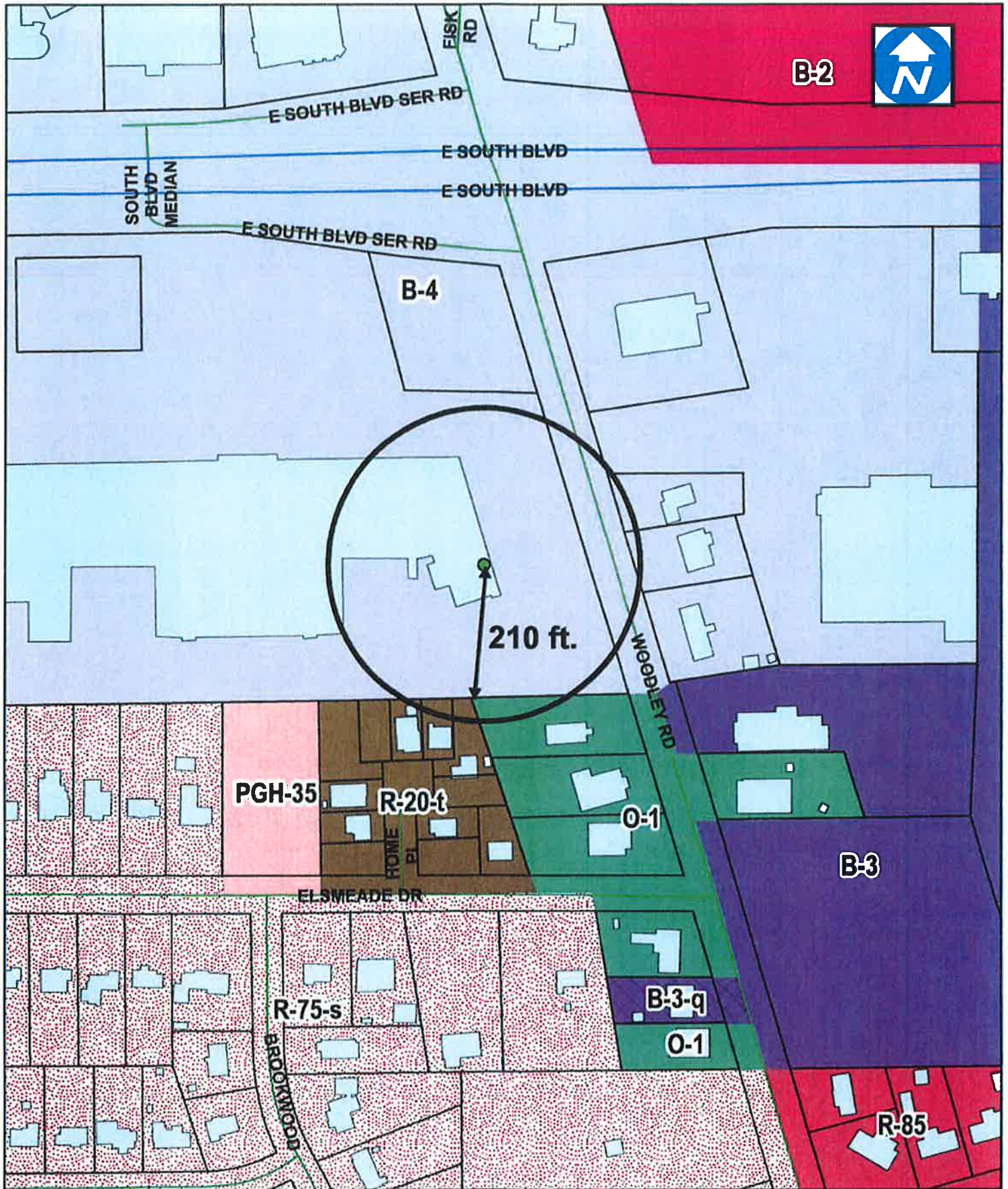
REMARKS: This request is being made to give the petitioner permission to operate a billiard hall. The tenant space comes within 210 ft. of a residential district line, whereas 250 ft. is required.

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 request is a special exception for a place of amusement and assembly and a 40 ft. variance to Ord. No. 17-2014

COUNCIL DISTRICT: 6



Site 

1 inch = 200 feet

Item 8A



BOARD OF AJUSTMENT

SUBJECT PROPERTY



ITEM NO. 08

1 inch = 100 feet

COMPLAINT

9. BD-2021-005 **PRESENTED BY:** Joseph Doss

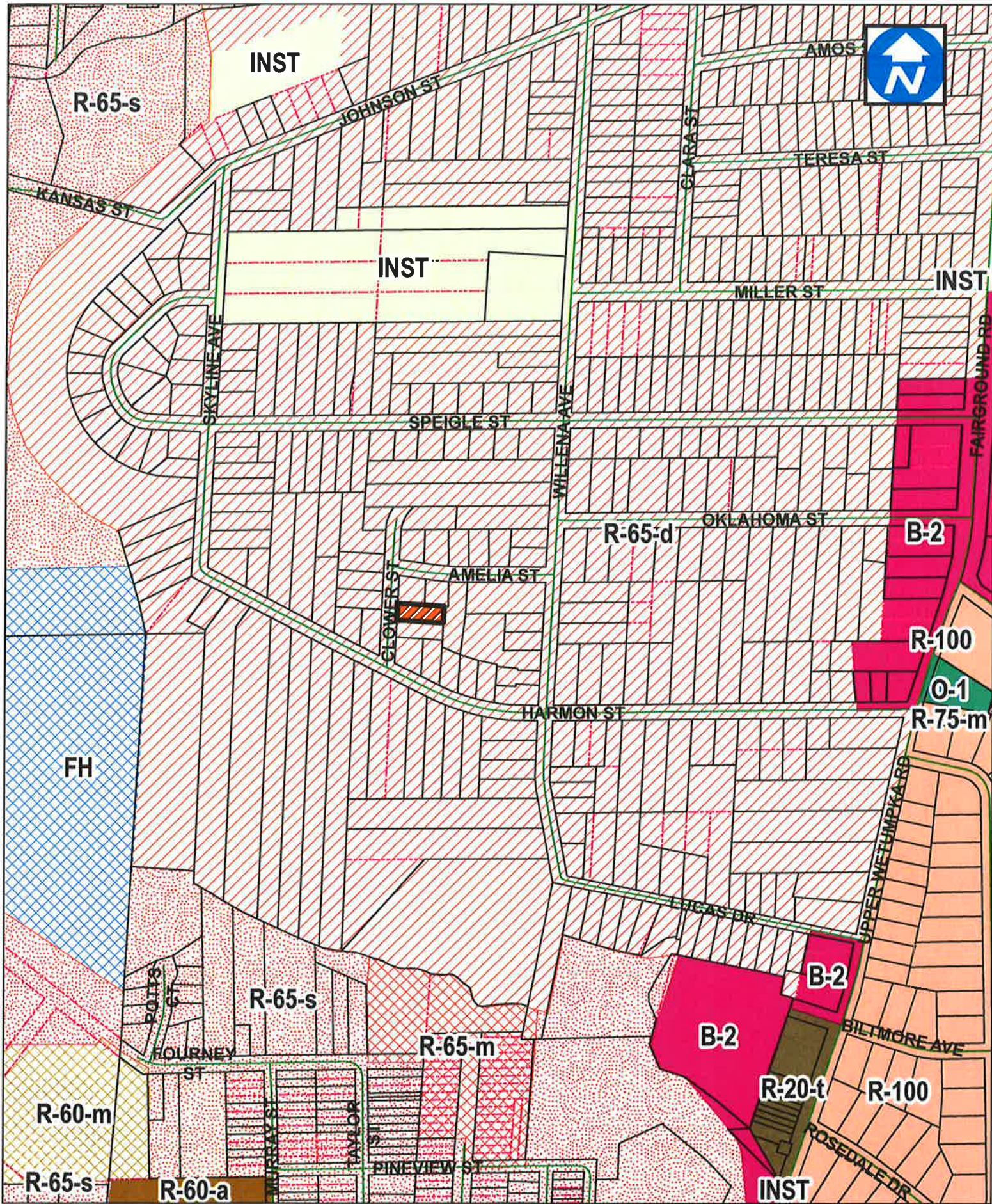
REPRESENTING: Same

SUBJECT: Request a height variance and a front yard variance for an existing privacy fence located at 2516 Clower Street in an R-65-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain a 6 ft. high privacy fence, whereas a 3 ft. height is allowed. The fence comes to and runs along the front property line.

The requests are a 3 ft. height variance and a 30 ft. front yard variance.

COUNCIL DISTRICT: 2



Site 

1 inch = 400 feet

Item 9A



Site 

1 inch = 30 feet

Item 9B

10. BD-2021-009 **PRESENTED BY:** Andrew D. Hall

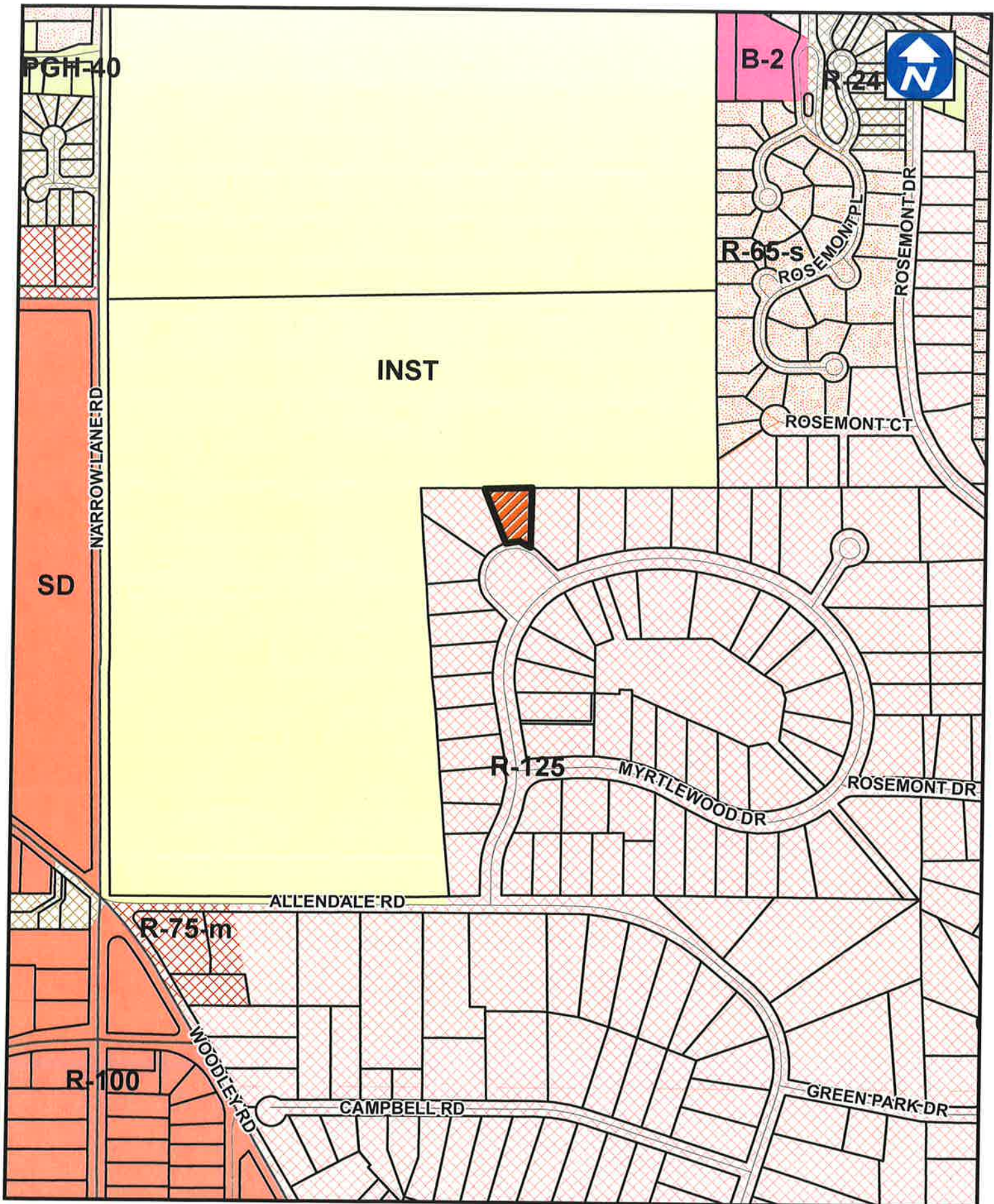
REPRESENTING: Same

SUBJECT: Request a side yard variance and a rear yard variance for an addition to the dwelling located at 2078 Myrtlewood Drive in an R-125 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to add an addition that will come within 7 ft. of the side property line, whereas 20 ft. is required, and within 11 ft. of the rear property line, whereas 40 ft. is required.

The requests are a 13 ft. side yard variance and a 29 ft. rear yard variance.

COUNCIL DISTRICT: 7



BOARD OF AJUSTMENT

SUBJECT PROPERTY



ITEM NO. 10A

1 inch = 400 feet

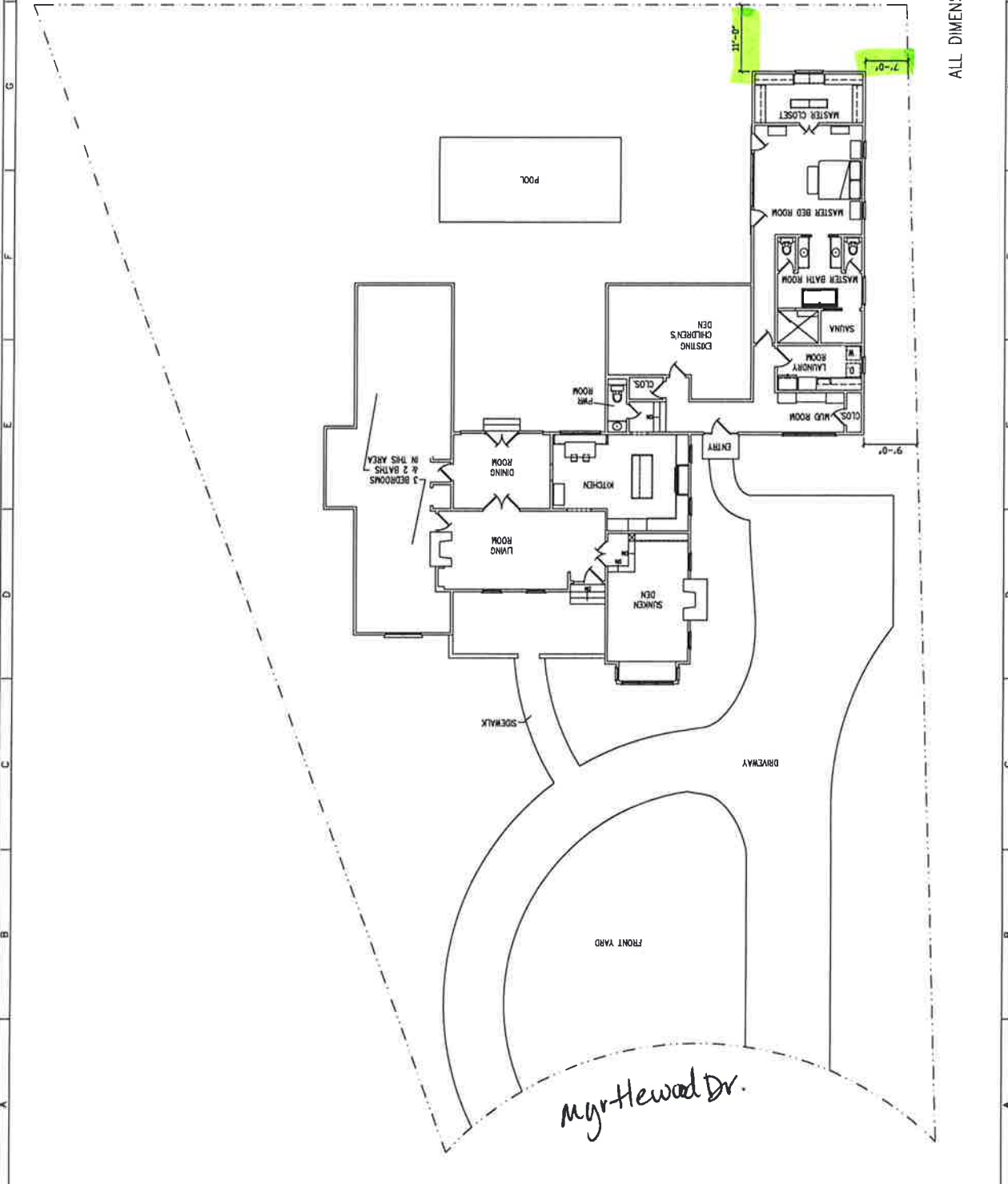
Revisions	Date	By	Checked

Project No.	HALL A-V
Client	JANE ROBERTSON ALLEN MARSHALL
Address	2028 MYRTLEWOOD DRIVE MONTGOMERY, ALABAMA 36111
Scale	1/16" = 1'-0"
Date	XX XXX 2016

Project No.	HALL A-V
Client	JANE ROBERTSON ALLEN MARSHALL
Address	2028 MYRTLEWOOD DRIVE MONTGOMERY, ALABAMA 36111
Scale	1/16" = 1'-0"
Date	XX XXX 2016

Sheet Reference Number:	ID-X
Sheet # of #	1 of 1

SITE PLAN
SCALE: 1/16" = 1'-0"
ALL DIMENSIONS +/- FIELD VERIFY ALL.



10B



BOARD OF AJUSTMENT
1 inch = 50 feet

SUBJECT PROPERTY



ITEM NO. 10C