

Board of Adjustment Agenda

June 17, 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 May 20, 2021 meeting.

June 17, 2021

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2021-18	Johnny Perkins	R-65-s	3117 Ravenwood Drive (Multiple variances)	1
2.	2021-034	Baker Donelson	R-65-d	Ashley Road (Cell tower)	2
3.	1999-005	Cedrik Young	O-1	6989 Halcyon Park Drive (Private school)	3
4.	2021-037	Larry E. Speaks & Assoc.	O-1/B-3	7300 Halcyon Summit Dr. (Parking variance)	4
5.	1992-206	Christina Curran	R-85	101 Wood Vale Drive (Privacy fence)	5
6.	2021-036	John L. Scott	R-85	3072 Lynton Drive (Privacy fence)	6
7.	1981-232	Bruce Pruitt	R-65-s	3 Johnson Avenue (Side yard & separation between structures variance)	7
8.	2021-039	Diane Tarrance	AGR-1	445 Lamar Road (mobile home)	8
9.	2001-019	Courtney Walker	B-4	2415 East South Blvd (Unit J) (Variance to Ord. 17-2014 and special exception)	9
10.	2018-037	Michelle Smith	B-3	3447 McGehee Road (STE B) (Variance to Ord. 17-2014)	10
11.	2018-037	Isaac Cooper	B-3	3447 McGehee Rd (STE C & D) (Variance to Ord. 17-2014)	11

The next Board of Adjustment meeting is on July 15, 2021

COMPLAINT

This item was delayed by the Board at the April 15, 2021 meeting requesting a survey of the property. As of the deadline of May 21st we have not received a survey.

1. BD-2021-018 **PRESENTED BY:** Johnny Perkins

REPRESENTING: Same

SUBJECT: Request a coverage variance, rear yard variance, side yard variance, and a separation between structures variance for accessory structures located at 3117 Ravenwood Drive in an R-65-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain the following three (3) accessory structures:

Building A – 30 ft. 30 ft. x 40 ft. detached garage

- 2 ft. off side property line
- 1 ft. off rear property line
- 2 ½ ft. from Building B

Building B – 10 ft. x 16 ft. storage building – comes to the rear property line

Building C – 10 ft. x 10 ft. gazebo – 4 ft. off side property line

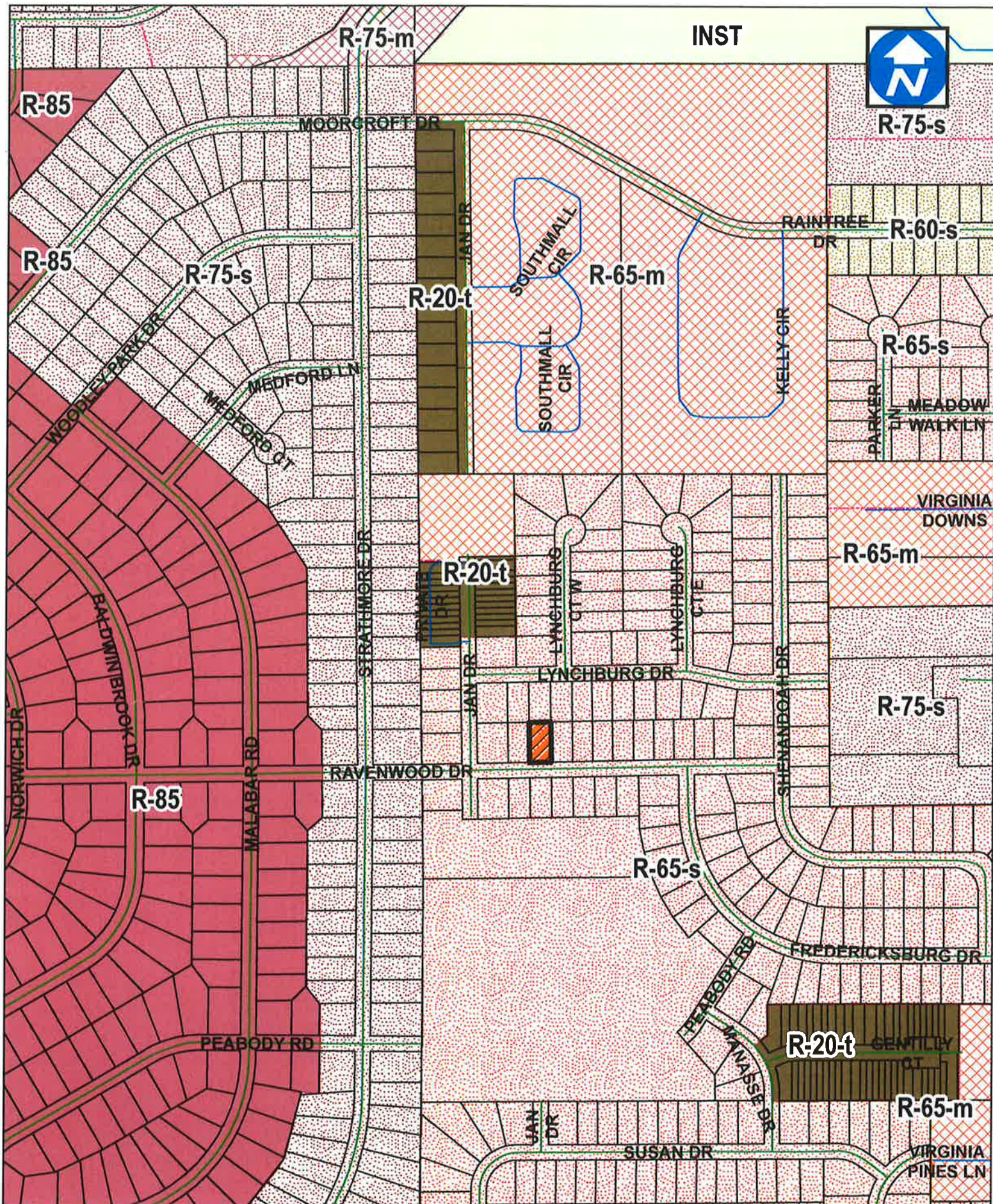
2 ½ ft. between Building A and Building B

2 ft. between Building B and Building C

The requests are:

- 875 sq. ft. coverage variance (585 sq. ft. is allowed, total coverage 1,460 sq. ft.)
- 5 ft. rear yard variance
- 3 ft. side yard variance
- 8 ft. separation between structures variance (whereas 10ft. is required)

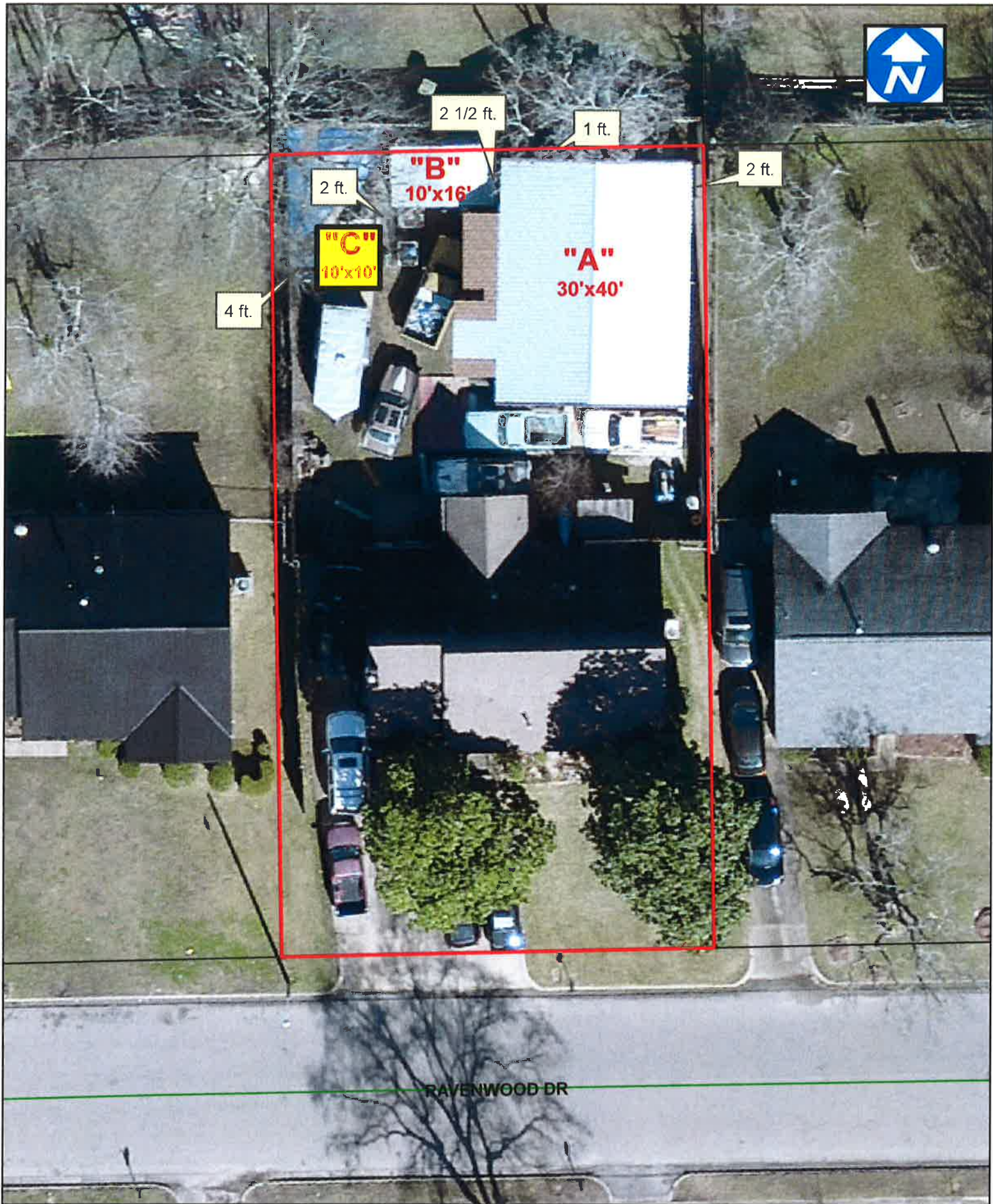
COUNCIL DISTRICT: 6



Site 

1 inch = 400 feet

Item 1A



Site 

1 inch = 20 feet

Item 1B

2. BD-2021-034 **PRESENTED BY:** Baker Donelson

REPRESENTING: Tillman Infrastructure LLC

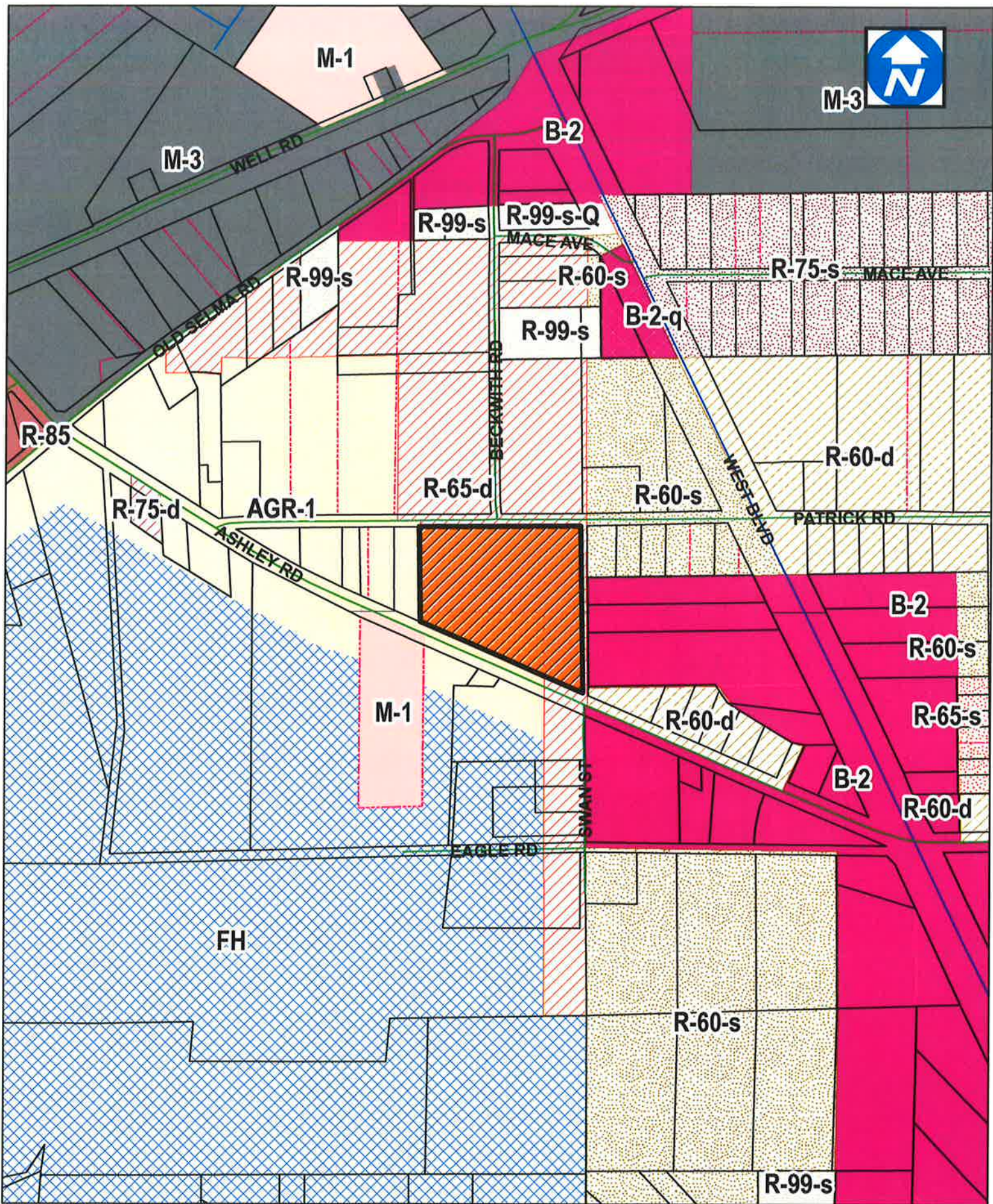
SUBJECT: Request a special exception for a cell tower to be located on the north side of Ashley Road, approximately 1,500 ft. west of West Boulevard, in AGR-1 (Residential Agriculture) Zoning District and an R-65-d (Duplex Residential) Zoning Districts.

REMARKS: This request is being made to give the petitioner permission to construct a 75 ft. x 75 ft. cell tower compound with a 195 ft. tall cell tower with a 4 ft. lightning rod and related equipment. There is an access easement to Ashley Road. The facility will be surrounded by Leland Cypress 10 ft. on centers.

This item was delayed at the May 20, 2021 meeting by the Board.

The request is a special exception for a cellular facility.

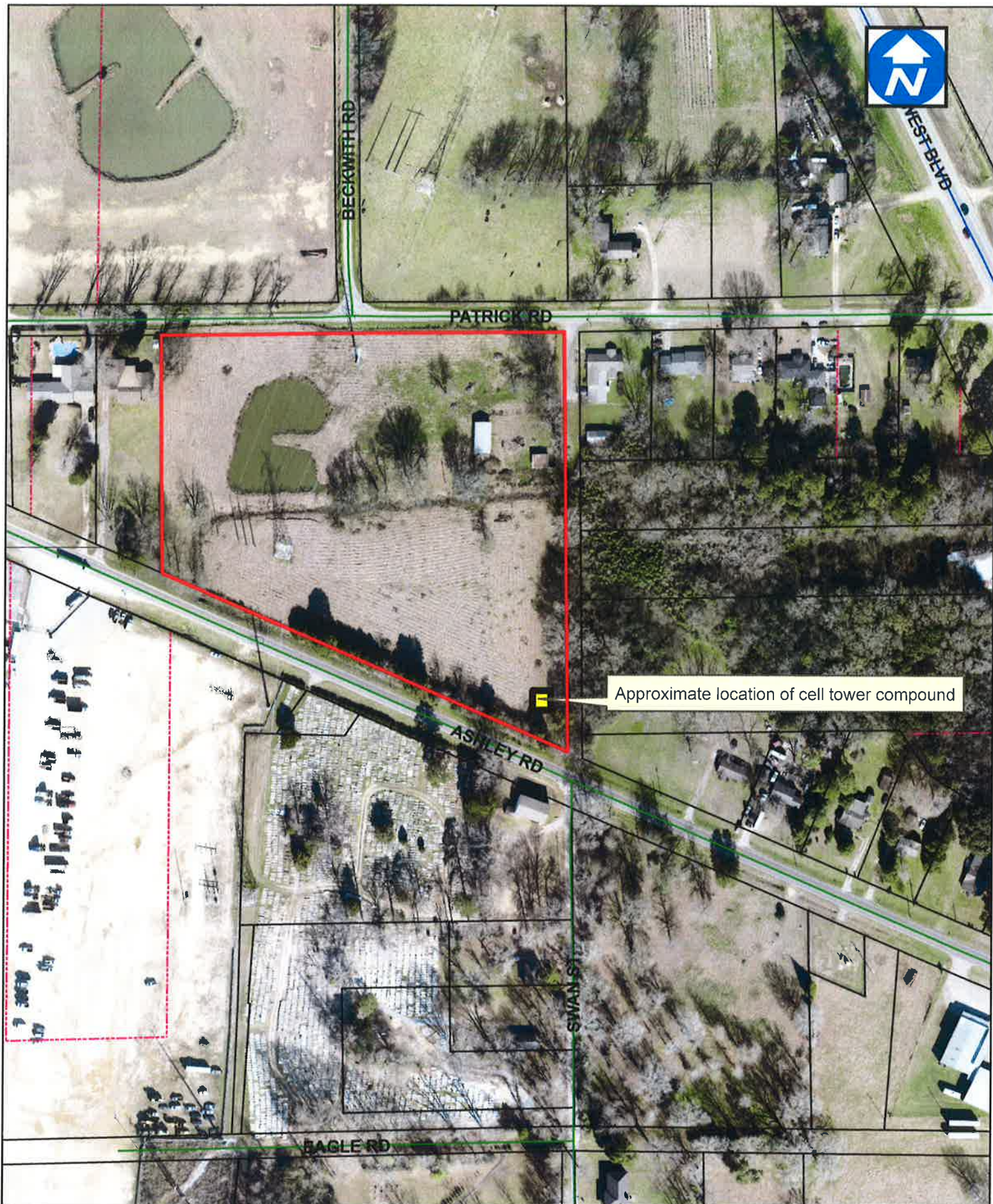
COUNCIL DISTRICT: 4



Site 

1 inch = 500 feet

Item 2A



Approximate location of cell tower compound

Site 

1 inch = 200 feet

Item 2B

3. BD-1999-005 **PRESENTED BY:** Cedrick Young

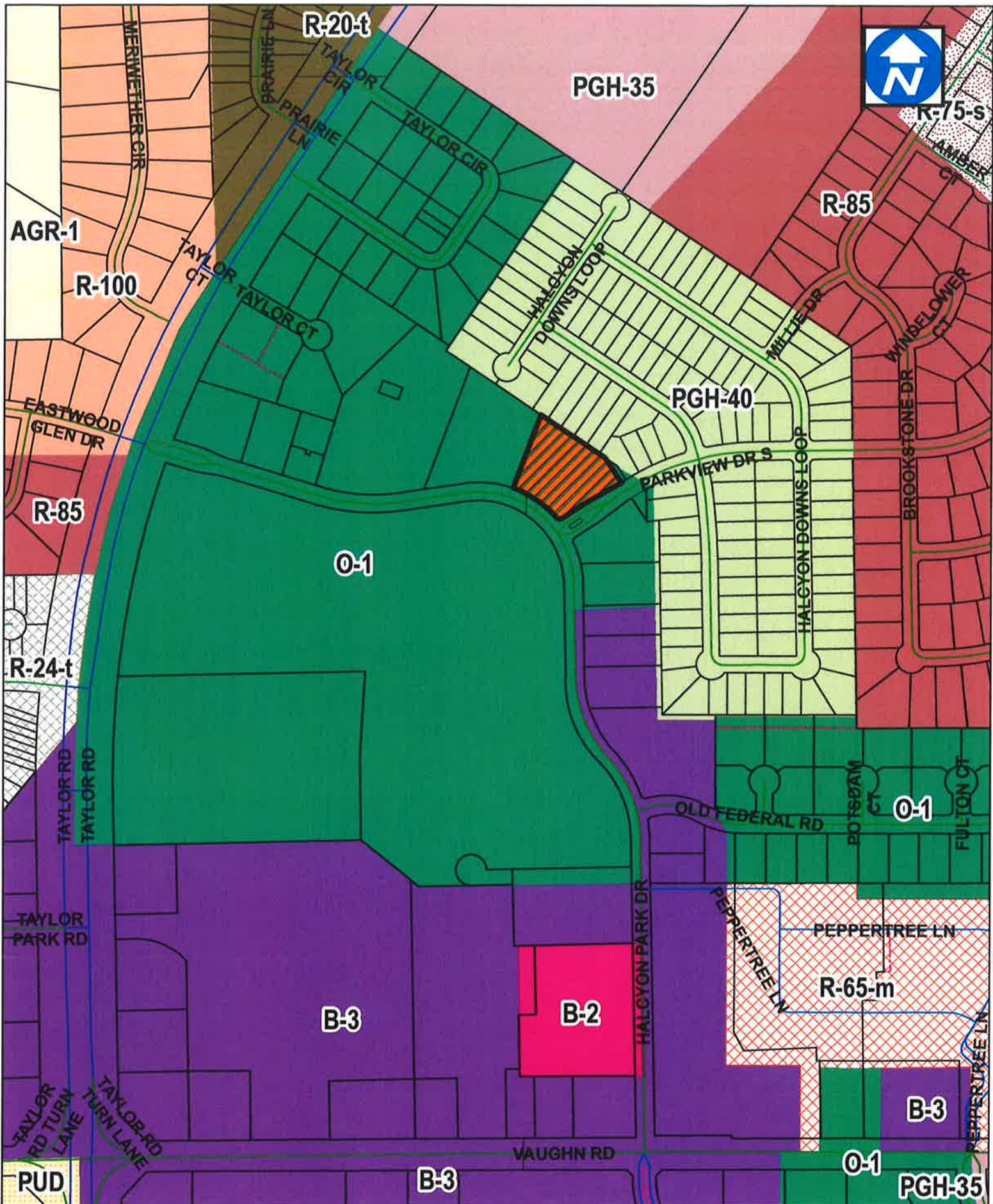
REPRESENTING: Same

SUBJECT: Request a special exception for a private school to be located at 6989 Halcyon Park Drive in an O-1 (Office) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a school in a multi-tenant building. The school will be medically related. There will be a maximum of 15 students and a maximum of 6 staff members. Hours of operation are Monday-Friday 8:00 am-8:00 pm, and Saturday 9:00 am – 1:30 pm. There are 65 parking spaces provided onsite.

The request is a special exception for private school.

COUNCIL DISTRICT: 9



Site 

1 inch = 400 feet

Item 3A



Site Location

1 inch = 50 feet

Item No. 3B

4. BD-2021-037 **PRESENTED BY:** Larry E. Speaks & Associates

REPRESENTING: Surgical Dermatology Group

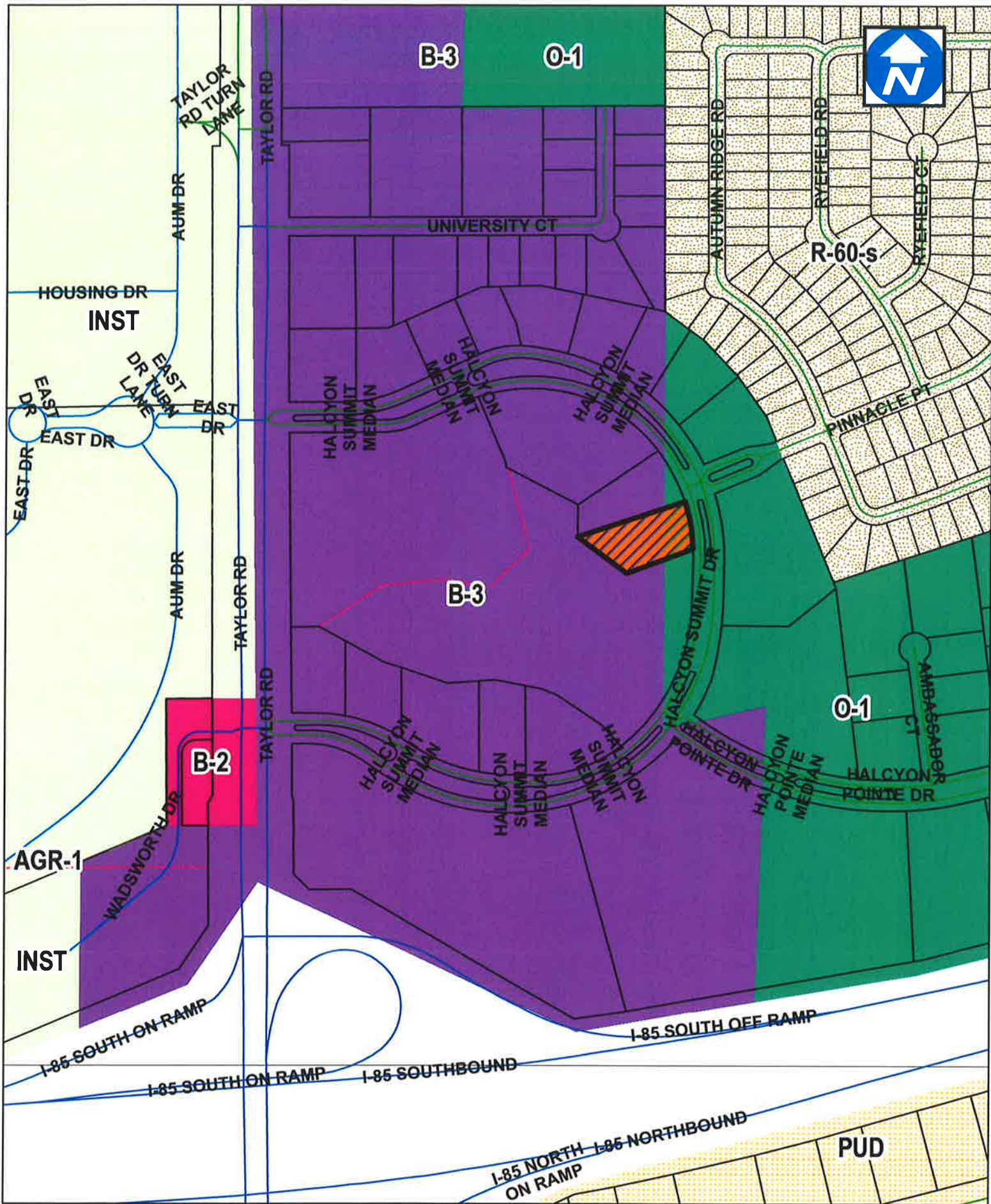
SUBJECT: Request a parking variance for an addition to a building located at 7300 Halcyon Summit Drive in O-1 (Office) Zoning District and B-3 (Commercial) Zoning Districts.

REMARKS: This request is being made to give the petitioner permission to construct a 4,957 sq. ft. addition for a total of 9,473 sq. ft. of building area which would require 60 parking spaces, whereas 33 parking spaces are being provided.

Land Use Division: There is crossover parking to the adjoining lot.

The request is a 27 space parking variance.

COUNCIL DISTRICT: 9



Site 

1 inch = 400 feet

Item 4A

EXISTING TREES
WORK AREAS
SCREENING SCREEN AT
SITS

Addition

OOL

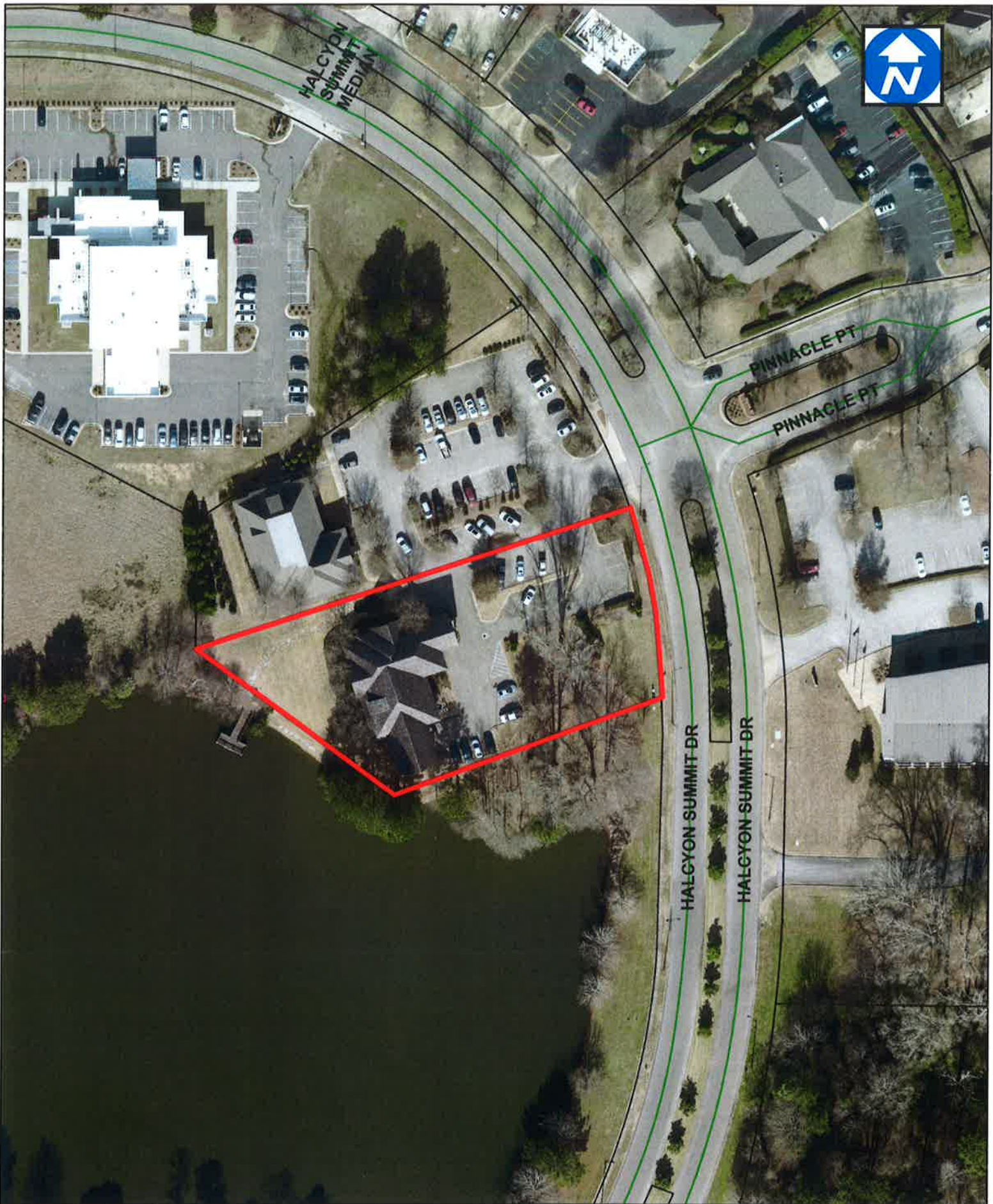
ACES ADD
MISSION TO PARK

EXISTING BUILDING
FF-259.50

TOTAL PARKING
34 SPACES

HALCYON SUMMIT DRIVE
(R.O.W. VARIES)

These 9 spaces are not included in the variance because they are not on their property.



Site 

1 inch = 100 feet

Item 4C

5. BD-1992-206 **PRESENTED BY:** Christina Curran

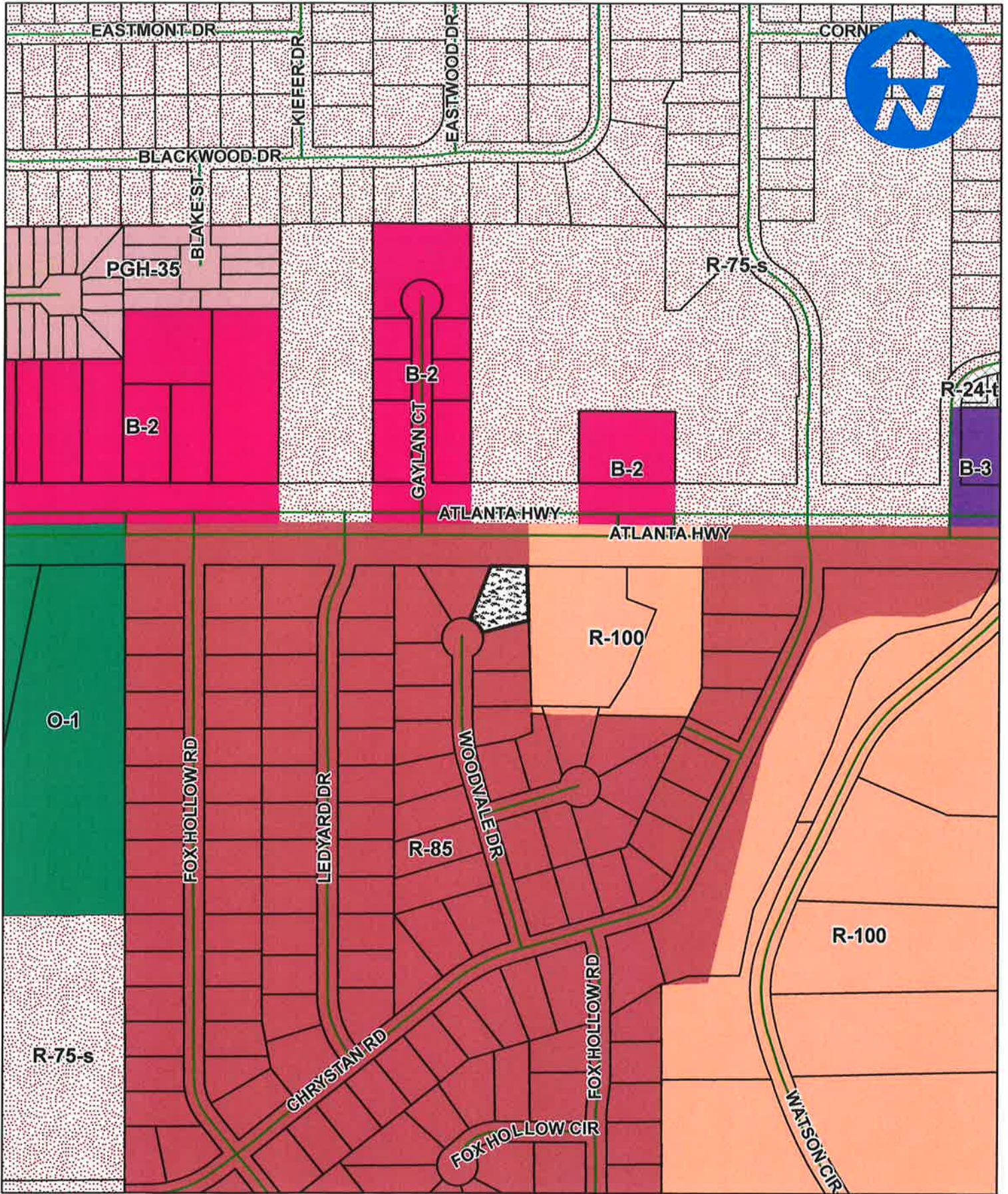
REPRESENTING: Same

SUBJECT: Request a height variance for a new privacy fence to be located 101 Wood Vale Drive in an R-85 (Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to build a 12 ft. high privacy fence, whereas a 7 ft. height is allowed. The petitioner has indicated the reason for the additional fence height is to block sounds from Atlanta Highway.

The request is 5 ft. height variance for a privacy fence.

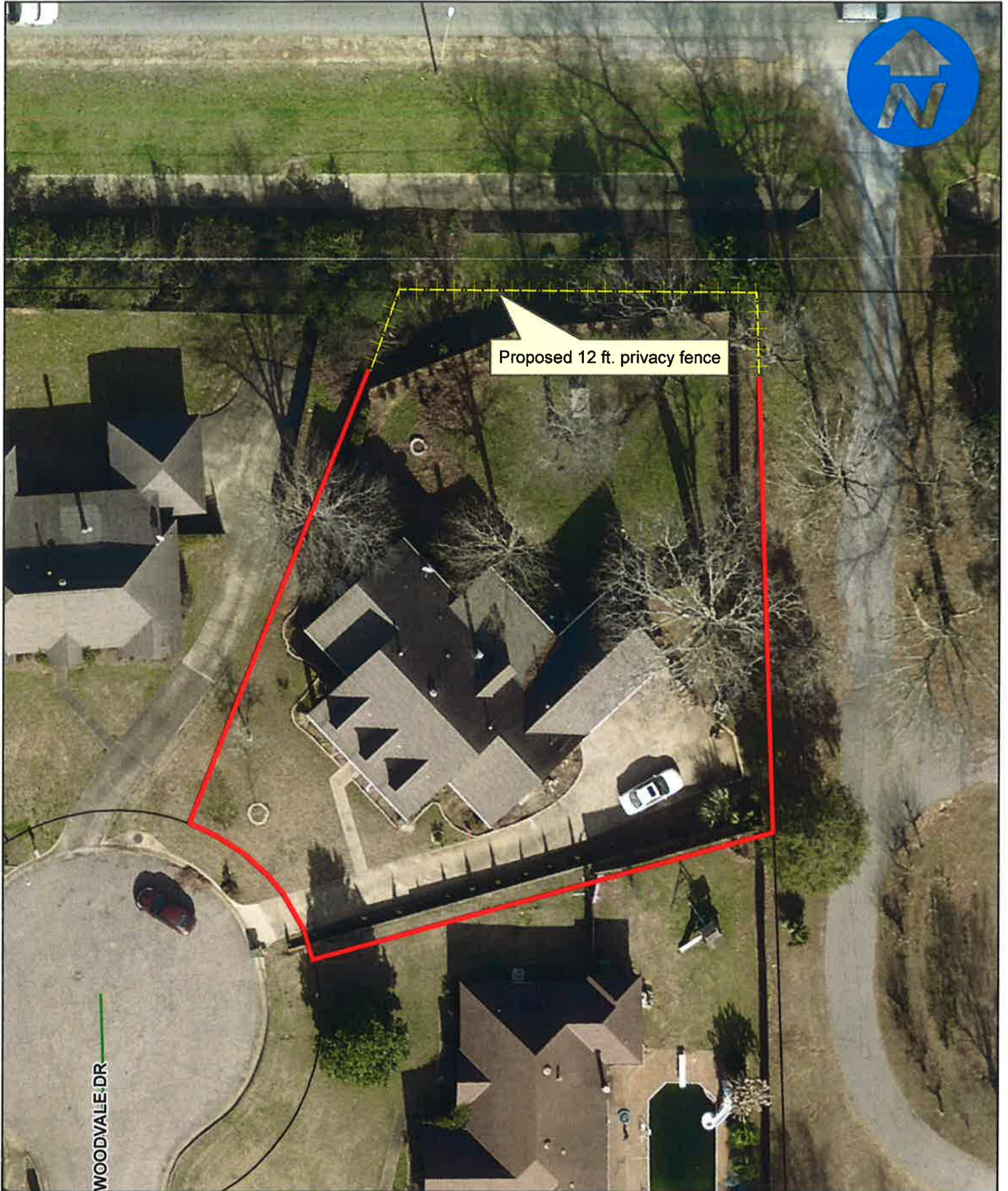
COUNCIL DISTRICT: 1



Site Location 

1 inch = 300 feet

Item No. 5A



Site Location 

1 inch = 30 feet

Item No. 5B

6. BD-2021-036 **PRESENTED BY:** John L. Scott

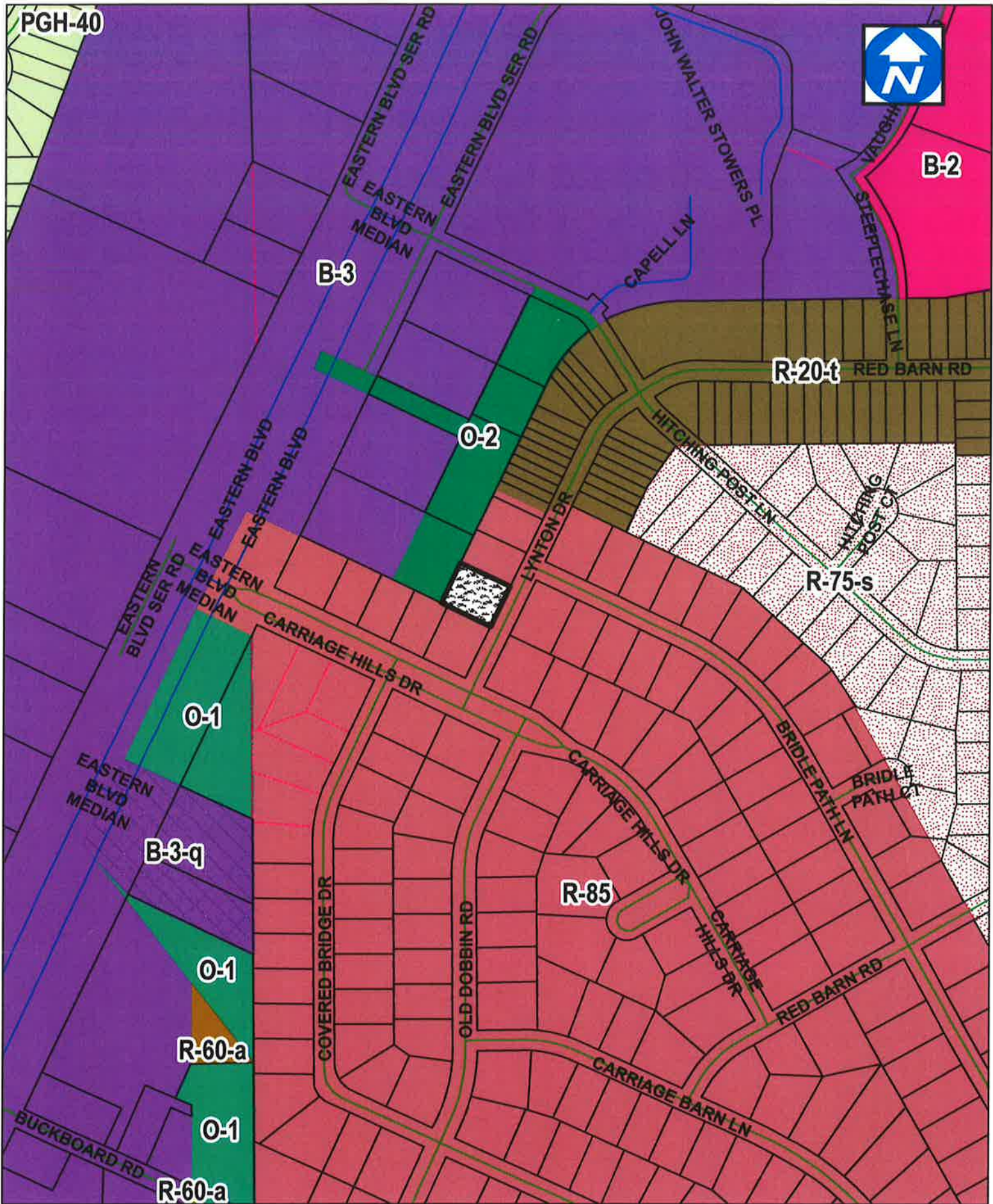
REPRESENTING: Same

SUBJECT: Request a height variance for a new privacy fence to be located 3072 Lynton Drive in as R-85 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 36 ft. section (approximately) of 12 ft. high privacy fence replacing the existing fence. The petitioner has indicated the height is needed for privacy and security for an inground pool.

The request is a 5 ft. height variance for a section of privacy fence.

COUNCIL DISTRICT: 8



Site 

1 inch = 300 feet
 Item 4A



Proposed 12 ft.
section of fence

Site 

1 inch = 30 feet

Item LOB

7. BD-1981-232 **PRESENTED BY:** Bruce Pruitt

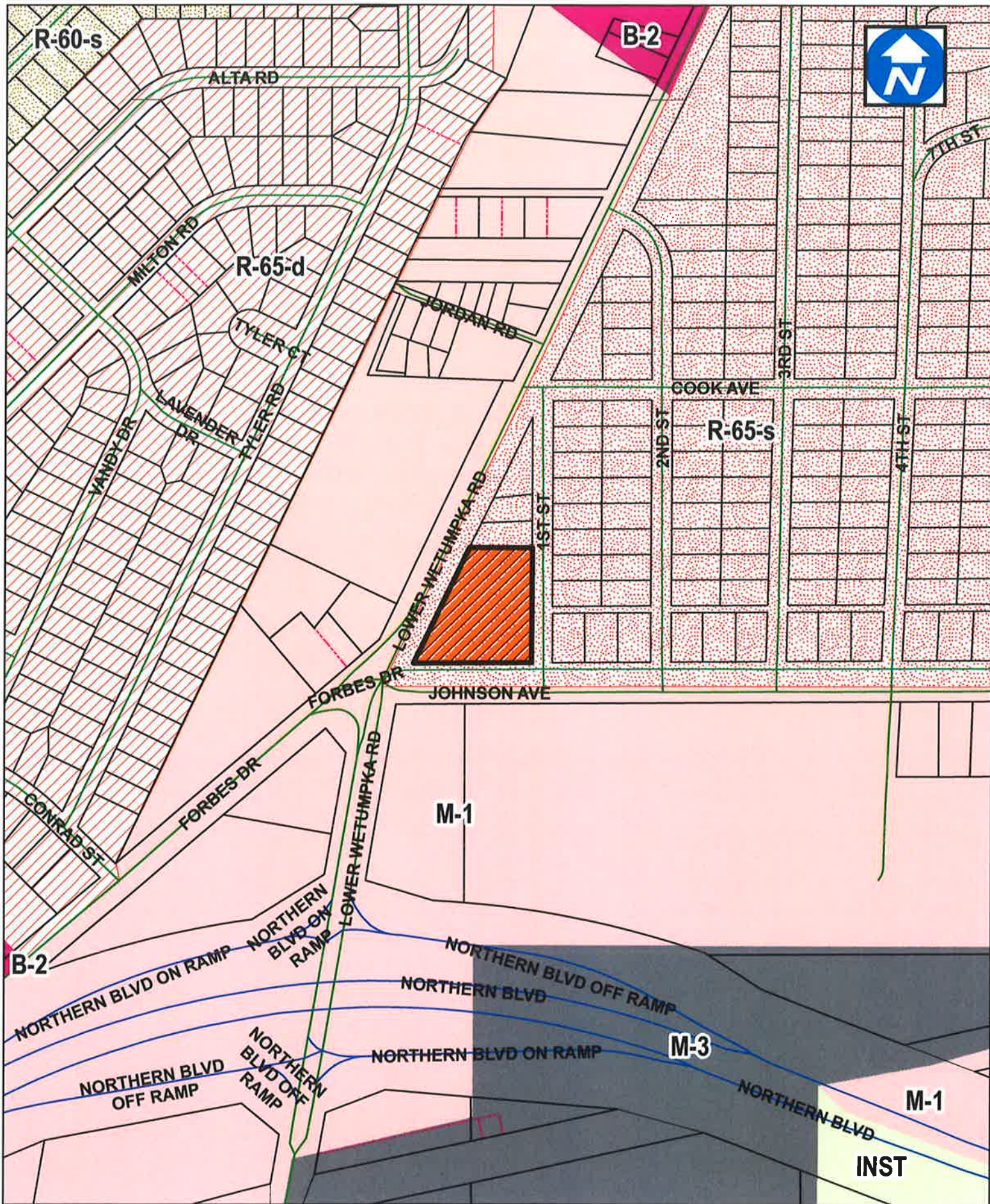
REPRESENTING: Inner City Church of Christ

SUBJECT: Request a side yard variance and a separation between structures variance for accessory structures to be located at 3 Johnson Avenue in an R-65-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to cover an existing basketball court that comes within 15 ft. of the Lower Wetumpka Road property line, whereas 35 ft. is required; and a picnic pavilion that comes within 4 ft. of the proposed covered basketball court, whereas a 10 ft. separation is required.

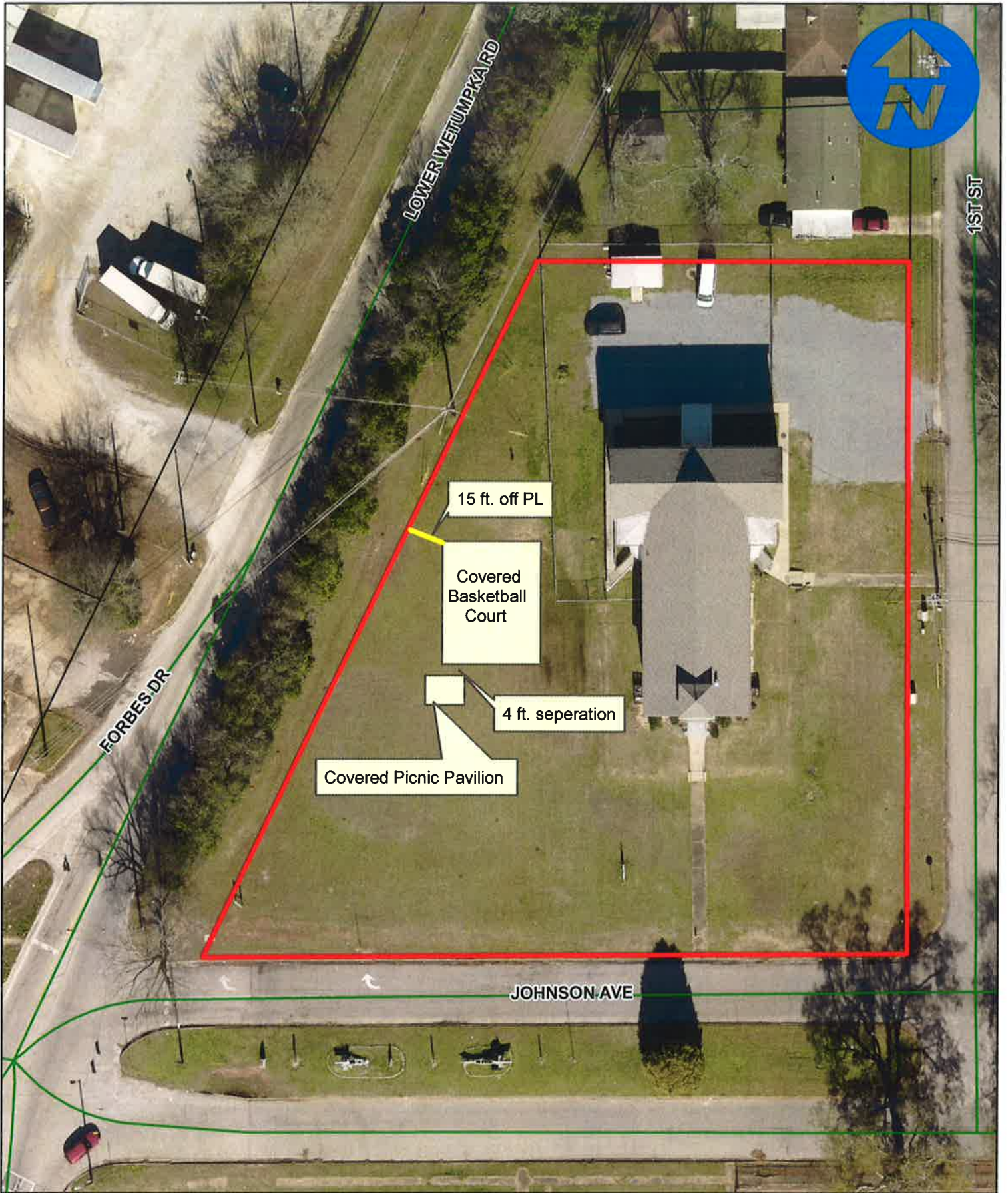
The variances requested are a 20 ft. street side yard variance (Lower Wetumpka Road) and a 6 ft. separation between structures variance.

COUNCIL DISTRICT: 3



Site 

1 inch = 300 feet
 Item 7A



Site Location

1 inch = 50 feet

Item No. 7B

8. BD-2021-039 PRESENTED BY: Diane Tarrance

REPRESENTING: Same

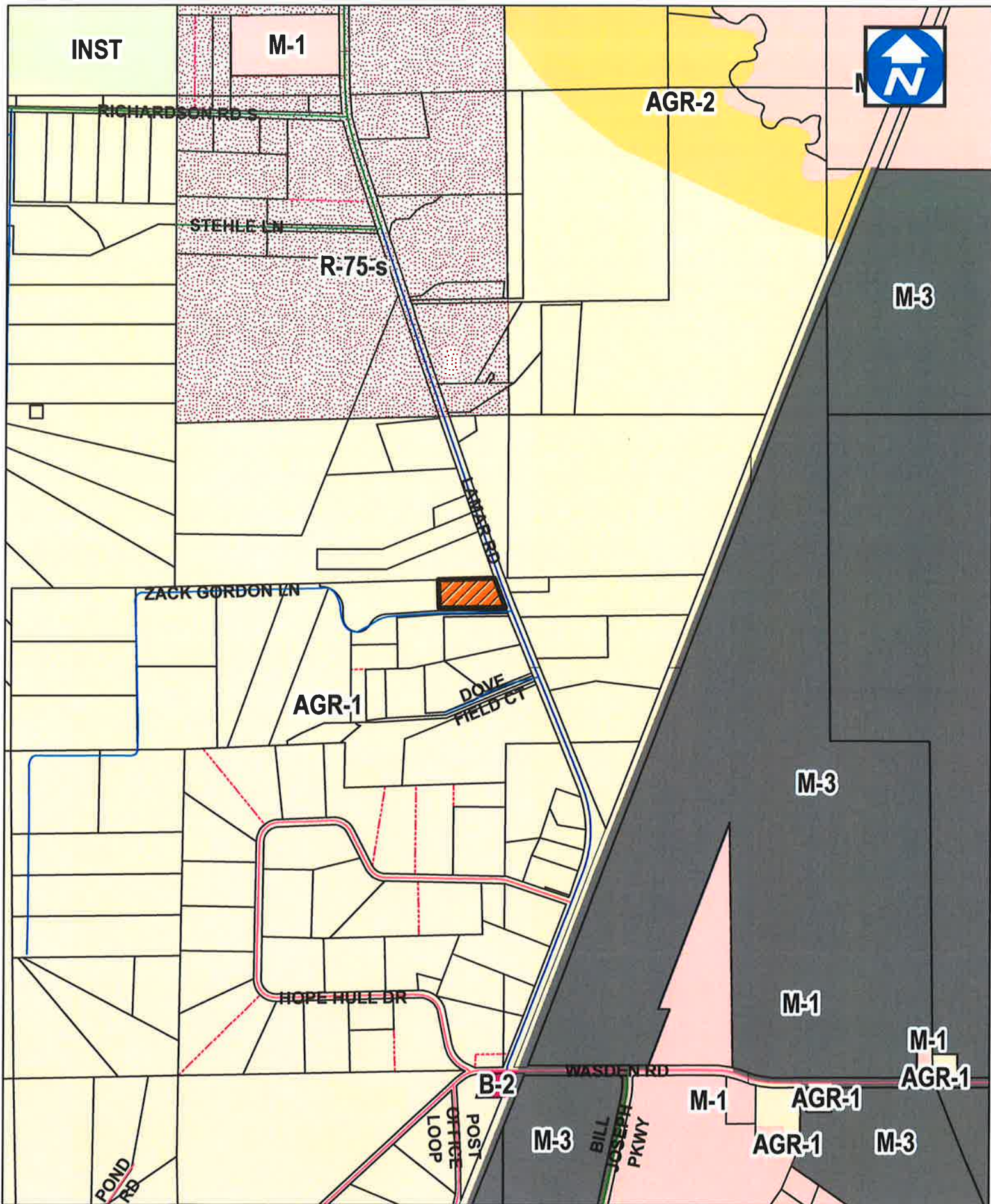
SUBJECT: Request a special exception for a mobile home for living purposes to be located at 445 Lamar Road in an AGR-1 (Residential Agriculture) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home for living purposes. The mobile home will be in the approximate location of where the home was that was destroyed by fire, and will be setback 50 ft. from Zack Gordon Lane.

The request is a special exception for a mobile home for living purposes.

COUNCIL DISTRICT: Police Jurisdiction

COUNTY COMMISSION DISTRICT: 2



Site 

1 inch = 1,000 feet

Item 8A



House destroyed by fire

Proposed mobile home

ZACK GORDON LN

LAMAR RD

Site 

1 inch = 100 feet

Item 8B

9. BD-2001-019 **PRESENTED BY:** Courtney Walker

REPRESENTING: Unique Elegance Event Center

SUBJECT: Request a variance to Ord. 17-2014 and a special exception for a place of amusement and assembly to be located at 2415 East South Boulevard (Unit J) in a B-4 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate an event center that will serve alcoholic beverages. The closest is door 50 ft. from the nearest residential district line, whereas 250 ft. is required.

- Hours of Operation: Sunday – Saturday
- Events: baby showers, birthday parties, Sunday jazz, and other events as requested
- 24 hour security on-site, plus will have security for the petitioner’s events
- Parking lot has adequate lighting

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 200 ft. variance to Ord. No. 17-2014

COUNCIL DISTRICT: 5



Site 

1 inch = 50 feet

Item 9B

10. BD-2018-037 **PRESENTED BY:** Michelle Smith

REPRESENTING: Same

SUBJECT: Request a variance to Ordinance No. 17-2014 for a tenant space in a multi-tenant building located at 3447 McGehee Road (Suite B) in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to serve alcoholic beverages at an existing event center. The closest is door 100 ft. from the nearest residential district line, whereas 250 ft. is required.

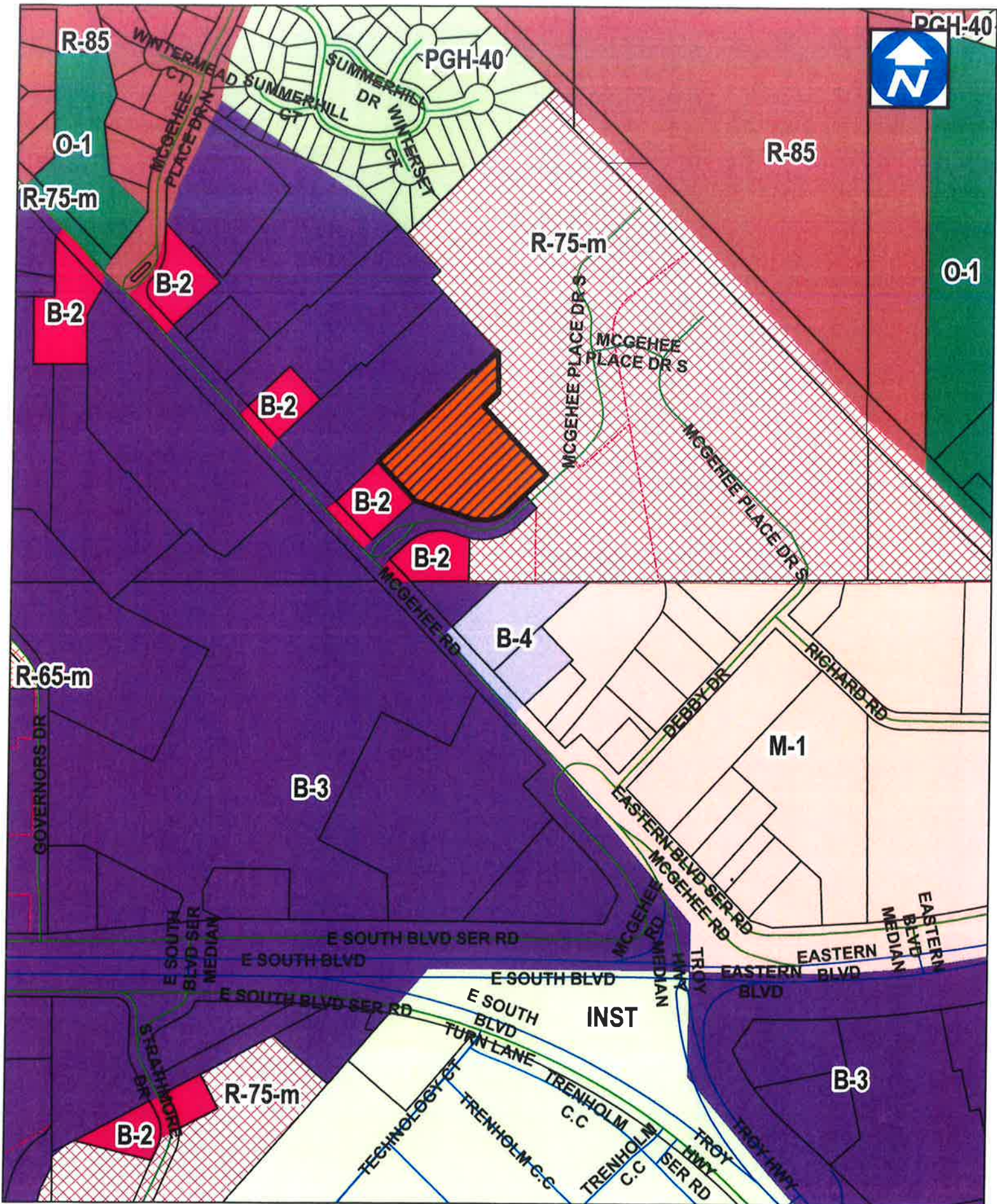
- Hours of Operation: Sunday – Saturday, no later than 1:00 a.m.
- Events that are held: Kid parties, Adult birthday parties, Sip & paint, Baby showers and similar events
- Security will provided for adult events
- Parking lot has adequate lighting

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.

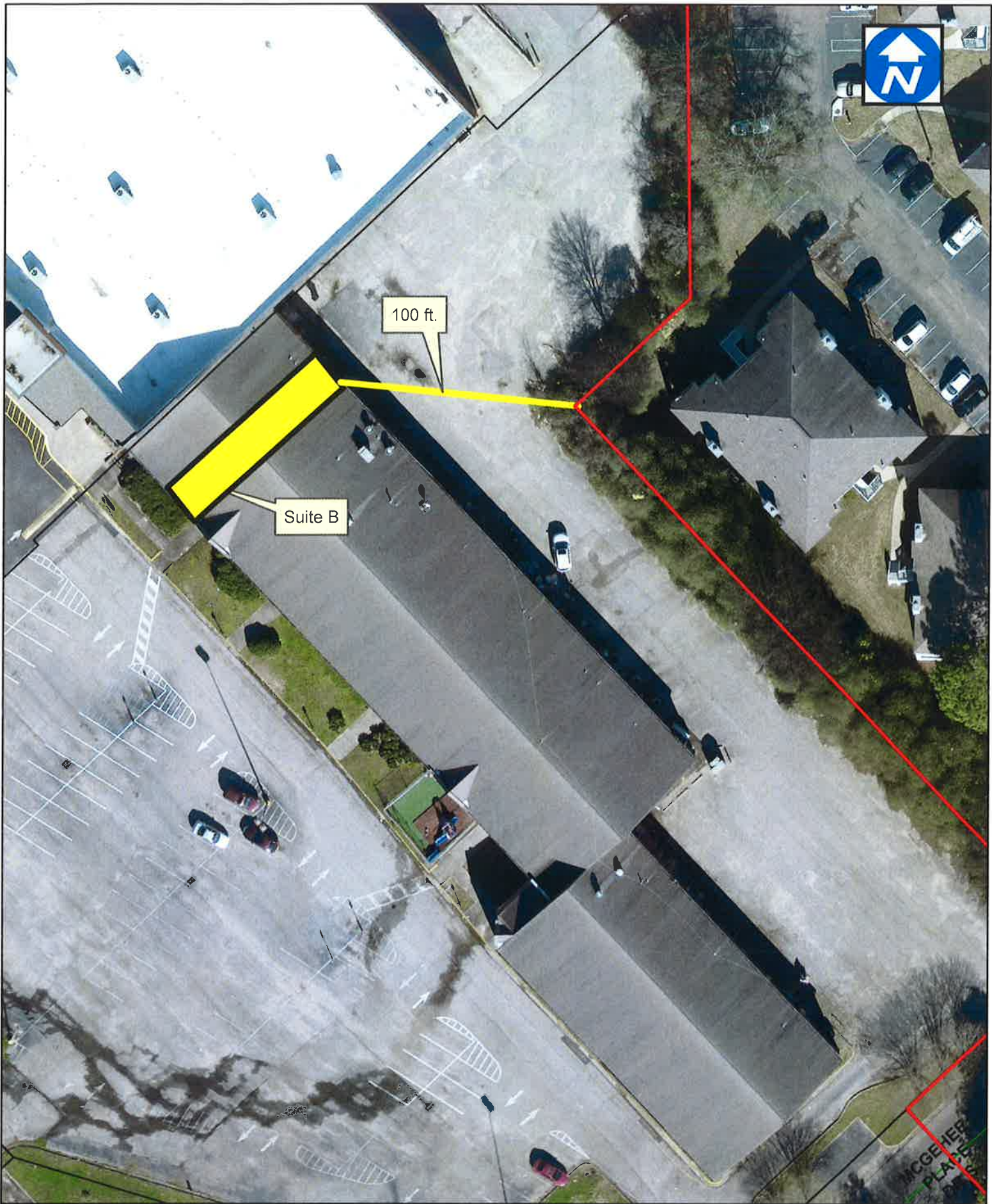
The request is a 150 ft. variance to Ord. No. 17-2014

COUNCIL DISTRICT: 5



Site 

1 inch = 400 feet
Item 10A



Site 

1 inch = 50 feet
Item 10B

11. BD-2018-037 **PRESENTED BY:** Isaac Cooper

REPRESENTING: Same

SUBJECT: Request a variance to Ordinance No. 17-2014 for a tenant space in a multi-tenant building located at 3447 McGehee Road (Suites C & D) in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a lounge/bar & grill that will serve alcoholic beverages on the premises. The closest is door 60 ft. from the nearest residential district line, whereas 250 ft. is required.

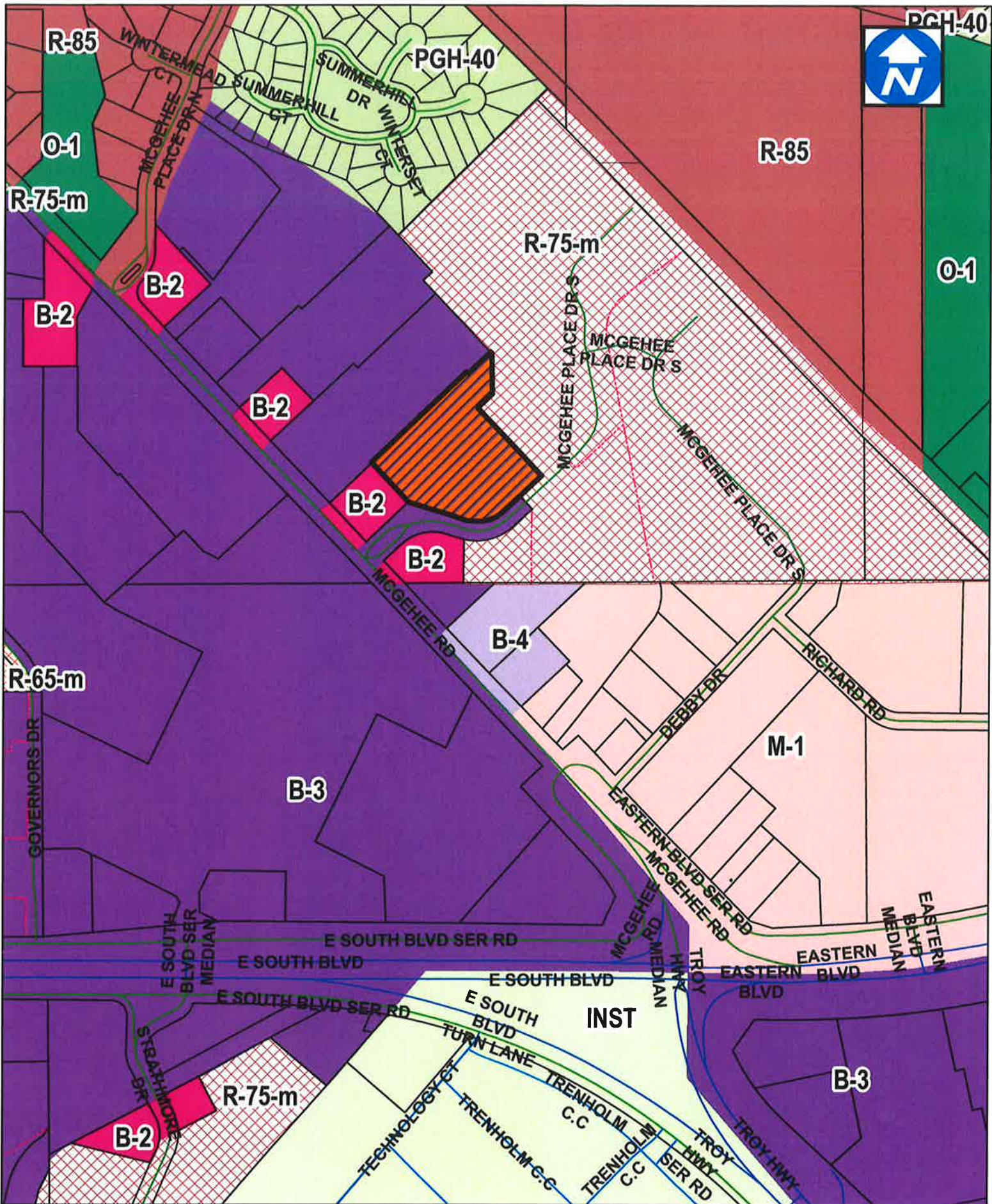
- Hours of operation
 - Sunday – Thursday 4 pm. – 12 pm.
 - Friday and Saturday 4 pm. – 2 am.
- Security will be provided
- Parking lot has adequate lighting

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.

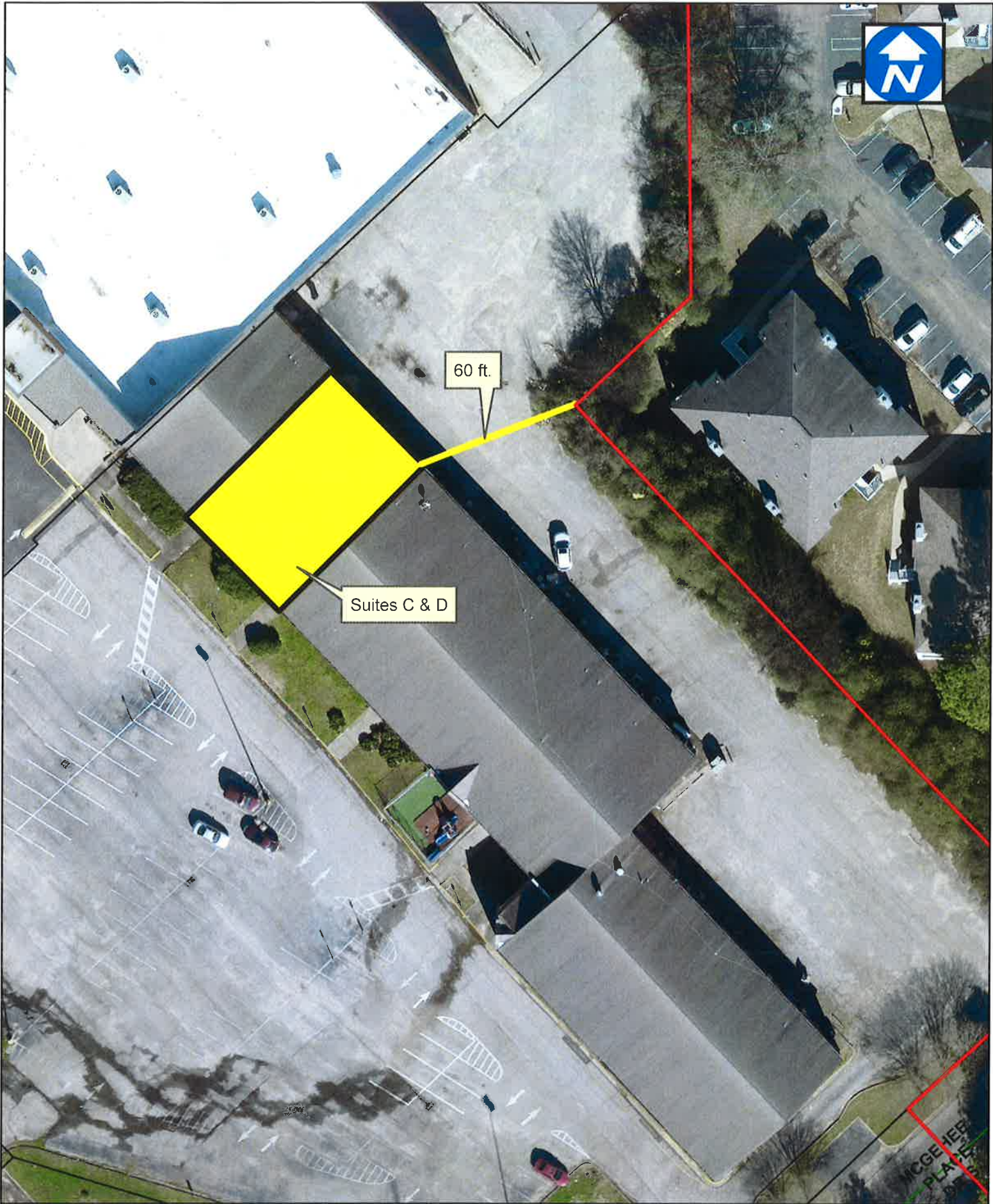
The request is a 190 ft. variance to Ord. No. 17-2014

COUNCIL DISTRICT: 5



Site 

1 inch = 400 feet
 Item 11A



Site 

1 inch = 50 feet

Item 11B