

Board of Adjustment Agenda

September 16, 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*

Regina Coley

Beau Holmes

George C. Howell, Jr.

Cory Johnson

Blake Markham

Bart Prince

Pickett Reese

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

I. Chairman's Message

II. Approval of Minutes from the August 19, 2021 meeting.

September 16, 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.	2021-042	Bertha M. Tate	R-60-d	3402 Homeview Street (Church)	2
3.	2014-019	Bettie Brooks	AGR-1	2929 Rabbit Road (Mobile home)	3
4.	2021-053	Willie Gardner	R-65-d	151 Canna Drive (Accessory structure)	4
5.	1989-095	Reginald M. Miller	B-2	1801 West Third Street (Variance to Ord. 17-2014)	5
6.	2021-052	Bessie M. McDaniel	FH	4469 Durbin Street (Mobile home)	6
7.	2021-051	Inez Gilchrist	FH	4463 Durbin Street (Mobile home)	7
8.	2021-050	Inez Gilchrist	FH	4457 Durbin Street (Mobile home)	8
9.	2021-048	Roderick Rudolph	M-1	4204 Selma Highway (Trucking school)	9
10.	2021-047	Bella Momoh	R-75-s	1341 Devonshire Drive (Goats)	10
11.	2007-057	Kyle Searcy	B-3	6200 Atlanta Highway (Church)	11
12.	2021-049	Matilda Phelan	AGR-2	Old Wetumpka Road (Mobile home)	12
13.	1978-323	Mariana Wray	R-50	2211 River Road* (Coverage variance)	13

The next Board of Adjustment meeting is on October 21, 2021

COMPLAINT

4/15/21 – BOA delayed until the 6/17/21 meeting requesting survey of property.

6/17/21 – BOA delayed until 7/15/21 meeting because petitioner had not gotten a survey.

7/15/21 – Petitioner provided survey at the meeting. BOA delayed to give staff time to review.

8/19/21 – Petitioner did not show, possibly due to inclement weather.

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

REPRESENTING: Same

SUBJECT: Request a coverage variance, rear yard variances, side yard variances, and a separation between structures variances 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” – 1,220 sq. ft. (approximately 30 ft. x 40 ft. detached garage)
3.32 ft. off side property line
4.44 ft. off rear property line

Building “B” – 158 sq. ft. (approximately 10 ft. x 16 ft. storage building)
1.75 ft. off rear property line

Building “C” – 343 sq. ft. (approximately 16 ft. x 21 ft. storage building)
2.05 ft. off side property line
0.70 ft. over the rear property line.

1.09 ft. separation between Building A and Building B

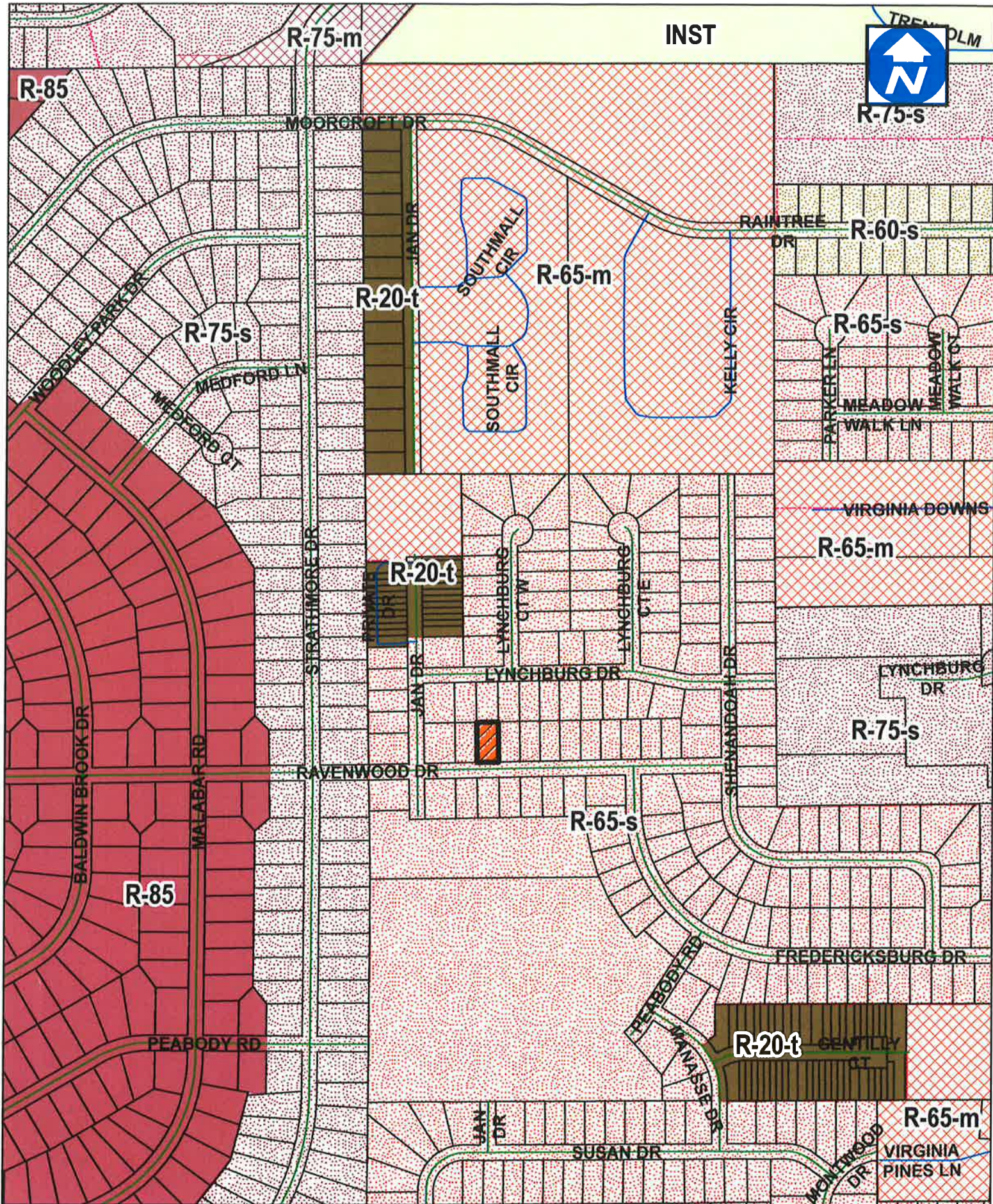
0.84 ft. separation between Building B and Building C

The requests are:

- 1,136 sq. ft. coverage variance (585 sq. ft. is allowed, total coverage 1,721 sq. ft.)
- 0.56 ft. rear yard variance and a 1.68 ft. side yard variance for building “A”
- 3.25 ft. rear yard variance for building “B”
- 2.95 ft. side yard variance for building “C”. Building “C” is 0.70 ft. over the rear property line
- 8.91 ft. separation variance between buildings “A” and “B”
- 9.16 ft. separation variance between buildings “B” and “C”

A building permit was issued on 1/29/2019 for a 20 ft. x 30 ft. detached building; however a 30 ft. x 40 ft. detached building was constructed and final inspections were never requested by the owner.

COUNCIL DISTRICT: 6



Site 

1 inch = 400 feet

Item 1A

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.

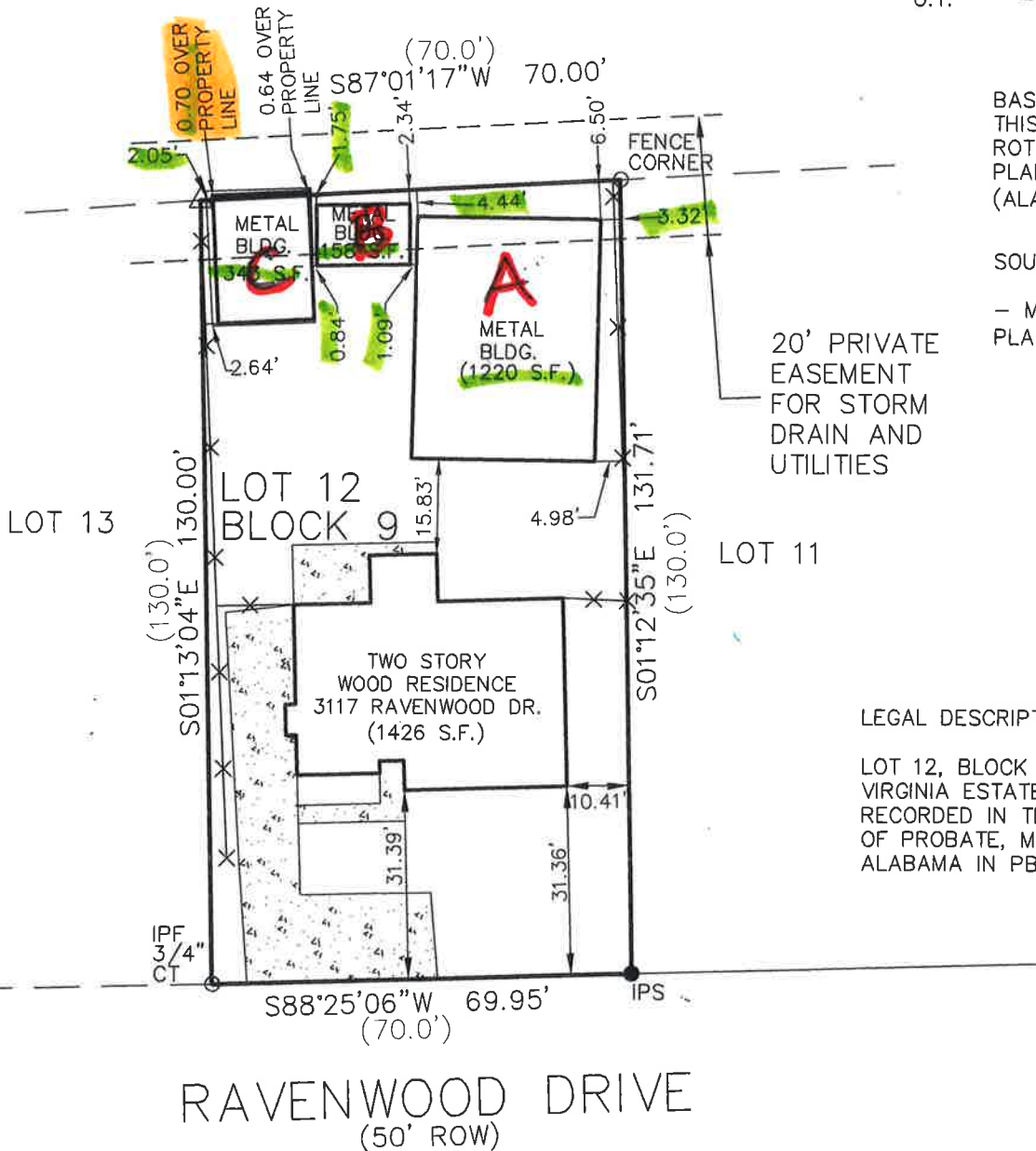
THIS SURVEY WAS CONDUCTED WITHOUT REFERENCE TO AN ABSTRACT OR TITLE SEARCH BUT MATERIAL FROM SOURCE OF INFORMATION ABOVE WAS USED.

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
- X—X— — 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

SCALE: 1" = 30'

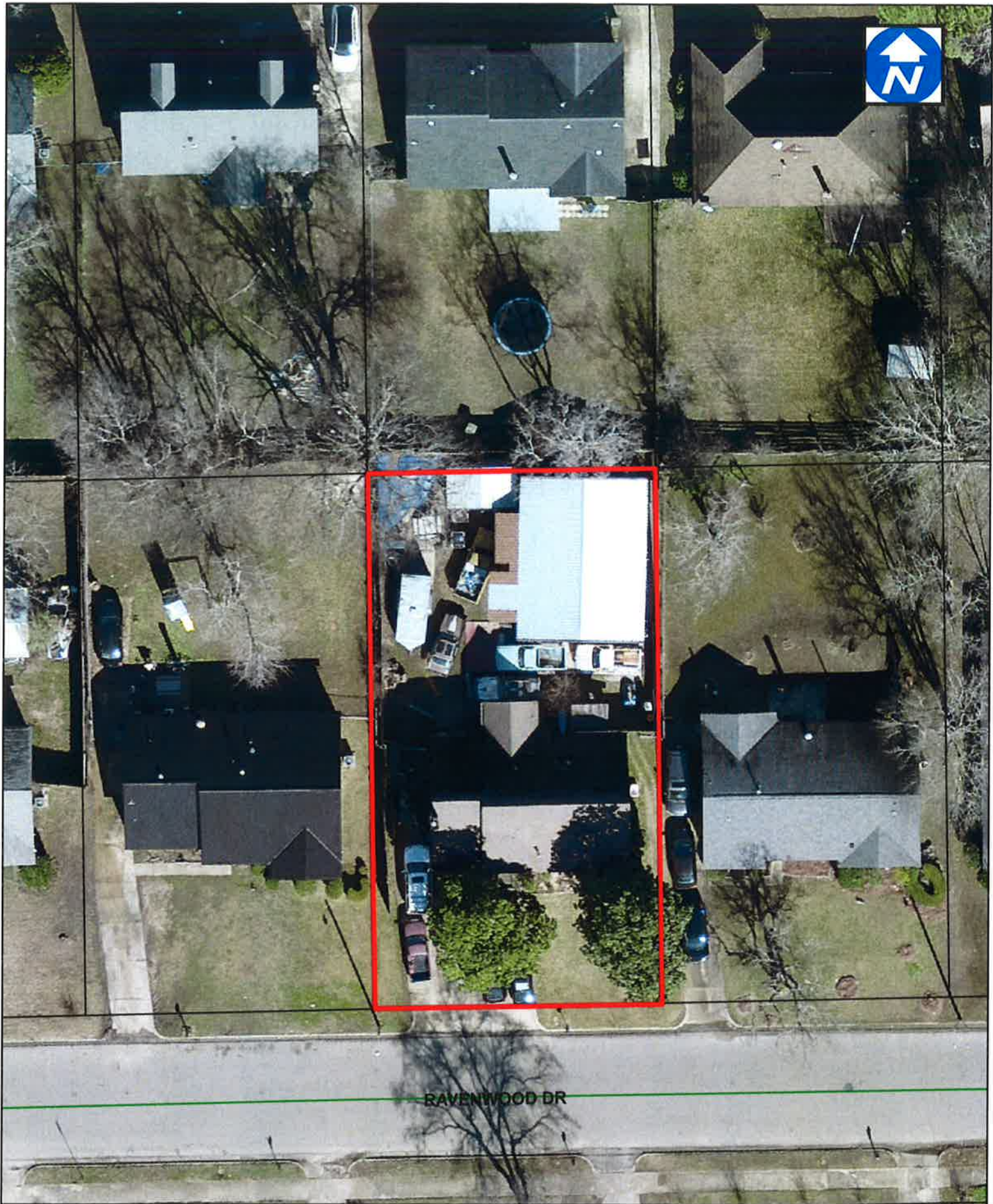


BASIS OF BEARING:
THIS SURVEY HAS BEEN ROTATED TO MATCH THE STATE PLANE COORDINATE SYSTEM (ALABAMA EAST REGION)

SOURCE OF INFORMATION:
— MAP OF VIRGINIA ESTATES PLAT NO. 3 (PB. 27, PAGE 1)

LEGAL DESCRIPTION:

LOT 12, BLOCK 9 OF THE MAP OF VIRGINIA ESTATES PLAT NO. 3 AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, MONTGOMERY COUNTY, ALABAMA IN PB. 27 AT PAGE 1



RAVENWOOD DR

Site 

1 inch = 30 feet

Item IC

2. BD-2021-042 **PRESENTED BY:** Bertha M. Tate

REPRESENTING: Same

SUBJECT: Request a special exception for church use and setback variances for an open carport to be located at 3402 Homeview Street in an R-60-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 24 ft. x 30 ft. open carport to be used as an ‘outdoor church’. The petitioner has indicated that there will be approximately 10-12 regular church members and most will walk to the services. There will be 6 gravel parking spaces provided onsite.

Service hours

- Sunday 11 a.m. (varies) to 7 p.m.
- Revivals 3 nights – up to a week
- Noon day Prayer

The carport will come to the property lines as follows:

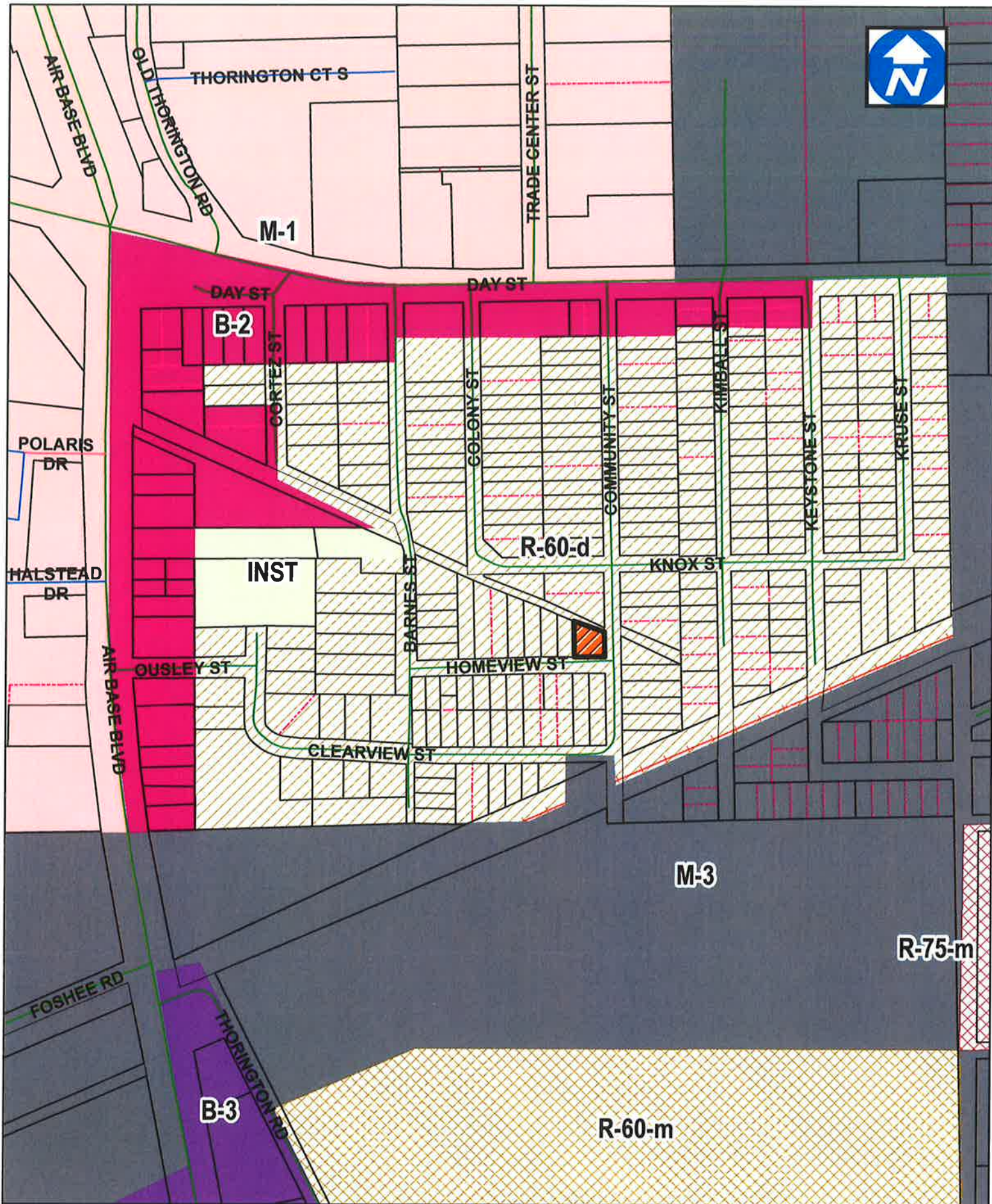
- 10 ft. from the west property line (side). 25 ft. variance
- 28 ft. from the north property line (rear). 7 ft. variance
- 33 ft. from the east property line (Community Street). 2 ft. variance
- 30 ft. from the south property line (Homeview Street). 5 ft. variance

Whereas all setbacks are required to be 35 ft.

The requests are a special exception for church use and setback variances as shown.

This request was delayed at the June 15, 2021 meeting so that the petitioner can provide a more suitable site plan.

COUNCIL DISTRICT: 4



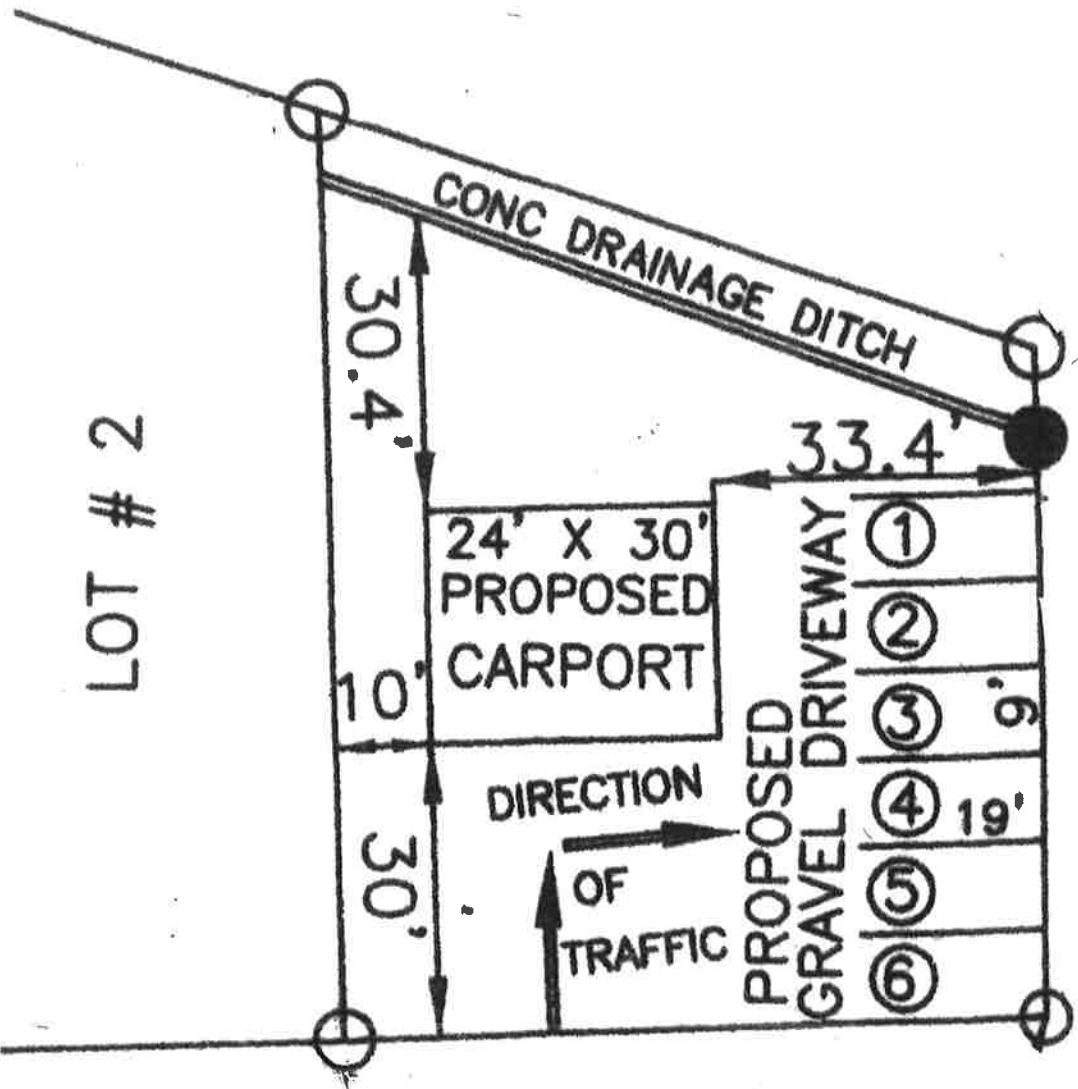
Site 

1 inch = 300 feet

Item 2A



LOT # 2



HOMEVIEW STREET

COMMUNITY STREET



HOMEVIEW ST

COMMUNITY ST

Site 

1 inch = 30 feet

Item 2C

3. BD-2014-019 **PRESENTED BY:** Bettie Brooks

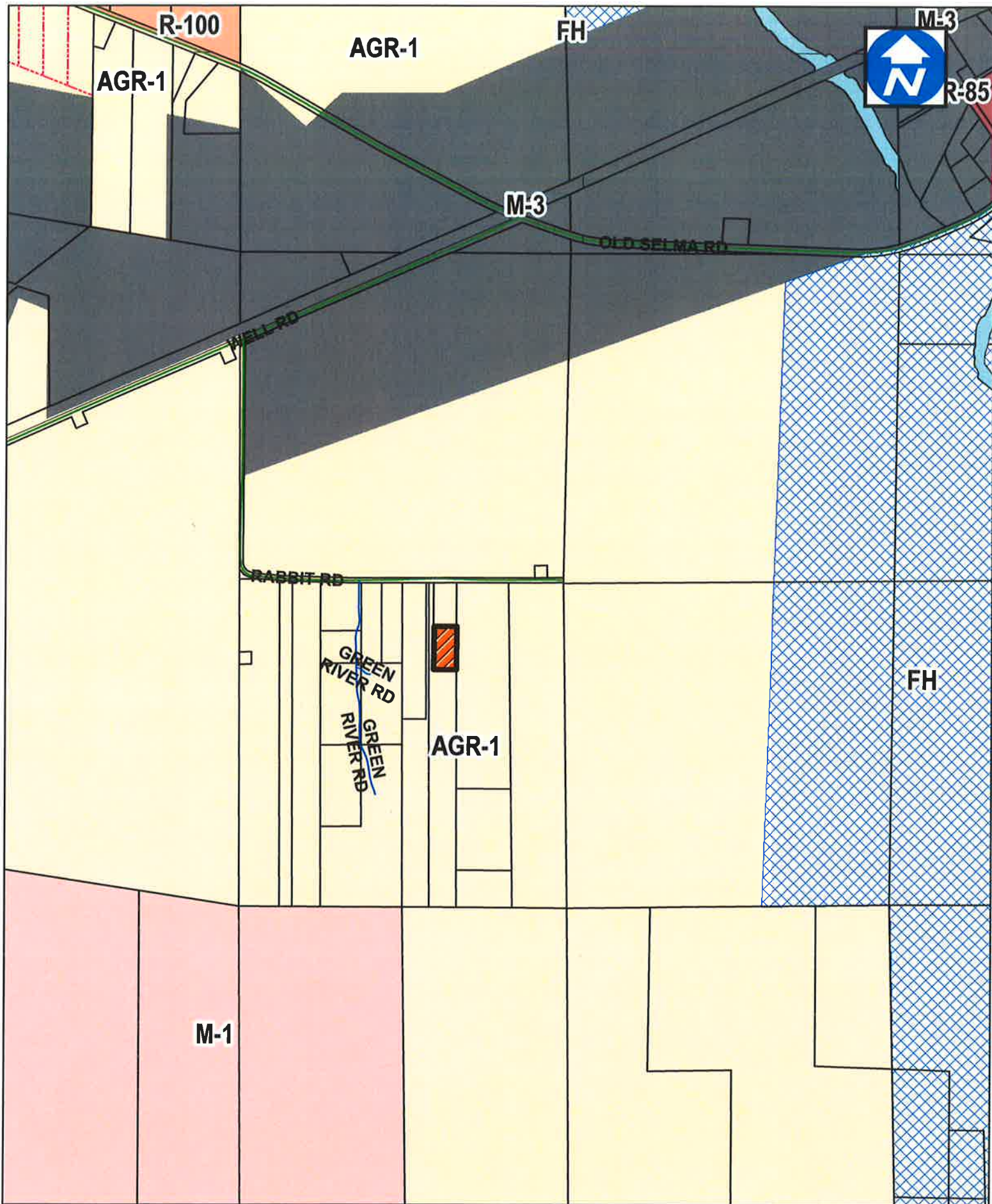
REPRESENTING: Same

SUBJECT: Request a special exception for an additional mobile home for living purposes to be placed on the property located at 2929 Rabbit Road in an AGR-1 (Residential Agriculture) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a second mobile home on a 1 ½ acre parcel of land. The applicant has stated both mobile homes will be for family use.

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

COUNCIL DISTRICT: 4



Site 

1 inch = 1,000 feet

Item 3A

185.48'

1.50
Ac±

4
N

SPECIAL NOTE:

**THIS IS NOT A PROPERTY
BOUNDARY SURVEY MAP.**

SITE TBM
2 NAILS IN
WEST FACE OF
POWER POLE
EL.=165.02

100' RADIUS
FROM
NORTHERNMOST
POINT OF
PROPOSED FIELD
LINES, PROPOSED
WELL MUST BE
NORTH OF THIS
LINE

100' RADIUS FROM
NORTHERNMOST POINT OF
EXISTING FIELD LINES,
PROPOSED WELL MUST
BE NORTH AND WEST OF
THIS LINE

EXISTING MOBILE
HOME

PROPOSED 30' X 80'
HOUSE

PROPOSED
1000
GALLON
SEPTIC
TANK

EXISTING FIELDS

352.35

- MINIMUM ELEVATION DROP
FROM STUBOUT TO INFLUENT OF
SEPTIC TANK = 0.5'

- ELEVATION DROP FROM
INFLUENT OF SEPTIC TANK TO
EFFLUENT OF SEPTIC TANK =
0.25'

- MINIMUM ELEVATION DROP
FROM EFFLUENT OF SEPTIC
TANK BOX TO FIELD LINE = 0.5'

MAXIMUM TRENCH DEPTH = 30"

1% SLOPE

4-76' FIELD LINES FOR
A TOTAL OF 304 L.F.
OF INFILTRATOR QUICK
4 LOW PROFILE PIPE IN
36" WIDE TRENCHES AT
8" O.C.; USE SERIAL
DISTRIBUTION TO
INSURE PROPER
DISTRIBUTION BETWEEN
FIELD LINES

PB1

PB2

164'

RDF

186.06'

TE SEWAGE
SAL DESIGN
TIE HUFFMAN
ET 1 OF 1

SITE PLAN
(SCALE: 1" = 40')

FIELD SURVEY: 7/22/21 (JB)
PROJECT NAME: TAYLOR
PROJECT NO.: 10-25
DWG NAME: 1025 ONSITE 2021

COGO NAME: 1025.CSV
DRAWN BY: SH
DWG PROOFED BY: GJ

JEFFCOAT ENGINEERS & SURVEYORS, L.L.C.
928 SOUTH HULL STREET
MONTGOMERY, AL 36104
(334) 265-1246

CLANTON
(205) 755-3677

TROY
(334) 566-0030

3B



Site 

1 inch = 200 feet

Item 30

4. BD-2021-053 **PRESENTED BY:** Willie Gardner

REPRESENTING: Same

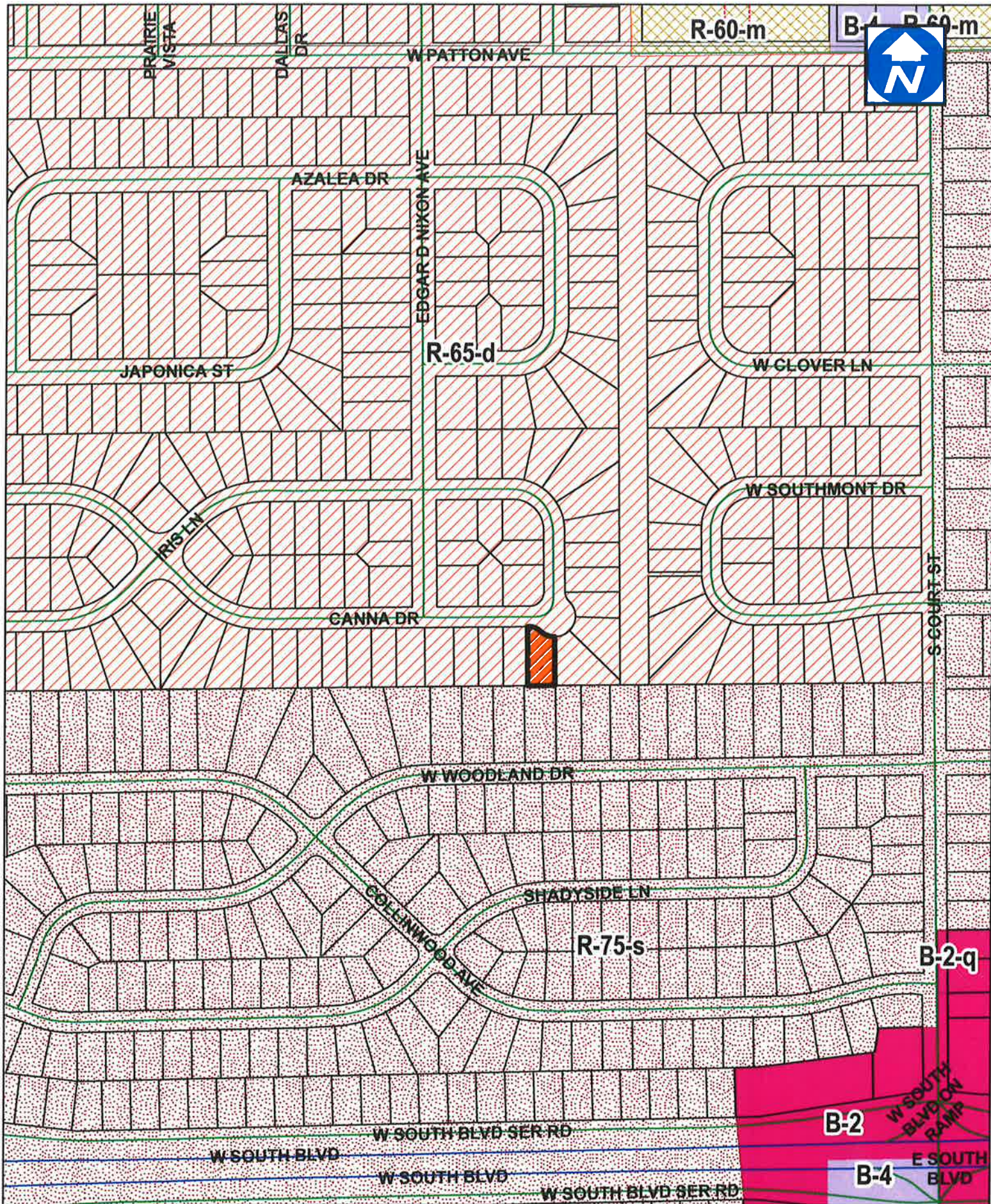
SUBJECT: Request a special exception for an accessory structure without a main dwelling, a special exception for sanitary facilities, and a coverage variance for a proposed accessory structure to be located at 151 Canna Drive in an R-65-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 1,000 sq. ft. (25 ft. x 40 ft.) accessory structure, whereas 360 sq. ft. is allowed. There will be a bathroom in the structure. The applicant has indicated the structure will be used for family gatherings.

Staff Comment(s): If approved, it should be stipulated the structure is not to be used for living purposes.

The requests are a special exception for an accessory structure without a main dwelling, a special exception for sanitary facilities, and a 640 sq. ft. coverage variance.

COUNCIL DISTRICT: 7



Site 

1 inch = 300 feet

Item 4A

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

SOURCE OF INFORMATION:
 - SECTION 5, PART B, SOUTHERN
 MEADOWS PLAT (PB. 12, PAGE 61)

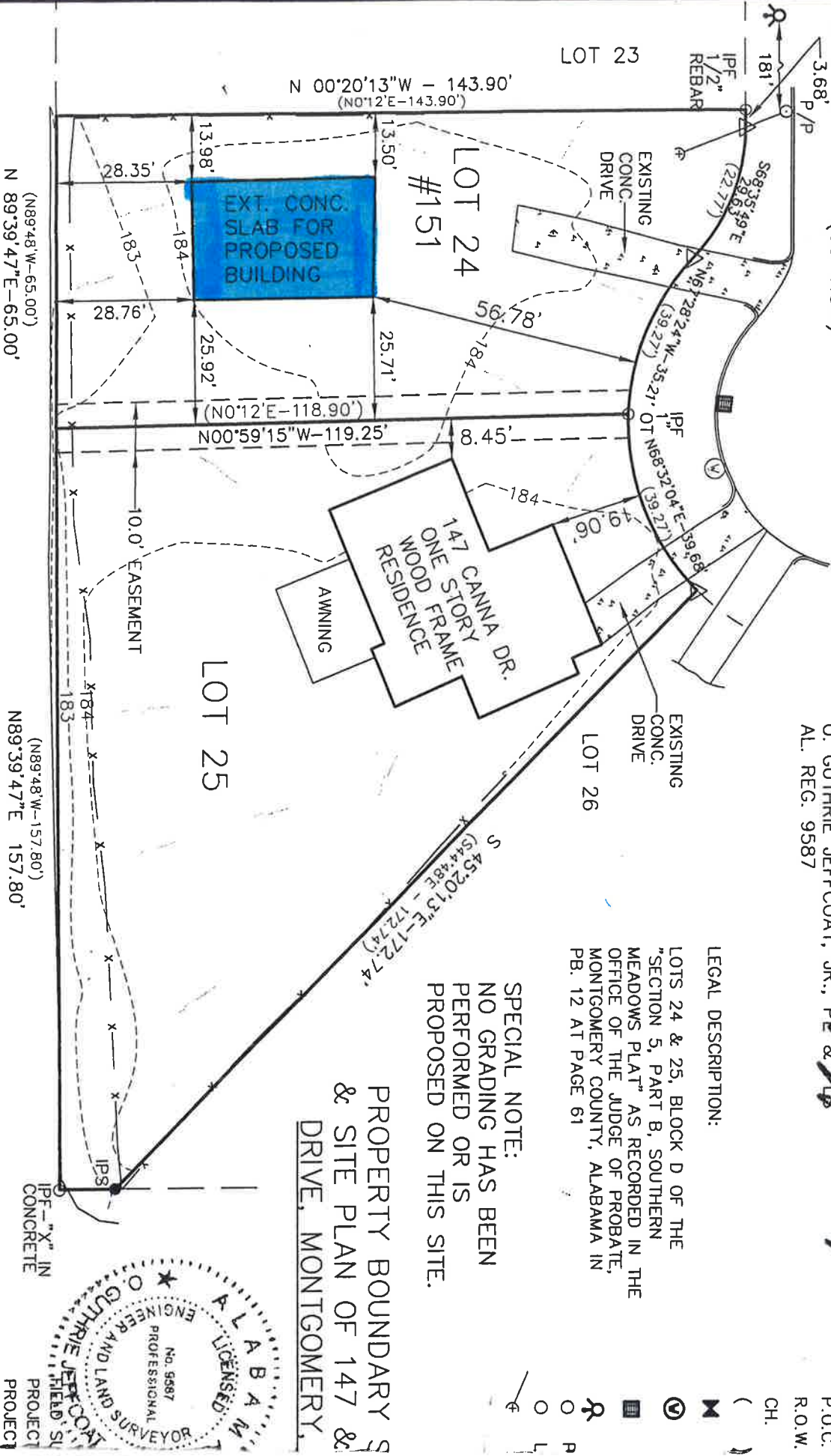
STATE OF ALABAMA
 COUNTY OF MONTGOMERY

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 30TH day of JULY, 2021.

O. Guthrie Jeffcoat, Jr.
 O. GUTHRIE JEFFCOAT, JR., P.E. & S.
 AL. REG. 9587

CANNA DRIVE (50' ROW)



LEGAL DESCRIPTION:

LOTS 24 & 25, BLOCK D OF THE
 "SECTION 5, PART B, SOUTHERN
 MEADOWS PLAT" AS RECORDED IN THE
 OFFICE OF THE JUDGE OF PROBATE,
 MONTGOMERY COUNTY, ALABAMA IN
 PB. 12 AT PAGE 61

SPECIAL NOTE:
 NO GRADING HAS BEEN
 PERFORMED OR IS
 PROPOSED ON THIS SITE.

PROPERTY BOUNDARY
 & SITE PLAN OF 147 &
 DRIVE, MONTGOMERY,

LEGEND:

- CON
- IPS
- IPF
- ✕✕
- △
- P.O.B.
- P.O.C.
- R.O.W.
- CH.
- ()
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PROJECT
 DWG NA



GANNA DR



Site 

1 inch = 40 feet

Item 4C

5. BD-1989-095 **PRESENTED BY:** Reginald M. Miller

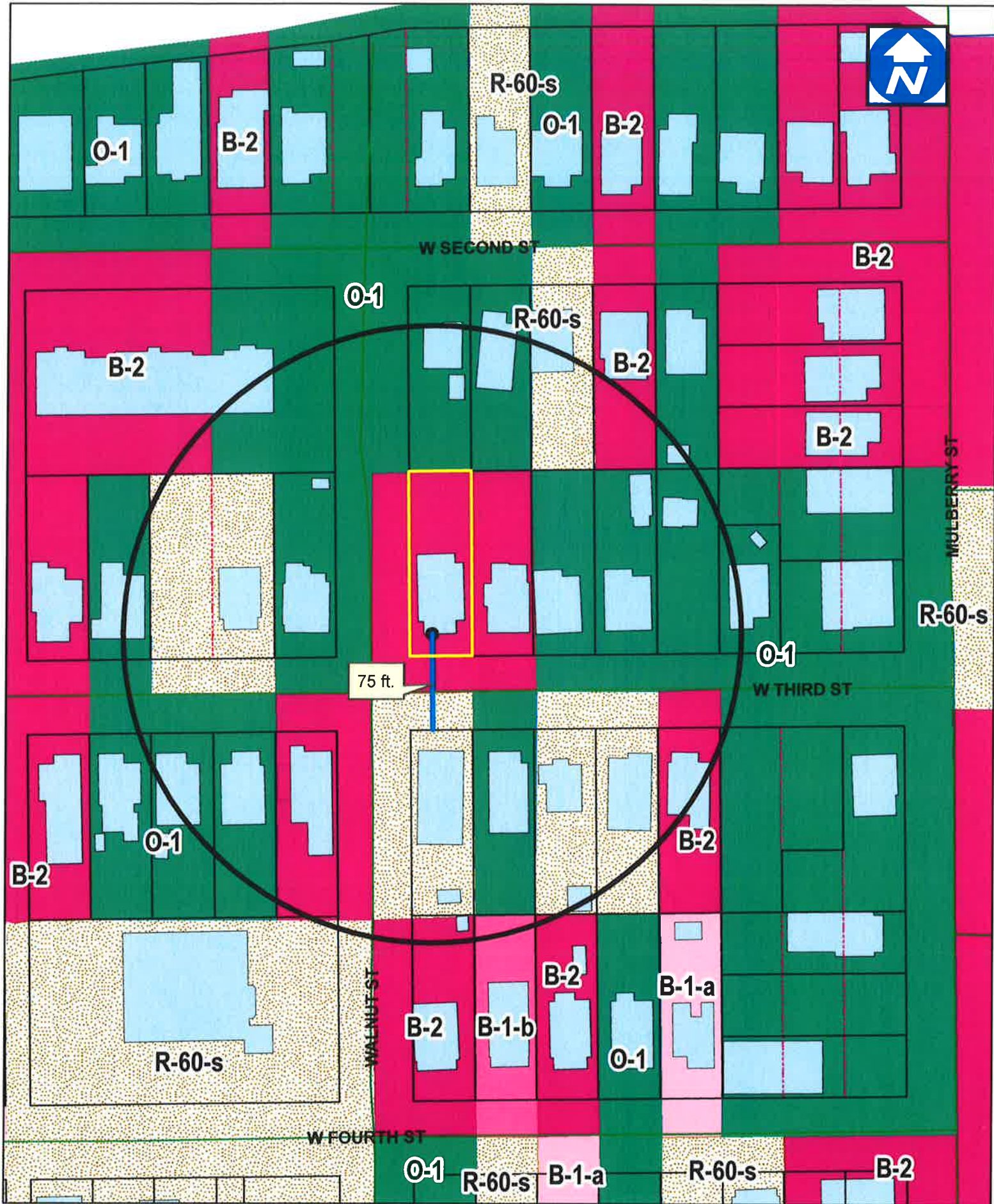
REPRESENTING: Torch Cigar Bar, LLC

SUBJECT: Request a variance to Ord. 17-2014 for a building located at 1801 West Third Street in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a lounge that will come within 75 ft. of the nearest residential boundary, whereas 250 ft. is required.

The request is a 175 ft. variance to Ord. 17-2014 to allow a lounge to come within 75 ft. of a residential boundary.

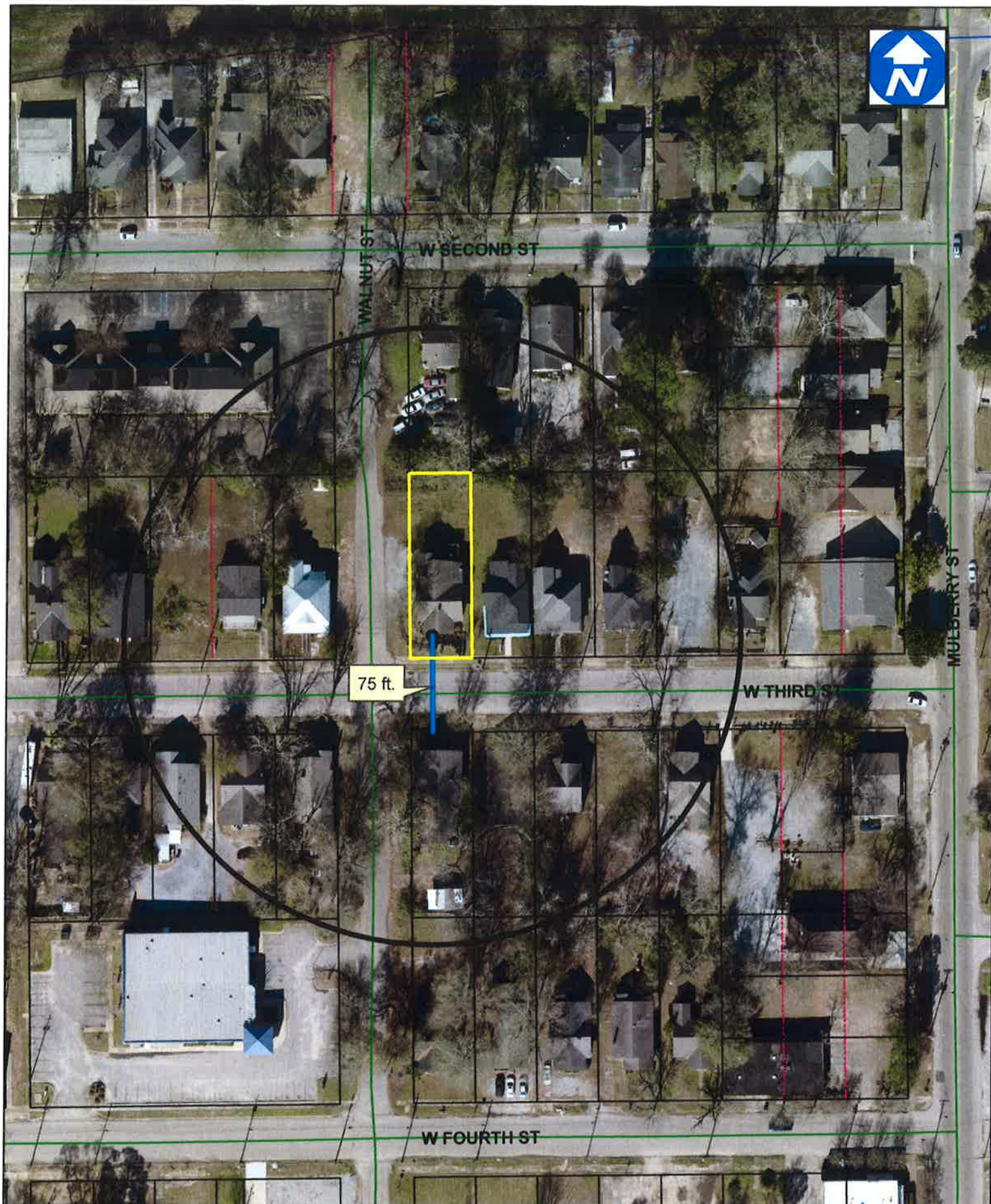
COUNCIL DISTRICT: 3



250 ft. buffer ○

1 inch = 100 feet

Item 5A



75 ft.

250 ft. buffer

1 inch = 100 feet

Item 5B

6. BD-2021-052 **PRESENTED BY:** Bessie M. McDaniel

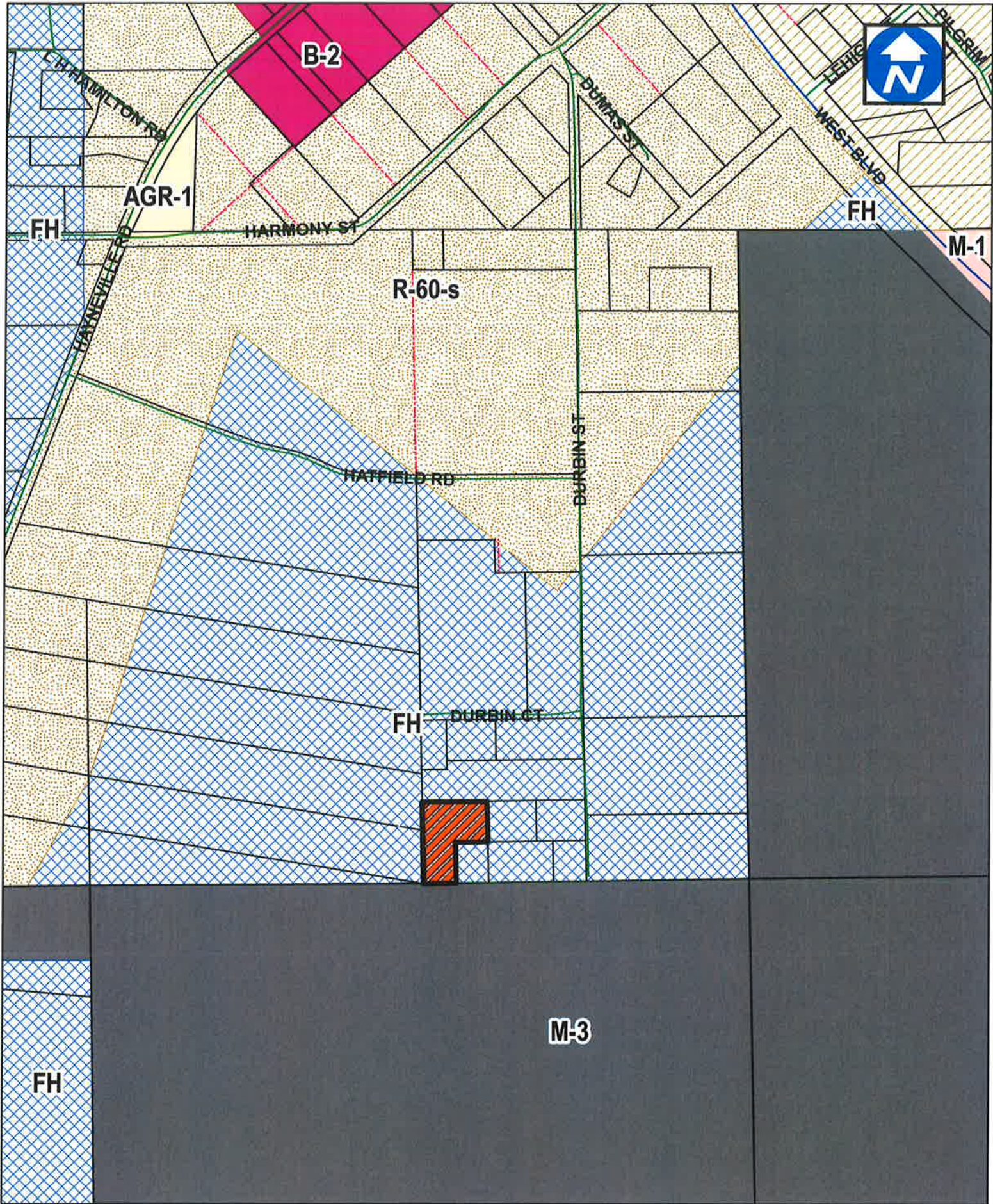
REPRESENTING: Same

SUBJECT: Request a special exception to place a mobile home for living purposes at 4469 Durbin Street in a FH (Flood Hazard) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home on a 1 ½ acre platted lot for living purposes. The applicant has stated the mobile home will be for family use.

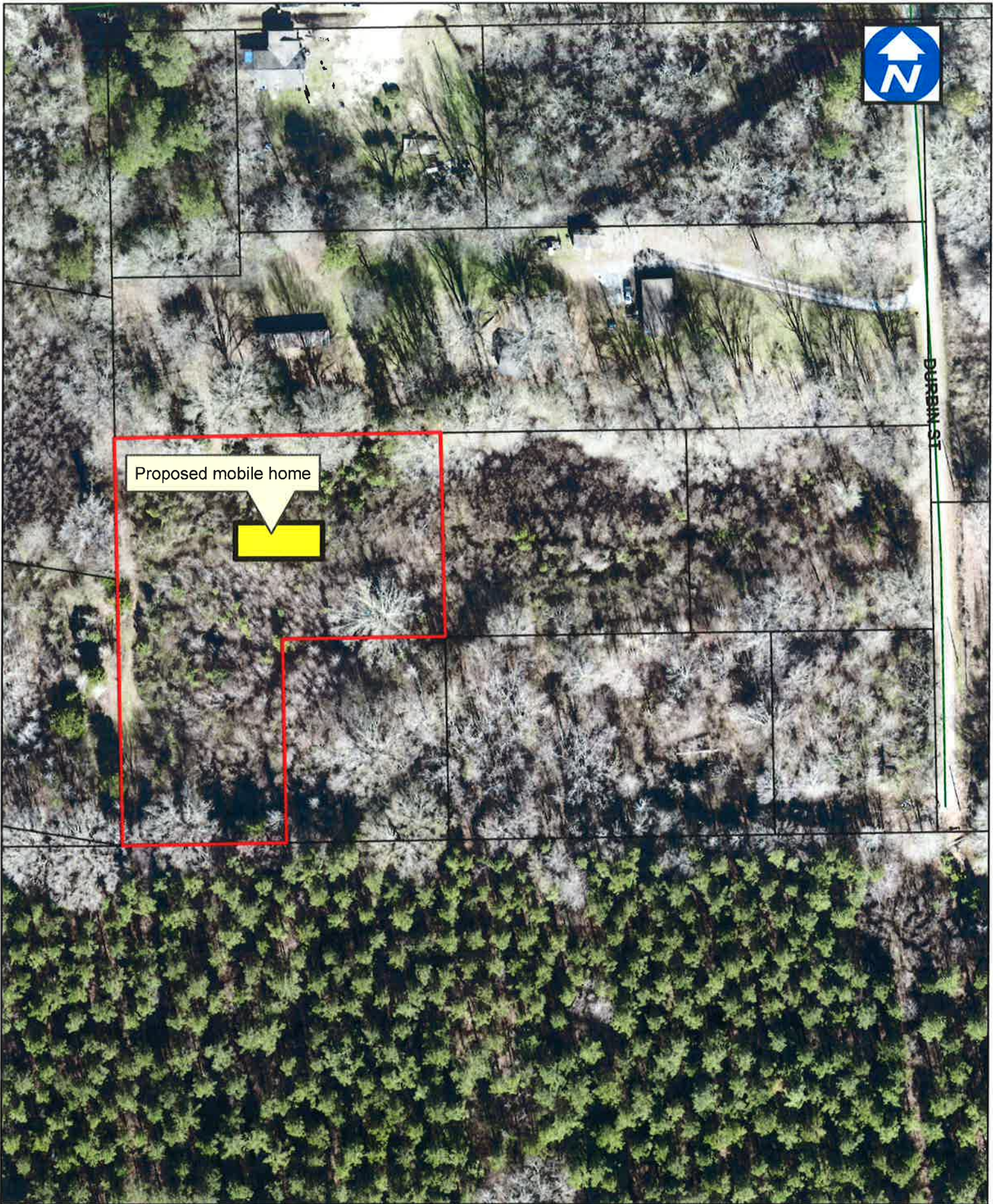
The request is a special exception for a mobile home for living purposes.

COUNCIL DISTRICT: 4



Site 

1 inch = 500 feet
Item 6A



Proposed mobile home



15 N 10000 ST

Site 

1 inch = 100 feet

Item 6B

7. BD-2021-051 **PRESENTED BY:** Inez Gilchrist

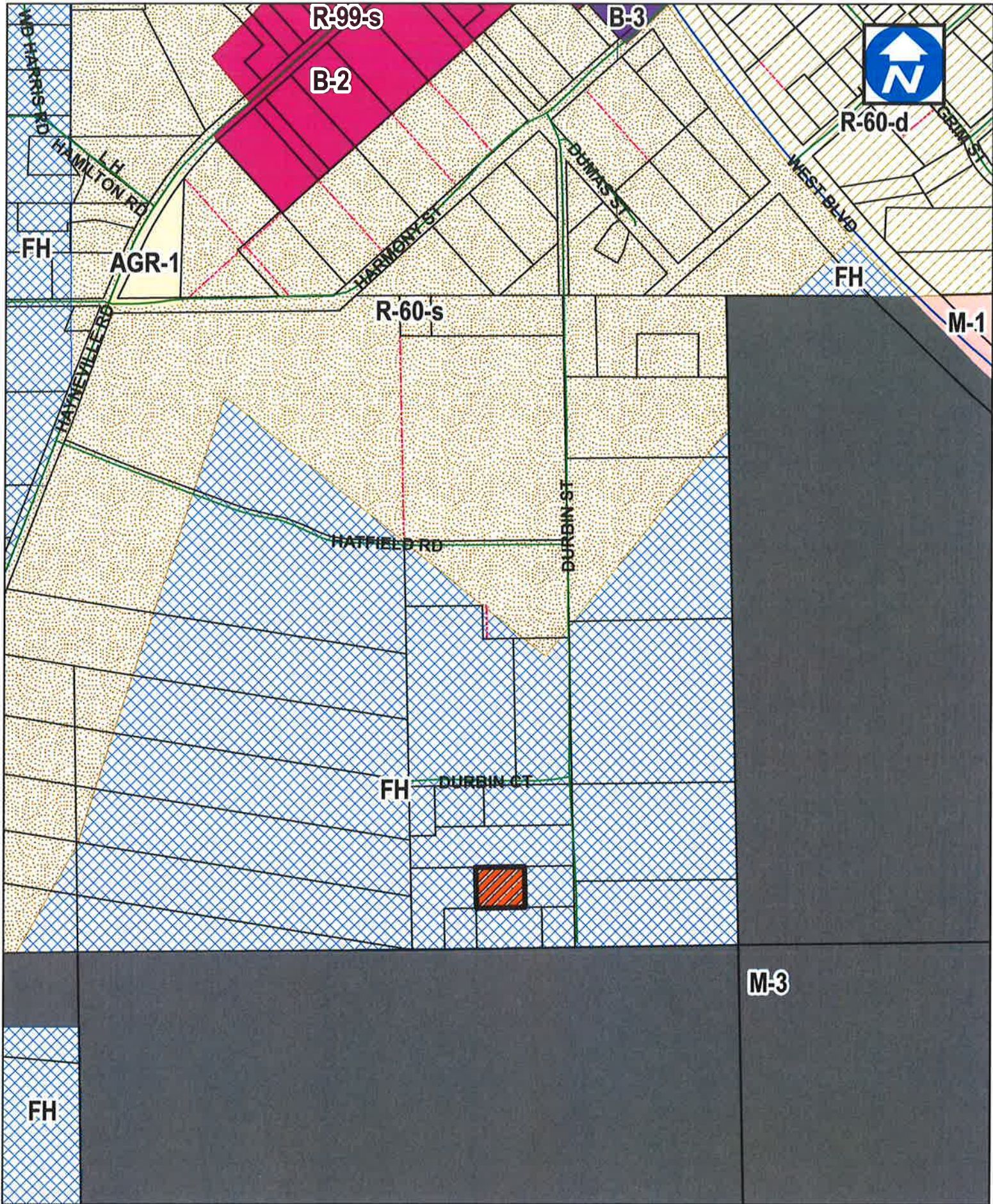
REPRESENTING: Same

SUBJECT: Request a special exception to place a mobile home for living purposes at 4463 Durbin Street in an FH (Flood Hazard) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home on a $\frac{3}{4}$ acre platted lot for living purposes. The applicant has stated the mobile home will be for family use.

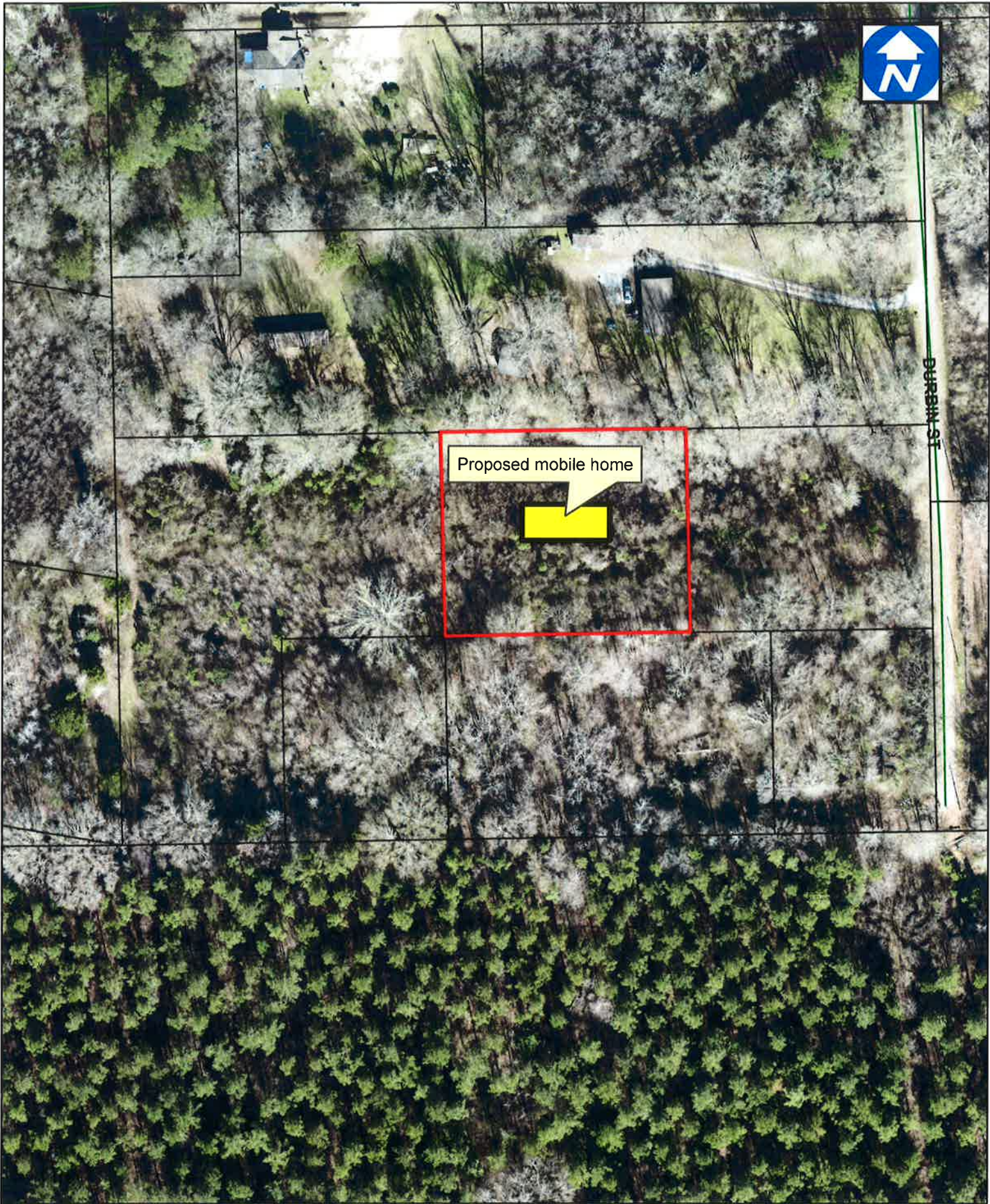
The request is a special exception for a mobile home for living purposes.

COUNCIL DISTRICT: 4



Site 

1 inch = 500 feet
 Item 7A



Site 

1 inch = 100 feet

Item 7B

8. BD-2021-050 **PRESENTED BY:** Inez Gilchrist

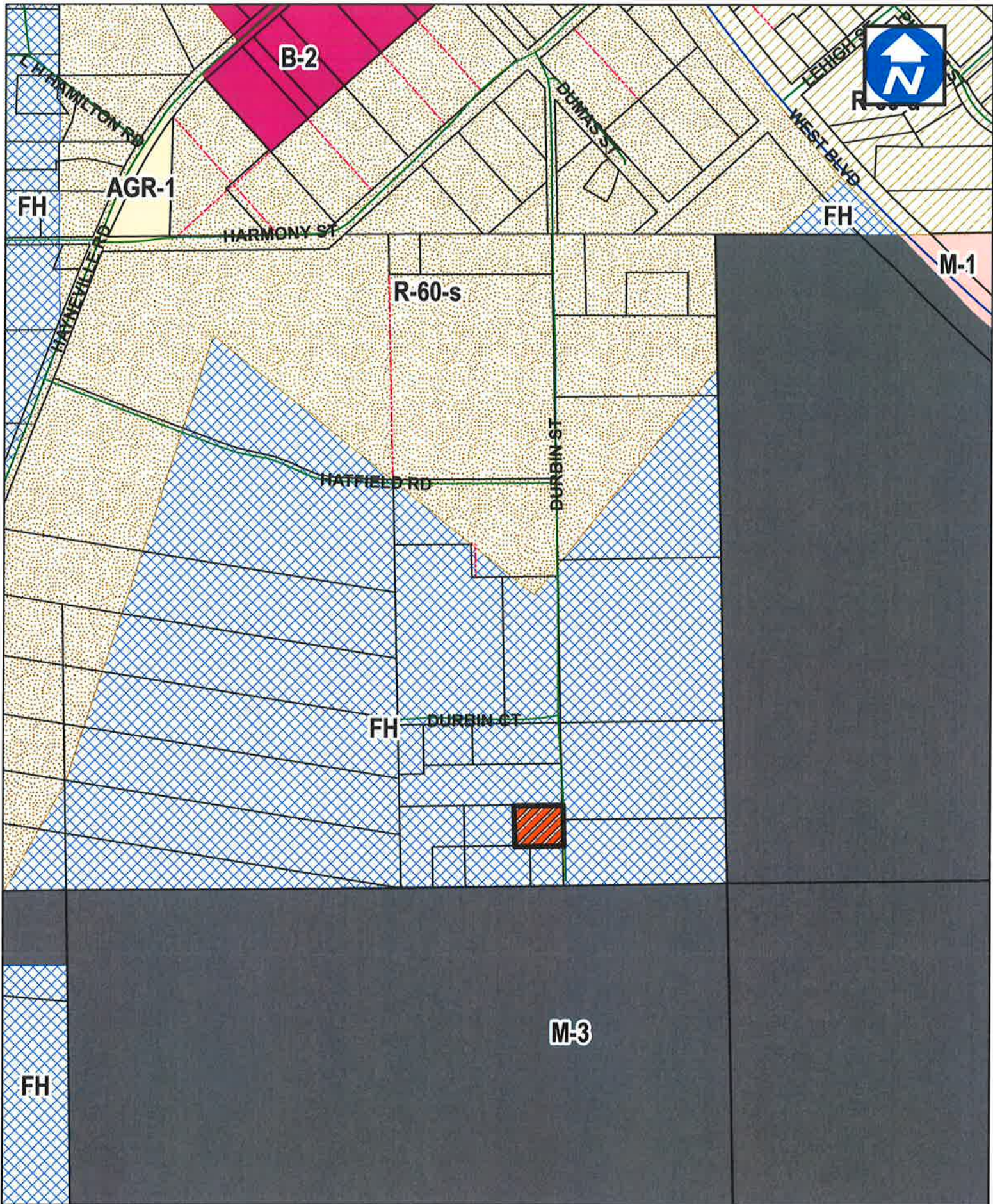
REPRESENTING: Same

SUBJECT: Request a special exception to place a mobile home for living purposes at 4457 Durbin Street in an FH (Flood Hazard) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home on a $\frac{3}{4}$ acre platted lot for living purposes. The applicant has stated the mobile home will be for family use.

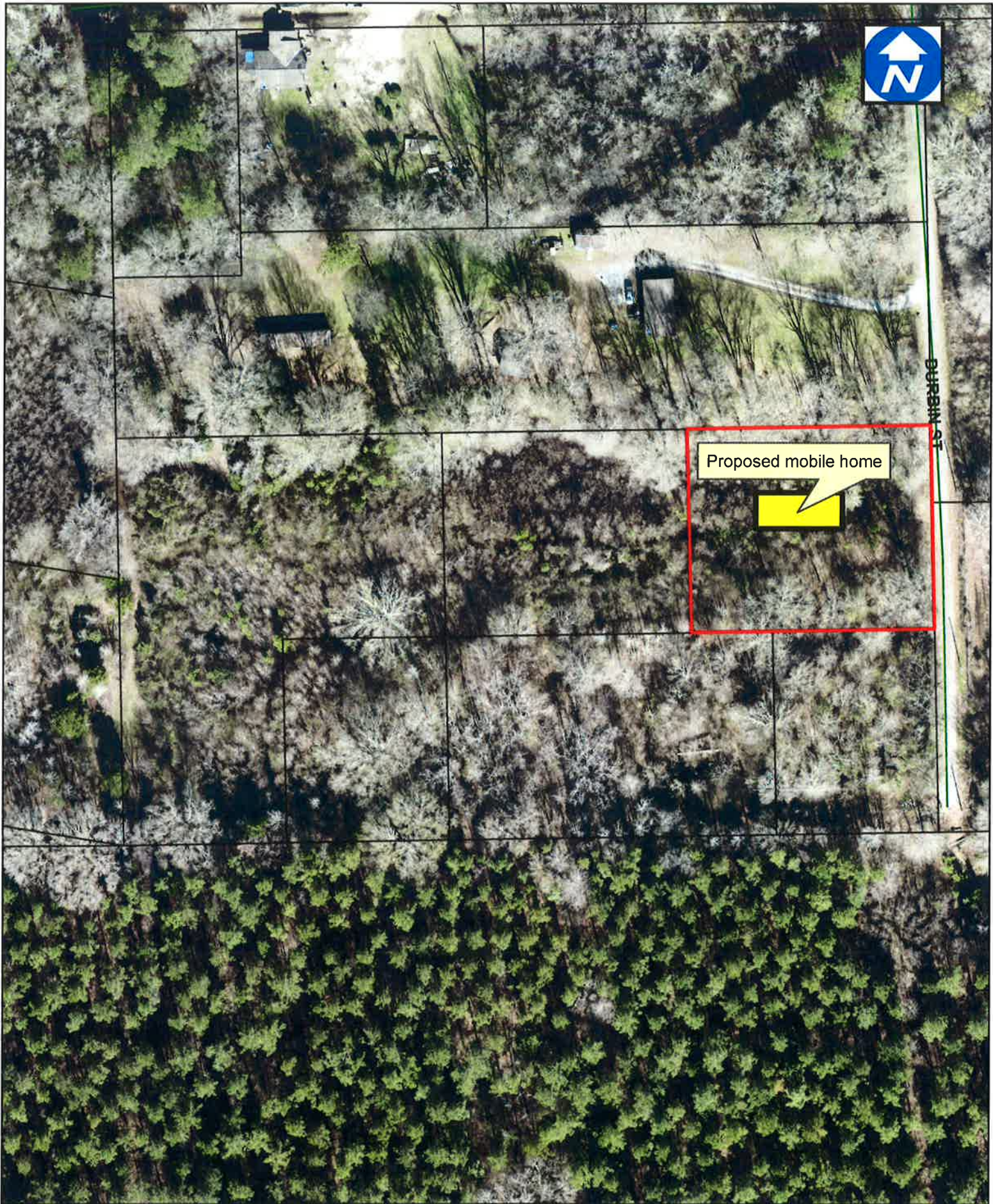
The request is a special exception for a mobile home for living purposes.

COUNCIL DISTRICT: 4



Site 

1 inch = 500 feet
 Item 8A



DURBIN ST

Proposed mobile home



Site 

1 inch = 100 feet

Item 8B

9. BD-2021-048 **PRESENTED BY:** Roderick Rudolph

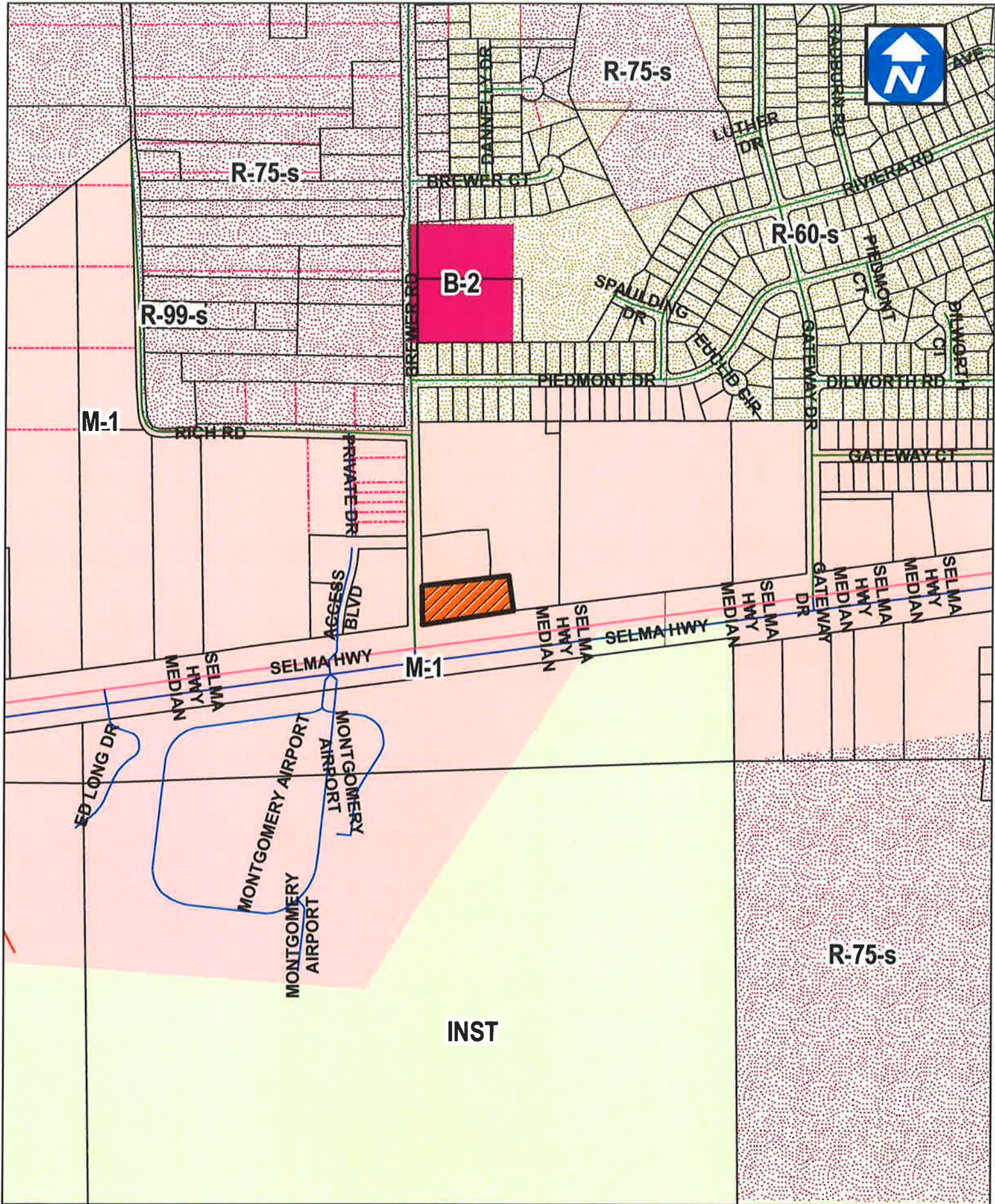
REPRESENTING: Same

SUBJECT: Request a special exception for a private school (truck driving school) to be located at 4204 Selma Highway in an M-1 (Light Industrial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a truck driving school. There will be 6-12 students for a 6 week course. Hours of operation are 9 a.m. – 11:00 p.m. There is currently one (1) “training” truck with possible expansion in the future.

The request is a special exception for a private school (truck driving school).

COUNCIL DISTRICT: 4



Site 

1 inch = 500 feet

Item 9A



Site 

1 inch = 200 feet

Item 9B

COMPLAINT

10. BD-2021-047 **PRESENTED BY:** Bella Momoh

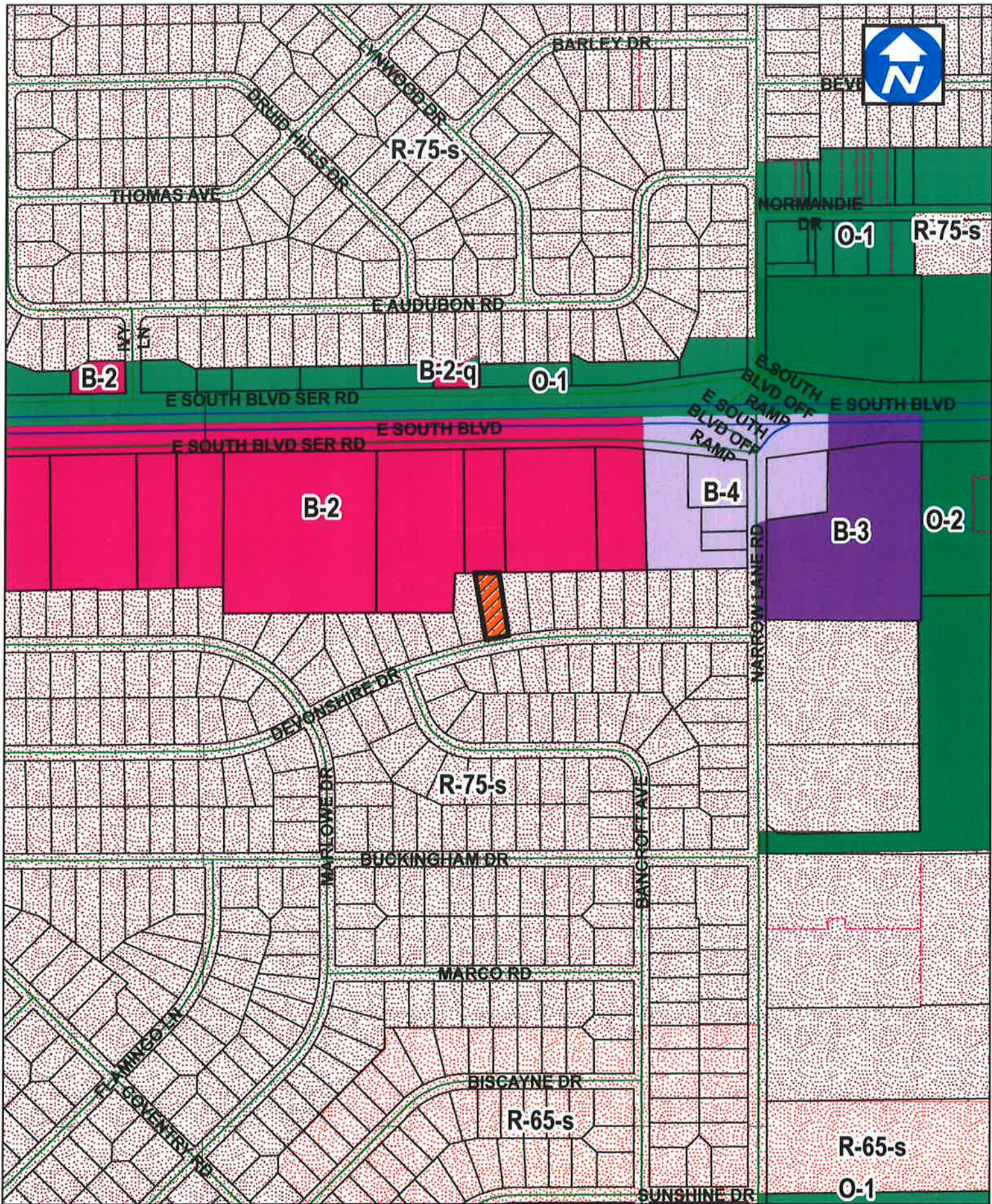
REPRESENTING: Same

SUBJECT: Request a special exception for goats to be kept on the property located at 1341 Devonshire Drive in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep two (2) goats in the back corner of the property in a fenced in area.

The request is a special exception to keep two (2) goats.

COUNCIL DISTRICT: 5



Site 

1 inch = 400 feet

Item 10A



Fenced in area for goats



Site 

1 inch = 40 feet

Item 10B

11. BD-2007-057 **PRESENTED BY:** Kyle Searcy

REPRESENTING: Fresh Anointing House of Worship

SUBJECT: Request a special exception for church use in a multi-tenant building located at 6200 Atlanta Highway in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to use a 51,348 sq. ft. tenant space for church use. Seating capacity is 800 which would require 160 parking spaces. There are 511 parking spaces provided for the shopping center, and the parking lot is lit.

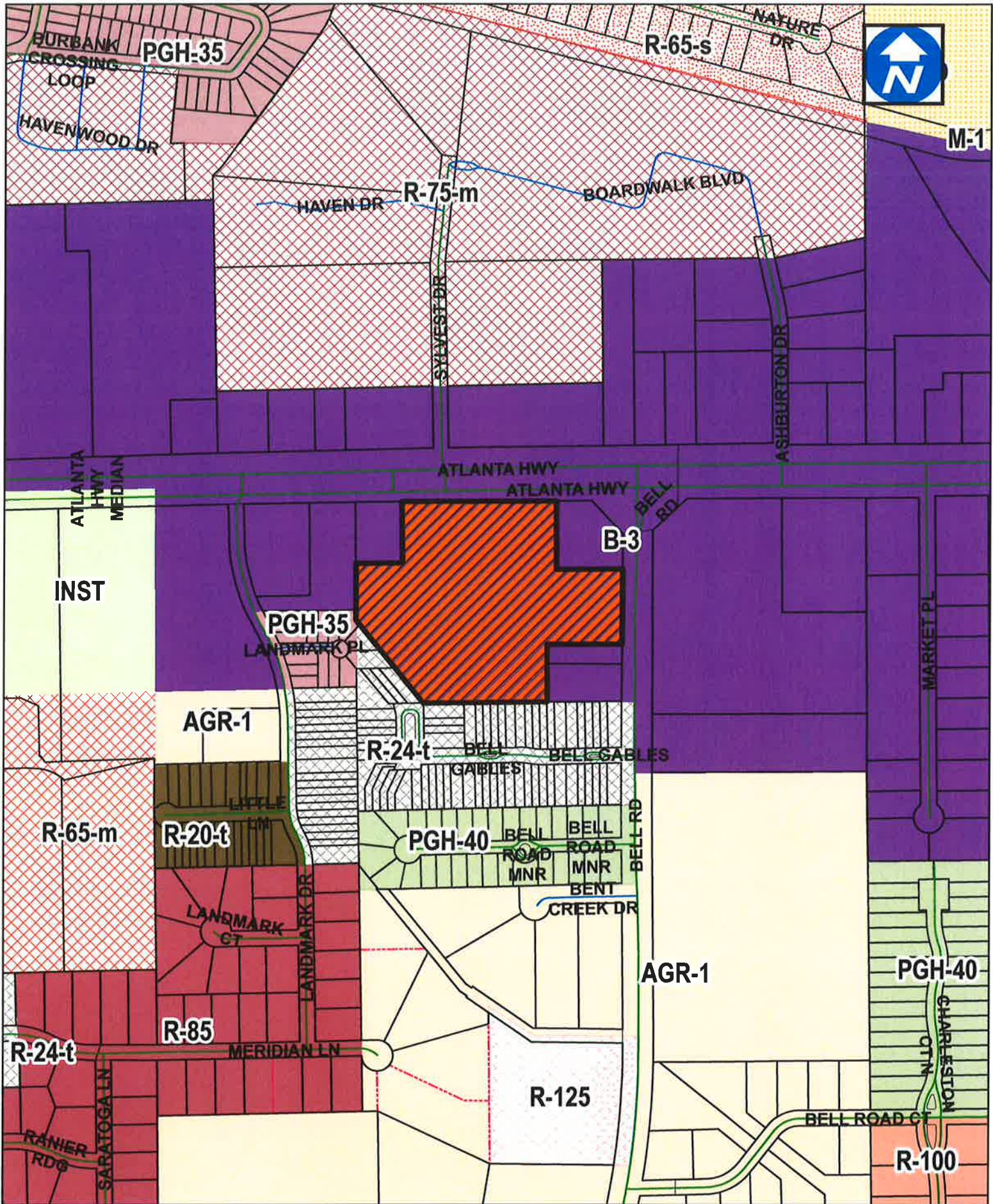
Services

Sunday: 9:00 a.m. & 11:00 a.m.

Wednesday: 7:00 p.m.

The request is a special exception for church use.

COUNCIL DISTRICT: 9



Site 

1 inch = 400 feet

Item 11A



Site 

1 inch = 200 feet

Item 11B

12. BD-2021-049 **PRESENTED BY:** Matilda Phelan

REPRESENTING: Same

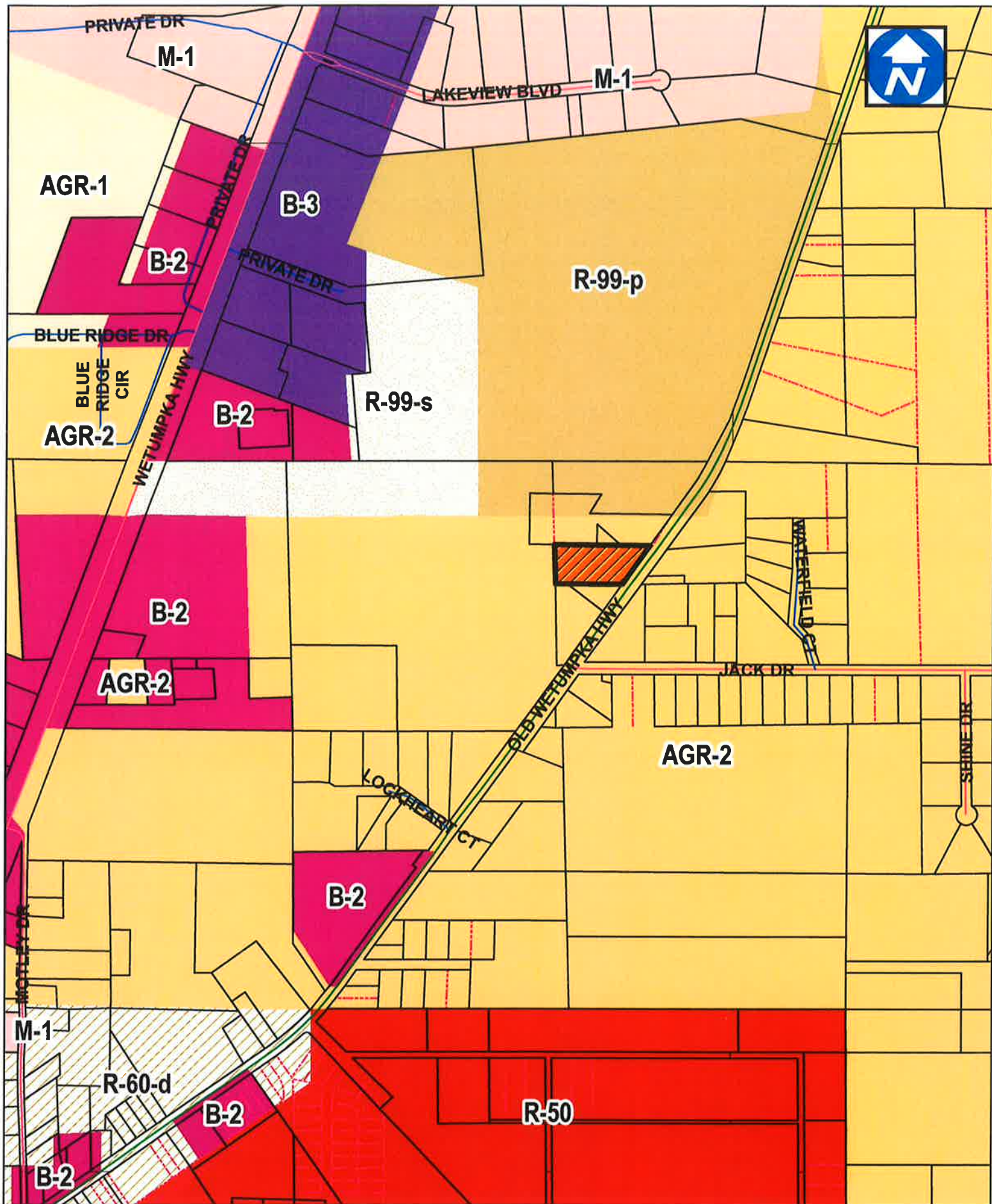
SUBJECT: Request a special exception for a mobile home for living purposes to be located on the west side of the Old Wetumpka Highway, approximately 500 ft. north of Jack Drive, in an AGR-2 (General Agriculture) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home on a 1.72 acre parcel for living purposes. The applicant has stated the mobile home will be for family use.

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

COUNCIL DISTRICT: Police Jurisdiction

COUNTY COMMISSION DISTRICT: 4



Site 

1 inch = 600 feet

Item 12A



Proposed mobile home



OLD WETUMPKA HWY

Site 

1 inch = 100 feet

Item 12B

13. BD-1978-323 **PRESENTED BY:** Mariana Wray

REPRESENTING: Same

SUBJECT: Request a coverage variance for an additional accessory structure to be located at 2211 River Road* in an R-50 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct an additional accessory structure to be used as a garage/storm shelter. There are a total of six (6) accessory structures (sizes vary), including the proposed one, totaling 5,862 sq. ft., whereas 300 sq. ft. of coverage is allowed.

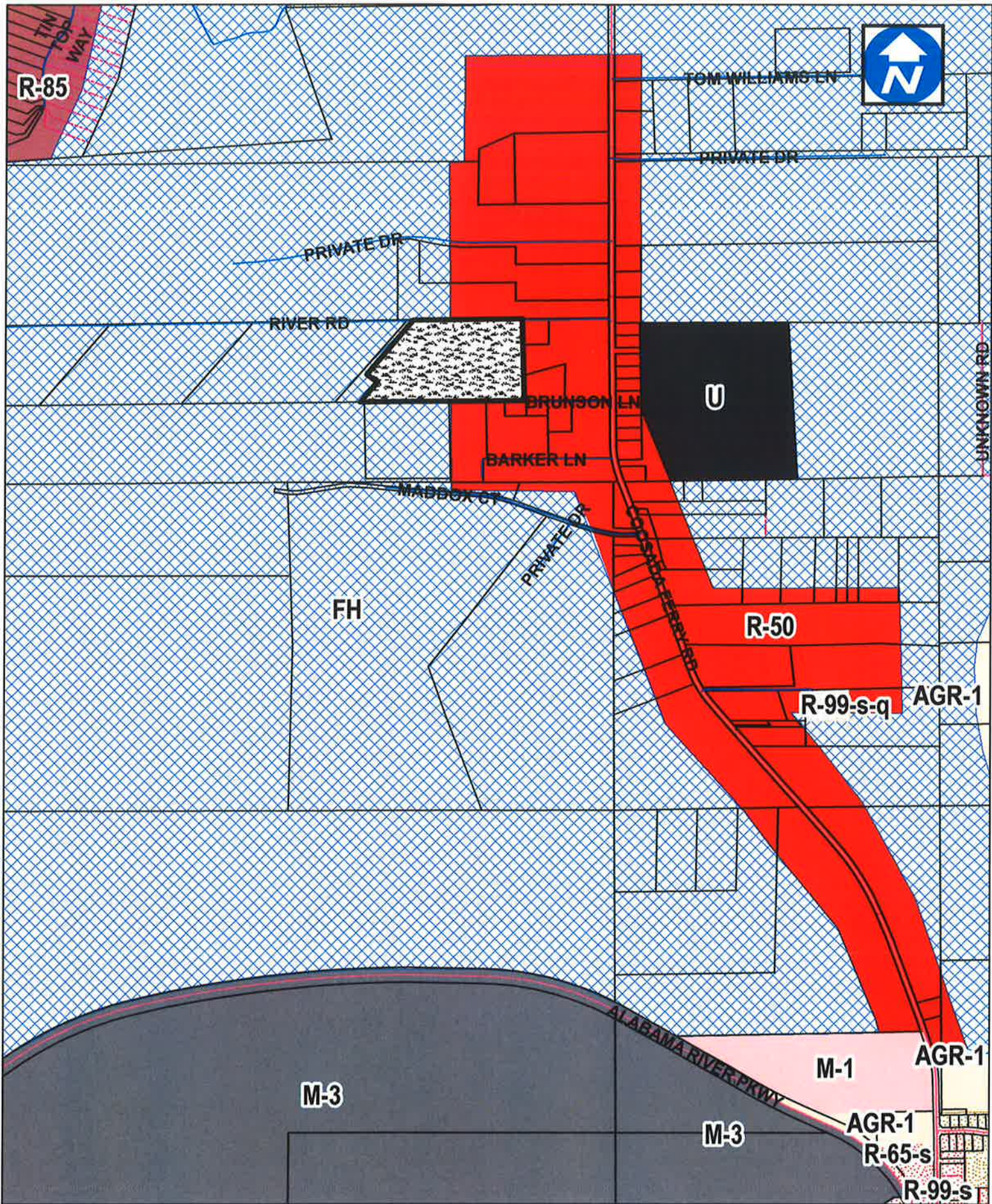
**Private Street*

Staff Comment(s): The parcel is 18.5 acres and the zoning is inappropriate for the area.

The request is a 5,562 sq. ft. coverage variance.

COUNCIL DISTRICT: Police Jurisdiction

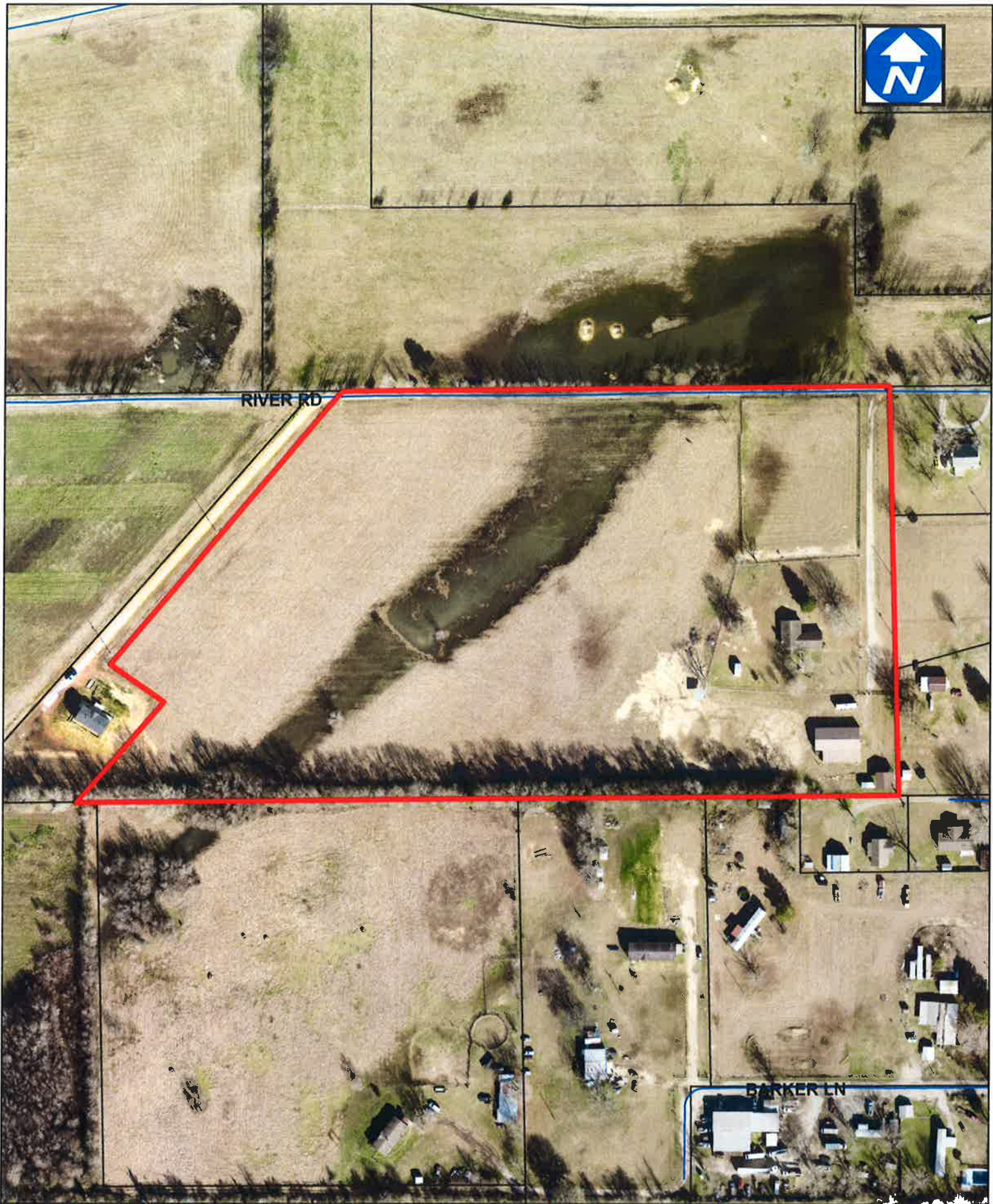
COUNTY COMMISSION DISTRICT: 4



Site 

1 inch = 1,000 feet

Item 13A



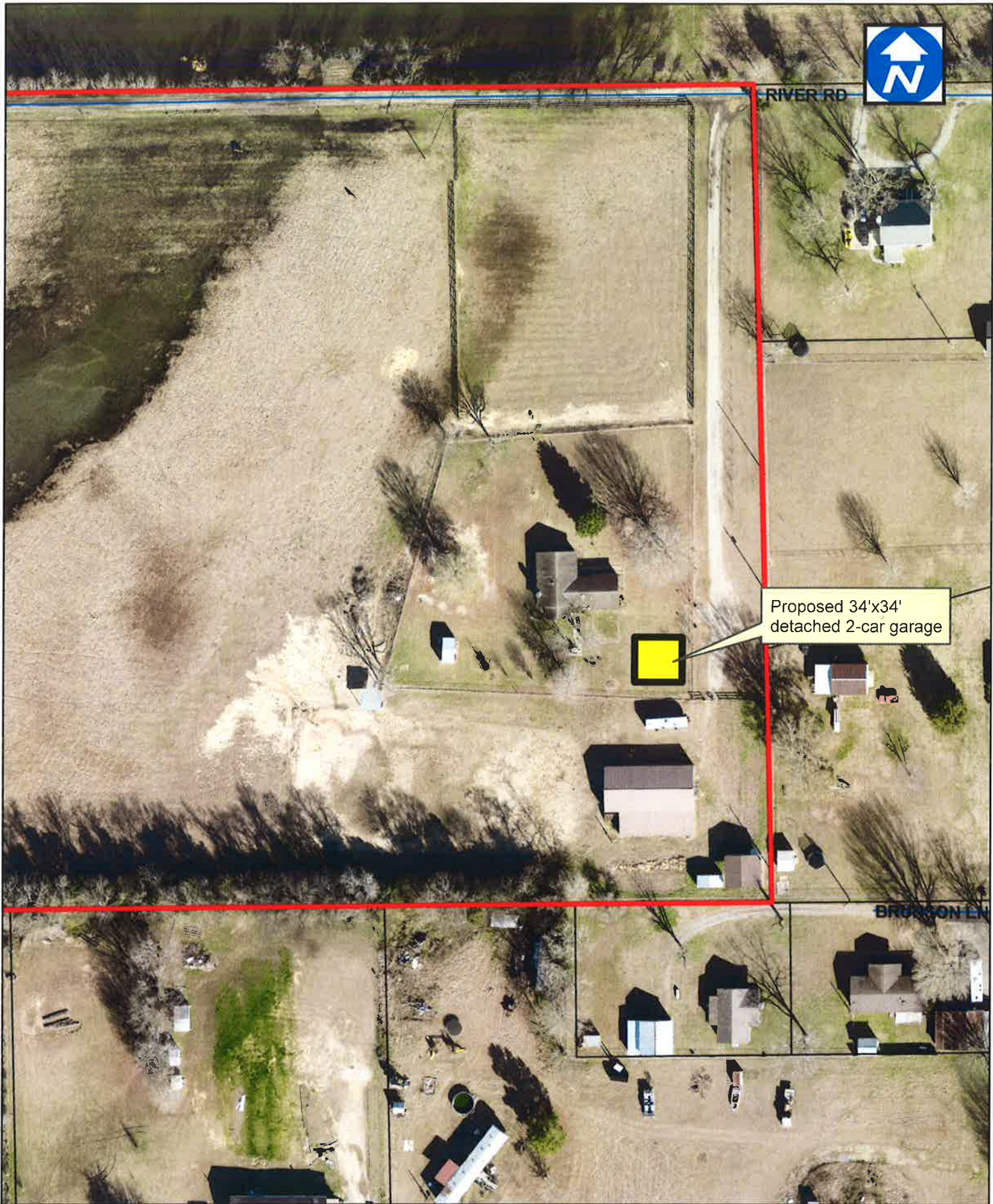
RIVER RD

BARKER LN

Site 

1 inch = 200 feet

Item 13B



RIVER RD

Proposed 34'x34'
detached 2-car garage

BRUNSON LN

Site 

1 inch = 100 feet

Item 130