

Board of Adjustment Agenda

October 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*

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 September 16, 2021 meeting.

October 21, 2021

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	1989-095	Reginald M. Miller	B-2	1801 West Third Street (Variance to Ord. 17-2014)	1
2.	2021-058	Kyle Kyser	O-1	1920 Berryhill Road (Multiple variances)	2
3.	2021-059	Brigadier General (Ret) Trent Edwards	T5	41 Commerce Street (Exception to SmartCode)	3
4.	2021-057	Chacodon Mathews	R-65-s	2500 Plum Street (Privacy fence)	4
5.	1989-064	William P. Parker	B-3	2596 Eastern Boulevard (Variance to Ord. 17-2014)	5
6.	2021-060	Greater Golden Gates Church	R-99-p	Washington Ferry Road (Church)	6
7.	2021-056	La'Sheika Williams	M-1	6160 Brewbaker Boulevard (Church)	7
8.	2009-072	Matt Bostic	PUD	8197 Decker Lane (Group home)	8
9.	2021-055	Qualita Clark	R-65-s	207 John Morris Avenue (Chickens)	9
10.	1964-102	Sharon Taurel	R-100	3731 Berkley Drive (Variance to Ord. 37-2005)	10
11.	2021-053	Willie Gardner	B-3	151 Canna Drive (Rear yard variance)	11
12.	2021-054	Coleman Farrior	PUD	7104 Fain Park Drive (Rear yard variance)	12
13.	2021-061	Pastor Harris	M-1/B-2	Lower Wetumpka Road (Church)	13
14.	2021-062	Mathews Development Company	PUD	8624 Glades Court (Rear yard variance)	14

The next Board of Adjustment meeting is on November 4, 2021

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

REPRESENTING: Torch Cigar Bar, LLC

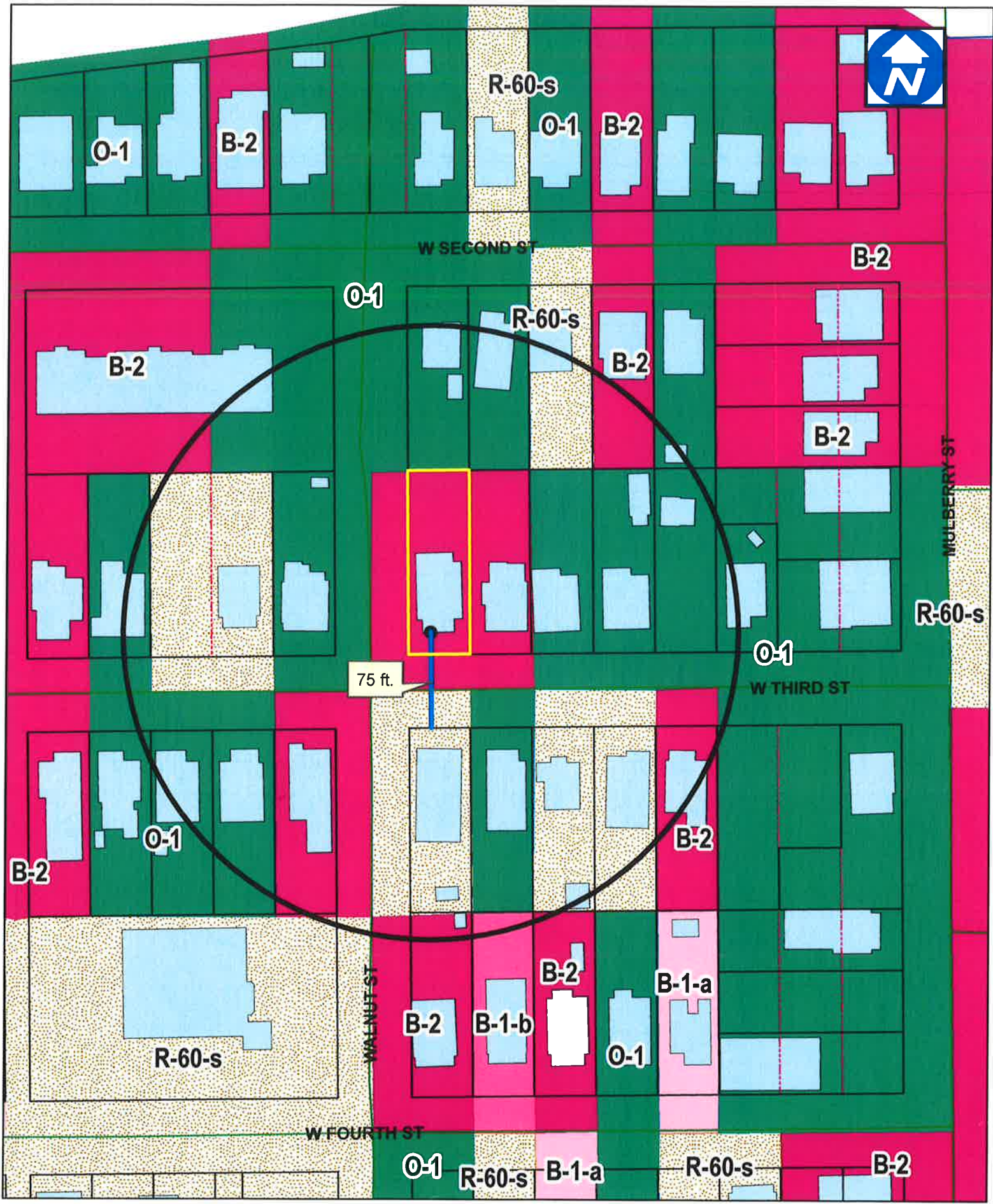
SUBJECT: Request a variance to Ord. 17-2014 for a building located at 1801 West Third Street in a B-2 (Commercial) Zoning District.

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.

This request was delayed at the September 16, 2021 meeting so that the applicant can provide a site plan showing the location of all available parking, ingress/egress, and written permission from the property owner that will allow the use of their property for extra parking.

COUNCIL DISTRICT: 3

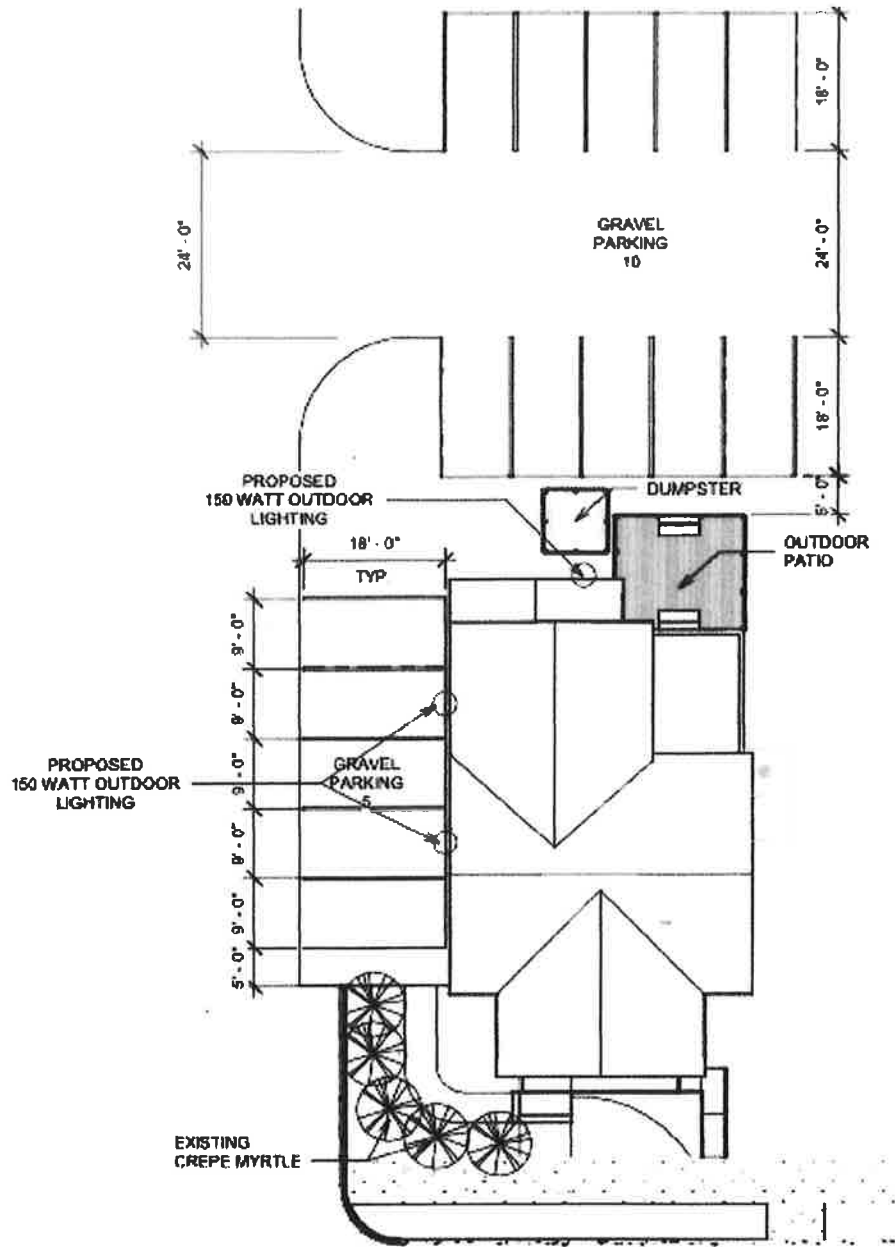


75 ft.

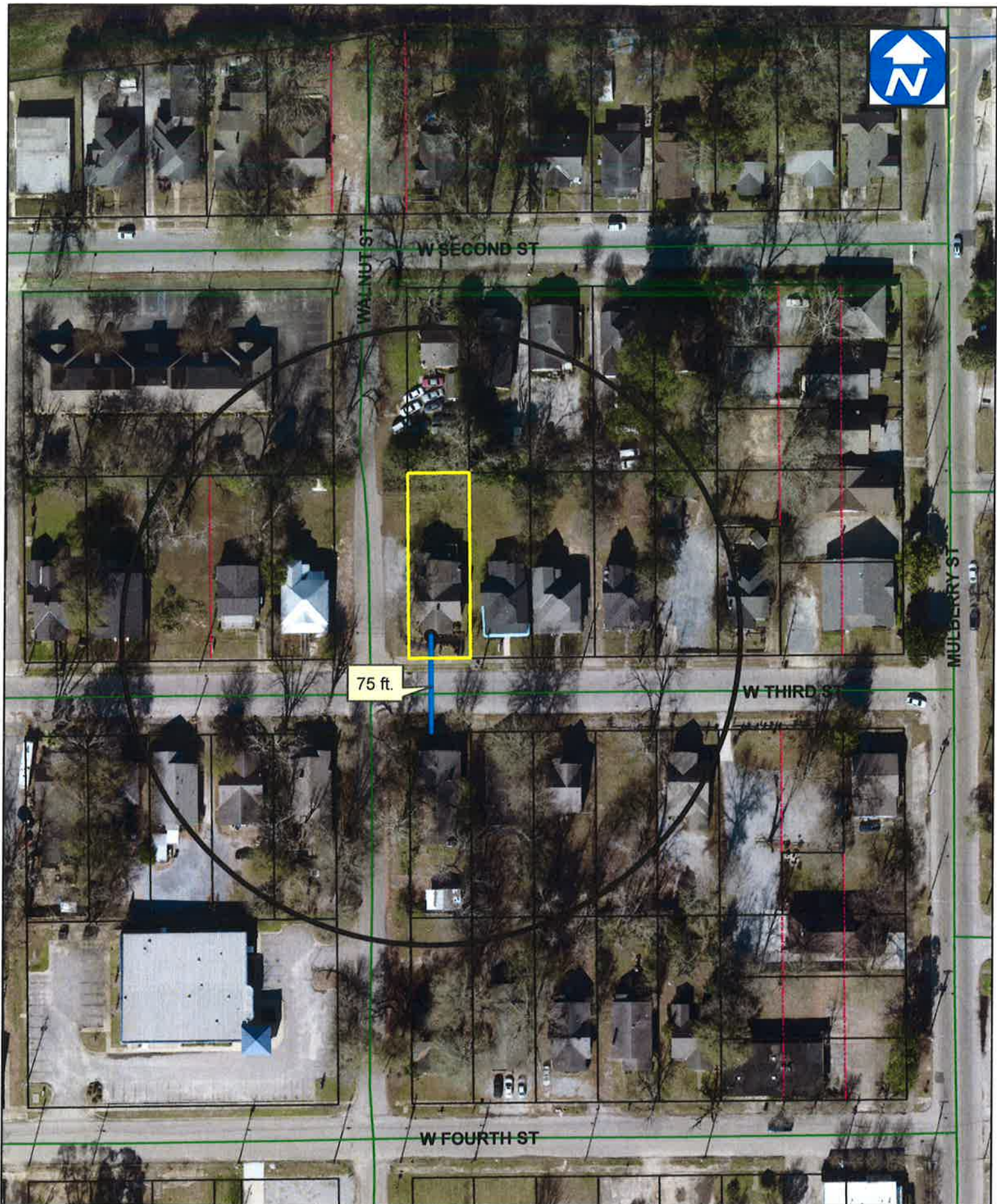
250 ft. buffer 

1 inch = 100 feet
Item JA

A
2



SITE PLAN



250 ft. buffer

1 inch = 100 feet

Item IC

2. BD-2021-058 **PRESENTED BY:** Kyle Kyser

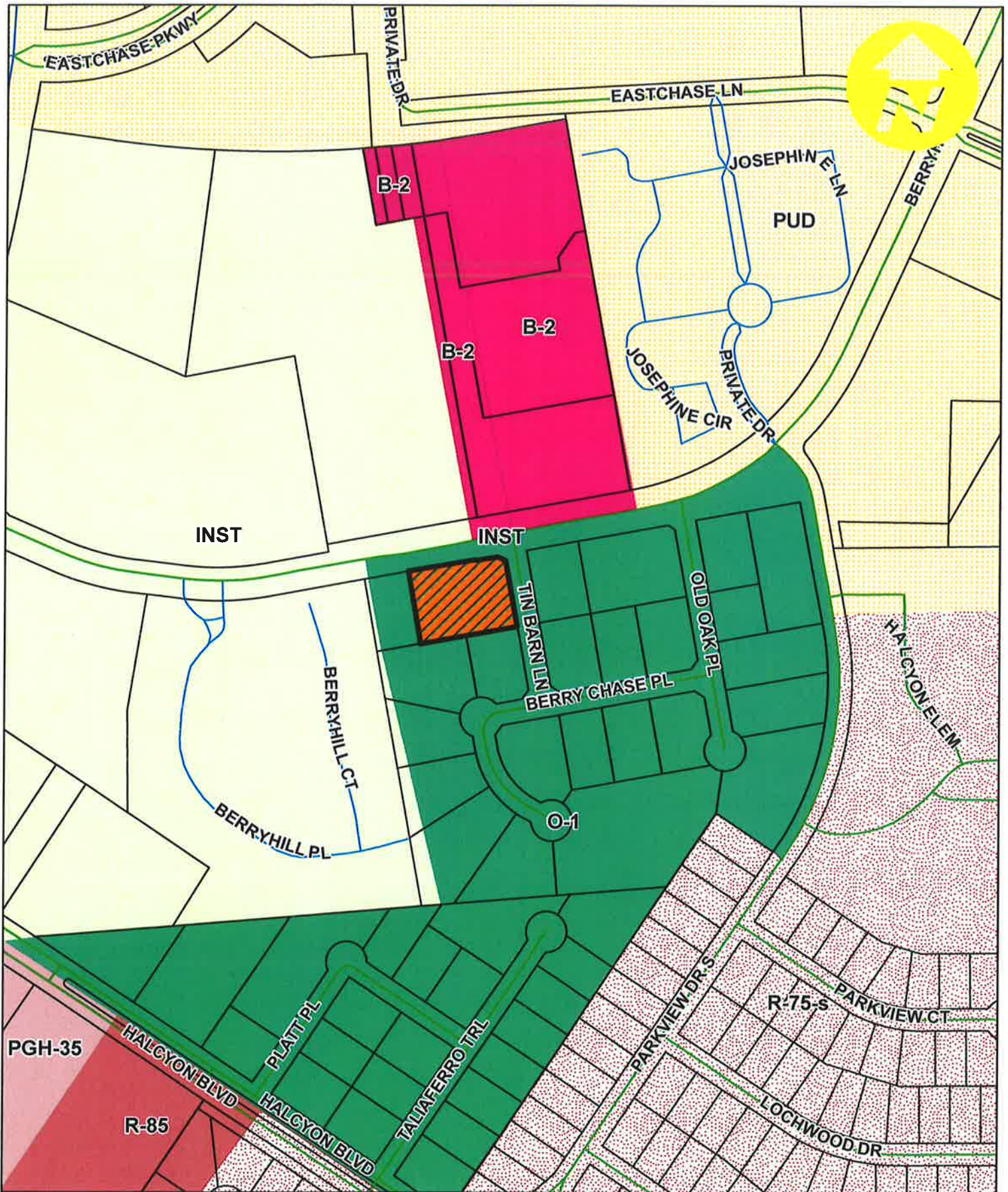
REPRESENTING: Kyser Development LLC

SUBJECT: Request a setback variance, a height variance and an area variance for a new ID sign to be located at 1920 Berryhill Road in an O-1 (Office) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a new ID sign that will come within 10 ft. of the Berryhill Road property line, whereas 20 ft. is required. The ID sign is 7 ft. 4 in. in height, whereas 6 ft. is allowed. The sign is 103 sq. ft. in area, whereas 32 sq. ft. is allowed.

The variances requested are a 10 ft. setback variance, a 1 ft. 4 inch height variance, and a 71 sq. ft. area variance.

CITY COUNCIL DISTRICT: 9

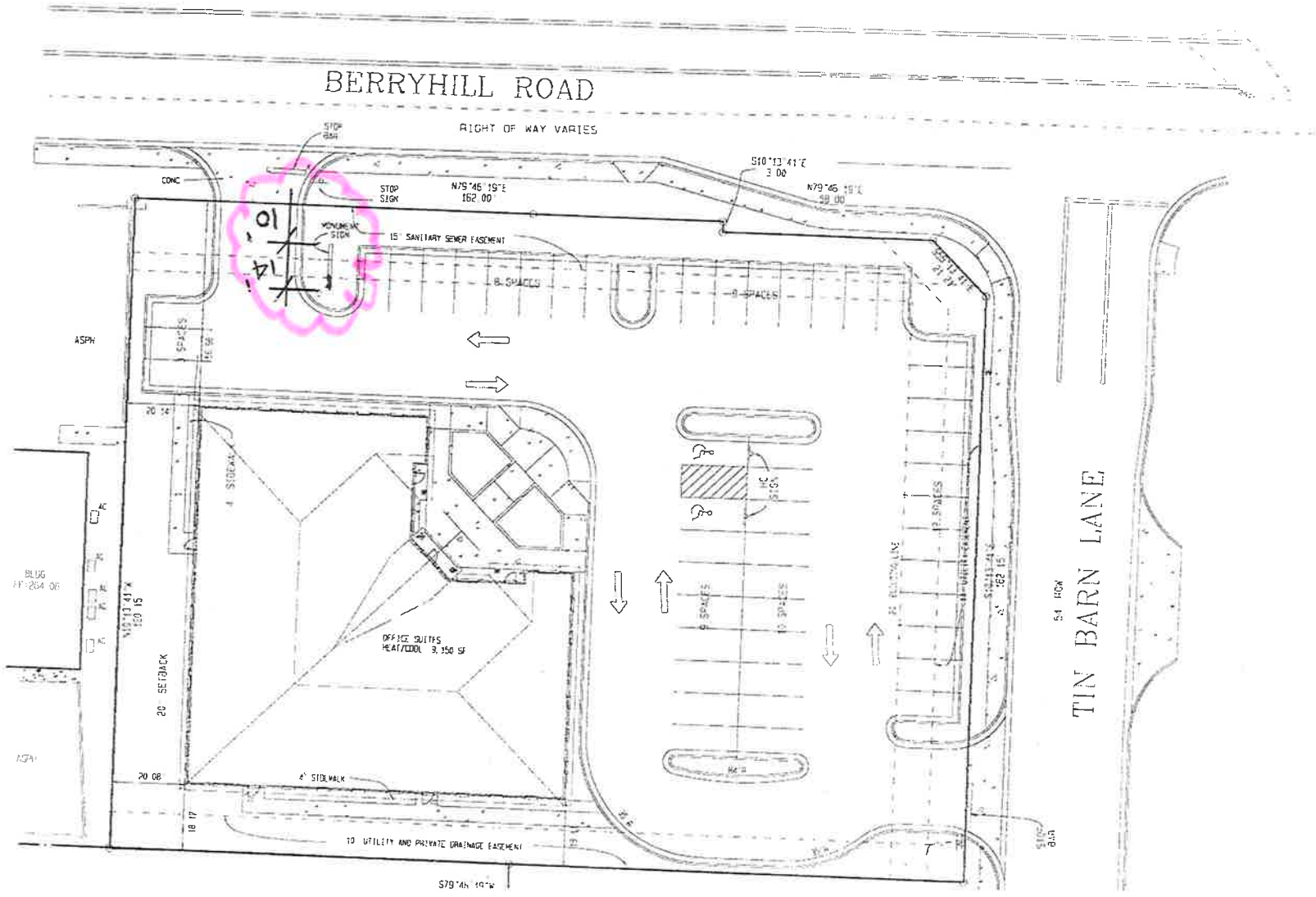
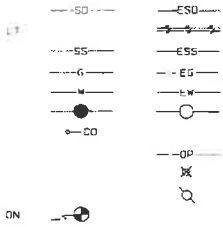


Site Location 

1 inch = 300 feet

Item No. 2A

2A
2B







Site Location 

1 inch = 100 feet

Item No. 20

3. BD-2021-059 **PRESENTED BY:** Brigadier General (Ret) Trent Edwards

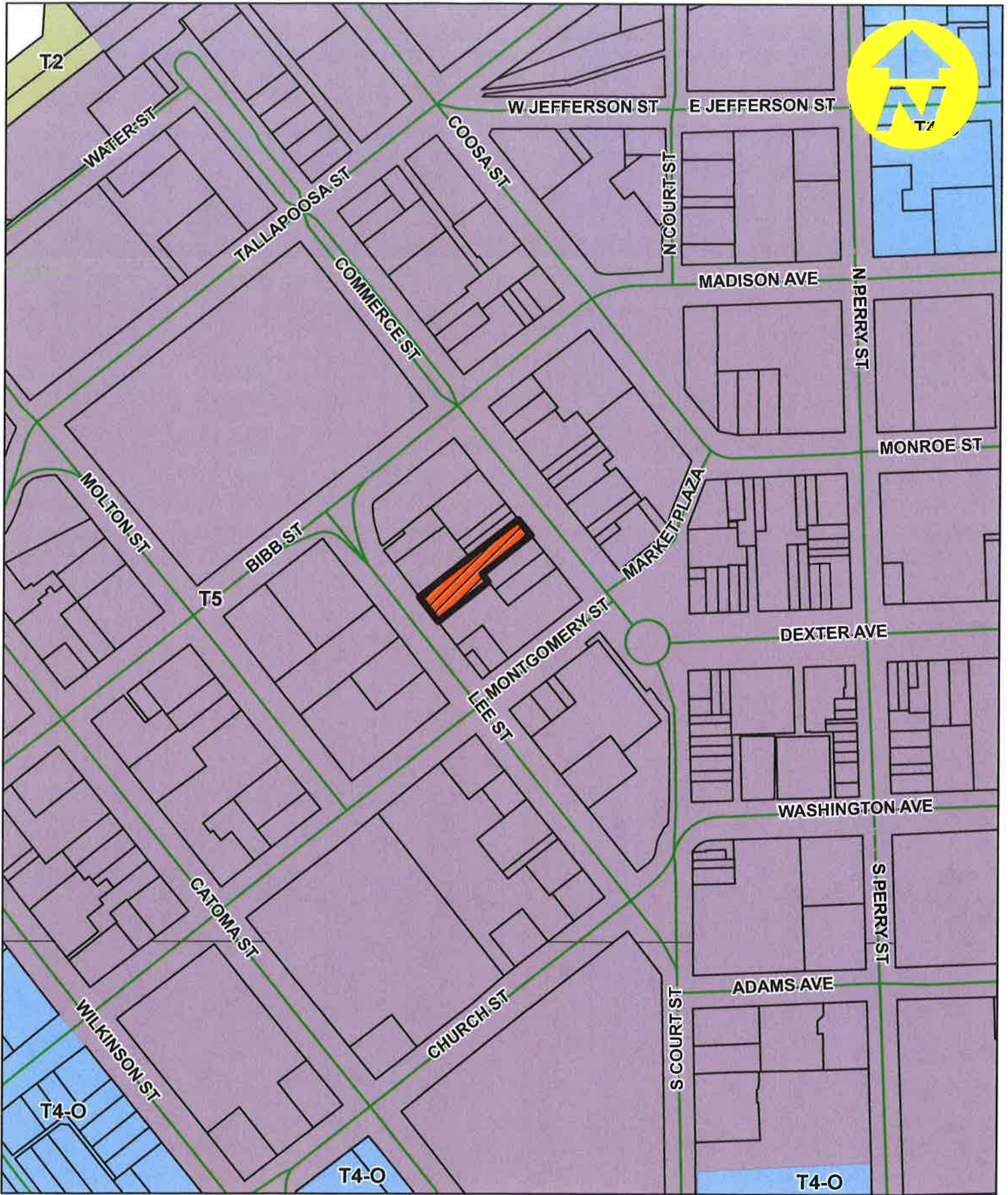
REPRESENTING: MGMWERX

SUBJECT: Request an exception to SmartCode for signage located at 41 Commerce Street in a T5 (Urban Core Zone) Zoning District.

REMARKS: This request is being made to give the petitioner permission to put interior lighting in an existing sign, whereas SmartCode allows exterior lighting only.

The request is an exception for interior lighting of an existing sign.

CITY COUNCIL DISTRICT: 3



Site Location 

1 inch = 300 feet

Item No. 3A

Trent Edwards

To: Trent Edwards



Trent

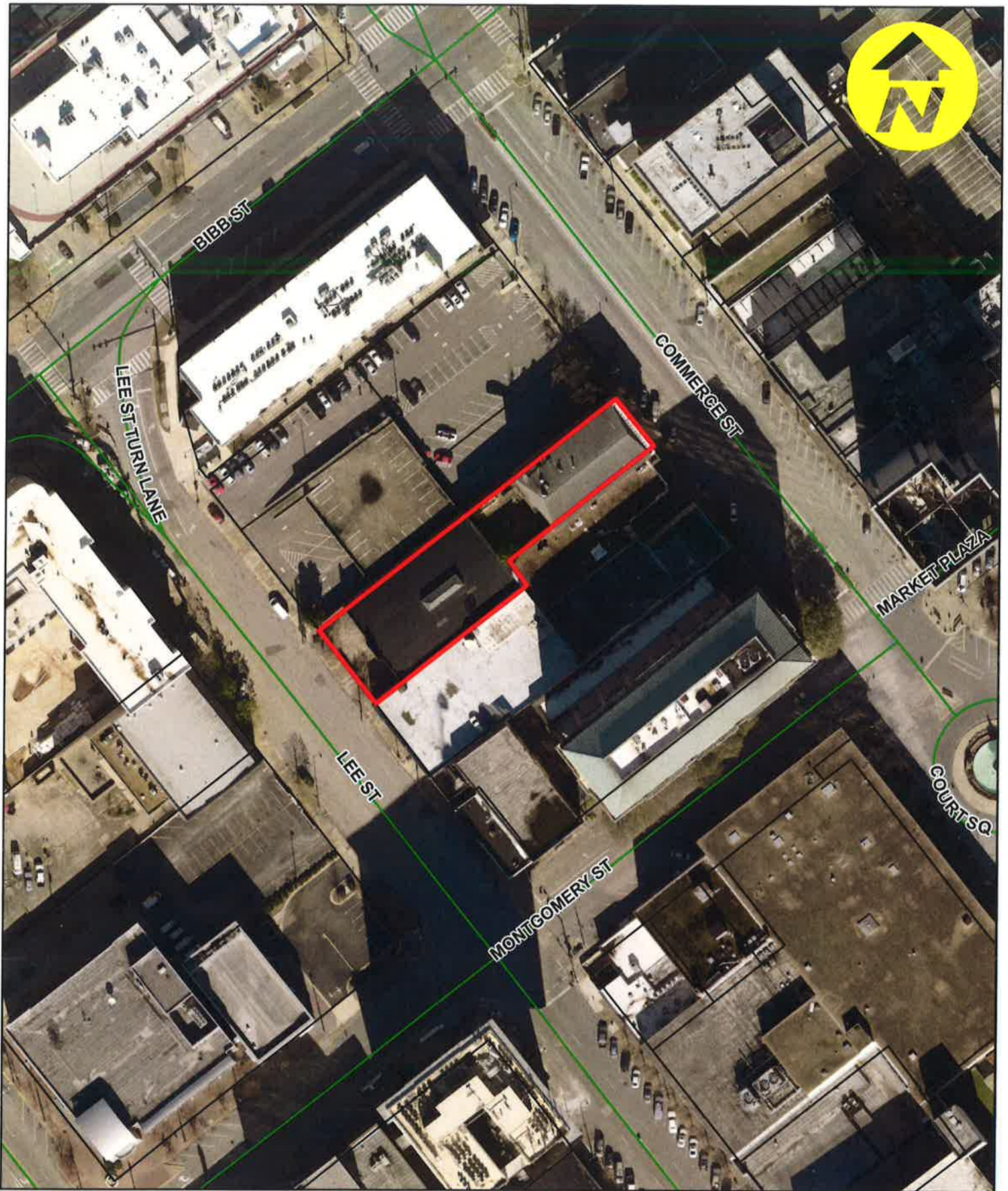
TRENT H. EDWARDS
DIRECTOR

703.597.1060

tedwards@mgmwerx.org

www.mgmwerx.org

MGMWERX
ACCELERATING IDEAS INTO ACTION



Site Location 

1 inch = 100 feet

Item No. 30

COMPLAINT

4. BD-2021-057 **PRESENTED BY:** Chacodon Mathews

REPRESENTING: Same

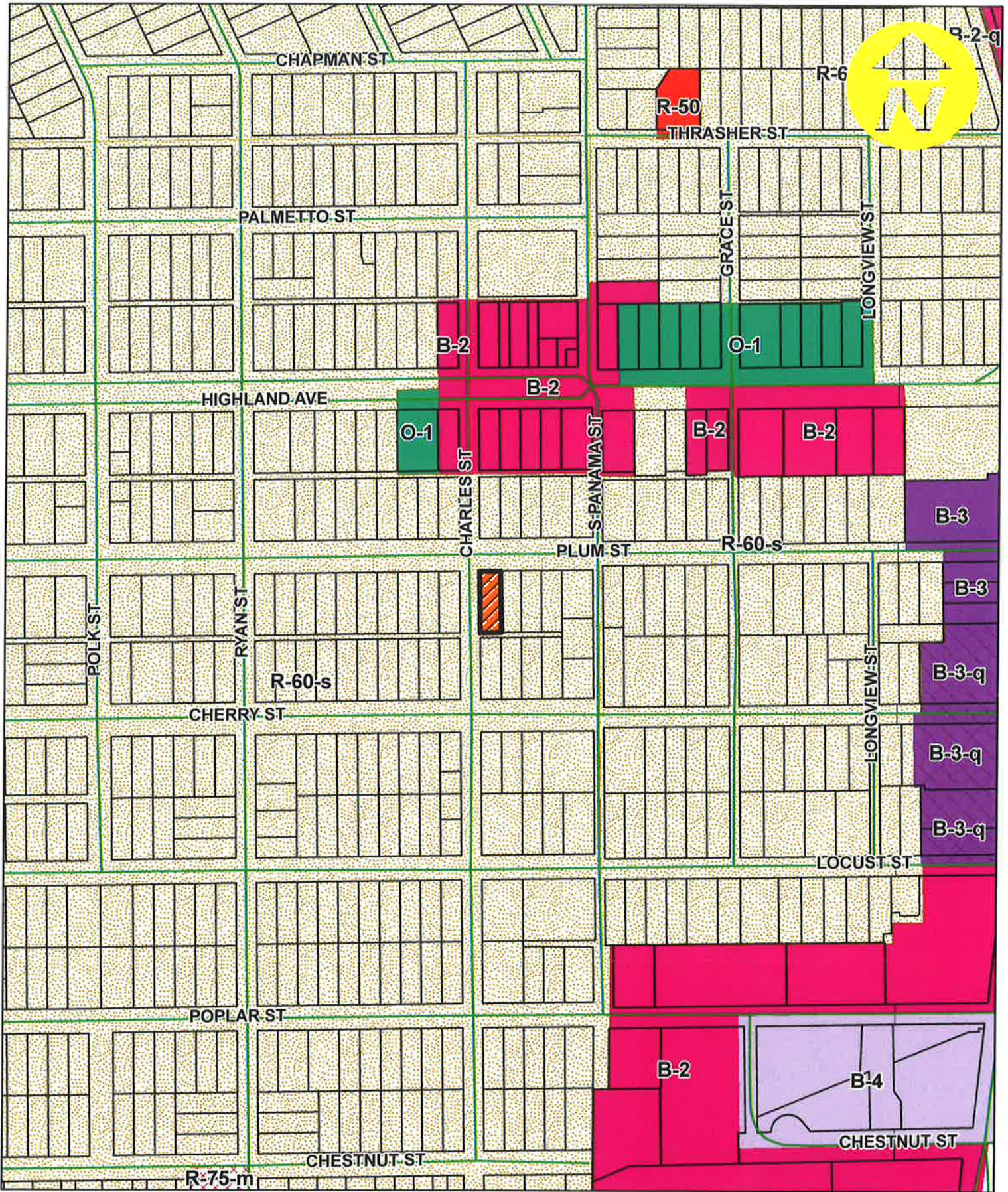
SUBJECT: Request a street side yard variance and a height variance for a privacy fence located at 2500 Plum Street in an R-60-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain an existing privacy fence that comes to the street side yard (Charles Street) property line, whereas 20 ft. is required. The fence is 6 ft. in height, whereas 3 ft. is allowed.

Staff Comment(s): This fence replaced a dilapidated fence that had been there for years. We do not have an approval on file for the previous fence.

The request is a 20 ft. street side setback variance and a 3 ft. height variance for an existing privacy fence.

CITY COUNCIL DISTRICT: 3



Site Location 

1 inch = 300 feet

Item No. 4A



Site Location 

1 inch = 30 feet

Item No. 4B

5. BD-1989-064 **PRESENTED BY:** William P. Parker

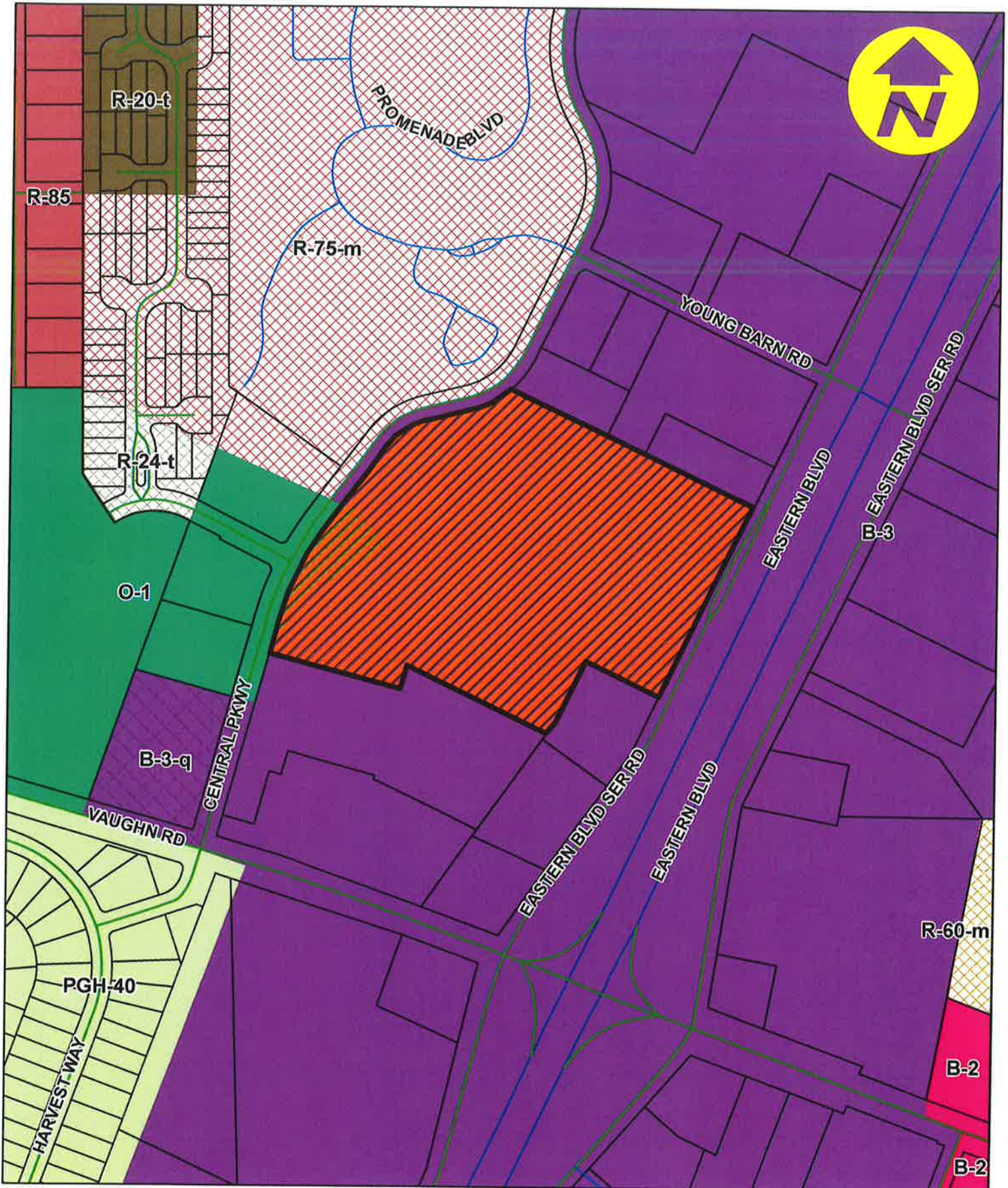
REPRESENTING: Same

SUBJECT: Request a variance to Ord. 17-2004 for a building located at 2596 Eastern Boulevard in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate an event center that will serve alcohol in a tenant space in a multi-tenant building. The rear door comes within 150 ft. of the nearest residential boundary, whereas 250 ft. is required. The last booking for an event will be 6:00 p.m.

The request is a 100 ft. variance to Ord. 17-2014 to allow an event center that will serve alcohol to come within 150 ft. of a residential boundary.

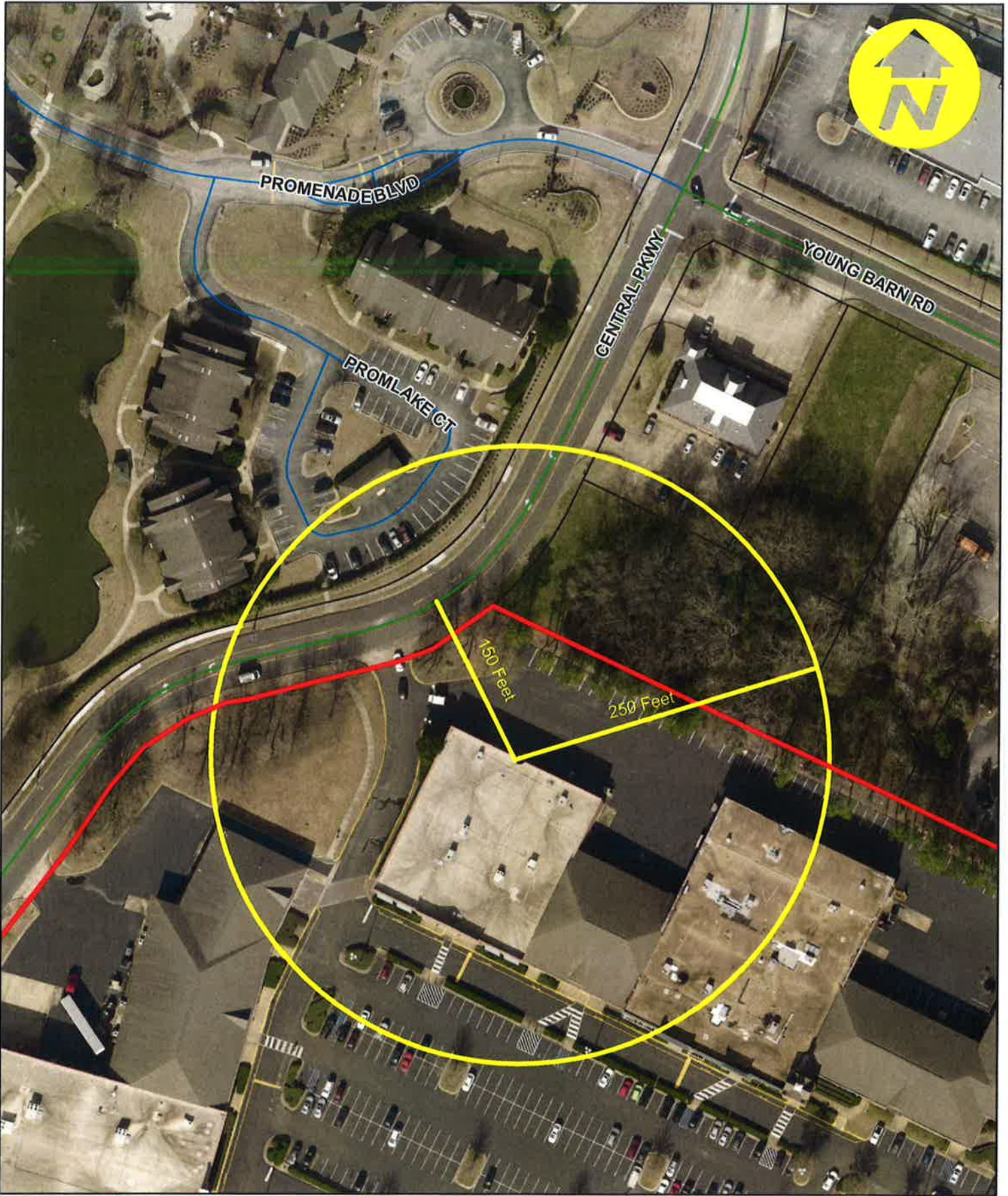
CITY COUNCIL DISTRICT: 5



Site Location 

1 inch = 300 feet

Item No. 5A



Site Location

1 inch = 100 feet

Item No. 53

6. BD-2021-060 **PRESENTED BY:** Greater Golden Gates Church

REPRESENTING: Same

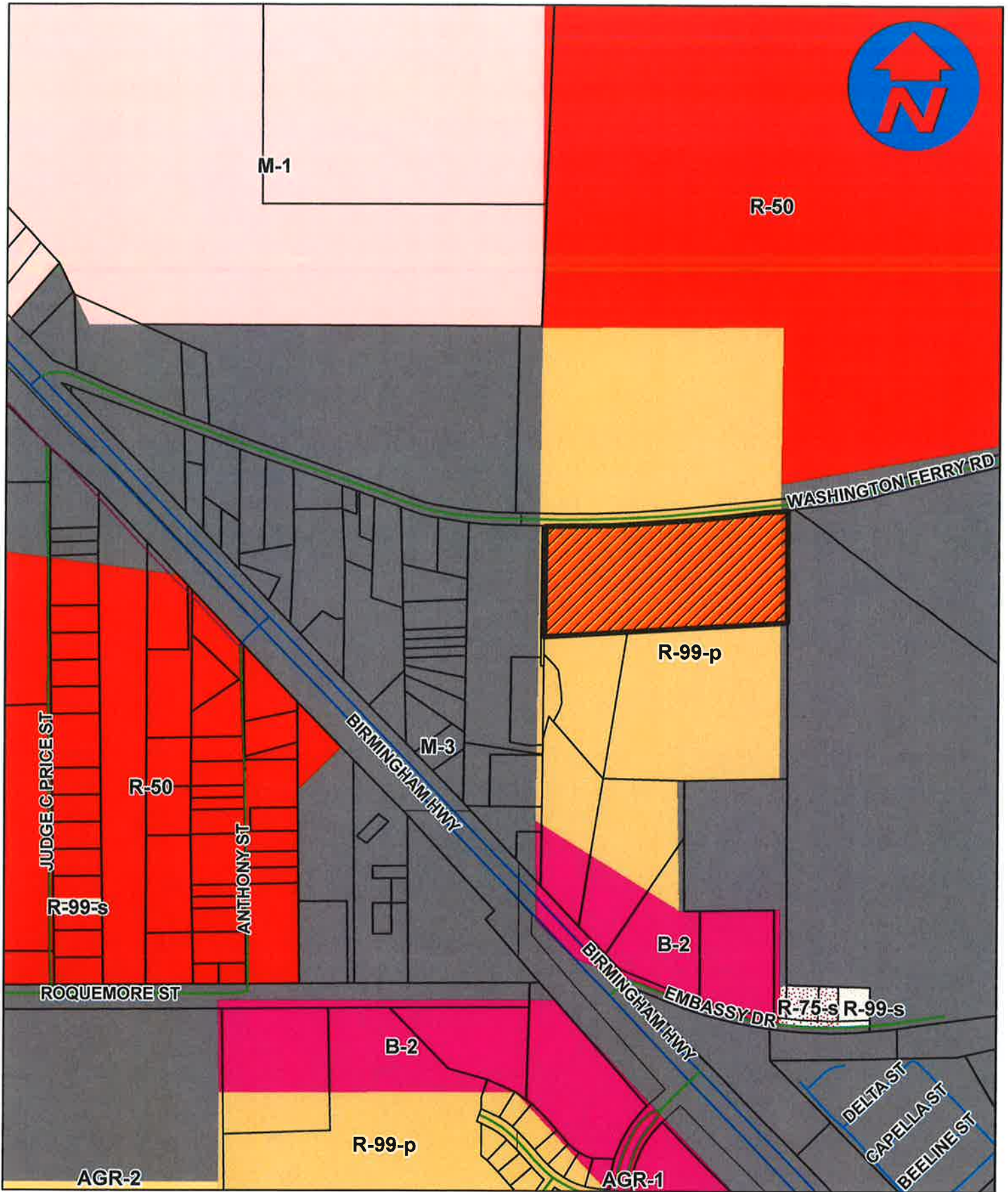
SUBJECT: Request a special exception for church use on a 10.06 acre parcel of land located on the south side of Washington Ferry Road, approximately 2,000 ft. east of Birmingham Highway in an R-99-p (Mobile Dwelling Park) Zoning District.

REMARKS: This request is being made to give the petitioner permission to use a 10.06 acre parcel of land for church use.

Land Use Division: A master plan will be required at a later date. Should the master plan not meet all zoning requirements, it will be resubmitted to the Board of Adjustment for any required variances.

The request is a special exception for a church.

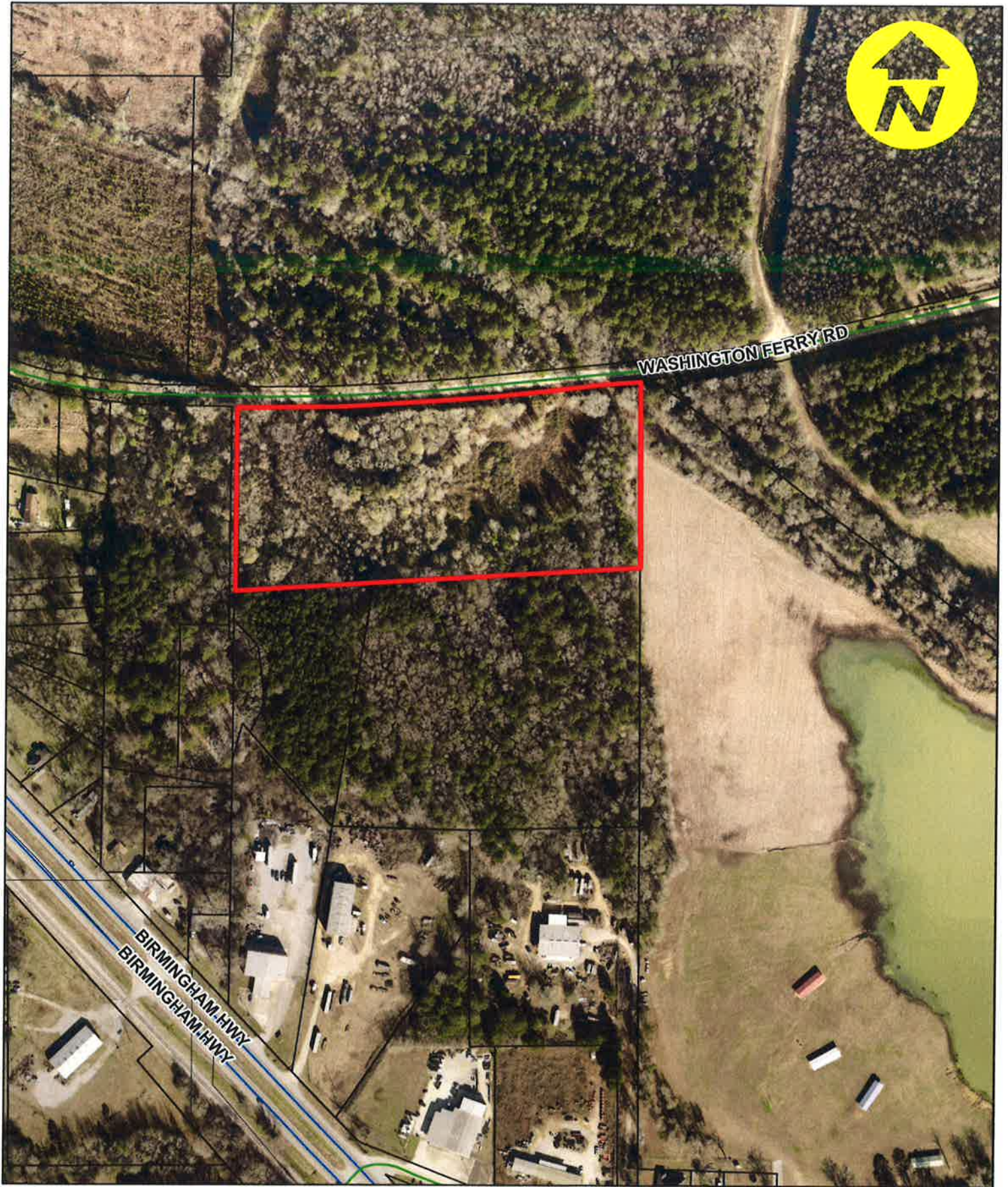
CITY COUNCIL DISTRICT: 4



Site Location 

1 inch = 500 feet

Item No. 60A



WASHINGTON FERRY RD

BIRMINGHAM HWY
BIRMINGHAM HWY

Site Location 

1 inch = 300 feet

Item No. 6B

7. BD-2021-056 **PRESENTED BY:** La'Sheika Williams

REPRESENTING: New Wine Ministries

SUBJECT: Request a special exception for a church and private school to be located in an existing building located at 6160 Brewbaker Boulevard in an M-1 (Light Industrial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a church/private school. Narrative attached. There are approximately 25 members. There are 8 striped parking spaces, which would allow up to 40 members. There is an additional area in the rear of the building for future parking if required.

Church

Sunday service: 10:00 a.m. – 2:00 p.m.

Private School/Daycare hours

Monday: Friday: 6:00 a.m. – 5:30 p.m.

The request is a special exception for a church/private school use.

****Daycares are outright permitted.****

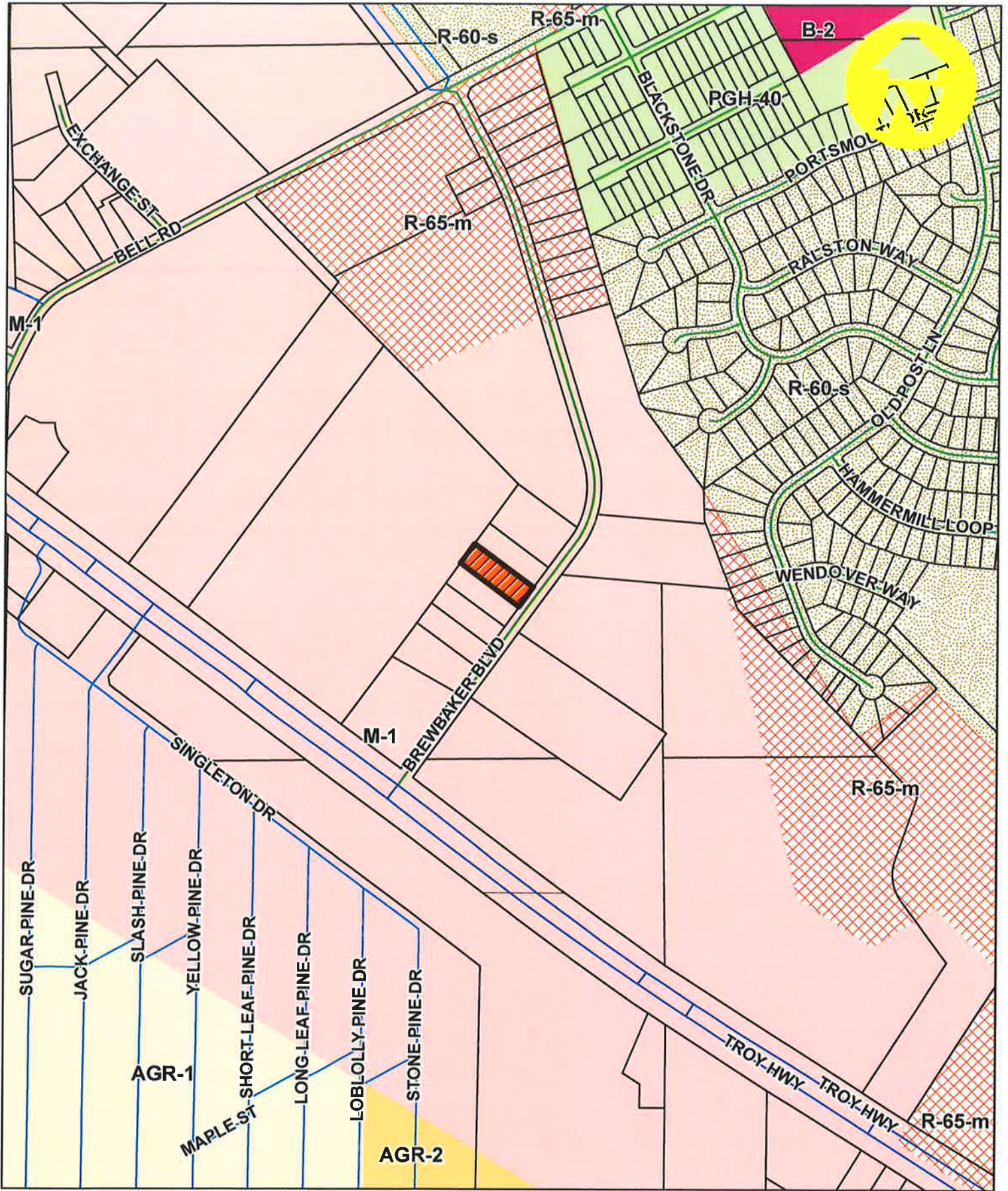
CITY COUNCIL DISTRICT: 6

New Wine Ministries Request for Variance:

New Wine Ministry is a faith base organization that's been established for 20 years. We are a ministry that server its members and community. We have an outreach for the adolescence, broken men, and women. We also have a food ministry that server the ministry and the community. We server by the word "*Matthew 25:31-40*", taking care of them in need.

Recently due to the pandemic our members needed a place to bring their children for care and education. So, New Wine Ministries opened their sanctuary for virtual schooling and daycare to meet the need of the members and the community. Our hours of operation for Virtual/Daycare are Monday-Friday 6:00 am-5:30pm, and Worship Sunday 10:00am-2:00pm. We provide a safe, loving, and positive atmosphere, we hope for a positive mindset. A positive mindset server our community well.

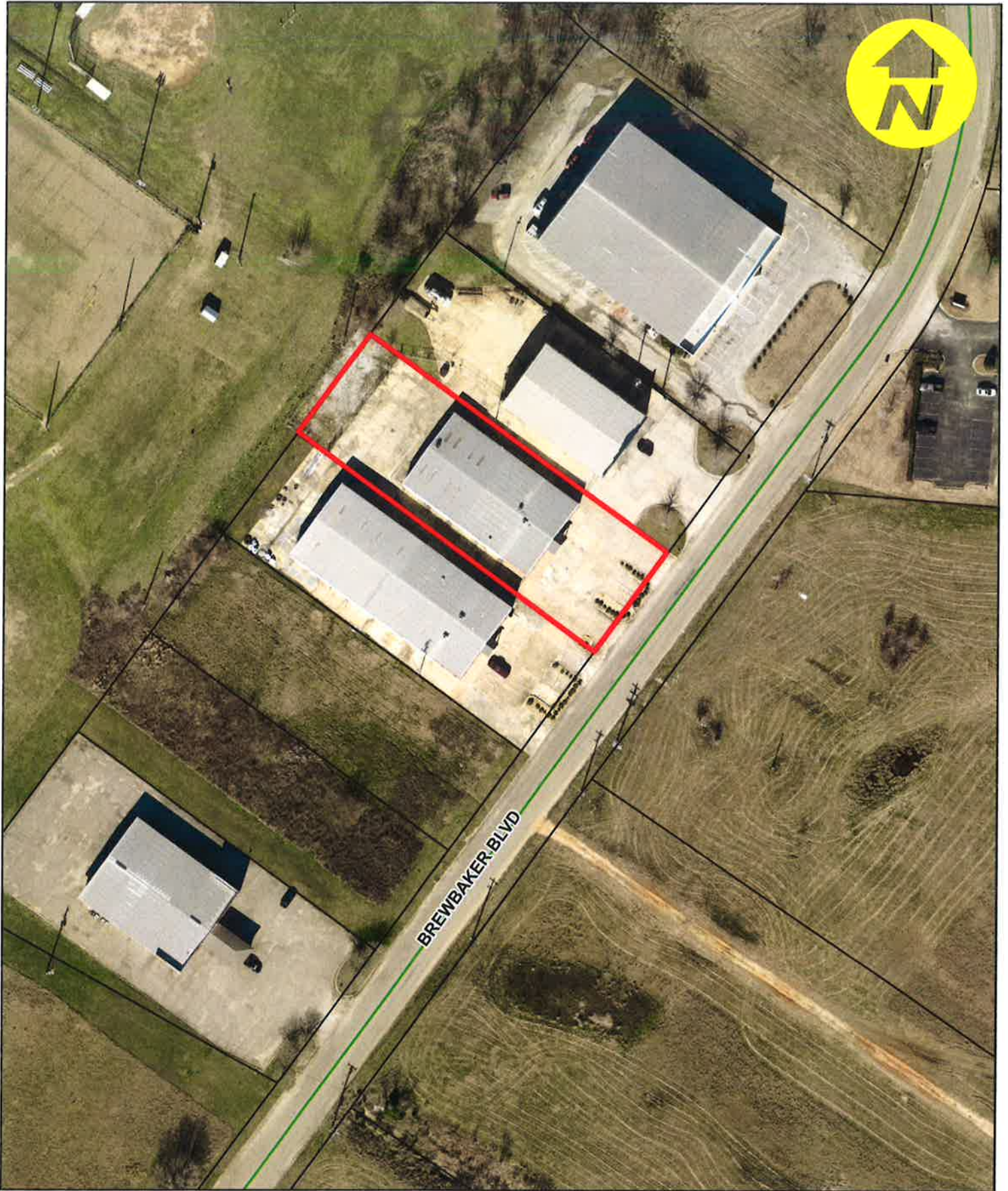
The building at 6160 Brewbaker Blvd, provides us with the space for virtual schooling, day care, and worship service "church", to continue to help and server or members and community. We are hopeful you will agree. We desire to encourage, unite, and server our members and the community.



Site Location 

1 inch = 500 feet

Item No. 7B



Site Location

1 inch = 100 feet

Item No. 7C

8. BD-2009-072 **PRESENTED BY:** Matt Bostic

REPRESENTING: LifeHouse

SUBJECT: Request a special exception for a group home to be located 8197 Decker Lane in a PUD (Planned Unit Development) Zoning District.

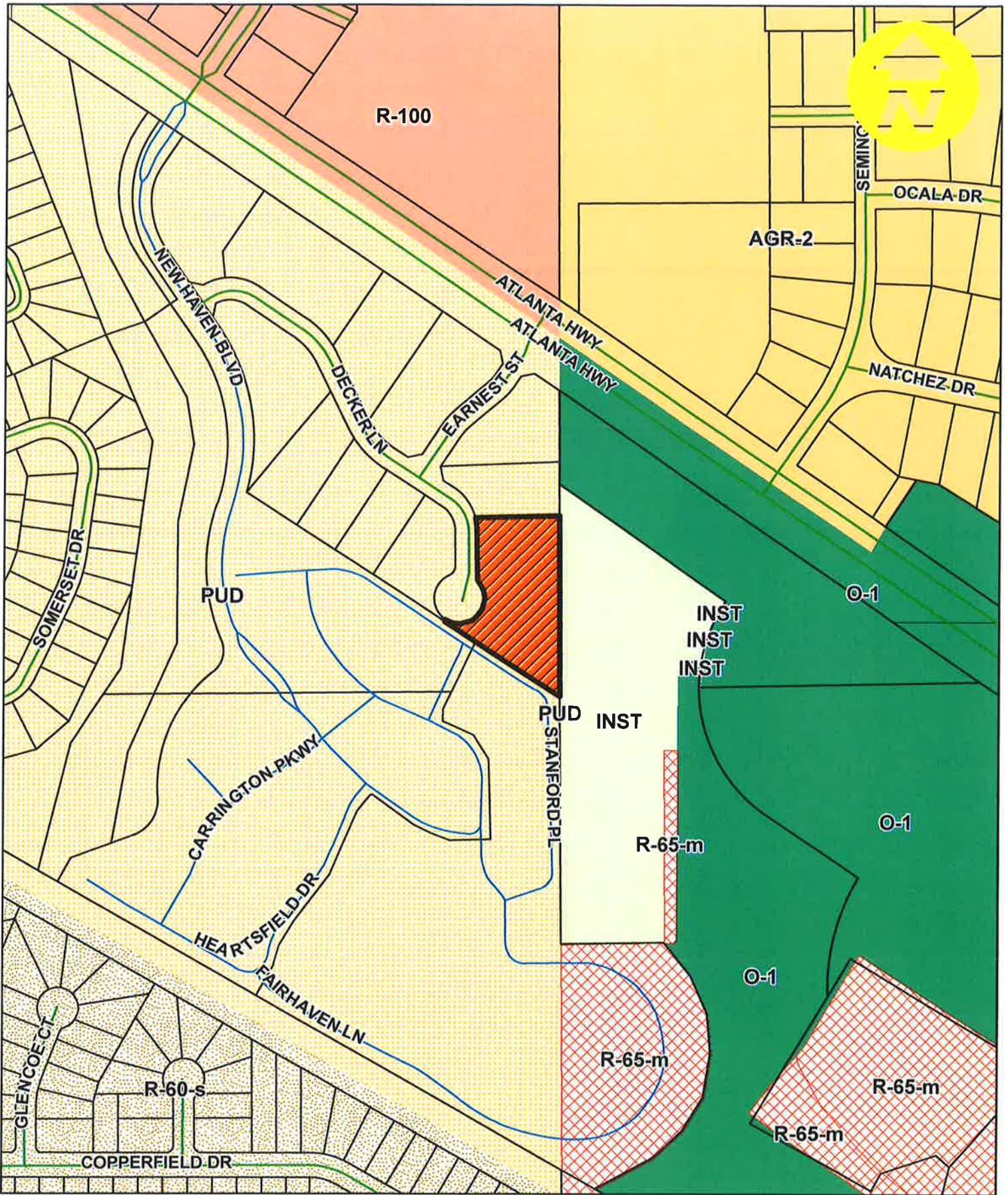
REMARKS: This request is being made to give the petitioner permission to operate a group home for boys with 12 residents at this time.

Per Applicant

LifeHouse, a nonprofit transitional housing facility, is a faith-based organization that partners with families, businesses and government to influence change in the local community by teaching men & women how to “Live a new way of life” through workforce development and life skills. The LifeHouse originated in the heart of Louisiana and is bringing 25 years of experience to Montgomery and the River Region. LifeHouse is partnering with numerous businesses in the area to provide an exceptional workforce. Some of those partnering businesses are Chappy’s Deli, Wiggins Corporate, Turrenne Pharmedco, Waffle House, and CTE Outdoor Power. LifeHouse is also a partnered ministry of The Church of the Highlands in Montgomery, Alabama.

The request is a special exception for a group home.

CITY COUNCIL DISTRICT: 1



Site Location 

1 inch = 300 feet

Item No. 8A



Site Location

1 inch = 100 feet

Item No. 8B

9. BD-2021-055 **PRESENTED BY:** Qualita Clark

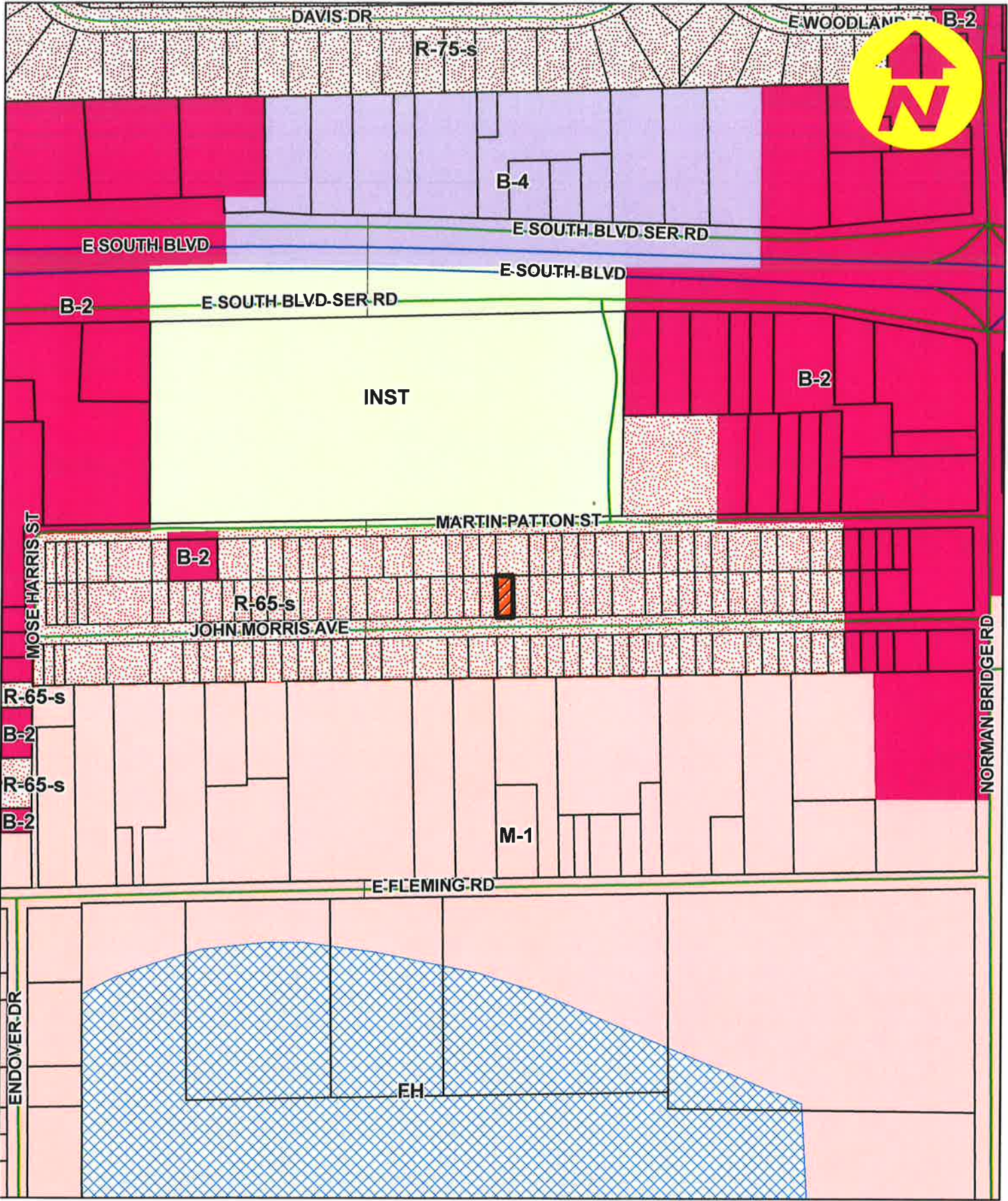
REPRESENTING: Same

SUBJECT: Request a special exception to keep chickens at 207 John Morris Avenue in an R-65-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep up to 10 chickens. The petitioner has the Chicken Guidelines and has stated they will be met.

The request is a special exception for 10 chickens.

CITY COUNCIL DISTRICT: 5



Site Location 

1 inch = 300 feet

Item No. 9A



Coup

JOHN MORRIS AVE

Site Location

1 inch = 30 feet

Item No. 913

10. BD-1964-102 **PRESENTED BY:** Sharon Taurel

REPRESENTING: Same

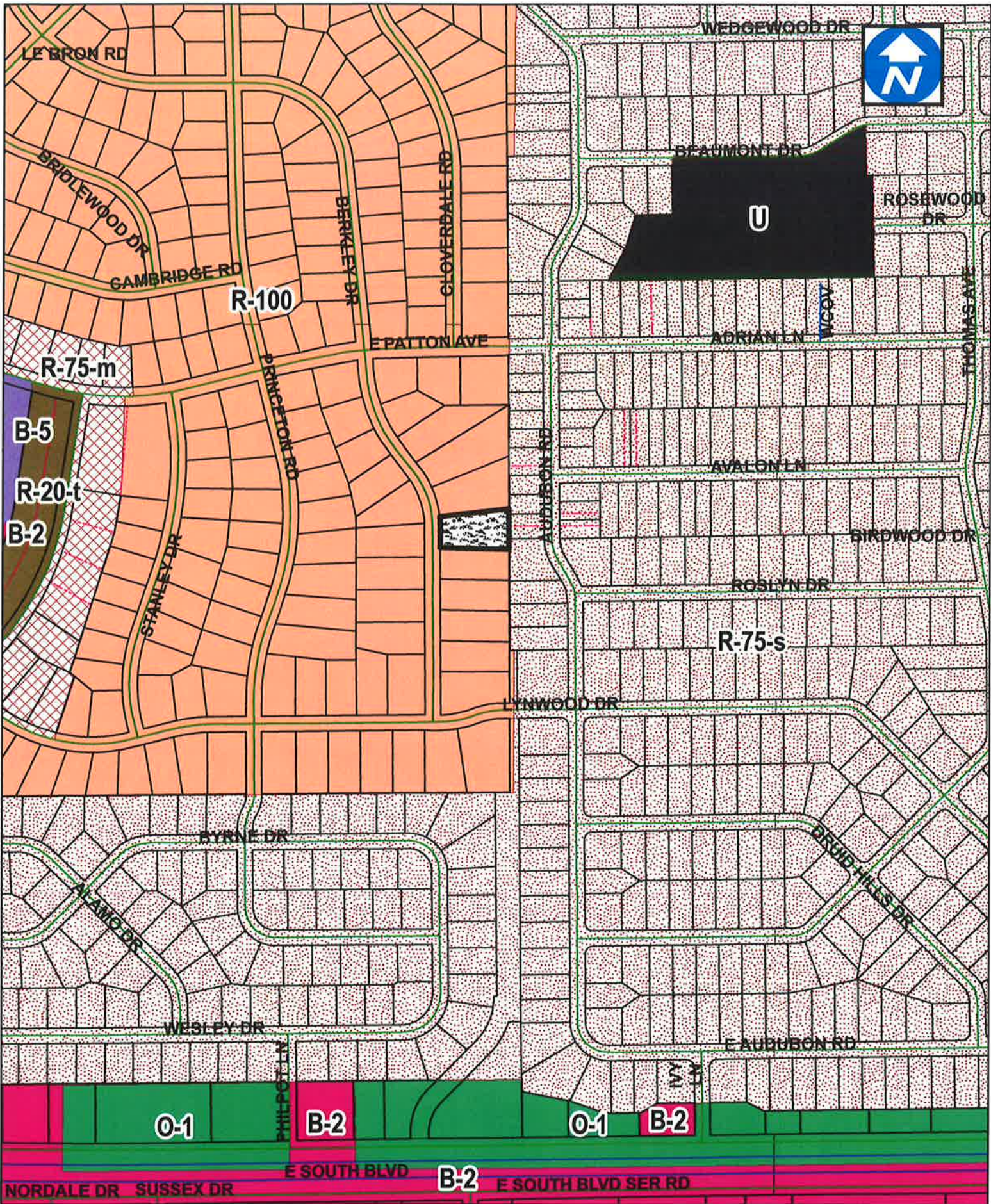
SUBJECT: Request a variance to the Flood Ordinance (Ord. 37-2005) for an existing dwelling located at 3731 Berkley Drive in an R-100 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to repair a dwelling damaged by vandalism to the interior. The dwelling was constructed at 197.2 ft. MSL (Mean Sea Level) whereas the base flood elevation is 198.00 MSL. (FEMA) and the City requires 2 ft. above the base flood elevation which is 200.00 ft. MSL. The dwelling is 2.8 ft. below the City's requirement and 0.8 ft. below FEMA's requirement.

The request is a 2.8 ft. variance to the Flood Ordinance (Ord. 37-2005)

Land Use Division: The dwelling was constructed prior to the Flood Ordinance and exceeds the 50% rebuilding guidelines.

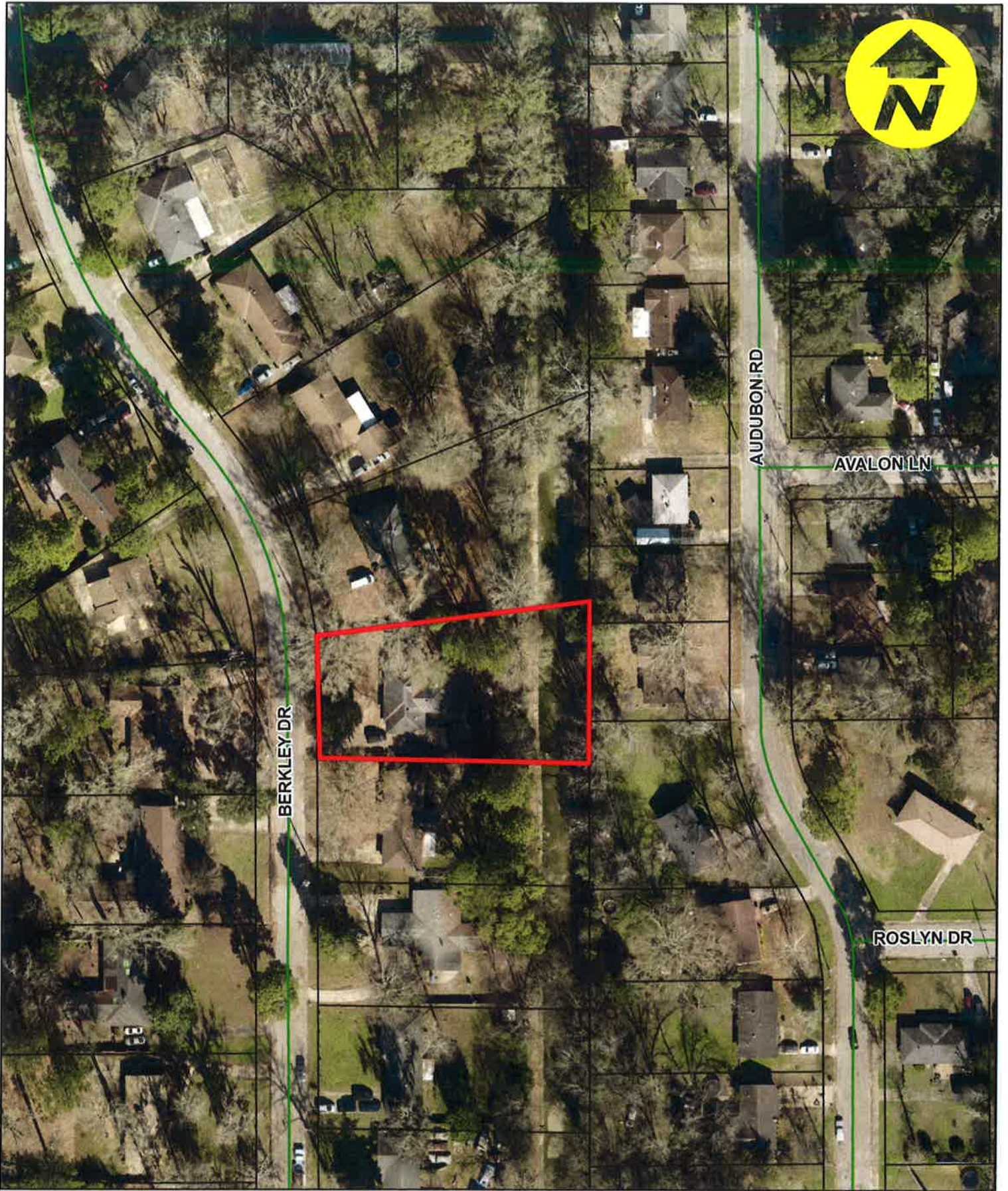
CITY COUNCIL DISTRICT: 5



Site 

1 inch = 400 feet

Item 10A



Site Location

1 inch = 100 feet

Item No. 10B

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

REPRESENTING: Same

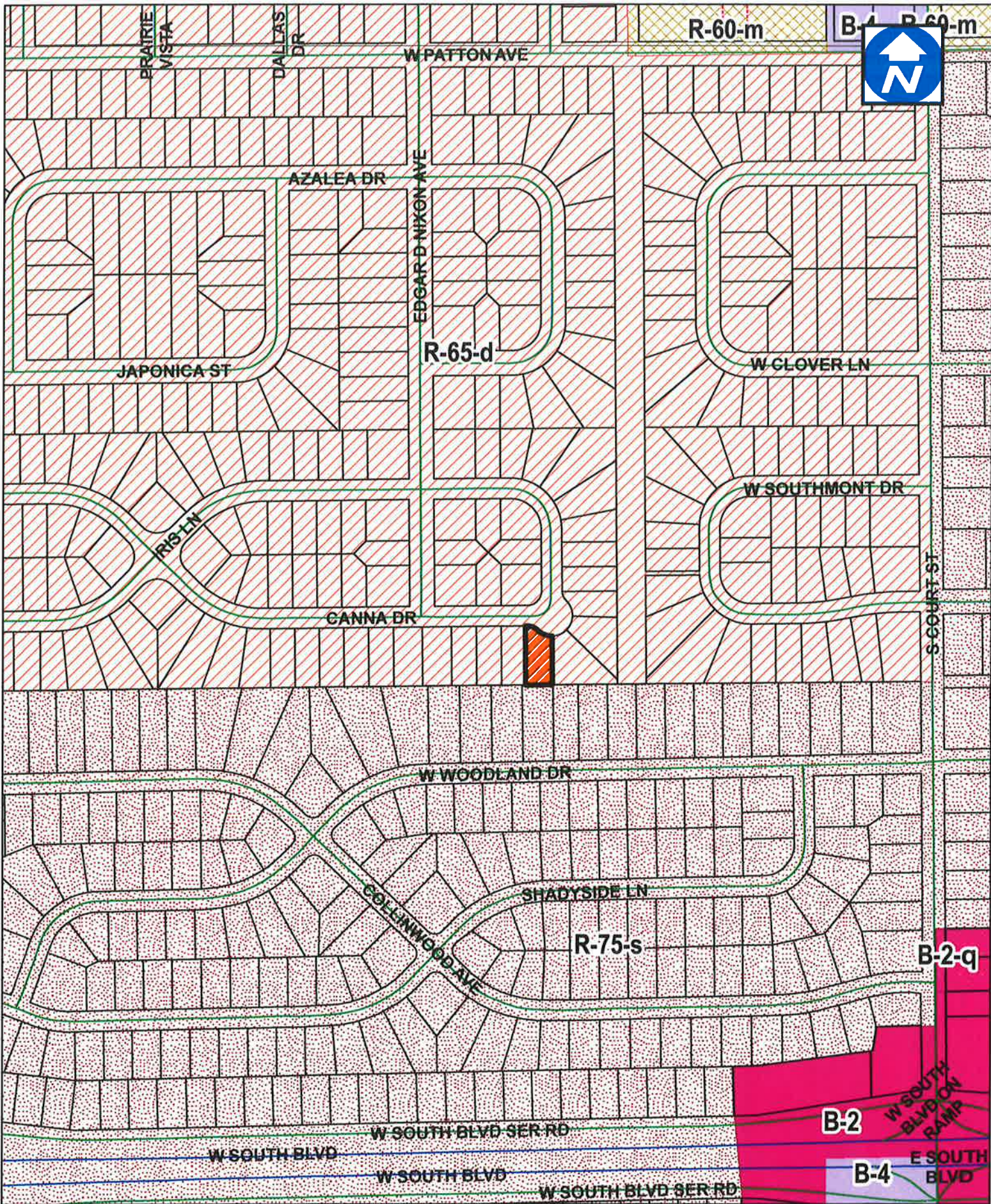
SUBJECT: Request a rear yard variance for a new dwelling to be located at 151 Canna Drive in an R-65-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to complete construction of a new dwelling that comes within 28.35 ft. of the rear property line, whereas 30 ft. is required.

Staff Comment(s): The Board of Adjustment heard a request for an accessory structure without a main dwelling at the September 16th meeting. The Board suggested that it be completed as a dwelling.

The request is a 1.65 ft. rear yard setback variance.

CITY COUNCIL DISTRICT: 7



Site 

1 inch = 300 feet

Item 11A

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

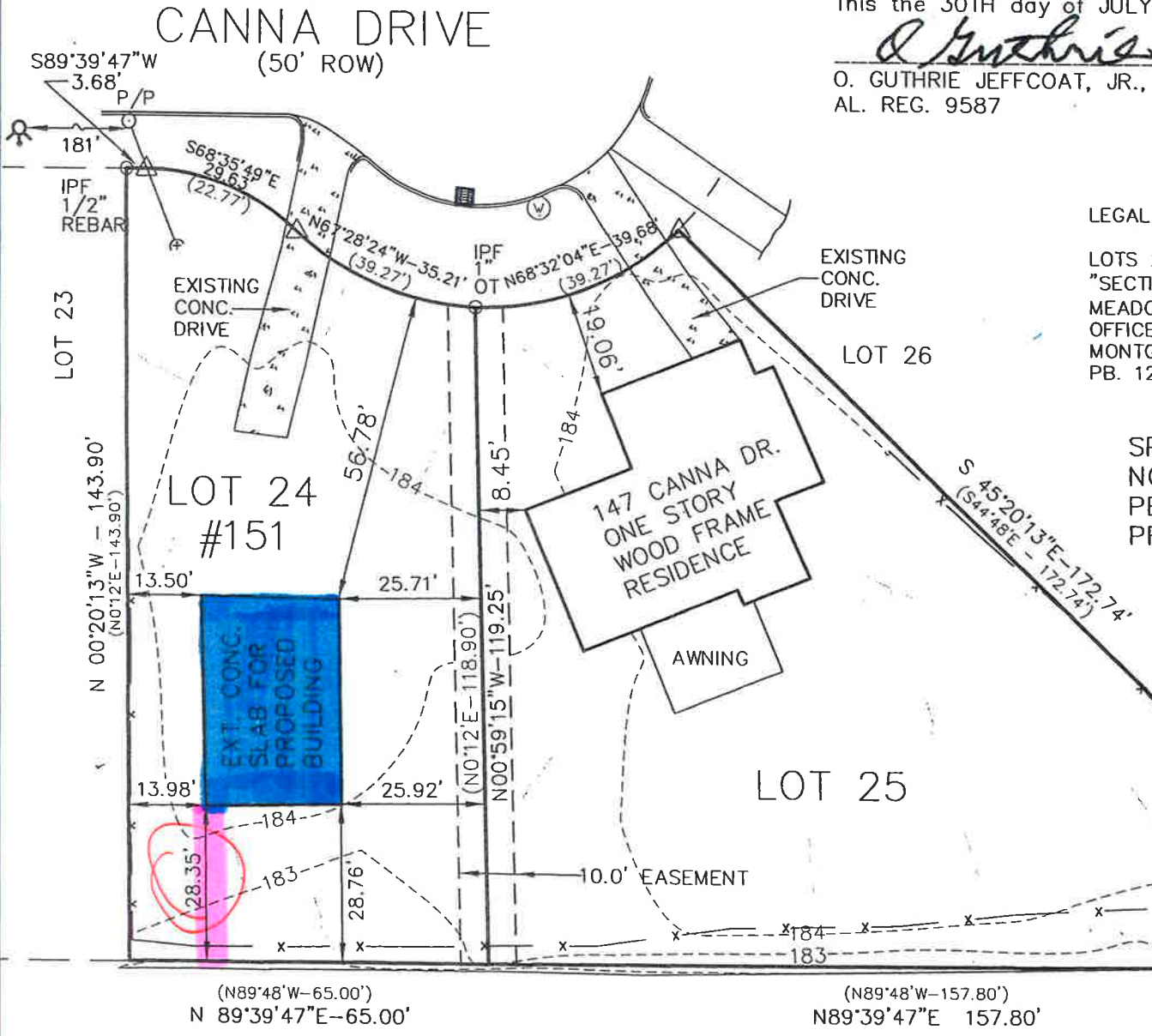
I hereby certify that all parts of this survey and drawing
 have been completed in accordance with the current
 requirements of the Standards of Practice for Surveying in
 the State of Alabama to the best of my knowledge,
 information and belief, unless stated hereon.

This the 30TH day of JULY, 2021.

O. Guthrie Jeffcoat, Jr.
 O. GUTHRIE JEFFCOAT, JR., PE & LS
 AL. REG. 9587

LEGEND

- CO
- 'PS
- IPP
- ✕✕
- △
- P.O.B.
- P.O.C.
- R.O.W.
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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,



FIELD SU
 PROJECT
 PROJECT
 DWG NA



GANNA DR



Site 

1 inch = 40 feet

Item 11C

12. BD-2021-054 **PRESENTED BY:** Coleman Farrior

REPRESENTING: Farrior Homes LLC

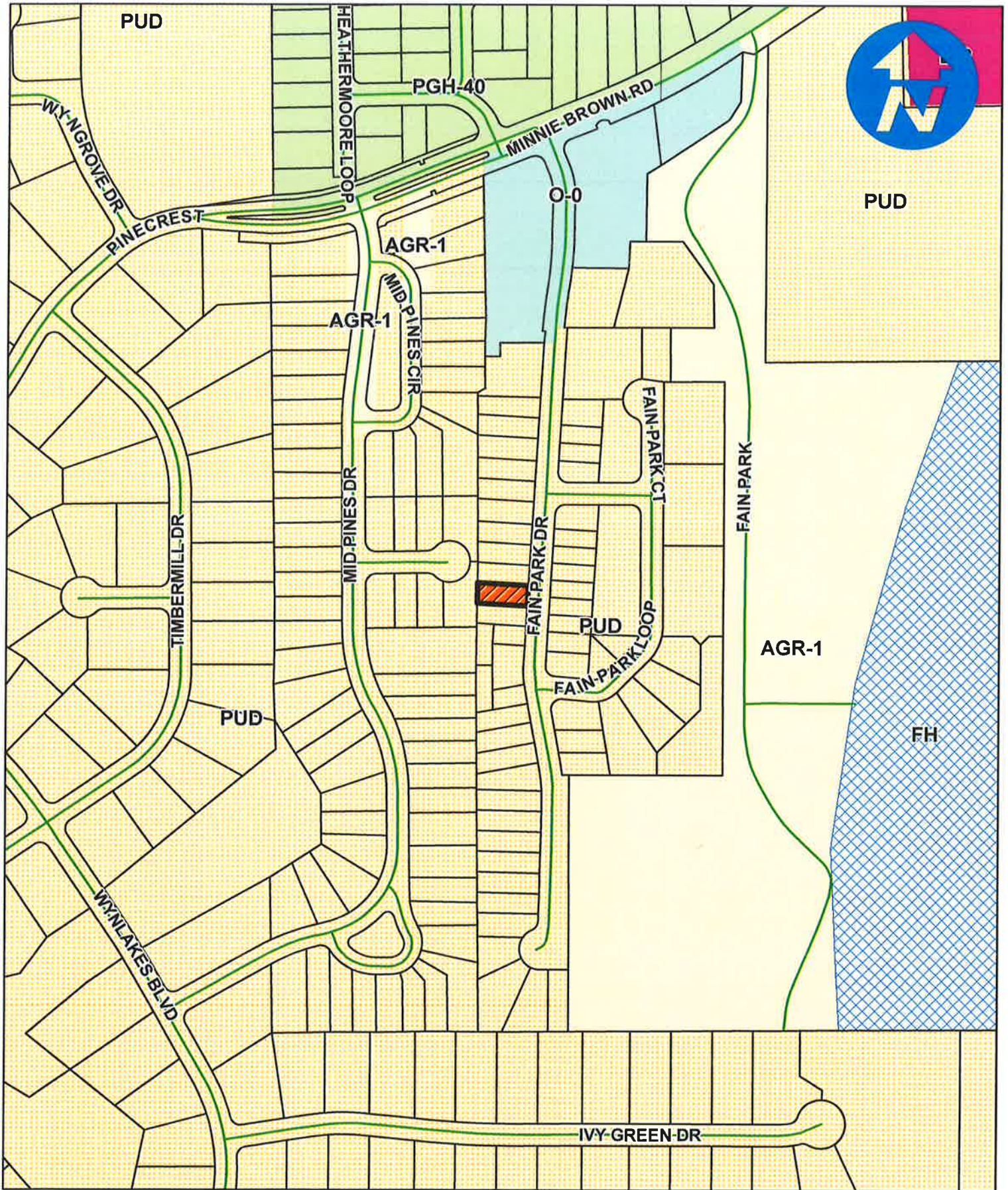
SUBJECT: Request a rear yard variance for a new dwelling to be located at 7104 Fain Park Drive in a PUD (Planned Unit Development) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a new dwelling to come within 15 ft. 10 in. of the rear property line, whereas 20 ft. is required.

Staff Comment(s): There is sewer easement in the front of the property which is beyond the 15 ft. front setback, which is requiring the dwelling to be pushed back.

The request is a 4 ft. 2 inch rear yard variance.

CITY COUNCIL DISTRICT: 9



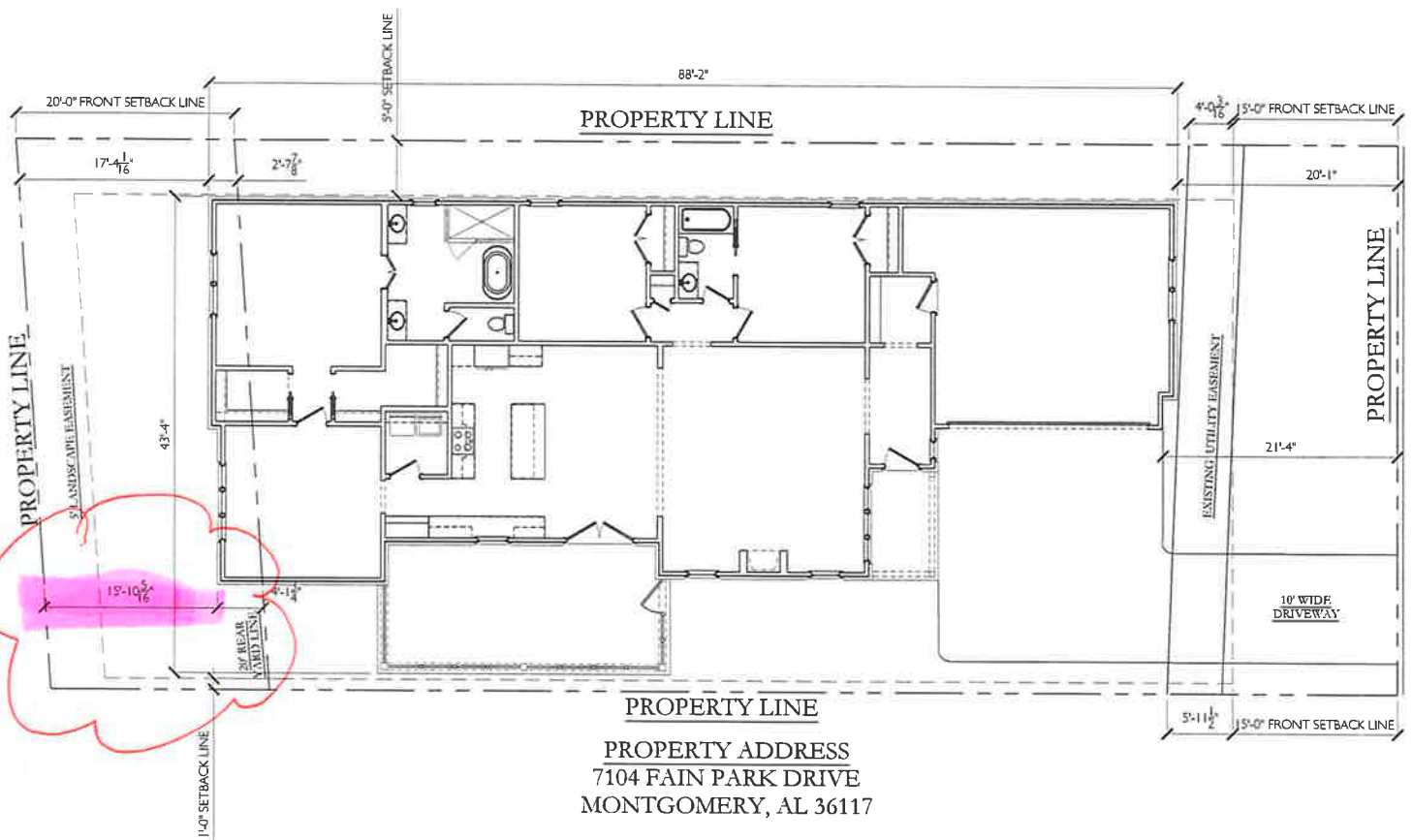
Site Location 

1 inch = 300 feet

Item No. 12A

27

LAB

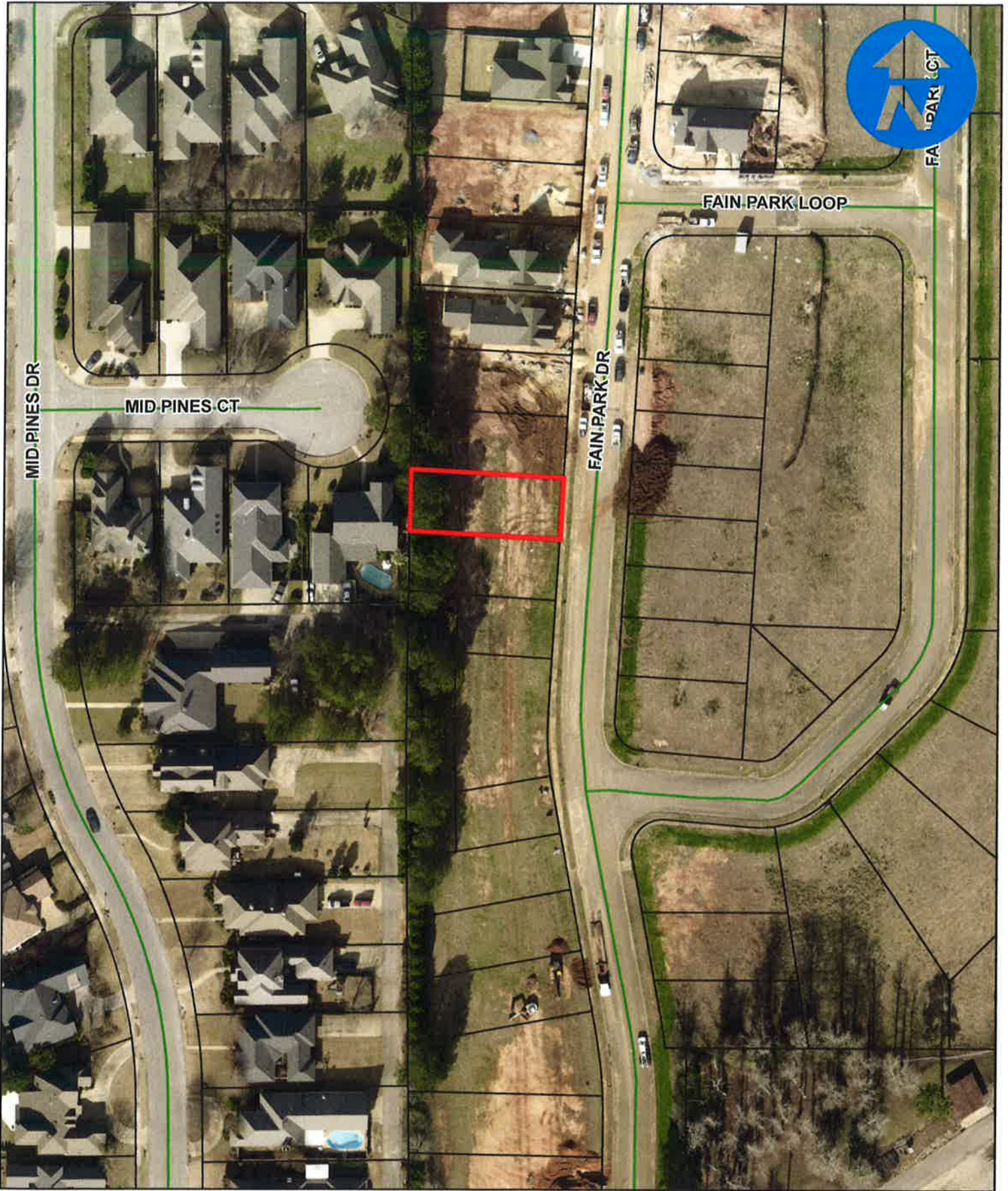


PROPERTY LINE
 PROPERTY ADDRESS
 7104 FAIN PARK DRIVE
 MONTGOMERY, AL 36117

1 LOT LAYOUT PLAN
 A0.1 Scale: 1/8" = 1'-0"

FAIN PARK DRIVE

Wynhurst Lot 10 Modified Oxmoor	
Copyright Information: Copyright: Providence Homes	
Date: 07-16-2020 01-08-2021	Revisions: Review Set Full Drawings Revised Drawings
S.Q. FOOTAGES	
Main Level	2044 SQ. FT.
Garage	495 SQ. FT.
Front Porch	65 SQ. FT.
Covered Patio	390 SQ. FT.
SHEET INDEX	
T1.0	Cover Page
T1.1	General Notes
A0.1	Site Plan
A1.0	Foundation Plan
A1.1	Roof Plan
A2.0	Main Floor Plan
A3.0	Elevations
A3.1	Elevations
A4.0	Foundation Details
A4.1	Framing Details
E1.0	Main Level Elevation Plan
SHEET NUMBER LOT LAYOUT PLAN A0.1	



Site Location 

1 inch = 100 feet

Item No. 12C

13. BD-2021-061 **PRESENTED BY:** Pastor Harris

REPRESENTING: Abundant Life House of Worship

SUBJECT: Request a special exception for church use on a 4.06 acre parcel of land located on the east side of Lower Wetumpka Road, approximately 200 ft. north of Glenview Street, in M-1 (Light Industrial) and B-2 (Commercial) Zoning Districts.

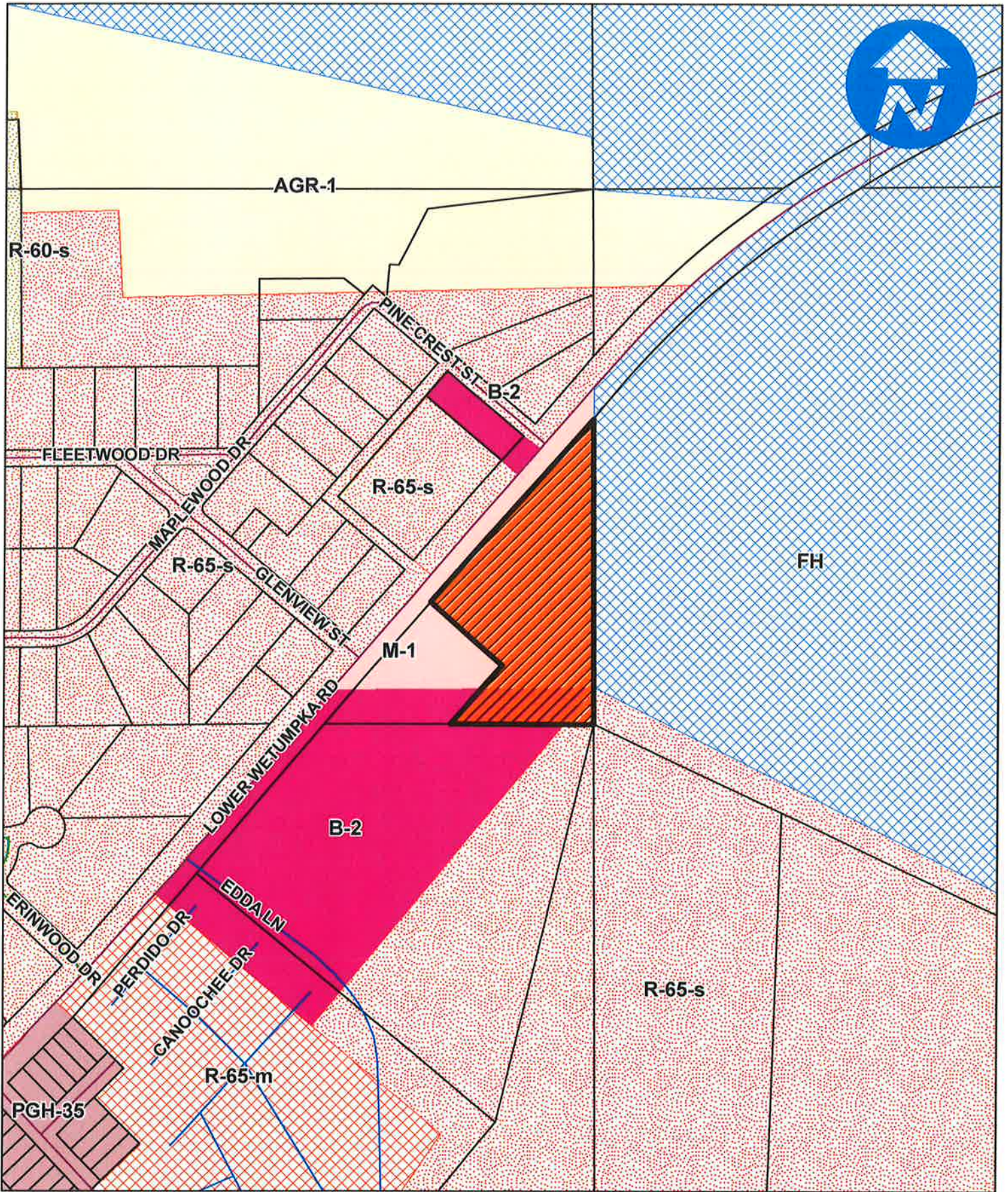
REMARKS: This request is being made to give the petitioner permission to use a 4.06 acre parcel of land for church use,

Land Use Division: A master plan will be required at a later date. Should the master plan not meet all zoning requirements, it will be resubmitted to the Board of Adjustment for any required variances.

The request is a special exception for a church.

CITY COUNCIL DISTRICT: Police Jurisdiction

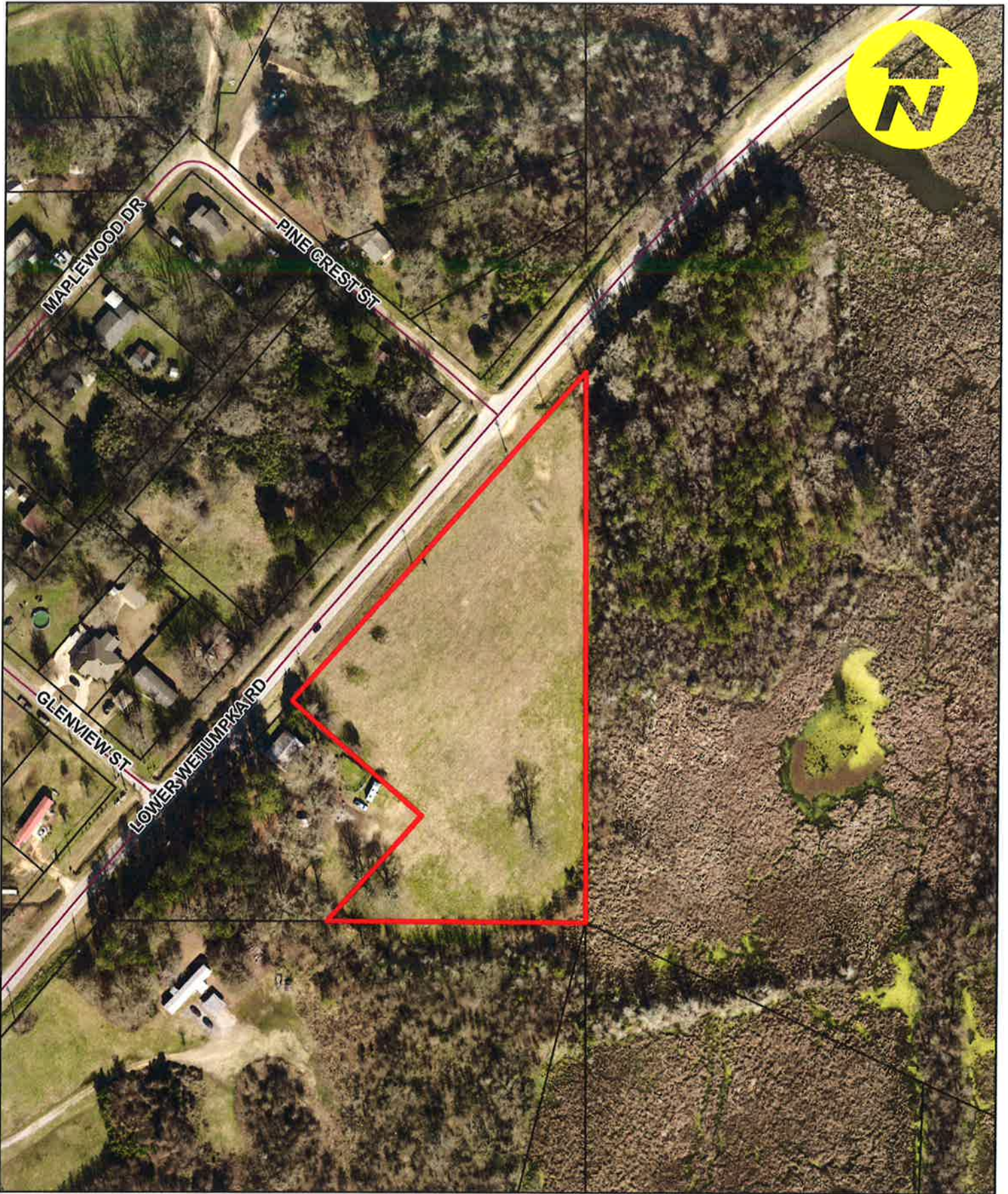
COUNTY COMMISSION DISTRICT: 4



Site Location 

1 inch = 300 feet

Item No. 13A



Site Location 

1 inch = 167 feet

Item No. 13B

14. BD-2021-062 **PRESENTED BY:** Mathews Development Company

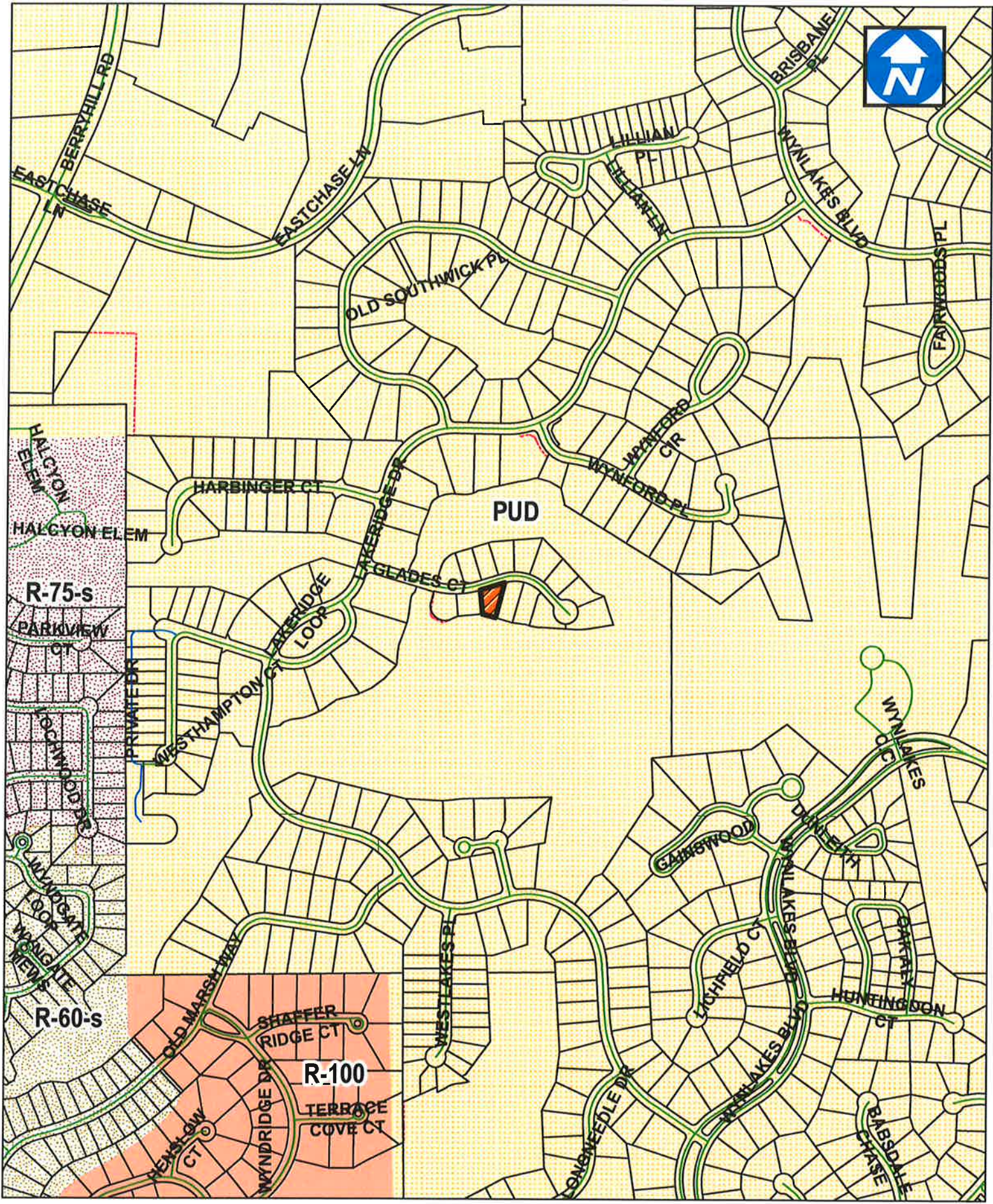
REPRESENTING: Art Leadingham

SUBJECT: Request a rear yard variance for a new dwelling to be located at 8624 Glades Court in a PUD (Planned Unit Development) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a new dwelling that will come within 20 ft. of the rear property line, whereas 30 ft. is required.

The request is a 10 ft. rear yard variance.

CITY COUNCIL DISTRICT: 9



Site 

1 inch = 600 feet

Item 14A



Site 

1 inch = 50 feet

Item 14B