

Board of Adjustment Agenda

December 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 November 4, 2021 meeting.

December 16, 2021

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2021-048	Roderick Rudolph	M-1	4204 Selma Highway (Truck driving school)	1
2.	1992-134	Jennifer Hand	R-100	Woodley Road (Poultry & livestock)	2
3.	2007-057	Tyree Martin	B-3	6134 Atlanta Highway (Variance to Ord. 17-2014)	3
4.	2018-033	Yumeka Potts	B-3	2823 East South Boulevard (Nursing assistant school)	4
5.	2021-067	Barrett-Simpson, Inc.	R-60-m	Edgar D. Nixon Avenue (Story variance)	5
6.	2021-065	Legacy Heritage	R-65-d	Hale Street (Accessory structure)	6
7.	2021-066	David Woodruff	AGR-1	30 Franson Road (Mobile home)	7
8.	2021-069	Christy Williams	T4-O	671 South Perry Street (Exception to SmartCode)	8
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10.	2021-067	Aigner Kolom & India Wilson	B-2	2525 Highland Avenue (Variance to Ord. 17-2014)	10

The next Board of Adjustment meeting is on January 20, 2022

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

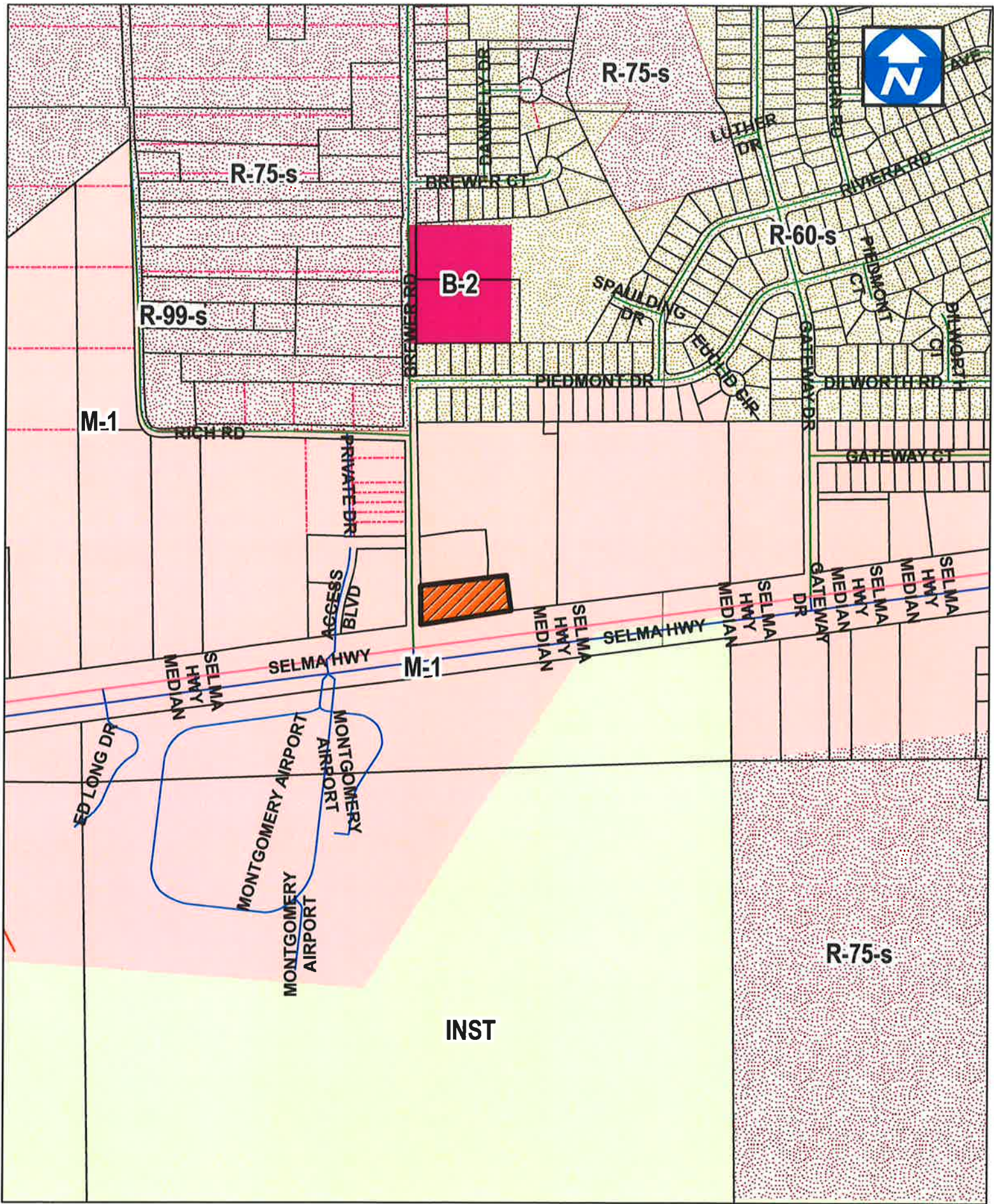
REPRESENTING: Same

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 IA



Site 

1 inch = 200 feet
Item 1B

2. BD-1992-134 **PRESENTED BY:** Jennifer Hand

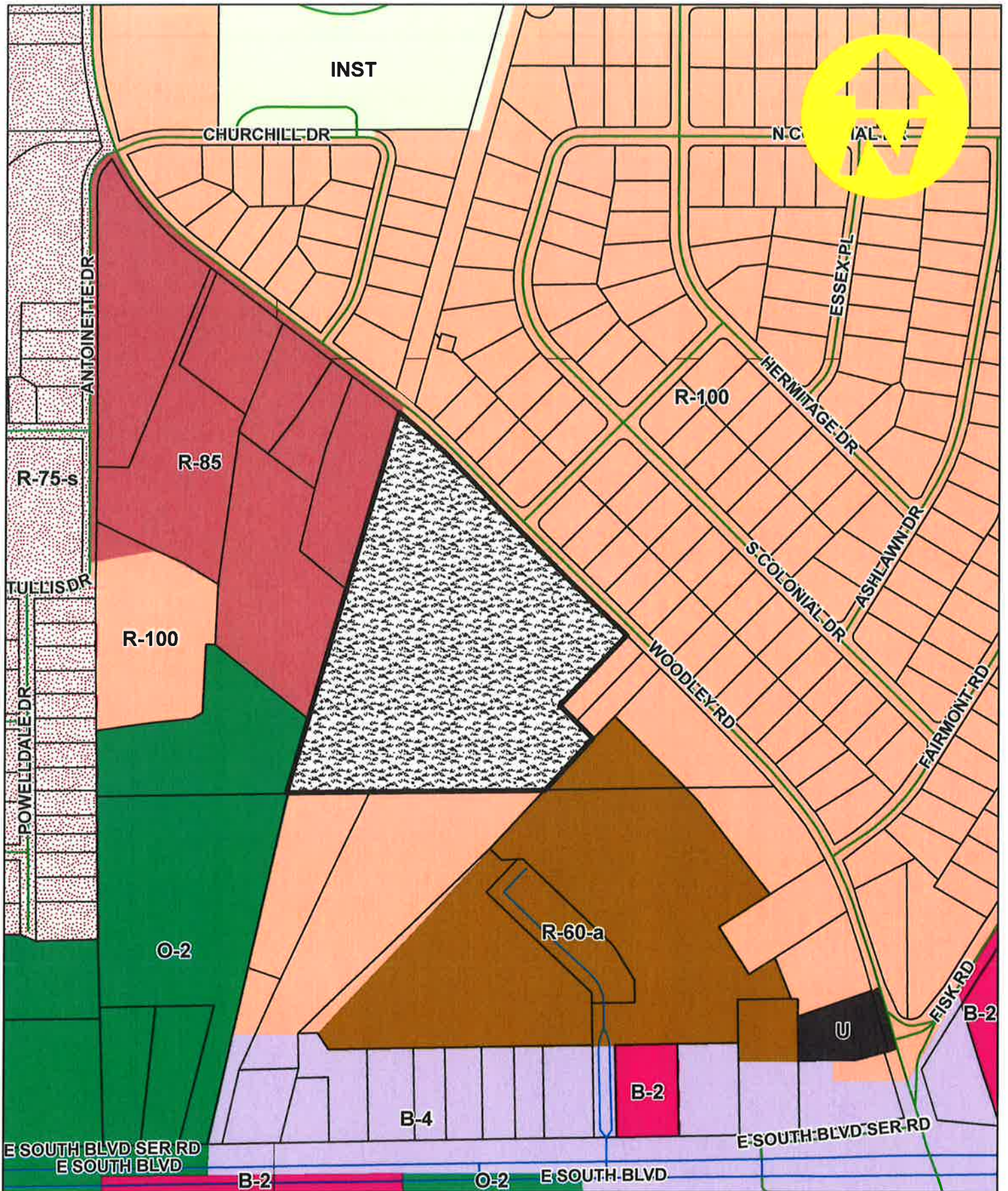
REPRESENTING: Fishers Farm Corp.

SUBJECT: Request a special exception to keep poultry and livestock on the properties located on the west side of Woodley Road, across from Waverly Drive, in an R-100 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep up to 20 chickens (no roosters) and up to 60 goats on approximately 18.07 acres. The petitioner has the Chicken Guidelines and has stated they will be met.

The request is a special exception for poultry and livestock.

CITY COUNCIL DISTRICT: 5



Site Location 

1 inch = 400 feet

Item No. 2A



S COLONIAL DR

WAVERLY DR

WOODLEY RD

Site Location 

1 inch = 200 feet

Item No. 2B

3. BD-2007-057 **PRESENTED BY:** Tyree Martin

REPRESENTING: Same

SUBJECT: Request a variance to Ordinance 17-2014 to operate a lounge at 6134 Atlanta Highway in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a lounge, which will serve alcoholic beverages on premise. The closest door of the building is approximately 100 ft. to the nearest residential district line, whereas 250 ft. is required.

Hours of Operation

Monday – Friday: 5:00 p.m. – 2:00 a.m.

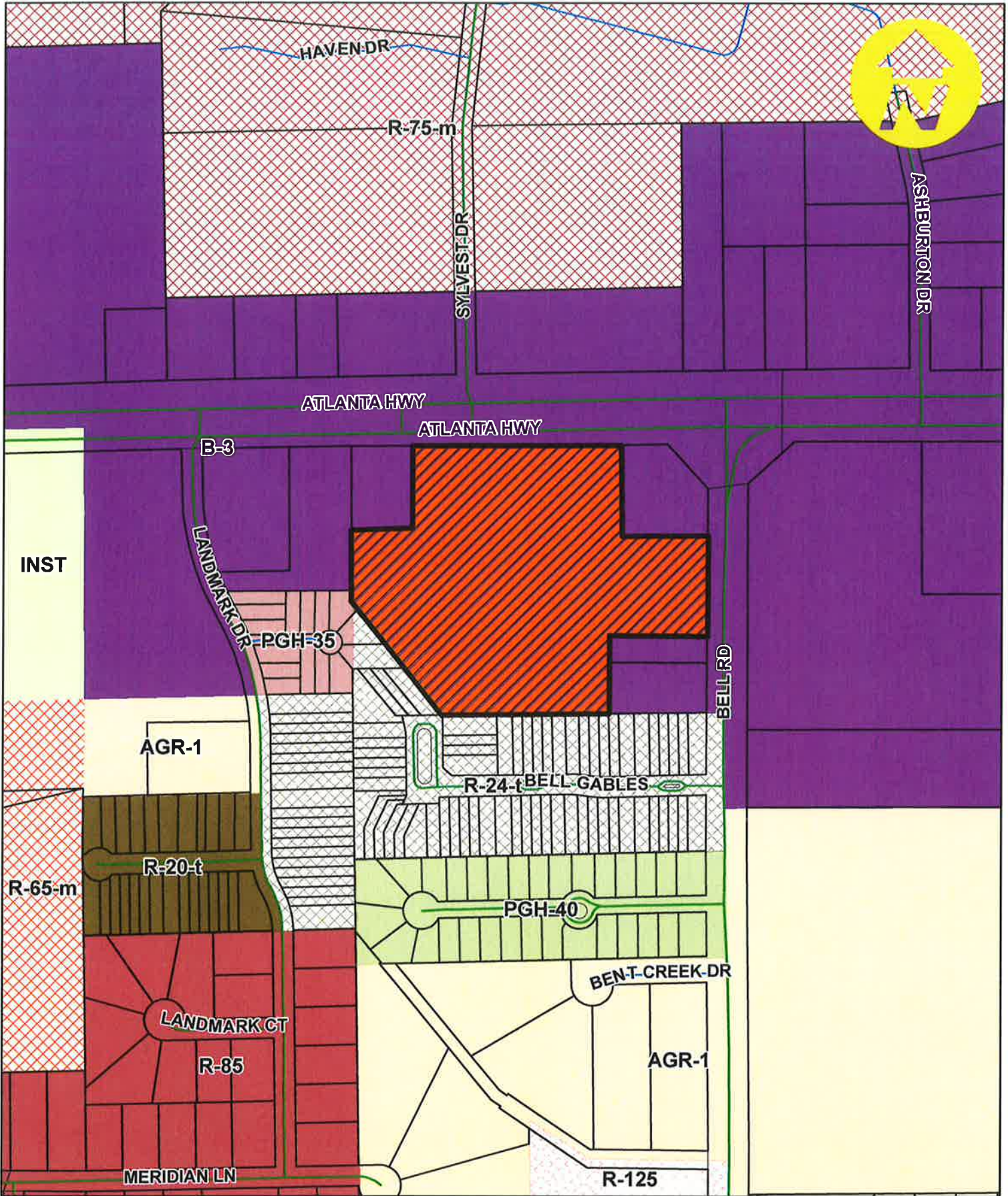
Saturday – Sunday: 11:00 a.m. – 2:00 a.m.

Ordinance No. 17-2014

NOTE: 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. 17-2014 to allow a lounge to come within 100 ft. of a residential district line.

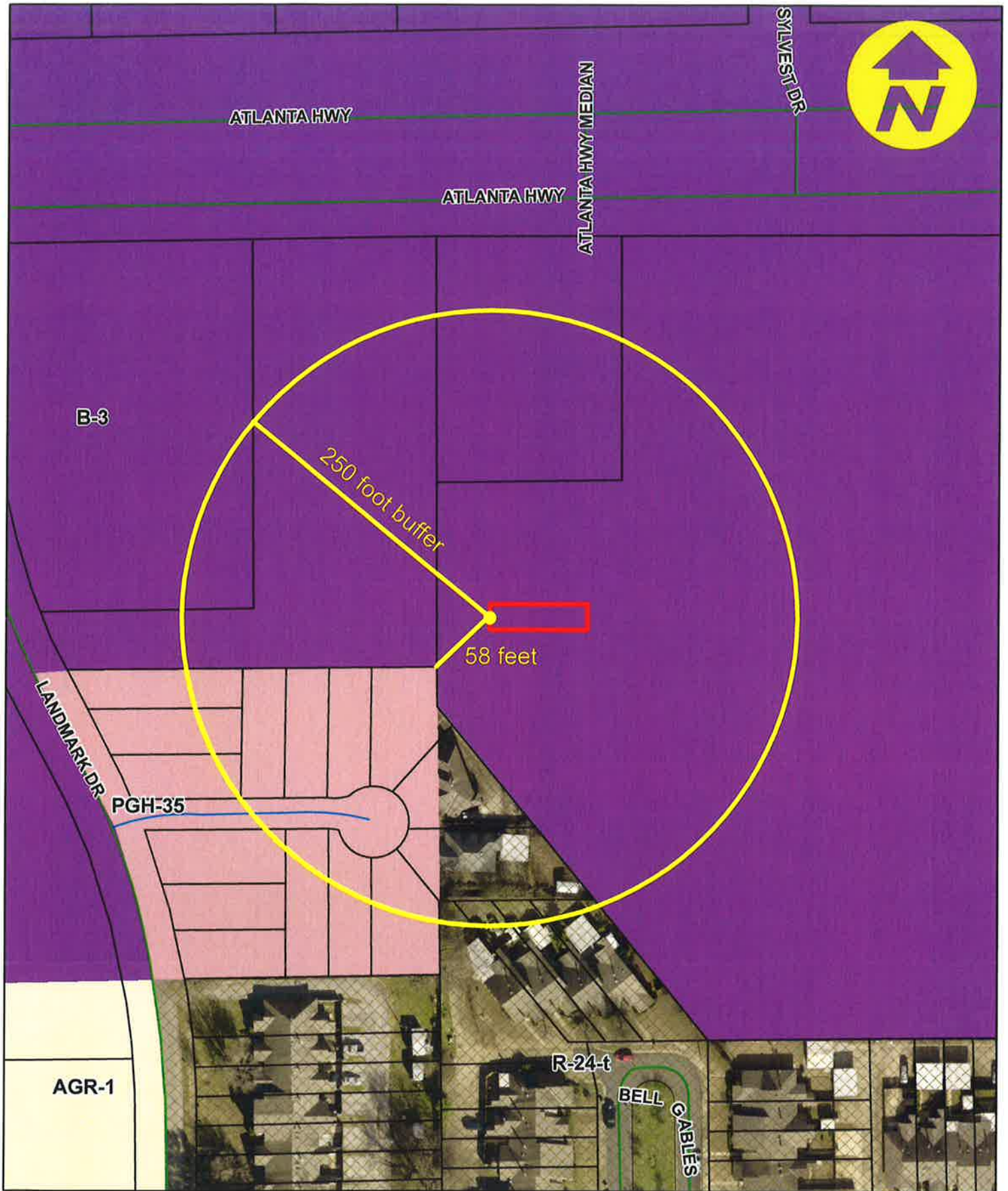
COUNCIL DISTRICT: 9



Site Location 

1 inch = 300 feet

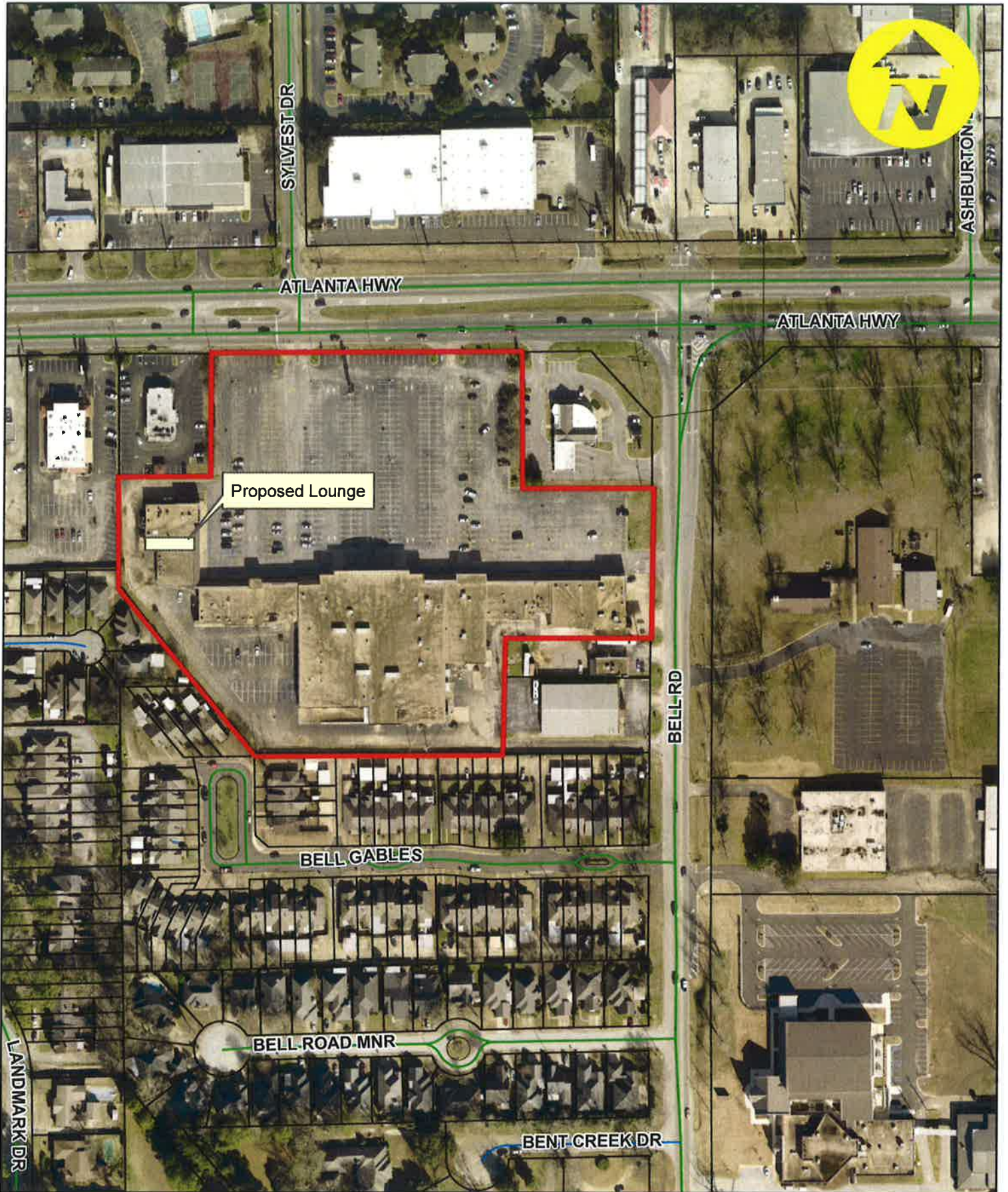
Item No. 3A



Site Location 

1 inch = 100 feet

Item No. 38



Site Location

1 inch = 200 feet

Item No. 3C

4. BD-2018-033 **PRESENTED BY:** Yumeka Potts

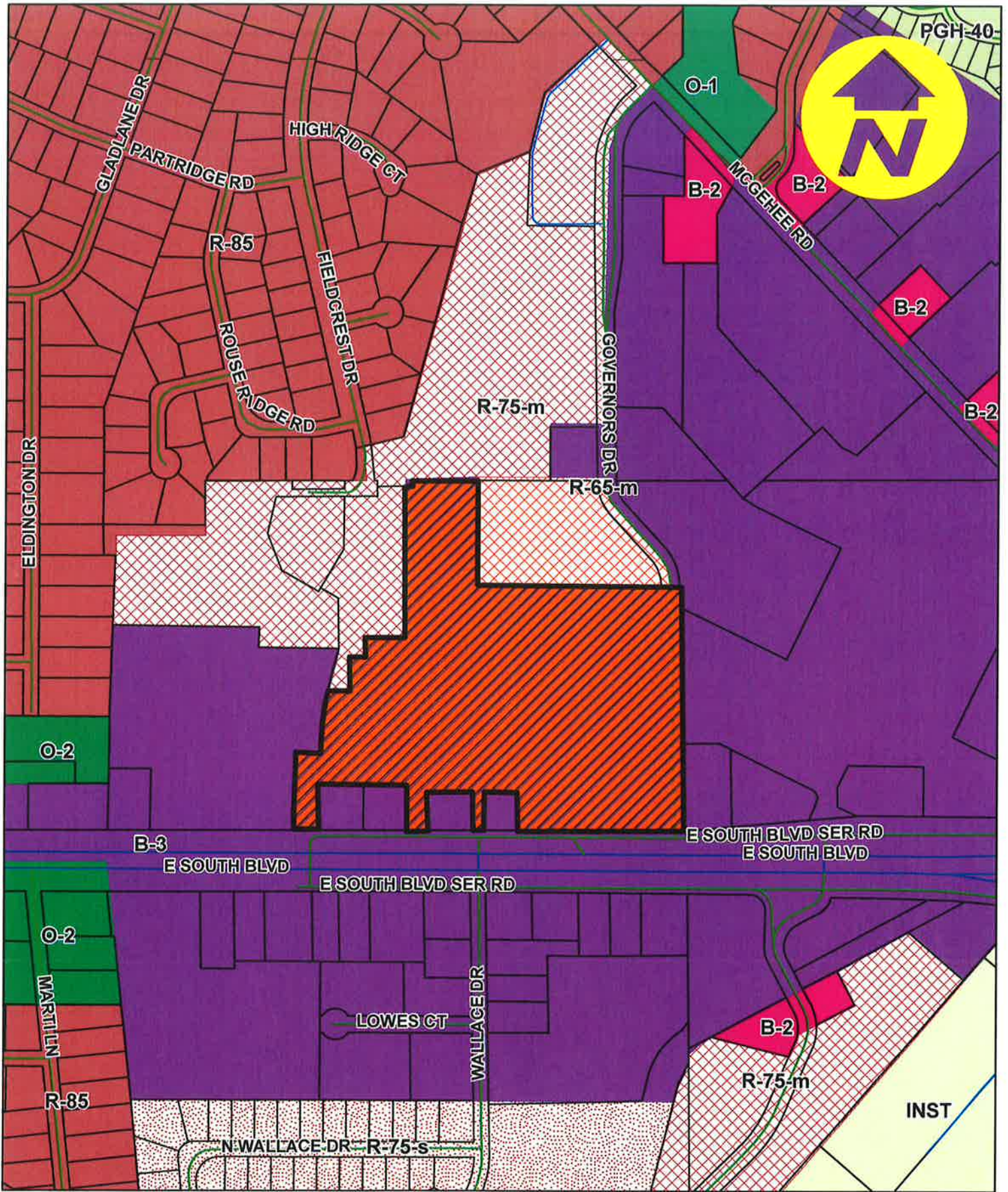
REPRESENTING: Same

SUBJECT: Request a special exception for a private school to be located at 2823 East South Boulevard in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a nursing assistant school in a multi-tenant building. There will be a maximum of 14 students and one (1) instructor. Hours of operation are Monday – Thursday, 8:00 a.m. – 6:00 p.m. The parking lot has adequate lighting.

The request is a special exception for private school.

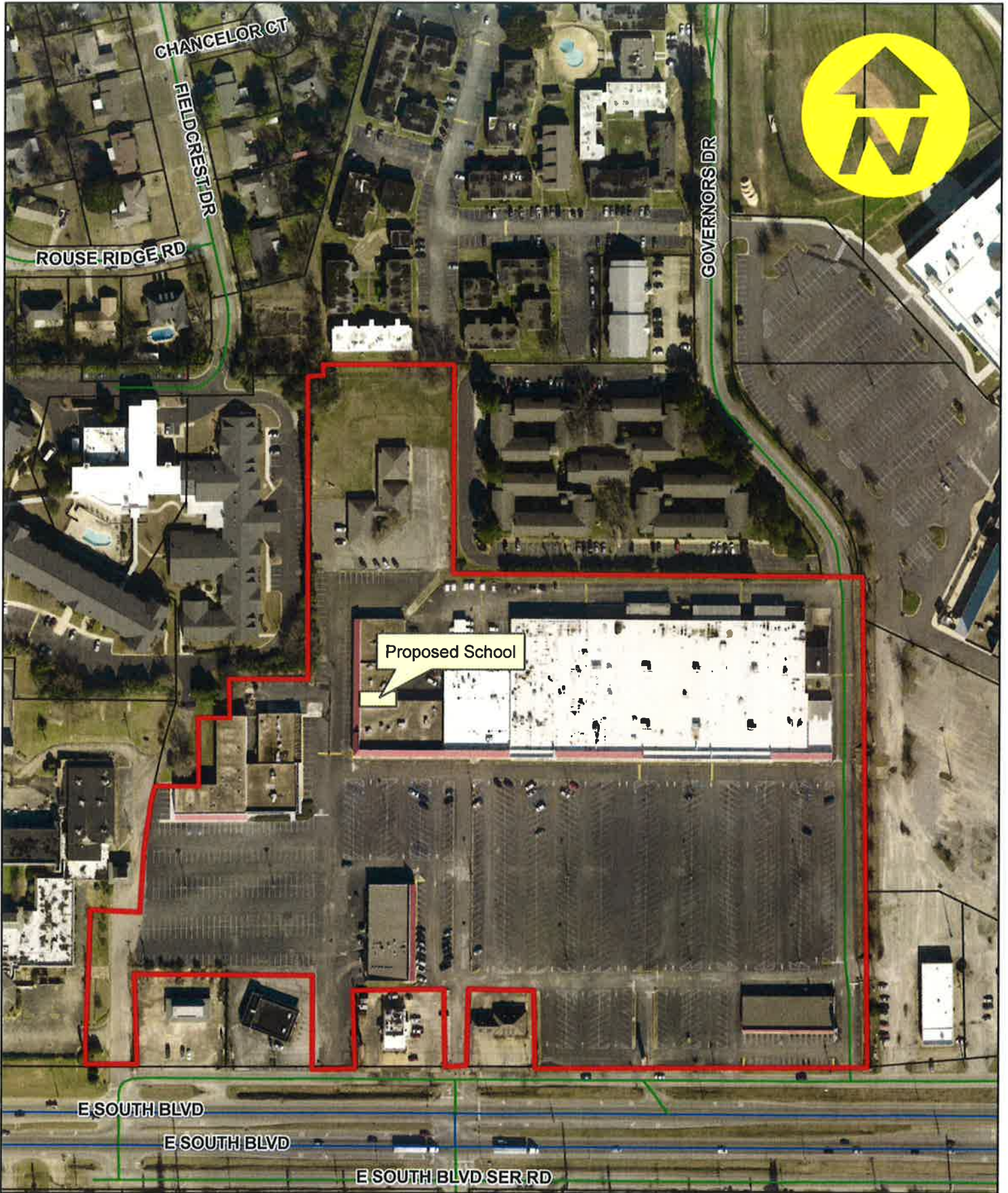
CITY COUNCIL DISTRICT: 5



Site Location 

1 inch = 400 feet

Item No. 4A



Site Location

1 inch = 200 feet

Item No. 4B

5. BD-2021-067 **PRESENTED BY:** Barrett-Simpson, Inc.

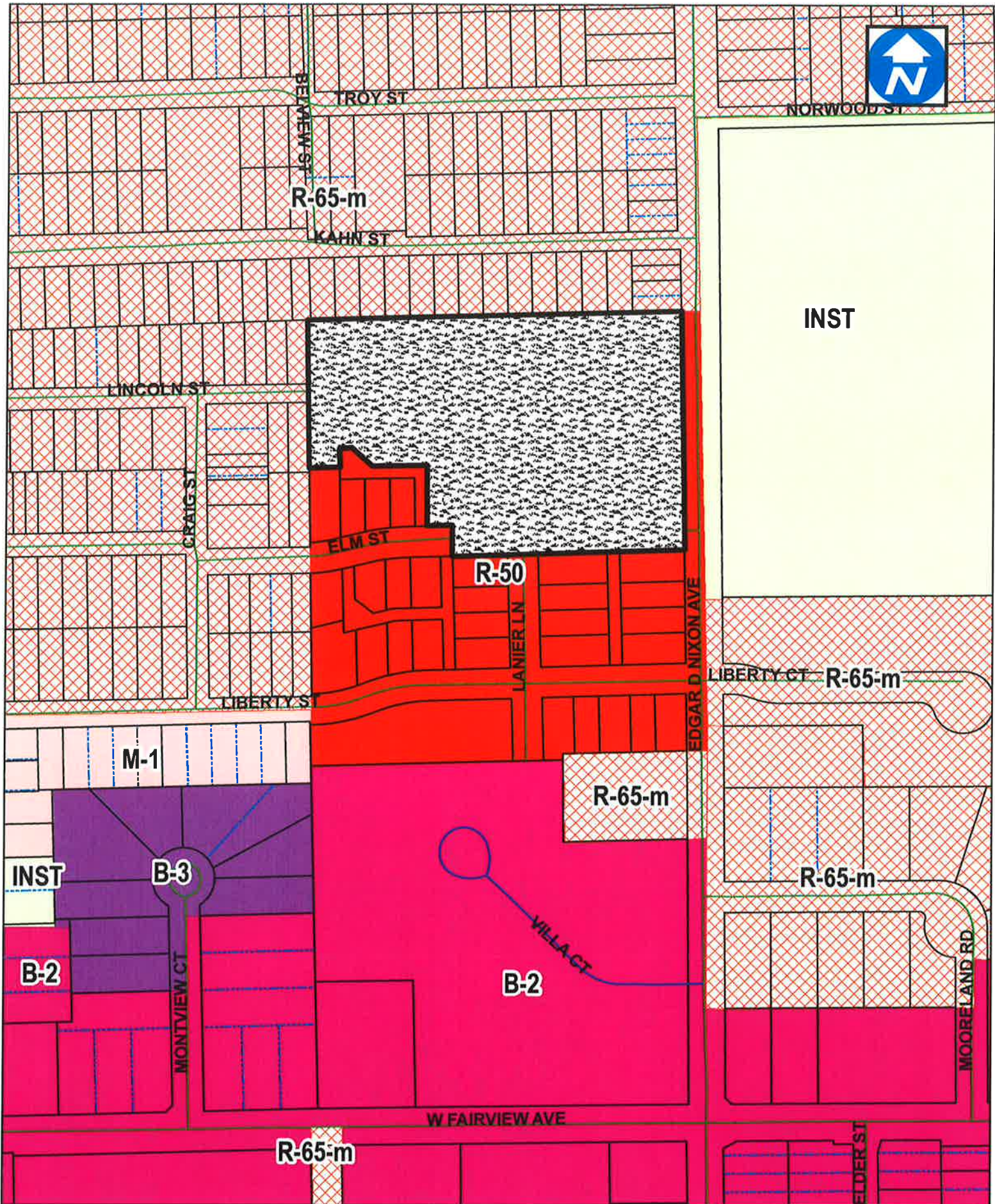
REPRESENTING: Same

SUBJECT: Request a story variance for a new building to located on the northwest corner of Edgar D. Nixon Avenue and Elm Street, in an R-60-m (Multi-Family Residential) Zoning District (proposed).

REMARKS: This request is being made to give the petitioner permission to construct a three (3) story multi-family building, whereas two (2) stories is allowed. The City Council will hear the final rezoning request at the January 4, 2022 meeting (Planning Commission recommended to rezone to R-60-m).

The request is a one (1) story variance.

CITY COUNCIL DISTRICT: 7

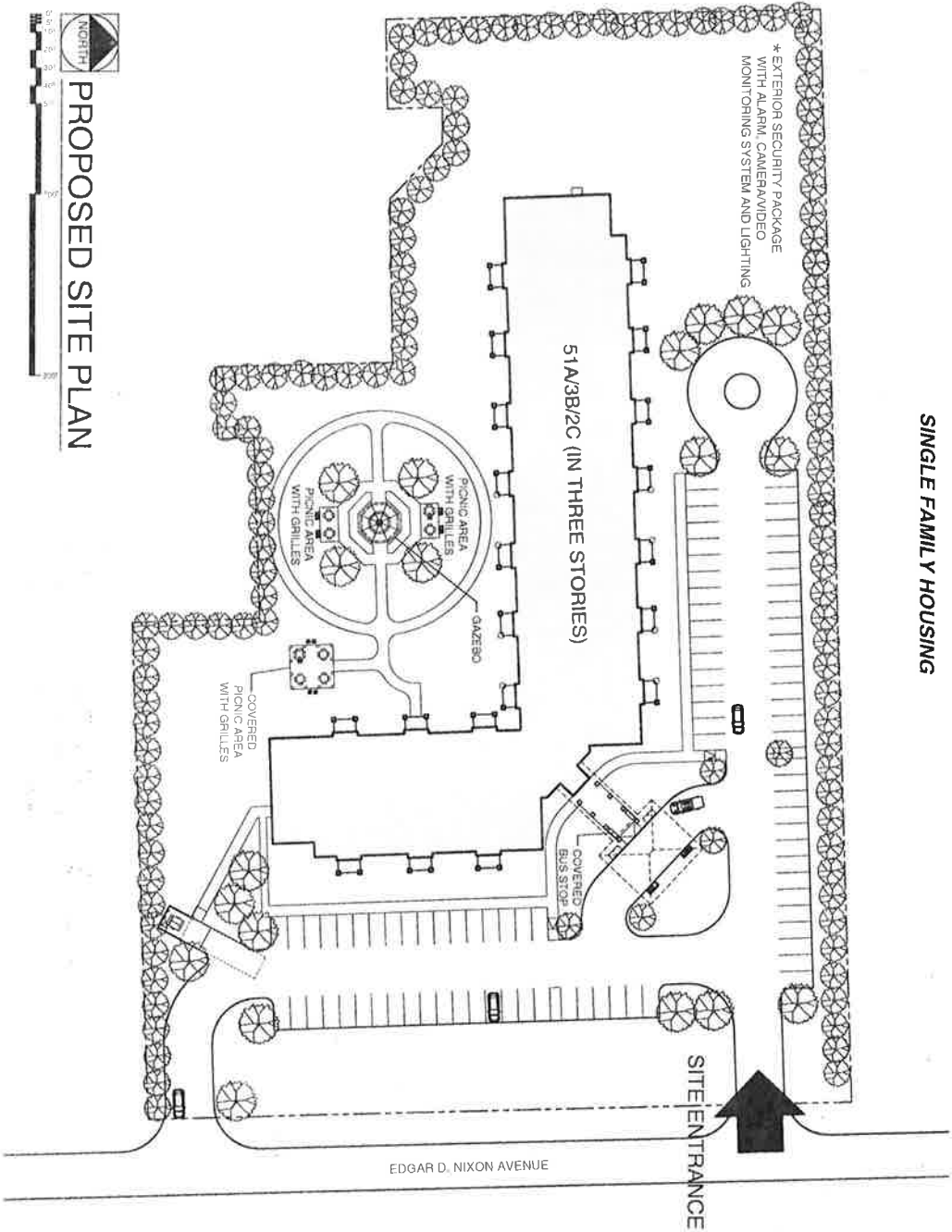


Site 

1 inch = 200 feet

Item 5A

SINGLE FAMILY HOUSING



SINGLE FAMILY HOUSING

PROPOSED SITE PLAN

SINGLE FAMILY HOUSING

LEGEND

UNIT TYPE	COUNT
UNIT 'A' - TWO BEDROOM	51
UNIT 'B' - TWO BEDROOM - ACCESSIBLE	3
UNIT 'C' - TWO BEDROOM - SENSOY IMPAIRED	2
TOTAL UNITS	56
TOTAL PARKING	98
OWNER:	FREEDOM VILLAGE, LTD MONTGOMERY, ALABAMA
ARCHITECT:	THE ARCHITECTURAL OFFICE OF WILLIAM J. PEER, P.C. MONTGOMERY, AL 36104 908 SOUTH HULL STREET

EDUCATIONAL

Proposed Freedom Village
Montgomery, Alabama

PROPOSED SITE PLAN
DATE: 06/27/2011

1



Site Location 

1 inch = 100 feet

Item No. 5C

6. BD-2021-065 **PRESENTED BY:** Legacy Heritage

REPRESENTING: Consuelo Bradley

SUBJECT: Request a special exception for an accessory structure without a main dwelling to be located on the east side of Hale Street, approximately 120 ft. north of Opp Street, in an R-65-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 10 ft. x 12 ft. accessory structure without a main dwelling to be used as a storage shed for a community garden to house equipment and tools.

The request a special exception for an accessory without a main dwelling.

COUNCIL DISTRICT: 3



M-3

R-65-s

B-2

B-2

R-65-s

INST

R-65-d

R-65-d

B-2

M-1

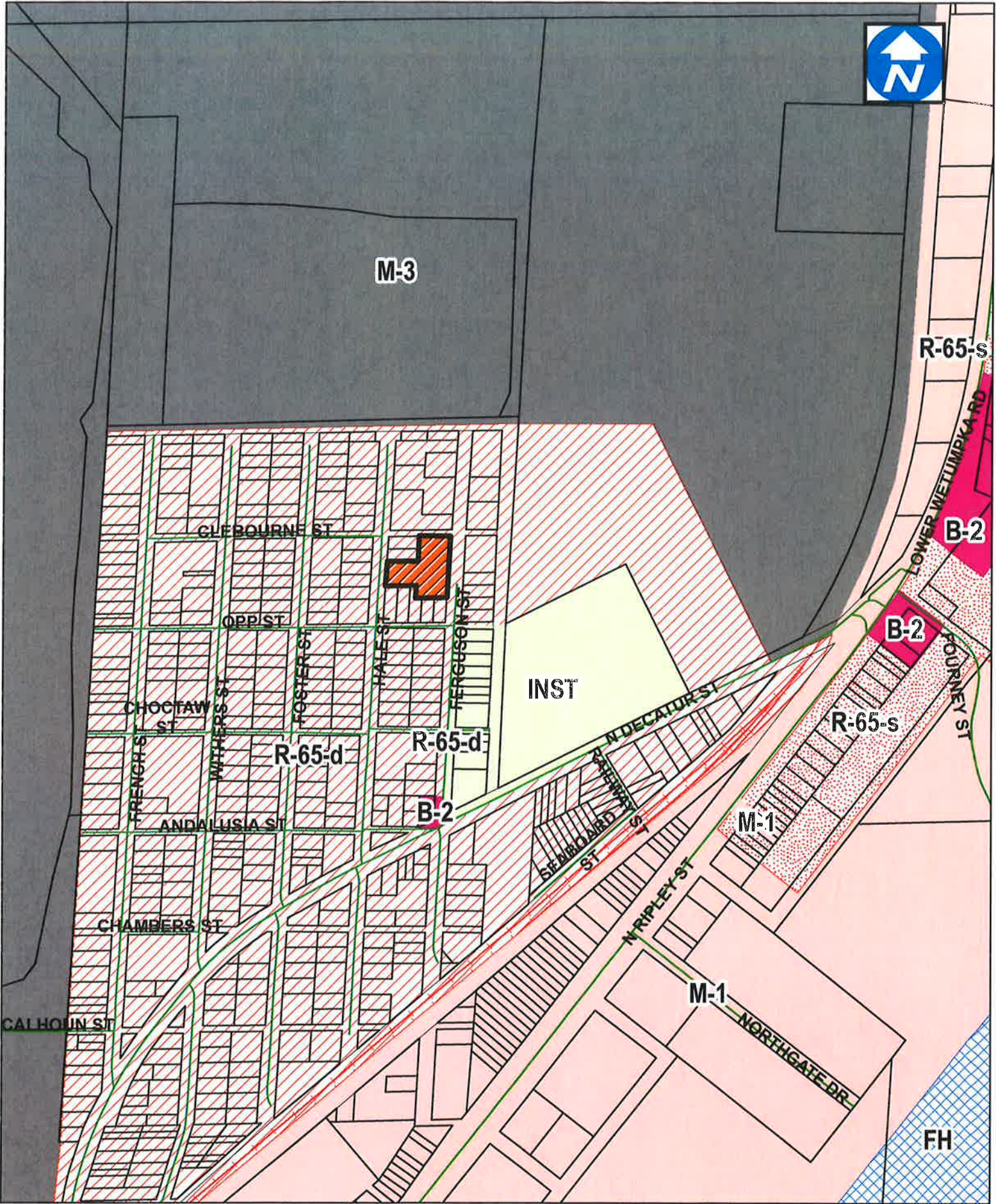
M-1

FH

Site 

1 inch = 400 feet

Item 6A





Site Location 

1 inch = 40 feet

Item No. 6B

7. BD-2021-066 **PRESENTED BY:** David Woodruff

REPRESENTING: Same

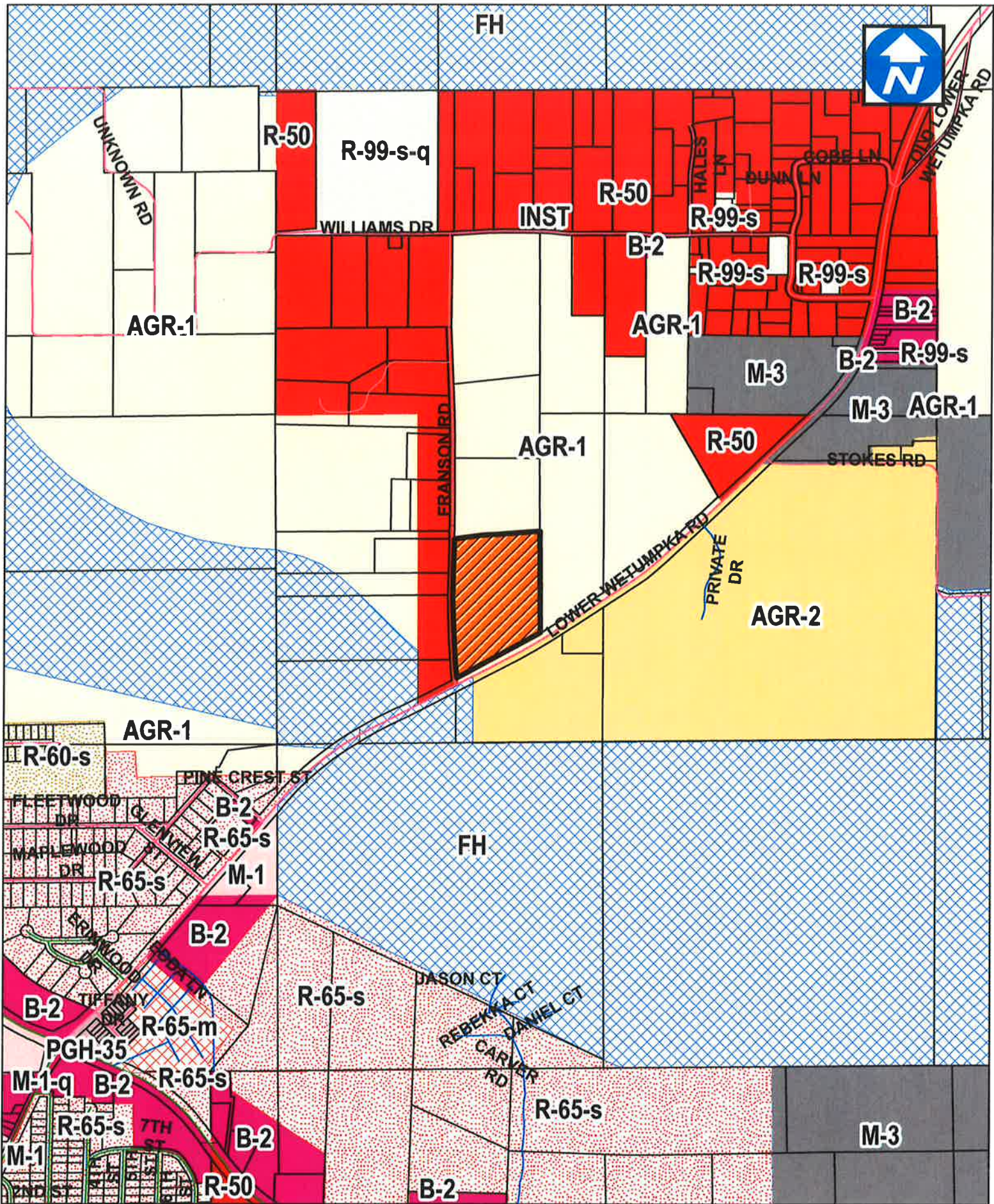
SUBJECT: Request a special exception for a mobile home for living purposes to be located at 30 Franson Road in an AGR-1 (Residential Agriculture) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home for living purposes on a 15.88 acre parcel of land.

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

COUNCIL DISTRICT: Police Jurisdiction

COUNTY COMMISSION DISTRICT: 4



Site 

1 inch = 1,000 feet

Item 7A



Site Location

1 inch = 200 feet

Item No. 7B

8. BD-2021-069 **PRESENTED BY:** Christy Williams

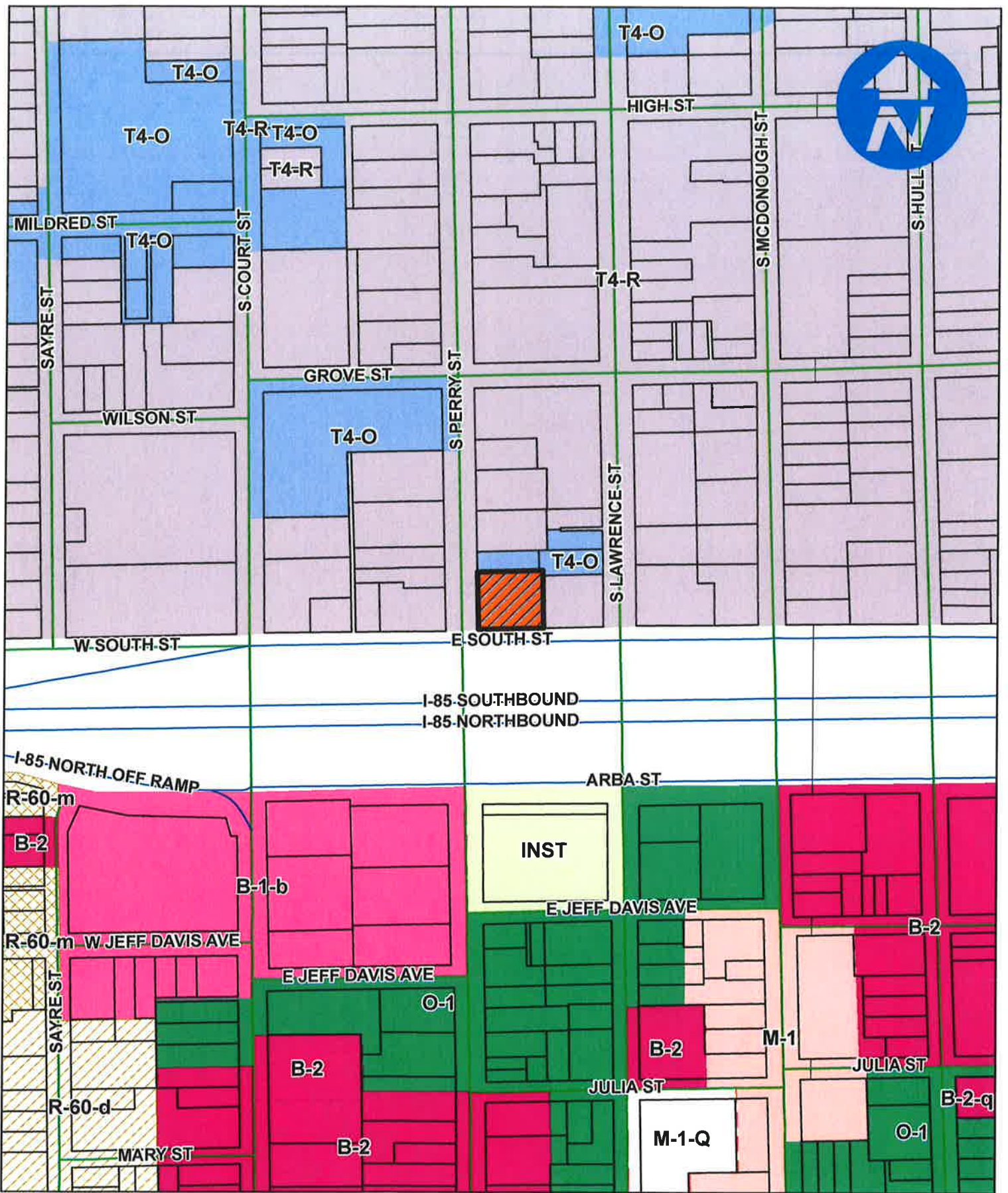
REPRESENTING: 671 S Perry Street LLC

SUBJECT: Request an exception to SmartCode for new signage to be located at 671 South Perry Street in a T4-O (General Urban Zone-Open) SmartCode Zoning District.

REMARKS: This request is being made to give the petitioner permission to give the petitioner permission to install an 8 ft. (height) x 11 ft. (length) internally lit 'band sign' (flush against the building), whereas this district only allows a 'blade sign' (perpendicular to the building) up to 15 sq. ft. and cannot be internally lit.

The request is an exception to SmartCode to allow an 8 ft. (height) x 11 ft. (length) internally lit band sign.

COUNCIL DISTRICT: 3



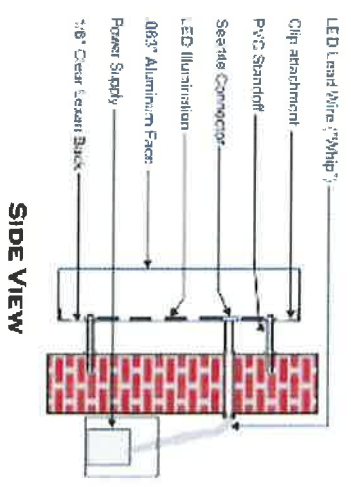
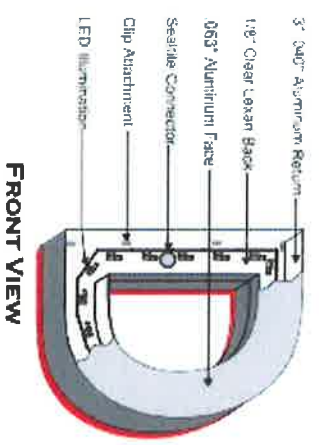
Site Location 

1 inch = 300 feet

Item No. 8A



Reverse Lit Channel Letters

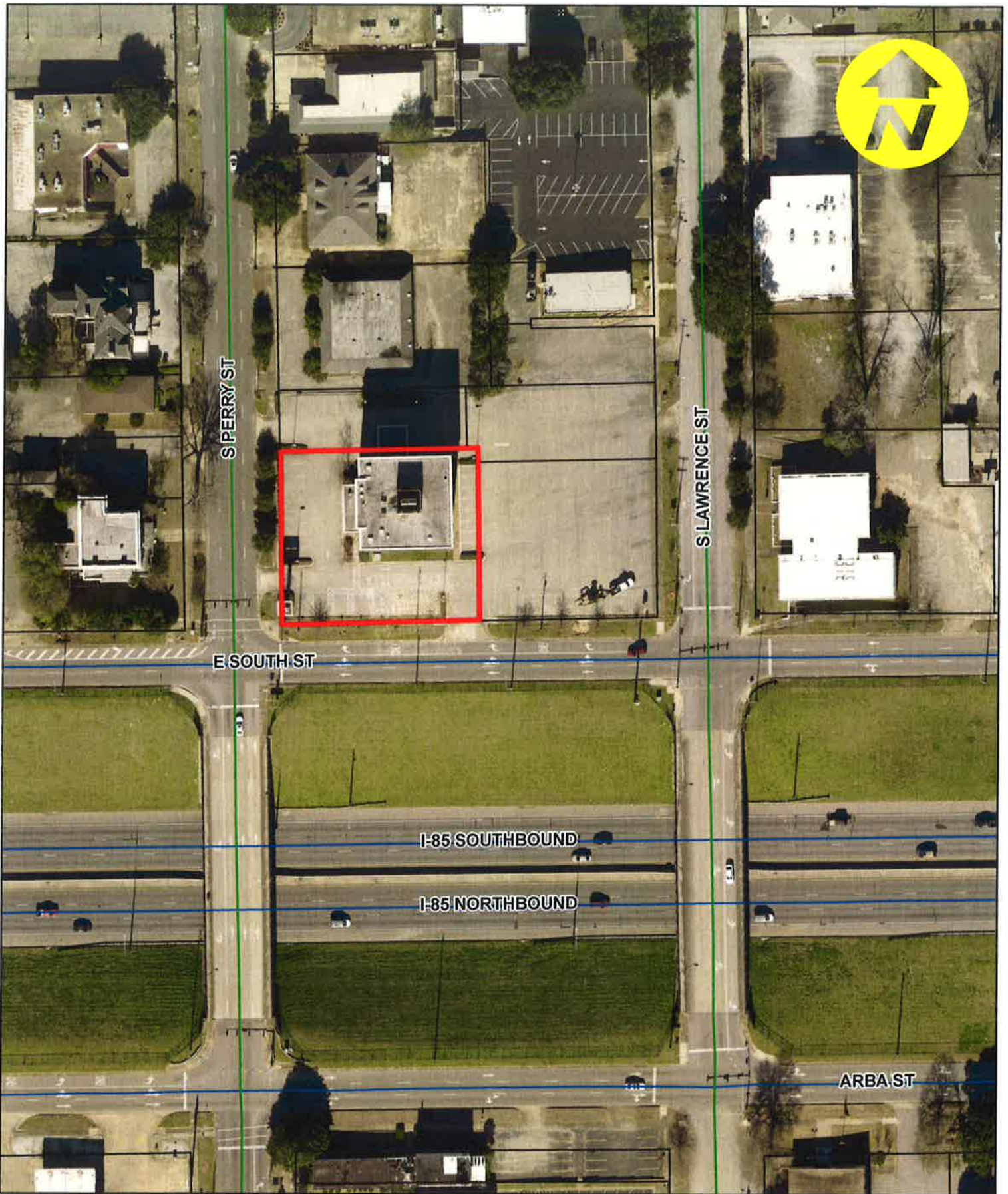




The Banne



8C



Site Location 

1 inch = 100 feet

Item No. 80

9. BD-2021-068 **PRESENTED BY:** Tippett Sease Baker Architecture, LLC

REPRESENTING: Ashley & Barrett Gilbreath

SUBJECT: Request side yard variances and a rear yard variance for a new dwelling to be located at 2098 Myrtlewood Drive in an R-125 (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 both side property lines, whereas 14 ft. and 13 ft. side yards are required (based on the modification table because this is a substandard lot). The proposed dwelling will come within 30 ft. of the rear property line, whereas 40 ft. is required.

The variances requested are 4 ft. and 3 ft. side yard variances, and a 10 ft. rear yard variance.

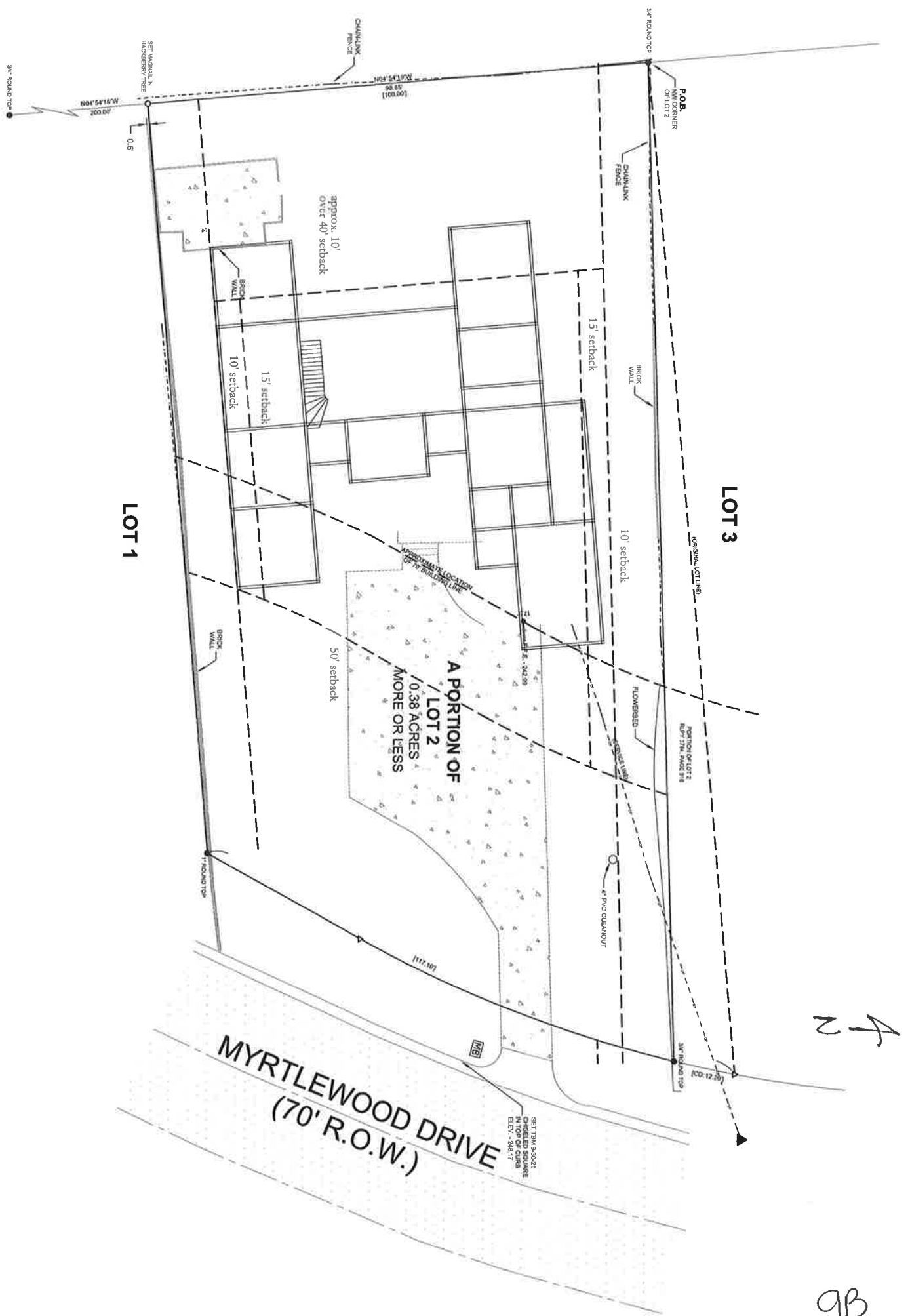
CITY COUNCIL DISTRICT: 7



Site Location 

1 inch = 300 feet

Item No. 9A



42

9B



Site Location

1 inch = 30 feet

Item No. 9C

10. BD-2021-067 **PRESENTED BY:** Aigner Kolom & India Wilson

REPRESENTING: Same

SUBJECT: Request a variance to Ordinance 17-2014 to operate a lounge at 2525 Highland Avenue in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a hookah lounge, which will serve alcoholic beverages on premise. The closest door of the building is approximately 157 ft. to the nearest residential district line, whereas 250 ft. is required.

Hours of Operation

Monday – Sunday: 10:00 a.m. – 2:00 a.m.

Ordinance No. 17-2014

NOTE: 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 93 ft. variance to Ord. 17-2014 to allow a hookah lounge to come within 157 ft. of a residential district line.

COUNCIL DISTRICT: 3



PALMETTO ST

R-60-s

R-60-s

B-2

O-1

CHARLES ST

S PANAMA ST

GRACE ST

HIGHLAND AVE

B-2

B-2

O-1

B-2

R-60-s

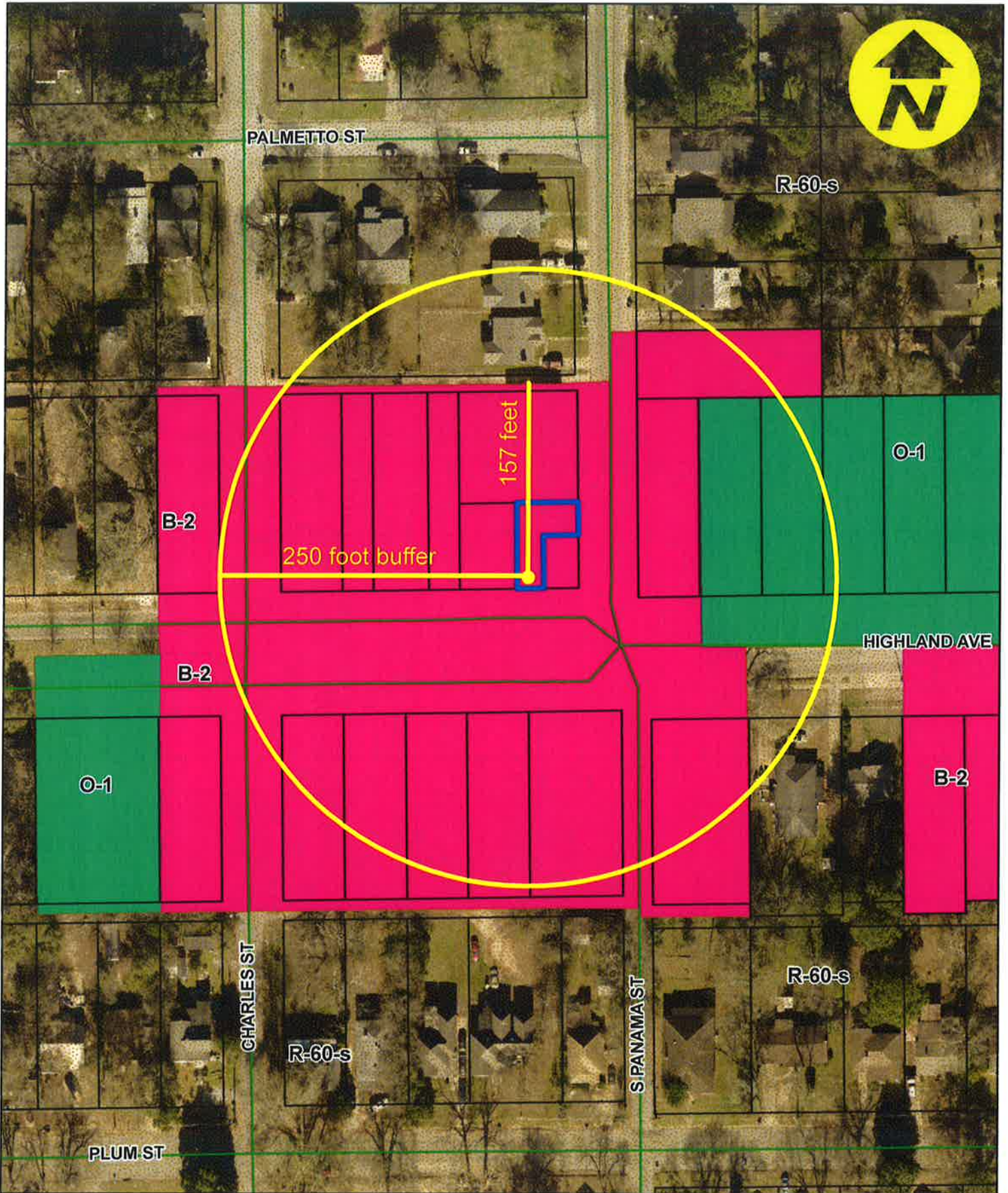
R-60-s

PLUM ST

Site 

1 inch = 100 feet

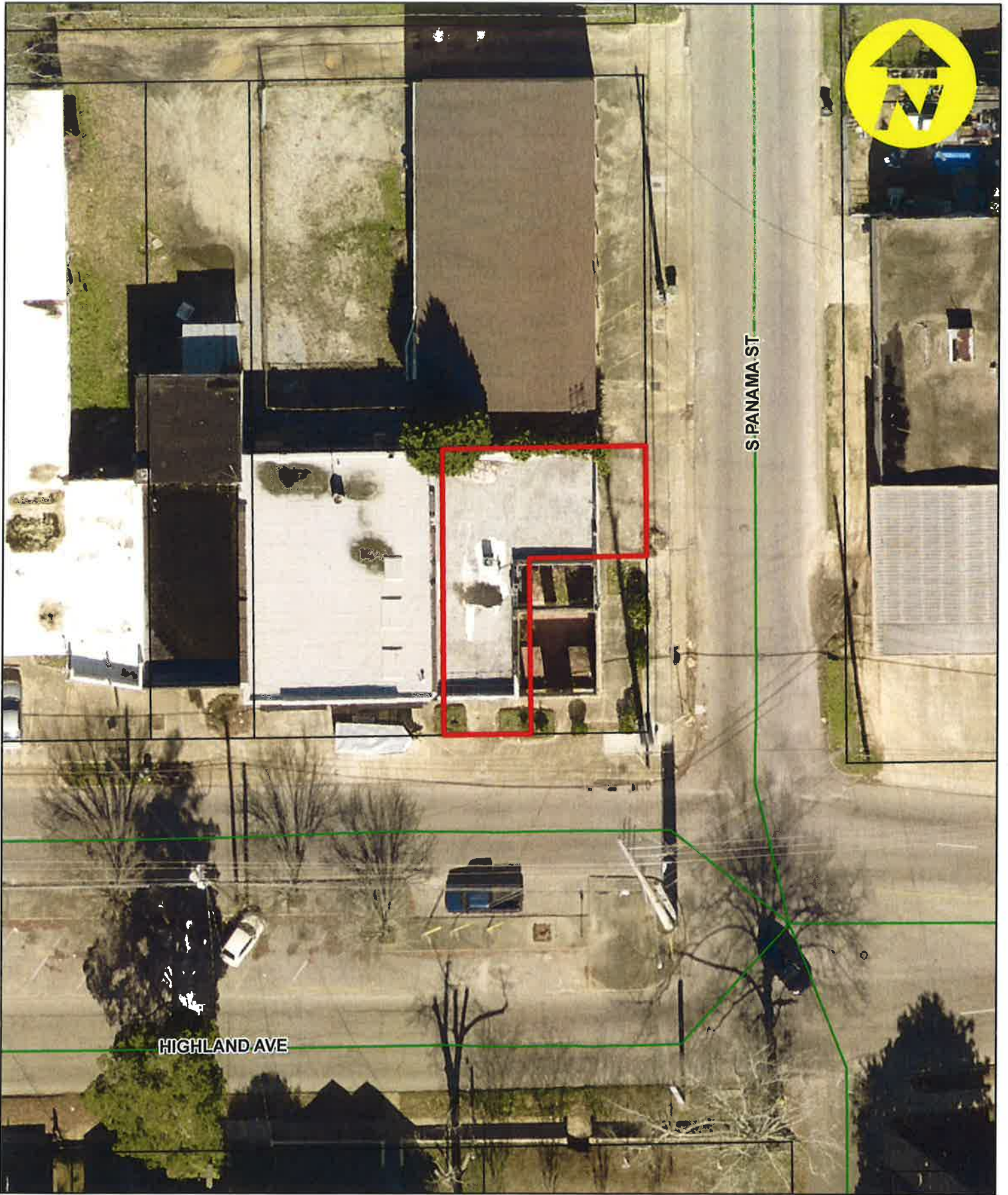
Item 10A



Site Location 

1 inch = 100 feet

Item No. 10B



S PANAMA ST

HIGHLAND AVE



Site Location 

1 inch = 30 feet

Item No. 100