

Board of Adjustment Agenda

January 20, 2022 – 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.

Blake Markham

Bart Prince

Pickett Reese

Jennifer Shaw

**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 16, 2021 meeting.

January 20, 2022

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2022-001	Paris Harris	AGR-1	McInnis Road (Mobile home)	1
2.	2022-002	Glennon J. Bene	R-60-m R-60-d	1349 South Perry Street (Variances for brick columns)	2
3.	2008-027	Trinity Presbyterian School	R-85	1700 East Trinity Boulevard (Privacy fence)	3
4.	2022-004	Michael & Sonja Dallas	B-3	5331 Young Barn Road (Variance to Ord. 17-2014)	4
5.	2022-005	Debora Chan	R-75-s	1826 South Hull Street (Coverage variance)	5
6.	2022-006	Glynn Wilson Clark Arch.	B-3	3772 Malcolm Drive (Story & Height variances)	6

III. Election of Officers

The next Board of Adjustment meeting is on February 17, 2022

1. BD-2022-001 **PRESENTED BY:** Paris Harris

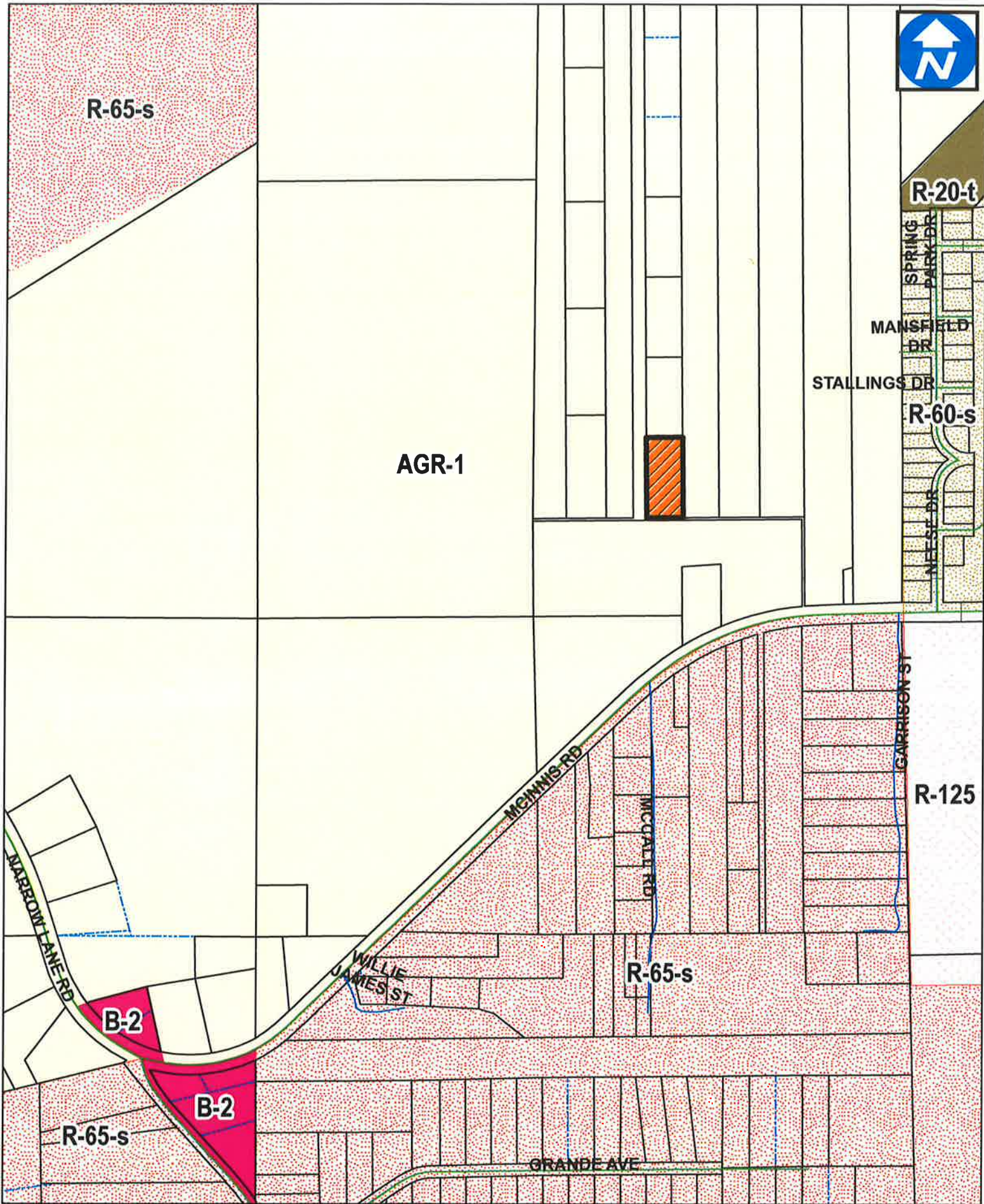
REPRESENTING: Legacy Properties

SUBJECT: Request a special exception for a mobile home for living purposes to be located approximately 600 ft. north of McInnis Road and approximately 1,000 ft. west of Neese Drive 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 1.1 acre lot. There is a 10 ft. platted access easement that runs from McInnis Road.

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

CITY COUNCIL DISTRICT: 6



Site 

1 inch = 500 feet

Item 1A



Proposed mobile home

Site 

1 inch = 200 feet

Item 1B

2. BD-2022-002 **PRESENTED BY:** Glennon J. Bene

REPRESENTING: Susan G. Perrilloux

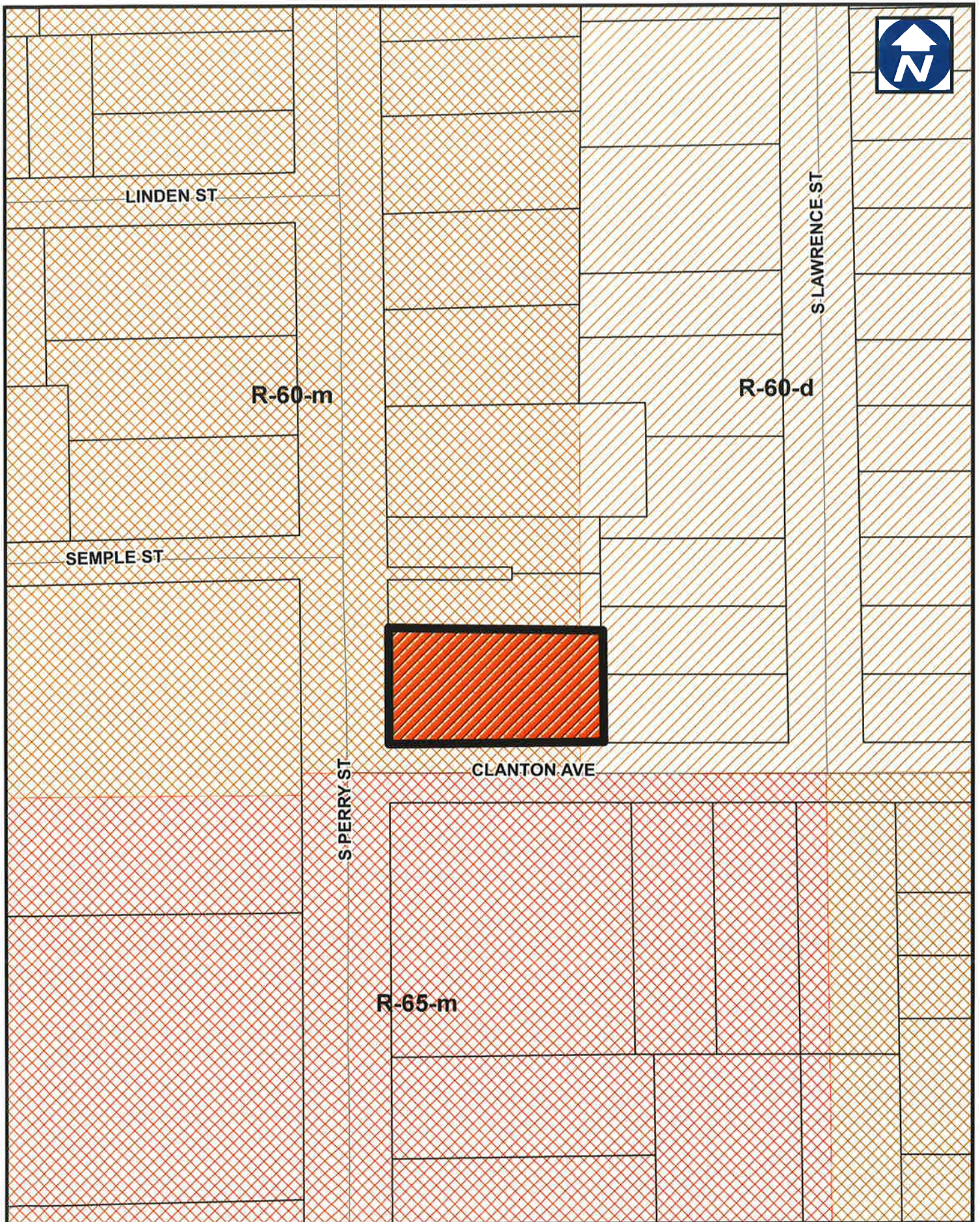
SUBJECT: Request a front yard variance, street side yard variance, and height variance for new brick columns to be located at 1349 South Perry Street in R-60-m (Multi-Family Residential) and R-60-d (Duplex Residential) Zoning Districts.

REMARKS: This request is being made to give the petitioner permission to install 6 ft. brick columns, whereas 3 ft. is allowed, for a wrought iron fence that will come to the South Perry Street and Clanton Avenue property lines, whereas 20 ft. is required.

The Architectural Review Board approved this request at the October 26, 2021 meeting.

The request is a 20 ft. front yard variance (South Perry Street), a 20 ft. street side yard variance (Clanton Avenue), and a 3 ft. height variance for 6 ft. tall brick columns.

COUNCIL DISTRICT: 3



BOARD OF ADJUSTMENT
1 inch = 100 feet

SUBJECT PROPERTY 

ITEM NO. 2A

SOURCE OF INFORMATION:

- PLAT OF PROPERTY OF MARY S. FITZPATRICK AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, MONTGOMERY COUNTY, ALABAMA IN PLAT BOOK 2 AT PAGE 1

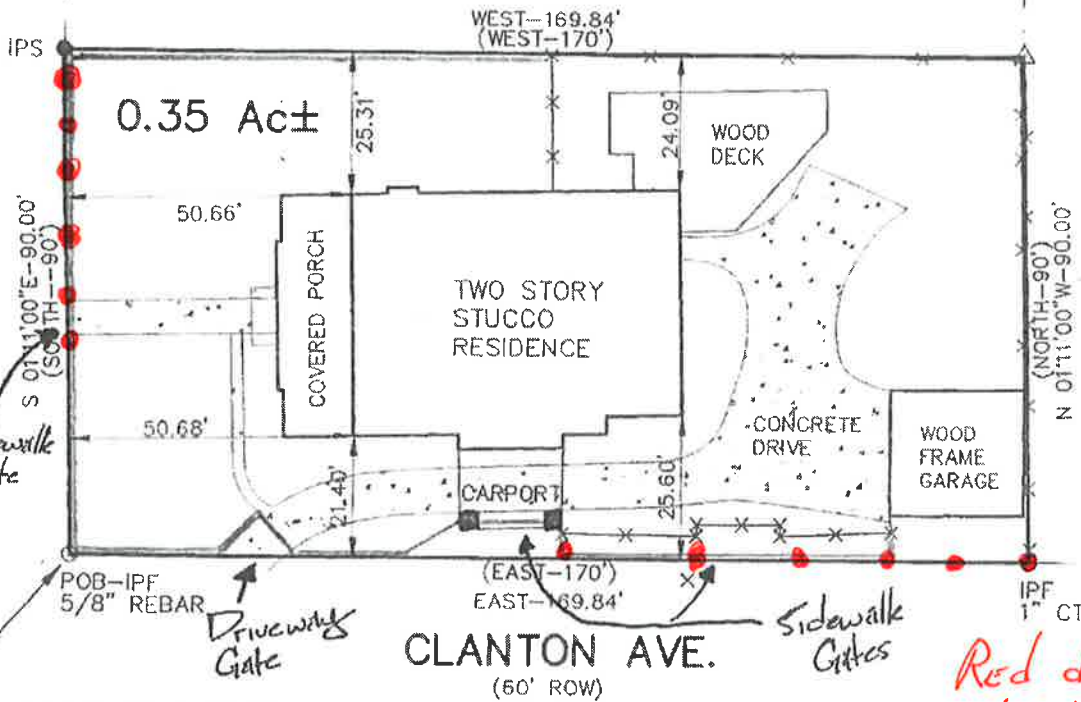
- RLPY 2564, PAGE 773



LEGEND:

- IPS - IRON PIN SET (1/2" REBAR WITH RED PLASTIC ID CAP READING "JEFFCOAT 9587")
- IPF - IRON PIN FOUND
- ✕✕ - 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

SOUTH PERRY STREET
(70' ROW)



NE INTERSECTION OF SOUTH-PERRY AND CLANTON AVENUE SAID POINT BEING THE CORNER OF THE SE CORNER OF LOT 3 OF THE PLAT OF PROPERTY OF MARY S. FITZPATRICK AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, MONTGOMERY COUNTY, ALABAMA IN PLAT BOOK 2 AT PAGE 1

LEGAL DESCRIPTION: THE WEST 170 FEET OF LOT 3 OF THE PLAT OF PROPERTY OF MARY S. FITZPATRICK (PB. 2, PAGE 1) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NE INTERSECTION OF SOUTH PERRY AND CLANTON AVENUE SAID POINT BEING THE CORNER OF THE SE CORNER OF LOT 3 OF THE PLAT OF PROPERTY OF MARY S. FITZPATRICK AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, MONTGOMERY COUNTY, ALABAMA IN PLAT BOOK 2 AT PAGE 1 AND RUN ALONG THE NORTH ROW OF CLANTON AVE. EAST, 169.84 FEET; THENCE LEAVING SAID NORTH ROW N 01°11'00"W, 90.00 FEET; THENCE WEST, 169.84 FEET TO A POINT ON THE EAST ROW OF SOUTH PERRY STREET; THENCE ALONG SAID EAST ROW S 01°11'00"E, 90.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.35 ACRES MORE OR LESS.

**CLOSING SURVEY OF
1349 SOUTH PERRY STREET**

*Red denotes
6' col. approx 6' to 8' distance*

STATE OF ALABAMA
COUNTY OF MONTGOMERY



SEMPL E ST

S PERRY ST

GLANTON AVE

BOARD OF ADJUSTMENT
1 inch = 50 feet

SUBJECT PROPERTY



ITEM NO. 2C

3. BD-2008-027 **PRESENTED BY:** Trinity Presbyterian School

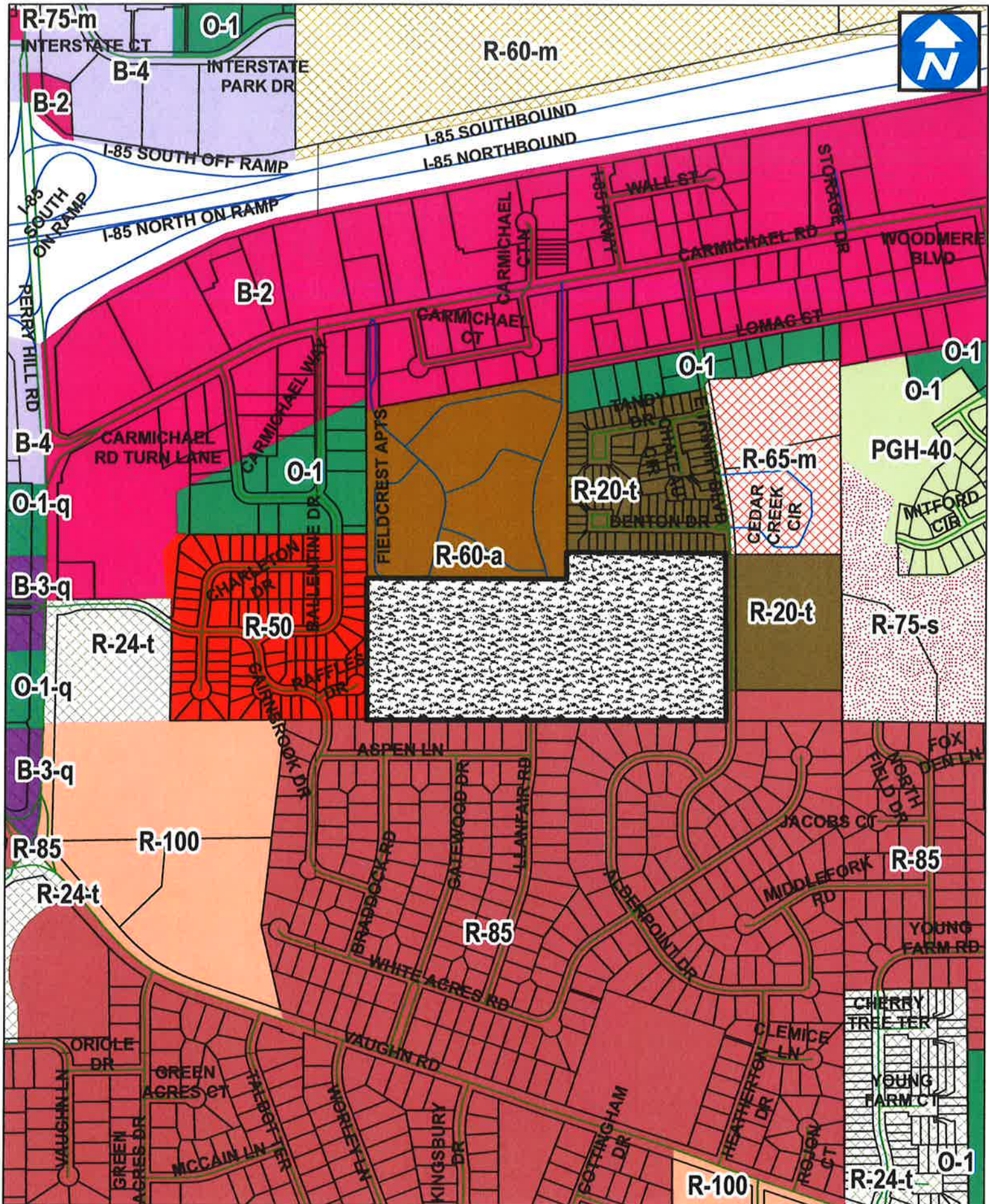
REPRESENTING: Same

SUBJECT: Request a height variance for a new privacy fence to be located at 1700 East Trinity Boulevard in an R-85 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to install a 9 ft. high privacy fence, approximately 770 ft. along the south property line, whereas 7 ft. is allowed due to it being adjacent to residential.

The request is a 2 ft. height variance for a new privacy fence to be installed on the south property line.

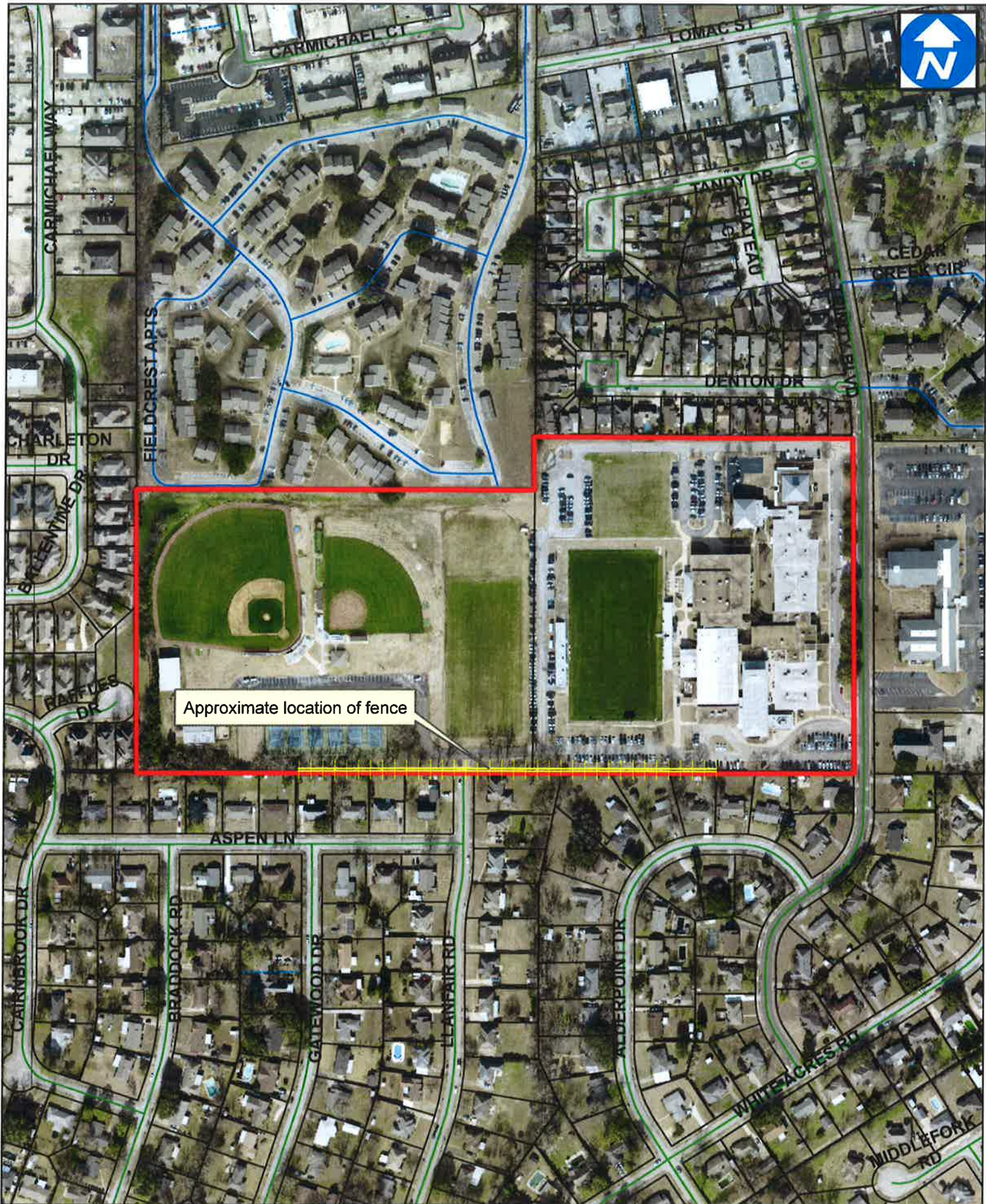
COUNCIL DISTRICT: 5



Site 

1 inch = 600 feet

Item 3A



Site 

1 inch = 300 feet

Item 3B

4. BD-2022-004 **PRESENTED BY:** Michael & Sonja Dallas

REPRESENTING: The Board Room, LLC

SUBJECT: Request a variance to Ord. No. 17-2014 for a lounge to be located in a multi-tenant building located at 5331 Young Barn Road 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 tenant space is approximately 205 ft. to the nearest residential district line, whereas 250 ft. is required. This tenant space has been used for a lounge and/or restaurant in the past.

Hours of Operation

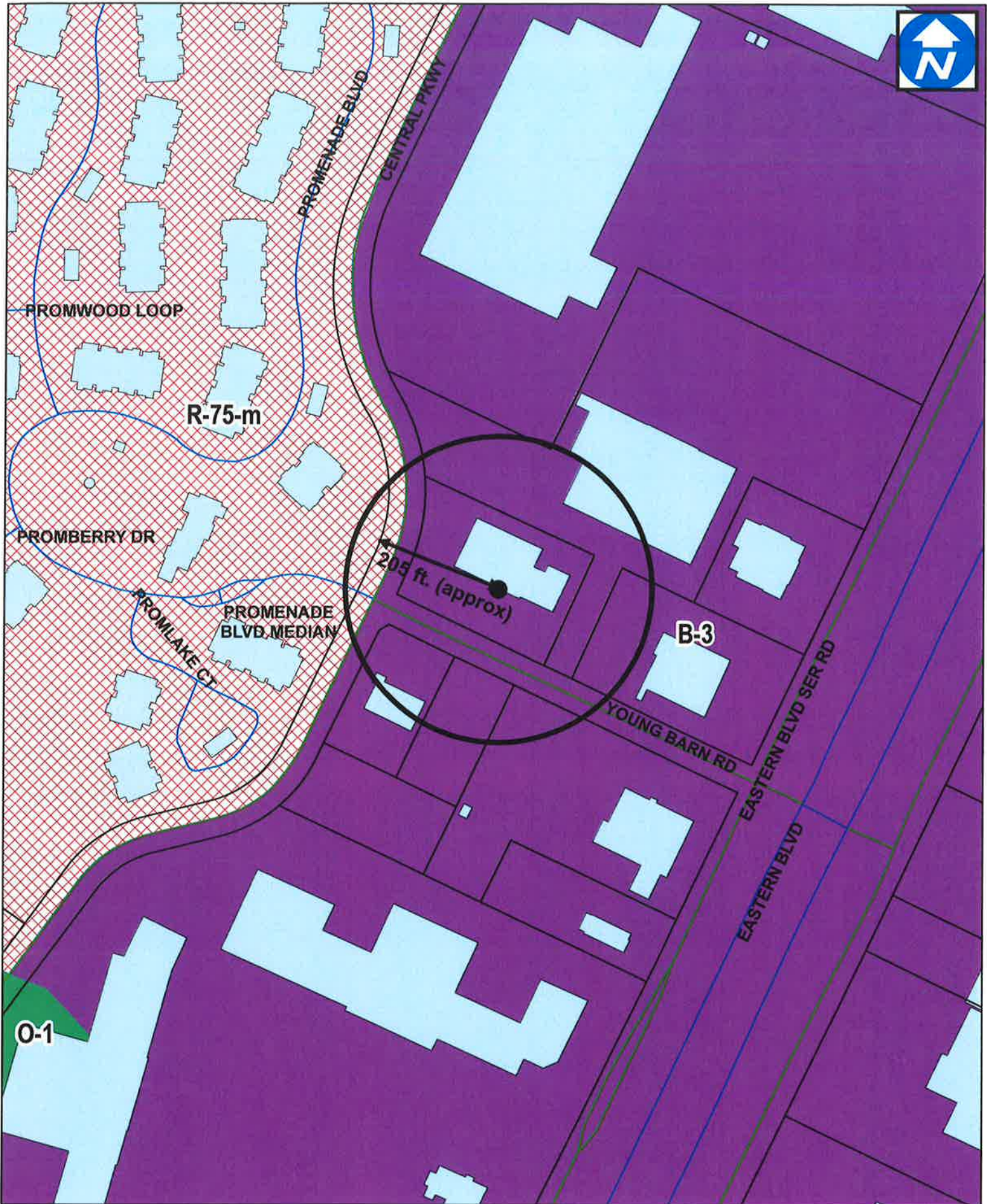
Monday – Saturday: 5:00 p.m. – 11:00 p.m.


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 45 ft. variance to Ord. 17-2014 to allow a lounge to come within 205 ft. of a residential district line.

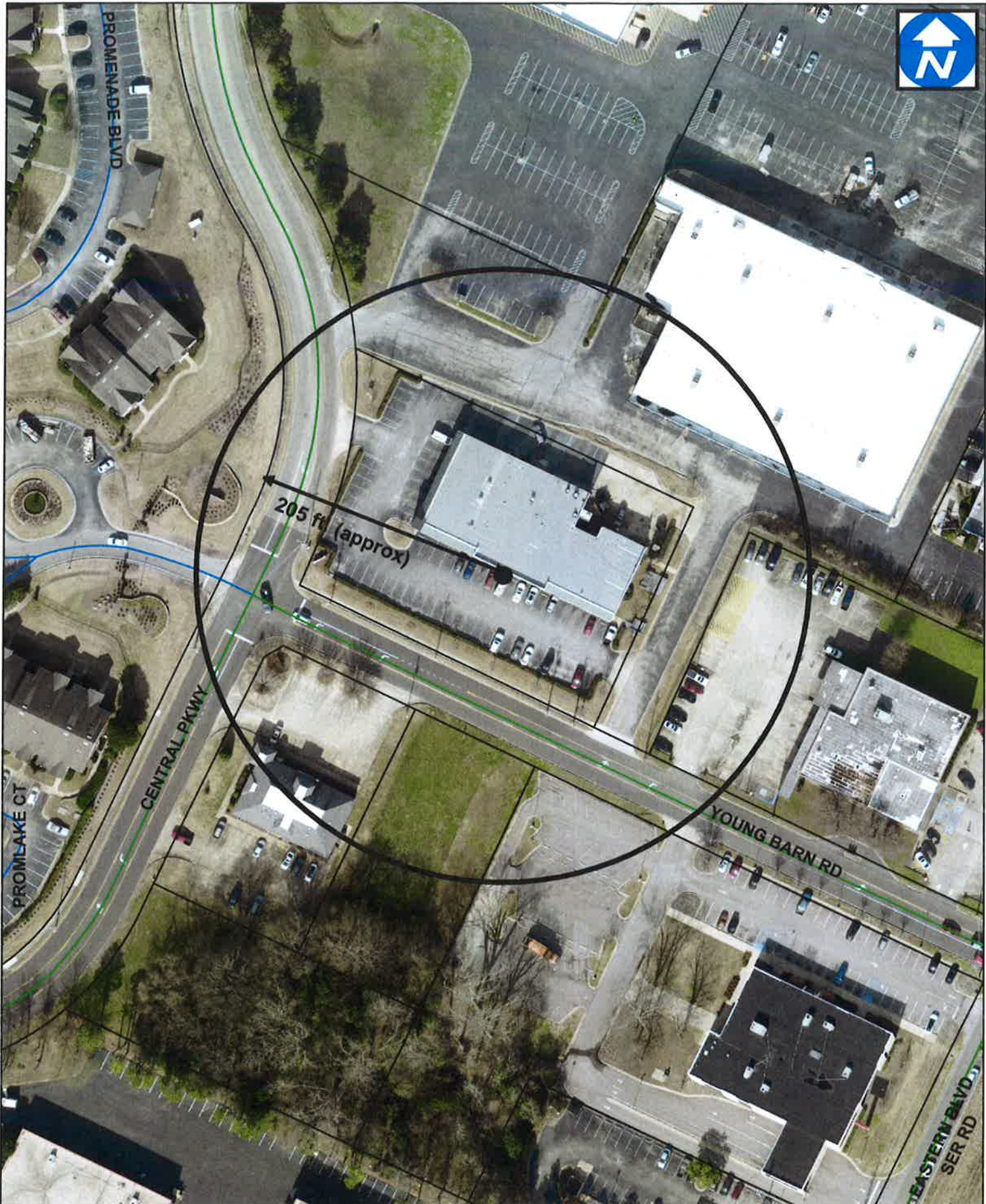
COUNCIL DISTRICT: 5



250 ft. buffer 

1 inch = 200 feet

Item 4A



205 ft (approx)

250 ft. buffer 

1 inch = 100 feet

Item 4B

5. BD-2022-005 **PRESENTED BY:** Debora Chan

REPRESENTING: Same

SUBJECT: Request a coverage variance for an addition to an accessory structure located at 1826 South Hull Street in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 2-car garage addition to an existing detached garage. The existing garage is 240 sq. ft. (12 ft. x 20 ft.). The addition will be 576 sq. ft. (24 ft. x 24 ft.) for a total coverage of 816 sq. ft., whereas 675 sq. ft. is allowed.

The Architectural Review Board approved this request at the December 15, 2021 meeting.

The request is a 141 sq. ft. coverage variance.

CITY COUNCIL DISTRICT: 7



R-60-d

CLANTON AVE

CLOVERDALE RD

R-60-m

GILMER AVE

FELDER AVE



R-75-s

SHULL ST

ROSE LN

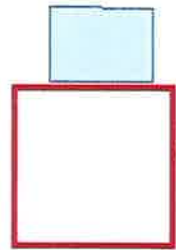
WINTHROP CT

BOARD OF ADJUSTMENT
1 inch = 200 feet

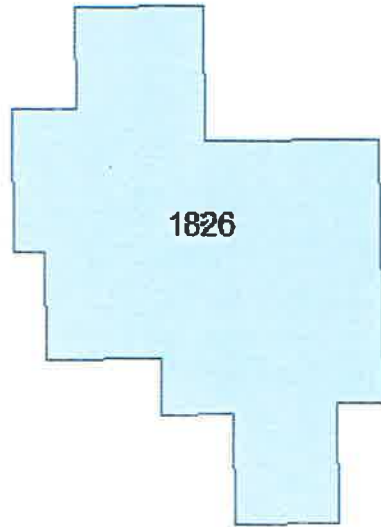
SUBJECT PROPERTY



ITEM NO. 5A



Proposed 2 car garage



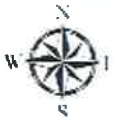
1826



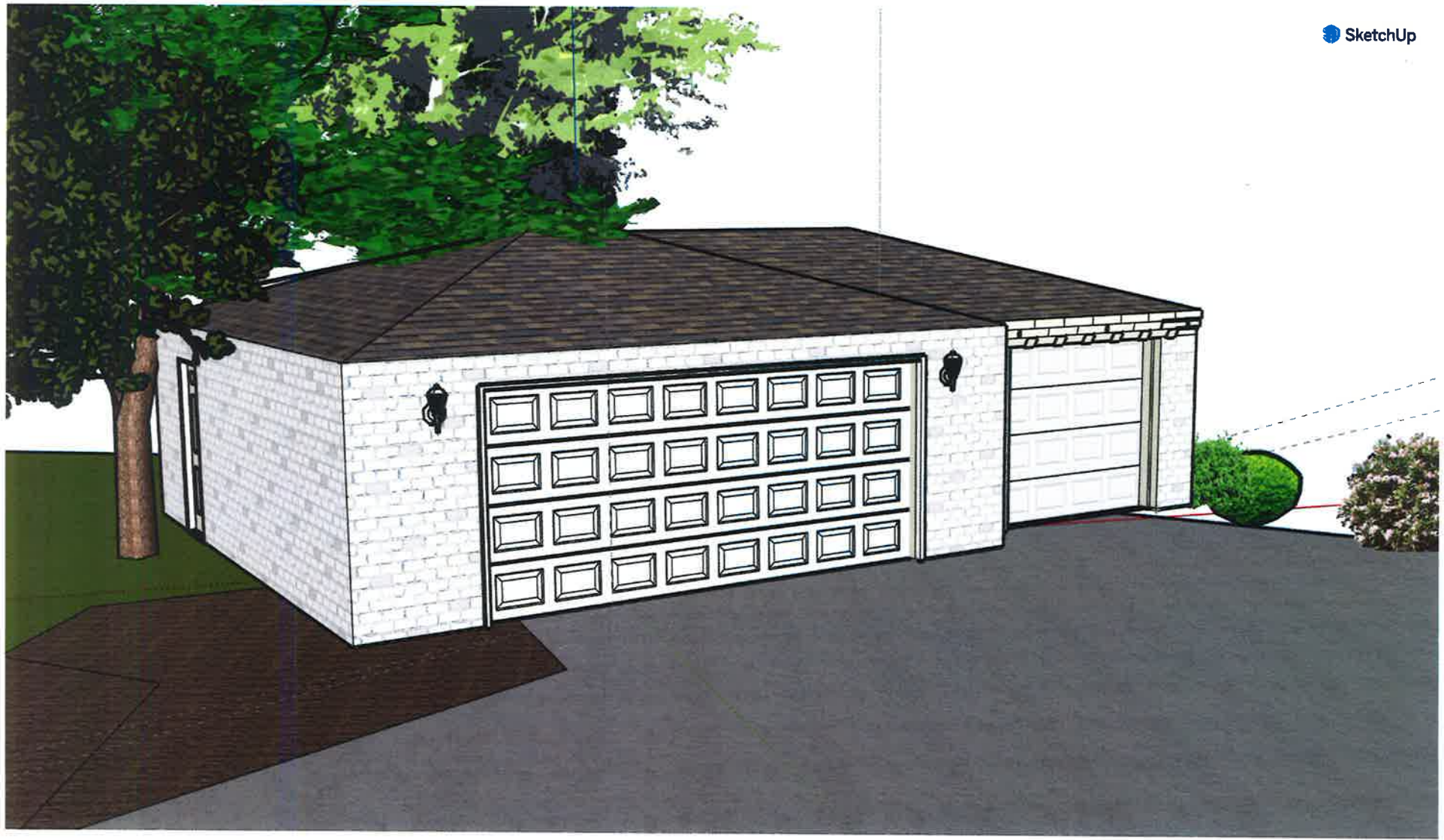
South Hull St.

5B

Year



1 inch = 30 feet





S HULL ST



PROPOSED ACCESSORY STRUCTURE

BOARD OF ADJUSTMENT
1 inch = 50 feet

SUBJECT PROPERTY 

ITEM NO. 50

6. BD-2022-006 **PRESENTED BY:** Glynn Wilson Clark Architect

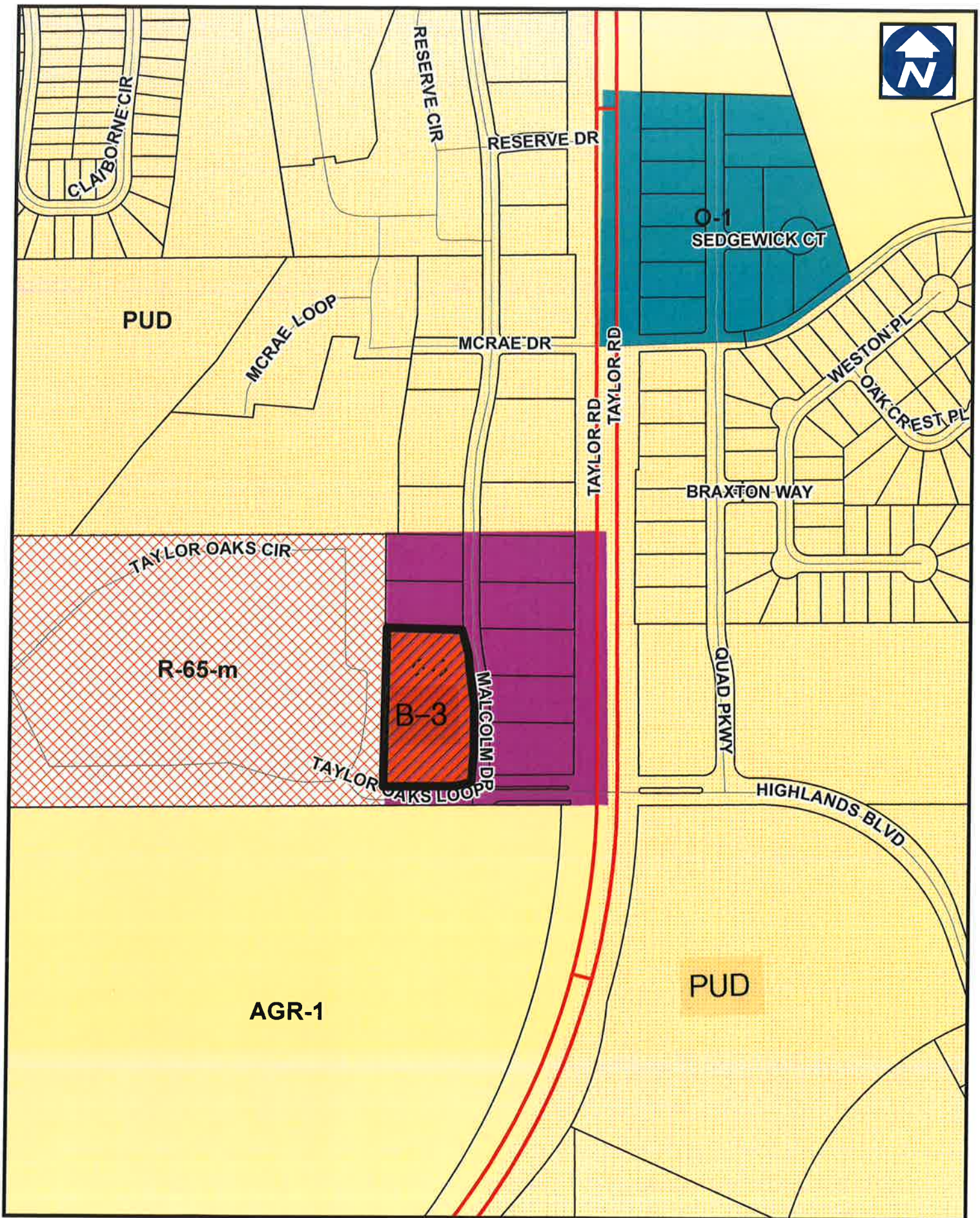
REPRESENTING: M and MD Land Co. Inc.

SUBJECT: Request a story variance and a height variance for a new building(s) to be located at 3772 Malcolm Drive in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct one (1) hotel (Exhibit A) or two (2) hotels (Exhibit B) as shown on the attached schematic site layouts. Both hotel options will be four (4) stories, whereas 3 stories are allowed, and both will be 55 ft. in height, whereas 45 ft.

The variances requested (for either option) is a one (1) story variance and a 10 ft. height variance.

CITY COUNCIL DISTRICT: 8



BOARD OF ADJUSTMENT
1 inch = 400 feet

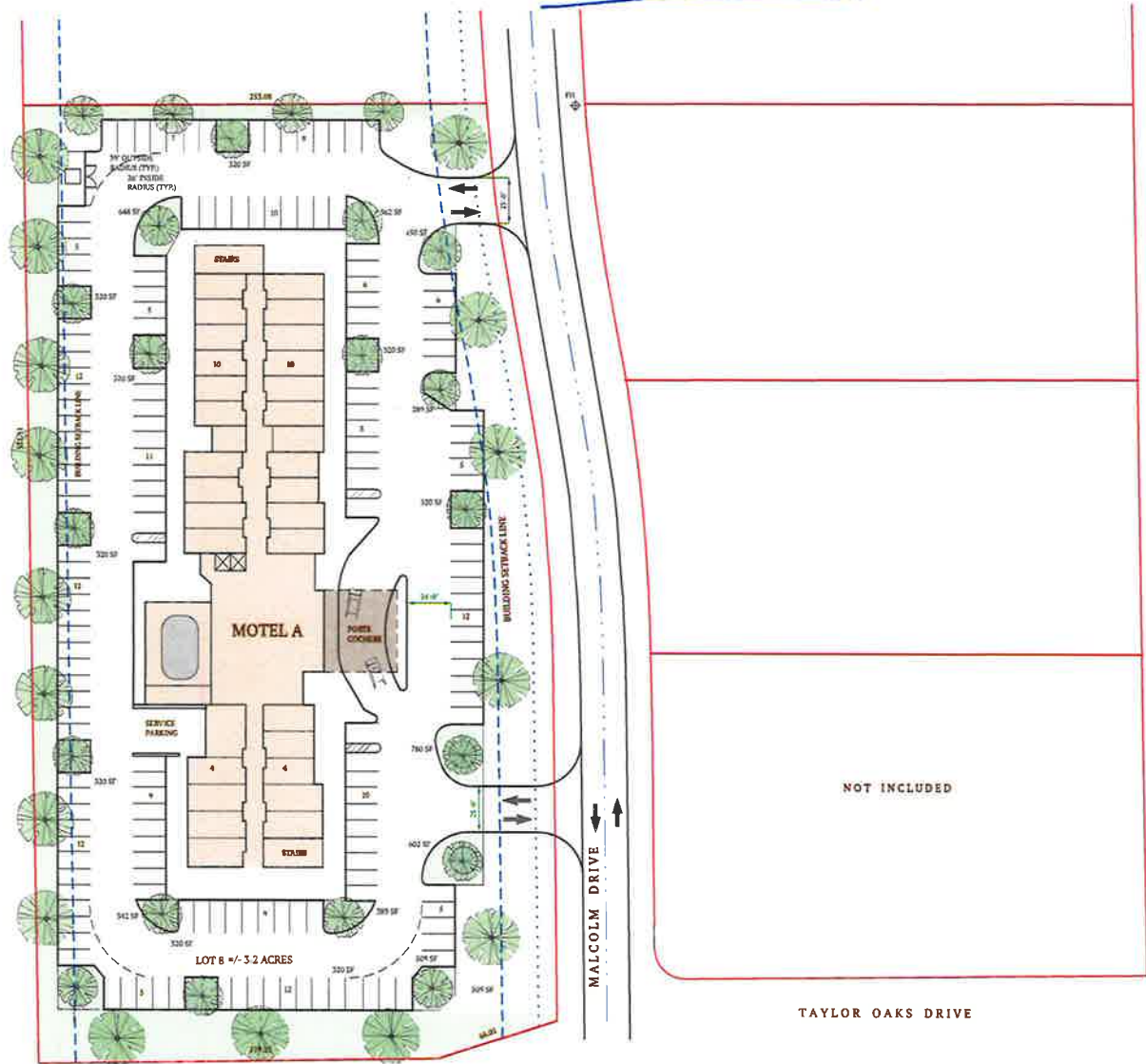
SUBJECT PROPERTY



ITEM NO. 6A

Exhibit A

WB



MOTEL A STATISTICS

SITE AREA: +/- 140,000SF
 25,000 SF FOOTPRINT 1ST FLOOR
 1,800 PORTE COCHERE
 TOTAL FOOTPRINT = 26,800 19% COVERAGE
 14,500 SF 2ND FLOOR
 23,000 SF 3RD FLOOR
 61,372 SF TOTAL 3 FLOORS
 25,000 SF 4TH FLOOR

+/- 148 ROOMS ON 4 FLOORS 179 PARKING SPACES REQUIRED
 +/- 169 PARKING SPACES SHOWN

PARKING SPACE CREDITS FOR LANDSCAPING (25% MAX):
 9 ISLANDS SHOWN MIN. 250 SF EACH X 2 = 18 SPACES
 TREES IN REQ'D BUFFER AREAS X 1 = 16 SPACES
 PARKING SPACE LANDSCAPING CREDITS = 34 SPACES
 TOTAL PARKING SPACES WITH CREDITS = 169 + 34 203 SPACES

MOTEL ROOMS 4 STORY

1ST FLOOR	28	
2ND FLOOR	28	
3RD FLOOR	46	
4TH FLOOR	46	
TOTAL ROOMS	148	PARKING REQUIRED 179

SCHEMATIC SITE LAYOUT SCHEME A

20 DECEMBER 2021
 GYLYN WILSON CLARK ARCHITECT

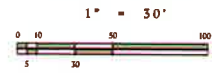
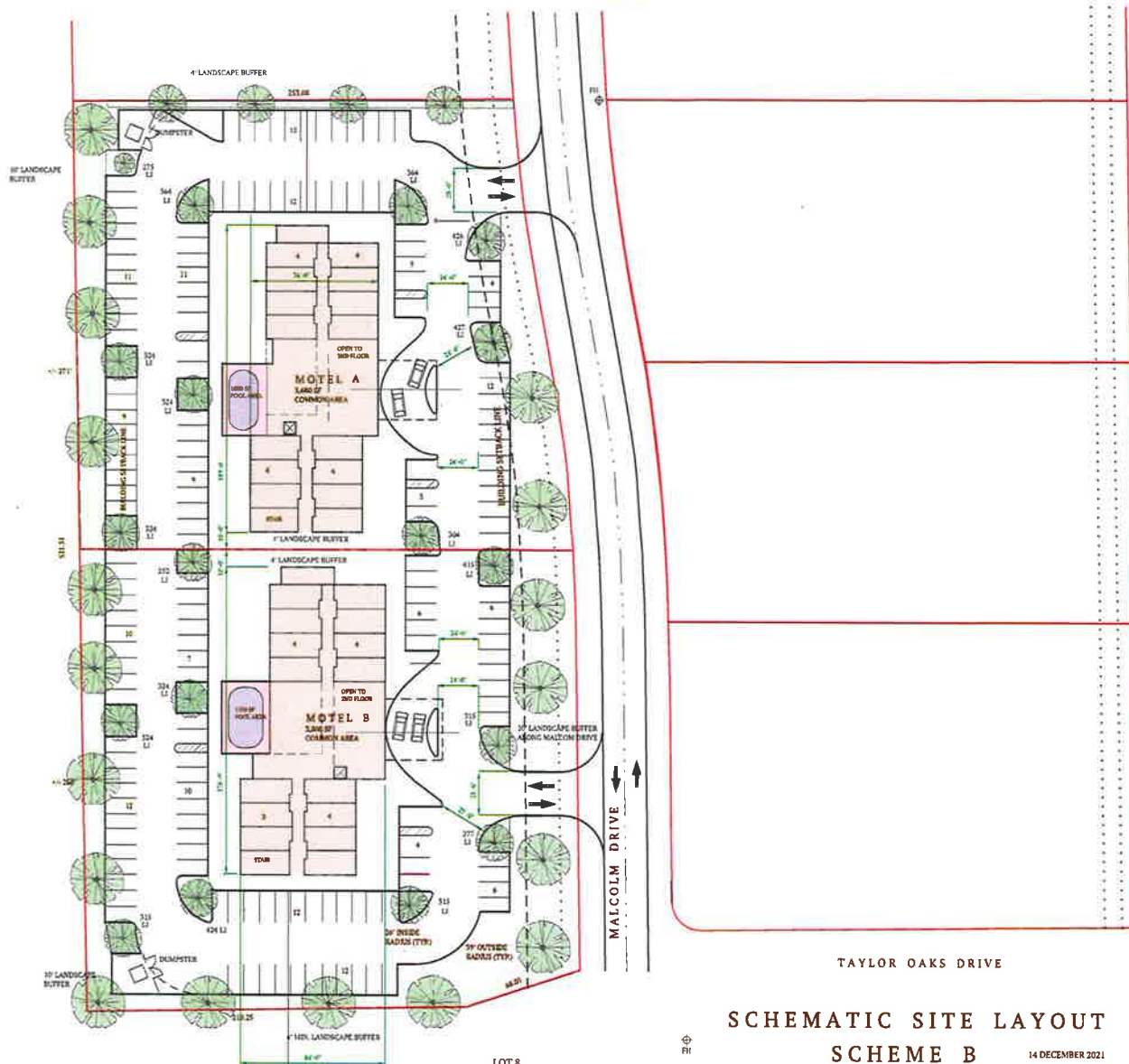


Exhibit B

20



LOT 8
 +/- 3.2 ACRES TOTAL
 SUB-DIVIDE INTO
 TWO PARCELS
 +/- 1.6 ACRES EA

MOTEL A STATISTICS

SITE AREA: +/- 69,880SF
 12,958 SF FOOTPRINT 1ST FLOOR
 1,200 PORTE COCHERE
 10,000 SF 2ND FLOOR
 11,778 SF 3RD FLOOR
 11,778 SF 4TH FLOOR
 47,714 SF TOTAL 4 FLOORS
 TOTAL FOOTPRINT = 12,958 18.5% COVERAGE
 +/- 80 ROOMS ON 4 FLOORS
 PARKING SPACES REQUIRED 1.2 PER EACH ROOM + 1 = 97 SPACES REQ'D.
 +/- 88 PARKING SPACES SHOWN
 +/- 110 PARKING SPACES WITH LANDSCAPING CREDITS
 PARKING SPACE CREDITS FOR LANDSCAPING (25% MAX): 22 ALLOWABLE
 6 ISLANDS SHOWN MIN. 250 SF EACH X 2 = 12 SPACES
 TREES IN REQ'D BUFFER AREAS X 1 = 8 SPACES
 PARKING SPACES FOR CREDITS 25% MAX. = 22 SPACES

MOTEL ROOMS A

1ST FLOOR	15
2ND FLOOR	19
3RD FLOOR	23
4TH FLOOR	23
TOTAL	80

MOTEL B STATISTICS

SITE AREA: +/- 69,880SF
 12,958 SF FOOTPRINT 1ST FLOOR
 1,200 PORTE COCHERE
 10,000 SF 2ND FLOOR
 11,778 SF 3RD FLOOR
 11,778 SF 4TH FLOOR
 47,714 SF TOTAL 4 FLOORS
 TOTAL FOOTPRINT = 12,958 18.5% COVERAGE
 +/- 80 ROOMS ON 4 FLOORS
 PARKING SPACES REQUIRED 1.2 PER EACH ROOM + 1 = 97 SPACES REQ'D.
 +/- 88 PARKING SPACES SHOWN
 +/- 110 PARKING SPACES WITH LANDSCAPING CREDITS
 PARKING SPACE CREDITS FOR LANDSCAPING (25% MAX): 22 ALLOWABLE
 6 ISLANDS SHOWN MIN. 250 SF EACH X 2 = 12 SPACES
 TREES IN REQ'D BUFFER AREAS X 1 = 8 SPACES
 PARKING SPACES FOR CREDITS 25% MAX. = 22 SPACES

MOTEL ROOMS B

1ST FLOOR	15
2ND FLOOR	19
3RD FLOOR	23
4TH FLOOR	23
TOTAL	80

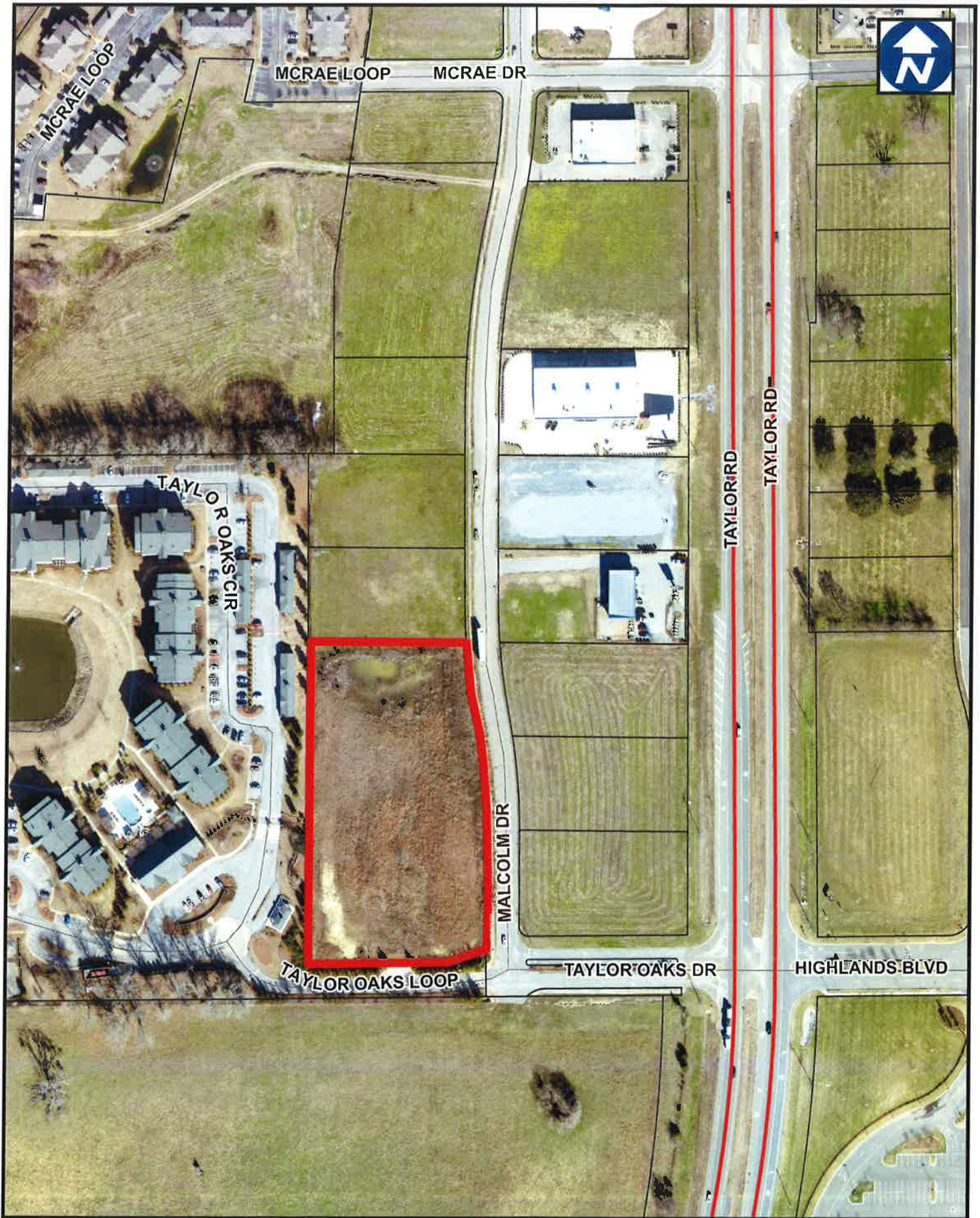
SCHEMATIC SITE LAYOUT SCHEME B

14 DECEMBER 2021

GLYNN WILSON CLARK ARCHITECT

1" = 30'





BOARD OF ADJUSTMENT
1 inch = 200 feet

SUBJECT PROPERTY



ITEM NO. 60