

Board of Adjustment Agenda

April 21, 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*

Amerika Blair

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 March 17, 2022 meeting.

April 21, 2022

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	1989-208	Jeffcoat Engineers & Surveyors	R-65-d	238 Broadway Street (Attached carport)	1
2.	2022-019	Richard Rogers	R-85	3306 Highridge Court (Accessory structure)	2
3.	2022-021	Shane & Melissa Heath	AGR-1	Mitchell Young Road (Mobile home)	3
4.	1989-171	Paul Hard & Johnathan Guyette	R-75-s	374 Rose Lane (Privacy fence)	4
5.	2022-018	Valerie Teemer	R-75-s	3360 Herbert Drive (Transitional housing)	5
6.	1983-117	Darnell Bennett	M-1	Norman Bridge Road (Auto wrecking)	6
7.	2022-016	Watkins & Eager, PLLC	B-4	3824 South Court Street (Administrative review)	7

The next Board of Adjustment meeting is on May 19, 2022

1. BD-1989-208 **PRESENTED BY:** Jeffcoat Engineers & Surveyors

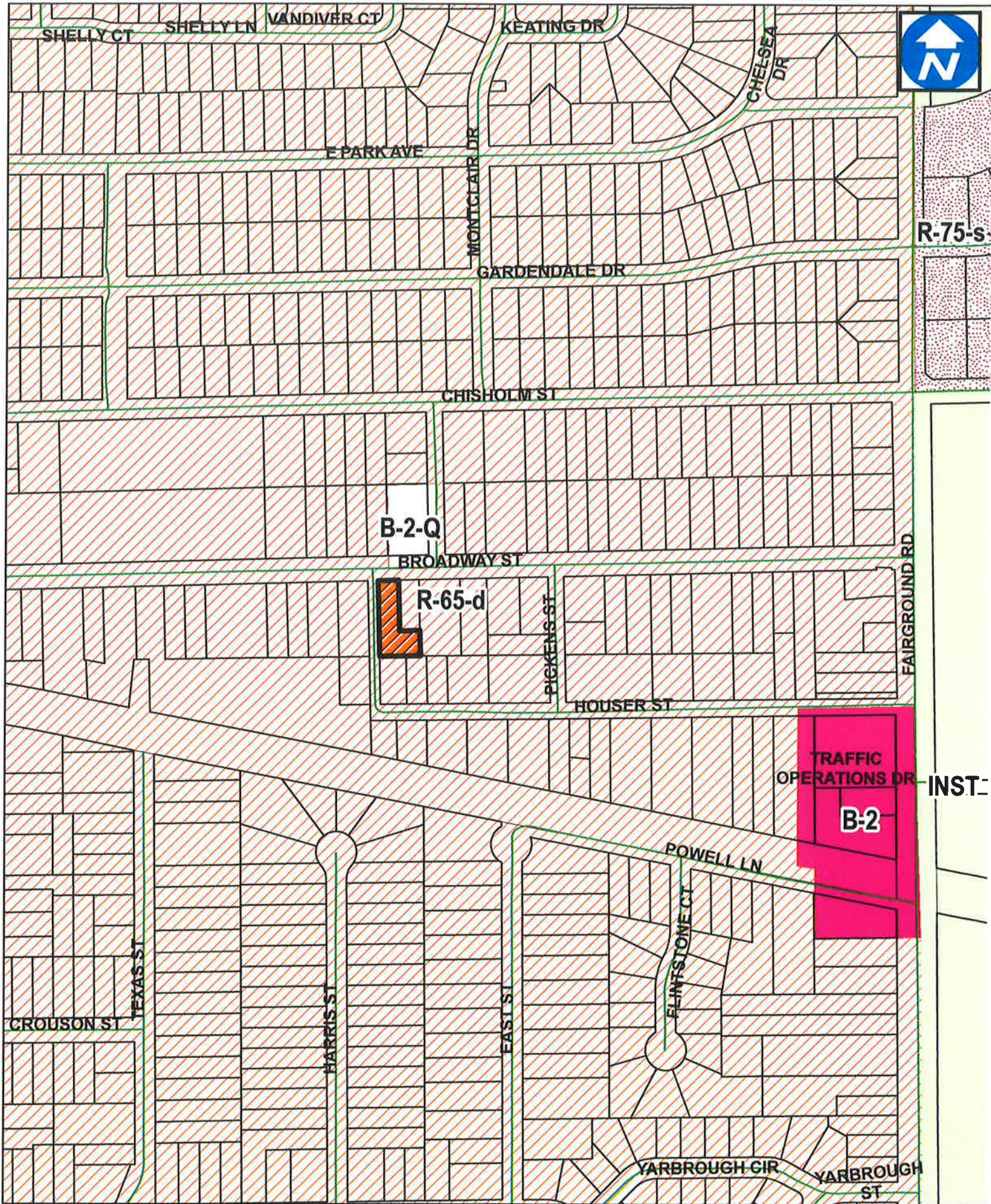
REPRESENTING:

SUBJECT: Request a street side yard variance and a side yard variance for an addition to the dwelling located at 238 Broadway Street in an R-65-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain an attached carport that comes within 2.7 ft. of the street side yard property line (Houser Street), whereas 30 ft. is required; and within 4.4 ft. of the interior side yard property line, whereas 10 ft. is required.

The variances requested are a 27.3 ft. street side yard variance (Houser Street) and a 5.6 ft. side yard variance.

COUNCIL DISTRICT: 3



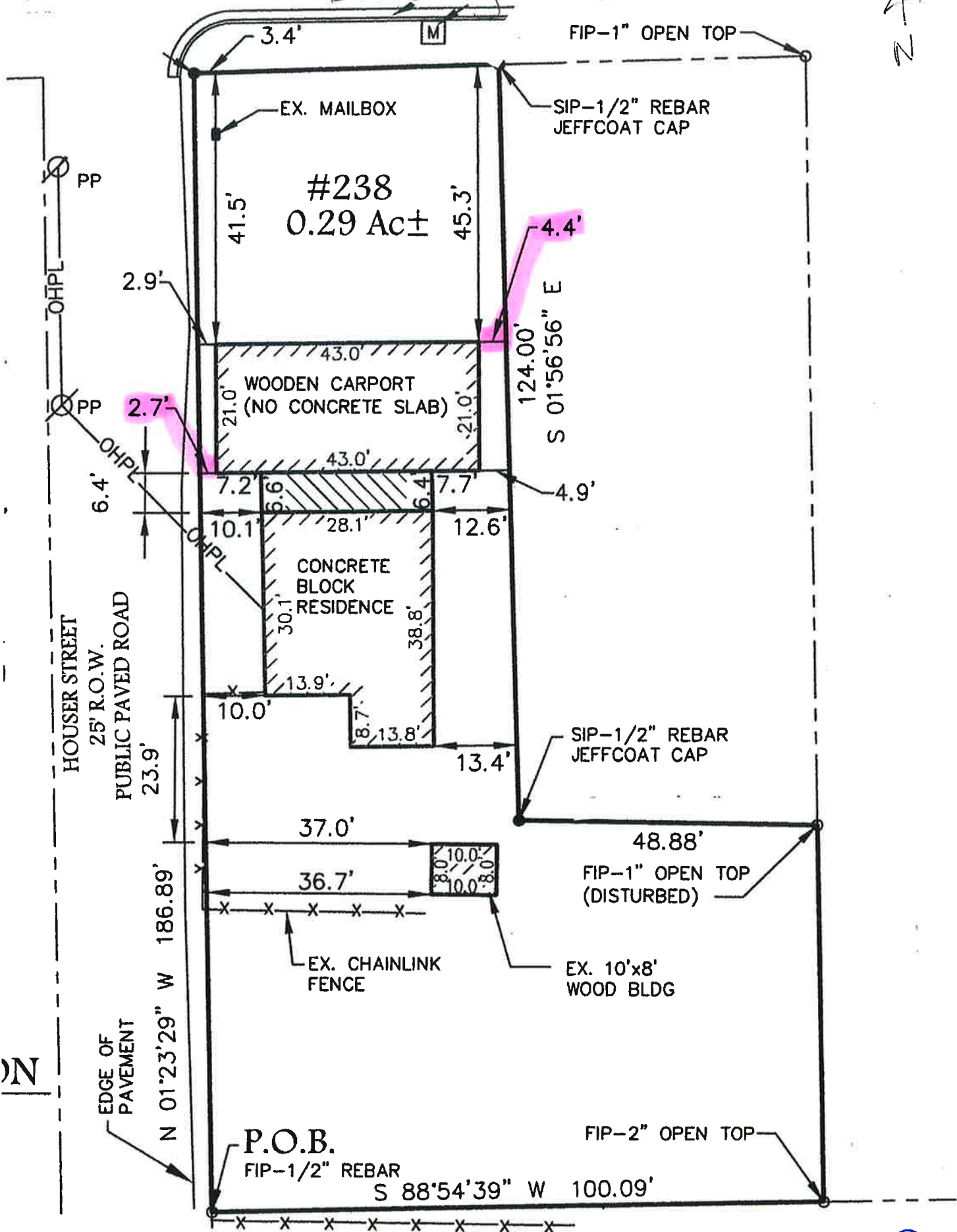
Site 

1 inch = 300 feet

Item 1A

Broadway Street

21



HOUSER STREET

25' R.O.W.

PUBLIC PAVED ROAD

EDGE OF PAVEMENT

N 01°23'29" W 186.89'

P.O.B.

FIP-1/2" REBAR

S 88°54'39" W 100.09'

#238
0.29 Ac±

EX. MAILBOX

WOODEN CARPORT
(NO CONCRETE SLAB)

CONCRETE
BLOCK
RESIDENCE

EX. CHAINLINK
FENCE

EX. 10'x8'
WOOD BLDG

FIP-1" OPEN TOP

SIP-1/2" REBAR
JEFFCOAT CAP

124.00'
S 01°56'56" E

SIP-1/2" REBAR
JEFFCOAT CAP

FIP-1" OPEN TOP
(DISTURBED)

FIP-2" OPEN TOP

1B



Site 

1 inch = 40 feet

Item IC

2. BD-2022-019 **PRESENTED BY:** Richard Rogers

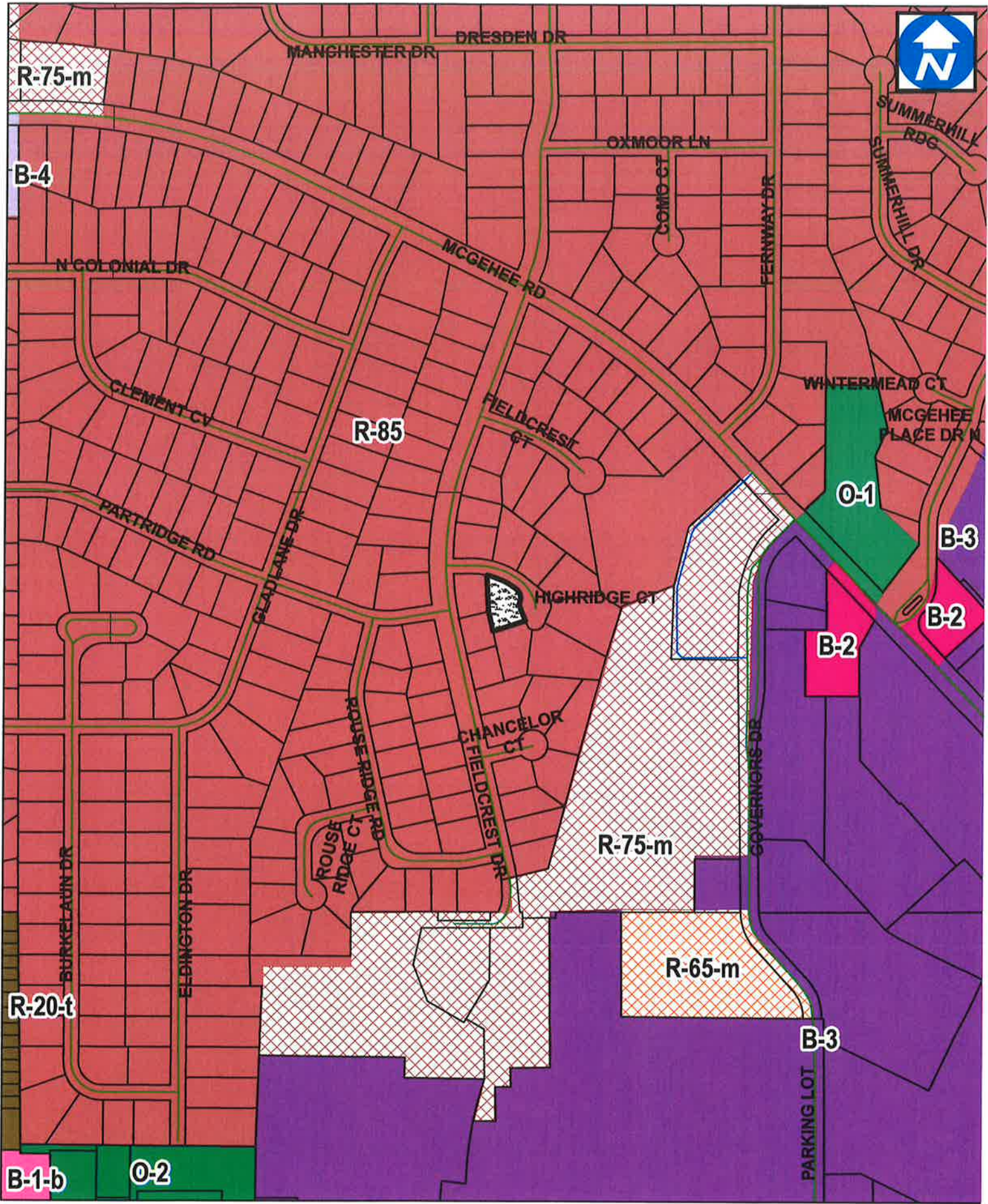
REPRESENTING: Same

SUBJECT: Request a side yard variance for an accessory structure to be located at 3306 Highridge Court in an R-85 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to install a new 64 sq. ft. (8 ft. x 8 ft.) storage shed to replace an old one. The new shed will be in the same general area as the old one, and is 2 ft. from the property line, whereas 5 ft. is required. The old shed was 8 inches from the property line and was 100 sq. ft. and was on the property when he bought the house.

The variance requested is a 3 ft. side yard variance

COUNCIL DISTRICT: 5



Site 

1 inch = 400 feet
 Item 2A



8'x8' shed

Site 

1 inch = 30 feet
Item 2B

3. BD-2022-021 **PRESENTED BY:** Shane & Melissa Heath

REPRESENTING: Same

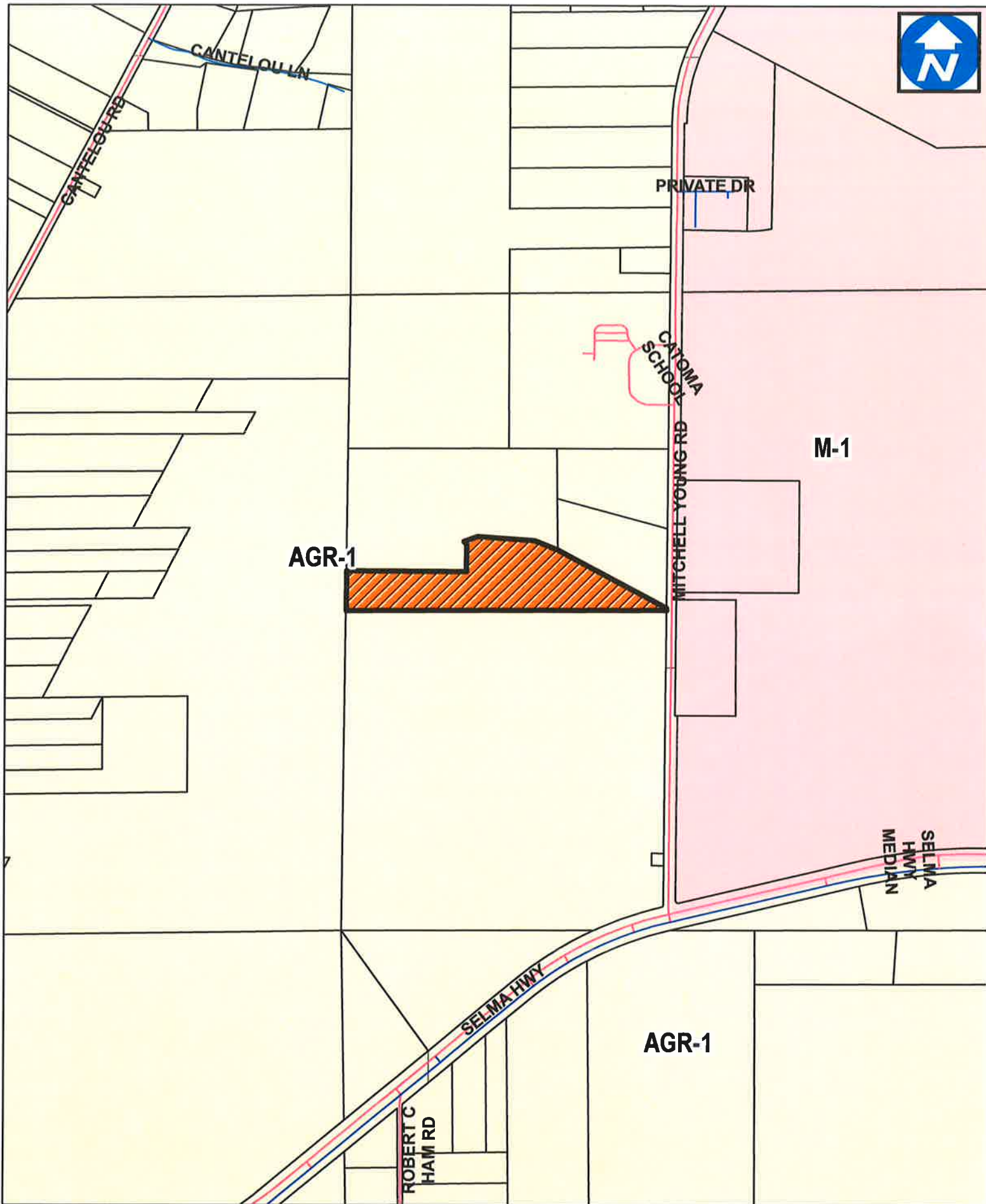
SUBJECT: Request a special exception to place a mobile home for living purposes on the west side of Mitchell Young Road, approximately 2,500 ft. north of Selma Highway, in an AGR-1 (Residential Agriculture) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home on a 22 acre parcel. The mobile home is approximately 2,400 sq. ft. and will be on a permanent foundation. The mobile home will be placed approximately 1,000 ft. off of Mitchell Young Road.

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

COUNCIL DISTRICT: Police Jurisdiction

COUNTY COMMISSION: 2



Site 

1 inch = 1,000 feet

Item 3A



Site 

1 inch = 300 feet

Item 3B

4. BD-1989-171 **PRESENTED BY:** Paul Hard & Jonathan Guyette

REPRESENTING: Same

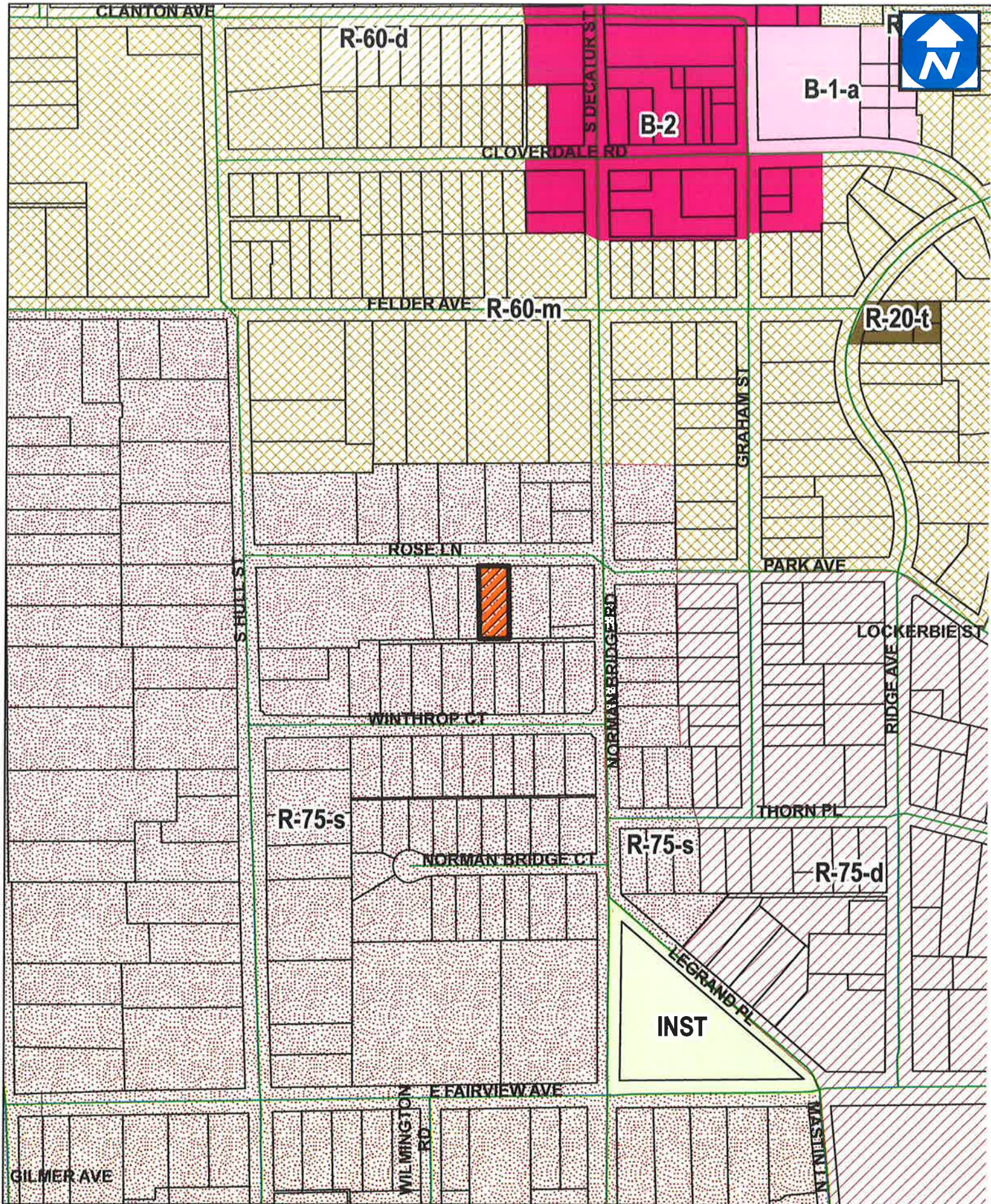
SUBJECT: Request a height variance for an addition to a privacy fence located at 374 Rose Lane in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain an 8 ft. privacy fence on the rear property line, whereas 7 ft. is allowed. There is an existing 6 ft. fence where an additional 2 ft. was added for approximately 18 linear feet.

The Architectural Review Board will hear this request at the April 26, 2022 meeting; therefore, if approved, it would be subject to their approval.

The request is a 1 ft. height variance.

COUNCIL DISTRICT: 7



Site 

1 inch = 300 feet

Item 4A



Site 

1 inch = 40 feet

Item 4B

5. BD-2022-018 **PRESENTED BY:** Valerie Teemer

REPRESENTING: A Better Me of Alabama

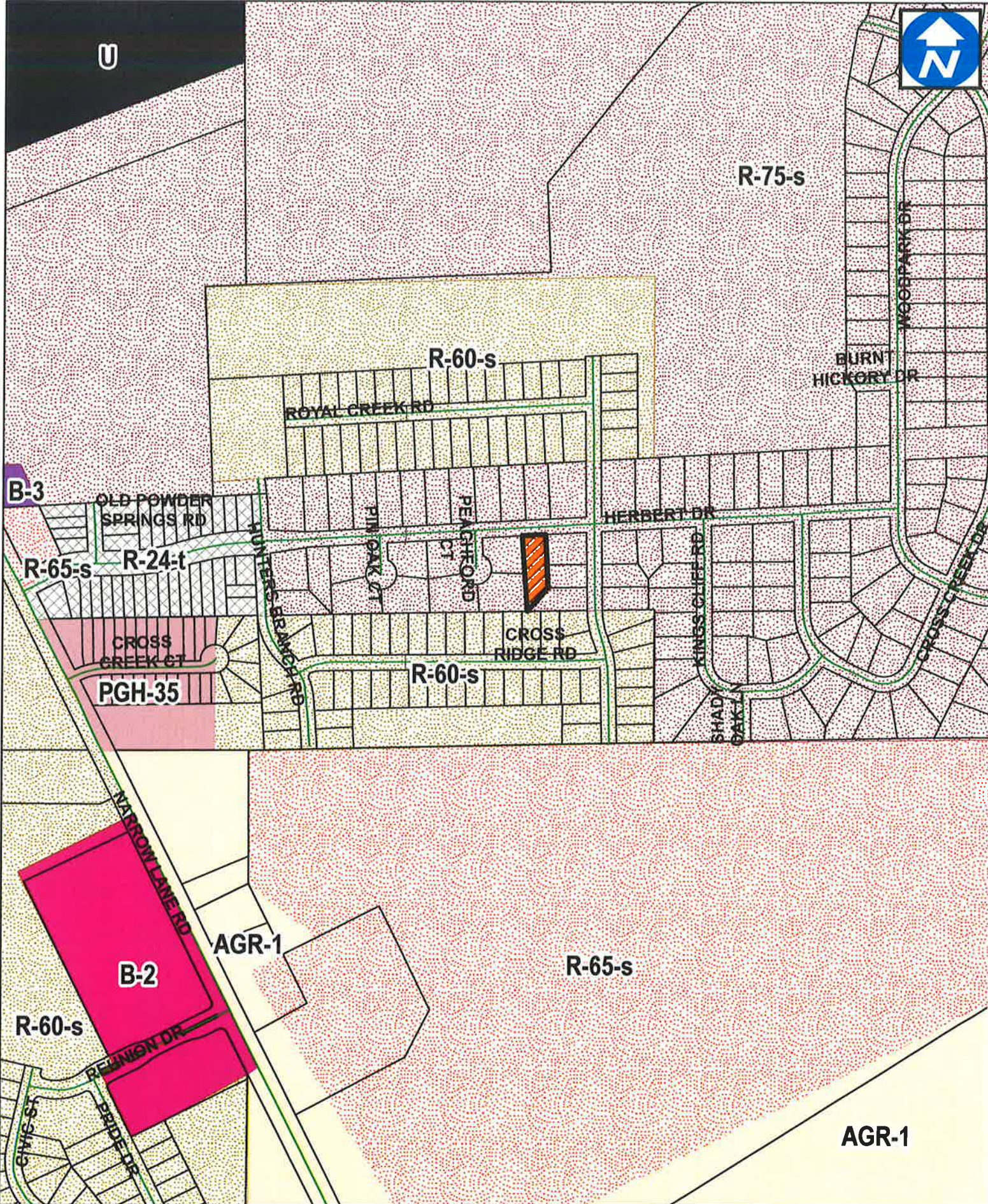
SUBJECT: Request a special exception for transitional housing to be located at 3360 Herbert Drive in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to provide housing (sleeps up to 6 individuals) and other services to the homeless community. Rehoming individuals who are facing hardship and teach them fundamental educational skills to adapt into society.

The request is a special exception for transitional housing.

COUNCIL DISTRICT: 6

U



Site 

1 inch = 400 feet

Item 5A



Site 

1 inch = 50 feet

Item 5B

6. BD-1983-117 **PRESENTED BY:** Darnell Bennett

REPRESENTING: Same

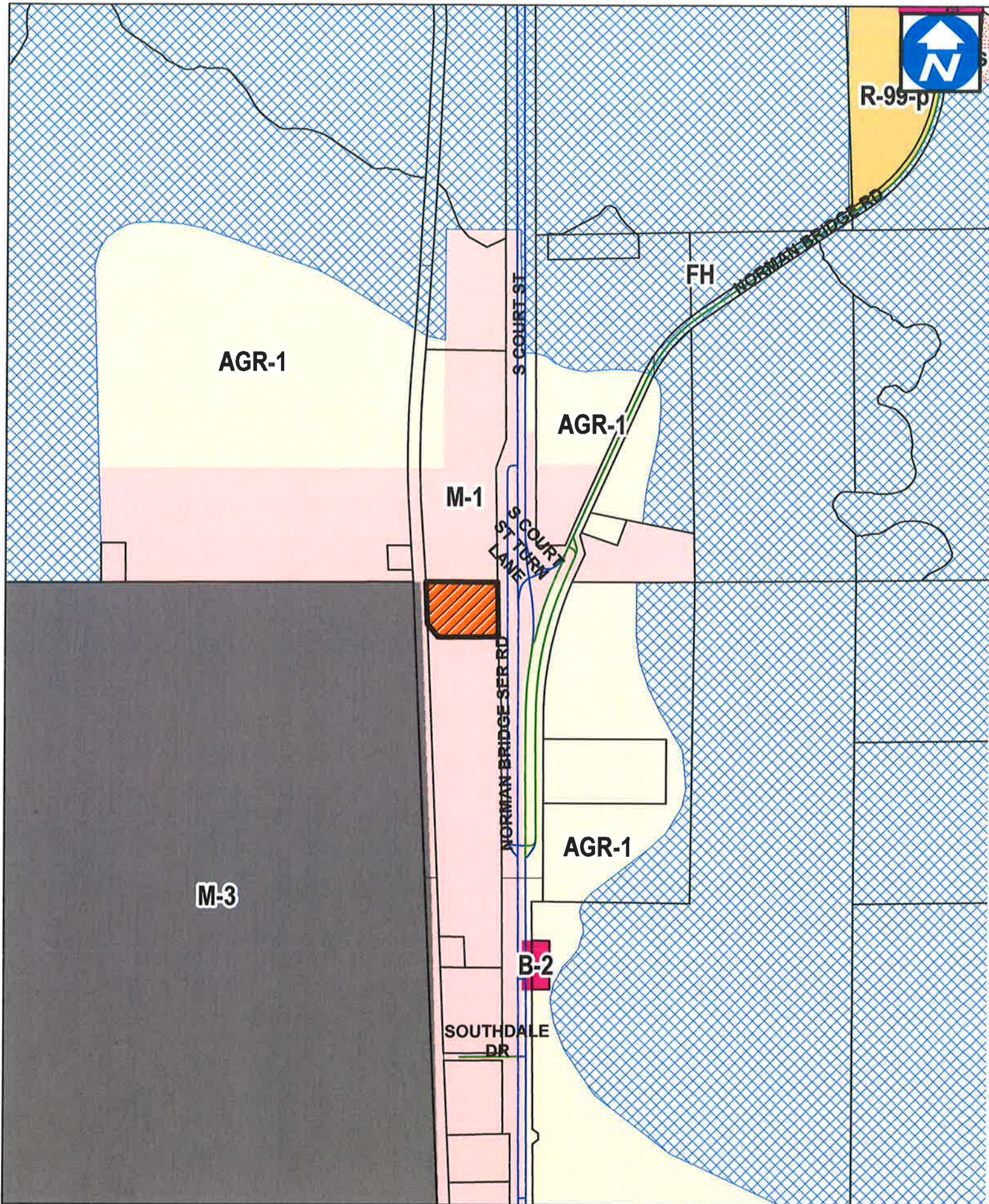
SUBJECT: Request a special exception for an auto wrecking operation to be located on the west side of Norman Bridge Road, approximately 7,400 ft. north of Hyundai Boulevard, in an M-1 (Light Industrial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate an auto wrecking operation. The automobiles will be towed to the site for storage until they picked up by the owner, the insurance company or others.

Staff Comment(s): No salvage/dismantling will be allowed onsite. A time-frame to store vehicles on the property should be established (excluding the vehicles that will be on-site for repair).

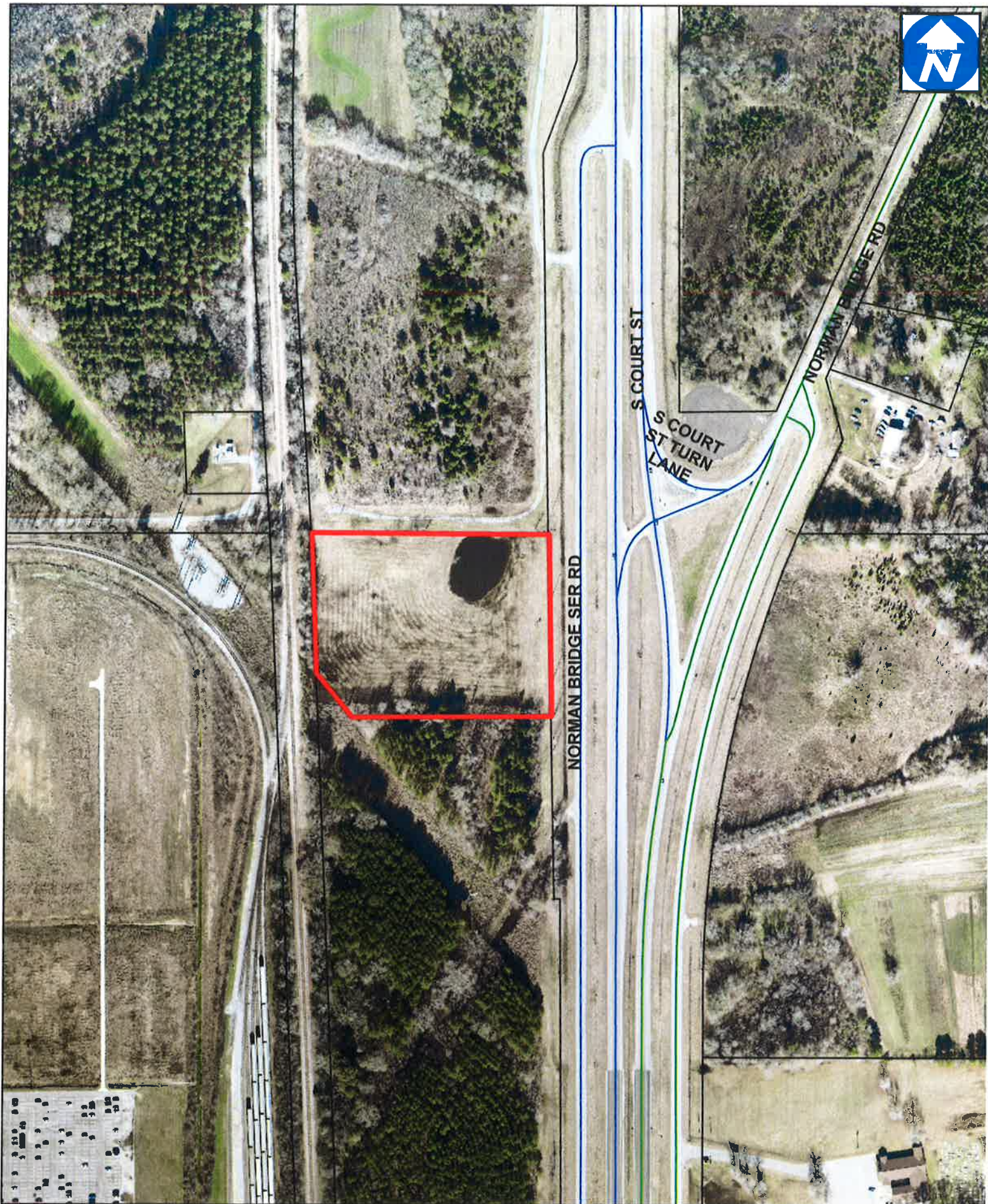
The request is a special exception for an auto wrecking operation.

COUNCIL DISTRICT: 4



Site 

1 inch = 1,000 feet
 Item 6A



Site 

1 inch = 300 feet

Item LOB

7. BD-2022-016 **PRESENTED BY:** Watkins & Eager, PLLC

REPRESENTING: SBA Sites, LLC

SUBJECT: Request an administrative review of the approval of the development plan for a new cell tower to be located at 3824 South Court Street in a B-4 (Commercial) Zoning District.

REMARKS: This request is being made to seek an administrative review of the approval of the development plan for a new cell tower site.

Zoning Ordinance

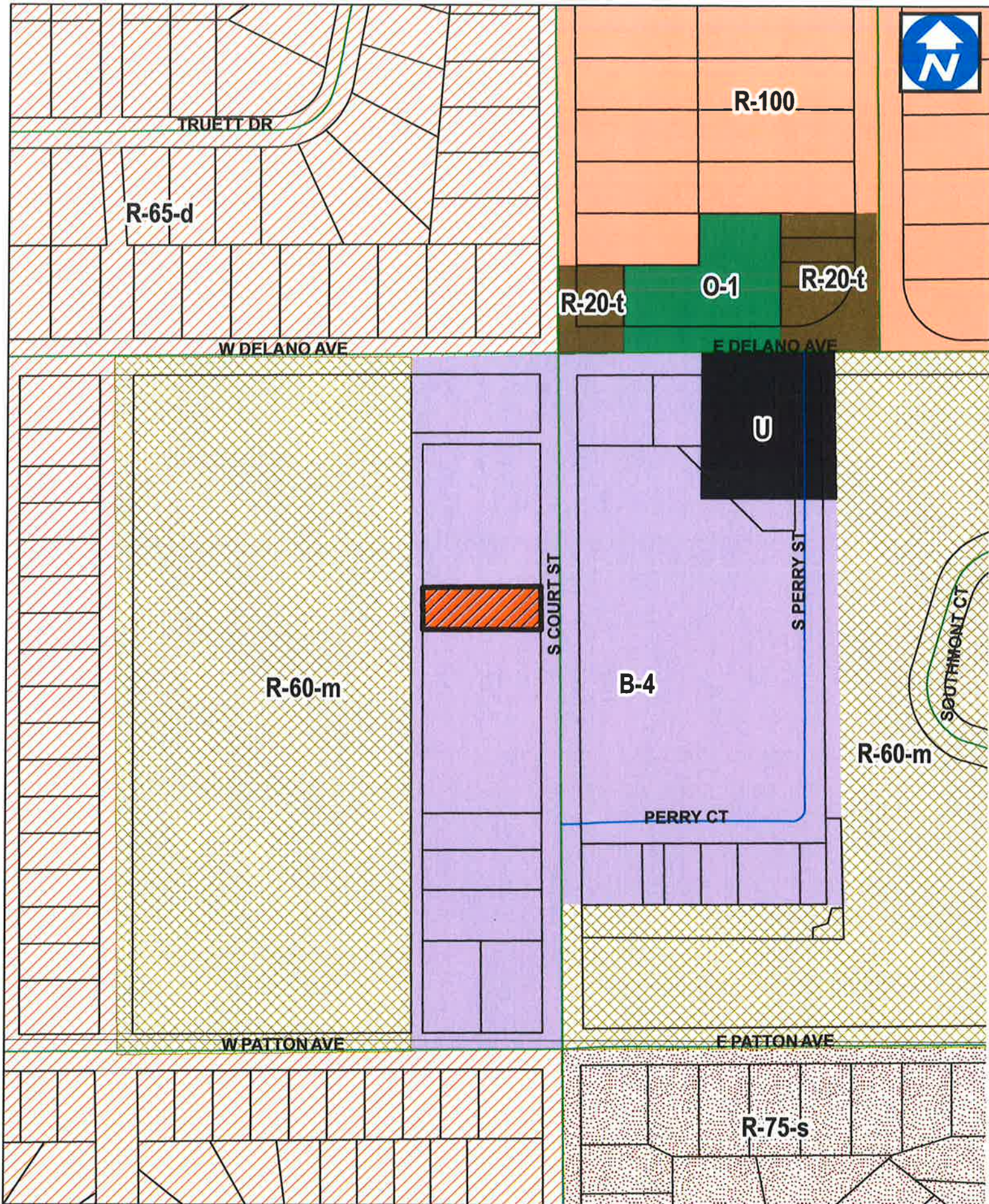
Article III, Section 3. Powers and Duties of the Board

a. ADMINISTRATIVE REVIEW: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of this Ordinance.

- Who is the Administrative Official? Thomas M. Tyson Jr. (Land Use Control Specialist James R. Center is assigned to process development plans).
- New cell tower sites in a commercial district are required to submit a development plan, which is circulated to the following departments for review/approval:
 - Engineering
 - Traffic Engineering
 - Fire Department
 - Water Works & Sanitary Sewer Board
 - Urban Forestry
- Cell tower sites in commercial and industrial districts do not require a public hearing before the Planning Commission (the ordinance requiring the Planning Commission to hold a public hearing on a development plan was repealed on August 18, 2020).
- Plans were distributed to the required departments for review/approval on 11/23/2021. Once we received approvals (signatures) from all departments, Mr. Tyson, as the Administrative Official, signed off on the plans as the final approval on 2/16/2022.

The action for the Board to consider is to affirm the Administrative Official's decision to approve the development plan or reverse the approval.

CITY COUNCIL DISTRICT: 7



Site 

1 inch = 200 feet

Item 7A

TRACKS TO LINES FROM CENTER)
24'-0"
24'-4"
28'-4"
28'-7"

SECTION 25
TOWNSHIP 16 NORTH, RANGE 17 EAST
MONTGOMERY COUNTY, ALABAMA

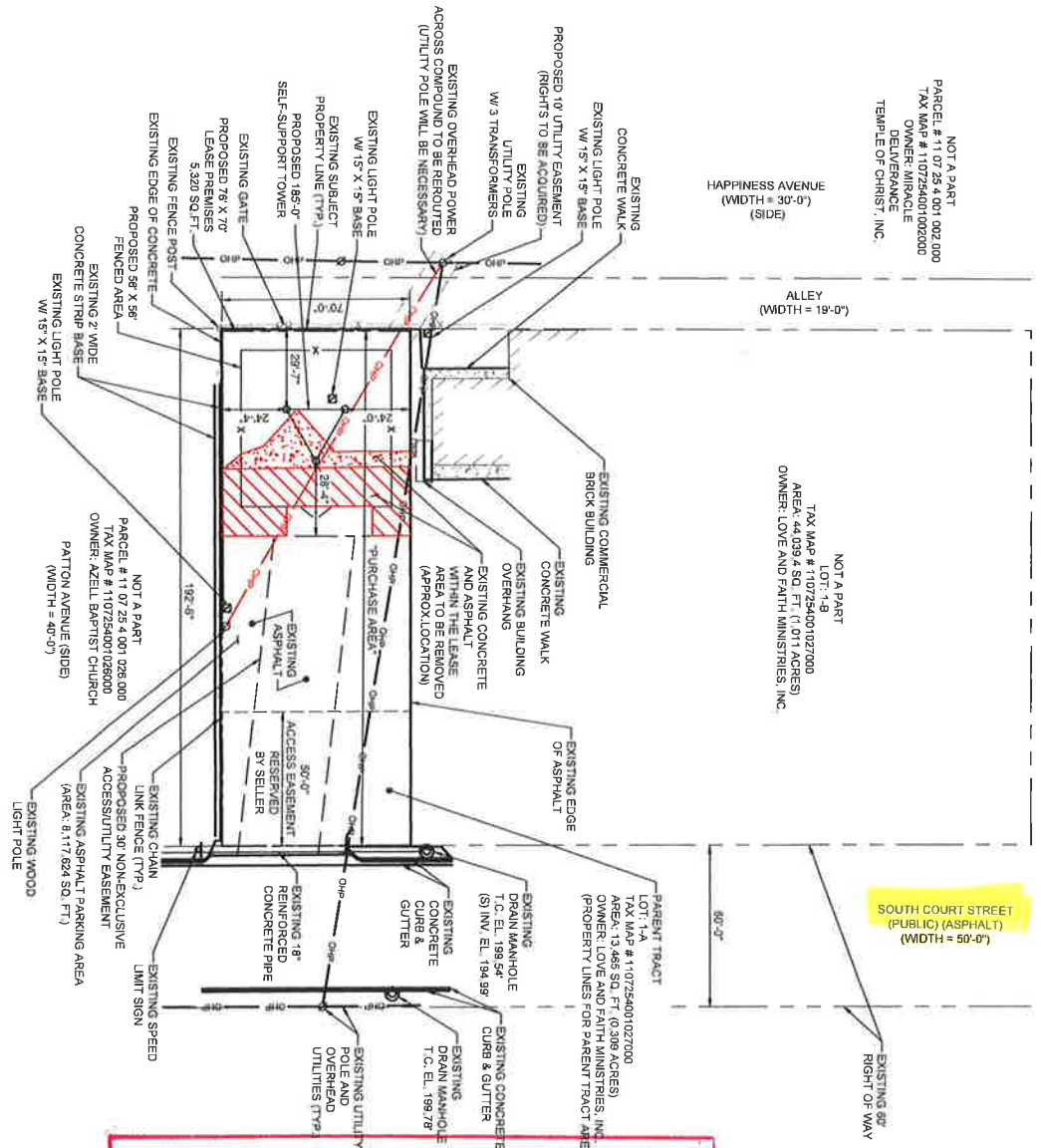
NOT A PART
PARCEL # 11 07 25 4 001 001 000
TAX MAP # 110725401002000
OWNER: ANIMAR, INC.

WEST DELANO AVENUE (SIDE)
(WIDTH = 35'-0")

ALLEY (WIDTH = 19'-0")

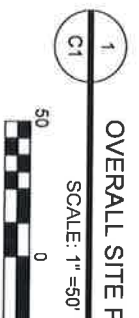
NOT A PART
PARCEL # 1107 25 4 001 002 000
TAX MAP # 110725401002000
OWNER: MIRACLE DELIVERANCE TEMPLE OF CHRIST, INC.

NOT A PART
LOT 149
TAX MAP # 110725401002700
AREA: 44,039.4 SQ. FT. (1.011 ACRES)
OWNER: LOVE AND FAITH MINISTRIES, INC.



STRUCTURE STAFF SHALL COORDINATE WITH THE TO OBTAIN THE PROPER EASEMENT AGREEMENTS TO MAINTAIN EQUIPMENT IN AND AROUND THE TOWER

ROUND LAYOUT BASED ON SURVEY PROVIDED BY TURNER ED 05/01/2021 AND SITE VISIT ON 01/20/2021.



NOTE:
SITE DESIGN HAS NOT BEEN COORDINATED WITH FINAL STAMPED TOWER FABRICATION DRAWINGS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ANGLES ON THIS SITE DESIGN WITH FINAL STAMPED TOWER DRAWINGS PRIOR TO BEGINNING CONSTRUCTION. NOTIFY ENGINEER IMMEDIATELY IF ANY DISCREPANCIES ARE DISCOVERED.

DEPARTMENTAL DEVELOPMENT PLAN APPROVAL

Est B. Owen 1-27-22

CITY ENGINEERING DATE 12/14/21

TRAFFIC ENGINEERING DATE 12/14/21

FIRE DEPARTMENT DATE 2/16/22

WATER & SEWER DEPT. DATE 2/16/22

URBAN FORESTER DATE 2/16/22

LAND USE DIVISION DATE 2/16/22

SUBJECT TO ALL CODE REQUIREMENTS OF THE BUILDING DEPT.

RECEIVED
NOV 17 2021
LAND USE DIVISION

TOTAL PARCEL AREA = 13.4653 SQ. FT. (0.309 ACRES)
TOTAL CONSTRUCTION SQ. FT. = 5,320 SQ. FT. (1221 ACRES)
LEASE AREA = 5,320 SQ. FT. (1221 ACRES)
PARKING AREA SIZE = 8,117.824 SQ. FT. (19 ACRES)
GRAVEL AREA (TEMPORARY CONSTRUCTION ENTRY) = 1,120 SQ. FT. (0.026 ACRES)

PREPARED FOR:
TILLMAN INFRASTRUCTURE

A&E FIRM:
towersource
1080 HOLCOMB BRIDGE ROAD,
BLDG 100 SUITE 350
ROSWELL, GA 30076
TEL: 678-990-2398 FAX: 678-990-2342

PROJECT INFORMATION:
CLOVERLAND SHOP
15432011
17873

DRAWN BY: S, JH
CHECKED BY: KIA
APPROVED BY: P, JN

REV	DATE	DESCRIPTION
1	07/29/21	ISSUED FOR REVIEW
2	08/20/21	REVISED PER COMMENTS RECEIVED
3	11/22/21	REVISED PER COMMENTS RECEIVED & INCORPORATED PERC & TDS
4	11/22/21	ISSUED FOR PERMITTING

ALABAMA PROFESSIONAL ENGINEER
No. 38005
HYAD K. PARSIA
11/12/2021

SHEET TITLE: OVERALL SITE PLAN
SHEET #: C1
REVISION: 0



Site 

1 inch = 100 feet

Item TC