

Board of Adjustment Agenda

May 21, 2015 – 5:00 pm

Council Auditorium

City Hall, 103 N. Perry St.

BOARD OF ADJUSTMENT MEMBERS

John Stanley, *Chairman*

K. T. Brown, *Vice-Chairman*

Beau Holmes

George C. Howell, Jr.

Steve Hughes

Bart Prince

Pickett Reese

Jennifer Shaw

Nathan Williams

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

- I. Chairman's Message
- II. Approval of Minutes from the April 16, 2014 meeting

May 21, 2015

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2015-034	Michael Boarts	R-65-s	1109 Fairfax Court (Privacy Fence)	1
2.	2013-042	Betty Sykes	R-60-s	4209 Dannelly Court (Accessory Structure)	2
3.	2015-040	Grady Hicks	AGR-1	4753 Lower Wetumpka Road (Mobile Home)	3
4.	2005-010	Jesse Livingston	R-60-s	36 North Lewis Street (Privacy Fence)	4
5.	2015-038	Johnny Henderson	R-65-s	7116 Oak Side Drive (Chickens – special exception)	5
6.	2015-037	Tameiko Perry	R-65-s	5426 Rolind Drive (Carport)	6
7.	2015-039	Dr. Margaret Vereb	R-75-d	712 Park Avenue (Chickens – special exception)	7
8.	2015-036	Deshowne Harris	B-3	500 Arba Street (Private School)	8
9.	2015-035	Robert Chipman	R-60-m	1803 Highland Avenue (Accessory Structure)	9
10.	1966-296	Eagle Signs	B-2 & R-65-d	2815 Forbes Drive (ID Sign)	10
11.	1962-163	Flowers & White Eng.	R-75-s	3846 Duquesne Drive & 800 Perry Hill Road (Church – Revised Master Plan)	11
12.	2013-042	James William Jackson Jr.	B-1-b-Q	2145 Lockwood Way* (Hospital/Hospice)	12

* Private Street

The next Board of Adjustment meeting is on June 18, 2015

1. BD-2015-034 **PRESENTED BY:** Michael Boarts

REPRESENTING: Melissa Boarts

SUBJECT: Request a front yard variance and height variance for privacy fence located at 1109 Fairfax Court in an R-65-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain an existing 6 ft. privacy fence, whereas 3 ft. is allowed, and comes within 20 ft. of the front property line, whereas 30 ft. is required.

The variance requested is an 10 ft. front yard variance and a 3 ft. height variance.

At the April 16, 2015 Board meeting, an 8 ft. front yard variance was approved to come within 22 ft. of the front property line, subject to the petitioner getting the property surveyed. The Planning Department inadvertently missed the height variance, plus the petitioner discovered an additional 2 ft. is needed, which requires a 10 ft. front yard variance to for the front post of the fence to come within 20 ft. of the front property line (per survey).

COUNCIL DISTRICT: 7

COMMENTS _____

ACTION TAKEN: _____



B-2

M-1

INST

U

GREENWOOD CEMETERY

R-75-s

HARRISON RD

INST

DURHAM DR

BEDFORD LN

R-65-s

ASBURY LN

LOCH HAVEN RD

FAIRFAX RD

ARBORFIELD RD

FAIRFAX CT

INST

HABERSHAM RD

ZEPHYR HILLS CT

ROXANA CT

ROXANA RD

ZELDA CT

B-2

O-1

GATSBY LN

R-60-m

R-24-t

ZELDA RD

ZEPHYR HILLS DR

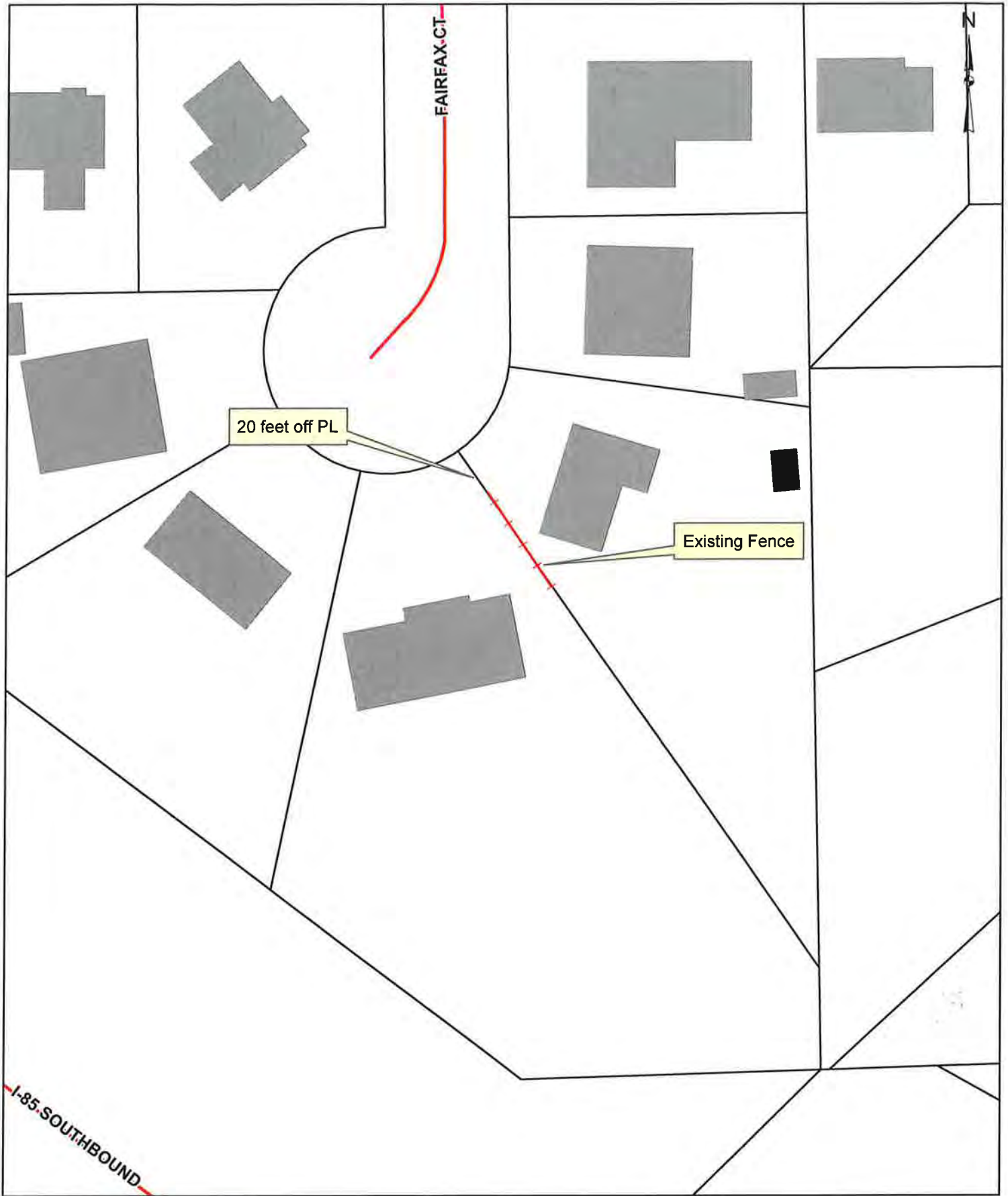
PEMBROOK CT

B-2-q

SITE 

1 inch = 300 feet

Item 1A



FAIRFAX CT

20 feet off PL

Existing Fence

I-85 SOUTHBOUND

Site Location

1 inch = 50 feet

Item No. 1B



FAIRFAX RD

FAIRFAX CT



SITE 

1 inch = 60 feet
Item IC

2. BD-2013-042 **PRESENTED BY:** Betty Sykes

REPRESENTING: Same

SUBJECT: Request a front yard variance, a side yard variance and a variance for an accessory structure in the required front yard to be located at 4209 Dannelly Court in an R-60-s (Single-Family Residential) Zoning District.

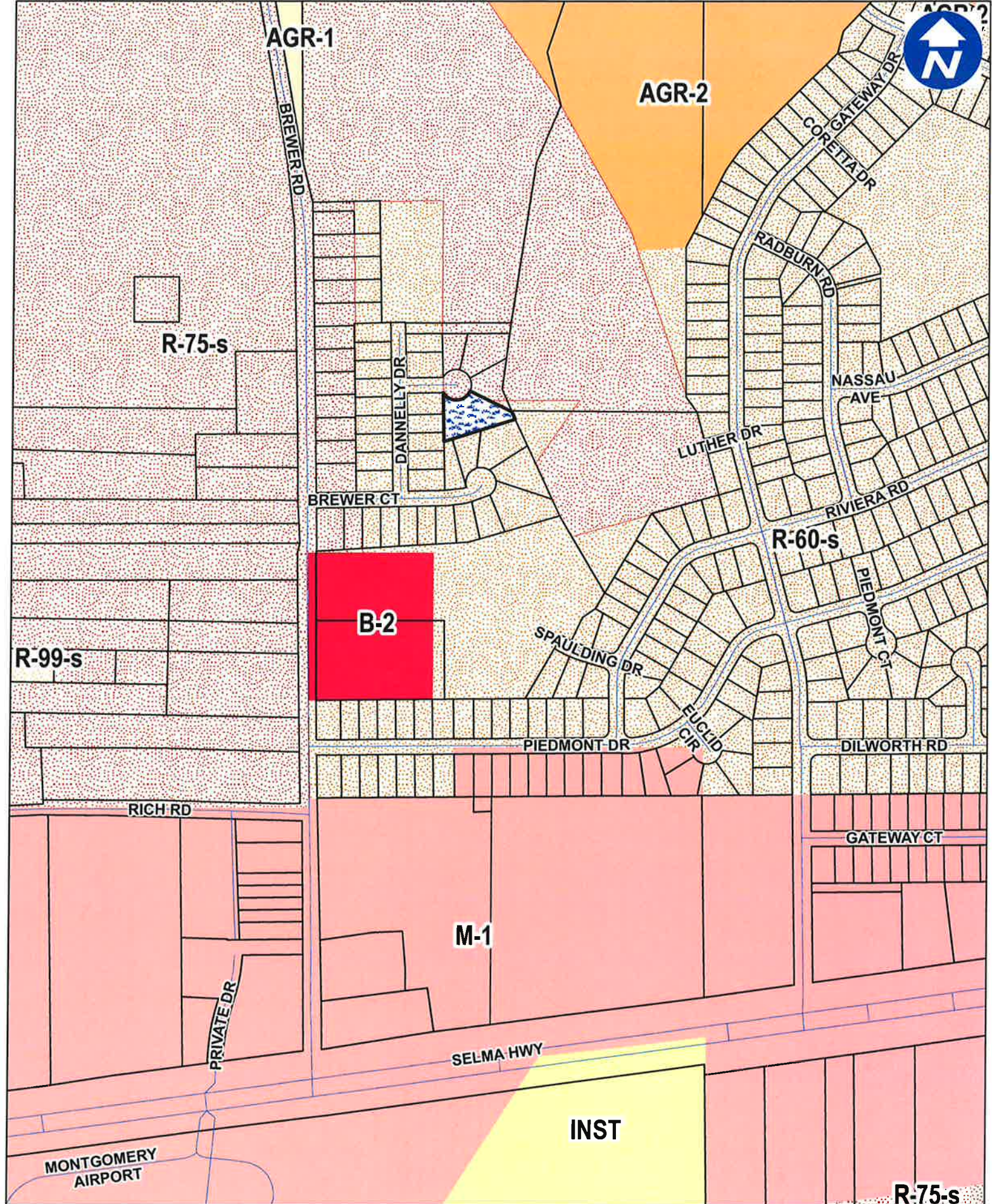
REMARKS: This request is being made to give the petitioner permission to install a detached carport in the front yard to come within 15 ft. of the front property line, whereas 20 ft. is required, and to come to the side property line, whereas 5 ft. is required. The petitioner will maintain a 10 ft. separation from the main dwelling.

The requests are a variance for an accessory structure in the front yard, a 5 ft. front yard variance, and a 5 ft. side yard variance.

COUNCIL DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 400 feet
Item 2A



DANNELLY CT

Proposed 18' x 21' carport



SITE 

1 inch = 40 feet

Item 2B

3 BD-2015-040 **PRESENTED BY:** Grady Hicks

REPRESENTING: Same

SUBJECT: Request a special exception for a mobile home located at 4753 Lower Wetumpka Road in an AGR-1 (Residential Agriculture) Zoning District.

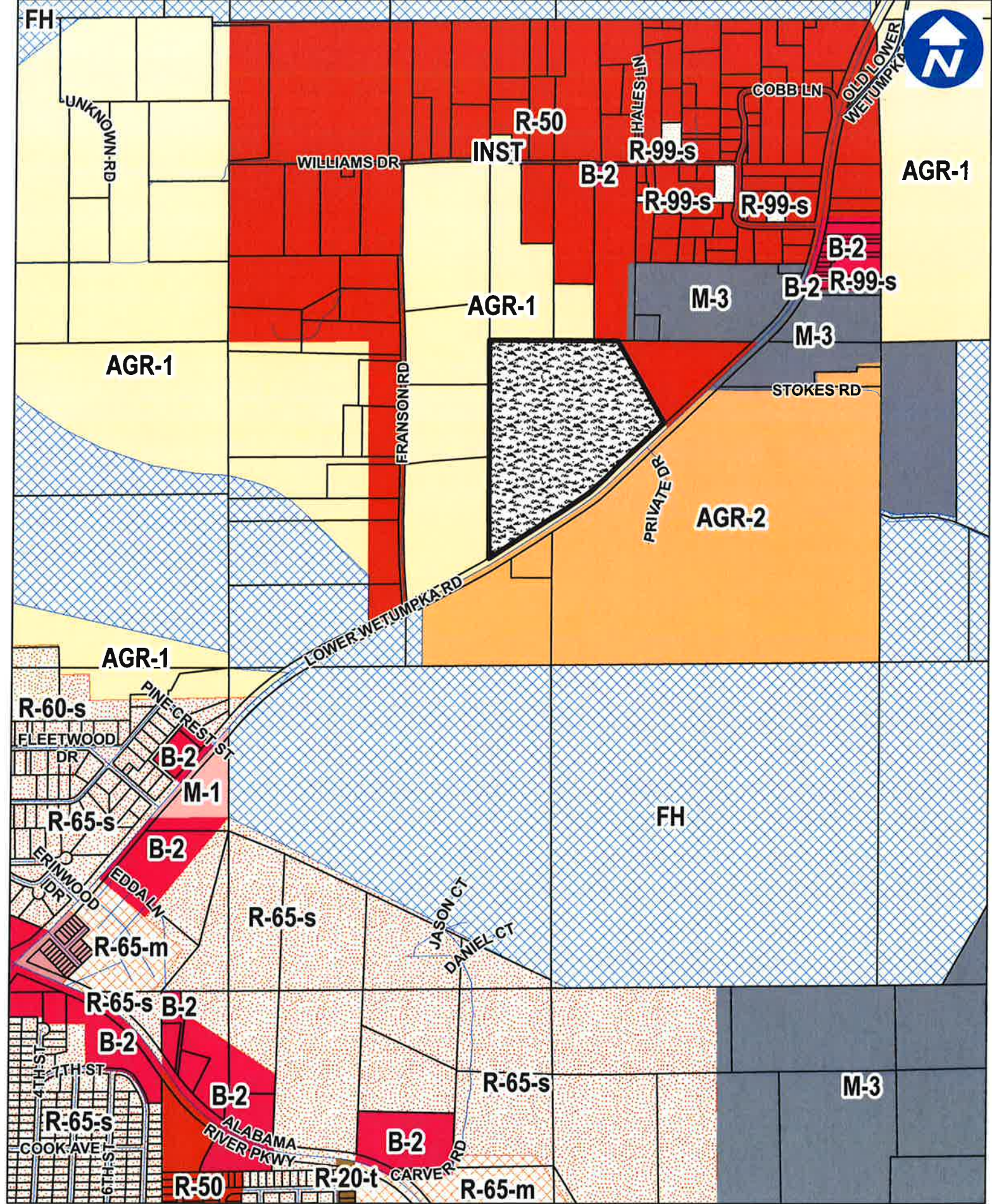
REMARKS: This request is being made to give the petitioner permission to maintain a mobile home for living purposes. The City Council approved to rezone this property at the May 5, 2015 meeting. The mobile home was placed on the site prior to rezoning.

Request is a special exception for a mobile home.

COUNCIL DISTRICT: Police Jurisdiction

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 1,000 feet
Item 3A



Site Location 

1 inch = 400 feet

Item No. 3B

4 BD-2005-010 **PRESENTED BY:** Jesse Livingston

REPRESENTING: Jesse and Bethany Livingston

SUBJECT: Request a street side yard variance and height variance for a privacy fence to be located at 36 North Lewis Street in an R-60-s (Single-Family Residential) Zoning District.

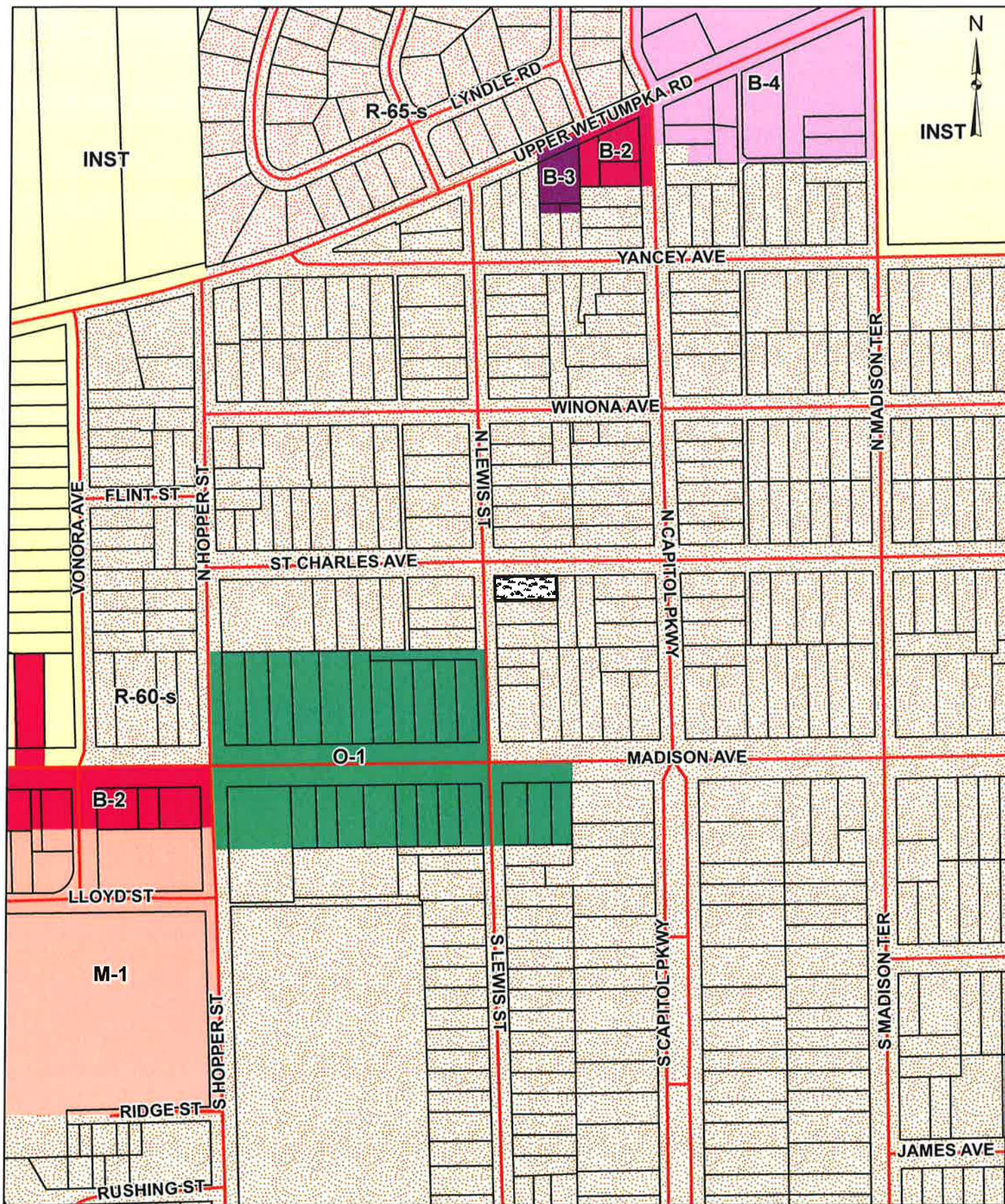
REMARKS: This request is being made to give the petitioner permission to maintain a 6 ft. high privacy fence, whereas 3 ft. is allowed. The fence will come to the street side yard (St. Charles Avenue) property line, whereas 20 ft. is required. The Architectural Review Board approved the privacy fence at the April 28, 2015 meeting.

The variances requested are a 3 ft. height variance and a 20 ft. street side yard variance.

COUNCIL DISTRICT: 3

COMMENTS _____

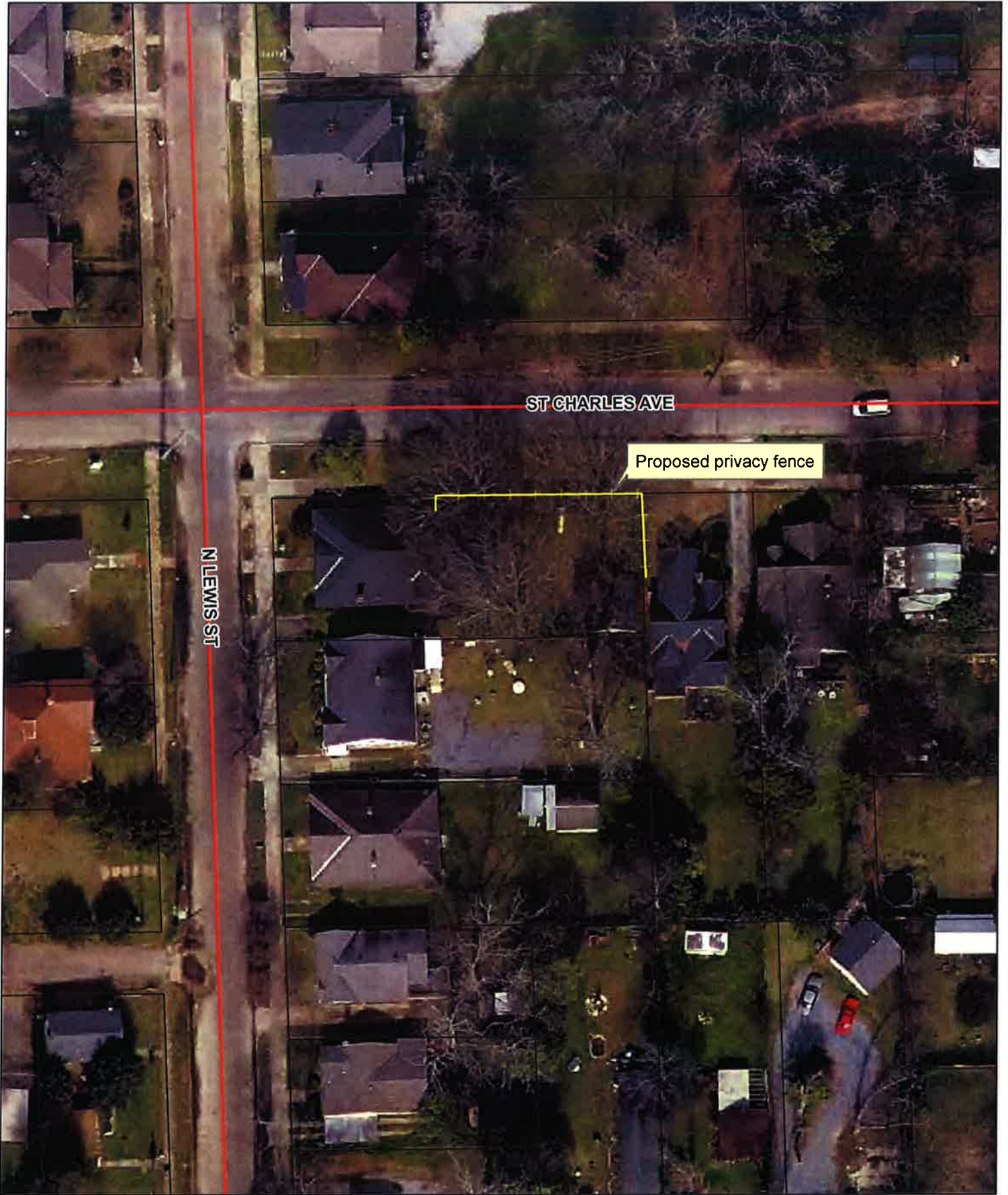
ACTION TAKEN: _____



Site Location 

1 inch = 300 feet

Item No. 4A



ST CHARLES AVE

Proposed privacy fence

N LEWIS ST

Site Location 

1 inch = 50 feet

Item No. 4B

5. BD-2015-038 **PRESENTED BY:** Johnny Henderson

REPRESENTING: Same

SUBJECT: Request a special exception for chickens to be located at 7116 Oak Side Drive in an R-65-s (Single-Family Residential) Zoning District.

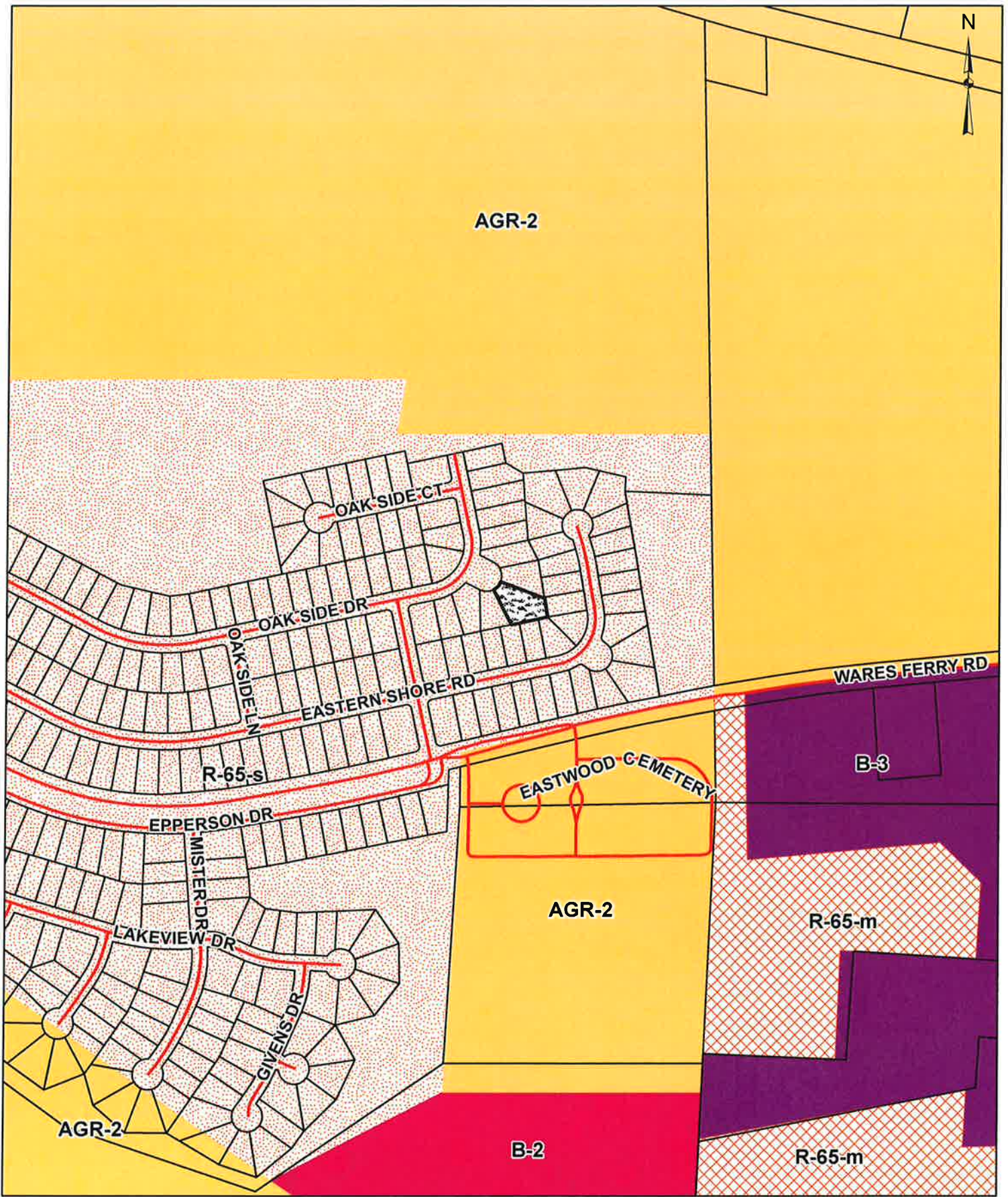
REMARKS: This request is being made to give the petitioner permission for 10 chickens to be kept in the rear yard. If approved, the petitioner will install a coop in accordance with the Guidelines for Chickens.

The request is a special exception to keep 10 chickens.

COUNCIL DISTRICT: 1

COMMENTS _____

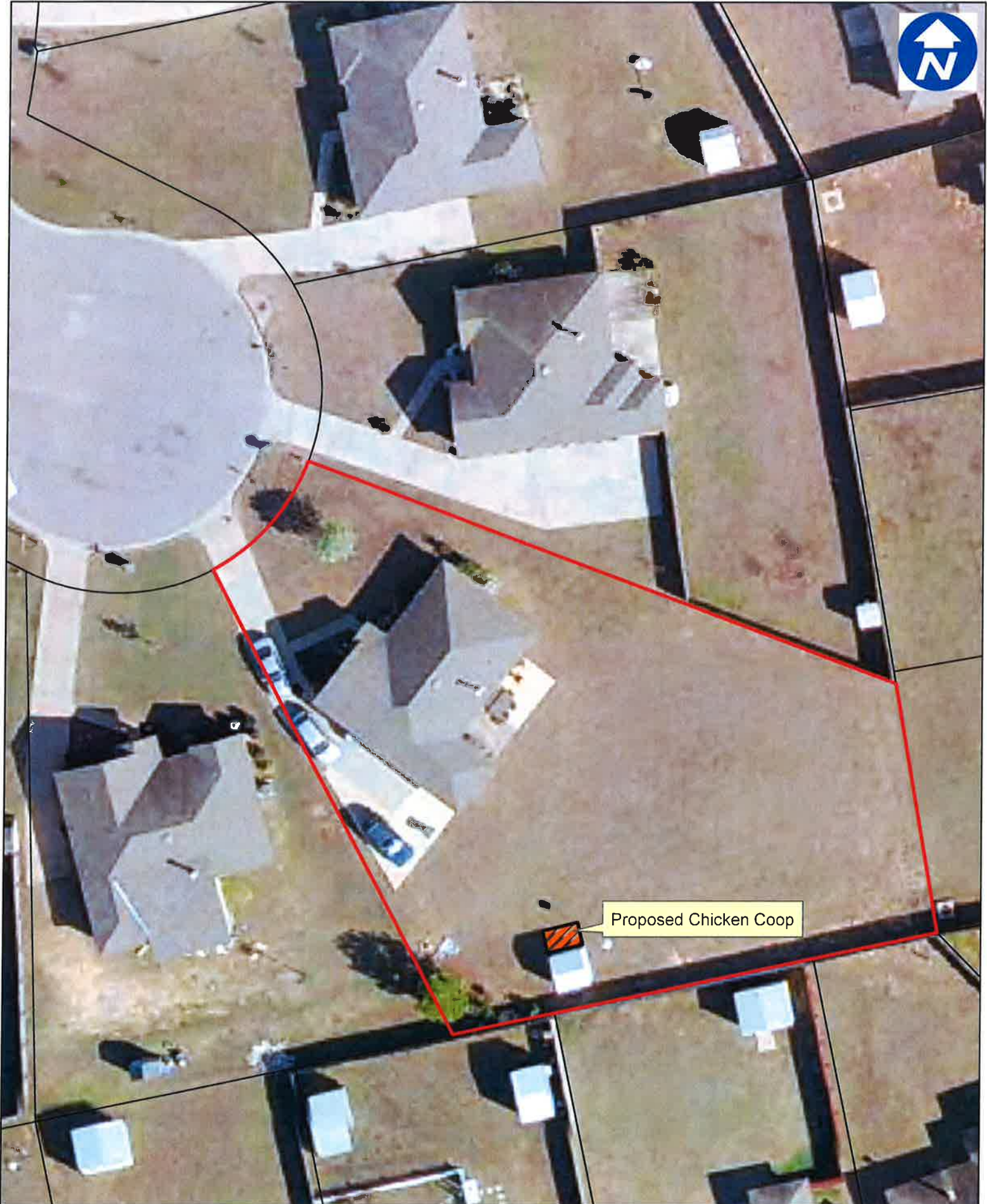
ACTION TAKEN: _____



Site Location 

1 inch = 400 feet

Item No. 5A



Proposed Chicken Coop

SITE 

1 inch = 30 feet
Item 5B

6. BD-2015-037 **PRESENTED BY:** Tameiko Perry

REPRESENTING: Same

SUBJECT: Request a side yard variance for a carport to be located at 5426 Rolind Drive in an R-65-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a carport to come to the side property line, whereas 10 ft. is required. The petitioner has indicated that gutters and downspouts will be installed to direct the drainage from the adjoining property.

The variance requested is a 10 ft. side setback variance.

COUNCIL DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



R-60-s

M-1

GREEN LEAF DR

PATRICIA LN

AGR-2

B-4

DAMAN DR

LOISA LN

R-65-s

LOLA LN

EMBEE DR

ROLIND DR

CONNIE CIR

MOBILE HWY

CATHY DR

W SHADES VALLEY DR

GANTRY CT

GANTRY DR

WINDY LN

AGR-2

M-1

COCA COLA RD

SITE



1 inch = 300 feet

Item 6A



ROLIND DR



Proposed carport

SITE 

1 inch = 20 feet

Item 6B

7. BD-2015-039 **PRESENTED BY:** Dr. Margaret Vereb

REPRESENTING: Same

SUBJECT: Request a special exception for chickens to be located at 712 Park Avenue in an R-75-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission for 2 chickens to be kept in the rear yard on the side of the accessory structure. If approved, the petitioner will install a coop in accordance with the Guidelines for Chickens.

The request is a special exception to keep 2 chickens.

COUNCIL DISTRICT: 7

COMMENTS _____

ACTION TAKEN: _____



B-1-a

B-2

CLOVERDALE RD

SANFORD ST

DUNBAR ST

FELDER AVE

R-60-m

R-20-t

GRAHAM ST

RIDGE AVE

LOCKERBIE ST

GALENA AVE

W CLOVERDALE PARK

E CLOVERDALE PARK

R-65-s

COTTAGE PL

PARK AVE

R-75-d

R-75-s

R-75-m

MAGNOLIA CURV

THORN PL

LEBRON AVE

R-75-s

ELLEN ST

COLEMAN ST

INST

LEGRAND PL

E FAIRVIEW AVE

T4-0

MASTIN LN

MONTEZUMA RD

LEBRON RD

WOODLEY RD

R-60-s R-75-s

SITE

1 inch = 300 feet

Item 7A



7B



PARK AVE

ELLEN ST

Location of chicken coop

SITE 

1 inch = 40 feet
Item 7C

8. BD-2015-036 **PRESENTED BY:** Deshowne Harris

REPRESENTING: Eastern Oaks Academy

SUBJECT: Request a special exception for a private school, a parking variance, and setback variances for a new building to be located at 500 Arba Street in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a private school in the existing building, and to place a temporary classroom to the west of the main building that will come to the Nicrosi Street property line and within 10 ft. of the South Decatur Street property line, whereas 35 ft. is required from all property lines. There will be a total 8 classrooms which require 40 parking spaces; however 12 parking spaces are proposed. There will be 7 full-time and 2 part-time employees, with 30 students maximum. Hours of operation are Monday – Friday, 5:30 a.m. – 6:00 p.m.

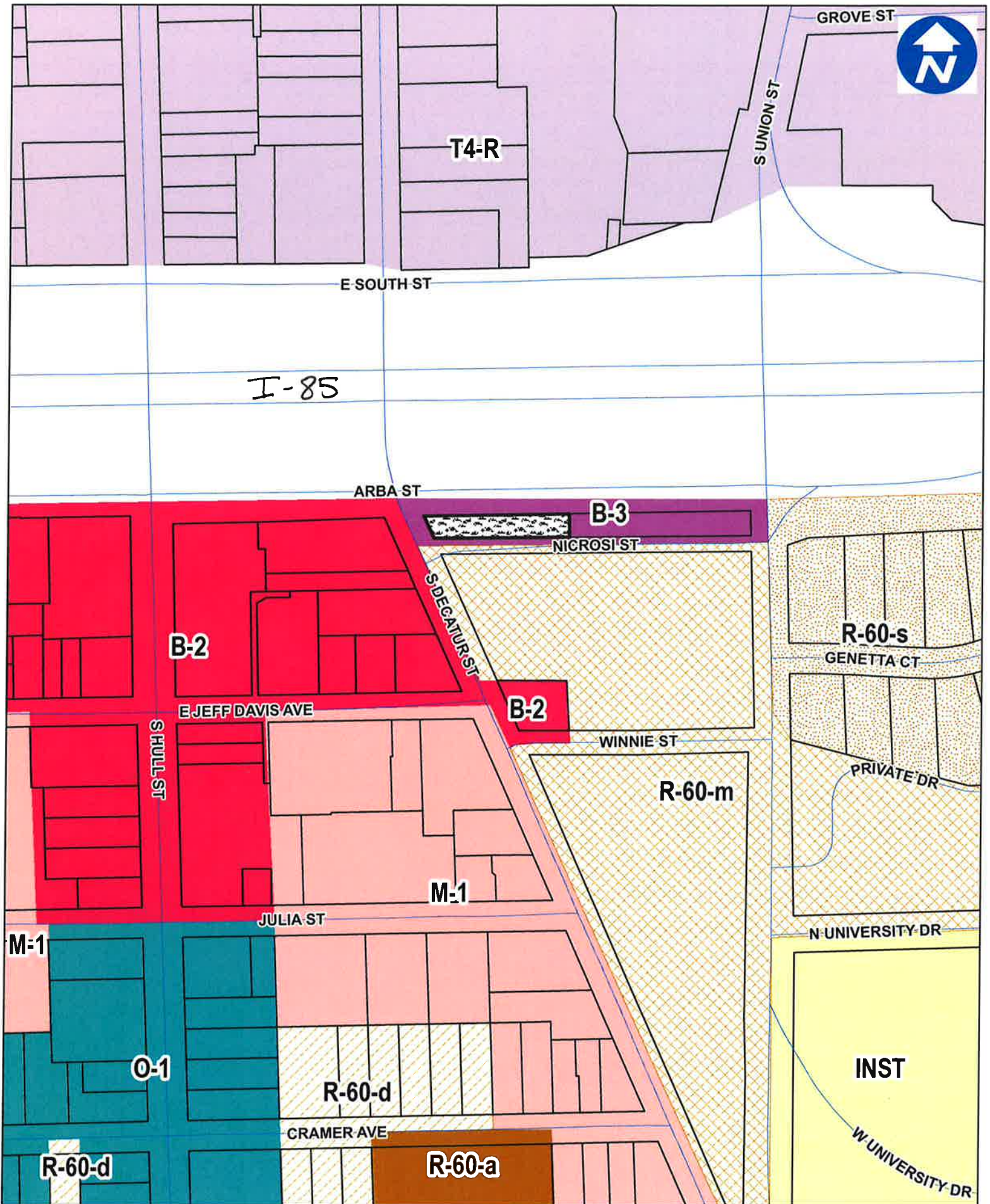
The requests are as follows:

- A special exception for a private school;
- An 28 space parking variance; and
- Setback variances for the temporary classroom:
 - 35 ft. setback variance from Nicrosi Street
 - 25 ft. setback variance from South Decatur Street

COUNCIL DISTRICT: 3

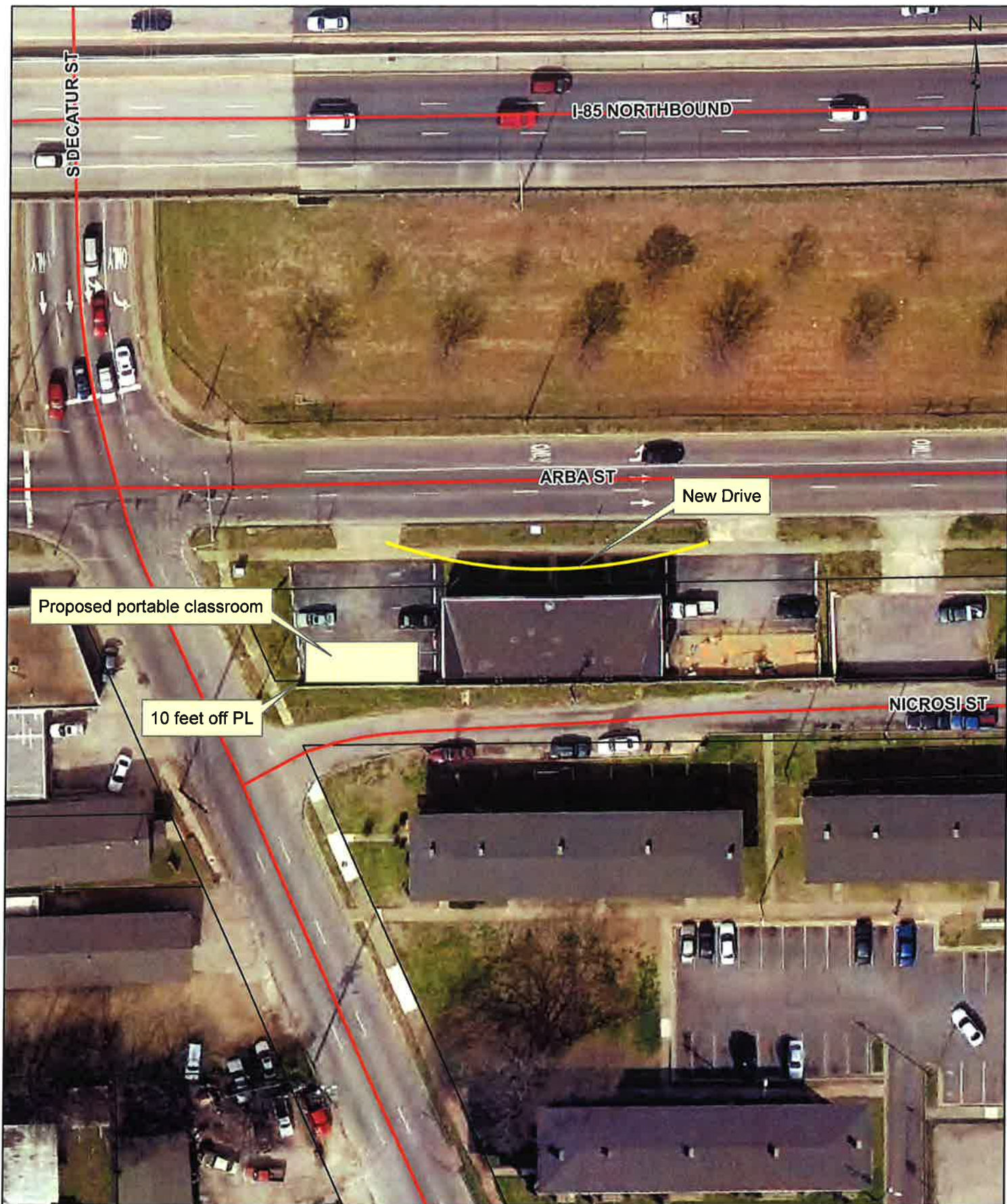
COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 200 feet
Item 8A



Site Location

1 inch = 50 feet

Item No. 8B

9. BD-2015-035 **PRESENTED BY:** Robert Chipman

REPRESENTING: Same

SUBJECT: Request a rear yard variance and a street side yard variance for an accessory structure to be located at 1803 Highland Avenue in an R-60-m (Multi-Family Residential) Zoning District.

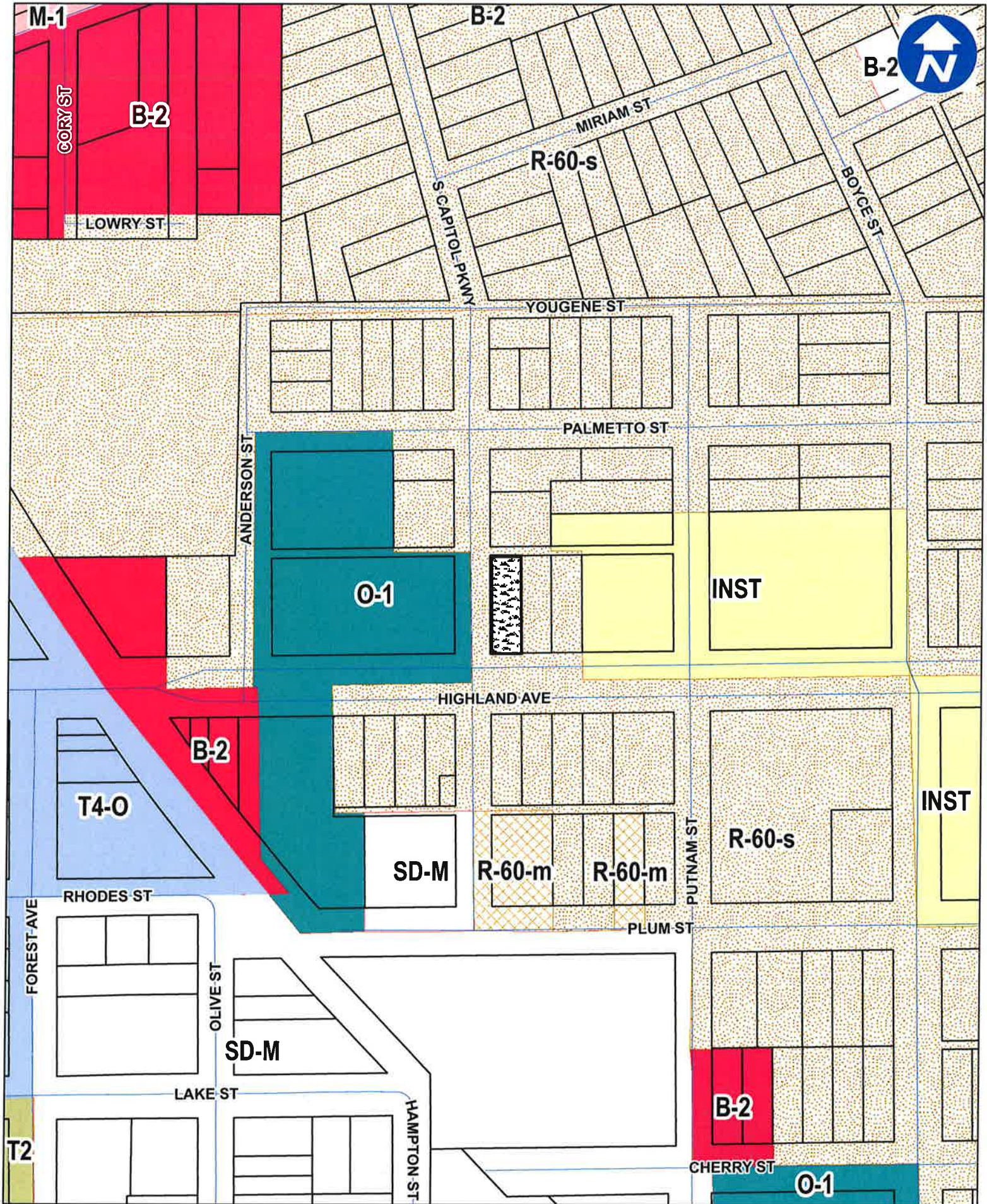
REMARKS: This request is being made to give the petitioner permission to reconstruct a garage that will come within 2 ft. of the street side property line (South Capitol Parkway), whereas 20 ft. is required, and within 2 ft. of the rear property line (public alley), whereas 20 ft. is required.

The variances requested are an 18 ft. street side yard variance and an 18 ft. rear yard variance.

COUNCIL DISTRICT: 3

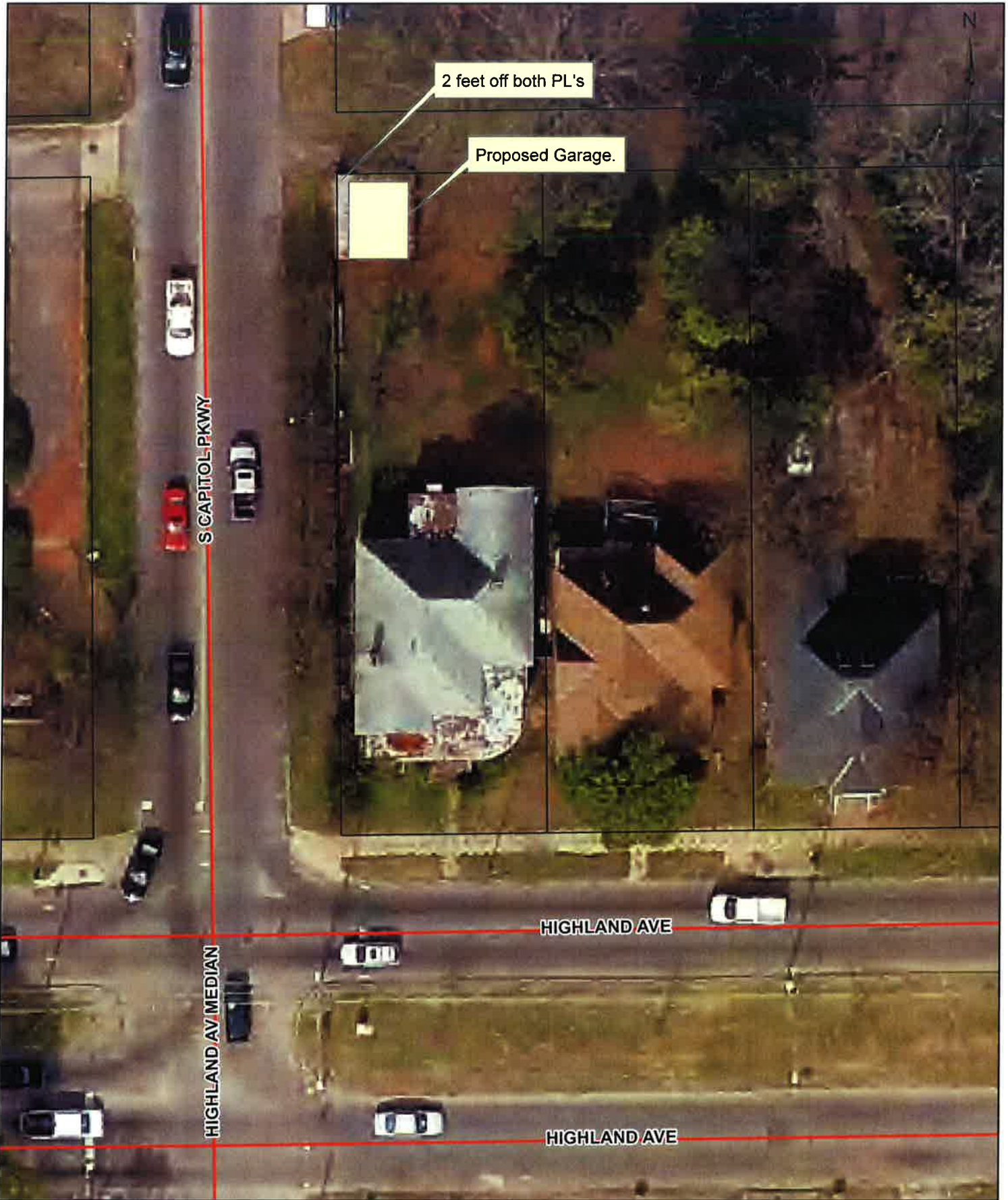
COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 200 feet
 Item 9A



Site Location 

1 inch = 30 feet

Item No. 9B

10. BD-1966-296 **PRESENTED BY:** Eagle Signs

REPRESENTING: Resurrection Catholic School

SUBJECT: Request a front yard variance for new ID sign to be located at 2815 Forbes Drive in B-2 (Commercial) and R-65-d (Duplex Residential) Zoning Districts.

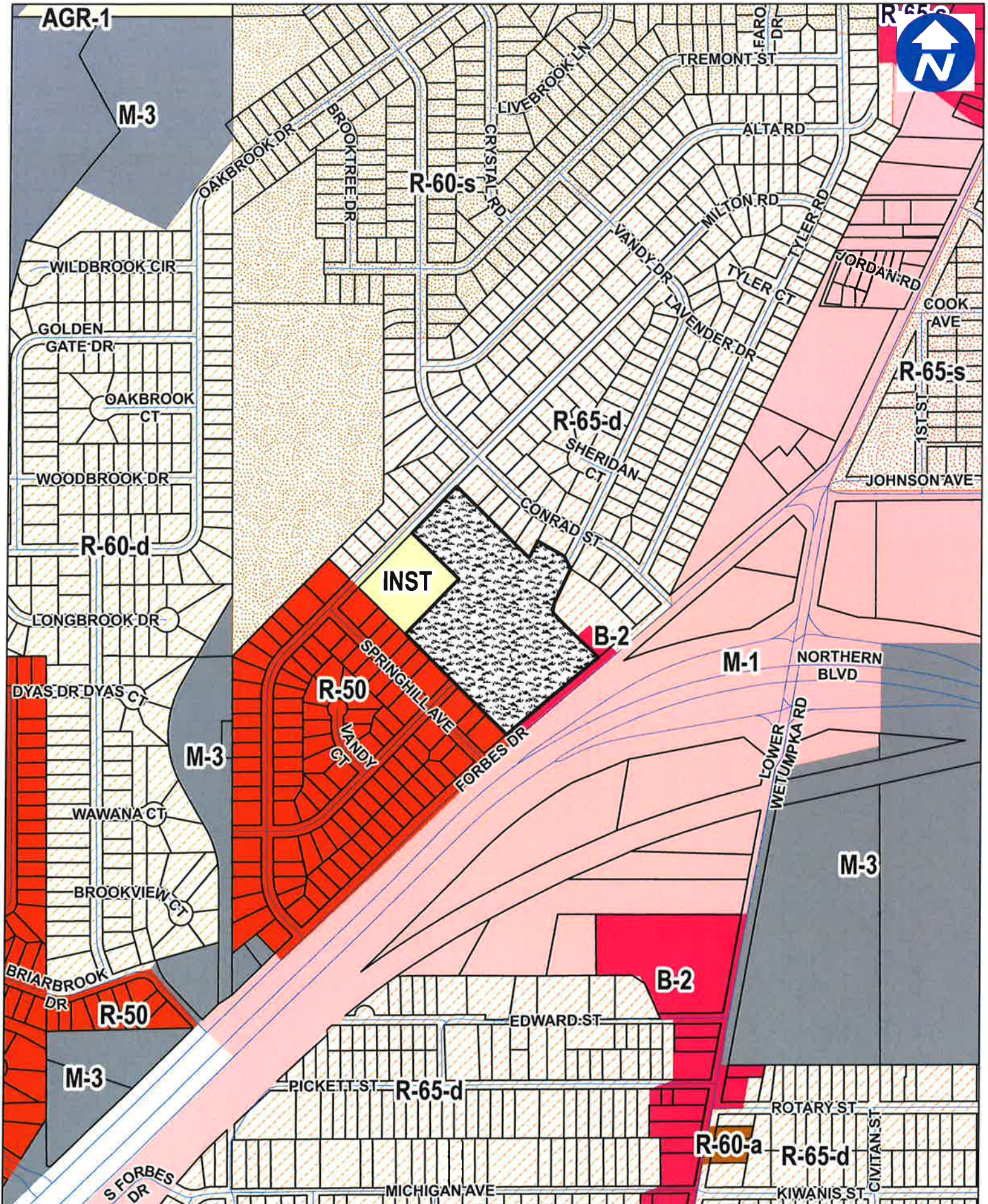
REMARKS: This request is being made to give the petitioner permission to install a new ID sign to come to the front property line, whereas a 35 ft. setback is required.

The request is a 35 ft. front setback variance.

COUNCIL DISTRICT: 3

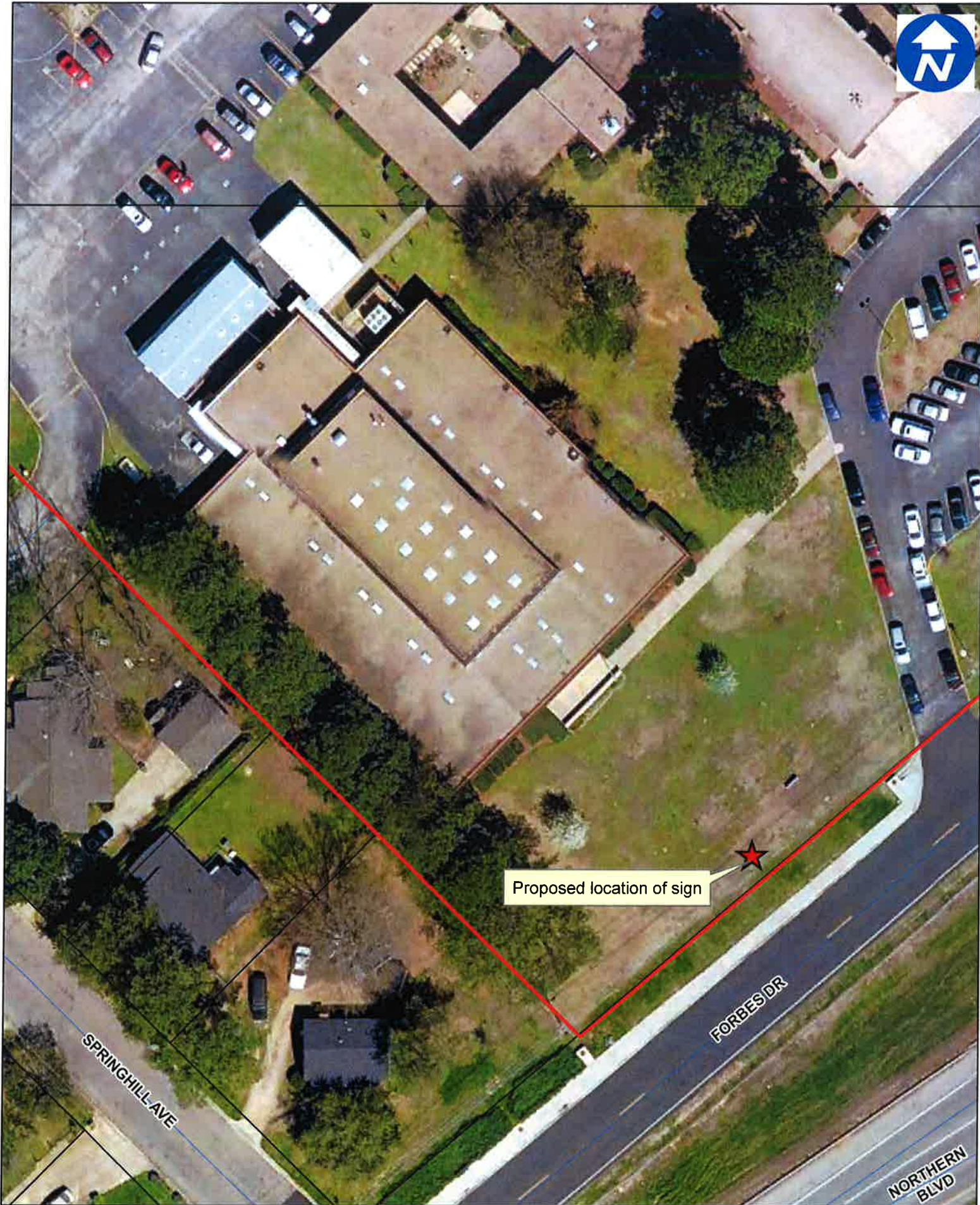
COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 500 feet
Item LOA



Proposed location of sign

SITE ★

1 inch = 50 feet

Item 10B



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CLIENT APPROVAL: _____ DATE: _____



SITE 

1 inch = 200 feet

Item 10D

11. BD-1962-163 **PRESENTED BY:** Flowers and White Engineering

REPRESENTING: Perry Hill Road Church of Christ

SUBJECT: Request a revised master plan, a special exception for church use at 3846 Duquesne Drive, and a setback variance for an addition to be located at 800 Perry Hill Road all in a R-75-s (Single-Family Residential) Zoning District.

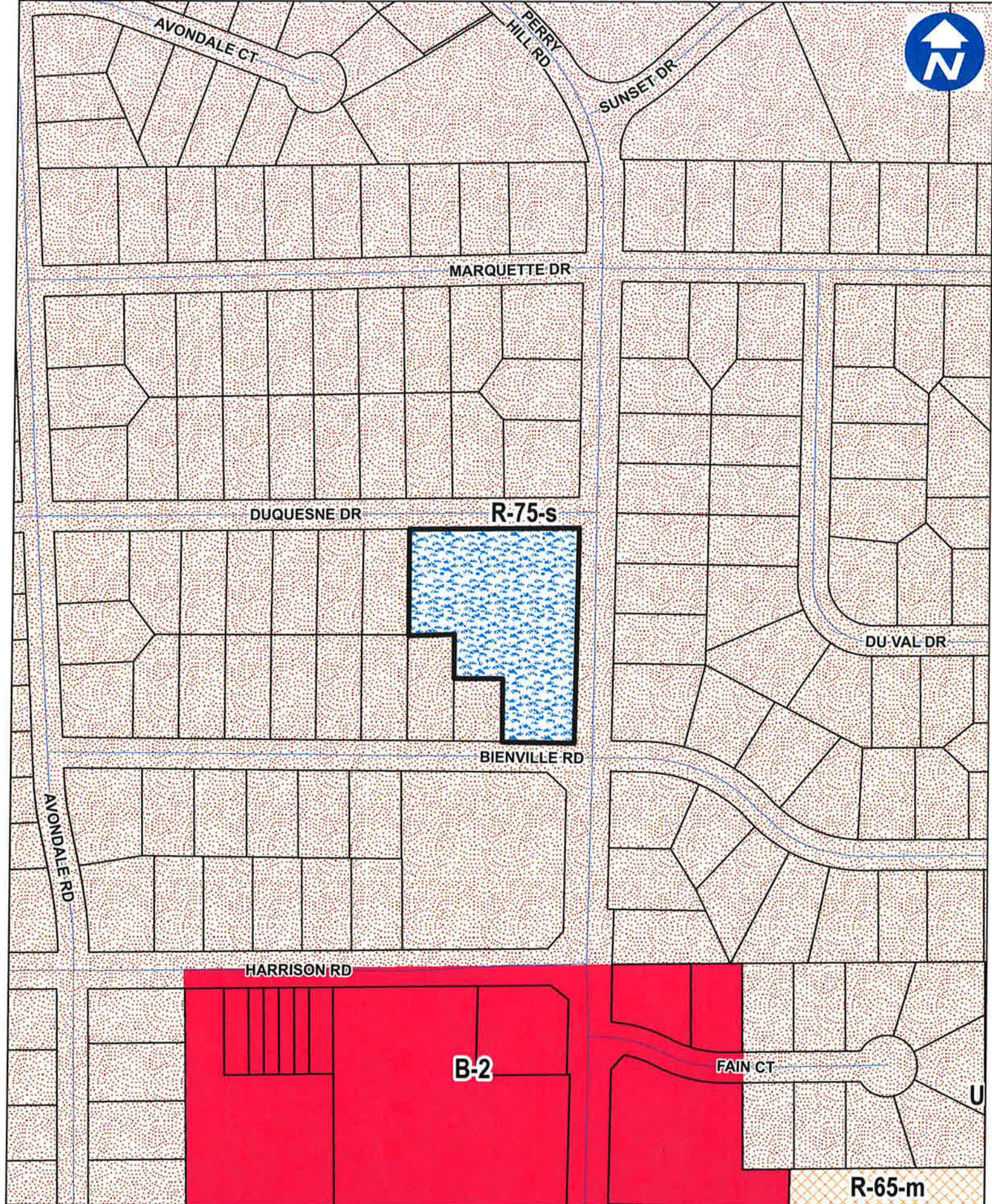
REMARKS: This request is being made to give the petitioner permission to use 3846 Duquesne Drive for a new parking lot for the adjoining church (dwelling to be demolished). A portion of the existing church building is being torn down and a new addition will be constructed. The addition will come within 31.92 ft. of the Duquesne Drive property line, whereas 35 ft. is required. The parking lot will be redesigned maintaining the same number of spaces.

The requests are a special exception for church use at 3846 Duquesne Drive, a 3.08 ft. setback variance and a revised Master Plan.

COUNCIL DISTRICT: 1

COMMENTS _____

ACTION TAKEN: _____



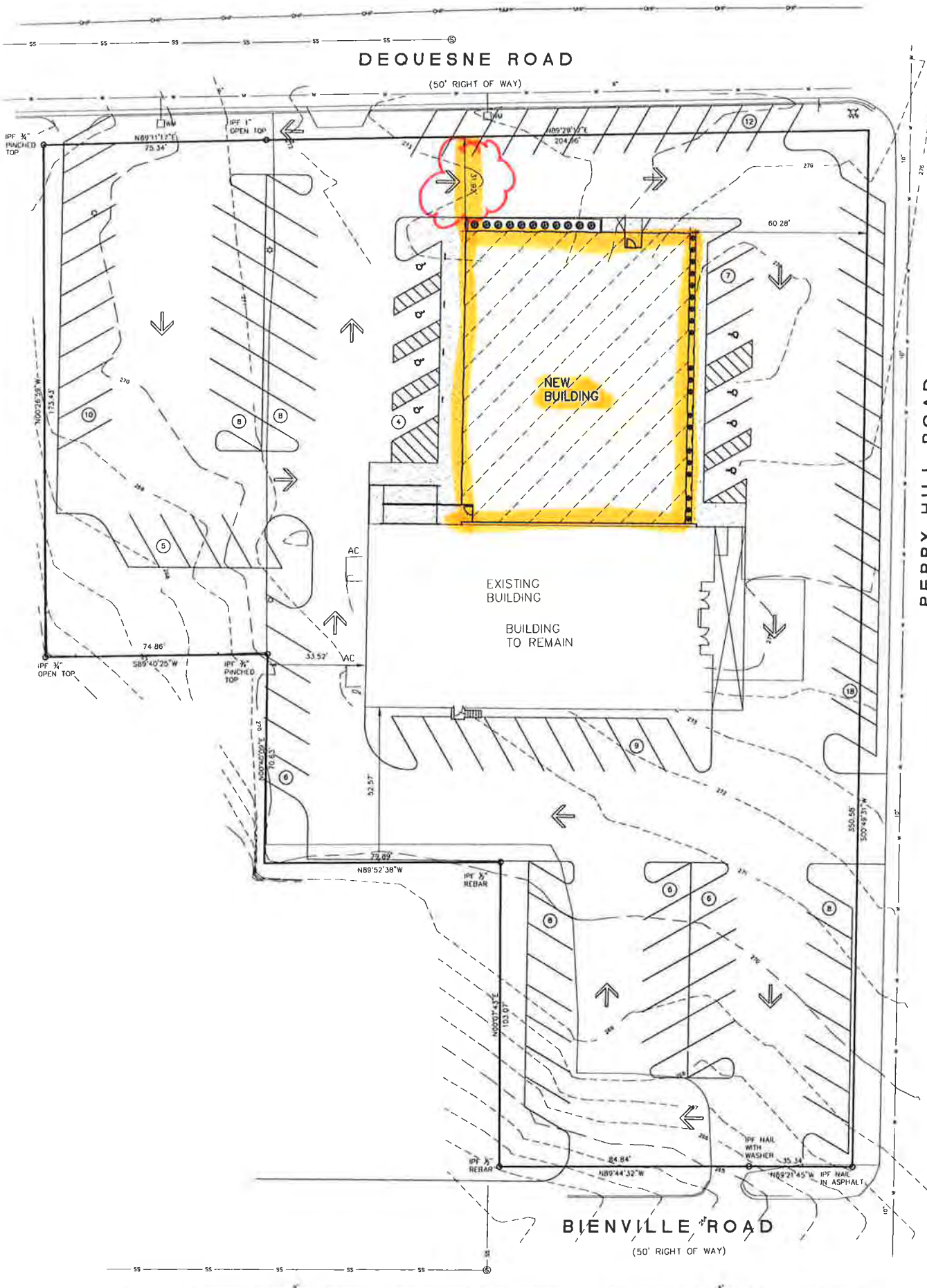
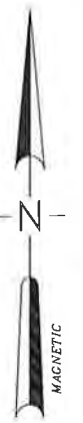
SITE 

1 inch = 200 feet

Item 11A

DEQUESNE ROAD

(50' RIGHT OF WAY)



PERRY HILL ROAD
(ROW VARIES)

BIENVILLE ROAD

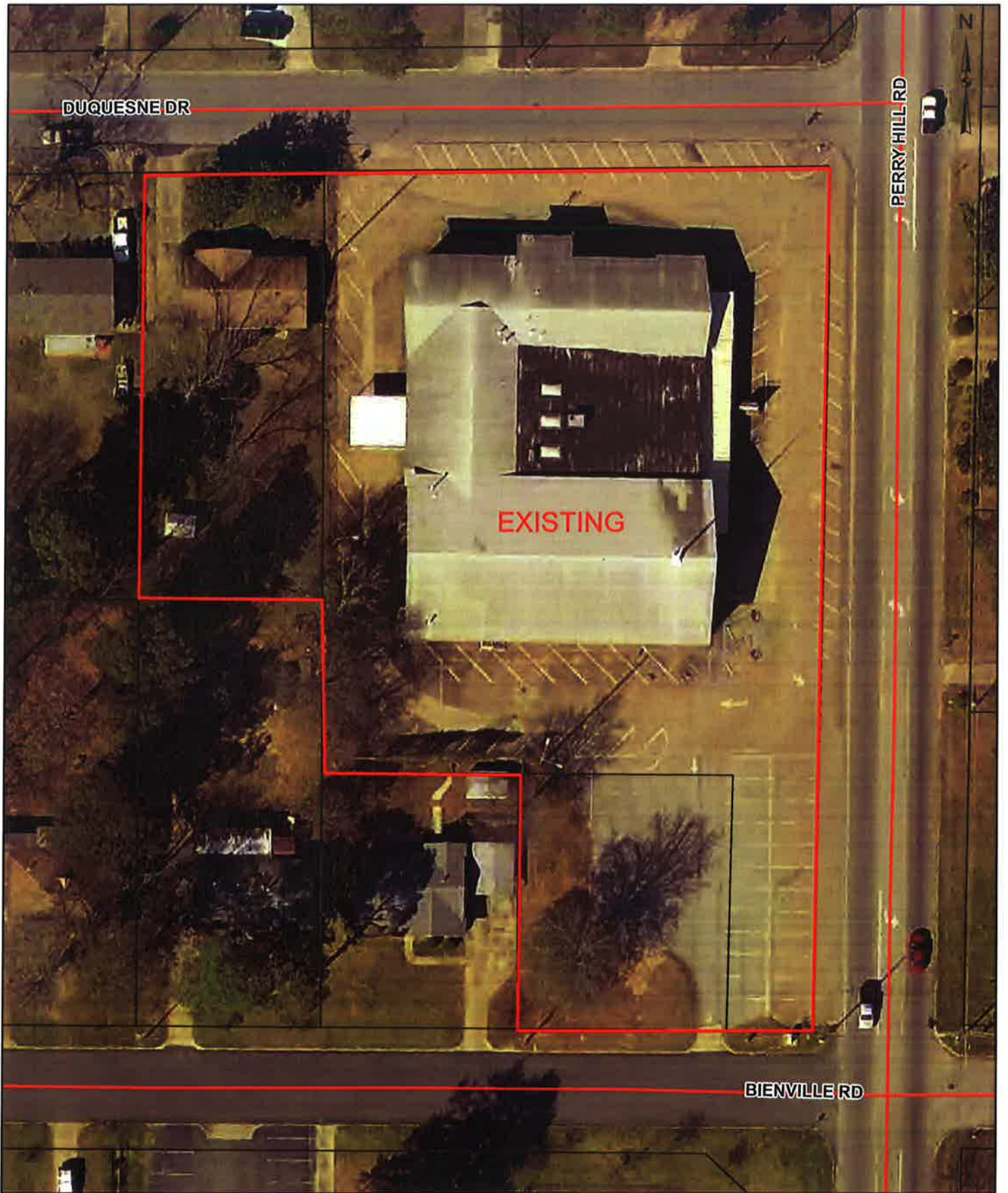
(50' RIGHT OF WAY)

- CONS'**
- THIS PROJECT
1. YEAR D
 2. REMOV/
 - FOR AC
 3. DEMOL/
 - WEST C
 4. CONSTR
 5. NEW P/
 6. SEALCC
 - STRIPIN

ST

- 1
- 2
- 3
- 4
- AND

11B



Site Location

1 inch = 50 feet

Item No. 11C

12. BD-2013-042 **PRESENTED BY:** James William Jackson, Jr.

REPRESENTING: The Jackson Davis Group, LLC

SUBJECT: Request a rear yard variance and a special exception for a hospital (hospice) with administrative offices to be located at 2145 Lockwood Way* in a B-1-b-Q (Central Business-Qualified) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a hospice facility (hospital) with administrative offices. There will be a 10 bed inpatient wing for hospice care, and plans for future expansion for up to an additional 10 beds. The future expansion will come within 20 ft. of the rear property line, whereas 35 ft. is required.

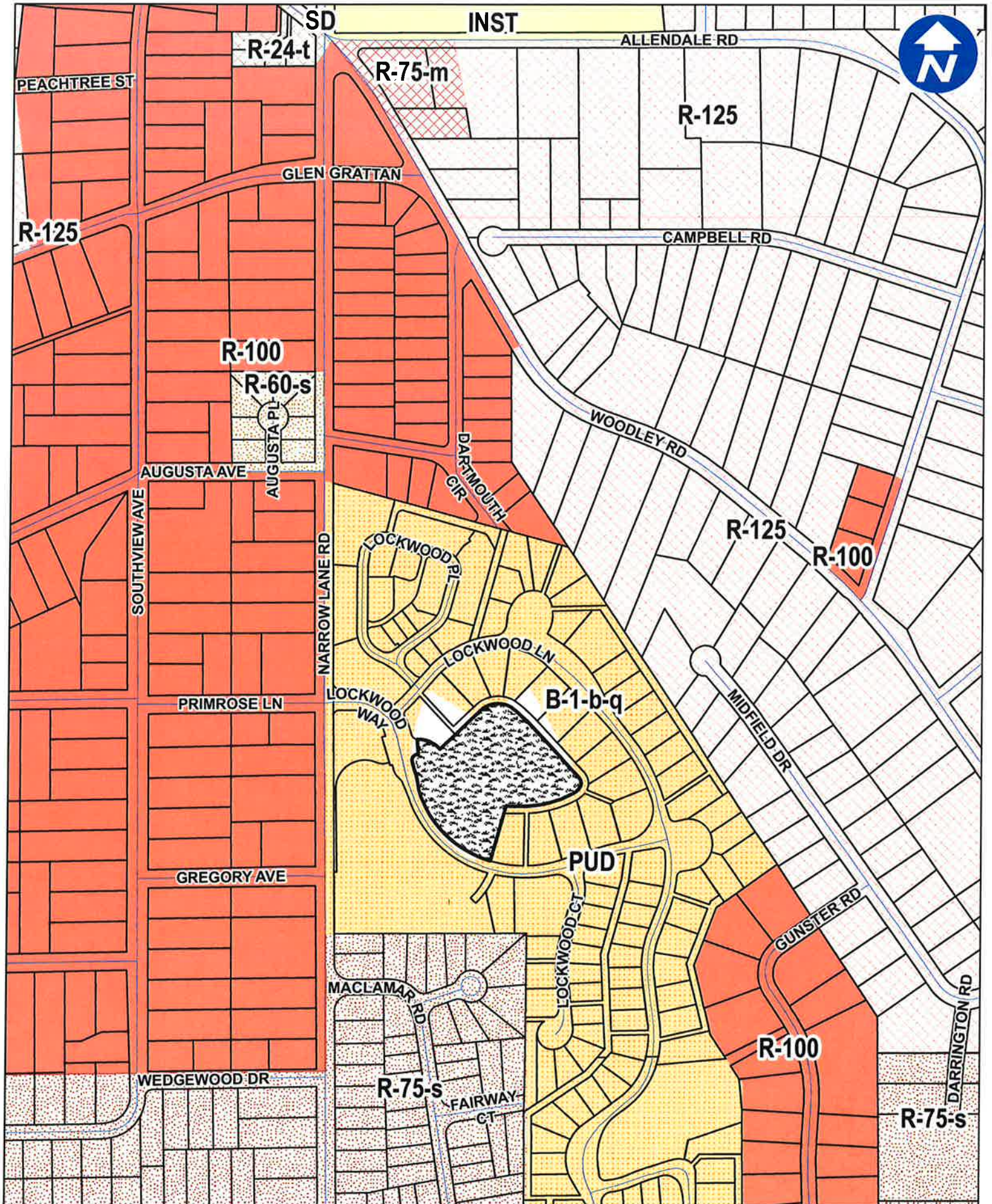
The request is a 15 ft. rear yard variance and special exception for a hospital (hospice).

* Private Street

COUNCIL DISTRICT: 5

COMMENTS _____

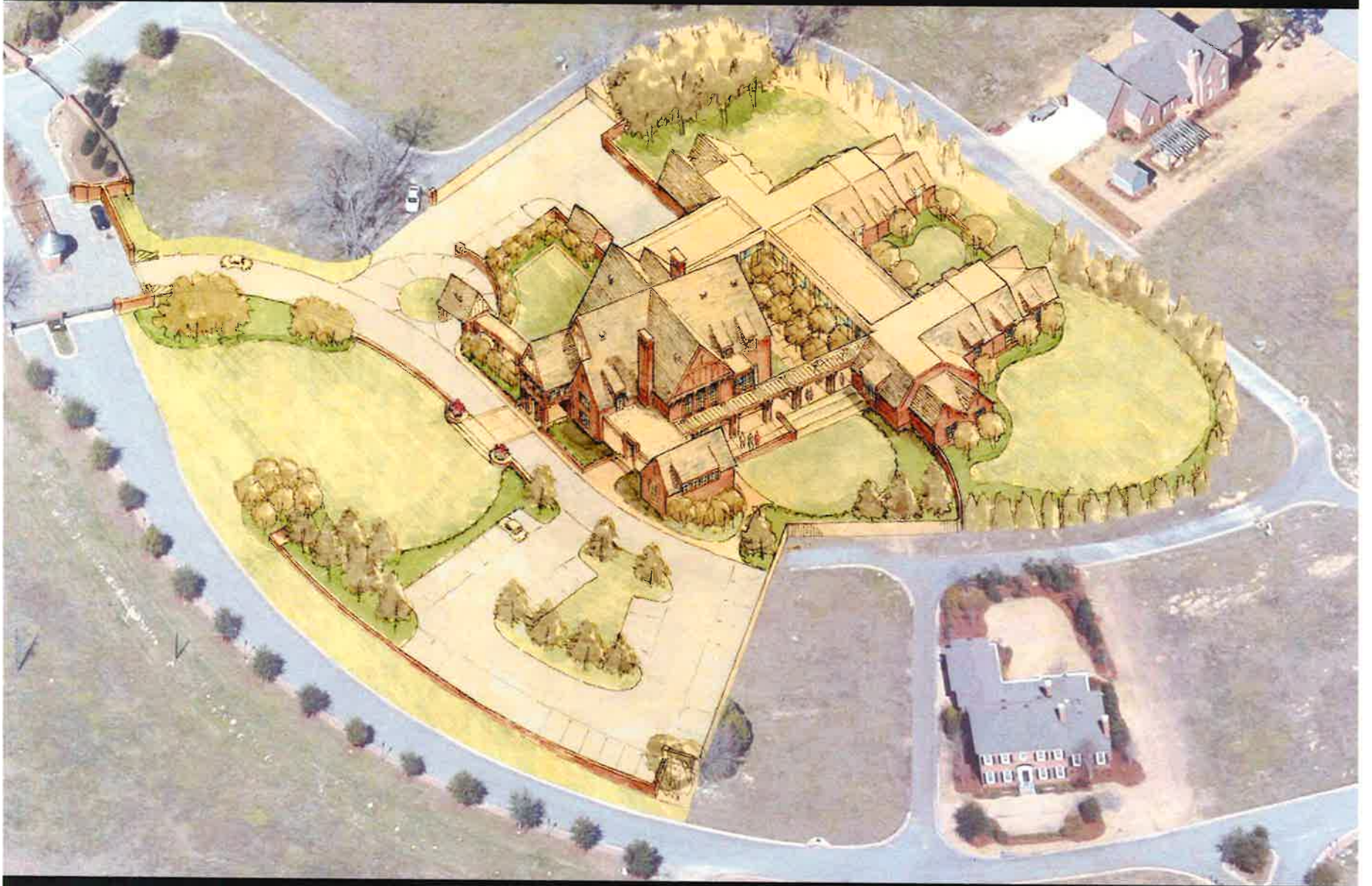
ACTION TAKEN: _____



SITE 

1 inch = 400 feet

Item 12A



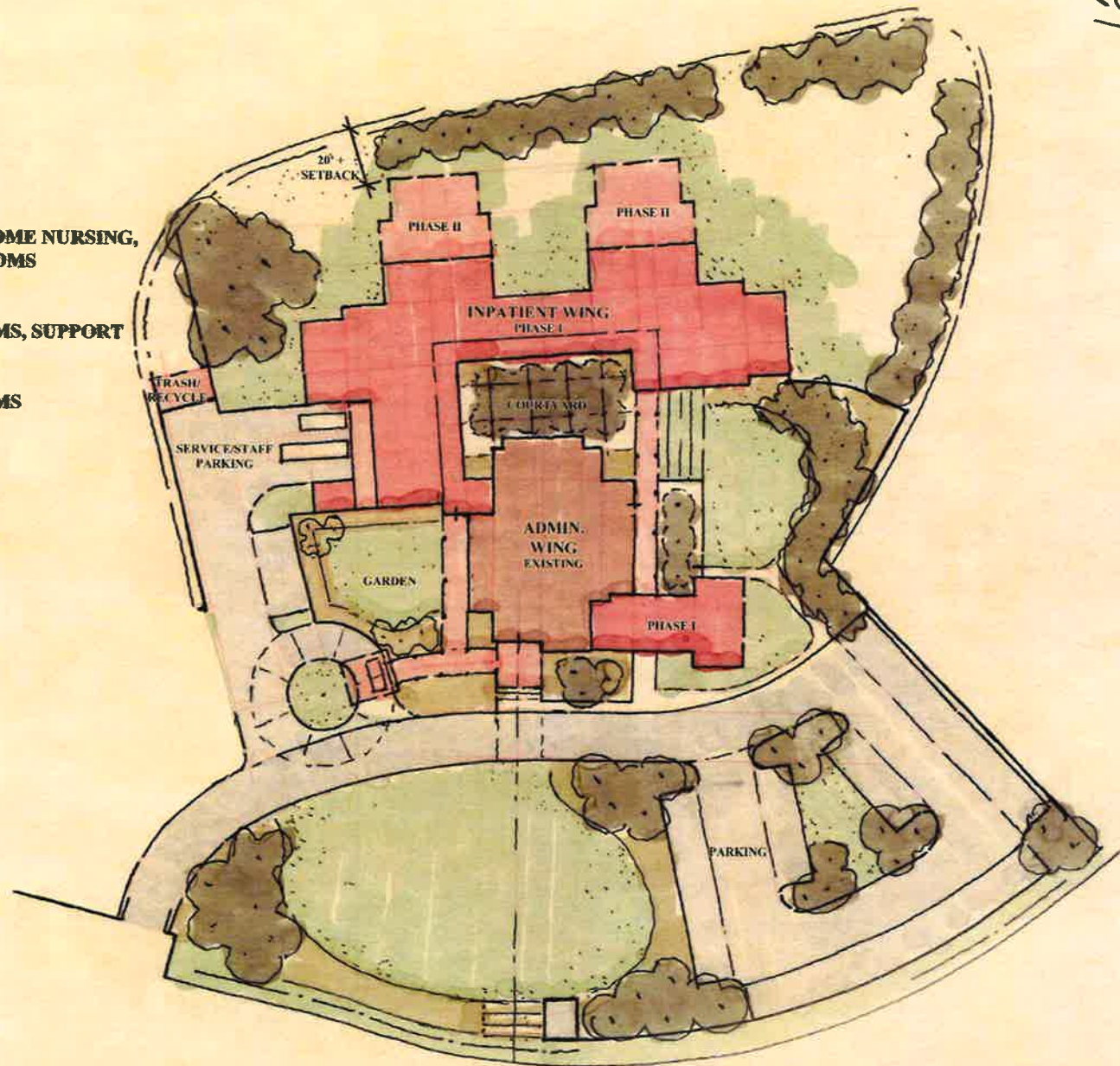
LAB

EXISTING BUILDING - 2 STORY, 13,000 gsf
(W/PHASE I WING) ADMIN. OFFICE, INHOME NURSING,
STAFF, MEETING ROOMS

PHASE I INPATIENT - 1 STORY, 13,000 gsf
10 PATIENT BEDROOMS, SUPPORT

PHASE II INPATIENT - 1 STORY, 5,000 gsf
10 PATIENT BEDROOMS

PARKING - TOTAL 60 CARS



SITE PLAN - nts



SITE 

1 inch = 200 feet
Item 12C