

Board of Adjustment Agenda

June 16, 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 May 19, 2022 meeting.

June 16, 2022

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2022-021	Shane & Melissa Heath	AGR-1	Mitchell Young Road (Mobile home)	1
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3.	2022-027	Donald Lewis	R-75-s	3518 Woodpark Drive) (Accessory Structure)	3
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6.	2022-026	David Edward Day Sr.	M-1	112 Kent Street (Chickens)	6
7.	2000-148	Bill Wilson, P.E.	B-2/M-1	5705 Troy Highway (ID Sign)	7
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12.	2022-031	Vicky Carter	R-75-s	5806 Wares Ferry Road (Accessory structure & variances)	12
13.	2000-207	Timothy T. Topps	B-4	2477 & 2485 E. South Blvd. (Variance to Ordinance No.17-2014 & place of amusement & assembly)	13
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15.	2022-029	Douglas Homes, LLC	PGH-35	6128 Burbank Crossing Loop (Side yard variance)	15

The next Board of Adjustment meeting is on July 21, 2022

1. 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.

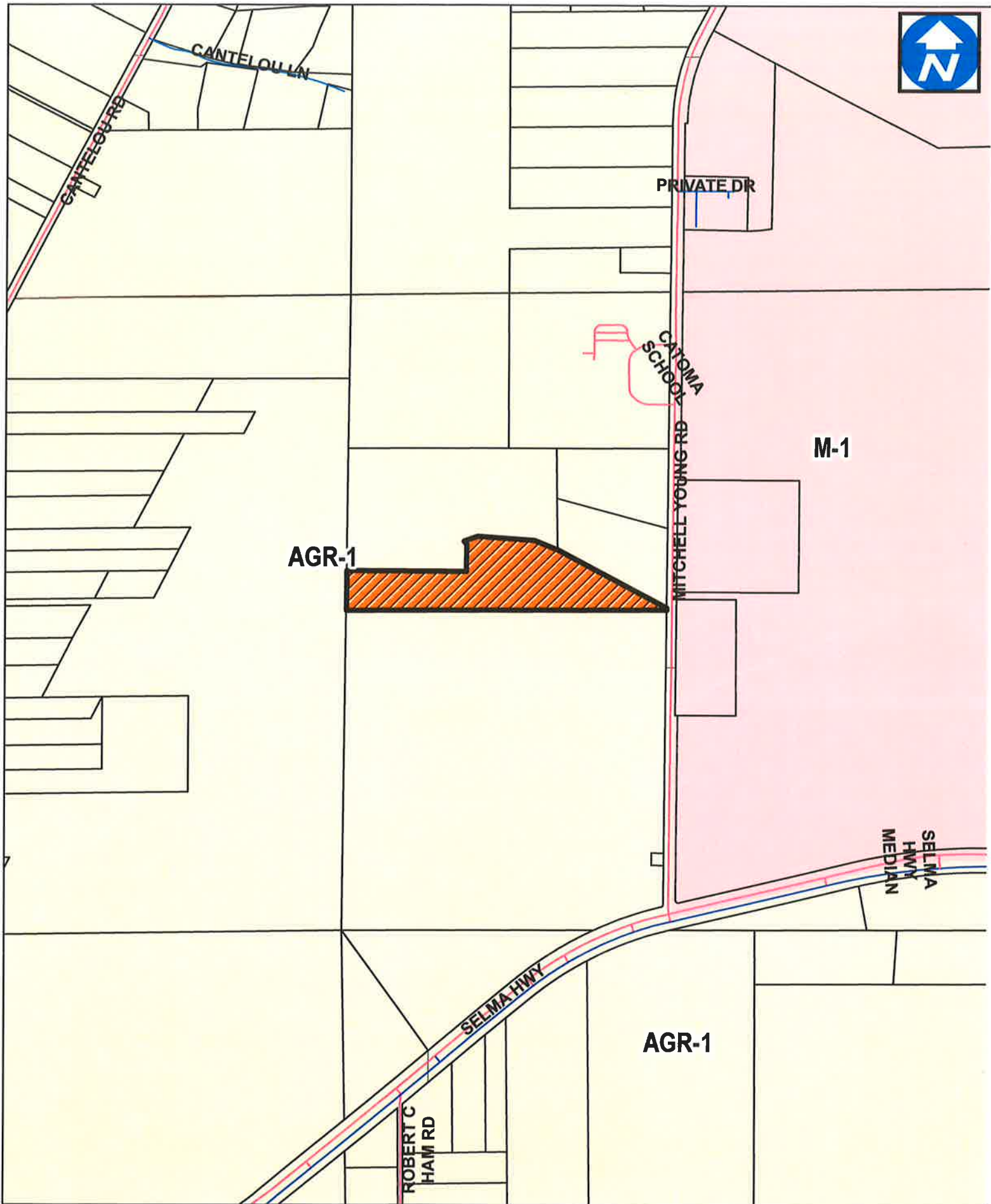
REMARKS: This request is being made to give the petitioner permission to place a mobile home on a 22 acre parcel. The mobile home is approximately 2,400 sq. ft. and will be on a permanent foundation. The mobile home will be placed approximately 1,000 ft. off of Mitchell Young Road.

This request was delayed at the April 21st meeting so that the Inspections Department can determine whether this is a manufactured or modular home.

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

COUNCIL DISTRICT: Police Jurisdiction

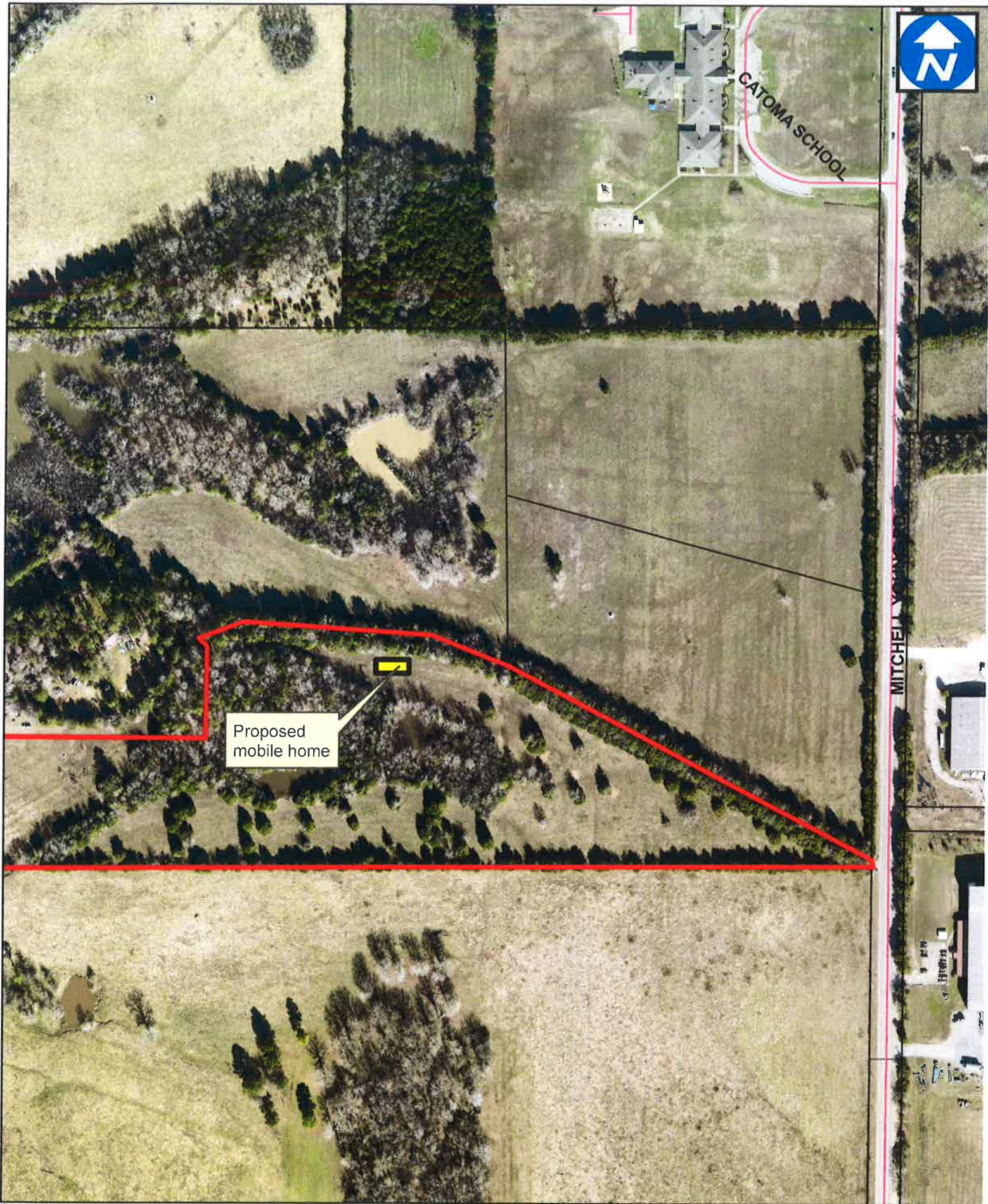
COUNTY COMMISSION: 2



Site 

1 inch = 1,000 feet

Item 1A



Site 

1 inch = 300 feet

Item 1B

2. BD-1983-116 **PRESENTED BY:** Fastsigns-Montgomery

REPRESENTING: All About Kids Pediatrics

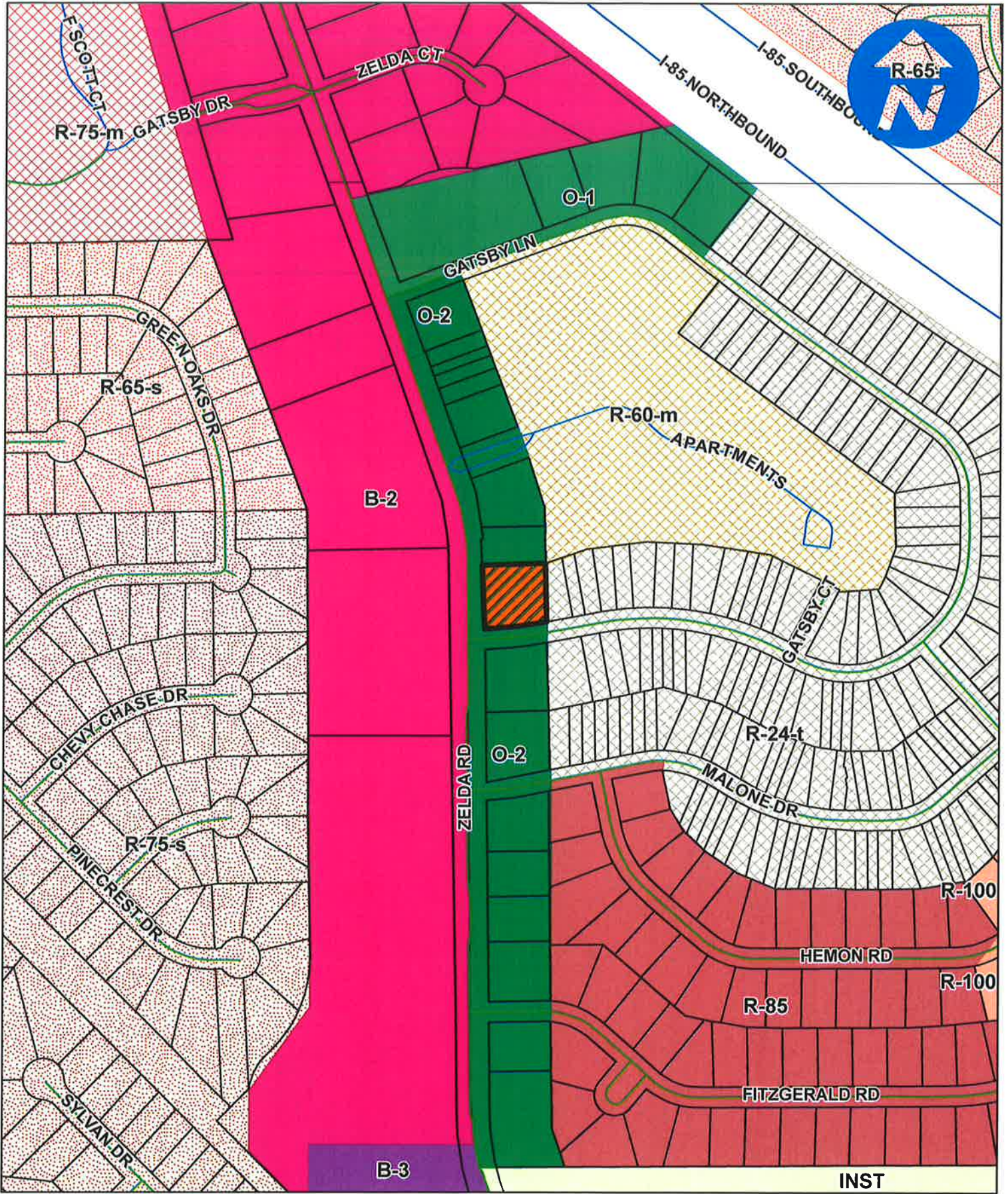
SUBJECT: Request a setback variance and interior lighting for a new ID sign to be located at 2895 Zelda Road in an O-2 (Office) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a new ID sign to come within 10 ft. of the Zelda Road property line, whereas 40 ft. is required. The proposed sign is internally lit, whereas exterior lighting is allowed.

Staff comment(s): The ID sign is replacing an existing ID sign, which there is no approval on file.

The request is a 30 ft. setback variance and interior lighting for a new ID sign.

COUNCIL DISTRICT: 7



Site Location 

1 inch = 300 feet

Item No. 2A



Site Location

1 inch = 30 feet

Item No. 2B

3. BD-2022-027 **PRESENTED BY:** Donald Lewis

REPRESENTING: Same

SUBJECT: Request a side yard variance for an accessory structure located at 3518 Woodpark Drive in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain an attached carport that comes within 6 ft. 6 in. of the side property line, whereas 10 ft. is required.

The request is a 3 ft. 6 in. side yard variance for an existing carport.

COUNCIL DISTRICT: 6



Site Location 

1 inch = 300 feet

Item No. 3A



Site Location

1 inch = 30 feet

Item No. 3B

4. BD-2022-028 **PRESENTED BY:** Rayfield Parks Sr.

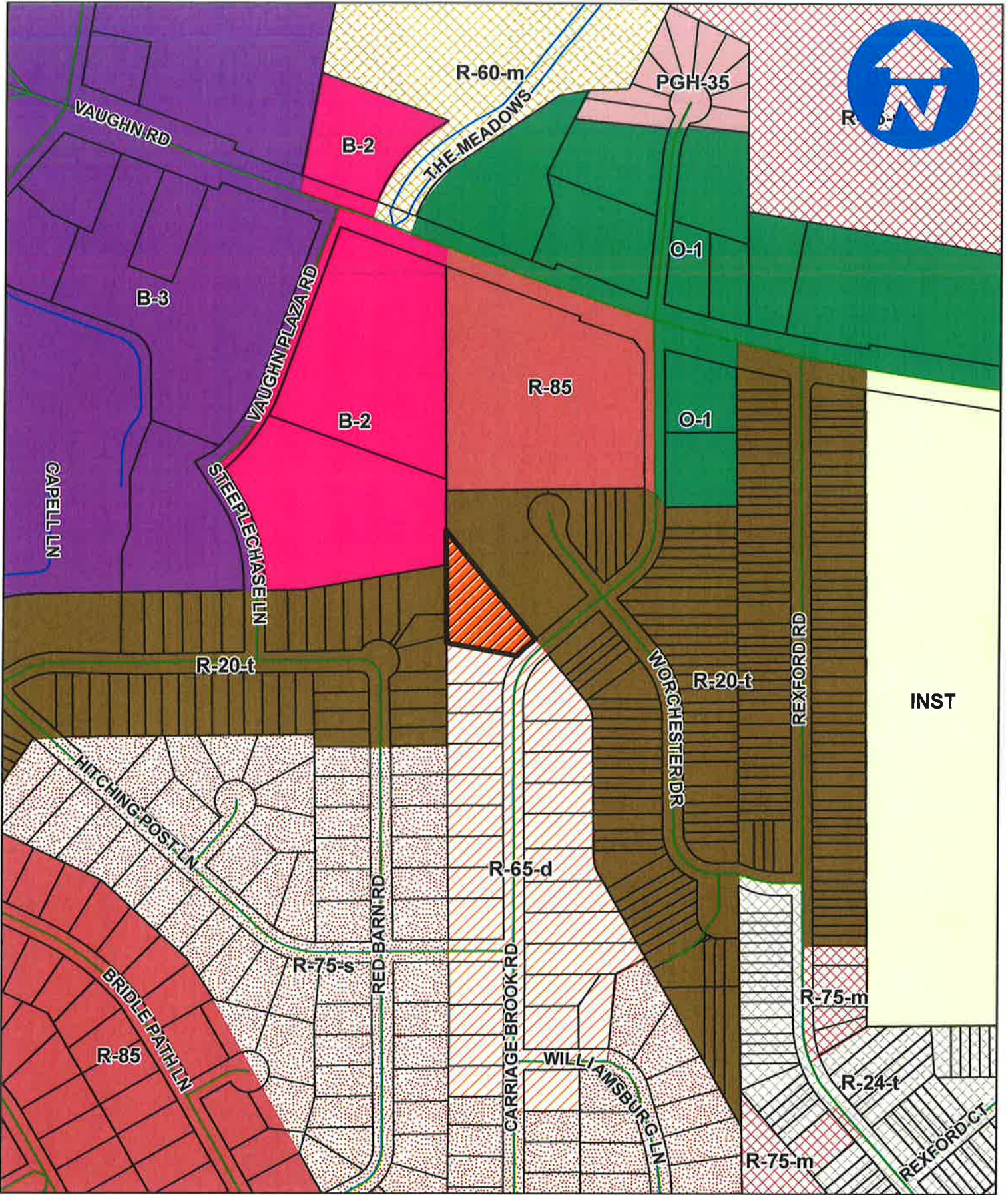
REPRESENTING: Same

SUBJECT: Request a coverage variance for an accessory structure to be located at 5642 Carriage Brook Road in an R-65-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 750 sq. ft. (25 ft. x 30 ft.) accessory structure, whereas 585 sq. ft. is allowed.

The request is a 165 sq. ft., coverage variance for an accessory structure.

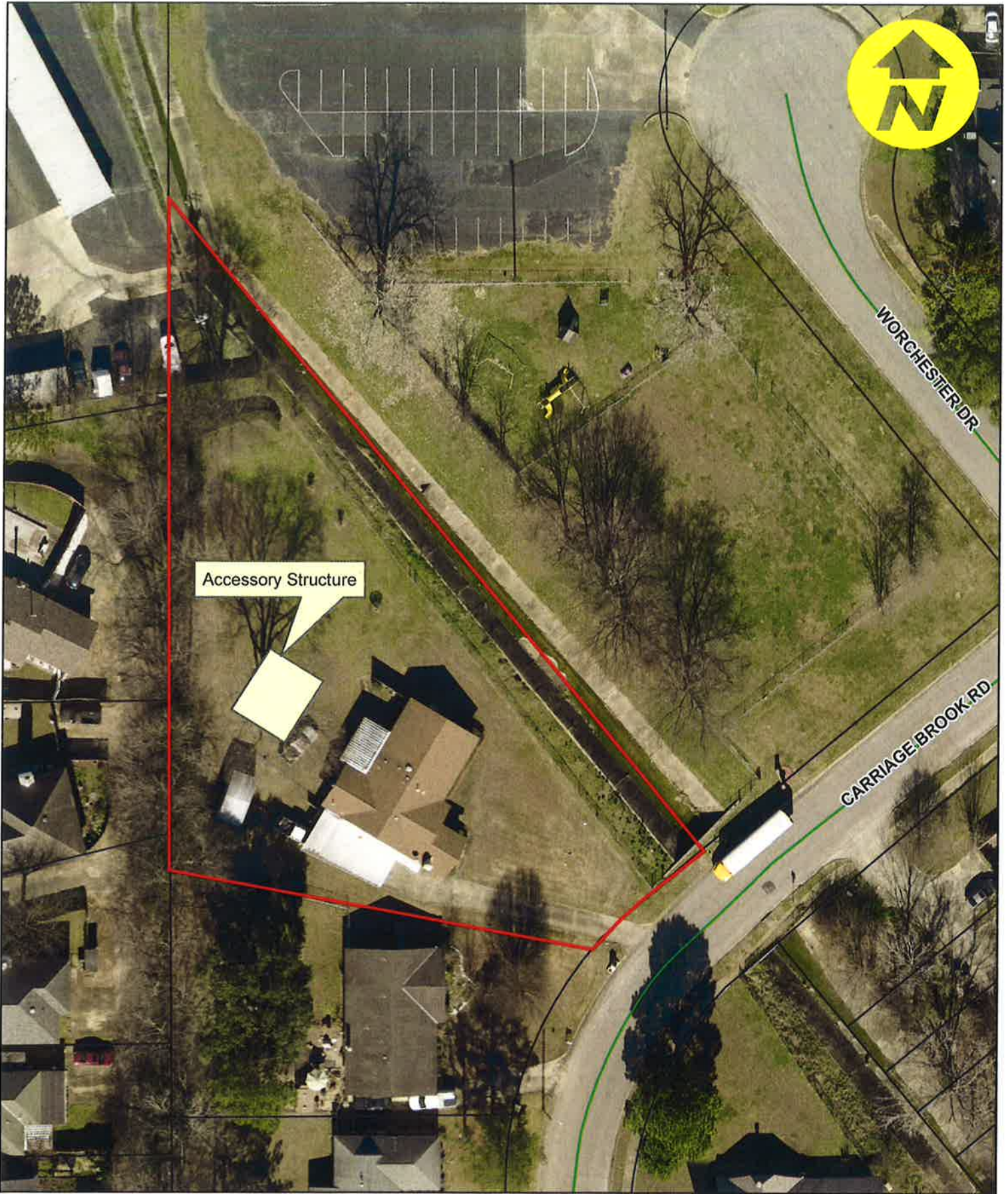
COUNCIL DISTRICT: 8



Site Location 

1 inch = 300 feet

Item No. 4A



Site Location

1 inch = 50 feet

Item No. 4B

5. BD-1996-019 **PRESENTED BY:** Selena & Walter Johnson

REPRESENTING: Same

SUBJECT: Request a special exception for church use to be located in a multi-tenant building located at 461 North Eastern Boulevard (Unit L) in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a church in a multi-tenant building. There are approximately 35 members.

Services:

Sunday Church Service: 9:30 a.m. – 12:00 p.m.*

Thursday Service: 7:00 p.m. – 8:30 p.m.

*A Sunday evening service may be required if over capacity for Sunday morning service, 6:00 p.m. – 8:00 p.m.

The request is a special exception for church use.

COUNCIL DISTRICT: 2



Site Location 

1 inch = 200 feet

Item No. 5A



Proposed Church



Site Location 

1 inch = 60 feet

Item No. 5B

6. BD-2022-026 **PRESENTED BY:** David Edward Day Sr.

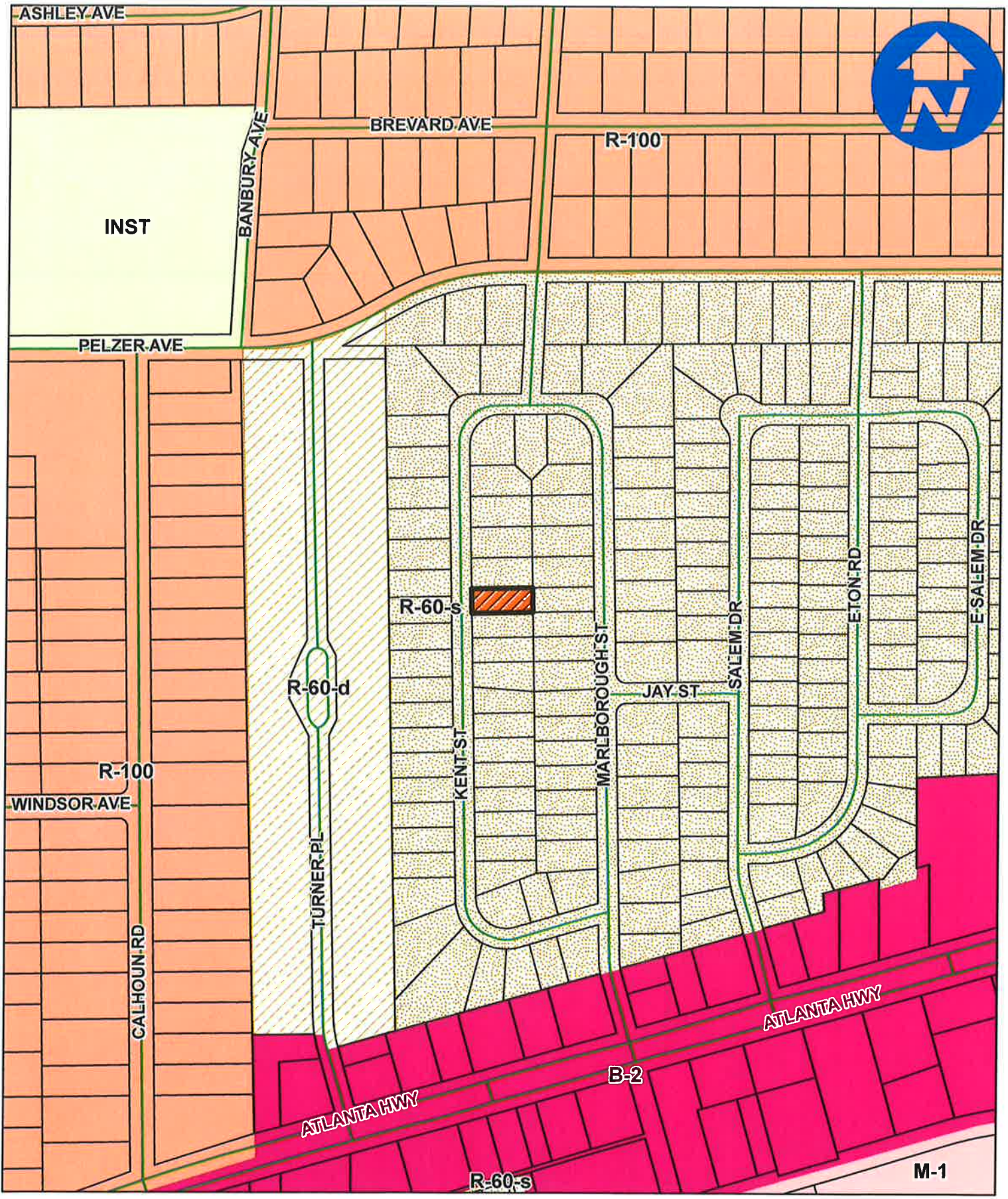
REPRESENTING: Same


SUBJECT: Request a special exception to keep chickens on the property located at 112 Kent Street in an R-60-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep 12 chickens (hens, no roosters). The petitioner was given the “Chicken Guidelines” and stated they will be followed.

The request is a special exception to keep 12 chickens.

COUNCIL DISTRICT: 2



Site Location 

1 inch = 300 feet

Item No. letA



Site Location

1 inch = 30 feet

Item No. 613

7. BD-2000-148 **PRESENTED BY:** Bill Wilson, P.E.

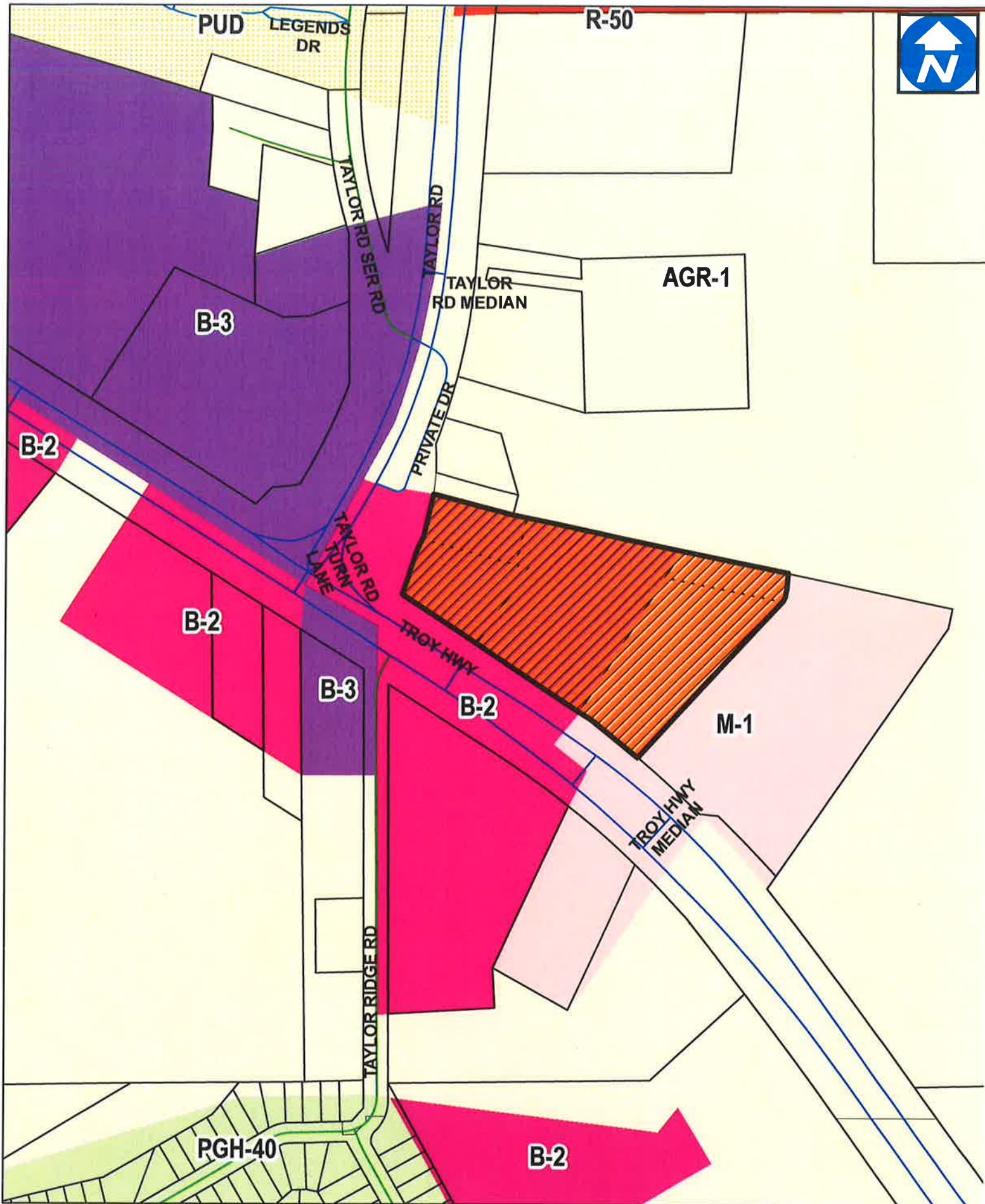
REPRESENTING: RaceTrac, Inc.

SUBJECT: Request setback variances for new ID signs to be located at 5705 Troy Highway in B-2 (Commercial) and M-1 (Light Industrial) Zoning Districts.

REMARKS: This request is being made to give the petitioner permission to construct two (2) new pylon signs that will come to the Troy Highway property line and the Taylor Road property line, whereas 10 ft. is required for both. Both signs will be 45 ft. in height which complies with zoning. There is at least 100 ft. of right-of-way from the property line to the edge of pavement of Taylor Road, and at least 40 ft. of right-of-way from the property line to the edge of pavement of Troy Highway.

The request is a 10 ft. setback variance for two (2) new ID signs.

COUNCIL DISTRICT: 8



Site 

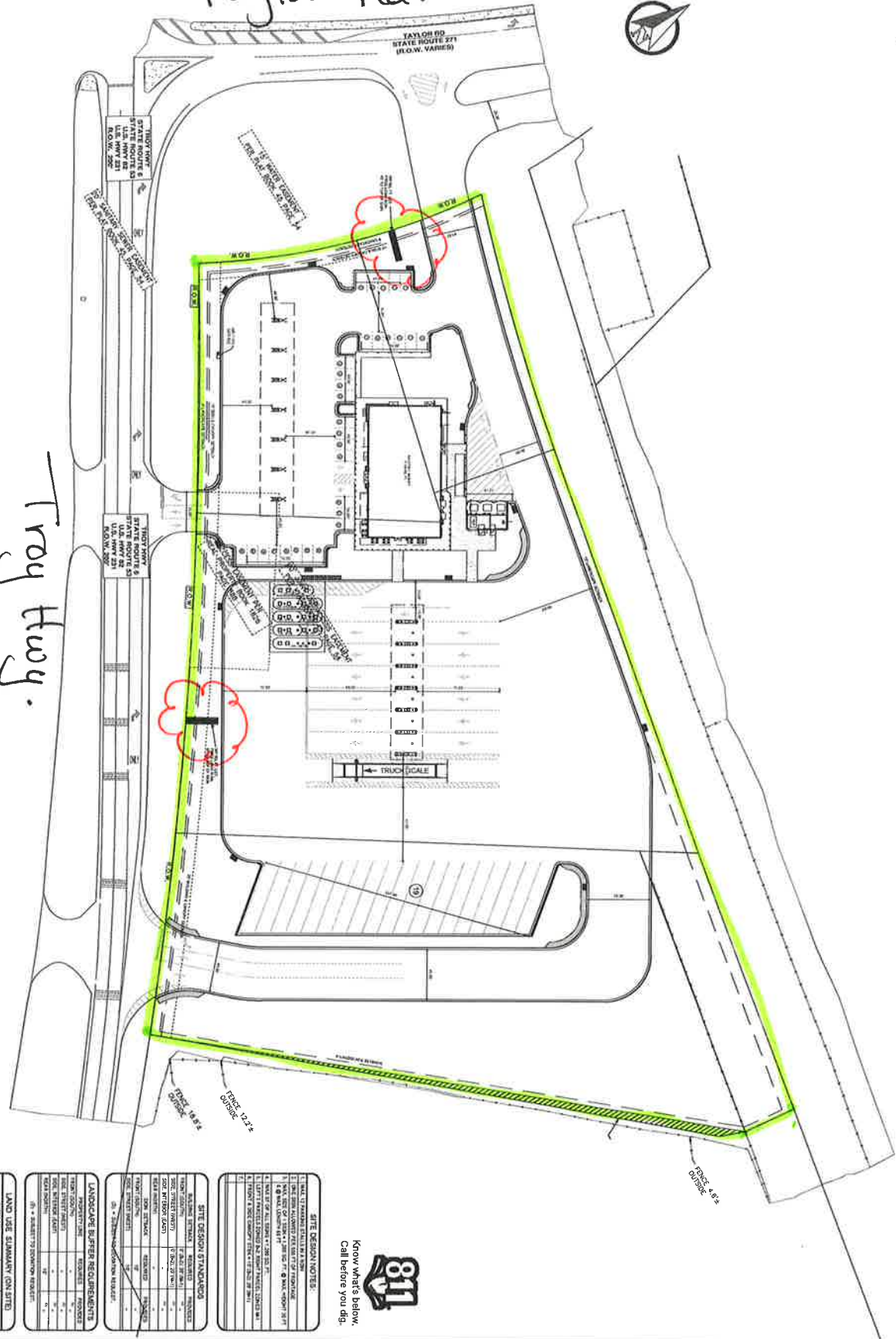
1 inch = 300 feet

Item 7A

Taylor Rd.



Troy Hwy.



CONTACT RACETRAC PETROLEUM, INC. PROJECT MANAGER PRIOR TO ANY REVISIONS TO THE PLAN SUPPLIED BY RACETRAC PETROLEUM, INC.

<p>SITE DESIGN NOTES:</p> <p>1. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>2. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>3. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>4. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>5. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>6. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>7. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>8. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>9. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>10. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p>	
<p>SITE DESIGN STANDARDS:</p> <p>1. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>2. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>3. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>4. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>5. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>6. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>7. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>8. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>9. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>10. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p>	
<p>LANDSCAPE BUFFER REQUIREMENTS:</p> <p>1. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>2. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>3. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>4. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>5. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>6. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>7. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>8. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>9. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>10. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p>	
<p>LAND USE SUMMARY (ON SITE):</p> <p>1. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>2. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>3. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>4. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>5. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>6. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>7. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>8. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>9. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p> <p>10. ALL 10' MINIMUM SETBACKS TO BE MAINTAINED.</p>	

Know what's below.
Call before you dig.

<p>SHEET NO. 158000</p>	<p>TITLE SITE PLAN</p> <p>RT 1578 - TROY HWY</p> <p>TROY HWY @ TAYLOR RD MONTGOMERY, AL MONTGOMERY COUNTY</p>	<p>RACETRAC PETROLEUM, INC. 200 GALLERIA PARKWAY SE SUITE 800 ATLANTA, GA 30339 1770-431-7000</p>	<p>THESE PLANS ARE SUBJECT TO FEDERAL COPYRIGHT LAWS. ANY USE OF SAME WITHOUT THE EXPRESSED WRITTEN PERMISSION OF RACETRAC PETROLEUM, INC. IS PROHIBITED.</p>	<p>NO.</p>	<p>DATE</p>
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TB

300 SqFt Price Sign - (2) 61" LED - N1/N2

VARIANCE REQUIRED

TC

*All sign components to be UL listed. All wiring to conform to UL specifications. Installation to be per NEC requirements. All signs to bear UL labels.

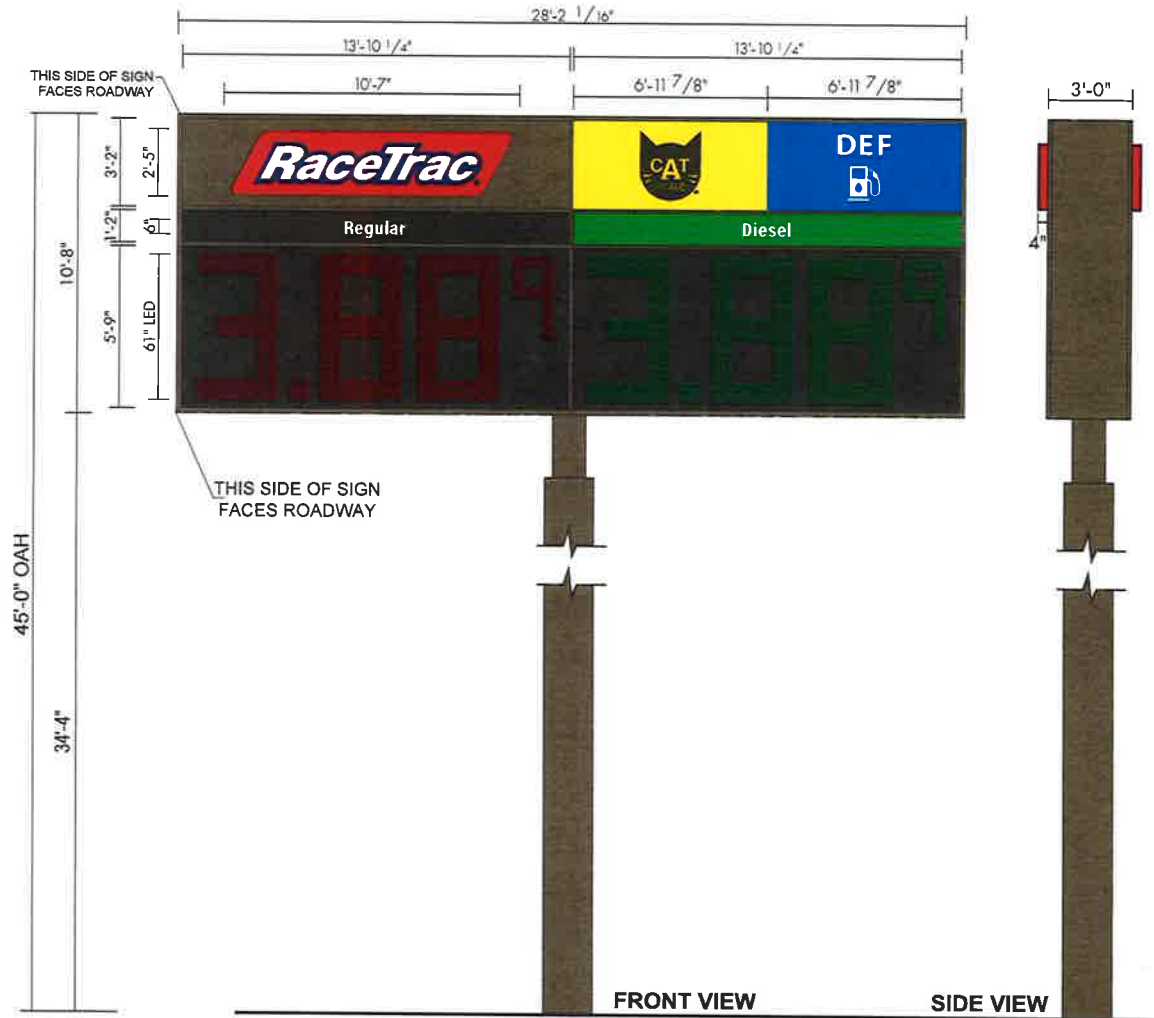
STAMPED, SEALED ENGINEERING REQUIRED

FOUNDATION INFORMATION PROVIDED BY RACETRAC. MANUFACTURER RESPONSIBLE FOR HAVING A LICENSED ENGINEER VALIDATE FOUNDATION DESIGN PRIOR TO INSTALL

DOUBLE FACED

QUANTITY 2

ALL FUEL GRADE PANELS TO BE ACCESSIBLE FROM TOP OF SIGN



**Sloan Sign Box 3
LED Interior Illumination**

Specifications:

Sign Faces:

- Logo panel: Aluminum panel painted Bronze C3 with parallelogram mounted to the surface. Parallelogram to be channel letter-type construction with .177" thick Polycarbonate face panels with 2nd surface applied translucent vinyl graphics. Parallelogram copy to be digital print provided by Miratec Systems with red background with blue area of logo graphic also printed. Cabinet and trim cap to be painted Red C1.
- Regular Unleaded Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied opaque vinyl Black C6; "Regular" to be show-through white.
- Diesel Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied translucent vinyl Green C7; "Diesel" to be show-through white.

Interior Illumination: Sloan Sign Box 3 LED Interior Illumination powered by low voltage power supplies. This is behind fuel grade panels, only.

Sign Frame: 2" x 2" x .25" steel tube with .063 aluminum cladding painted Bronze C3.

Extruded aluminum 1-1/2" wide Divider Bars installed to retain sign panels. Face dividers and retainer to be painted painted Bronze C3.

Sign Support: Internal steel pipe support to be welded to steel saddle bracket at top and bottom of sign frame.

External steel sign support to meet building and local sign codes. Size of steel and footing as required per site requirements.

TRAVEL CENTER; 1/8" white acrylic push thru letters

5725 Troy Highway
Montgomery, AL 36116



See Color Schedule on Page 2

GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.



Site 

1 inch = 200 feet

Item 70

8. BD-1995-164 **PRESENTED BY:** Luis Enriquez Jr.

REPRESENTING: Same

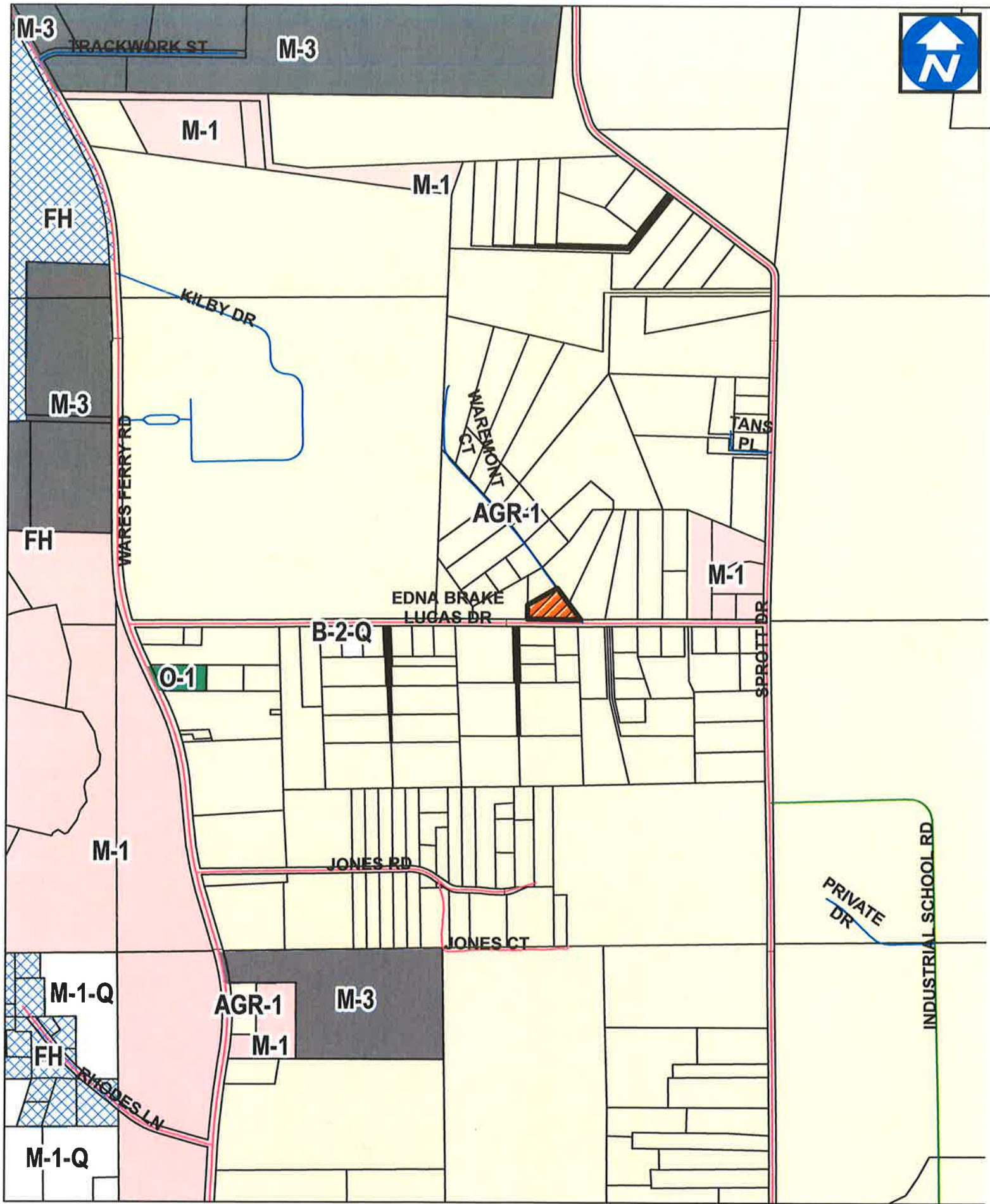
SUBJECT: Request a special exception to place a mobile home for living purposes on a lot located at 12088 Waremont Court in an AGR-1 (Residential Agriculture) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home for living purposes on a 1.6 acre parcel of land with an existing mobile home.

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

CITY COUNCIL DISTRICT: Police Jurisdiction

COUNTY COMMISSION DISTRICT: 4



Site 

1 inch = 1,000 feet

Item 8A



Proposed
mobile home

EDNA BRAKE LUCAS DR

Site 

1 inch = 200 feet

Item 8B

9. BD-1996-200 **PRESENTED BY:** Flowers & White Engineering

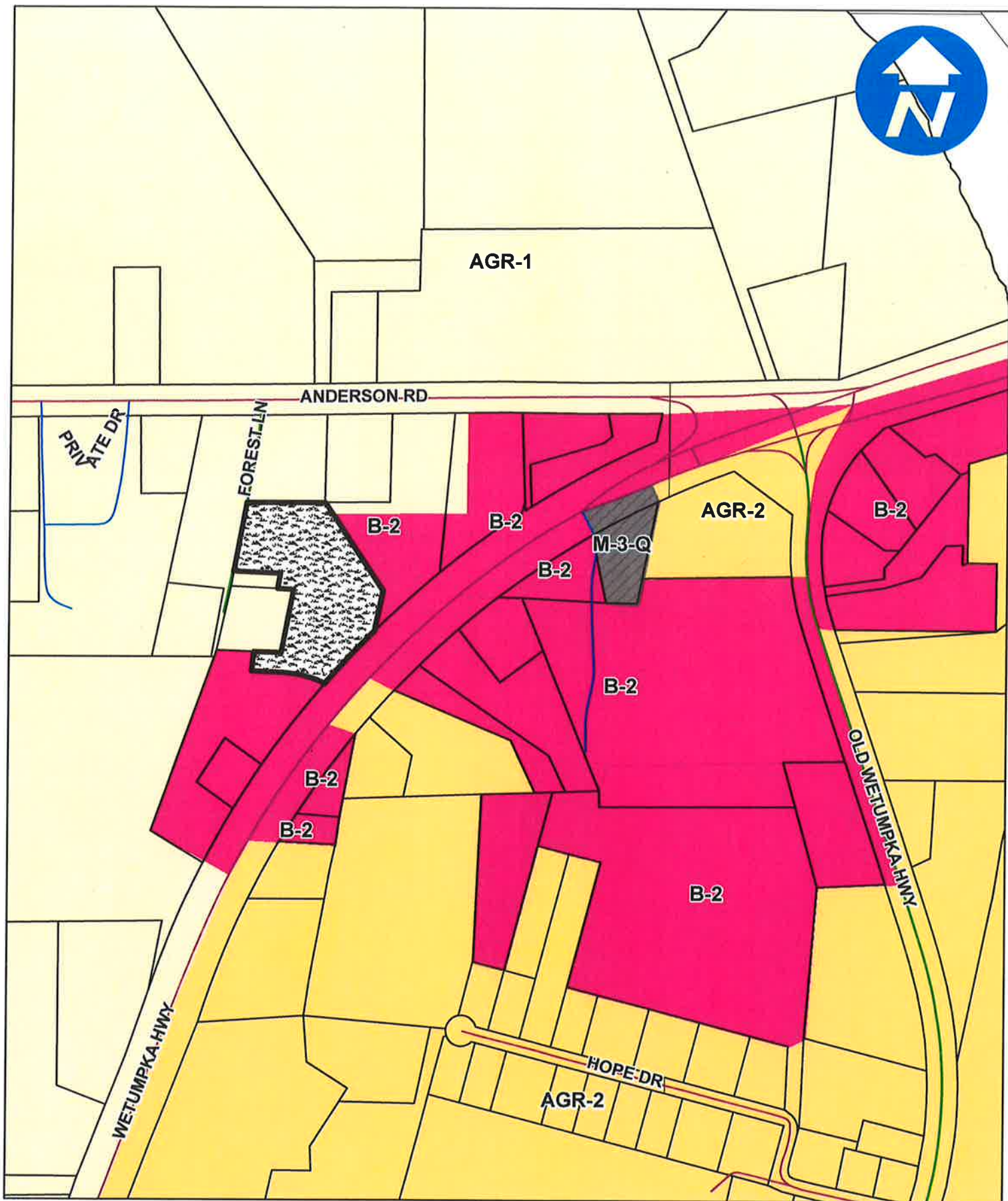
REPRESENTING: American Oak

SUBJECT: Request a parking variance for an addition to a building located at 4245 Wetumpka Highway in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to provide 42 parking spaces onsite, whereas 98 parking spaces are required. There is a proposed 20,000 sq. ft. warehouse addition that is increasing the required parking requirements.

The request is a 56 space parking variance.

COUNTY COMMISSION DISTRICT: 4



Site Location 

1 inch = 400 feet

Item No. 9A



Site Location 

1 inch = 100 feet

Item No. 9B

10. BD-1987-077 **PRESENTED BY:** Richard Bunkley

REPRESENTING: Charity Bingo, Inc.

SUBJECT: Request a special exception for a place of amusement and assembly to be located at 2401 East South Boulevard in a B-4 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a bingo hall. Their current location is across the boulevard at 2334 East South Boulevard and would like to relocate to this location. There will be security onsite. There is adequate parking and lighting in the parking lot.

Bingo sessions (each session is about 1 hour):

Monday – Wednesday: 10:00 a.m. & 6:00 p.m.

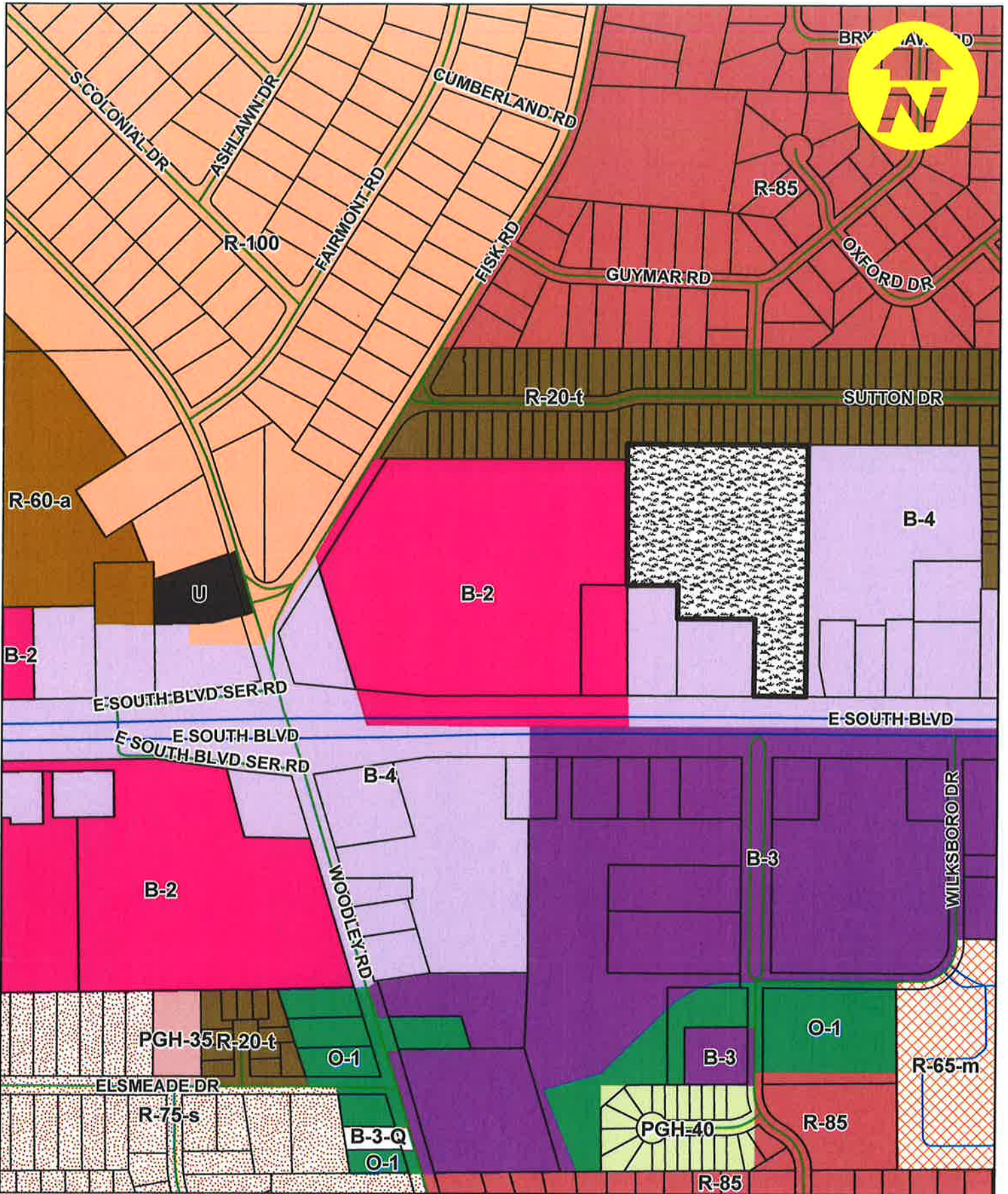
Thursday – Friday: 12:00 p.m., 6:00 p.m. & 7:45 p.m.

Saturday: 12:00 p.m. & 2:00 p.m.

Sunday: 4:00 p.m.

The request is a special exception for a place of amusement and assembly.

COUNCIL DISTRICT: 5



Site Location 

1 inch = 400 feet

Item No. 10A



Proposed Bingo Hall



E SOUTH BLVD

Site Location 

1 inch = 100 feet

Item No. 10B

11. BD-2018-004 **PRESENTED BY:** Midstate Signs, LLC

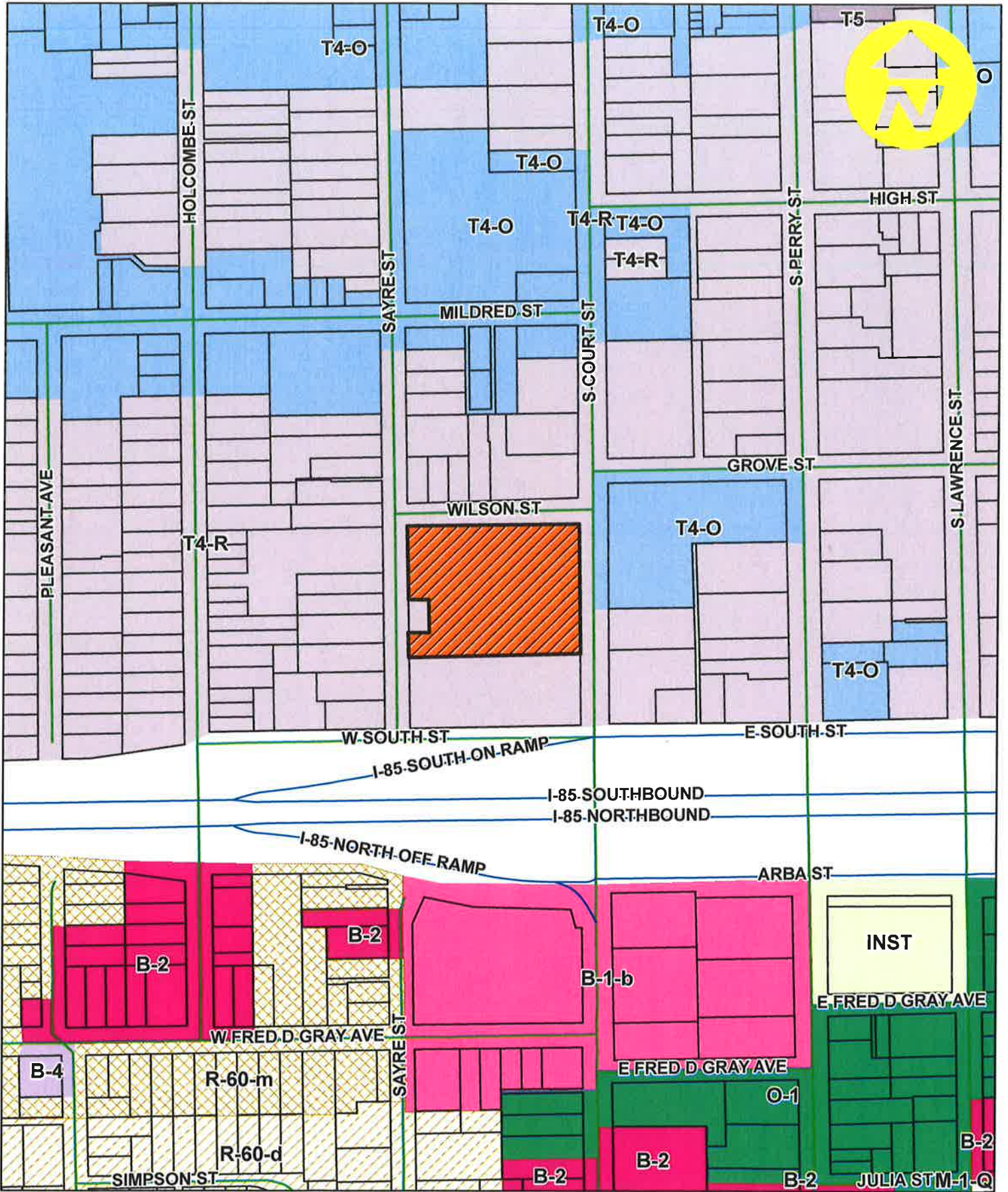
REPRESENTING: Montgomery Chamber of Commerce

SUBJECT: Request an exception to SmartCode for new signage to be located at 600 South Court Street in a T4-R (General Urban Zone-Restricted) SmartCode Zoning District.

REMARKS: This request is being made to give the petitioner permission to erect a 9 in. x 178 in. band sign, whereas band signs are not permitted in this district. The band sign is proposed to be internally lit, which is not permitted in SmartCode.

The request is an exception to allow a 9 in. x 178 in. internally lit band sign.

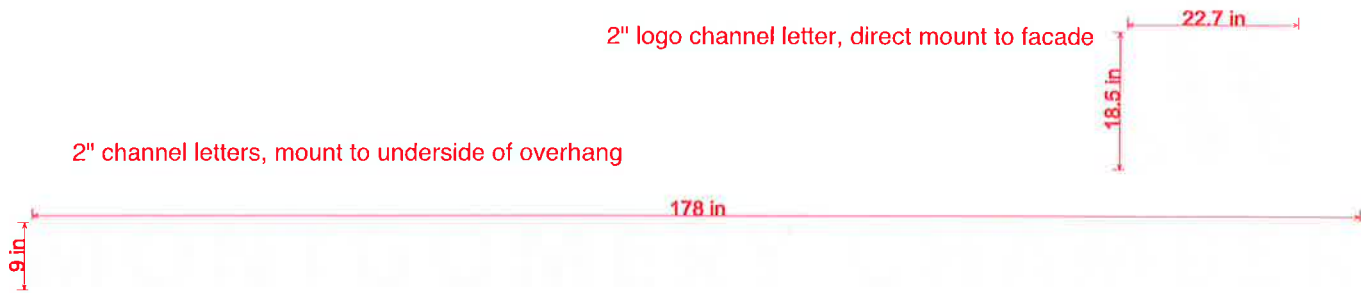
COUNCIL DISTRICT: 7



Site Location 

1 inch = 300 feet

Item No. 11A



faces: white w/ translucent vinyl (oracal 8500-072 light grey)
 silver trim caps, returns painted PMS cool grey 1

CABINET

OVERALL SIZE: _____
 CABINET COLOR: _____
 ILLUMINATION: LED FLUORESCENT
 FACE MATERIAL:
 FLAT FLEX PAN
 PAN-EMBOSSSED

CHANNEL LETTERS
 FACE-LIT BACK-LIT NON-LIT
 LED COLOR WHITE
 FACES WHITE w/VINYL
 TRIM CAP SILVER
 RETURNS PMS COOL GREY 1
 RACEWAY N/A

STOREFRONT SCALE:

CUSTOMER APPROVAL SIGNATURE
 11B

Midstate
SIGNS LLC
 INDOOR - OUTDOOR - BILLBOARDS - SERVICE
334-262-6340

IMPORTANT---PLEASE READ OUR PROOF & PRODUCTION POLICY: At Midstate Signs, we take pride in our designs; however, the final examination of accuracy is your responsibility. Before giving approval, please examine all proofs carefully for the accuracy of information presented including but not limited to colors, spelling, grammar and punctuation, graphics, general layout, and missing or extra items. A setup fee will apply if more than two layouts are needed for approval. If order is cancelled before production is started, there will be a minimum charge of \$35 for layout time. An order cannot be cancelled once production has started.

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Site Location

1 inch = 100 feet

Item No. 11C

12. BD-2022-031 **PRESENTED BY:** Vicky Carter

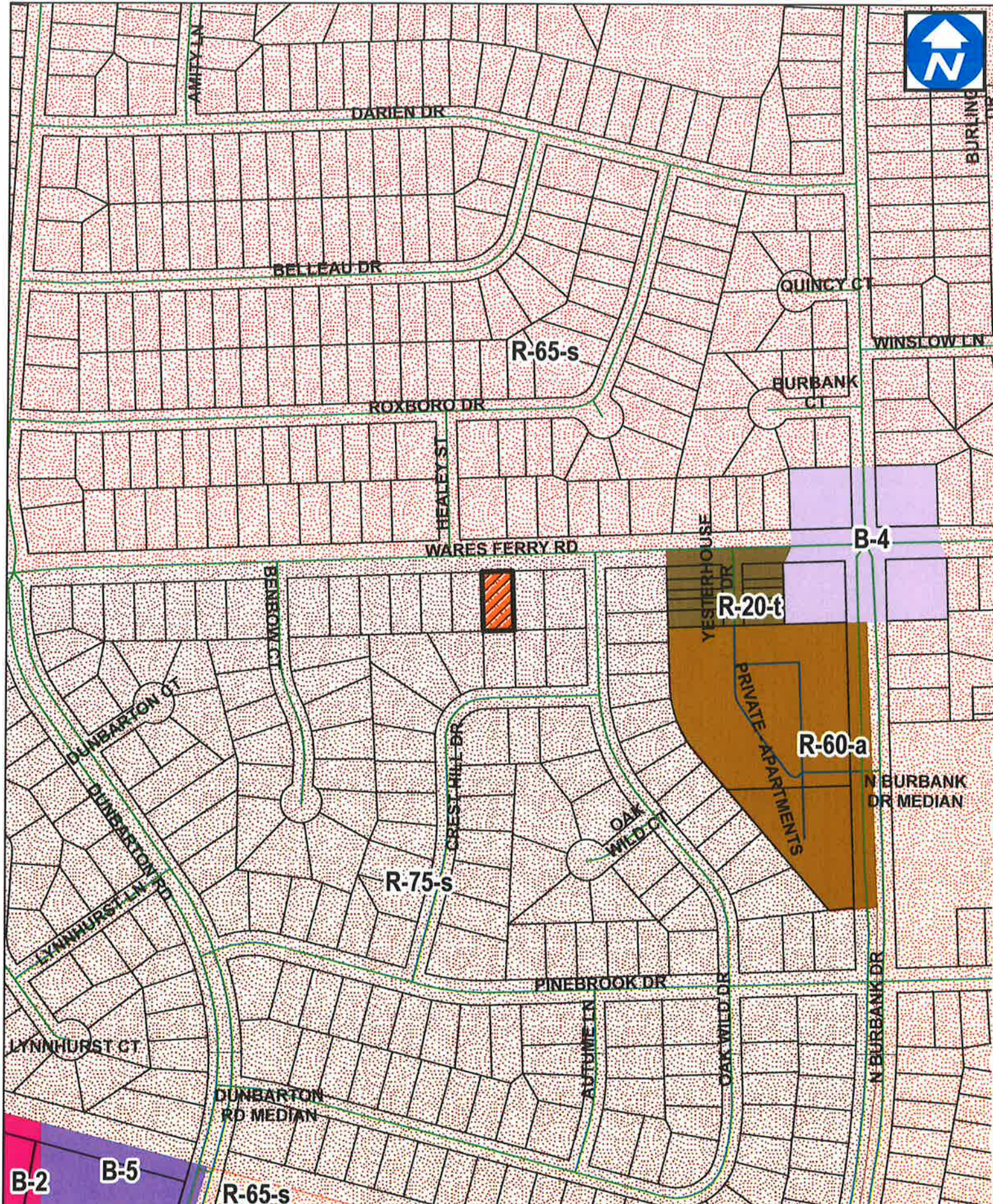
REPRESENTING: Same

SUBJECT: Request a front yard variance, side yard variance, and separation between structures variance for a detached accessory structure located at 5806 Wares Ferry Road in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain an carport that comes within 15 ft. of the front property line, whereas 30 ft. is required; to come within 5 ft. of the side property line, whereas 10 ft. is required; and maintain a 0 ft. separation between the carport and main dwelling (not connected).

The request is a 15 ft. front yard variance, a 5 ft. side yard variance, and a 10 ft. separation between structures variance.

CITY COUNCIL DISTRICT: 1



Site 

1 inch = 300 feet

Item 12A



WARES FERRY RD



detached carport cover

Site 

1 inch = 30 feet

Item 12B

13. BD-2000-207 **PRESENTED BY:** Timothy T. Topps

REPRESENTING: Taste of Montgomery

SUBJECT: Request a variance to Ord. No. 17-2014 and a special exception for a place of amusement and assembly to be located at 2477 & 2485 East South Boulevard in a B-4 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a lounge and event/entertainment center. The back door is approximately 30 ft. from a residential boundary, whereas 250 ft. is required. The applicant has stated that the back door will be used as an emergency exit only.

See additional sheet for more information.

The request is a 220 ft. variance to Ord. No. 17-2014 and a special exception for a place of amusement and assembly.

COUNCIL DISTRICT: 5

2477 & 2485 East South Boulevard

This is going to be called The Taste of Montgomery entertainment venue and upscale adult environment and venue. This venue will strive for the utmost of public safety and pleasure for the community and surrounding communities. Security we will provide the highest quality of services to our customers and guests depending on the nature of the type of event.

1. We will provide two guards in the parking lot to ensure that there is no loitering and hanging out on the property. Our guests are here to enjoy and have a great time, not be treated with disrespect or harassed.
2. There will be one female guard at the front door and one male guard at the front door to ensure that there will be no weapons of any sort allowed in the property.
3. We will only allow small purses in the building for females nothing big enough for a weapon.
4. Will have two guards walking around in the building to make sure that there is no standing in chairs or hanging around the walls. This is an upscale place.
5. We will have attendants at all bathroom entrances, male and female.

Hours of Operation

Monday – Wednesday: 4:00 p.m. – 11:00 p.m.

Thursday: 4:00 p.m. – 12:00 a.m.

Friday – Saturday: 4:00 p.m. – 1:00 a.m.

Sunday: 2:00 p.m. – 12:00 a.m.

Type of events we will hold

- Karaoke
- Comedy
- Live bands
- Blues singers
- Fashion shows
- Hair shows
- Breast cancer benefit auction to donate to the cause
- Annual college ASU fundraiser event gala

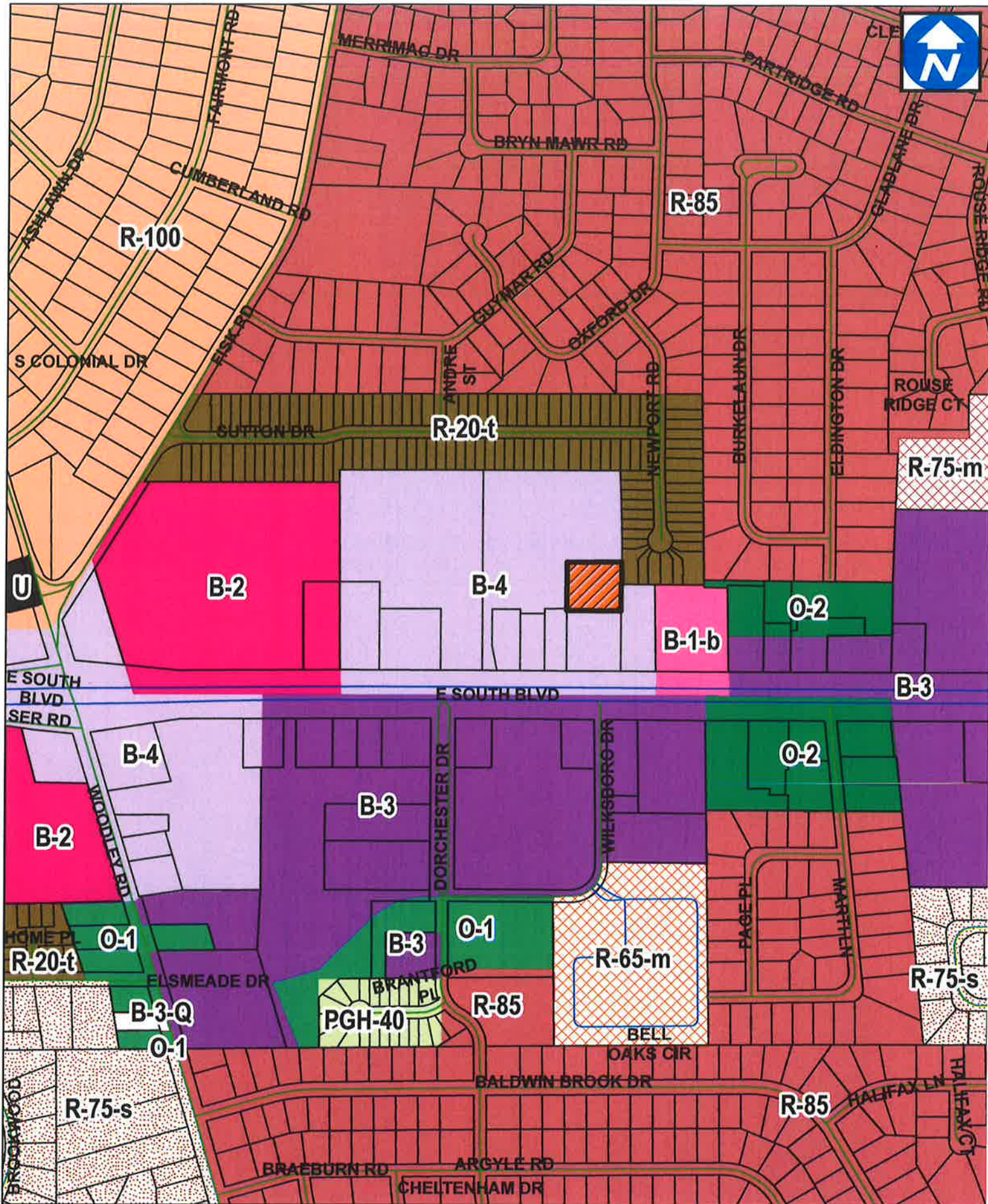
Age limits

At no time during music events will there be anyone in the building under the age of 21 per the state ABC Board liquor rules.

- Friday night you must be 25
- Saturday night you must be 30
- Sunday you must be 30 for old school Sundays
- Some Thursday night events may be 21 and up because these are sit down and watch the show entertainment events

We will also be a restaurant serving bar food in plates and glasses.

This venue will donate back the community.



Site 

1 inch = 500 feet

Item 133



250 ft. buffer 

1 inch = 100 feet
Item 13C



30 ft.
(approx)

NEWPORT RD

250 ft. buffer 

1 inch = 100 feet
Item 13D

14. BD-2022-030 **PRESENTED BY:** Maria Hooks

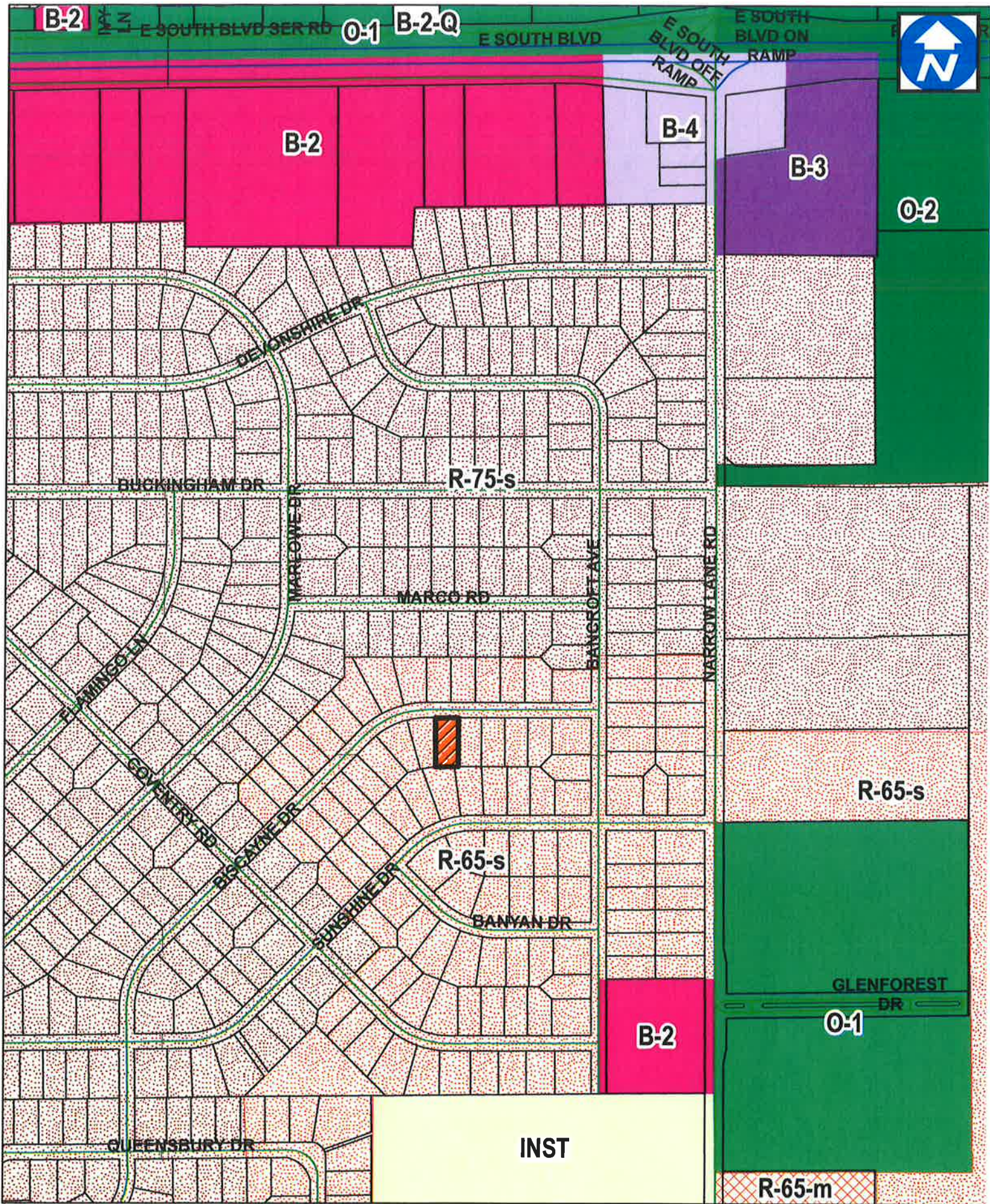
REPRESENTING: Same

SUBJECT: Request a separation between structures variance for accessory structures located at 1362 Biscayne Drive in an R-65-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain three (3) accessory structures in the rear yard. There is approximately 4.3 ft. (52" – 52 ½") between each of the accessory structures, whereas 10 ft. between structures is required. The total square feet of all accessory structures is 580 sq. ft. which complies with the maximum of 585 sq. ft. allowed. The accessory structures also comply with setbacks to property lines.

The request is 5.7 ft. separation between the three (3) accessory structures to come within 4.3 ft. of each other.

CITY COUNCIL DISTRICT: 5



Site 

1 inch = 400 feet

Item 14A



Site 

1 inch = 20 feet

Item 14B

15. BD-2022-029 **PRESENTED BY:** Douglas Homes, LLC

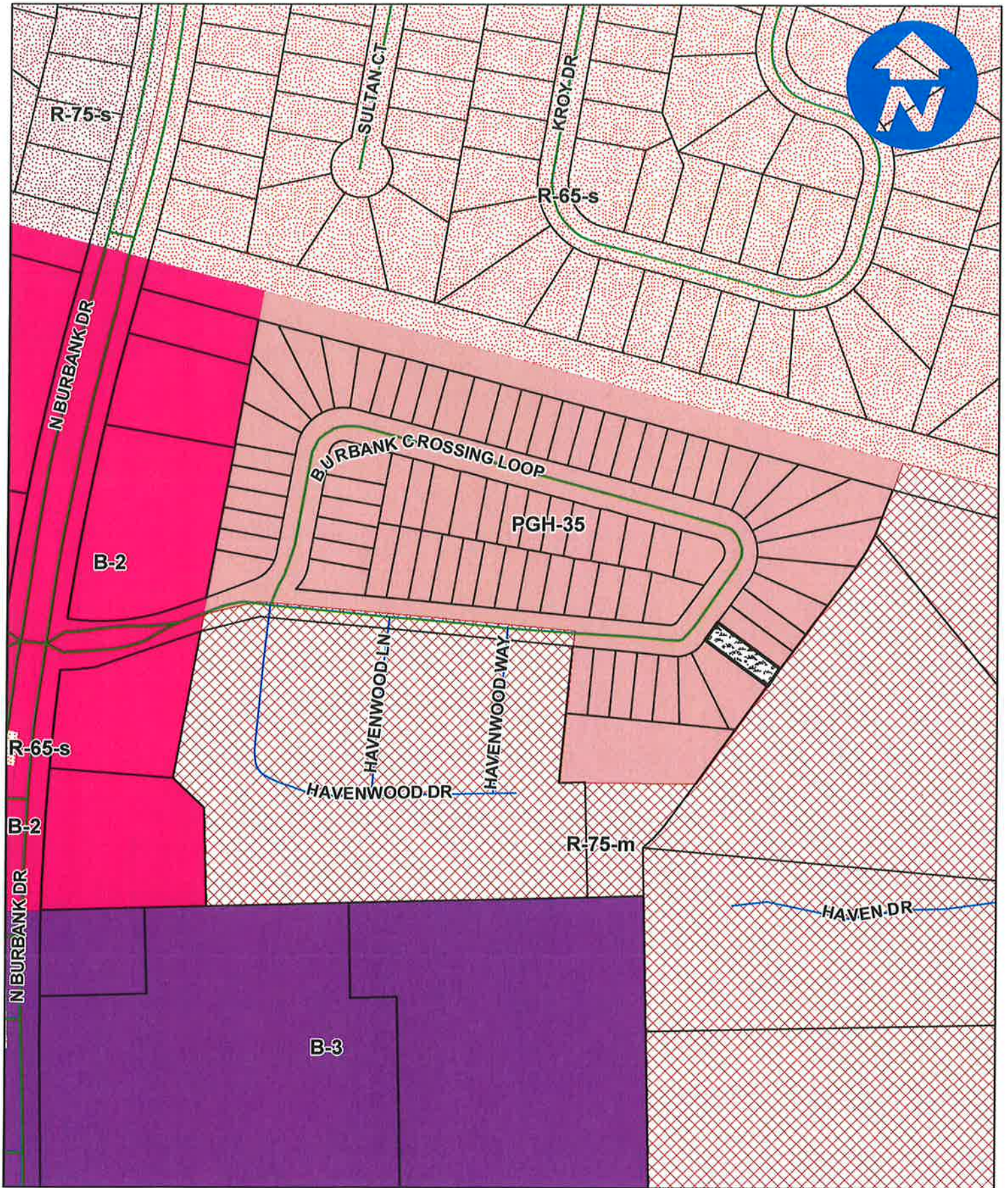
REPRESENTING: David & Catherine Douglas

SUBJECT: Request a side yard variance for a new dwelling to be located at 6128 Burbank Crossing Loop in a PGH-35 (Patio-Garden Home) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a new dwelling to come within 5 ft. of the north property line, whereas 8 ft. is required.

The request is a 3 ft. side yard variance.

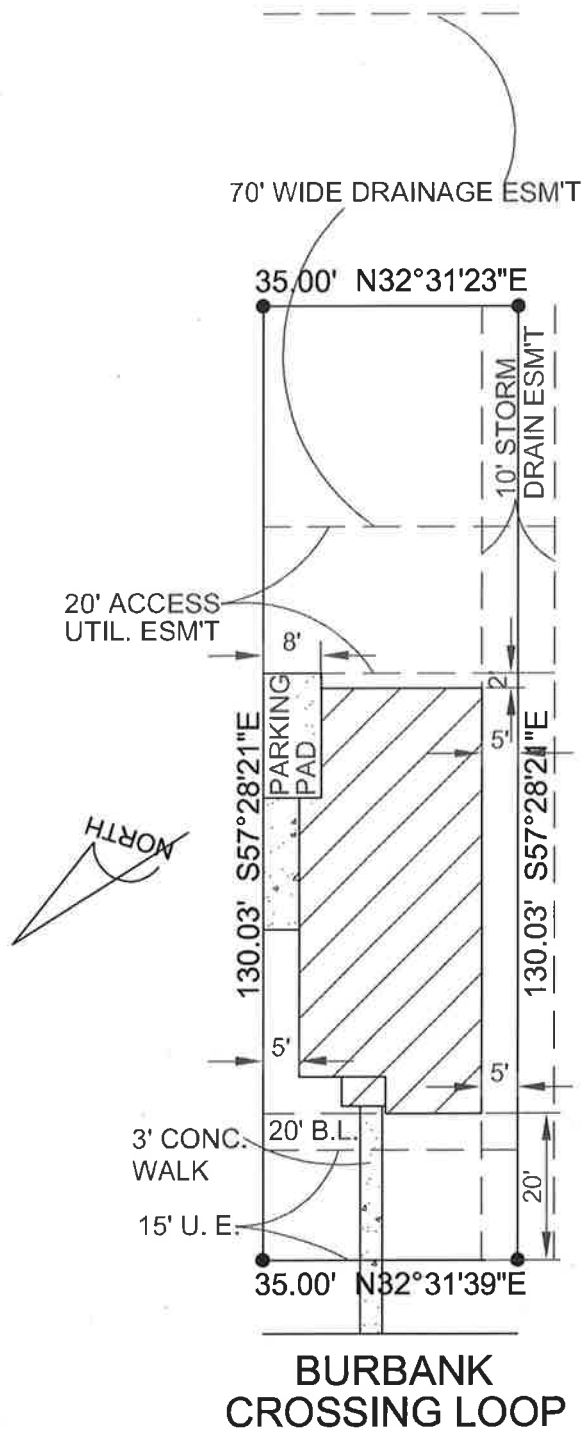
COUNCIL DISTRICT: 1



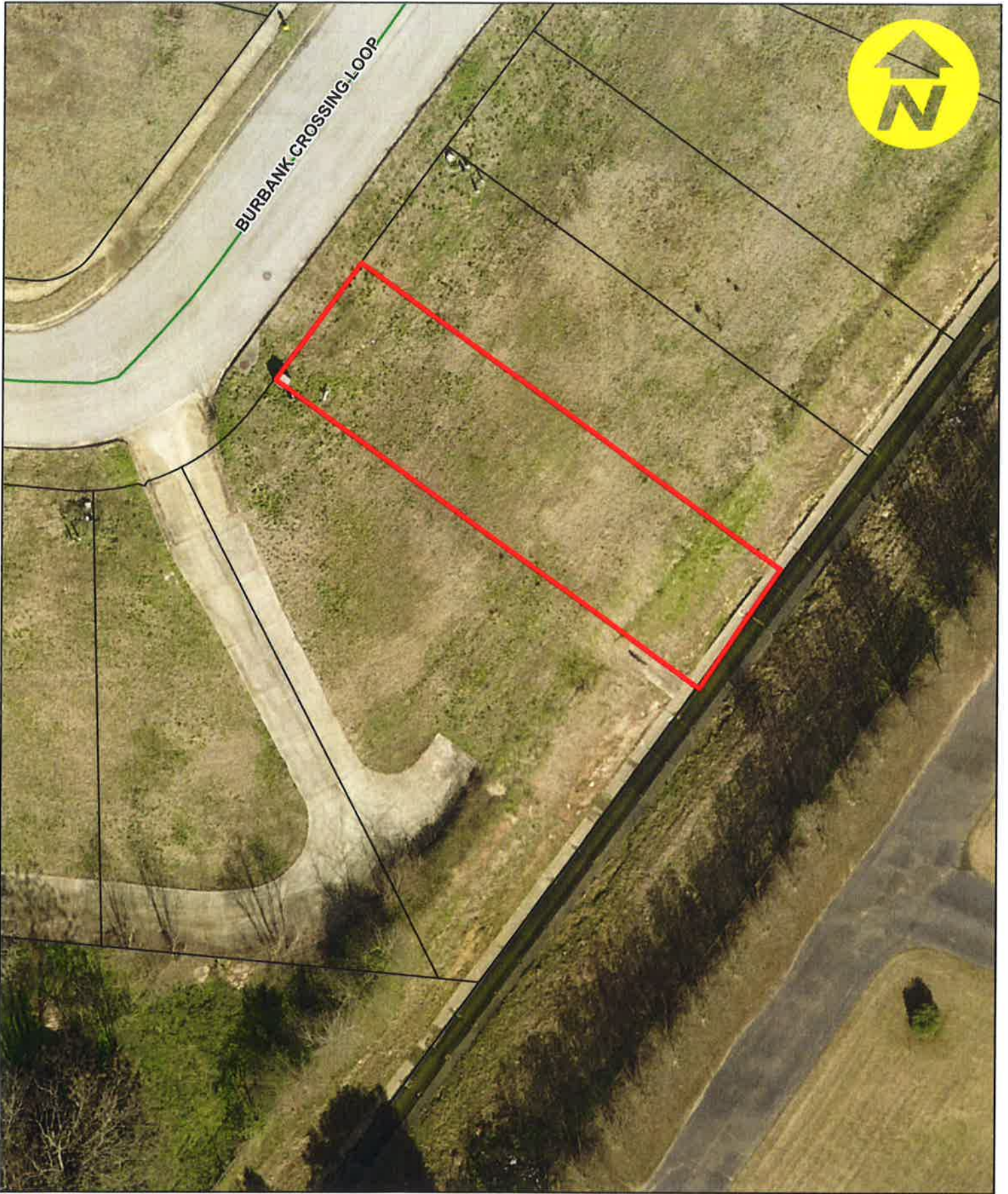
Site Location 

1 inch = 200 feet

Item No. 15A



SITE PLAN SCALE: 1" = 20'-0"
 LOT 76
 BURBANK CROSSING PLT #1
 MONTGOMERY CO., ALABAMA
 PLAN #R12-09-



Site Location 

1 inch = 30 feet

Item No. 150