

# Board of Adjustment Agenda

August 18, 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., 4<sup>th</sup> Floor  
Montgomery, AL 36104  
(334)625-2722**

**I. Chairman's Message**

**II. Approval of Minutes from the July 21, 2022 meeting.**

**August 18, 2022**

<b><u>Item</u></b>	<b><u>File</u></b>	<b><u>Petitioner</u></b>	<b><u>Zone</u></b>	<b><u>Location/Request</u></b>	<b><u>Page</u></b>
1.	1996-120	Charles & Kathy Liles	R-85	2468 Capstone Drive (Accessory structures)	1
2.	2022-035	Johnnie R. Johnson Jr.	R-75-s	667 Mary Ann Drive (Privacy fence)	2
3.	2022-038	Kameesha Lewis	AGR-1	230 Cillie Lane (Mobile home)	3
4.	1963-179	Aisha Day	B-4	3420 Atlanta Highway (Place of amusement & assembly)	4
5.	2022-042	Kenneth Kemper	R-85	3625 South Georgetown Drive (Addition to dwelling)	5
6.	2022-041	James Warren	R-100	1254 Gregory Avenue (Privacy fence & accessory structures)	6
7.	1970-079	Gary Mather and James Warren	R-100	1244 Gregory Avenue (Privacy fence)	7
8.	2022-043	Martha Dillard	R-60-d	2830 Sixth Street (GWP) (Accessory structure)	8
9.	2022-044	Kendra McBride	AGR-2	4409 Boswell Road (Mobile home)	9

***The next Board of Adjustment meeting is on September 15, 2022***

1. BD-1996-120 **PRESENTED BY:** Charles & Kathy Liles

**REPRESENTING:** Same

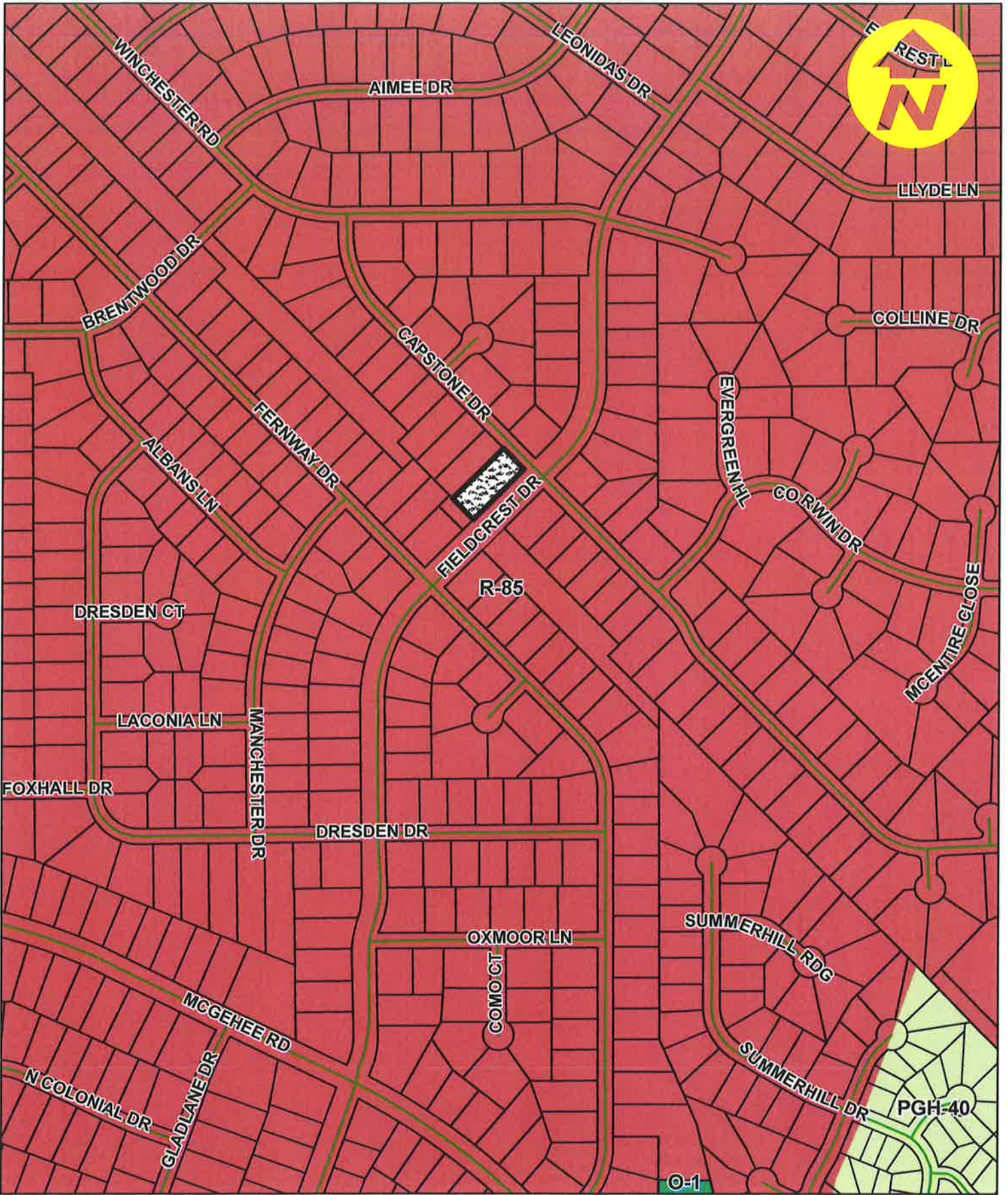
**SUBJECT:** Request a street side yard variance for accessory structures to be located at 2468 Capstone Drive in an R-85 (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to add an 8 ft. x 10 ft. accessory structure that will come within 4 ft. of the street side yard (Fieldcrest Drive) property line, whereas 30 ft. is required. An existing 10 ft. x 12 ft. accessory structure will be relocated and will come within 5 ft. of the street side yard (Fieldcrest Drive) property line, 30 ft. is required. Both will be behind the privacy fence.

*The request is a 26 ft. street side yard variance.*

*After the public hearing at the July 21, 2022 meeting, the applicant agreed to delay this request to meet with neighbors.*

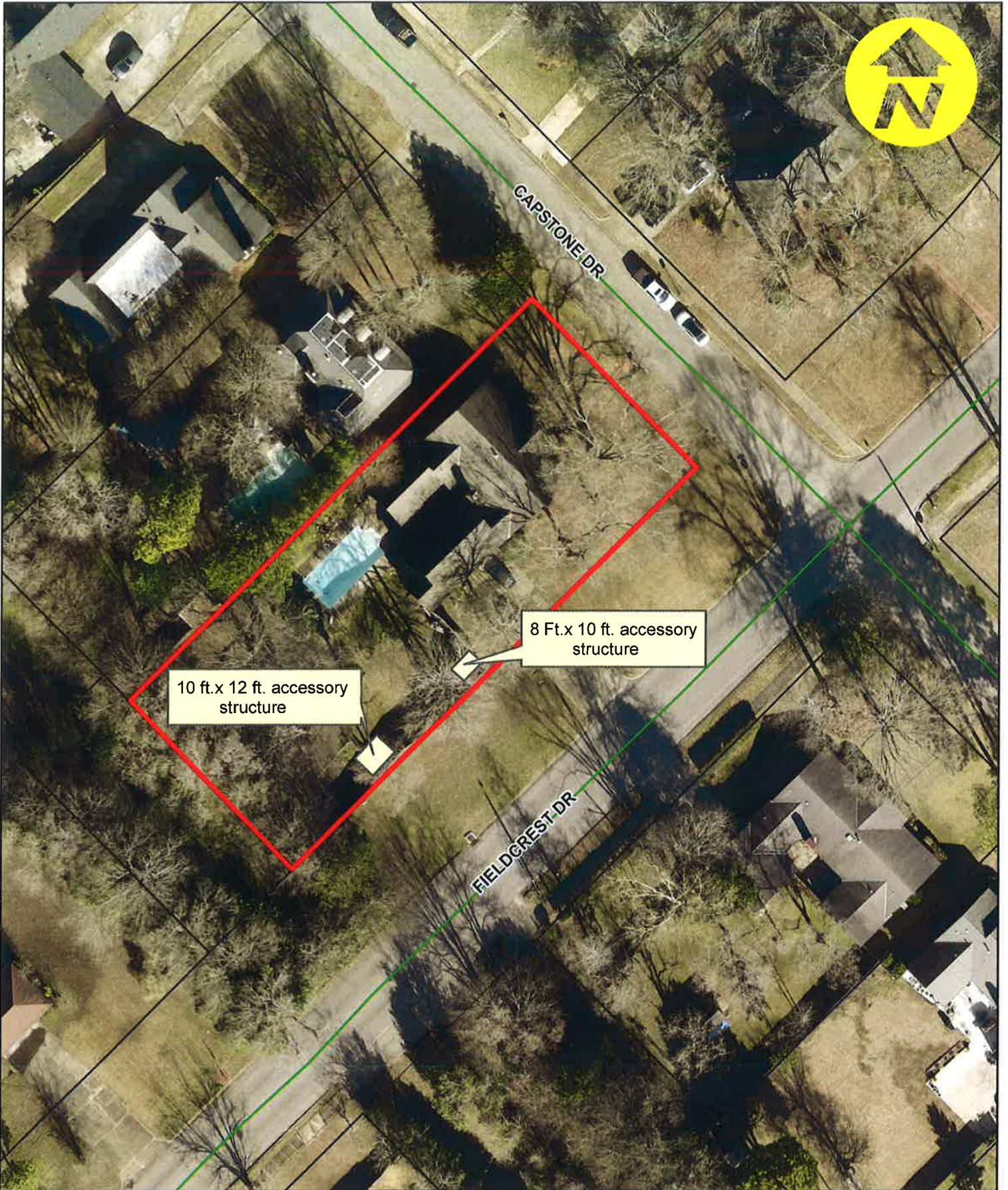
**COUNCIL DISTRICT: 5**



Site Location 

1 inch = 400 feet

Item No. 1A



Site Location

1 inch = 50 feet

Item No. 1B

2. BD-2022-035 **PRESENTED BY:** Johnnie R. Johnson Jr.

**REPRESENTING:** Same

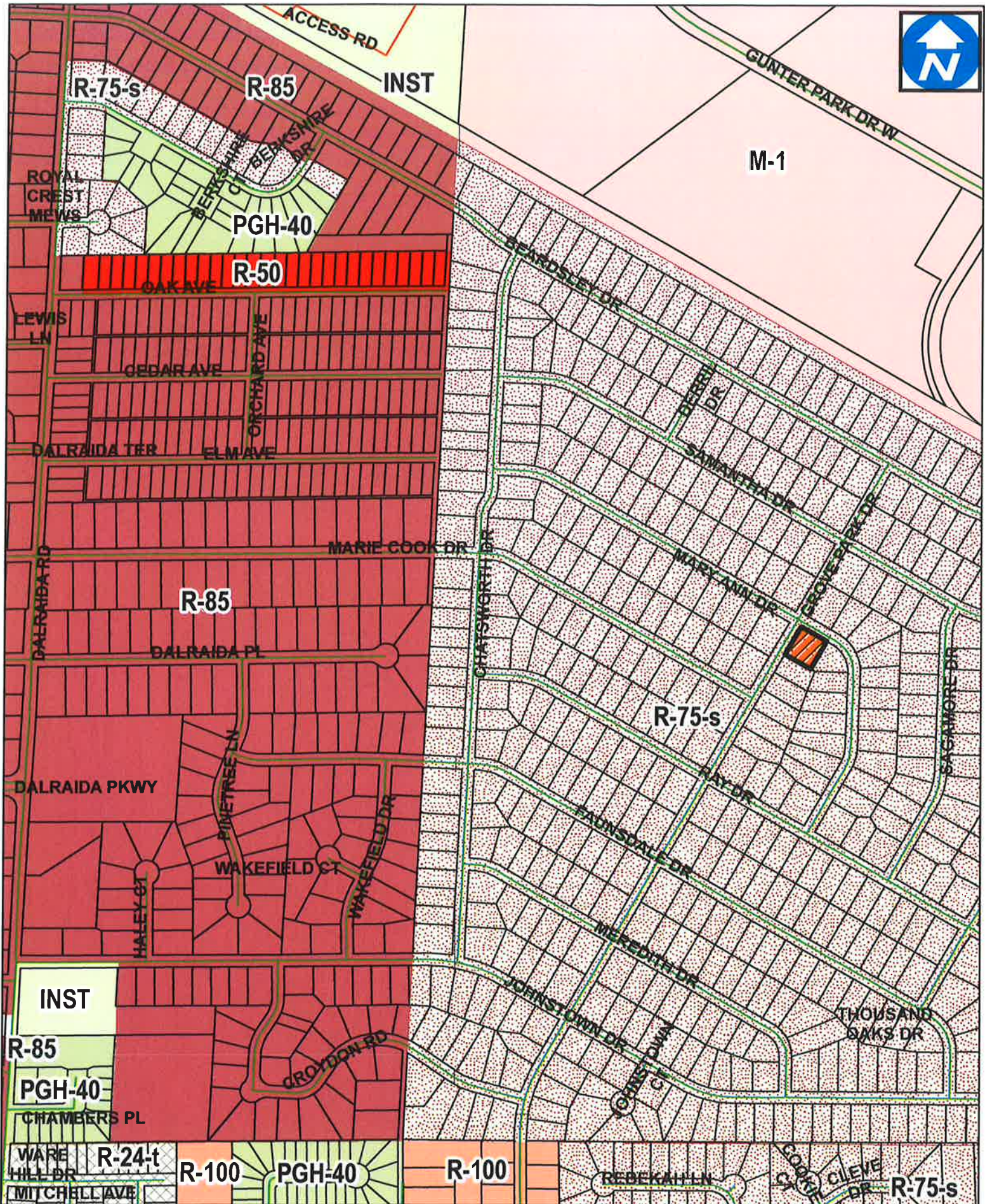
**SUBJECT:** Request a height variance and street yard variance for a privacy fence to be located at 667 Mary Ann Drive in an R-75-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to extend a 6 ft. privacy fence to come within 5 ft. of the street side yard (Grove Park Drive) property line, whereas 30 ft. is required and a 3 ft. height is allowed. There is approximately 12 ft. of right-of-way on Grove Park Drive.

*The request is a 3 ft. height variance and a 25 ft. street side yard variance.*

*This request was delayed until the August 18, 2022 meeting due to no one being present to present the request.*

**CITY COUNCIL DISTRICT: 2**



Site 

1 inch = 500 feet

Item 2A



MARY ANN DR

GROVE PARK DR



Proposed extension

Existing 6 ft. fence

Site 

1 inch = 30 feet

Item 2B



3. BD-2022-038 **PRESENTED BY:** Kameesha Lewis

**REPRESENTING:** Same

**SUBJECT:** Request a special exception to place an additional mobile home for living purposes to be located at 230 Cillie Lane in an AGR-1 (Residential Agriculture) Zoning District.

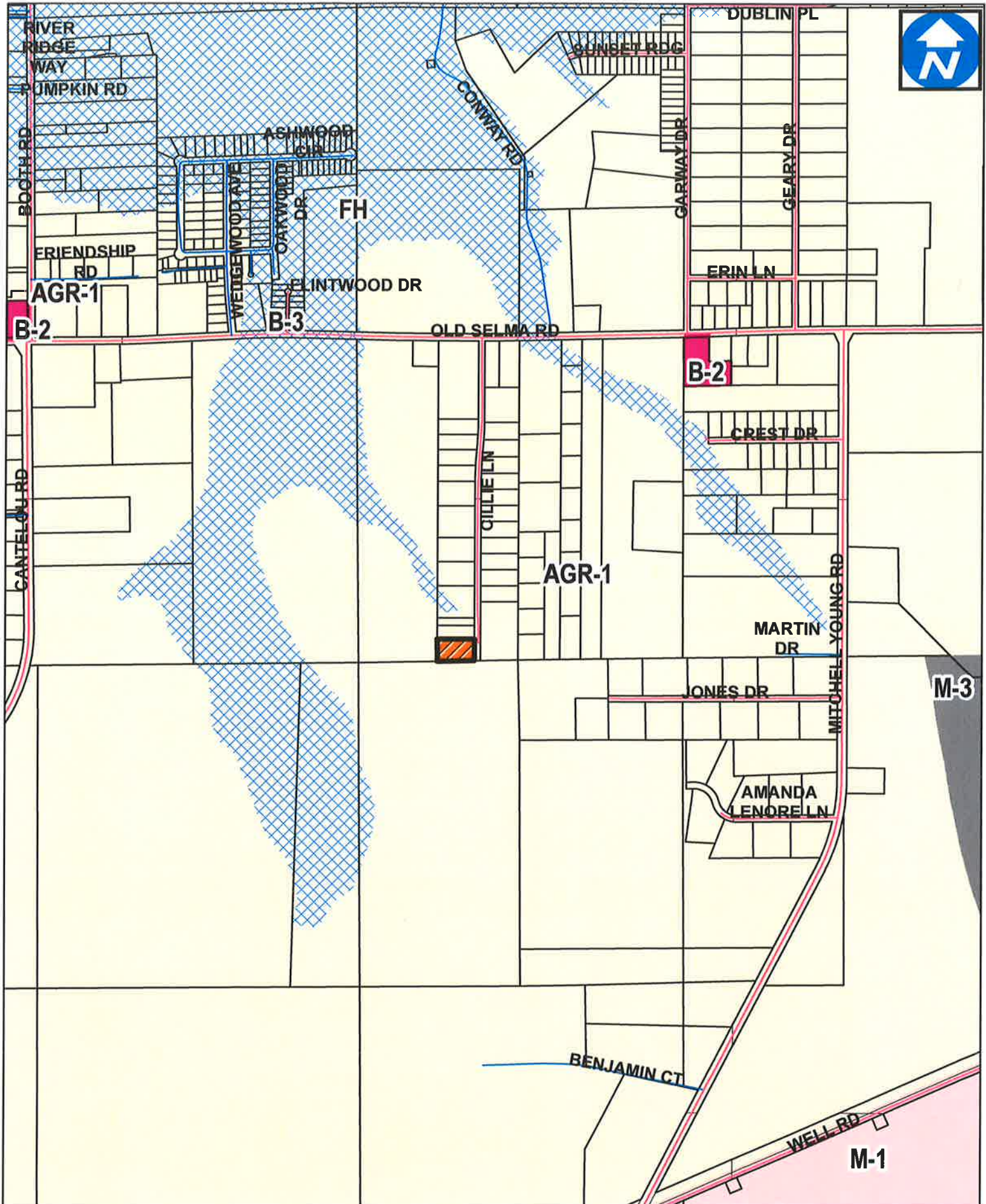
**REMARKS:** This request is being made to give the petitioner permission to place a second mobile home (28 ft. x 56 ft.) on a 1.2 acre platted lot. The other mobile home shown on the aerial map is uninhabitable and will be removed, per applicant.

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

*This request was delayed until the August 18, 2022 meeting due to no one being present to present the request.*

**CITY COUNCIL DISTRICT:** Police Jurisdiction

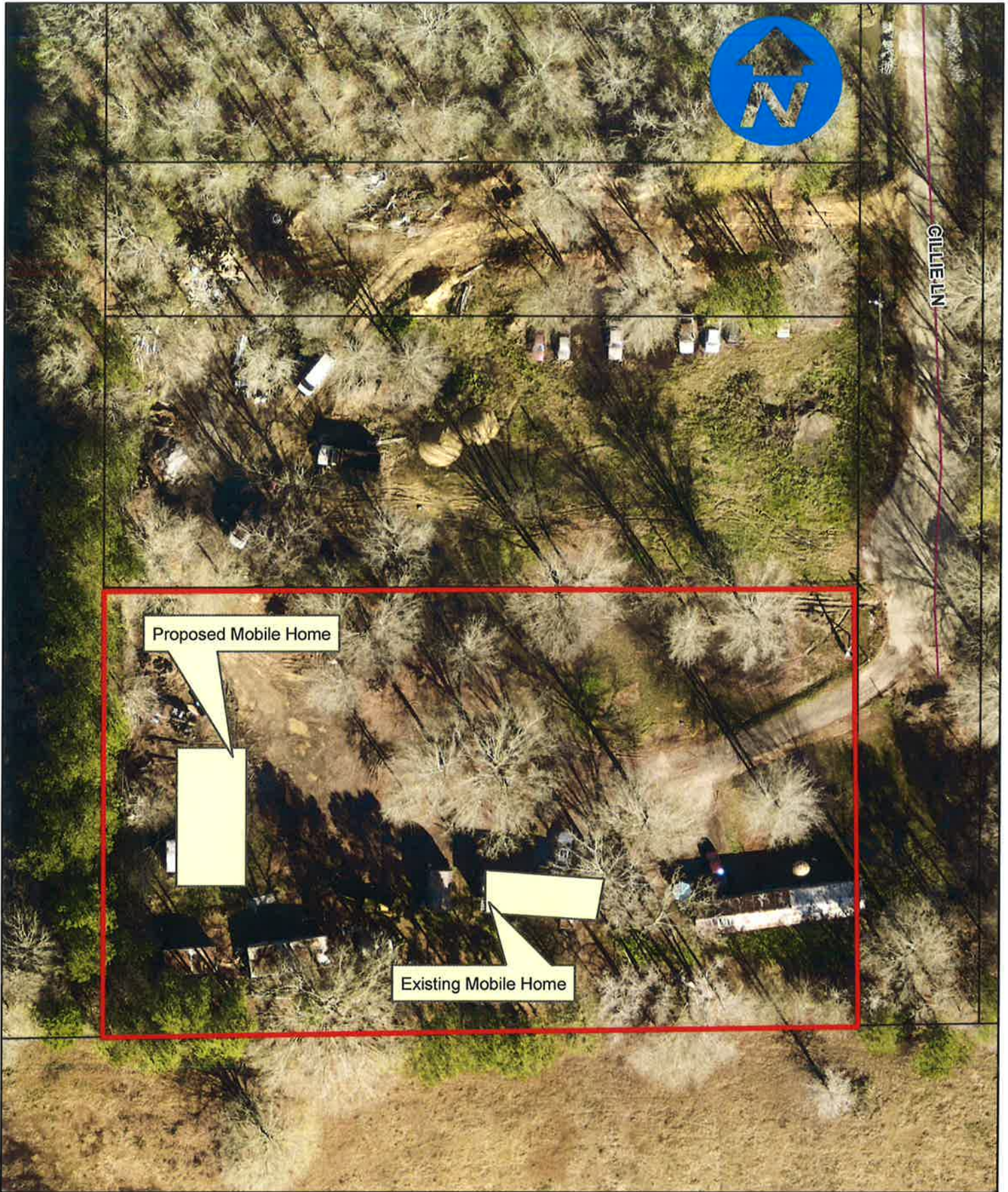
**COUNTY COMMISSION DISTRICT:** 2



Site 

1 inch = 1,000 feet

Item 3A



Site Location 

1 inch = 50 feet

Item No. 3B

4. BD-1963-179 **PRESENTED BY:** Aisha Day

**REPRESENTING:** Same

**SUBJECT:** Request a variance to Ordinance No. 17-2014 and a special exception for a place of amusement and assembly to be located at 3420 Atlanta Highway in a B-4 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to operate a bar/lounge and event center in a multi-tenant building (Forest Hills Shopping Center). The closest door is approximately 105 ft. from the nearest residential boundary, whereas the ordinance requires 250 ft. Three Mile Branch (storm drain) runs behind this shopping center.

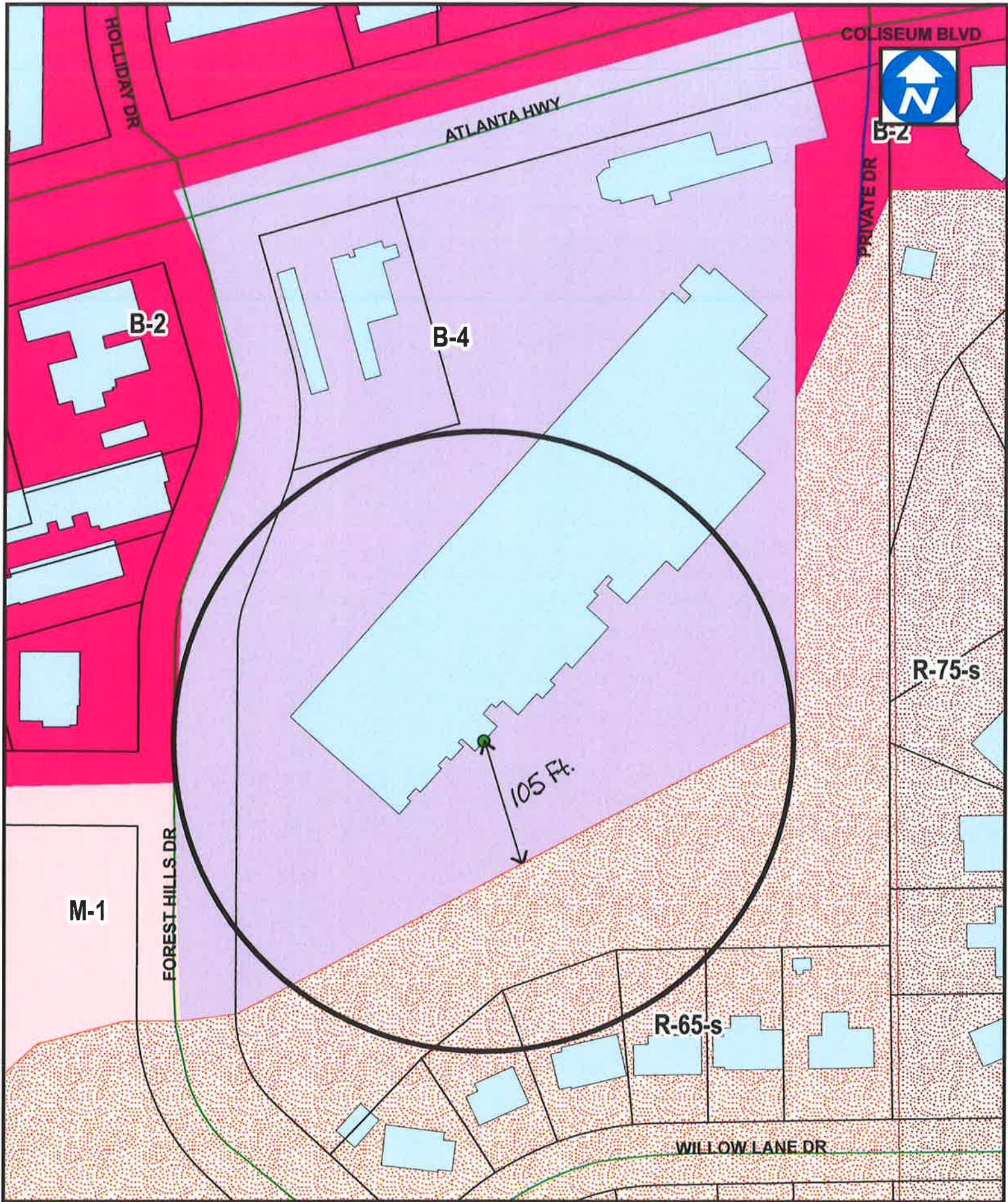
**Hours of Operation**

Sunday – Thursday: 5:00 p.m. – 12:00 a.m.

Friday – Saturday: 6:00 p.m. – 2:00 a.m.

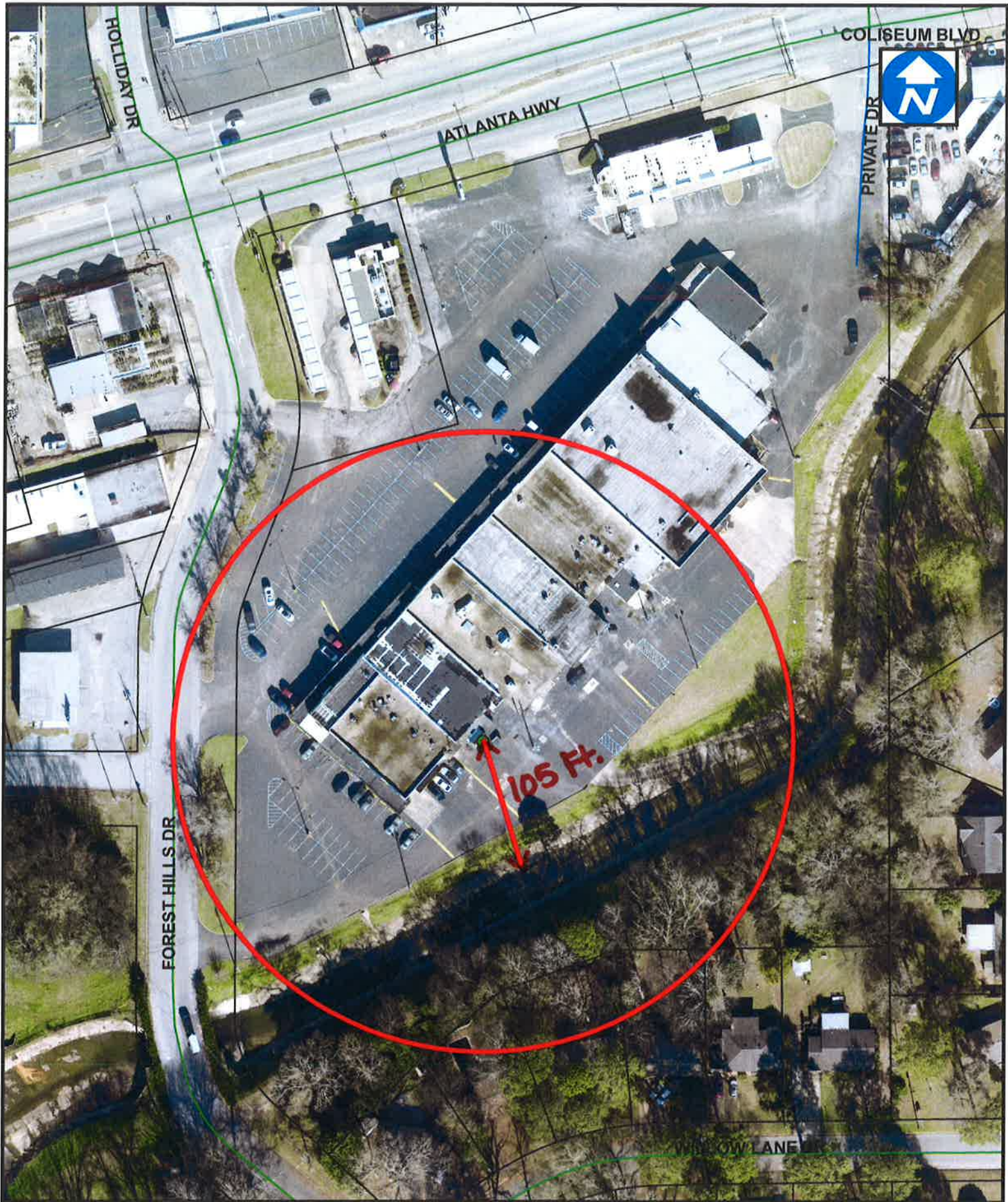
*The request is a 145 ft. variance to Ord. No. 17-2014 and a special exception for a place of amusement and assembly.*

**COUNCIL DISTRICT: 1**



250 ft. buffer ○

1 inch = 100 feet  
Item 4A



250 ft. buffer ○

1 inch = 100 feet

Item 4B

5. BD-2022-042 **PRESENTED BY:** Kenneth Kemper

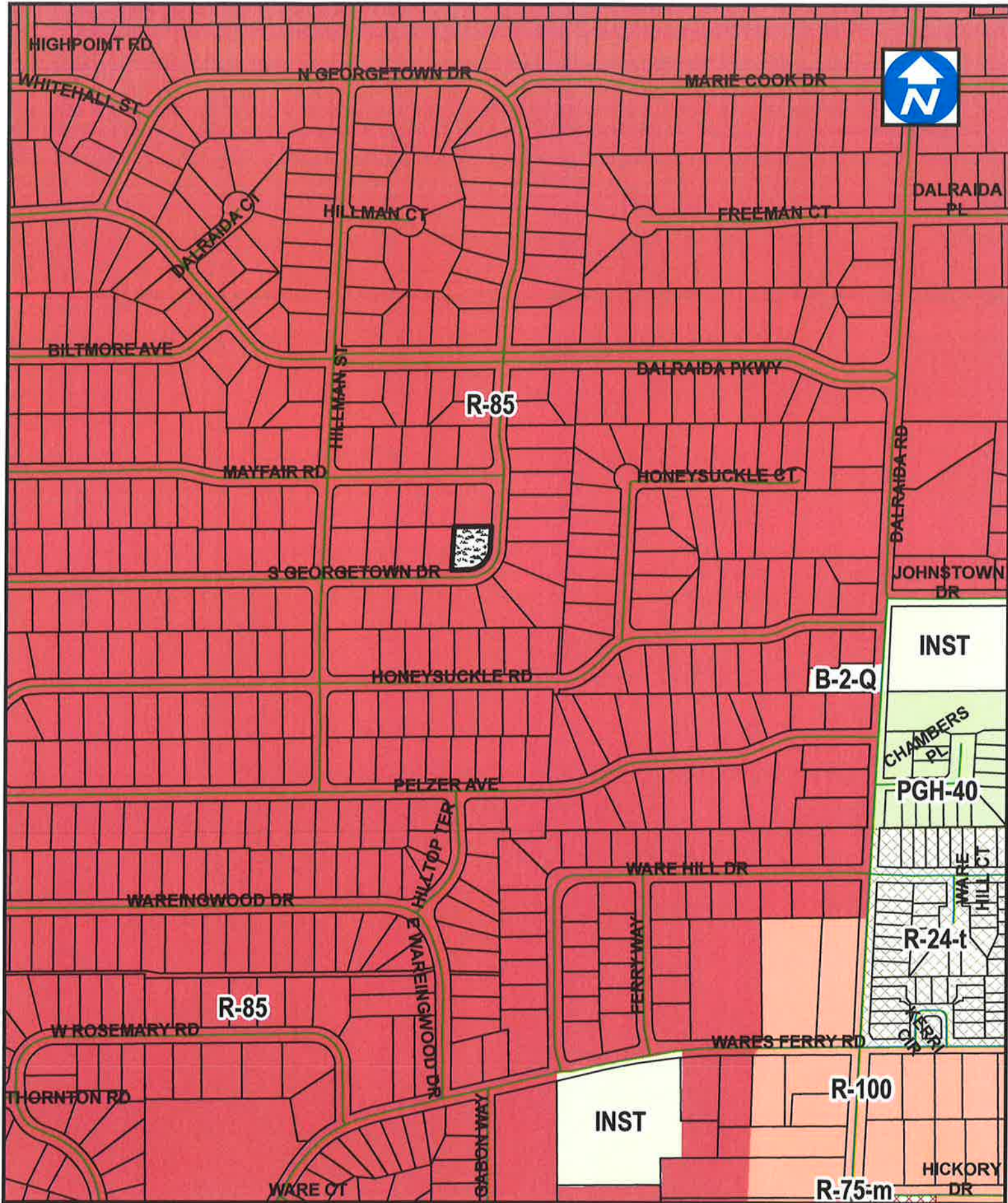
**REPRESENTING:** Same

**SUBJECT:** Request a side yard variance for an addition to the dwelling located at 3625 South Georgetown Drive in an R-85 (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a 20 ft. x 22 ft. attached carport that will come within 6 ft. of the side yard property line, whereas 10 ft. is required.

*The request is a 4 ft. side yard variance.*

**COUNCIL DISTRICT: 2**



SITE 

1 inch = 400 feet  
Item 5A





Attached carport

3625

S GEORGETOWN DR

Site 

1 inch = 25 feet

Item 58

6. BD-2022-041 **PRESENTED BY:** James Warren

**REPRESENTING:** Same

**SUBJECT:** Request a height variance for a privacy fence, and a coverage variance and separation between structures variance for accessory structures located at 1254 Gregory Avenue in an R-100 (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to maintain an 8 ft. tall privacy fence, whereas 7 ft. is allowed. Also requesting to maintain three (3) accessory structures as follows:

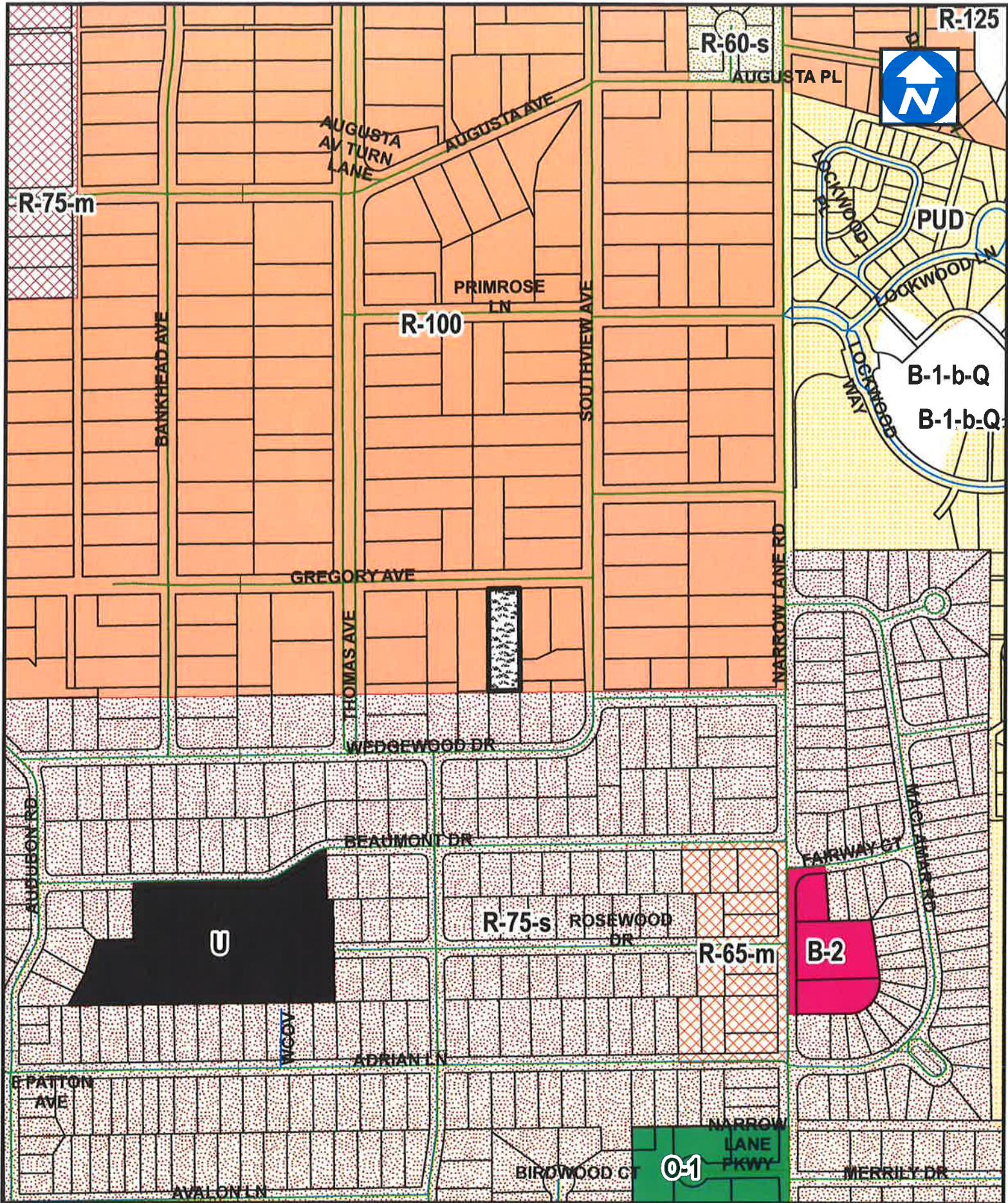
- “A” – 1,071 sq. ft. (51 ft. x 21 ft.) – carport/workshop
- “B” – 459 sq. ft. (27 ft. x 17 ft.) – open pool house
- “C” – 320 sq. ft. (16 ft. x 20 ft.) – storage building

The total coverage is 1,850 sq. ft., whereas 900 sq. ft. is allowed. Accessory structure “A” is 5 ft. from the dwelling, whereas 10 ft. is required. All other accessory structures meet the requirement for separation from other structures and also meets setbacks. There is no plumbing in any of the accessory structures.

*The requests are:*

- *1 ft. height variance to allow an 8 ft. tall privacy fence;*
- *950 sq. ft. coverage variance to allow up to 1,071 sq. ft. of accessory structures; and*
- *5 ft. separation between structures variances for structure “A” to come within 5 ft. of the main dwelling.*

**CITY COUNCIL DISTRICT:** 7



Site 

1 inch = 400 feet  
 Item Let



GREGORY AVE



A

B

C

8 ft. privacy fence

Site 

1 inch = 50 feet

Item 10B

7. BD-1970-079 **PRESENTED BY:** Gary Mather and James Warren

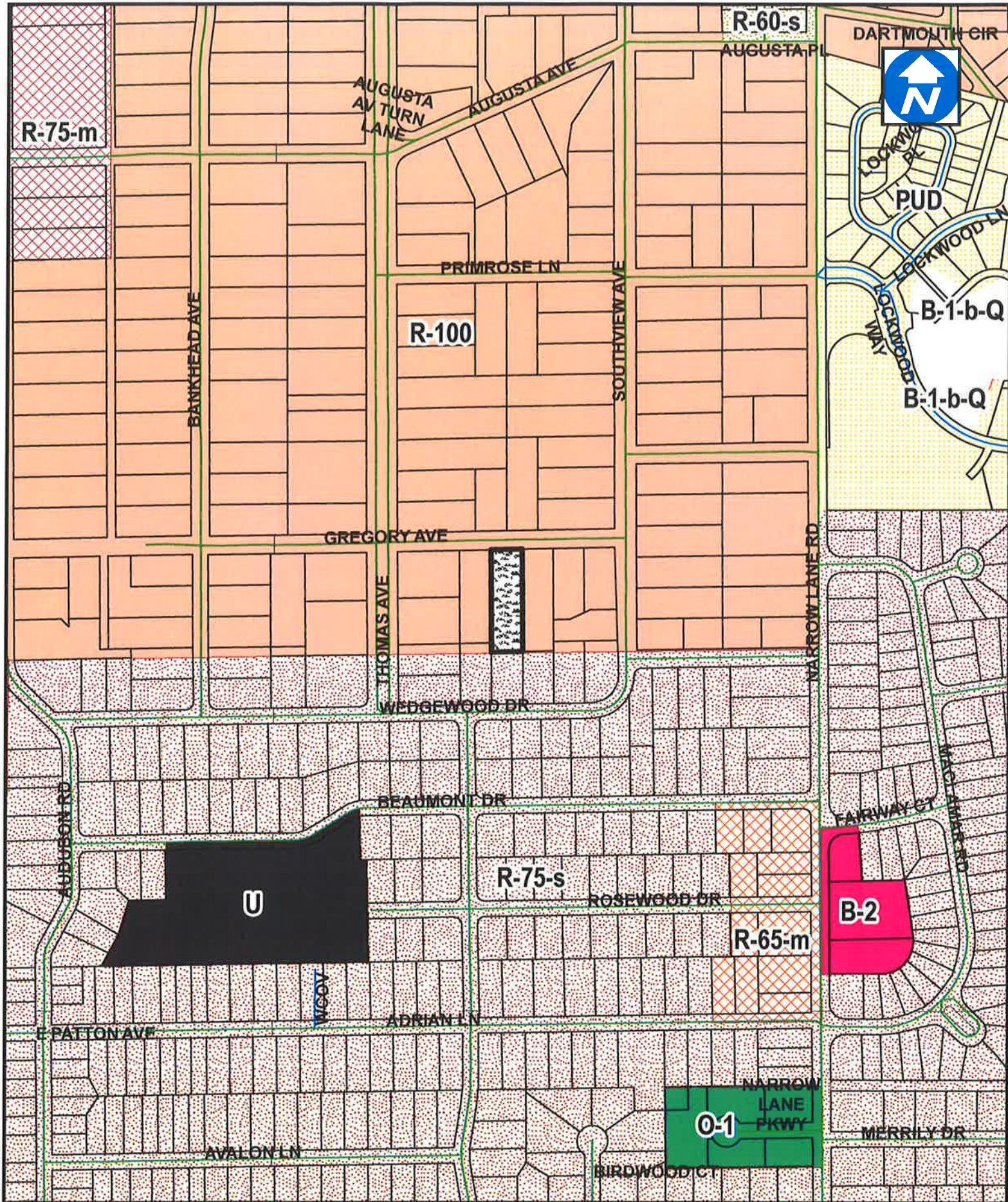
**REPRESENTING:** Same

**SUBJECT:** Request a height variance for a new privacy fence to be located at 1244 Gregory Avenue in an R-100 (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct an 8 ft. tall privacy fence, whereas 7 ft. is allowed. The fence will encompass the back yard and will connect on the east property line to the fence at 1254 Gregory Avenue. The two (2) accessory structures shown on the aerial map are no longer on the property.

*The requests are a 1 ft. height variance for an 8 ft. tall privacy fence.*

**CITY COUNCIL DISTRICT:** 7



SITE 

1 inch = 400 feet  
 Item 7A



GREGORY AVE



8 ft. privacy fence

SITE 

1 inch = 50 feet  
Item 7B

8. BD-2022-043 **PRESENTED BY:** Martha Dillard

**REPRESENTING:** Same

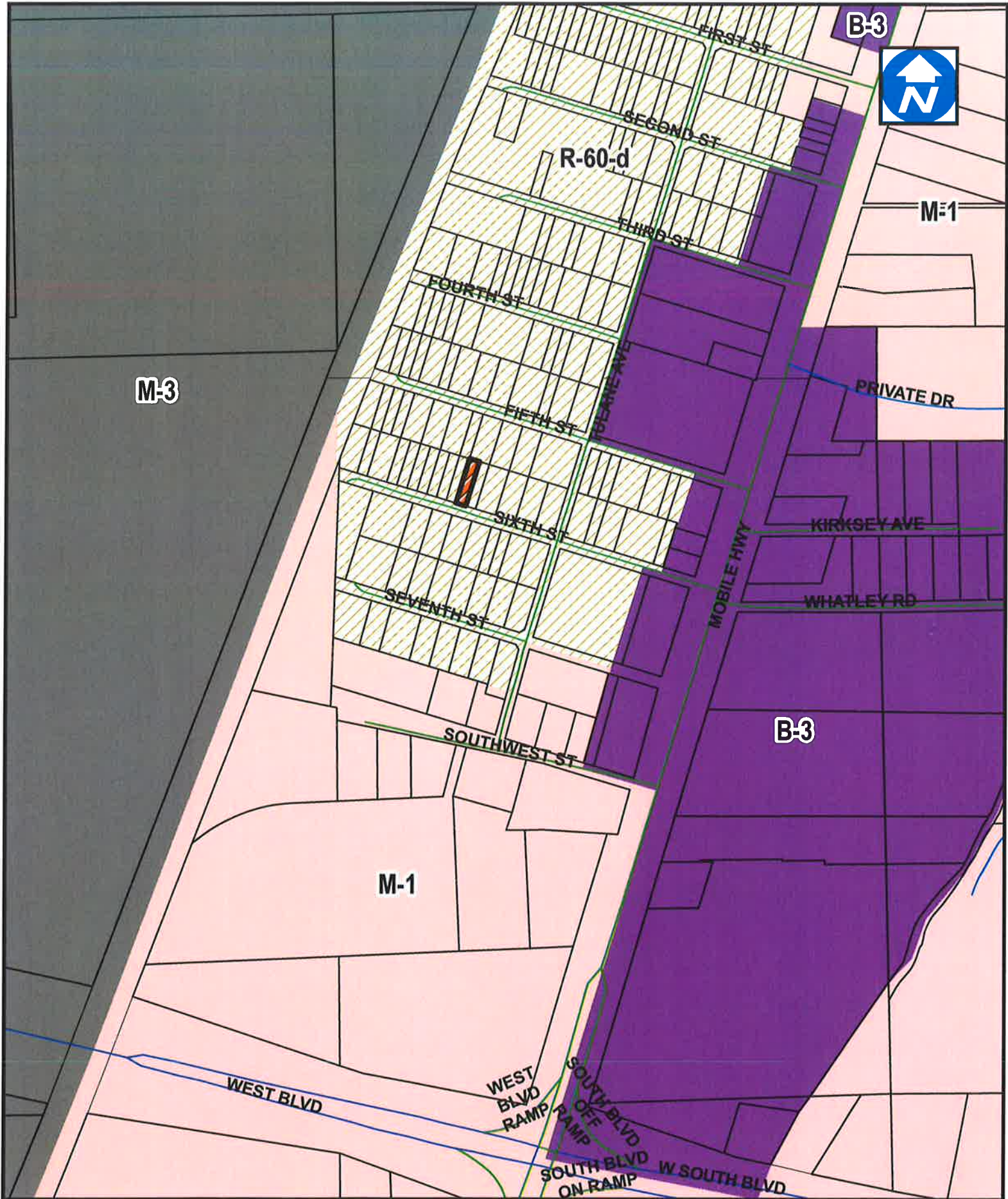
**SUBJECT:** Request a special exception for an accessory structure to be located on a lot without a main dwelling at 2830 Sixth Street (GWP) in an R-60-d (Duplex Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to place a 12 ft. x 36 ft. accessory structure on a lot without a main dwelling. Applicants states that it will be used to store large lawn equipment and will also establish power to the building for security lighting, outlets to charge some of the equipment and lights to see in the building. The size of the building and setbacks are in compliance.

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

**COUNCIL DISTRICT:** 4





Site 

1 inch = 300 feet

Item 8A



Proposed  
12' x 36'  
accessory  
structure

SIXTH ST

Site 

1 inch = 20 feet

Item 8B

9. BD-2022-044 **PRESENTED BY:** Kendra McBride

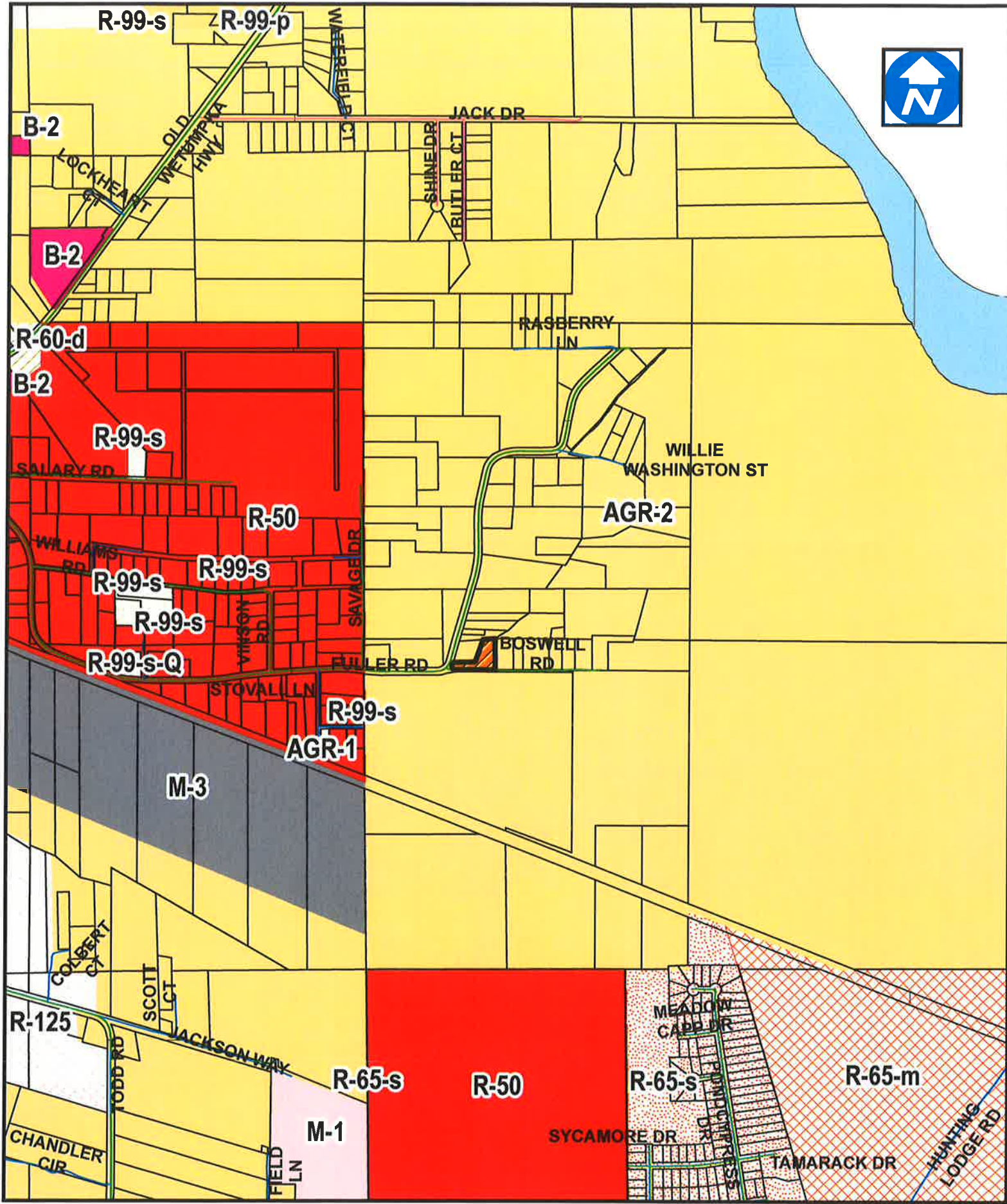
**REPRESENTING:** Same

**SUBJECT:** Request a special exception to place a mobile home for living purposes on the property located at 4409 Boswell Road in an AGR-2 (General Agriculture) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to place a 14 ft. x 70 ft. mobile home for living purposes on a 1 acre parcel of land.

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

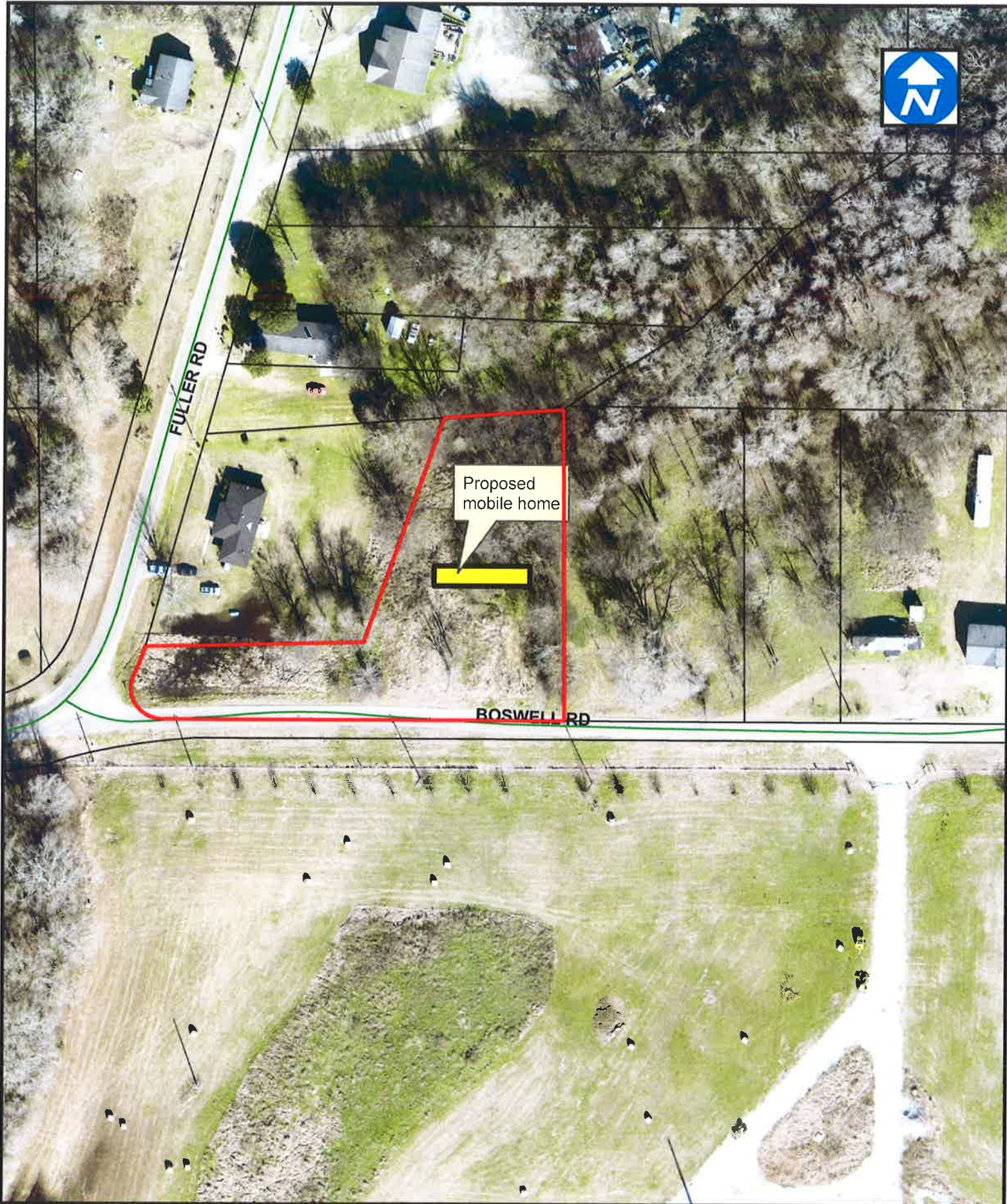
**COUNCIL DISTRICT: 2**



Site 

1 inch = 1,000 feet

Item 9A



Site 

1 inch = 100 feet

Item 93