

# Board of Adjustment Agenda

February 16, 2023 – 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 January 19, 2023 meeting.**

**February 16, 2023**

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	1995-206	Collin Denton	FH	360 Booth Road (Mobile home)	1
2.	2018-029	Nur Hossain	R-85	3255 Hammond Drive (Privacy fence)	2
3.	2023-004	Jose Luis Cruz Lopez	AGR-1	3801 Brewer Road (Mobile home)	3
4.	2023-005	Javier Mendoza Viveros	FH	5757 Washington Ferry Road (Mobile home)	4
5.	2023-006	Brandon Brazil	R-60-d	454 Clanton Avenue (Chickens)	5
6.	2023-007	Brisa Villa	R-65-d	2 Rotary Street (Privacy fence)	6
7.	2023-008	Hecate Energy Old Hayneville LLC	M-1	Old Hayneville Road (Solar power facility)	7
8.	1983-026	Peggy Goodson	R-85	3903 Beardsley Drive (Privacy fence & Accessory Structure)	8
9.	2023-009	Joe Porter	AGR-1	11041 Atlanta Highway (Variance to Flood Ordinance & Accessory Structure)	9
10.	2022-050	Chandra Arthur	R-60-m	1339 South Perry Street (Privacy fence)	10

***The next Board of Adjustment meeting is on March 16, 2023***

1. BD-1995-206 **PRESENTED BY:** Collin Denton

**REPRESENTING:** John Denton

**SUBJECT:** Request a special exception to place a mobile home for living purposes on the property located at 360 Booth Road in a FH (Flood Hazard) Zoning District.

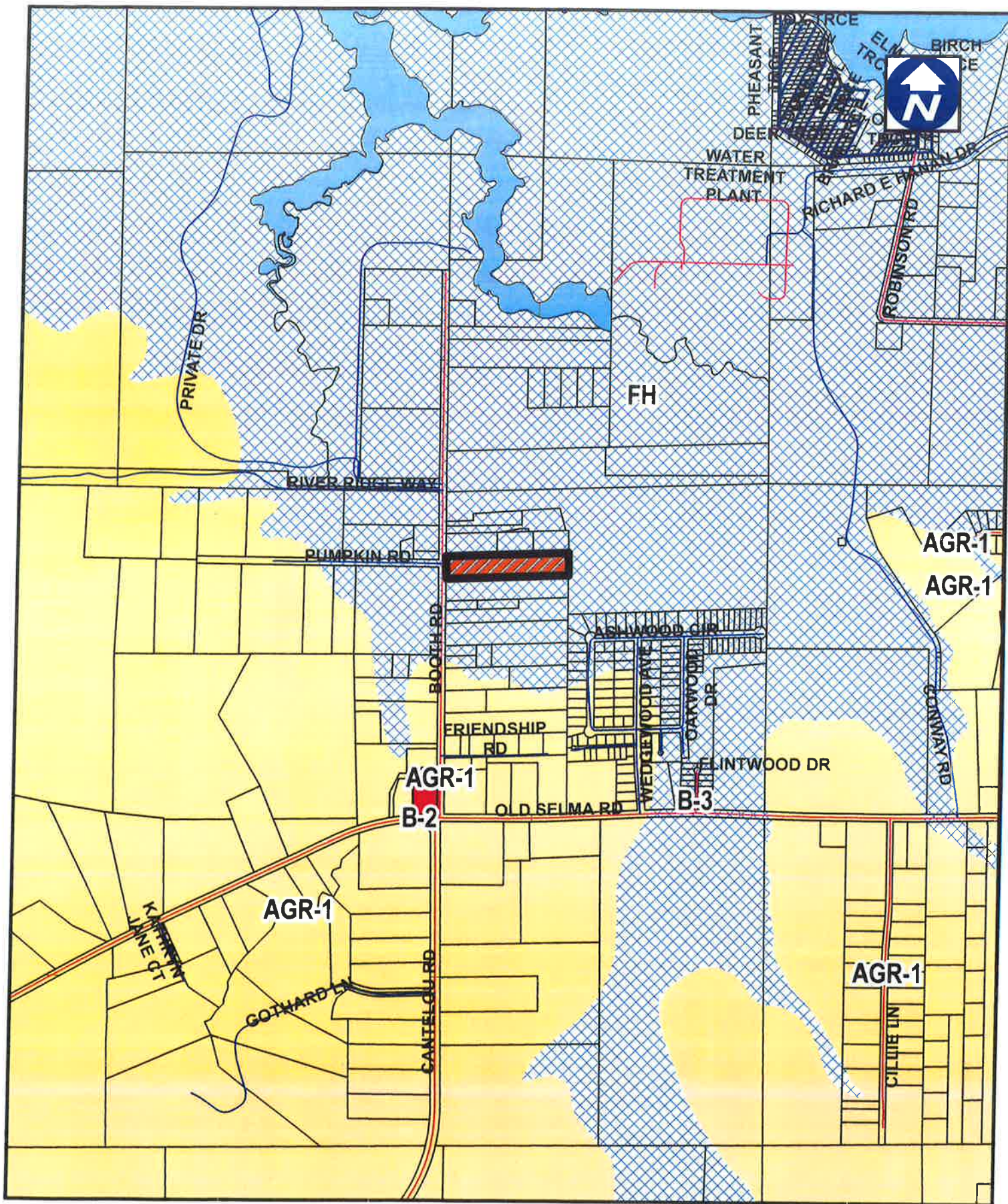
**REMARKS:** This request is being made to give the petitioner permission to place an additional mobile home on a 4+ acre parcel. The mobile home will be located between an existing mobile home (approved 11/16/1995) and existing single-family dwelling.

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

*This request was delayed at the January 19, 2023 meeting, due to no one being present to present the request.*

**CITY COUNCIL DISTRICT:** Police Jurisdiction

**COUNTY COMMISSION:** 2



Site 

1 inch = 1,000 feet

Item 1A



PRIVATE  
RIVER  
DR  
RIDGE WAY

PUMPKIN RD

BOOTH RD

Proposed mobile home

ASHWOOD CIR

Site 

1 inch = 200 feet

Item 1B

2. BD-2018-029 **PRESENTED BY:** Nur Hossain

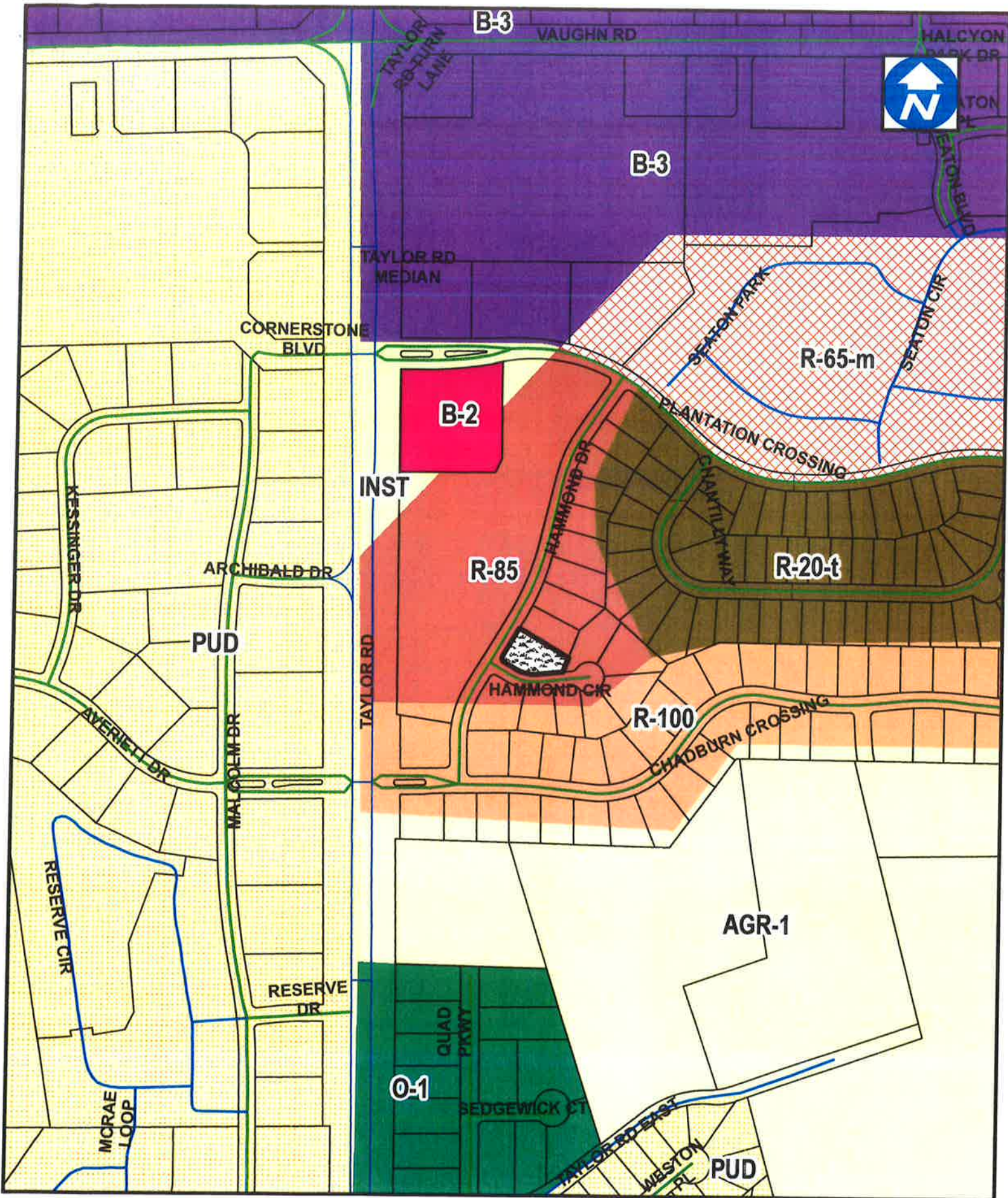
**REPRESENTING:** Same

**SUBJECT:** Request a height variance and street side yard variance for a new privacy fence to be located at 3255 Hammond Drive in an R-85 (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to extend the existing 6 ft. privacy fence to be within 25 ft. of the street side yard property line (Hammond Circle), whereas 30 ft. is required and 3 ft height is allowed.

*The requests are a 3 ft. height variance and a 5 ft. side yard variance.*

**CITY COUNCIL DISTRICT: 8**



Site 

1 inch = 400 feet  
Item 2A



HAMMOND DR

HAMMOND CIR

Site 

1 inch = 30 feet

Item ZB



3. BD-2023-004 **PRESENTED BY:** Jose Luis Cruz Lopez

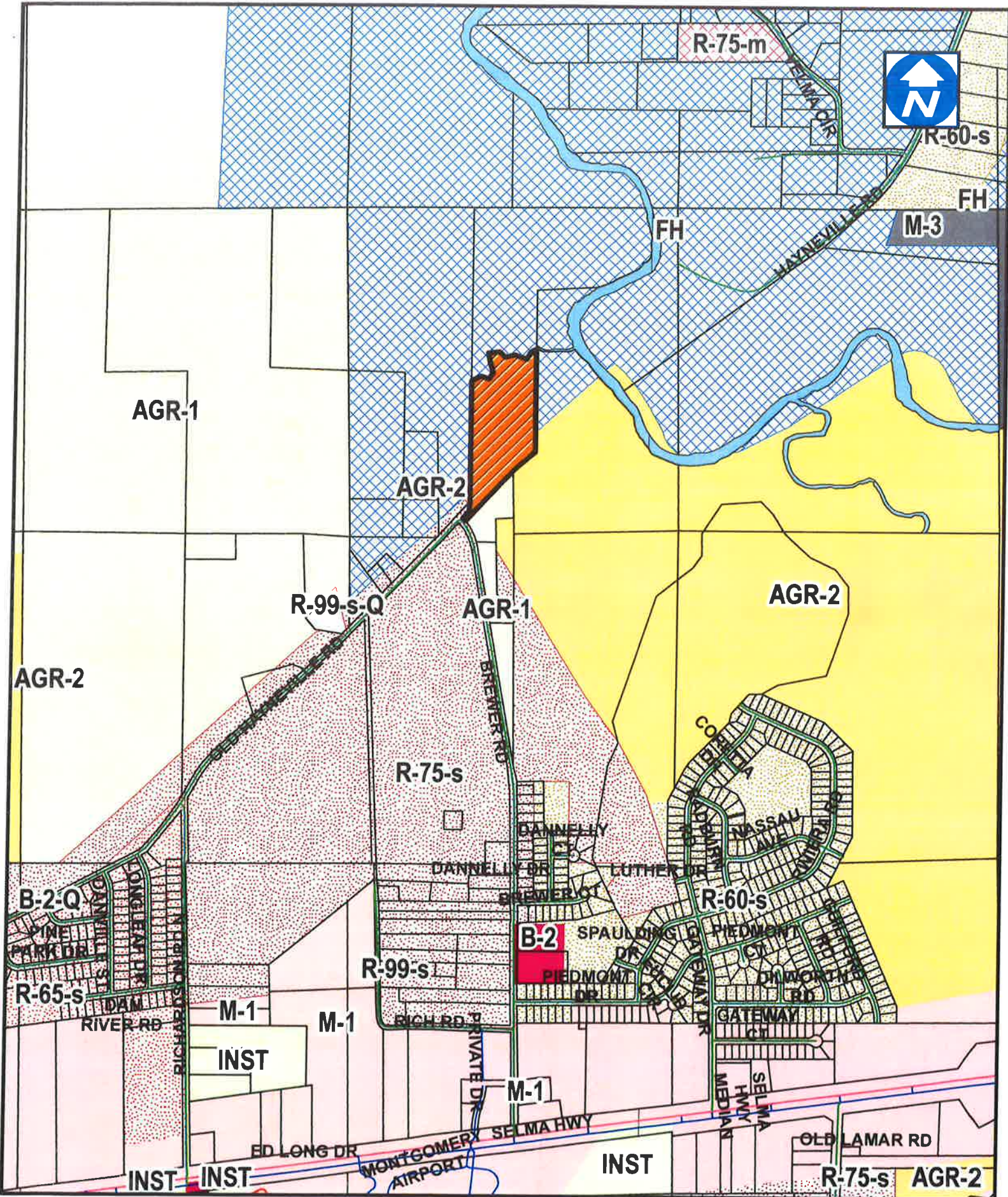
**REPRESENTING:** Same

**SUBJECT:** Request a special exception to place a mobile home for living purposes to be located at 3801 Brewer Road 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 12+ acre parcel for living purposes. The mobile home will be a minimum of 200 ft. from Brewer Road and a minimum of 25 ft. off the west property line.

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

**CITY COUNCIL DISTRICT: 4**



Site 

1 inch = 1,000 feet

Item 3A



Site 

1 inch = 300 feet  
Item 3B

4. BD-2023-005 **PRESENTED BY:** Javier Mendoza Viveros

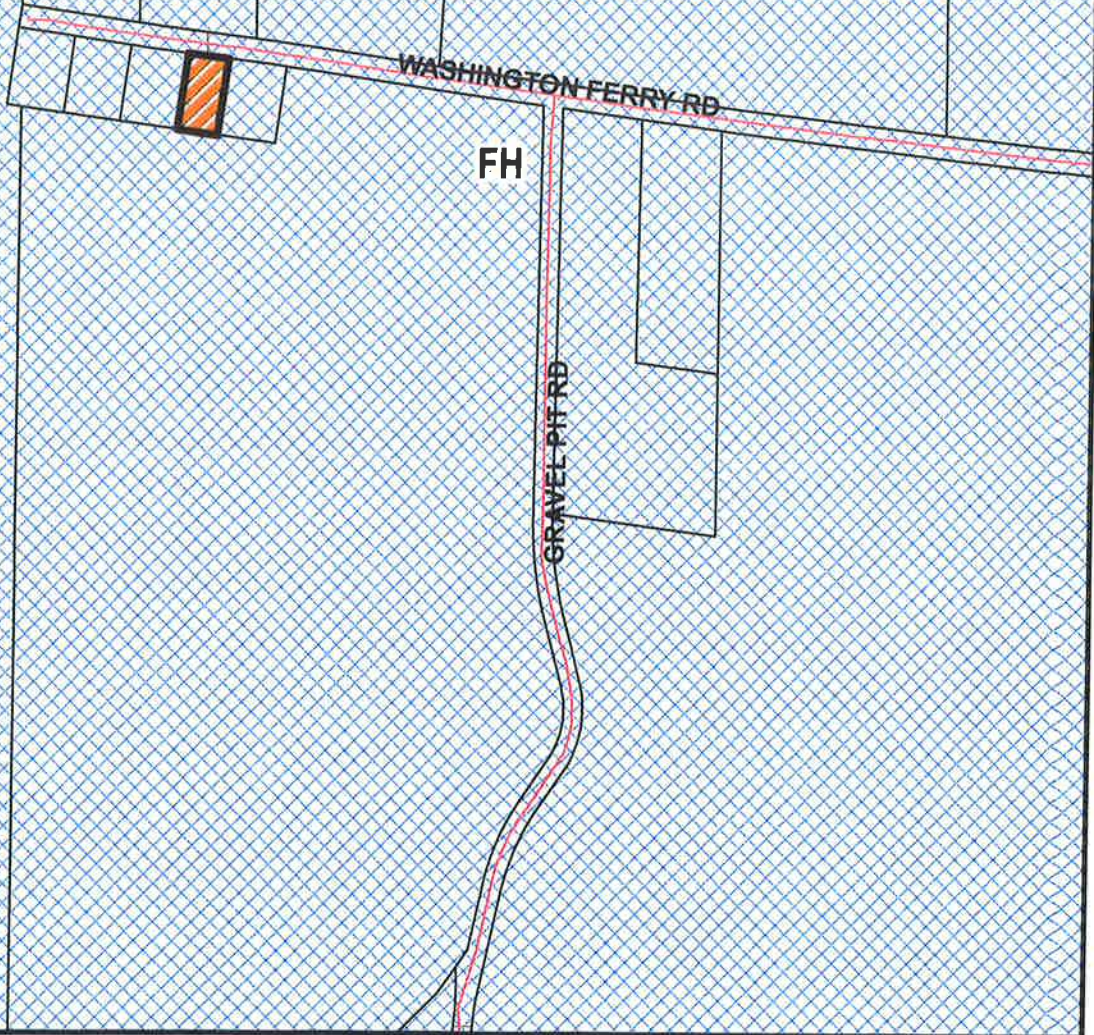
**REPRESENTING:** Same

**SUBJECT:** Request a special exception to place a mobile home for living purposes to be located at 5757 Washington Ferry Road in a FH (Flood Hazard) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to place a mobile home on a ½ acre parcel. The mobile home will replace an existing dwelling that will be demolished.

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

**COUNTY COMMISSION DISTRICT: 2**



Site 

1 inch = 500 feet  
Item 4A



WASHINGTON FERRY RD

Proposed  
Mobile Home

Site 

1 inch = 100 feet  
Item 4B

5. BD-2023-006 **PRESENTED BY:** Brandon Brazil

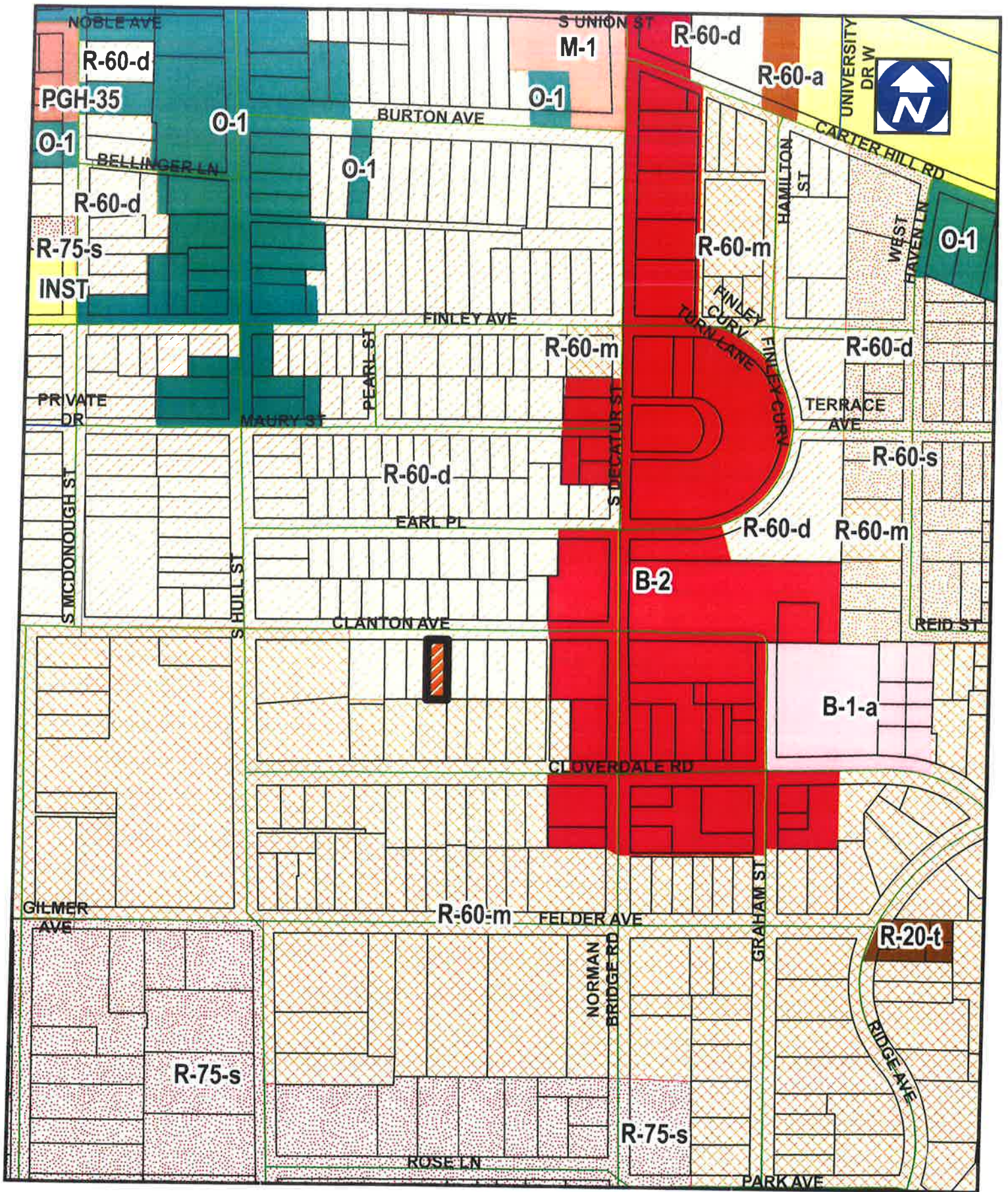
**REPRESENTING:** Same

**SUBJECT:** Request a special exception to keep chickens on the property located at 454 Clanton Avenue in a R-60-d (Duplex Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to keep four (4) chickens (no roosters). The Chicken Guidelines will be met per the applicant.

*The request is a special exception to keep four (4) chickens.*

**CITY COUNCIL DISTRICT:** 7



Site 

1 inch = 300 feet

Item 5A



CLANTON AVE



Chicken coop

Site 

1 inch = 20 feet  
Item 5B

6. BD-2023-007 **PRESENTED BY:** Brisa Villa

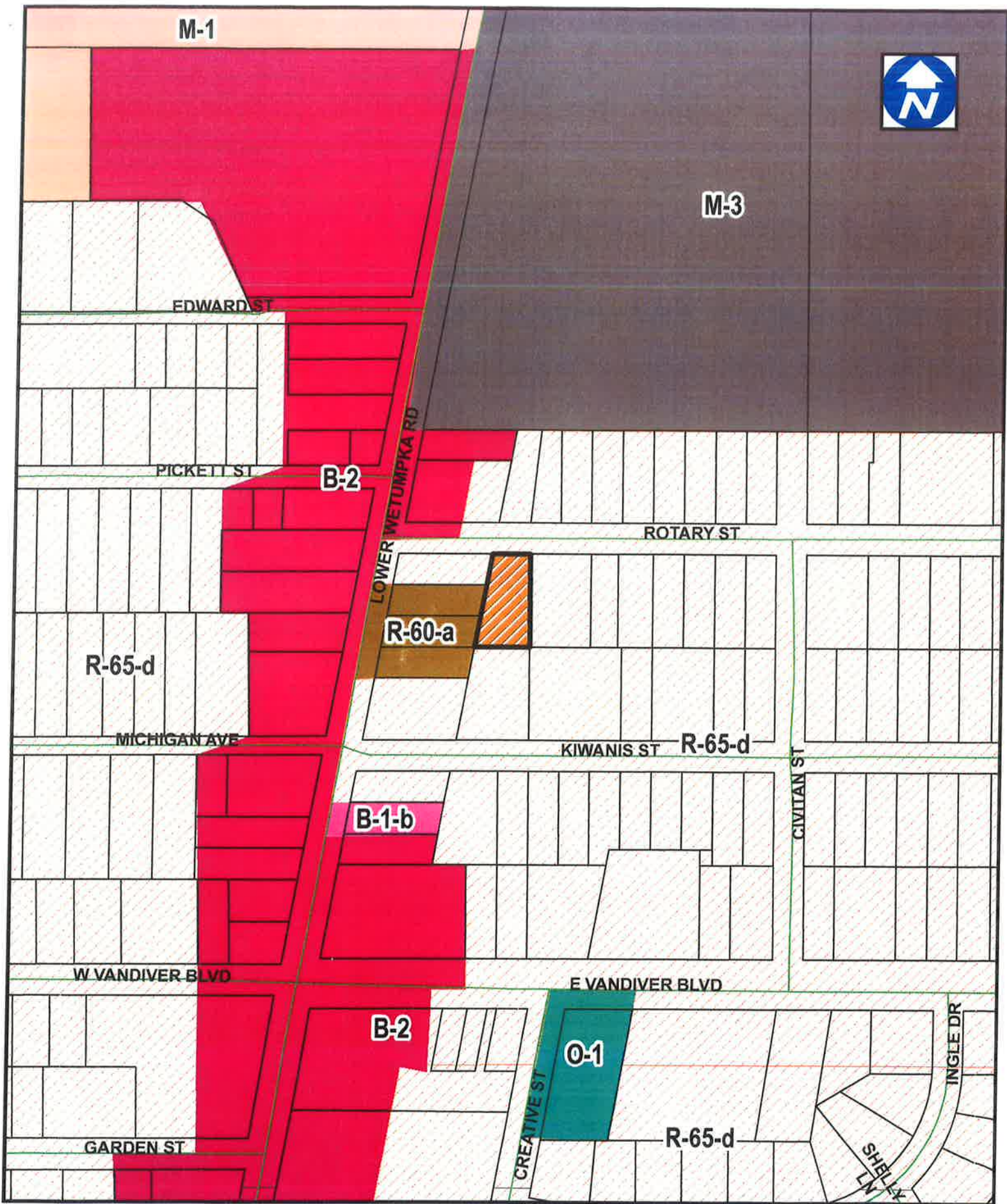
**REPRESENTING:** Same

**SUBJECT:** Request a height variance and front yard variance for a privacy fence located at 2 Rotary Street in an R-65-d (Duplex Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to maintain the 6 ft tall privacy fence on the west property line, whereas 3 ft. is allowed; and for the fence to come to the front property line, whereas 30 ft. is required. There is approximately 10-11 ft. ROW from the property line to the back of curb.

*The request is a 3 ft. height variance and a 30 ft. front yard variance for a privacy fence.*

**CITY COUNCIL DISTRICT: 3**



Site 

1 inch = 200 feet

Item LeA



ROTARY ST

6 ft. privacy fence

Site 

1 inch = 30 feet

Item LeB



2 Rotary St  
1-20-23

60

7. **BD-2023-008 PRESENTED BY:** Hecate Energy Old Hayneville LLC

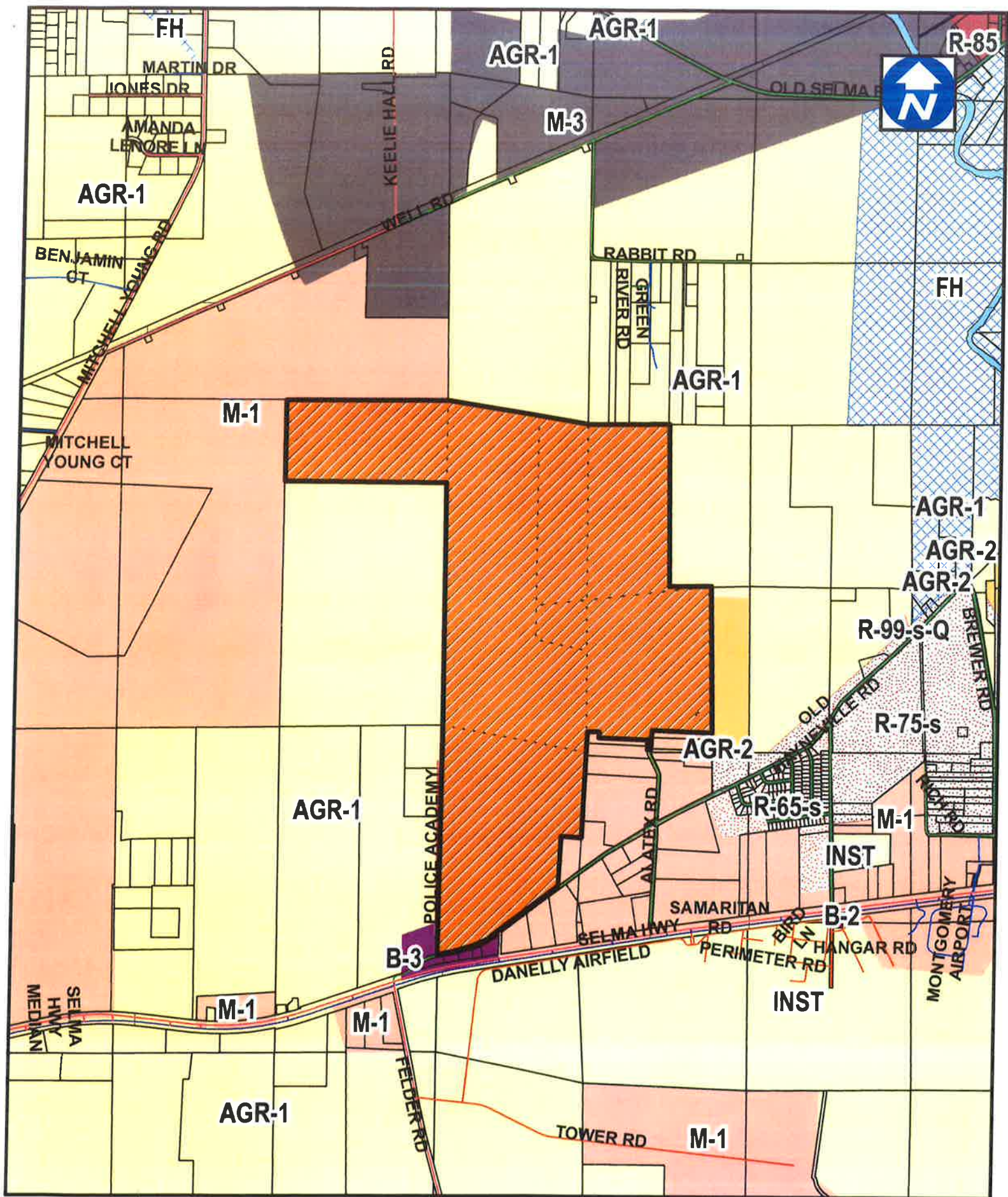
**REPRESENTING:** Same

**SUBJECT:** Request a special exception for a solar power facility to be located on the north side of Old Hayneville Road, approximately 1,000 ft. northeast of Selma Highway, in an M-1 (Light Industry) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to operate a solar power facility. The energy will be sold to Alabama Power. A development plan will be submitted at a later date for review/approval by the Technical Review Committee.

**CITY COUNCIL DISTRICT: 4 and Police Jurisdiction**

**COUNTY COMMISSION DISTRICT: 2**



Site 

1 inch = 2,000 feet

Item 7A

7B

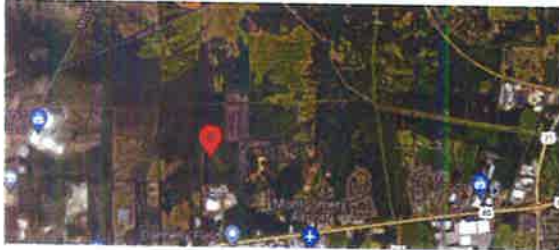
**SITE INFORMATION**

SITE NAME: OLD HAYNEVILLE (80 MW AC)  
 APPROX. GPS LOCATION: LAT: 32.318274° LONG: -86.408417°  
 APPLICANT: HECATE ENERGY  
 621. W. RANDOLPH STREET  
 CHICAGO, IL 60661

**SYSTEM SPECIFICATIONS**

SOLAR MODULE: ET SOLAR 540 W  
 INVERTER(S): (23)SUNGROW SG3600  
 RACKING: SINGLE AXIS TRACKER @ 33% GCR

**PROJECT LOCATION**



**APPROXIMATE PV SYSTEM SIZING**

ARRAY AREA	SOLAR MODULE				ARRAY SIZE (DC)
	AZIMUTH	RACKING TYPE	SIZE	COUNT	
GROUND	0	SINGLE AXIS TRACKER	540W	179982	97,190 MW

**NOTES:**

1. THIS CONCEPTUAL PLAN IS BASED SOLELY ON AERIAL PHOTOGRAPHS AND PROVIDED PLANS.
2. GROUND MOUNTED ELECTRICAL EQUIPMENT NOT SHOWN ON THIS PLAN, MAY INCLUDE, INVERTERS SWITCHGEAR, DC COMBINERS, AND/OR TRANSFORMERS
3. DOES NOT INCLUDE GEOTECHNICAL, FLOOD PLAIN, CULTURAL, ECOLOGICAL ANALYSIS
4. NOT FOR CONSTRUCTION



HECATE ENERGY  
 621 W. RANDOLPH STREET  
 CHICAGO, IL 60661  
 hecateenergy.com

- PROJECT SITE LIMIT
- EXISTING OVERHEAD POWER
- APPROXIMATED DEVELOPMENT AREA
- EXISTING ROAD
- WETLANDS
- PROPOSED FENCE
- PROPOSED ACCESS ROAD
- HECATE SUBSTATION

**SETBACKS TO THE FENCELINES**

- 50 FT FROM THE WETLANDS
- 100 FT FROM BUILDINGS
- 200 FT FROM RESIDENCES
- 50 FT FROM ROAD EDGE
- 50 FT FROM PROPERTY LINE
- ASSUMED 20 FT BUFFER BETWEEN FENCELINES AND PANELS

HECATE ENERGY  
 OLD HAYNEVILLE  
 AL  
 US

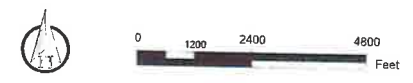
PROJECT NUMBER:

SITE ID

SHEET TITLE

**PRELIMINARY LAYOUT**

NO.	REVISION	DATE	INIT.
1	PRELIM LAYOUT	1/11/23	ML



ACTUAL DIMENSIONS AND DETAILS DEPEND ON SPECIFIC CONDITIONS OF THE SITE.

IF BAR IS NOT ONE INCH PRINT IS NOT TO SCALE





Site 

1 inch = 1,000 feet

Item 7C

8. BD-1983-026 **PRESENTED BY:** Peggy Goodson

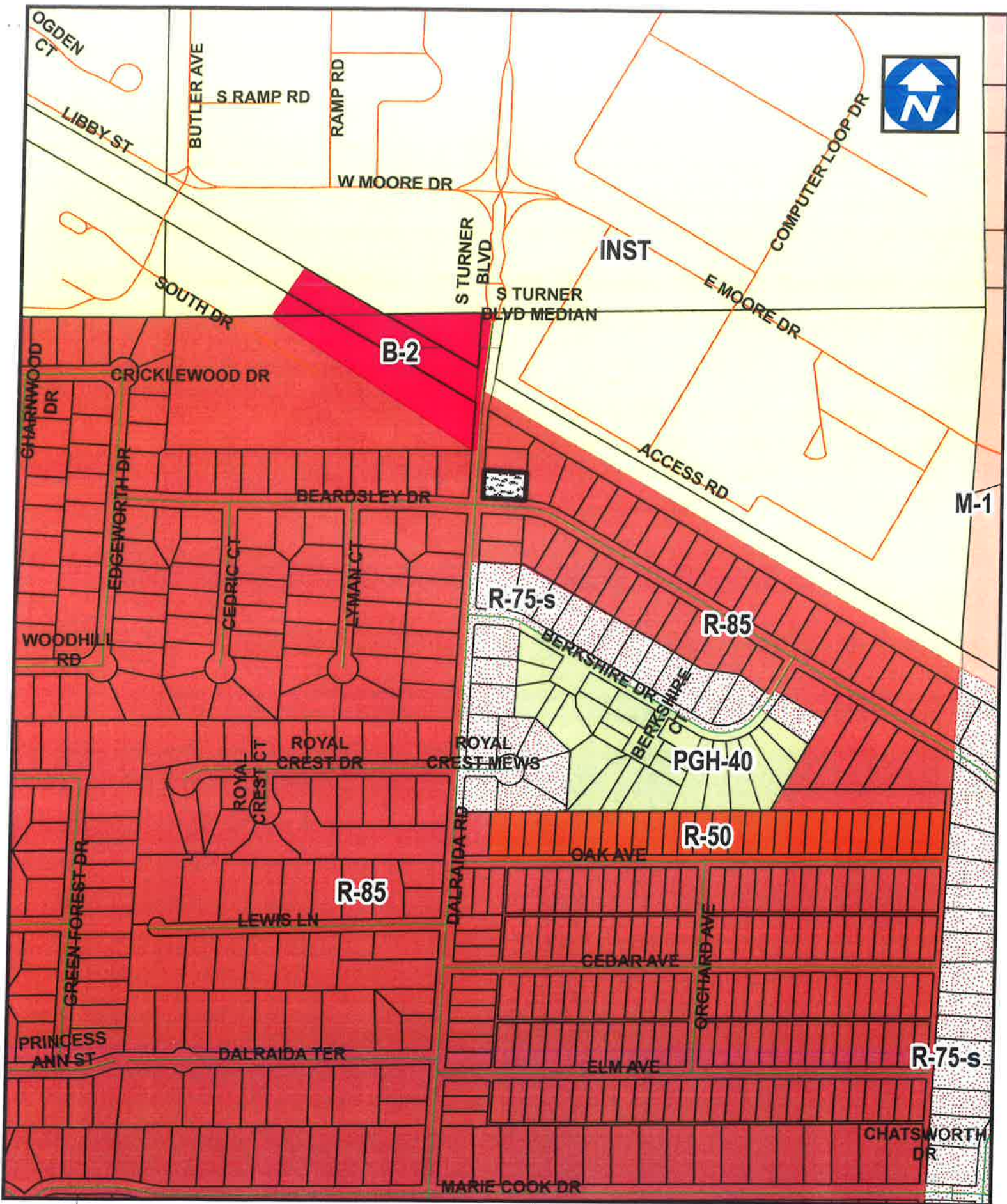
**REPRESENTING:** Same

**SUBJECT:** Request a height variance and front yard variance for a privacy fence, and a variance for an accessory structure to be located in the required front yard at 3903 Beardsley Drive in an R-85 (Single-Family Residential) Zoning District.

**REMARKS:** Please note, the legal front yard is Dalraida Road, even though the house faces and is addressed on Beardsley Drive. This request is being made to give the petitioner permission to extend a 6 ft. high privacy fence to come within 10 ft. of the front yard property line, whereas a 3 ft. height is allowed and a 35 ft. front yard is required. Also, a variance to allow a 12 ft. x 24 ft. accessory structure to be located in the required front yard (behind the privacy fence). There is not a coverage issue for the accessory structures (existing and new).

*The requests are a 3 ft. height variance, a 25 ft. front yard variance, and a variance for the accessory structure to be located in the required front yard.*

**CITY COUNCIL DISTRICT: 2**



Site 

1 inch = 400 feet

Item 8A



Site

**Option 1**

1 inch = 20 feet

Item 8B



Existing fence

12' x24' accessory structure

Proposed fence

BEARDSLEY DR

Site

**Option 2**

1 inch = 20 feet

Item 80

Existing sight line



Proposed sight line



8E

9. BD-2023-009 **PRESENTED BY:** Joe Porter

**REPRESENTING:** Same

**SUBJECT:** Request a variance to the Flood Ordinance (Ord. 37-2005) and a separation between structures variances for accessory structures to be located at 11041 Atlanta Highway in an AGR-1 (Residential Agriculture) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to place three (3) accessory structures on the property, that will be approximately 5 ft. apart from each other, whereas 10 ft. is required.

Base Flood Elevation (BFE) = 206 ft.

Finished Floor Elevation (FFE) = 208 ft. (required by Flood Ordinance)

The applicant is requesting a 2 ft. variance to the Flood Ordinance to allow the accessory structures to be at 206 ft. FFE.

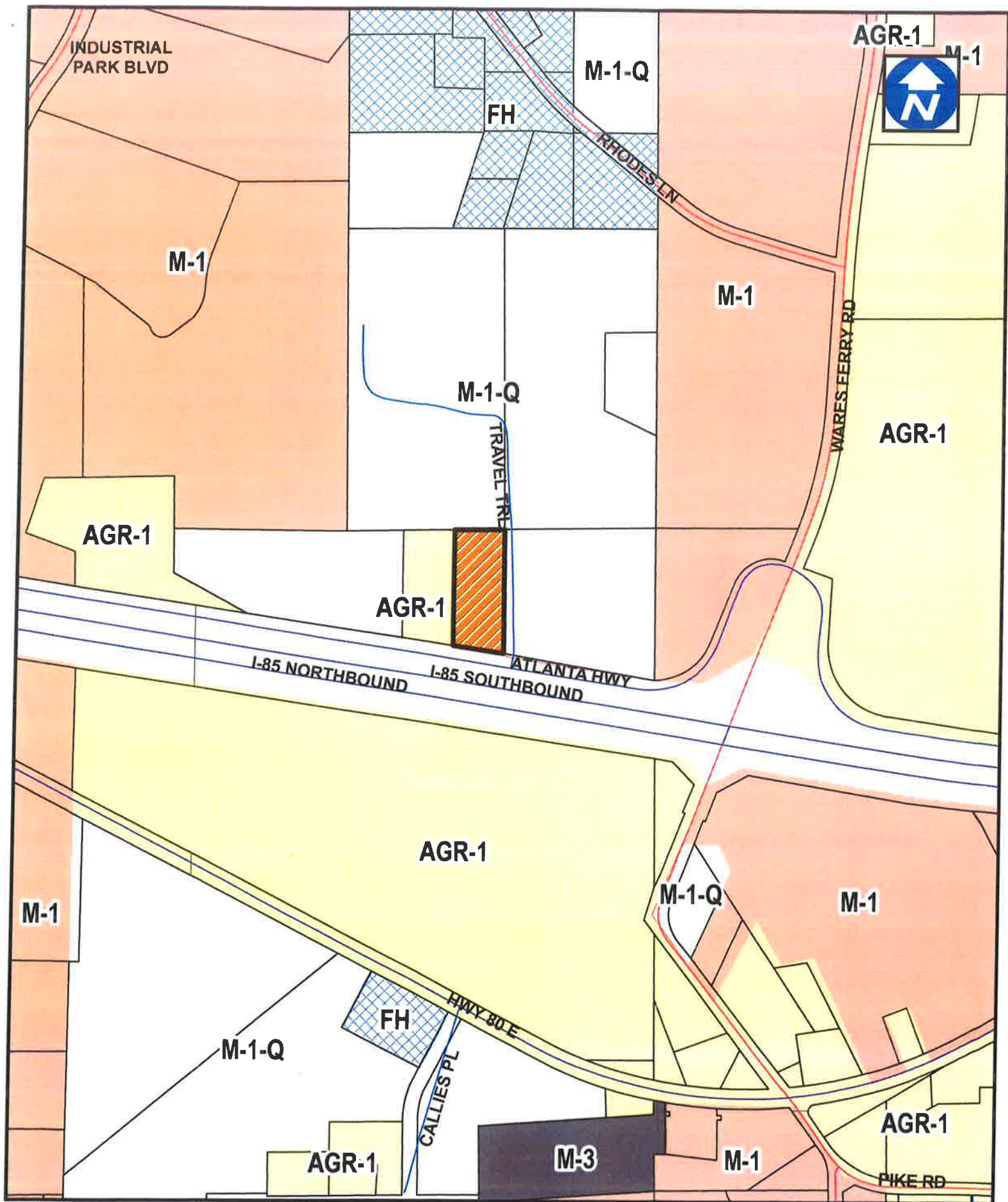
**Engineering Comment(s):** Recommend only allowing a 1 ft. variance that would allow the FFE of the structures to be at 207.00 ft.

*The requests are a 2 ft. variance to the Flood Ordinance, and 5 ft. separation between structures variances.*

**COUNCIL DISTRICT: Police Jurisdiction**

**COUNTY COMMISSION DISTRICT: 5**





Site 

1 inch = 500 feet

Item 9A



ATLANTA HWY

TRAVEL TRL

Site 

1 inch = 60 feet  
Item 9B

10. BD-2022-050 **PRESENTED BY:** Chandra Arthur

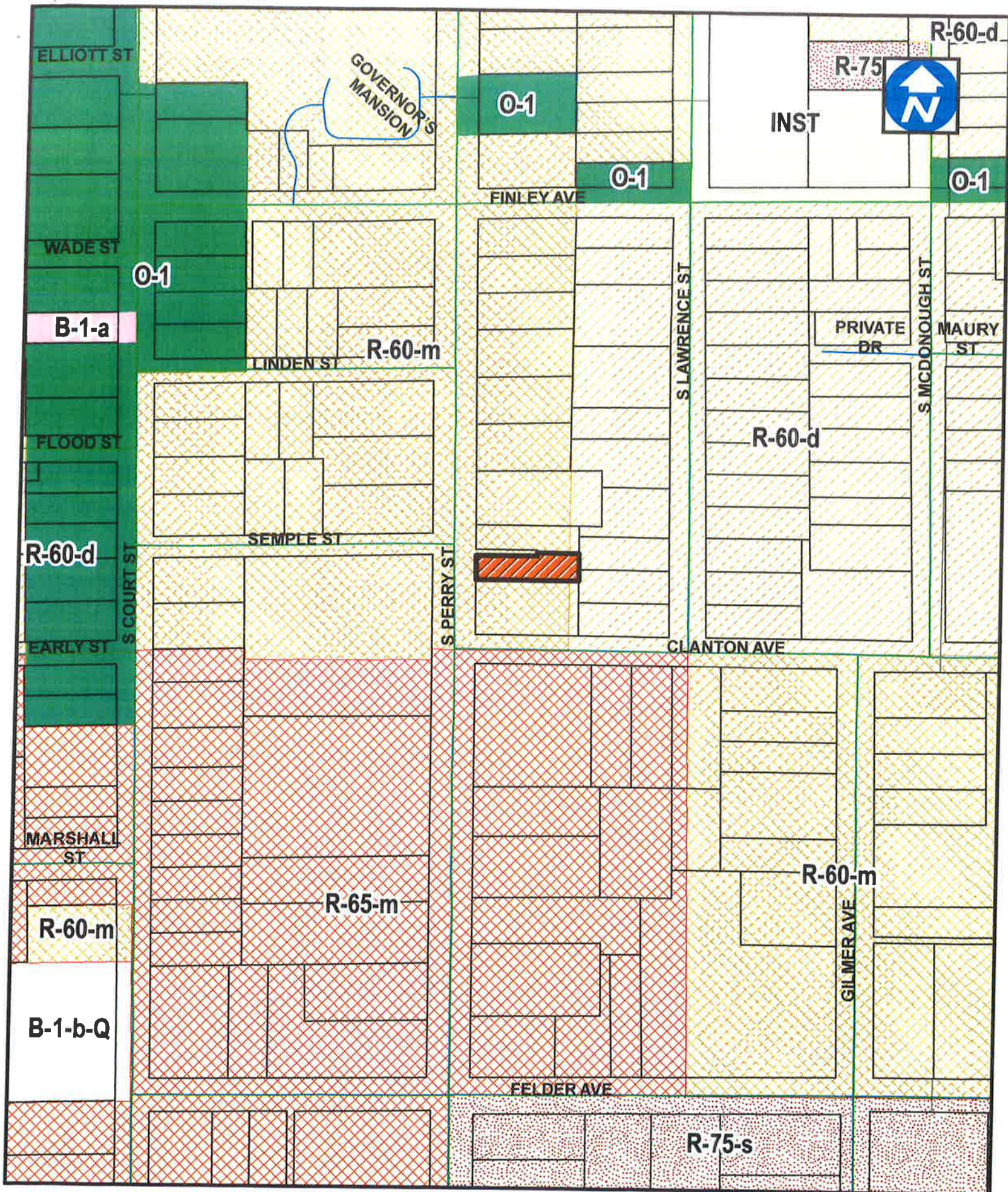
**REPRESENTING:** Same

**SUBJECT:** Request a height variance for a privacy fence located on the side yard property at 1339 South Perry Street in an R-60-m (Multi-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to maintain an 8 ft. tall privacy fence with 2 ft. lattice on top (10 ft. total), whereas 7 ft. is allowed. There is a substantial grade change between this property and the neighbor to the south, which causes a typical 6 ft. high privacy fence to be ineffective. One January 24, 2023 the Architectural Review Board approved this request subject to the fence stopping at the front corner of the house.

*The request is a 3 ft. height variance.*

**COUNCIL DISTRICT: 3**



Site 

1 inch = 200 feet

Item 10A



SEMPLE ST

PERRY ST

Proposed fence

CLANTON AVE

Site 

1 inch = 30 feet

Item 10B

