

Board of Adjustment Agenda

May 18, 2023 – 5:00 p.m.

Council Auditorium

City Hall, 103 N. Perry St.

BOARD OF ADJUSTMENT MEMBERS

John Stanley, *Chairman*

Vacant, *Vice-Chairman*

Amerika Blair

Beau Holmes

George C. Howell, Jr.

Blake Markham

Bart Prince

Pickett Reese

Jennifer Shaw

Land Use Division

Warren Adams

Executive Secretary

I. Chairman's Message

II. Approval of Minutes from the April 20, 2023 meeting.

May 18, 2023

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2023-022	Frank French	AGR-1	172 Butler Mill Road (Mobile home)	1
2.	2023-020	Alabama Construction Pros	R-100	1816 Pineneedle Road (Addition – rear yard variance)	2
3.	2023-021	Mark Hawkins	PUD	7928 Faith Lane (Chickens – special exception)	3
4.	1963-179	Aisha Day	B-4	3440 Atlanta Highway (Variance to Ord. 17-2014 and Place of amusement & assembly)	4
5.	1999-148	Pilgreen and Bostick Engineering	B-3	3300 Eastern Boulevard (Parking variance)	5
6.	1998-118	LaVeeda Cooper	B-2	2801 Vaughn Plaza Road (Unit L) (Church – special exception)	6
7.	2023-025	Wayne M. Glass	R-85	7136 Mitylene Forest Trail (Accessory structure – side yard var)	7
8.	2023-024	Land Use Division	Multiple	Taylor Road & Vaughn Road (Sturbridge – interpretation of district boundaries)	8

The next Board of Adjustment meeting is on June 15, 2023

1. BD-2023-022 **PRESENTED BY:** Frank French

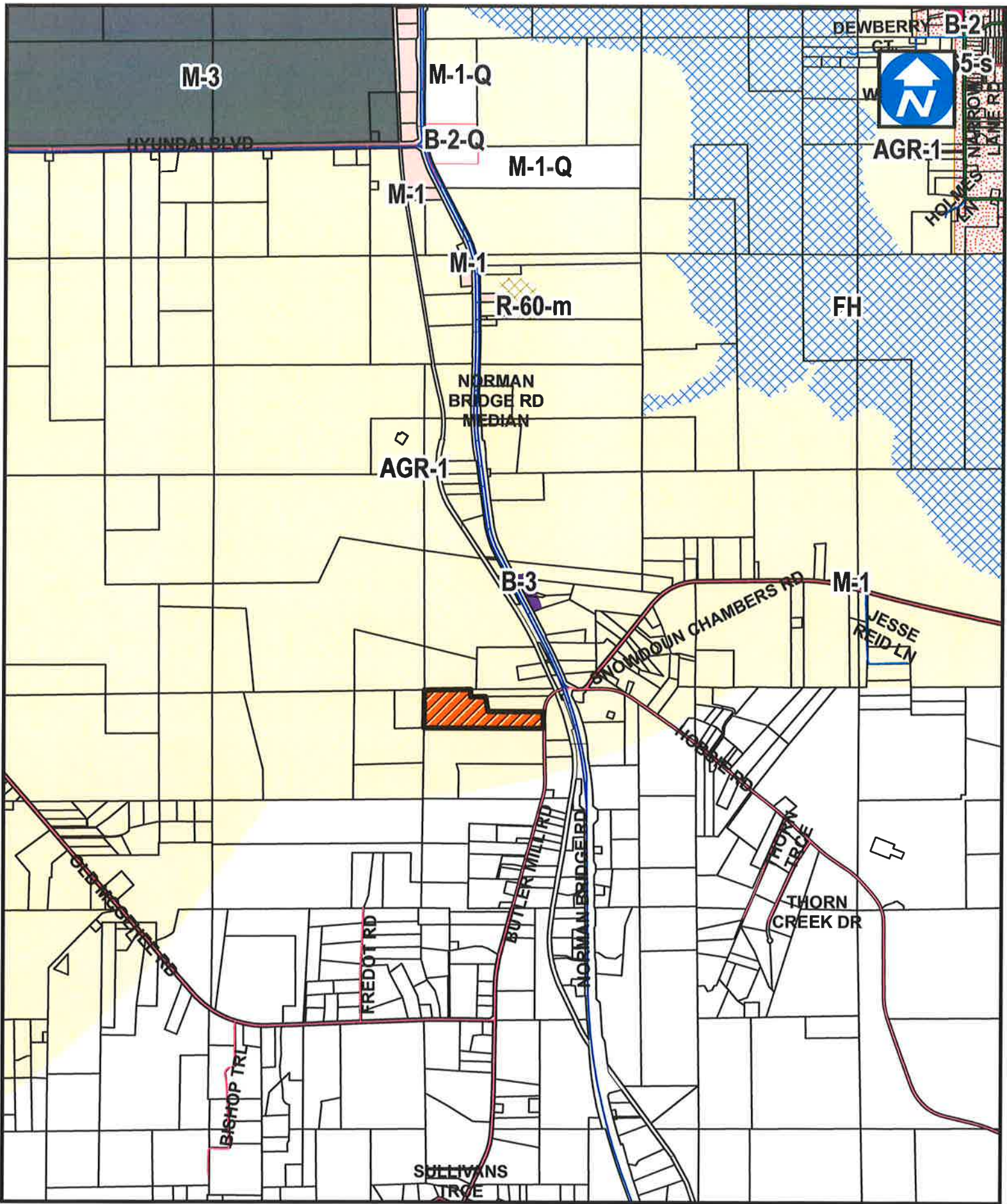
REPRESENTING: Same

SUBJECT: Request a special exception for a mobile home for living purposes on the property located at 172 Butler Mill Road in a AGR-1 (Residential Agriculture) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home on a 44.5-acre parcel. The mobile home has already been placed on the property at the rear of the property. The petitioner also owns the abutting parcel to the east. There is an existing house and two (2) accessory structures on the lot that will remain.

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

COUNTY COMMISSION DISTRICT: 2



Site 

1 inch = 3,000 feet

Item 1A



Site 

1 inch = 500 feet

Item IB

2. BD-2023-020 **PRESENTED BY:** Alabama Construction Pros, LLC

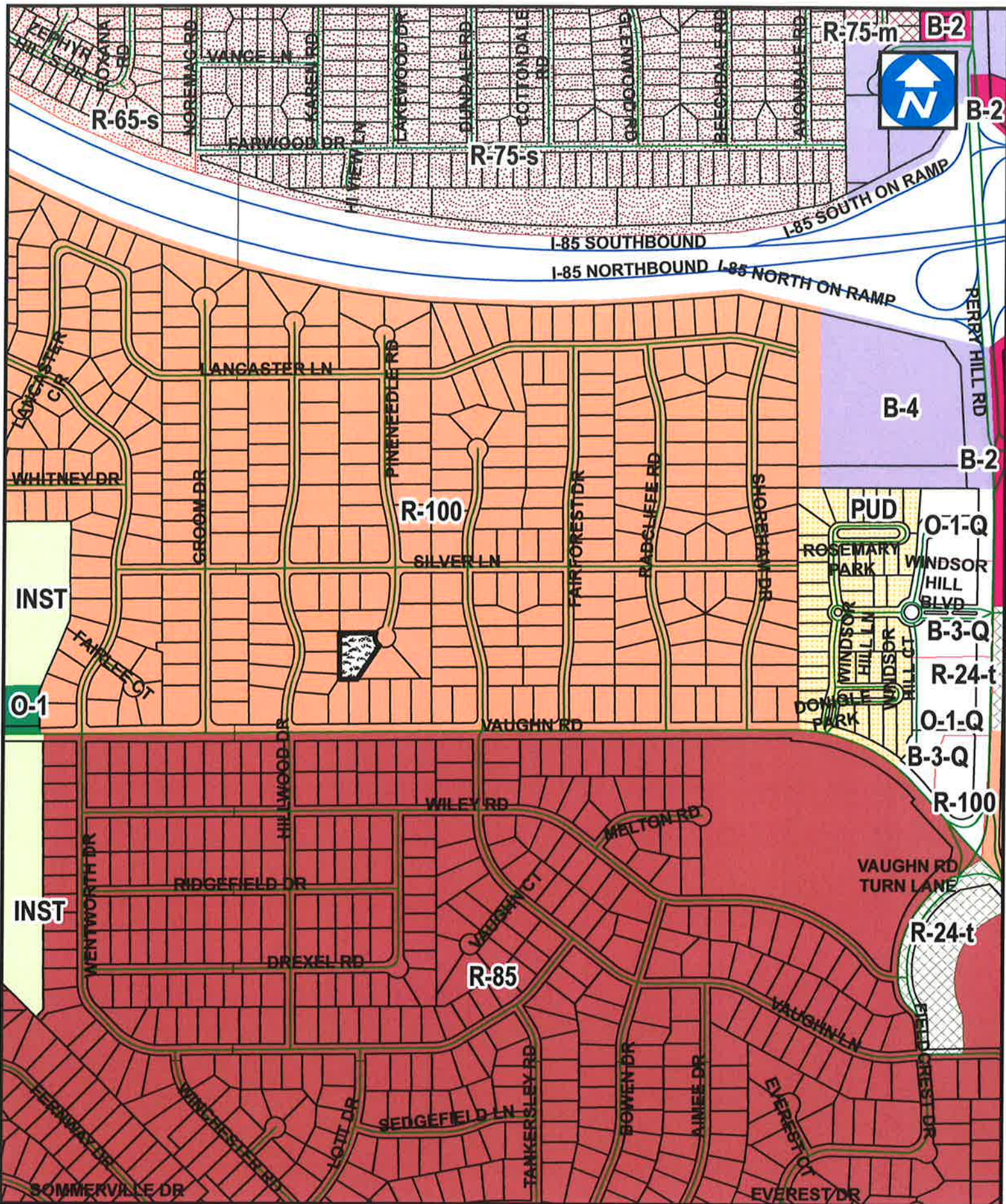
REPRESENTING: Will King

SUBJECT: Request a rear yard variance for an addition to the dwelling located at 1816 Pineneedle Road in a R-100 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a porch addition on the rear of the dwelling that will come within 26 ft. of the rear property line, whereas 30 ft. is required.

The request is a 4 ft. rear yard variance.

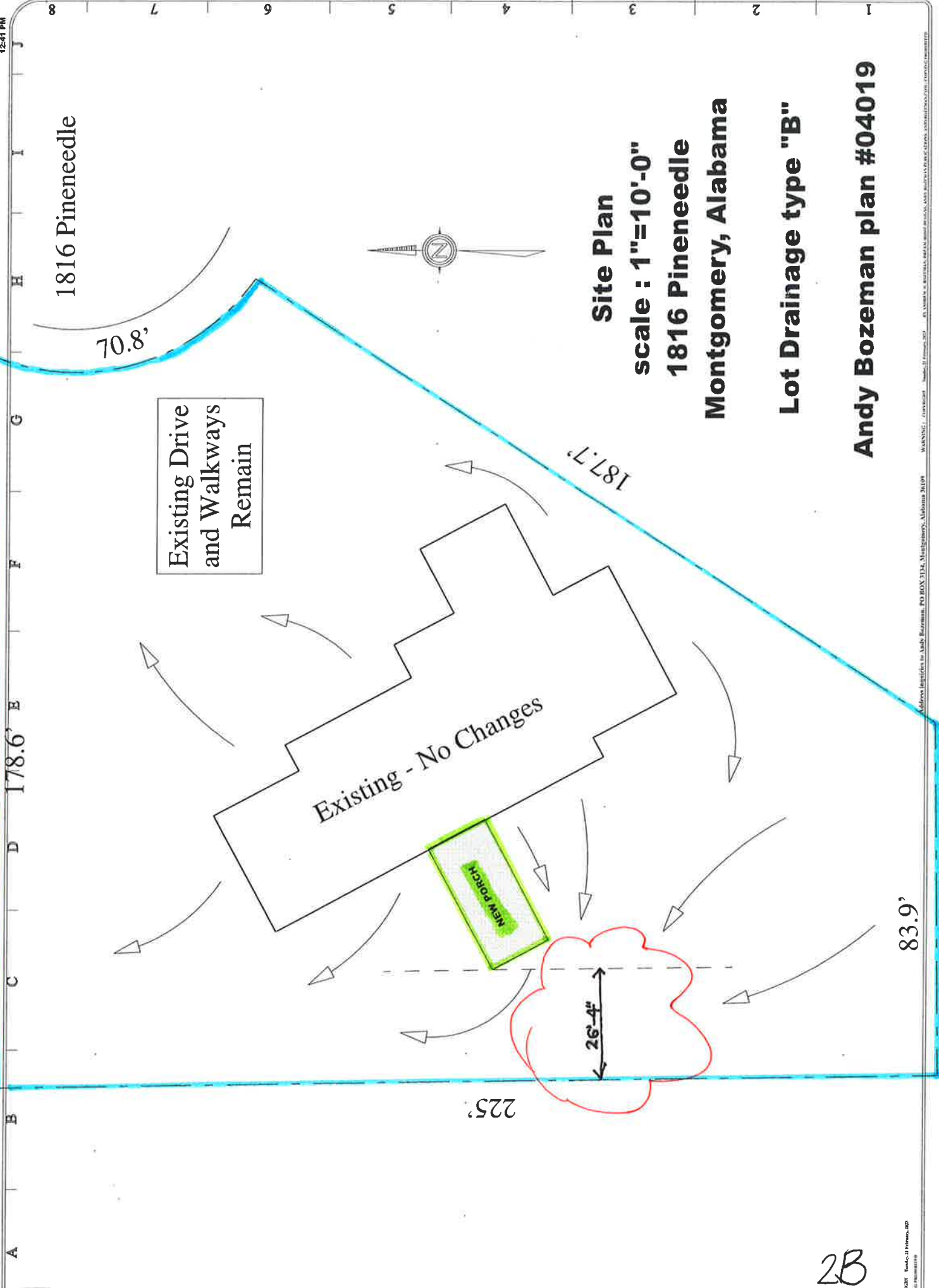
CITY COUNCIL DISTRICT: 7



Site 

1 inch = 600 feet

Item 2A



1816 Pineneedle

70.8'

Existing Drive and Walkways Remain

Existing - No Changes

NEW PORCH

26'-4"

225'

187.7'

83.9'



Site Plan
scale : 1"=10'-0"
1816 Pineneedle
Montgomery, Alabama
Lot Drainage type "B"
Andy Bozeman plan #04019

2B



Site 

1 inch = 50 feet

Item 2C

3. BD-2023-021 **PRESENTED BY:** Mark Hawkins

REPRESENTING: Same

SUBJECT: Request a special exception to keep chickens on the property located at 7928 Faith Lane in a PUD (Planned Unit Development) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep five (5) chickens (no roosters). The Chicken Guidelines will be met per the applicant.

The request is a special exception to keep five (5) chickens.

CITY COUNCIL DISTRICT: 9

R-65-m



B-2

VETERANS WAY

B-2

HANDEY RD

PUD

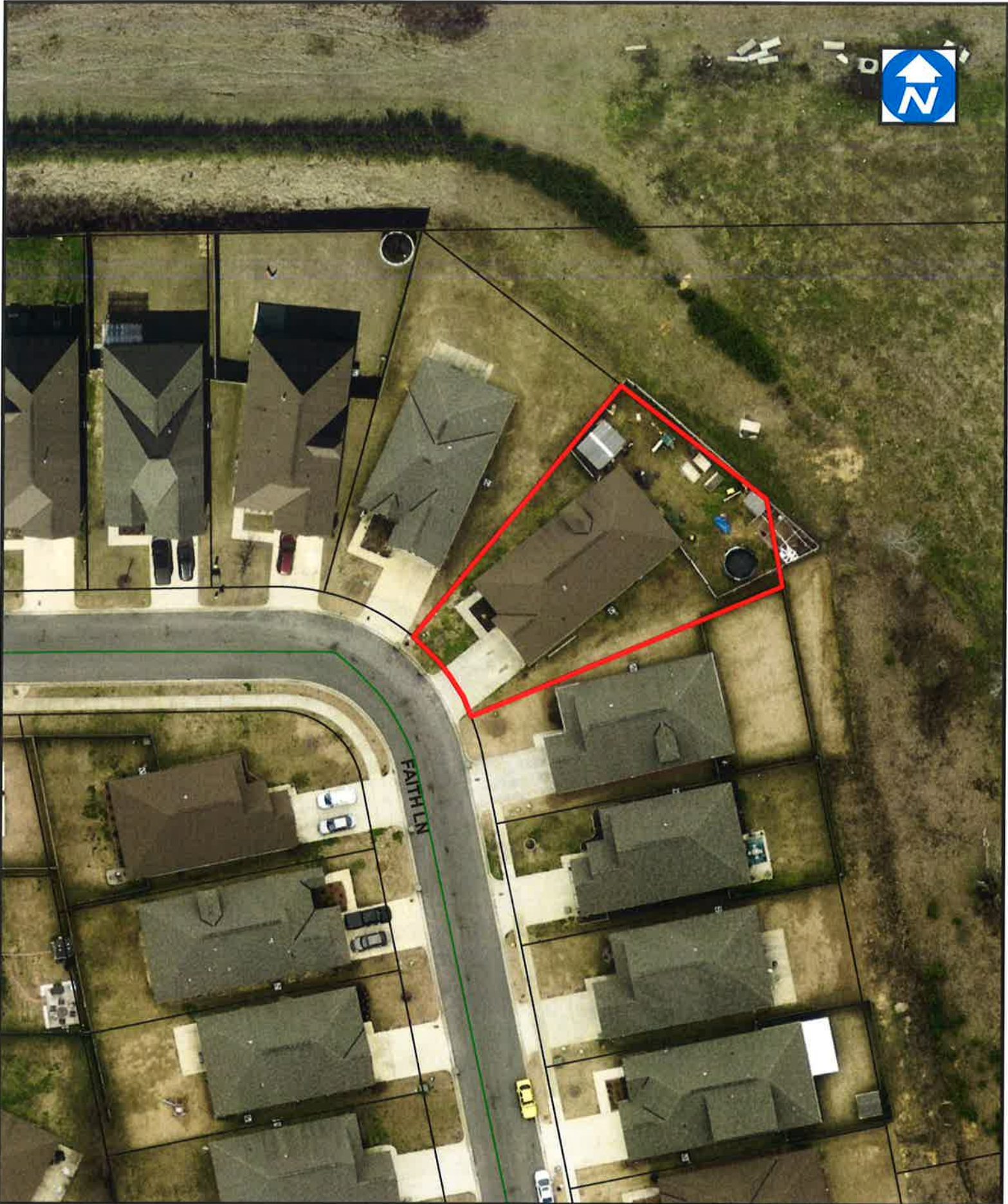
AGR-1

Site



1 inch = 300 feet

Item 3A



Site 

1 inch = 50 feet
Item 3B

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

REPRESENTING: Same

SUBJECT: Request a variance to Ord. No. 17-2014 and a special exception for a place of amusement and assembly to be located at 3440 Atlanta Highway in a B-4 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate an event center in a multi-tenant building (Forest Hills Shopping Center). The closest door is approximately 120 ft. from the nearest residential boundary, whereas 250 ft. is required. Three Mile Branch (storm drain) runs behind this shopping center.

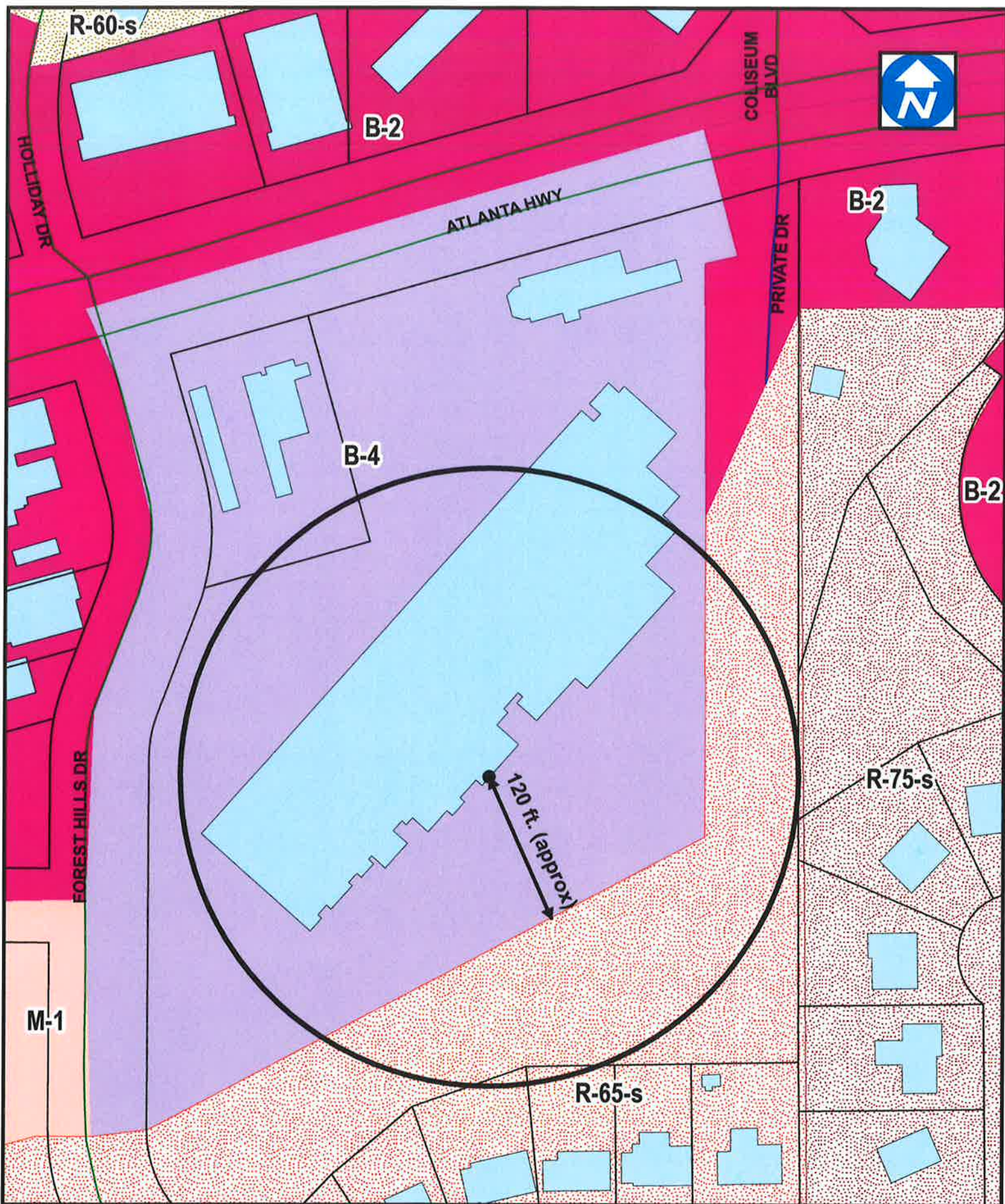
Hours of Operation and Types of Events:

Daily operation with hours varying, depending on the type of event

- Adult birthday parties
- Sip and paint
- Social mixers
- Gender reveals
- Baby showers
- Wedding receptions
- And other similar events
- **NO** teen events

The request is a 130 ft. variance to Ord. No. 17-2014.

COUNCIL DISTRICT: 2

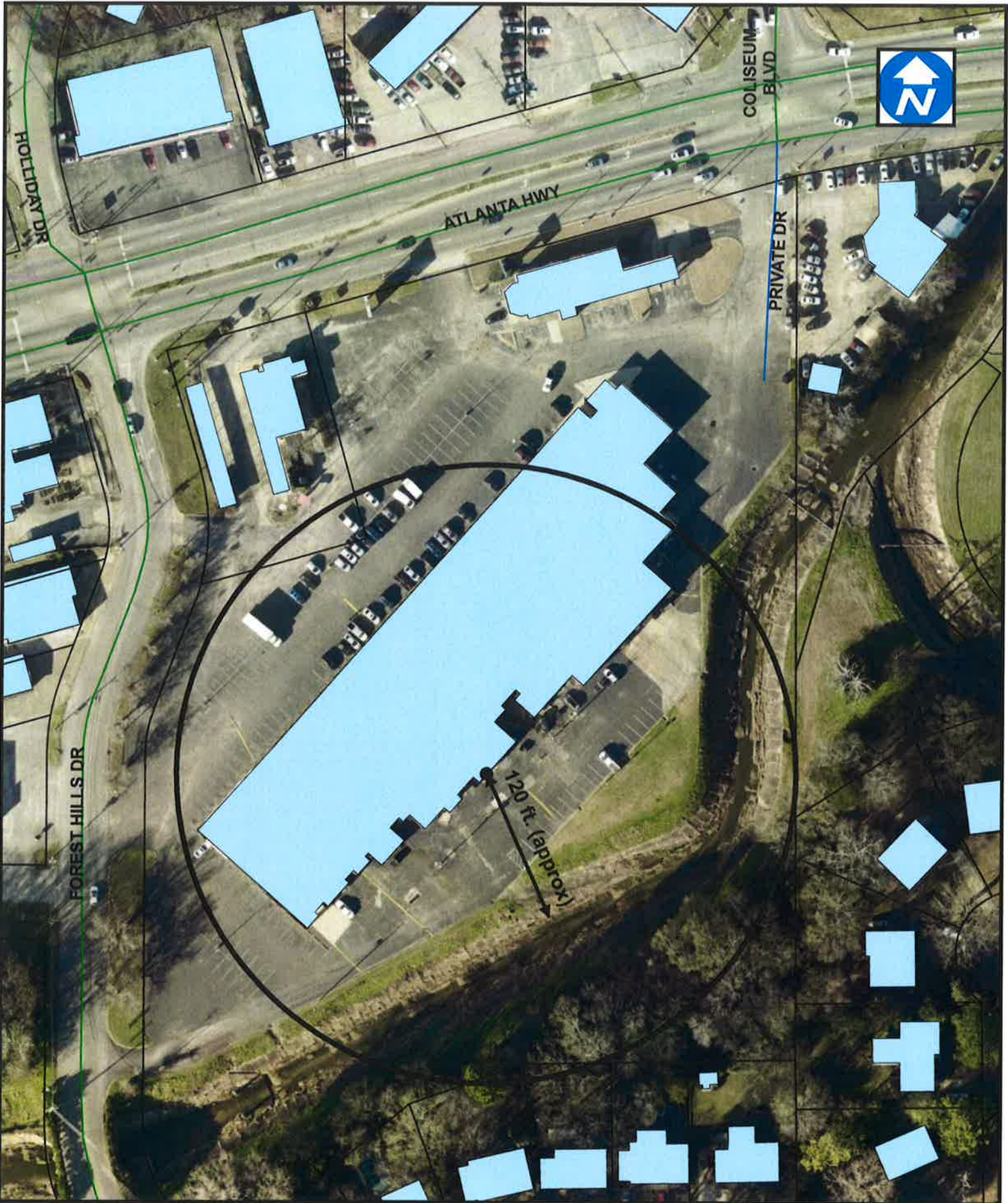


250 ft. buffer (Ord. 17-2014)



1 inch = 100 feet

Item 4A



250 ft. buffer (Ord. 17-2014)



1 inch = 100 feet

Item 4B

5. BD-1999-148 **PRESENTED BY:** Pilgreen and Bostick Engineering

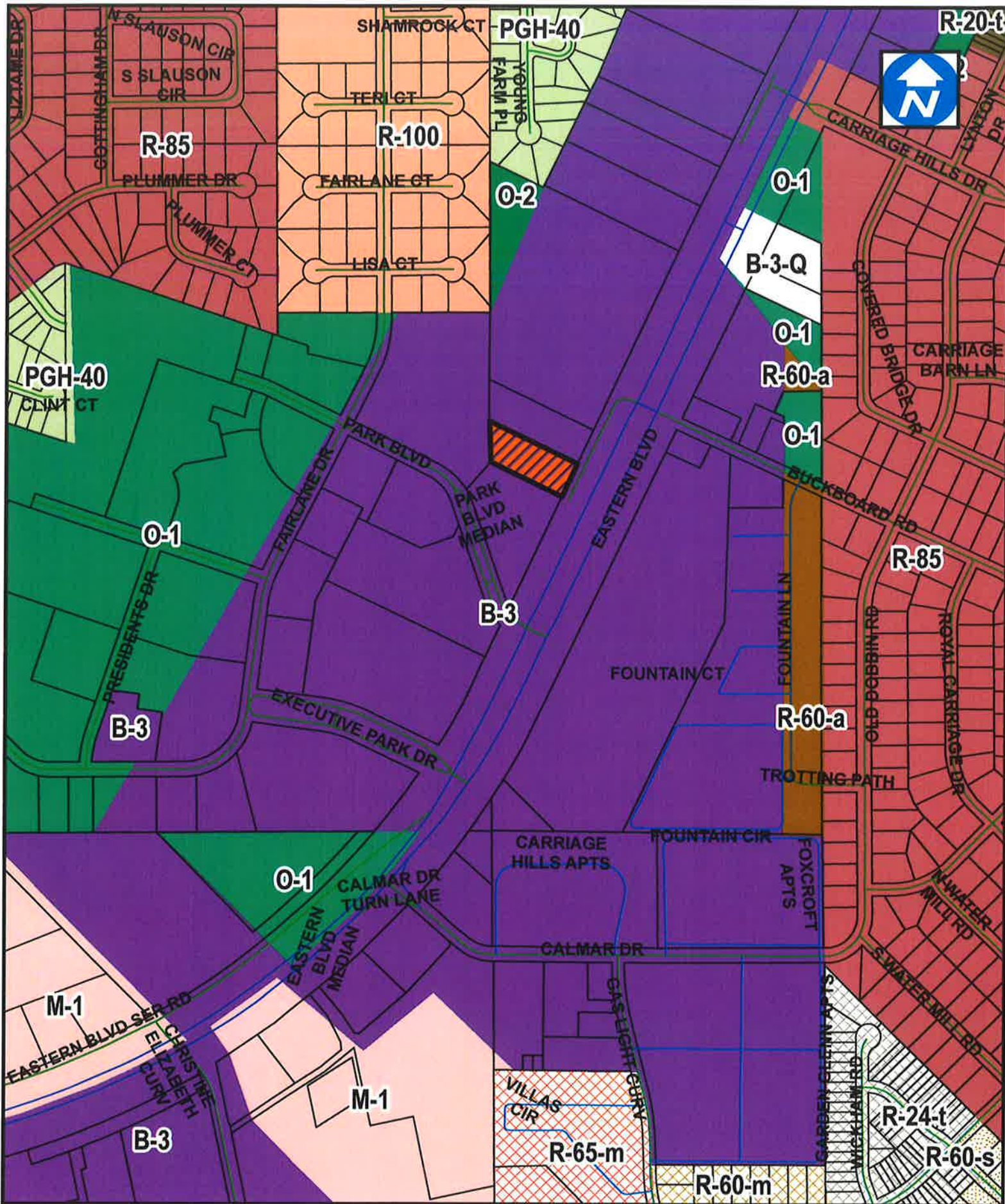
REPRESENTING: Vision Development & Construction

SUBJECT: Request a parking variance for an addition to the building located at 3300 Eastern Boulevard in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to provide a total of 42 parking spaces, whereas 91 spaces are required, for an addition that will bring the total of the building to 14,487 sq. ft.

The request is a 49-space parking variance.

CITY COUNCIL DISTRICT: 5



Site 

1 inch = 496 feet

Item 5A



Site 

1 inch = 60 feet

Item 5B

6. BD-1998-118 **PRESENTED BY:** LaVeeda Cooper

REPRESENTING: Same

SUBJECT: Request a special exception for a church to be located in a multi-tenant building located at 2801 Vaughn Plaza Road (Unit L) in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to use the tenant space for church use. There are approximately 20 members.

Service Hours

Sunday: 8:00 a.m.-11:00 a.m.

Tuesday – Thursday: 6:30 p.m.- 8:30 p.m.

Friday: 6:30 p.m.- 9:00 p.m.

The request is a special exception for church use.

COUNCIL DISTRICT: 1



Site 

1 inch = 100 feet

Item WB

7. BD-2023-025 **PRESENTED BY:** Wayne M. Glass

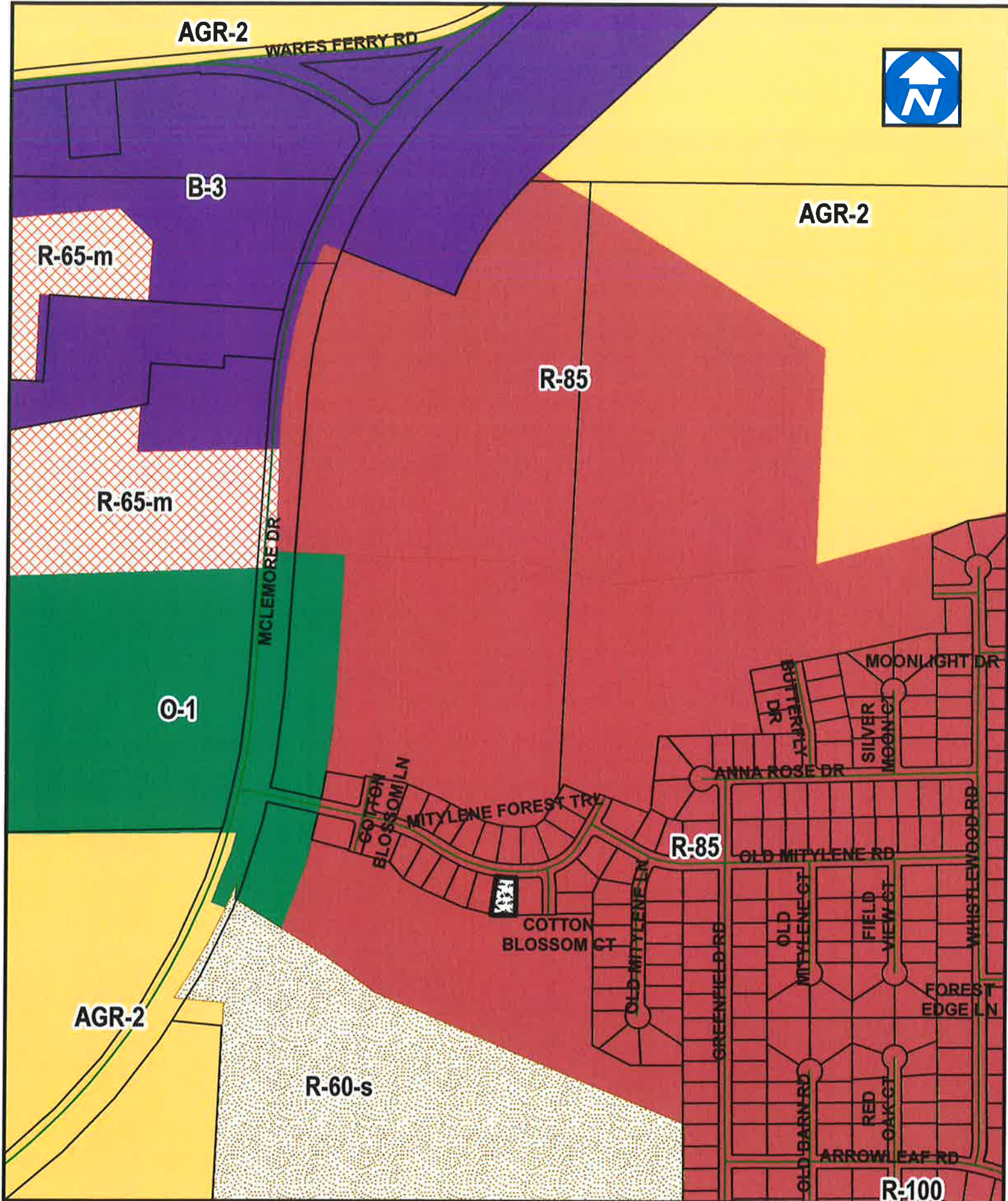
REPRESENTING: Same

SUBJECT: Request a side yard variance for an accessory structure to be located at 7136 Mitylene Forest Trail in an R-85 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 192 sq. ft. accessory structure that will come to the property line, whereas 5 ft. is required.

The request is a 5 ft. side yard variance.

CITY COUNCIL DISTRICT: 1



Site 

1 inch = 500 feet

Item 7A



MITYLENE FOREST TRL



Accessory Structure

Site 

1 inch = 30 feet

Item 7B

8. BD-2023-024 **PRESENTED BY:** Land Use Division

REPRESENTING: City of Montgomery

SUBJECT: Request an interpretation of district boundaries for the Sturbridge development located at the southeast corner of Taylor Road and Vaughn Road in B-3 (Commercial), O-1 (Office), PGH-35 (Patio Garden Home), R-20-t (Townhouse), R-65-m (Multi-Family Residential), R-85 (Single-Family Residential) and R-100 (Single-Family Residential) Zoning Districts.

REMARKS: This request is being made to interpret the zoning district boundaries. There are several areas where the zoning district does not follow parcel lines and/or street centerlines, which is common practice in zoning when drawing legal descriptions. The zoning districts meet the intent of the master plan when the property was rezoned in 1985; however legal descriptions were not exact and need to be adjusted to follow parcel lines and/or street centerlines as much as possible. Most of this development is built out, with a few exceptions, and correcting the zoning district lines will not affect future development. The Zoning Ordinance allows for the Board of Adjustment to determine boundaries when uncertainty exists (see below).

4. Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of any district shown on said maps the following rules shall apply:

- a. Where boundaries are indicated as approximately following street and alley lines, and land lot lines, such lines shall be construed to be such boundaries.
- b. In subdivided property or tracts, where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale appearing on such maps.
- c. Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.
- d. Where boundaries are so indicated that they are approximately parallel to the center lines of street, or to the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning maps. If no distance is given, such dimensions shall be determined by the use of the scale shown on the said maps.
- e. In case any further uncertainty exists, the Board of Adjustment shall determine the location of boundaries. The Board of Adjustment may also cause to be prepared sectional maps of any part of the city, which will interpret the exact location of the district boundaries, following the guidelines contained in the preceding paragraphs.

The request is for the Board of Adjustment to authorize the correction of the errors in order to show correct location of the district boundary lines to follow lot lines and/or street centerlines, as much as possible, as indicated on the attached map (Exhibit A).

CITY COUNCIL DISTRICT: 8

Map From Ordinance



PUD

R-24-T

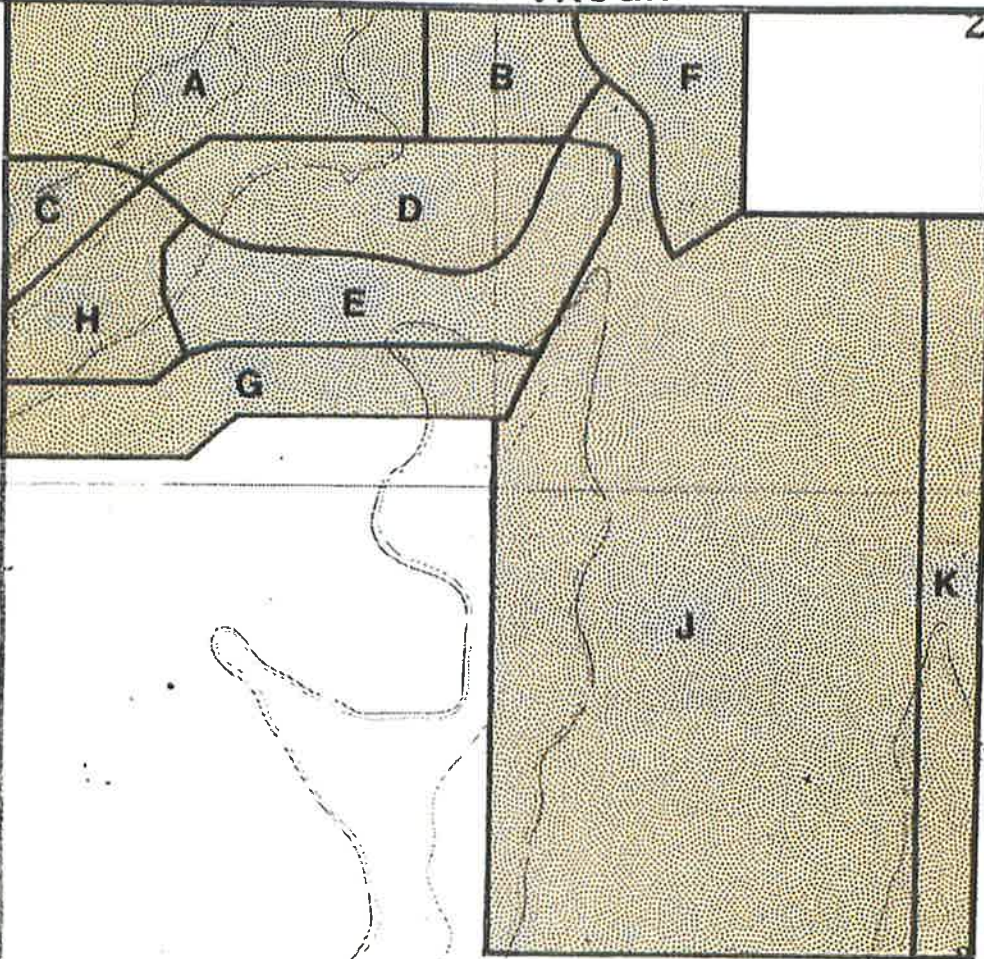
R-65-M

AG

VAUGHN ROAD

29

28



RAY THORINGTON ROAD

TAYLOR ROAD

PAYNE ROAD

AGR-1

32

33

COUNCIL DISTRICT # 9

REZONING REQUEST **Z-17-84**

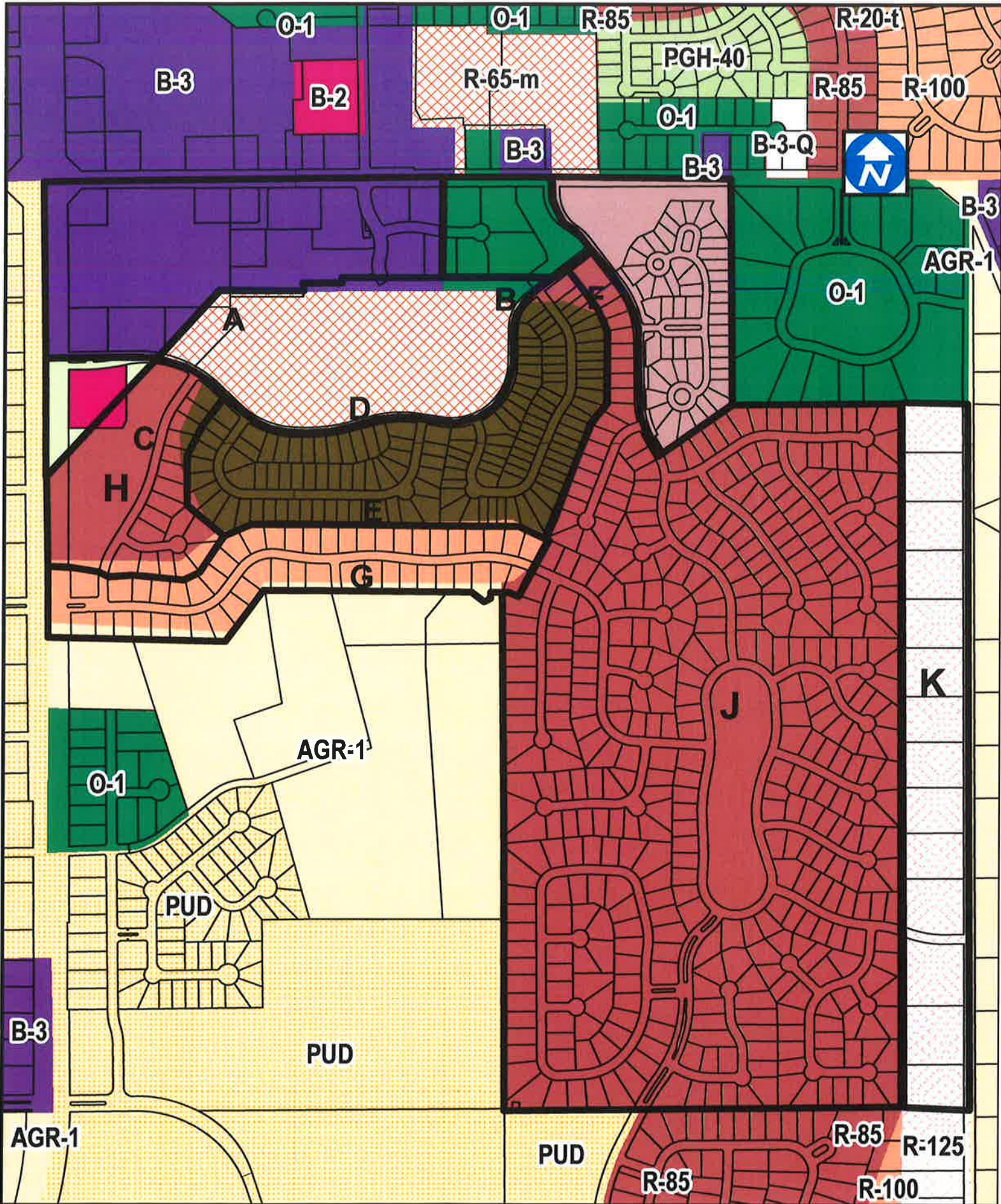
FROM: AGR-1

- TO : Parcel A - B-3 - 36.715
- Parcel B - O-1 - 11.004
- Parcel C - Inst. - 8.65
- Parcel D - R-65-m - 29.692
- Parcel E - R-20-t - 28.546
- Parcel F - PGH-35 - 20.592
- Parcel G - R-100 - 24.451
- Parcel H - R-85 - 18.46
- Parcel J - R-85 - 207.244
- Parcel K - R-125 - 30.154

Subject Property



8A

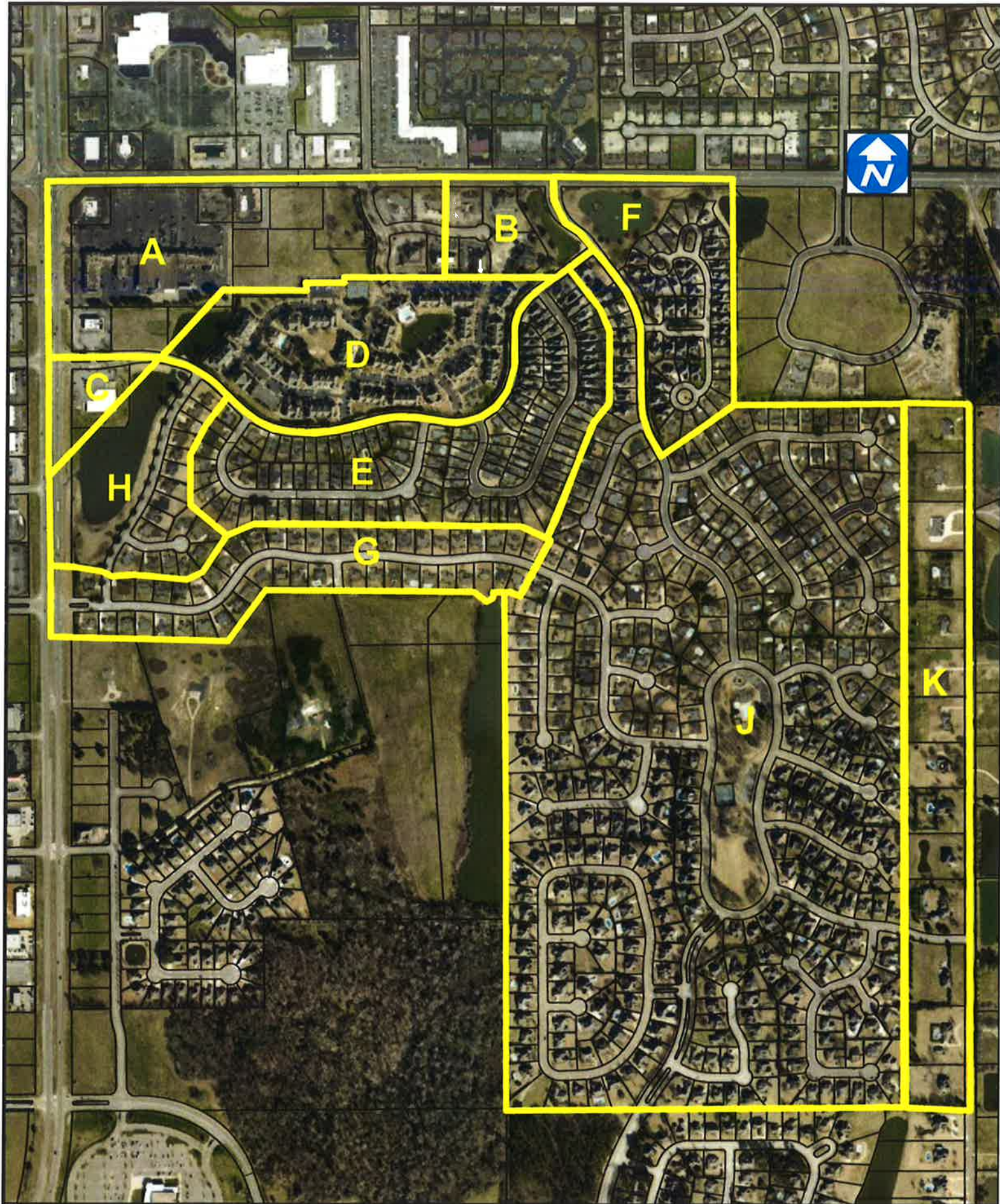


Site

Exhibit A

1 inch = 700 feet

Item 8B



Site 

1 inch = 700 feet

Item 8C