

Board of Adjustment Agenda

November 16, 2023 – 5:00 p.m.

Council Auditorium

City Hall, 103 N. Perry St.

BOARD OF ADJUSTMENT MEMBERS

John Stanley, *Chairman*

George Howell, *Vice-Chairman*

Quentin Burke

Beau Holmes

Blake Markham

Bart Prince

Barry Robinson

Pickett Reese

Jennifer Shaw

Land Use Division

Warren Adams

Executive Secretary

I. Chairman's Message

II. Approval of Minutes from the October 19, 2023 meeting.

November 16, 2023

| <u>Item</u> | <u>File</u> | <u>Petitioner</u> | <u>Zone</u> | <u>Location/Request</u> | <u>Page</u> |
|-------------|-------------|------------------------------|--------------|---|-------------|
| 1. | 2023-045 | David Lee Nystrom | R-85 | 3626 South Georgetown Drive (Storage of recreational vehicle) | 1 |
| 2. | 2023-044 | Hyun Hee Lee | R-100 | 81 Watson Circle (Accessory structure – living quarters and plumbing) | 2 |
| 3. | 1991-205 | Steve Hall | B-3 | 1760 North Eastern Boulevard (Parking variance) | 3 |
| 4. | 2023-046 | Alicia Gensler | AGR-2 | Old Wetumpka Highway (Mobile home) | 4 |
| 5. | 1964-013 | Goodwyn Mills Cawood | O-2 | 2105 East South Boulevard (Front yard variance) | 5 |
| 6. | 2023-048 | David Sumner | R-75-s | 655 Hubbard Street (Side yard variance) | 6 |
| 7. | 2023-047 | Larry E. Speaks & Associates | R-60-s | 2203 Hampstead Mews (Front yard variance) | 7 |
| 8. | 2023-049 | Jazmin Martinez | FH & R-50 | Coosada Ferry Road (Mobile home) | 8 |

The next Board of Adjustment meeting is on December 21, 2023

1. BD-2023-045 **PRESENTED BY:** David Lee Nystrom

REPRESENTING: Same

SUBJECT: Request a variance to store a recreational vehicle in the front of the dwelling located at 3626 South Georgetown Drive in an R-85 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain the location of an RV in the front driveway.

The request is a variance to store a recreational vehicle in the front driveway.

CITY COUNCIL DISTRICT: 2

**Variance Request
Part II**

Physical Location: 3626 S. Georgetown Dr.

A variance is a deviation from the terms of the Zoning Ordinance that apply to a particular property. Variances may be appropriate where strict application of the regulations would create a hardship on the owner, due to unusual circumstances such as parcel shape, size or topography.

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

Article III, Section 3 (c) requires you to demonstrate that a hardship exists by providing all of the following:

- 1. What special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?

No access to back yard long enough.
No room on either side of house (too narrow)

- 2. What literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance?

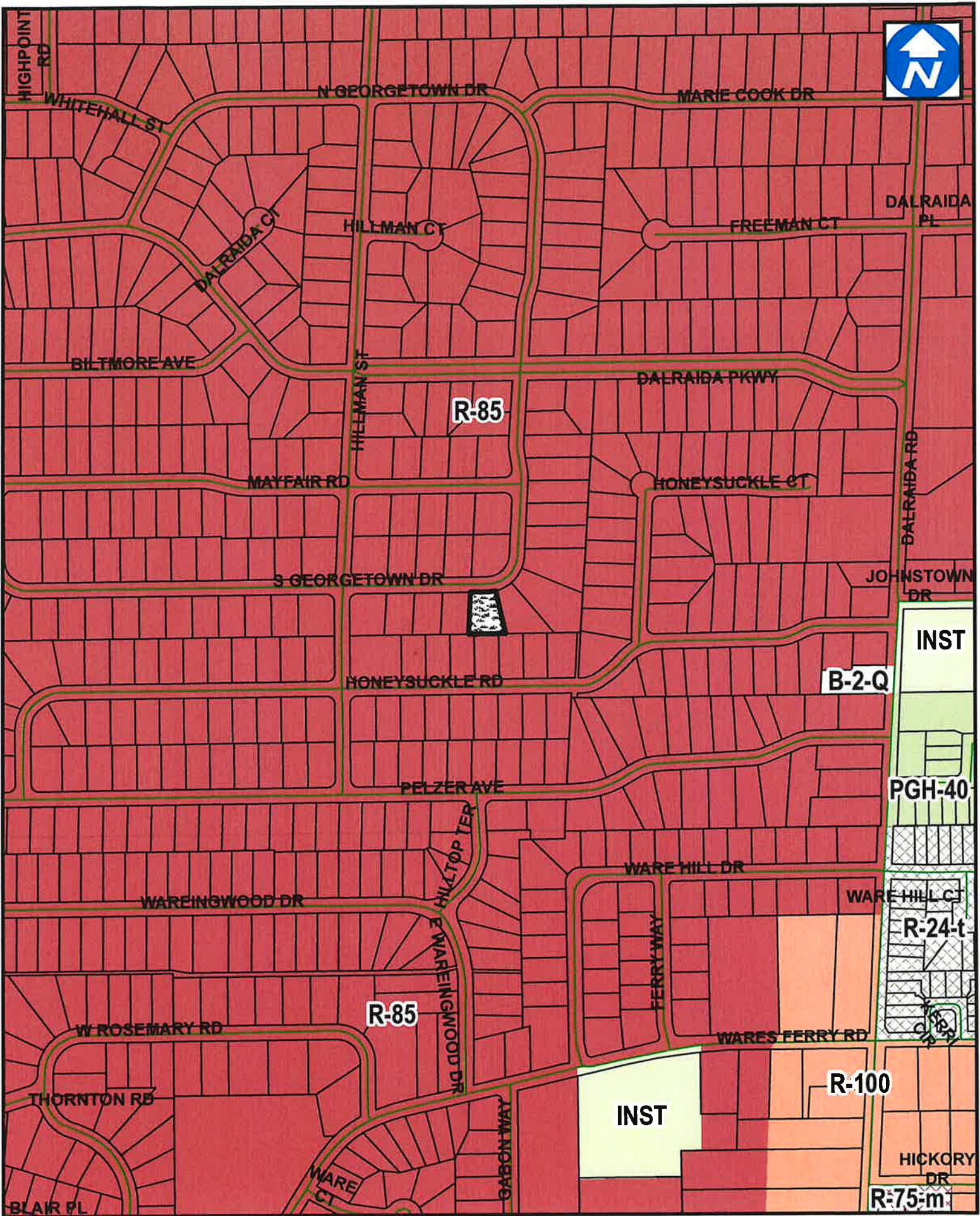
See some RV's and boats in same area.

- 3. Does the special conditions and circumstances result from the actions of the applicant?

NO

- 4. By granting the variance requested, will it grant to the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district?

Don't know



SITE 

1 inch = 400 feet

Item IB



S GEORGETOWN DR



SITE 

1 inch = 40 feet

Item K

2. BD-2023-044 **PRESENTED BY:** Hyun Hee Lee

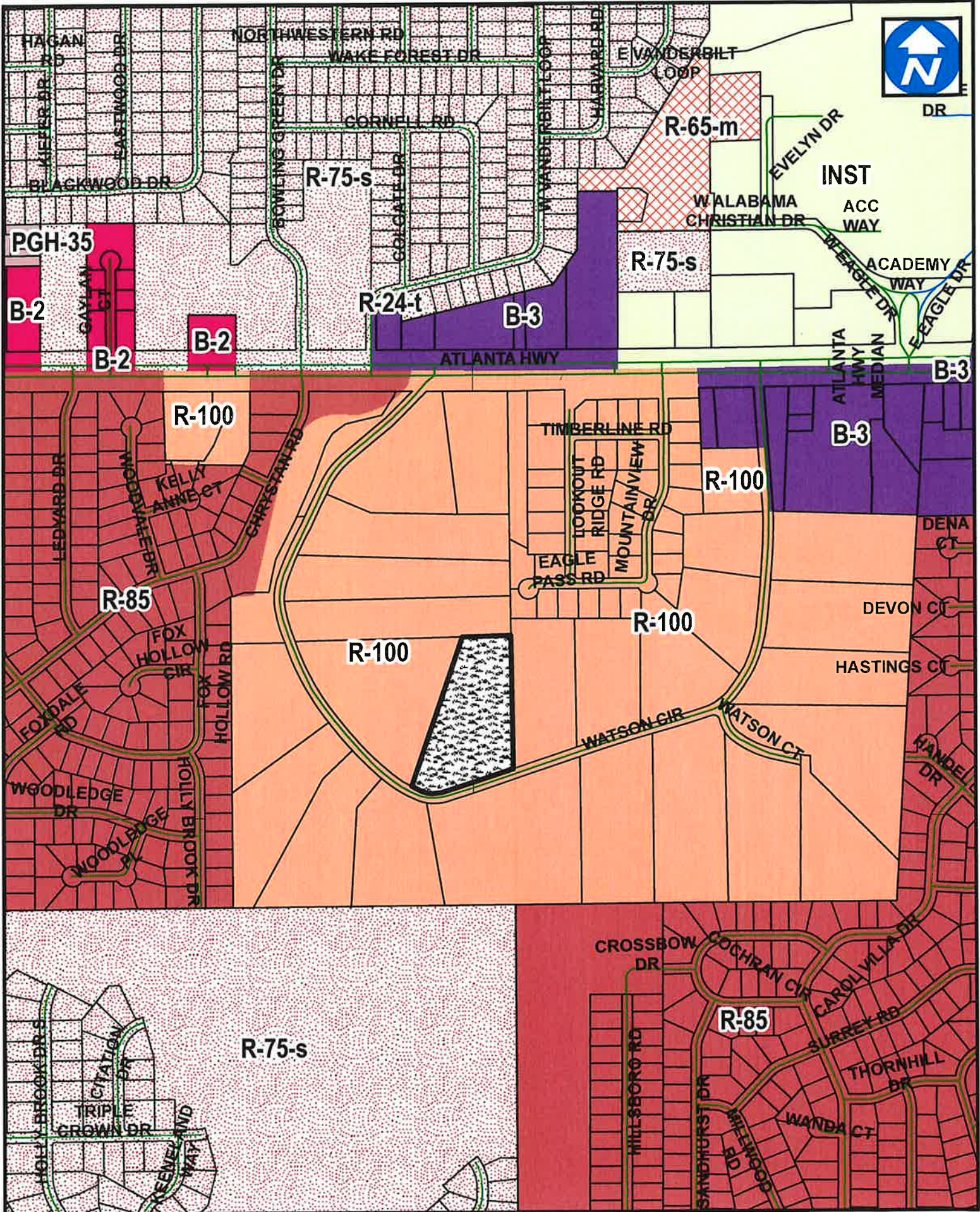
REPRESENTING: Same

SUBJECT: Request a special exception for living quarters and plumbing in an accessory structure located at 81 Watson Circle in an R-100 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain the plumbing in an existing accessory structure. The plumbing was already installed when the applicant bought the property. He would also like permission to use the accessory structure as a guest house.

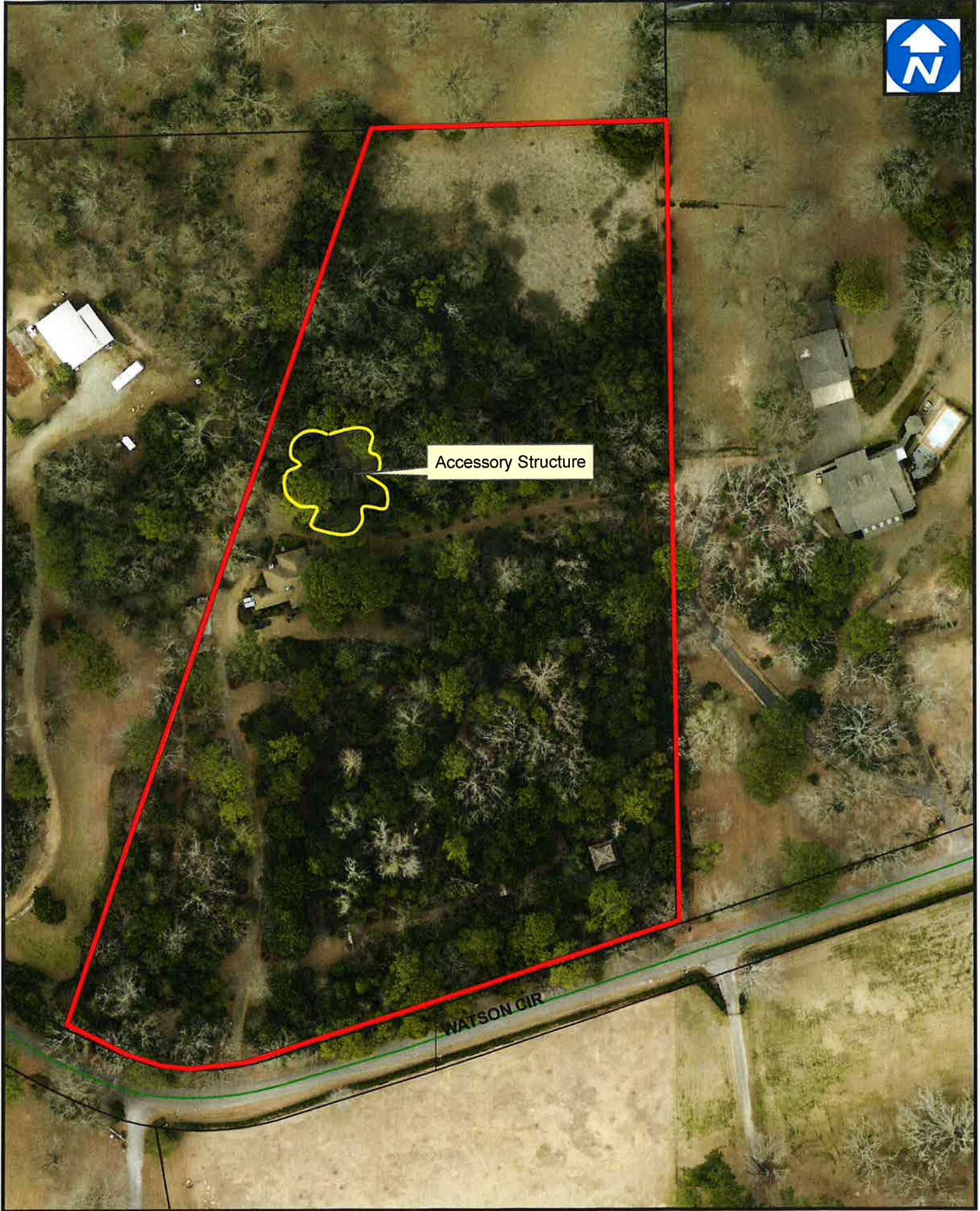
The request is a special exception for living quarters and plumbing in an accessory structure.

COUNCIL DISTRICT: 1



SITE 

1 inch = 600 feet
Item 2A



SITE 

1 inch = 100 feet

Item 2B



Accessory Structure

SITE

1 inch = 30 feet

Item 2C

3. BD-1991-205 **PRESENTED BY:** Steve Hall

REPRESENTING: Arco Builders, Inc.

SUBJECT: Request a parking variance for a new building to be located at 1760 North Eastern Boulevard in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to provide 24 parking space, whereas 74 spaces are required, for a new 11,912 sq. ft. building for Sunbelt Rentals. Per the applicant, parking is only necessary for office staff and 1-2 visitor spaces.

The request is a 50-space parking variance.

COUNCIL DISTRICT: 2

**Variance Request
Part II**

Physical Location: 1760 Northeastern Blvd.

A variance is a deviation from the terms of the Zoning Ordinance that apply to a particular property. Variances may be appropriate where strict application of the regulations would create a hardship on the owner, due to unusual circumstances such as parcel shape, size or topography.

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

Article III, Section 3 (c) requires you to demonstrate that a hardship exists by providing all of the following:

1. What special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?

This operator builds these facilities all over U.S.
They only need parking for staff and possibly
1 or 2 customers. 24 spaces are not needed
Nor will they be used.

2. What literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance?

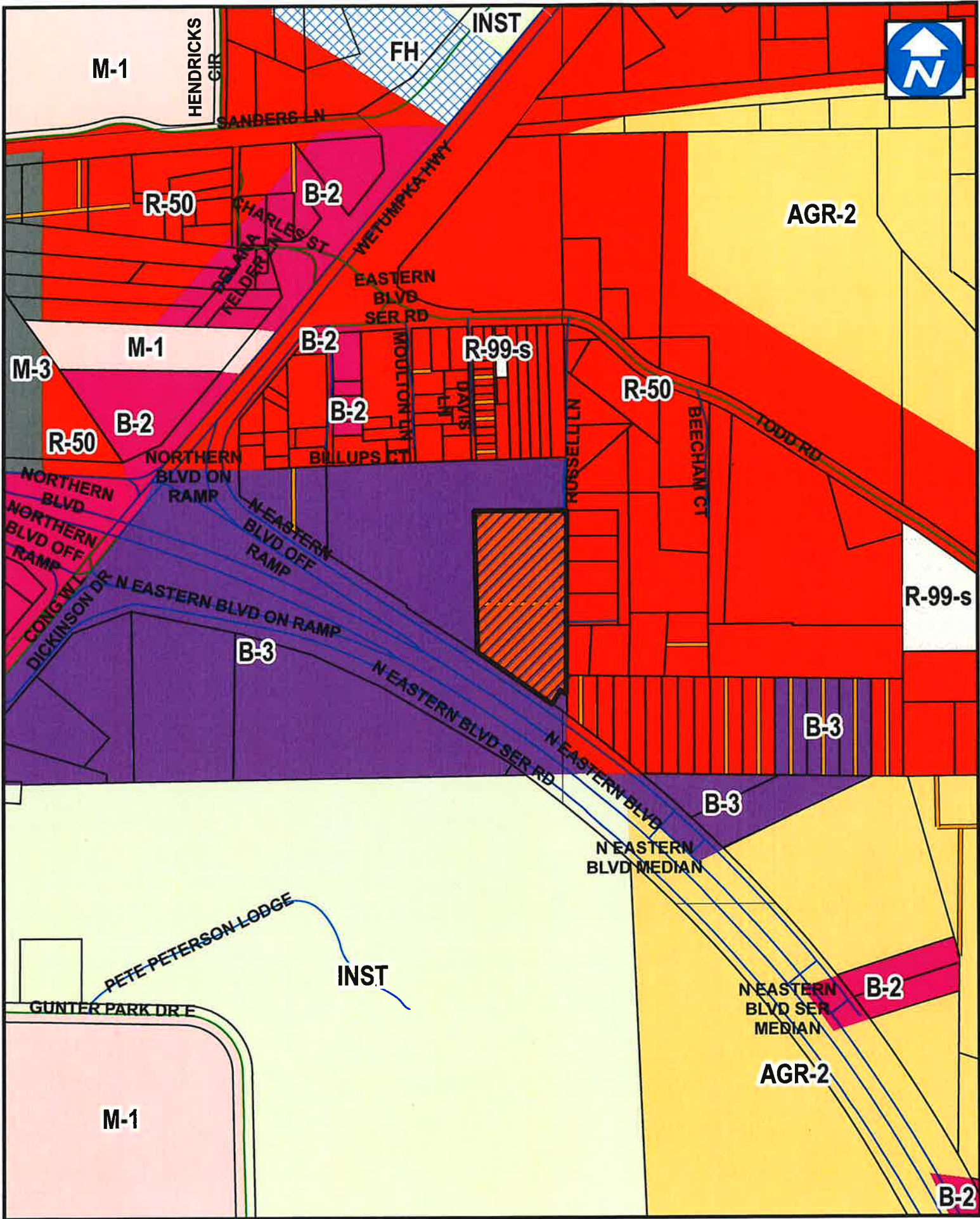
Other properties located near do not have
parking per current ordinance

3. Does the special conditions and circumstances result from the actions of the applicant?

Yes. Only because they do not use much
parking. We have 24 spaces. They only have
6 staff. Furthermore adding the added parking
will take up space needed for equipment + Drained

4. By granting the variance requested, will it grant to the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district?

Not to our knowledge. We included +
designed for total office space requirement



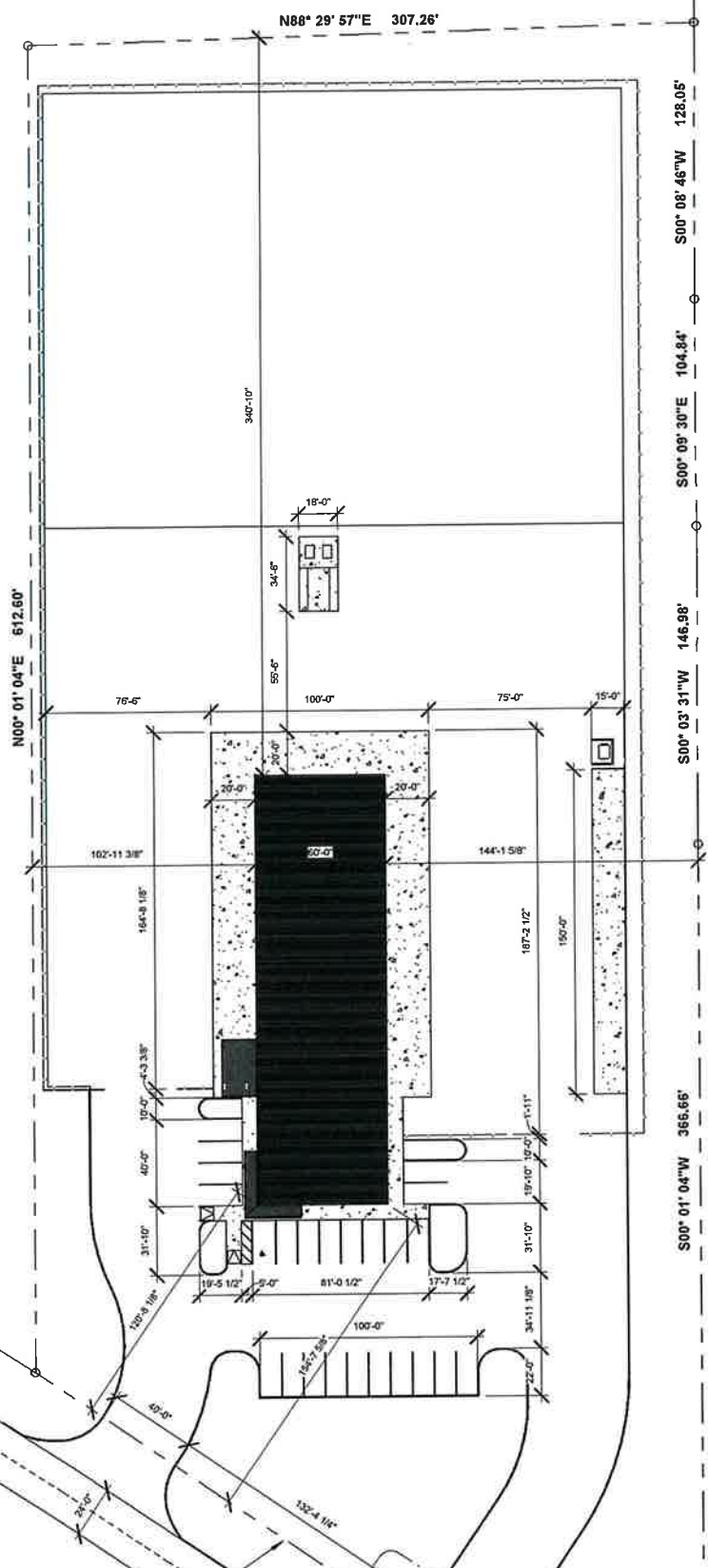
SITE 

1 inch = 500 feet

Item 3B

2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.

N
Z
A



SITE PLAN



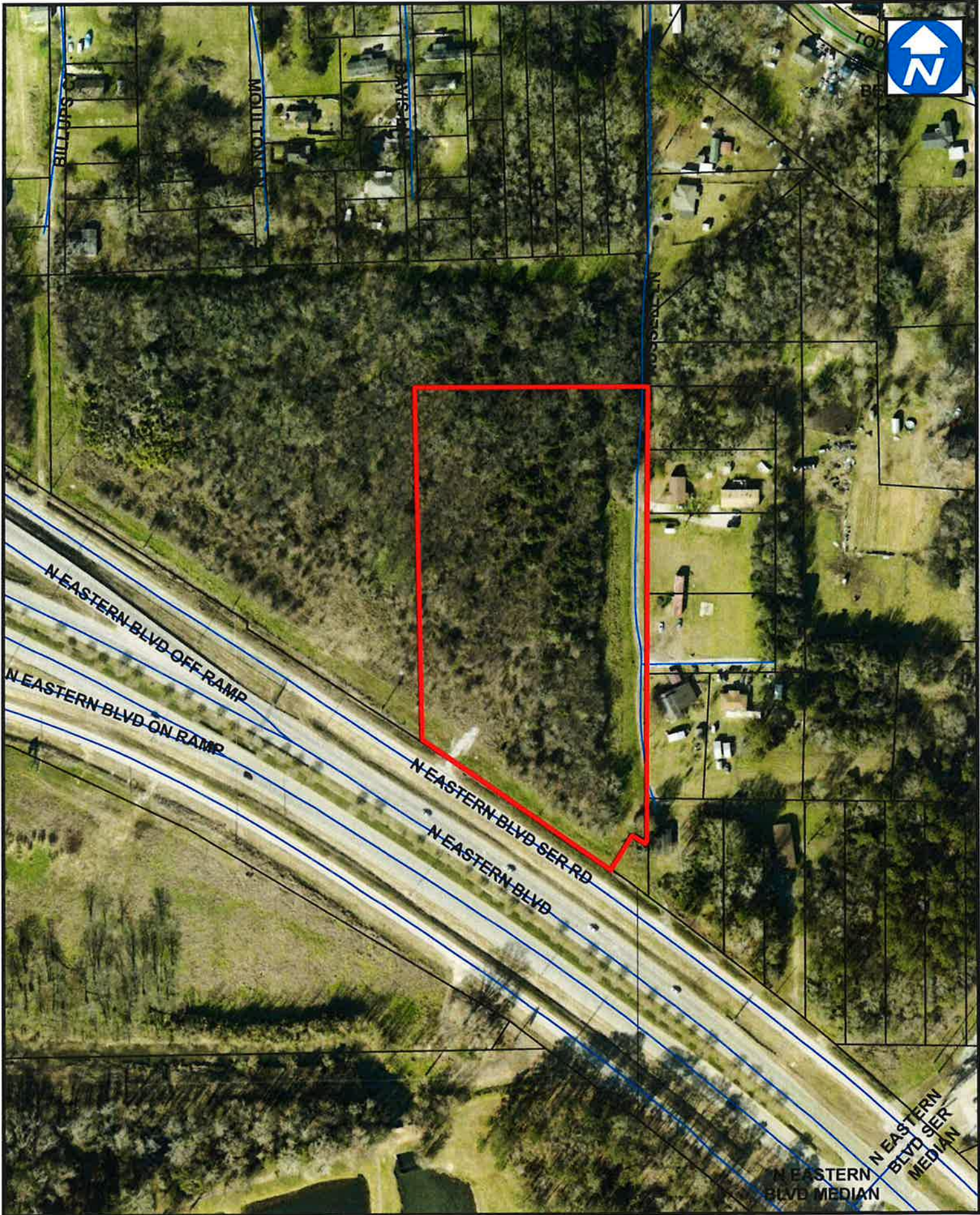
CH 300.00'
N55° 31' 34" W
(RAD 5879.58')

N55° 36' 01" W
25.52'

S33° 32' 02" W
70.00'

1
C-6

30



SITE 

1 inch = 200 feet

Item 3D

4. BD-2023-046 **PRESENTED BY:** Alicia Gensler

REPRESENTING: Same

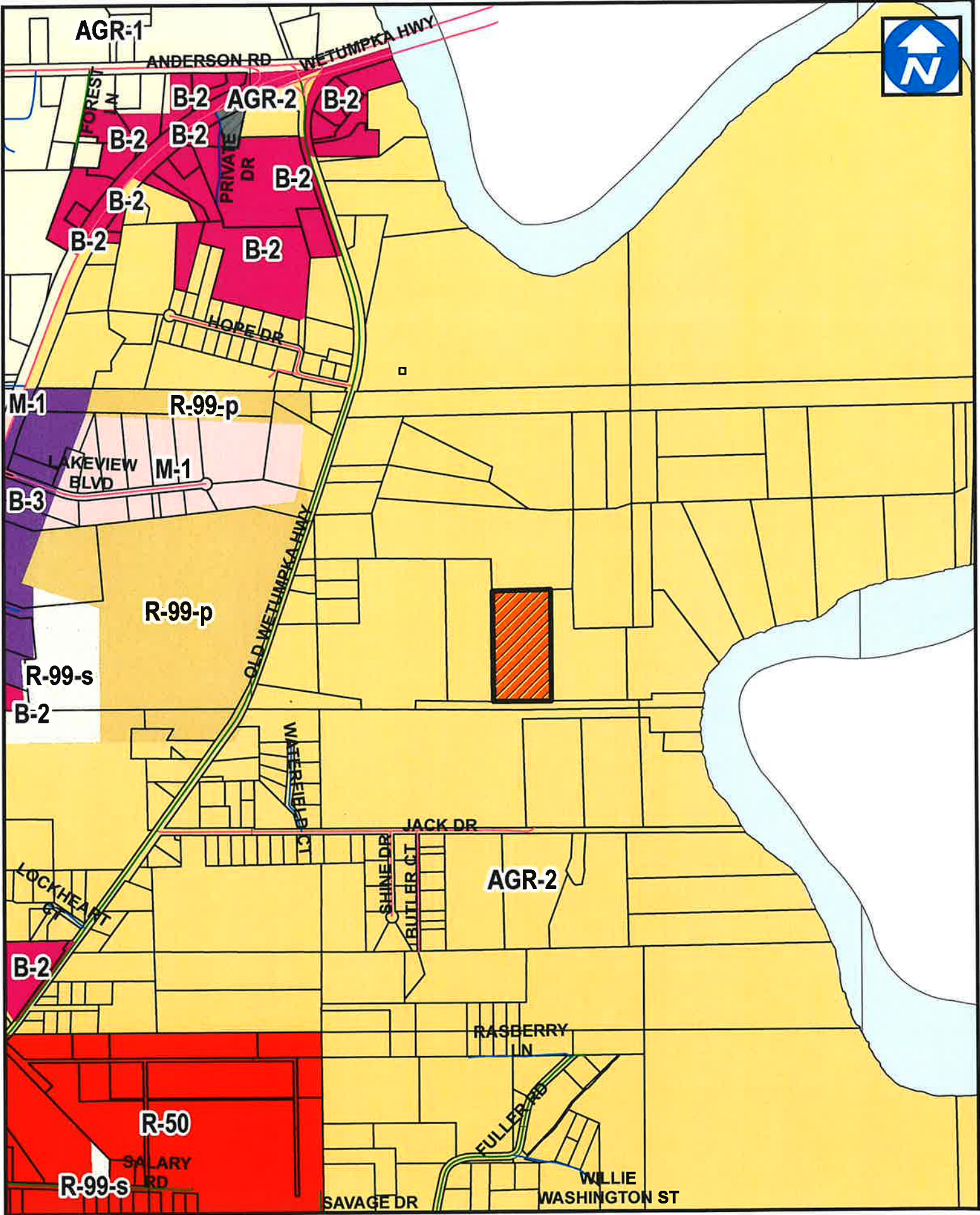
SUBJECT: Request a special exception for a mobile home for living purposes to be located approximately 1,800 ft. east of Old Wetumpka Highway and 1,100 ft. north of Jack Drive in an AGR-2 (General Agriculture) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home for living purposes on a 10-acre parcel of land.

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

COUNCIL DISTRICT: Planning Jurisdiction

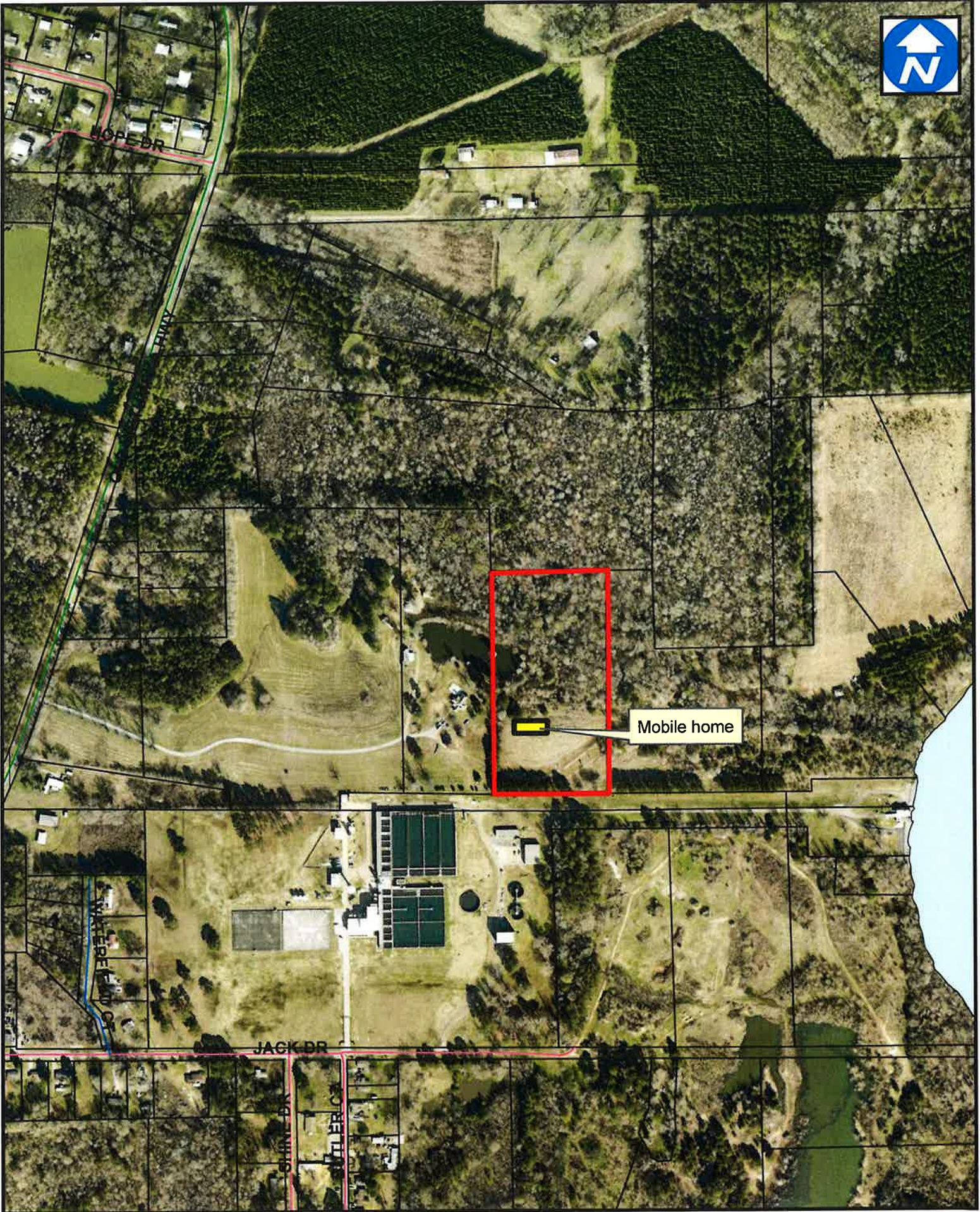
COUNTY COMMISSION DISTRICT: 4



SITE 

1 inch = 1,000 feet

Item 4A



SITE 

1 inch = 500 feet

Item 4B

5. BD-1964-013 **PRESENTED BY:** Goodwyn Mills Cawood

REPRESENTING: Baptist Health Care

SUBJECT: Request a front yard variance for an addition to the building located at 2105 East South Boulevard in an O-2 (Office) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct an 80 ft. x 120 ft. addition to the Emergency Room. The addition will come within 12 ft. of the front property line (East South Boulevard), whereas 40 ft. is required.

The request is a 28 ft. front yard variance.

COUNCIL DISTRICT: 5

Variance Request

Part II

Physical Location: 2105 East South Boulevard Montgomery, AL

A variance is a deviation from the terms of the Zoning Ordinance that apply to a particular property. Variances may be appropriate where strict application of the regulations would create a hardship on the owner, due to unusual circumstances such as parcel shape, size or topography.

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

Article III, Section 3 (c) requires you to demonstrate that a hardship exists by providing **all** of the following:

1. What special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?

The subject property is an existing general hospital with growth demands related to increased capacity needs.

The target area of expansion has limited options for design consideration.

2. What literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance?

Space limitations related to targeted area of growth needs, in emergency services department.

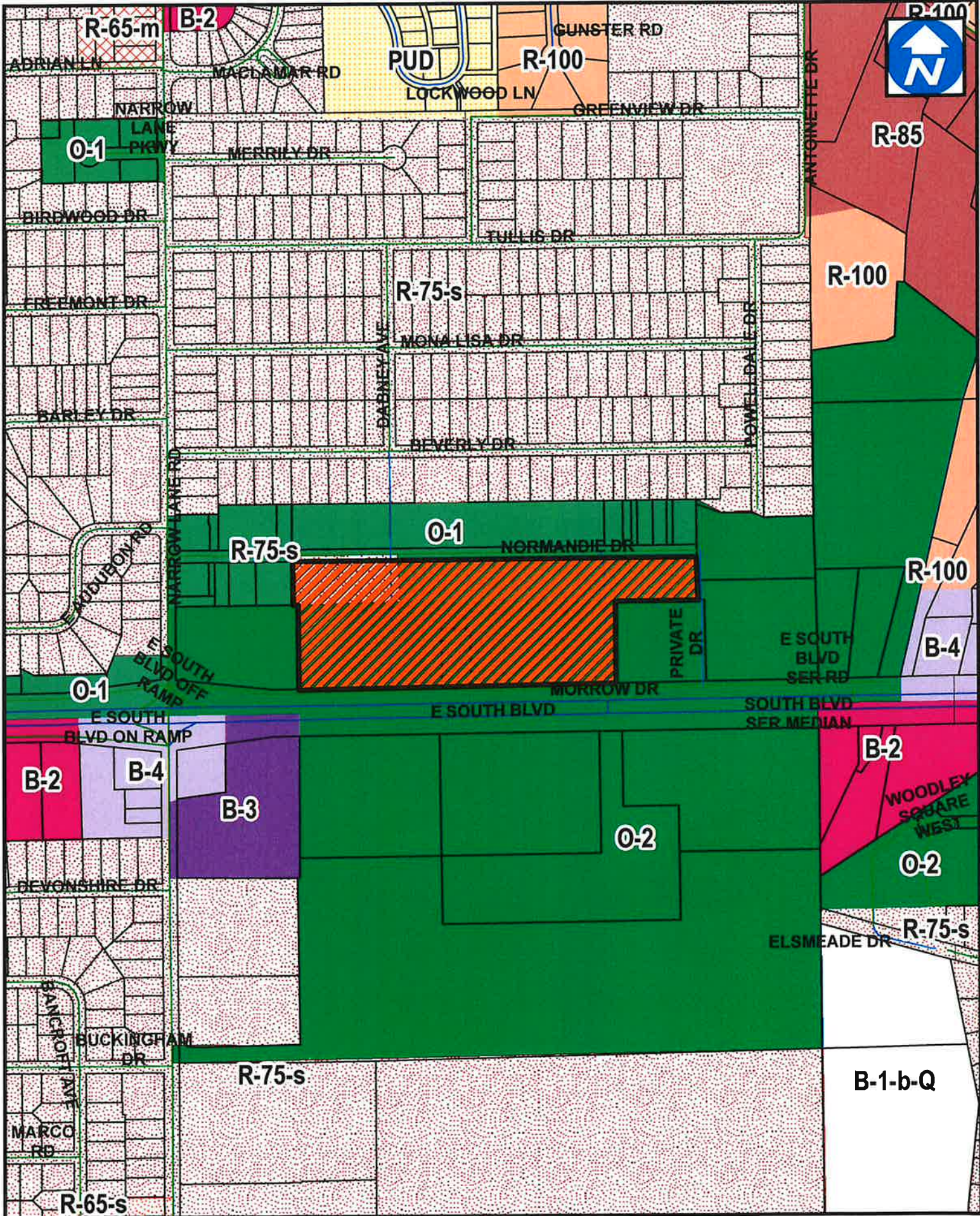
3. Does the special conditions and circumstances result from the actions of the applicant?

The ER addition will increase the emergency services capacity and better support the healthcare needs of the surrounding community.

4. By granting the variance requested, will it grant to the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district?

It will grant the applicant the space needed for added capacity to better support the urgent care needs of the surrounding community.

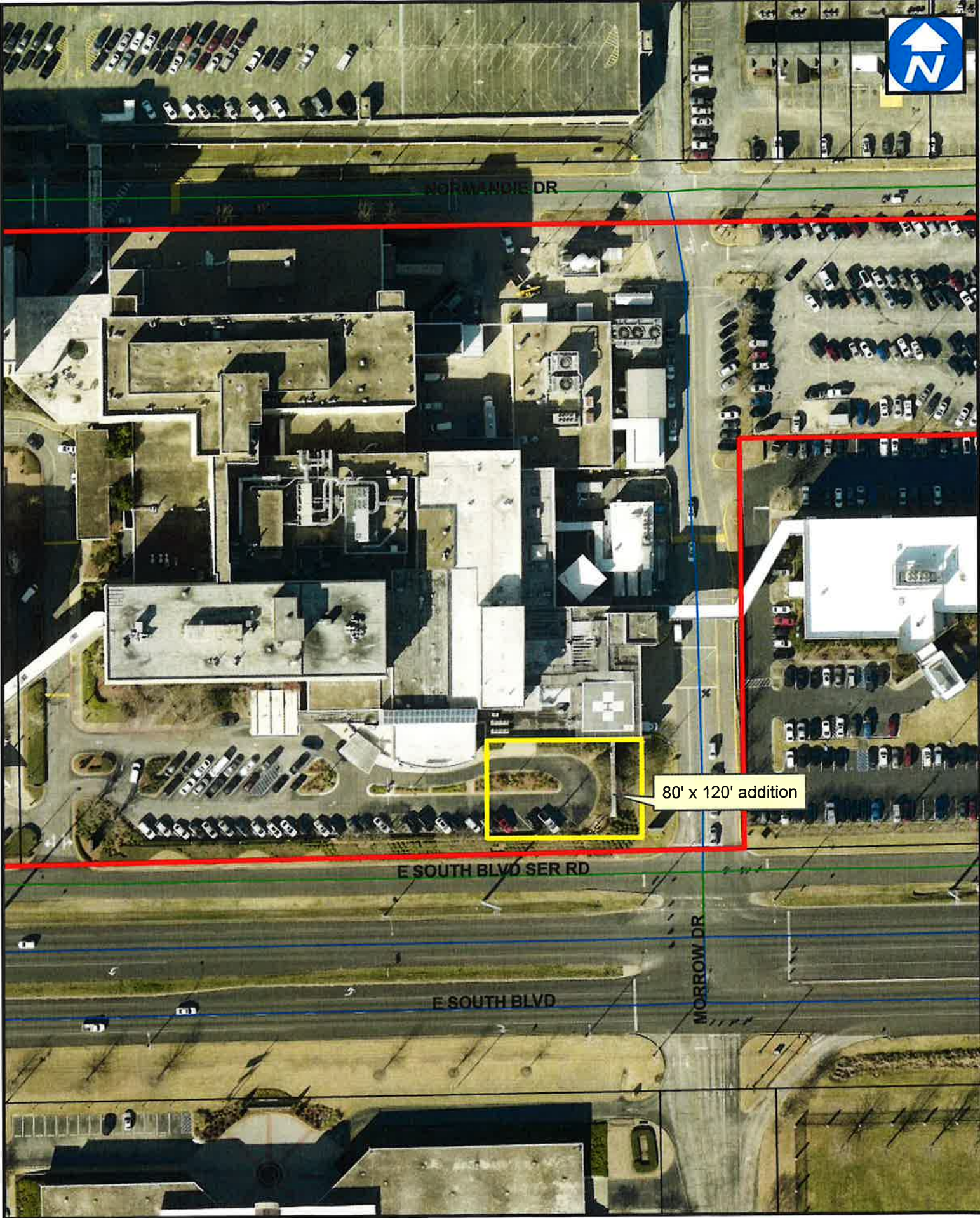
It is a special privilege to serve the healthcare needs of our community.



SITE 

1 inch = 500 feet

Item 5B



80' x 120' addition

SITE 

1 inch = 100 feet

Item 5D

6. BD-2023-048 **PRESENTED BY:** David Sumner

REPRESENTING: Same

SUBJECT: Request a side yard variance for a detached accessory structure to be located at 655 Hubbard Street in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 32 ft. x 21 ft. detached 2-story garage to come to the side property line, whereas 5 ft. is required.

The request is a 5 ft. side yard variance.

The Architectural Review Board heard this request at the October 24, 2023 meeting and delayed it for the Board of Adjustment to hear and determine the exact location of the proposed garage. This request will be placed on the November 28th ARB agenda.

COUNCIL DISTRICT: 7

Variance Request

Part II

Physical Location: 655 Hubbard Street

A variance is a deviation from the terms of the Zoning Ordinance that apply to a particular property. Variances may be appropriate where strict application of the regulations would create a hardship on the owner, due to unusual circumstances such as parcel shape, size or topography.

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

Article III, Section 3 (c) requires you to demonstrate that a hardship exists by providing **all** of the following:

1. What special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?

This property's location of an original garage was located at the top

of the still existing driveway and parking area. Previous owner demolished the garage for

unknown reasons. Rebuilding garage on the same footprint retains access and usage of garage from existing driveway

2. What literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance?

The five foot easement from side property lines for outbuildings on a property in an area where garages were historically constructed in

close proximity to property lines and many homes in the neighborhood retain outbuildings closer than five feet

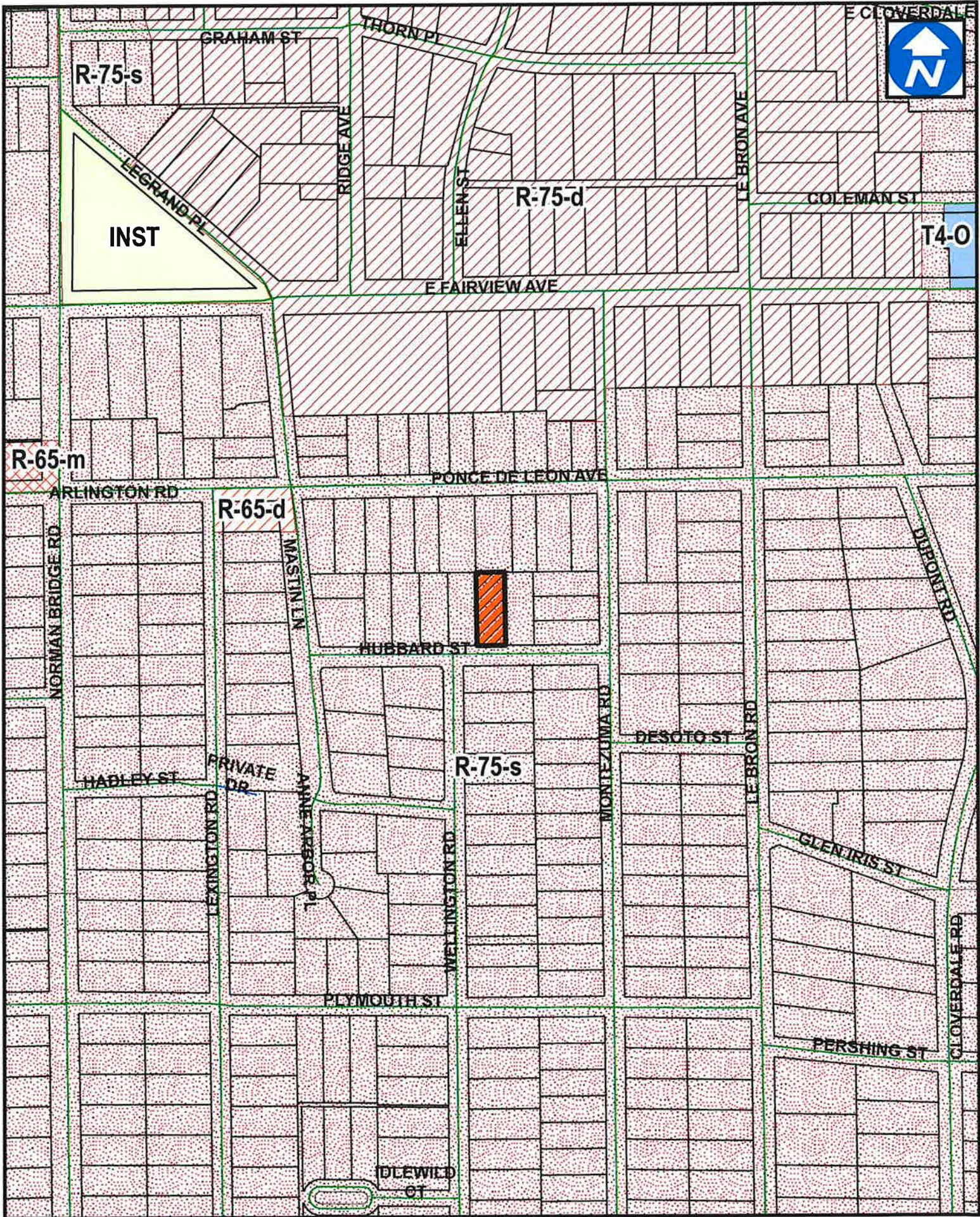
to side and rear property lines.

3. Does the special conditions and circumstances result from the actions of the applicant?

No.

4. By granting the variance requested, will it grant to the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district?

No.



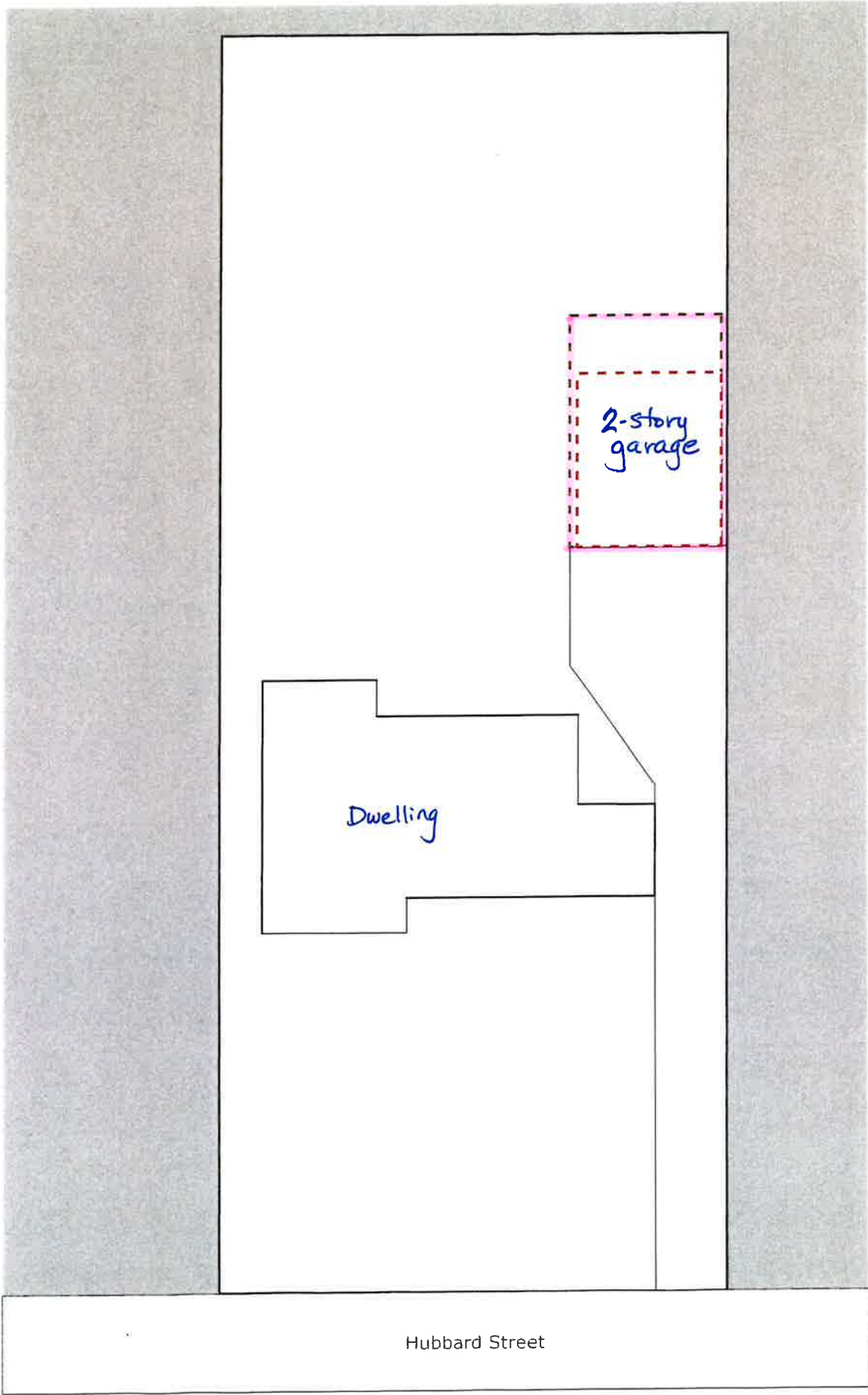
SITE 

1 inch = 300 feet

Item 6B

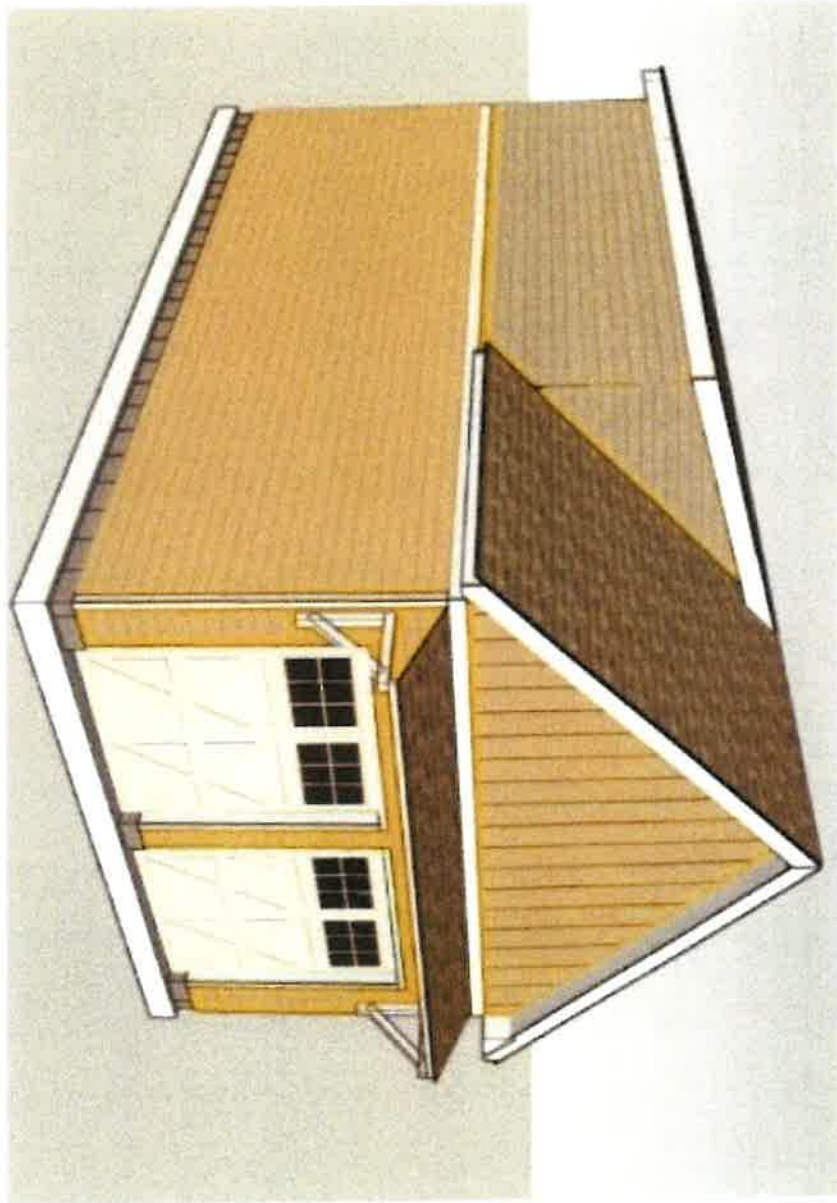
Proposed Garage

Original Garage



Hubbard Street

60



6D



HUBBARD ST

WELLINGTON RD

SITE 

1 inch = 30 feet

Item 6E

7. BD-2023-047 **PRESENTED BY:** Larry E. Speaks & Associates

REPRESENTING: Paul & Carolyn Vaccaro

SUBJECT: Request a front yard variance for an addition to the dwelling located at 2203 Hampstead Mews in an R-60-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a garage addition that will come within 15 ft. of the front property line, whereas 20 ft. is required.

The request is a 5 ft. front yard variance.

COUNCIL DISTRICT: 9

Variance Request

Part II

Physical Location: 2203 Hampstead Mews, Montgomery

A variance is a deviation from the terms of the Zoning Ordinance that apply to a particular property. Variances may be appropriate where strict application of the regulations would create a hardship on the owner, due to unusual circumstances such as parcel shape, size or topography.

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

Article III, Section 3 (c) requires you to demonstrate that a hardship exists by providing **all** of the following:

1. What special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?

The odd shape of the lot

2. What literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance?

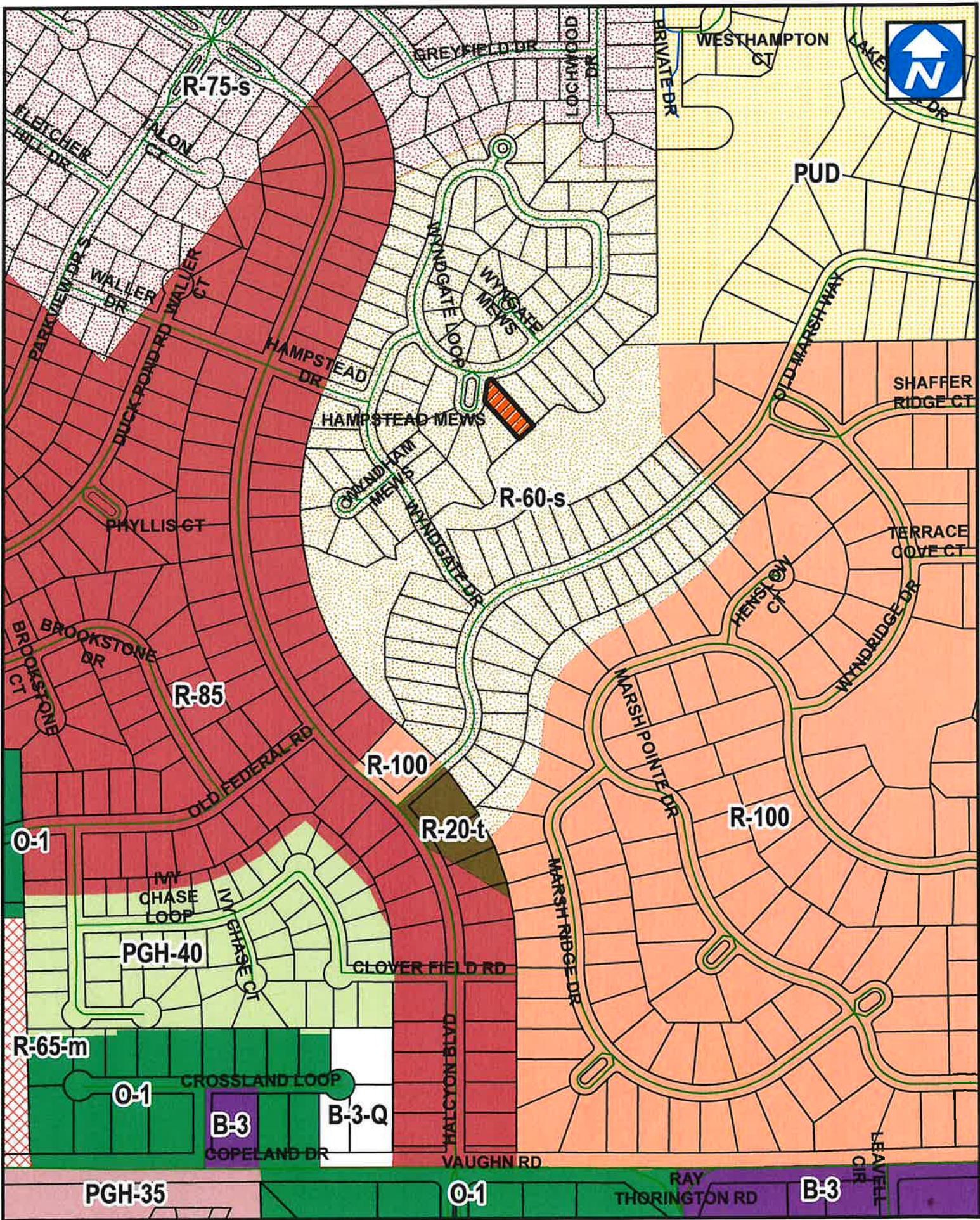
Building setback line

3. Does the special conditions and circumstances result from the actions of the applicant?

No

4. By granting the variance requested, will it grant to the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district?

No

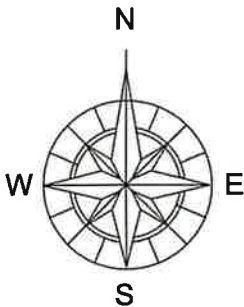
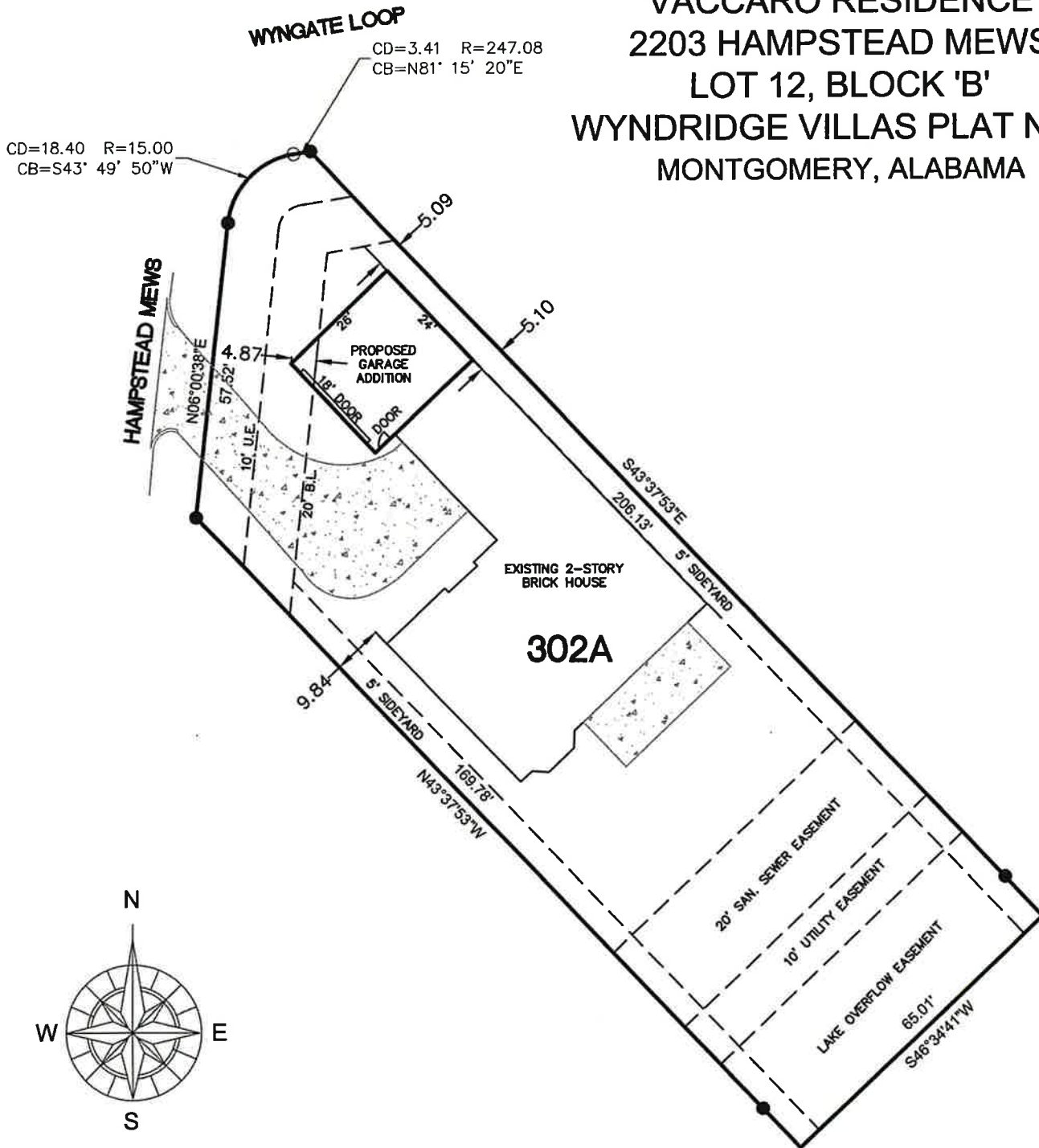


SITE 

1 inch = 400 feet

Item TB

SITE PLAN PROPOSED GARAGE ADDITION VACCARO RESIDENCE 2203 HAMPSTEAD MEWS LOT 12, BLOCK 'B' WYNDRIDGE VILLAS PLAT NO. 1 MONTGOMERY, ALABAMA



SCALE: 1"=30'

LEGEND:

- FOUND IRON PIN
(5/8" REBAR CAPPED)
W/# CA-00017-LS
(UNLESS NOTED OTHERWISE)
- SET IRON PIN
(5/8" REBAR CAPPED)
W/# CA-00017-LS
- FOUND CONCRETE MARKER
- △ CALCULATED POINT

DATE: 10/19/2023

LARRY E. SPEAKS
&
ASSOCIATES, INC.
CONSULTING ENGINEERS
&
LAND SURVEYORS

535 HERRON STREET
MONTGOMERY, AL. 36104
TEL (334)262-1091

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WYNGATE MEWS



WYNDGATE LOOP

HAMPSTEAD MEWS

SITE 

1 inch = 50 feet

Item TD

8. BD-2023-049 **PRESENTED BY:** Jazmin Martinez

REPRESENTING: Same

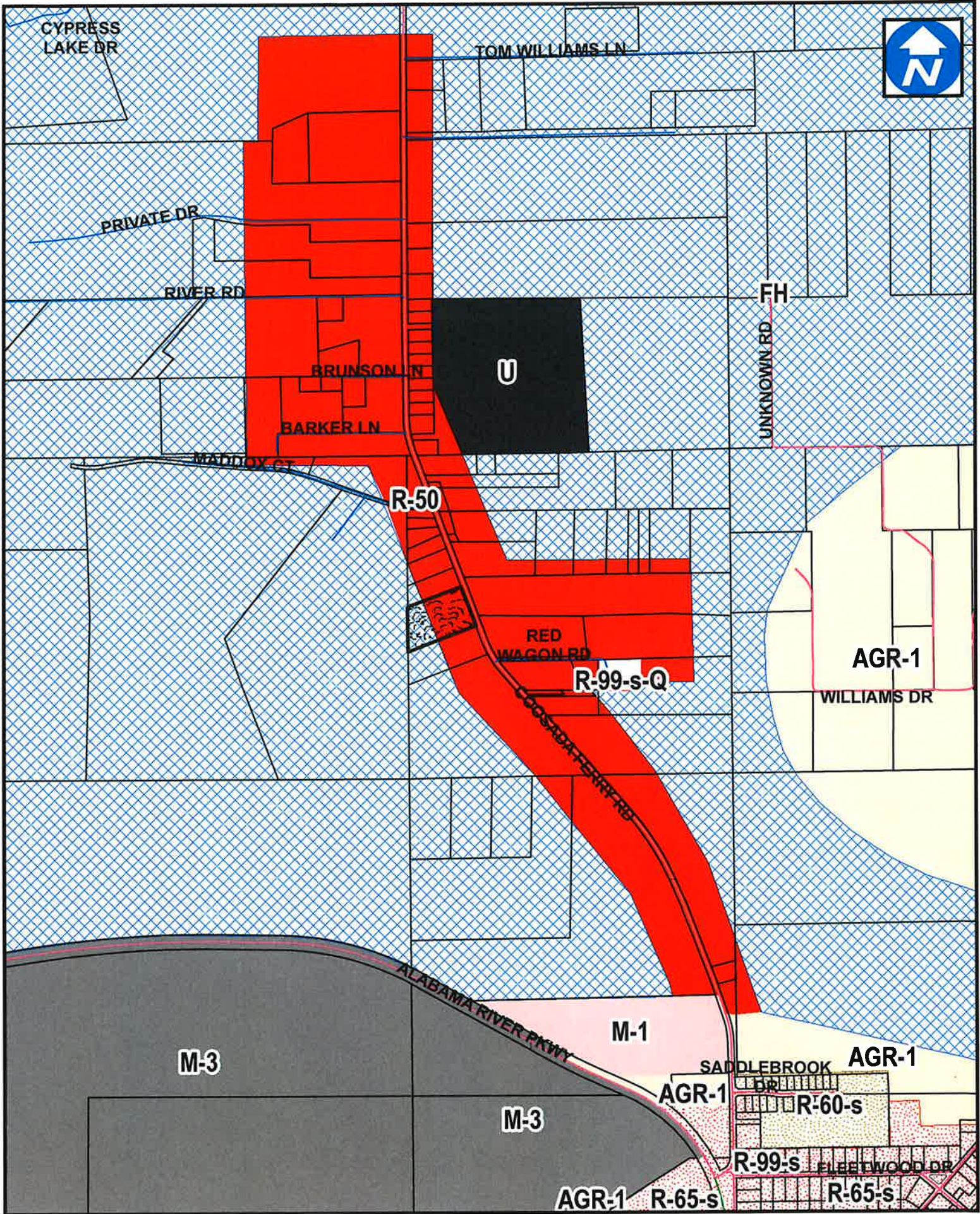
SUBJECT: Request a special exception for a mobile home for living purposes to be located on the west side of Coosada Ferry Road, approximately 800 ft. south of Maddox Court, in FH (Flood Hazard) and R-50 (Single-Family Residential) Zoning Districts.

REMARKS: This request is being made to give the petitioner permission to place a mobile home for living purposes on a 4+-acre parcel of land. The mobile home will be placed in the FH area and at least 500 ft. from the front property line.

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

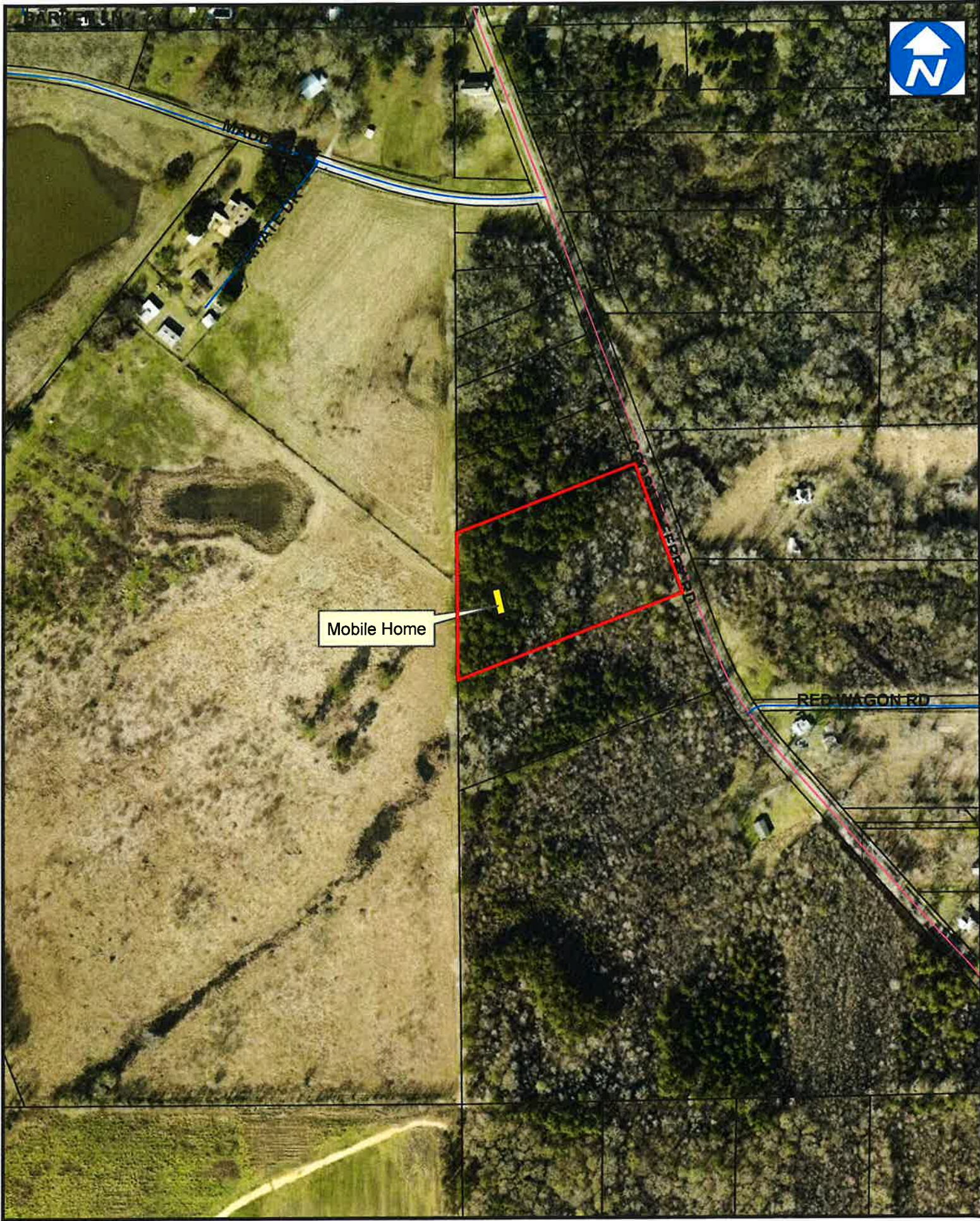
COUNCIL DISTRICT: Planning Jurisdiction

COUNTY COMMISSION DISTRICT: 4



SITE 

1 inch = 1,000 feet
 Item 8A



SITE 

1 inch = 300 feet

Item 8B