

BOARD OF ADJUSTMENT MEETING AGENDA

March 21, 2024 – 5:00 p.m.

Council Auditorium, 103 N. Perry St., Montgomery, AL

MEMBERS

John Stanley, *Chairman*

George Howell, *Vice-Chairman*

Quentin Burke

Beau Holmes

Blake Markham

Bart Prince

Barry Robinson

Pickett Reese

Jennifer Shaw

**Warren Adams
Executive Secretary**



CITY OF **MONTGOMERY**, ALABAMA

I. Chairman's Message

II. Approval of Minutes from the February 15, 2024 meeting.

March 21, 2024

<u>Item</u>	<u>File#</u>	<u>Applicant</u>	<u>Zoning</u>	<u>Location/Request</u>	<u>Page</u>
1.	2024-002	Augustin Carbajal	FH	L. H. Hamilton Road (Mobile home)	1
2.	2006-045	Cassie Warren	R-65-s	1201 Magnolia Curve (Chickens, and goat or duck)	2
3.	2024-003	Dawn Seabolt	T4-R	559 South Hull Street (Exception to SmartCode)	3
4.	2011-062	Larry E. Speaks & Associates	T5	8 Coosa Street & 17 Coosa Street (Exceptions to SmartCode)	4

The next Board of Adjustment meeting is on April 18, 2024

1. BD-2024-002 **PRESENTED BY:** Augustin Carbajal

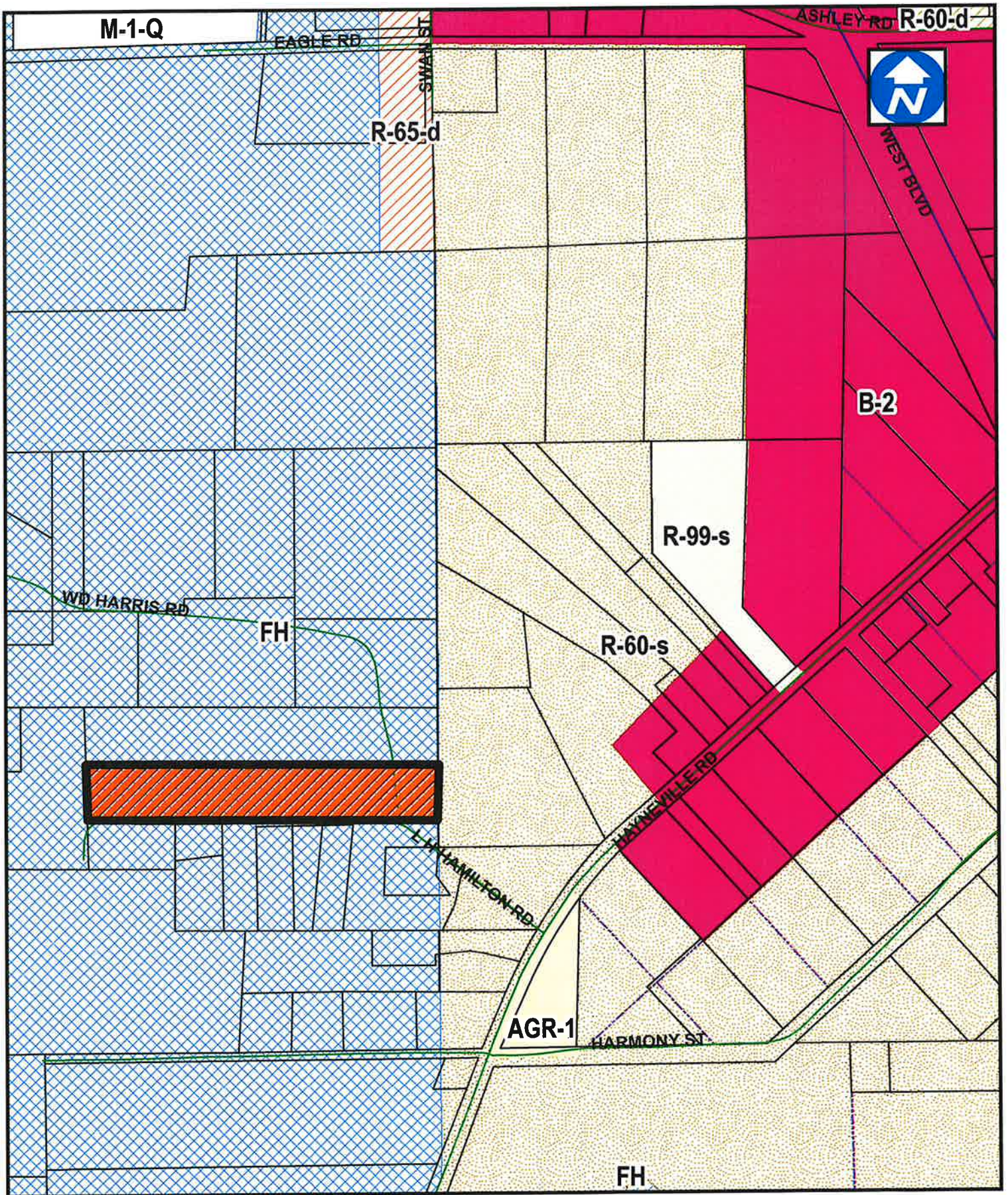
REPRESENTING: Same

SUBJECT: Request a special exception for a mobile home for living purposes to be located on the northwest corner of L. H. Hamilton Road and W. D. Harris 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 4.8-acre parcel of land for living purposes. The mobile home will be at least 50 ft. from the front property line (L. H. Hamilton Road), as required by Zoning.

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

CITY COUNCIL DISTRICT: 4



Site 

1 inch = 400 feet

Item IA



WD HARRIS RD

Mobile Home
Approx. Placement



LEW HAMILTON RD

HARMON

HAYNEVILLE RD

Site 

1 inch = 200 feet

Item IB

2. BD-2006-045 **PRESENTED BY:** Cassie Warren

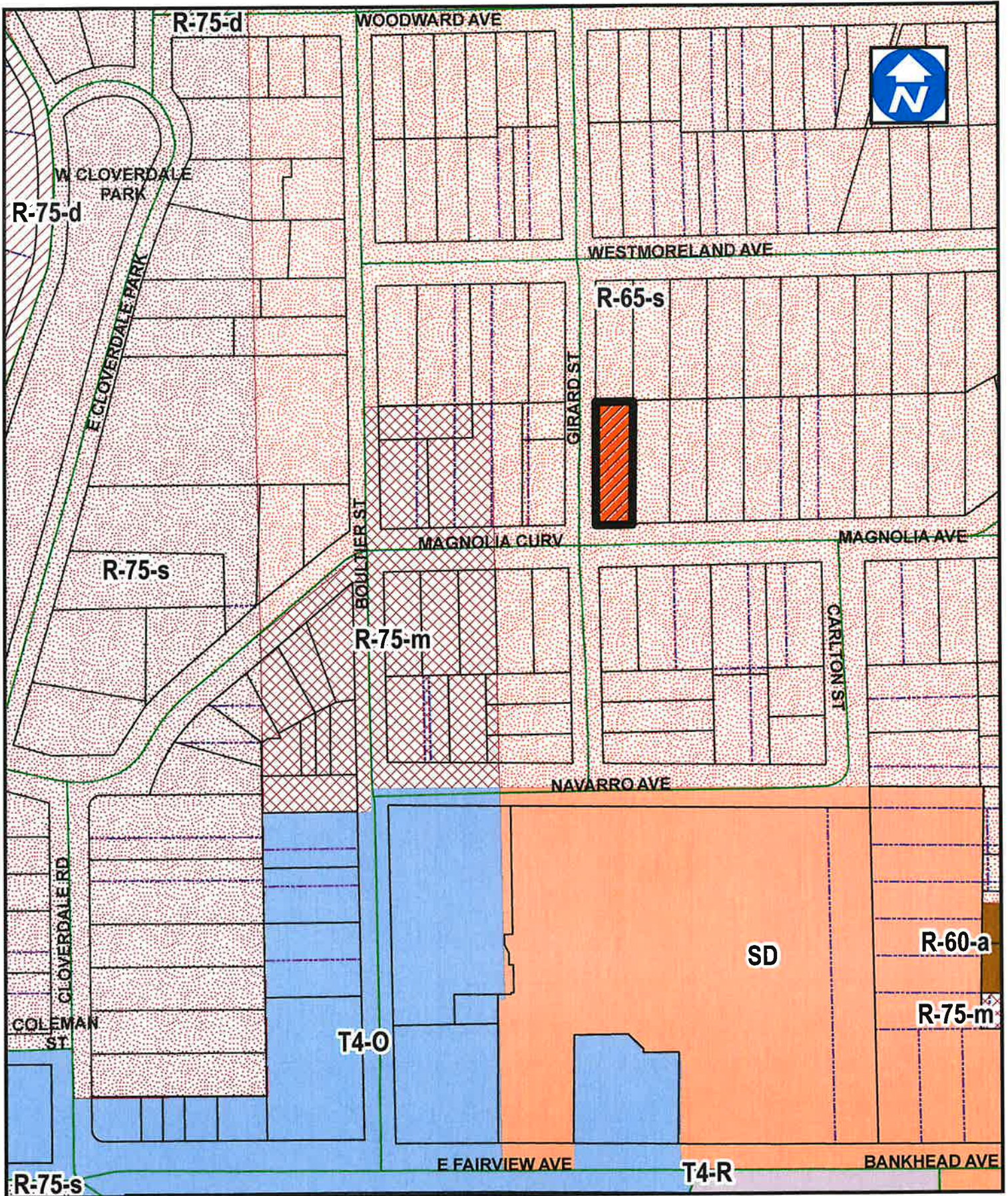
REPRESENTING: Same

SUBJECT: Request a special exception to keep chickens, and either a goat or a duck on the property located at 1201 Magnolia Curve in an R-65-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep up to five (5) chickens (no roosters). The petitioner would also like permission to keep either one (1) goat, or one (1) duck. The Chicken Guidelines will be met per the applicant. If approve, the coop will require approval from the Architectural Review Board.

The request is a special exception to keep five (5) chickens, and either one (1) goat or one (1) duck.

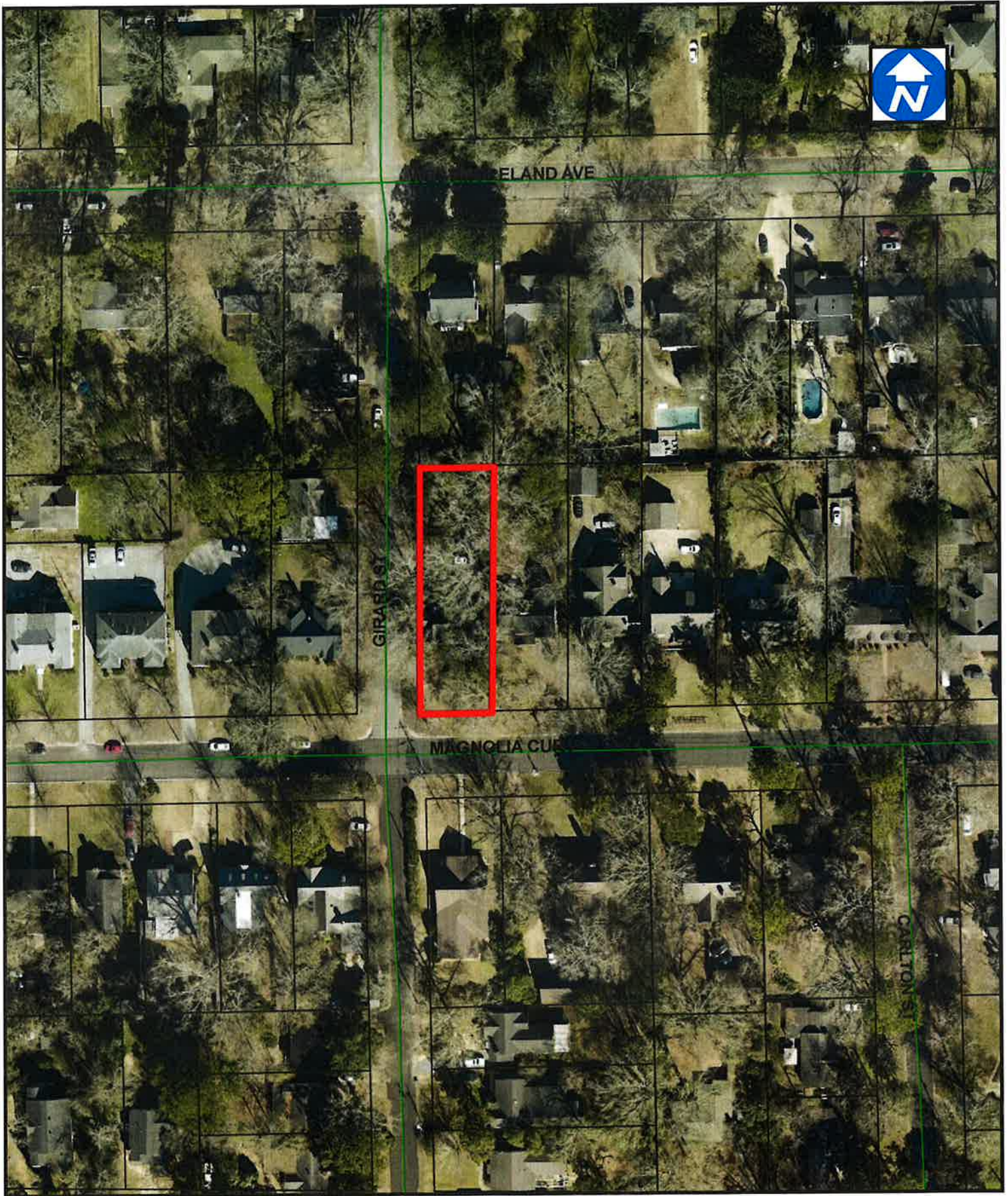
CITY COUNCIL DISTRICT: 7



Site 

1 inch = 200 feet

Item 2A



Site 

1 inch = 100 feet

Item 2B

3. BD-2024-003 **PRESENTED BY:** Dawn Seabolt

REPRESENTING: Same

SUBJECT: Request an exception to SmartCode Standards to allow retail use in an existing building located at 559 South Hull Street in a T4-R (General Urban-Restricted) Zoning District.

REMARKS: This request is being made to give the petitioner permission to allow a book store and gift shop to be located in the first story of this existing structure that is not on a corner. SmartCode restricts retail use as follows:

Limited Retail: The building area available for retail use is limited to the first story of buildings at corner locations, not more than one per block, and by the requirement of 4.0 assigned parking places per 1,000 sq. ft. of retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store, or food service seating no more than 40.

The request is an exception to allow retail use on the first floor.

COUNCIL DISTRICT: 3

Variance Request

Part II

Physical Location: 559 S. Hull St.

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 T4-R Smartcode states that "The building area available for
retail use is limited to the first story of buildings at corner locations."

(On this block, there is no building on the corner, we are the last building on the block.)

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?

There is no competitive retail in the direct vicinity of this block of S. Hull St.

We believe allowing us to sell books in this location will improve
commerce and create space to build relationships in the community.

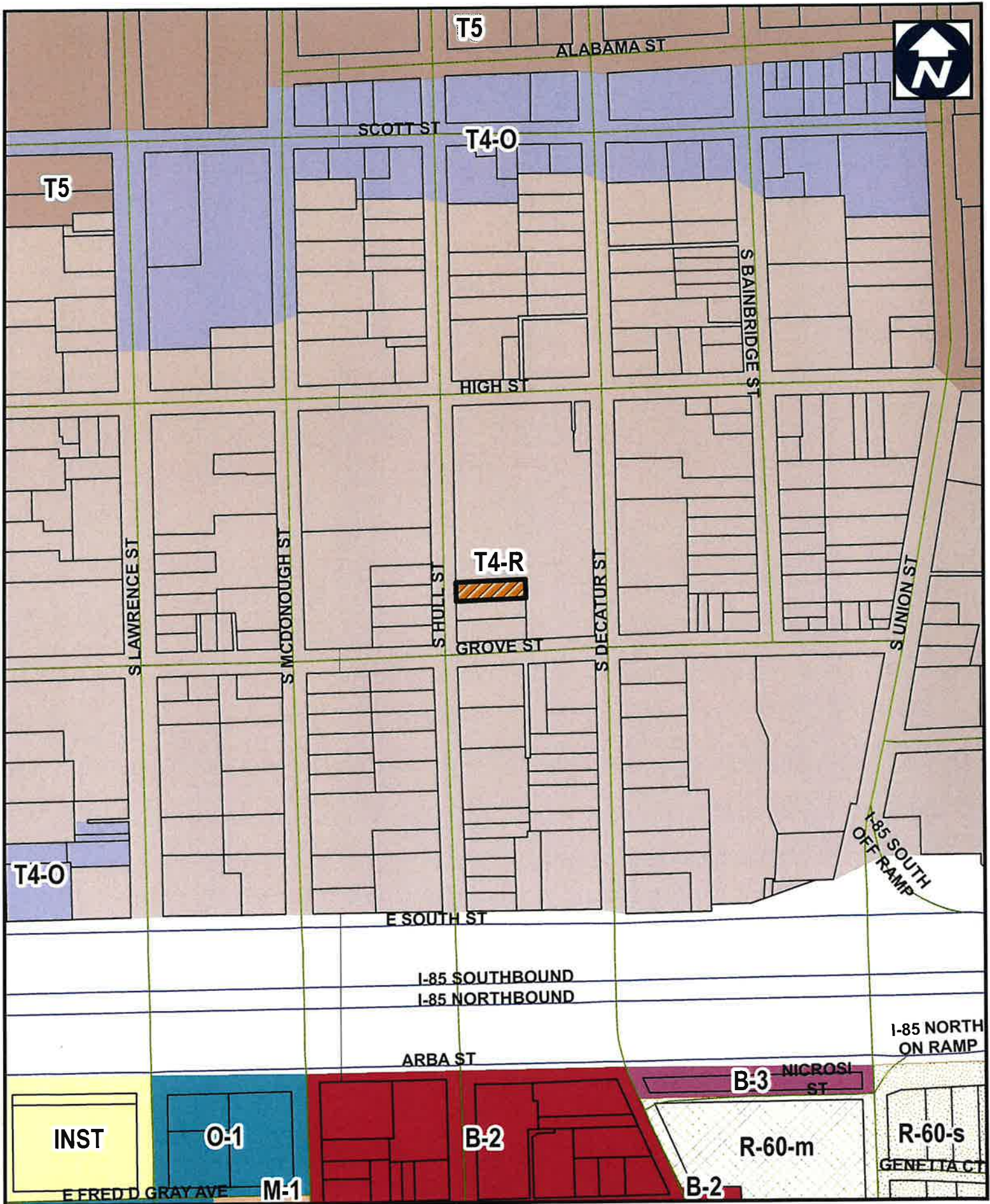
3. Does the special conditions and circumstances result from the actions of the applicant?

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?

The special privilege would be that the variance would be allowing us to sell books & gifts in
this commercial space, even though we are not directly located on the corner lot.

3A



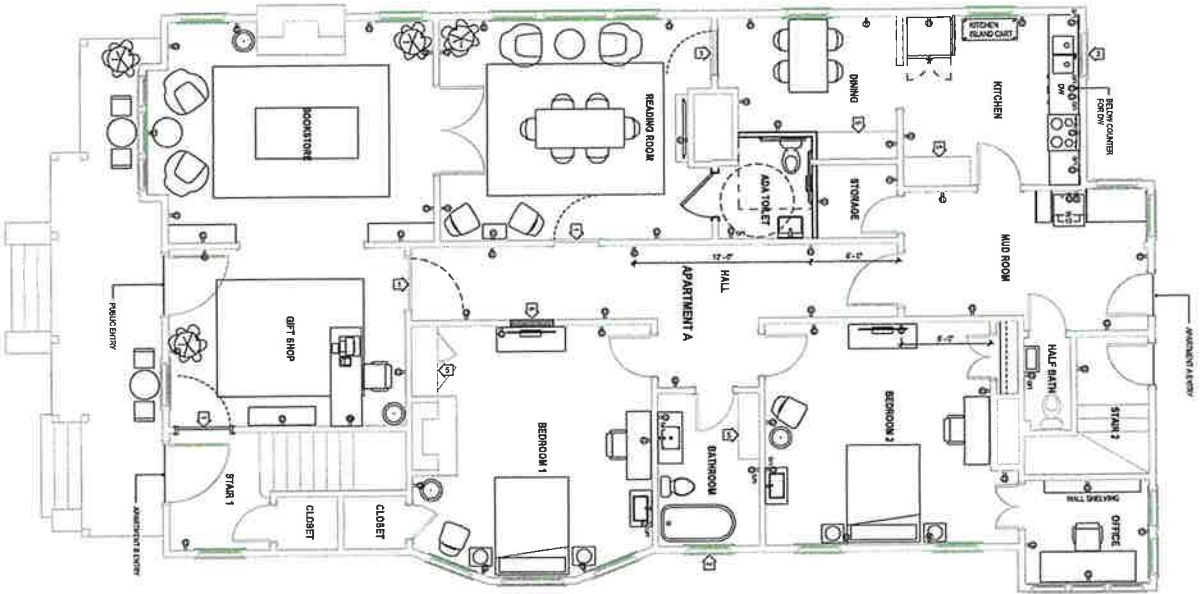
MAP FOR REFERENCE ONLY.
 NOT A LEGAL DOCUMENT.
 MEASUREMENTS ARE APPROXIMATE,
 NOT SURVEY GRADE

SITE 

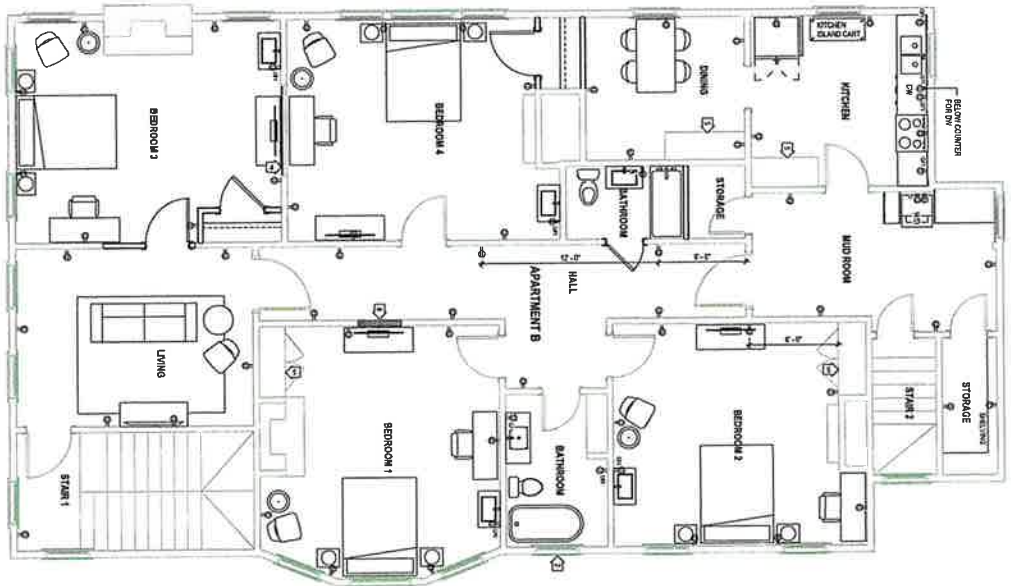
1 inch = 300 feet

Item 3B

1 LEVEL 1



2 LEVEL 2



- GENERAL NOTES
1. EXISTING ROOM LAYOUT TO BE RETAINED.
 2. ON FLOOR TO RECEIVE NEW LOADS.

- REVISED (FLOOR OR FRAME)
1. REMOVE EXISTING CHANGING ROOM TILES
 2. REMOVE EXISTING CHANGING ROOM TILES
 3. REMOVE EXISTING CHANGING ROOM TILES
 4. REMOVE EXISTING CHANGING ROOM TILES
 5. REMOVE EXISTING CHANGING ROOM TILES
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 7. REMOVE EXISTING CHANGING ROOM TILES
 8. REMOVE EXISTING CHANGING ROOM TILES
 9. REMOVE EXISTING CHANGING ROOM TILES
 10. REMOVE EXISTING CHANGING ROOM TILES

- ELECTRICAL LEGEND
- SINGLE ELECTRICAL PANEL
 - PANEL ELECTRICAL PANEL
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Chambliss King
Architects

30

PRICING SET
NOT FOR
CONSTRUCTION

PROJECT NAME:
The Grove

559 S 1st Street Montgomery, AL 36104

REVISION	DESCRIPTION	DATE

SHEET TITLES
NEW CONSTRUCTION
PLANS
SHEET NUMBER
A101



MAP FOR REFERENCE ONLY.
NOT A LEGAL DOCUMENT.
MEASUREMENTS ARE APPROXIMATE,
NOT SURVEY GRADE

SITE 

1 inch = 40 feet

Item 3D

4. BD-2011-062 **PRESENTED BY:** Larry E. Speaks & Associates

REPRESENTING: EPCO8, LLC

SUBJECT: Request exceptions to SmartCode Standards for setbacks, stories and lot coverage for existing buildings located at 8 Commerce Street and 17 Coosa Street in a T5 (Urban Center Zone) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain buildings that will be converted for a mixed-use of residential and office, as follows:

- **Front Setback Secondary:** to allow the buildings along Market Plaza and Coosa Street to come to the property lines, whereas a minimum of 2 ft. is required. 2 ft. front setback secondary variance
- **Rear Setback:** to allow the building (parking deck) to come to the rear property line, whereas a minimum of 3 ft. is required. 3 ft. rear setback variance
- **Stories:** to allow 12 stories, whereas 10 stores are allowed. 2-story variance
- **Lot Coverage:** to allow 81% coverage, whereas 80% coverage is allowed. 1% coverage variance
- **Parking:** to provide 158 parking spaces, whereas 175 spaces are required (Table 12 – Sharing Factor #2). 17 space parking variance

COUNCIL DISTRICT: 3



MAP FOR REFERENCE ONLY.
NOT A LEGAL DOCUMENT.
MEASUREMENTS ARE APPROXIMATE,
NOT SURVEY GRADE

SITE 

1 inch = 200 feet

Item 4A



MAP FOR REFERENCE ONLY.
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MEASUREMENTS ARE APPROXIMATE,
NOT SURVEY GRADE

SITE 

1 inch = 100 feet

Item 4B