

# BOARD OF ADJUSTMENT MEETING AGENDA

**June 20, 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

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**Warren Adams**  
**Executive Secretary**



CITY OF *MONTGOMERY*, ALABAMA

**I. Chairman's Message**

**II. Approval of Minutes from the April 18, 2024 meeting.**

**May 16, 2024**

<b><u>Item</u></b>	<b><u>File#</u></b>	<b><u>Applicant</u></b>	<b><u>Zoning</u></b>	<b><u>Location/Request</u></b>	<b><u>Page</u></b>
1.	1999-039	Garrick Oliver	FH	4785 Velma Circle (Commercial recreation facility)	1
2.	2024-012	Yandiel Rivera	R-65-d	423 Conrad Street (Detached accessory structure)	2
3.	1973-152	Flowers & White Engineering	B-4	3815 Interstate Court (Parking variance)	3
4.	2000-004	Jonathan Brooks	B-2	855 Millard Fuller Drive (Trucking driving school – classroom only)	4
5.	2024-013	Jasmine Hails	R-50	6261 South Hampton Drive (Attached carport)	5

***The next Board of Adjustment meeting is on July 18, 2024***

1. BD-1999-039 **PRESENTED BY:** Garrick Oliver

**REPRESENTING:** The Ranch ATV Park

**SUBJECT:** Request a special exception for a commercial recreational facility to be located at 4785 Velma Circle in an FH (Flood Hazard) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to operate an all-terrain vehicle (ATV) park for commercial use. Mr. Oliver has been operating for a couple of years, not knowing he's not in compliance with zoning. In applying for a small black business grant through the Montgomery Police Department for his business, he is required to obtain a business license and to get one he needs approval from the BOA.

Thursday: Family ride only

Friday: Organizations  
9:00 a.m. – 3:00 p.m.

Saturday: Twice per month (paying attendees: up to 200)  
12 noon – 9:00 p.m. (staff by 10:00 p.m.)  
Music will be shut down by 9:00 p.m.

Sunday: Twice per month (Mostly family ride)  
3:00 p.m. – 8:00 p.m.

For all events:

- 2 off-duty officers
- 7-10 licensed & bonded security guards
- 1 officer (with walkie talkie) at the entrance to Velma Circle to allow up to 5 vehicles at a time to travel the road to get to the property.

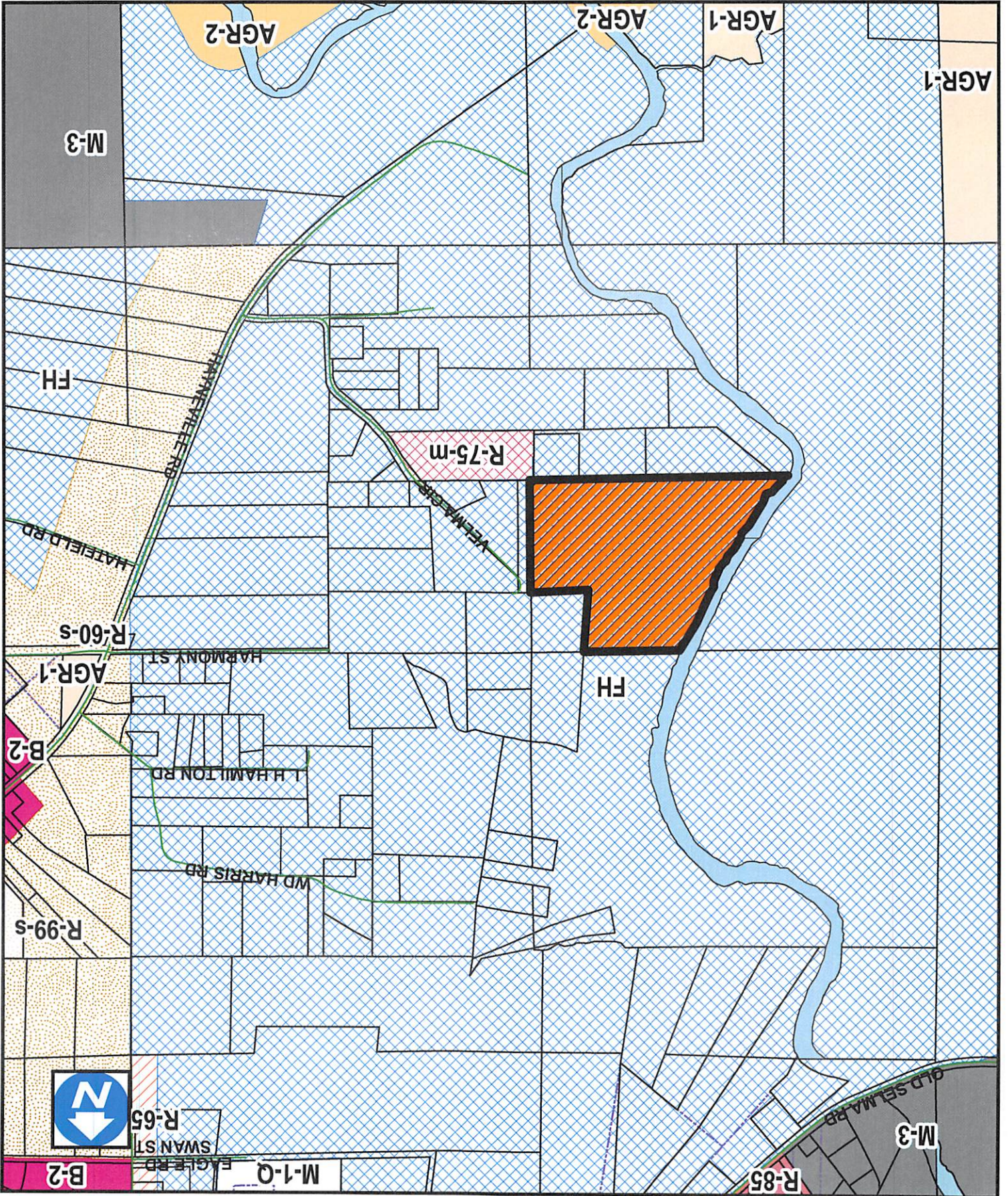
*The request is a special exception for a commercial recreational facility.*

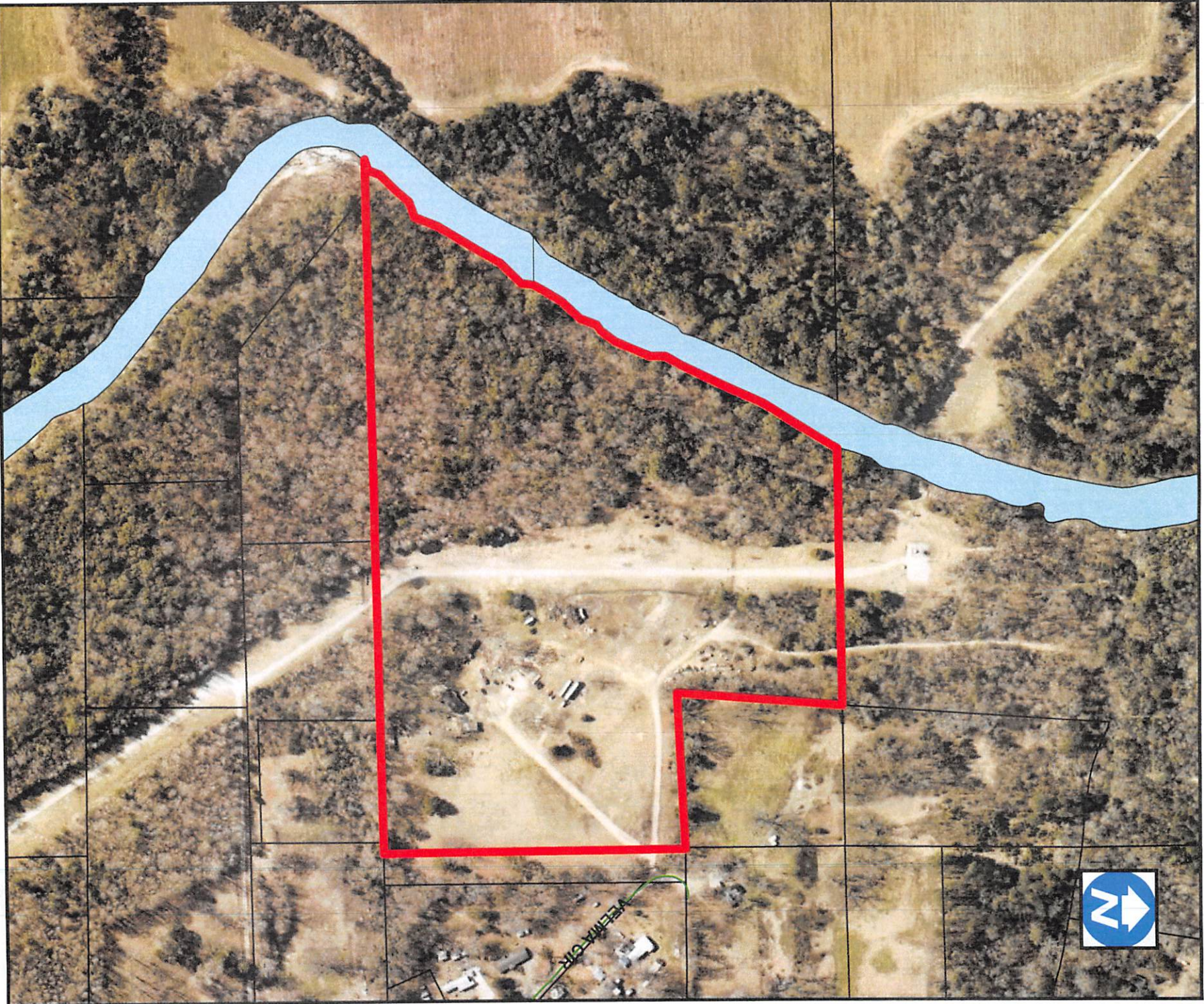
***The Board delayed this request at the April 18, 2024 and May 16, 2024 meetings.***

**COUNCIL DISTRICT: 4**

1 inch = 800 feet  
Item

Site





Site 

1 inch = 300 feet  
Item 1B

2. BD-2024-012 **PRESENTED BY:** Yandiel Rivera

**REPRESENTING:** Same

**SUBJECT:** Request rear yard, side yard, and coverage variances for a detached accessory structure to be located at 423 Conrad Street in an R-65-d (Duplex Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct an 812 sq. ft. (29 ft. x 28 ft.) detached garage, whereas 585 sq. ft. is allowed. The garage will come within 1 ft. 6 in. from the rear property line and within 2 ft. of the side property line, whereas 5 ft. is required for both.

*The requests are a 227 sq. ft. coverage variance, 3 ft. 6 in. rear yard variance, and 3 ft. side yard variance.*

*The Board delayed this request at the May 16, 2024 meeting.*

**COUNCIL DISTRICT:** 3

# Variance Request

## Part II

Physical Location: 423 Conrad 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?

odd shaped lot (in curve)

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?

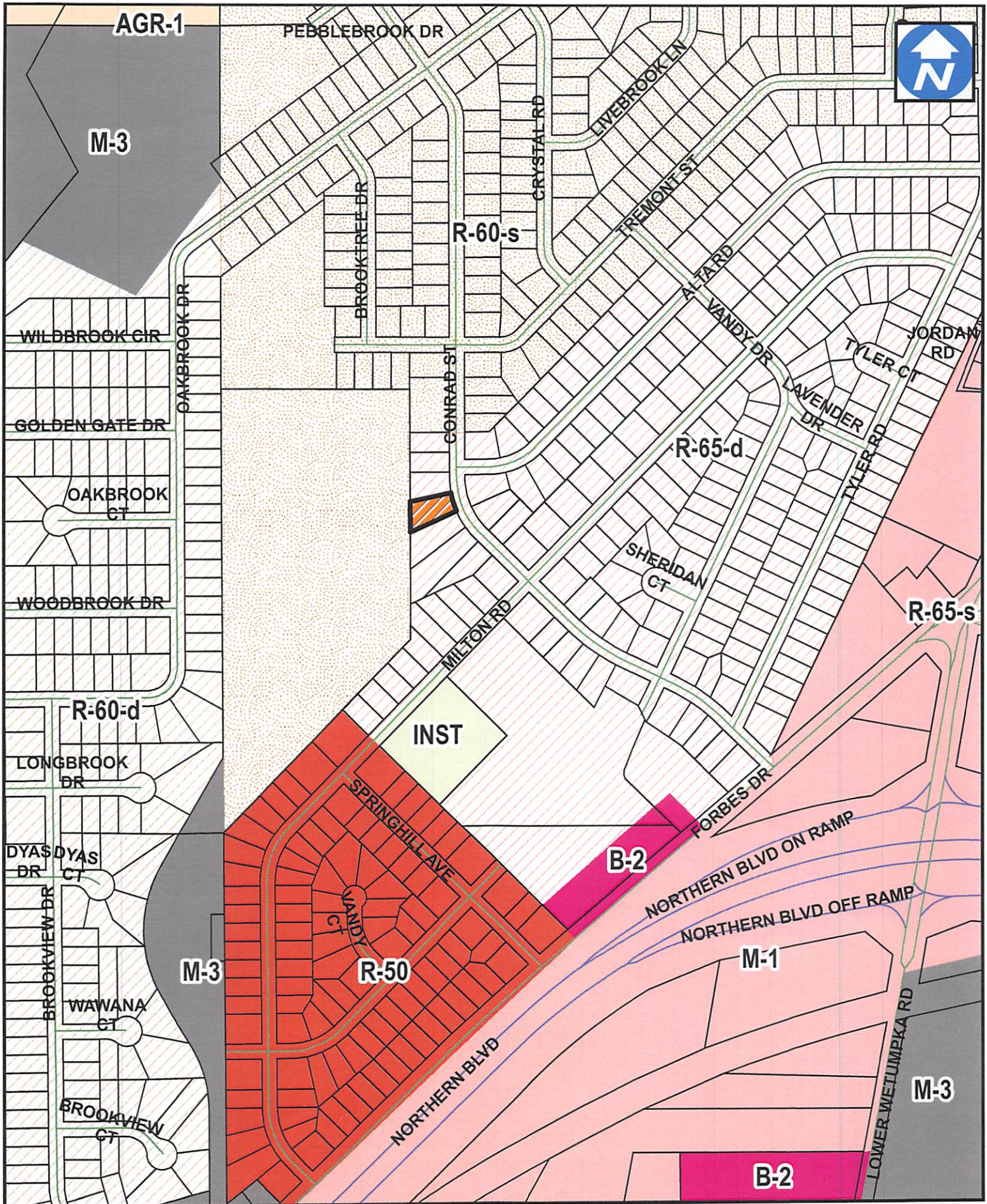
the shape of the lot ~~is~~ was out of the control of the applicant/owner.

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



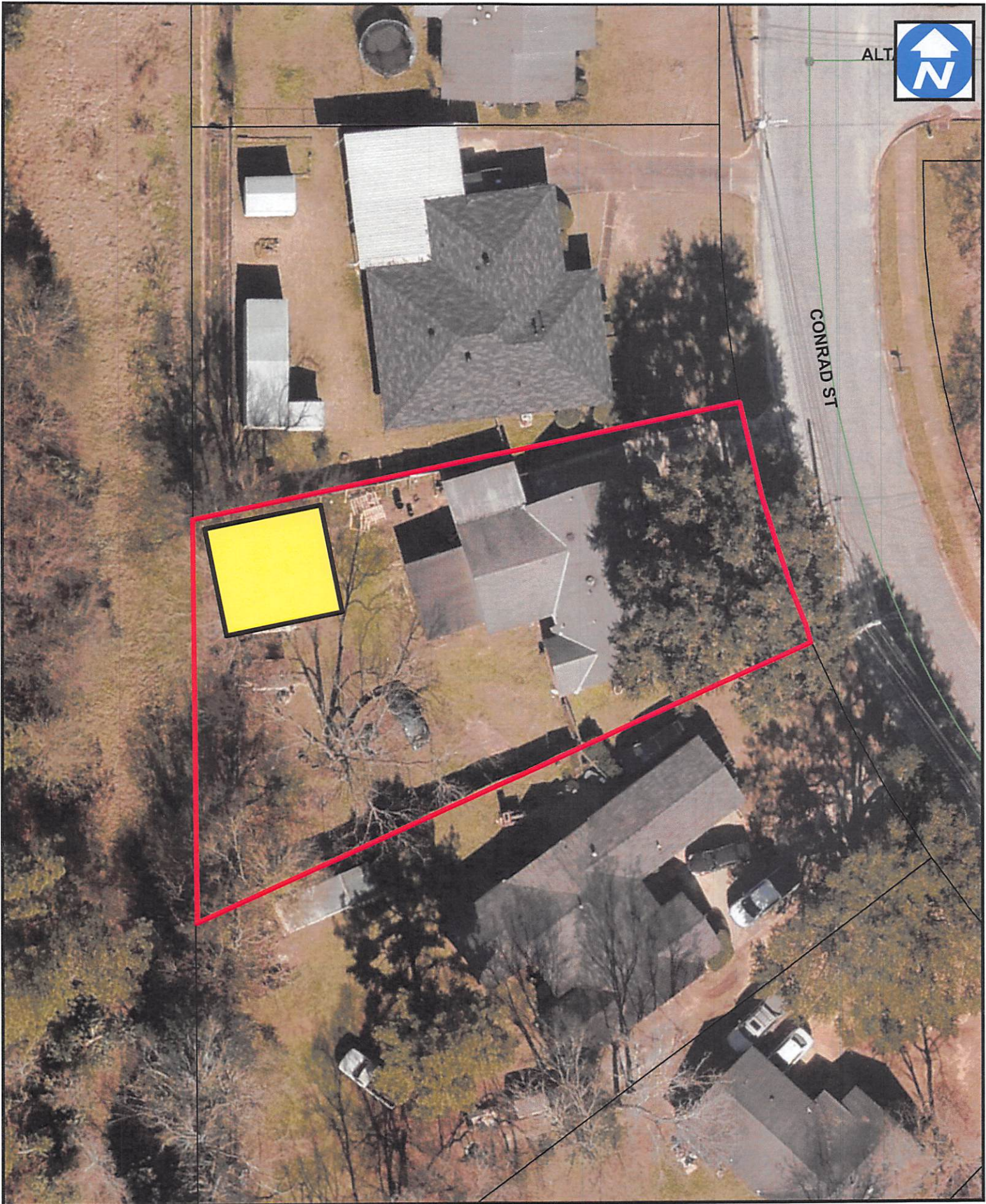
MAP FOR REFERENCE ONLY.  
 NOT A LEGAL DOCUMENT.  
 MEASUREMENTS ARE APPROXIMATE,  
 NOT SURVEY GRADE

SITE 

1 inch = 400 feet

Item 2B





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

SITE 

1 inch = 30 feet

Item 2C

3. BD-1973-152 **PRESENTED BY:** Flowers & White Engineering

**REPRESENTING:** RYA 2007, Inc.

**SUBJECT:** Request a parking variance for a hotel to be located in the building at 3815 Interstate Court in a B-4 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to provide 100 parking spaces for a 90-room hotel with 8 employees, which requires a total of 116 parking spaces.

*The request is a 16-space parking variance.*

**CITY COUNCIL DISTRICT: 7**

# Variance Request

## Part II

Physical Location: 3815 Interstate Court Montgomery A

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 use of the building is proposed to change to a hotel. The parking requirement is based on the occupancy not square footage of the building.

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?

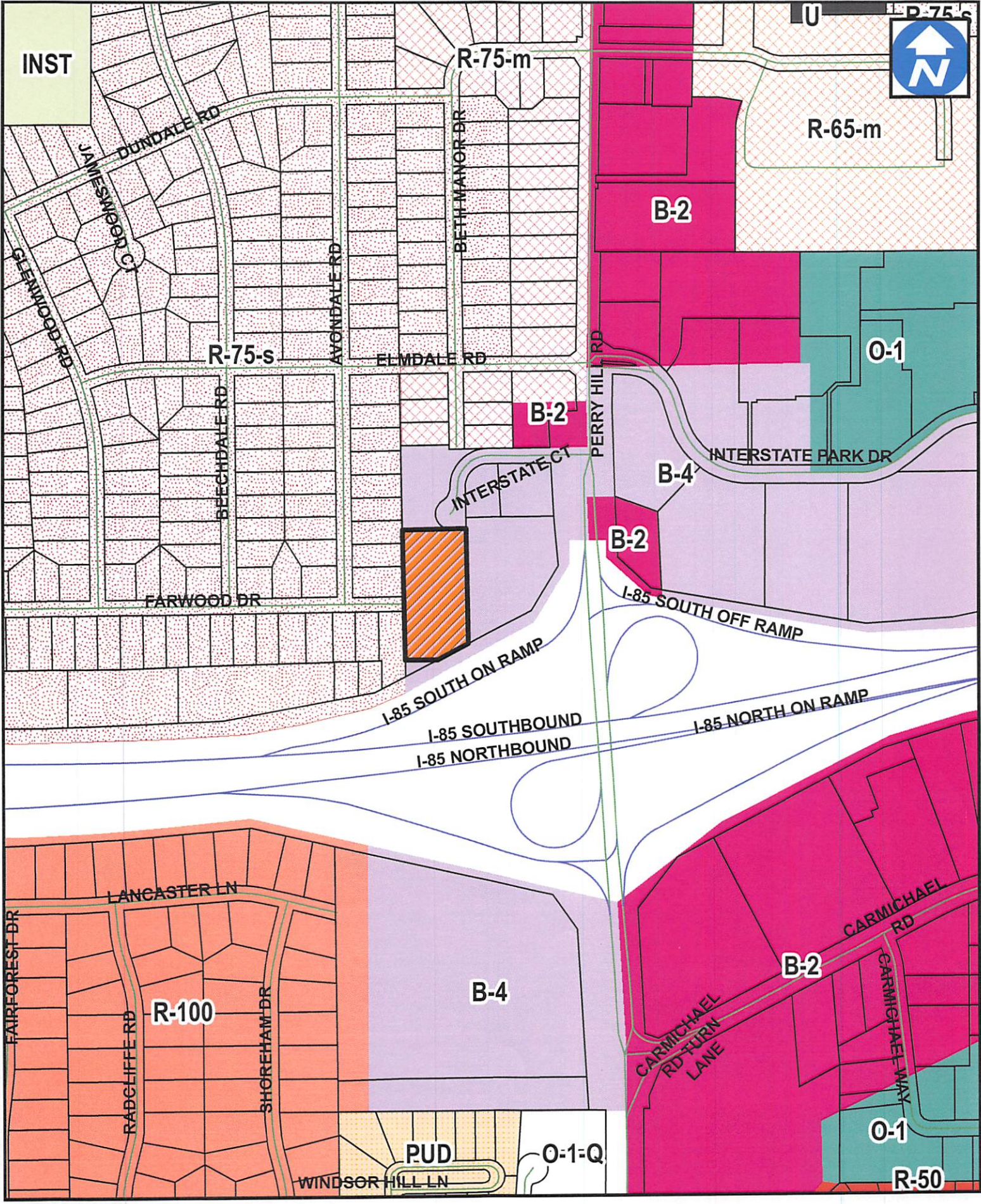
None.

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.



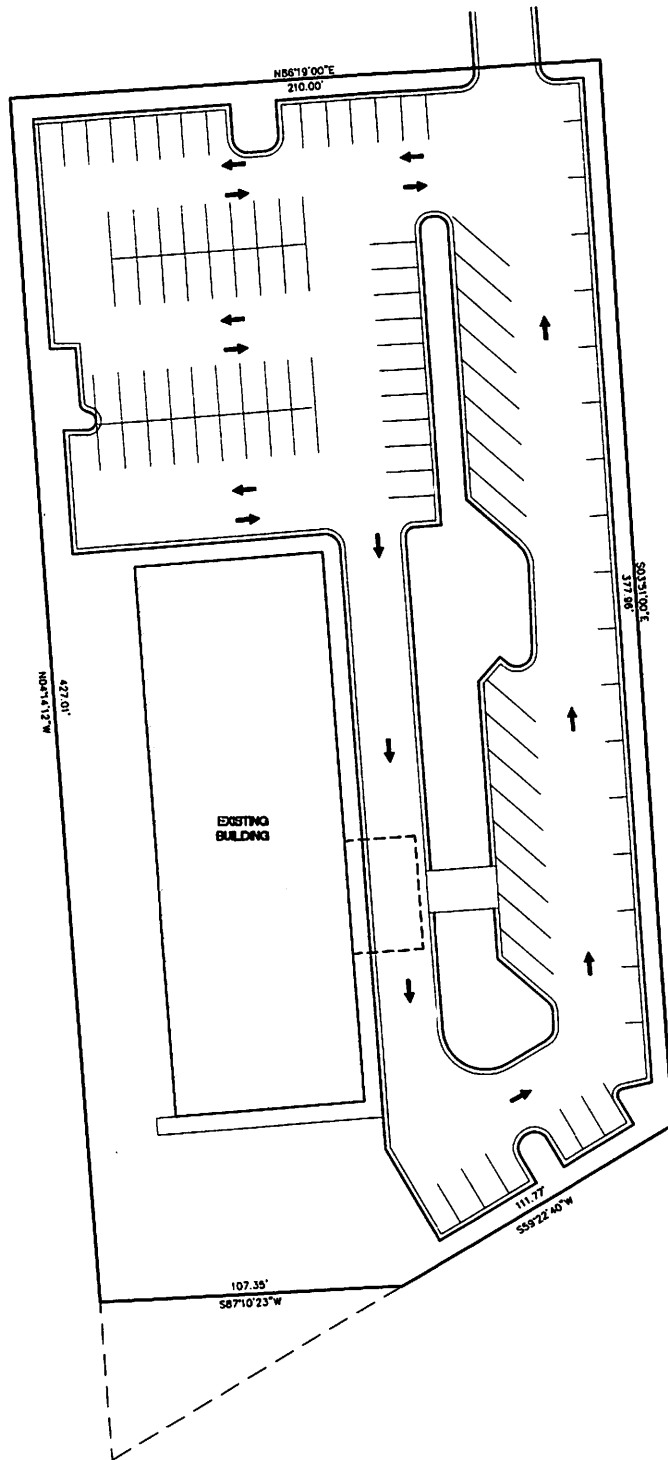
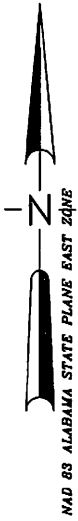
MAP FOR REFERENCE ONLY.  
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 NOT SURVEY GRADE

SITE 

1 inch = 400 feet

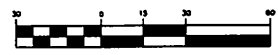
Item 3B

# HOTEL PARKING EXHIBIT



100 PARKING SPOTS  
SHOWN

GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

DATE DRAWN: 5-22-24

ENGINEERING  
SURVEYING

**Flowers & White**  
ENGINEERING, LLC

PO BOX 231296 MONTGOMERY, AL 36123  
PH 334 350 7600 - FAX 334 350 7601



BETH MANOR DR

INTERSTATE CT

FARWOOD DR

PERRY HILL RD

I-85 SOUTH OFF RAMP

I-85 SOUTH ON RAMP

I-85 SOUTHBOUND

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

SITE 

1 inch = 100 feet

Item 3D

4. BD-2000-004 **PRESENTED BY:** Jonathan Brooks

**REPRESENTING:** Same

**SUBJECT:** Request a special exception for a private school to be located at 855 Millard Fuller Drive in a B-2 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to operate trucking driving school for classroom instruction only.

**Classes hours vary within the following days/hours:**

Monday – Friday: 9:00 am – 6:00 pm

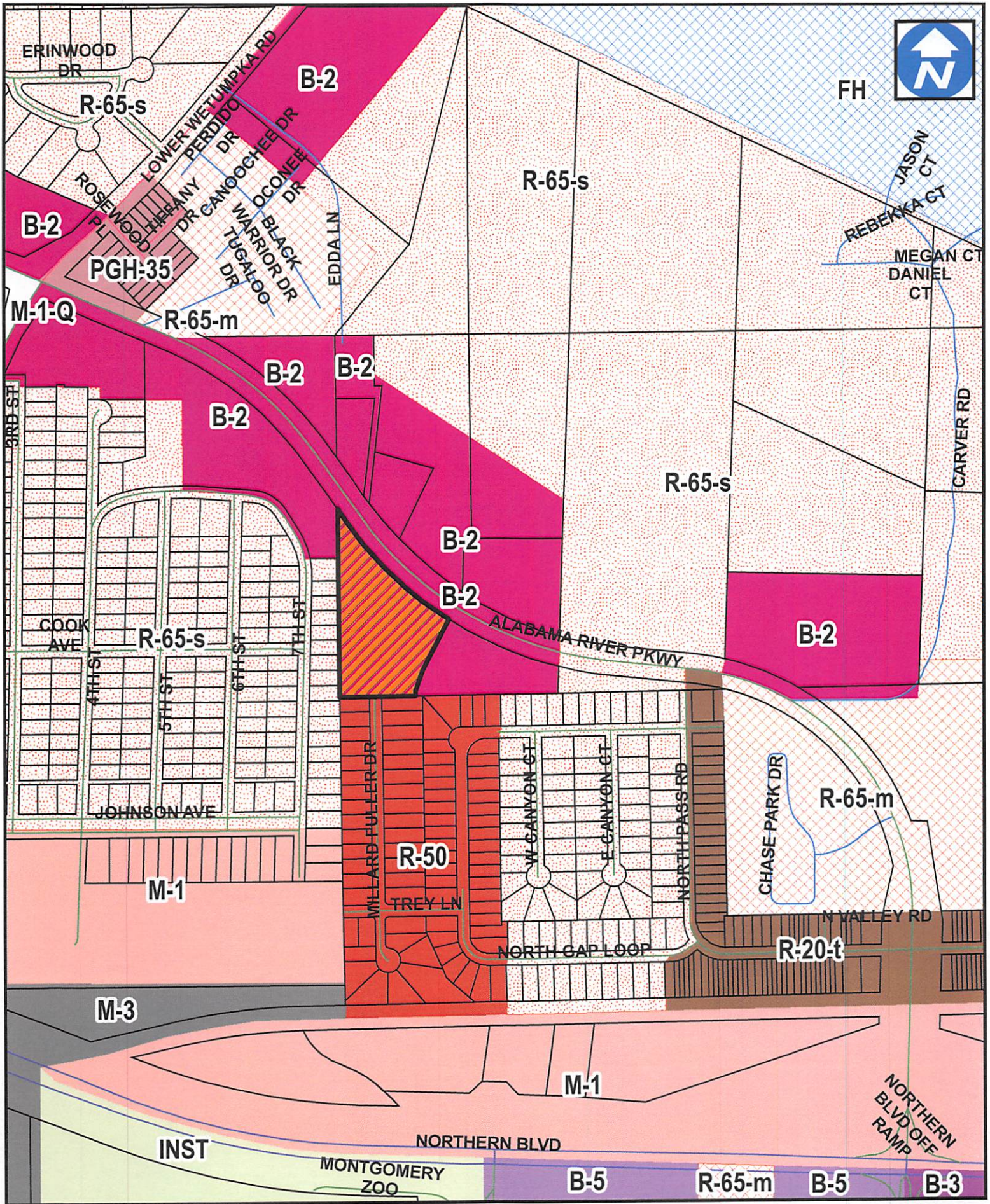
Weekend: 10:00 am – 4:00 pm

Classes will run for 6-weeks at a time. There will be a maximum of 10 students (2 instructors, 5 students per instructor) per 6-week session.

On-site training will be at 5185 Lower Wetumpka Road which is zoned M-1, and allows tractor trailers.

*The request is a special exception for a private school (truck driving school-classroom only).*

**CITY COUNCIL DISTRICT: 2**



MAP FOR REFERENCE ONLY.  
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 NOT SURVEY GRADE

SITE 

1 inch = 500 feet

Item 4A





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

SITE 

1 inch = 200 feet

Item 4B

5. BD-2024-013 **PRESENTED BY:** Jasmine Hails

**REPRESENTING:** Same

**SUBJECT:** Request a side yard variance for an addition to the dwelling located at 6261 South Hampton Drive in a R-50 (Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to install a 29 ft. x 9 ft. attached carport that will come to the side property line, whereas 9 ft. is required.

*The request is a 9 ft. side yard variance.*

**CITY COUNCIL DISTRICT: 6**

**Variance Request**  
**Part II**

Physical Location: 6261 South Hampton Drive

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?

Because of the design of my home, my patio receives over eight (8) hours of direct sunlight daily, which in effect,  
causes the right side of my home to be extremely hot on the outside patio area. That fact, in effect,  
causes me to not be able to sit on my patio unless it is early morning or late evening, after the sun is going down,

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?

I am deprived of the total enjoyment of being able to sit outside during the middle of the day because my house does  
not have a front or back porch area, just a side patio, where my side/back door is located. This door is  
uncovered and is on the right side of the house, which receives the direct sunlight.

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

No. The house was designed and built with the back/side door on the right side of the house,  
the side that receives direct sunlight.

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?

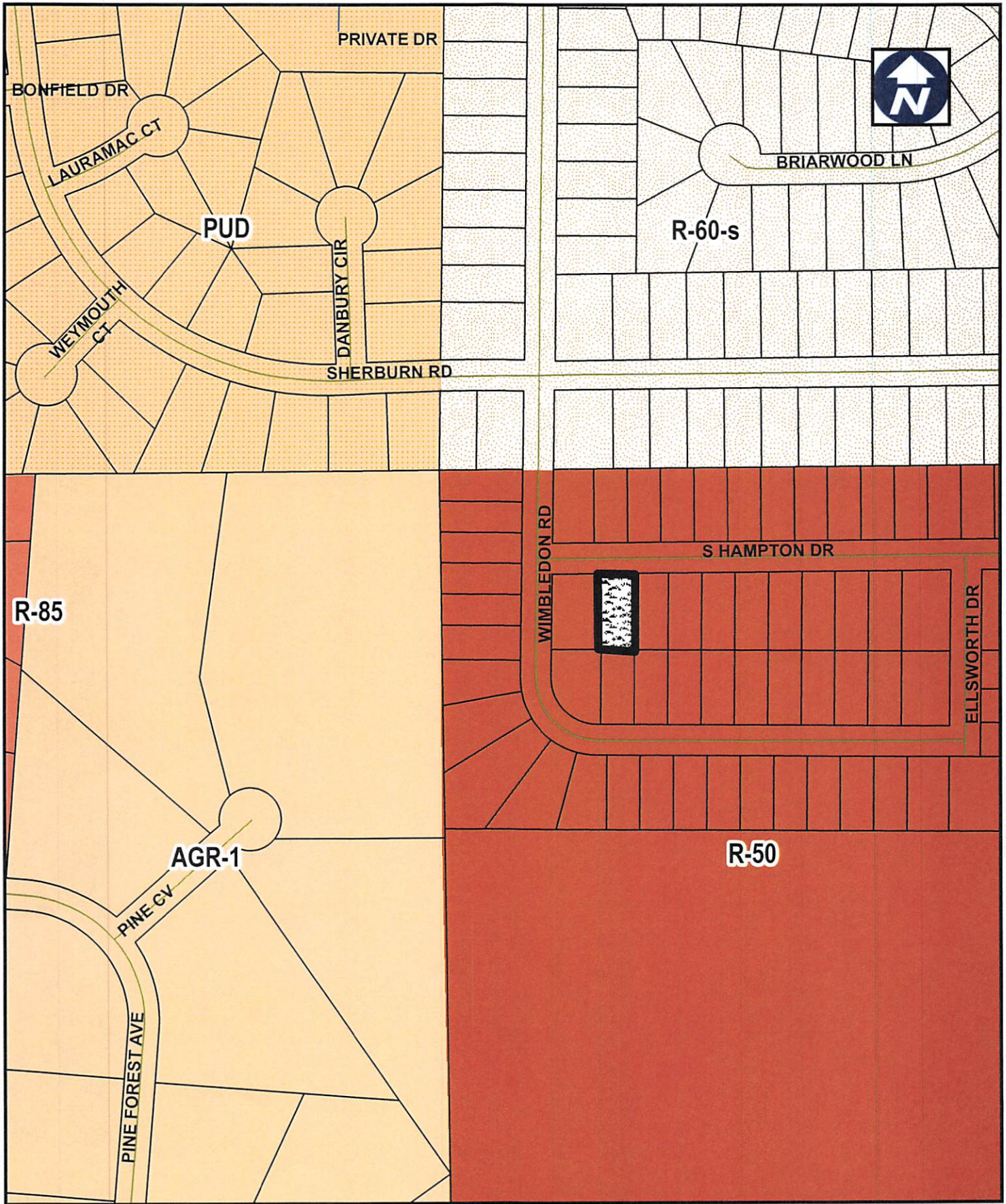
No. There are two properties on the street in front of mine who have the same type  
covering that I am trying to get a permit for; there is also a house on my street that has a  
carport which appears to have been built as an addition to follow the roofline.

**Variance Request  
Part II**

**Jasmine Hails  
6261 So Hampton Drive**

**Item 1 (cont):**

Due to my conditions of Lupus and Sjroge'n's Syndrome, I am unable to sit in direct sunlight without having adverse health effects. I am also on several medications that affect my health and skin if I am in full sun.



R-85

PUD

R-60-s

AGR-1

R-50

Site 

1 inch = 200 feet

Item 5C



Site 

1 inch = 50 feet

Item 5D