

# BOARD OF ADJUSTMENT MEETING AGENDA

July 18, 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 June 20, 2024 meeting.**

**July 18, 2024**

<u>Item</u>	<u>File#</u>	<u>Applicant</u>	<u>Zoning</u>	<u>Location/Request</u>	<u>Page</u>
1.	2024-017	Aluminum Fabricators	R-65-s	7019 Oak Side Court (Attached carport)	1
2.	2024-014	Kathy Taylor	B-2	300 East South Boulevard (Church)	2
3.	2022-014	Patrick Moss	M-3	1350 Air Base Boulevard (Amend hours of operation)	3
4.	1978-020	Larry E. Speaks & Associates	B-2	1569 East Ann Street (Parking variance)	4
5.	2024-016	Watermark Builders	R-75-s	3301 Wilmington Road (Side yard variance)	5
6.	2024-015	David Wilson	R-60-s	3926 Nassau Avenue (Assisted living facility)	6
7.	1994-228	Cynthia Bowden	AGR-1	4130 Butler Road (RV for living purposes)	7

***The next Board of Adjustment meeting is on August 15, 2024***

1. BD-2024-017 **PRESENTED BY:** Aluminum Fabricators

**REPRESENTING:** Brenda Thornton

**SUBJECT:** Request a side yard variance for an addition to the dwelling located at 7019 Oak Side Court in an R-65-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to install a 14 ft. x 40 ft. attached aluminum carport to the east side of the existing dwelling. The carport will come within 2 ft. of the side property line, whereas 10 ft is required.

*The request is an 8 ft. side yard variance*

**COUNCIL DISTRICT: 1**

# Variance Request Part II

Physical Location: 7019 Oak Side Ct.

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?

Hard Cap

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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?

Hard Cap

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

Hard Cap

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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?

Hard Cap

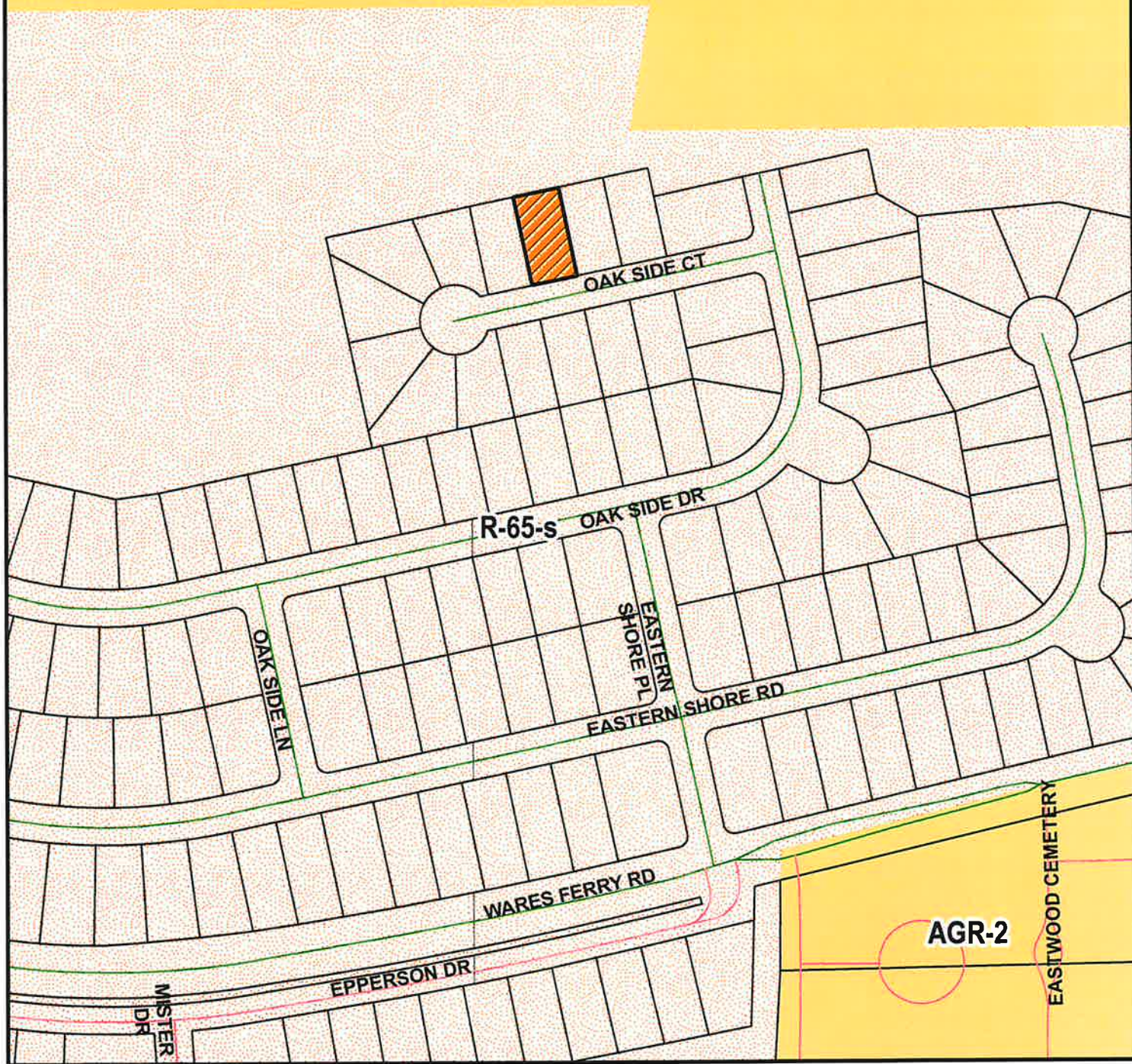
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AGR-2

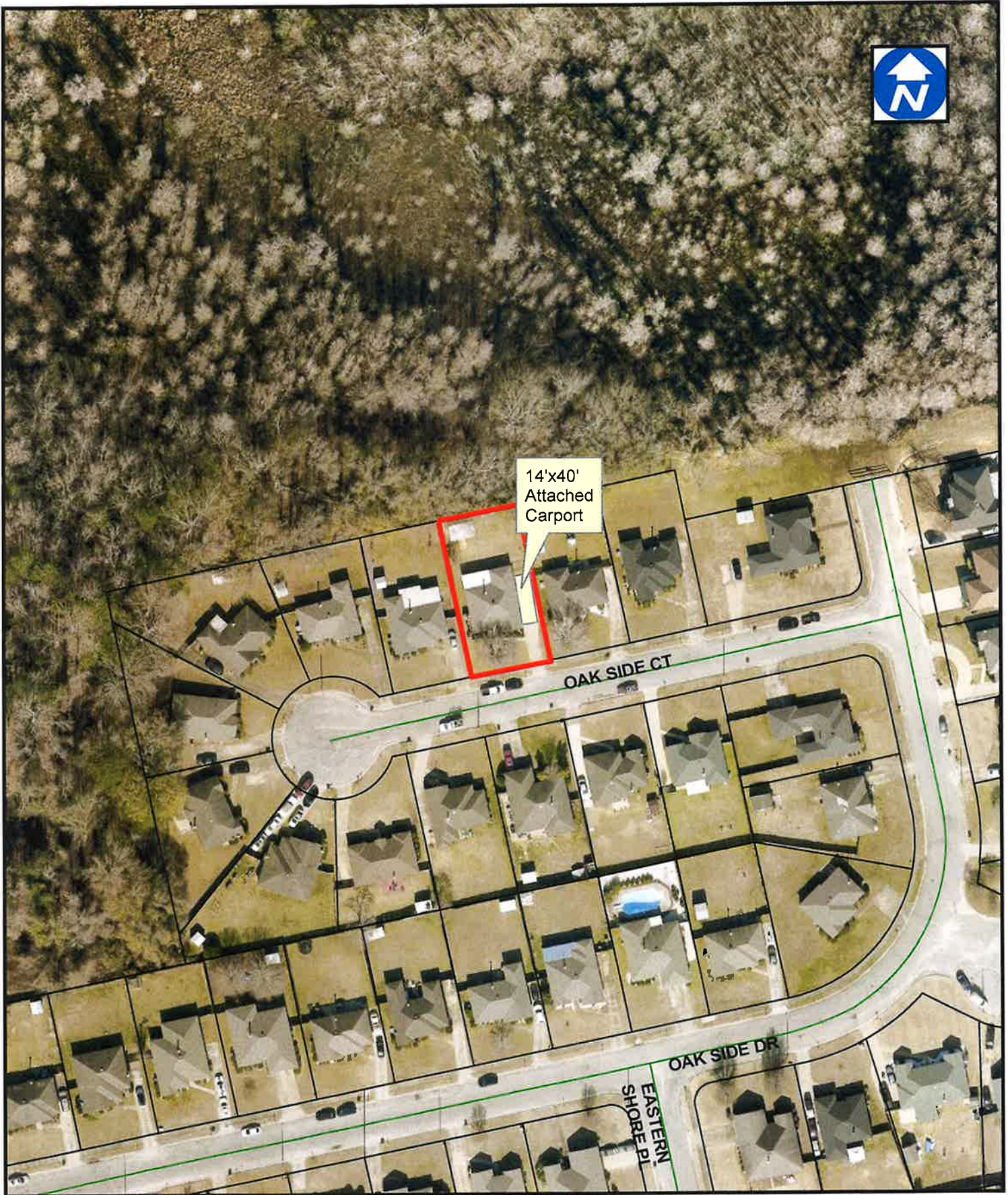


MAP FOR REFERENCE ONLY.  
NOT A LEGAL DOCUMENT.  
MEASUREMENTS ARE APPROXIMATE,  
NOT SURVEY GRADE

Site 

1 inch = 200 feet

Item 1B



14'x40'  
Attached  
Carport

MAP FOR REFERENCE ONLY.  
NOT A LEGAL DOCUMENT.  
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NOT SURVEY GRADE

Site 

1 inch = 100 feet

Item IC

2. BD-2024-014 **PRESENTED BY:** Kathy Taylor

**REPRESENTING:** Same

**SUBJECT:** Request a special exception for a church to be located at 300 East South Boulevard in a B-2 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to use the building for church use. There are approximately 12 members, which requires at least 3 parking spaces. There are at least 6 designated parking spaces onsite. The structure was previously used as a church for a different ministry; however, no approval was ever acquired for church use.

Service Hours

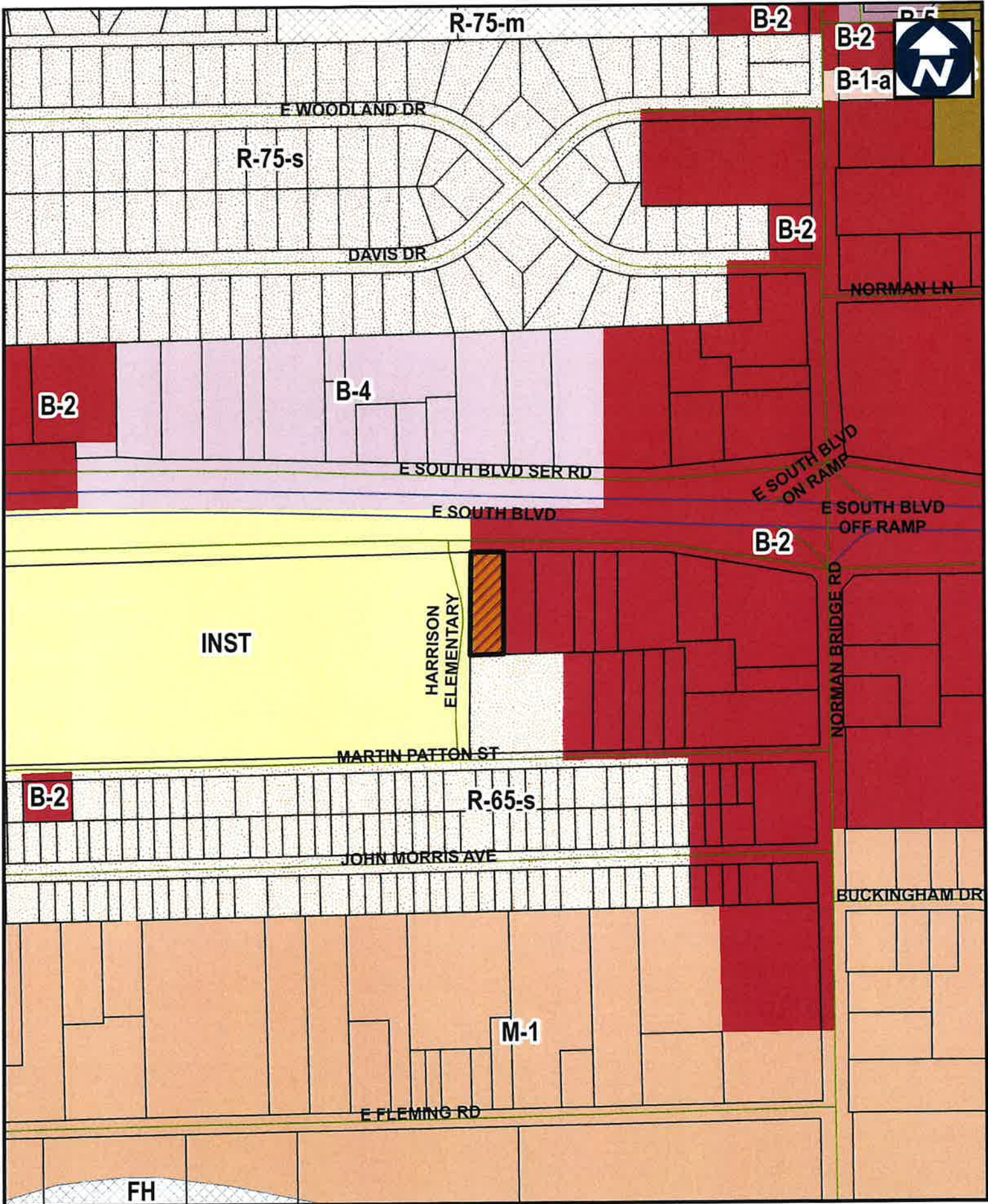
Saturday: 6:00 a.m. – Prayer

Saturday: 10:00 a.m. – Regular Service

Midweek Bible Study (varies)

*The request is a special exception for church use.*

**CITY COUNCIL DISTRICT: 5**



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 NOT SURVEY GRADE

SITE 

1 inch = 300 feet

Item 2A





E SOUTH BLVD

E SOUTH BLVD SER RD

HARRISON ELEMENTARY

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

SITE 

1 inch = 50 feet

Item 2B

3. BD-2022-014 **PRESENTED BY:** Patrick Moss

**REPRESENTING:** Same

**SUBJECT:** Request approval to amend the hours of operation for a previously approved variance to Ord. No. 17-2014 to operate an event center in the building located at 1350 Air Base Boulevard in an M-3 (General Industrial) Zoning District.

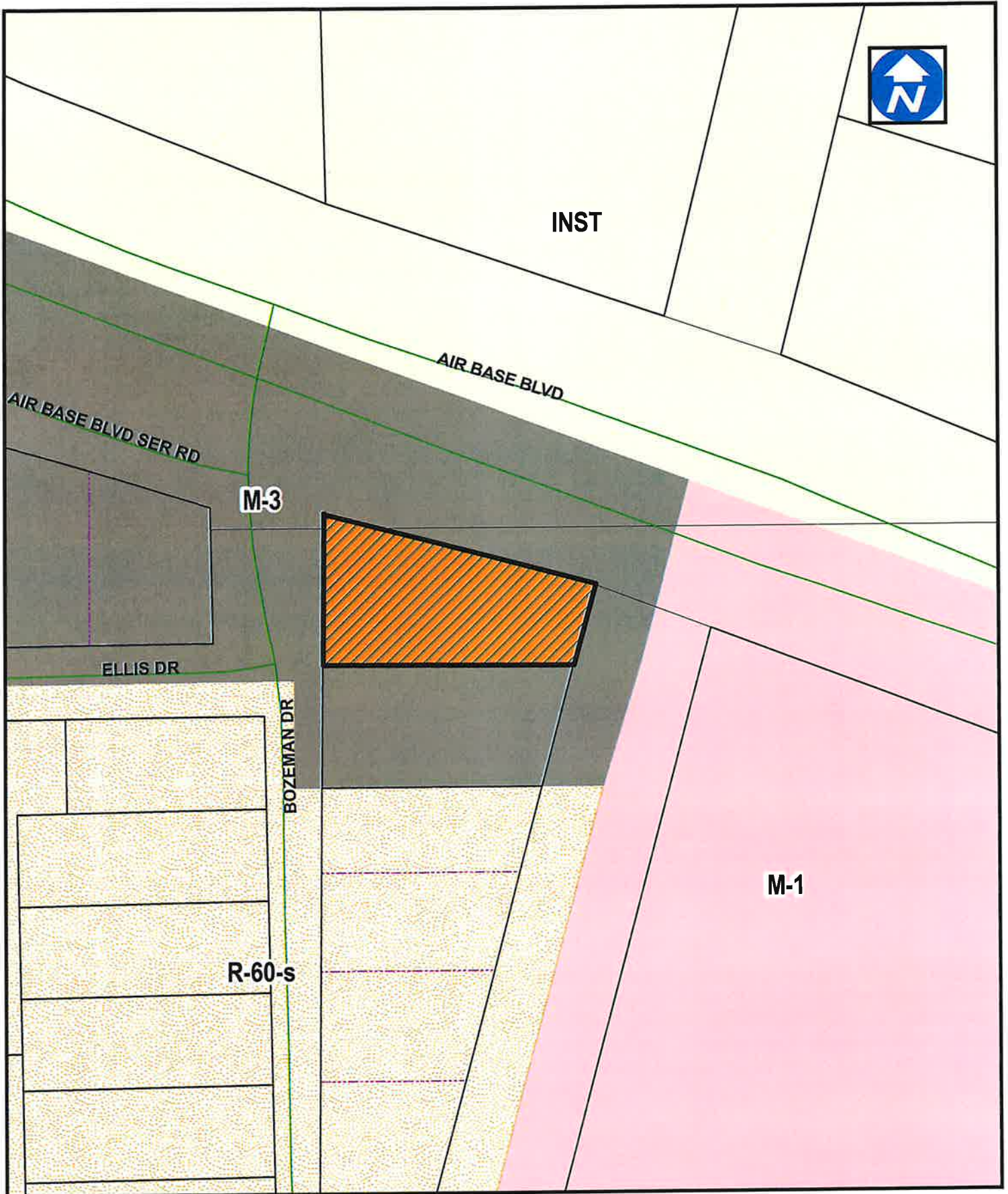
**REMARKS:** On March 17, 2022 the Board approved the following:

A 155 ft. variance to Ord. No. 17-2014 to allow an event center to serve alcoholic beverages on premise subject to hours of operation Monday-Saturday 2:00 p.m. to 11:00 p.m. and Sunday 3:00 p.m. to 5:00 p.m., the front and rear parking lot being striped, having adequate lighting, all beverages are to be consumed inside, all events held inside with the exception of children's parties during daylight hours.

The applicant has been in operation for 2 years with no issues and would like to expand the Sunday hours to 2:00 p.m. – 11:00 p.m. to hold more events such as Sunday sporting events, birthday parties, and repasts.

*This request is to change the hours of operation on Sundays to 2:00 p.m.-11:00 p.m.*

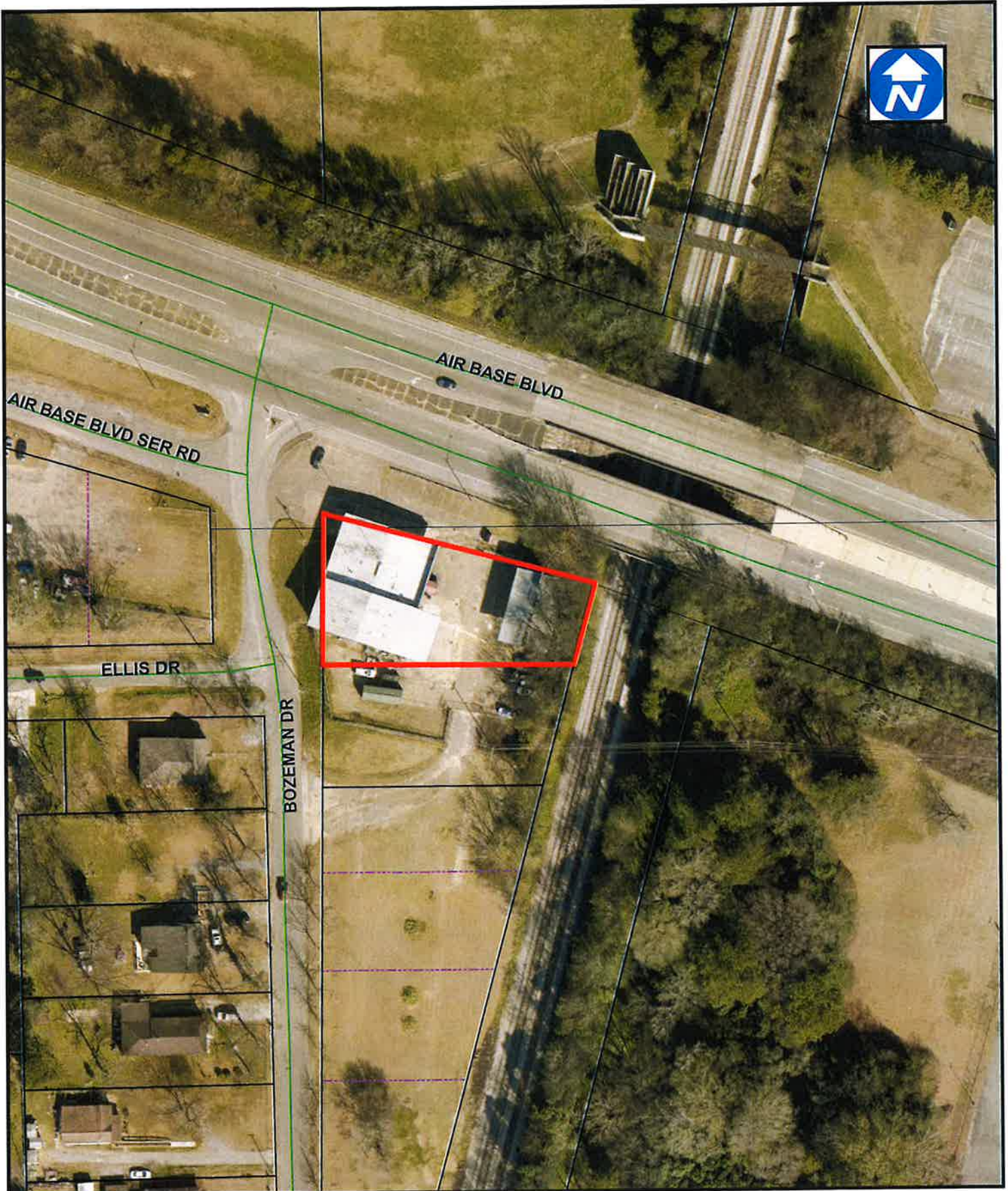
**COUNCIL DISTRICT:** 4



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

Site 

1 inch = 100 feet  
 Item 3A



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

Site 

1 inch = 100 feet  
Item 3B

4. BD-1978-020 **PRESENTED BY:** Larry E. Speaks & Associates

**REPRESENTING:** Margie Kay Stuart

**SUBJECT:** Request a parking variance for an additional structure to be located at 1569 East Ann Street in a B-2 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a new 13,300 sq. ft. building in the rear of the property to be used for equipment/storage. There are a total of 14 parking spaces onsite, whereas 37 spaces are required.

*The request is a 23-space parking variance.*

**COUNCIL DISTRICT:** 7

# Variance Request

## Part II

Physical Location: 1569 East Ann Street, Montgomery, AL 36104

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 proposed building will be used solely for equipment storage.

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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 proposed building, which is responsible for the increased parking requirements, will not be open to the public and will only be accessed by employees (typically 3 employees)

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

The building is being proposed by the Owner, but will not be utilized for retail or other public use.

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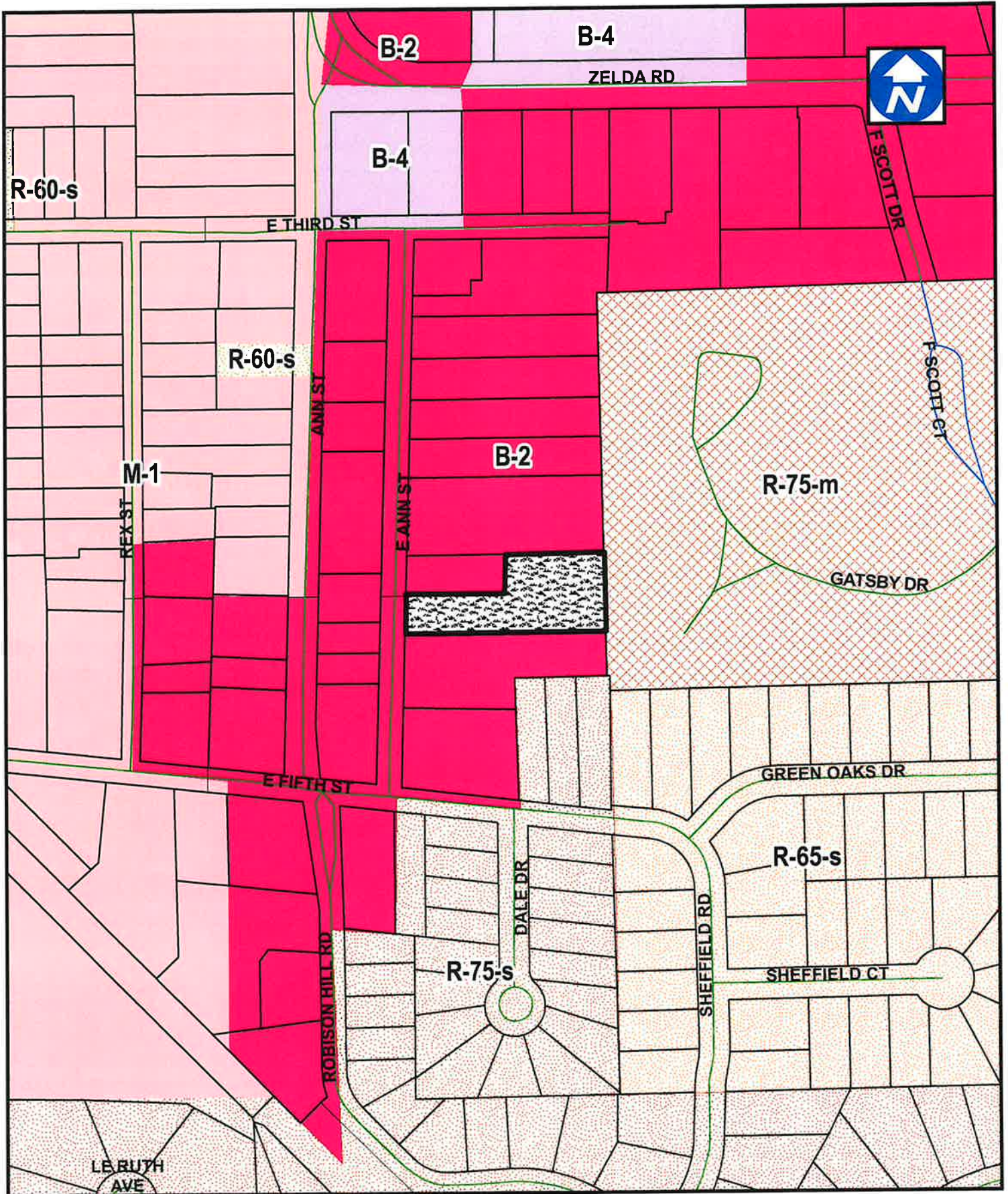
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4. By granting the variance requested, will it grant to the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district?

No.

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MAP FOR REFERENCE ONLY.  
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 NOT SURVEY GRADE

Site 

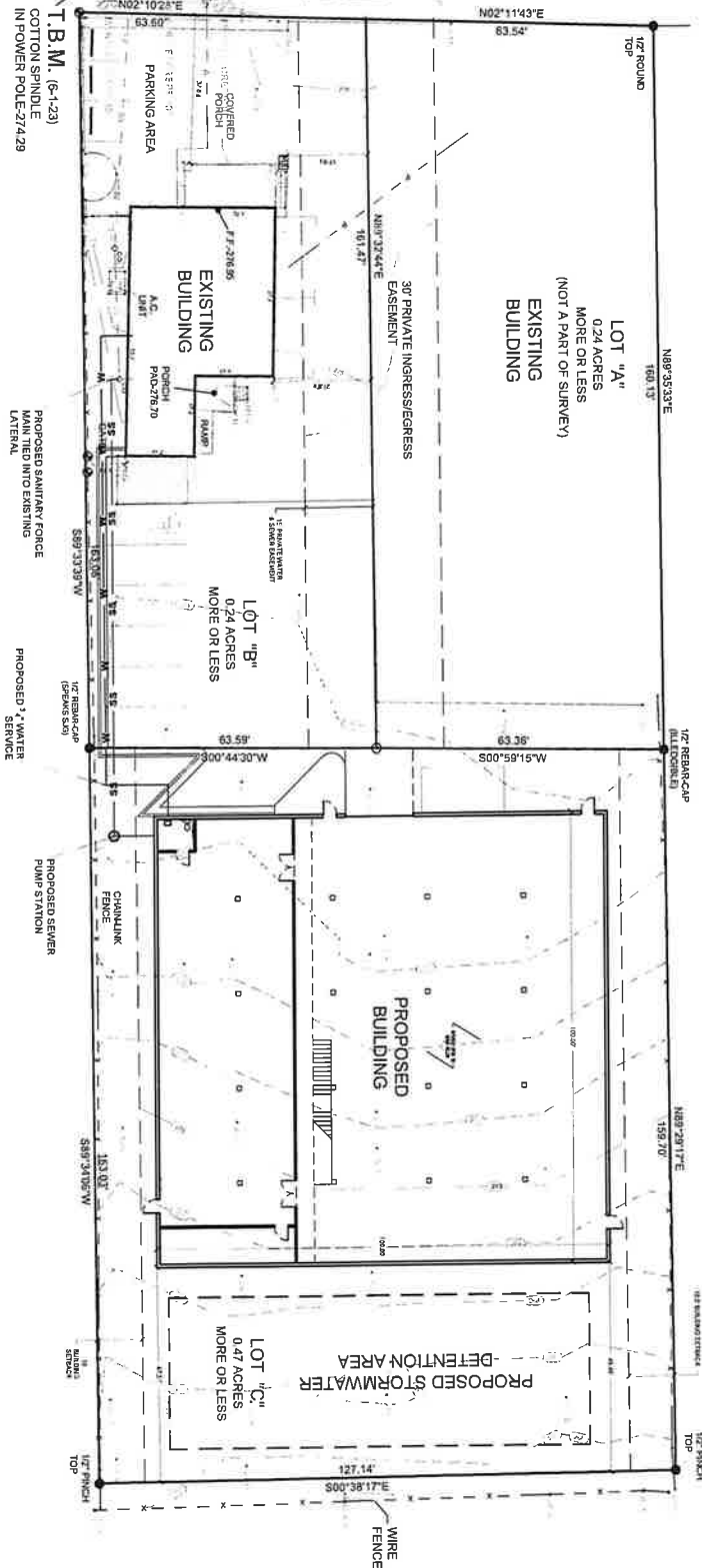
1 inch = 200 feet  
 Item 4B

EAST ANN STREET  
(40' R.O.W.)

4- STREET PARKING  
4- ADJACENT TO  
MIN 1' WIDE OF LOT

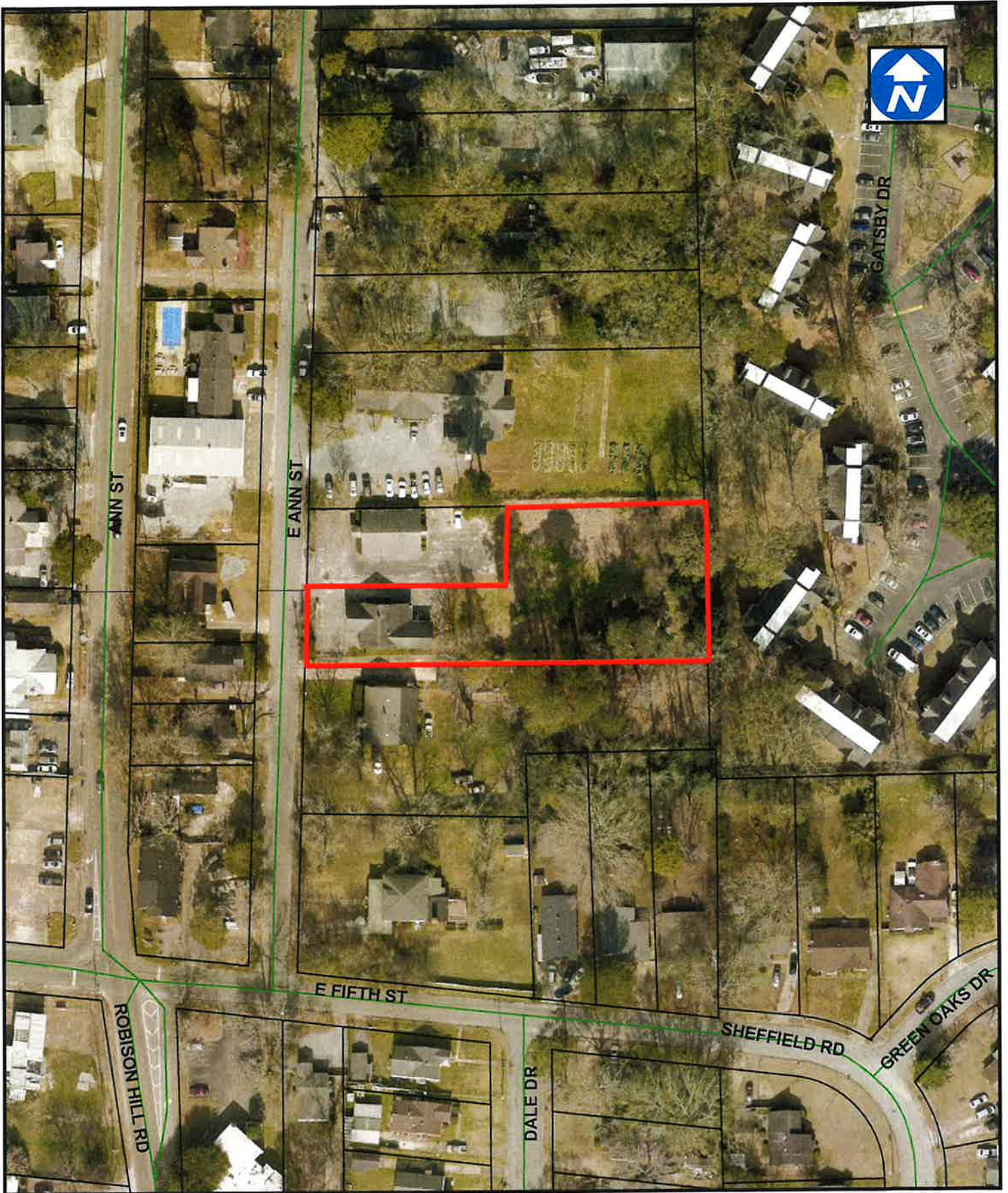
ADVANCE WITH ENCLOSURE TO BE  
IN EXISTING WATER SERVICE LINE.

126.55  
S00°25'50"W



Handwritten blue text: **21** and **AZ**





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

Site 

1 inch = 100 feet

Item 4D

5. BD-2024-016 **PRESENTED BY:** Watermark Builders

**REPRESENTING:** Linda Dennard

**SUBJECT:** Request a side yard variance for a new dwelling to be located at 3301 Wilmington Road in a R-75-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to rebuild a residential structure that was previously destroyed by fire. The dwelling will be similar in size and location as the previous home. The dwelling will come within 7 ft. of the street side property line (Plymouth Street), whereas 30 ft is required.

*The request is a 23 ft. street side yard variance*

**COUNCIL DISTRICT: 7**

# Variance Request

## Part II

Physical Location: 3301 Wilmington Rd.

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?

Home was lost to a fire, Requesting Previous setbacks that existing home had.

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?

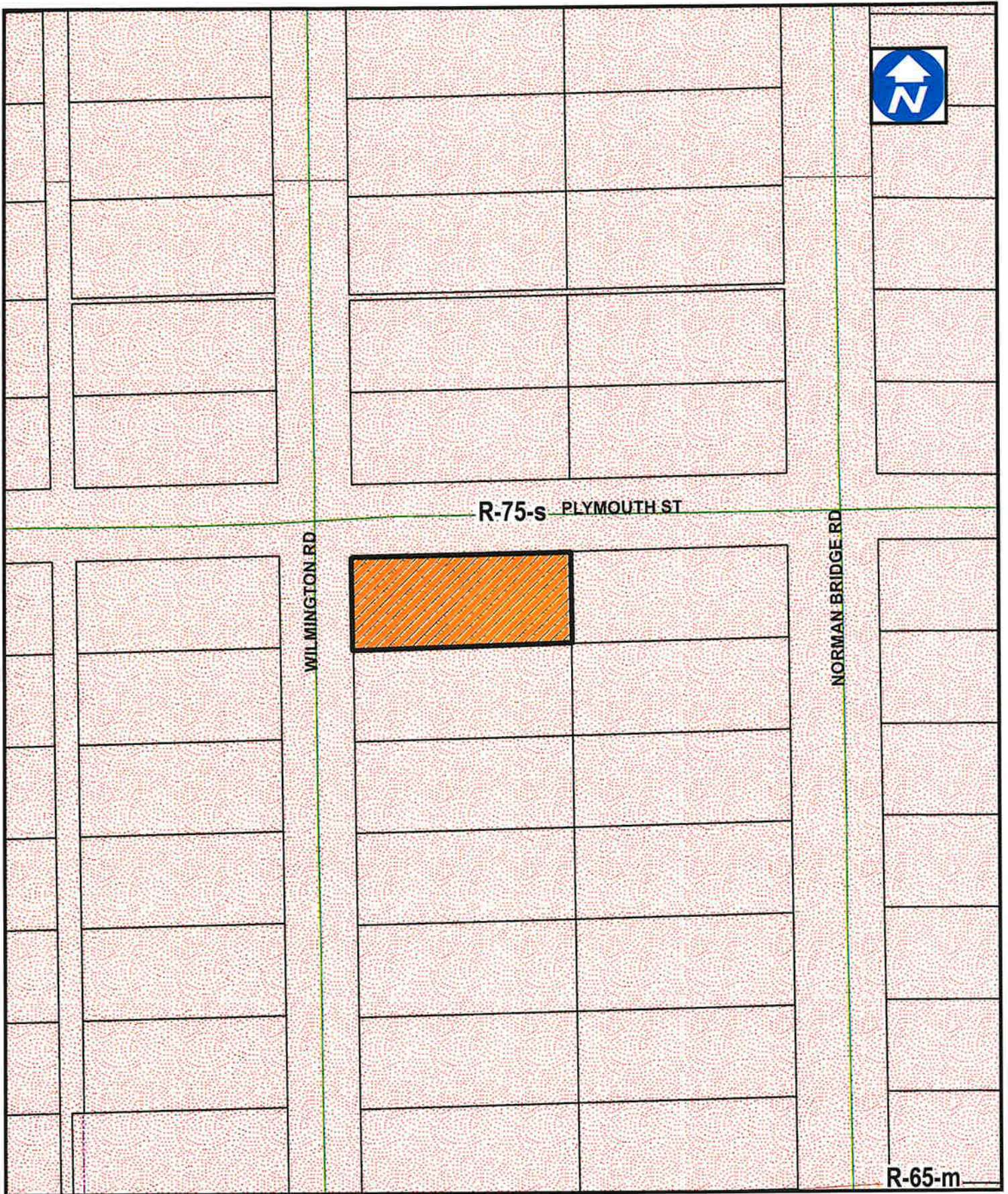
New setback Requirements

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



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Site 

1 inch = 100 feet  
Item 5B



3287

PLYMOUTH ST

7 ft.

New Home

3309

3319

WILKINSON

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SITE 

1 inch = 40 feet

Item 5C

6. BD-2024-015 **PRESENTED BY:** David Wilson

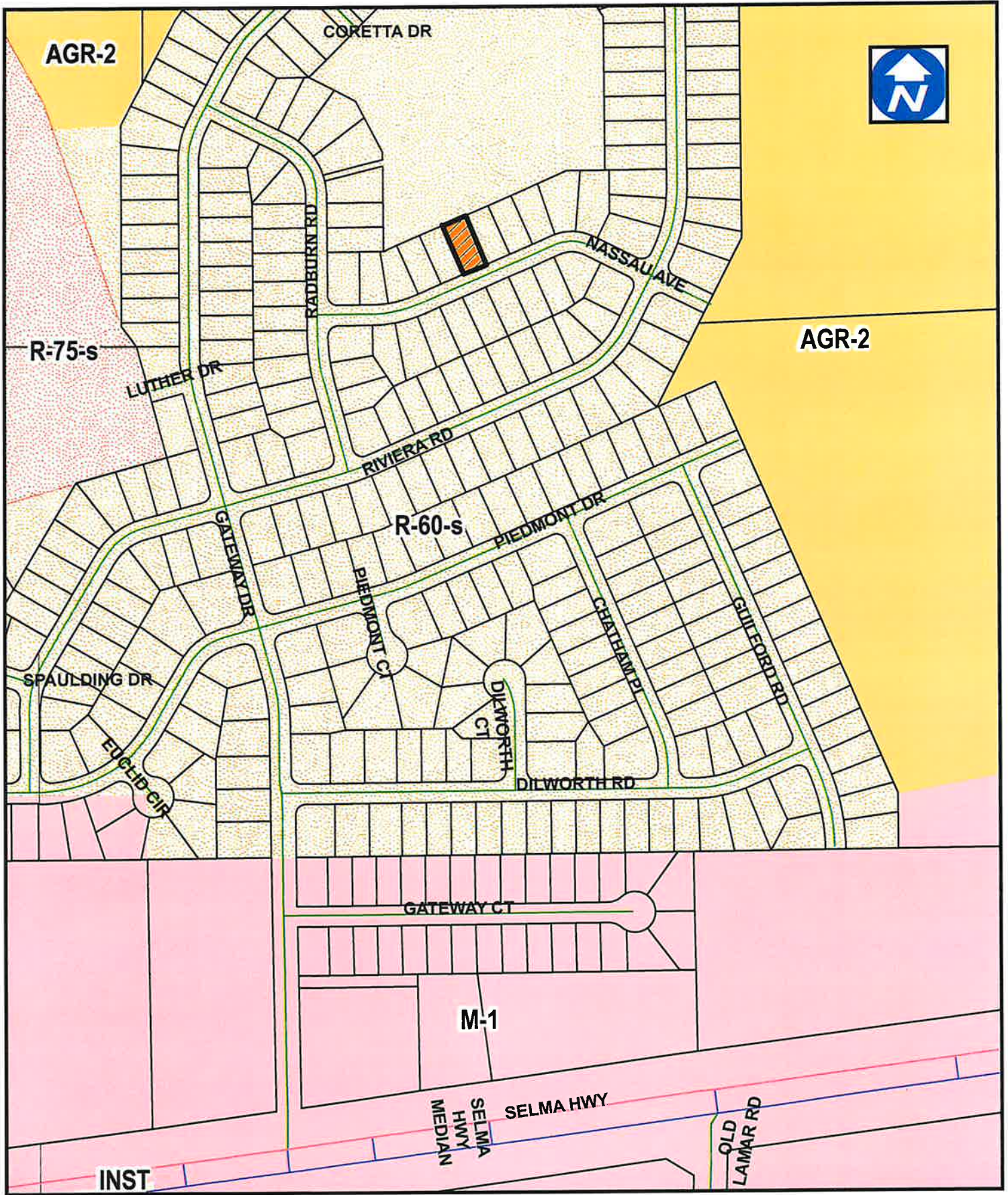
**REPRESENTING:** Same

**SUBJECT:** Request a special exception for an assisted living facility to be located at 3926 Nassau Avenue in a R-60-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to use the residential structure for an assisted living facility. We will be a 3-5 5 client, faith-based facility that provides basic 24-hour short term or long-term care for individuals that have fell into minimal health or physical ailments. We will provide services such as physical maintenance and rehabilitation, the carrying out of the individuals primary doctor 's orders (as recommended upon scheduled appointments), dietary meal preparation (as recommended from primary doctor), physical cleaning and maintenance, wellness checks, providing scheduled activities, and the checking of basic health related needs and maintenance (etc.). We will also make arrangements with each client's primary doctor to have their assigned nurses to come out to administer any additional services needed, in which our on-site nurse is unable to perform. With the idea of remaining a small and minimal facility, our means of reaching out to clients will be through church membership (Brewers Heights Church, 4425 Brewer Rd., Montgomery 36108) in which is a family church of 18 years, referrals from clients and their family members and word of mouth.

*The request is a special exception for an assisted living facility.*

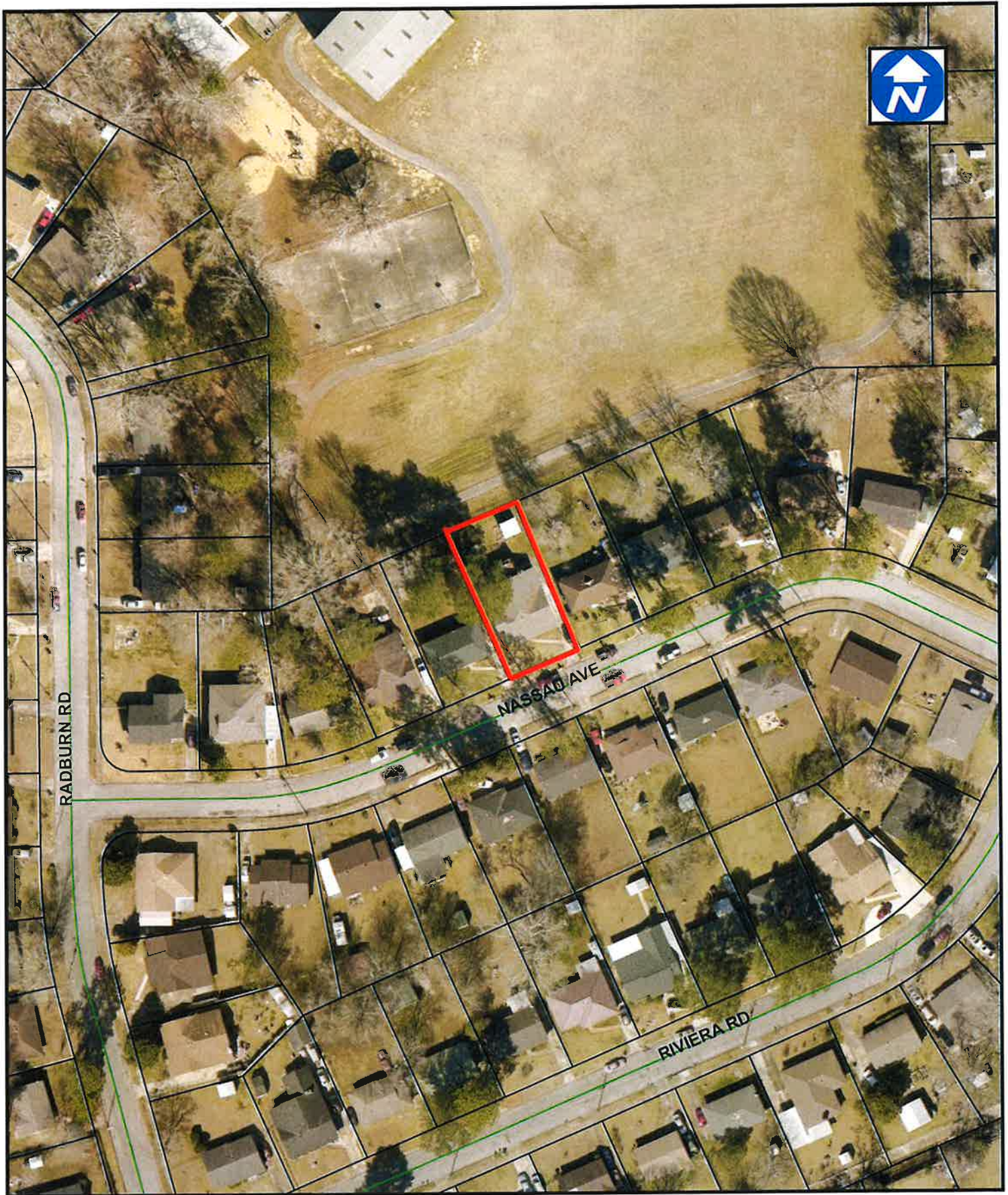
**COUNCIL DISTRICT: 4**



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Site 

1 inch = 300 feet  
 Item 6A



**MAP FOR REFERENCE ONLY.  
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Site 

1 inch = 100 feet

Item 60B



7. BD-2024-019 **PRESENTED BY:** Cynthia Bowden

**REPRESENTING:** Same

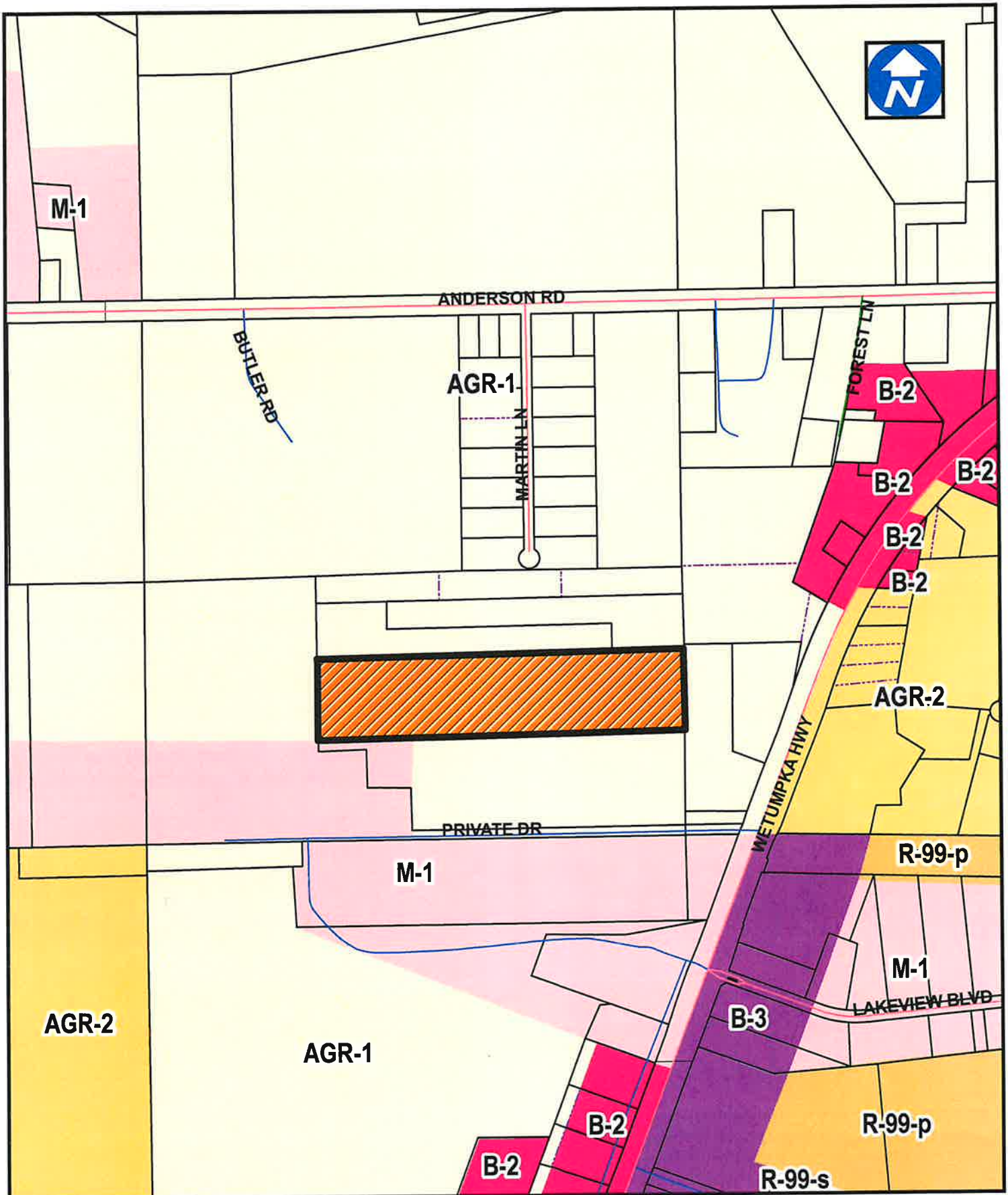
**SUBJECT:** Request a special exception for a recreational vehicle for living purposes to be located at 4130 Butler Road in an AGR-1 (Residential Agriculture) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to place a recreational vehicle on a 16.5-acre parcel of land for living purposes. The mobile home (approved in 1994) that she was living in, was destroyed by fire. The applicant is asking permission to use the recreational vehicle for living purposes, until she can refurbish the permanent dwelling to live in (approximately 2 years).

*The request is a special exception for a recreational vehicle for living purposes.*

**CITY COUNCIL DISTRICT:** Police Jurisdiction

**COUNTY COMMISSION DISTRICT:** 4



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Site 

1 inch = 600 feet  
 Item 7A



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NOT SURVEY GRADE

Site 

1 inch = 300 feet

Item 7B