

# BOARD OF ADJUSTMENT MEETING AGENDA

August 15, 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

Diane Burke

---

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



CITY OF *MONTGOMERY*, ALABAMA

**I. Chairman's Message**

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

**August 15, 2024**

<u>Item</u>	<u>File#</u>	<u>Applicant</u>	<u>Zoning</u>	<u>Location/Request</u>	<u>Page</u>
1.	2024-016	Watermark Builders	R-75-s	3301 Wilmington Road (Side yard variance)	1
2.	2021-065	Consuelo Bradley	R-65-d	1716 Hale Street (Accessory structure w/o main dwelling)	2
3.	2024-021	Jessica Meeks	R-60-s	2219 St. Charles Avenue (Coverage variance and Separation between structures variance)	3
4.	1992-077	Pilgreen & Bostick Engineering	B-2	7735 Atlanta Highway (Rear & Side yard variances)	4
5.	2024-020	Julian Smith	R-65-m	3069 Dudley Street (Front yard variance)	5

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

1. 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.

*This request was delayed at the July 18, 2024 meeting, due to no one being in attendance to present the request.*

*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?

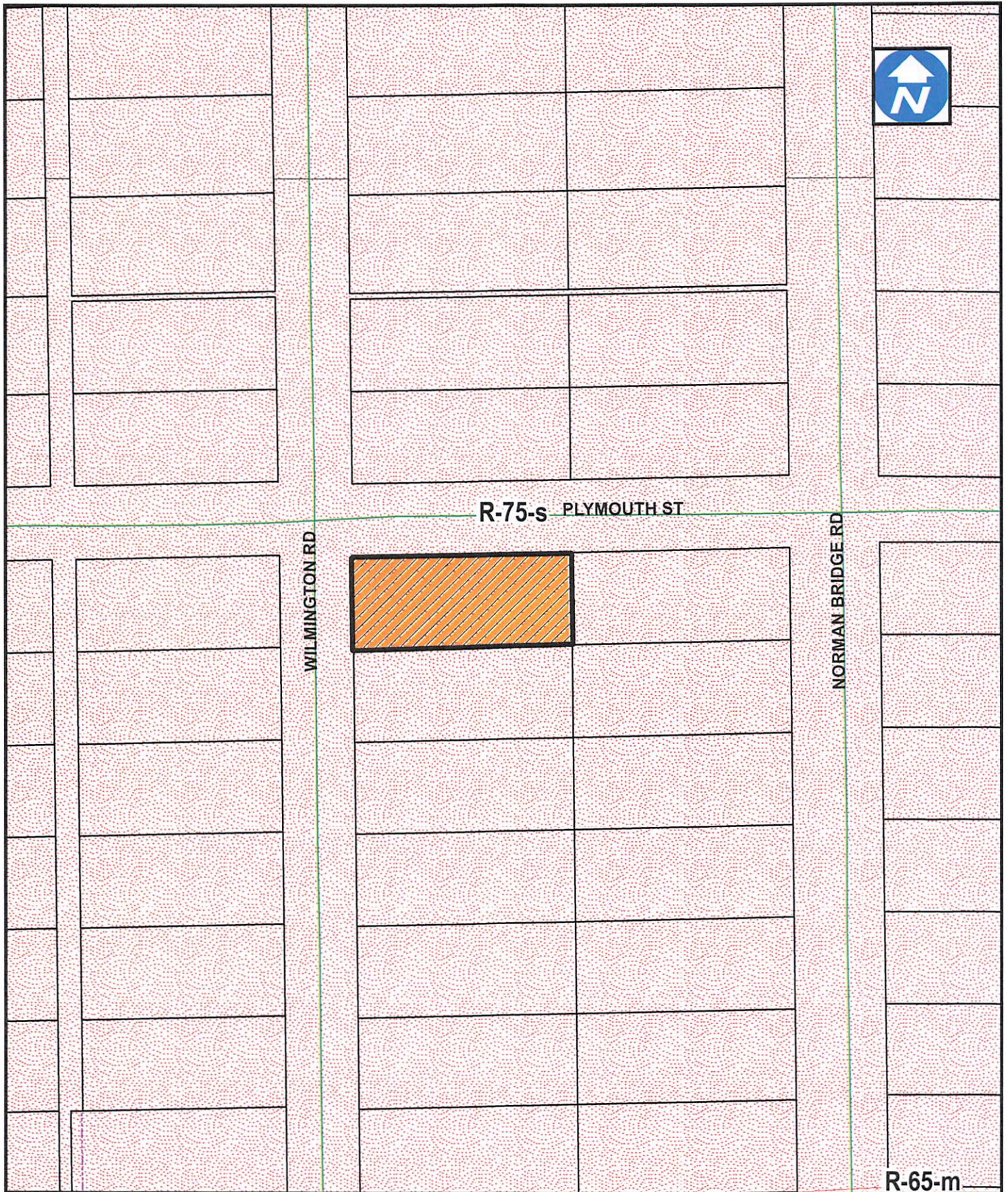
New setback Requirements

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



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

Site 

1 inch = 100 feet

Item 1



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

SITE 

1 inch = 40 feet

Item 1a

2. BD-2021-065 **PRESENTED BY:** Consuelo Bradley

**REPRESENTING:** Same

**SUBJECT:** Request a special exception for an accessory structure without a main dwelling to be located at 1716 Hale Street in an R-65-d (Duplex Residential) Zoning District.

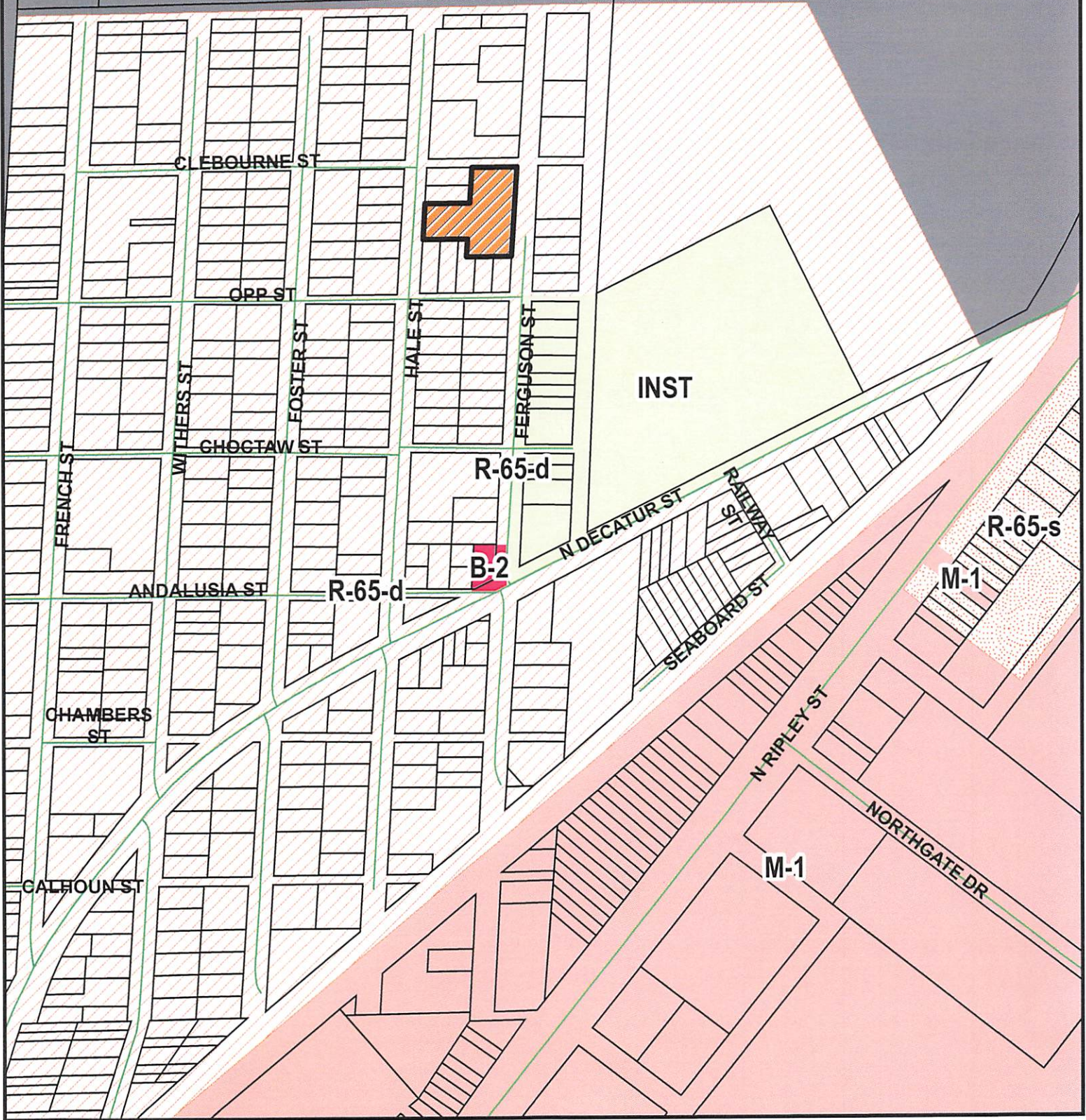
**REMARKS:** This request is being made to give the petitioner permission to relocate a previously approved accessory structure to a different location on the same property. On December 16, 2021, the Board of Adjustment approved a special exception for an accessory structure without a main dwelling, subject to no electricity or plumbing; not to be used for living purposes; and if the property ceases to be used as a community garden, the shed will be removed.

*The request is relocation of an accessory structure.*

**CITY COUNCIL DISTRICT: 3**



M-3



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

SITE 

1 inch = 300 feet

Item 2





CLEBOURNE ST

HALE ST

New proposed location

Previously approved location

OPP ST

FERGUSON ST

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

SITE 

1 inch = 40 feet

Item 2a

3. BD-2024-021 **PRESENTED BY:** Jessica Meeks

**REPRESENTING:** Same

**SUBJECT:** Request a coverage variance and a separation between structures variance for a new accessory structure to be located at 2219 St. Charles Avenue in an R-60-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to finish construction of a 160 sq. ft. (10 ft. x 16 ft.) accessory structure in the rear yard. There is an existing 300 sq. ft. accessory structure, to bring the total coverage to 460 sq. ft., whereas 360 sq. ft. is allowed. The new accessory structure comes within 3 ft. of the existing accessory structure, whereas 10 ft is required between structures.

*The Architectural Review Board approved the accessory structure at the July 23, 2024 meeting.*

*The request is 100 sq. ft. coverage variance and 7 ft. separation between structures variance.*

**COUNCIL DISTRICT: 3**

# Variance Request

## Part II

Physical Location: \_\_\_\_\_

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 special conditions which lead us to seek a variance is that the location we would like to build is on a level, existing concrete slab, and the proper distance away from all property lines and the house. It is only 7 feet too close to an old structure, which we would like to preserve if possible

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?

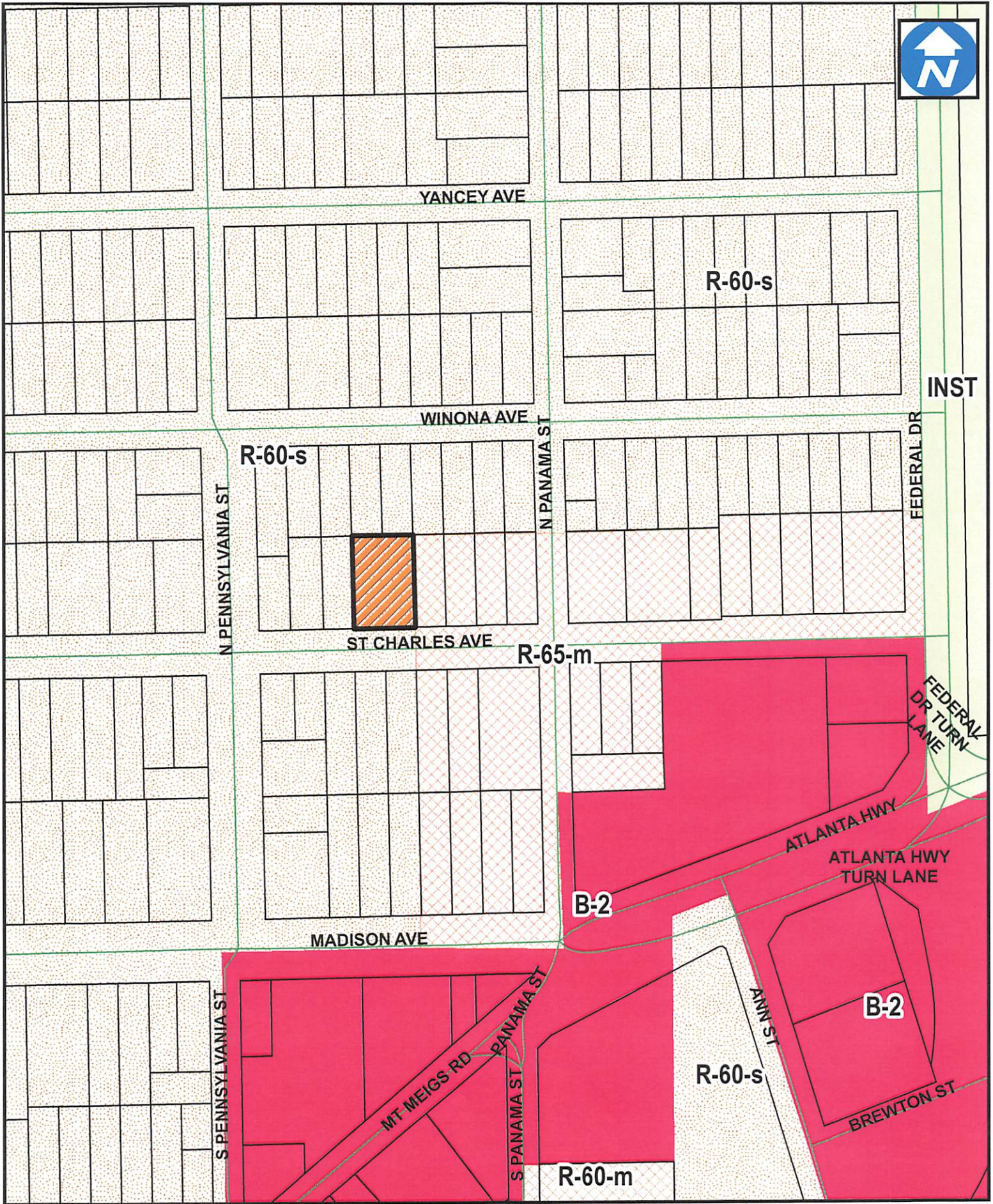
The ideal location for building the new structure is on the concrete slab in order for it to have the best foundation and be safe from the pooling in the of water, which occurs commonly in our yard.

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 = 200 feet

Item 3



2219 St. Charles Ave. (Capitol Heights), outbuilding in progress in rear yard, 07/03/2024



10'x16'  
accessory  
structure

2211

2219

2227

2233

ST CHARLES AVE

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

SITE 

1 inch = 30 feet

Item 36

4. BD-1992-077 **PRESENTED BY:** Pilgreen and Bostick Engineering, Inc.

**REPRESENTING:** Rivers Edge Church

**SUBJECT:** Request a rear yard variance and a side yard variance for a new building located at 7735 Atlanta Highway in a B-2 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to maintain an existing 1,440 sq. ft. structure that was constructed 12 ft. from the rear property line and 16.5 ft. from the side property line (east side), whereas 35 ft. is required from all property lines.

*The request is 23 ft. rear yard variance and 18.5 ft. side yard variance.*

**COUNCIL DISTRICT: 1**

# Variance Request

Physical Location: 7735 Atlanta Highway, Montgomery, AL 36117

## Part II

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 building has already been constructed. The church hired a builder who  
did not submit a development plan or apply for a building permit. For  
this reason the church was not aware that the building was within the setback.

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?

---

---

---

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

Builder constructed the building without ever applying for a permit.

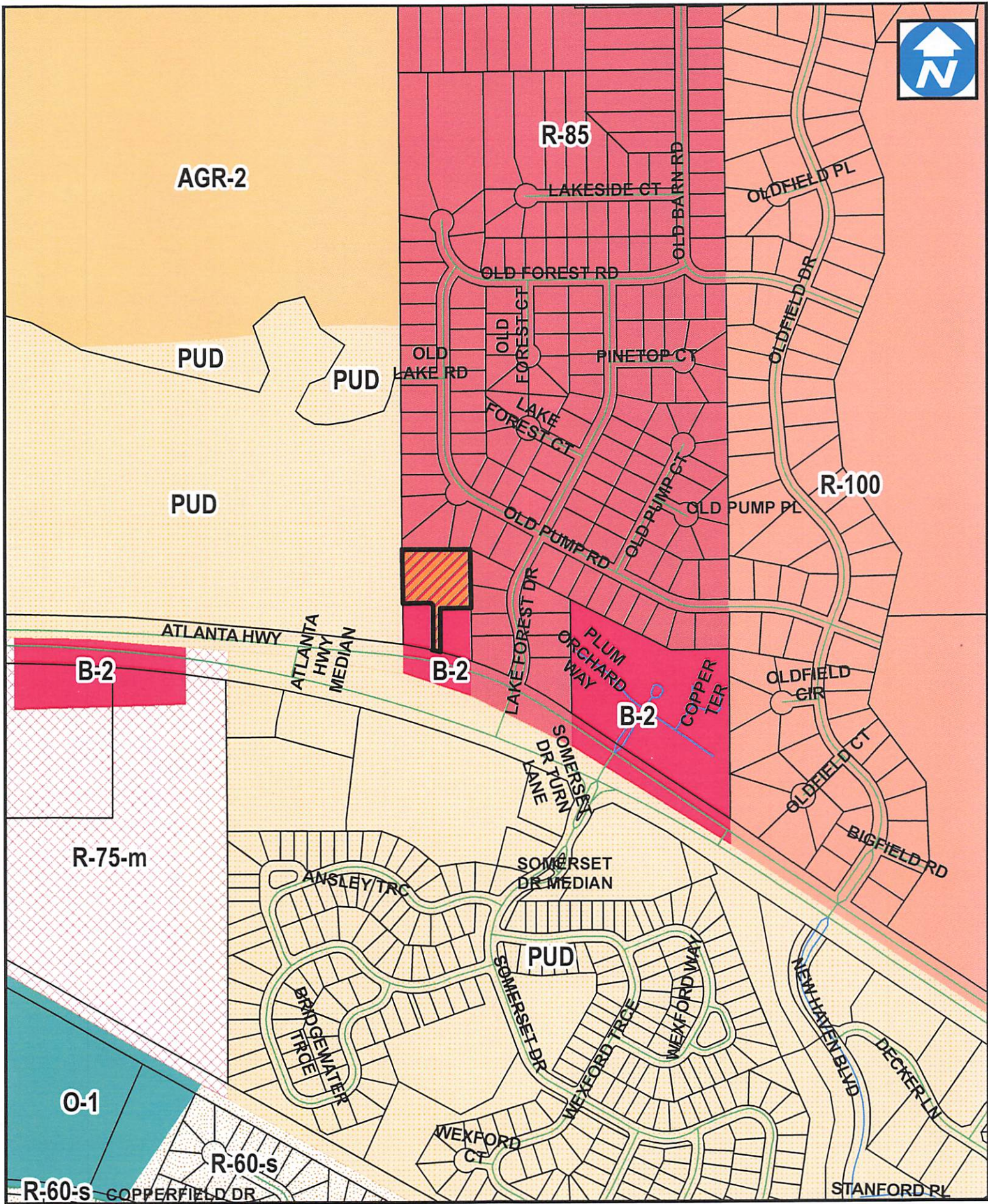
---

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 new two class room building is inside the required 35' building setback lines. The builder the  
church hired constructed it without ever submitting a development plan or building plans  
for approval. The DP is being submitted for approval at the August planning commission.

---





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

SITE 

1 inch = 500 feet

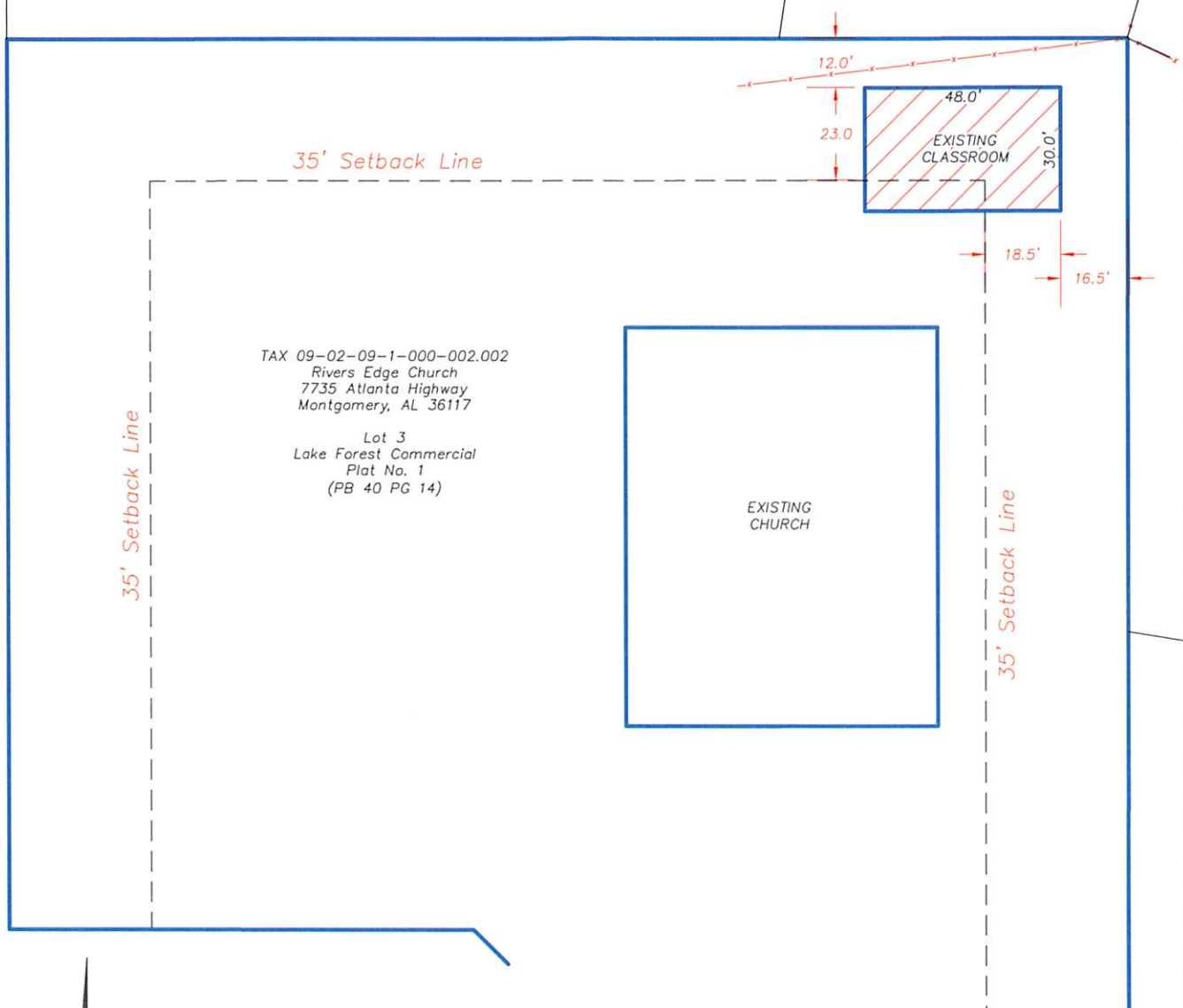
Item 4

TAX 09-02-09-1-000-096.043  
Traci & Bernard Fields  
7472 Old Pump Road  
Montgomery, AL 36117

Lot 8, Block C  
Lake Forest Plat No. 3B  
(PB 39 PG 199)

TAX 09-02-09-1-000-096.044  
Phillip & Annie Askew  
7478 Old Pump Road  
Montgomery, AL 36117

Lot 7, Block C  
Lake Forest Plat No. 3B  
(PB 39 PG 199)



TAX 09-02-09-1-000-002.002  
Rivers Edge Church  
7735 Atlanta Highway  
Montgomery, AL 36117

Lot 3  
Lake Forest Commercial  
Plat No. 1  
(PB 40 PG 14)

35' Setback Line

35' Setback Line

35' Setback Line

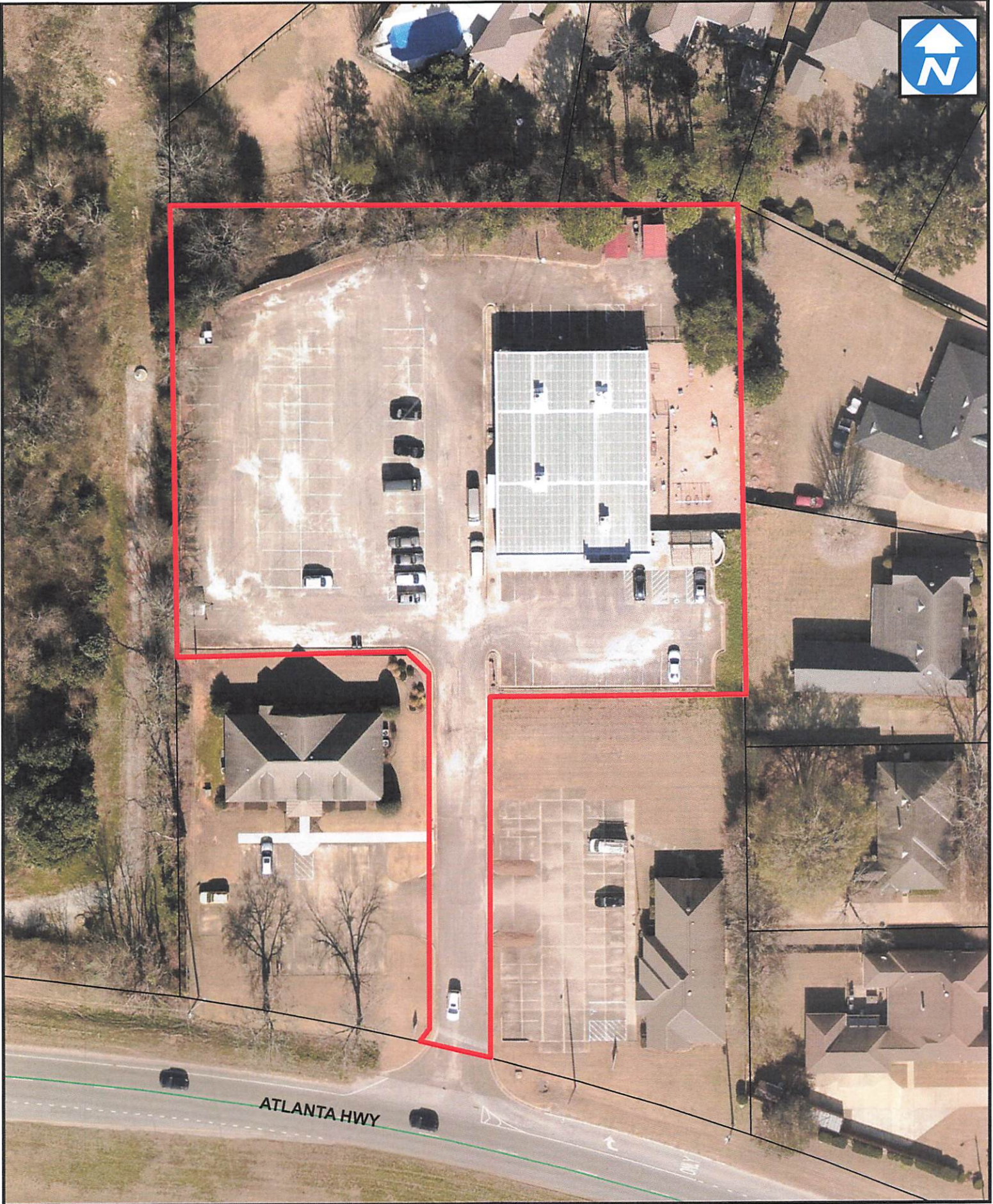


### GRAPHIC SCALE



( IN FEET )

1 inch = 40 ft.



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

SITE 

1 inch = 60 feet

Item 46

5. BD-2024-020 **PRESENTED BY:** Julian Smith

**REPRESENTING:** Melissa Bailey

**SUBJECT:** Request a front yard variance for an addition to the dwelling located at 3069 Dudley Street in an R-65-m (Multi-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a 13 ft. x 7 ft. covered porch on the front of the existing dwelling. The addition come within 17 ft. of the front property line, whereas 30 ft. is required.

*The request is 13 ft. front yard variance*

**CITY COUNCIL DISTRICT: 4**

# Variance Request

## Part II

Physical Location: 3069 Dudley 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?

Design guidelines and neighborhood covenants will add certain architectural styles and materials that must be adhered to in order to maintain the character of the area

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?

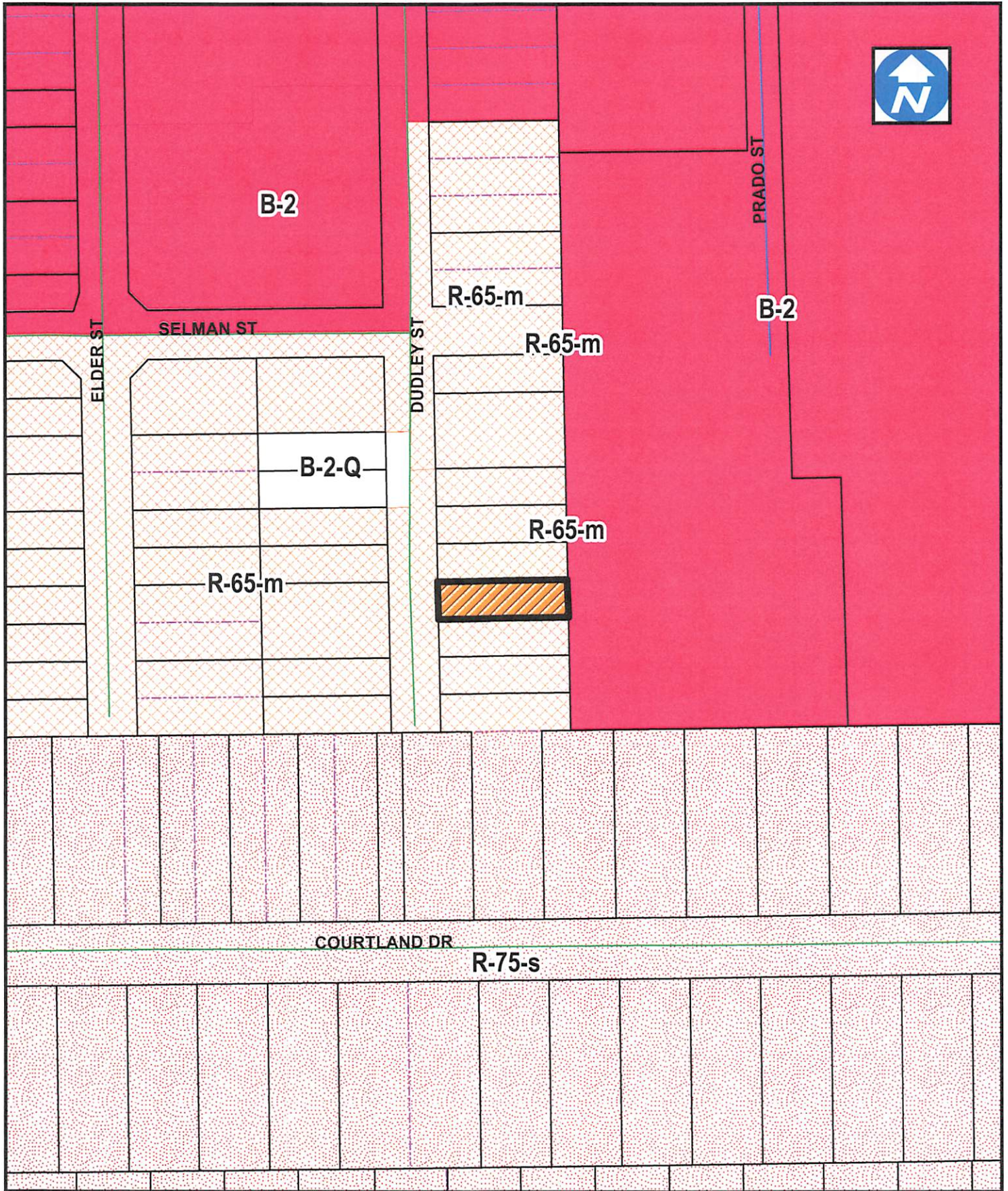
It is the intent of this Ordinance that there shall be but one (1) main structure, plus any permitted accessory structures, on any lot used for residential purposes; also, that accessory structures shall not include living quarters; neither will sanitary facilities be permitted in accessory structures without the approval of the Board of Adjustment.

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

Yes, the applicant will perform services to add on 13' to the roofing area.

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 = 100 feet  
 Item 5



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

Site 

1 inch = 50 feet  
Item 5a