

# BOARD OF ADJUSTMENT MEETING AGENDA

**October 17, 2024 – 5:00 p.m.**

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

## **MEMBERS**

John Stanley, *Chairman*

George Howell, *Vice-Chairman*

Diane Burke

Quentin Burke

Beau Holmes

Blake Markham

Bart Prince

Pickett Reese

Barry Robinson

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



CITY OF **MONTGOMERY**, ALABAMA

**I. Chairman's Message**

**II. Approval of Minutes from the September 19, 2024 meeting.**

**October 17, 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.	1965-087	Montgomery Catholic	INST	5350 Vaughn Road (Setback variance)	1
2.	2024-028	Marvin Hughes	R-50 / B-2	4661 Charles Street (DH) (Coverage variance & separation between structures variance)	2
3.	2024-029	Donna Barham	R-65-s	3326 Willow Lane Drive (Chickens)	3
4.	2024-030	Pilgreen & Bostick Engineering	T4-O	1030-1050 East Fairview Avenue (Exceptions to SmartCode)	4
5.	2024-031	Flowers & White Engineering	PUD	7030 Fain Park Court (Rear yard variance)	5
6.	2024-032	Corey D. Knight	R-85	1218 Edgeworth Drive (Front yard variance)	6

***The next Board of Adjustment meeting is on November 21, 2024***

1. BD-1965-087 **PRESENTED BY:** Montgomery Catholic

**REPRESENTING:** Same

**SUBJECT:** Request a setback variance for a new building to be located at 5350 Vaughn Road in an INST (Institutional) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a new storage building to come within 5 ft. of the west property line, whereas 35 ft. is required.

*The request is a 30 ft. setback variance.*

**COUNCIL DISTRICT: 8**

Variance Request  
Part II

Debbie: please send  
to Taylor Manning at Pilgreen

Physical Location: 5350 Vaughn Road, Montgomery, AL 36116

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?

existing parking to allow loading and unloading of stored materials

Athletic fields, parking, and Educational Buildings have virtually filled all of the available constructable areas of the site ~~which~~ <sup>severely</sup> limits where any other structures can be built that can be located adjacent to

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 potential left on site where a Storage Building can be located 35 feet from any property line and ~~that~~ that ~~is~~ would not infringe on required limits of athletic fields and that provide adequate vehicle

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

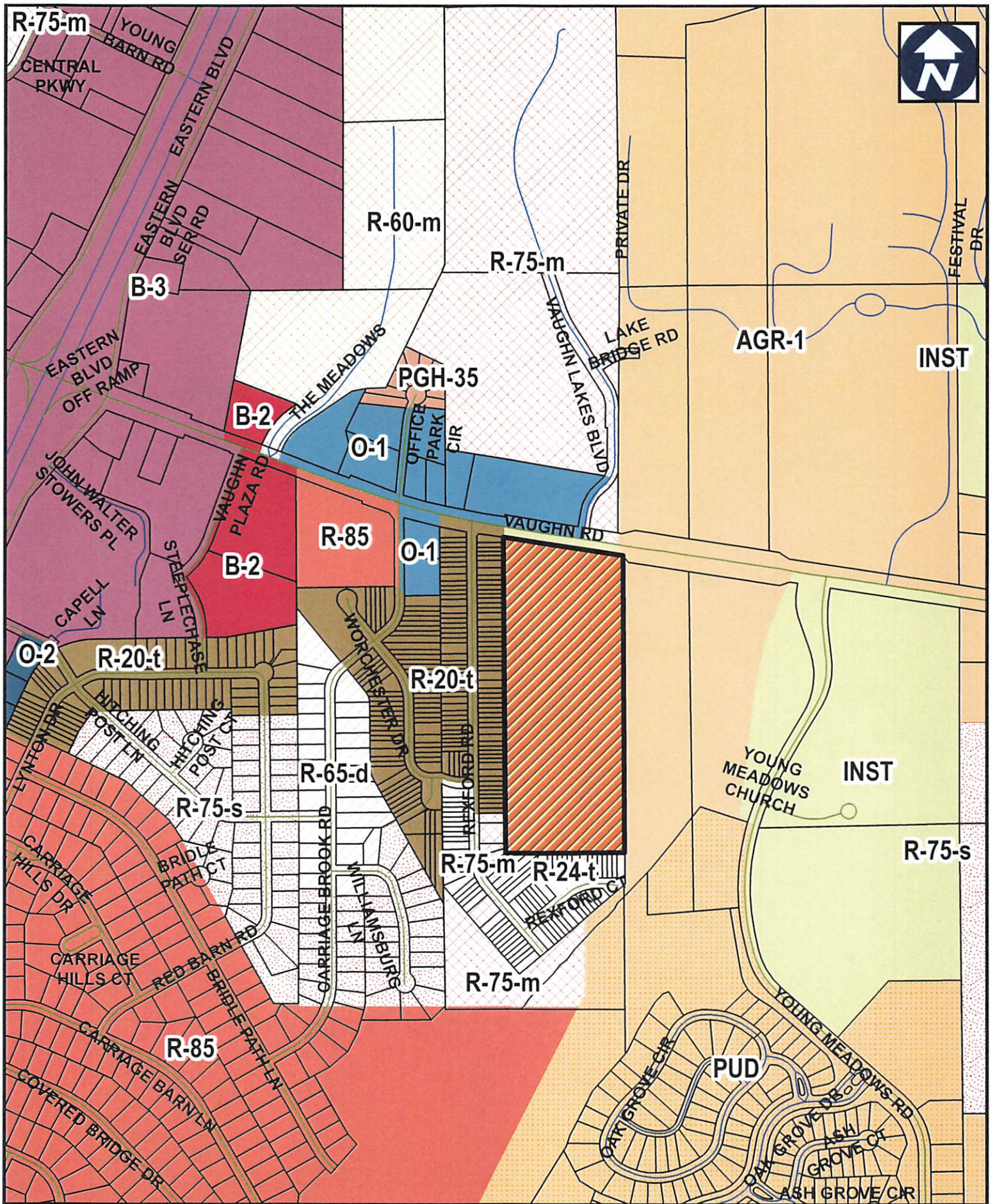
Yes, however the growth in the student body has necessitated the use of loading and unloading space

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?

virtually all of the property for education <sup>buildings</sup> and athletic fields ~~and~~ and the parking required to support these facilities.

<sup>can't</sup> The Engineer and the Architect and the Owner do not believe the variance proposed grants any special privilege to the School, i.e. the location of Storage & building ~~will~~ <sup>will</sup> not add noise or student body <sup>any equipment</sup> ~~activity~~ or any additional

~~type~~ activity ~~or~~ or any additional parking or drives to the existing property, because of its <sup>type of</sup> use.



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 NOT A LEGAL DOCUMENT.  
 MEASUREMENTS ARE APPROXIMATE,  
 NOT SURVEY GRADE

SITE 

1 inch = 600 feet

Item   1B

10

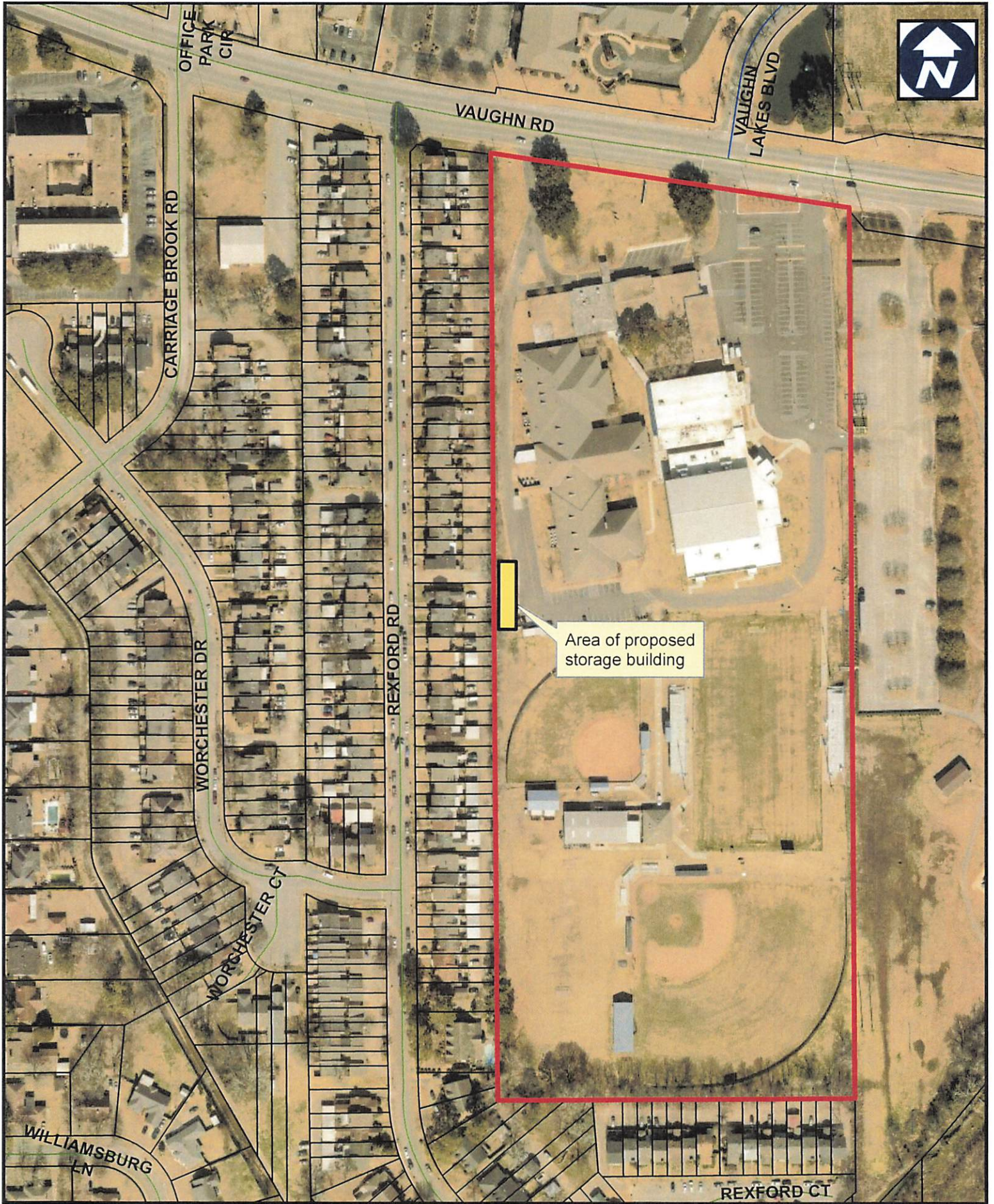


GRAPHIC SCALE



( IN FEET )  
1 inch = 40 ft.





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 NOT SURVEY GRADE

SITE

1 inch = 200 feet

Item     ID

2. **BD-2024-028 PRESENTED BY:** Marvin D. Hughes

**REPRESENTING:** Same

**SUBJECT:** Request a coverage variance and a separation between structures variance for a detached accessory structure to be located at 4661 Charles Street (DH) in R-50 (Single-Family Residential) and B-2 (Commercial) Zoning Districts.

**REMARKS:** This request is being made to give the petitioner permission to construct a 750 sq. ft. (25 ft. x 30 ft.) detached carport to come within 6 ft. of an existing 600 sq. ft. accessory structure (storage building), whereas 10 ft. separation is required. The total square footage of the existing and new accessory structures equals 1,350 sq. ft., whereas 300 sq. ft. is allowed under R-50 guidelines. The dwelling existed prior to the B-2 zoning and is grandfathered in.

*The request is an 850 sq ft. coverage variance and a 4 ft. separation between structures variance.*

**COUNCIL DISTRICT: 2**



# Variance Request

## Part II

Physical Location: 4661 CHARLES STREET

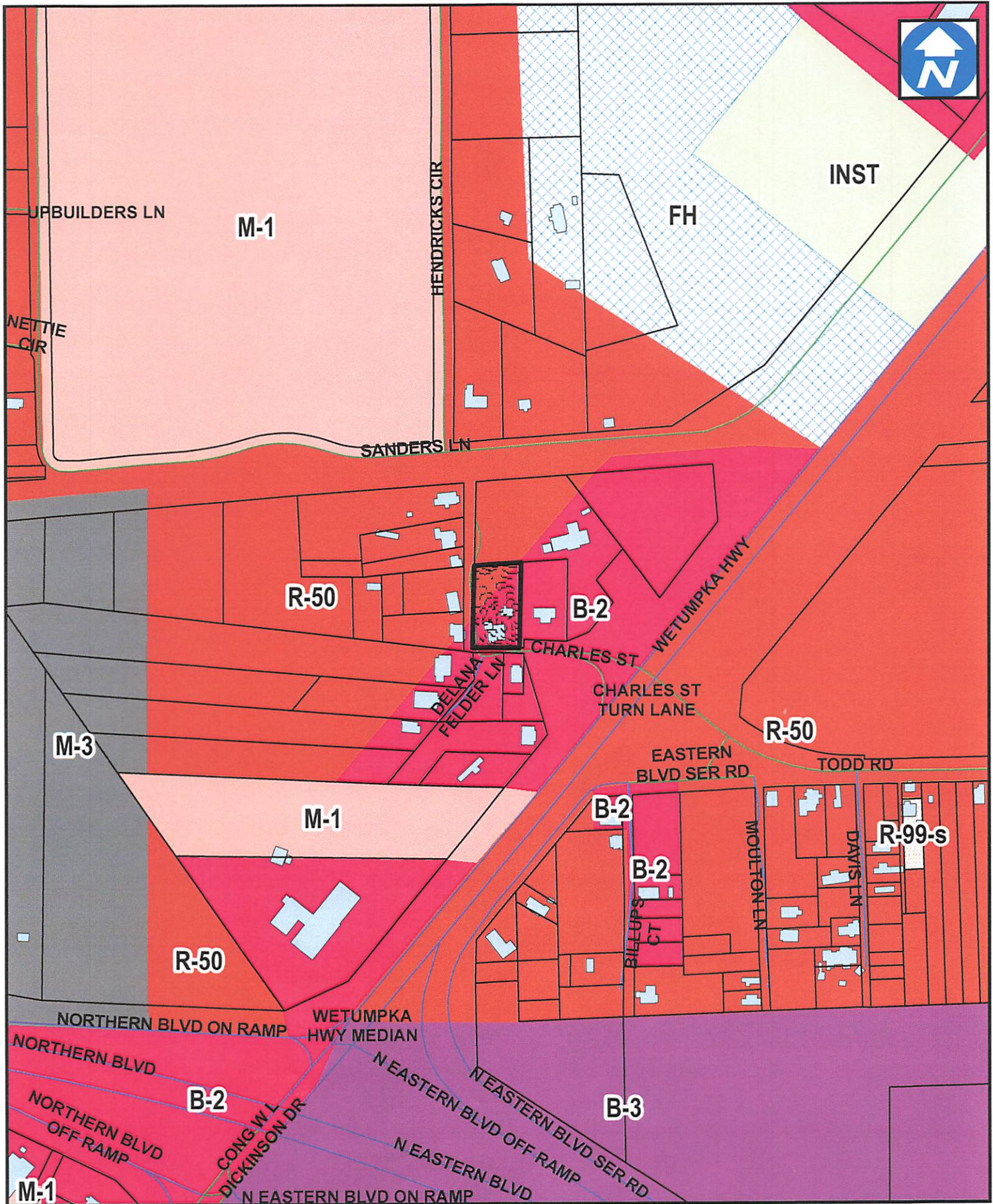
A variance is a deviation from the terms of the Zoning Ordinance that apply to a particular property. Variances may be appropriate where strict application of the regulations would create a hardship on the owner, due to unusual circumstances such as parcel shape, size or topography.

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? My home which is the first house to the right located directly at the main entrance of my neighborhood lacked the existence of a covered carport. This item which is very important due to my home being located in the hub 8-12 feet from off of the main street which creates a hazard so far as damage to my vehicle by random drivers coming around the curve through the neighborhood, and it would also make it more feasible and conveniently located when having to carry items in from my automobile as well as a solution to weather exposures with additional usable space to store lawn mower, and other outdoor equipment. As well as provide light for security purpose.
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 in this same district under the terms of the zoning ordinance currently have been allowed have covered carports, which allows protection against weather exposure, and with additional usage space to store lawn mower, and other outdoor equipment.
3. Does the special conditions and circumstances result from the actions of the applicant? The condition and circumstances does not result from the actions of the applicant. Rather, the condition and circumstances were "inherited" to the property itself. In addition I do have permanent health conditions that are beyond my control. Which has resulted me in having my voice box removed and left me unable to talk. Also, am totally disabled receiving social security disability.
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?

Granting this variance will not grant me the applicant any special privileges that was denied to other homes in my same district or neighborhood. Which was previously mentioned other homes in my district and neighborhood have covered carport.



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SITE 

1 inch = 300 feet

Item 2B



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Site 

1 inch = 100 feet

Item 2C

3. BD-2024-029 **PRESENTED BY:** Donna Barham

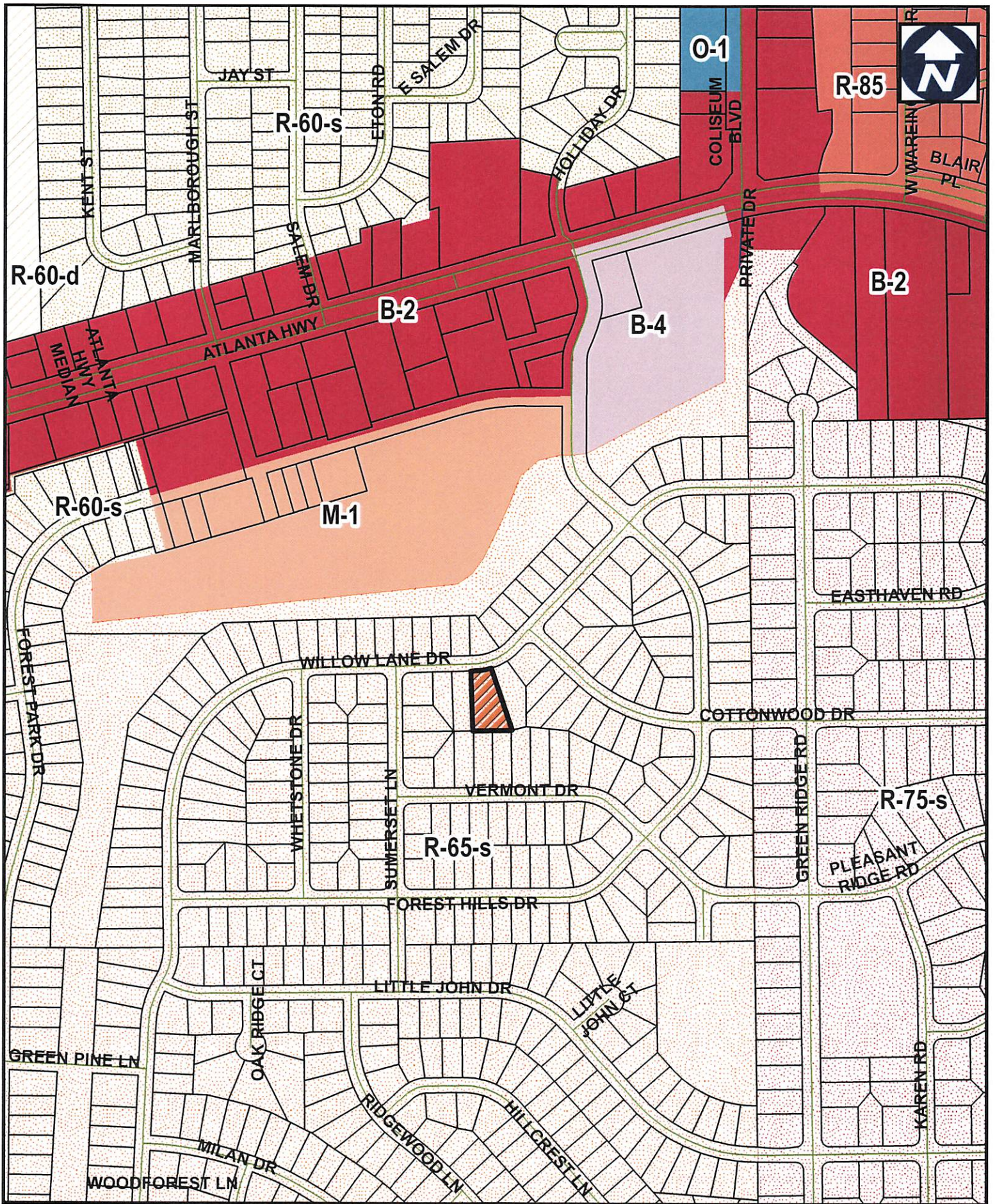
**REPRESENTING:** Same

**SUBJECT:** Request a special exception to keep chickens on the property located at 3326 Willow Lane Drive in an R-65-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to keep 5 chickens. The chick that ended up being a rooster has been rehomed, so only hens are on the property.

*The request is a special exception to keep five (5) hens.*

**CITY COUNCIL DISTRICT: 1**



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SITE 

1 inch = 400 feet

Item 3A



WILLOW LANE DR

COTTONWOOD DR



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SITE 

1 inch = 50 feet

Item 3B

4. BD-2024-030 **PRESENTED BY:** Pilgreen and Bostick Engineering

**REPRESENTING:** Old Cloverdale Village Holdings, Inc.

**SUBJECT:** Request exceptions to SmartCode Standards for renovations to the multi-tenant building located at 1030-1050 East Fairview Avenue in a T4-O (General Urban Open) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to renovate and restore the multi-tenant building with the following exceptions:

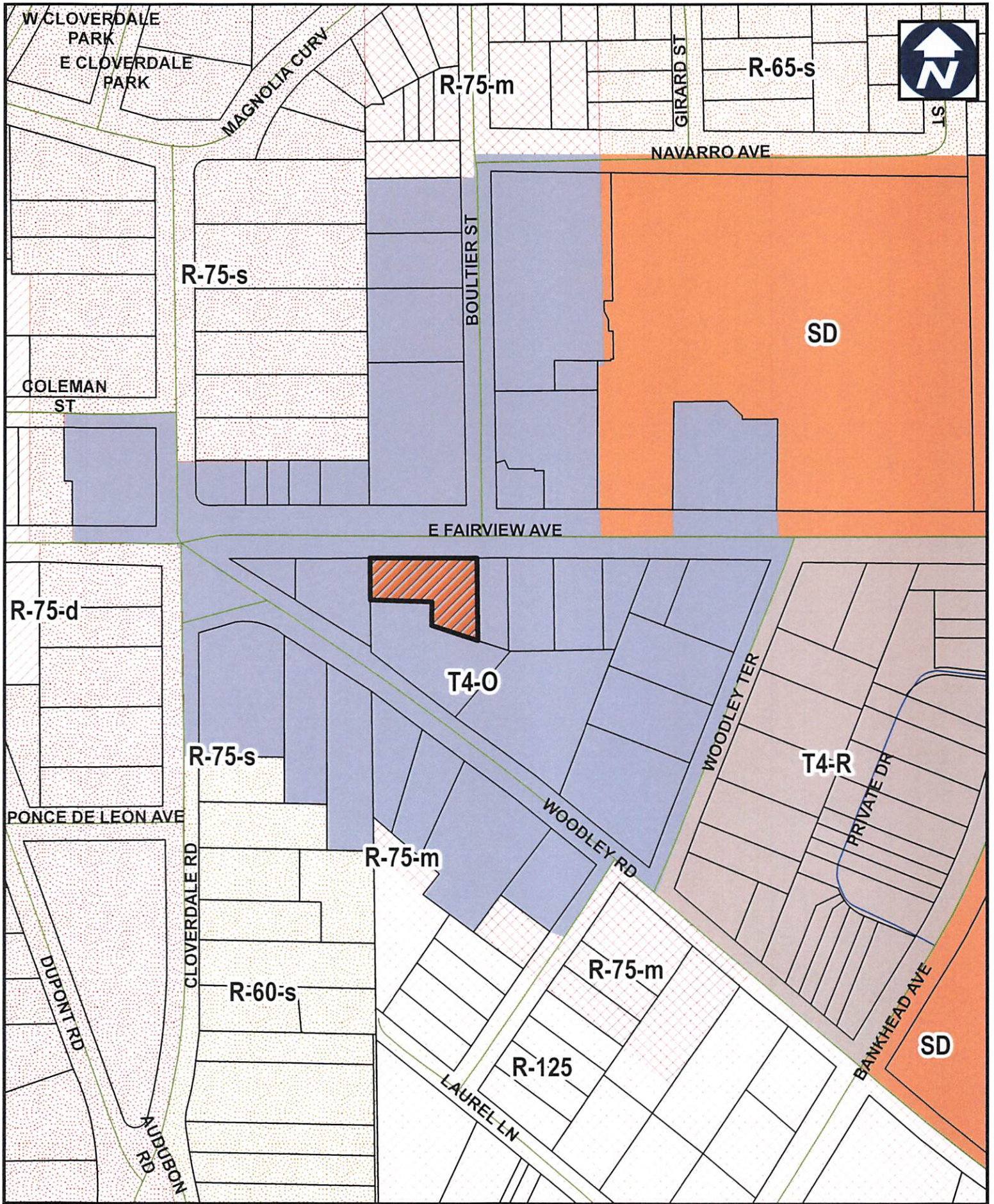
**Westmost Building Section (approximately 60 ft.)**

1. To not provide windows along the retail frontage to allow for a recessed outdoor restaurant seating section.  
*(5.5.5.e: The facades on retail frontage shall be detailed as storefronts and glazed with clear glass no less than 70% of the sidewalk-level story.)*
2. To provide a 42” high parapet along the front of the building only, as the side and rear views of the building are blocked by neighboring structures  
*(5.5.5.h: Flat roofs shall be enclosed by parapets a minimum of 42 in. high, or as required to conceal mechanical equipment to the satisfaction of the CRC.)*

**Remaining Building**

The windows and parapets to remain as-is to preserve the historic building’s appearance.

**COUNCIL DISTRICT: 7**



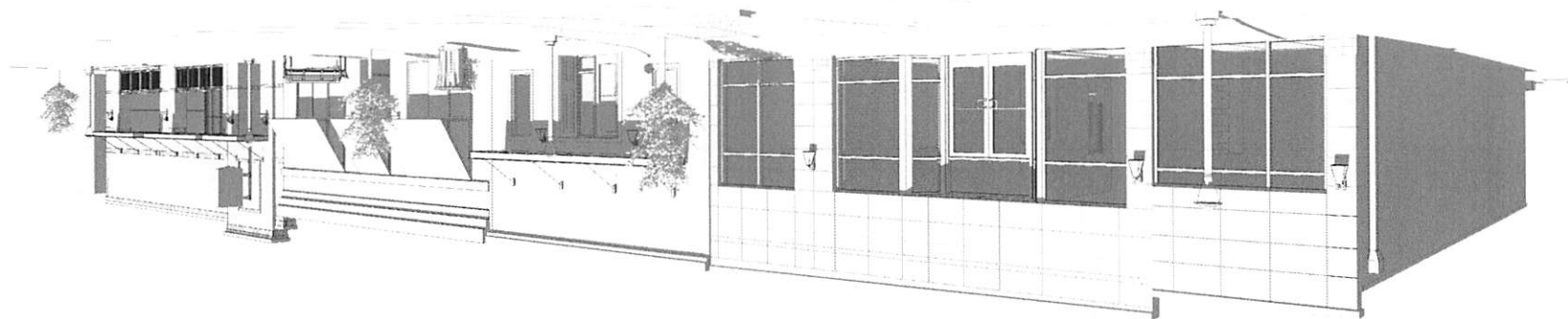
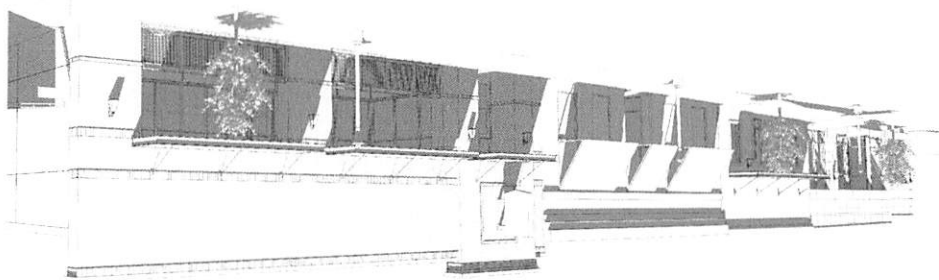
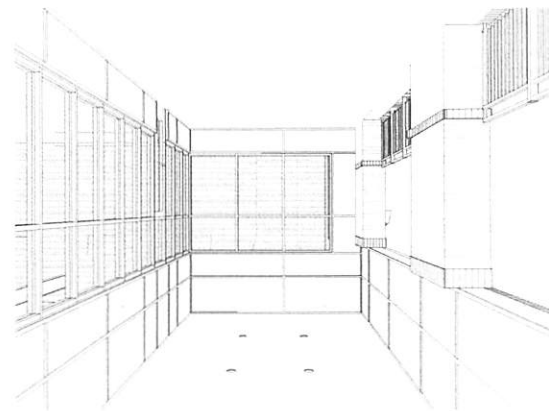
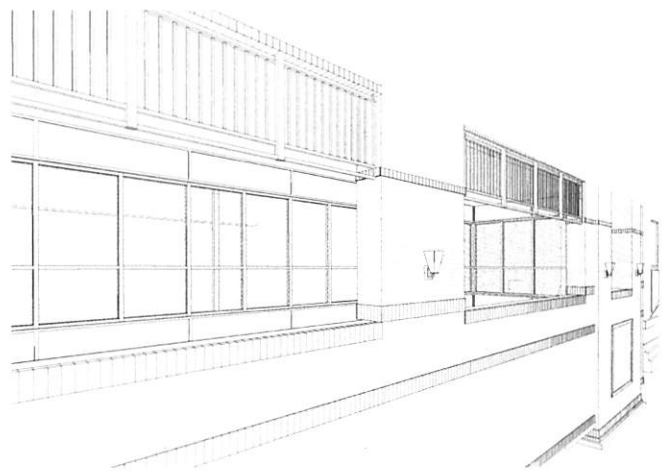
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SITE 

1 inch = 200 feet

Item 4A



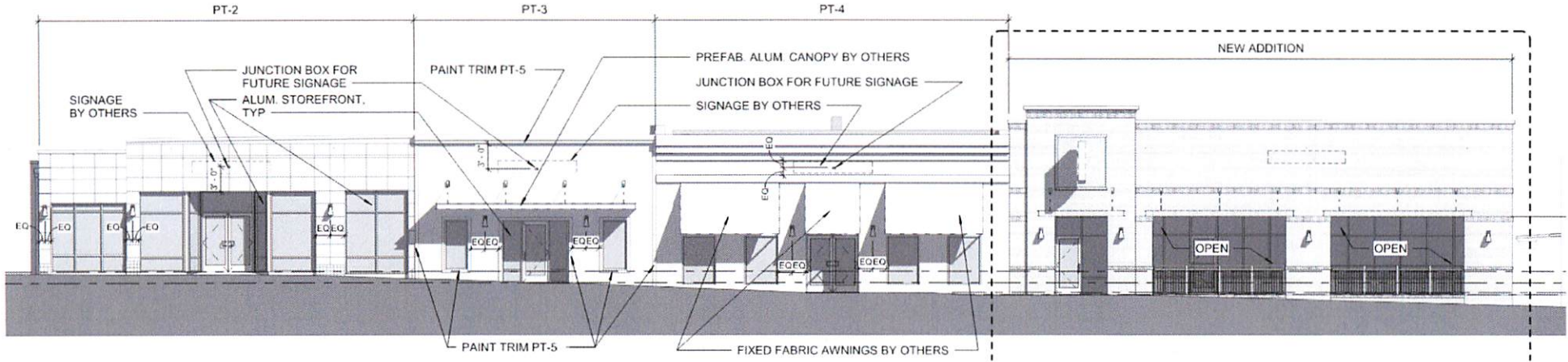


1/5

4/1



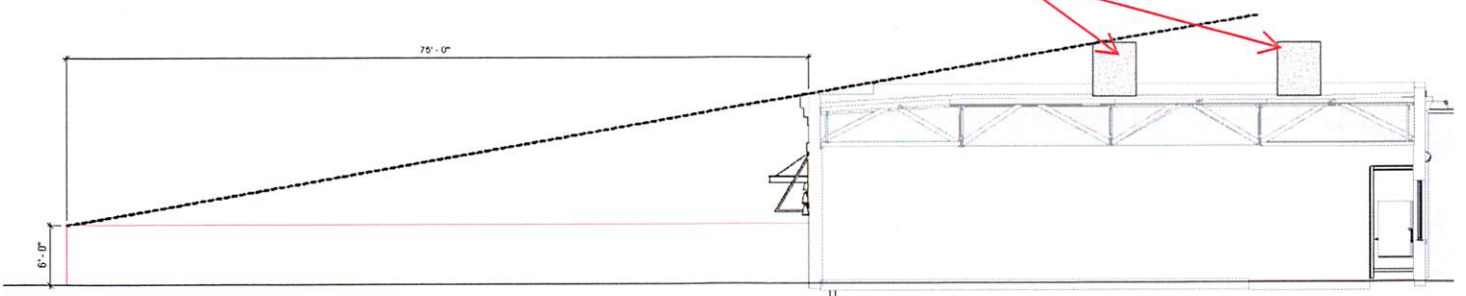
ADDITION  
SEE BELOW



STOREFRONT OPENINGS COMPARED TO THE EXISTING BUILDING



ROOF TOP MECHANICAL UNITS



LINE OF SIGHT FROM SIDEWALK OPPOSITE OF THE PROJECT SHOWS THAT THE ROOF TOP UNITS WILL NOT BE SEEN ON THE EXISTING PARAPET WALLS



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SITE 

1 inch = 100 feet

Item 4E

5. BD-2024-031 **PRESENTED BY:** Flowers & White Engineering

**REPRESENTING:** Providence Partners, LLC

**SUBJECT:** Request a rear yard variance for a new dwelling to be located at 7030 Fain Park Court in a PUD (Planned Unit Development) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a new dwelling to come within 7.5 ft. from the rear property line, whereas 15 ft. is required.

*The request is a 7.5 ft. rear yard variance.*

**COUNCIL DISTRICT: 9**

# Variance Request 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?

This lot in question has very little depth due to the culdesac right of way to place a house.

\_\_\_\_\_

The house placement encroaches into the rear setback 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?

None

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

None

\_\_\_\_\_

\_\_\_\_\_

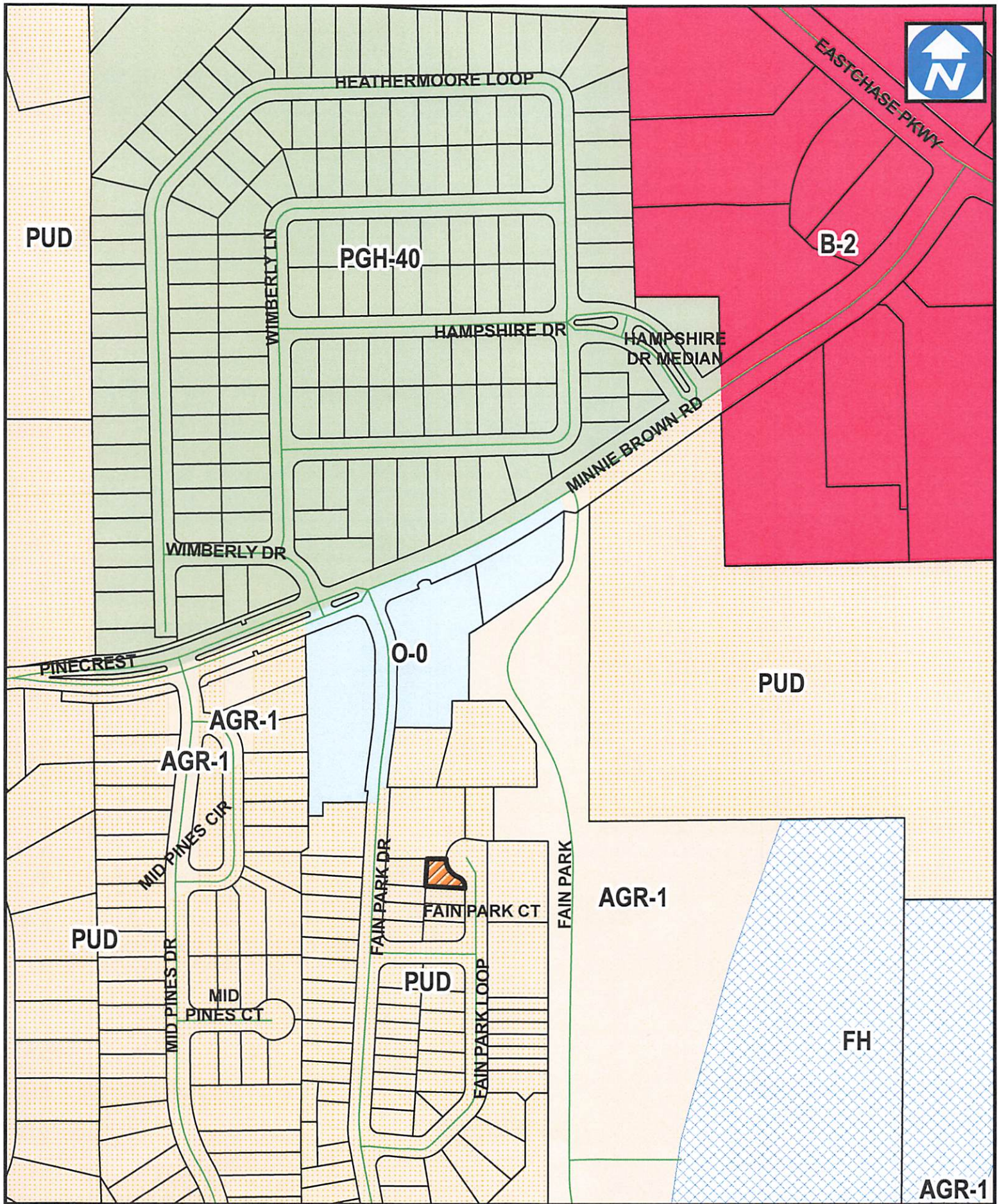
4. By granting the variance requested, will it grant to the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district?

No

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



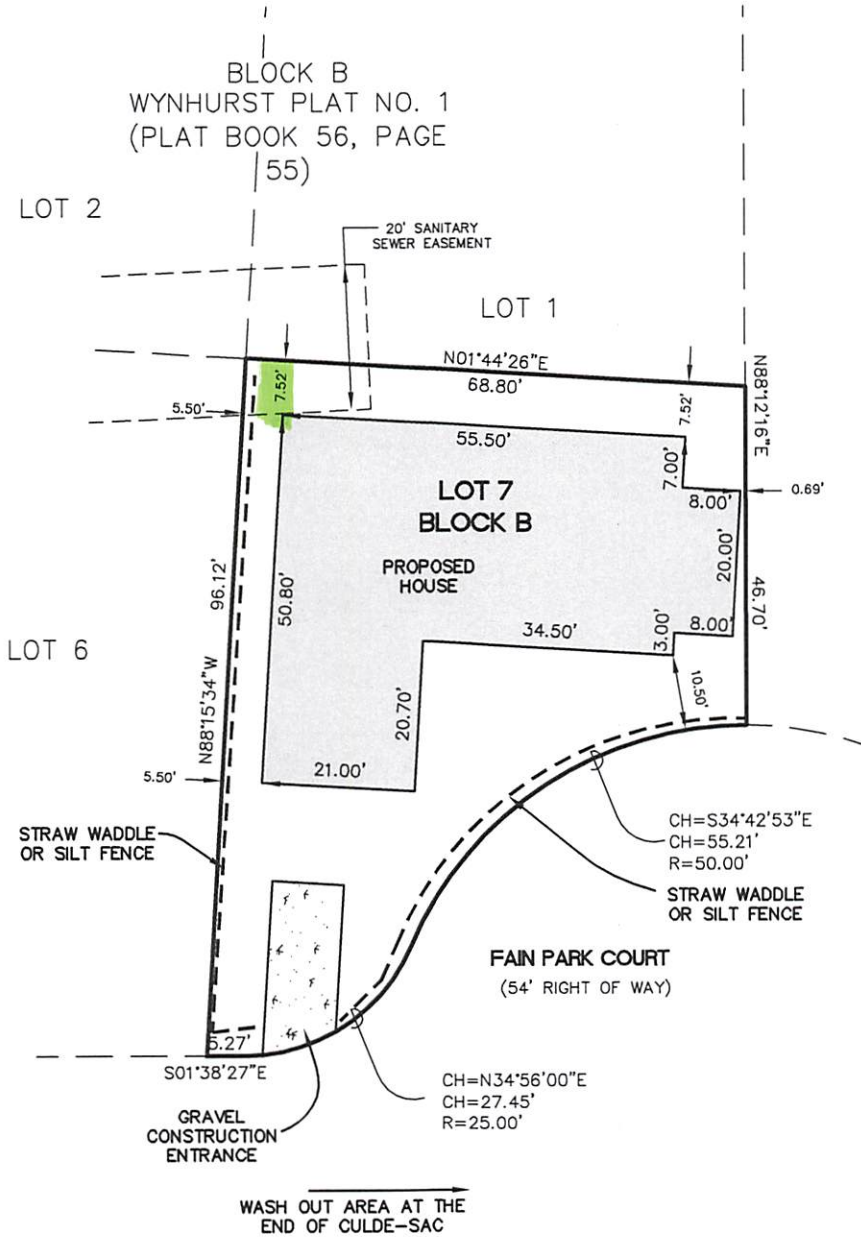
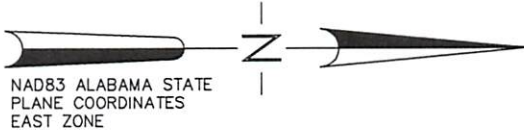
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SITE 

1 inch = 300 feet

Item 5B

# SITE PLAN LOT 7, BLOCK B



SCALE 1" = 20 FEET 8-23-24



**Flowers & White**  
ENGINEERING, L.L.C.

PO BOX 231284 MONTGOMERY, AL 36123  
PH 334.356.7600 FAX 334.356.1221

50





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SITE 

1 inch = 50 feet

Item 5D

6. BD-2024-032 **PRESENTED BY:** Corey D. Knight

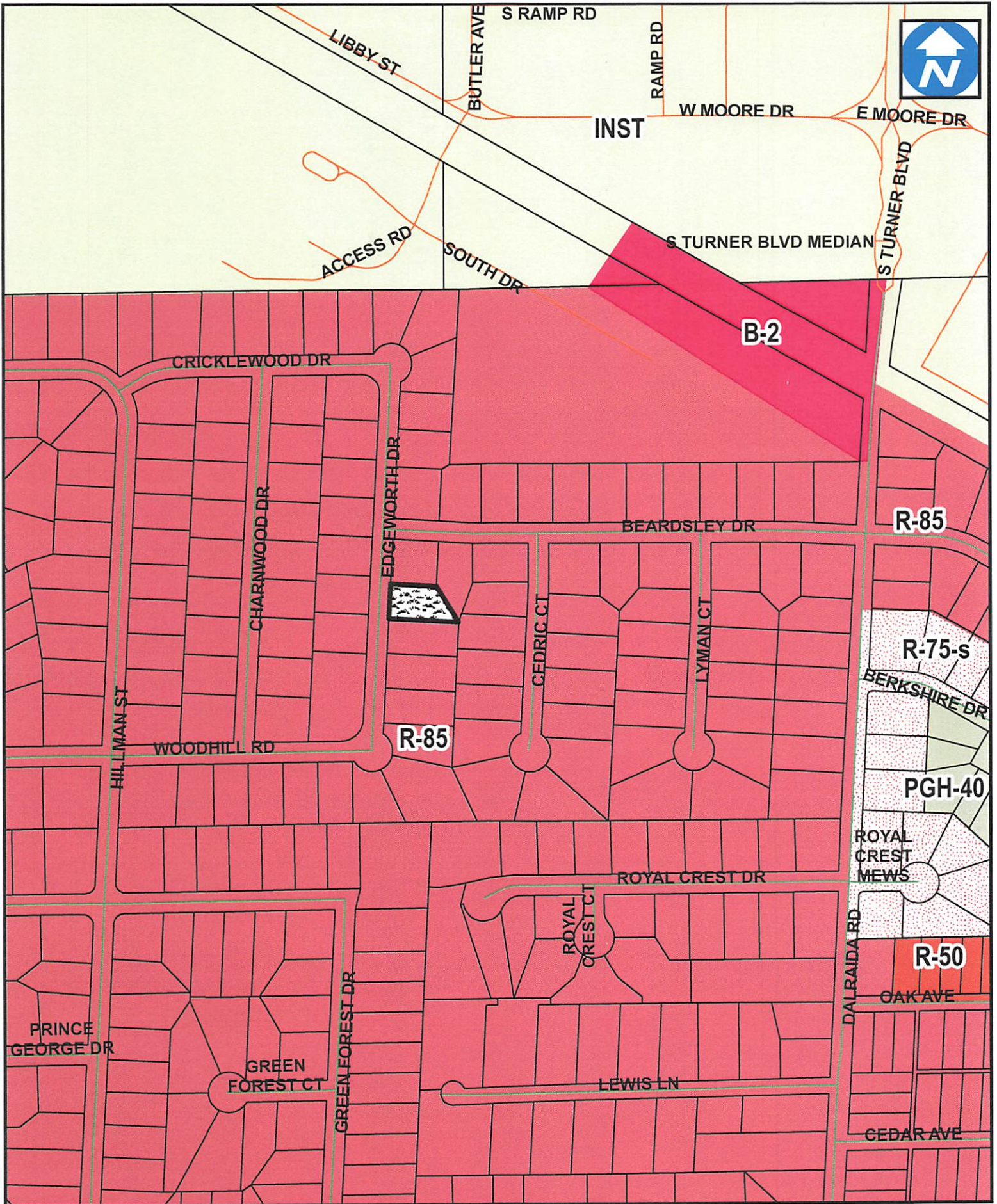
**REPRESENTING:** Quanisha Bell

**SUBJECT:** Request a front yard variance for an addition to the dwelling located at 1218 Edgeworth Drive in an R-85 (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a 19 ft. x 31 ft. attached carport to the front of the dwelling that will come within 4 ft. of the front property line. There is approximately 12 ft. of ROW, which will put the edge of the carport 16 ft. from the curb.

*The request is a 31 ft. front yard variance.*

**COUNCIL DISTRICT: 2**



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SITE 

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Item 6A



EDGEWORTH DR

31'x19'  
attached  
carport



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SITE 

1 inch = 30 feet

Item 12B