

# Board of Adjustment Agenda

October 15, 2015 – 5:00 pm

Council Auditorium

City Hall, 103 N. Perry St.

## **BOARD OF ADJUSTMENT MEMBERS**

John Stanley, *Chairman*

K. T. Brown, *Vice-Chairman*

Beau Holmes

George C. Howell, Jr.

Steve Hughes

Bart Prince

Pickett Reese

Jennifer Shaw

Nathan Williams

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**Planning Controls Division  
25 Washington Ave., 4<sup>th</sup> Floor  
Montgomery, AL 36104  
(334)625-2722**

- I. Chairman's Message
- II. Approval of Minutes from the August 20, 2014 meeting

**September 17, 2015**

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2015-059	De'Yundrea Bibb	B-2	1818 West Fifth Street (Variance to Ord. 17-2014)	1
2.	1979-022	Lee Sims	R-100	2515 Woodley Road (Hospital – special exception)	2
3.	2015-061	Jason Stinson	B-2	2127 Day Street (Variance to Ord. 17-2014)	3
4.	2015-062	John B. Simmons, Jr.	B-2	3911 Fain Court (Church – special exception)	4
5.	2015-063	Jeff Hand	M-3	Day Street Road (Church – special exception)	5

*The next Board of Adjustment meeting is on October 15, 2015*

1. BD- 2015-059 **PRESENTED BY:** De'Yundrea Bibb

**REPRESENTING:** Same

**SUBJECT:** Request a variance to Ordinance No. 17-2014 for a building located at 1818 West Fifth Street (OP) in a B-2 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to operate an event center, which will have live music and serve alcoholic beverages on the premises, and is within 100 ft. of a residential district line, whereas 250 ft. is required.

Ordinance 17-2014

Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum setback for structures shall be 250 ft. from any residential district boundary or planned unit development residential boundary (based on approved master plan). The distance for setback shall be measured from the closest door of the building, or closest door of a tenant space in a multi-tenant building, to any residential or PUD residential district line. Facilities operating prior to the adoption of this ordinance shall be considered legal non-conforming.

The variance request is a 150 ft. variance to the required 250 ft. buffer.

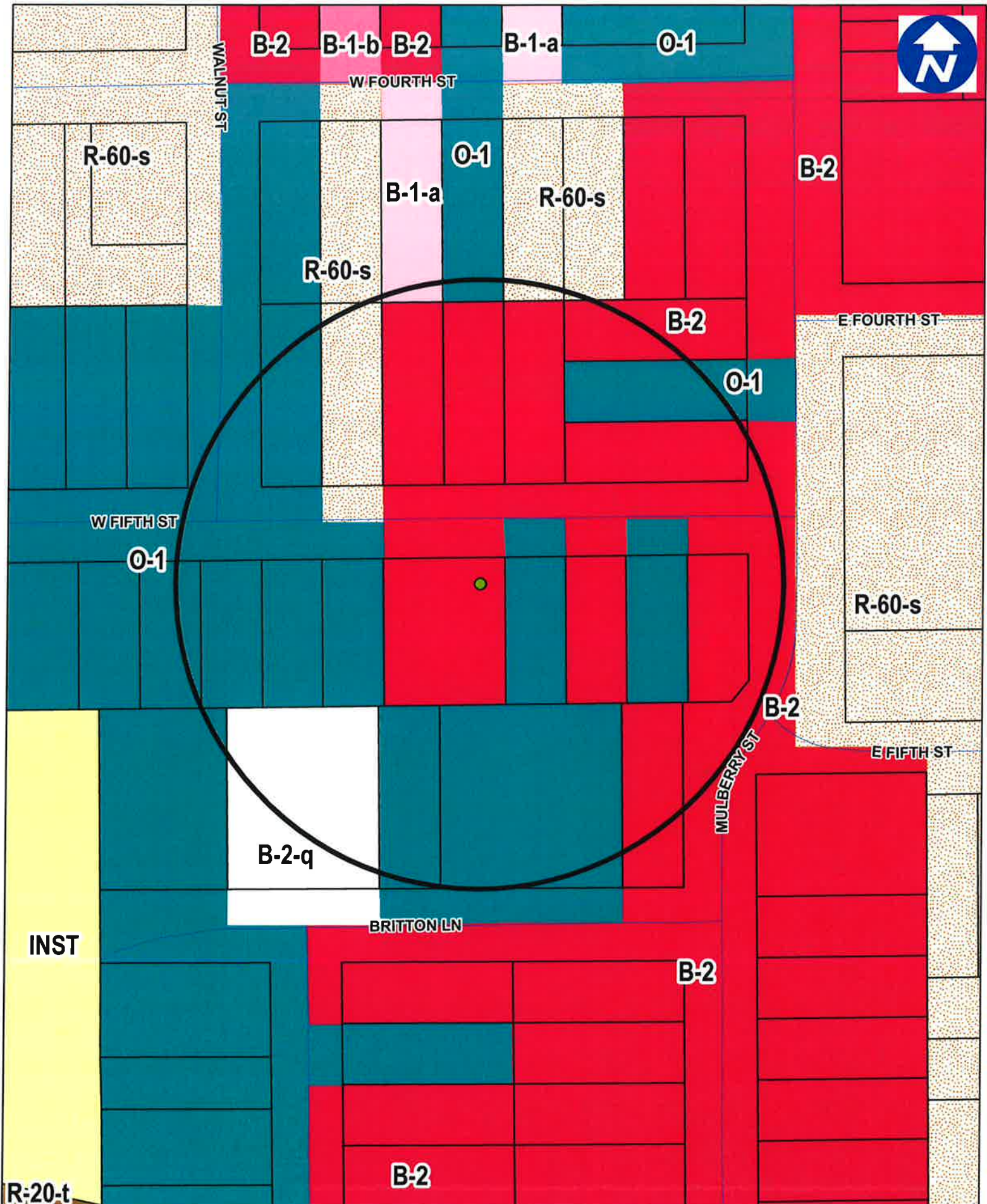
At the September 17, 2015 Board of Adjustment meeting, the motion to approve the request failed; therefore no action was taken. Ms. Bibb is requesting the Board to rehear the request due to lack of information.

The event center has been in operation for several years. Event days and hours vary; however the most events are Thursday – Sunday, and typically end by 1:00 a.m. There are off-duty police officers at events that include alcohol.

**COUNCIL DISTRICT: 3**

**COMMENTS** \_\_\_\_\_

**ACTION TAKEN:** \_\_\_\_\_



250 ft. buffer 

1 inch = 100 feet  
Item 1A



250 ft. buffer 

1 inch = 100 feet  
Item 16

2. BD-1979-022 **PRESENTED BY:** Lee Sims

**REPRESENTING:** Hospice of Montgomery

**SUBJECT:** Request a special exception for a hospital to be located at 2515 Woodley Road in an R-100 (Single-Family Residential) Zoning District.

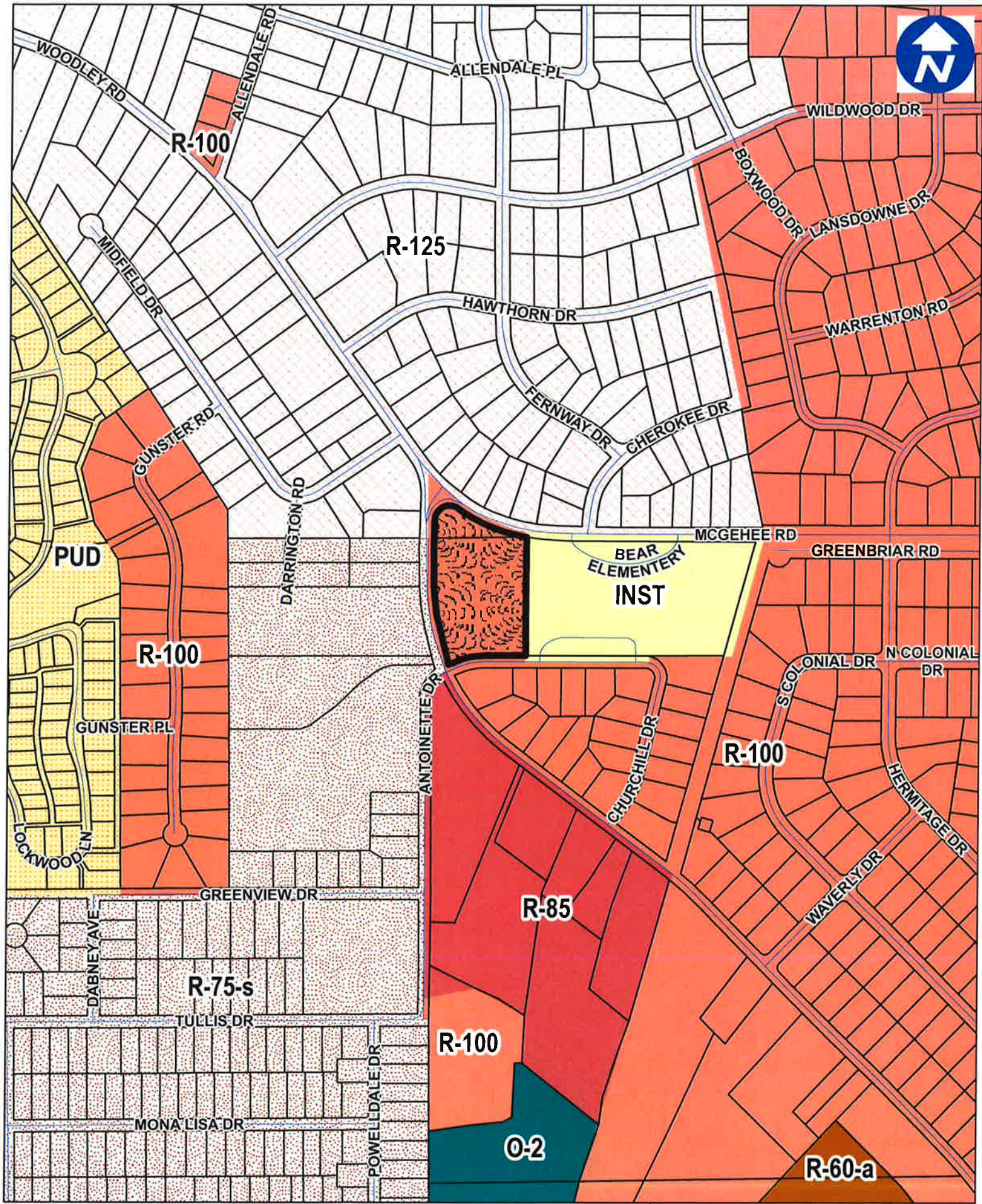
**REMARKS:** This request is being made to give the petitioner permission to operate a hospital facility (hospice) and administrative offices in an existing building. This will be a 10 bed inpatient facility for hospice care, with plans for an additional 10 beds in the future. Parking exceeds the requirement of one (1) space for each three (3) beds. Hospitals are permitted in any district on appeal to the Board of Adjustment.

*The request is a special exception for a hospital (hospice).*

**COUNCIL DISTRICT: 5**

**COMMENTS** \_\_\_\_\_

**ACTION TAKEN:** \_\_\_\_\_



SITE

1 inch = 500 feet  
 Item 2A



SITE 

1 inch = 200 feet  
Item 2B



3. BD-2015-061 **PRESENTED BY:** Jason Stinson

**REPRESENTING:** Same

**SUBJECT:** Request a variance to Ordinance No. 17-2014 for a building located at 2127 Day Street in a B-2 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to operate a private club (social & savings club), which will serve alcoholic beverages on the premises, and is within 110 ft. of a residential district line, whereas 250 ft. is required. There are approximately 45-50 members. Hours of operation will be Friday – Sunday, 9:00 p.m. – 3:00 a.m.

Ordinance 17-2014

Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum setback for structures shall be 250 ft. from any residential district boundary or planned unit development residential boundary (based on approved master plan). The distance for setback shall be measured from the closest door of the building, or closest door of a tenant space in a multi-tenant building, to any residential or PUD residential district line. Facilities operating prior to the adoption of this ordinance shall be considered legal non-conforming.

The variance request is a 140 ft. variance to the required 250 ft. buffer.

**COUNCIL DISTRICT:** x

**COMMENTS** \_\_\_\_\_

**ACTION TAKEN:** \_\_\_\_\_



INST

BEACH ST

MYRTLE ST

B-2

GREYHOUND ST

B-2

DAY ST

JULIETTE ST

LUCY ST

R-60-d

WINIFRED ST

B-2



SITE 

1 inch = 100 feet

Item 3A



SITE 

1 inch = 100 feet  
Item 3B

4. BD-2015-062 **PRESENTED BY:** John B. Simmons, Jr.

**REPRESENTING:** Same

**SUBJECT:** Request a special exception for church use in a building located at 3911 Fain Court in a B-2 (Commercial) Zoning District.

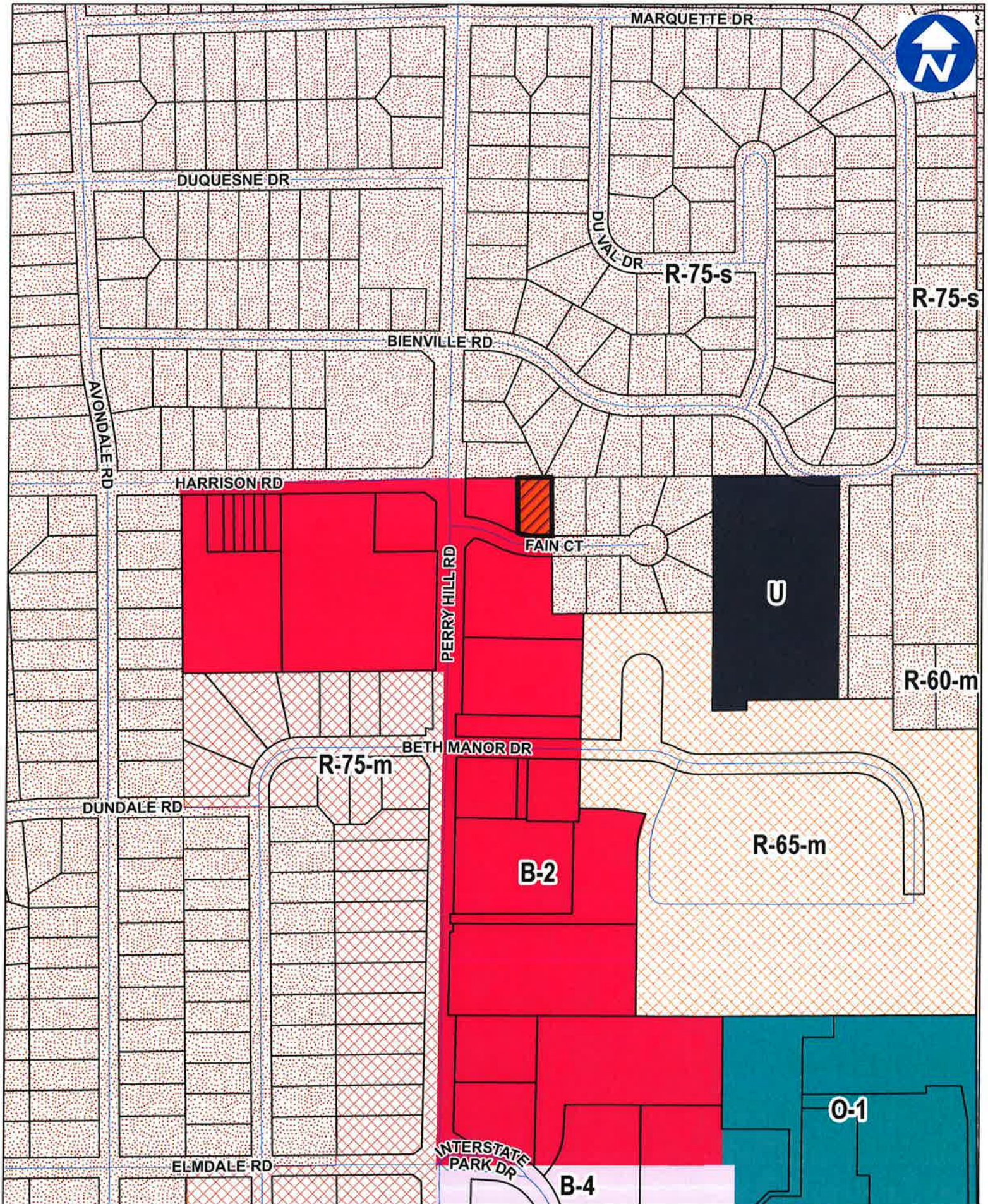
**REMARKS:** This request is being made to give the petitioner permission to use this building for church services. There are approximately 20 members. Services are held Sunday, 10:00 a.m. – 12:00 p.m., and Wednesday 7:00 p.m. – 8:00 p.m. **This came in as a complaint.**

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

**COUNCIL DISTRICT: 1**

**COMMENTS** \_\_\_\_\_

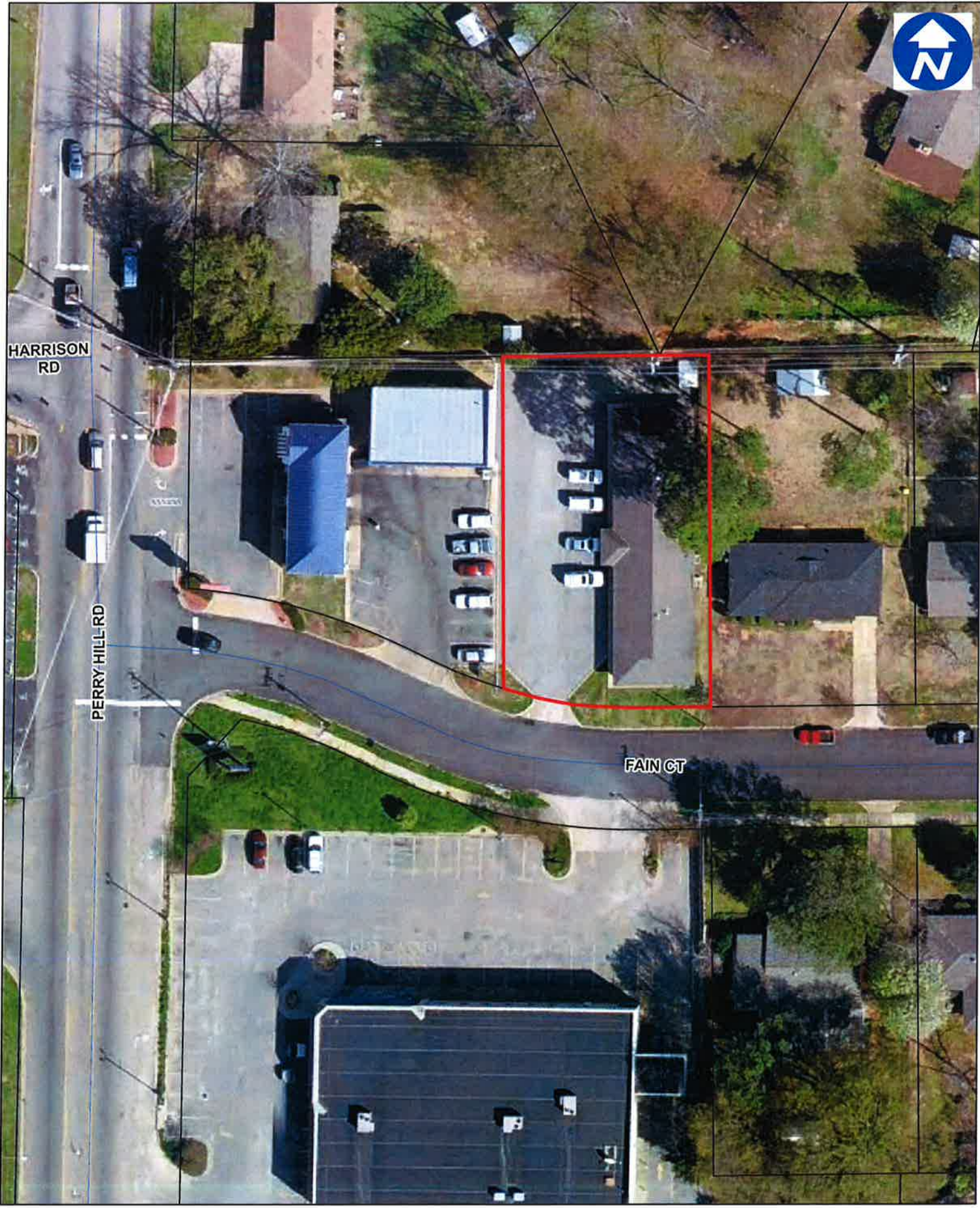
**ACTION TAKEN:** \_\_\_\_\_



SITE 

1 inch = 300 feet

Item 4A



HARRISON RD

PERRY HILL RD

FAIN CT

SITE 

1 inch = 50 feet  
Item 4B

5. BD-2015-063 **PRESENTED BY:** Jeff Hand

**REPRESENTING:** Strong Tower Church, Inc.

**SUBJECT:** Request a front yard variance and a special exception for church use for property located on the northwest corner of Day Street Road and Terminal Road in an M-3 (General Industrial) Zoning District.

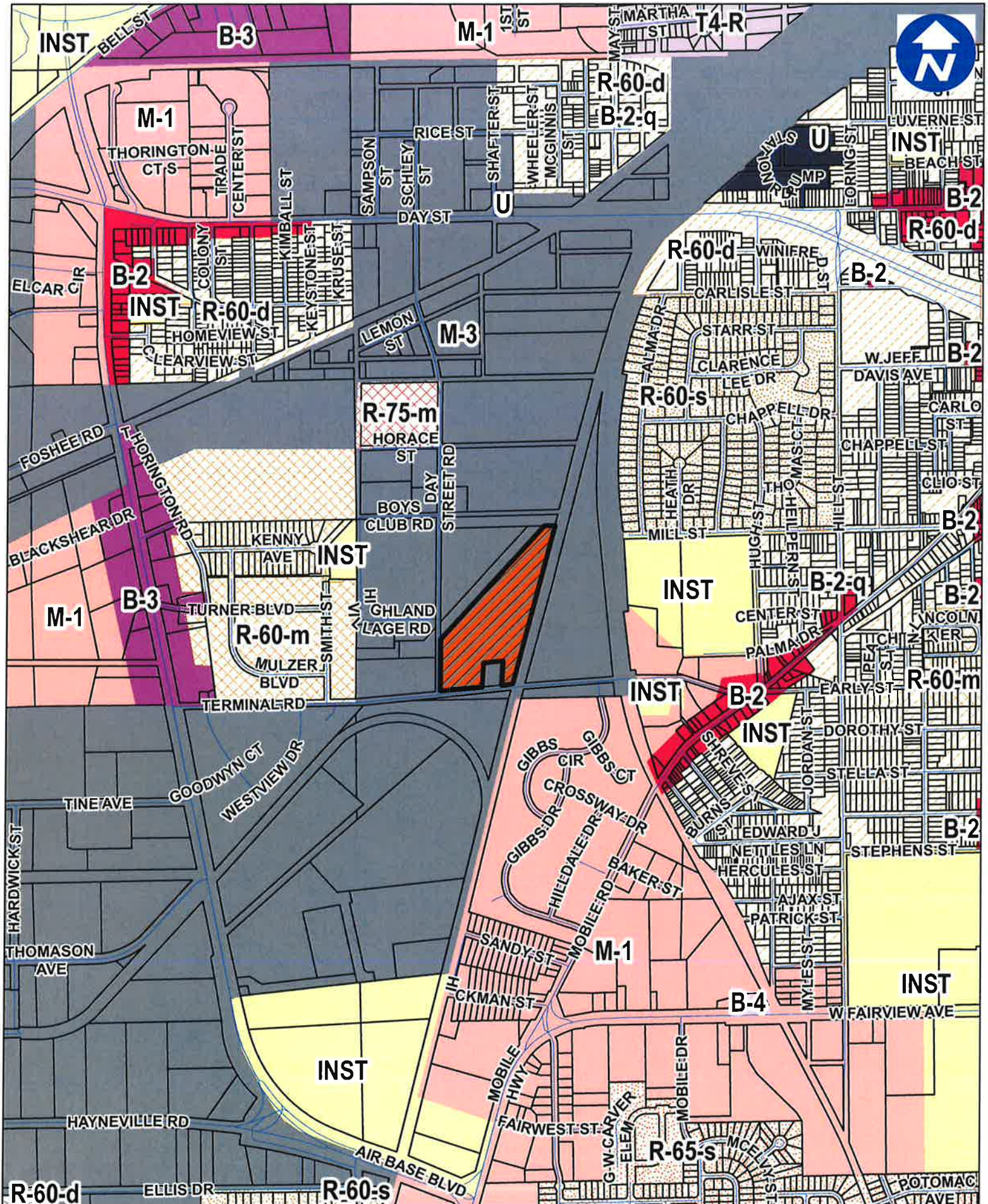
**REMARKS:** This request is being made to give the petitioner permission to place two (2) mobile units to be used for church use and offices. The closest point of one of the buildings will be 15 ft. off the front property line (Day Street Road), whereas 35 ft. is required. Offices will be open Monday - Friday, 9:00 a.m. – 5:00 p.m. Church services will be held Sunday, 10:00 a.m. – 1:00 p.m. There are approximately 40 members to start, but the unit that will hold the church services will hold 100 individuals max, which require 20 parking spaces. The petitioner has plans to build a church on the property in the future.

*The request is a 20 ft. front yard variance and a special exception for church use.*

**COUNCIL DISTRICT:** 4

**COMMENTS** \_\_\_\_\_

**ACTION TAKEN:** \_\_\_\_\_



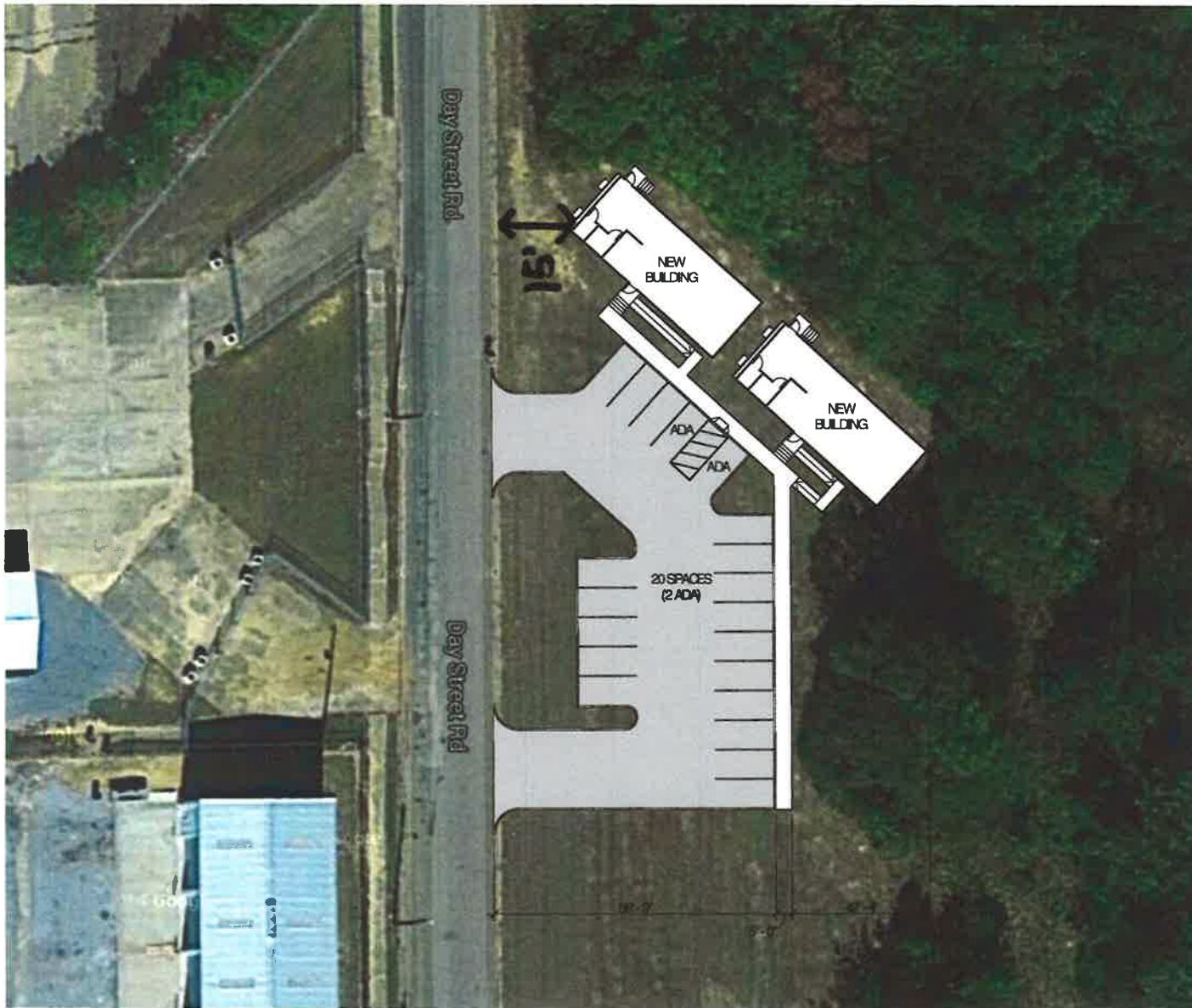
SITE 

1 inch = 1,000 feet

Item 5A



MONTGOMERY, AL  
SITE STUDY FOR STRONG TOWER





50



5D





BOYS CLUB RD

DAY STREET RD

HIGHLAND VILLAGE RD

Location of mobile units

TERMINAL RD

SITE 

1 inch = 200 feet  
Item 5F