

Board of Adjustment Agenda

November 19, 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

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

- I. **Chairman's Message**
- II. **Approval of Minutes from the October 15, 2014 meeting**

November 19, 2015

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	1979-022	Lee Sims	R-100	2515 Woodley Road (Special exception – hospital)	1
2.	1993-243	Lawn Master	R-85	6423 Eastwood Glen Drive (Accessory structure)	2
3.	2015-064	Charlie Ester	O-1	3084 Woodley Road (Non-profit club)	3
4.	2015-067	Mike Shows	T5	344 Montgomery Street (Exception to SmartCode)	4
5.	2015-068	Jim Mooney	R-65-d	58 Pickett Street (Duck - special exception)	5
6.	2015-065	Goodwyn, Mills & Cawood	INST	2720 Lagoon Park Drive (Height & parking variance)	6
7.	1988-055	Bishop Maurice J. Grace	B-3	4040 Troy Highway (Church - Special exception)	7
8.	2015-066	Byeng Ryel, Min	AGR-1	4955 Woodley Road (Bed & Breakfast – special exc)	8
9.	1966-256	Lois Cortell	R-65-s	1128 Woodward Avenue (Accessory structures)	9
10.	1987-029	Peach State Signs	B-3	5175 Carmichael Road (ID sign – height variance)	10

The next Board of Adjustment meeting is on December 17, 2015

1. 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.

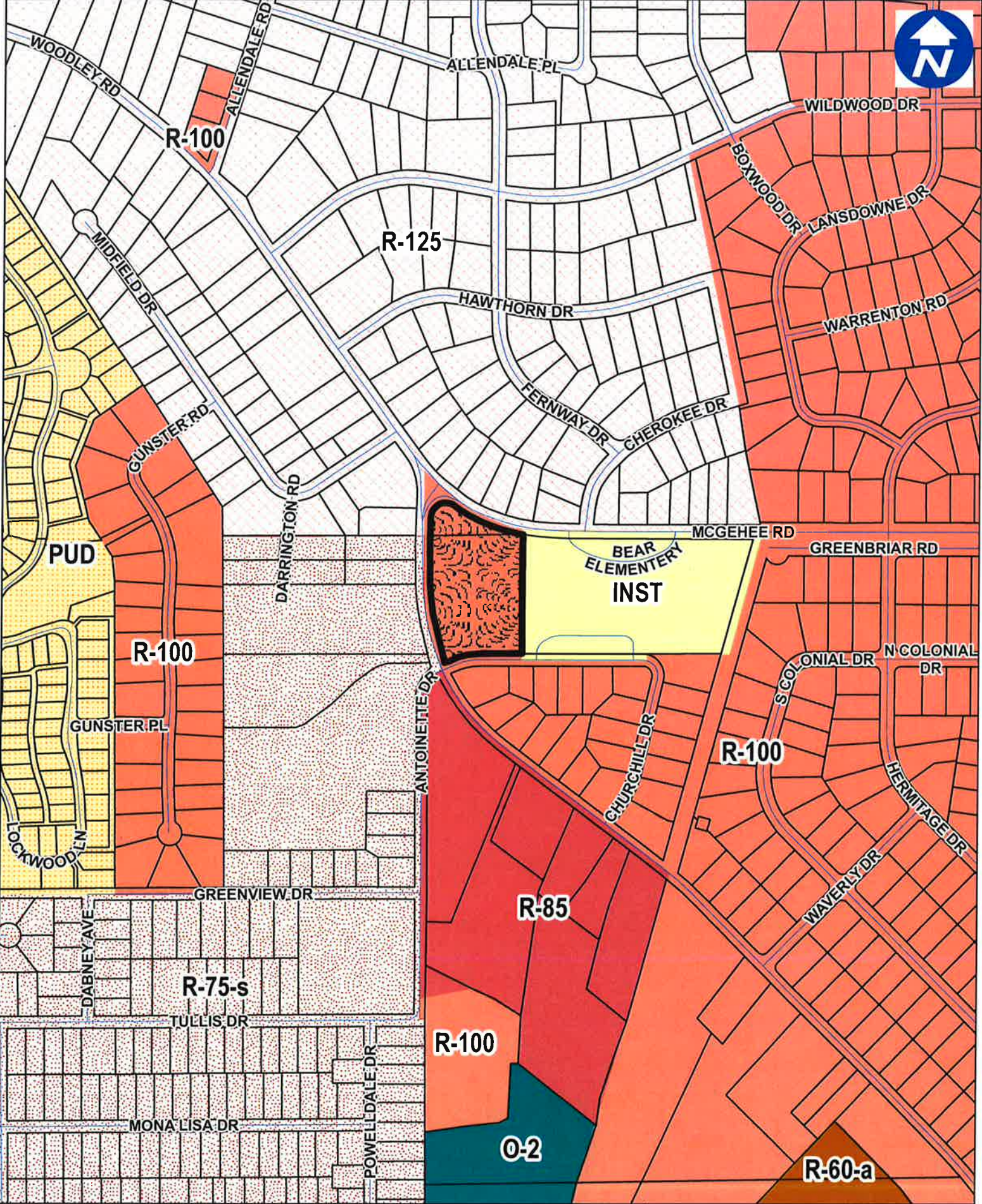
REMARKS: This request is being made to give the petitioner permission to operate a hospital facility (hospice) and administrative offices in an existing building. This will be a 10 bed inpatient facility for hospice care, with plans for an additional 10 beds in the future. Parking exceeds the requirement 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 1A



SITE 

1 inch = 200 feet
Item 1B

2. BD-1993-243 **PRESENTED BY:** Lawn Master

REPRESENTING: Howard Ennis

SUBJECT: Request a separation variance between structures for an accessory structure to be located at 6423 Eastwood Glen Drive in an R-85 (Single-Family Residential) Zoning District.

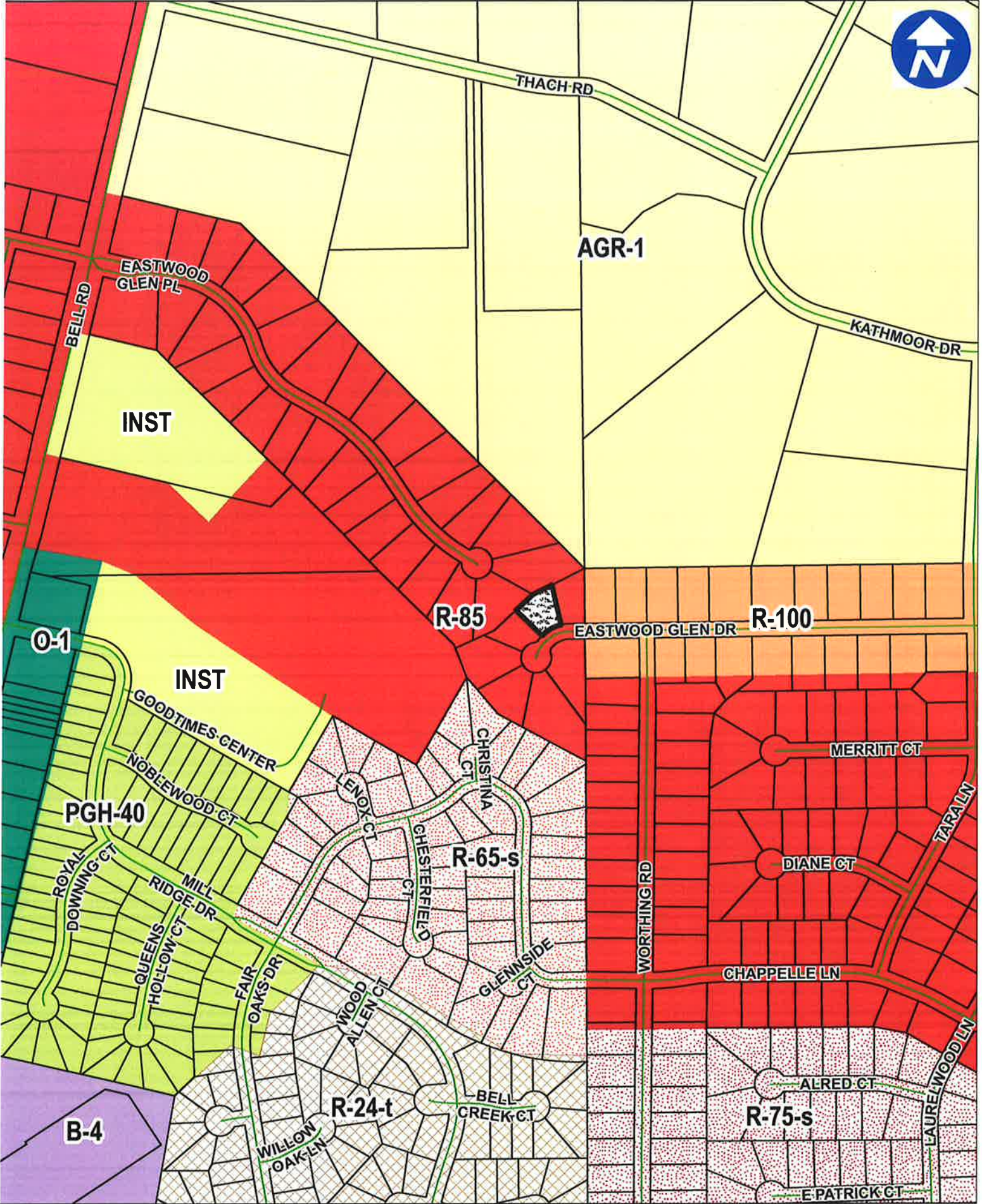
REMARKS: This request is being made to give the petitioner permission to construct a pergola to come within 11 in. of the existing dwelling, whereas a 10 ft. separation between structures is required. The pergola will be 10 ft. x 26 ft. and will be constructed over the existing patio.

The request is a 9 ft. 1 in. separation variance between structures.

COUNCIL DISTRICT: 9

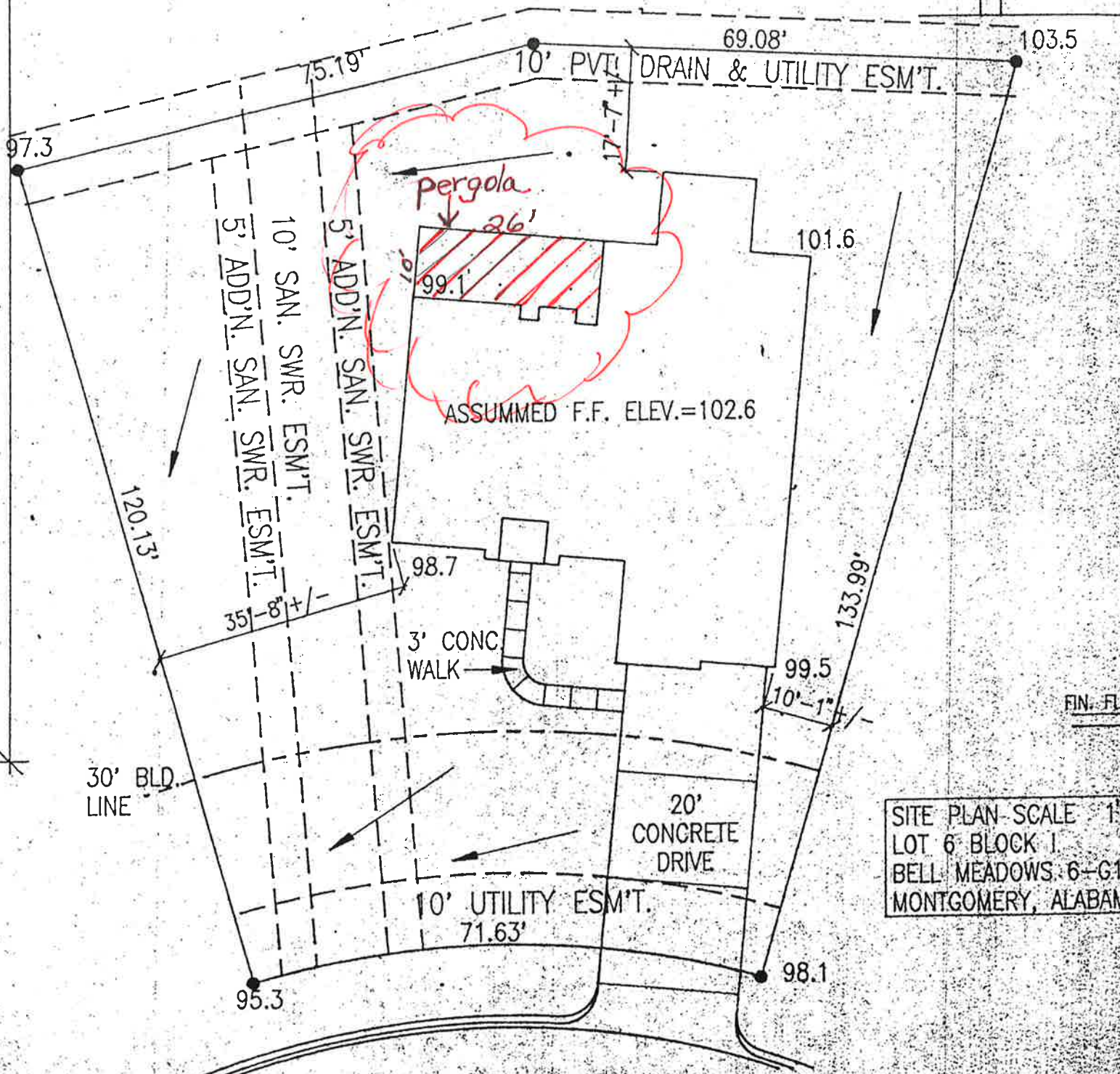
COMMENTS _____

ACTION TAKEN: _____



SITE

1 inch = 400 feet
Item 2A



SITE PLAN SCALE 1" = 20'
 LOT 6 BLOCK 1
 BELL MEADOWS 6-G1
 MONTGOMERY, ALABAMA

6423 EASTWOOD GLEN DRIVE

SITE PLAN

Scale
 1" = 20'

26



EASTWOOD
GLEN DR.

SITE 

1 inch = 30 feet
Item 2C

3. BD-2015-064 **PRESENTED BY:** Charlie Ester

REPRESENTING: Knights of Peter Claver

SUBJECT: Request a special exception to operate a non-profit club to be located in a building located at 3084 Woodley Road in an O-1 (Office) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a non-profit club in an existing building. There are 20 paved parking spaces provided onsite. The club will meet 2 Sundays each month, from 12:00 p.m. to 3:00 p.m. There will be no more than 40 per meeting.

The request is a special exception to operate a non-profit club.

COUNCIL DISTRICT: 6

COMMENTS _____

ACTION TAKEN: _____

R-100



FISK RD

E-SOUTH BLVD

SOUTH BLVD
SER RD

B-4

PGH-35

R-20-t

O-1

HOME PL

WOODLEY RD

B-3

O-1

ELSMEADE DR

B-3-q

R-75-s

O-1

R-85

OVERHILL RD

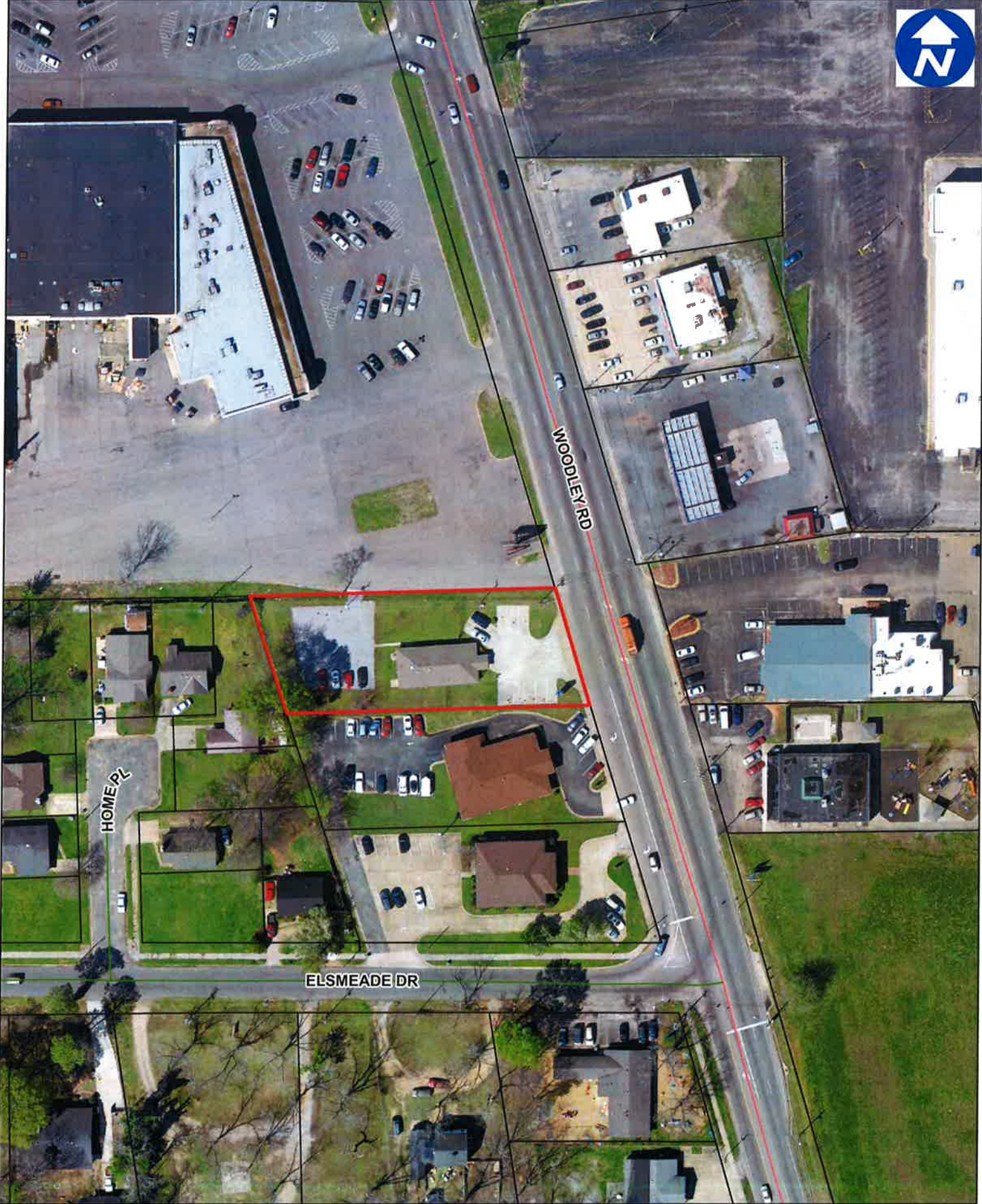
BROOKWOOD DR

SITE



1 inch = 200 feet

Item 3A



SITE 

1 inch = 100 feet
Item 3B

4. BD-2015-067 **PRESENTED BY:** Mike Shows

REPRESENTING: GCHP-Jefferson Davis, LLC

SUBJECT: Request an exception to SmartCode for building height for an apartment building located at 344 Montgomery Street in a T5 (SmartCode) Zoning District.

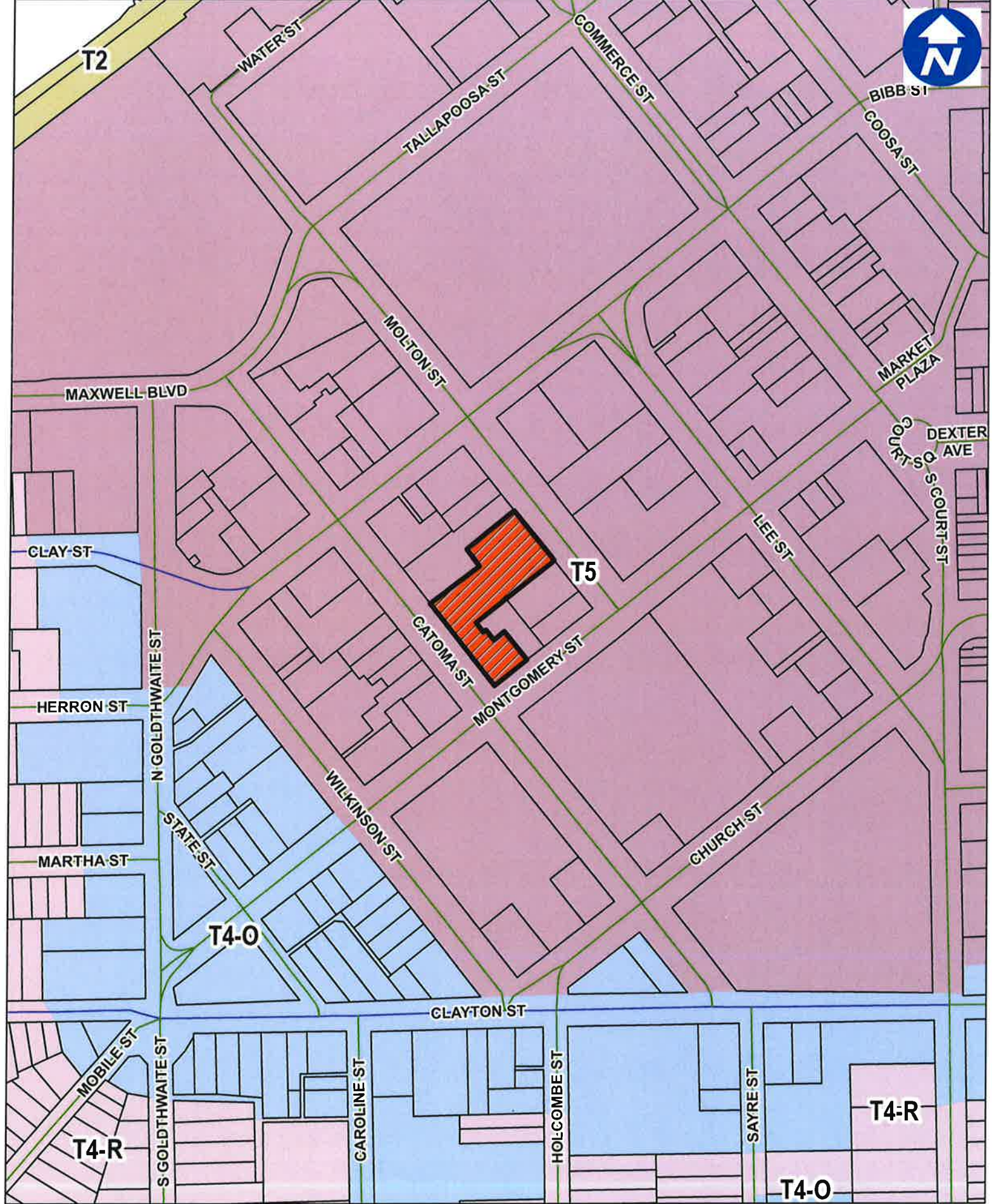
REMARKS: This request is being made to give the petitioner permission to reconstruct the existing 13 story apartment building, as needed, due to damage or destruction in the future. SmartCode allows 10 stories max.

The request is an exception to Smart Code to allow a 13 story building.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



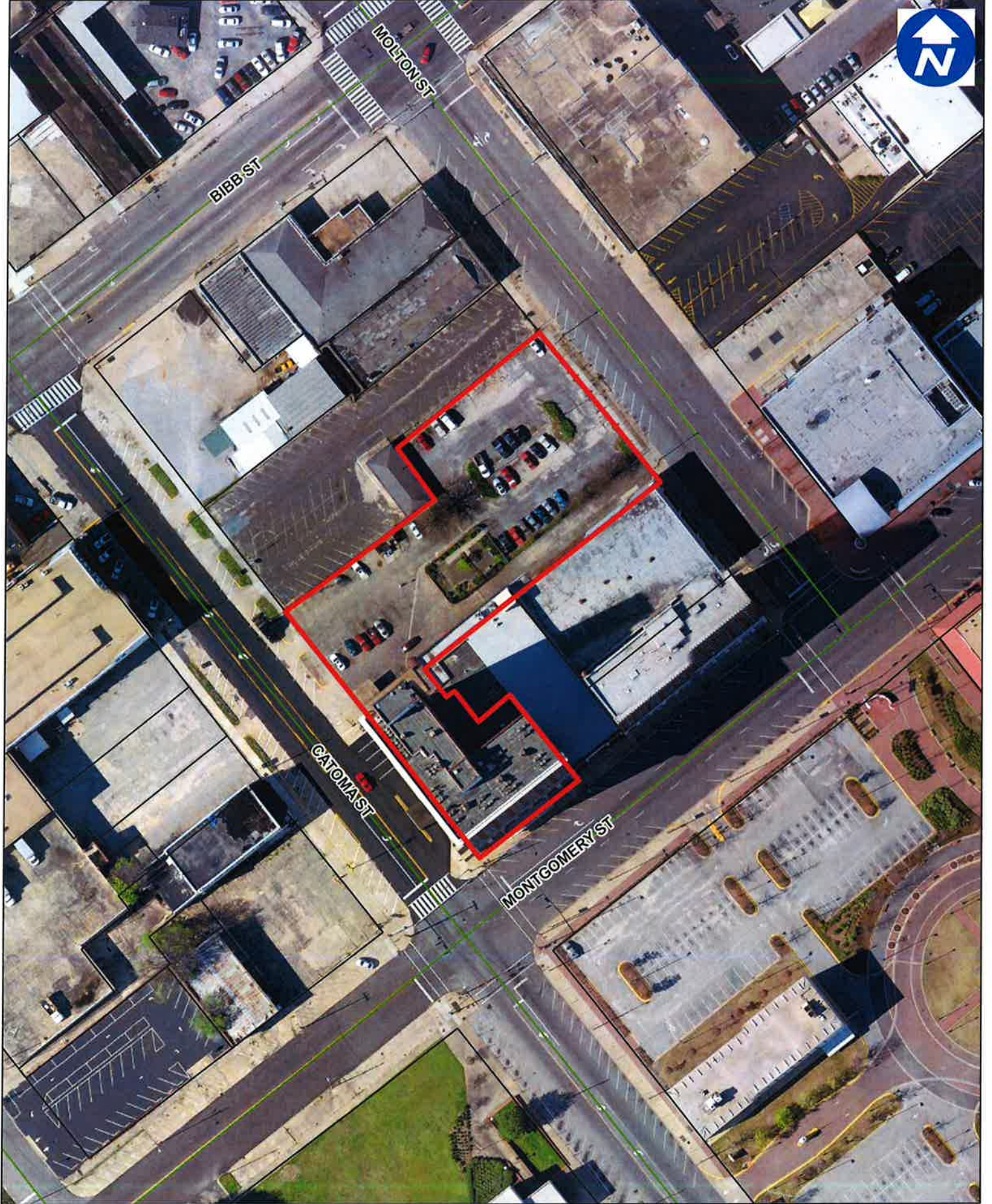
SITE 

1 inch = 300 feet

Item 4A



4B



SITE 

1 inch = 100 feet
Item 4C

5. BD-2015-068 **PRESENTED BY:** Jim Mooney

REPRESENTING: Same

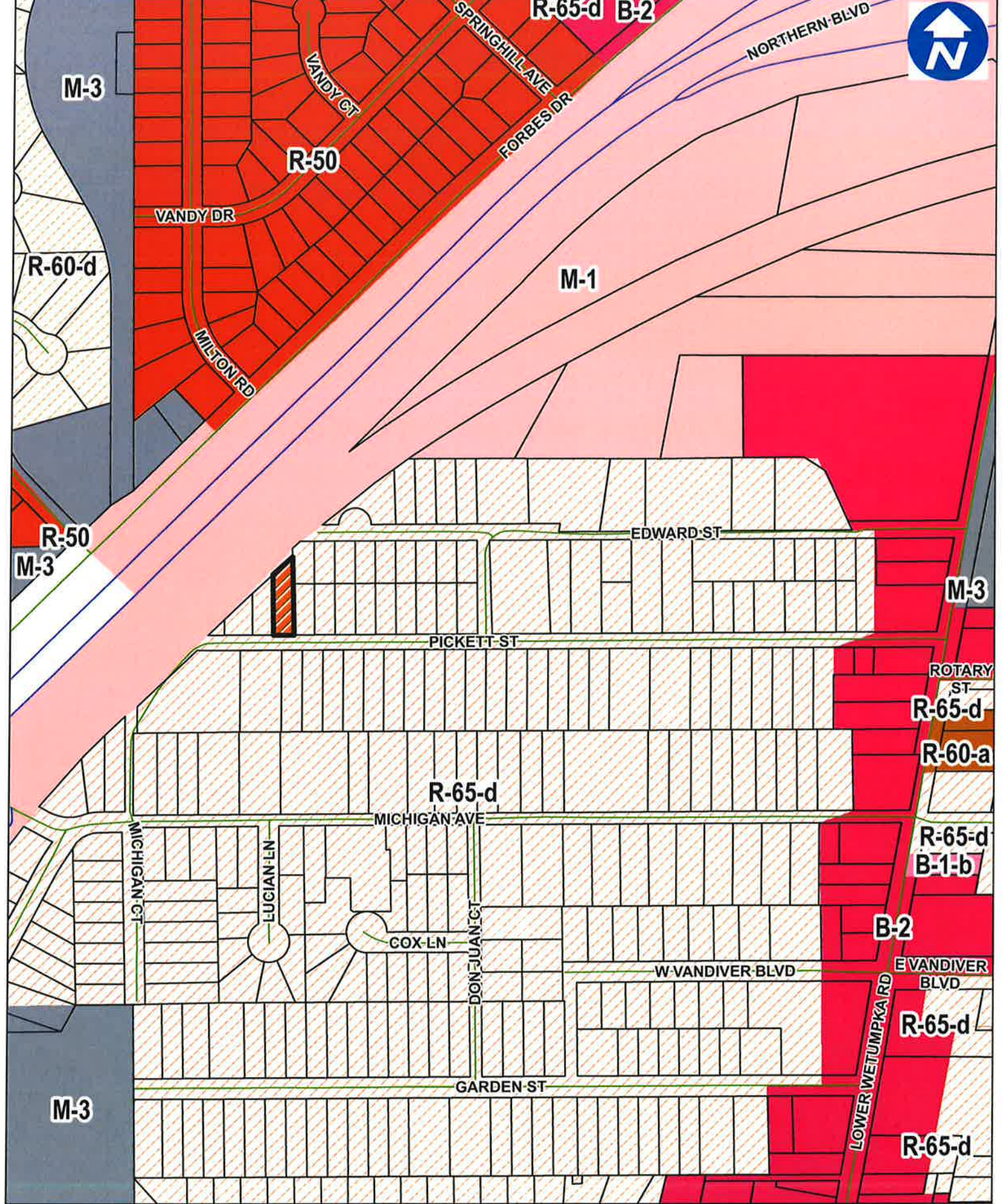
SUBJECT: Request a special exception to keep a duck at 58 Pickett Street in an R-65-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep a domesticated duck within the fenced in front yard.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 300 feet

Item 5A



5B

10/08/2015



Location
of duck

10/01/2015



approximate location of duck

PICKETT ST

SITE 

1 inch = 30 feet

Item 5D

6. BD-2015-065 **PRESENTED BY:** Goodwyn Mills & Cawood

REPRESENTING: Alabama Public Healthcare Authority

SUBJECT: Requesting a height variance and parking variance to the Gunter Industrial Park Guidelines for (2) two new buildings to be located at 2720 Lagoon Park Drive in an INST (Institutional) Zoning District.

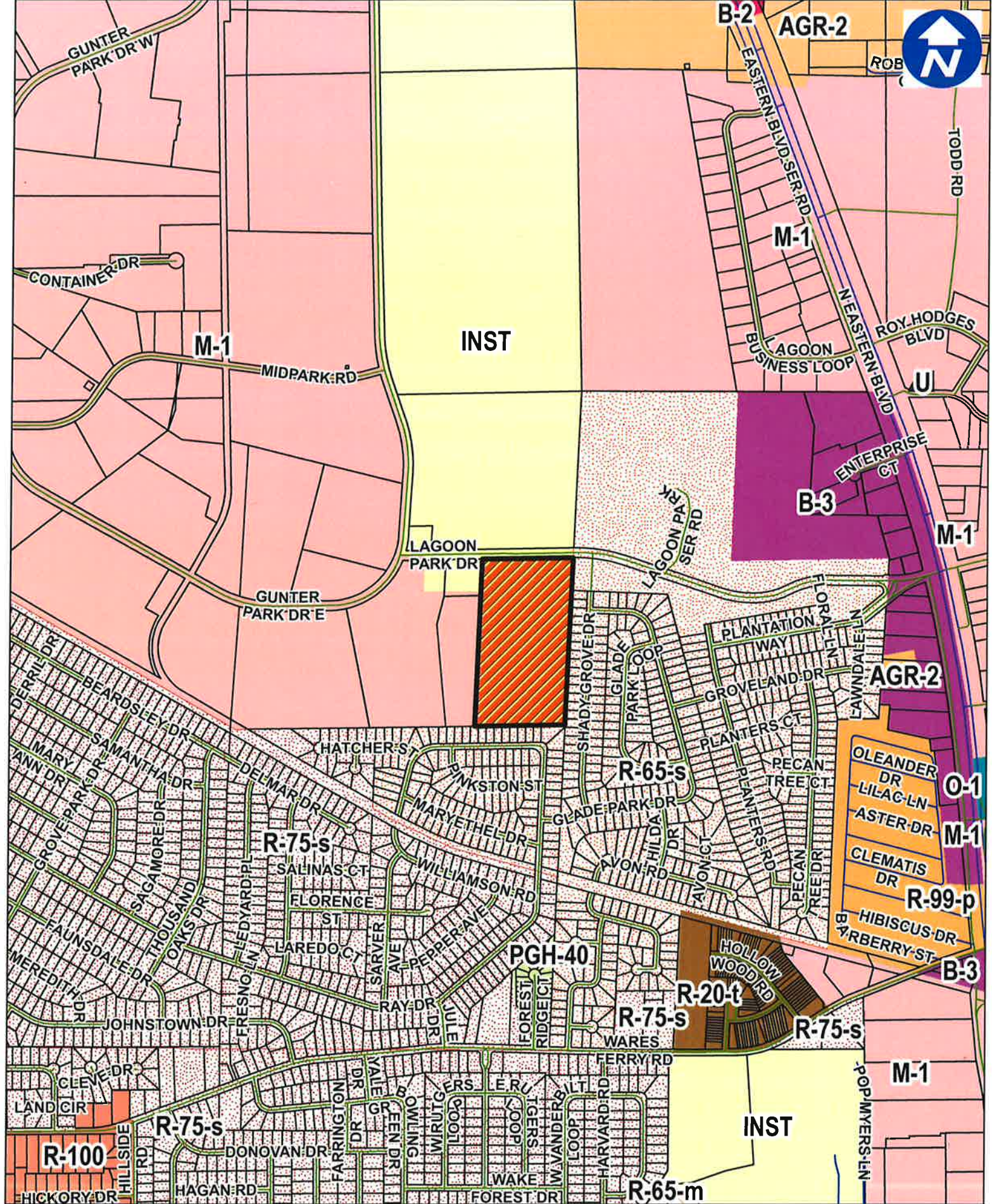
REMARKS: This request is being made to give the petitioner permission to construct two (2) new buildings (training facility and state laboratory) totaling 83,000 sq. ft., which would require 338 parking spaces under the Gunter Industrial Park Guidelines. They are providing 279 parking spaces onsite. The new laboratory building will be 50 ft. in height, whereas 35 ft. is allowed under the Gunter Industrial Park Guidelines.

The requests are a 15 ft. height variance and a 59 space parking variance to the Gunter Industrial Park Guidelines.

COUNCIL DISTRICT: 2

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 1,000 feet

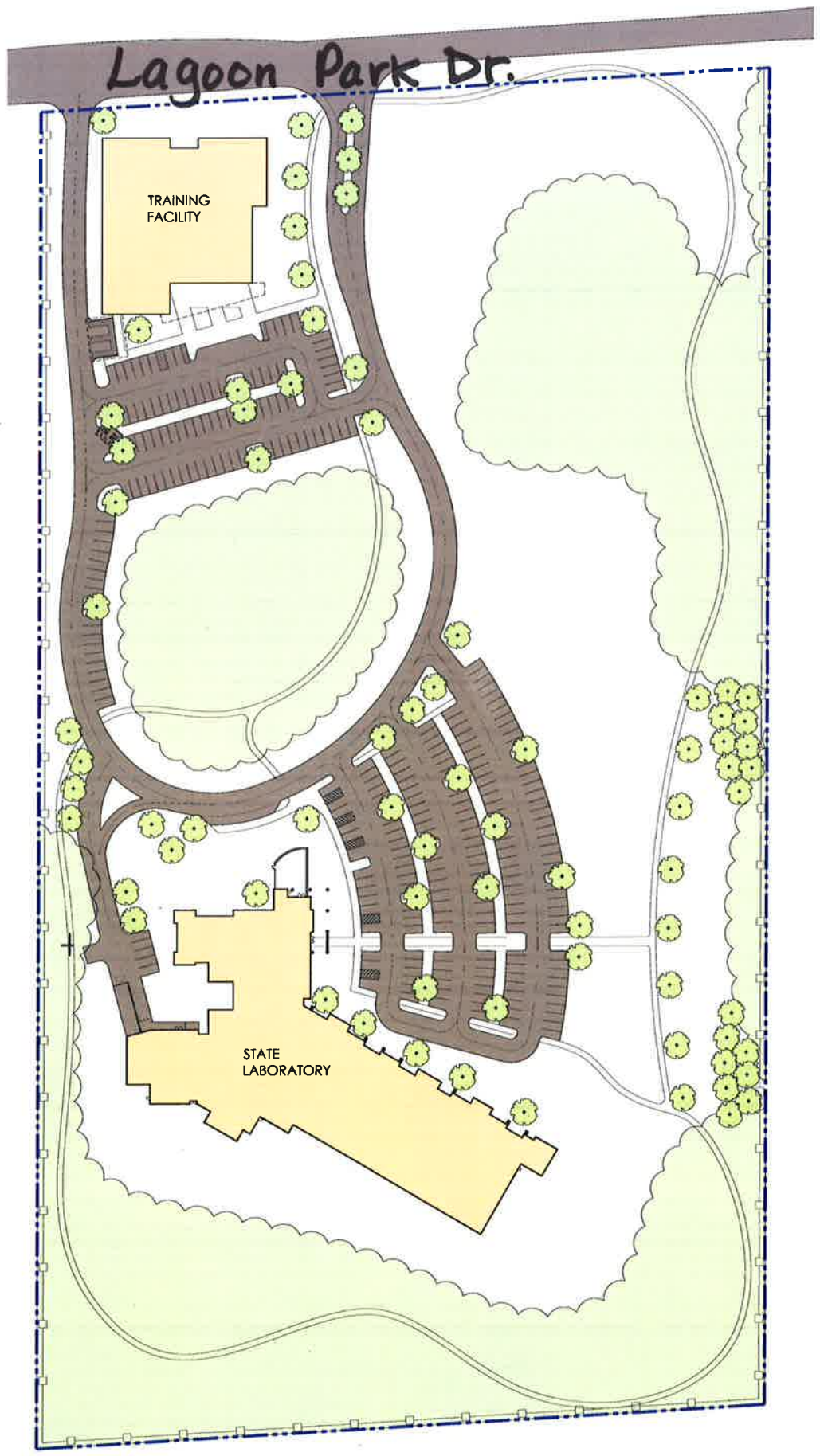
Item 6A

Lagoon Park Dr.

TRAINING FACILITY

STATE LABORATORY

LB





 EllisArchitects

EXTERIOR PERSPECTIVE
OCTOBER 15, 2015

STATE HEALTH LABORATORY FACILITY
Alabama Public Health Care Authority

60



SITE 

1 inch = 400 feet
Item 6D

7. BD-1988-055 **PRESENTED BY:** Bishop Maurice J. Grace

REPRESENTING: The Living Word Church

SUBJECT: Request a special exception for church use in a building located at 4040 Troy Highway in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to continue church services, which has been in existence at this location for 17 years. It was discovered that the Board of Adjustment had never approved the location for church use when the church members started the process of purchasing the property. The sanctuary seats 95 people, which requires 19 parking spaces, and they have 31 parking spaces onsite.

Church Services

Sunday

9:15 a.m. – Sunday School

10:30 a.m. – Morning Worship

7:00 p.m. – Evening Worship

Wednesday

7:00 p.m. – Bible Study

Monday, Tuesday & Thursday

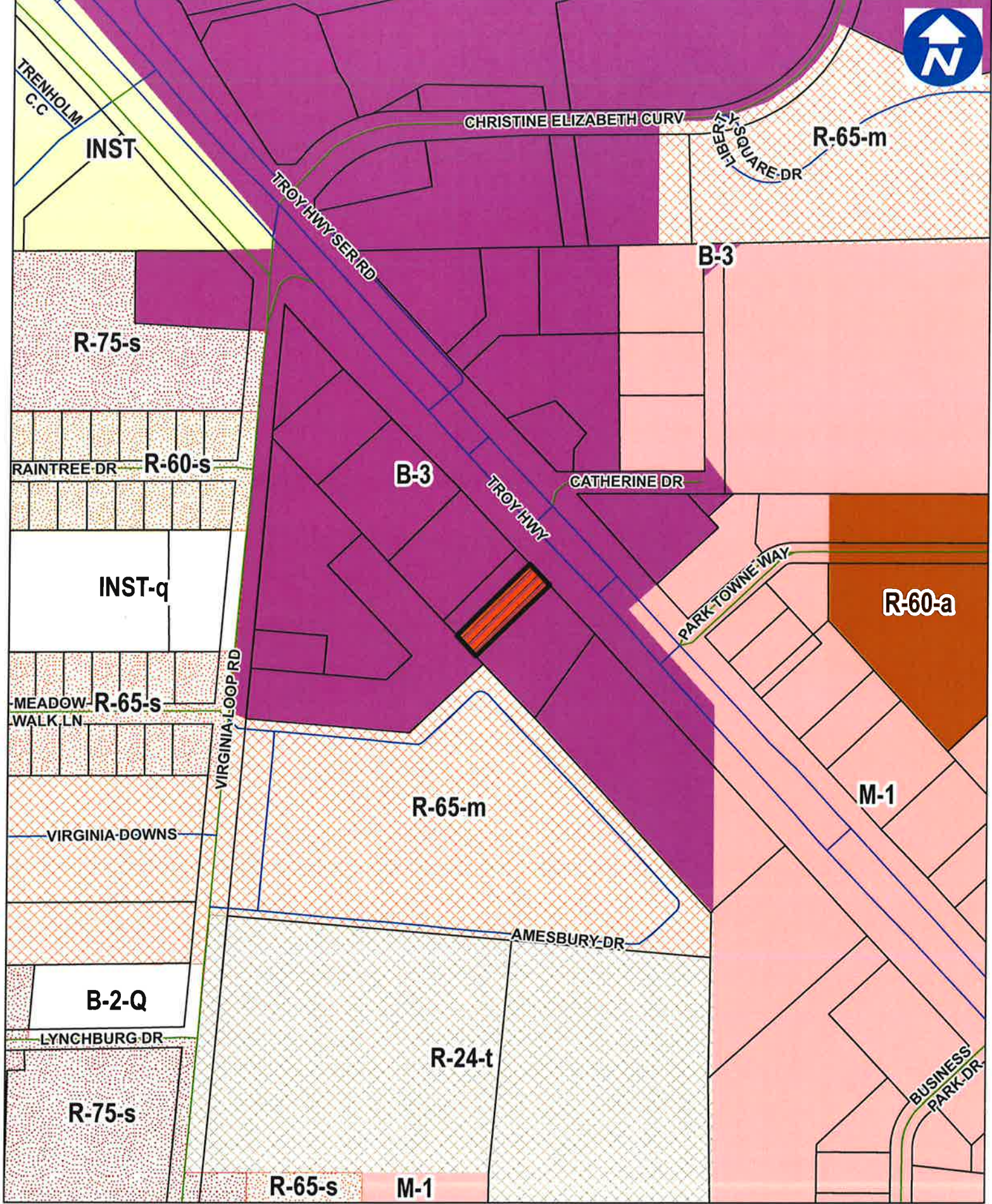
5:00 p.m. – 6:00 p.m. - Prayer

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

COUNCIL DISTRICT: 6

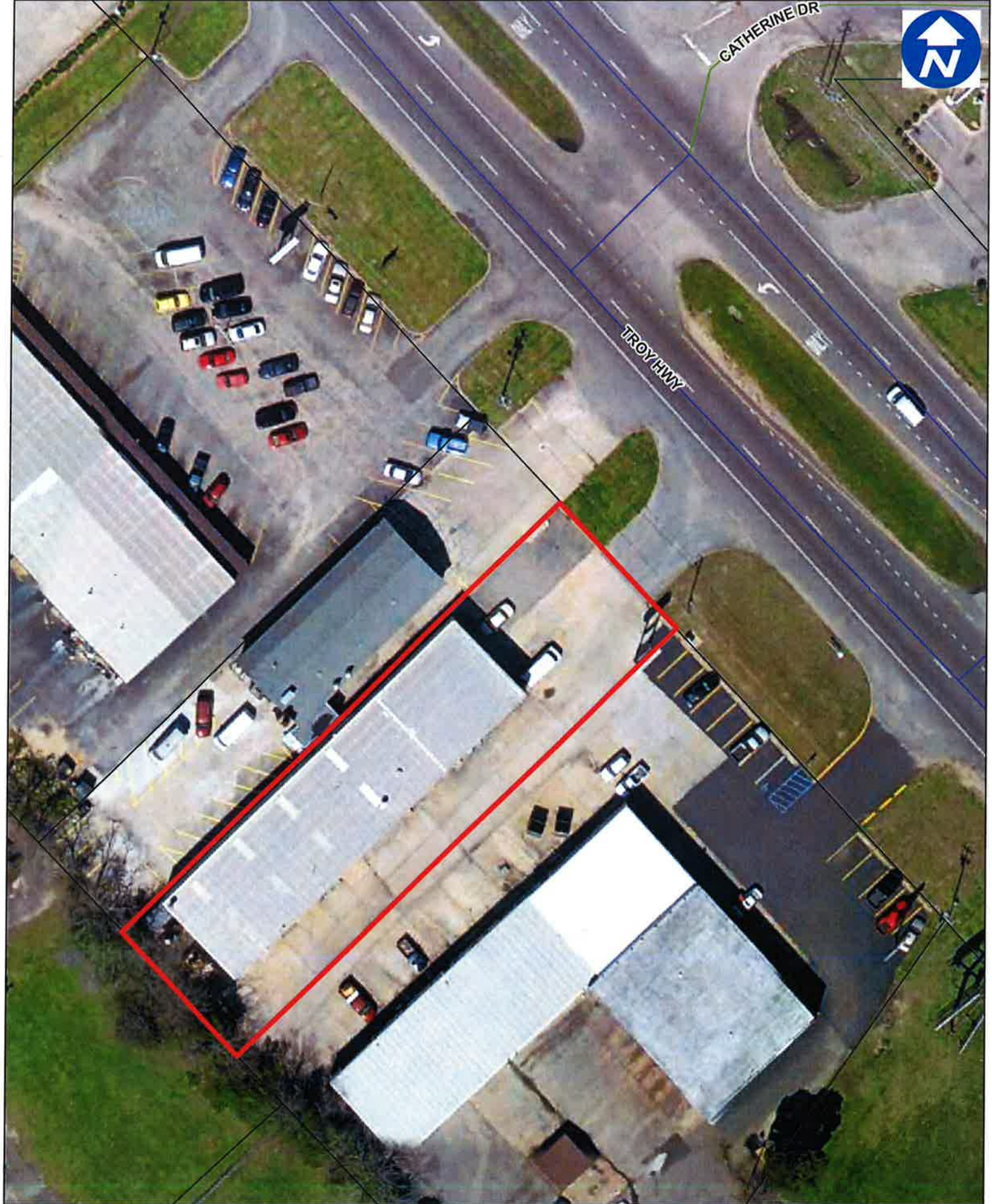
COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 300 feet
 Item 7A



CATHERINE DR

TROY HWY

SITE 

1 inch = 50 feet
Item 7B

8. BD-2015-066 **PRESENTED BY:** Byeng Ryel, Min

REPRESENTING: Same

SUBJECT: Request a special exception to operate a bed and breakfast in a dwelling located at 4955 Woodley Road in an AGR-1 (Residential Agriculture) Zoning District.

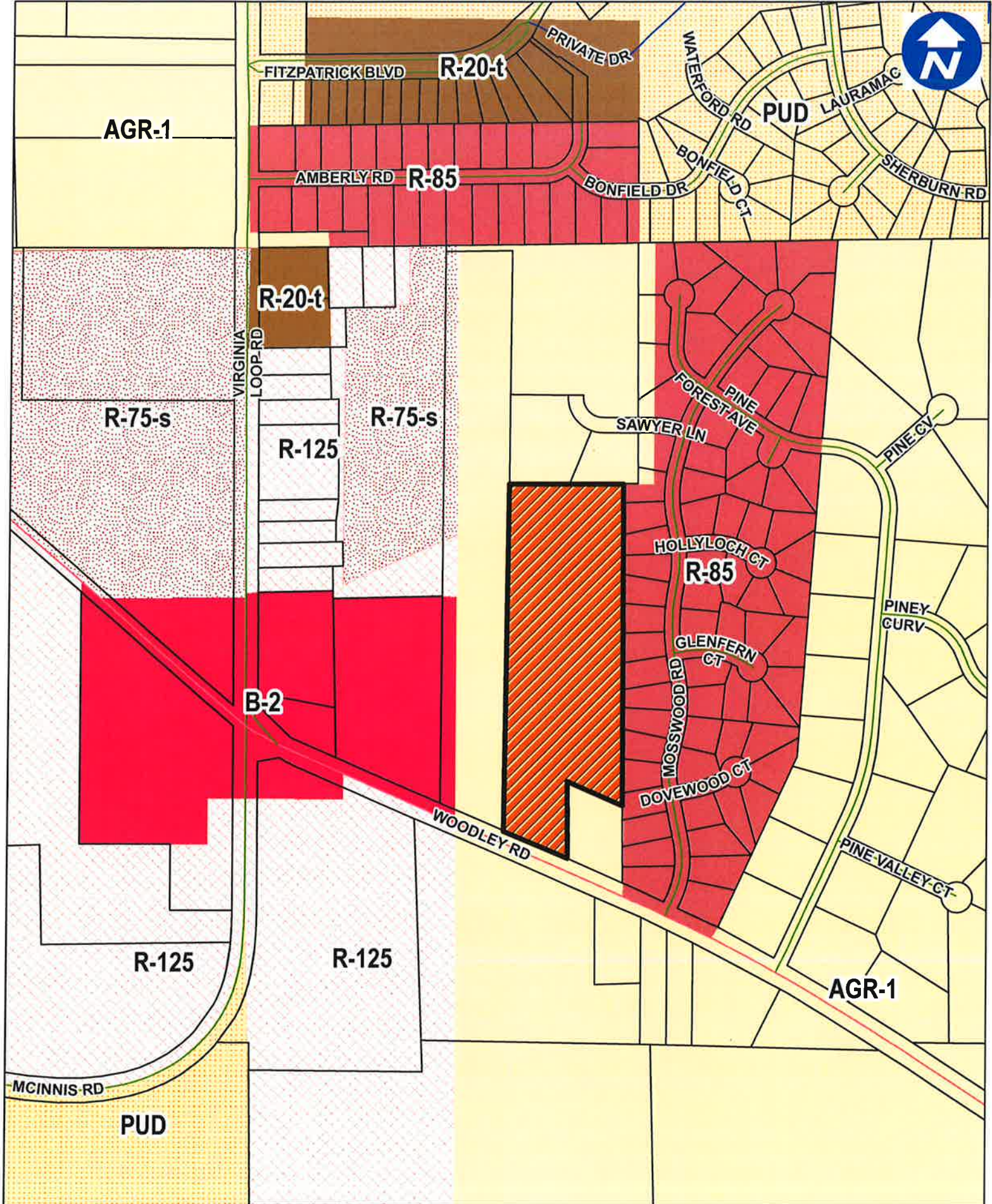
REMARKS: This request is being made to give the petitioner permission to operate a bed and breakfast. There are (2) two bedrooms for guests that will allow up to 4 guests. There is ample parking on the 9.8 acre parcel. A bed and breakfast is allowed in an AGR-1 district on appeal to the Board of Adjustment.

The request is a special exception for a bed and breakfast.

COUNCIL DISTRICT: 6

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 400 feet

Item 8A



Dwelling to be used as Bed & Breakfast

SITE 

1 inch = 200 feet
Item 8B



Dwelling to be used as Bed & Breakfast

SITE 

1 inch = 200 feet
Item 8C

9. BD-1966-256 **PRESENTED BY:** Lois Cortell

REPRESENTING: Old Cloverdale Association

SUBJECT: Request a street side yard variance and a special exception for accessory structures without a main dwelling to be located at 1128 Woodward Avenue in an R-65-s (Single-Family Residential) Zoning District.

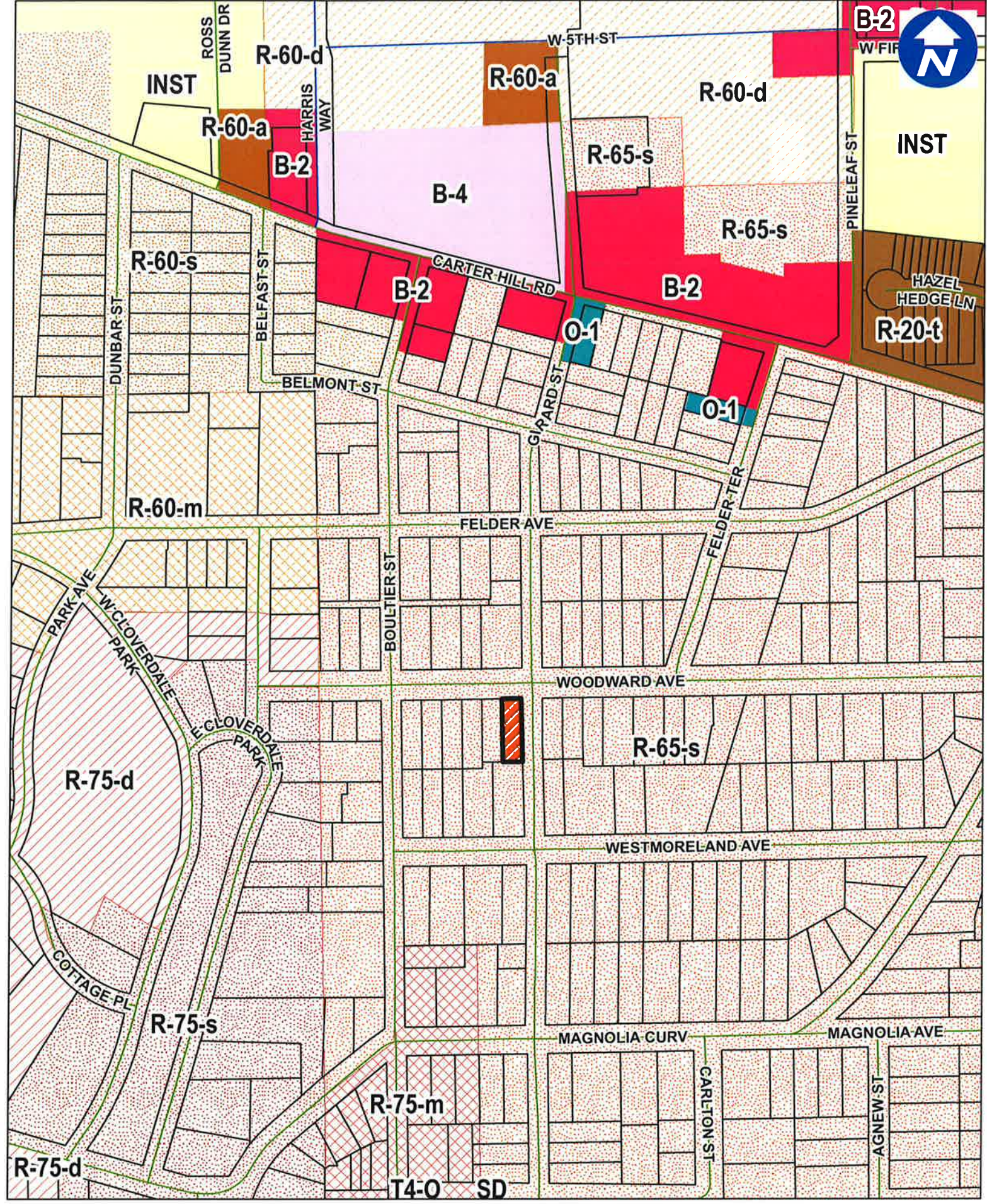
REMARKS: This request is being made to give the petitioner permission to construct a 6 ft. x 10 ft. tool shed and a 10 ft. x 10 ft. pergola to be used with a community garden. The tool shed complies with all setbacks. The pergola comes within 20 ft. of the street side yard property line (Girard Street), whereas 30 ft. is required.

The requests are a 10 ft. street side yard variance, and a special exception for accessory structures without a main dwelling.

COUNCIL DISTRICT: 7

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 300 feet

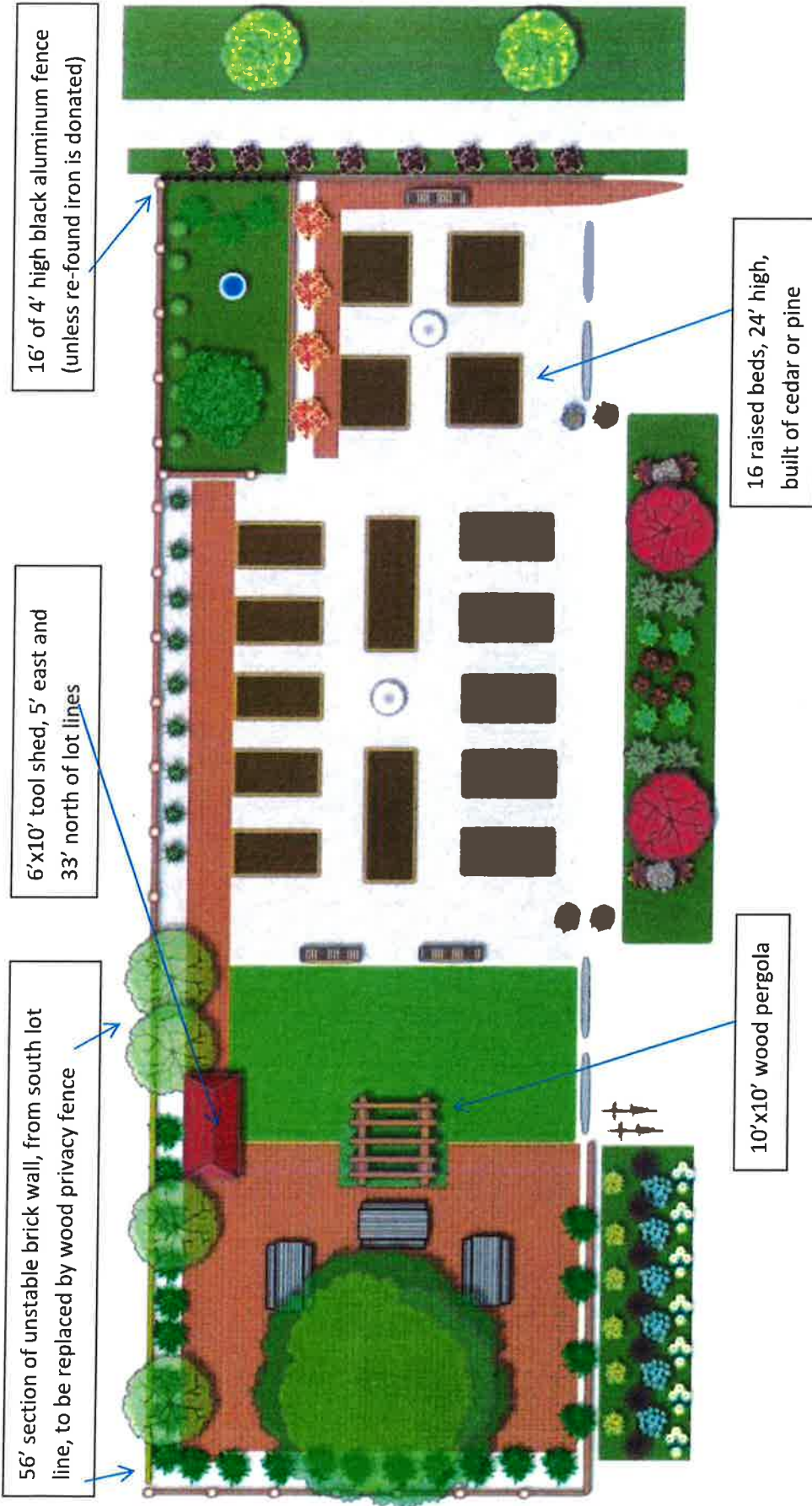
Item 9A



Old Cloverdale Community Garden

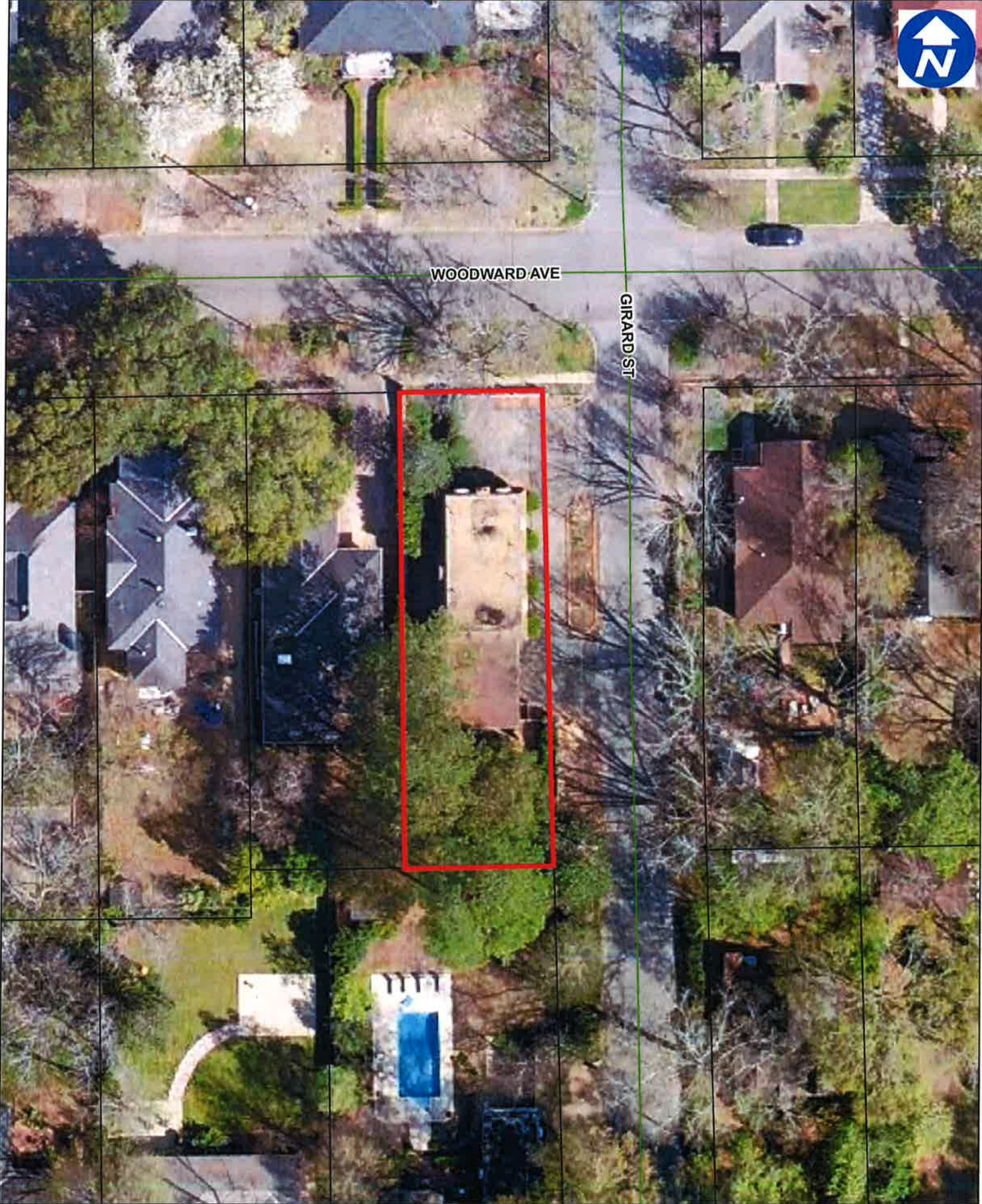
1128 Woodward Avenue - Site plan 10-13-15

Woodward Ave.



Girard Street

QB



WOODWARD AVE

GIRARD ST

SITE 

1 inch = 40 feet
Item 9C

10. BD-1987-029 **PRESENTED BY:** Peach State Signs

REPRESENTING: JDH Developers

SUBJECT: Request a height variance for an ID sign located at 5175 Carmichael Road in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to erect a new 80 ft. high ID sign, whereas 45 ft. is allowed. The petitioner is proposing to replace the existing sign and it was discovered that a height variance was never granted.

The request is a 35 ft. height variance.

COUNCIL DISTRICT: 5

COMMENTS _____

ACTION TAKEN: _____



R-100

B-4

R-100

B-4

TOWNPLACE DR

B-3

CARMICHAEL RD

EASTERN BLVD

R-65-m

B-2

B-3

EASTERN BLVD SER RD

WOODMERE BLVD

B-2

SITE



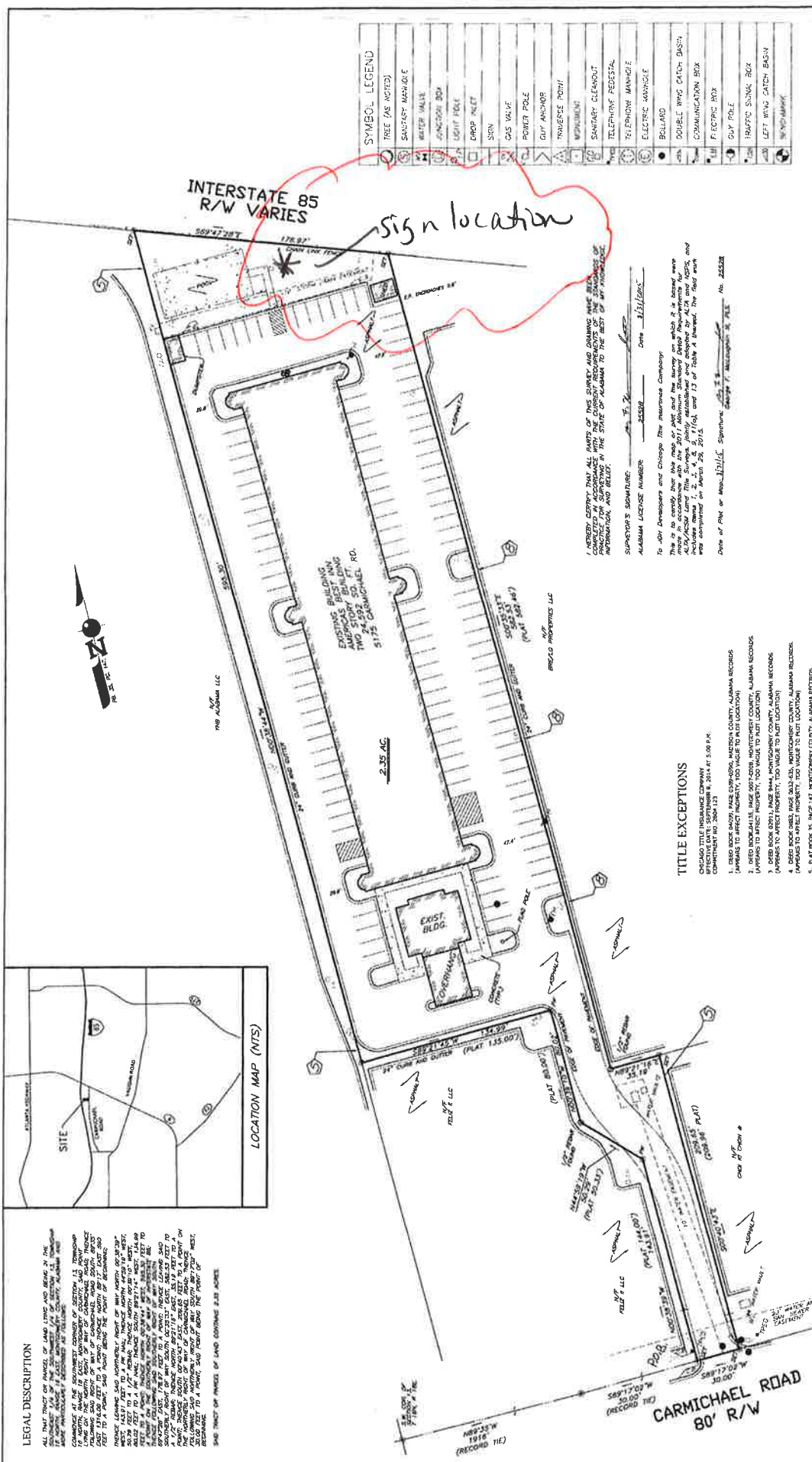
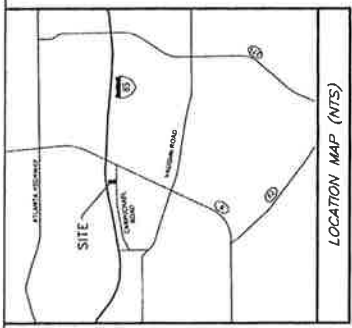
1 inch = 300 feet

Item 10A

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCELS OF LAND LYING AND BEING IN THE ...

... (text continues with legal description details) ...



SYMBOL LEGEND

(SEE PAGE NOTES)

[Symbol]	SANITARY MANHOLE
[Symbol]	WATER VALVE
[Symbol]	FUNCTION BOX
[Symbol]	LIGHT POLE
[Symbol]	DROP INLET
[Symbol]	SIGN
[Symbol]	GAS VALVE
[Symbol]	POWER POLE
[Symbol]	GUY ANCHOR
[Symbol]	TRUSSING POINT
[Symbol]	W/PHOULANT
[Symbol]	SANITARY CLEAROUT
[Symbol]	TELEPHONE PEDestal
[Symbol]	TELEPHONE MANHOLE
[Symbol]	ELECTRIC MANHOLE
[Symbol]	BELLARD
[Symbol]	DOUBLE WING CATCH BASIN
[Symbol]	COMMUNICATION BOX
[Symbol]	ELECTRIC BOX
[Symbol]	GUY POLE
[Symbol]	TRAFFIC SIGNAL BOX
[Symbol]	LEFT WING CATCH BASIN
[Symbol]	W/PHOULANT

TITLE EXCEPTIONS

CHICAGO TITLE INSURANCE COMPANY

1. DEED BOOK 5428, PAGE 518, MONTEGOMERY COUNTY, ALABAMA RECORDS (APPRAS TO JACKET PROPERTY, TOO VAGUE TO PUT LOCATION)

2. DEED BOOK 5418, PAGE 507-508, MONTEGOMERY COUNTY, ALABAMA RECORDS (APPRAS TO JACKET PROPERTY, TOO VAGUE TO PUT LOCATION)

3. DEED BOOK 5428, PAGE 518, MONTEGOMERY COUNTY, ALABAMA RECORDS (APPRAS TO JACKET PROPERTY, TOO VAGUE TO PUT LOCATION)

4. DEED BOOK 363, PAGE 363-364, MONTEGOMERY COUNTY, ALABAMA RECORDS (APPRAS TO JACKET PROPERTY, TOO VAGUE TO PUT LOCATION)

5. DEED BOOK 363, PAGE 363-364, MONTEGOMERY COUNTY, ALABAMA RECORDS (APPRAS TO JACKET PROPERTY, TOO VAGUE TO PUT LOCATION)

6. DEED BOOK 1804, PAGE 897, MONTEGOMERY COUNTY, ALABAMA RECORDS (APPRAS TO JACKET PROPERTY, TOO VAGUE TO PUT LOCATION)

7. DEED BOOK 1804, PAGE 897, MONTEGOMERY COUNTY, ALABAMA RECORDS (APPRAS TO JACKET PROPERTY, TOO VAGUE TO PUT LOCATION)

8. DEED BOOK 1804, PAGE 897, MONTEGOMERY COUNTY, ALABAMA RECORDS (APPRAS TO JACKET PROPERTY, TOO VAGUE TO PUT LOCATION)

9. DEED BOOK 363, PAGE 363-364, MONTEGOMERY COUNTY, ALABAMA RECORDS (APPRAS TO JACKET PROPERTY, TOO VAGUE TO PUT LOCATION)

10. DEED BOOK 363, PAGE 363-364, MONTEGOMERY COUNTY, ALABAMA RECORDS (APPRAS TO JACKET PROPERTY, TOO VAGUE TO PUT LOCATION)

ALABAMA JUNE TITLE BUREAU, INC.

JDH DEVELOPERS AND CHICAGO TITLE INS. CO.

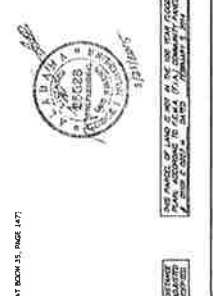
A PORTION OF THE SE 1/4 OF SECTION 31, TOWNSHIP 19 S., RANGE 19 E., CITY OF MONTGOMERY, ALABAMA

G. F. McCLACHLEN, III, PLS

DATE: 11/11/2015
SCALE: 1" = 200'
SHEET NO. 1 OF 1
PROJECT NO. 151115001

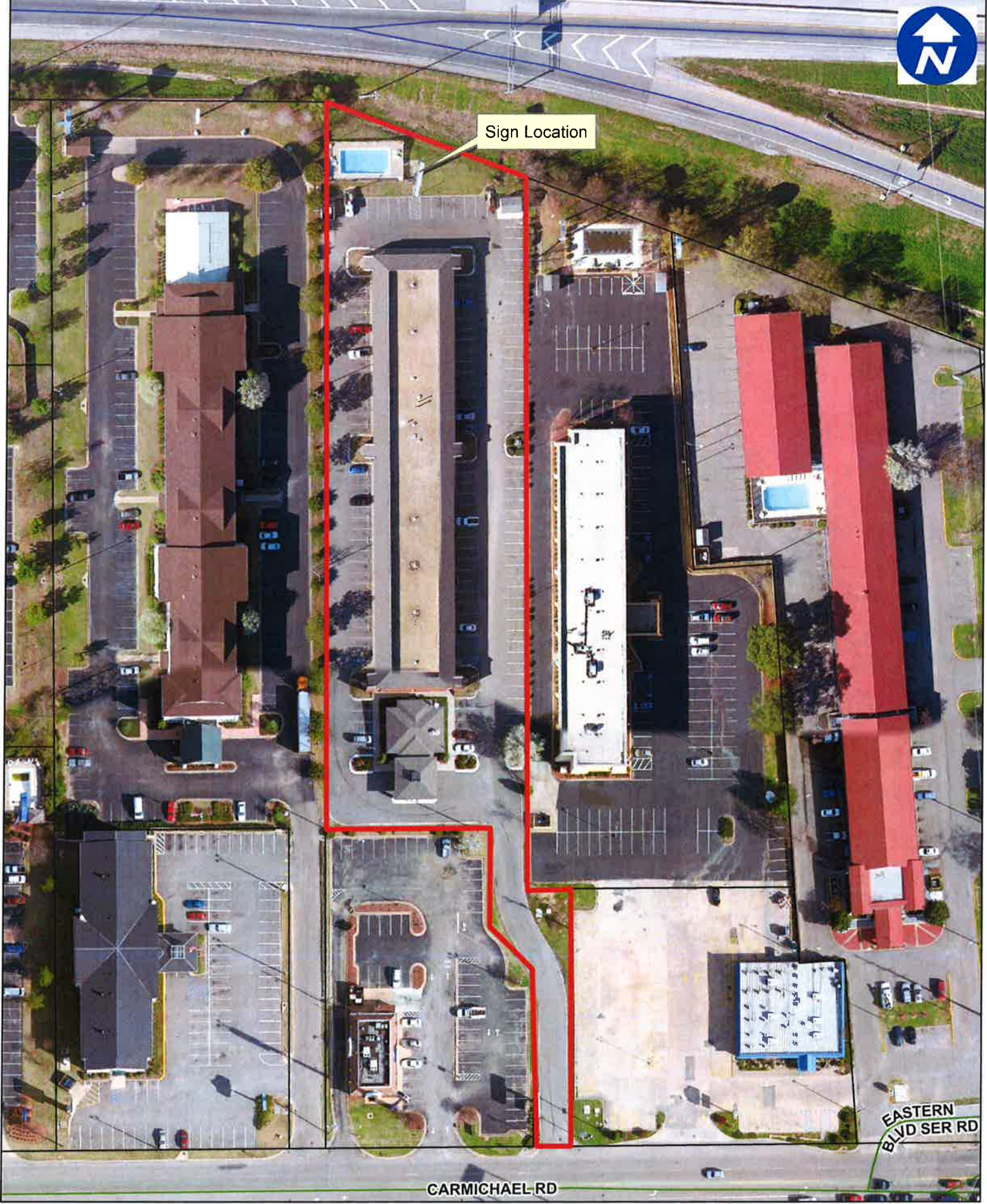
DATE: 11/11/2015
SCALE: 1" = 200'
SHEET NO. 1 OF 1
PROJECT NO. 151115001

DATE: 11/11/2015
SCALE: 1" = 200'
SHEET NO. 1 OF 1
PROJECT NO. 151115001



Alabama 811
Alabama One-Call
1-800-292-8525
252-4444 (Birmingham Area)
Call 2 working days before digging.
It's the Law

10B



Sign Location

GARMICHAEL RD

EASTERN
BLVD SER RD

SITE 

1 inch = 100 feet
Item 100