

# Board of Adjustment Agenda

February 18, 2016 – 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 January 21, 2016 meeting**

**February 18, 2016**

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	1972-048	Glynn Wilson Clark	B-4	1100 Ann Street (Rear yard and parking var)	1
2.	1979-022	Lee Sims	R-100	2515 Woodley Road (Hospital/Hospice)	2
3.	1955-018	J. M. Garrett & Son	R-60-d	932, 936 & 940 Adeline Street (Church – special exception)	3
4.	1997-059	Patrick Ryan	B-3	7813 Vaughn Road (Variance to Ord. 17-2014)	4
5.	2016-003	Johnny Guice	R-60-d	561 Oak Street (Variances for 3 existing accessory structures)	5
6.	1984-092	Larry E. Speaks & Assoc.	M-3	3500 West Boulevard (Variance to Ord. 27-2009)	6
7.	1987-028	Mike Preskitt	O-1	509 Oliver Road (ID Sign – front yard variance)	7
8.	2016-004	Michael Williams	R-60-d	718 Central Street (Lot area and front yard variances)	8

***The next Board of Adjustment meeting is on March 17, 2016***

1. BD-1972-048 **PRESENTED BY:** Glynn Wilson Clark

**REPRESENTING:** MANAV LLC

**SUBJECT:** Request a rear yard variance and a parking variance for an addition to a building located at 1100 Ann Street in a B-4 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to a 1,700 sq. ft. addition that will come within 10 ft. of the rear property line, whereas 30 ft. is required. A total of 36 parking spaces are being provided, whereas 38 parking spaces are required. The original proposed 2,500 sq. ft. addition has been reduced to 1,700 sq. ft.; therefore it complies with coverage.

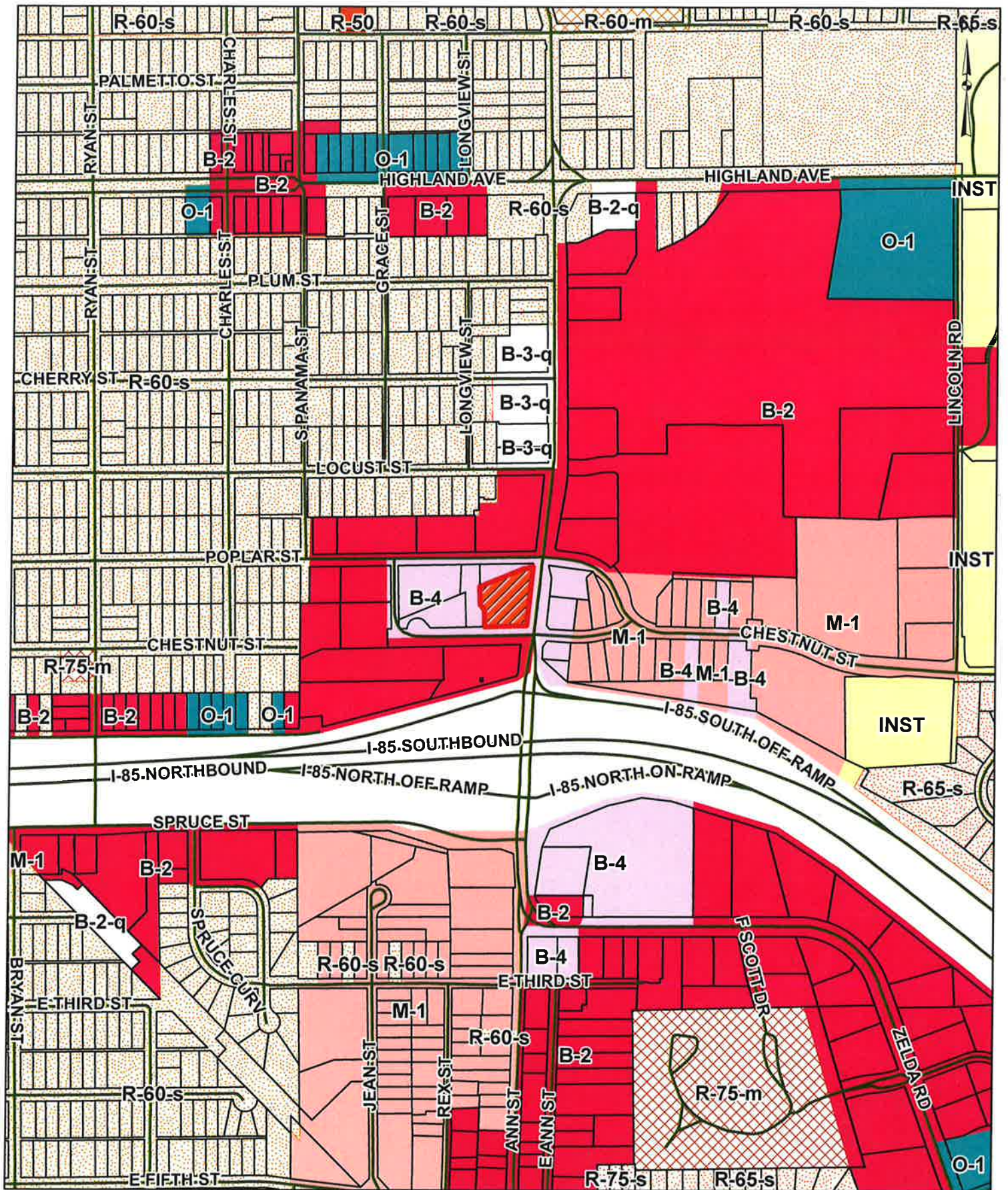
*This request was delayed at the January 20, 2016 meeting to find an alternative location for the dumpster, bring the owner to guarantee to keep the lot clean, and to explain the intended use for the addition.*

The requests are a 20 ft. rear yard variance, and a 2 space parking variance.

**COUNCIL DISTRICT:** 3

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

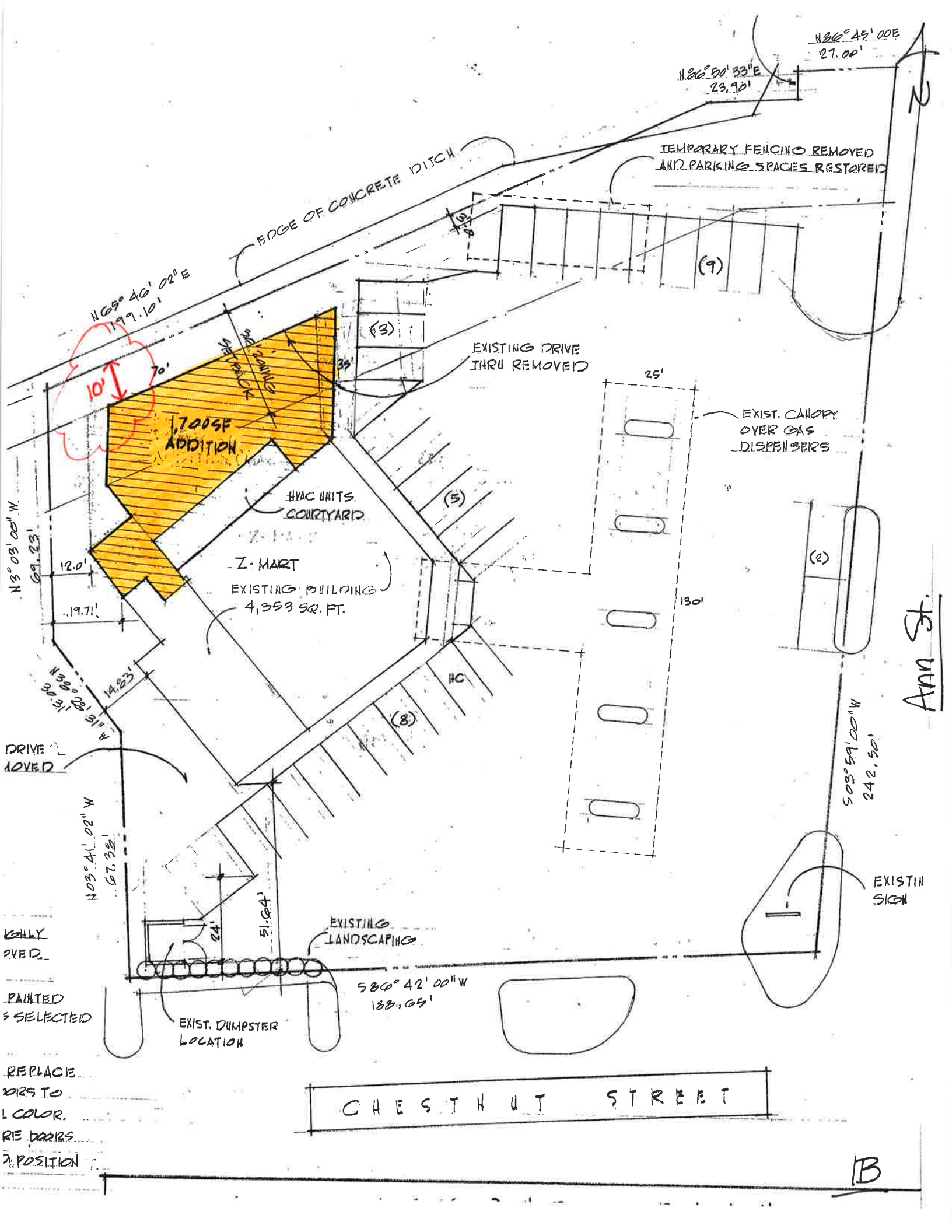
**ACTION TAKEN:** \_\_\_\_\_



Site Location 

1 inch = 500 feet

Item No.     IA





Site Location

1 inch = 100 feet

Item No. IC

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.

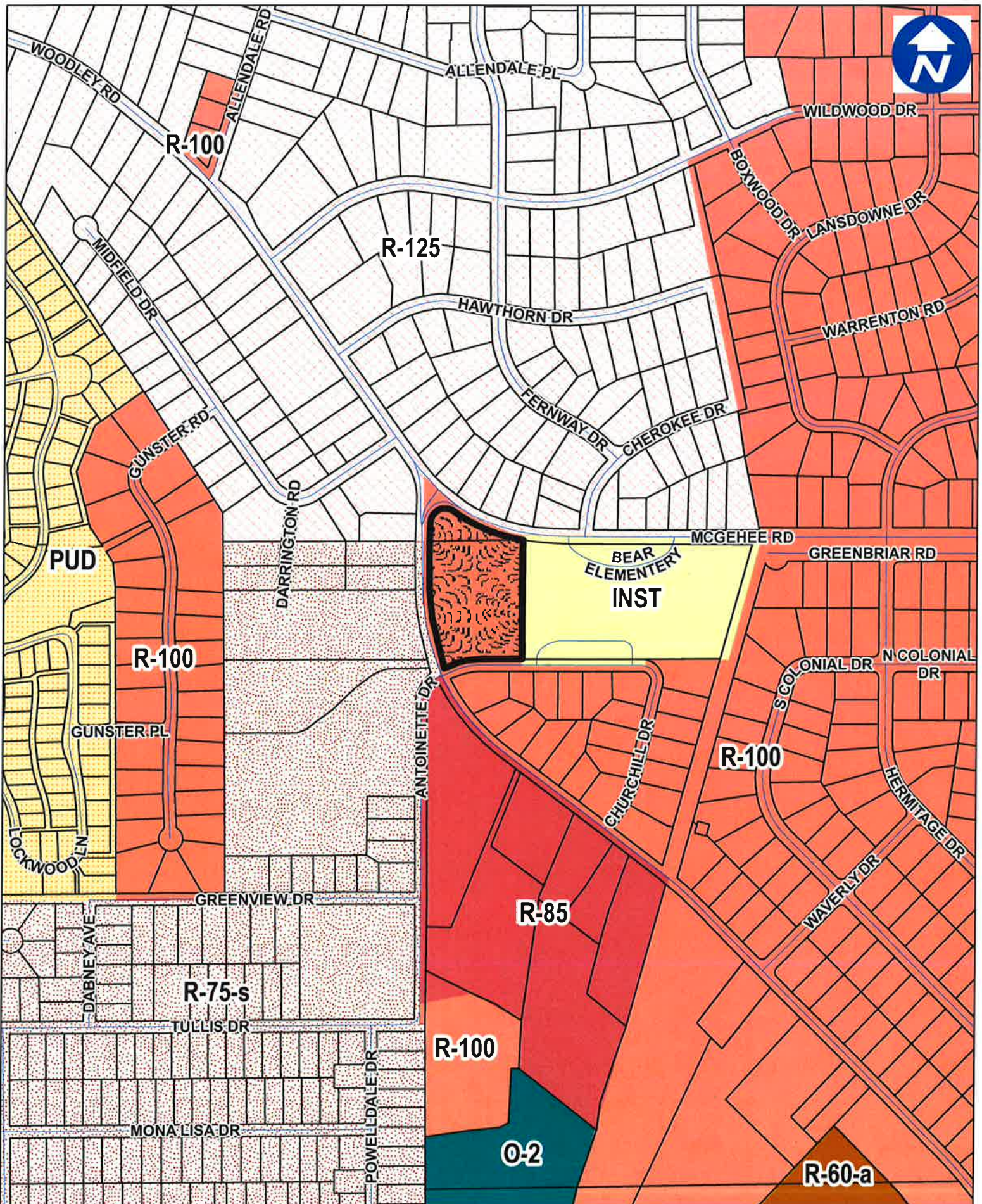
**Long Range Planning:** No objection.

*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 AB

3. BD-1955-018 **PRESENTED BY:** J.M. Garrett & Son

**REPRESENTING:** Holt Street Church of Christ

**SUBJECT:** Request a special exception for church use on the properties located at 932, 936 and 940 Adeline Street in an R-60-d (Duplex Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a parking lot that will expand the existing parking for the church. The additional parking will add 44 spaces. There will be one (1) new access drive to Adeline Street.

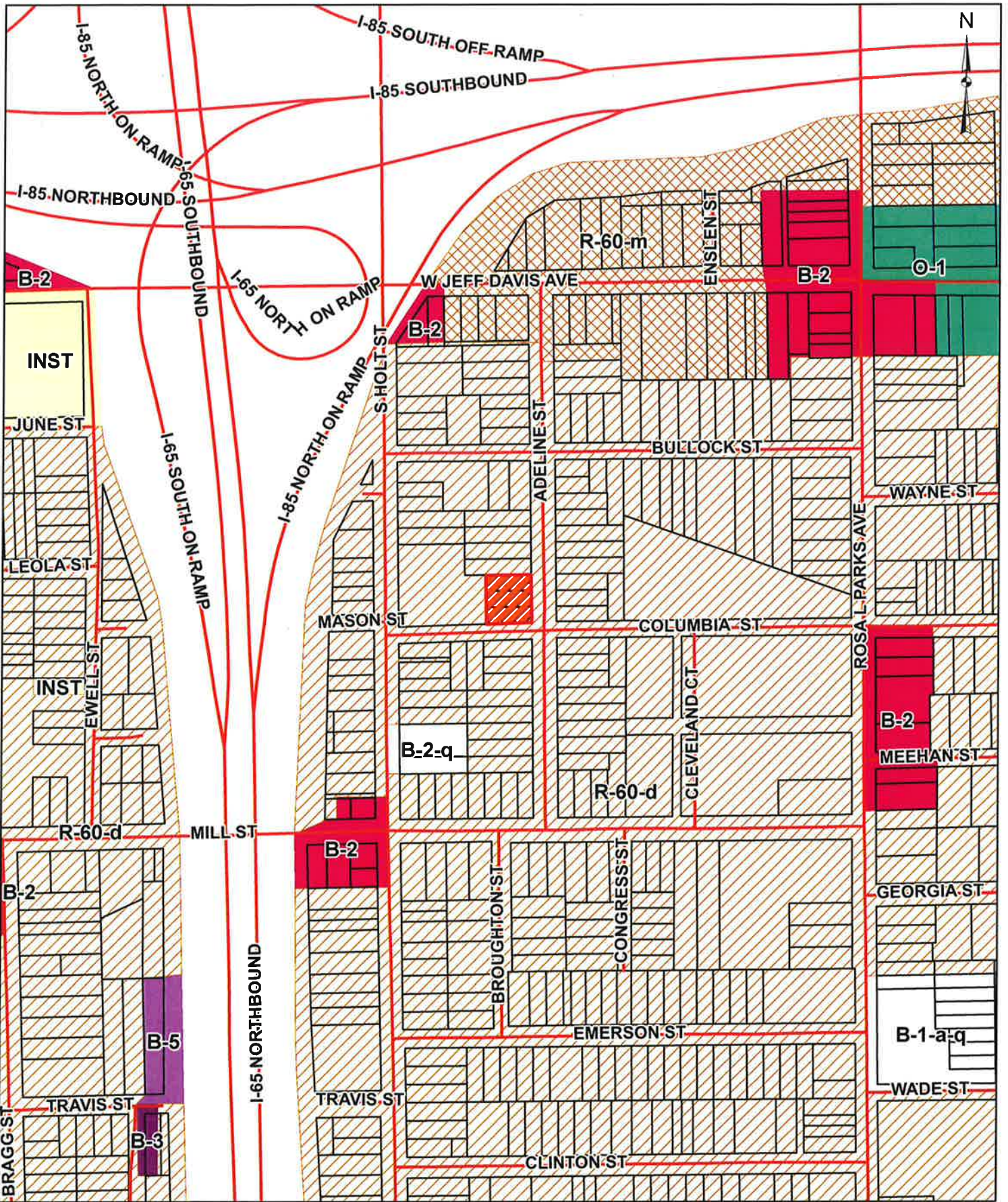
**Long Range Planning:** No objection.

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

**COUNCIL DISTRICT:** 7

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

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



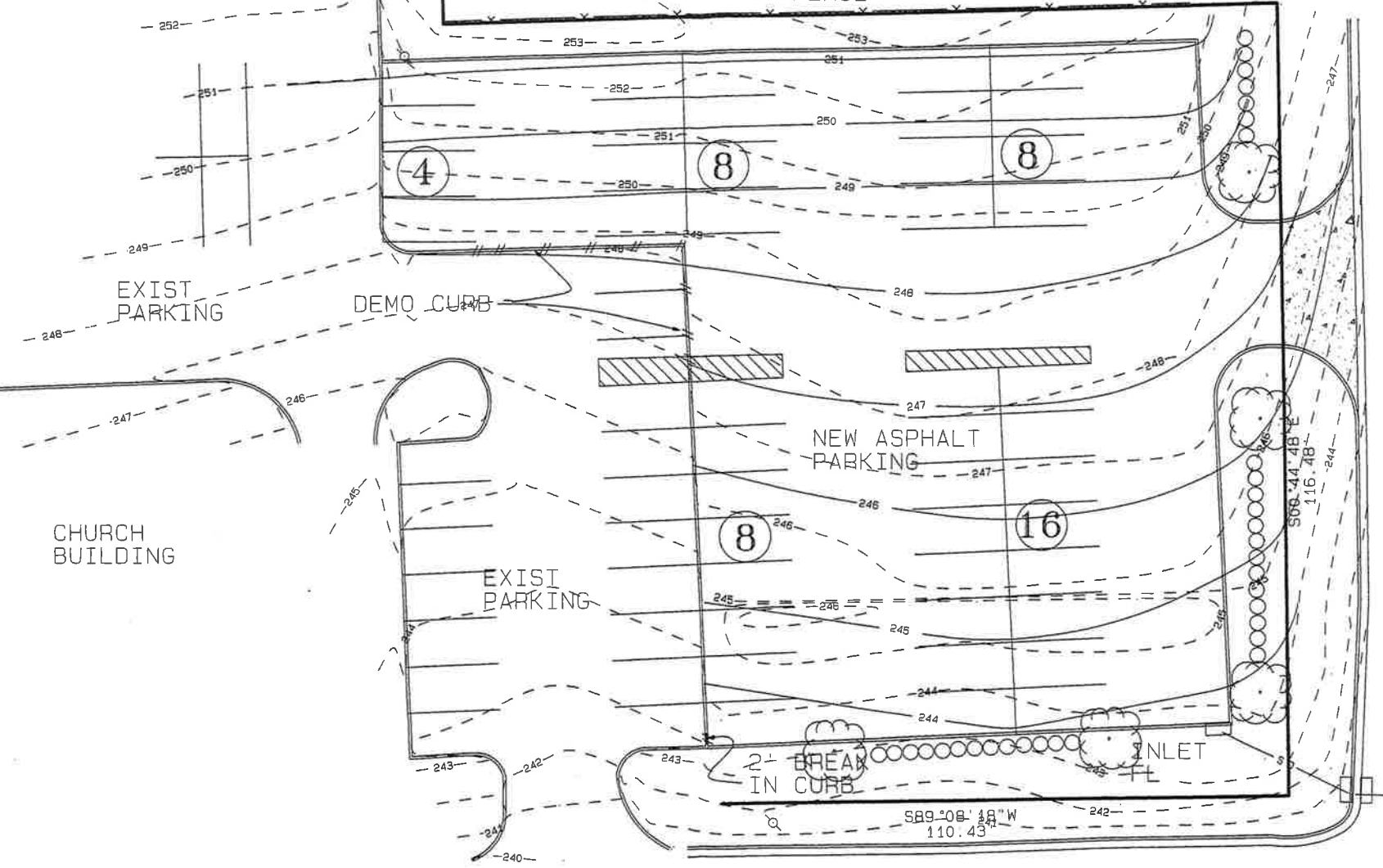
Site Location 

1 inch = 300 feet

Item No. 3A

PARKING

FENCE N88°35'46"E 162.70'



ADELINE STREET 36

COLUMBIA AVE

1" = 20'





Site Location

1 inch = 50 feet

Item No. 3C

4. BD-1997-059 **PRESENTED BY:** Patrick Ryan

**REPRESENTING:** Sanctuary Cigars

**SUBJECT:** Request a variance to Ordinance No. 17-2014 for a building located at 7813 Vaughn Road in a B-3 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to operate a cigar lounge, which will serve alcoholic beverages, in an existing building. The petitioner is applying for a Lounge Retail-Class I license; which would require the 250 ft. distance from any residential district boundary. The front door comes within 57 ft. of a residential district boundary and the rear door (used for emergencies only) is within 27 ft. of a residential district boundary, whereas 250 ft. is required. The closest structure is approximately 106 ft. from the front door of the establishment.

Ord. No. 17-2014

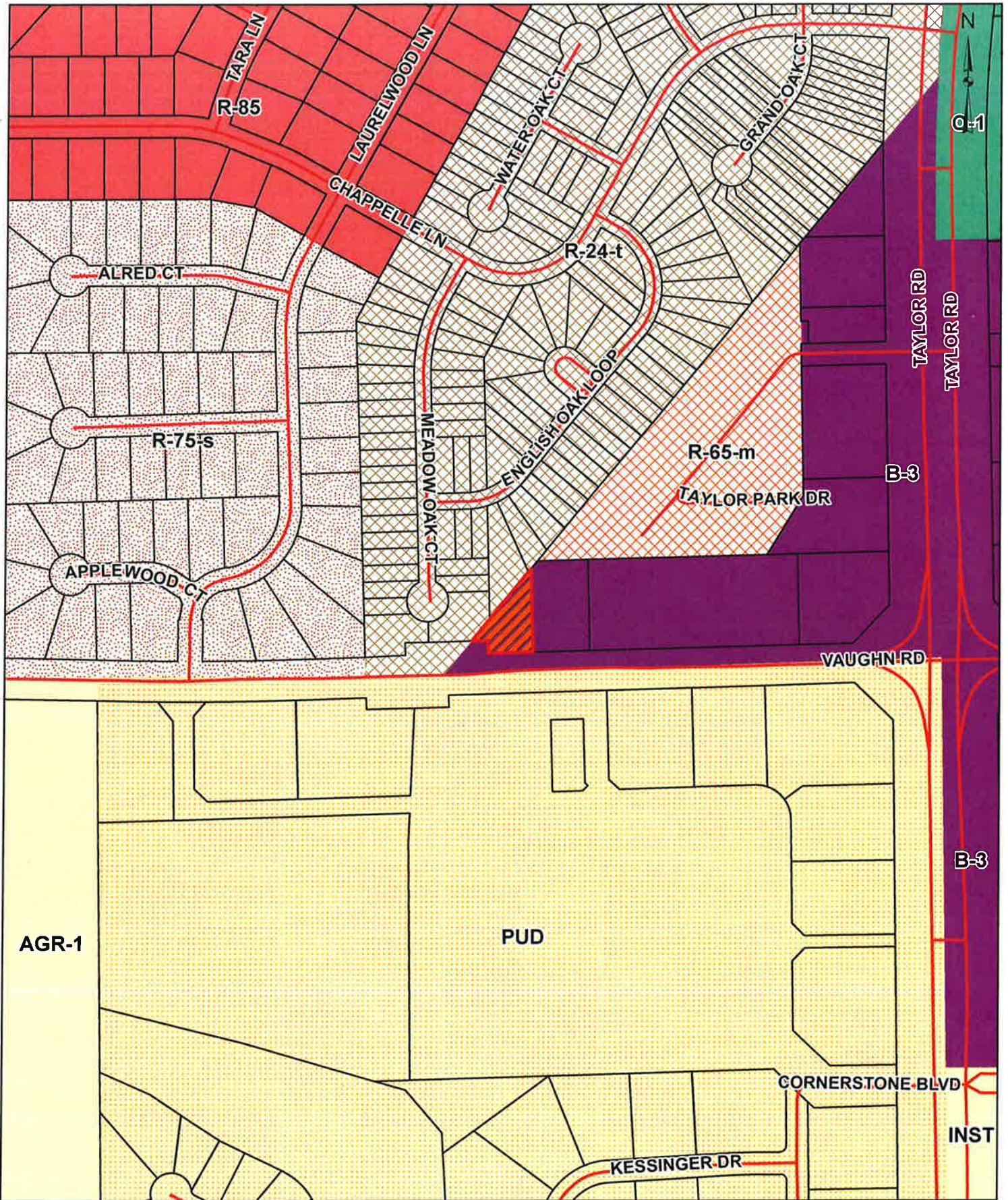
Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum 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 request is a 223 ft. variance to Ord. No. 17-2014.

**COUNCIL DISTRICT: 9**

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

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



Site Location 

1 inch = 300 feet

Item No. 4A



Site Location

1 inch = 50 feet

Item No. 4B



5. BD-2016-003 **PRESENTED BY:** Johnny Guice

**REPRESENTING:** Johnny Guice & Shirley Coleman

**SUBJECT:** Request a coverage variance, a separation between structures variance, and a street side yard variance for three (3) existing accessory structures located at 561 Oak Street in an R-60-d (Duplex Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to maintain three (3) existing accessory structures that total 485 sq. ft., whereas 360 sq. ft. of coverage is allowed. Accessory structure #1 comes within 8 ft. of the main dwelling, and accessory structures #1 and #2 come within 8 ft. of each other, whereas 10 ft. is required between all structures. Accessory structure #3 comes within 53 ft. of the street side yard property line (Garrett Street), whereas 60 ft. is required according to Article VI, Sec. 4b, which states:

“On any lot adjoining along its side lot line another lot, which is in a residential district, no part of any accessory building shall be located within 60 ft. of any front lot line.”

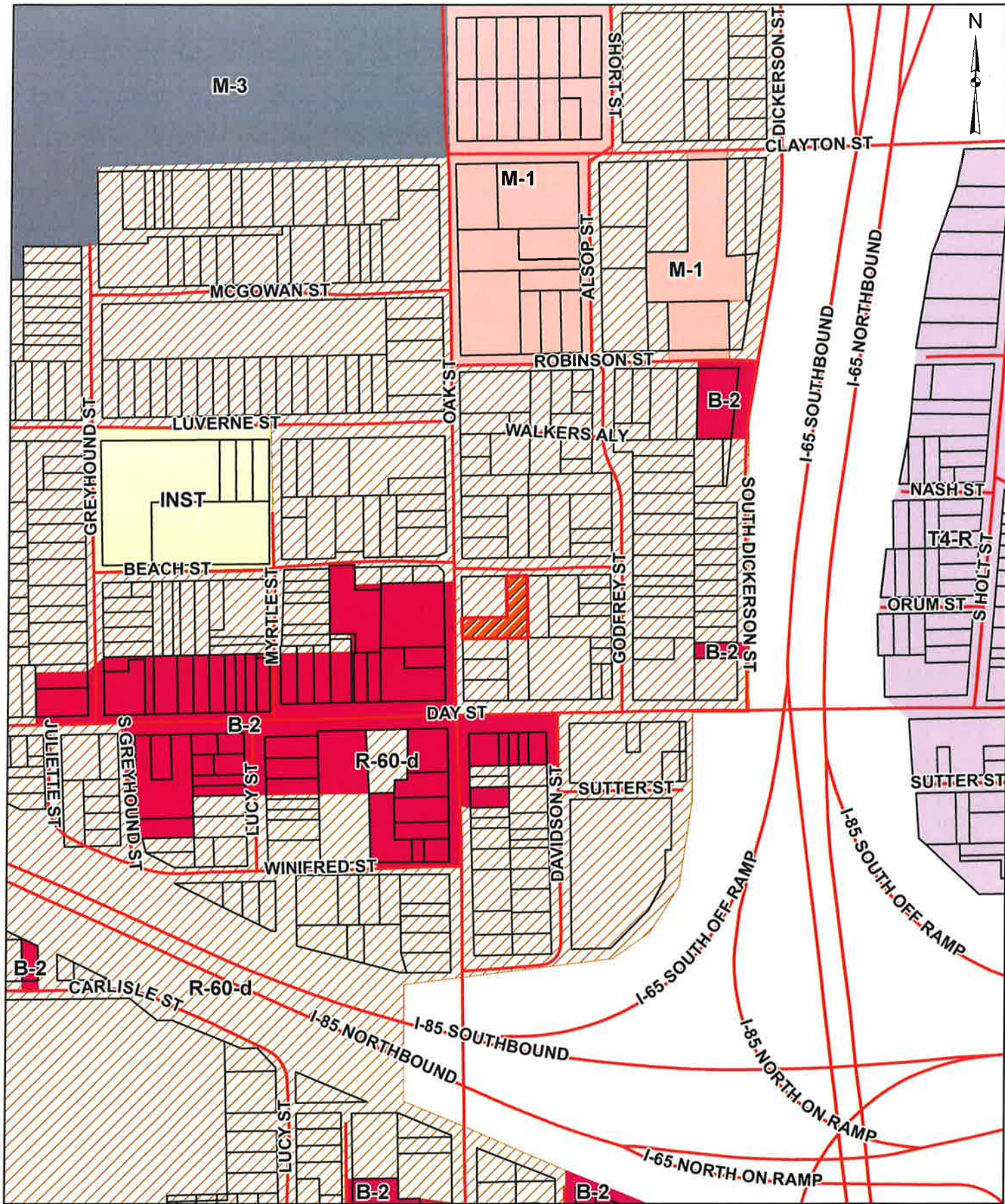
**Long Range Planning:** No objection.

The variances requested are a 125 sq. ft. coverage variance, a 2 ft. separation between structures variance, and a 7 ft. street side yard variance.

**COUNCIL DISTRICT:** 3

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

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



Site Location 

1 inch = 300 feet

Item No. 5A



Site Location

1 inch = 30 feet

Item No. 5B

6. BD-1984-092 **PRESENTED BY:** Larry E. Speaks & Associates

**REPRESENTING:** Koch Foods

**SUBJECT:** Request a variance to Ordinance No. 27-2009 for an addition to a building located at 3500 West Boulevard in an M-3 (General Industrial) Zoning District.

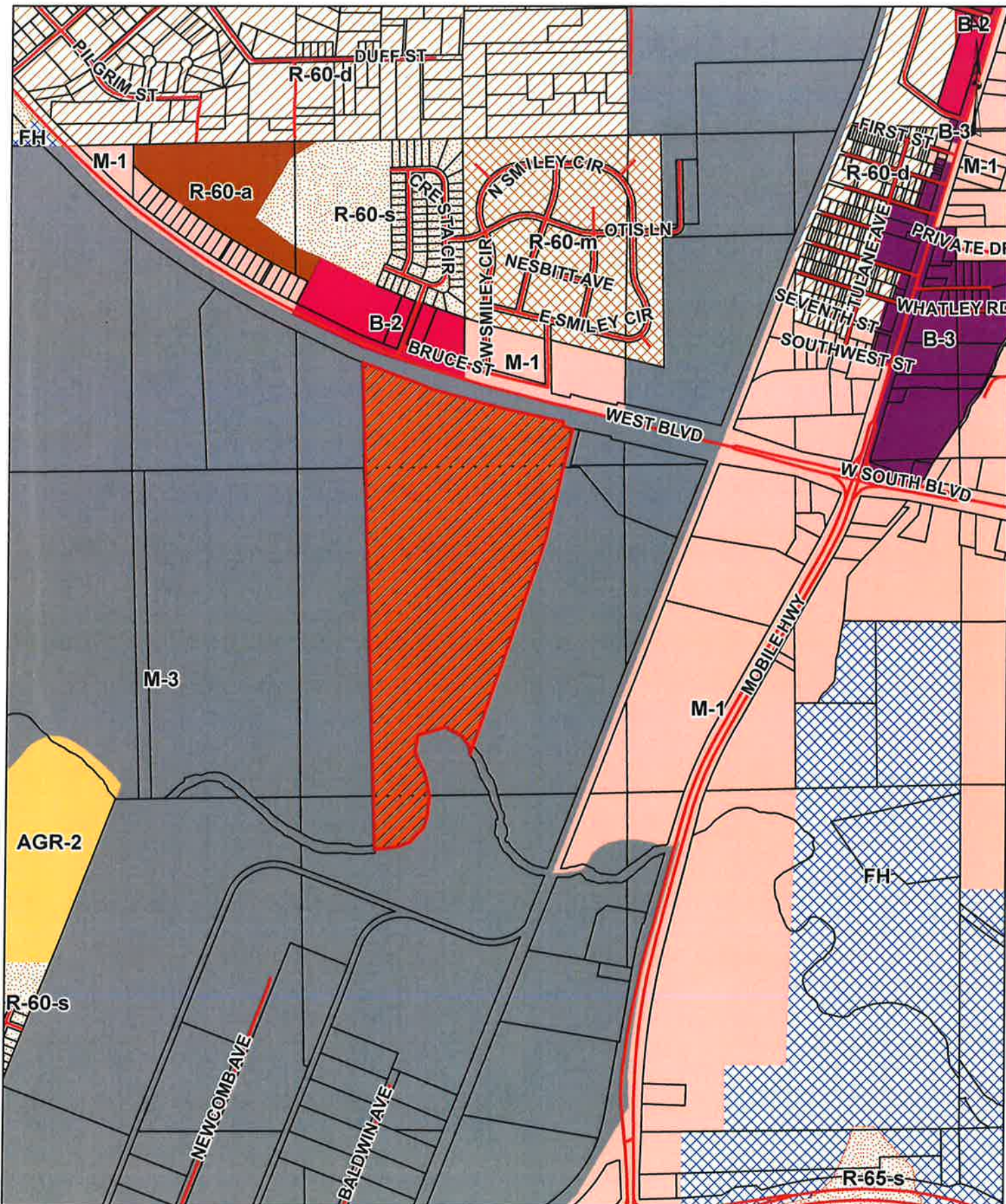
**REMARKS:** This request is being made to give the petitioner permission to construct a multi-phase addition in which the finished floor elevation will be 1 ft. above FEMA's base flood elevation, whereas 2 ft. based flood elevation is required per Ordinance No. 27-2009 (Flood Damage Prevention Ordinance). The petitioner is appealing to the Board of Adjustment the decision by the City of Montgomery's Engineering Department not to approve a building permit to be issued for construction below the requirements.

*The request is a 1 ft. variance to Ord. No. 27-2009.*

**COUNCIL DISTRICT:** 4

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

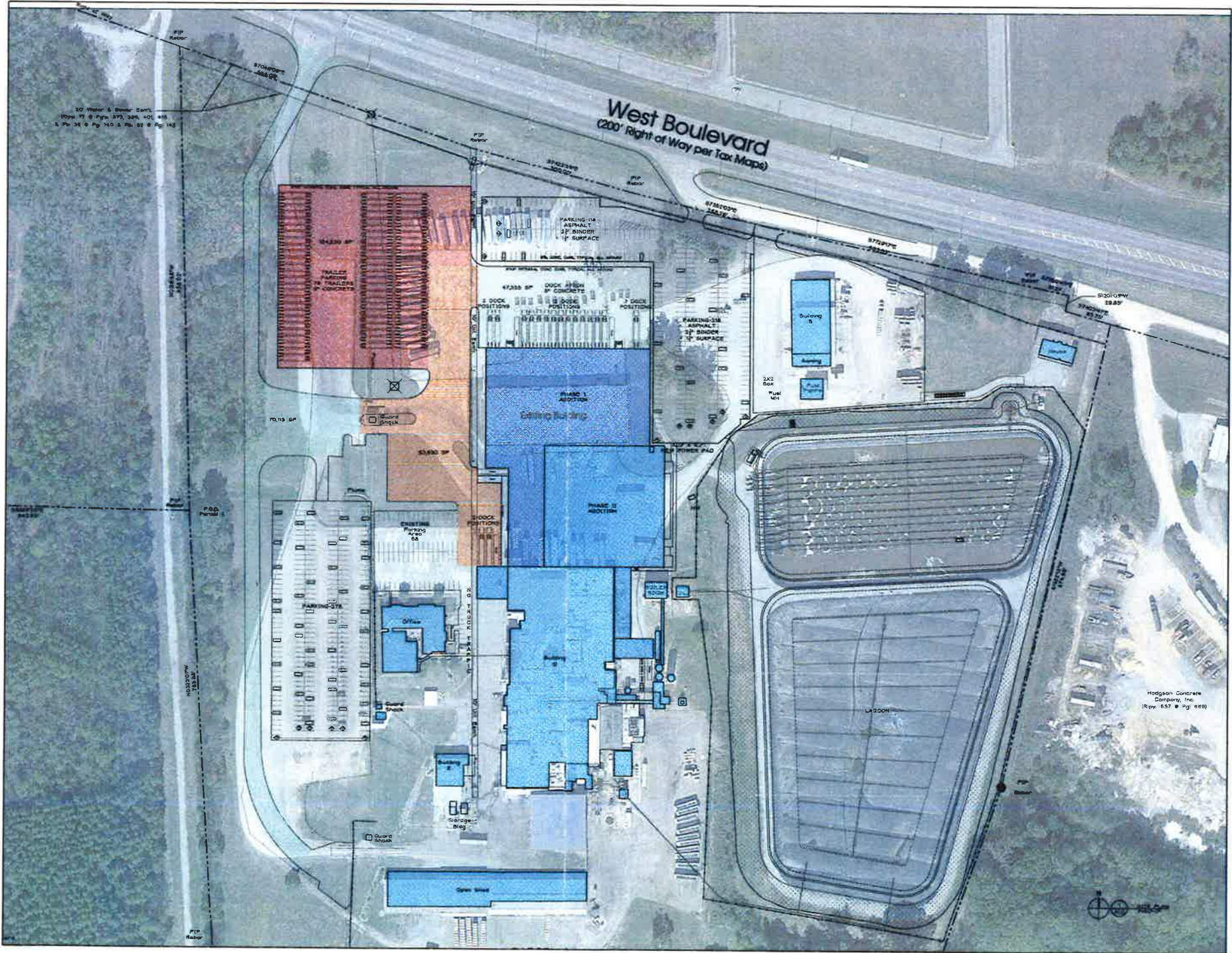
**ACTION TAKEN:** \_\_\_\_\_



Site Location 

1 inch = 1,000 feet

Item No. 6A



66b



PROJECT: KOCH FOODS  
3500 WEST BLVD  
MONTGOMERY, ALABAMA

DRAWING: SITE PLAN

UNITE INSULATED STRUCTURES CORP.  
10115  
2013

THESE DRAWINGS ARE PREPARED BY  
UNITE INSULATED STRUCTURES CORP.  
A PROFESSIONAL ENGINEERING FIRM  
REGISTERED IN THE STATE OF ALABAMA  
AND SHALL BE USED IN ACCORDANCE WITH  
THE ALABAMA PROFESSIONAL ENGINEERING  
ACT OF 1901 AS AMENDED



DATE: 08/23/2015 11:59 AM  
DRAWING: SITE PLAN

A1.0



Site Location

1 inch = 500 feet

Item No. 6C

7. BD-1987-028 **PRESENTED BY:** Mike Preskitt

**REPRESENTING:** Alabama Hospital Association

**SUBJECT:** Request a front yard variance for a new ID sign to be located at 509 Oliver Road in an O-1 (Office) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to install a sign that will come within 1 ft. of the front property line, whereas 20 ft. is required. All other requirements will be met.

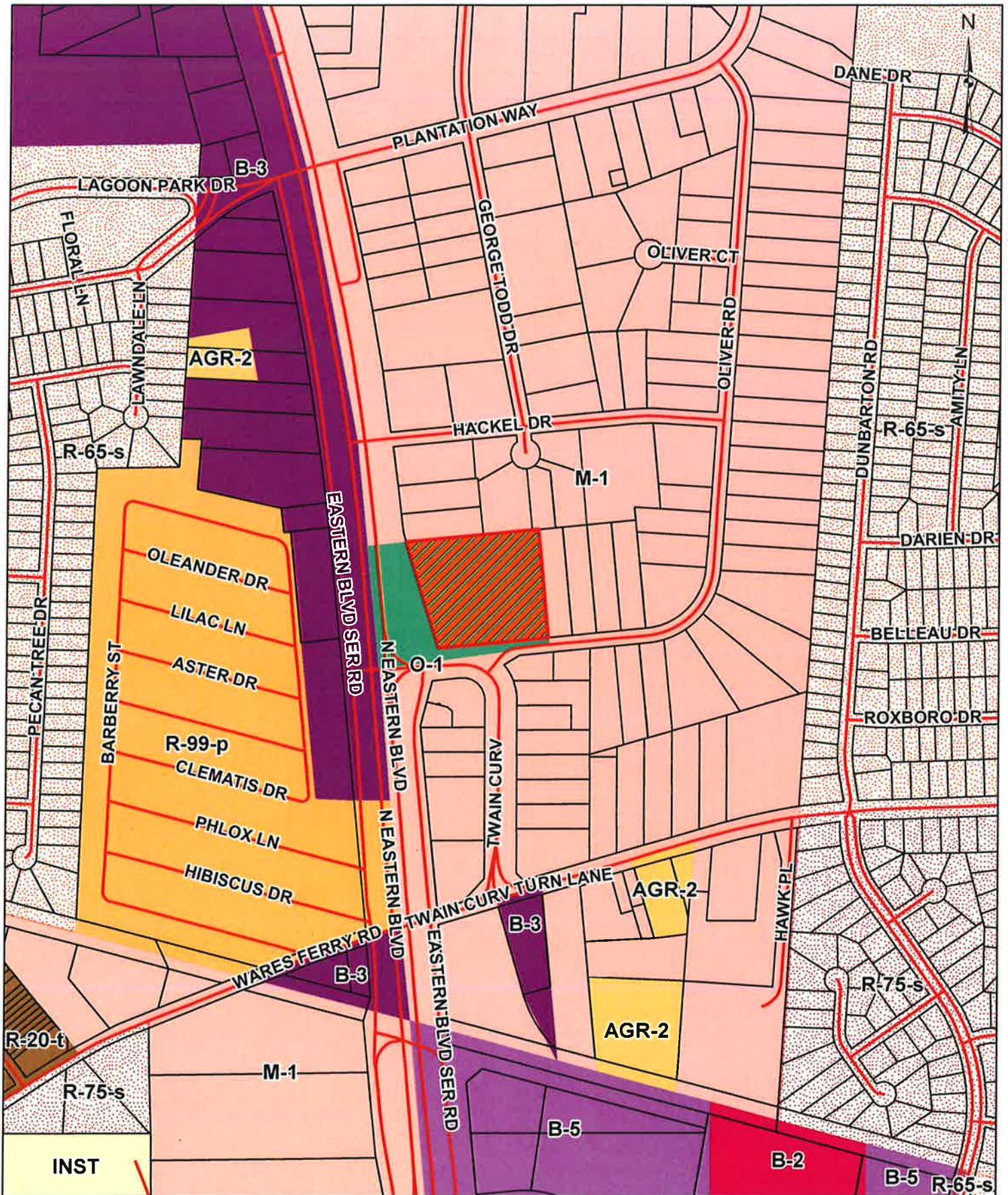
*The request is a 19 ft. front yard variance.*

**COUNCIL DISTRICT:** 2

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

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

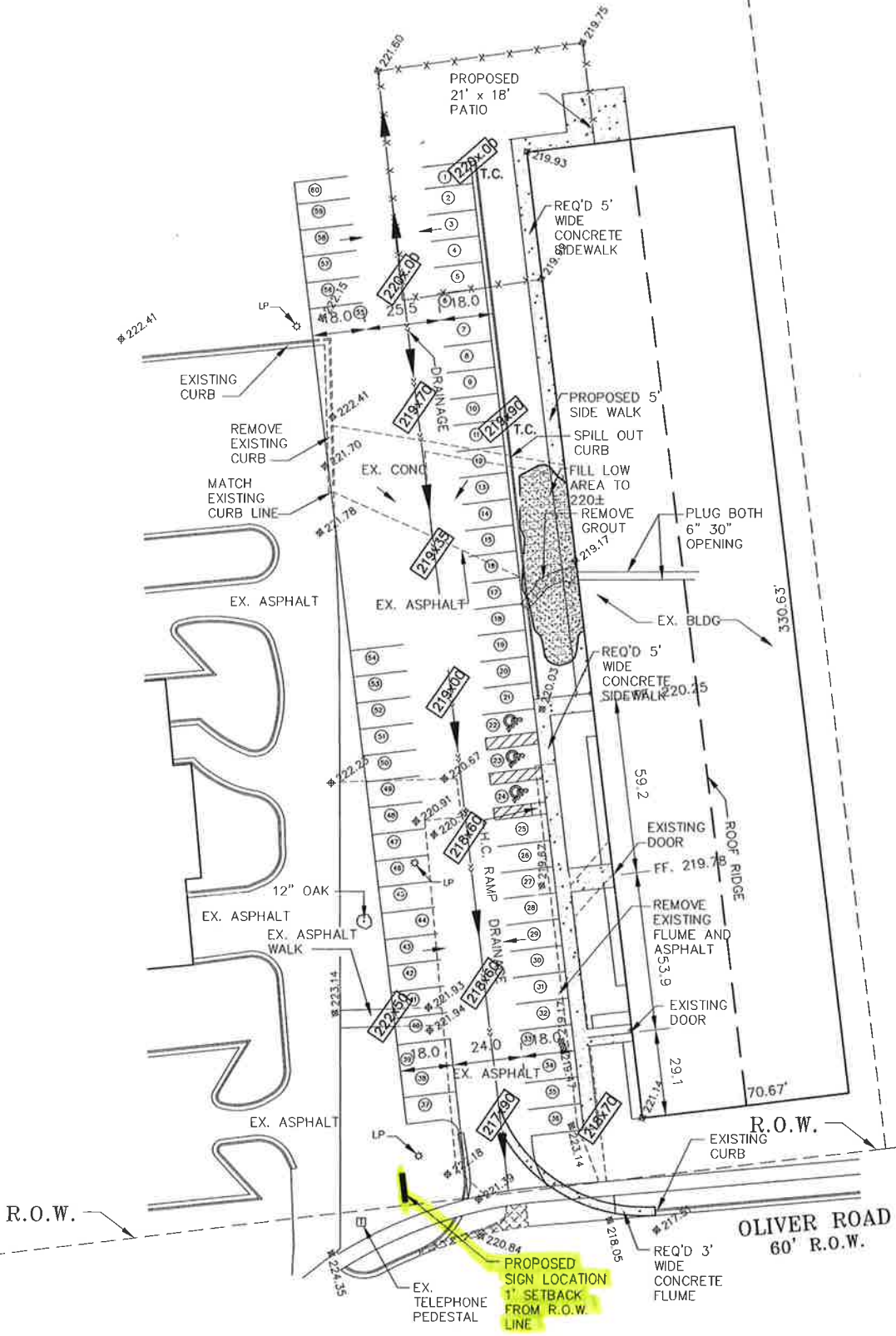




Site Location 

1 inch = 500 feet

Item No. 7A



7B



Site Location

1 inch = 100 feet

Item No. 7C

8. BD-2016-004 **PRESENTED BY:** Michael Williams

**REPRESENTING:** Same

**SUBJECT:** Request a front yard variance and a lot area variance for a new duplex to be located at 718 Central Street in an R-60-d (Duplex Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a new duplex on a 4,600 sq. ft. lot, whereas 8,700 sq. ft. is required, and to come within 14 ft. of the front property line, whereas 20 ft. is required.

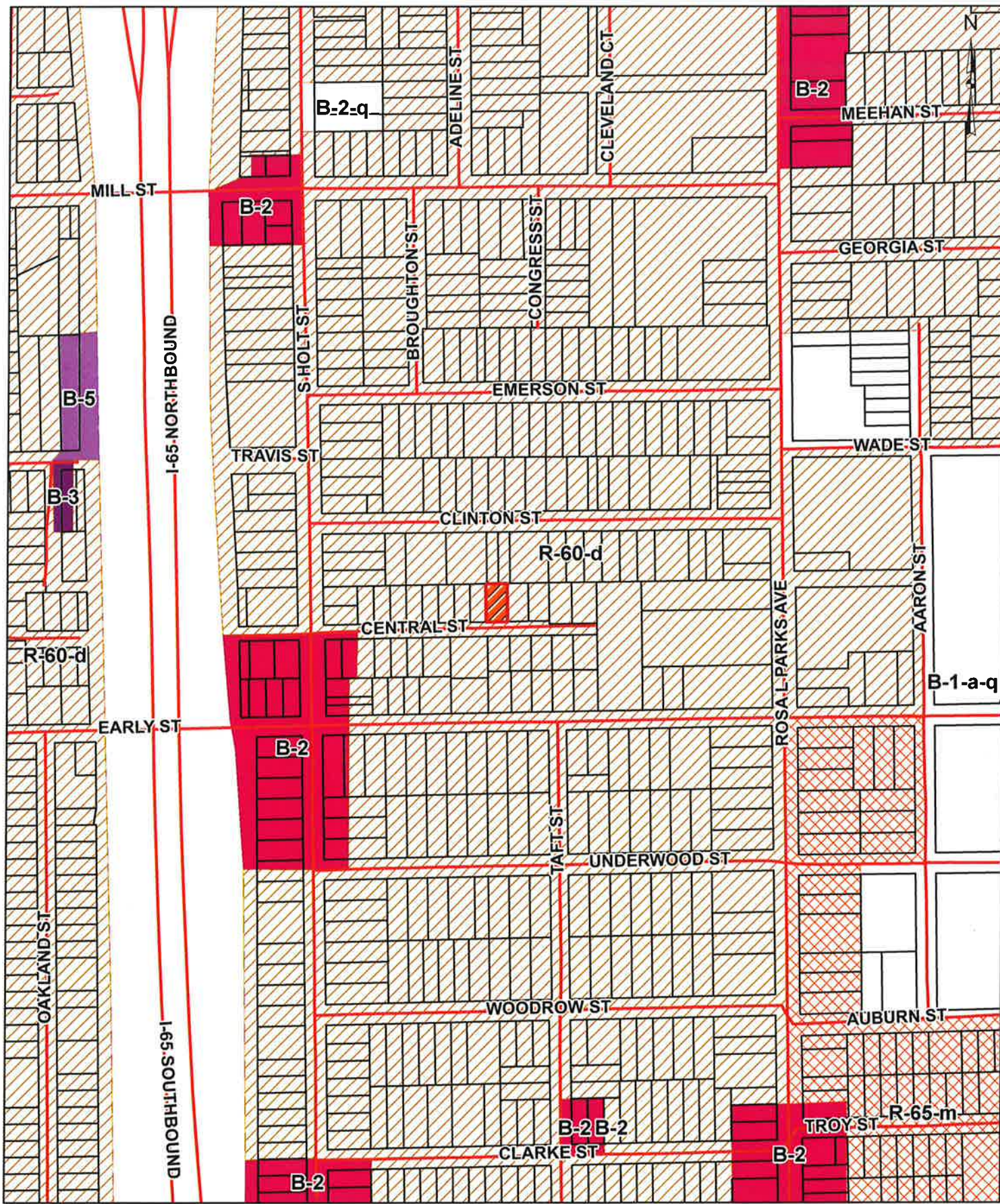
**Long Range Planning:** No objection.

*The request is a 4,100 sq. ft. lot area variance and a 6 ft. front yard variance.*

**COUNCIL DISTRICT:** 7

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

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



Site Location 

1 inch = 300 feet

Item No. 8A



Site Location 

1 inch = 30 feet

Item No. 8B