

# Board of Adjustment Agenda

March 17, 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 February 18, 2016 meeting**

**March 17, 2016**

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2016-003	Johnny Guice	R-60-d	561 Oak Street (Variances for 3 existing accessory structures)	1
2.	1982-034	Christopher Boren	R-60-s	2940 Pelzer Avenue (Privacy Fence)	2
3.	2016-007	Warren & Brenda Rudolph	R-60-d	3101 Knox Street (Church – Special Exception)	3
4.	2016-005	Joy Hawkins	R-65-s	5244 Patricia Lane (Addition to Dwelling)	4
5.	1968-109	Rennie Vainstein	R-60-m	1602 South Hull Street (Entrance Gate)	5
6.	1979-187	My Place Catering & Events	B-2	149 Eastern Boulevard (Variance to Ord. No. 17-2014)	6
7.	2016-006	Catina Thomas	B-4	3007 McGehee Road (Variance to Ord. No. 17-2014)	7
8.	2016-009	Terrie McDaniel	R-75-s	6805 Willowick Road (Chickens)	8
9.	2016-008	Joseph Taylor	AGR-1	5010 Woodley Road (Sanitary Facilities in an Accessory Structure)	9
10.	2008-042	Alycia Jeong	R-65-s	6108 Sycamore Drive (Chickens)	10
11.	2012-049	Michael Campbell	T5	263 Molton Street (Drive-Through Facility)	11
12.	2016-010	Jimmy K. Ellis	R-75-s	2045 Briar Gate Drive (Privacy Fence)	12

*The next Board of Adjustment meeting is on April 21, 2016*

1. 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.”

**COMPLAINT**

*This request was delayed at the February 18, 2016 meeting due to no one being present to present the request.*

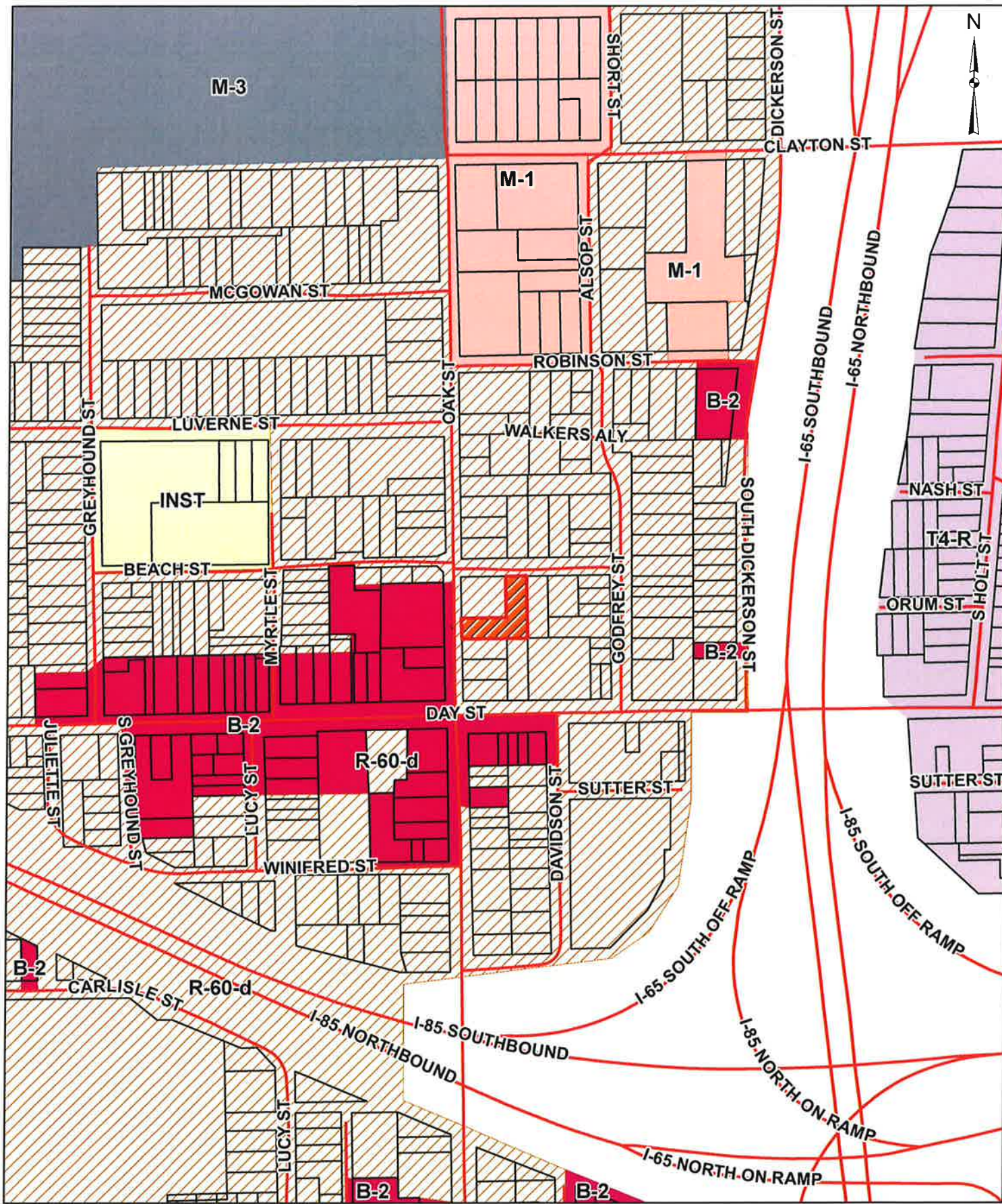
**Long Range Planning:** No objection.

*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. 1A



GARRETT ST

OAK ST

Storage bldg  
10.2x20.2

Shed  
9x18.5

Shed  
8.7x12

8 foot separation

8 foot separation

Site Location

1 inch = 30 feet

Item No. 1B

2. BD-1982-034 **PRESENTED BY:** Christopher Boren

**REPRESENTING:** Same

**SUBJECT:** Request a street side yard variance for a new privacy fence to be located at 2940 Pelzer Avenue in an R-60-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to install a new 6 ft. high privacy fence that will come to the street property line, whereas a 20 ft. street side yard is required. There is an existing privacy fence that is 5 ft. off the street side property line; however the petitioner intends on removing that fence and installing the new fence to come to the Marlborough Street property line and will encompass the accessory structure at the rear property line. A 3 ft. height variance was approved by the Board of Adjustment on February 22, 1982.

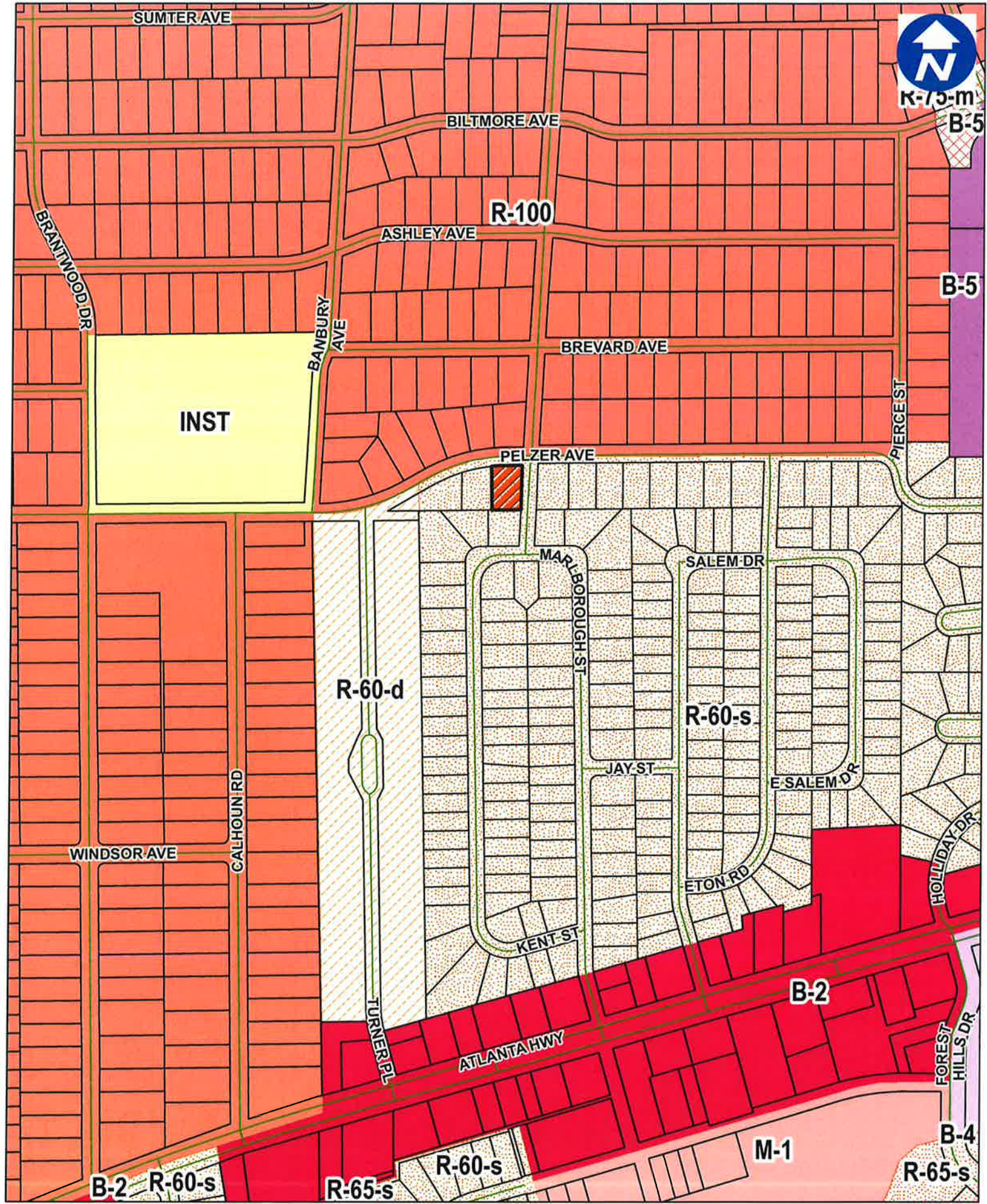
**Long Range Planning:** No objection.

*The request is a 20 ft. street side yard variance.*

**COUNCIL DISTRICT: 2**

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

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



SITE 

1 inch = 400 feet

Item 2A



PELZER AVE

MARLBOROUGH ST



Proposed New Fence

SITE 

1 inch = 30 feet

Item 2B



3. BD-2016-007 **PRESENTED BY:** Warren & Brenda Rudolph

**REPRESENTING:** Same

**SUBJECT:** Request a special exception for church use in a building located at 3101 Knox Street in an R-60-d (Duplex Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to use an existing building for church services. There are two (2) structures on this property (3101 & 3107 Knox Street). The structure on the east side of the property is the location of the proposed church. Mrs. Rudolph's mother lives in the other structure at 3107 Knox Street. If approved, the property will be required to be replatted for each structure to be on a separate lot. There are currently 5 members, which require 1 parking space. There are at least 3 spaces available in the front/side; however there is space in the rear to create more parking if needed.

Hours of Services

Sunday: 10:00 a.m. – 12:30 p.m.

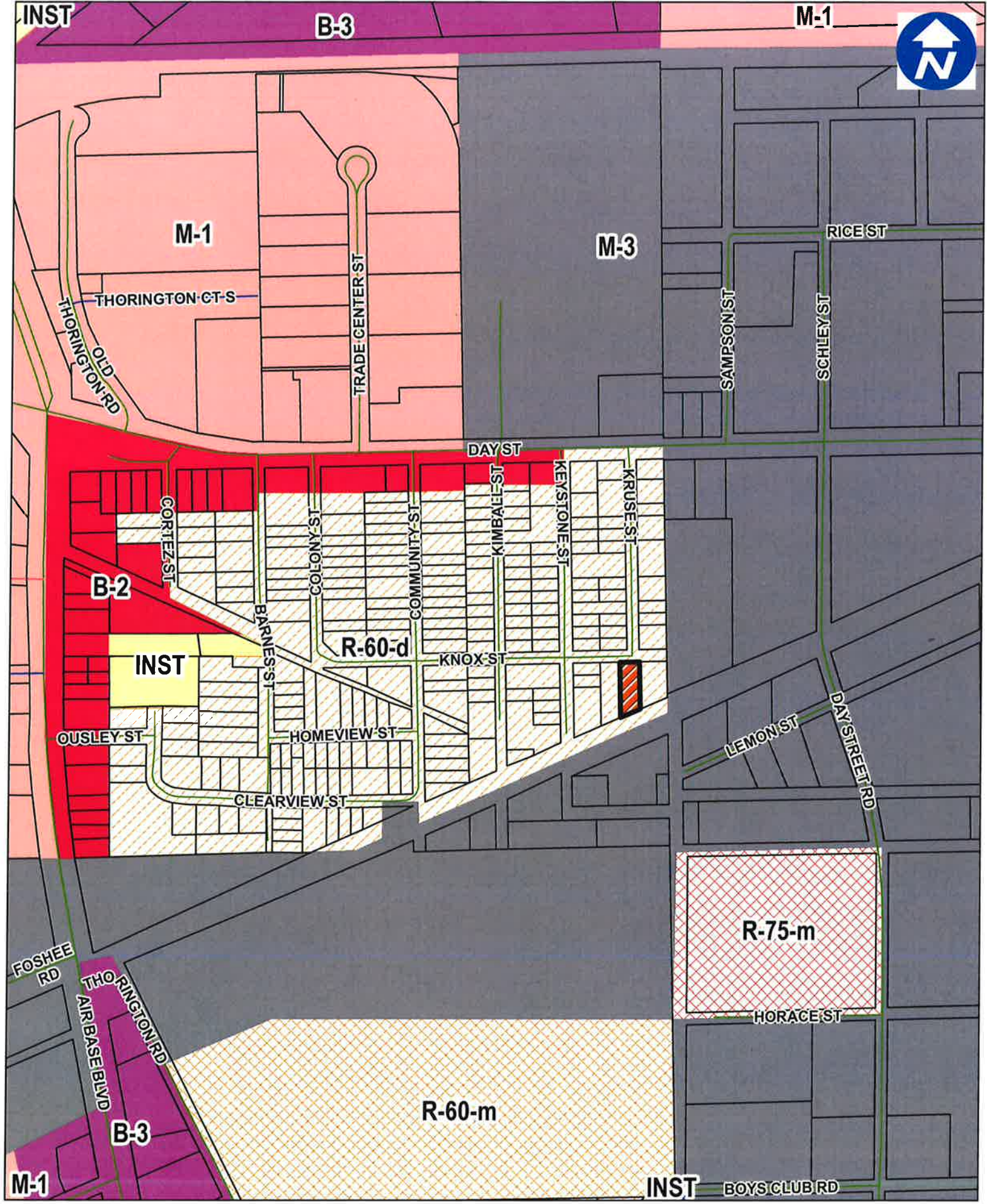
Wednesday: 6:00 p.m. – 7:00 p.m.

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

**COUNCIL DISTRICT: 4**

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

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



SITE 

1 inch = 400 feet  
 Item 3A



3101 Knox St. is the building for proposed church services



Structure to be used for proposed church

SITE 

1 inch = 50 feet  
Item 3C

4. BD-2016-005 **PRESENTED BY:** Joy Hawkins

**REPRESENTING:** Same

**SUBJECT:** Request a side yard variance for an addition to a dwelling located at 5244 Patricia Lane in an R-65-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct an addition that will come to the side property line, whereas 10 ft. is required. There used to be a carport in this location; however it has been removed due to damage. The petitioner would like to construct the addition in the same location, which will be enclosed. There was no approval on file for the carport that was removed; therefore they are required to request the variance.

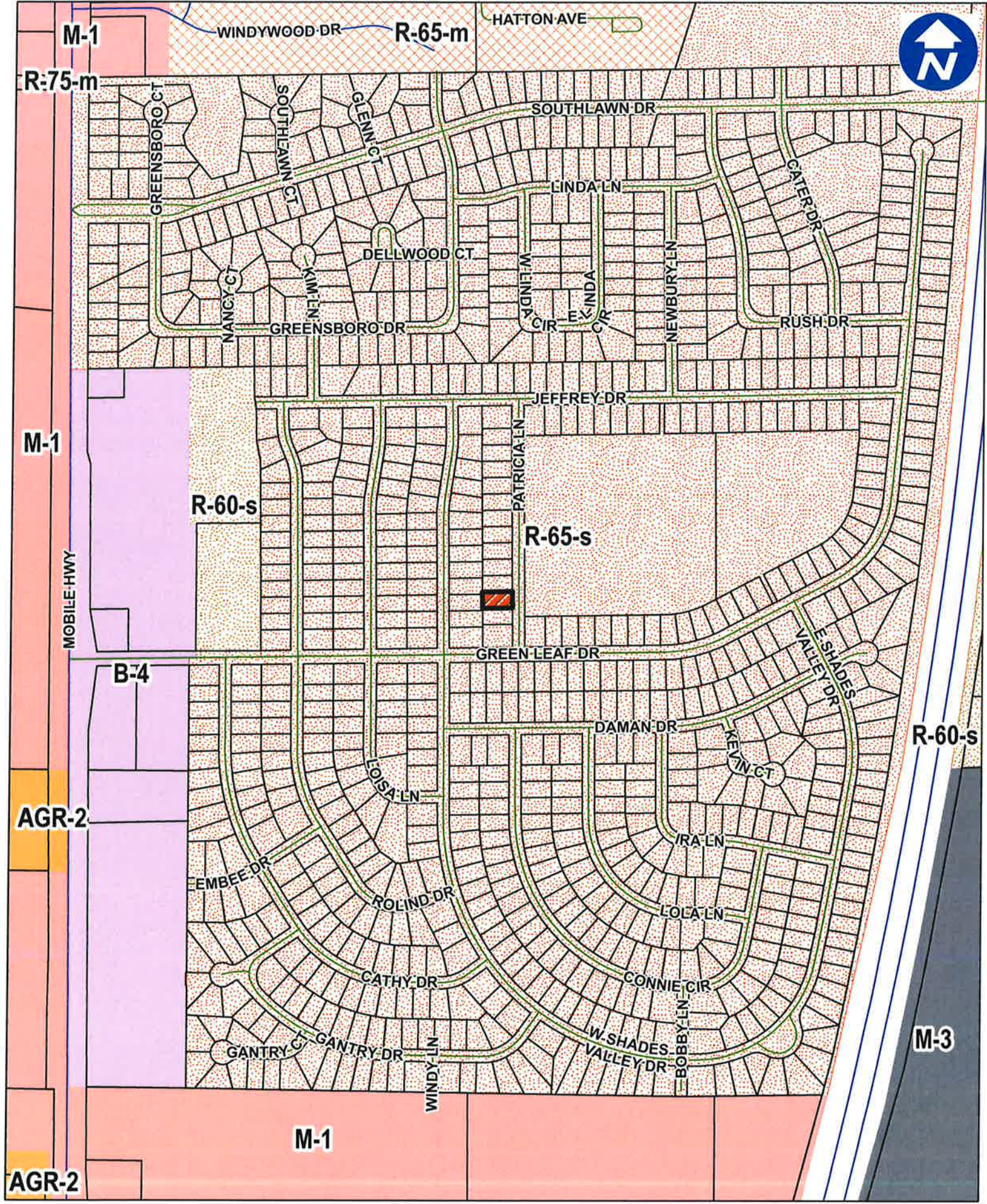
**Planning Controls Comment(s):** If approved, gutters and downspouts will be required to direct the drainage from adjoining properties.

*The request is a 10 ft. side yard variance.*

**COUNCIL DISTRICT:** 4

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

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



SITE 

1 inch = 500 feet

Item 4A



Proposed Addition

PATRICIA LN

SITE 

1 inch = 30 feet  
Item 4B

5. BD-1968-109 **PRESENTED BY:** Rennie Vainstein

**REPRESENTING:** Trinity Presbyterian Church

**SUBJECT:** Request a special exception for church use, a height variance, and a setback variance for an entrance gate to be located at 1602 South Hull Street in an R-60-m (Multi-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a brick and wrought iron gate that will come to the South Hull Street and Clanton Avenue property lines, whereas 35 ft. is required from all property lines. The proposed gate will be 5 ft. 9 in. in height, whereas 3 ft. is allowed. This lot is part of the church complex; however at this time the lot will be used as a park.

The Architectural Review Board approved the gate at the January 26, 2016 meeting.

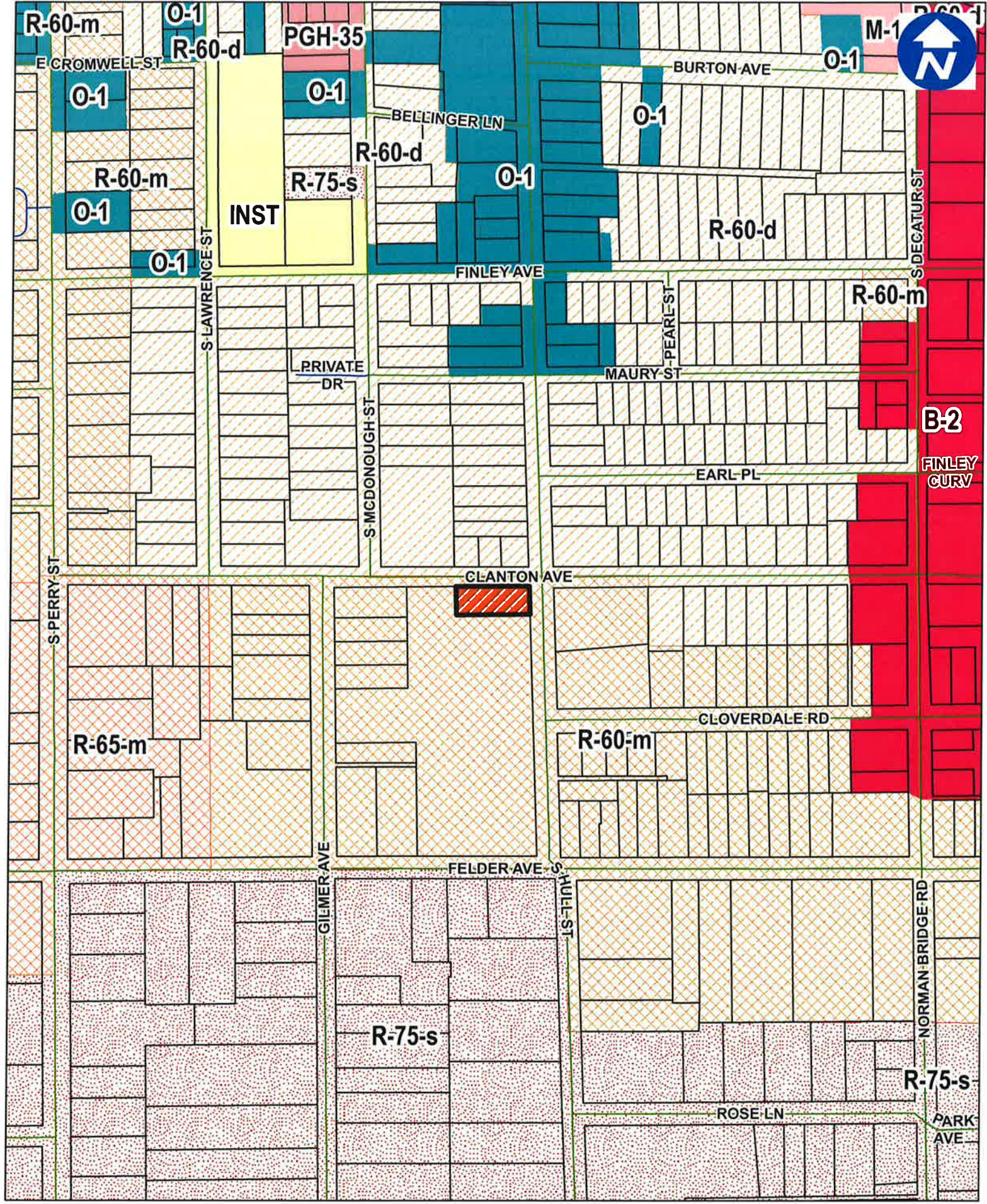
*The variances requested are a 35 ft. setback variance and a 2 ft. 9 in. height variance.*

**COUNCIL DISTRICT: 3**

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

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



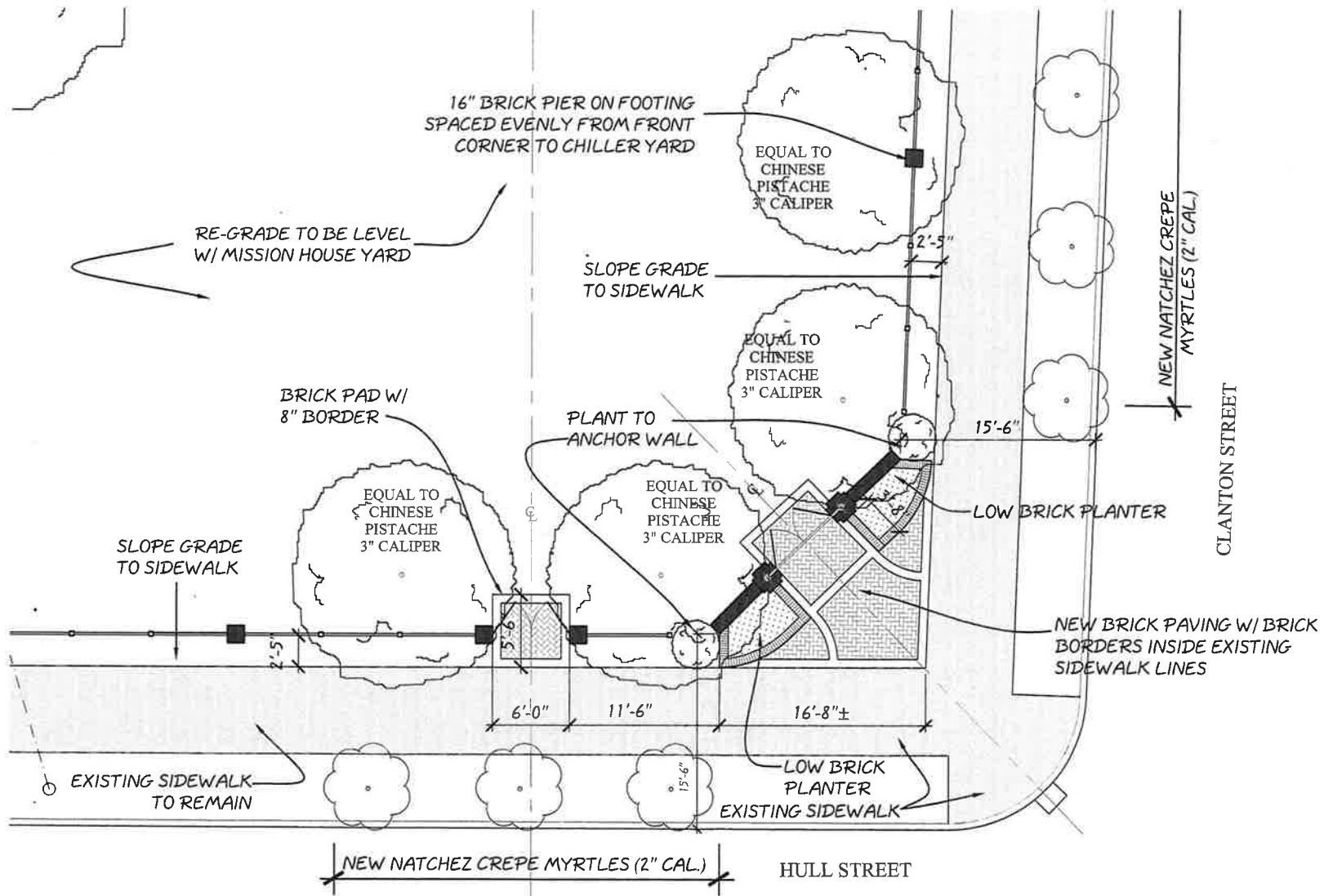


SITE 

1 inch = 300 feet

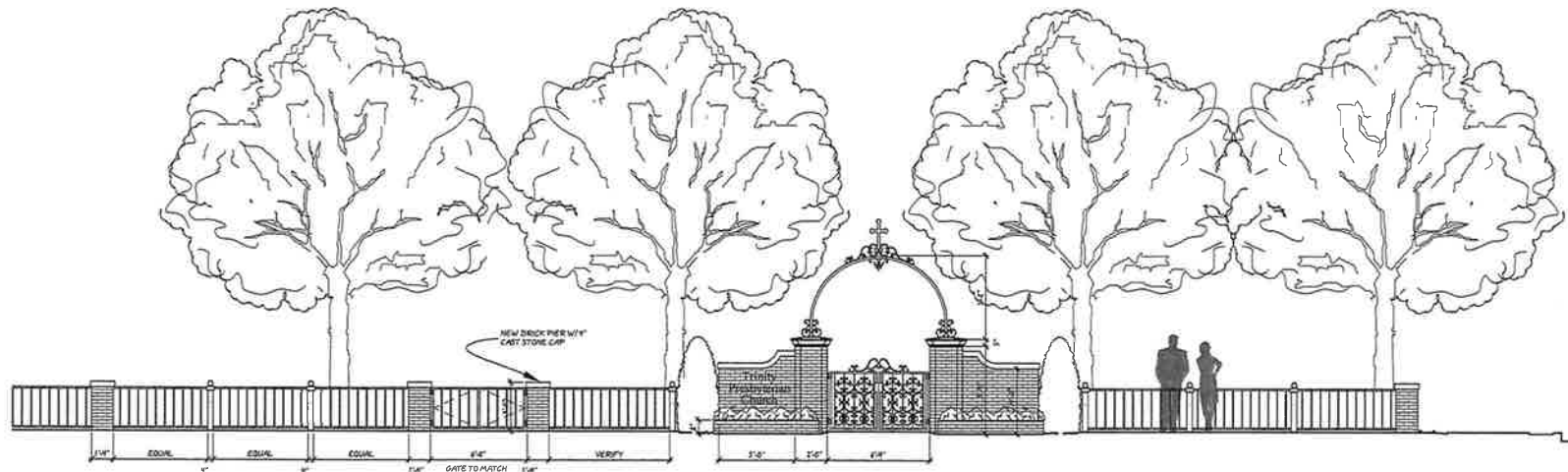
Item 5A





LARGE SCALE PLAN @ CORNER GATE

1/8" = 1'-0"



FLAT ELEVATION VIEW @ HULL & CLANTON 3/20/14

A CORNER PARK FOR  
**Trinity Presbyterian Church**  
 MONTGOMERY, ALABAMA

5D

**ALTERNATE**

METAL WORK @ TOP OF GATE PIERS & METAL ARCH AND CROSS TO BE PRICED AS AN ALTERNATE. PIERS TO BE CONSTRUCTED WITH APPROPRIATE STEEL SUPPORT TO ALLOW FOR FUTURE ADDITION OF ARCH & METAL WORK.

**NOTES**

ALL BRICK PIERS TO BE AS EVENLY SPACED AS POSSIBLE ALONG EACH SIDE OF PARK.

METAL FABRICATOR TO PROVIDE SHOP DRAWINGS FOR NEW ARCH @ GATE, GATES & FOR RAILING PANEL. VERIFY DIMENSIONS IN FIELD. METAL COMPONENTS OF NEW GATE TO MATCH EXISTING GATE @ PARKING & SERVICE YARD.

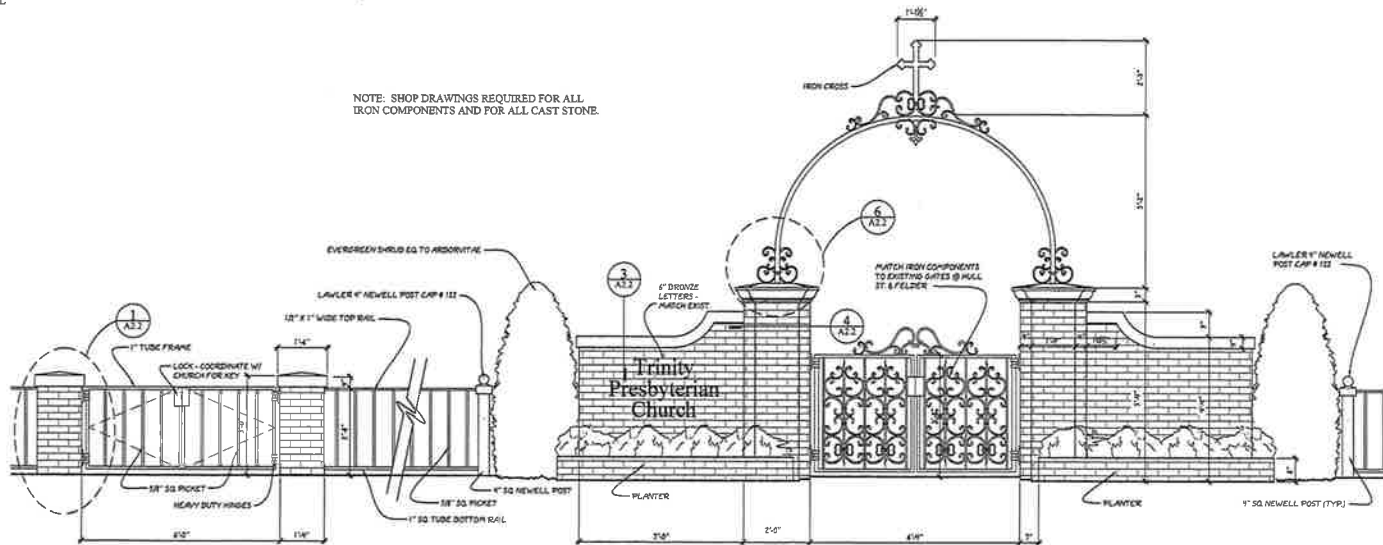
PIERS @ MAIN GATE TO BE CONSTRUCTED WITH STEEL BRACING/SUPPORT FOR METAL ARCH.

COLOR OF ALL ORNAMENTAL METAL RAILINGS & GATES METAL TO MATCH EXISTING RAILING COLOR. ALL METAL COMPONENTS TO BE TREATED W/ RUST INHIBITOR, PAINTED & SEALED TO PREVENT RUST. CONTRACTOR TO PRICE OUT POWDER COAT AS AN OPTION.

ALL BRICK IN PIERS & WALLS TO MATCH EXISTING BRICK @ WALLS & GATES FROM 2007 CONSTRUCTION. PAVERS TO MATCH EXISTING PAVERS @ 2007 CONSTRUCTION. CONTRACTOR TO CONSTRUCT UP TO 3 SAMPLE BRICK PANELS PRIOR TO COMMENCING CONSTRUCTION FOR VERIFICATION OF BRICK & MORTAR COLOR SAMPLES.

CAST STONE COLOR TO MATCH EXISTING CAST STONE ON 2007 CONSTRUCTION. PROVIDE SAMPLES OF CAST STONE COLOR FOR APPROVAL.

NOTE: SHOP DRAWINGS REQUIRED FOR ALL IRON COMPONENTS AND FOR ALL CAST STONE.

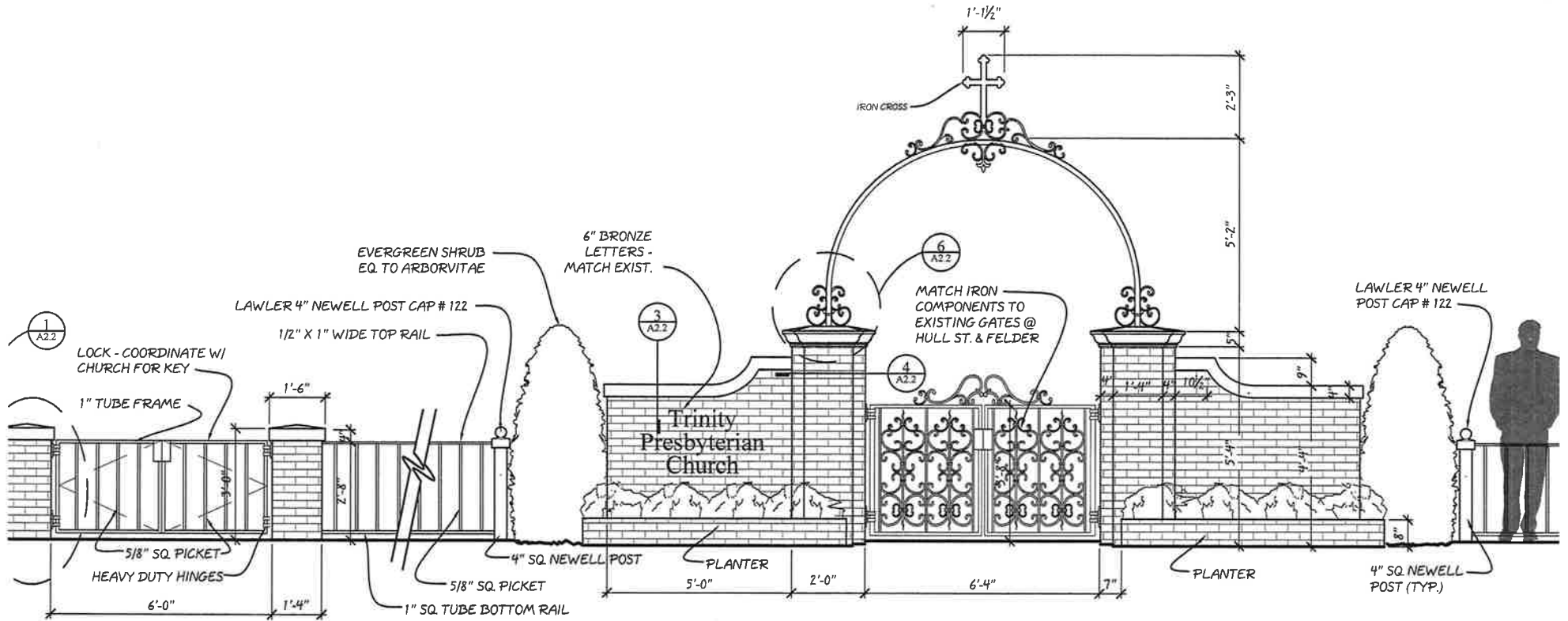


REVISIONS	
NO.	DATE
1	10/14/14
2	11/10/14
3	11/10/14
4	11/10/14
5	11/10/14
6	11/10/14
7	11/10/14
8	11/10/14
9	11/10/14
10	11/10/14

ELEVATIONS

SCALE: VARIES

A2.1  
 OF 4 SHEETS



LARGE SCALE ELEVATION @ CORNER GATE 3/8"=1'-0"

AERIAL VIEW OF 1602 SOUTH HULL STREET  
AND SURROUNDING PROPERTY



6. BD-1979-187 **PRESENTED BY:** My Place Catering & Events

**REPRESENTING:** Same

**SUBJECT:** Request a variance to Ordinance No. 17-2014 for a tenant space in a multi-tenant building located at 149 Eastern Boulevard 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 serve alcoholic beverages for some events, in conjunction with a catering business. The closest door is in a breezeway of this shopping center and does not have direct access to the rear of the building. This tenant space is 220 ft. from the nearest residential district line, whereas 250 ft. is required.

Ord. No. 17-2014

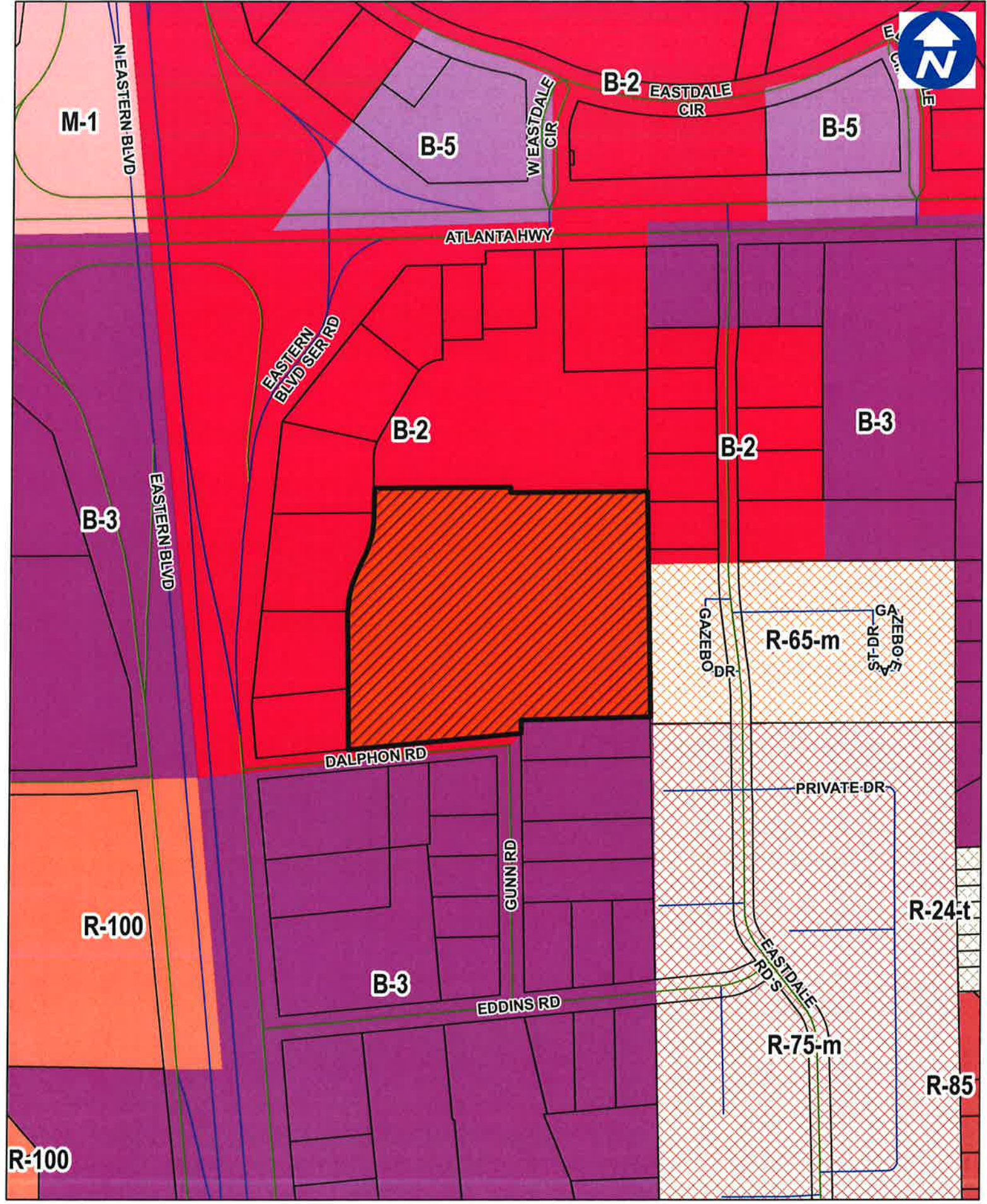
Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum 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 30 ft. variance to Ord. No. 17-2014.

**COUNCIL DISTRICT:** 9

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

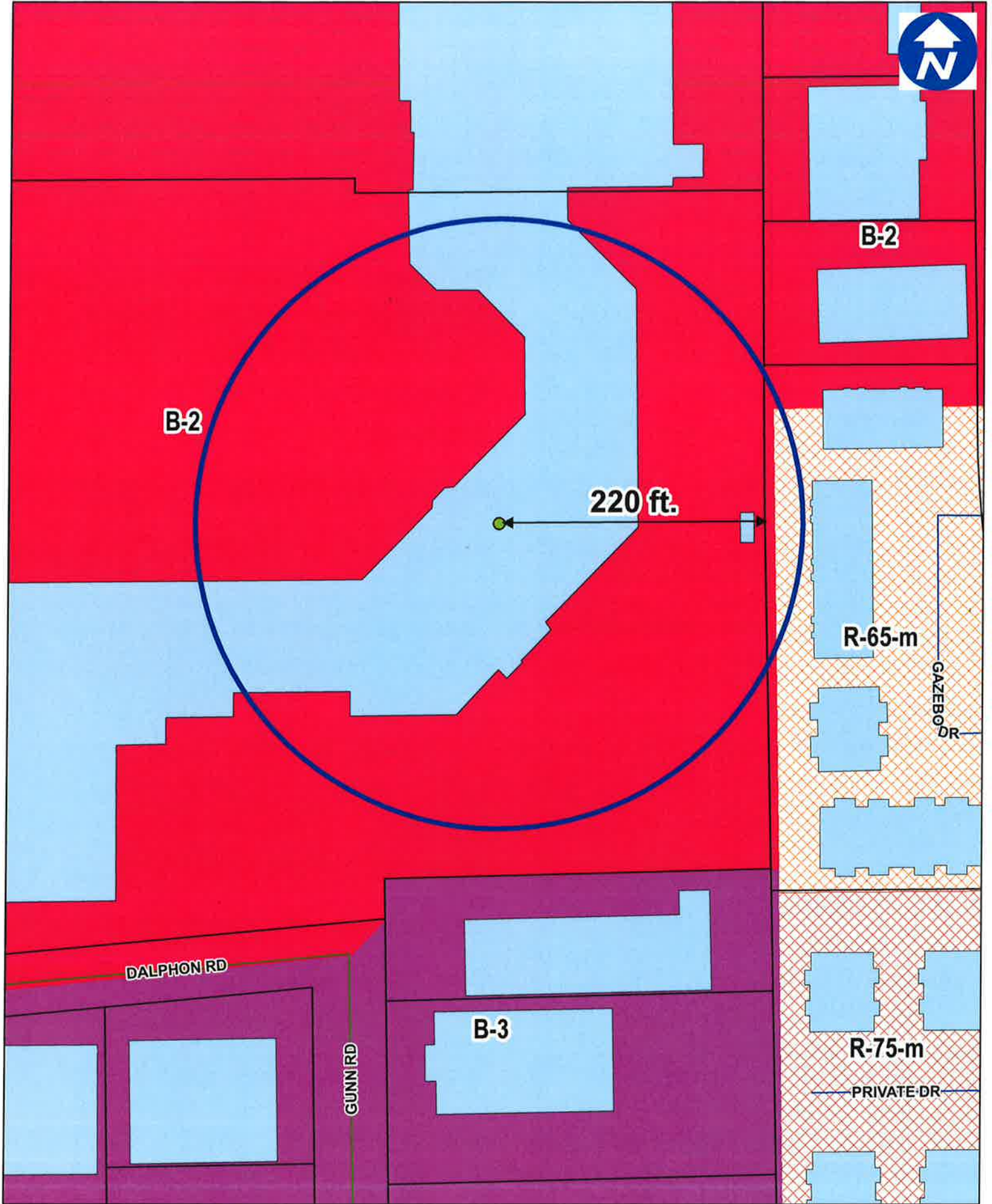
**ACTION TAKEN:** \_\_\_\_\_



SITE 

1 inch = 300 feet  
Item 6A





B-2

B-2

220 ft.

R-65-m

GAZEBO  
DR

DALPHON RD

B-3

GUNNIRD

R-75-m

PRIVATE DR

250 ft. Buffer 

1 inch = 100 feet  
Item 6B



250 ft. Buffer 

1 inch = 100 feet  
Item 6C

7. BD-2016-006 **PRESENTED BY:** Catina Thomas

**REPRESENTING:** Same

**SUBJECT:** Request a special exception for a place of assembly and a variance to Ordinance No. 17-2014 for a building located at 3007 McGehee Road in a B-4 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to operate an event center (place of assembly) that will serve alcoholic beverages at some events and is within 50 ft. of a residential boundary, whereas 250 ft. is required according to Ordinance No. 17-2014. The B-4 district requires approval for a place of assembly regardless if alcoholic beverages are served.

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 requests are a special exception for a place of assembly and a 200 ft. variance to Ordinance No. 17-2014.

**COUNCIL DISTRICT:** 4

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

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



R-75-m

CARTER HILL RD

50 ft.

Proposed Event Center

B-4

MCGEHEE RD

FISK RD

250 ft. Buffer 

1 inch = 100 feet

Item 7A



50 ft.

Proposed Event Center

MCGEHEE RD

CARTER HILL RD

FISK RD

250 ft. Buffer

1 inch = 100 feet  
Item 7B

8. BD-2016-009 **PRESENTED BY:** Terrie McDaniel

**REPRESENTING:** Same

**SUBJECT:** Request a special exception to keep chickens on the property located at 6805 Willowick Road in an R-75-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to keep 5 chickens in the back yard. The petitioner was approved to keep her chickens at her mother's house, but has since moved to this residence and would like to keep them on this property. If approved, the petitioner will maintain the existing coop in accordance with the Guidelines for Chickens. There are no roosters.

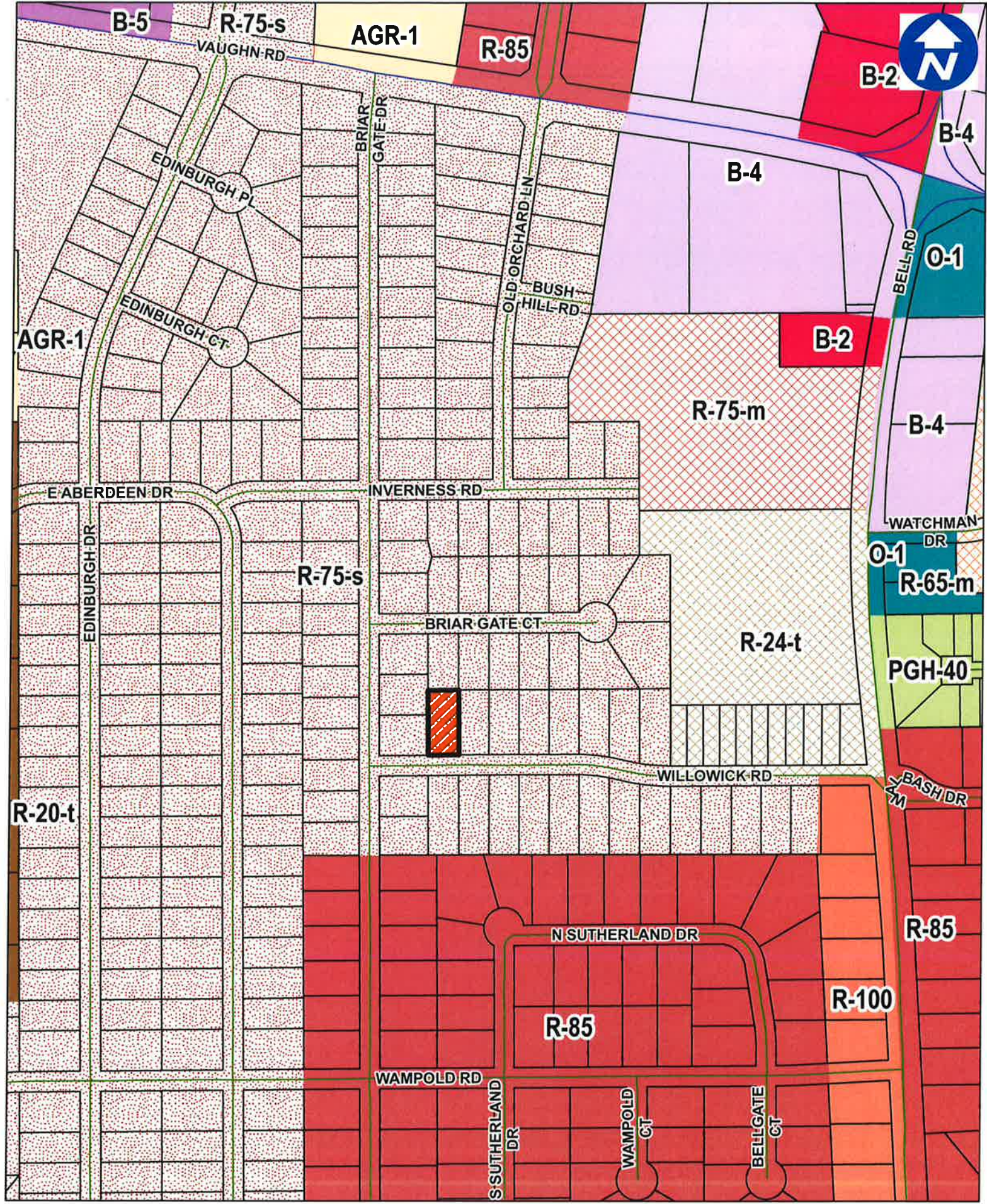
**COMPLAINT**

*The request is a special exception to keep 5 chickens.*

**COUNCIL DISTRICT: 8**

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

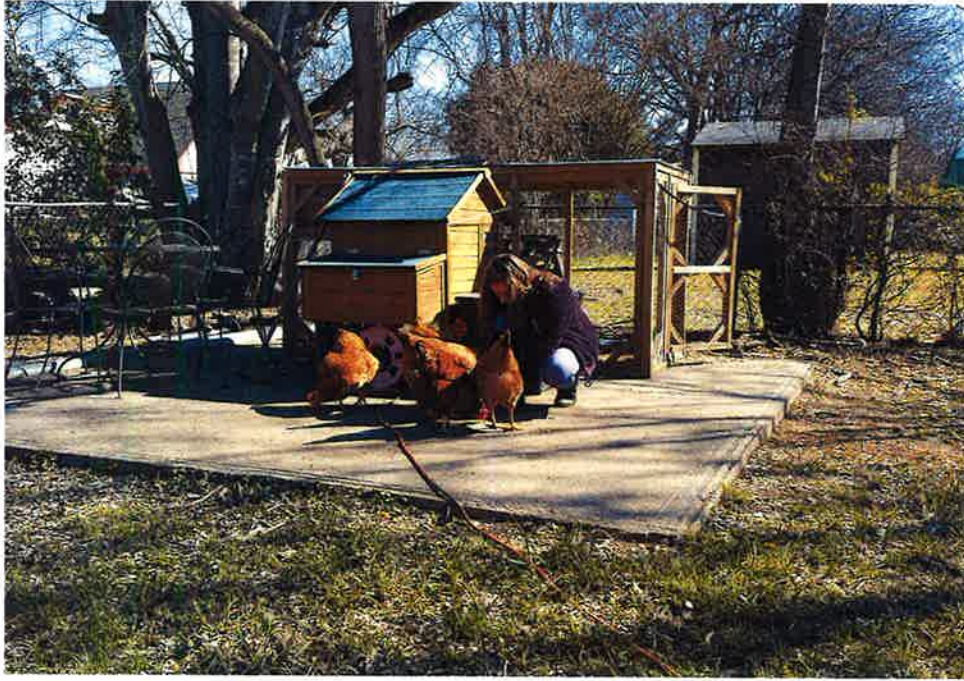
***ACTION TAKEN:*** \_\_\_\_\_



SITE 

1 inch = 300 feet

Item 8A



8B





28





Chicken Coop

WILLOWICK RD

SITE 

1 inch = 30 feet  
Item 8D

9. BD-2016-008 **PRESENTED BY:** Joseph Taylor

**REPRESENTING:** Larry Peterson

**SUBJECT:** Request a special exception for sanitary facilities in an accessory structure located at 5010 Woodley Road in an AGR-1 (Residential Agriculture) Zoning District.

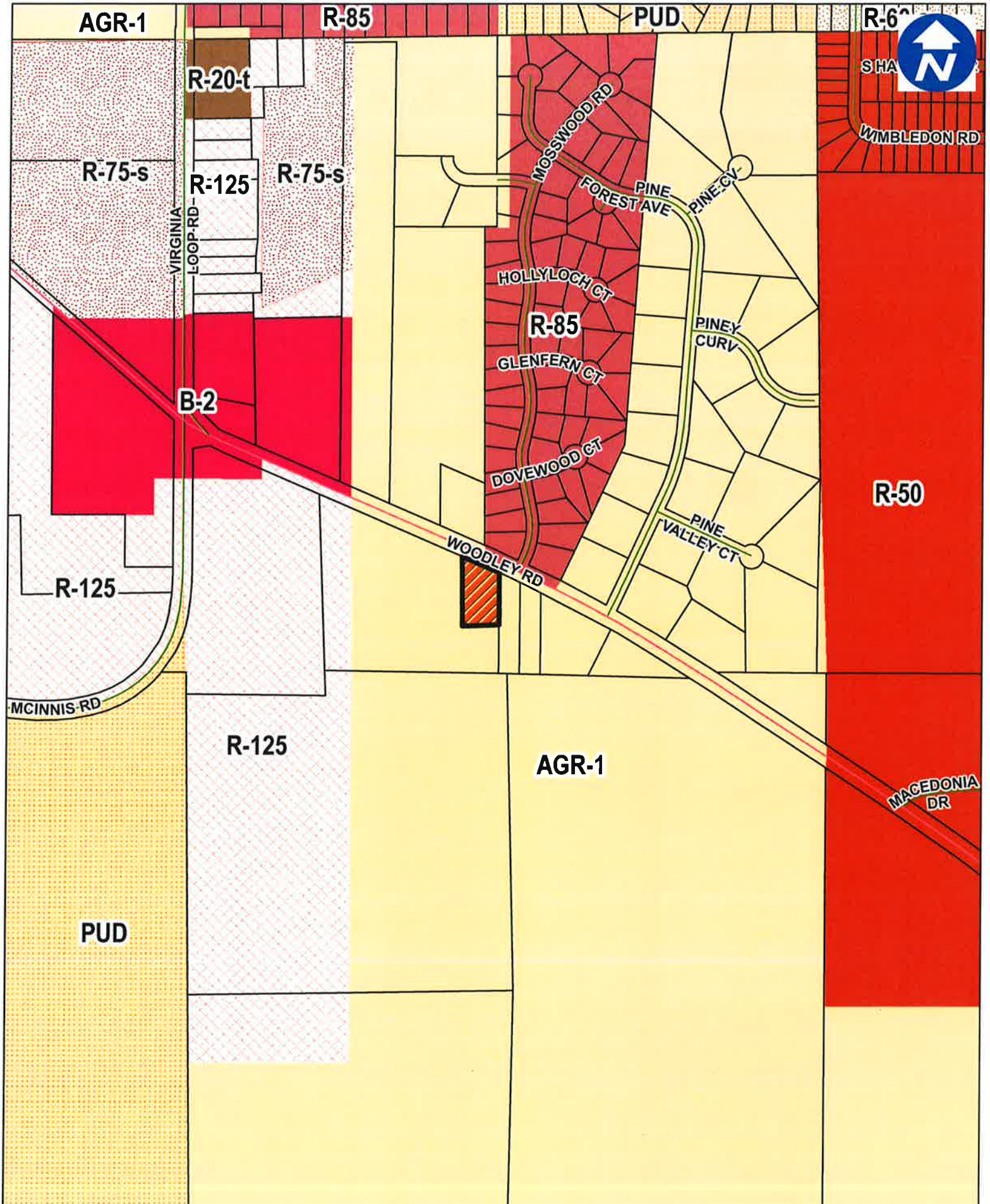
**REMARKS:** This request is being made to give the petitioner permission to install sanitary facilities for a bathroom addition to the accessory structure, which the petitioner intends to convert to a game room. The petitioner understands the accessory structure cannot be used for living purposes.

*The request is a special exception to install sanitary facilities in an accessory structure.*

**COUNCIL DISTRICT:** 6

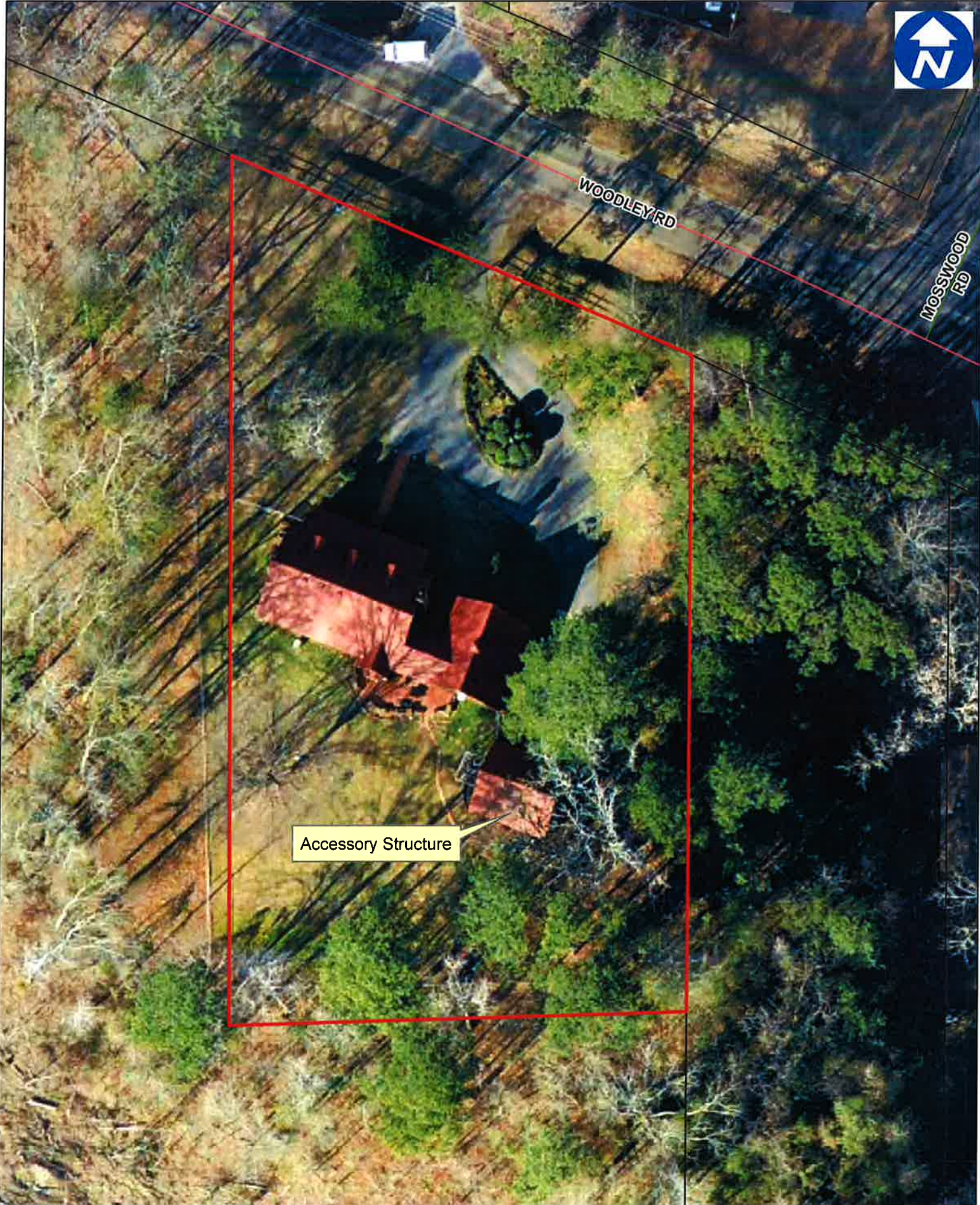
**COMMENTS** \_\_\_\_\_

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



SITE 

1 inch = 500 feet  
 Item QA



Accessory Structure

SITE 

1 inch = 40 feet  
Item 9B

10. BD-2008-042 **PRESENTED BY:** Alycia Jeong

**REPRESENTING:** Same

**SUBJECT:** Request a special exception to keep chickens on the property located at 6108 Sycamore Drive in an R-65-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to keep 4 chickens in the back yard. If approved, the petitioner will maintain the existing coop in accordance with the Guidelines for Chickens. There are no roosters.

*The request is a special exception to keep 4 chickens.*

**COUNCIL DISTRICT:** 2

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

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





Chicken Coop

SYCAMORE DR

BRINDLEY-DR

SITE 

1 inch = 30 feet

Item 10B



11. BD-2012-049 **PRESENTED BY:** Michael Campbell

**REPRESENTING:** Same

**SUBJECT:** Request an exception to SmartCode to allow a drive-through facility in a building located at 263 Molton Street in a T5 (Urban Center Zone) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to add a drive-through facility for one of the proposed tenant spaces once the building is renovated. After renovation there will be three tenant spaces and a courtyard for outdoor seating. The entrance will be from Bibb Street, circle around the building, and exit onto Molton Street. The proposed drive-through window will be for tenant space closest to Molton Street. Drive-through facilities are allowed by exception in this district.

Definition of Drive-Through/Drive-In Facility:

A place of business including drive-through banks or teller windows, drive-through eating and drinking establishments, drive-through windows at liquor or other stores, or at laundry and dry cleaning facilities, car washes, and similar facilities, but excludes automotive service stations.

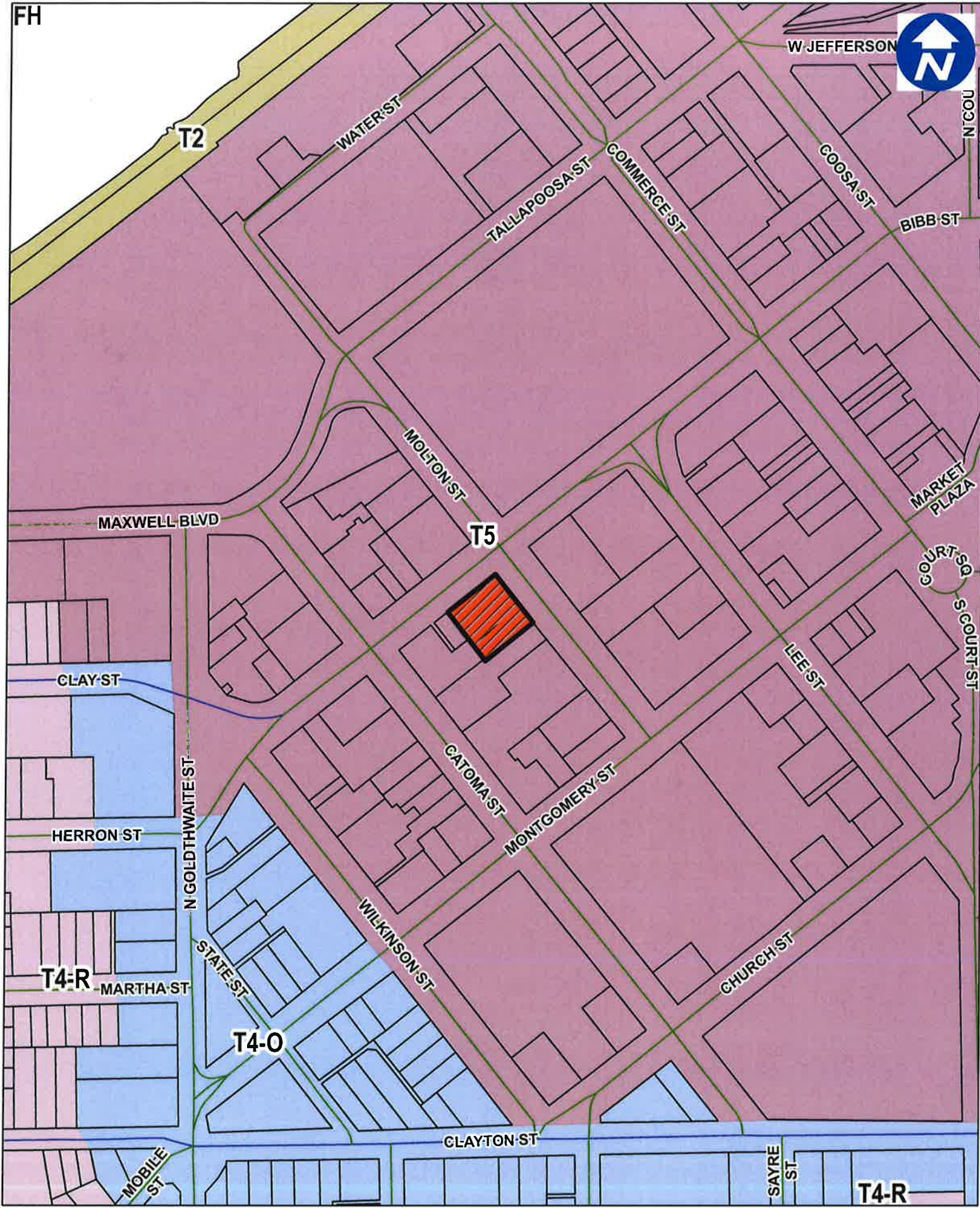
*The request is an exception to allow a drive-through facility.*

**COUNCIL DISTRICT: 3**

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

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

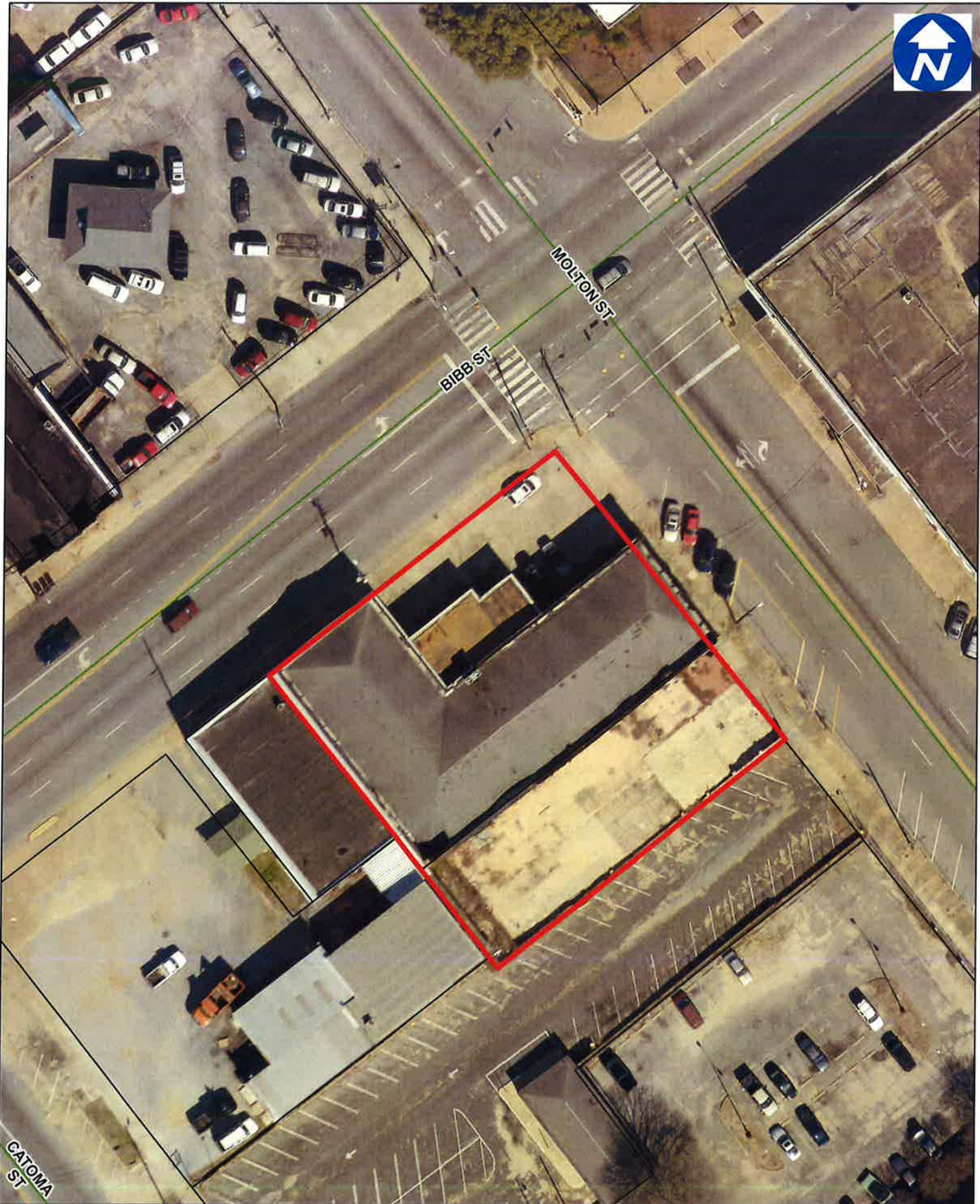
FH



SITE 

1 inch = 300 feet

Item \_\_\_\_\_



SITE 

1 inch = 50 feet  
Item 11B

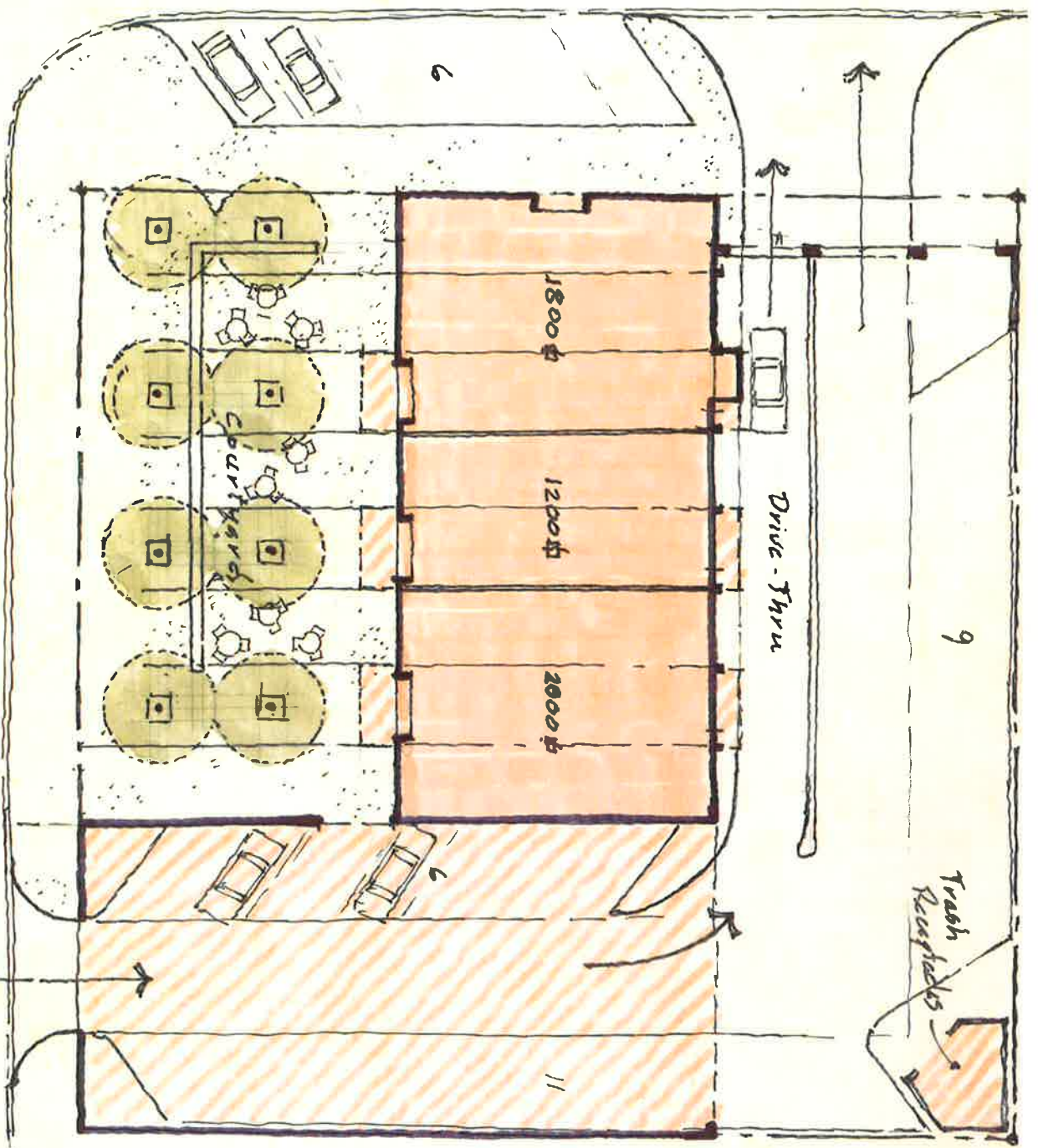
~~Molton Street~~

Proposed Site Plan



Bibb Street

Garage, 28' x 14' x 10'





Proposed Facade

12. BD-2016-010 **PRESENTED BY:** Jimmy K. Ellis

**REPRESENTING:** Same

**SUBJECT:** Request a height variance and a street side yard variance for a privacy fence to be located at 2045 Briar Gate Drive in an R-75-s (Single-Family Residential) Zoning District.

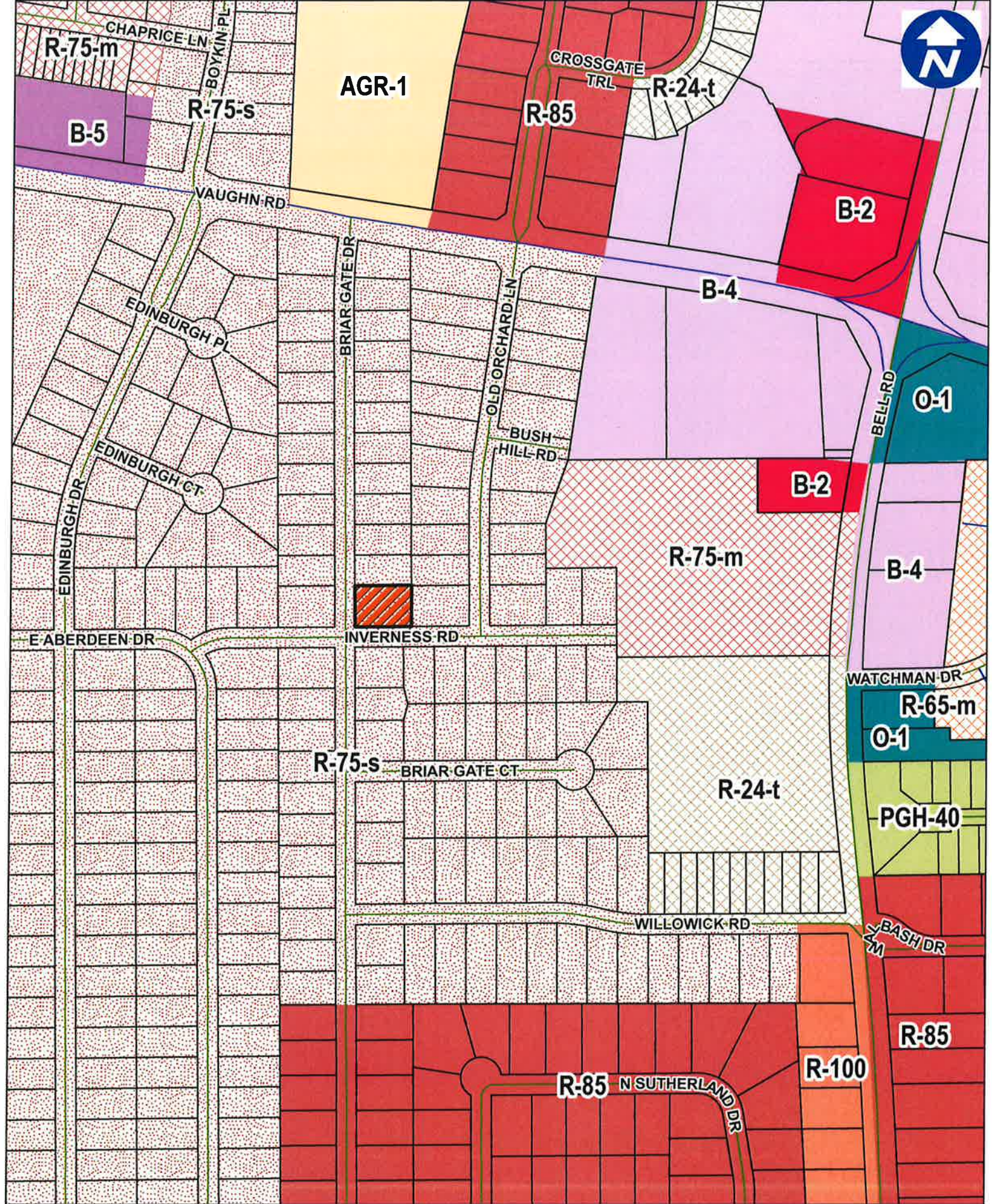
**REMARKS:** This request is being made to give the petitioner permission to construct a 6 ft. high privacy fence to come within 10 ft. of the street side property line (Inverness Road), whereas 3 ft. is allowed and a 30 ft. street side yard setback is required. There is an existing privacy fence on the property that is in line with the dwelling; however the petitioner is proposing to rebuild the fence to come closer to the street to give him more back yard.

*The request is a 3 ft. height variance and a 20 ft. street side yard variance.*

**COUNCIL DISTRICT: 8**

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

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



SITE 

1 inch = 300 feet

Item 12A



BRIAR GATE DR



Proposed Privacy Fence

INVERNESS RD

SITE 

1 inch = 30 feet  
Item 12B