

Board of Adjustment Agenda

April 21, 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

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

I. Chairman's Message

II. Approval of Minutes from the March 17, 2016 meeting

April 21, 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.	2016-007	Warren & Brenda Rudolph	R-60-d	3101 Knox Street (Church – Special Exception)	2
3.	2016-014	Michael Ware	AGR-2	Shine Drive (Mobile Home)	3
4.	2016-012	Edgardo Rodezno	AGR-1	Louis Priester Road (Mobile Home)	4
5.	2016-013	NewSouth Books	T5	105 South Court Street (Exception to SmartCode)	5
6.	1998-044	Marshall Design-Build	B-3	7125 University Court (Private School)	6
7.	2016-015	Valeta Robinson	T4-R	521 Herron Street (Exception to SmartCode)	7
8.	2016-017	Kimberly Johnson	PUD	6652 Berrydale Drive (Privacy Fence)	8
9.	2016-016	Charles Hill	B-3	711 Air Base Boulevard (Variance to Ord. 17-2014)	9

The next Board of Adjustment meeting is on May 19, 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.

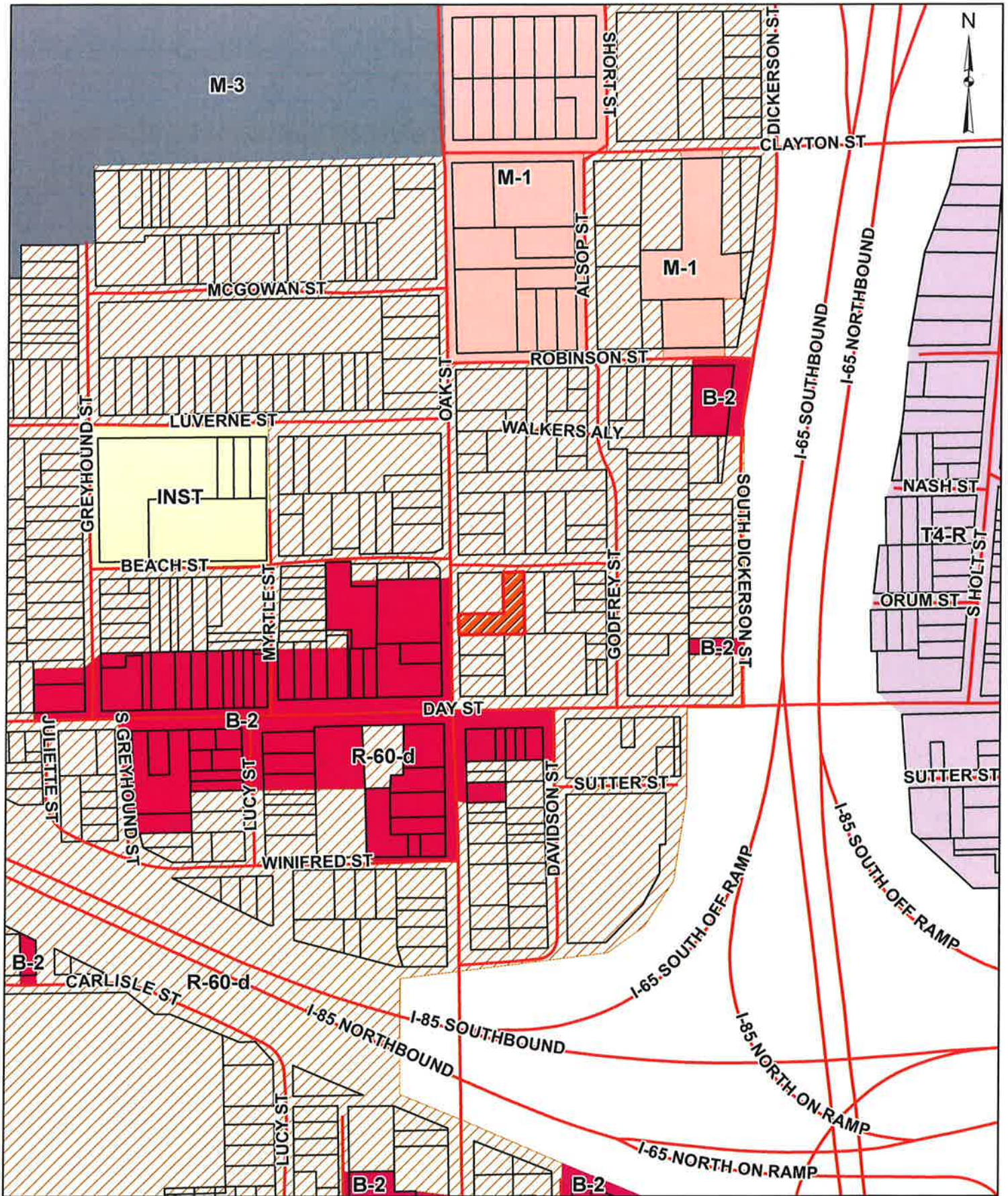
This request was delayed at the March 17, 2016 meeting to give the petitioner time to clean up the property, and remove the porta potty and stump, and to provide pictures of the progress.

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

SCHOOL

Site Location

1 inch = 30 feet

Item No. 1B

2. 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.

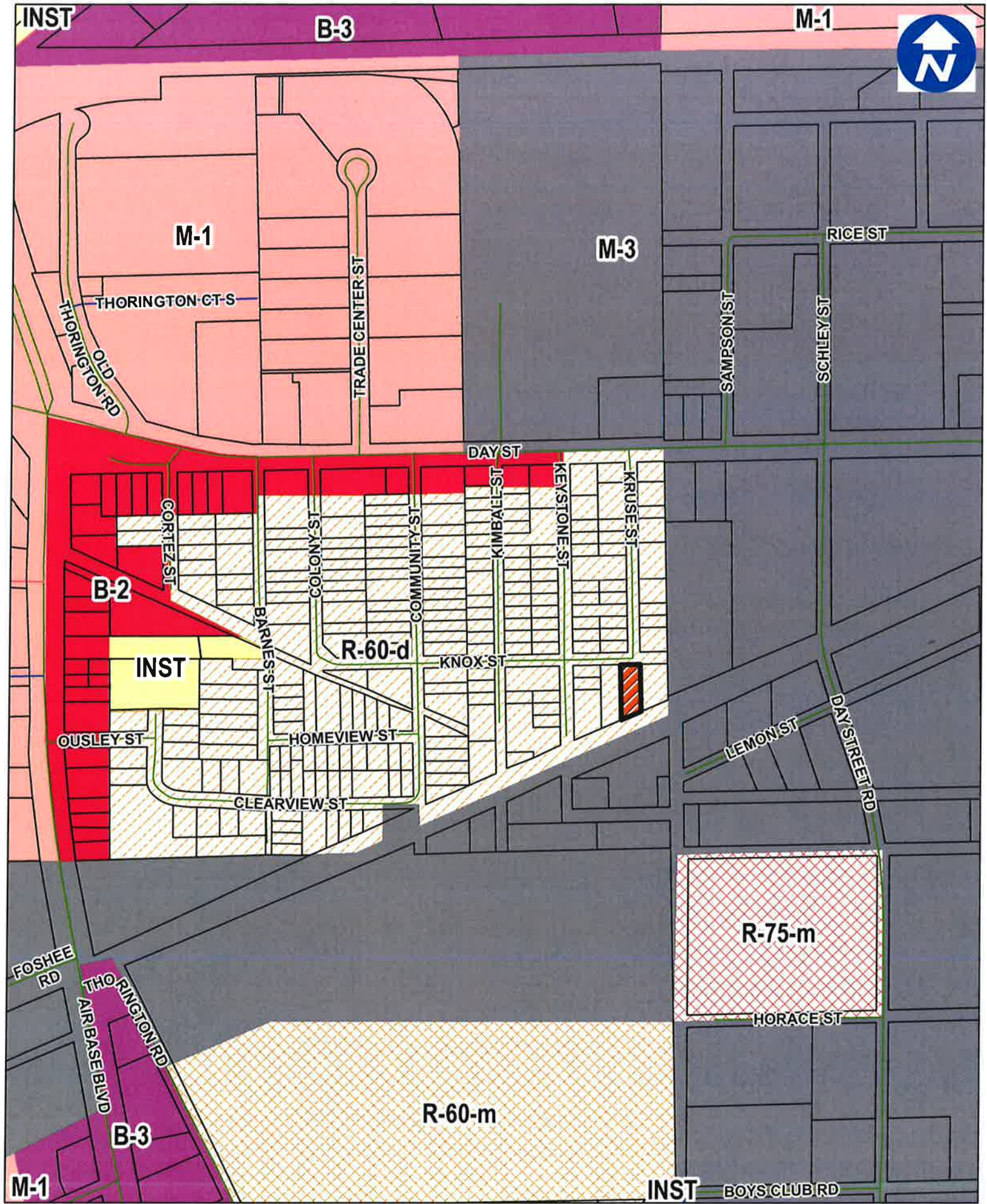
The request is a special exception for church use.

This request was delayed at the March 17, 2016 meeting so that the petitioner could meet with the homeowner's association to address parking.

COUNCIL DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 400 feet
Item 2A

2B



3101 Knox St. is the building for proposed church services



KNOX ST

KRUSE ST

KEYSTONE ST

Structure to be used for proposed church

SITE 

1 inch = 50 feet
Item 2C

3. BD-2016-014 **PRESENTED BY:** Michael Ware

REPRESENTING: Same

SUBJECT: Request a special exception for a mobile home to be located at the south end of Shine Drive in an AGR-2 (General Agriculture) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home for living purposes on a one (1) acre parcel. The existing access to the property south of this property will remain to give access to that property.

The request is a special exception for a mobile home.

COUNCIL DISTRICT: Police Jurisdiction

COMMENTS _____

ACTION TAKEN: _____



R-99-p

R-99-s

OLD WETUMPKA HWY

WATERFIELD CT

JACK DR

SHINE DR

BUTLER CT

B-2



AGR-2

RASBERRY LN

R-50

SALARY RD

FULLER RD

WILLIE WASHINGTON ST

SAVAGE DR

MARY MABSON DR

R-99-s

SITE



1 inch = 600 feet

Item 3A



Proposed Mobile Home

SITE 

1 inch = 200 feet
Item 3B

4. BD-2016-012 **PRESENTED BY:** Edgardo Rodezno

REPRESENTING: Same

SUBJECT: Request a special exception for a mobile home to be located on the north side of Louis Priester Road, approximately 500 ft. west of Red Eagle Road, in an AGR-1 (Agriculture Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to place a mobile home on the property for living purposes. The petitioner is aware that he must meet a 50 ft. setback for placement of the mobile home.

The request is a special exception for a mobile home.

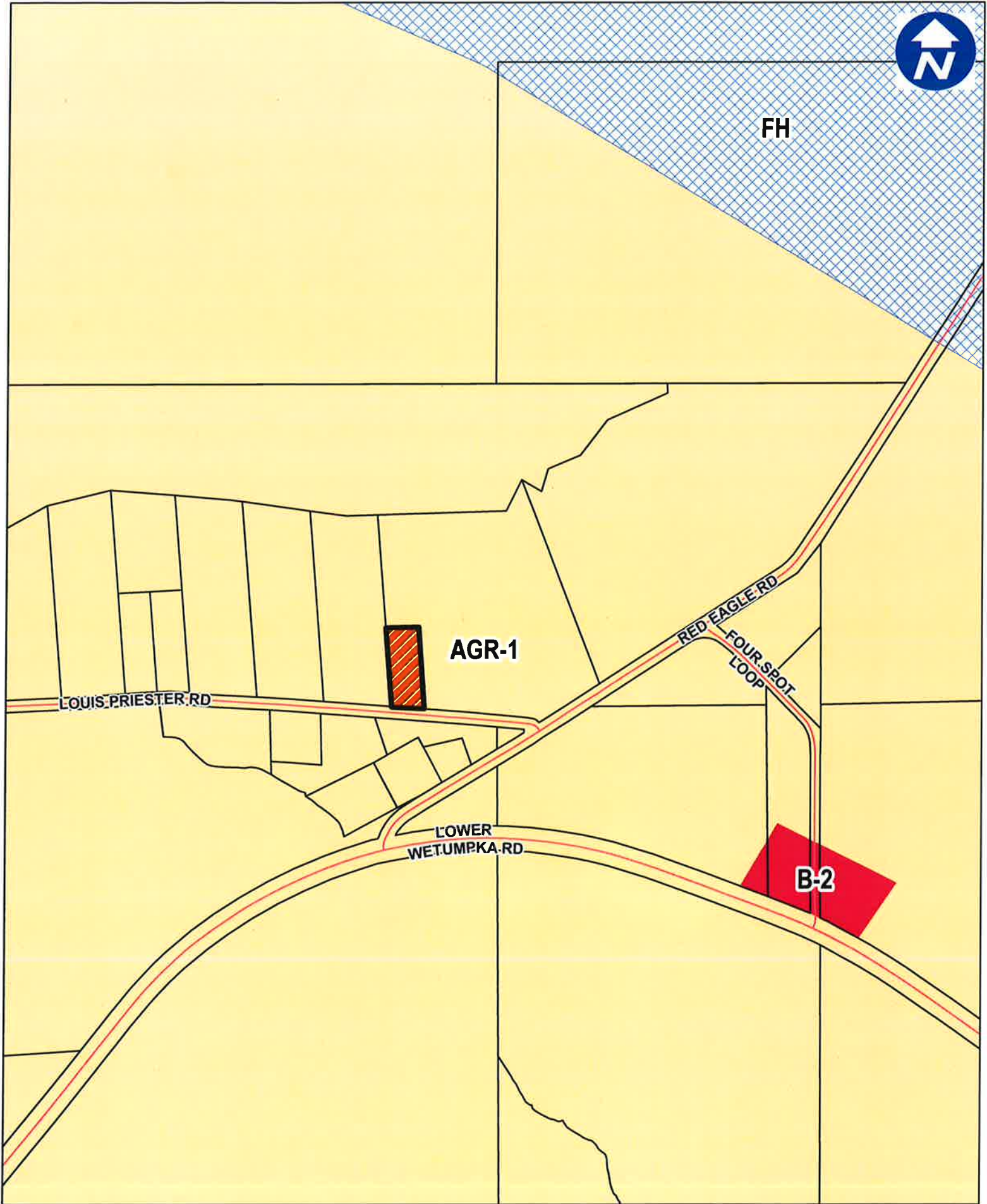
COUNCIL DISTRICT: Police Jurisdiction

COMMENTS _____

ACTION TAKEN: _____



FH



AGR-1

B-2

SITE 

1 inch = 500 feet

Item 4A



SITE 

1 inch = 200 feet

Item 4B

5. BD-2016-013 **PRESENTED BY:** NewSouth Books

REPRESENTING: Same

SUBJECT: Request an exception to SmartCode for a new ID sign to be located at 105 South Court Street in a T5 (Urban Center Zone) Zoning District.

REMARKS: This request is being made to give the petitioner permission to install a 12 ft. (height) x 6 ft. (width) sign band, whereas 3 ft. in height by any length is allowed. Due the location of the façade in relation to the curve, the petitioner would like to install the larger sign for visibility of their business. The sign will not be lit.

Long Range Planning: Object to larger sign. The purpose of SmartCode sign regulations is to de-clutter and control need for ever increasing sign sizes. This store is fortunate to have 2 sides upon which to place a sign since it is not on the corner. Traffic is slower here to navigate curve and large sign isn't necessary.

The request is an exception to allow a 12 ft. (h) x 6 ft. (w) sign band.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 100 feet

Item 5A

The NewSouth Bookstore

Best books on Alabama history,
civil rights, Civil War, Southern
history and culture, & more

12'

... and visit the

AFRIAMERI
GIFT SHOP

for African apparel, leather
goods, jewelry, & more

5B

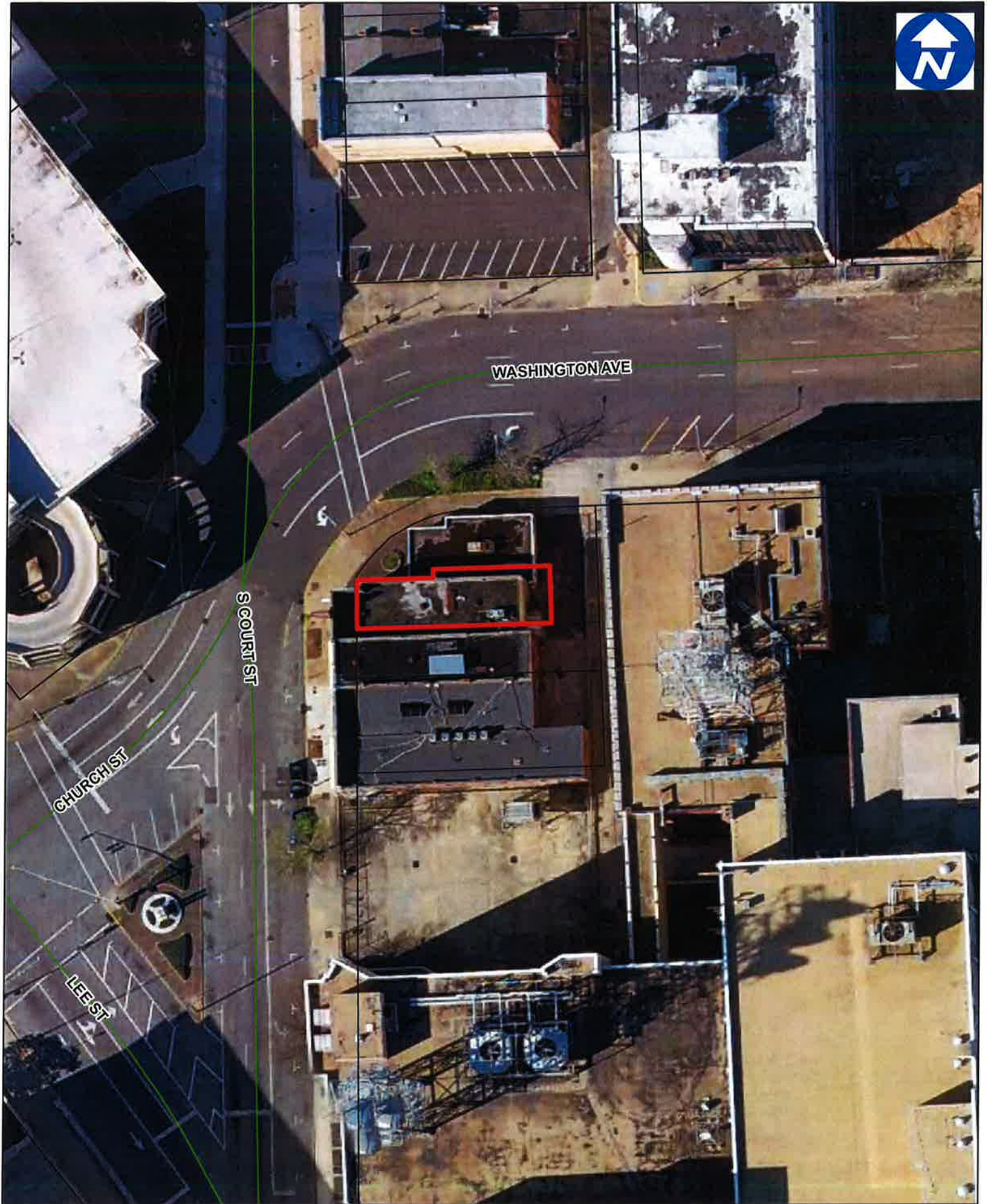
6'



Proposed location of sign







SITE 

1 inch = 50 feet
Item 5F

6. BD-1998-044 **PRESENTED BY:** Marshall Design-Build

REPRESENTING: Churchill Academy

SUBJECT: Request a special exception for a private school to be located at 7125 University Court in a B-3 (Commercial) Zoning District.

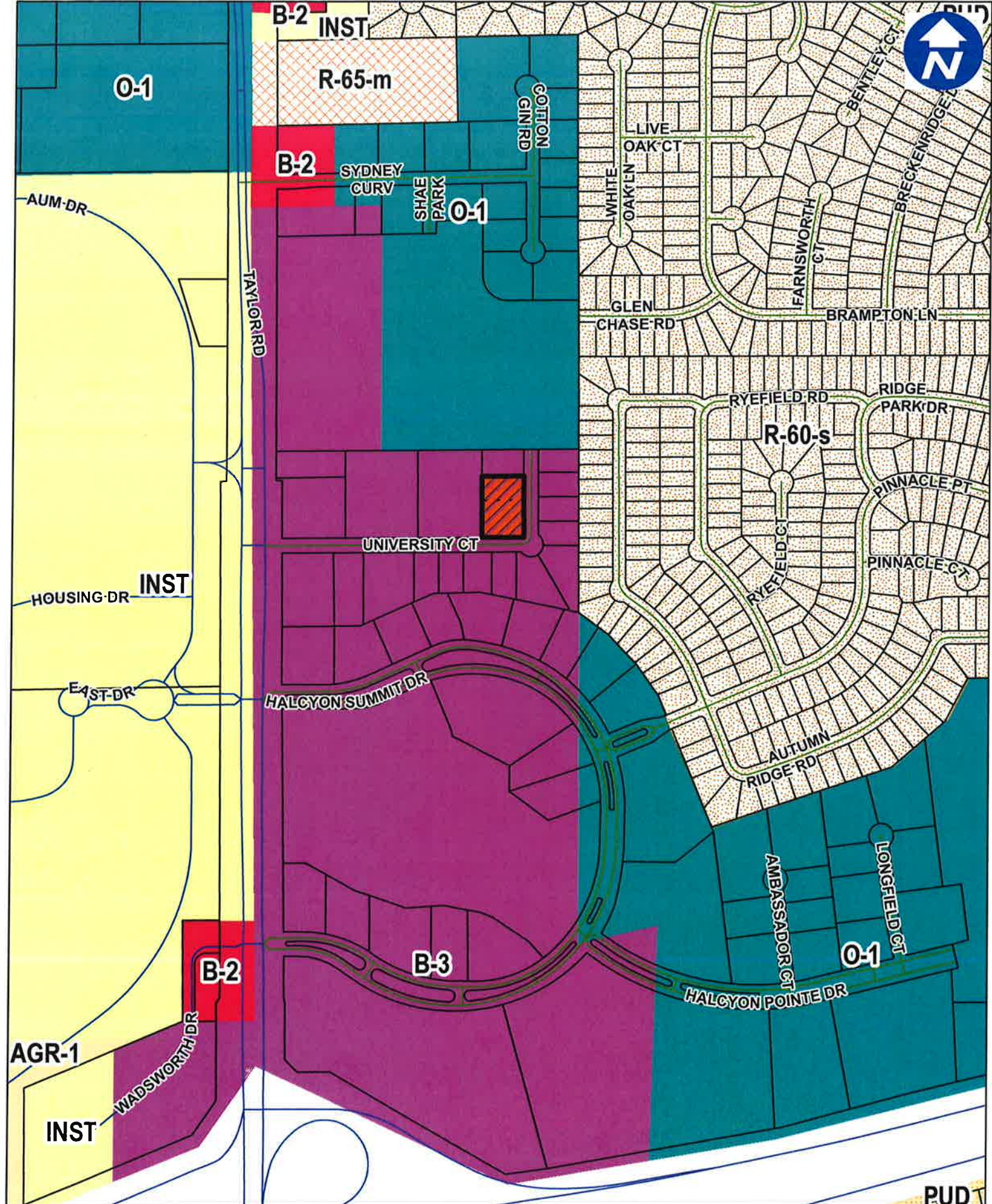
REMARKS: This request is being made to give the petitioner permission to operate a private school in an existing building. This will be an annex for the high school classes (14-18 years old). There will be 3 classrooms, with a maximum of 60 students. School hours are Monday-Friday, 7:30 a.m. – 3:30 p.m. There is adequate parking for 3 classrooms, which require 15 parking spaces; however there are at least 80 parking spaces onsite.

The request is a special exception for a private school.

COUNCIL DISTRICT: 9

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 500 feet
Item 6A



SITE 

1 inch = 60 feet
Item 6B

7. BD-2016-015 **PRESENTED BY:** Valeta Robinson

REPRESENTING: Same

SUBJECT: Request an exception to SmartCode for a beauty salon to be located at 521 Herron Street in a T4-R (General Urban Zone-Restricted) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a beauty salon, which does not meet the intent of SmartCode. Table 11 limits the use allowed in T4-R to the following:

Limited Retail: The building area available for retail use is limited to the first story of buildings at corner locations, not more than one per block, and by the requirement of 4.0 assigned parking places per 1,000 sq. ft. of retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store, or food service seating no more than 40.

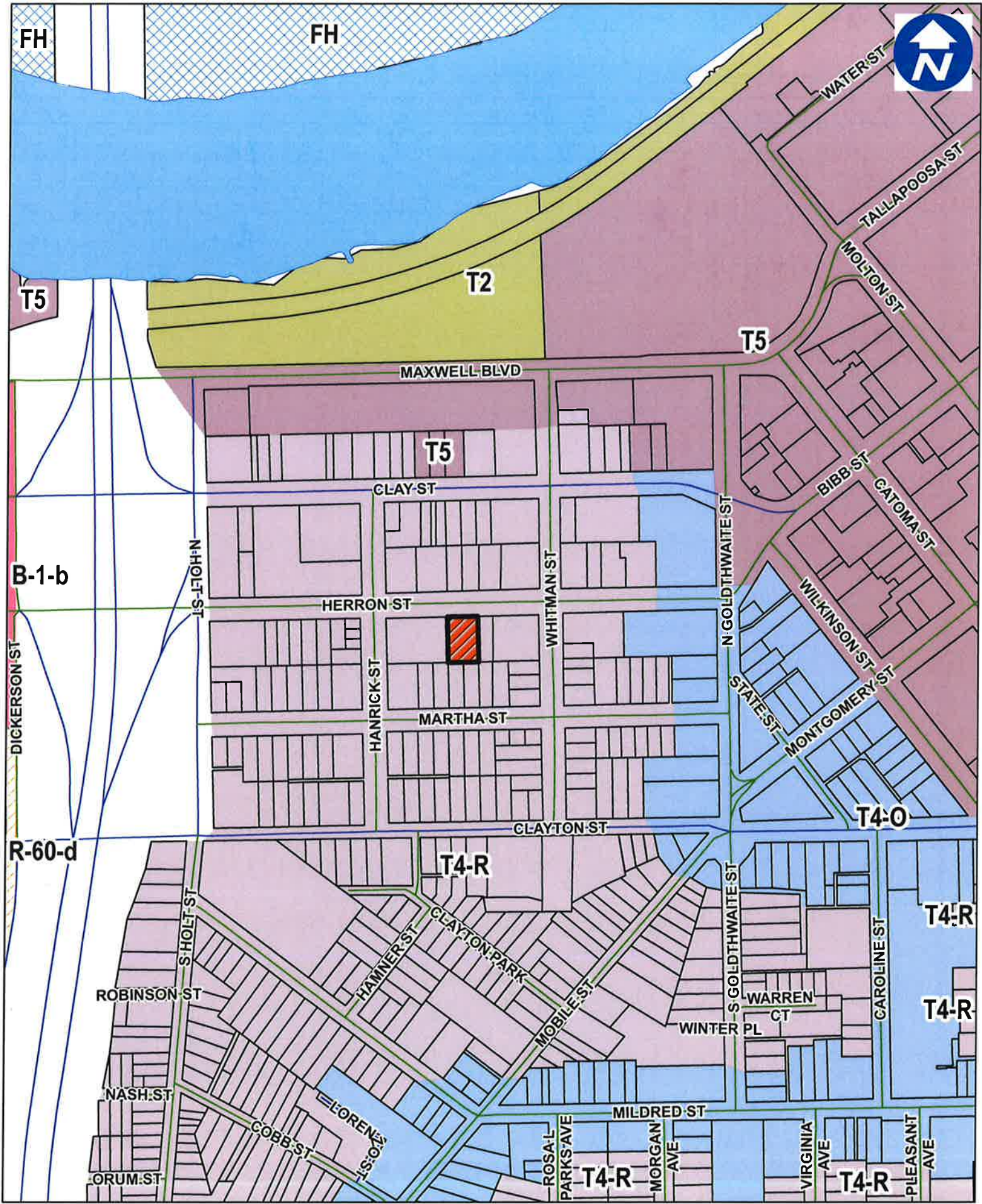
Long Range Planning: This use does not meet the intent of SmartCode.

The request is an exception to SmartCode to allow a beauty salon.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 400 feet
Item 7A



SITE 

1 inch = 60 feet
Item 7B

8. BD-2016-017 **PRESENTED BY:** Kimberly Johnson

REPRESENTING: Same

SUBJECT: Request a height variance and street side yard variance for a privacy fence to be located at 6652 Berrydale Drive in a PUD (Planned Unit Development) Zoning District.

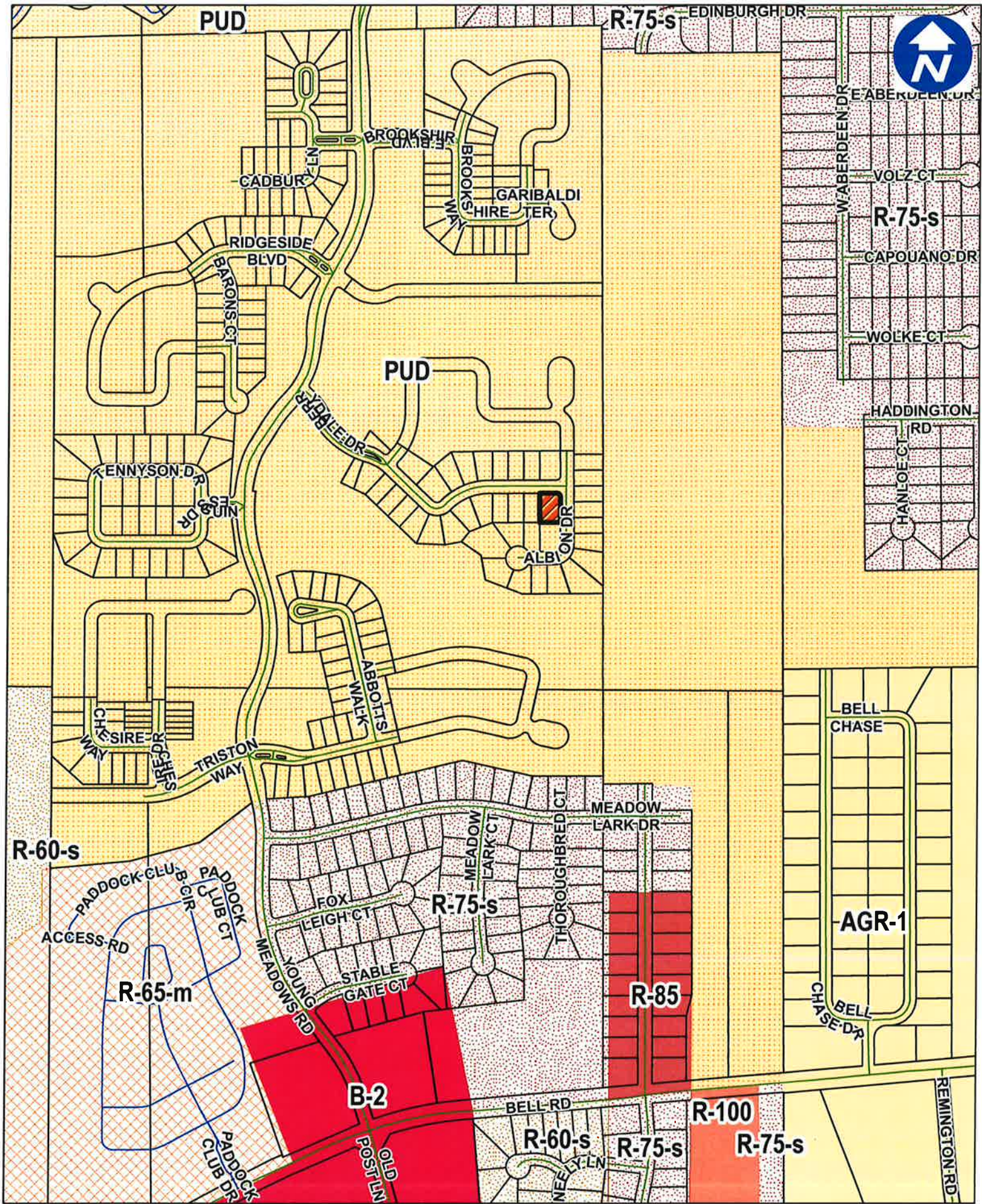
REMARKS: This request is being made to give the petitioner permission to construct a 6 ft. high privacy fence, whereas 3 ft. is allowed. The fence will come within 10 ft. of the street side property line (Albion Drive), whereas 30 ft. is required.

The requests are a 3 ft. height variance and a 20 ft. street side yard variance.

COUNCIL DISTRICT: x

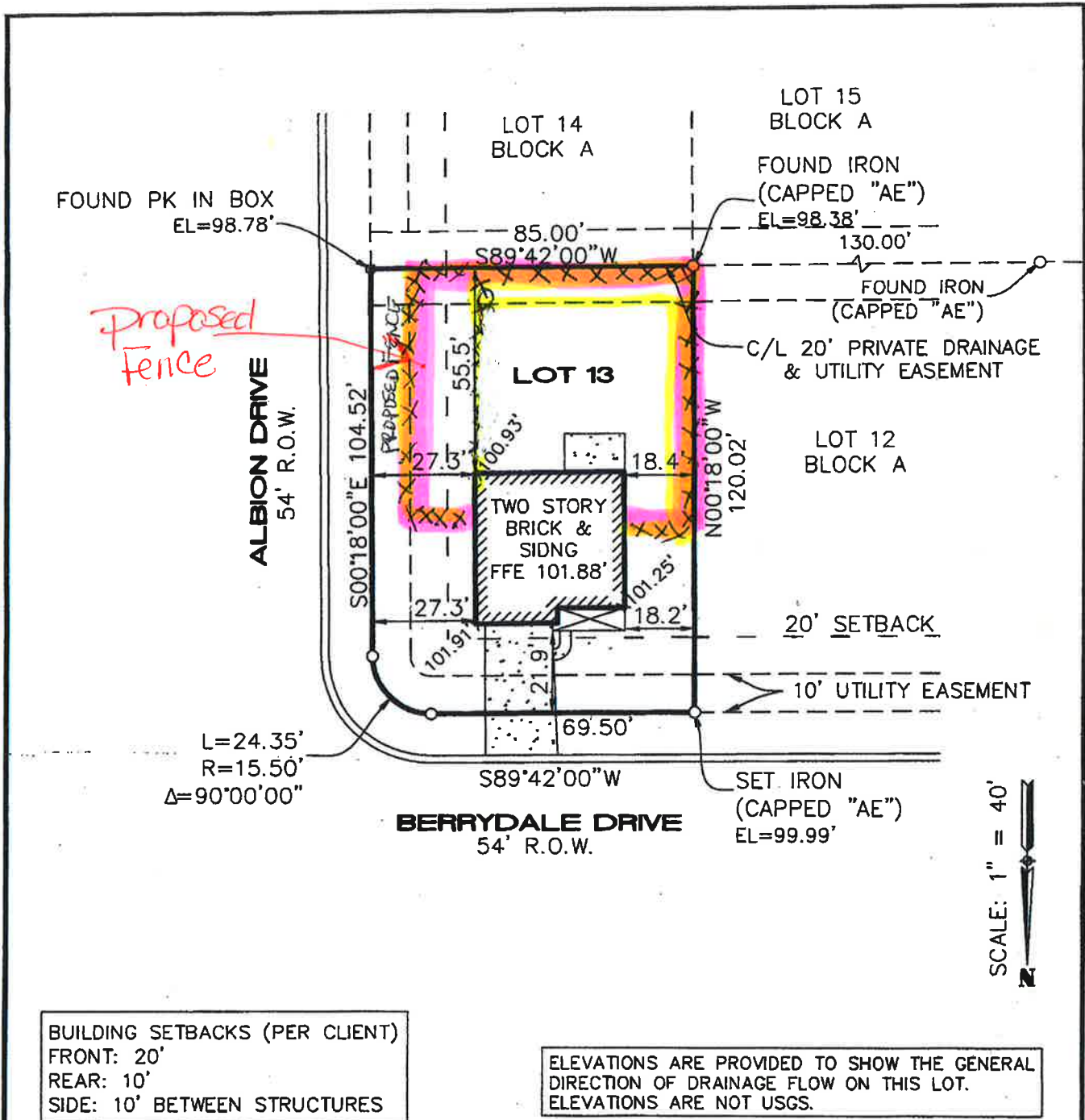
COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 500 feet
 Item _____



SCALE: 1" = 40'

BUILDING SETBACKS (PER CLIENT)
FRONT: 20'
REAR: 10'
SIDE: 10' BETWEEN STRUCTURES

ELEVATIONS ARE PROVIDED TO SHOW THE GENERAL DIRECTION OF DRAINAGE FLOW ON THIS LOT. ELEVATIONS ARE NOT USGS.

LEGEND

• DEGREE	N NORTH	E EAST	L ARC LENGTH	— —	UTILITY LINE
• FEET OR MINUTES	S SOUTH	W WEST	R RADIUS	—x—	CHAIN LINK FENCE
" INCHES OR SECONDS	P.O.B. POINT OF BEGINNING		⊗ FIRE HYDRANT	— —	WOODEN FENCE
○ FOUND OR SET IRON	R.O.W. RIGHT OF WAY		⊕ UTILITY POLE	— —	CONCRETE
⊙ GAS METER	C/L CENTER LINE		□ JUNCTION BOX		

- NOTES:
- NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS-OF-WAYS, RECORDED OR UNRECORDED. THE PARCEL SHOWN HEREON IS SUBJECT TO SETBACKS, EASEMENTS, ZONING AND RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF SAID COUNTY.
 - ALL BEARING AND/OR ANGLE, AND DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED: DEED=(D); ACTUAL=(A); PLAT=(P).
 - UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED.
 - THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.
 - BEARING REFERENCE IS BASED ON RECORDED PLAT AND SOURCE OF INFORMATION IS RECORDED PLAT AND FIELD EVIDENCE.
 - TYPE OF SURVEY: CLOSING OR LOAN SURVEY.



STATE OF ALABAMA
MONTGOMERY COUNTY

I, Jeff D. Arrington, a registered Land Surveyor, certify that I have surveyed Lot 13, Block A, according to the survey of CORRECTED MAP OF SOMERHILL PLAT No. 3, as recorded in Map Volume 51, Page 26.



SITE 

1 inch = 100 feet
Item _____

9. BD-2016-016 **PRESENTED BY:** Charles Hill

REPRESENTING: C & H Construction

SUBJECT: Request a variance to Ordinance No. 17-2014 for a building located at 711 Air Base Boulevard in a B-3 (Commercial) Zoning District.

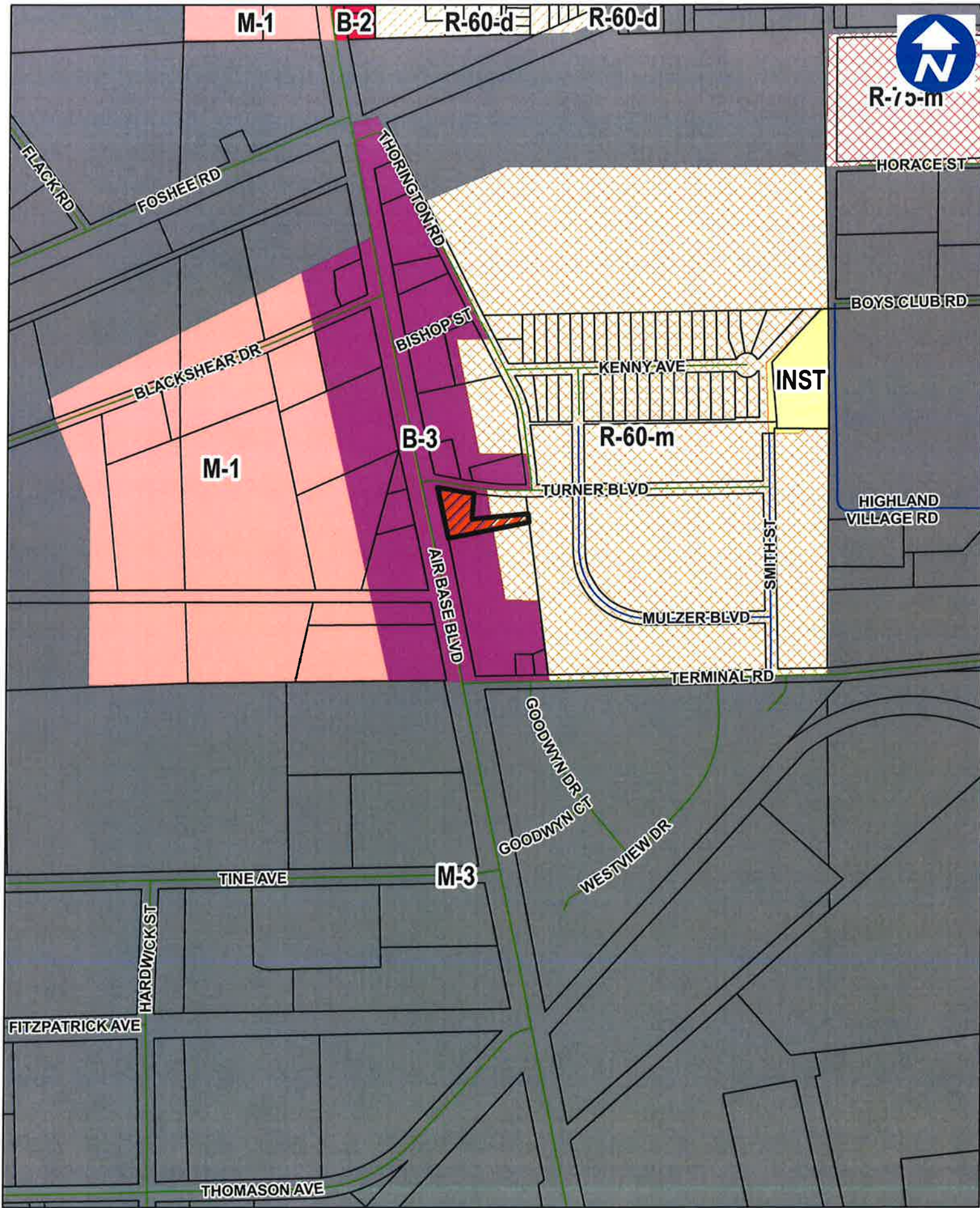
REMARKS: This request is being made to give the petitioner permission to operate an event center, which will serve alcoholic beverages, to come within 110 ft. of a residential boundary, whereas 250 ft. is required. The closest residential structure is approximately 285 ft. from the rear door of the building. The petitioner stated the events would be family oriented events, such as weddings, anniversaries, birthday parties, bridal/baby showers, family reunions, and similar. Days and times of events would vary.

The request is a 140 ft. variance to Ordinance No. 17-2014.

COUNCIL DISTRICT: 4

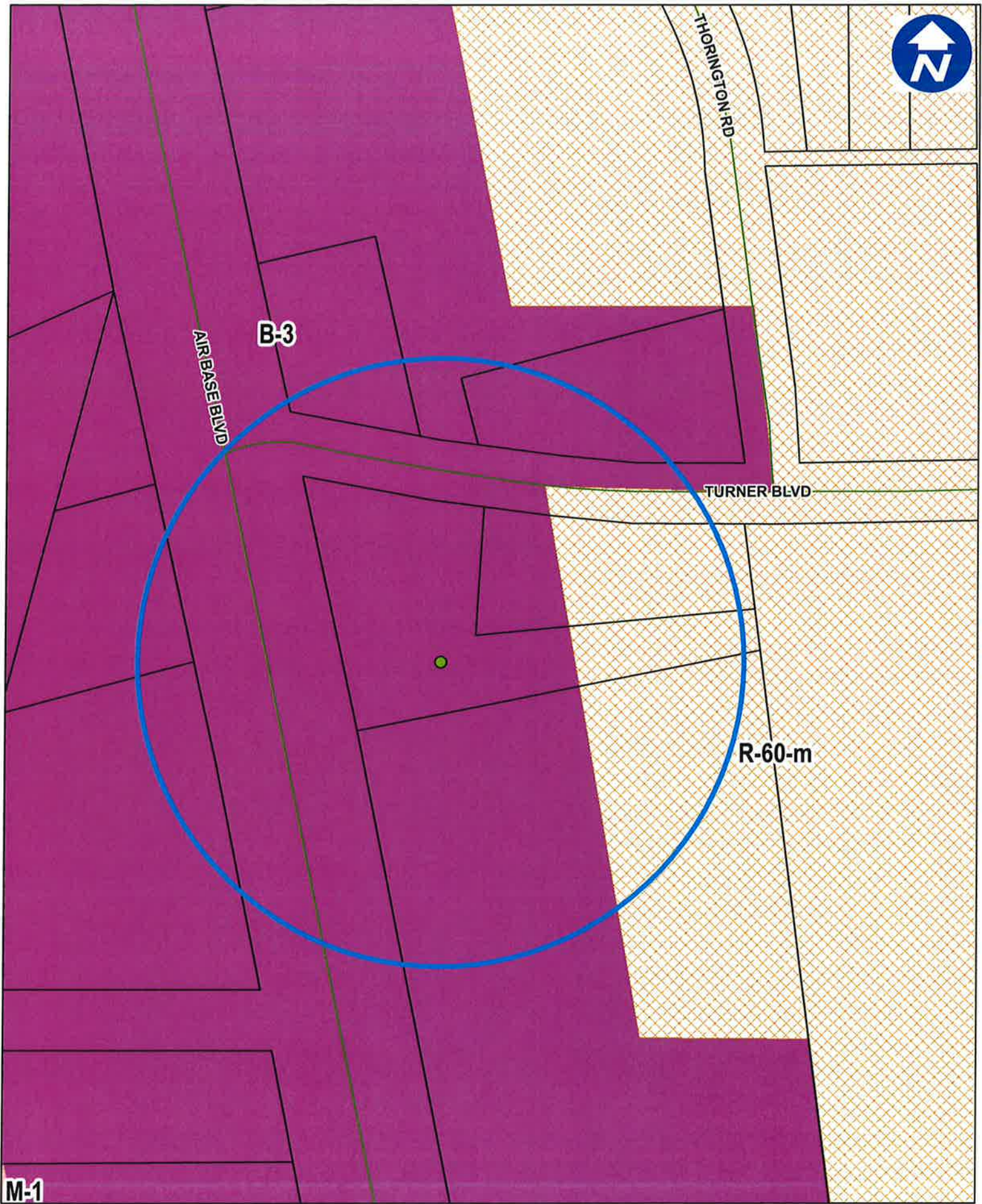
COMMENTS _____

ACTION TAKEN: _____



SITE 

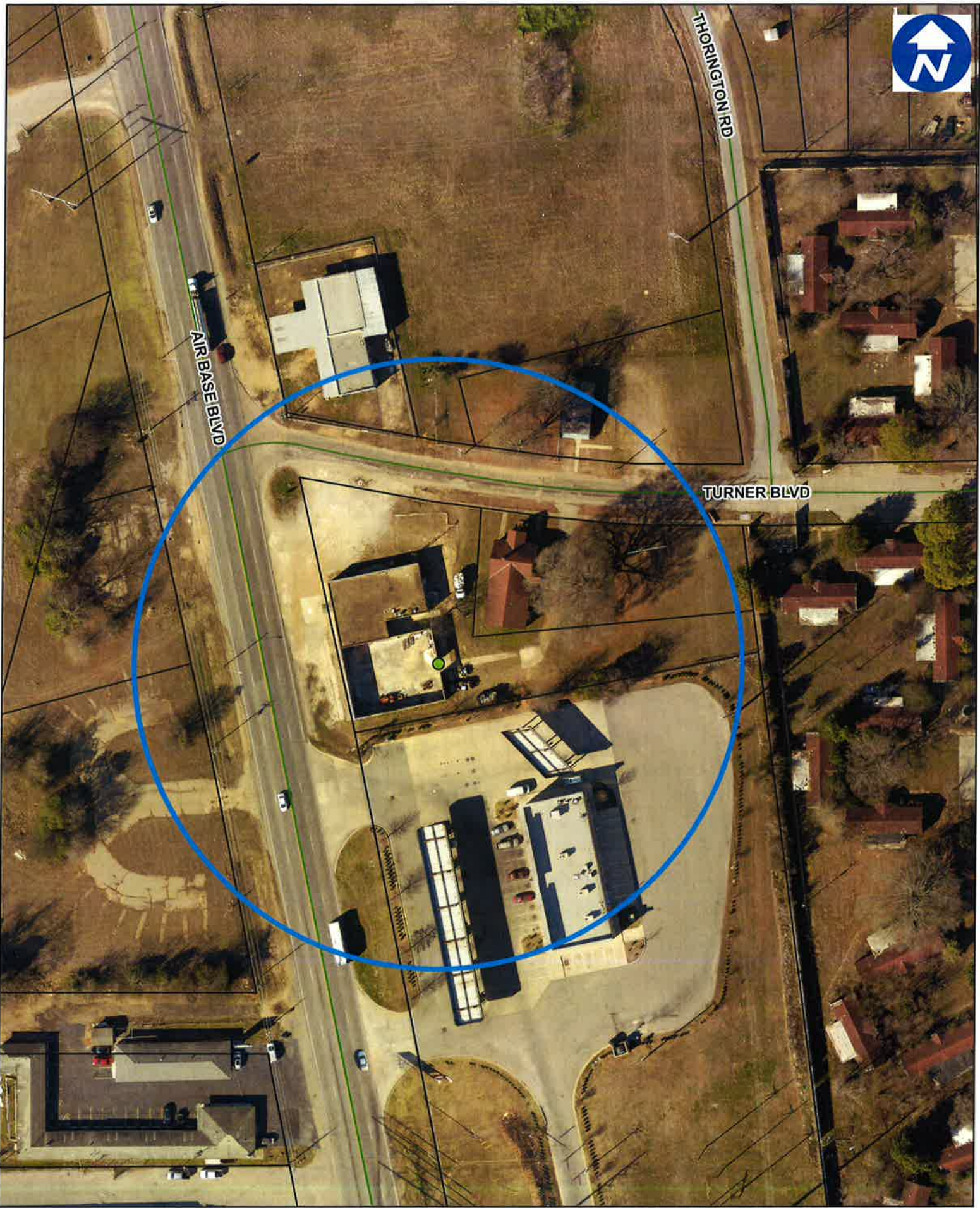
1 inch = 500 feet
Item _____



M-1

250' buffer

1 inch = 100 feet
Item _____



250' buffer 

1 inch = 100 feet
Item _____