

Board of Adjustment Agenda

May 19, 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 April 21, 2016 meeting

May 19, 2016

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2000-207	Jeremy Kelly	B-4	2477 East South Boulevard (Place of Amusement)	1
2.	2016-020	Judy & Nim Frazer	R-75-d	628 Thorn Place (Privacy Fence/Wall)	2
3.	2016-021	Gregory Crawford	R-65-s	3221 Erinwood Drive (Sanitary Facilities in an Accessory Structure)	3
4.	2016-022	Harold Elmore	PUD	1054 Old Breckenridge Lane (Accessory Structure)	4
5.	2016-023	Roger Spain	R-75-d	753 Thorn Place (Accessory Structure)	5
6.	2016-018	Foshee Design & Const.	T5	36 Dexter Avenue (Exception to SmartCode)	6
7.	1980-116	Bruce George	R-60-m	729 Felder Avenue (Privacy Fence & Accessory Structure)	7
8.	2016-024	Jim Hunter, Jr.	PGH-40	312 Halter Ridge (Carport)	8
9.	2016-019	Maurice Ware	R-60-s	439 Conrad Street (Accessory Structure)	9

The next Board of Adjustment meeting is on May 19, 2016

1. BD-2000-207 **PRESENTED BY:** Jeremy Kelly

REPRESENTING: Montgomery Live Activity Center

SUBJECT: Request a revised special exception for a place of amusement to be located at 2477 East South Boulevard in a B-4 (Commercial) Zoning District.

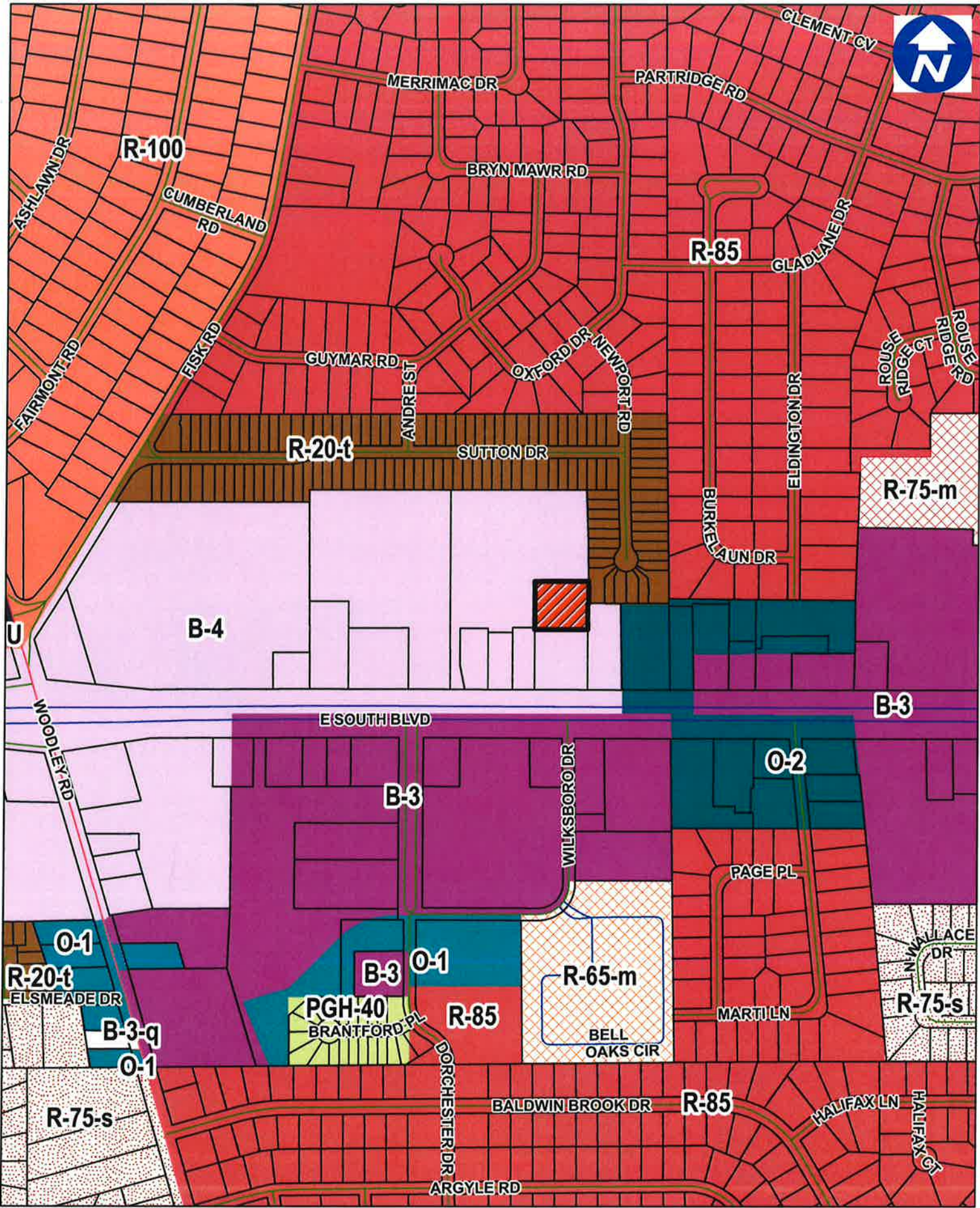
REMARKS: This request is being made to give the petitioner permission to operate a teen activity center/entertainment center. On July 17, 2003, the Board approved a special exception for a place of amusement limiting the hours of operation to: 4:00 p.m. – 12:00 a.m. (midnight), Monday thru Saturday, and closed on Sunday. The petitioner seeks to remove the hours of operation for activities to be held on Sunday and during day time hours (i.e. Spring Break, Summer, Christmas Holidays, etc.)

The City Council approved a Business License for a Teen Club on February 16, 2016, pursuant to Ord. 8-2010, which states that it is unlawful for any event held for minors to be held between the hours of 12:00 midnight and 6:00 a.m.

COUNCIL DISTRICT: 5

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 500 feet
Item 1A



SITE 

1 inch = 200 feet
Item 1B

2. BD-2016-020 **PRESENTED BY:** Judy & Nim Frazer

REPRESENTING: Same

SUBJECT: Request a height variance and street side yard variance for a privacy fence/wall to be located at 628 Thorn Place in an R-75-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to install either a pierced 7 ft. brick with a 10 ft. gate in wood or metal, or a 7 ft. cypress fence with a diamond panel at the top with a matching 10 ft. wood gate, whereas 3 ft. is allowed. The proposed fence/wall and gate will come to the street side yard property line (Ellen Street), whereas 30 ft. is required.

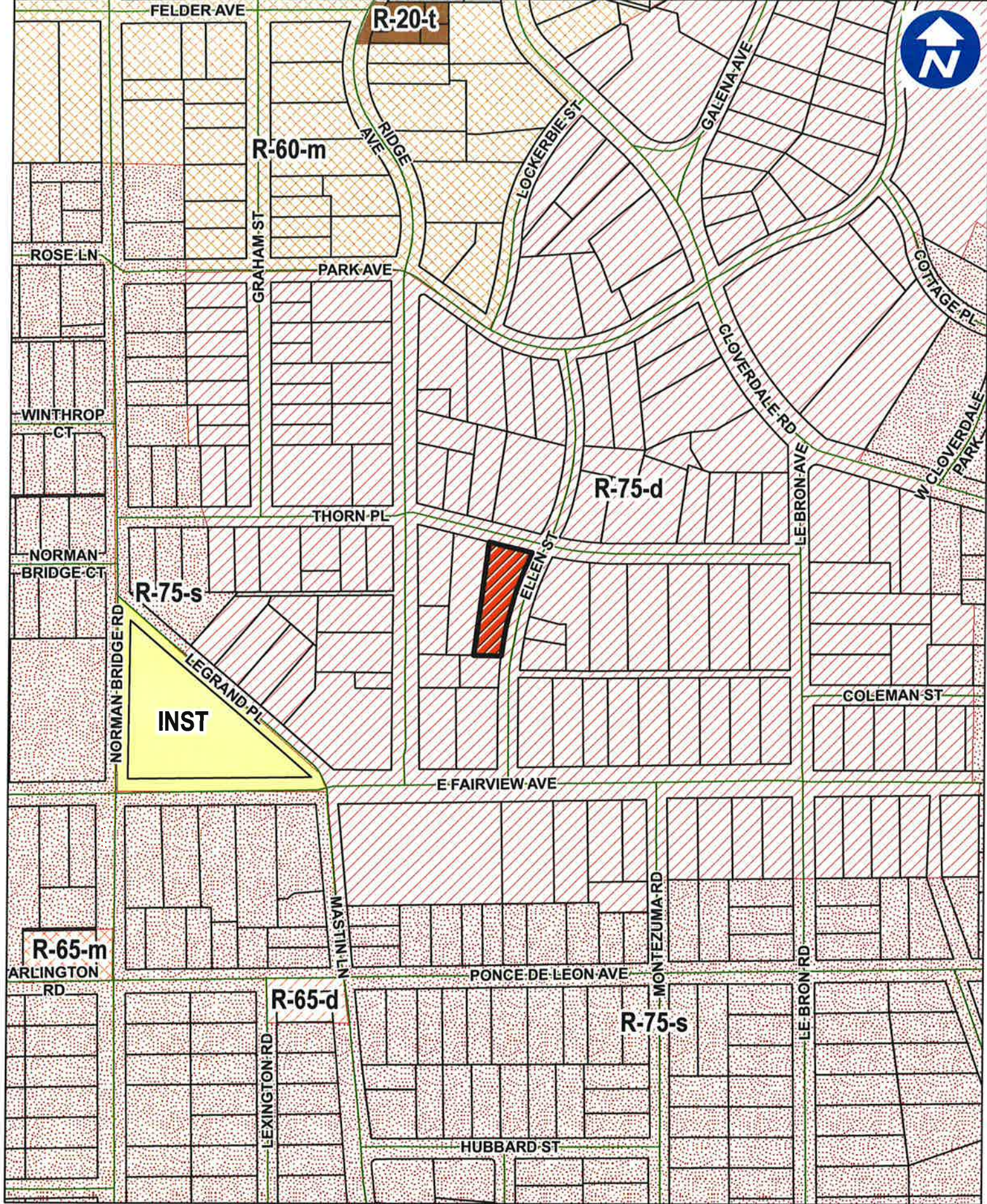
Both styles of the fence/wall with gate were approved by the Architectural Review Board on April 26, 2016.

The requests are a 7 ft. height variance and a 30 ft. street side yard variance.

COUNCIL DISTRICT: 7

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 300 feet
Item 2A



THORN PL

ELLEN ST

Proposed Fence/Wall

SITE 

1 inch = 40 feet
Item 2B

3. BD-2016-021 **PRESENTED BY:** Gregory Crawford

REPRESENTING: Same

SUBJECT: Request a special exception for sanitary facilities in an accessory structure to be located at 3221 Erinwood Drive in an R-65-s (Single-Family Residential) Zoning District.

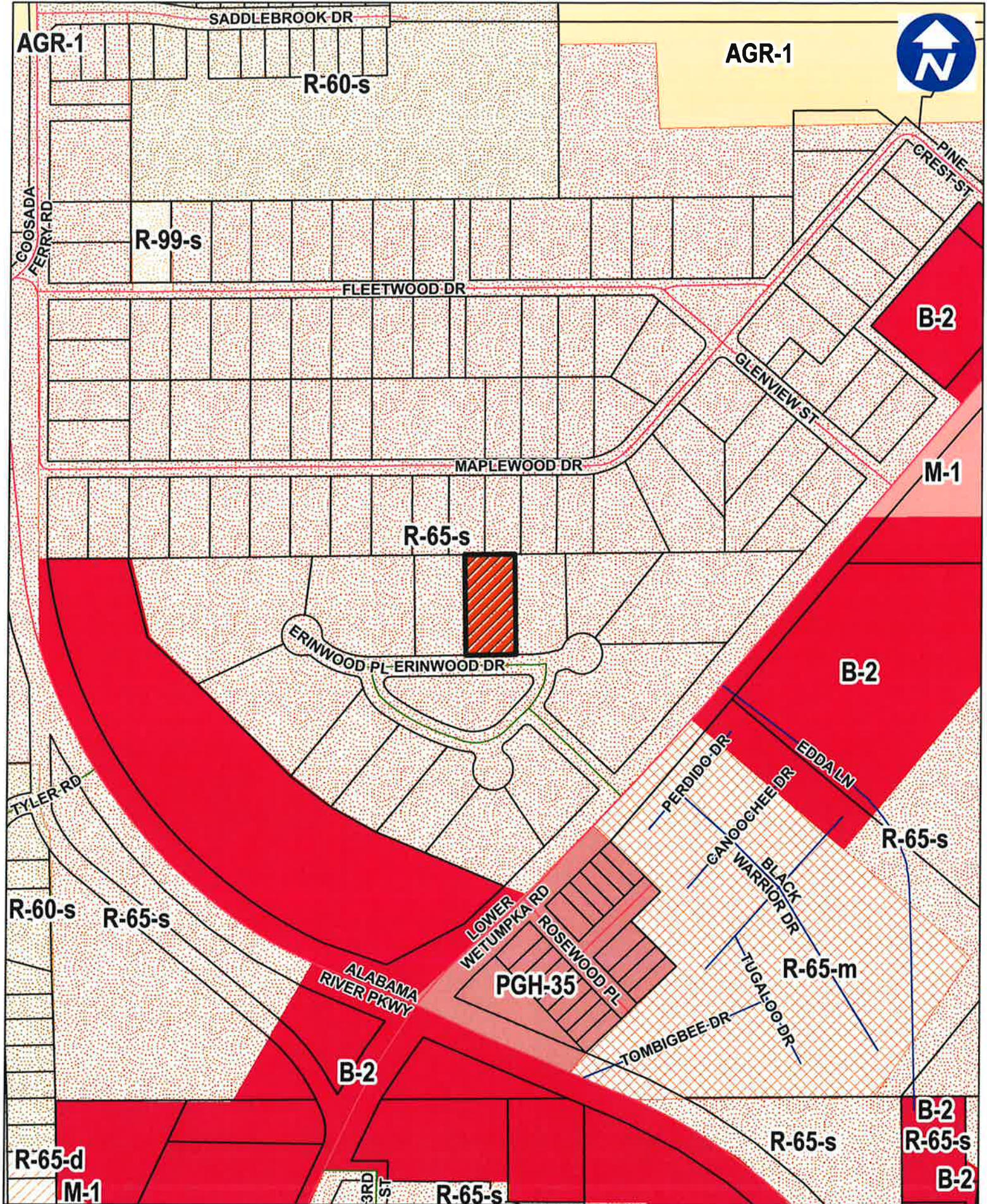
REMARKS: This request is being made to give the petitioner permission to install a bathroom in a 400 sq. ft. (20 ft. x 20 ft.) pool house.

The request is a special exception for sanitary facilities in an accessory structure.

COUNCIL DISTRICT: 3

COMMENTS _____

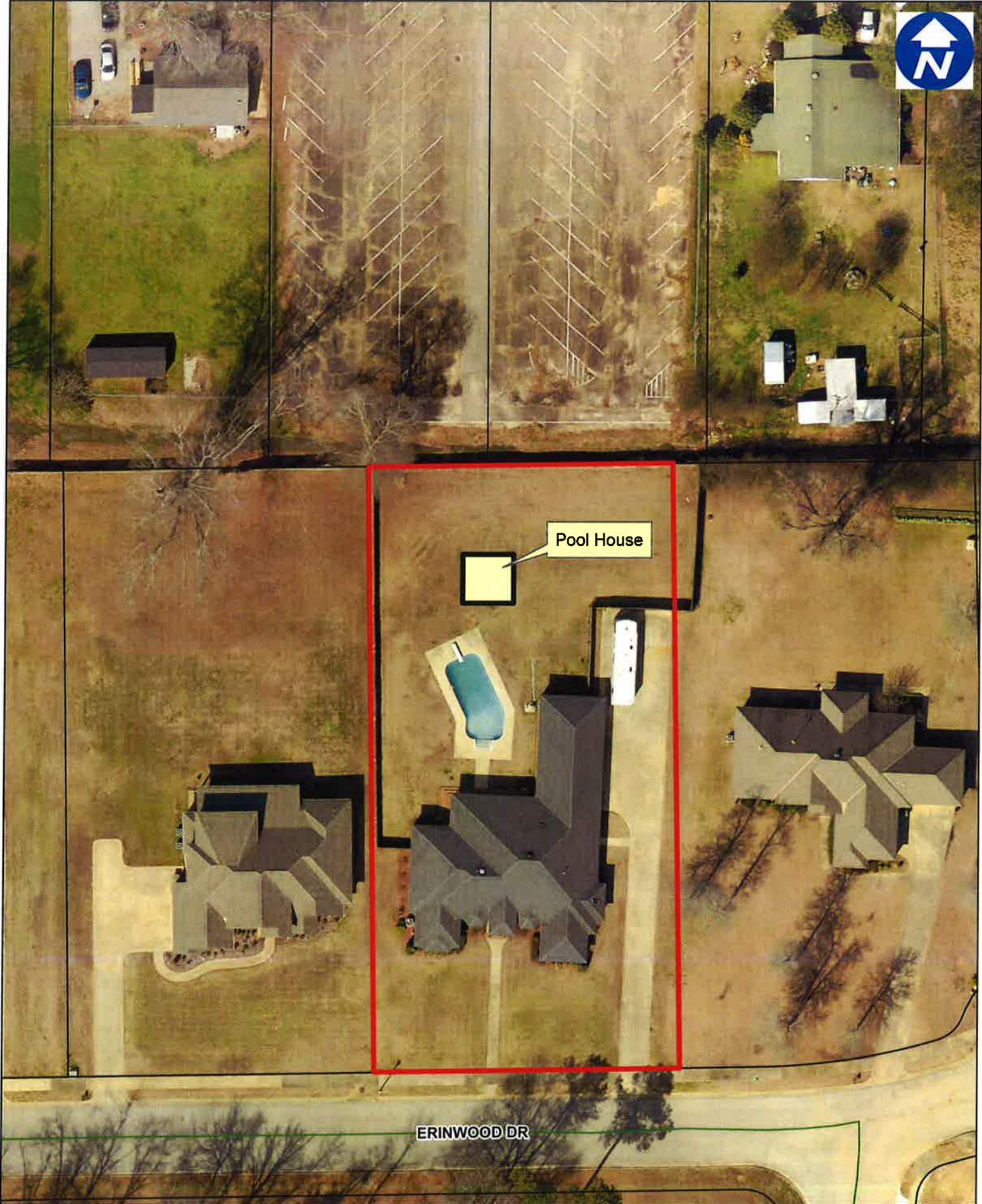
ACTION TAKEN: _____



SITE 

1 inch = 300 feet

Item 3A



SITE 

1 inch = 50 feet
Item 3B

4. BD-2016-022 **PRESENTED BY:** Harold Elmore

REPRESENTING: Halla Elmore

SUBJECT: Request a separation variance between structures for an accessory structure to be located at 1054 Old Breckenridge Lane in a PUD (Planned Unit Development) Zoning District.

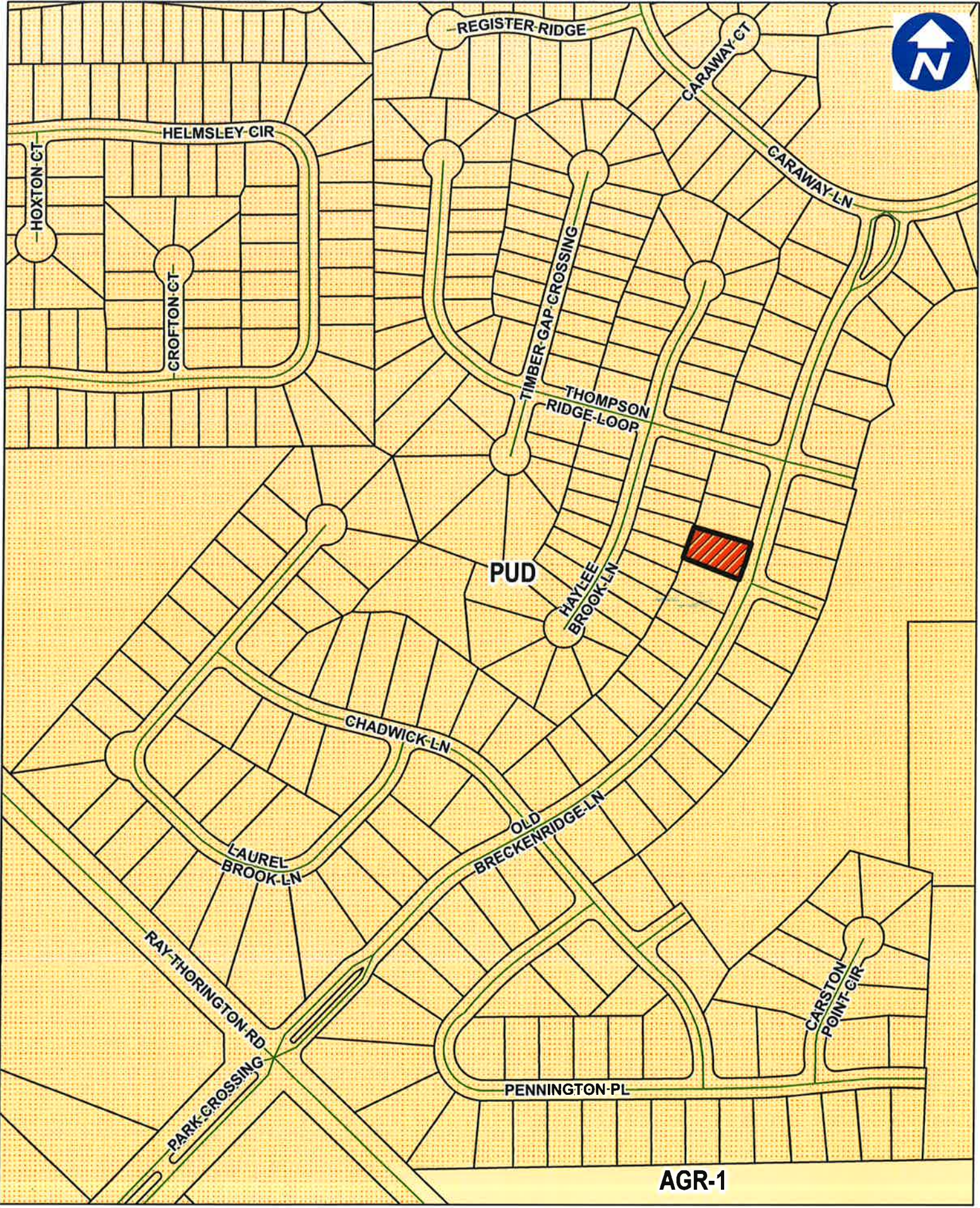
REMARKS: This request is being made to give the petitioner permission to construct a 12 ft. x 14 ft. pergola to come within 1 ft. of the main dwelling, whereas a 10 ft. separation is required.

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

COUNCIL DISTRICT: 8

COMMENTS _____

ACTION TAKEN: _____



PUD

AGR-1

SITE 

1 inch = 300 feet

Item 4A



SITE 

1 inch = 30 feet
Item 4B

5. BD-2016-023 **PRESENTED BY:** Roger Spain

REPRESENTING: Same

SUBJECT: Request a side yard variance, rear yard variance and a coverage variance for an accessory structure to be located at 753 Thorn Place in an R-75-d (Duplex Residential) Zoning District.

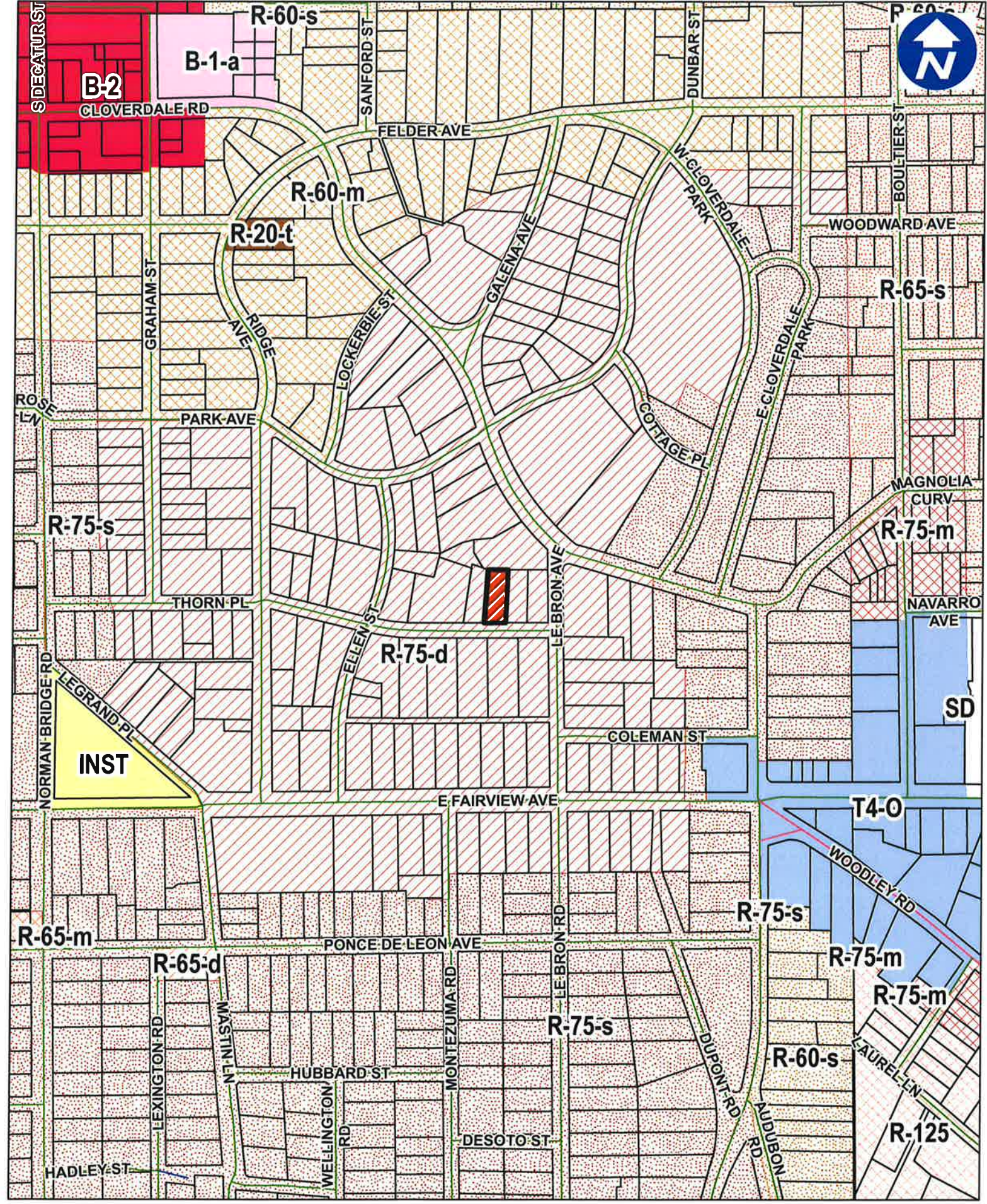
REMARKS: This request is being made to give the petitioner permission to construct an accessory structure that will come within 1 ft. of the side property line and 1 ft. of the rear property line, whereas 5 ft. is required. The accessory structure will be 750 sq. ft., whereas 675 sq. ft. is permitted. The Architectural Review Board will hear this request at the May 24, 2016 meeting.

The requests are a 4 ft. side yard variance, 4 ft. rear yard variance, and a 75 sq. ft. coverage variance.

COUNCIL DISTRICT: 7

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 400 feet

Item 5A



Proposed carport/storage

THORN PL

SITE 

1 inch = 30 feet

Item 5B

6. BD-2016-018 **PRESENTED BY:** Foshee Design & Construction, LLC

REPRESENTING: Richard & Mellissa Smith

SUBJECT: Request an exception to SmartCode for new signage to be located at 36 Dexter Avenue in a T5 (Urban Center Zone) Zoning District.

REMARKS: This request is being made to give the petitioner permission to install a sign on the awning, which does not meet the intent of SmartCode.

Section 5.6.8 b. – A single external sign band may be applied to the façade of each building, providing that such sign not exceed 3 ft. in height by any length.

Façade (definition) – the exterior wall of a building that is set along a public right-of-way frontage line.

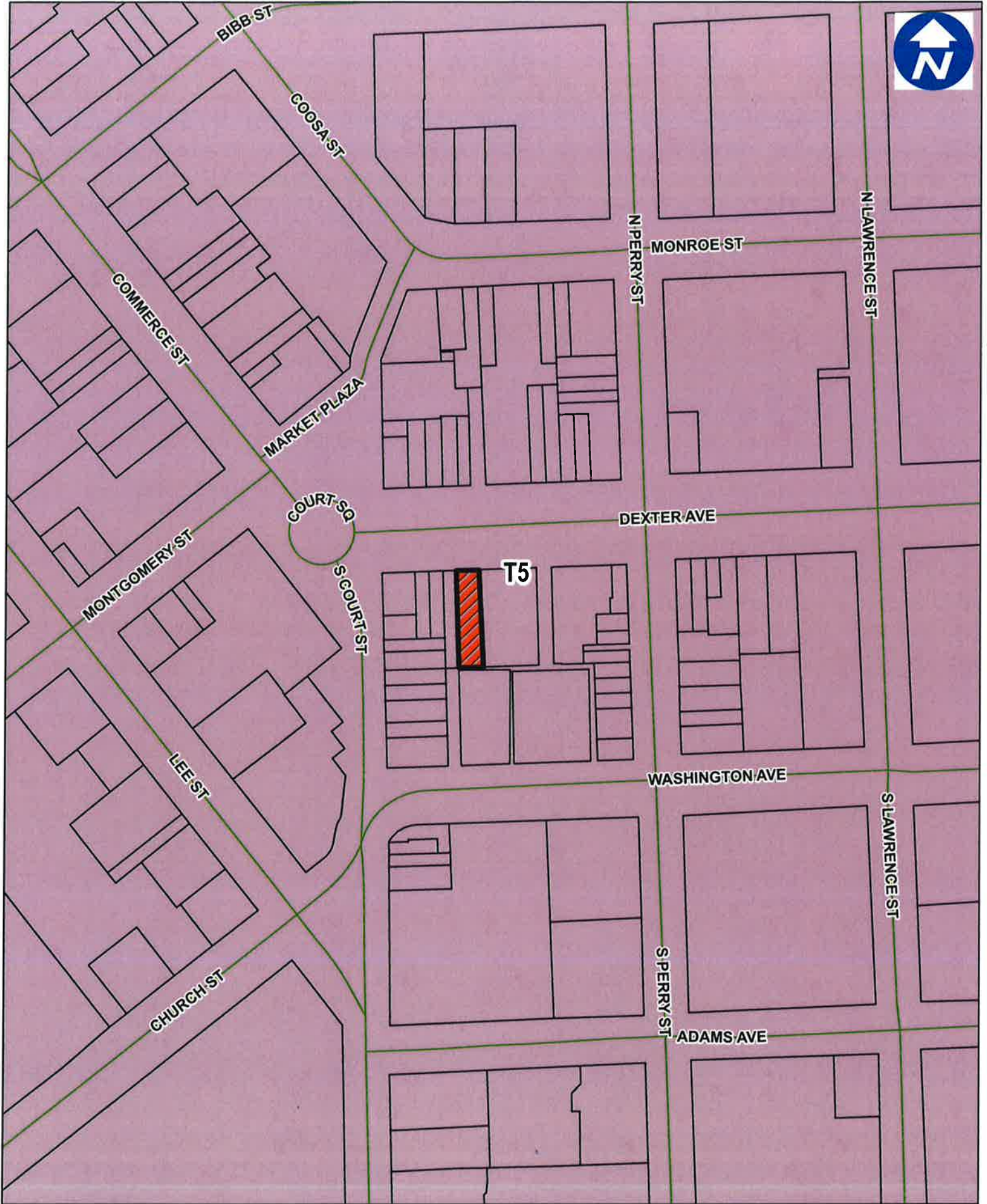
Smart Code is a form based code designed to manage the aesthetics of the streetscape. The intent behind the Signage Standards is to create a clean and consistent streetscape, providing both pedestrian and vehicular traffic with logical, consistent signage that can still be unique. Dexter Avenue is among the most important streets in the state of Alabama, so it is critical to uphold zoning standards. While there are existing examples of non-compliant awnings, as attached, we intend to be consistent going forward, by enforcing the code as written.

The request is an exception to SmartCode Signage Standards to allow signage on an awning.

COUNCIL DISTRICT: 3

COMMENTS _____

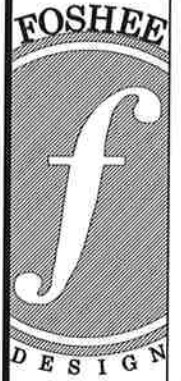
ACTION TAKEN: _____



SITE 

1 inch = 200 feet

Item 6A



Design By:
JHF & DJB
Revised:
Date:
4-15-16
Project Title

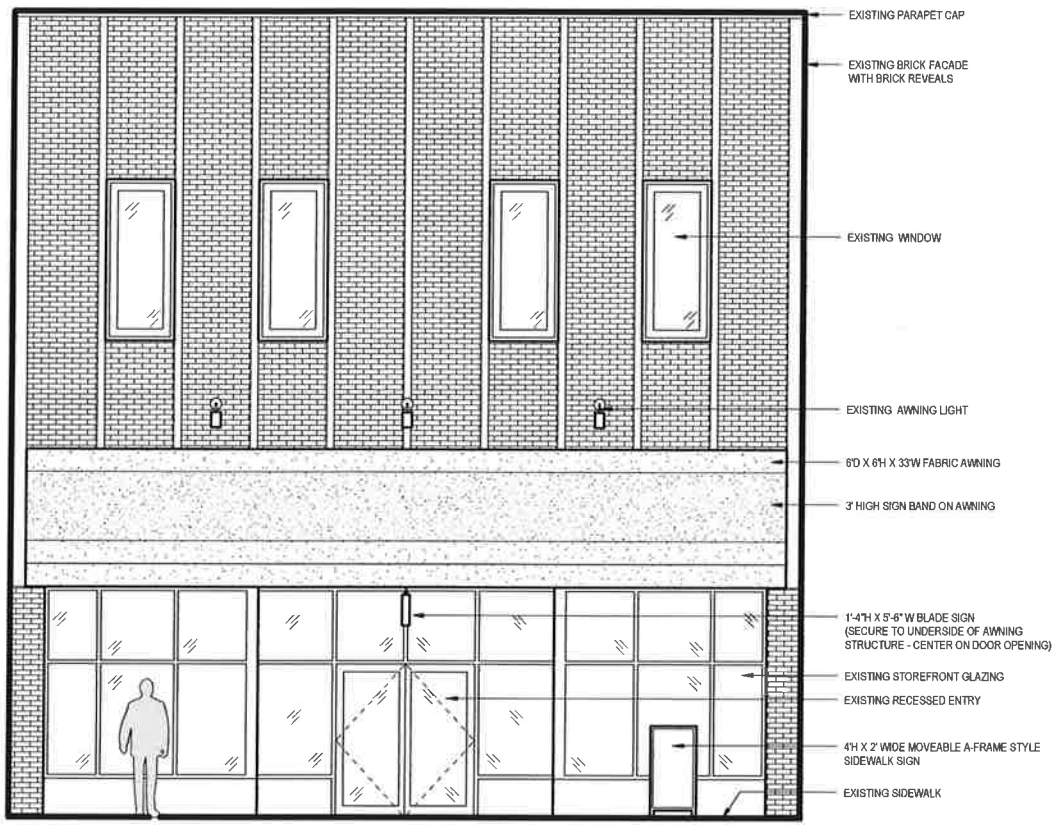
ISLAND DELIGHT
36 DEXTER AVENUE SUITE 104
MONTGOMERY, AL 36104

Sheet Title

FRONT ELEVATION

Sheet Number
A1

PLANNING
DEPARTMENT
SUBMISSION



1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

THIS DRAWING IS HALF SCALE WHEN PRINTED ON 8 1/2 X 11 PAPER.

lob



SITE 

1 inch = 50 feet
Item 6C

7. BD-1980-116 **PRESENTED BY:** Bruce George

REPRESENTING: Lawson Brown

SUBJECT: Request a height variance, street side yard variance, and a coverage variance for a privacy fence and accessory structure to be located at 729 Felder Avenue in an R-60-m (Multi-Family Residential) Zoning District.

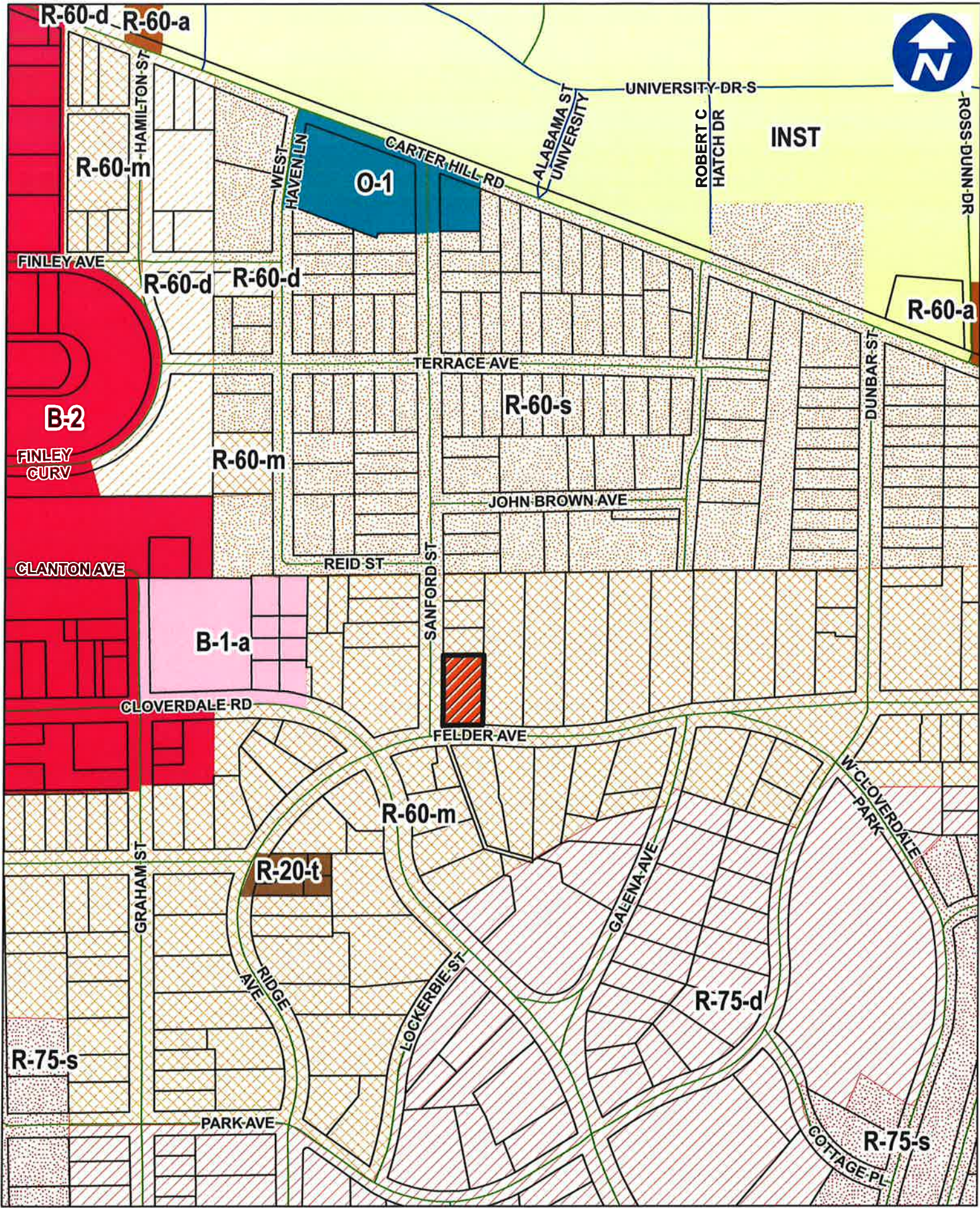
REMARKS: This request is being made to give the petitioner permission to construct a 6 ft. tall privacy fence, whereas 3 ft. is allowed, to come within 5 ft. 4 in. of the street side (Sanford Street) property line, whereas 20 ft. is required. The petitioner proposes to construct a 554 sq. ft. detached carport, whereas 360 sq. ft. is allowed. The Architectural Review Board will hear this request at the May 24, 2016 meeting.

The requests are a 3 ft. height variance, a 14 ft. 8 in. street side yard variance, and a 194 sq. ft. coverage variance.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 300 feet

Item 7A



Proposed Privacy Fence

Proposed Carport w/ storage

SANFORD ST

FELDER AVE

SITE 

1 inch = 30 feet
Item 7B

8. BD-2016-024 **PRESENTED BY:** Jim Hunter, Jr.

REPRESENTING: Same

SUBJECT: Request a side yard variance for a new carport to be located at 312 Halter Ridge in a PGH-40 (Patio Garden Home) Zoning District.

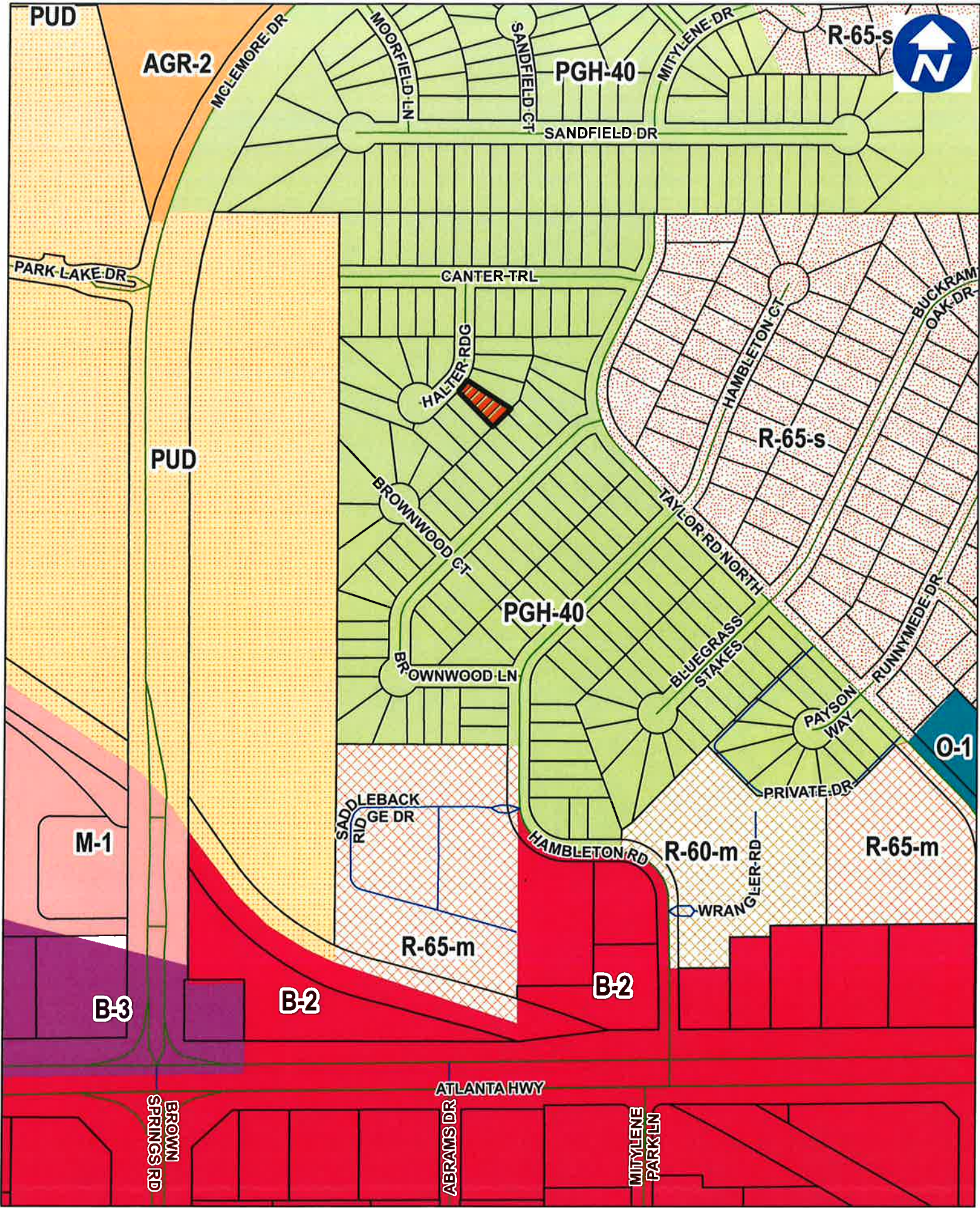
REMARKS: This request is being made to give the petitioner permission to construct a 10 ft. x 21 ft. attached carport to come to the side property line, whereas 10 ft. is required. Only a small portion of the front of the carport will come to the property line. Gutters and downspouts will be installed.

The request is a 10 ft. side yard variance

COUNCIL DISTRICT: 1

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 300 feet
 Item 8A



HALTER RDG

Proposed carport

SITE 

1 inch = 20 feet
Item 8B

9. BD-2016-019 **PRESENTED BY:** Maurice Ware

REPRESENTING: Same

SUBJECT: Request a coverage variance for an accessory structure to be located at 439 Conrad Street in an R-60-s (Single-Family Residential) Zoning District.

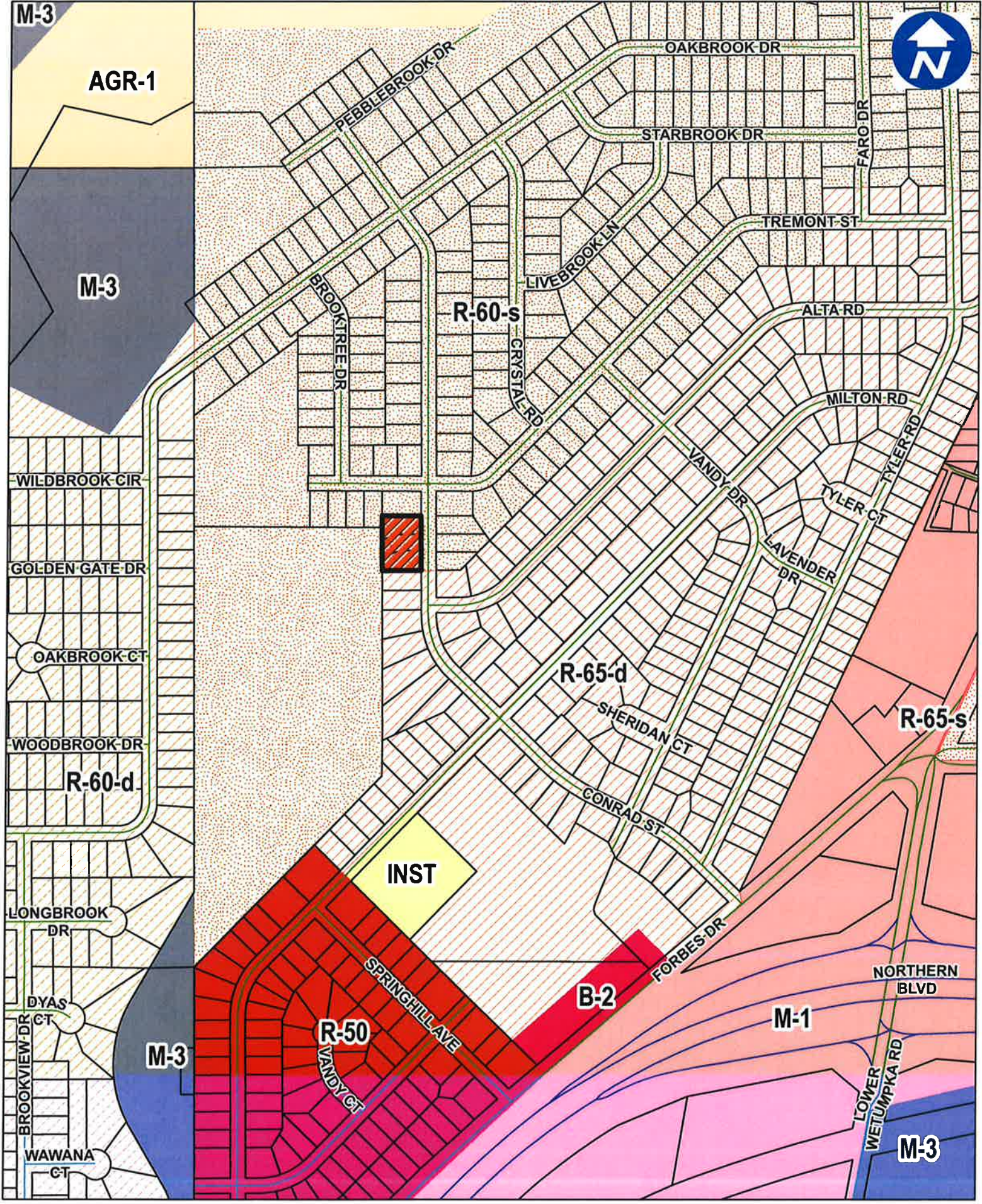
REMARKS: This request is being made to give the petitioner permission to place a 576 sq. ft. (24 ft. x 24 ft.) accessory building in the rear yard. There is an existing 64 sq. ft. (8 ft. x 10 ft.) accessory structure and a 96 sq. ft. (8 ft. x 12 ft.) accessory structure, for a total of 736 sq. ft. of coverage, whereas 585 sq. ft. is allowed.

The request is a 167 sq. ft. coverage variance.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 400 feet
Item 9A



TREMONT-ST



Proposed 24' x 24'
Accessory Structure

ALTARD

CONRAD ST

SITE 

1 inch = 50 feet
Item 9B

10. BD-2016-025 **PRESENTED BY:** Goodwyn, Mills & Cawood

REPRESENTING: Storage World, Inc.

SUBJECT: Request a variance to Resolution No. 2-84 (Mini-Warehouse Guidelines) and a variance to Ord. No. 63-2005 (Landscape Ordinance) for a building to be located on the north side of McGehee Road, approximately 150 ft. east of Carter Hill Road, in a B-4 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a new climate controlled storage building that will be 372.4 ft. in length, whereas the maximum building length allowed is 300 ft., per the Mini-Warehouse Guidelines. A 4 ft. variance to the Landscape Ordinance for Perimeter Planting Requirements, whereas 8 ft. is required adjacent to the public right-of-way. This is to preserve the front curb line along McGehee Road in order to preserve the existing trees.

An application to rezone this property to B-2 (Commercial), which allows mini-warehouses will be heard on May 26, 2016 by the Planning Commission, and City Council will have final approval. This project will not be permitted until the property has been rezoned.

The request is a 72.4 ft. variance to the maximum building length.

Urban Forestry: No objection to the variance to the Landscape Ordinance.

COUNCIL DISTRICT: 5

COMMENTS _____

ACTION TAKEN: _____

R-85

INST

JEFF DA
VIS
H.S.

DANNELLY
SCHOOL

BRENTWOOD



R-75-s

R-85

R-75-d

R-75-s

R-24-t

R-75-m

B-4

MCGEHEE RD

GREENBRIAR RD

R-100

N COLONIAL DR

MERRIMAC CT

CLEMENT CV

MERRIMAC DR

PARTRIDGE RD

BRYN
MAWR RD

GUYMAR
RD

BURKEL
NUN DR

HERMITAGE DR

BELCHER DR

PRICE ST

CARTER HILL RD

CRAWFORD ST

RAMSEY RD

WOODFERN DR

EDGEFIELD RD

FOXHALL DR

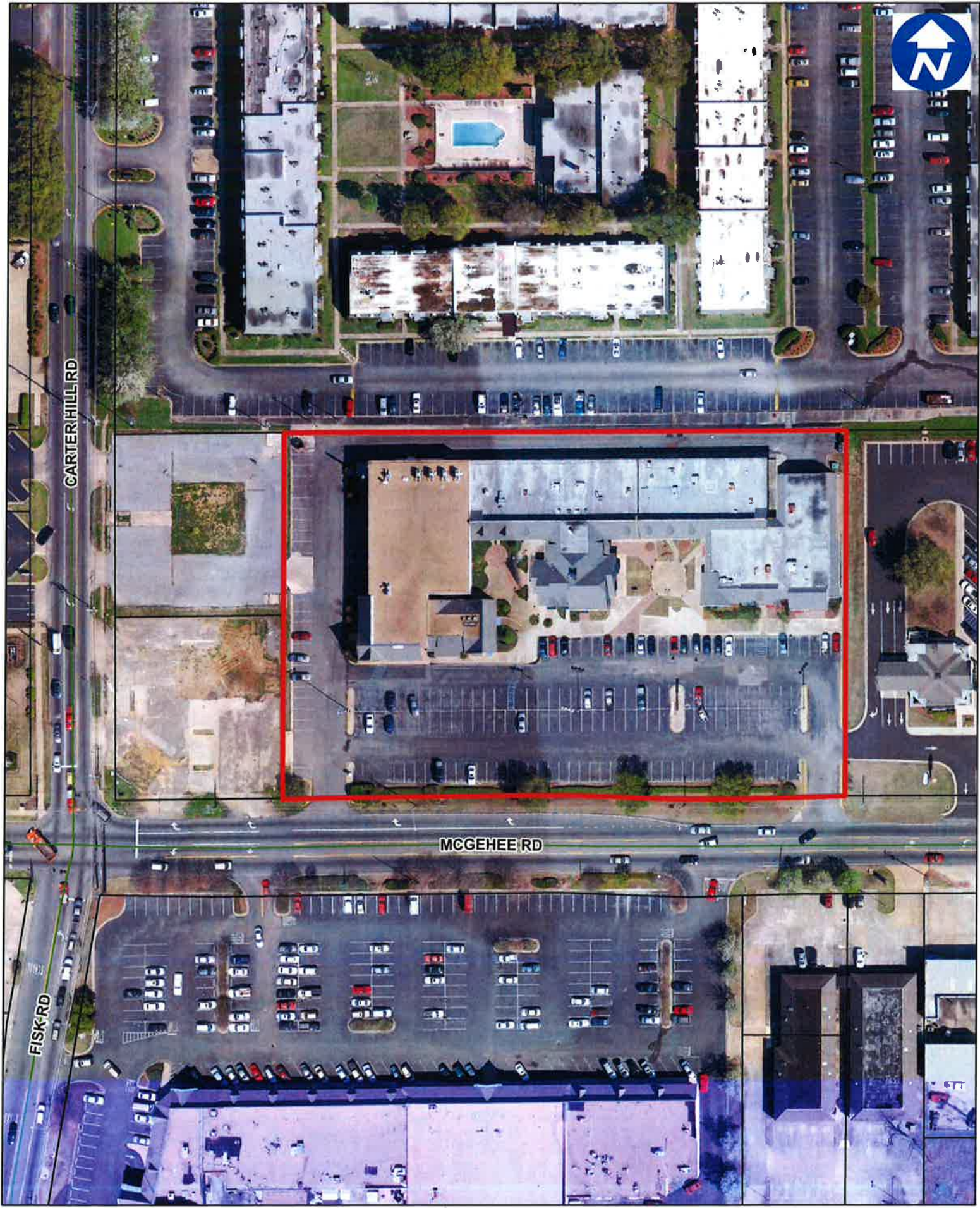


SITE



1 inch = 400 feet

Item 10A



CARTER HILL RD

MCGEHEE RD

FISK RD

SITE 

1 inch = 100 feet

Item 10C

11. BD-2016-026 **PRESENTED BY:** Ronald W. Johnson

REPRESENTING: Same

SUBJECT: Request a front yard variance and a separation variance between structures for an accessory structure to be located at 960 Countryside 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 18 ft. x 20 ft. detached carport over the driveway to come within 10 ft. of the front (Larkspur Court) property line, whereas 30 ft. is required. The carport will come within 6 inches of the main dwelling, whereas 10 ft. is required. The dwelling faces Countryside Lane; however Larkspur Court is the front lot line, being the most narrow side.

The request is a 20 ft. front yard variance and an 11 ft. 6 in. separation variance between structures.

COUNCIL DISTRICT: 1

COMMENTS _____

ACTION TAKEN: _____



AGR-2

R-65-s

R-65-m

INST

R-65-s

R-65-s

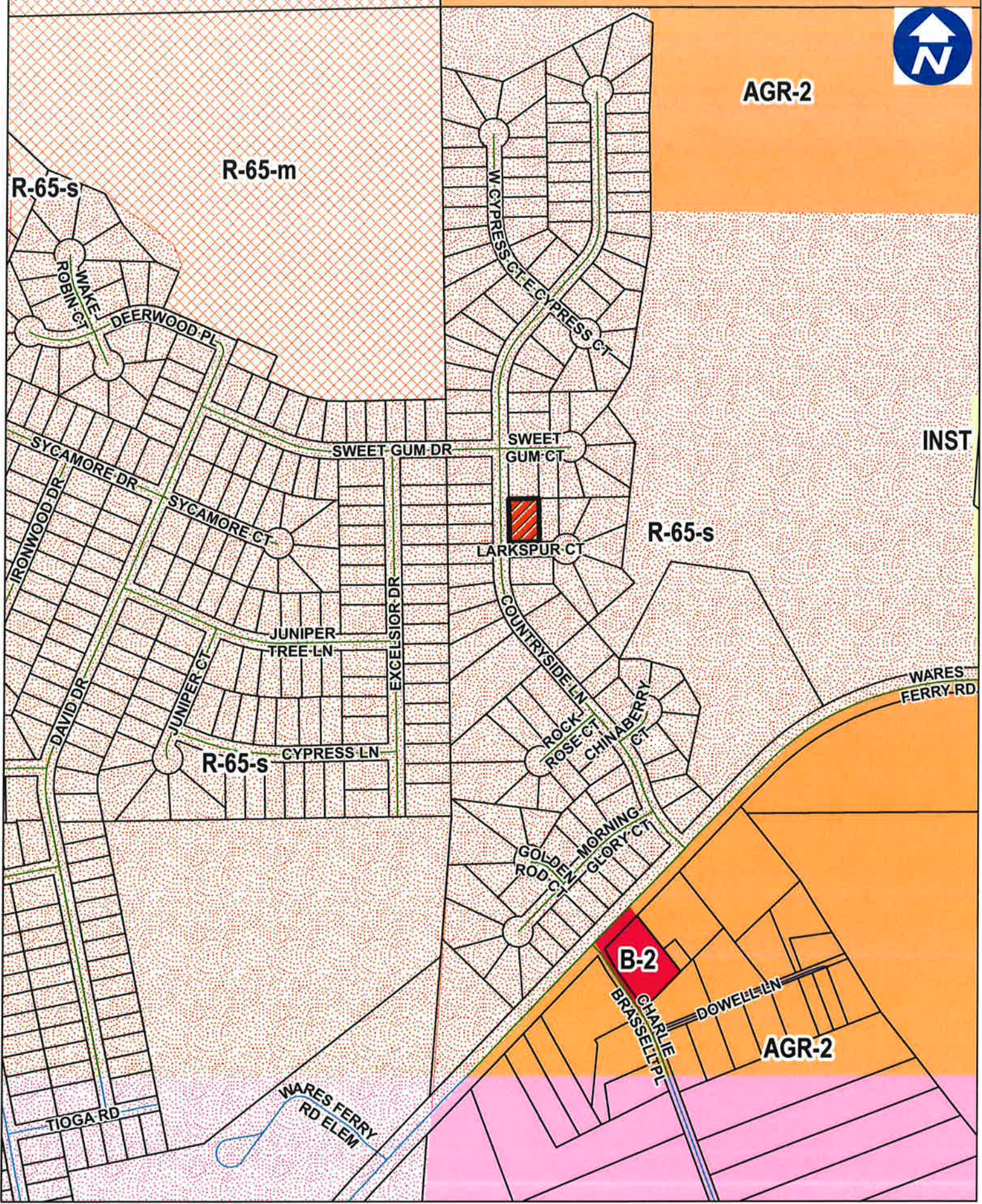
B-2

AGR-2

SITE 

1 inch = 400 feet

Item 11A





Proposed 18' x 20'
Detached Carport

LARKSPUR CT

COUNTRYSIDE LN

SITE 

1 inch = 40 feet
Item 11B

12. BD-1970-086 **PRESENTED BY:** Southeastern Financial Ltd., LLC

REPRESENTING: Mike King

SUBJECT: Request a front yard variance, side yard variance, and rear yard variance for an apartment complex located at 3800 Governors Drive in an R-75-m (Multi-Family Residential) Zoning District.

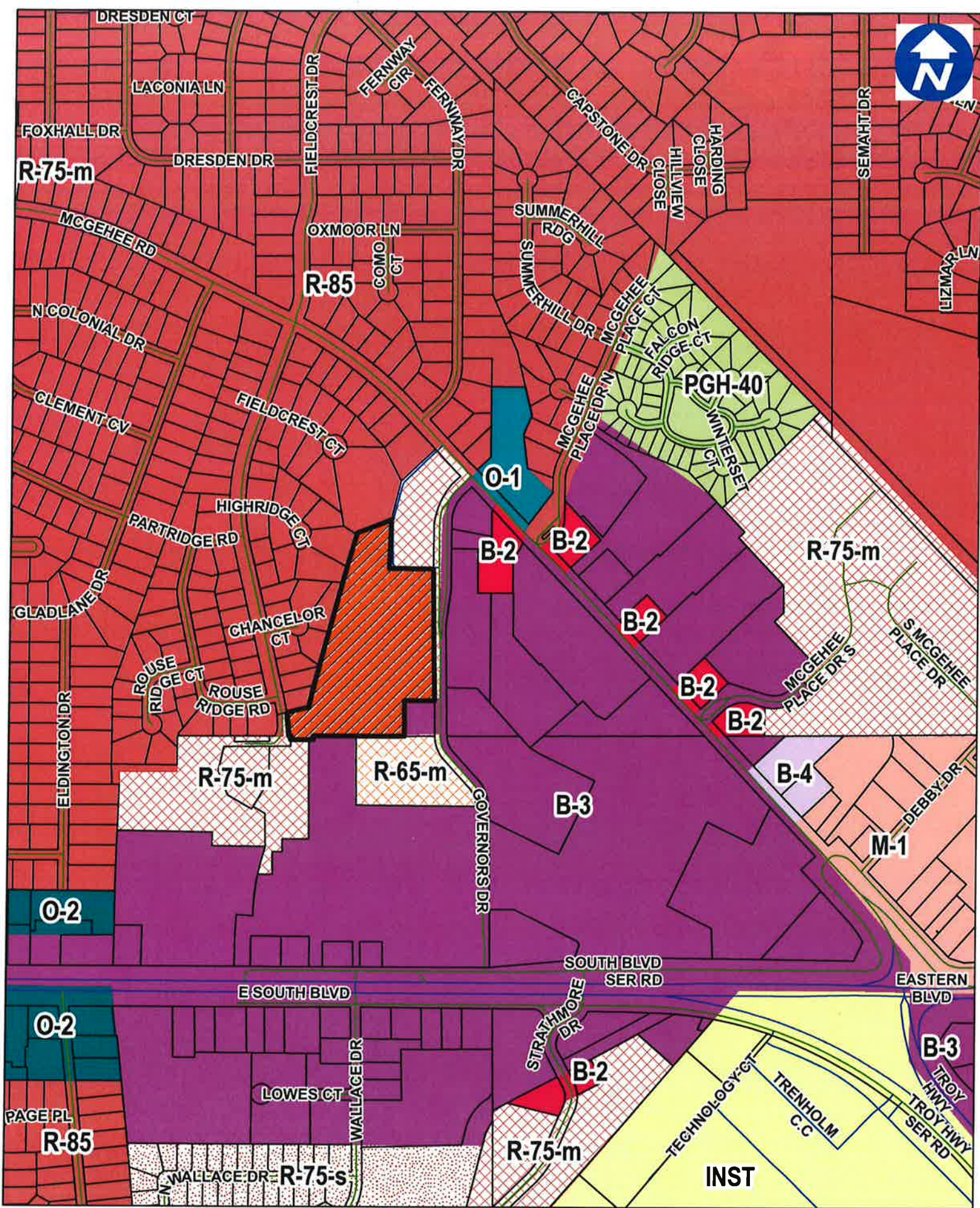
REMARKS: This request is being made to give the petitioner permission to maintain an apartment complex that was constructed in 1970, and several buildings are encroaching setbacks. The closest building on the front is 29 ft. (29.2 ft.) from the front property line, whereas 30 ft. is required. The closest building on the rear is 26 ft. (26.9 ft.) from the rear property line, whereas 30 ft. is required. The closest building on the side is 9 ft. (9.7 ft.) from the side property line, whereas 10 ft. is required.

The requests are a 1 ft. front yard variance, a 4 ft. rear yard variance, and a 1 ft. side yard variances.

COUNCIL DISTRICT: 8

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 600 feet

Item 12A

LOT 7, BLK. J
GLADLANE ESTATES PLAT NO. 8
PB. 22, PG. 189

RESUBDIVISION OF LOT 28 BLK. J
GLADLANE ESTATES PLAT NO. 8
PB. 22, PG. 225

NOTE: SETBACK AS PER ZONING ORDINANCE
(ITEM: 16)

LOT 27, BLK. J
GLADLANE ESTATES PLAT NO. 8
PB. 22, PG. 189

CAMELOT APARTMENTS
PARCEL "A"
GLADLANE ESTATES PLAT NO. 7
PB. 21, PG. 121

GOVERNOR'S DRIVE

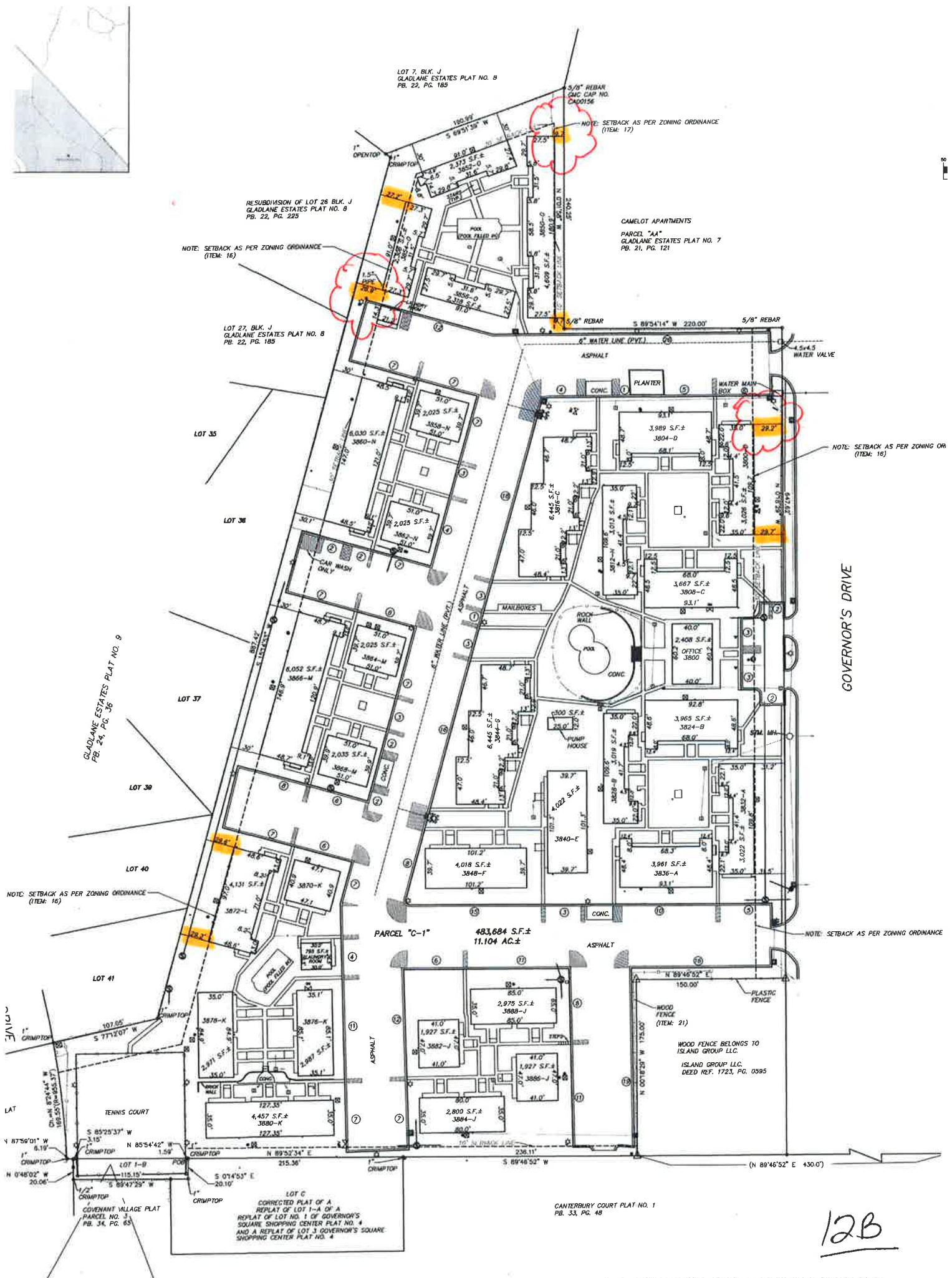
GLADLANE ESTATES PLAT NO. 9
PB. 24, PG. 36

PARCEL "C-1"
483,684 S.F.±
11.104 AC.±

WOOD FENCE BELONGS TO
ISLAND GROUP LLC.
ISLAND GROUP LLC.
DEED REF. 1723, PG. 0995

CANTERBURY COURT PLAT NO. 1
PB. 33, PG. 48

12B





SITE 

1 inch = 200 feet
Item 12c