

Board of Adjustment Agenda

September 15, 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 July 21, 2016 meeting

August 18, 2016

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2016-048	Neal Butler	R-75-s	4181 Wares Ferry Road (Horse)	1
2.	2016-050	Allison R. Smith	R-100	320 Monette Street (Privacy fence)	2
3.	2016-020	Judy & Nim Frazer	R-75-d	628 Thorn Place (Fence/Wall)	3
4.	1979-187	Chrysanthemum Thompson	B-2	165 Eastern Boulevard (Variance to Ord. 17-2014)	4
5.	2016-051	Milton Lovell	M-1	3360 Selma Highway (Above-ground storage tanks)	5
6.	2016-052	Celedonio Barrera	R-65-d	307 Garden Street (Chickens)	6

The next Board of Adjustment meeting is on October 20, 2016

1. BD-2016-048 **PRESENTED BY:** Neal Butler

REPRESENTING: Same

SUBJECT: Request a special exception to keep one (1) horse on the property located at 4181 Wares Ferry Road in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep one (1) horse on the property.

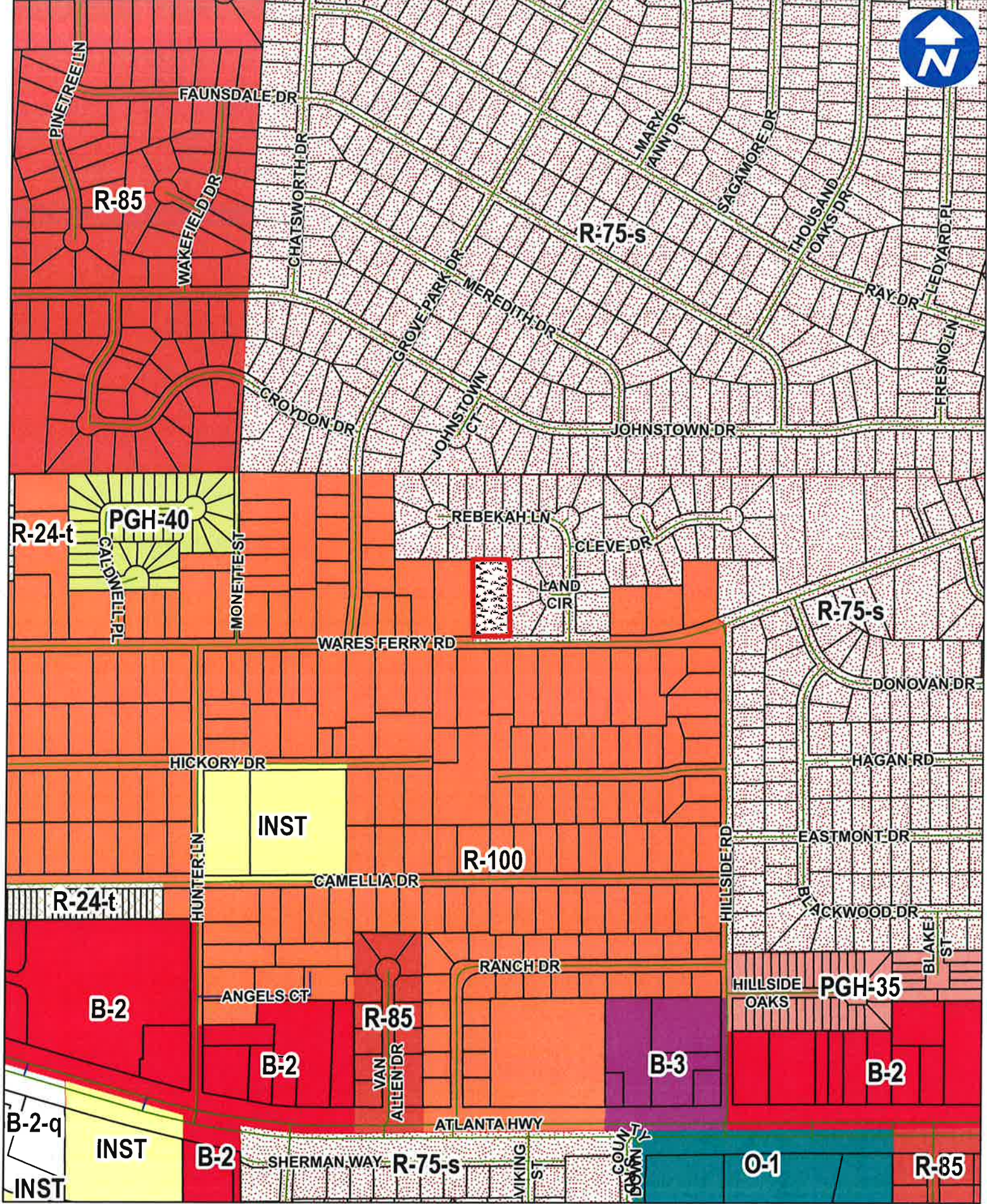
The request is a special exception to keep one (1) horse.

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

COUNCIL DISTRICT: 1

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 500 feet
Item 1A



SITE 

1 inch = 100 feet
Item 1B

2. BD-2016-050 **PRESENTED BY:** Allison R. Smith

REPRESENTING: Same

SUBJECT: Request a height variance and street side yard variance for a privacy fence to be located at 320 Monette Street in an R-100 (Single-Family Residential) Zoning District.

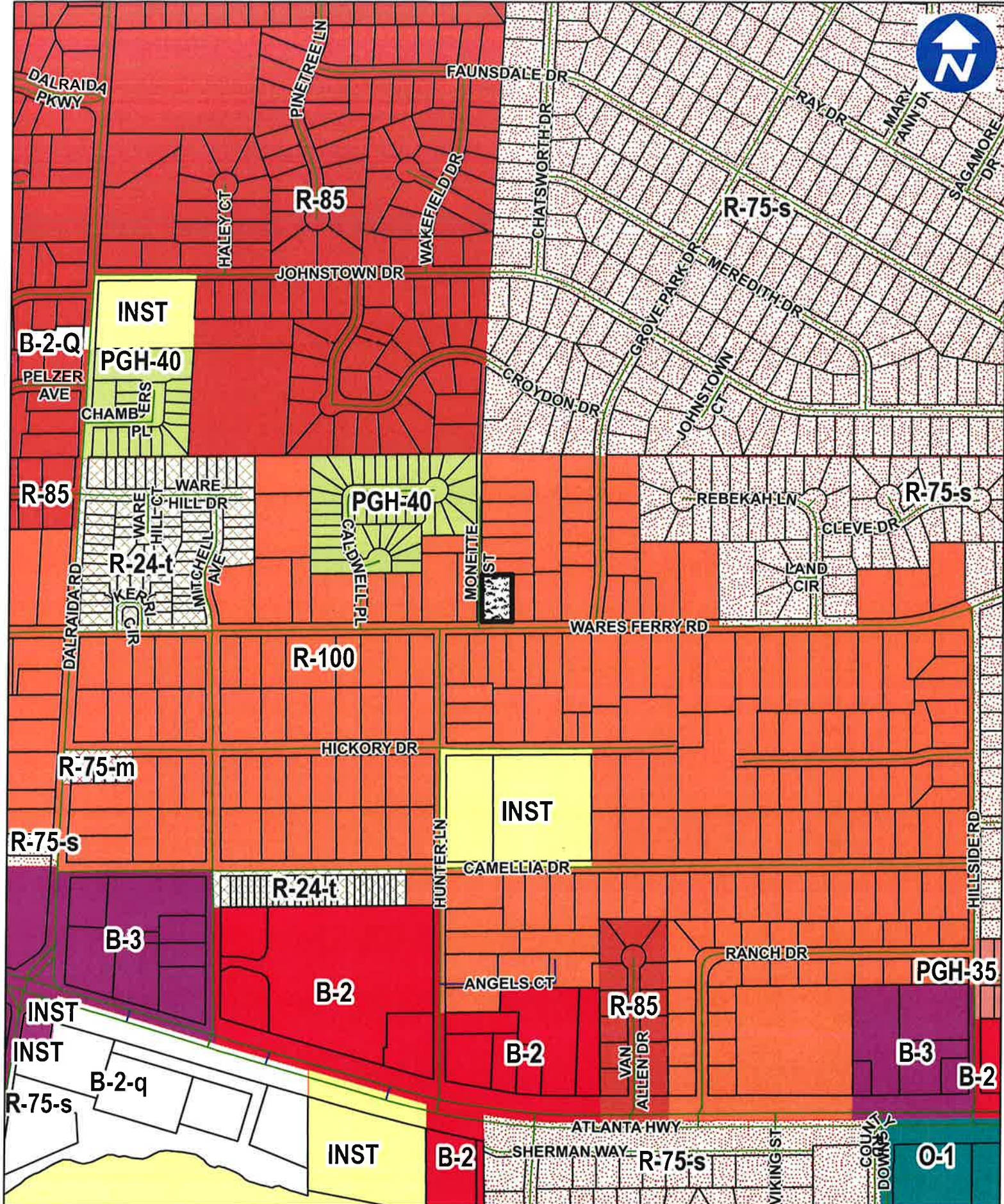
REMARKS: This request is being made to give the petitioner permission to construct a new 6 ft. tall privacy fence to come within 10 ft. of the street side property line (Monette Street), whereas 3 ft. height is allowed and a 35 ft. setback is required.

The request is a 3 ft. height variance and 25 ft. street side yard variance.

COUNCIL DISTRICT: 2

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 500 feet

Item 2A



Site Location 

1 inch = 30 feet

Item No. 2B

3. 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 a 7 ft. tall fence/wall with gate.

The Architectural Review Board approved the following styles on April 26, 2016:

- 7 ft. tall pierced brick with a 10 ft. wide gate in wood or metal
- 7 ft. tall cypress fence with a diamond panel at the top with a matching 10 ft. wide wood gate
- 7 ft. tall shadowbox fence with a 10 ft. wide gate

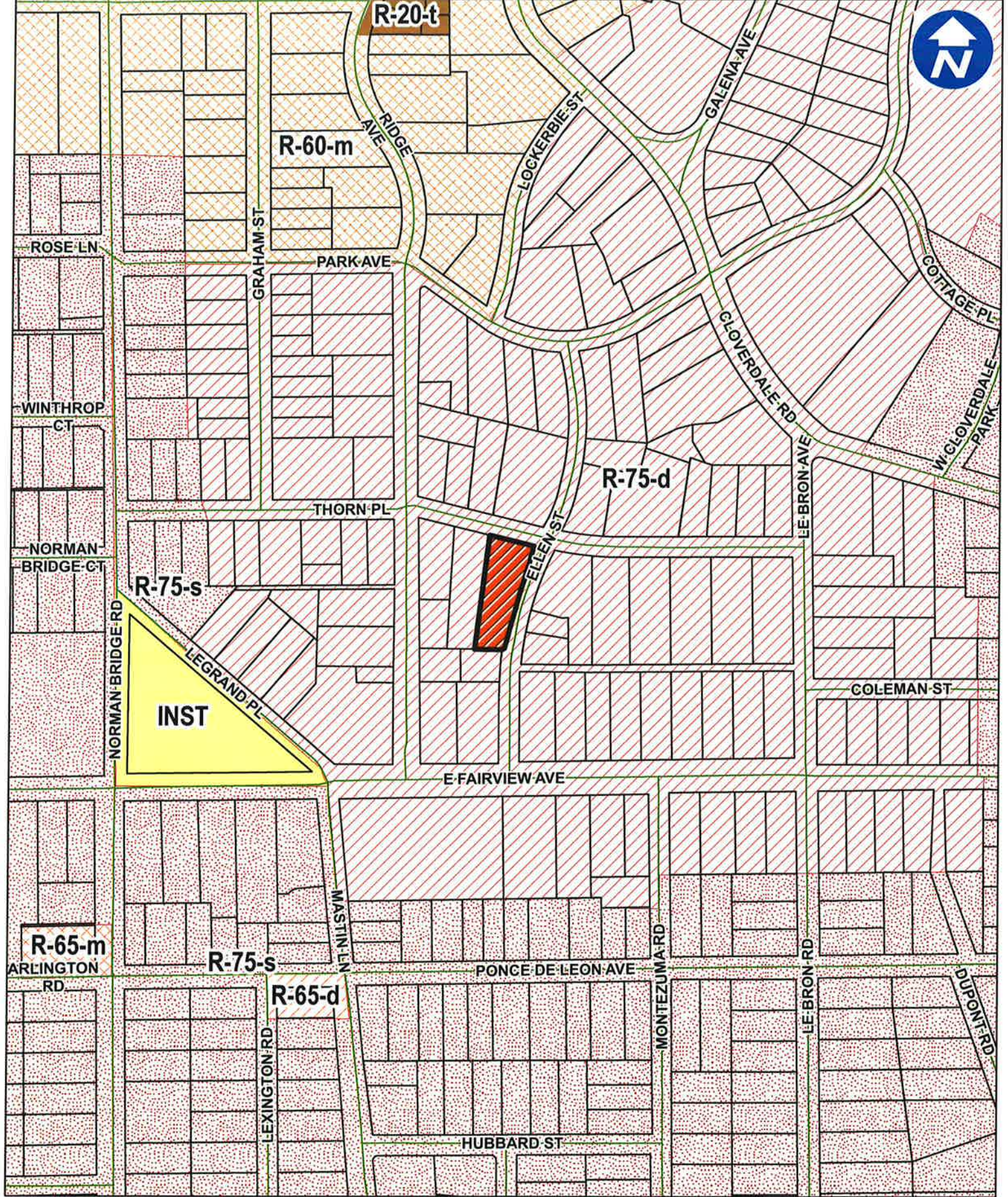
The proposed fence/wall, which is replacing an existing chain link fence, will come to the street side yard property line (Ellen Street), whereas 30 ft. is required.

The requests are a 4 ft. height variance and a 30 ft. street side yard variance.

COUNCIL DISTRICT: 7

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 300 feet

Item _____



THORN PL

ELLEN ST

Proposed Fence/Wall

Site 

1 inch = 40 feet

Item _____

4. **BD-1979-187 PRESENTED BY:** Chrysanthemum Thompson

REPRESENTING: Same

SUBJECT: Request a variance to Ordinance No. 17-2014 for a tenant space in a multi-tenant building located at 165 Eastern Boulevard in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a rental hall, which will serve alcoholic beverages for some events. The hours of operation will depend on the clients' needs. The rear door of the tenant space is 220 ft. from the nearest residential district line, whereas 250 ft. is required.

Ord. No. 17-2014

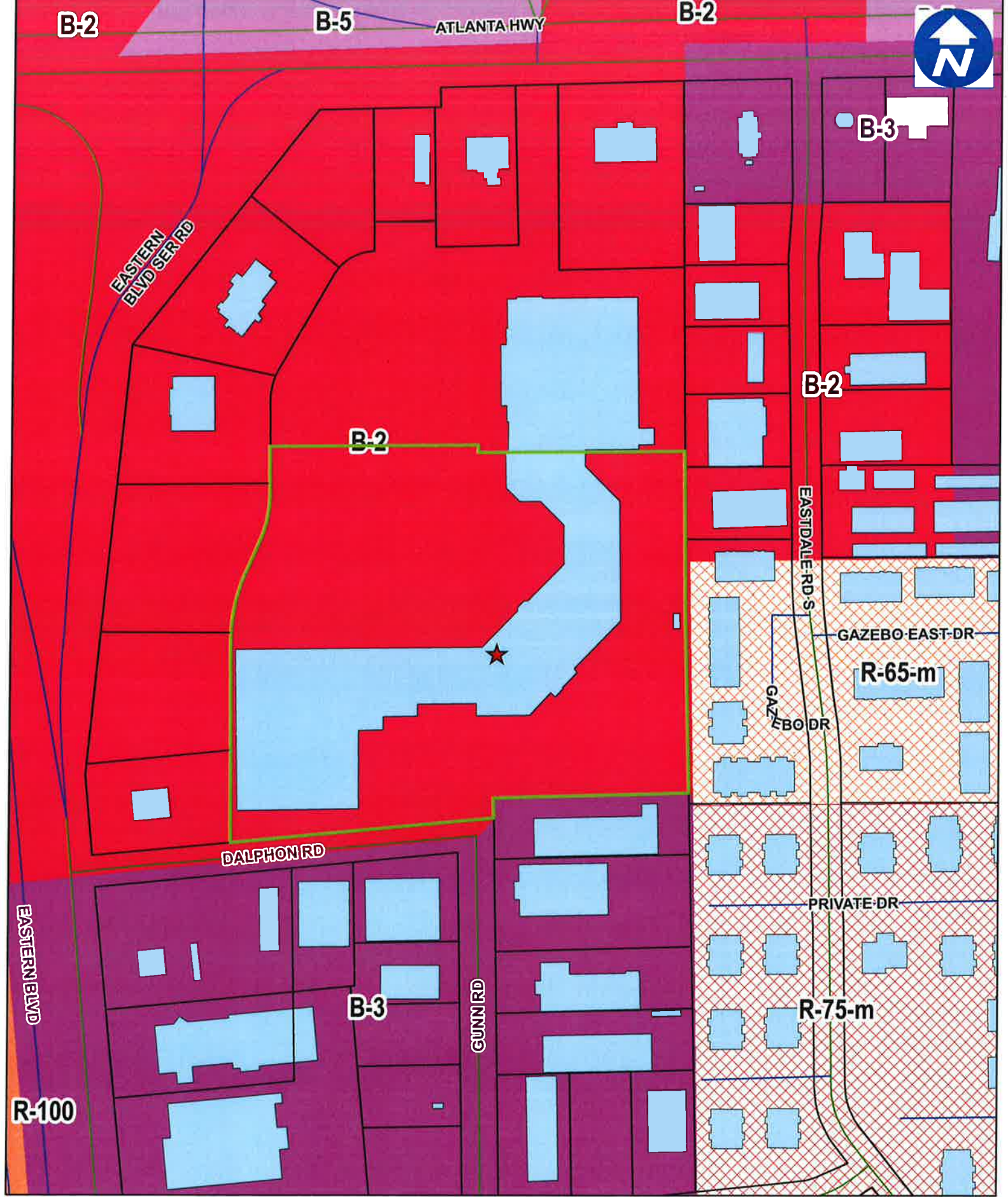
Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum 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 

Tenant Space 

1 inch = 200 feet

Item _____



Site 

1 inch = 200 feet

Item 4B

5. BD-2016-051 **PRESENTED BY:** Milton Lovell

REPRESENTING: nexAir

SUBJECT: Request a special exception for above-ground storage tanks to be located at 3360 Selma Highway in an M-1 (Light Industrial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to locate two (2) 1,500 gallon above-ground storage tanks, whereas 500 gallon tanks are allowed. The tanks will be located behind the building.

The request is a special exception to allow two (2) 1,500 gallon above-ground storage tanks.

COUNCIL DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



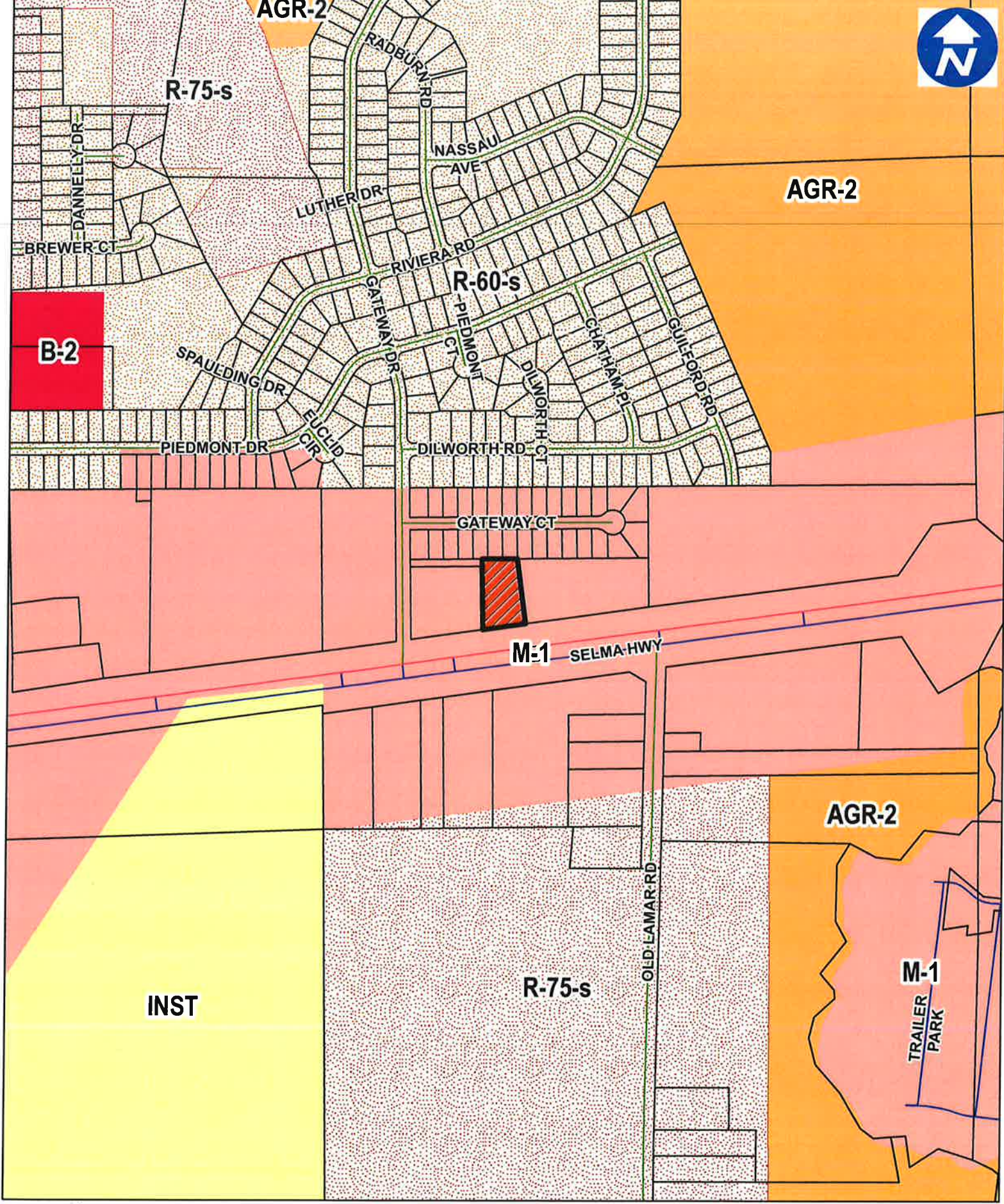
AGR-2

R-75-s

AGR-2

B-2

R-60-s



GATEWAY CT

M-1 SELMA HWY

AGR-2

INST

R-75-s

M-1

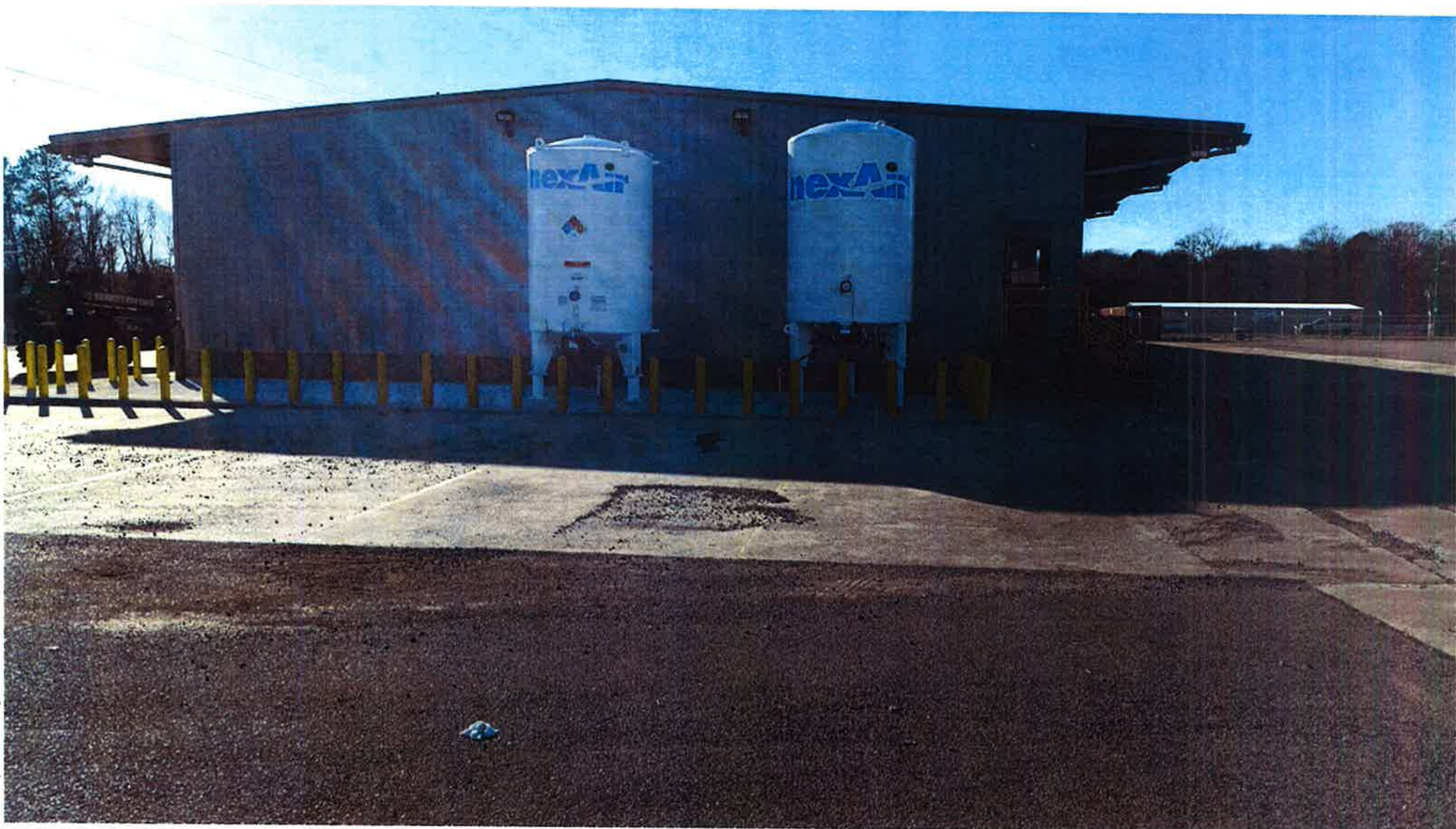
TRAILER PARK

Site



1 inch = 500 feet

Item 5A



NEA,2 EXHIBIT 72.9

512

TANCS - BIRMINGHAM, ALABAMA
NITROGEN / OXYGEN



NEXA EXHAUST R. 11

52

TANKS - DOTHAN, ALABAMA
NITROGEN / OXYGEN



Site Location

1 inch = 60 feet

Item No. 5D

6. BD-2016-052 **PRESENTED BY:** Celedonio Barrera

REPRESENTING: Same

SUBJECT: Request a special exception to keep chickens at 307 Garden Street in an R-65-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep eight (8) chickens. The chicken coop meets the setback requirements of the chicken guidelines and the petitioner has indicated the construction of the coop will meet the guidelines. Per the petitioner, the two (2) roosters that were on the property have been removed and understand they are not allowed. **COMPLAINT**

The request is a special exception to keep eight (8) chickens.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



M-3

ROTARY ST

R-65-d

INST

ZOO RD

KIWANIS ST

CIVITAN ST

BROCKWAY DR

CHISHOLM ELEM

O-1

E VANDIVER BLVD

FAIRGROUND RD

INGLE DR

SHELLY

VANDIVER CT

SHELLY LN

MONTCLAIR DR

KEATING DR

CHELSEA DR

E PARK AVE

PINE ST

JOHNSON ST

EAST ST

GARDENDALE DR

R-75-s

CHISHOLM ST

R-65-d

B-2-q

BROADWAY ST

INST

PICKENS ST

HOUSER ST

HAROLD ST

BROADVIEW ST

B-2

CHAMPION ST

TEXAS ST

HARRIS ST

FLINTSTONE CT

POWELL LN

Site 

1 inch = 400 feet

Item 6A



E PARK AVE

Coop

EAST ST

GARDENDALE DR

Site 

1 inch = 40 feet

Item 6B