

Board of Adjustment Agenda

September 21, 2017 – 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 August 17, 2017 meeting

September 21, 2017

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	1978-086	Jason Martin	R-75-s	3128 Old Selma Road (Farm animals – special exception)	1
2.	2017-037	New South Media Group	B-2	Chantilly Parkway (Billboard – spacing variance)	2
3.	2017-038	Mitchell Fields	B-2	510 Coliseum Boulevard (Church – special exception)	3
4.	1995-103	Jimmy Smith	R-65-s	91 Fleetwood Drive (Accessory structure)	4
5.	2017-039	Donald S. Senger	AGR-2	253 Tensaw Road (Privacy fence)	5
6.	2017-041	Pilgreen Engineering	T4-R	645 Columbus Street (Monument ID sign – exception)	6
7.	1963-213	Flowers & White Engineering	R-65-d	221 Broadway Street (Rear yard variance – addition)	7
8.	1996-175	Essence Drake & Benjamin Larkin	B-2	1824 Mt. Meigs Road (Variance to Ord. No. 17-2014)	8
9.	2017-042	Alfonso Lopez	R-60-s	312-314 South Capitol Parkway (Chickens – special exception)	9
10.	2016-025	Goodwyn, Mills & Cawood	B-2	3009 McGehee Road (ID signs – front yard variance)	10

The next Board of Adjustment meeting is on October 19, 2017

1. BD-1978-086 **PRESENTED BY:** Jason Martin

REPRESENTING: Jason & Ashley Martin

SUBJECT: Request a special exception for chickens, goats, horses and pigs to be located at 3128 Old Selma Road in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep 25-30 chickens (no roosters), 2 goats, 3 miniature horses, and the possibility of having 2 pigs at a future date, on a parcel of land that is at least 5 ½ acres. The entire property is fenced, and there are smaller fenced areas around the property for the animals to be contained in an area as seen fit by the petitioner. There is a coop for the chickens.

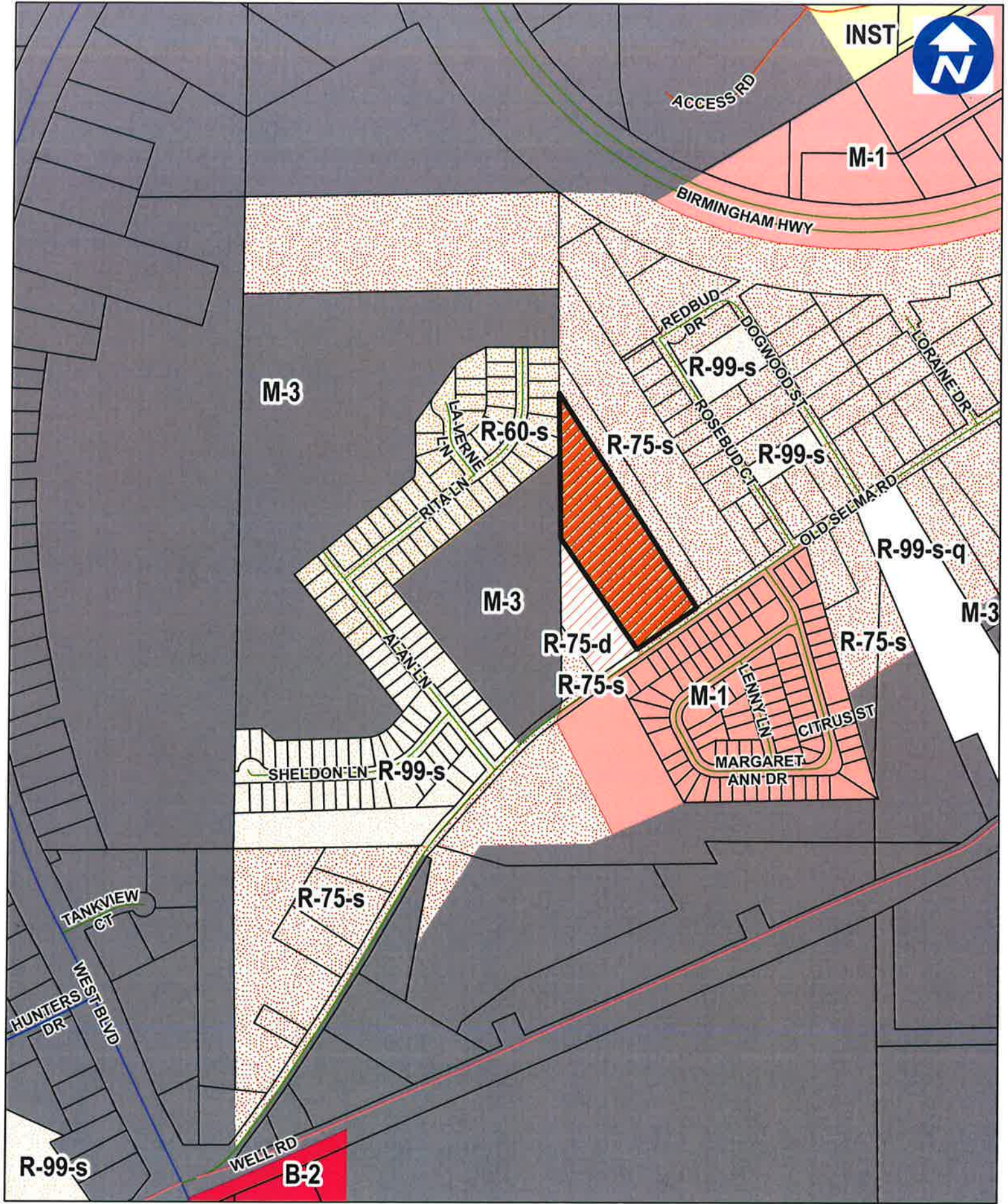
The request is a special exception to keep chickens, goats, horses and pigs on the property.

This request was delayed at the August 17, 2017 meeting.

COUNCIL DISTRICT: 4

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 500 feet

Item 1A



Site 

1 inch = 200 feet

Item 1B

2. BD-2017-037 **PRESENTED BY:** New South Media Group

REPRESENTING: PRA Properties, LLC

SUBJECT: Request a spacing variance between signs for a billboard to be located on the east side of Chantilly Parkway, approximately 500 ft. south of Ryan Road, in a B-2 (Commercial) Zoning District.

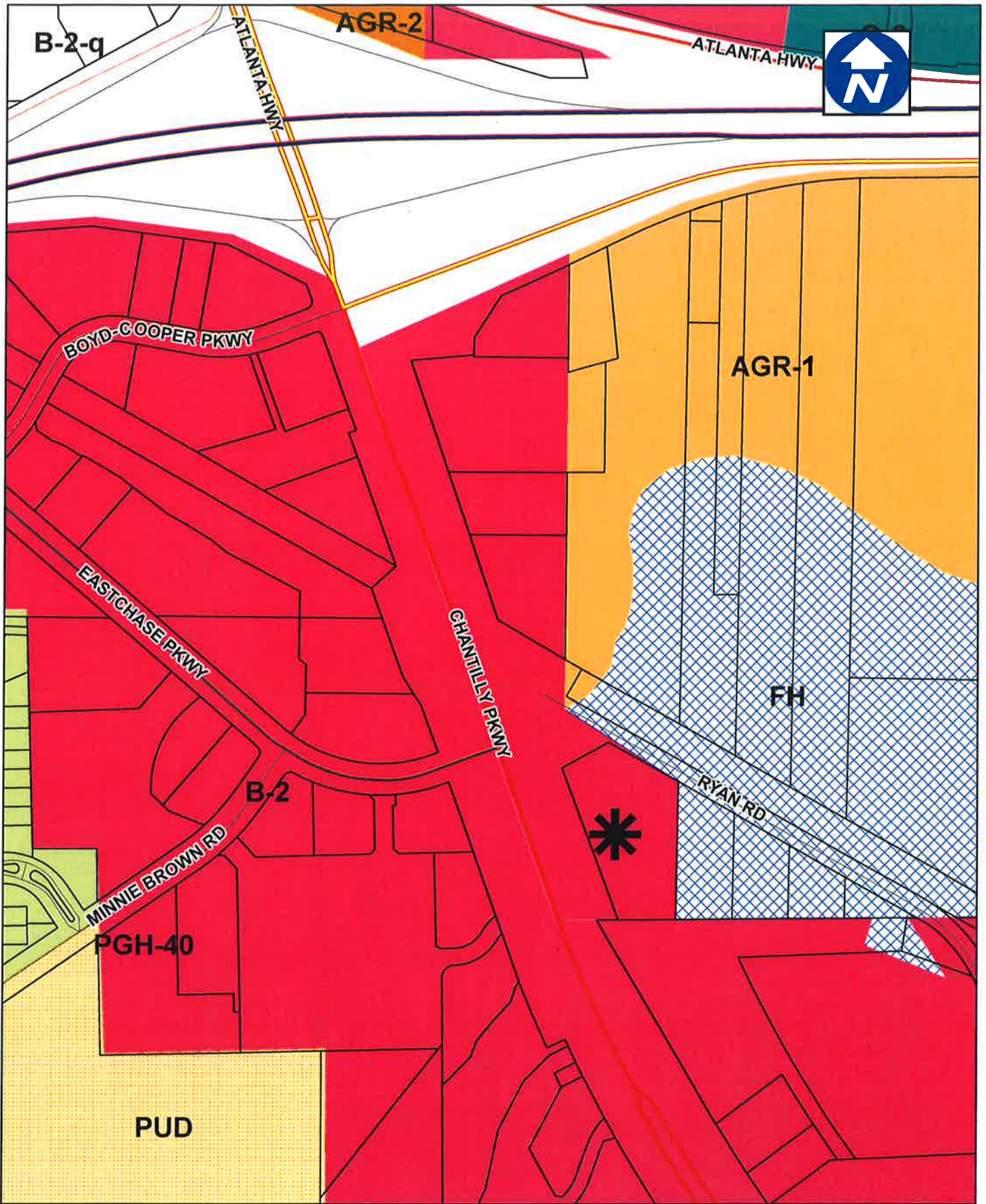
REMARKS: This request is being made to give the petitioner permission to place a billboard within 1,320 ft. of an existing billboard to the north and within 315 ft. of an existing billboard to the south, whereas the separation required by the Billboard Guidelines is 1,500 ft.

The variances requested are 180 ft. separation from the northern billboard, and a 1,185 ft. separation from the southern billboard.

COUNCIL DISTRICT: Police Jurisdiction

COMMENTS _____

ACTION TAKEN: _____

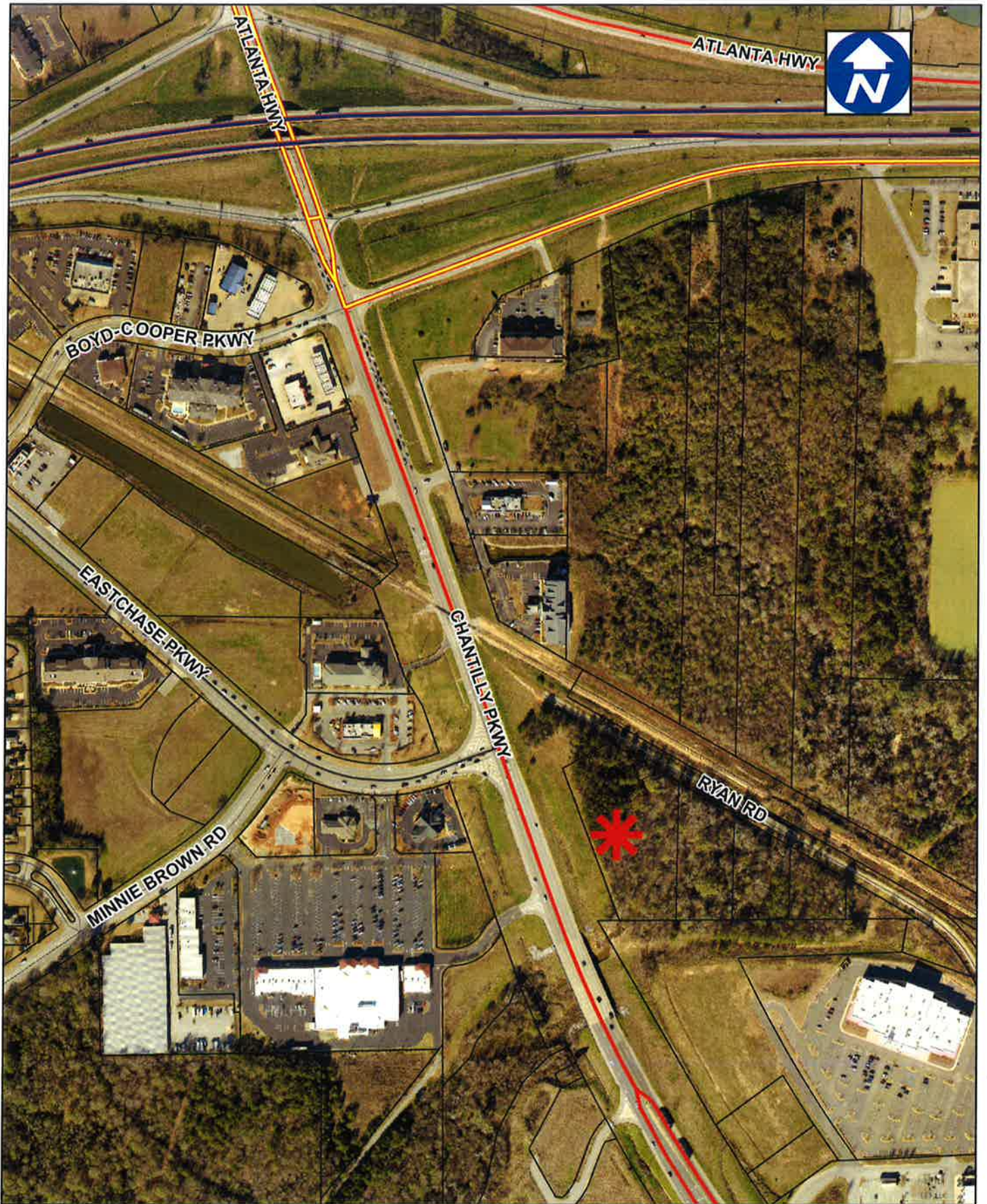


BILLBOARDS
1 inch = 400 feet

SUBJECT PROPERTY



ITEM NO. 2A



BILLBOARDS
1 inch = 400 feet

SUBJECT PROPERTY



ITEM NO. 2C

3. BD-2017-038 **PRESENTED BY:** Mitchell Fields

REPRESENTING: True Grace Fellowship Community Church / House of Yahweh

SUBJECT: Request special exception for a church to be located at 510 Coliseum Boulevard in a B-2 (Commercial) Zoning District.

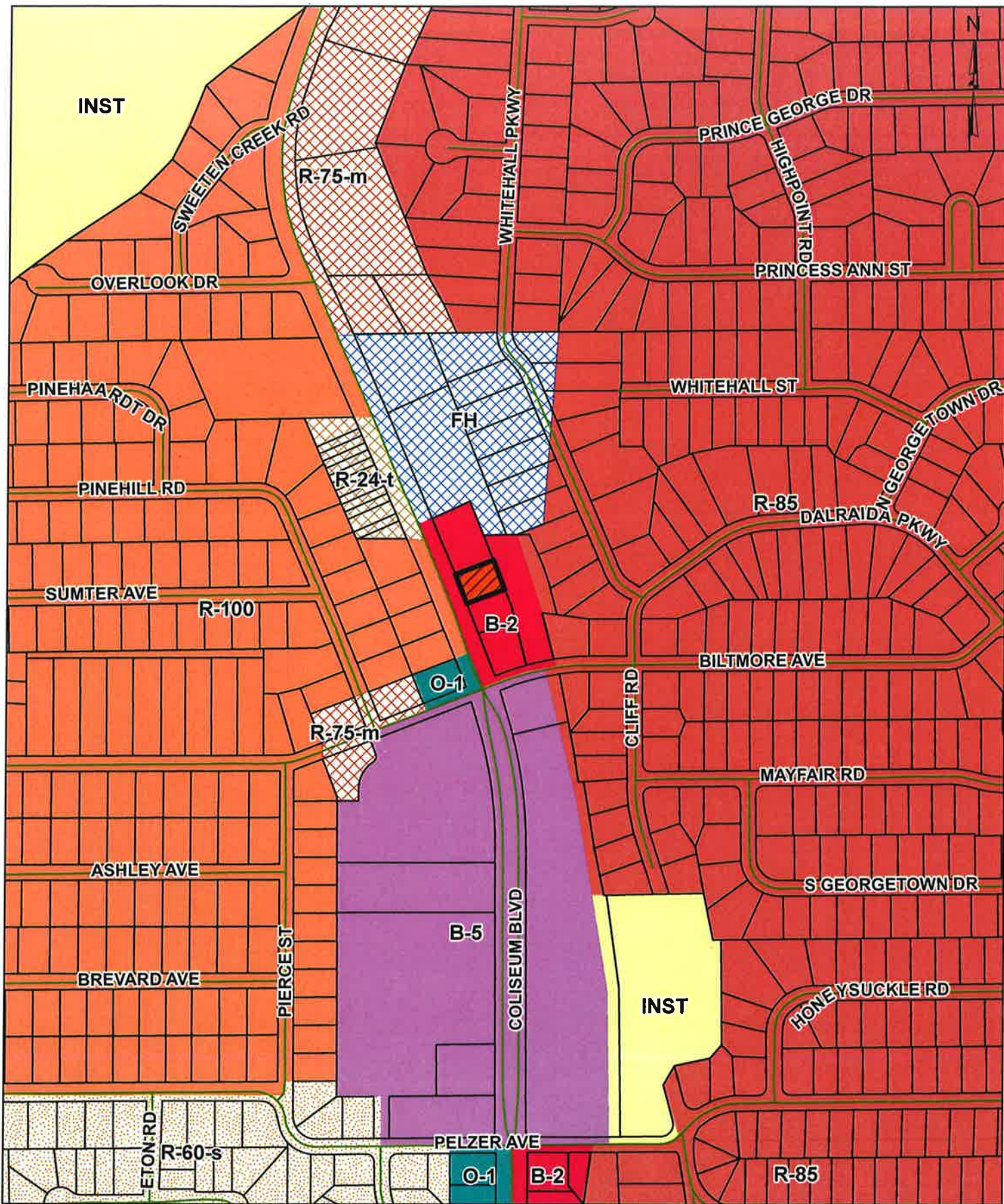
REMARKS: This request is being made to give the petitioner permission to operate a church and church related uses. Hours of operation are Monday-Friday, 7:00 a.m. – 5:00 p.m.; and Saturday-Sunday, 10:00 a.m. – 2:00 p.m. The church will provide classes for GED and job interviews, and will also have a food pantry. There are approximately 45 members at the present time and there are 24 paved parking spaces provided onsite, which exceed the requirement of 1 space per 5 seats.

The request is a special exception for church use.

COUNCIL DISTRICT: 2

COMMENTS _____

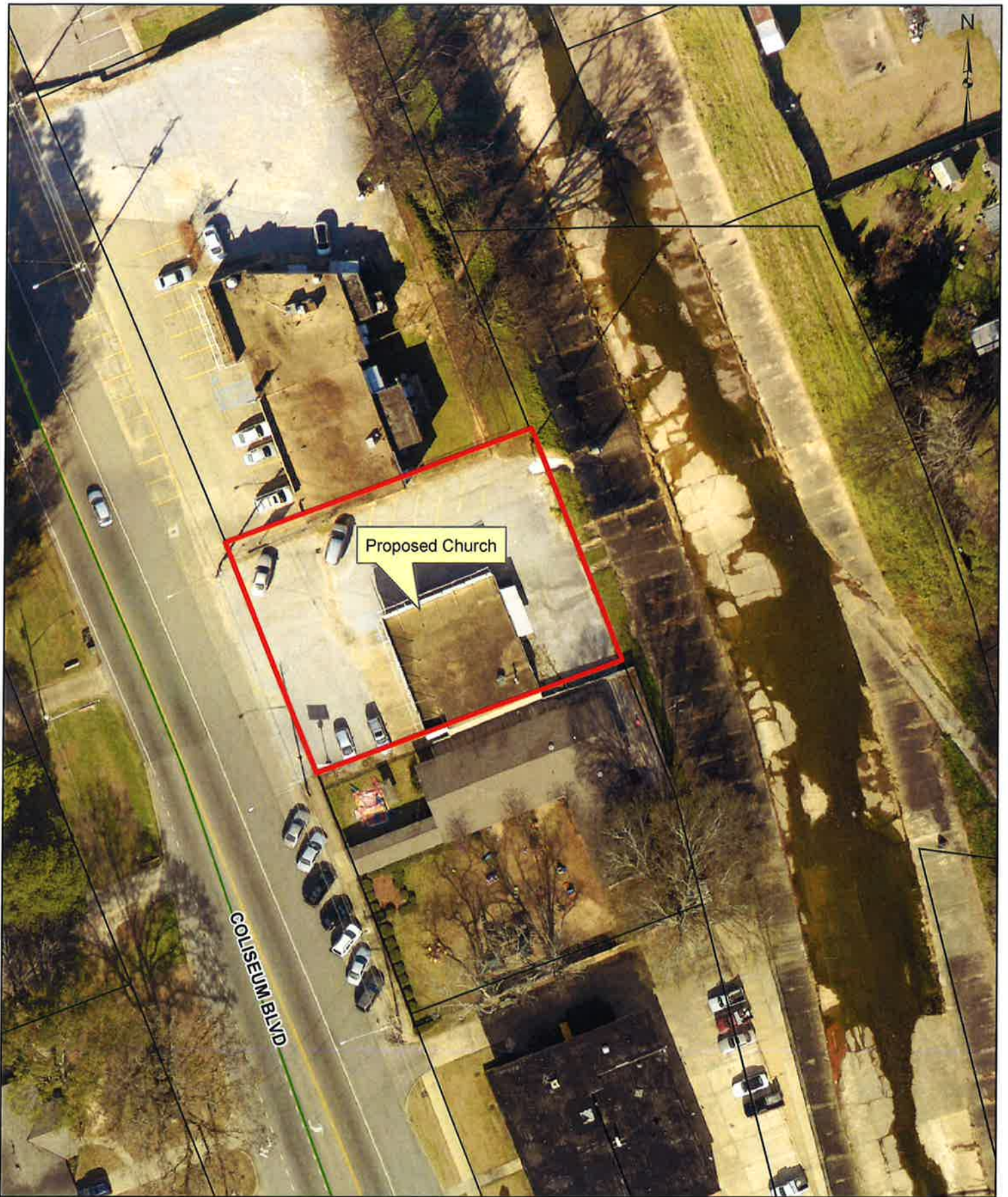
ACTION TAKEN: _____



Site Location 

1 inch = 400 feet

Item No. 3A



Site Location

1 inch = 50 feet

Item No. 3B

4. BD-1995-103 **PRESENTED BY:** Jimmy Smith

REPRESENTING: Thomas Smith

SUBJECT: Request a coverage variance and a variance for an accessory structure without a main dwelling to be located at 91 Fleetwood Drive in an R-65-s (Single-Family Residential) Zoning District.

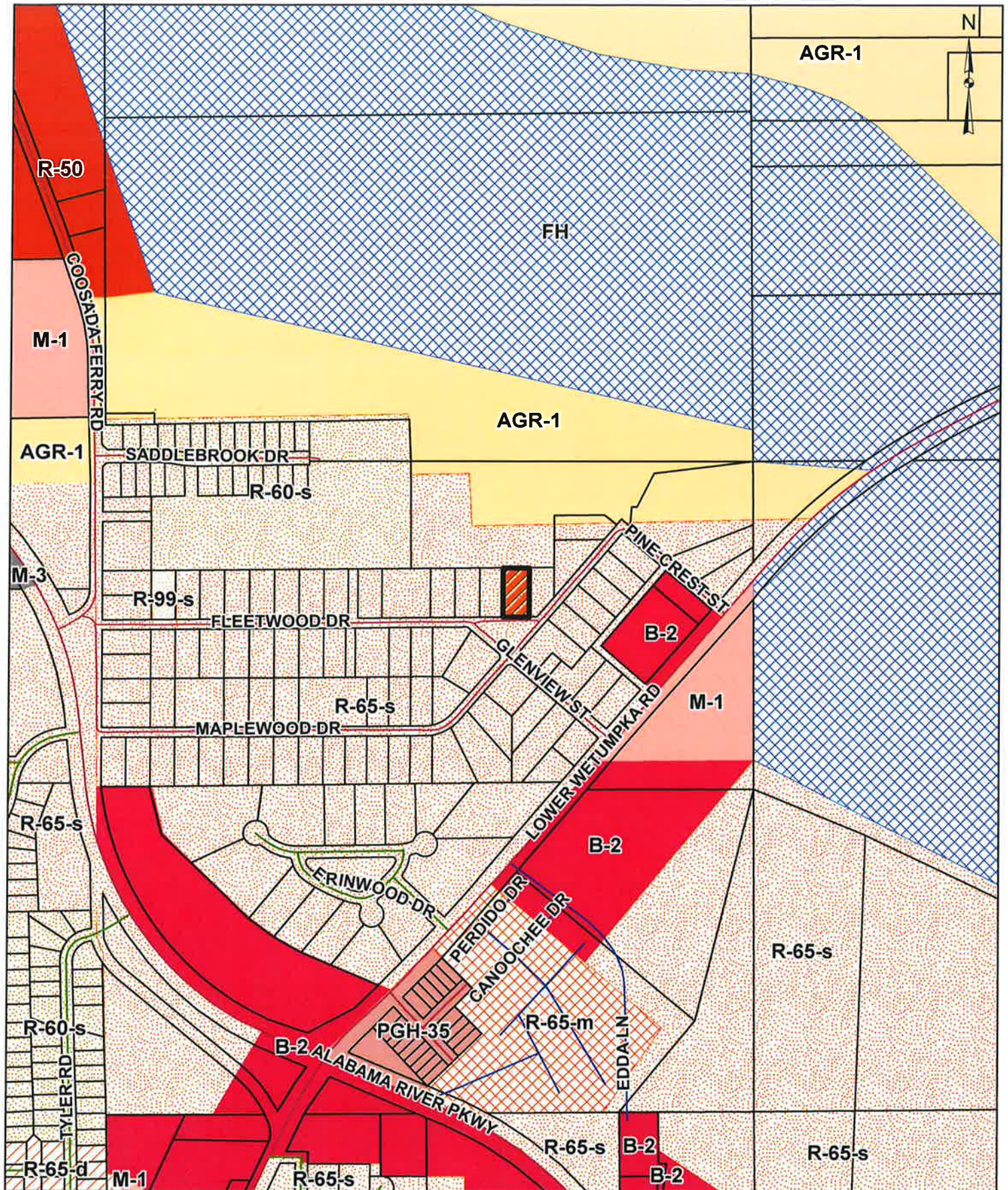
REMARKS: This request is being made to give the petitioner permission to construct a 1,500 sq. ft. (30 ft. x 50 ft.) accessory structure on a lot without a main dwelling, whereas 585 sq. ft. is allowed. The property owner owns the property to the west of this lot.

The request is a 915 sq. ft. coverage variance and variance for an accessory structure on a lot without a main dwelling.

COUNCIL DISTRICT: Police Jurisdiction

COMMENTS _____

ACTION TAKEN: _____

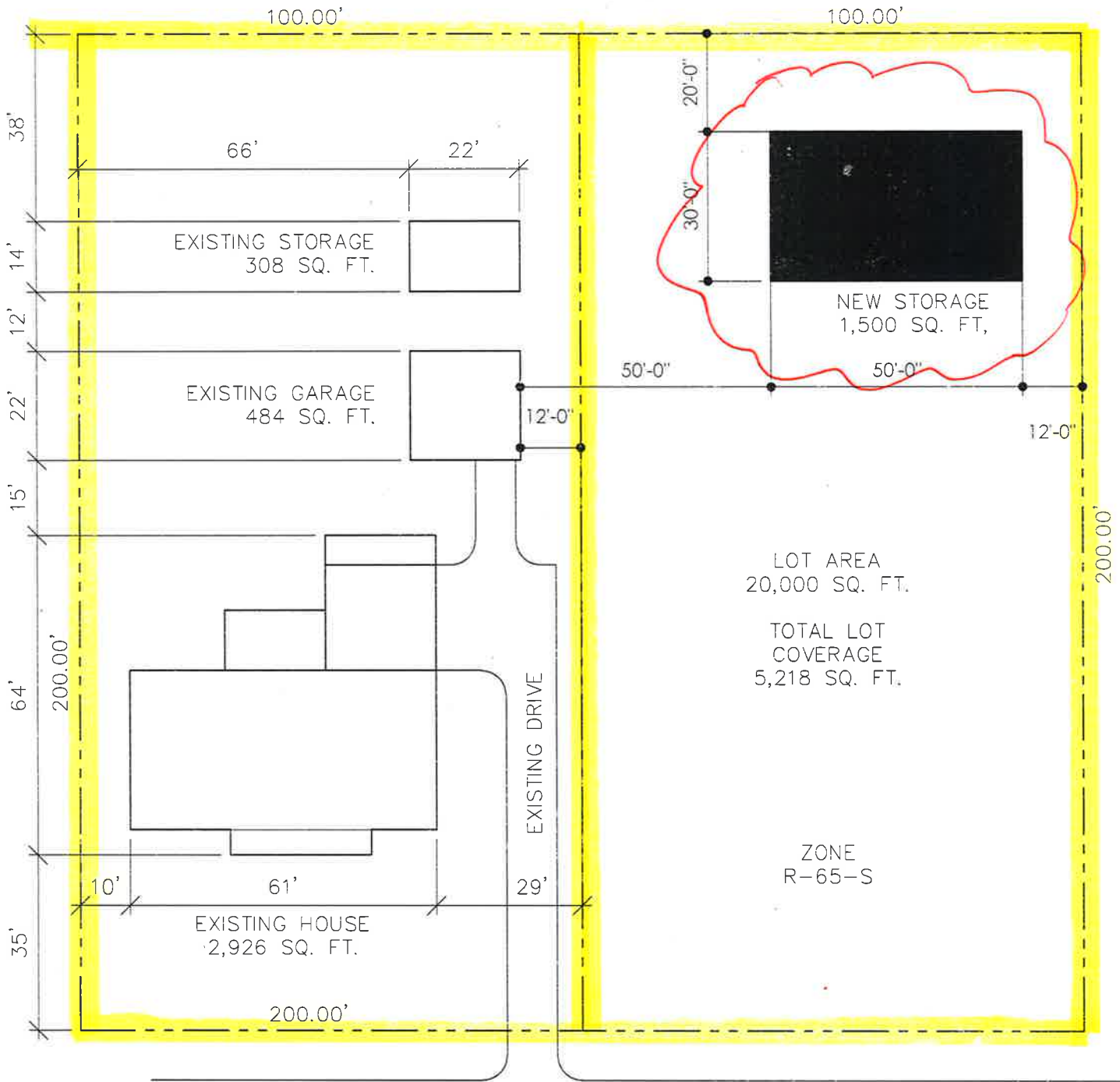


Site Location 

1 inch = 500 feet

Item No. 4A

46



91 FLEETWOOD DRIVE
LOT 5 BLOCK 7
OPEN ACRES SUB'D
MONTGOMERY, ALABAMA

LOT AREA
20,000 SQ. FT.
TOTAL LOT
COVERAGE
5,218 SQ. FT.

ZONE
R-65-S



87 FLEETWOOD DRIVE

91 FLEETWOOD DRIVE

SITE PLAN
SCALE: 1" = 30'-0"



Site Location 

1 inch = 50 feet

Item No. 4C

5. BD-2017-039 **PRESENTED BY:** Donald S. Senger

REPRESENTING: Donald and Mi Senger

SUBJECT: Request a height variance for a new privacy fence to be located at 253 Tensaw Road in AGR-2 (General Agriculture) Zoning District.

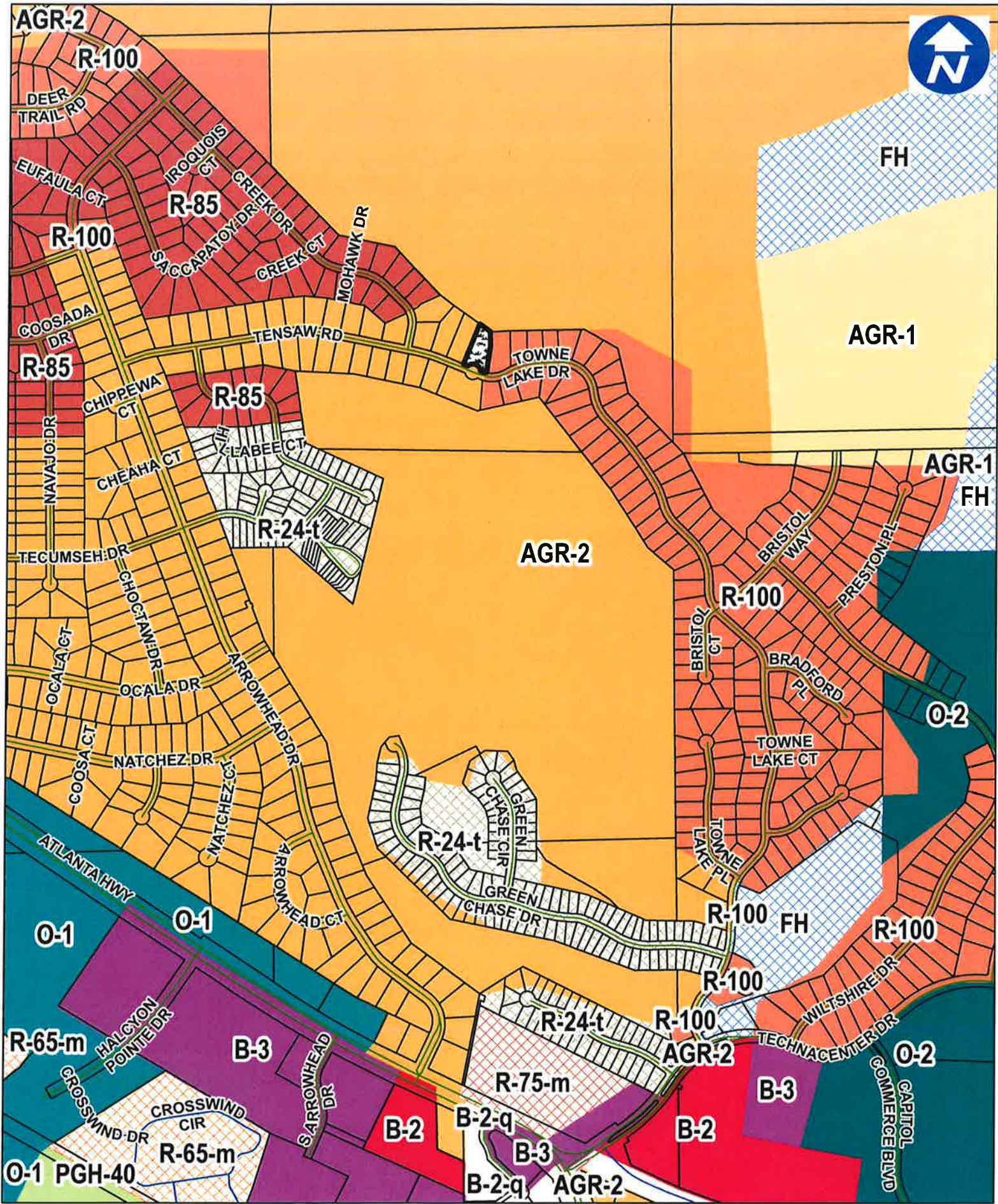
REMARKS: This request is being made to give the petitioner permission to construct a 9 ft. high privacy fence, whereas 7 ft. is allowed. The elevation at the back patio (197 ft.) is higher than the existing fence (191 ft.), which doesn't allow much privacy in the back yard.

The request is a 2 ft. height variance for a new privacy fence.

COUNCIL DISTRICT: 1

COMMENTS _____

ACTION TAKEN: _____



Site

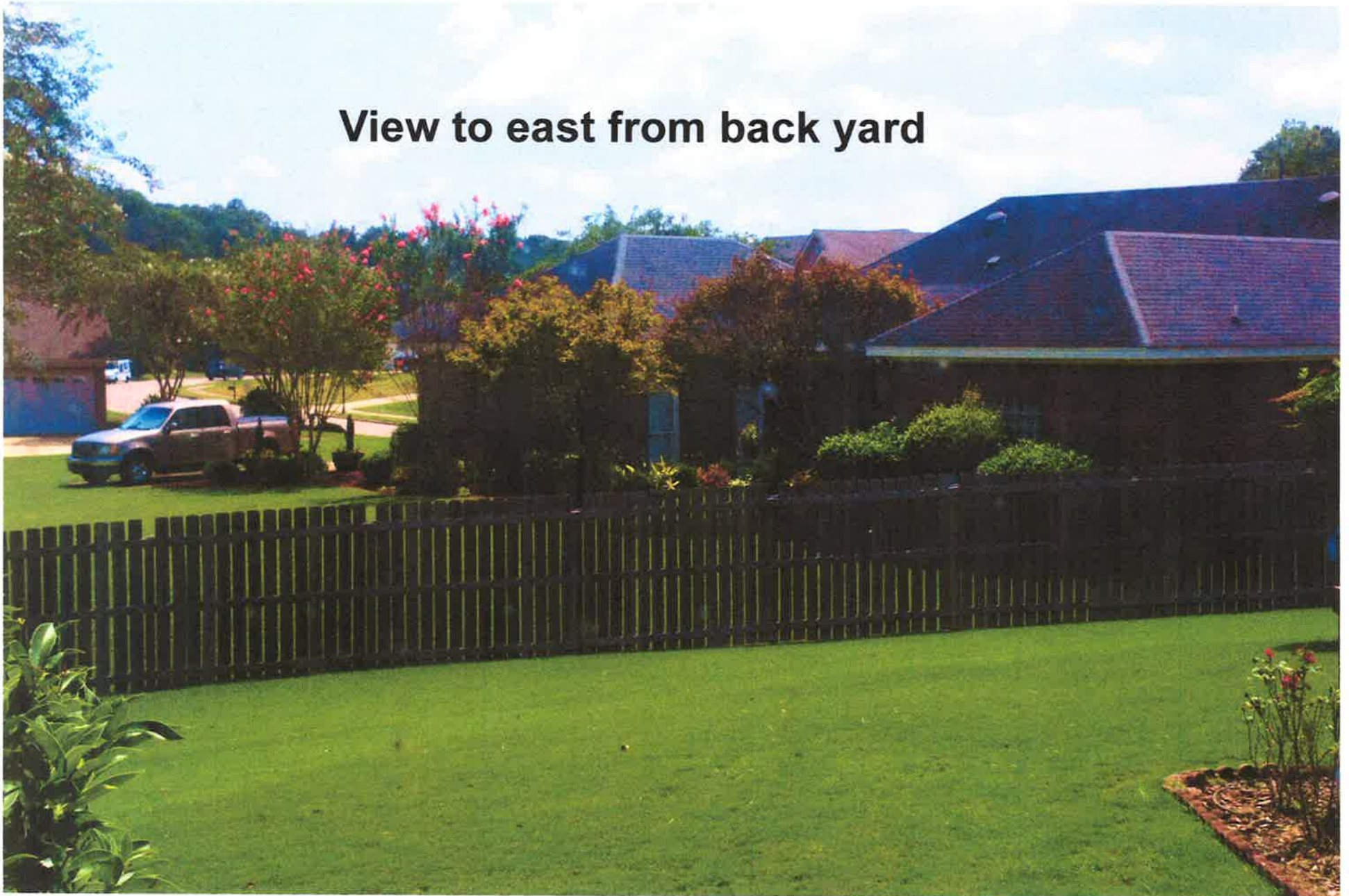
1 inch = 800 feet

Item 5A

3

5/1

View to east from back yard



4

View to east from patio 21





Proposed Fence

TENSAR RD

TOWNE LAKE DR

253

780

Site 

Proposed Fence 

1 inch = 40 feet

Item 5D

6. BD-2017-041 **PRESENTED BY:** Pilgreen Engineering

REPRESENTING: Columbus Square LLC

SUBJECT: Request an exception to SmartCode for a new monument ID sign to be located at 645 Columbus Street in a T4-R (General Urban-Restricted) SmartCode Zoning District.

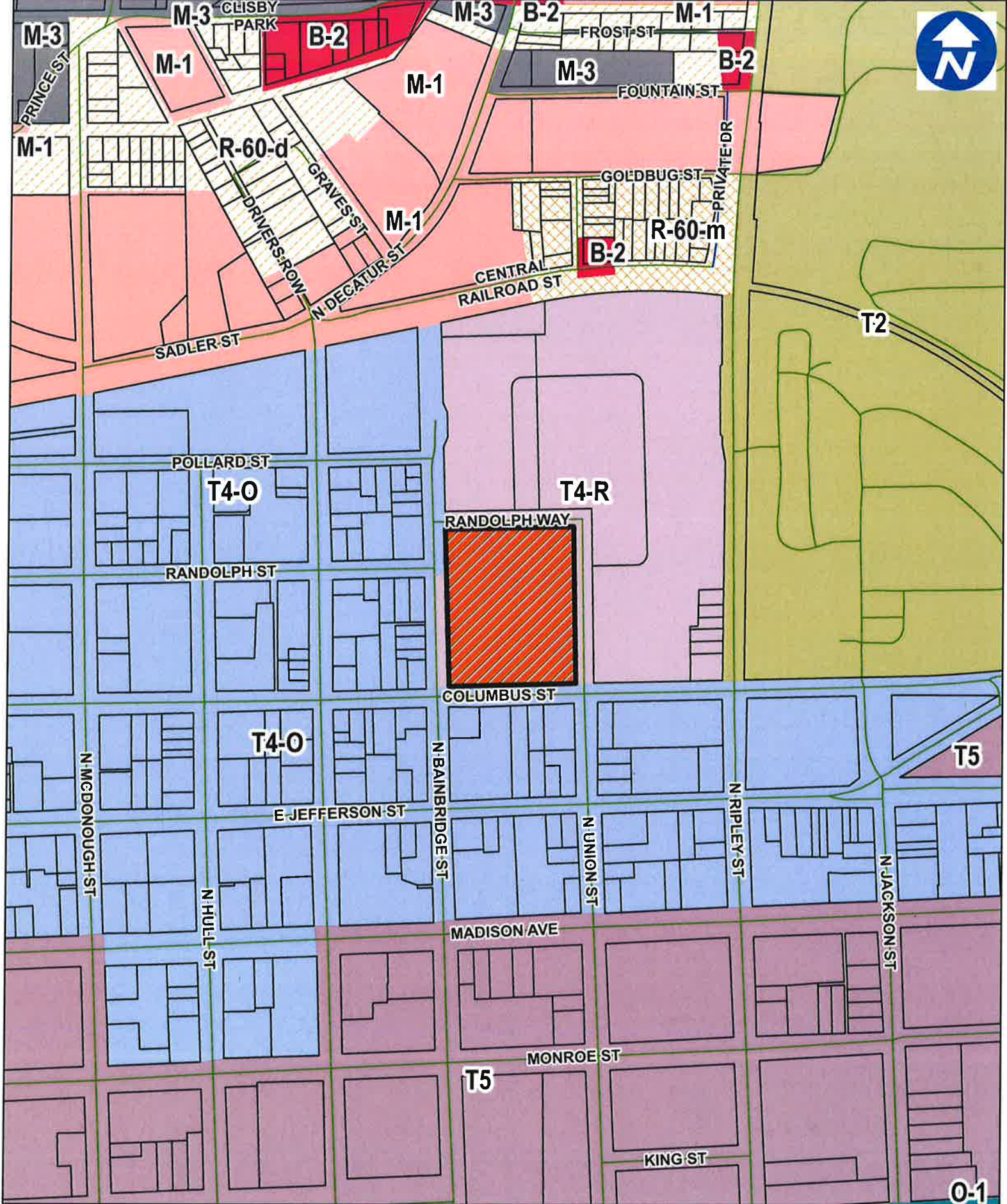
REMARKS: This request is being made to give the petitioner permission to construct a new monument ID sign at the North Bainbridge Street entrance into the apartment complex, whereas SmartCode Signage Standards do not permit monument signs. The sign will be 5 ft. 5 in. in height and is approximately 8 ft. from the North Bainbridge Street property line.

The request is an exception to allow a 5 ft. 5 in. tall monument ID sign.

COUNCIL DISTRICT: 3

COMMENTS _____

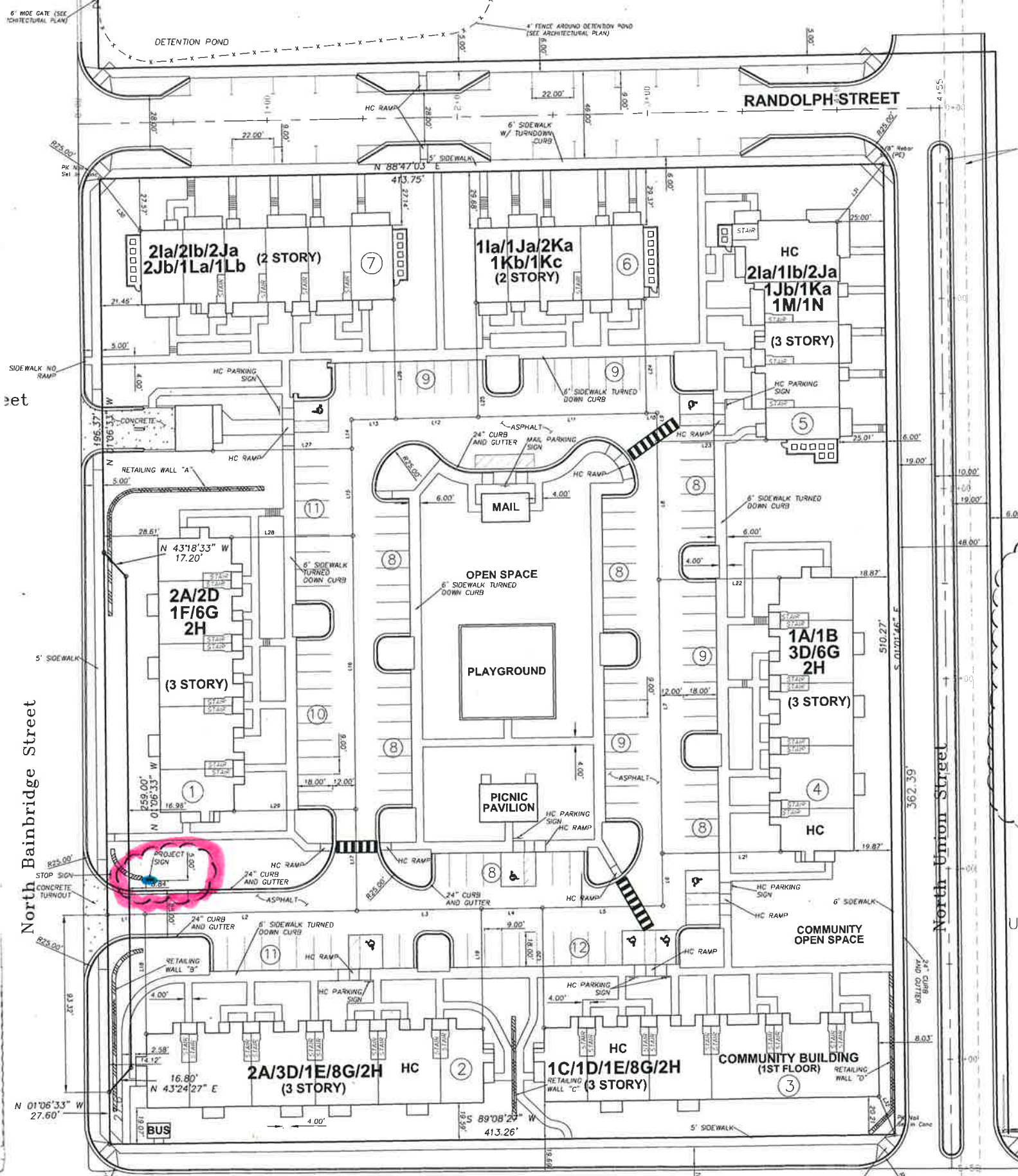
ACTION TAKEN: _____



Site 

1 inch = 400 feet

Item 6A



Columbus Street

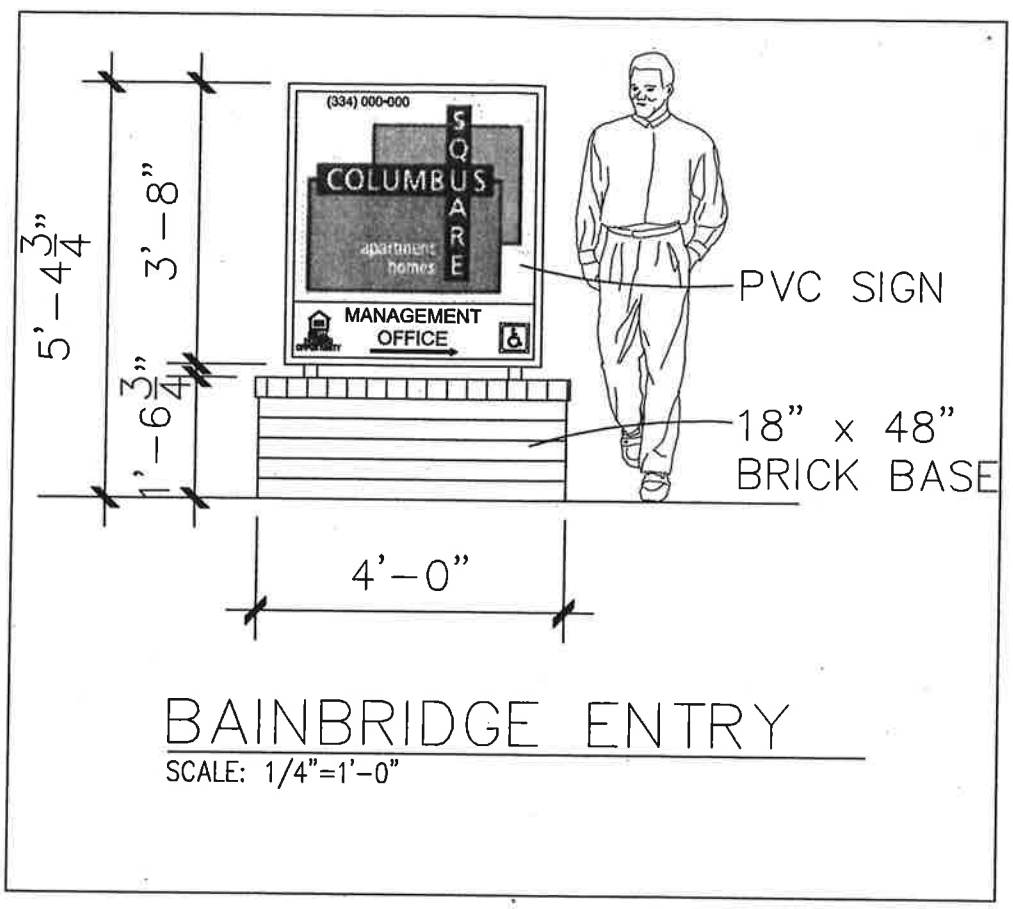
LB



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ENG

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- 2. ALL MAINT
- 3. ALL
- 4. BEF
- 5. DIRE
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- 7. CON
- 8. CON
- 9. ANY
- 10. ALL WHICHE
- 11. CO
- 12. ALL GUTTER SHALL EDGE C DETERM
- 13. PRI
- 14. COI

00'
6.00'
10'



UNDEVELOPED

60



Site 

1 inch = 100 feet

Item 6D

7. BD-1963-213 **PRESENTED BY:** Flowers & White Engineering

REPRESENTING: First Baptist Church Nehemiah Center

SUBJECT: Request a rear yard variance for an addition to a building located at 221 Broadway Street in an R-65-d (Duplex Residential) Zoning District.

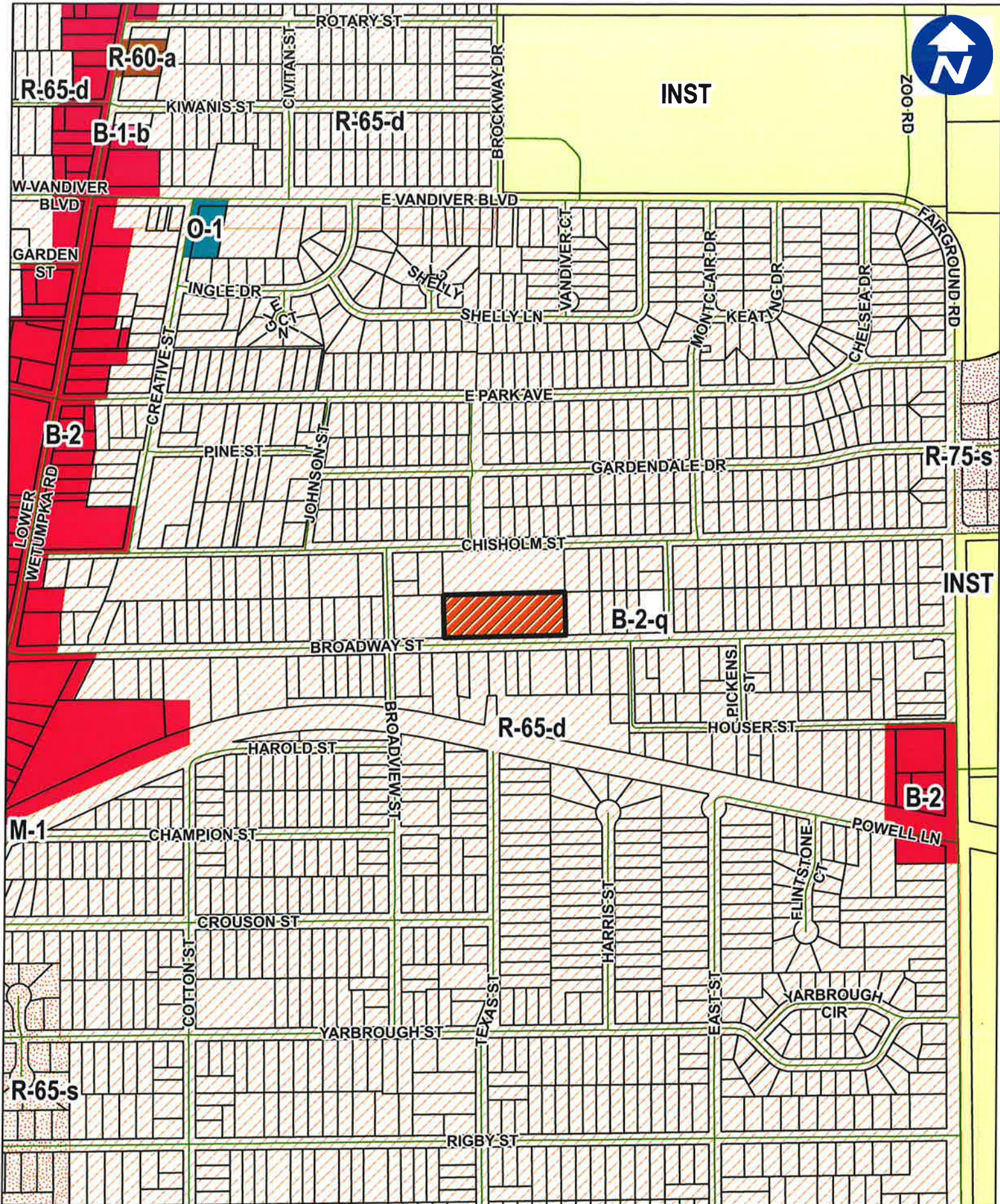
REMARKS: This request is being made to give the petitioner permission to construct a 1,188 sq. ft. addition to a gymnasium that will come within 12 ft. of the rear property line, whereas 35 ft. is required.

The request is a 23 ft. rear yard variance.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 500 feet

Item 7A

716

CITY NOTES:

- BEFORE ANY WORK BEGINS WITHIN CITY RIGHT OF WAY, CONTACT CITY ENGINEERING CHIEF INSPECTOR AT 241-2863.
- ALL UTILITY CONNECTIONS MADE WITHIN EXISTING CITY STREETS MUST BE BORER UNLESS OTHERWISE DETERMINED BY CITY MAINTENANCE DEPARTMENT (241-2863). AN APPROVAL LETTER FROM MAINTENANCE WILL BE REQUIRED BEFORE DEVELOPMENT PLAN CAN BE APPROVED BY ENGINEERING.
- BEFORE ANY STREET CUTS, CONTACT DONALD THOMAS WITH CITY MAINTENANCE AT 241-2860.
- DIRECT ALL STORM WATER INCLUDING ROOF DRAINS TO STREET RIGHT OF WAY OR DRAINAGE EASEMENT.
- CONTRACTOR IS RESPONSIBLE FOR INSTALLING AND MAINTAINING ADEQUATE EROSION / SEDIMENTATION CONTROL DURING ALL PHASES OF CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR KEEPING MAID AND DEBRIS OFF CITY STREETS AND RIGHT OF WAY. CLEAN UP IS REQUIRED DAILY.
- CONTRACTOR IS RESPONSIBLE FOR THE REPLACEMENT OF SIDEWALK AND / OR CURB AND GUTTER DAMAGED DURING CONSTRUCTION.
- ANY CHANGES OR REVISIONS MADE TO SITE PLANS MUST BE SUBMITTED FOR APPROVAL.
- ALL AREAS ON CITY P.L.R. THAT ARE DISTURBED DURING CONSTRUCTION SHALL BE REPLACED WITH SOIL, ASPHALT OR CONCRETE, WHICHEVER IS DEEMED NECESSARY BY ENGINEERING DEPARTMENT.
- CONVERT ALL STREET GRATE INLETS TO "S" TYPE CURB INLETS.
- ANY STREET CUTS REQUIRE A CITY STANDARD PAVEMENT PATCH AND 50' LONG FULL STREET ASPHALT OVERLAY.
- PROVIDE HANDICAP RAMPS AT ALL SIDEWALK AND DRIVEWAY INTERSECTIONS.
- ALL WATER AND SANITARY WORK AND MATERIALS ARE TO MEET MONTGOMERY WATER WORKS & SANITARY SEWER BOARD STANDARDS & SPECIFICATIONS. PIPE LINES MUST MEET NFPA FIRE CODE STANDARDS FOR MATERIALS AND TESTING.
- ANY WORK ON PUBLIC ROW REQUIRES A WORK ZONE THAT MEETS THE STANDARDS OF A MUTED MANUAL.
- ALL SANITARY SEWER MAIN 8" AND LARGER SHALL BE SOLID WALL PVC SDR26 PIPE UNLESS SPECIFICALLY CALLED OUT AS DUCTILE IRON. ALL SANITARY SEWER PIPING 8" AND SMALLER SHALL BE SCHEDULE 40S 24.0 OR 26 PVC WITH BALL AND SPOCKET ENDS FOR GASKETED JOINTS WITH ELASTOMERIC SEALS. ALL DUCTILE IRON PIPE SHALL BE POLYWRAPPED PER AWSWB SPECS.
- CONTRACTOR SHALL MAINTAIN A MINIMUM 36" COVER OVER EXISTING WATER AND SEWER LINES AT ALL TIMES DURING CONSTRUCTION.
- NO TREES ALLOWED IN WATER OR SANITARY SEWER EASEMENTS.

PROJECT NOTES:

- THE UNDERGROUND UTILITIES AND STORM DRAIN PIPE SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA COVERED BY SURVEY OR DRAWINGS. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL OF THE UNDERGROUND UTILITIES AS TO SIZE, DEPTH, OR CONDITION.
- WATER AND SEWER LATERALS SHOWN ARE FROM RECORD DRAWINGS AND INFORMATION PROVIDED BY MONTGOMERY WATER WORKS AND SANITARY SEWER BOARD. CONTRACTOR SHALL FIELD VERIFY LOCATION AND DEPTHS OF LATERALS PRIOR TO STARTING CONSTRUCTION.
- SHOULD THERE BE ANY DISCREPANCIES BETWEEN DRAWINGS, SPECIFICATIONS OR GEOTECHNICAL REPORTS, THE CONTRACTOR SHALL RESOLVE TO THE MOST STRINGENT AND LARGEST QUANTITY OF WORK AS DETERMINED BY THE ARCHITECT AND ENGINEER.
- ANY MAJOR CONSTRUCTION OBSTACLES THAT MAY BE ENCOUNTERED TO SURROUNDING ROADS, PARKING AREAS OR STORM SEWER SYSTEM SHALL BE CLEARED UP IMMEDIATELY AT THE CONTRACTOR'S EXPENSE.

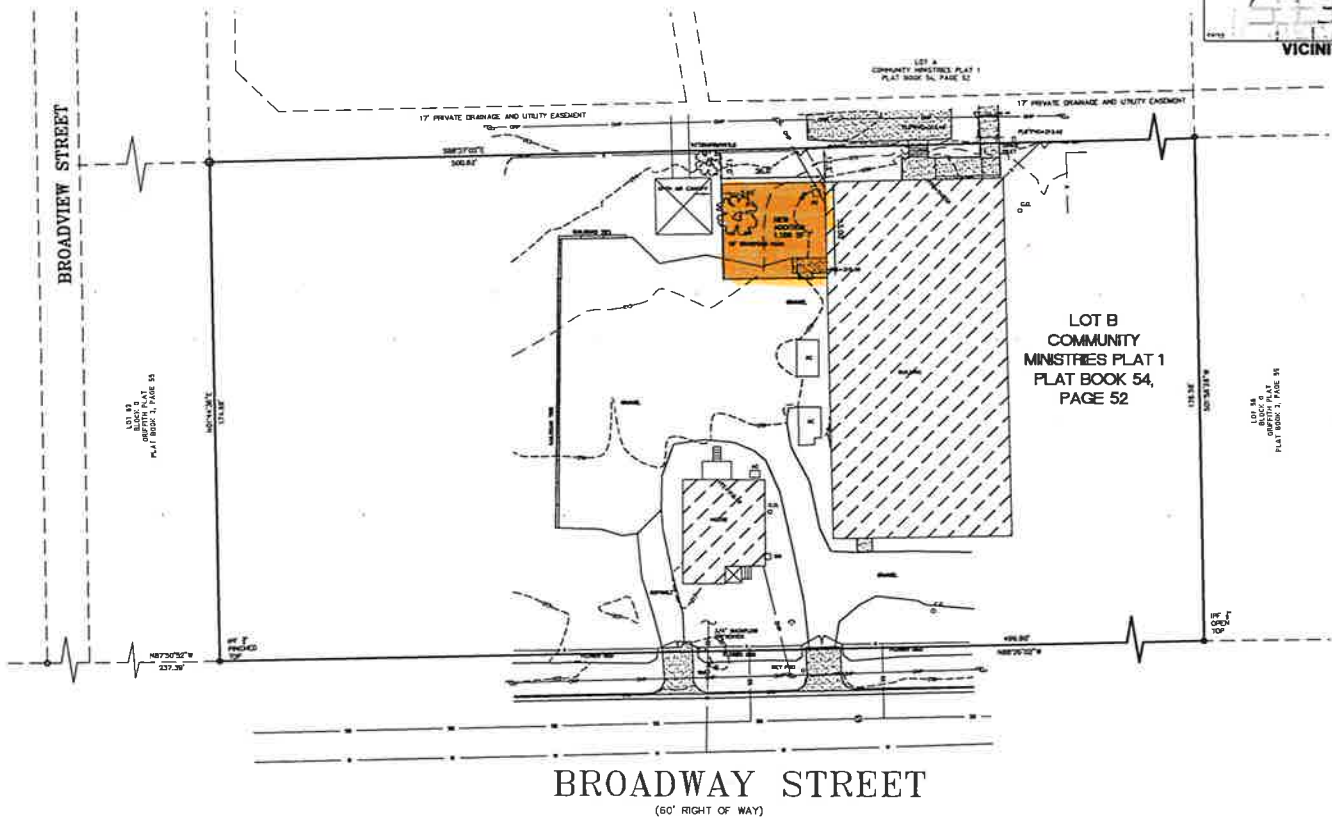
WATER AND SEWER NOTE:
NO NEW WATER OR SEWER CONNECTIONS FOR THIS EXPANSION.

PHYSICAL ADDRESS:
THE PHYSICAL ADDRESS FOR THE PROPERTY IS:
221 BROADWAY STREET, MONTGOMERY, AL

Alabama Line
Location Center, Inc.
1-800-292-8525
Call 2 working days before digging.
It's the Law!

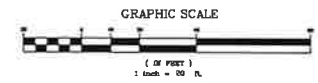


FLOWERS & WHITE
ENGINEERING, L.L.C.
1000 W. STATE ST., MONTGOMERY, AL 36102
PH: 334.334.3800 FAX: 334.334.3371



BROADWAY STREET
(60' RIGHT OF WAY)

Addition



PRELIMINARY - NOT FOR CONSTRUCTION

A NEW BUILDING ADDITION FOR:
FIRST BAPTIST CHURCH
NEHEMIAH CENTER
MONTGOMERY, ALABAMA

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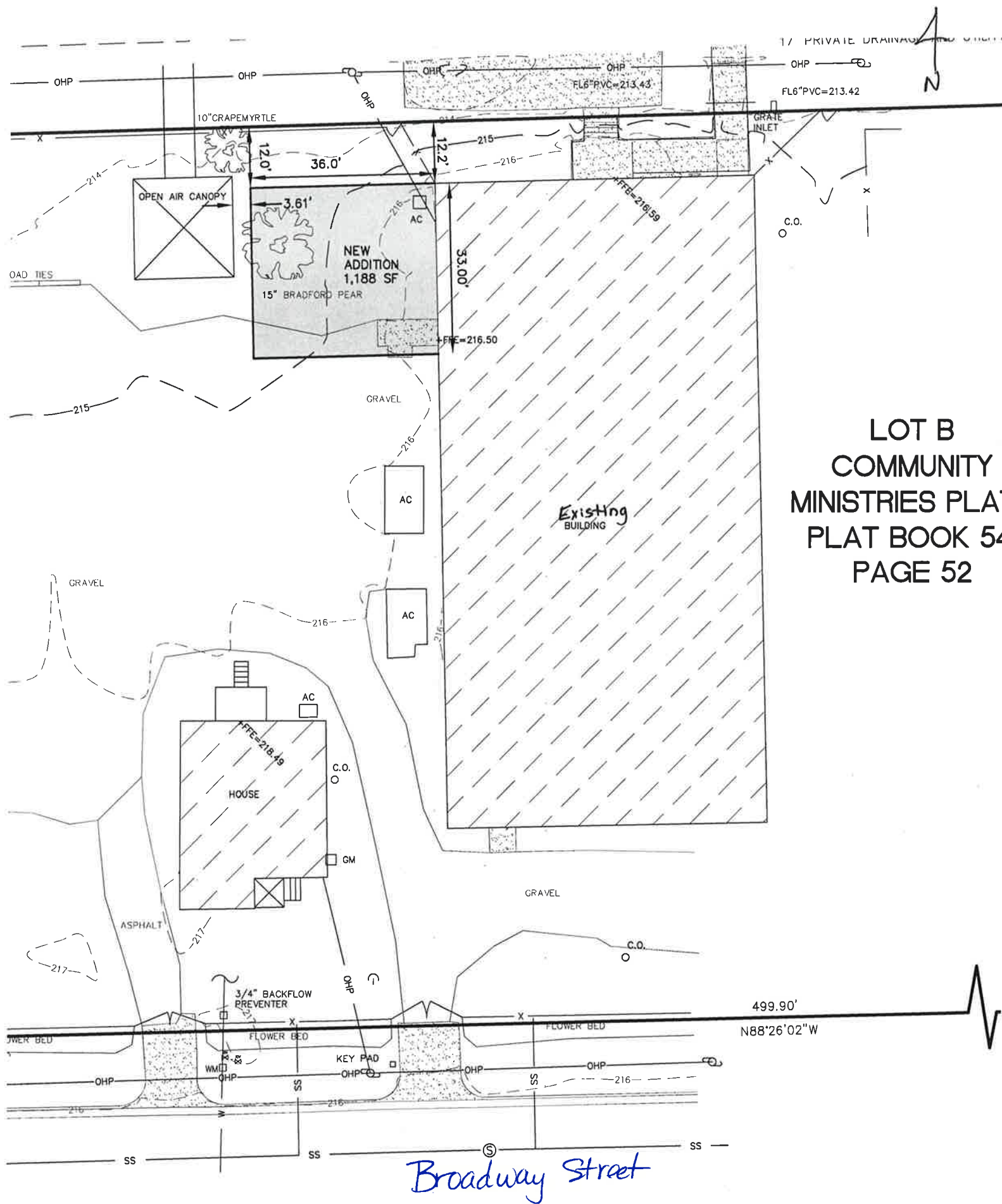
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PROJ. #	D-002
DRAWN BY	JWB
CHECKED BY	BWF
DATE	8-25-17
REV. #	1
REV. #	1
REV. #	1

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
C1

SHEET 1 OF 1



LOT B
 COMMUNITY
 MINISTRIES PLAT
 PLAT BOOK 54
 PAGE 52

Broadway Street

7C



Site 

1 inch = 100 feet

Item 7D

8. BD-1996-175 **PRESENTED BY:** Essence Drake & Benjamin Larkin

REPRESENTING: Same

SUBJECT: Request a variance to Ordinance No. 17-2014 for a building located at 1824 Mt. Meigs Road in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a bar/lounge that will serve alcoholic beverages on the premises. The closest door is 35 ft. from the nearest residential district line, whereas 250 ft. is required.

Ord. No. 17-2014

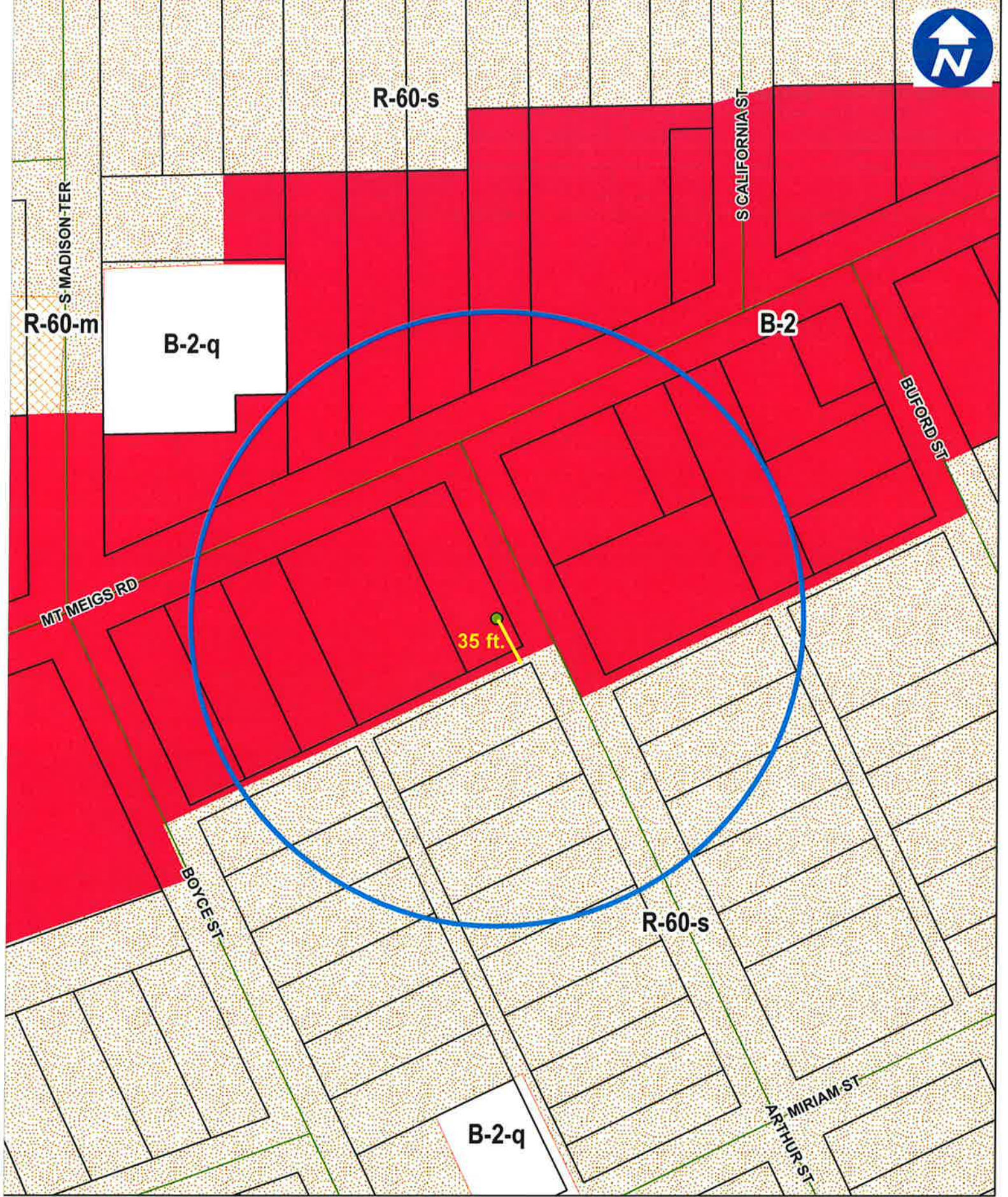
Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum 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 215 ft. variance to Ord. No 17-2014

COUNCIL DISTRICT: 3

COMMENTS _____

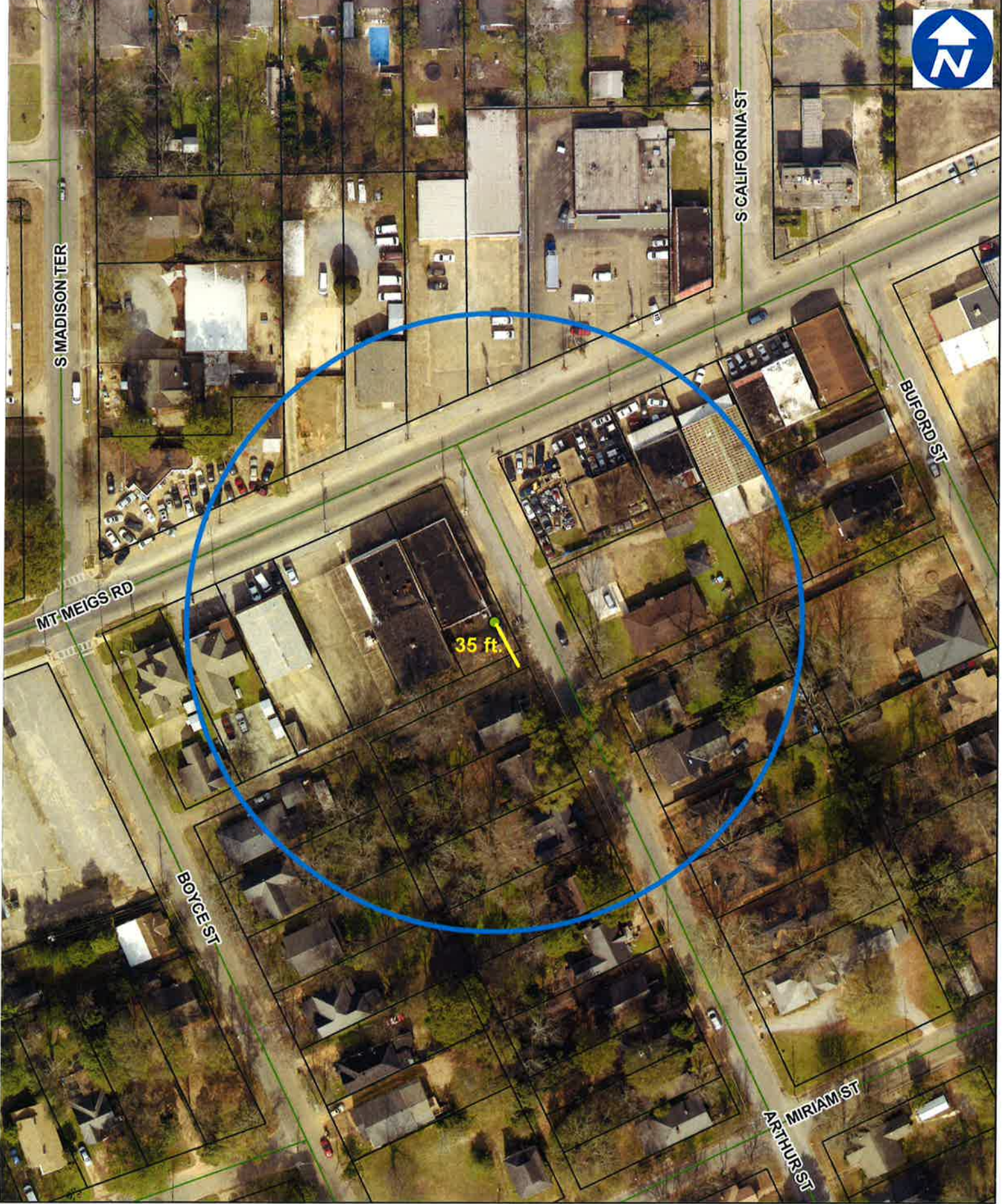
ACTION TAKEN: _____



Site 

1 inch = 100 feet

Item 8A



Site 

1 inch = 100 feet

Item 8B

9. BD-2017-042 **PRESENTED BY:** Alfonso Lopez

REPRESENTING: Same

SUBJECT: Request a special exception to keep chickens and ducks on the property located at 312-314 South Capitol Parkway in an R-60-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep six (6) chickens and six (6) ducks in the back yard, for companions and therapeutic use for his son (see attached letter). The petitioner has stated he will comply with the Guidelines for Chickens.

COMPLAINT

The request is a special exception to keep six (6) chickens and six (6) ducks.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____

Appeal to the Board of Adjustment.

Alfonso Lopez - Ramirez

314 S. Capitol Pkwy

Montgomery, AL 36107

Dear representants of the Board of Adjustment,

Trorught this letter we want to request the permission to keep in our backyard 6 chickens and 6 ducks.

At present time the animals are with in a fence in the back of the house, but we want to keep them according to the city request stated in the guidelines for Chicken.

The main reason to have that flock is to teach our children some responsibilities related to commitment, cleanness, and respect to nature. Our two sons have some daily duties that help them to be responsible and accountable for their animals.

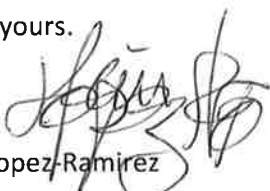
At the other hand, one of our sons, Russell, 10 years old, has a condition named ADHD (Attention-Deficit/Hyperactivity Disorder). Besides been medicated, it can help him to stay organized and follow directions with tools such as keeping a routine and a schedule, organizing everyday items, using homework and notebook organizers, and giving praise or rewards when rules are followed. We have observed that the fact that he spends time petting and caring for the flock helps him to feel responsible.

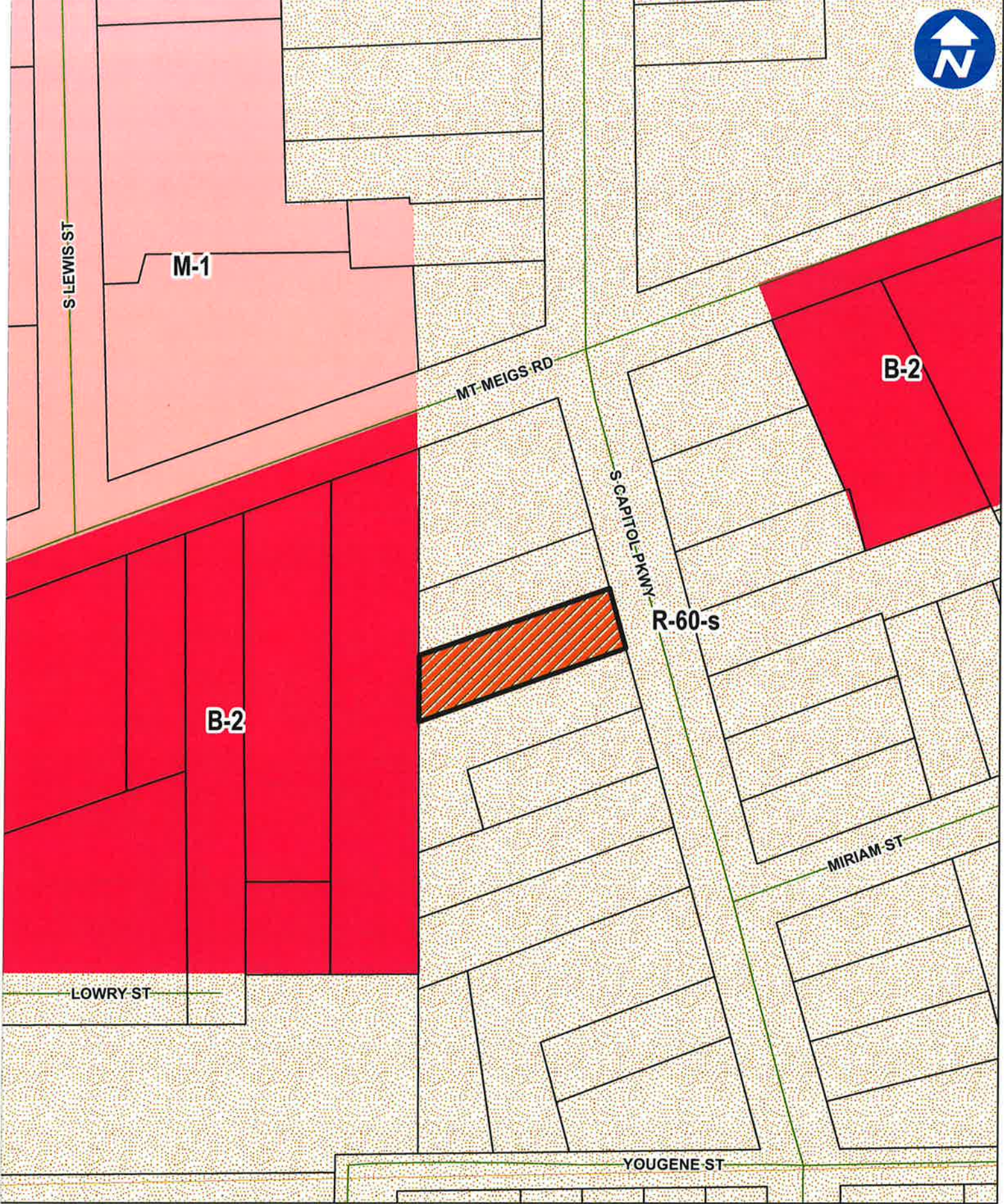
This is the main reason the let him have these pets. We have tried before with Cats, dogs, and hamsters. But so far chickens seems to help him better.

We will comply with all required guidelines if this appeal is positive. We will be sure no neighbor will be disturbed. We don't have rosters only chickens.

Thank you for the response you may provide to this request.

Sincerely yours.


Alfonso Lopez-Ramirez



Site 

1 inch = 100 feet

Item 9B



MT MEIGS RD

S CAPITOL BLVD



Chicken Coop

Site 

1 inch = 40 feet

Item 9C

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

REPRESENTING: Storage World, Inc.

SUBJECT: Request a front yard variance for new ID signs to be located at 3009 McGehee Road in a B-2 (Commercial) Zoning District.

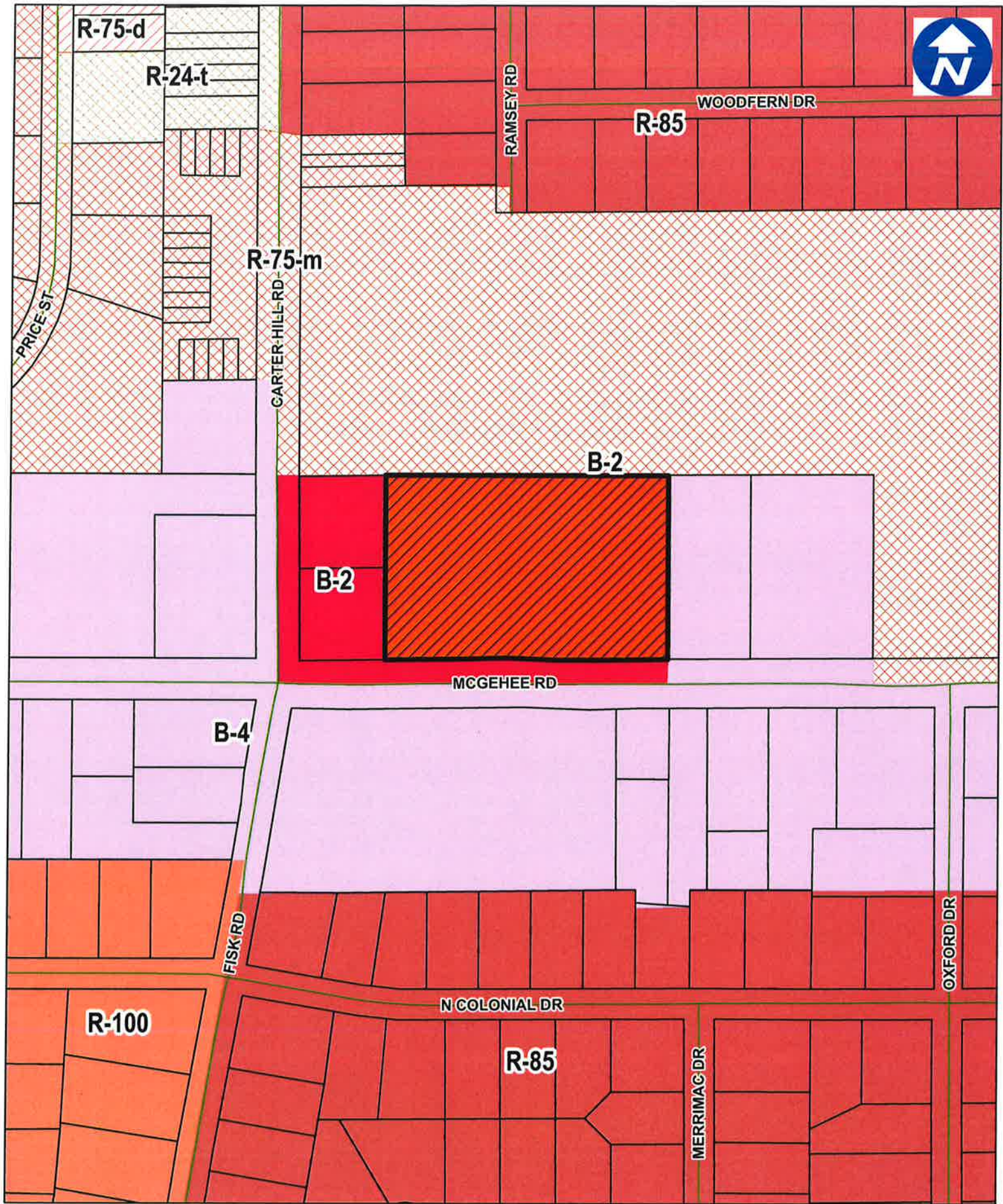
REMARKS: This request is being made to give the petitioner permission to install two (2) monument signs that will come within 5 ft. of the front property line, whereas 10 ft. is required.

The request is a 5 ft. front yard variance.

COUNCIL DISTRICT: 5

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 200 feet

Item 10A



F.F.E. 253.00
52,732 SF

OFFICE

10B

2A



REQ'D 6'-8" X 18"
MONUMENT SIGNAGE
5' FROM ROW

EXISTING ROW

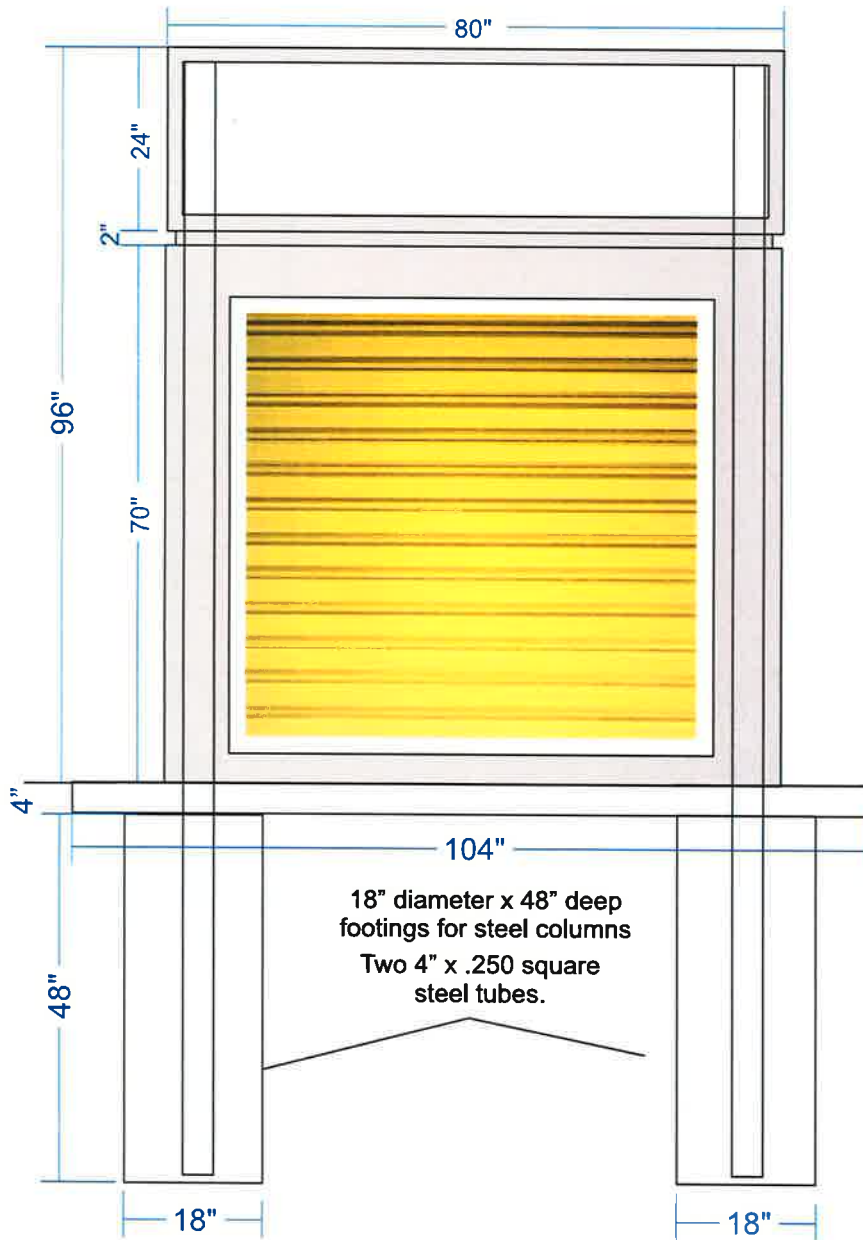


REQ'D 6'-8" X 18"
MONUMENT SIGNAGE
5' FROM ROW

M^cGehee Rd.

M^cGehee ROAD
21' 2" W

M^cGehee ROAD
21' 2" W



24" high x 80" wide x 18" deep painted aluminum sign cabinet with polycarbonate faces.

70" high x 80" wide x 18" deep base painted aluminum base cabinet. Pole collars for two 4" x .250 steel tubes. The center section is inset 2".

The corrugated overhead door material will be furnished by the customer to match the material used on the doors on the property.

Grade

42" wide x 104" long x 4" deep concrete slab

18" diameter x 48" deep footings for steel columns
Two 4" x .250 square steel tubes.

1001

SOUTHEAST MESSAGE CENTERS	
Extra Space Storage Montgomery	
COMPANY	
Extra Space Storage	
LOCATION	
Montgomery, AL	
FILENAME	
Extra Space Storage	
SALESPERSON	
Joe Jenkins	
ARTIST	
Joe Jenkins	
DATE	
6-25-17	
HOURS	
TYPE	CHECKED
SCALE	
CUSTOMER APPROVAL	
APPROVAL DATE	
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Old Towne Shopping Center
DEMOLISHED

CARTER HILL RD

MCGEHEE RD

FISK RD

Site 

1 inch = 100 feet

Item 10D