

Board of Adjustment Agenda

January 18, 2018 – 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 December 7, 2017 meeting

January 18, 2018

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	1998-122	Maggie Washington	O-2	2600 East South Boulevard (Private School)	1
2.	2018-002	Michael Kelly	R-75-s	4024 Faunsdale Drive (Accessory structure)	2
3.	1981-244	Larry E. Speaks & Associates	M-3	Shady Street & Lenora Street (Recreational Vehicle Park)	3
4.	2018-001	Jeff Petty	R-75-s	601 Keeneland Court (Privacy fence)	4
5.	1996-175	Essence Drake & Benjamin Larkin	B-2	1824 Mt. Meigs Road (Variance to Ord. No. 17-2014)	5
6.	1998-092	John & Sharon Durie	R-65-s	2600 Chesterfield Court (Privacy fence & Accessory structure)	6

III. Election of Officers

The next Board of Adjustment meeting is on February 15, 2018

1. BD-1998-122 **PRESENTED BY:** Maggie Washington

REPRESENTING: Talent Education & Art Christian Academy

SUBJECT: Request a special exception to operate a private school in a multi-tenant building located at 2600 East South Boulevard in an O-2 (Office Park) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a private school in a multi-tenant building. The total leased space is 3,664 sq. ft.; however they are presently using 1,692 sq. ft. There are 4 classrooms, which require 20 parking spaces, and there are 130 parking spaces available on-site. There is also one (1) resource room, two (2) administrative offices, and one (1) planning room. Grade levels are K-12.

Hours of Operation

Monday – Thursday: 7:30 a.m. – 3:30 p.m.

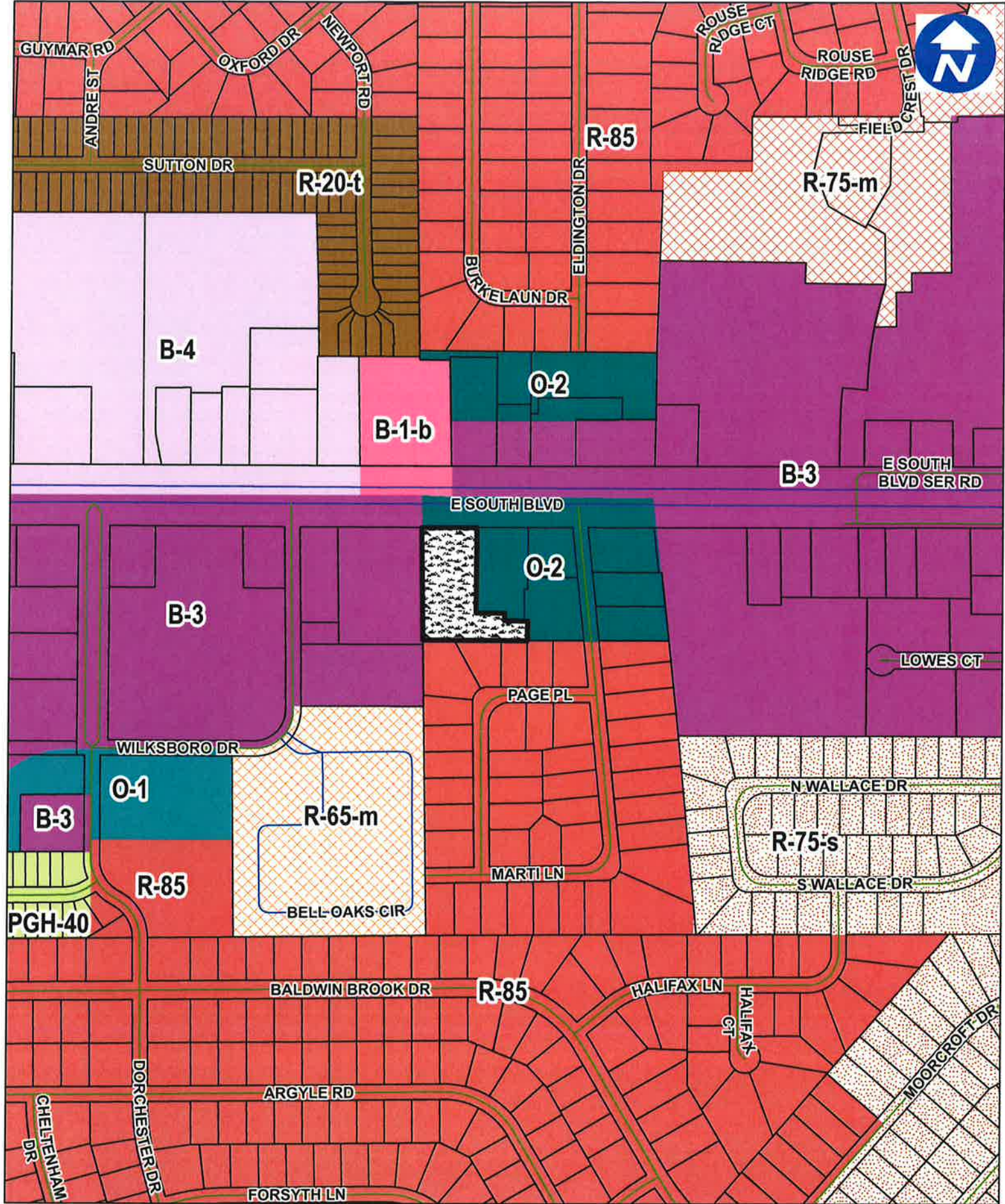
Friday: 7:30 a.m. – 12:00 p.m.

Saturday: 10:00 a.m. – 1:00 p.m. (18 years and up, to obtain high school diploma)

COUNCIL DISTRICT: 6

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 400 feet

Item 1A



Site Location 

1 inch = 100 feet

Item No. 1B

2. BD-2018-002 **PRESENTED BY:** Michael Kelly

REPRESENTING: Same

SUBJECT: Request a side yard variance, separation between structures variance(s), and a coverage variance for three (3) existing accessory structures located at 4024 Faunsdale Drive in an R-75-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain three (3) accessory structures totaling 1,755 sq. ft., whereas 675 sq. ft. is allowed.

(see aerial map to show locations of each building)

Building "A" (garage) – 640 sq. ft.

Building "B" (storage building) – 240 sq. ft.

Building "C" (carport cover) – 875 sq. ft.

Building "A" comes within 2 ft. 10 in. of the side property line and Building "C" comes within 1 ft. 7 in. of the side property line, whereas 5 ft. is required. Building "A" comes within 7 ft. 3 in. of Building "C" and within 7 ft. of Building "B", whereas a 10 ft. separation is required from both. Building "C" also comes within 3 ft. 4 in. of the main dwelling, whereas a 10 ft. separation is required.

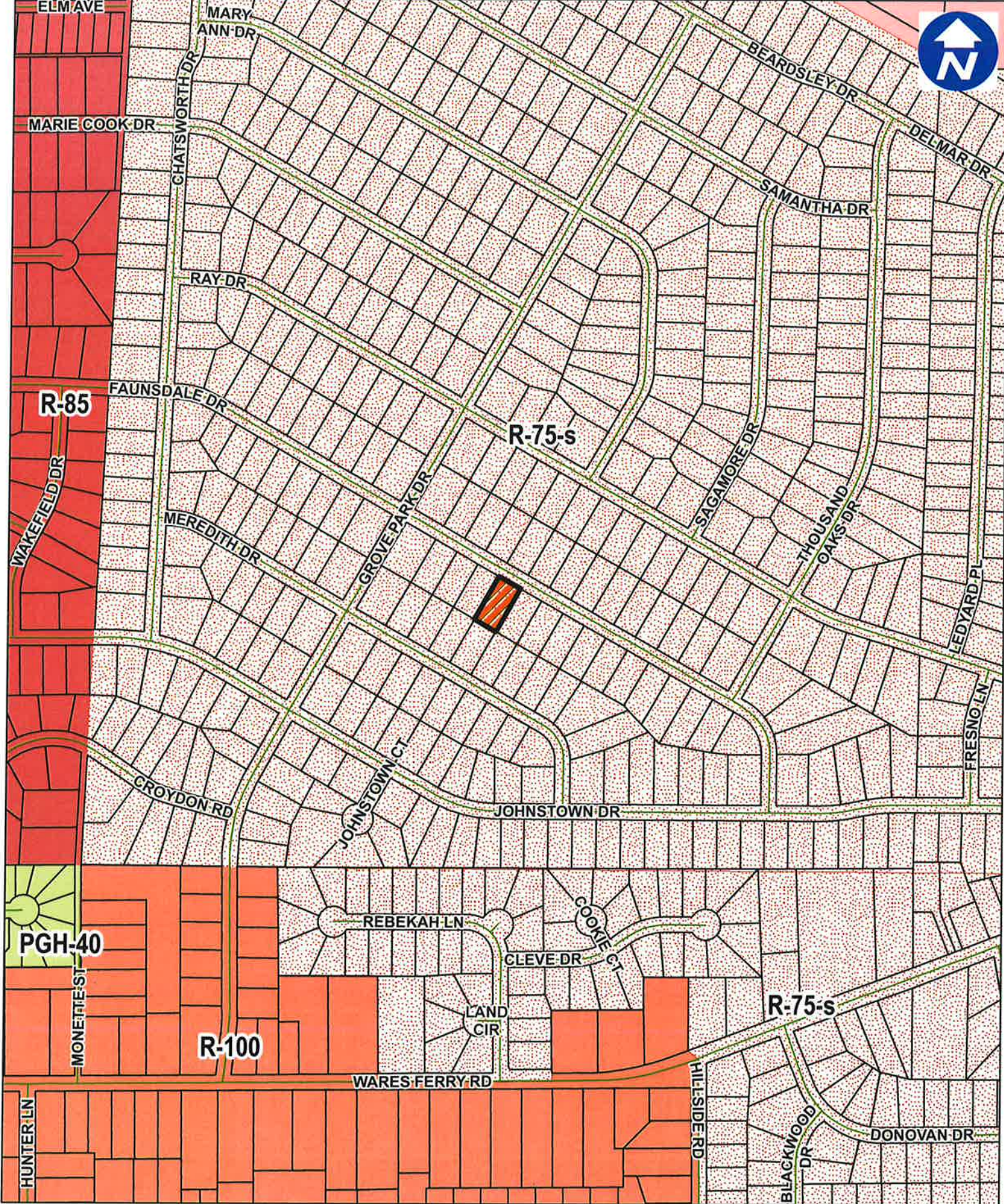
The variances requested are:

- 1,080 sq. ft. coverage variance;
- 3 ft. 5 in. side yard variance (covers Buildings "A" and "C");
- 3 ft. separation between structures variance (covers all the separation between structures variances).

COUNCIL DISTRICT: 2

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 400 feet
Item 2A



Site Location

1 inch = 30 feet

Item No. 2B

3. BD-1981-244 **PRESENTED BY:** Larry E. Speaks & Associates

REPRESENTING: Lewis and Karen Mashburn, LLC

SUBJECT: Request variances to the landscape buffer requirement and acreage requirement for a recreational vehicle park to be located on the southwest and southeast corners of Shady Street and Lenora Street in an M-3 (General Industrial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to develop a 5.44 acre recreational vehicle (RV) park, whereas 10 contiguous acres are required. The petitioner proposes to install a 10 ft. landscape buffer with heavy screening landscape along Shady Street and adjoining properties, whereas a 25 ft. landscape buffer under the recreational vehicle park development guidelines is required; however there are no standards for screening material.

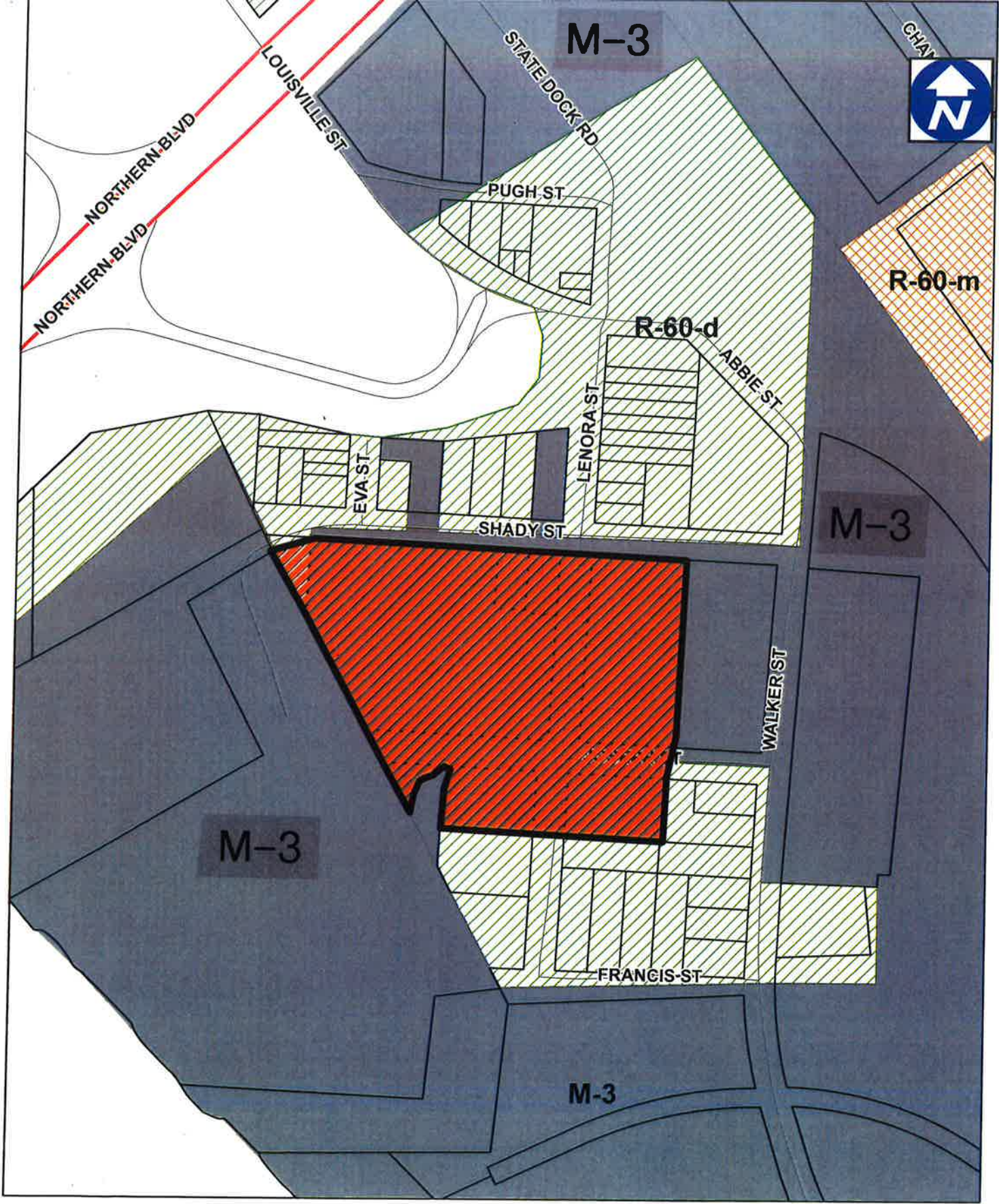
Urban Forestry Comment(s): No objection. This proposal better screens the development.

The requests are a 4.56 acreage variance and a 15 ft. landscape buffer variance.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



DEVELOPMENT SITE SUBJECT PROPERTY
 1 inch = 200 feet



ITEM NO. 3A



DEVELOPMENT SITE SUBJECT PROPERTY
1 inch = 200 feet



ITEM NO. 30

4. BD-2018-001 **PRESENTED BY:** Jeff Petty

REPRESENTING: Same

SUBJECT: Request a height variance for an existing privacy fence located at 601 Keeneland Court in an R-75-s (Single-Family Residential) Zoning District.

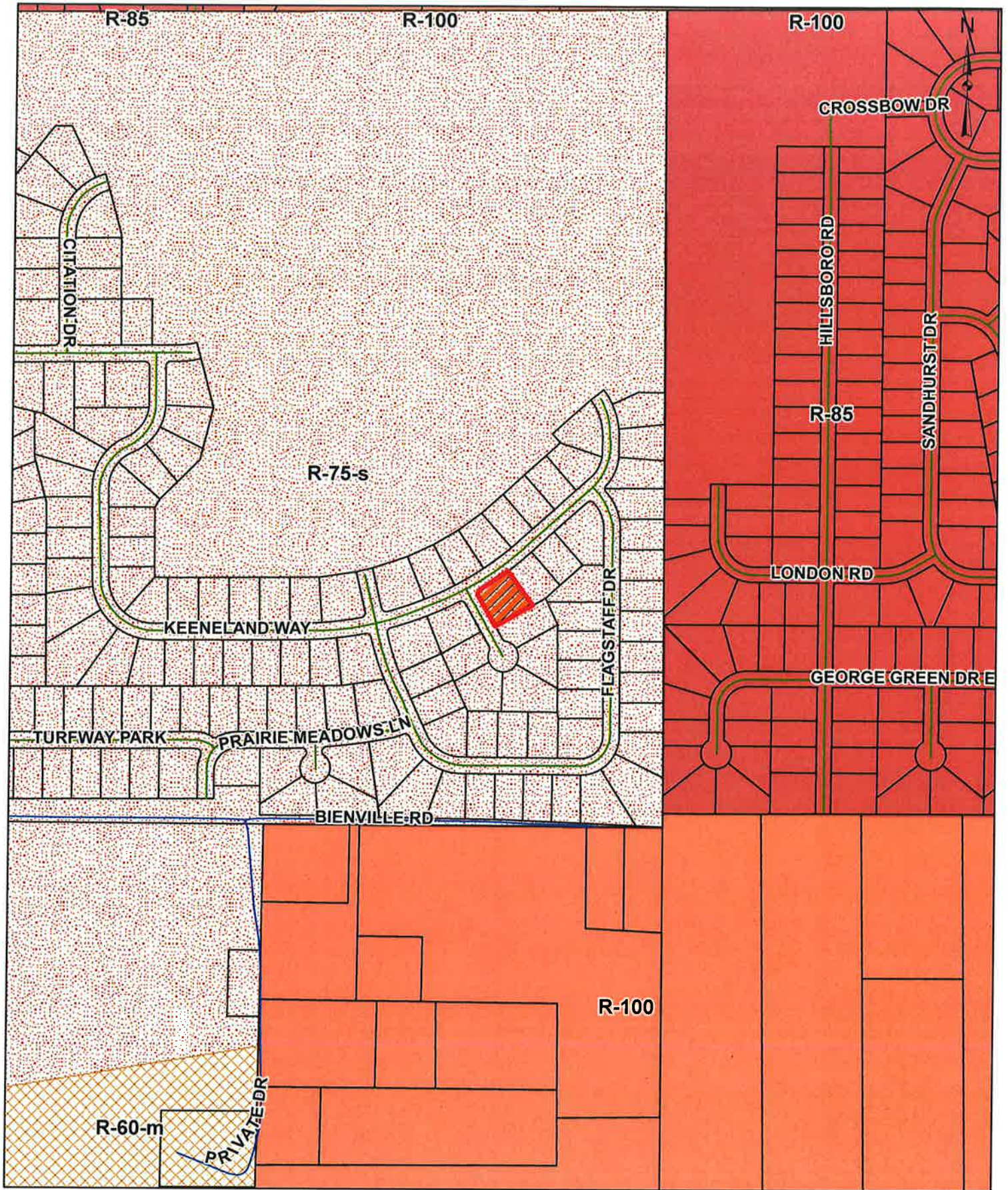
REMARKS: This request is being made to give the petitioner permission to maintain an existing 8 ft. tall privacy fence. (See attached narrative and pictures).

The request is a 1 ft. height variance.

COUNCIL DISTRICT: 1

COMMENTS _____

ACTION TAKEN: _____



Site Location



1 inch = 400 feet

Item No. 4A



Site Location 

1 inch = 30 feet

Item No. 4B

Variance Request for Height of Privacy Fence for 601 Keeneland Ct., 36109

To Whom It May Concern:

We built our privacy fence about a year and a half ago. We employed A+ Fencing to erect the privacy fence. We understood that they would take care of all "permitting".

The fence is approximately 115 ft. long; and 6 ft. high.

This summer we had a pool installed in the backyard, by Hughes Pools. After the pool went in, we realized that in spite of the privacy fence, the neighbors on the hill behind our house had a full view into our backyard and pool area.

My wife contacted A+ fence to increase the height on approximately 38 ft. of the back section by 2 ft. to a total of 8ft. We were not aware, nor were we told by A+ that this required an additional permit, or that we needed a "Variance" for the height.

The day the fence was going in...our neighbor came over into our backyard quite upset that we were increasing the height. She said we were taking away her "view". We asked view of what...our backyard? She then replied that she never keeps the curtains of her windows open. You can see by the photos that this is not accurate.

On November 17th we receiving a letter from the City of Montgomery stating that we were in violation of Ordinance 22-2017, saying that we modified our fence without a permit. We immediately came to the City offices and received instructions on how to proceed. Thank you to Mr. James Center for his help and detailed instructions.

We seek a variance of 1 ft. for the approximately 38 ft section of the fence that is above the 7 ft. limit. The section that was modified is completely in the backyard and barely visible from the street. I sketched the location of the fence on the Google Map photo of the house, and it is included on a construction sketch also.

The cost of the fence modification was approximately \$1100.00. If we need to pay for the permit that apparently was not gotten, please inform us of the permit fee, and we will do so immediately.

As a further note, we are also erecting a Garage on the section just past our driveway. Our Building permit for the Garage is B171969. I have enclosed a sketch of that also.

Thank you for your consideration to our request. We understand that a meeting date is set for 1/18/18. We look forward to meeting with you at the appeal hearing.

Respectfully,

Jeff and Beth Petty

AC



Standing on back porch at back door



Petty House

Keeneland Ct.

Keeneland Way
Side view of Petty house
Front view of Neighbors house

5. 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 68 ft. from the nearest residential district line, whereas 250 ft. is required.

Ord. No. 17-2014

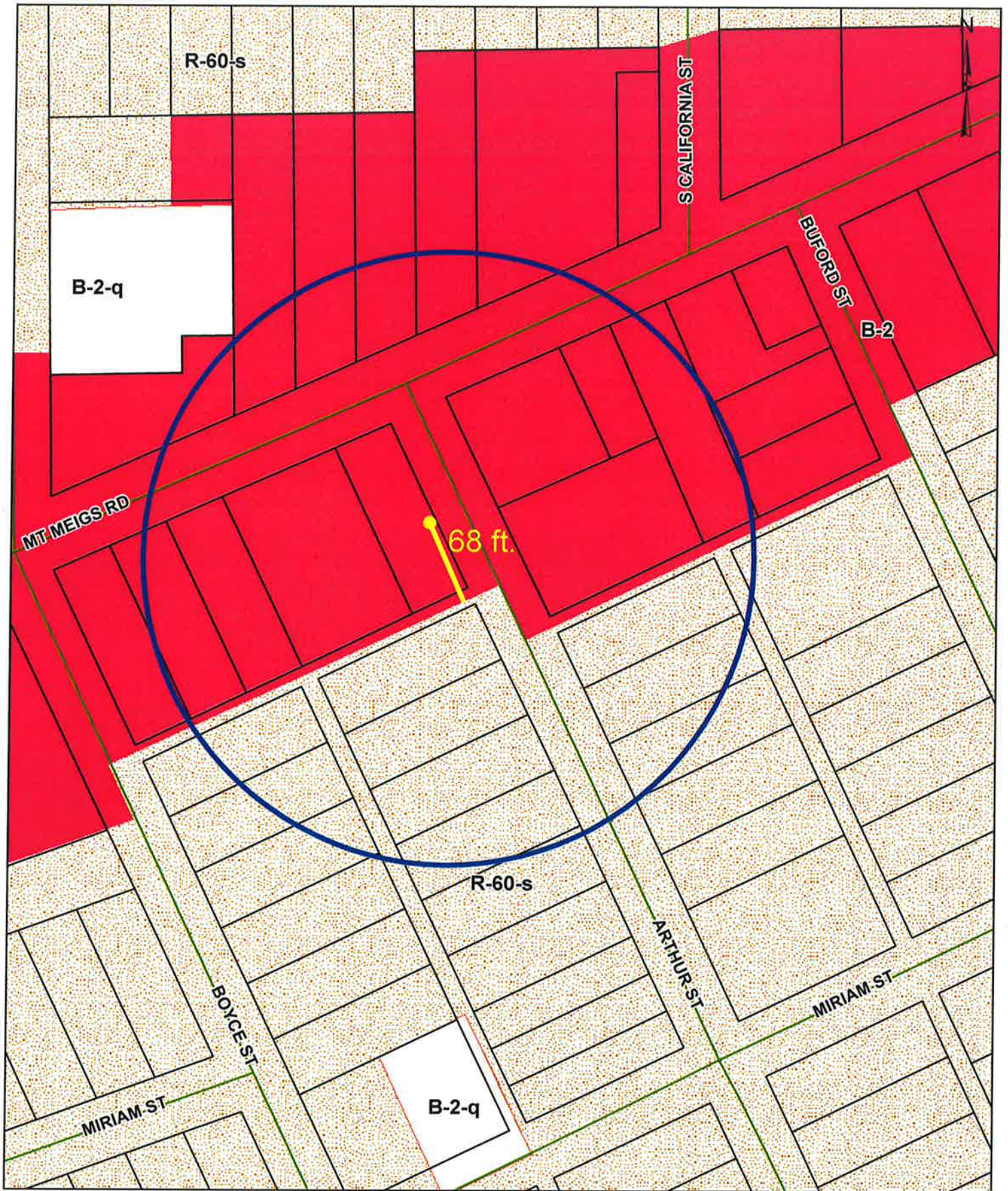
Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum 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 182 ft. variance to Ord. No 17-2014.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



Site Location 

1 inch = 100 feet

Item No. 5A



Site Location 

1 inch = 100 feet

Item No. 5B

6. BD-1998-092 **PRESENTED BY:** John & Sharon Durie

REPRESENTING: Same

SUBJECT: Request an additional street side yard variance for an existing privacy fence and a street side yard variance for an accessory structure in the required street side yard located at 2600 Chesterfield Court in an R-65-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain a 6 ft. privacy fence that comes within 0.4 ft. of the street side property line (Chappelle Lane), and to maintain an accessory structure that comes within 1 ft. of the street side property line (Chappelle Lane), whereas a 30 ft. street side yard is required.

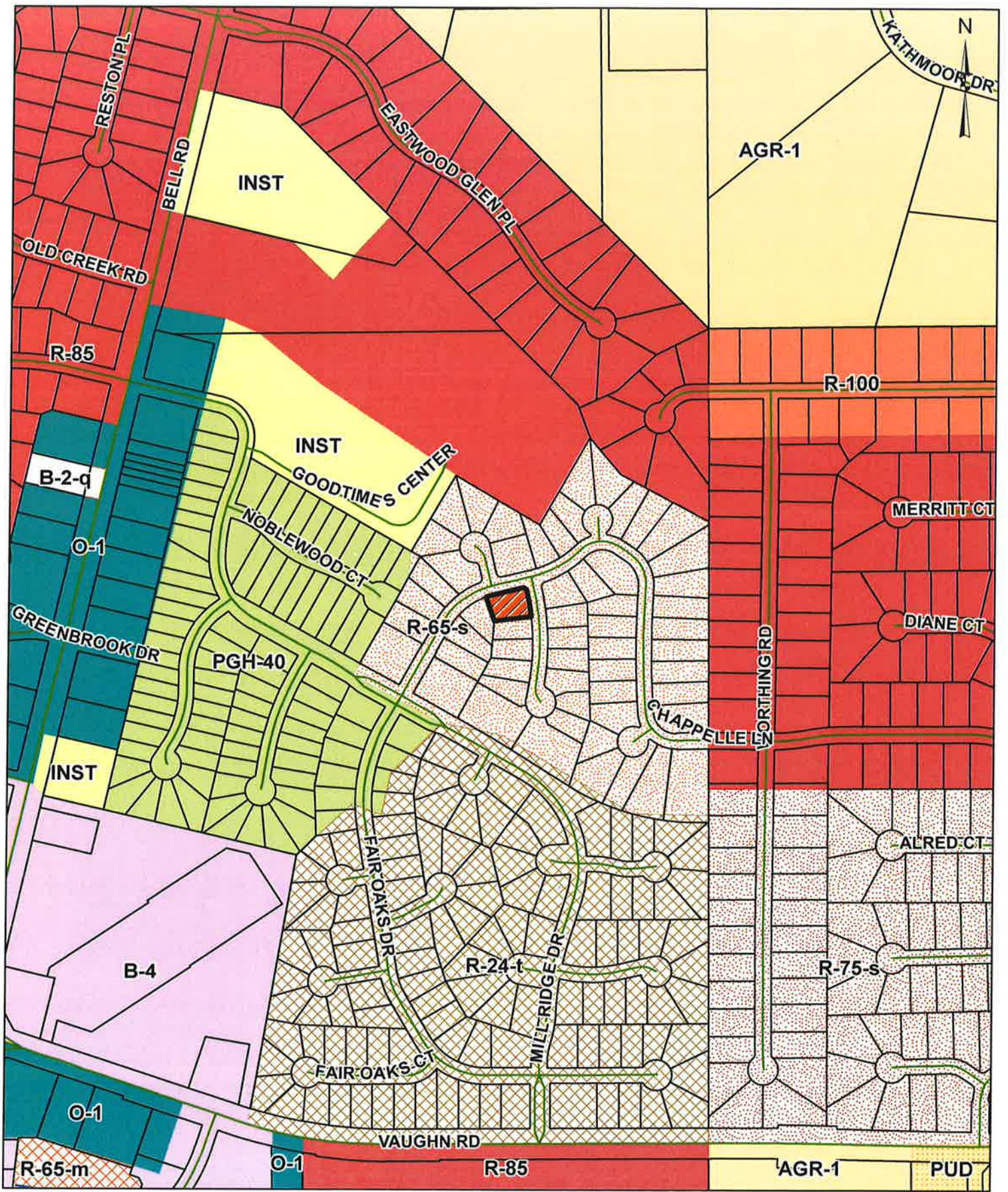
On June 4, 1998, the Board of Adjustment approved a 20 ft. street side yard variance for the privacy fence, which was constructed closer than the granted variance; therefore an additional 9.6 ft. street side yard variance is required.

The request is an additional 9.6 ft. street side yard variance for the existing privacy fence. And a 29 ft. street side setback variance for the existing accessory structure.

COUNCIL DISTRICT: 9

COMMENTS _____

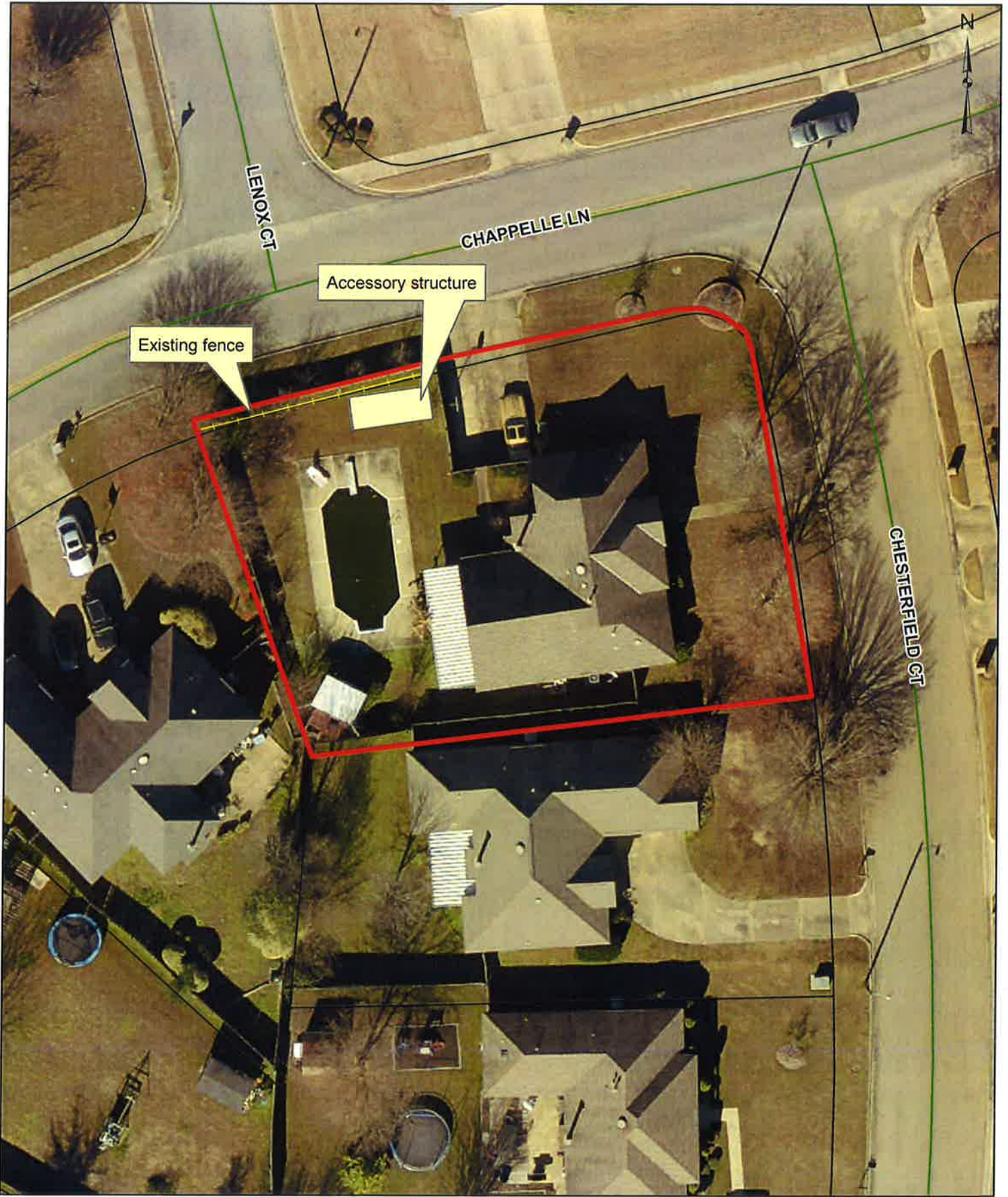
ACTION TAKEN: _____



Site Location 

1 inch = 400 feet

Item No. 6A



Site Location 

1 inch = 30 feet

Item No. 62