

Board of Adjustment Agenda

April 16, 2015 – 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

Ida Jean Watkins

**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 19, 2014 meeting

April 16, 2015

| <u>Item</u> | <u>File</u> | <u>Petitioner</u> | <u>Zone</u> | <u>Location/Request</u> | <u>Page</u> |
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| 2. | 1979-021 | Kara Harris | O-1 | 2561 Fairlane Drive (Private school) | 2 |
| 3. | 2008-103 | Marshall Design-Build | R-65-m | 5555 Bell Road (ID sign) | 3 |
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| 6. | 2015-027 | Jennifer Hand | R-65-s | 1025 Woodward Avenue (Chickens – special exception) | 6 |
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| 12. | 2015-030 | DTVJ Enterprises LLC | B-3 | 3439-K McGehee Road (Variance to Ord. No. 42-2003) | 12 |
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The next Board of Adjustment meeting is on May 21, 2015

1. BD-2015-025 **PRESENTED BY:** Barrett Gilbreath

REPRESENTING: Same

SUBJECT: Request a side yard variance for an addition to a dwelling located at 2096 Myrtlewood Drive in an R-125 (Single-Family Residential) Zoning District.

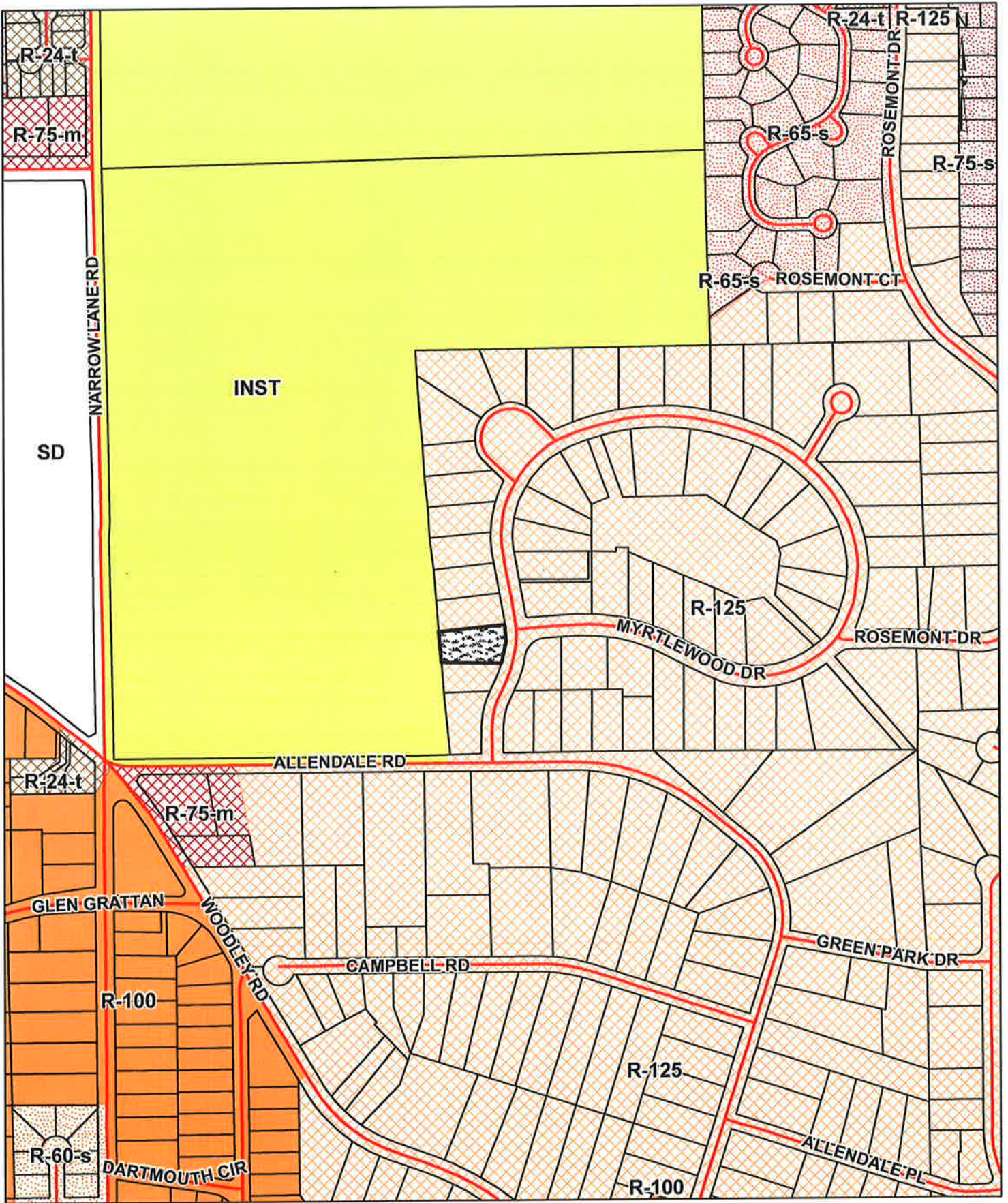
REMARKS: This request is being made to give the petitioner permission to construct an addition to come within 7 ft. of the side property line, whereas 18 ft. is required for this substandard lot.

The variance requested is a 11 ft. side yard variance.

COUNCIL DISTRICT: 7

COMMENTS _____

ACTION TAKEN: _____

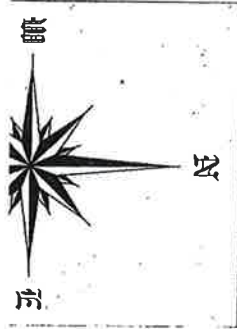
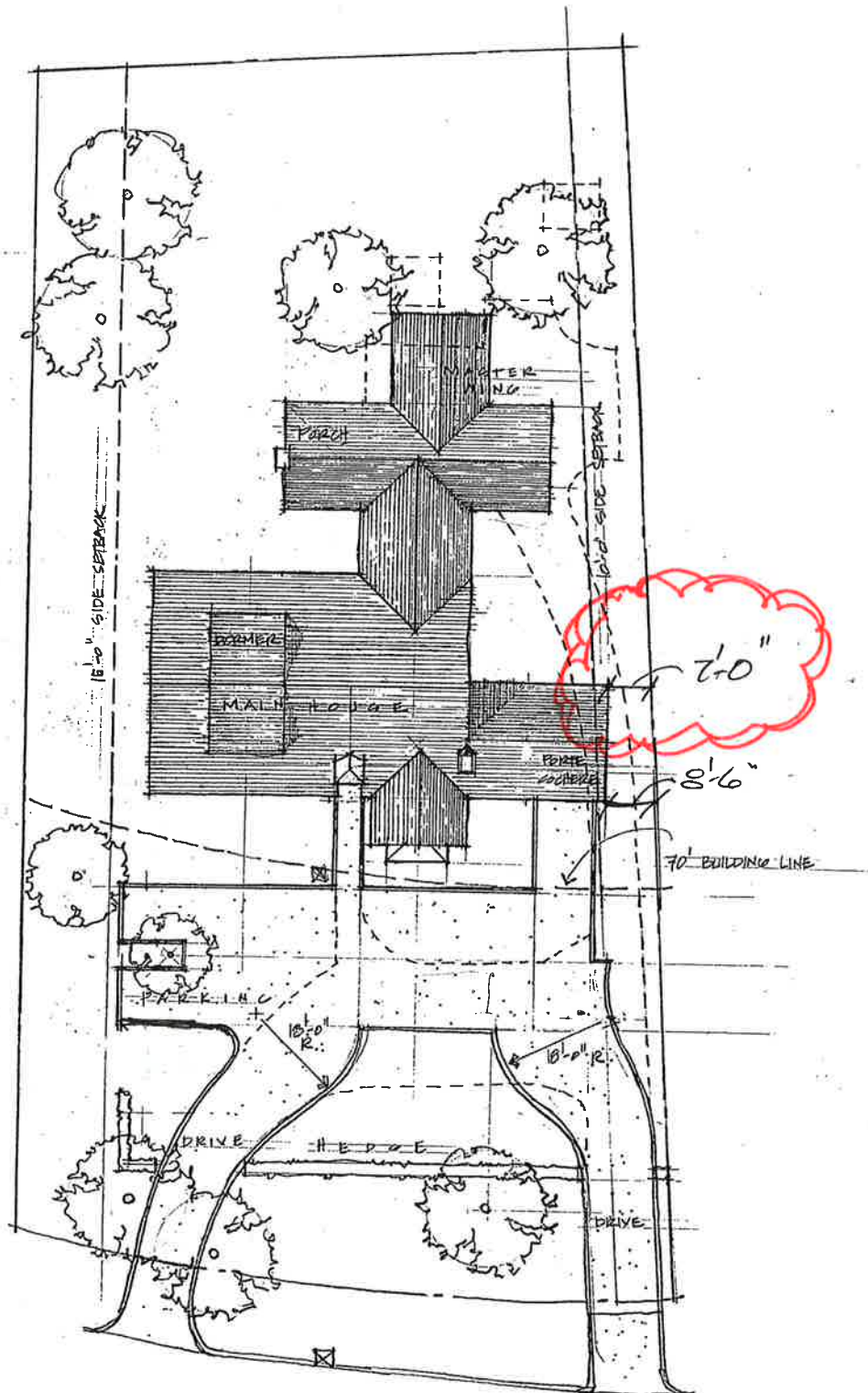


Site Location 

1 inch = 400 feet

Item No. 1A

2096 MYRTLEWOOD DR.
MONTGOMERY, AL 36111



nd additions to
od Drive
tt Gilbreath

el Christopher Tippet
Montgomery, Al 36111
2-2590 O. 334-262-8315

SITE PLAN 11-20-01

1B



SITE 

1 inch = 50 feet
Item IC

2. BD-1979-021 **PRESENTED BY:** Kara Harris

REPRESENTING: Same

SUBJECT: Request a special exception for a private school to be located at 2561 Fairlane Drive in an O-1 (Office) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a private school in an existing building for Kindergarten – 12th grade.

Class Hours

Monday – Friday, 7:00 a.m. – 6:00 p.m.

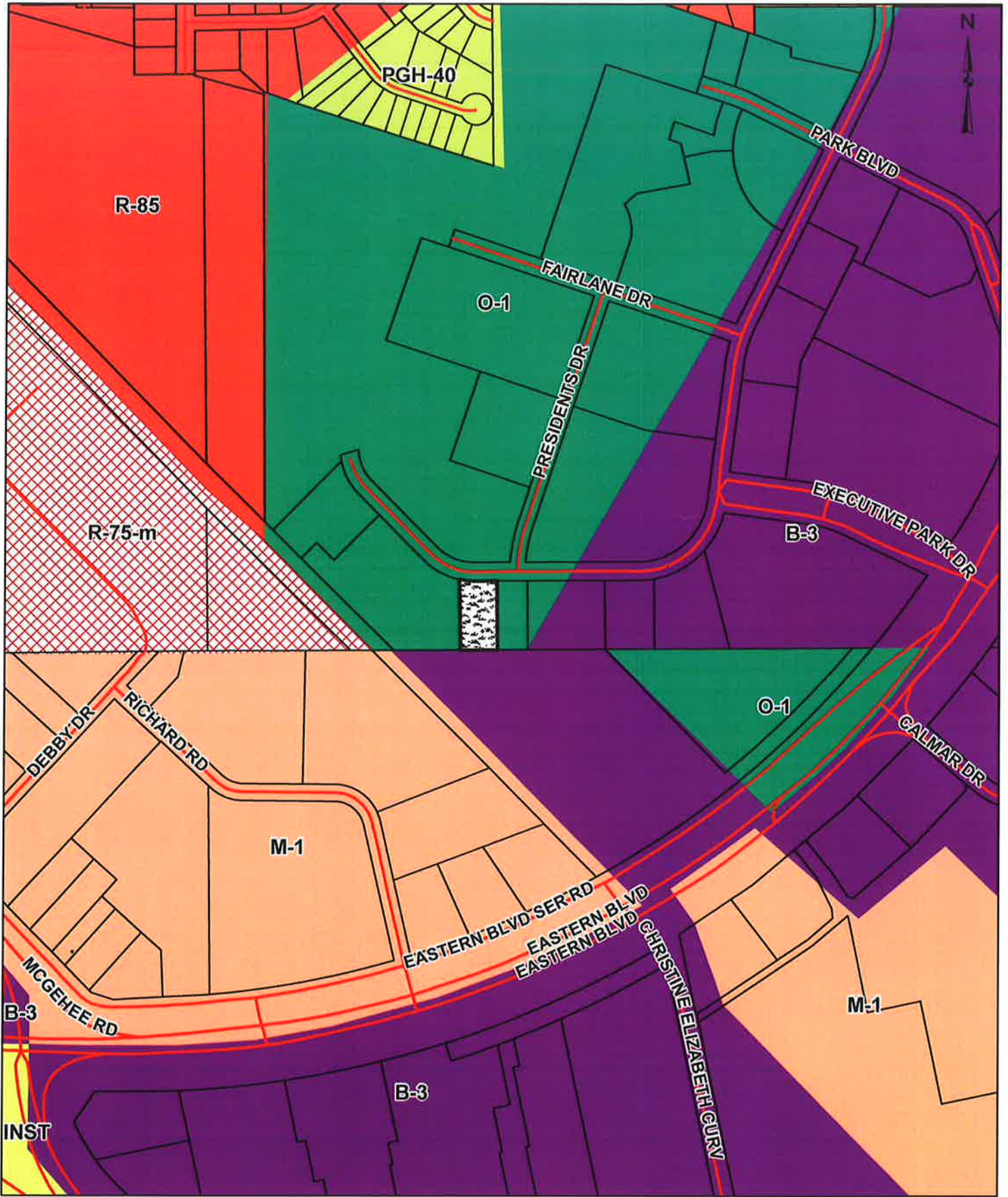
The maximum number of students is 50. There are 4 classrooms which require 20 parking spaces and there are 21 parking spaces provided onsite.

The request is a special exception for a private school.

COUNCIL DISTRICT: 5

COMMENTS _____

ACTION TAKEN: _____



Site Location 

1 inch = 400 feet

Item No. 2A



SITE 

1 inch = 50 feet
Item 2B

3. BD-2008-103 **PRESENTED BY:** Marshall Design-Build

REPRESENTING: Evergreen Church

SUBJECT: Request a front yard variance for a new ID sign to be located at 5555 Bell Road in an R-65-m (Multi-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a new ID sign to come to the front property line, whereas 35 ft. is required.

The variance requested is a 35 ft. front yard variance.

COUNCIL DISTRICT: 6

COMMENTS _____

ACTION TAKEN: _____



AGR-1

BREWBAKER DR

R-65-m

PADDOCK CLUB CIR

R-60-s

R-60-a

FOURTH AVE

THIRD AVE

SECOND AVE

FIRST AVE

M-1

EXCHANGE ST

BELL RD

PGH-40

BRAMBLEWOOD PL

BLACKSTONE DR

R-65-m

R-60-s

B-2

FIRST ST

BELL CIR

B-3

R-65-m

R-20-t

TROY HWY

SINGLETON DR

BREWBAKER BLVD

SITE 

1 inch = 400 feet

Item 3A

BELL RD

ACCESS



TLM ARCHITECT, INC.
 P.O. BOX 231658
 MONTGOMERY, ALABAMA 36123
 PH. 334-271-9991
 FAX 334-271-6077

OVERALL SITE PLAN

SITE SQUARE FOOTAGE 330,900 SF
 SITE ACRES 7.78 ACRES

EXISTING 7,410 SF BUILDING
 107.00" FIN. FL.

EXISTING NEW MULTI-PURPOSE 5,850 SF BUILDING 105.25 FIN. FLOOR

NOTE: THE BUILDING PAD AND SURROUNDING FINISH GRADES WERE ESTABLISHED AS PART OF THE CONSTRUCTION OF THE EXISTING CHURCH BUILDING. POSITIVE DRAINAGE AROUND THE BUILDING IS ALREADY IN PLACE.

AN ADDITION TO EVERGREEN KOREAN CHURCH 5555 BELL ROAD MONTGOMERY, ALABAMA 36116

SHEET TITLE
 SITE DEVELOPMENT PLAN

| | |
|----------------|---------------|
| PROJECT NUMBER | EVER1 |
| FILE NUMBER | X10R |
| DATE | JUNE 13, 2014 |
| REVISION | FEB 17, 2015 |

SHEET NUMBER

X1.0

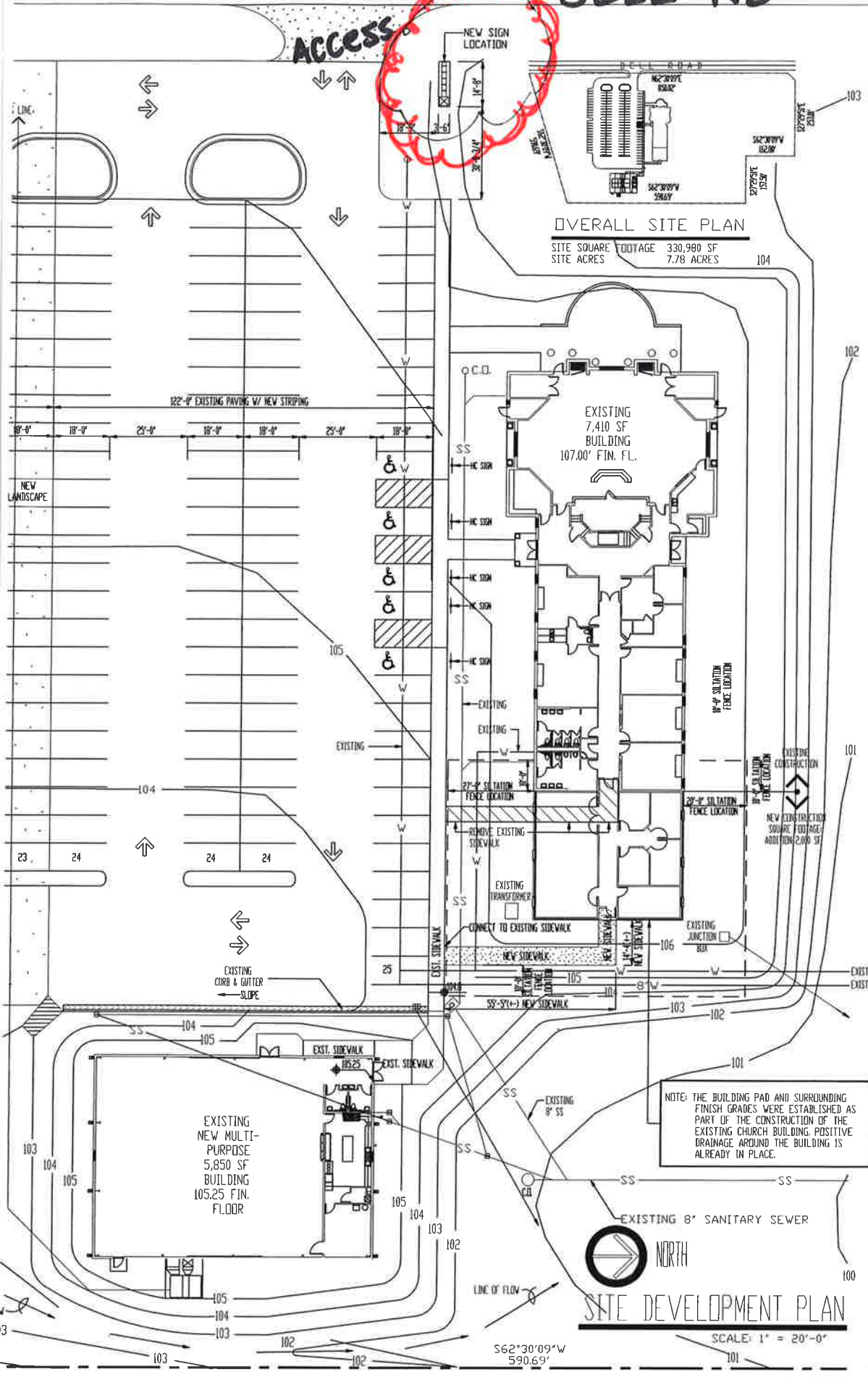
3B

SITE DEVELOPMENT PLAN

SCALE: 1" = 20'-0"



S62°30'09"W
 590.69'





Site Location 

1 inch = 200 feet

Item No. 3C

4. BD-2015-026 **PRESENTED BY:** Jody Chritton

REPRESENTING: Same

SUBJECT: Request a height variance for a privacy fence to be located at 3150 Cloverdale Road in an R-75-s (Single-Family Residential) Zoning District.

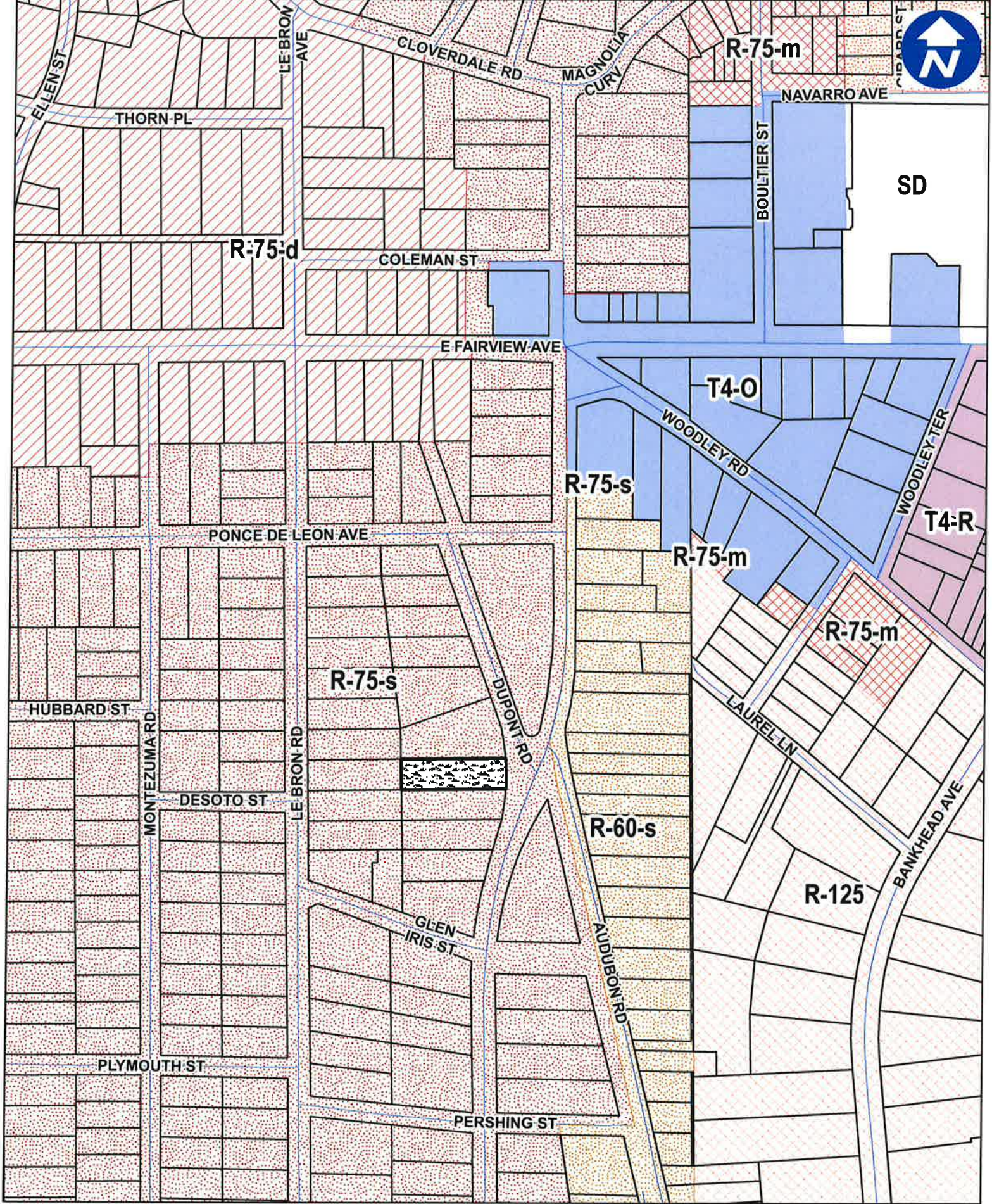
REMARKS: This request is being made to give the petitioner permission to construct a 77 ft. portion of a privacy fence at the height of 8 ft., whereas 7 ft. is allowed. The Architectural Review Board approved this fence on March 24, 2015.

The variance requested is a 1 ft. height variance.

COUNCIL DISTRICT: 7

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 300 feet
Item 4A



Site Location 

1 inch = 50 feet

Item No. 4B

5. BD-2004-066 **PRESENTED BY:** Don H. Sease

REPRESENTING: Same

SUBJECT: Request a height variance and street side yard variance for an existing fence located at 1523 South Hull Street in an R-60-d (Duplex Residential) Zoning District.

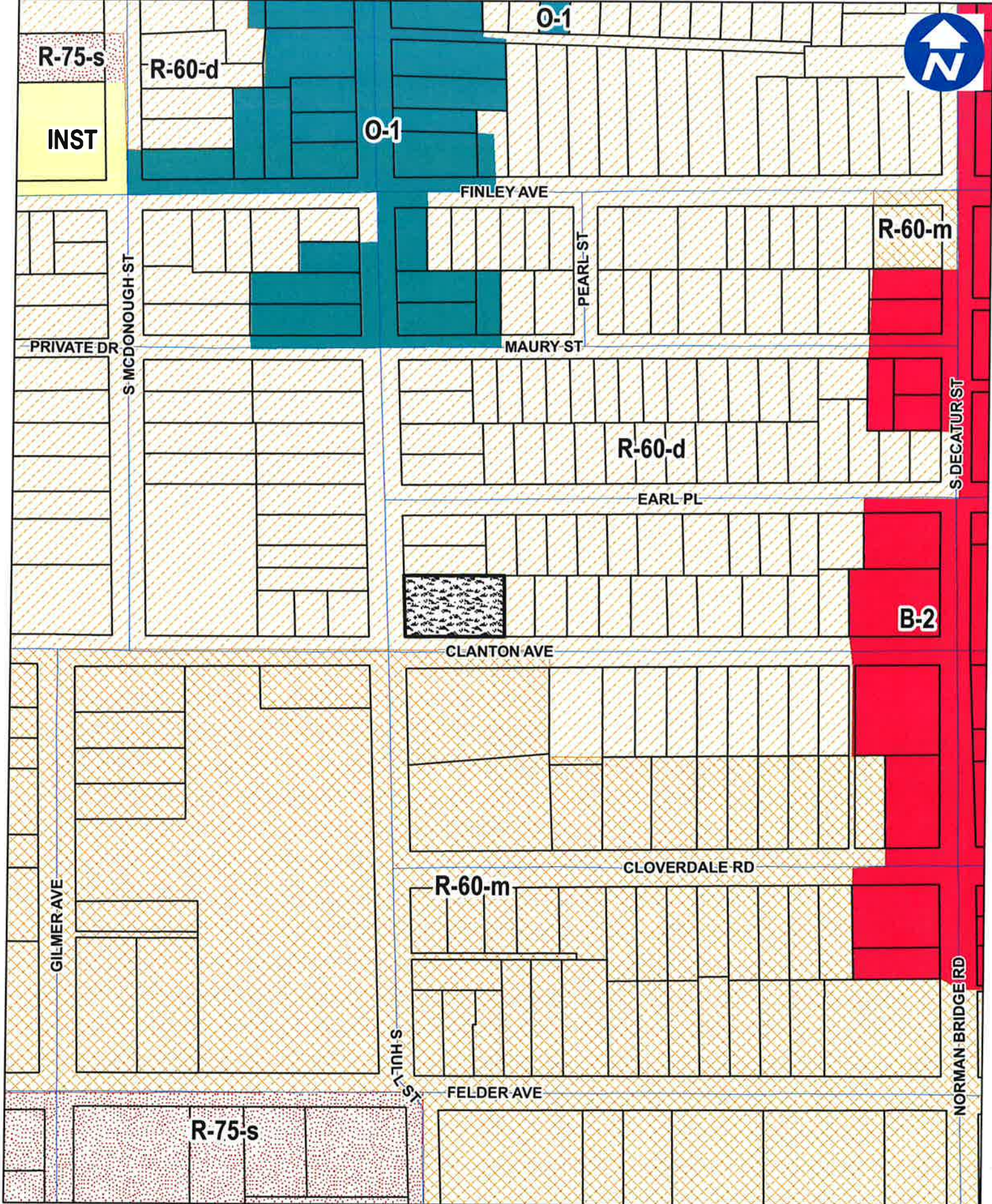
REMARKS: This request is being made to give the petitioner permission to maintain a 6 ft. privacy fence, whereas 3 ft. is allowed. The fence comes to the street side yard property line (Clanton Avenue), whereas 20 ft. is required. (COMPLAINT)

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

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____

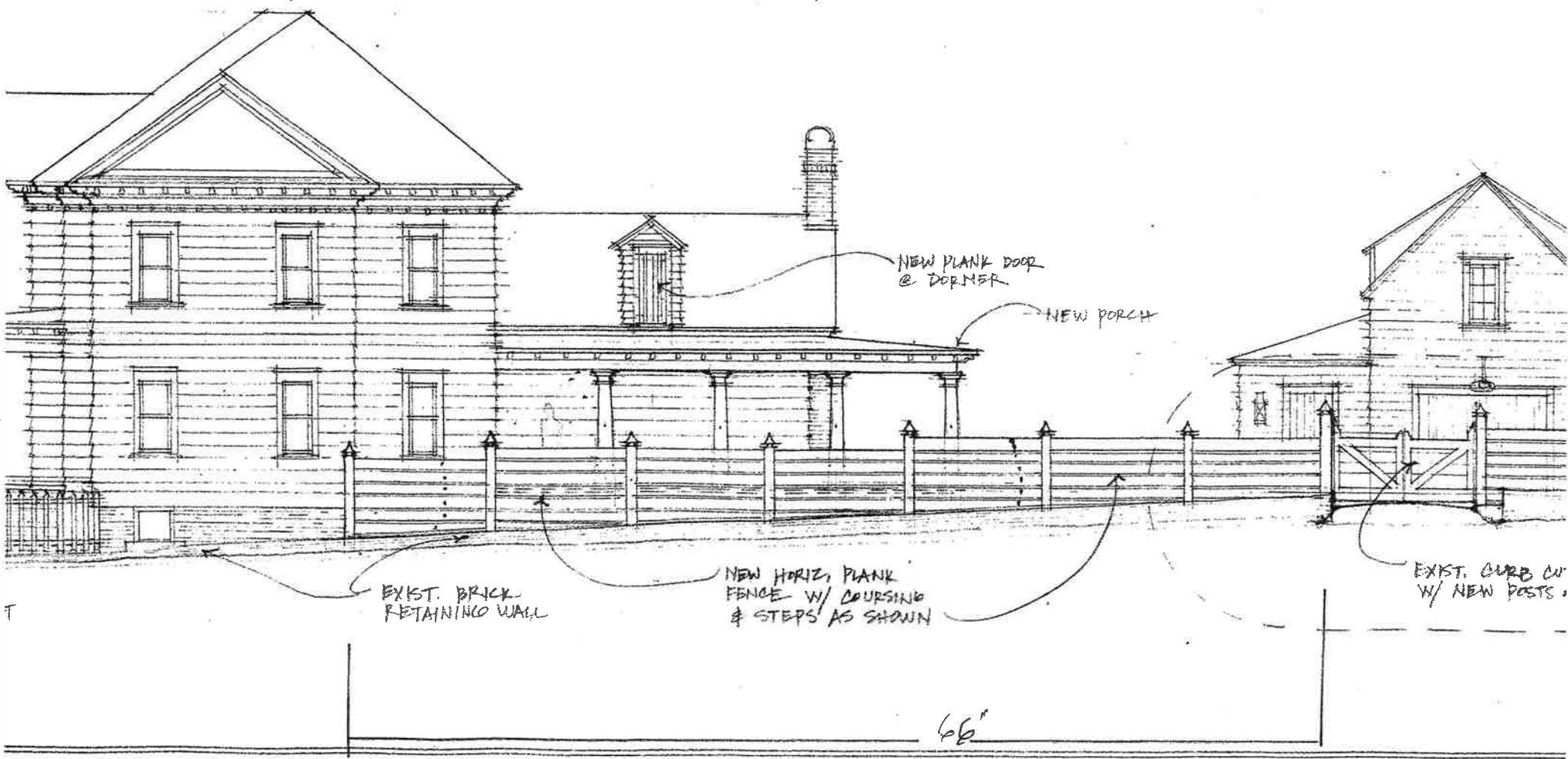


SITE 

1 inch = 200 feet

Item 5A

1" = 10'-0"



5B



Site Location 

1 inch = 50 feet

Item No. 5C

6. BD-2015-027 **PRESENTED BY:** Jennifer Hand

REPRESENTING: Same

SUBJECT: Request a special exception to keep chickens at 1025 Woodward Avenue in an R-65-s (Single-Family Residential) Zoning District.

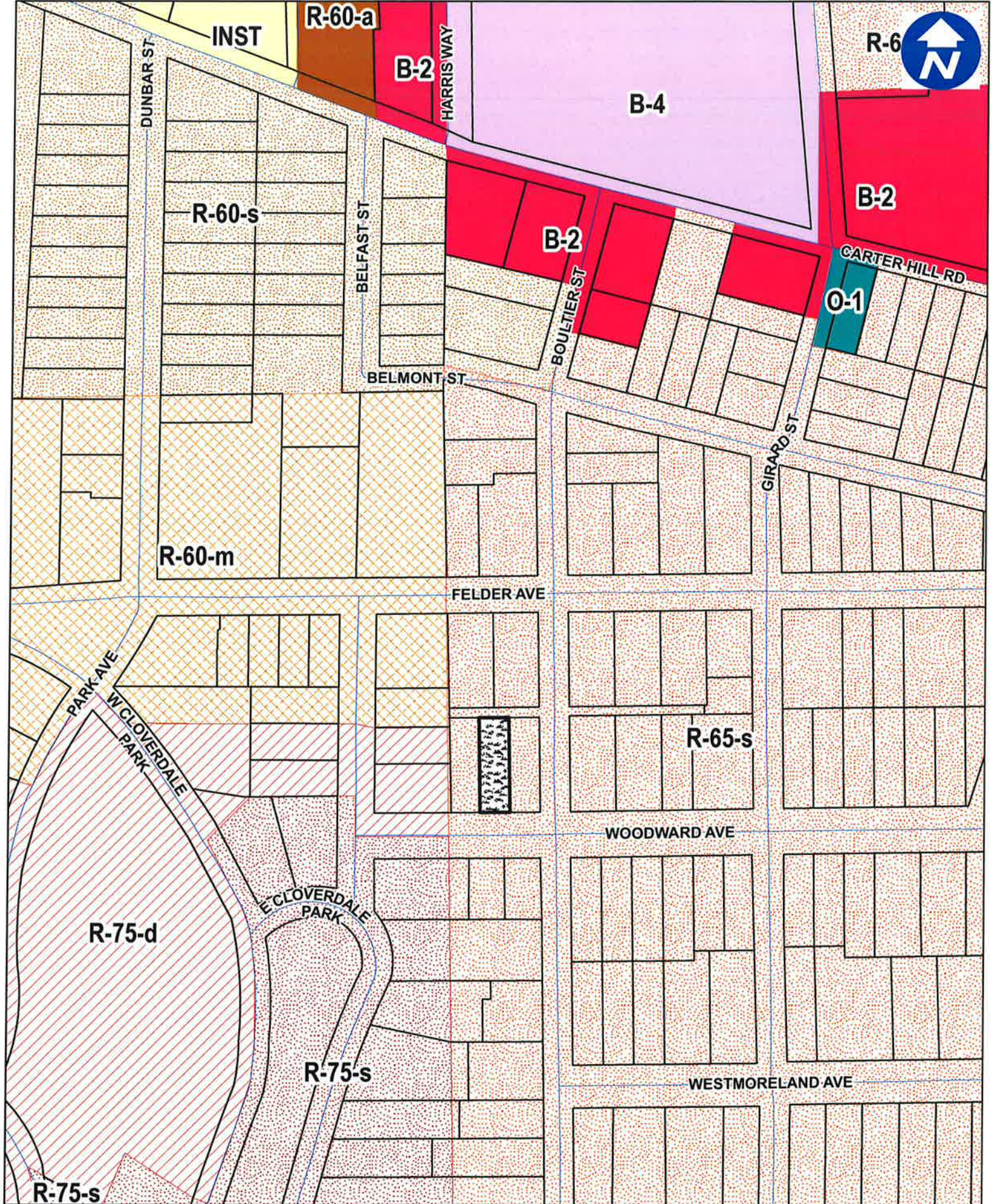
REMARKS: This request is being made to give the petitioner permission to keep 4 chickens. The proposed chicken coop (picture attached) will meet the setback and size requirements according to the Guidelines for Chickens.

The request is a special exception to keep 4 chickens.

COUNCIL DISTRICT: 7

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 200 feet

Item 6A



6B



Proposed Chicken Coop



BOULTER ST

WOODWARD AVE

SITE 

1 inch = 30 feet
Item loc

7. BD-2015-028 **PRESENTED BY:** Daniel Blackwell

REPRESENTING: Susan Clark

SUBJECT: Request a rear yard variance for an addition to a dwelling located at 237 Woodledge Place in an R-85 (Single-Family Residential) Zoning District.

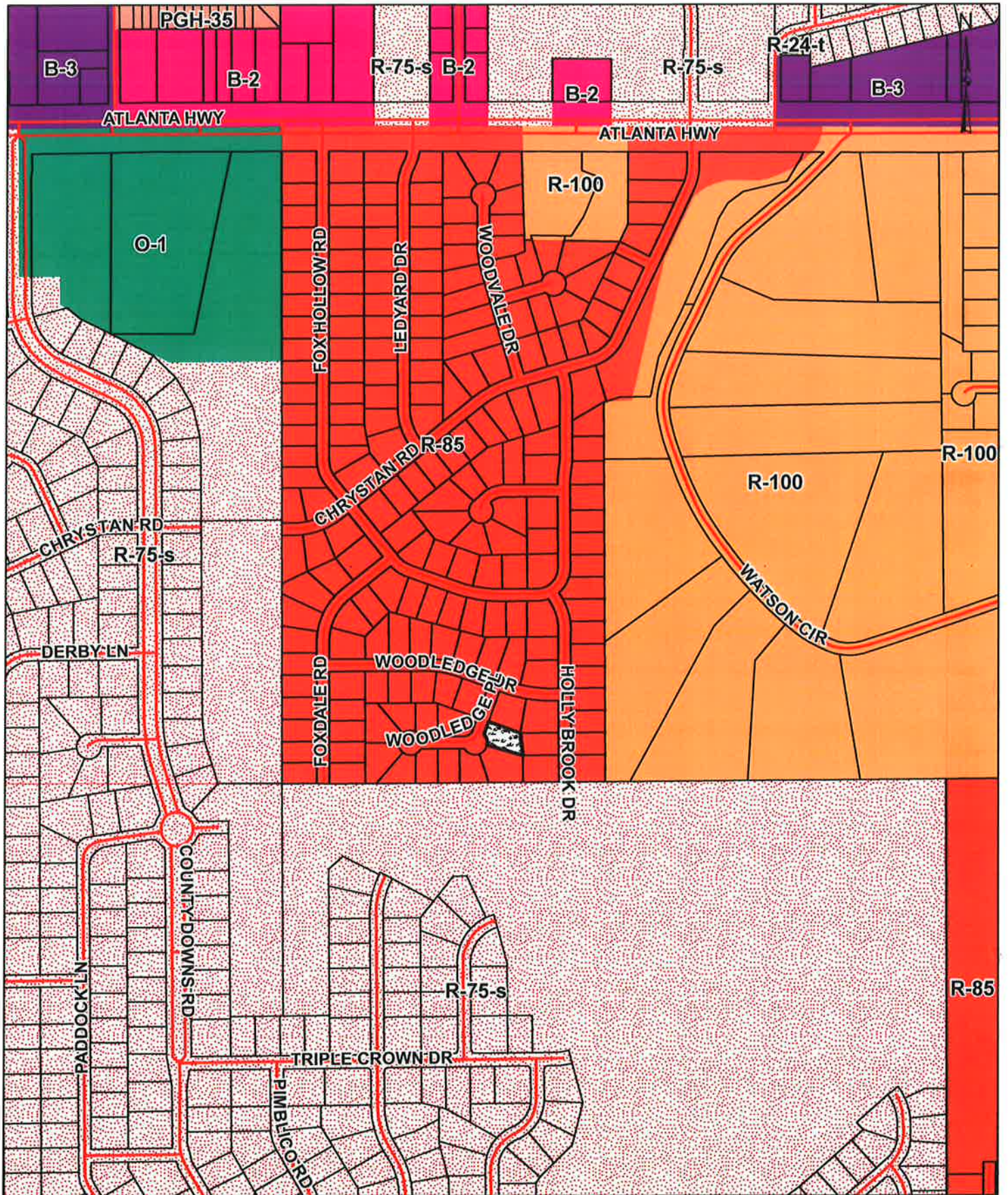
REMARKS: This request is being made to give the petitioner permission to construct an addition to come within 11 ft. of the rear property line, whereas 30 ft. is required.

The request is a 19 ft. rear yard setback variance.

COUNCIL DISTRICT: 1

COMMENTS _____

ACTION TAKEN: _____



Site Location 

1 inch = 500 feet

Item No. 7A



Site Location 

1 inch = 30 feet

Item No. 7B

8. BD- 2015-032 **PRESENTED BY:** Mark & Terrelynn Huston

REPRESENTING: Same

SUBJECT: Request a special exception to keep chickens at 2106 St. Charles Avenue in an R-60-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep 4 chickens. The coop will meet the setback and size requirements according to the Guidelines for Chickens.

The request is special exception to keep 4 chickens.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



N FLORIDA ST

WINONA AVE

N PENNSYLVANIA ST

R-65-m

N MARYLAND ST

ST CHARLES AVE

R-60-s

MADISON AVE

S FLORIDA ST

CAPITOL AVE

S PENNSYLVANIA ST

B-2

S MARYLAND ST

MT MEIGS RD

HEUSTES ST

R-60-s

SITE

1 inch = 200 feet

Item 8A

ST CHARLES AVE



N MARYLAND ST



Proposed Chicken Coop

SITE 

1 inch = 30 feet
Item 8B

9. BD-2015-034 **PRESENTED BY:** Michael Boarts

REPRESENTING: Melissa Boarts

SUBJECT: Request a front yard variance for privacy fence located at 1109 Fairfax Court in an R-65-s (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain an existing privacy fence that comes within 22 ft. of the front property line, whereas 30 ft. is required.

The variance requested is an 8 ft. front yard variance.

COUNCIL DISTRICT: 7

COMMENTS _____

ACTION TAKEN: _____



B-2

M-1

INST

U

GREENWOOD CEMETERY

R-75-s

HARRISON RD

INST

DURHAM DR

BEDFORD LN

R-65-s

ASBURY LN

LOCH HAVEN RD

FAIRFAX RD

ARBORFIELD RD

FAIRFAX CT

INST

HABERSHAM RD

ZEPHYR HILLS CT

ROXANA CT

ROXANA RD

ZELDA CT

B-2

O-1

GATSBY LN

R-60-m

R-24-t

ZELDA RD

ZEPHYR HILLS DR

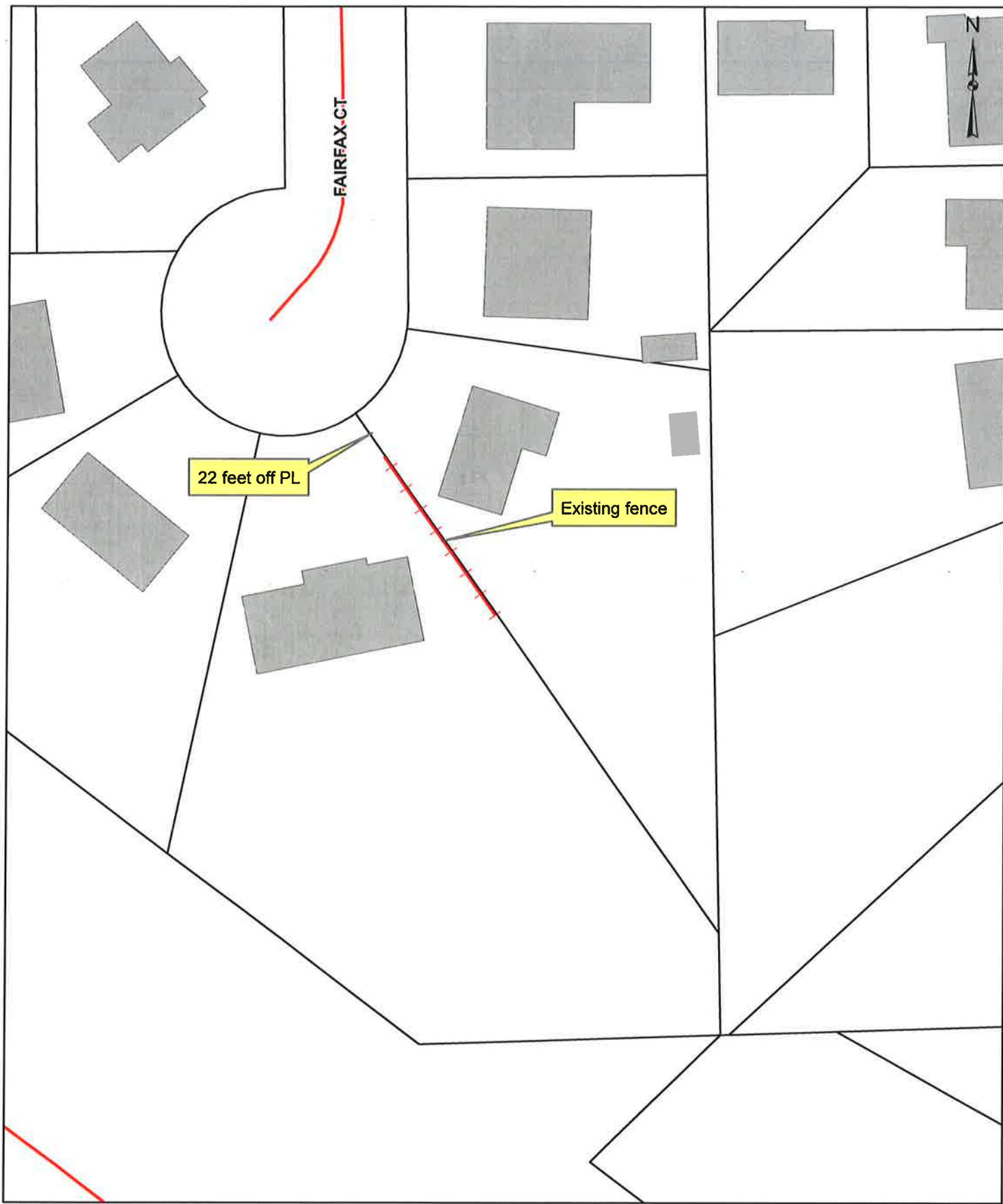
PEMBROOK CT

B-2-q

SITE

1 inch = 300 feet

Item 9A



Site Location 

1 inch = 50 feet

Item No. 9B



FAIRFAX RD

FAIRFAX CT



SITE 

1 inch = 60 feet
Item 9C

10. BD-2015-029 **PRESENTED BY:** Harvest Church

REPRESENTING: Same

SUBJECT: Request a special exception for church use in a multi-tenant building located at 3450, 3452, and 3454 Wetumpka Highway in a B-2 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a church in a multi-tenant building.

Service Hours

Sunday, 10:30 a.m. – 12:30 p.m.

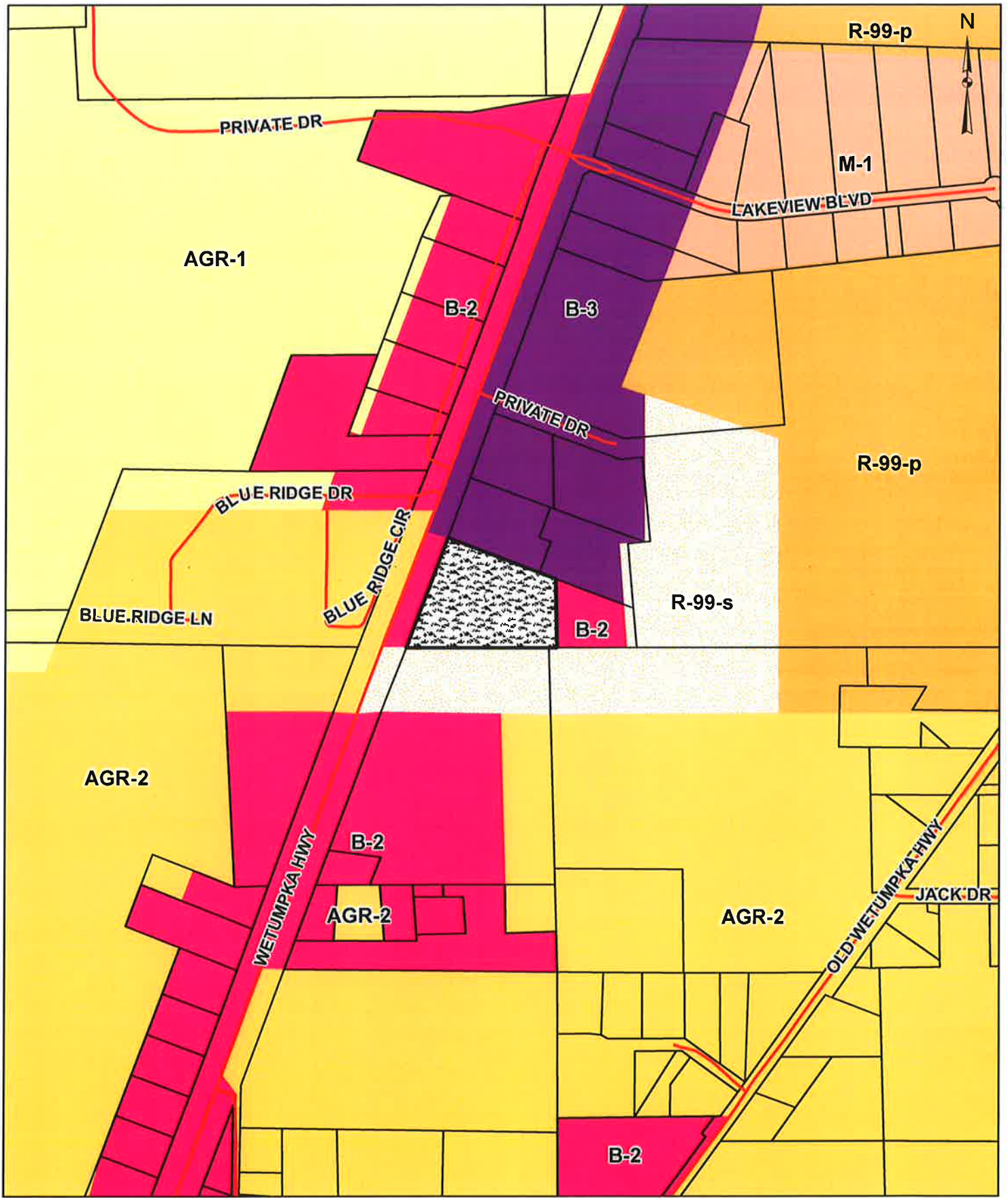
Wednesday, 6:00 p.m. 8:00 p.m.

There will be a maximum of 100 members, which require 20 parking spaces that are provided.

COUNCIL DISTRICT: Police Jurisdiction

COMMENTS _____

ACTION TAKEN: _____



Site Location 

1 inch = 500 feet

Item No. 10A



BLUE RIDGE DR

BLUE RIDGE CIR

WETUMPKA HWY

Proposed Church



SITE 

1 inch = 100 feet

Item 108

11. BD-2013-042 **PRESENTED BY:** James William Jackson, Jr.

REPRESENTING: The Jackson Davis Group, LLC

SUBJECT: Request a rear yard variance and a special exception for a hospital (hospice) with administrative offices to be located at 2145 Lockwood Way* in a B-1-b-Q (Central Business-Qualified) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a hospice facility (hospital) with administrative offices. There will be a 10 bed inpatient wing for hospice care, and plans for future expansion for up to an additional 10 beds. The future expansion will come within 20 ft. of the rear property line, whereas 35 ft. is required.

This property was restricted to a private club, special events, community club, a restaurant, a bed and breakfast, or a residence when it was rezoned in 2004. The Zoning Ordinance allows hospitals for humans in all zoning districts on appeal to the Board of Adjustment (special exception); therefore the qualified district does not apply to that use.

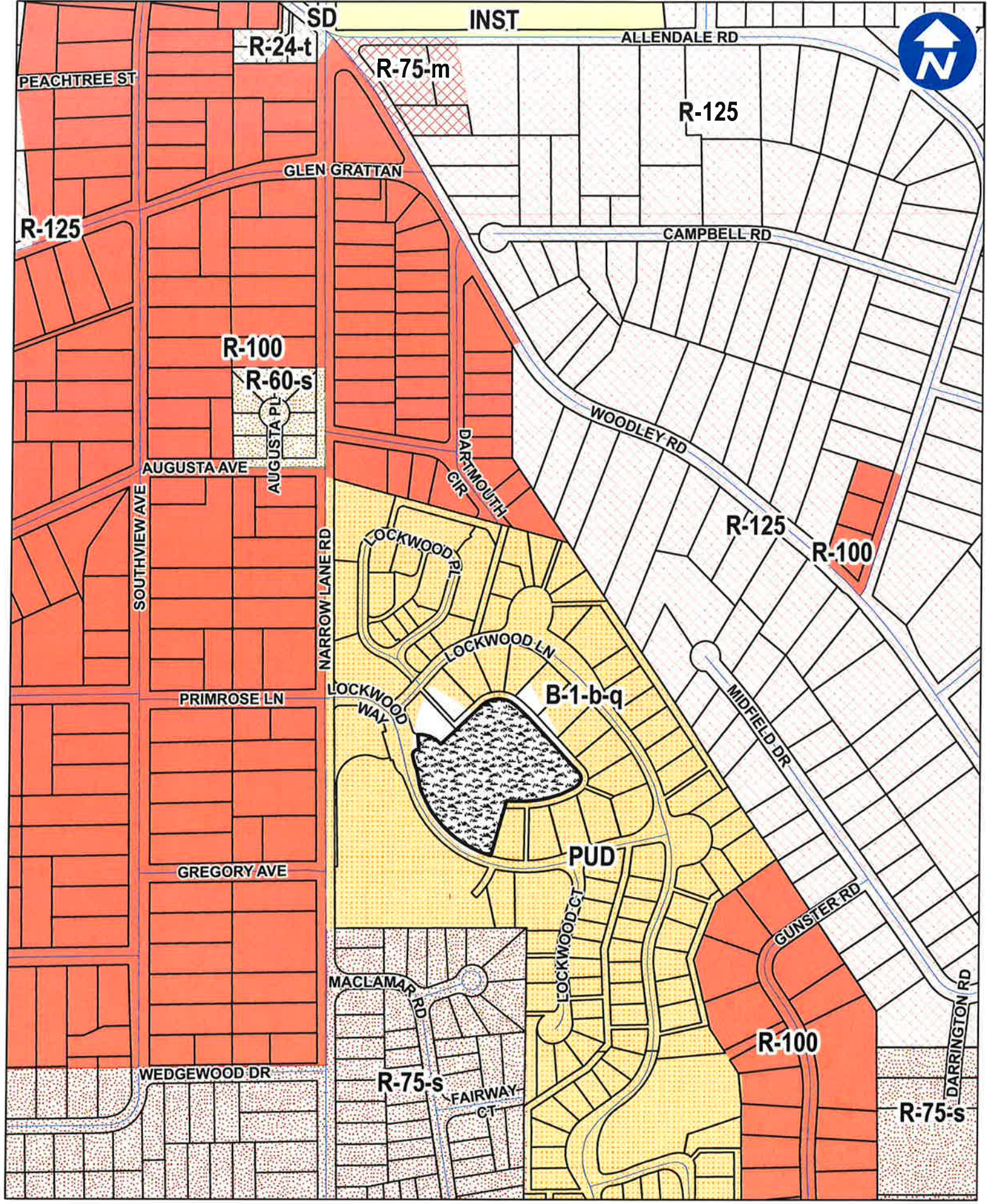
The request is a 15 ft. rear yard variance and special exception for a hospital (hospice).

** Private Street*

COUNCIL DISTRICT: 5

COMMENTS _____

ACTION TAKEN: _____



SITE 

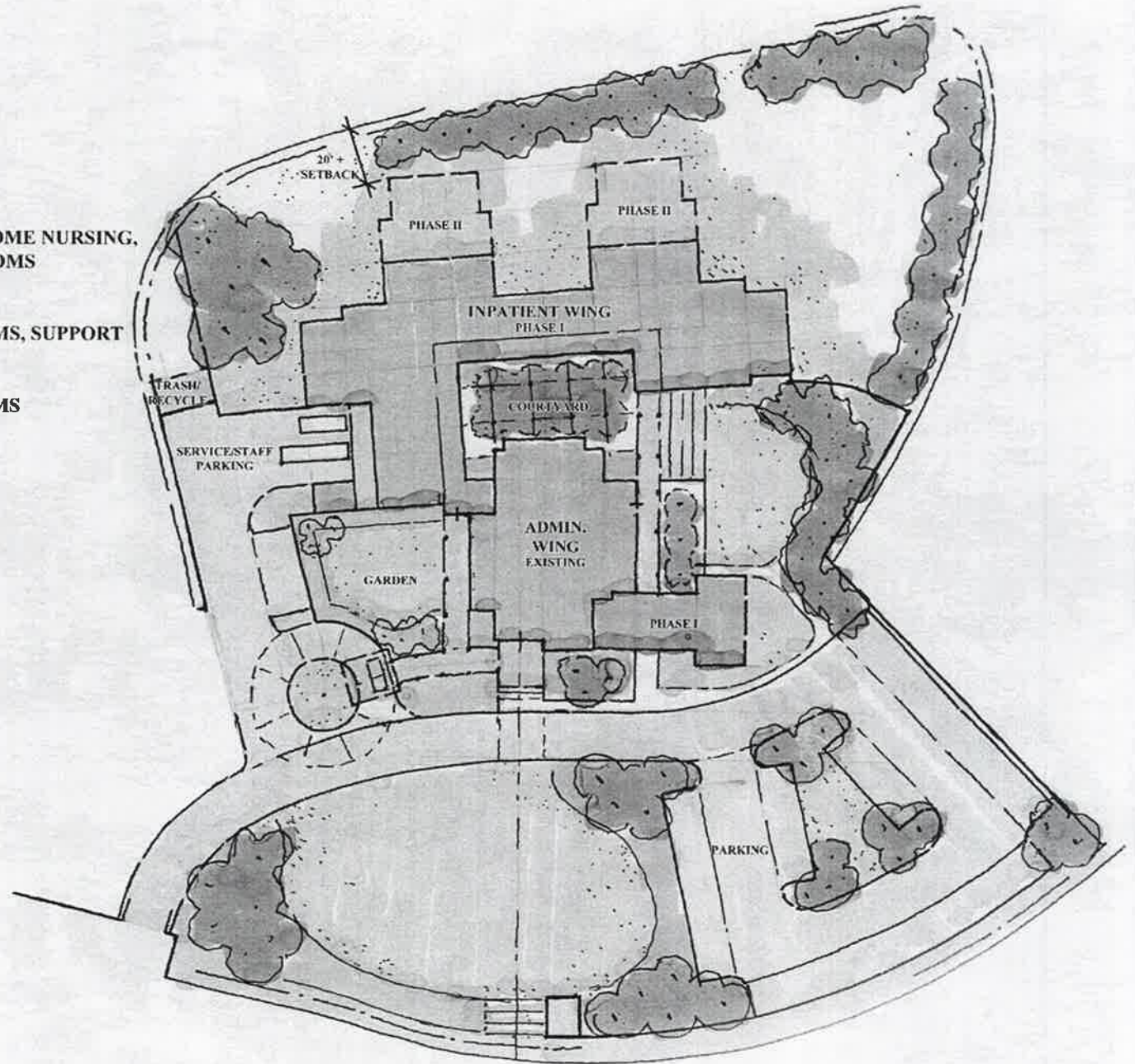
1 inch = 400 feet
 Item 11A

**EXISTING BUILDING - 2 STORY, 13,000 gsf
(W/PHASE I WING)** ADMIN. OFFICE, INHOME NURSING,
STAFF, MEETING ROOMS

PHASE I INPATIENT - 1 STORY, 13,000 gsf
10 PATIENT BEDROOMS, SUPPORT

PHASE II INPATIENT - 1 STORY, 5,000 gsf
10 PATIENT BEDROOMS

PARKING - TOTAL 60 CARS



SITE PLAN - nts

LB



SITE 

1 inch = 200 feet
Item 11C

12. BD-2015-030 **PRESENTED BY:** DTVJ Enterprises LLC

REPRESENTING: Vencini S. Smith

SUBJECT: Request a variance to Ordinance No. 42-2003 for a lounge to be located at 3439-K McGehee Road in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a lounge in a multi-tenant building. The lounge's rear door comes within 203 ft. of an R-75-m (Multi-Family Residential) Zoning District, whereas a 250 ft. buffer is required from any residentially zoned district. The petitioner has indicated that the rear door will be used only for an emergency exit during business hours.

Ord. No. 42-2003:

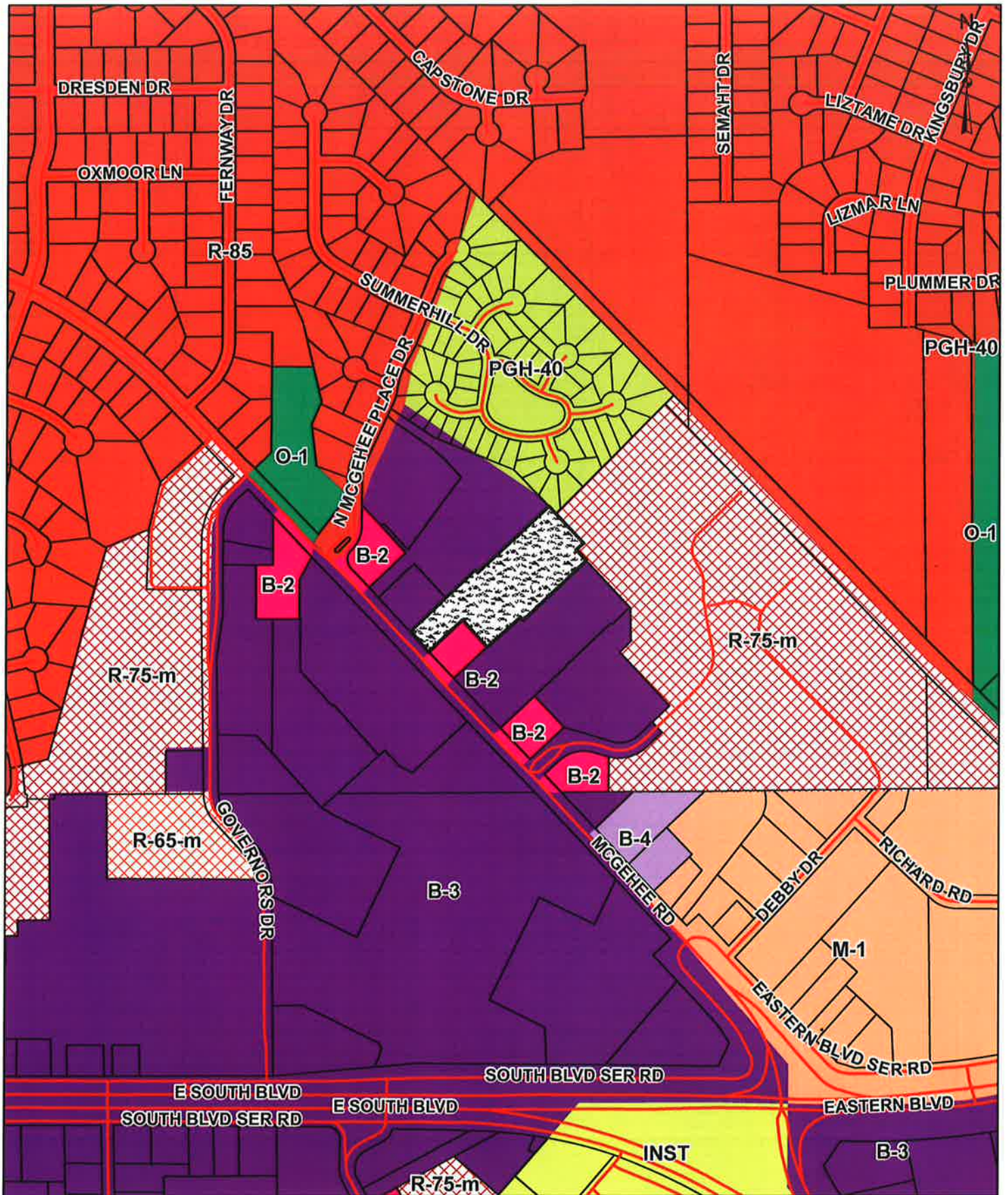
Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum 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 variance requested is a 47 ft. variance to Ordinance No. 42-2003.

COUNCIL DISTRICT: 5

COMMENTS _____

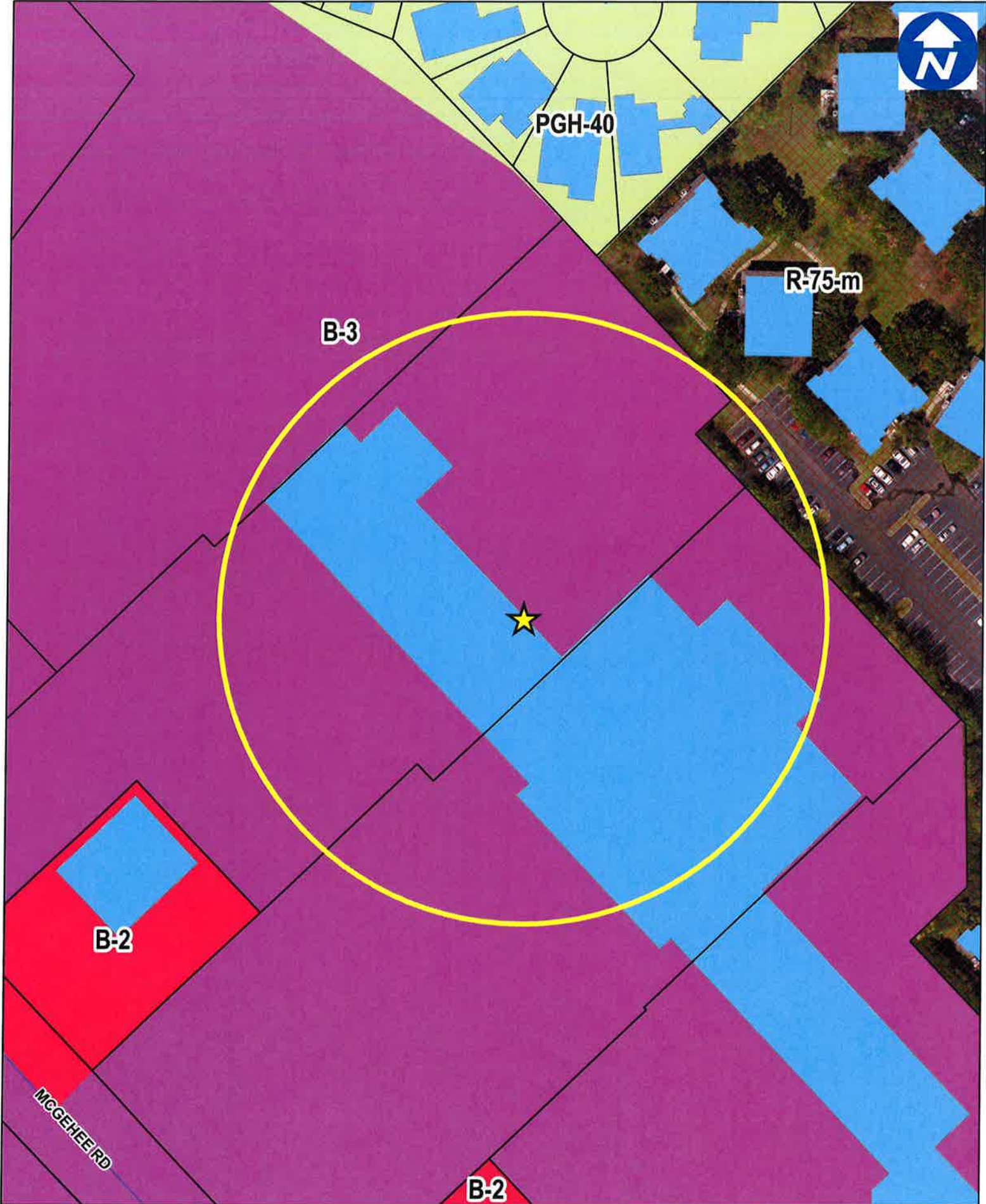
ACTION TAKEN: _____



Site Location 

1 inch = 500 feet

Item No. 12A



PGH-40

R-75-m

B-3

B-2

MCGEHEERD

B-2

Buffer - 250 ft.

1 inch = 100 feet

Item 12B

13. BD-2000-032 **PRESENTED BY:** Goodwyn, Mills & Cawood

REPRESENTING: Homebuilders Association of Alabama

SUBJECT: Request a height variance and an area variance (sq. ft. of face) for a new ID sign to be located at 7480 Halcyon Pointe Drive in an O-1 (Office) Zoning District.

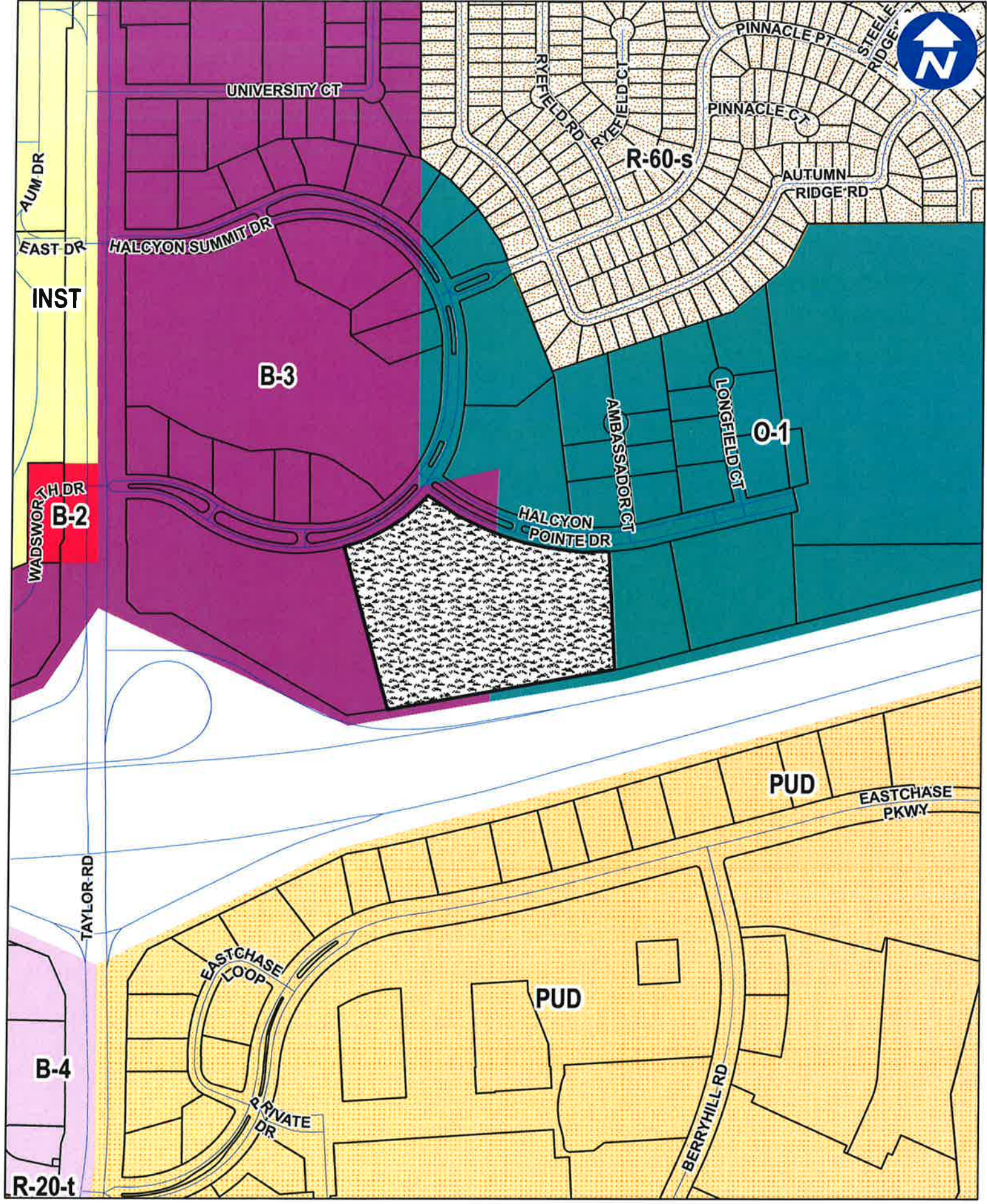
REMARKS: This request is being made to give the petitioner permission to construct a new ID sign that is 15 ft. 8 in. in height, whereas 6 ft. is allowed. The sign is double-faced with a 74.8 sq. ft. face area, whereas a 32 sq. ft. is allowed.

The request is a 9 ft. 8 in. height variance and a 42.8 sq. ft. area variance for the face of the sign.

COUNCIL DISTRICT: 9

COMMENTS _____

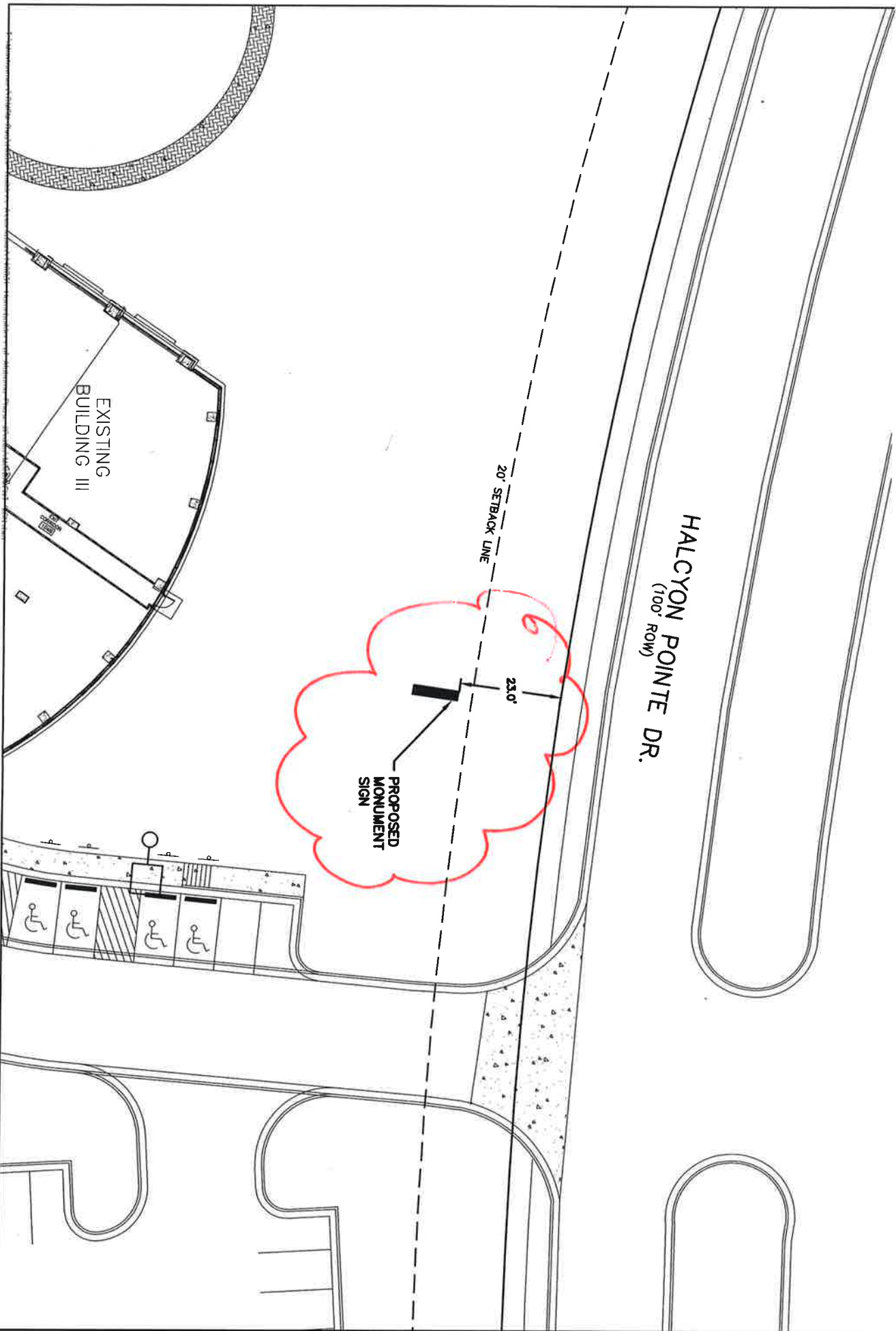
ACTION TAKEN: _____



SITE 

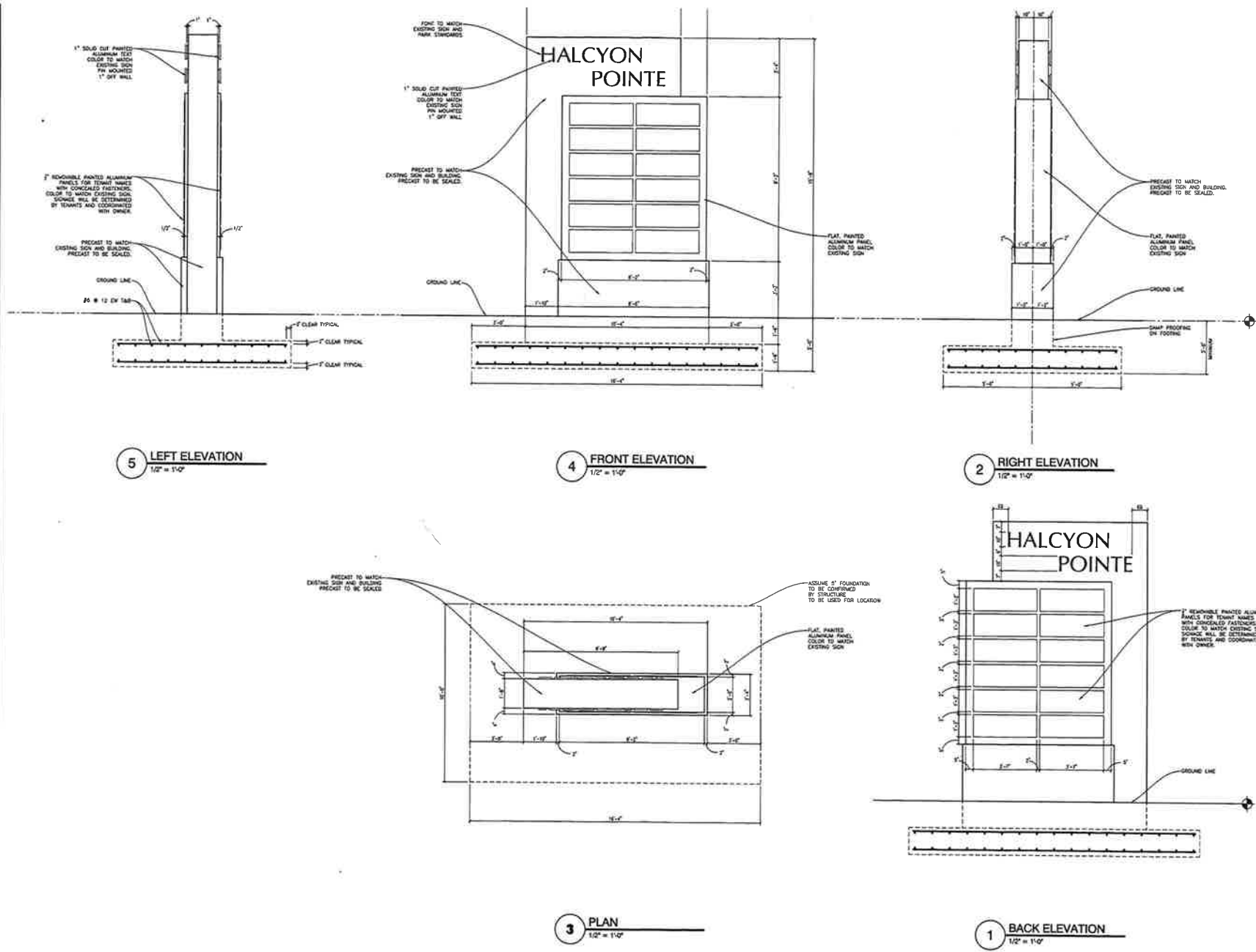
1 inch = 500 feet

Item 13A



13B

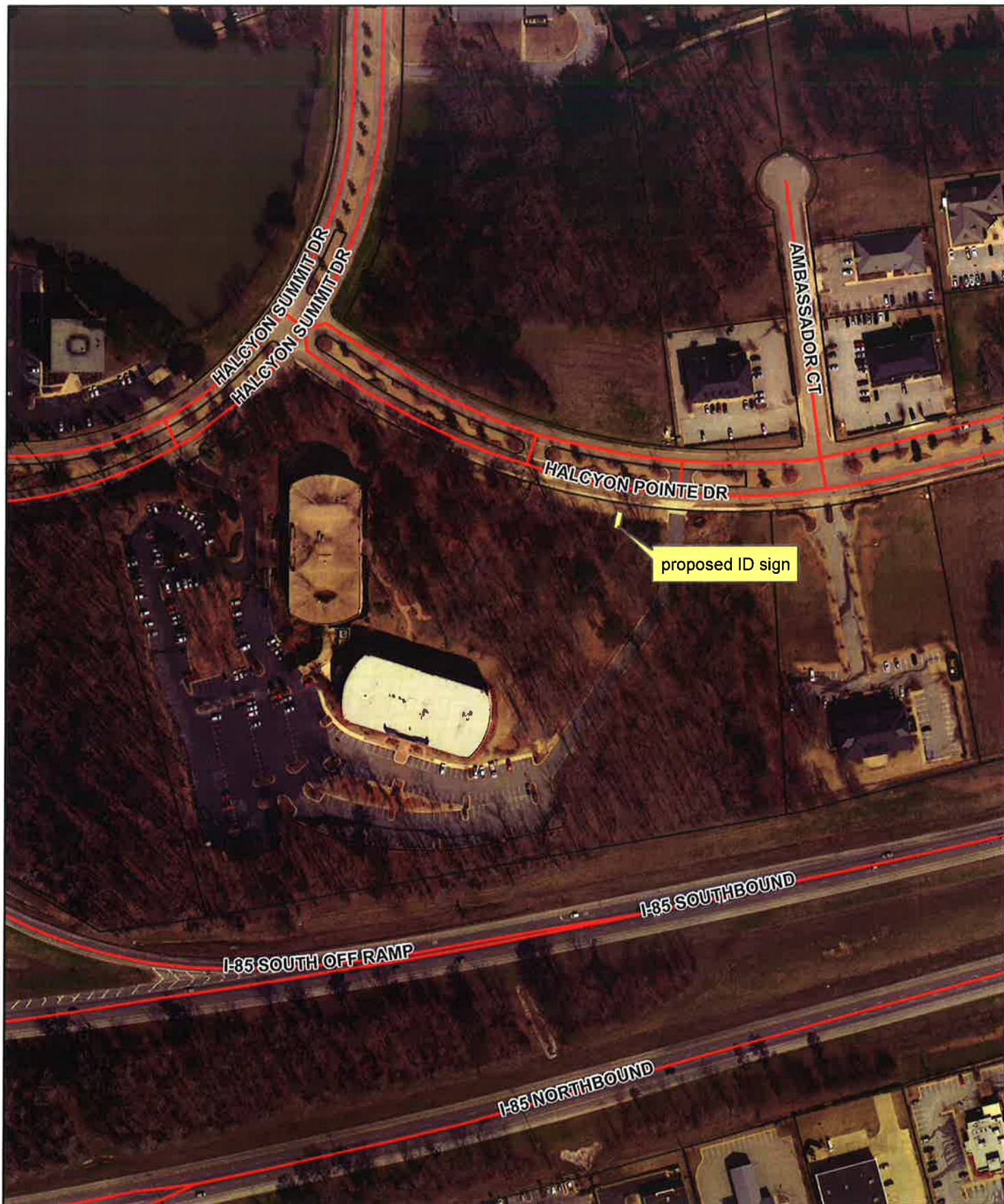
13C



Smallwood, Reynolds, Stewart, Stewart & Associates, Inc. Architects One Piedmont Center, Suite 303 3565 Piedmont Road Atlanta, Ge

| | |
|-------------|--------------------------------------|
| DATE | 02/09/15 |
| BY | 214001.00 |
| CHECKED | |
| PROJECT | HALCYON POINT III |
| CLIENT | HOME BUILDERS ASSOCIATION OF ALABAMA |
| LOCATION | MONTGOMERY, ALABAMA |
| PROJECT NO. | 214001.00 |
| SHEET NO. | AS-01 |
| PRINTED | |
| DATE | |
| BY | |
| CHECKED | |
| PROJECT | |
| CLIENT | |
| LOCATION | |
| PROJECT NO. | |
| SHEET NO. | |

ISSUED FOR CONSTRUCTION



Site Location 

1 inch = 200 feet

Item No. 13D

14. BD- 2015-031 **PRESENTED BY:** Phillip Sides

REPRESENTING: Same

SUBJECT: Request a front yard variance and a variance for an accessory structure in the required front yard to be located at 895 Greg Drive in an R-75-s (Single-Family Residential) Zoning District.

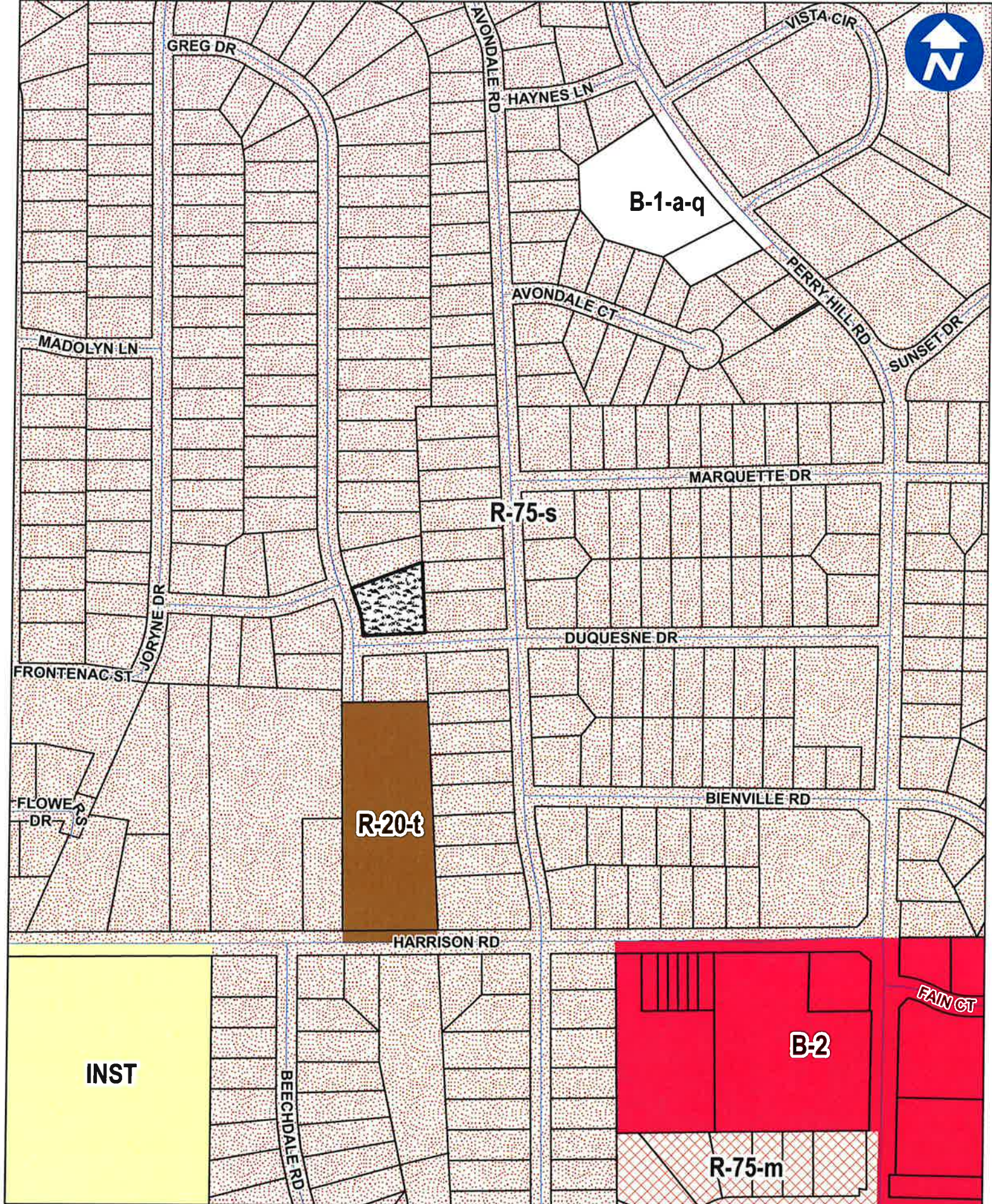
REMARKS: This request is being made to give the petitioner permission to construct a gazebo in the front yard and will come within 27 ft. 6 in. of the front property line, whereas 30 ft. is required.

The variance requested is a 2 ft. 6 in. front yard variance and a variance to allow an accessory structure in the required front yard.

COUNCIL DISTRICT: 1

COMMENTS _____

ACTION TAKEN: _____

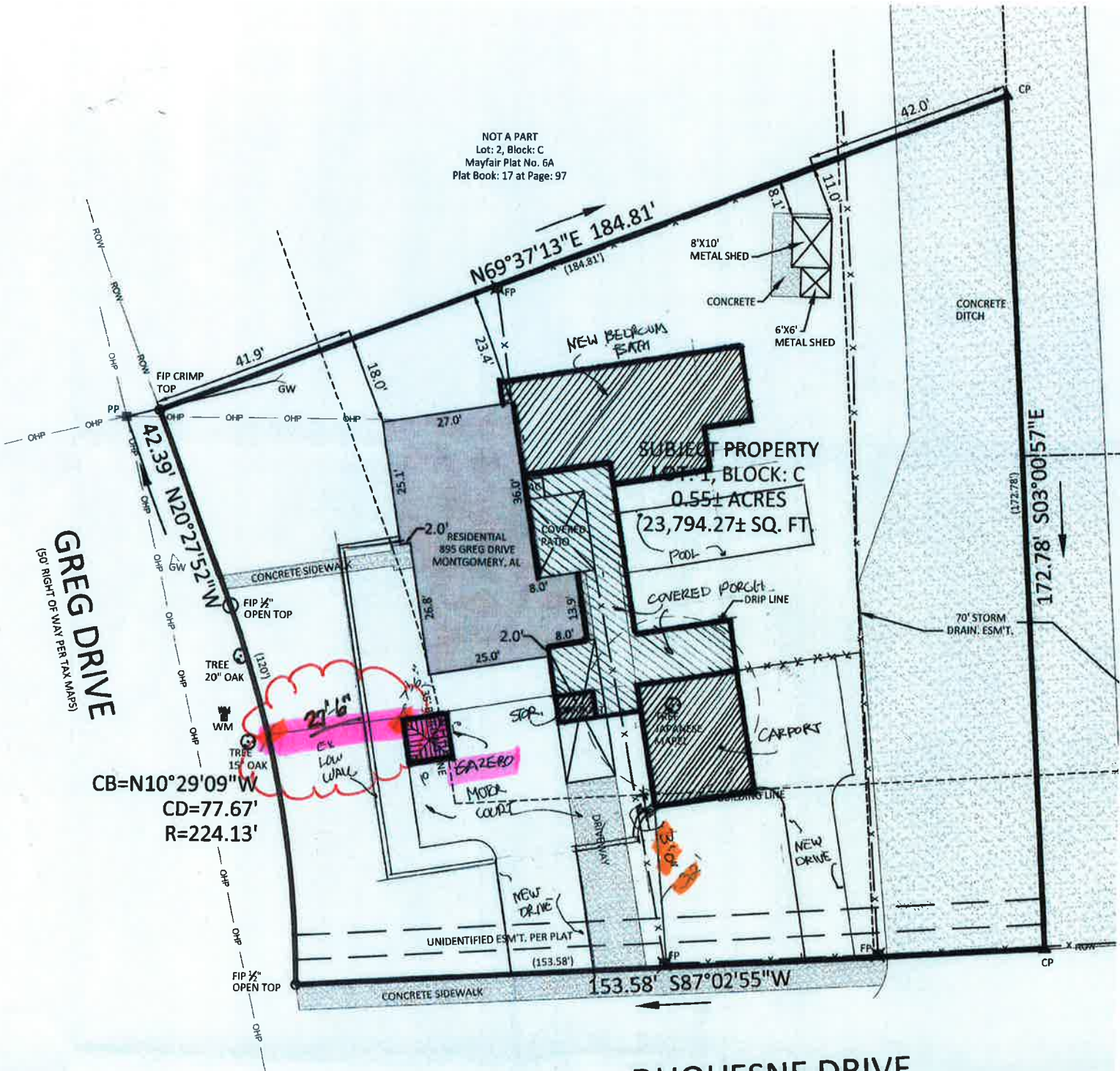


SITE 

1 inch = 300 feet

Item 14A

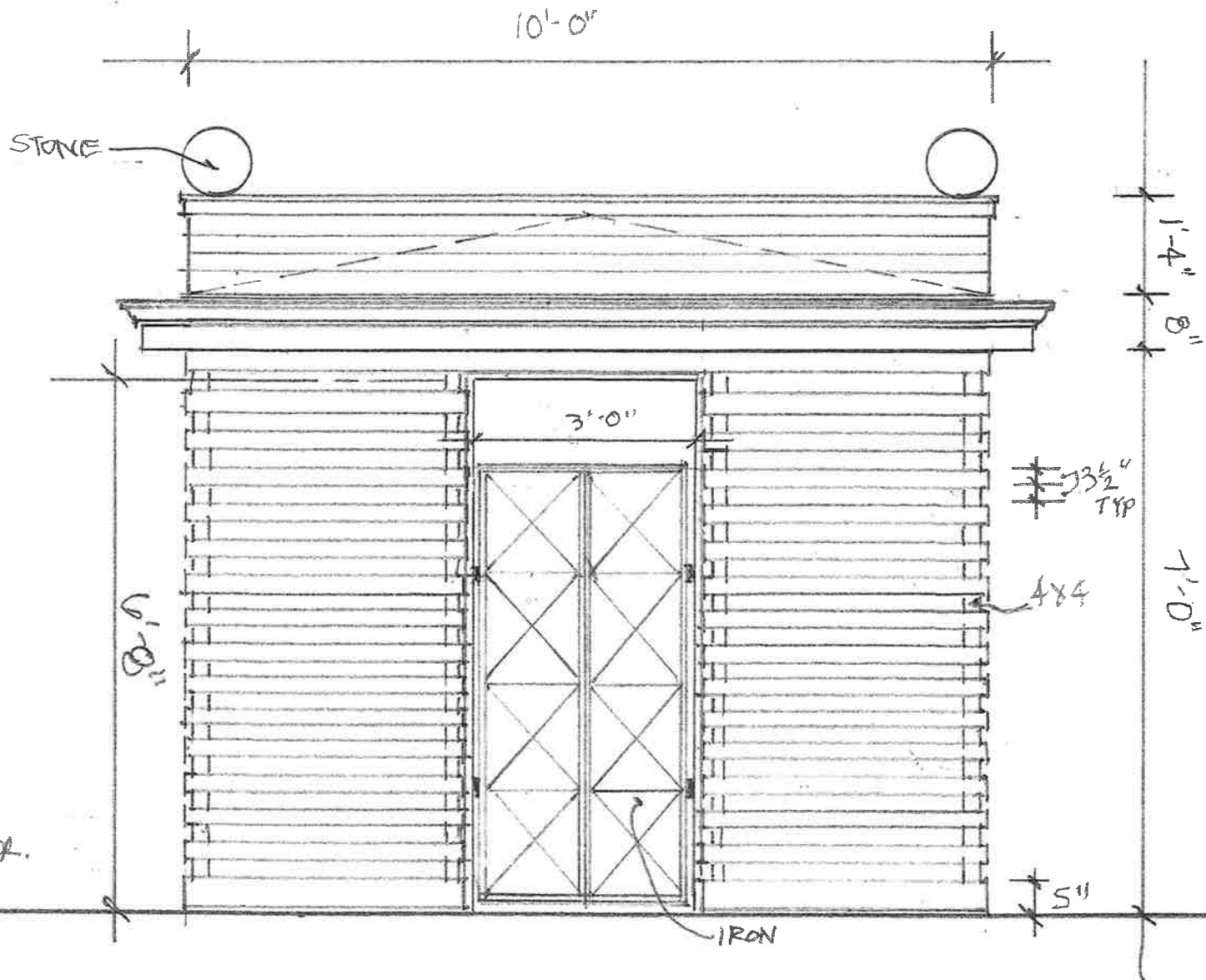
NOT A PART
Lot: 2, Block: C
Mayfair Plat No. 6A
Plat Book: 17 at Page: 97



GREG DRIVE
(50' RIGHT OF WAY PER TAX MAPS)

DUQUESNE DRIVE
(60' RIGHT OF WAY PER TAX MAPS)

14C



GAZEBO
895 GREG DR.

1/2" = 1'-0"

PS/D

IRON

5 3/4"
TYP

4x4

10'-0"

STONE

1'-4"

8"

3'-0"

6'-8"

1'-0"

5"



SITE 

1 inch = 40 feet
Item 14D

15. BD-2015-033 **PRESENTED BY:** Koniqueka V. Ross-Thompson

REPRESENTING: Same

SUBJECT: Request a special exception for a beauty and barber school to be located at 2754 & 2758 Poplar Street in a B-4 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a beauty and barber school in two (2) units of a multi-tenant building.

Class Hours:

Day Classes: Monday – Friday, 8:30 a.m. – 3:30 p.m.

Night Classes: Monday – Thursday, 5:30 p.m. – 9:30 p.m.

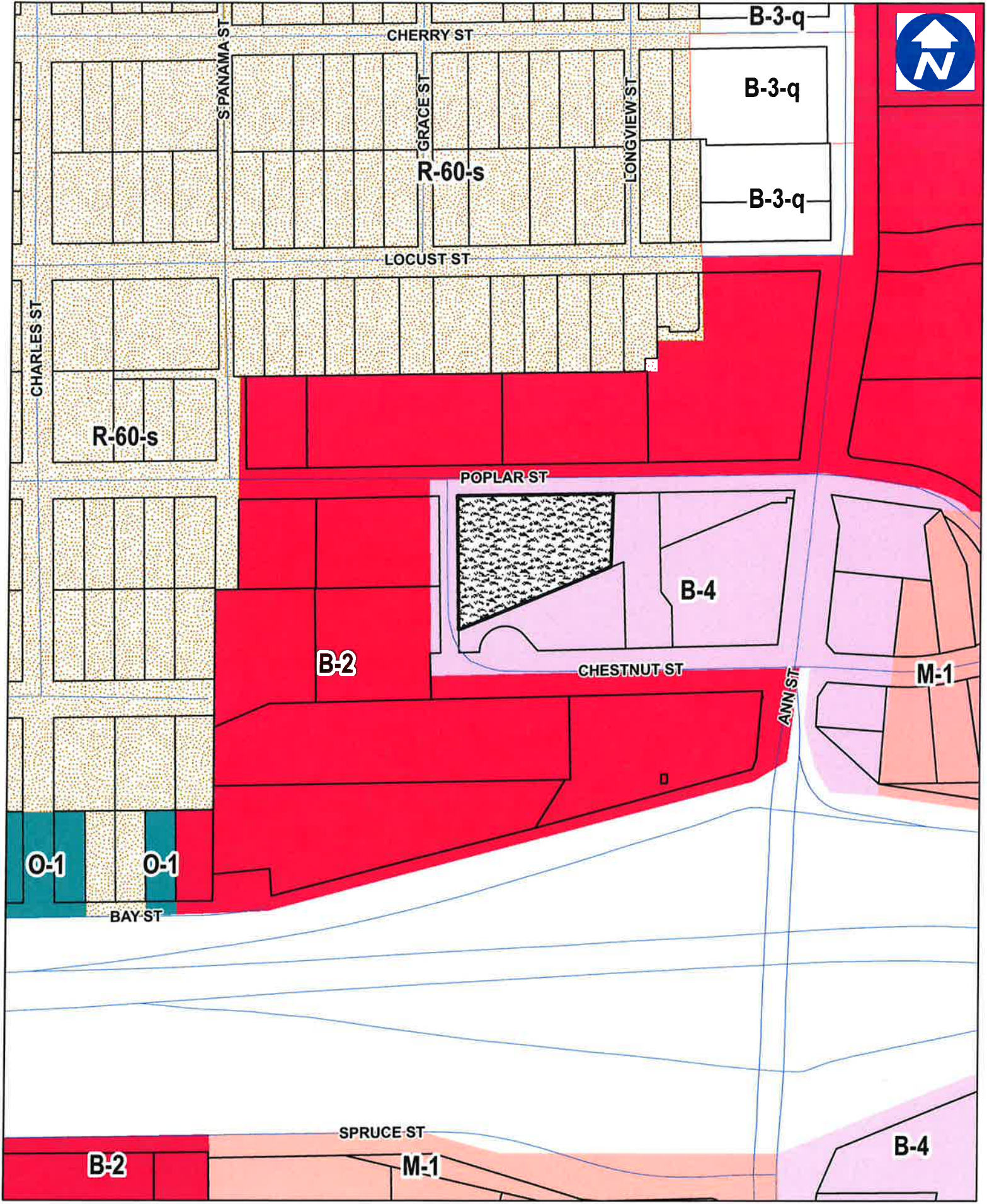
There will be approximately 10-15 students for day classes and night classes. No classes will be held on Saturday and Sunday. There are 20 parking spaces provided in front of the building and an area for additional parking in the rear of the building.

The request is a special exception for beauty and barber school.

COUNCIL DISTRICT: 3

COMMENTS _____

ACTION TAKEN: _____



SITE 

1 inch = 200 feet

Item 15A



POPLAR ST

Proposed school

CHESTNUT ST

SITE 

1 inch = 60 feet
Item 15B