Board of Adjustment Agenda

January 15, 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 December 18, 2014 meeting
- III. Election of Officers

January 15, 2015						
<u>Item</u>	<u>File</u>	Petitioner	<u>Zone</u>	Location/Request	<u>Page</u>	
1.	2015-002	Elbert Abdur Rashid	R-65-d	1422 Hale Street (Coverage variance)	1	
2.	2015-001	Alabama Design & Const.	R-100	6636 Hollis Drive (Rear yard variance)	2	
3.	2015-003	Todd Summerlin	T4-R	24 Whitman Street (Chickens)	3	
4.	2015-004	Jackie Wingard	R-100	3048 Sumter Avenue (Privacy fence)	4	
5.	2015-005	Pilgreen Engineering	B-3	South Arrowhead Drive (Front yard and coverage var)	5	
6.	2015-006	Marvin W. Nugent	M-1	2119 Lower Wetumpka Road (Variance to Ord. 17-2014)	6	
7.	2015-007	Michael D. Goodson	R-125	2452 Woodley Road (New dwelling – side yard var)	7	
8.	2015-009	Andre Jackson	R-60-d	944 Oak Street (Accessory structure)	8	
9.	2015-008	Barrett-Simpson, Inc.	PUD	7665 EastChase Parkway (New motel– height & story var)	9	
10.	1950-058	First United Methodist Church	R-75-s	2416 West Cloverdale Park (New ID sign)	10	
11.	2015-010	Williams Blackstock	T4-R & T5	605 Maxwell Boulevard (Exception to SmartCode Signage Standards)	11	

The next Board of Adjustment meeting is on February 19, 2015

1. BD-2015-002 PRESENTED BY: Elbert Abdur Rashid

REPRESENTING: Same

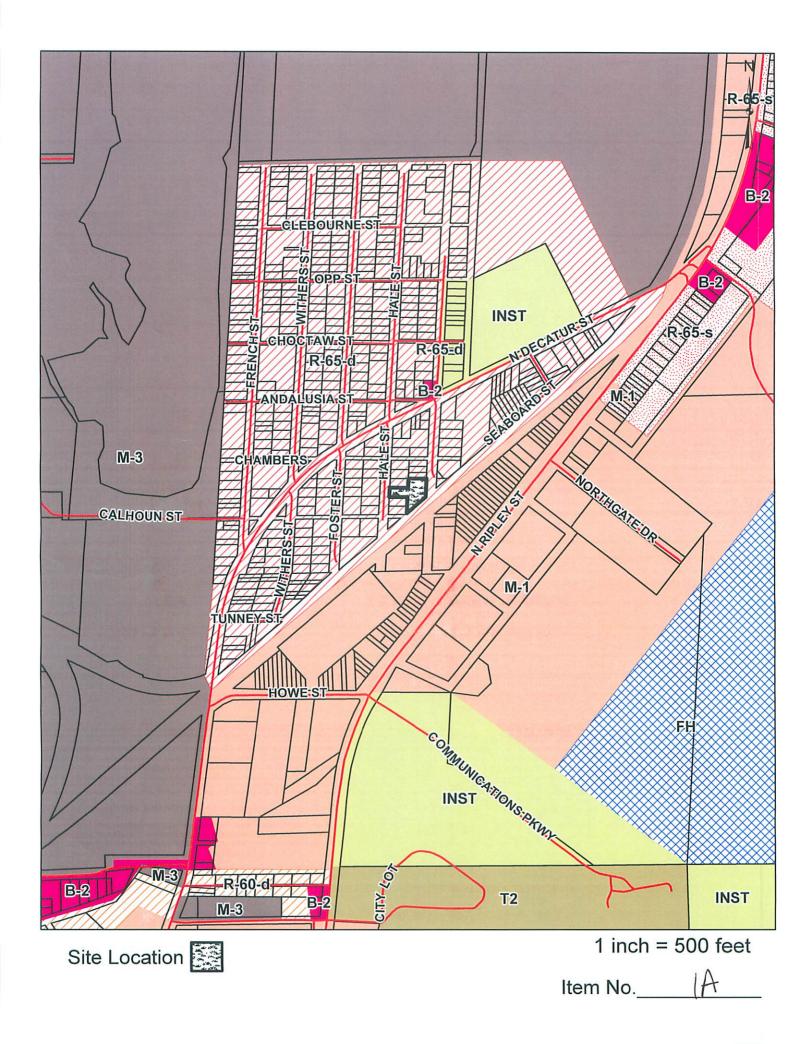
SUBJECT: Request a coverage variance for an accessory structure to be located at 1422 Hale Street in an R-65-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct a 690 sq. ft. (23 ft. x 30 ft.) accessory structure. There is an existing 513 sq. ft. (27 ft. x 19 ft.) accessory structure, for a total of 1,203 sq. ft. of coverage, whereas 585 sq. ft. of coverage is allowed.

The request is a 618 sq. ft. coverage variance.

COUNCIL DISTRICT: 3

COMMENTS_____





Site Location

1 inch = 30 feet

Item No.____B

2. BD-2015-001 PRESENTED BY: Alabama Design & Construction

REPRESENTING: David Martin

SUBJECT: Request a rear yard variance for an addition to a dwelling located at 6636 Hollis Drive in an R-100 (Single-Family Residential) Zoning District.

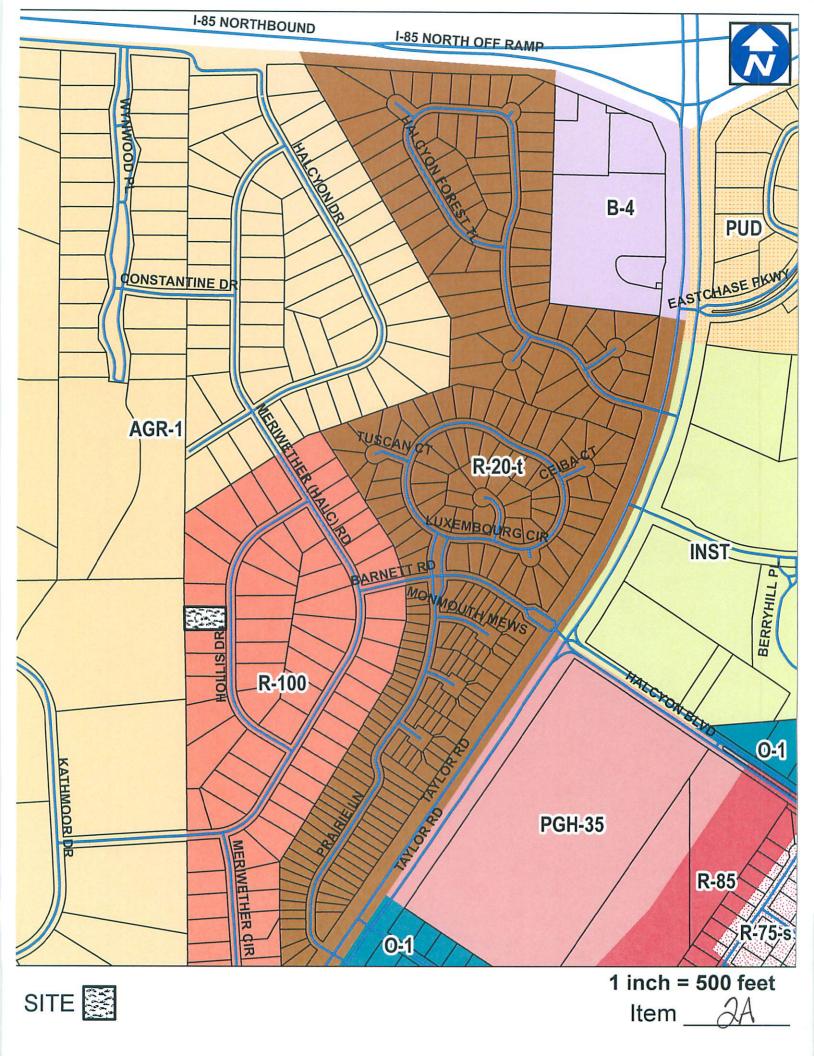
REMARKS: This request is being made to give the petitioner permission to construct an addition to come within 15 ft. 8 in. of the rear property line, whereas 30 ft. is required.

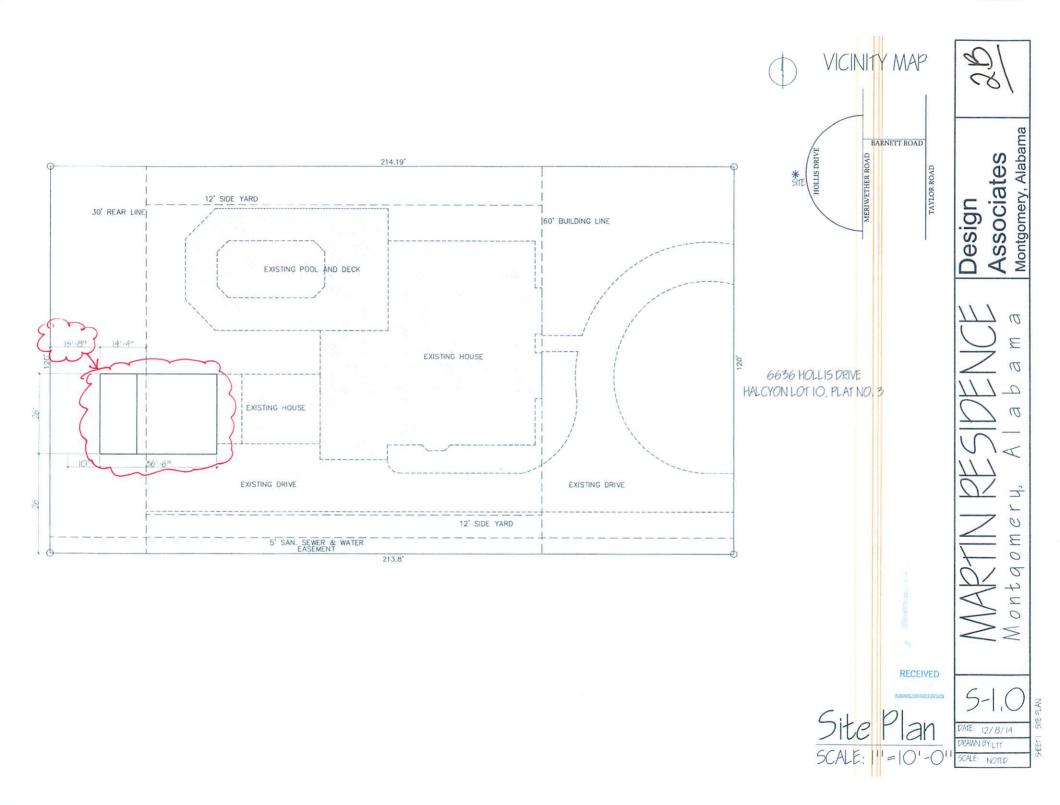
The variance requested is a 14 ft. 4 in. rear yard variance.

COUNCIL DISTRICT: 9

COMMENTS_____

ACTION TAKEN:







SITE

1 inch = 50 feet Item ______

3. BD-2015-003 PRESENTED BY: Todd Summerlin

REPRESENTING: Same

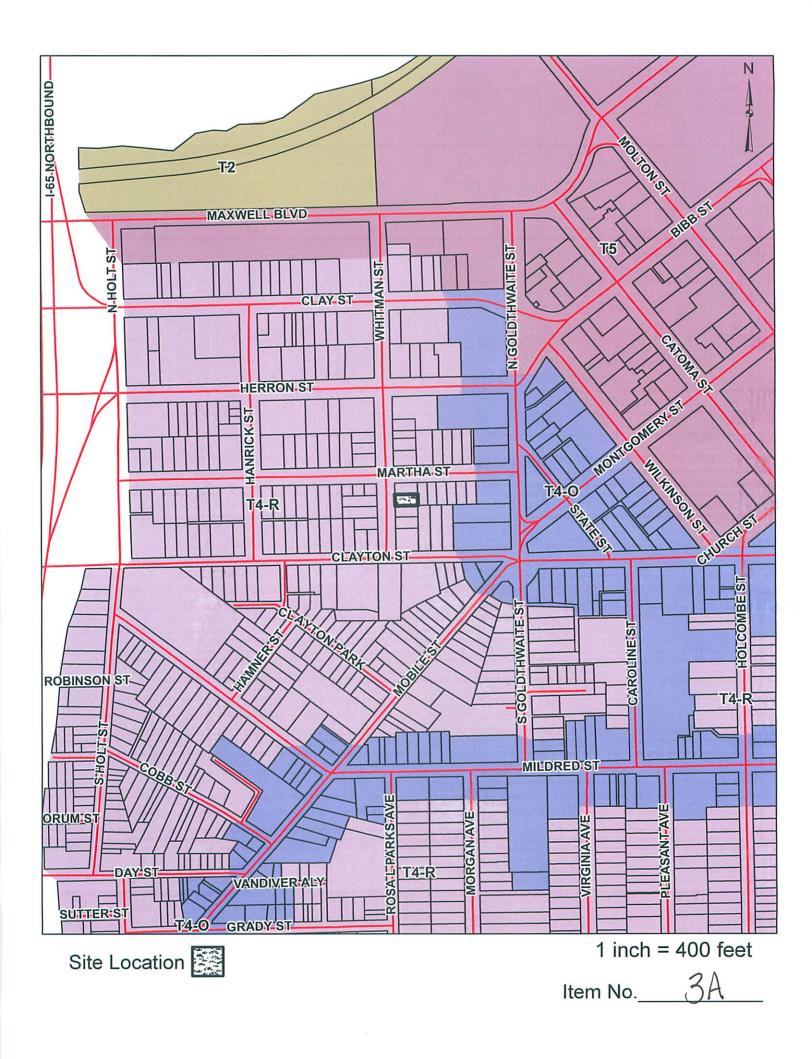
SUBJECT: Request an exception to keep chickens at 24 Whitman Street in a T4-R (General Urban Zone-Restricted) Smart Code District.

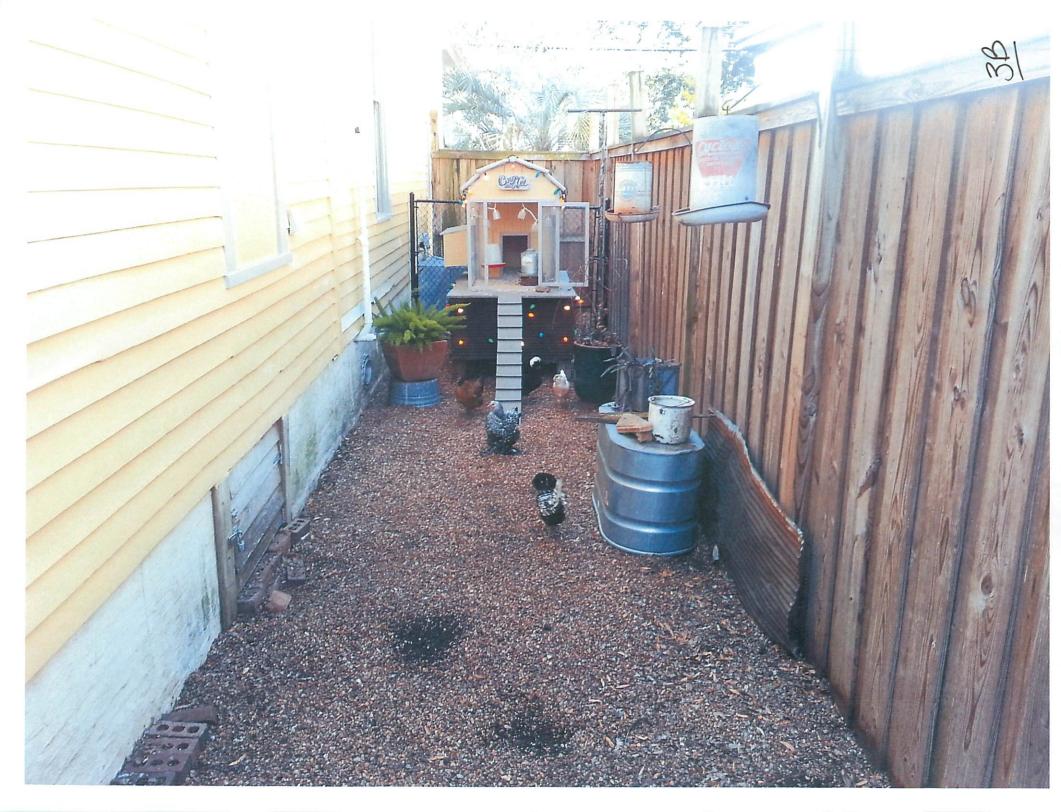
REMARKS: This request is being made to give the petitioner permission to keep 5 chickens. The petitioner has a coop area already in place (see picture). (COMPLAINT)

This was received as a complaint, particularly because of a rooster; however the rooster has since been removed and only hens remain.

COUNCIL DISTRICT: 3

COMMENTS







Site Location

1 inch = 50 feet

Item No. 30

GUIDELINES FOR CHICKENS

At the February 5, 2013 City Council work session, the City Council directed the following guidelines to be used for allowing chickens.

The Zoning Ordinance "permits" chickens in AGR-1 and AGR-2 zoning districts.

"A" General farming, including horticulture, dairying, livestock and poultry raising and other similar uses.

The Zoning Ordinance allows chickens in the following districts as a "special exception" in R-125, R-100, R-85, R-75, R-65, R-60 and R-50 zoning districts.

"F" Agriculture, poultry, and livestock raising, but not including the operation of chicken brooder houses; and provided no structure, pen or corral housing animals be located closer than 200 ft. to any property line.

Definitions of General Terms

"Domesticated hens" means female chickens that may, where permitted, be kept and maintained for the non-commercial production of eggs, education, companionship, or recreation. Other types of fowl and poultry shall not be considered domesticated hens.

Domesticated Hens

<u>Type and number</u>: Except upon property zoned for agricultural use or for properties in the residential districts of five (5) acres or more in size, a parcel of land shall contain the maximum number of domesticated hens identified below. Only hens are allowed; roosters are expressly prohibited. There is no restriction on domestic hen breeds.

Max. # Poultry	Parcel Area (sq. ft.)	Acreage
2	0 to 5,009	0.0 to .11
4	5,010 to 10,236	.12 to .23
6	10,237 or more	.24 or more

<u>Location</u>: All domesticated hens shall be kept in the rear yards of a residential property subject to the setback standards contained in this subsection. No domesticated hens shall be kept in the front yard or side yard.

<u>Setbacks</u>: An enclosure shall be located twenty-five (25) feet away from any residential structure (other than the permit holder's residence) located in a residential zone district and ten (10) feet from any property line.

Enclosure

All domesticated hens shall be kept outside in a structure that is a predator-proof enclosure, a portion of which must be a covered henhouse, and a portion of which must be a fenced area

In addition to the fenced enclosure, hens shall be provided with a covered, predatorresistant henhouse. A minimum of two (2) square feet per hen shall be provided for henhouses and six (6) square feet per hen for fenced enclosures.

Fenced enclosures and henhouses must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

The henhouse and fenced enclosure must provide adequate ventilation, adequate sun and shade, and must be constructed in a manner to resist access by rodents, wild birds, and predators, including dogs and cats.

Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one (1) inch openings.

Sanitation, Nuisance, and Humane Treatment

Waste storage and removal. Provision must be made for the storage and removal of chicken manure. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse and surrounding area must be kept free from trash and accumulated droppings.

No perceptible odor from the hens or the hen enclosure shall be present at any property line.

All feed shall be stored in a rodent and predator-proof container having a secure lid.

No slaughtering of domesticated hens may occur on the property.

No breeding of hen shall occur on the property.

No domesticated hens shall be used or trained for the purpose of fighting for amusement, sport, or financial gain.

4. BD-2015-004 PRESENTED BY: Jackie Wingard

REPRESENTING: Same

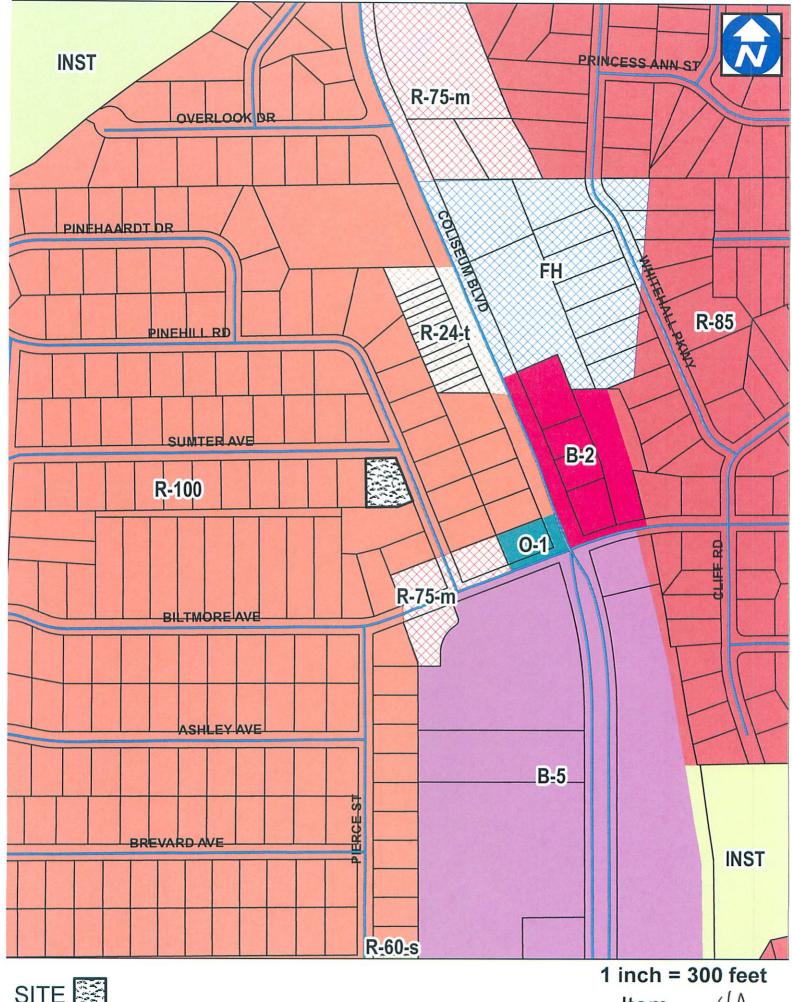
SUBJECT: Request a street side yard variance and a height variance for a privacy fence located at 3048 Sumter Avenue in an R-100 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain a 4 ft. -7 ft. tall privacy fence. The 4 ft. portion of the fence starts at 13 ft. from the street side property line (Pinehill Road), whereas 35 ft. is required. The 4 ft. portion is approximately 23 ft. long, then increases to 7 ft. in height.

The request is a 22 ft. street side yard variance and a 4 ft. height variance.

COUNCIL DISTRICT: 2

COMMENTS_____



SITE 🧏

4A Item





1 inch = 30 feet Item _______

5. BD-2015-005 **PRESENTED BY:** Pilgreen Engineering

REPRESENTING: Cotton Field Place, LLC

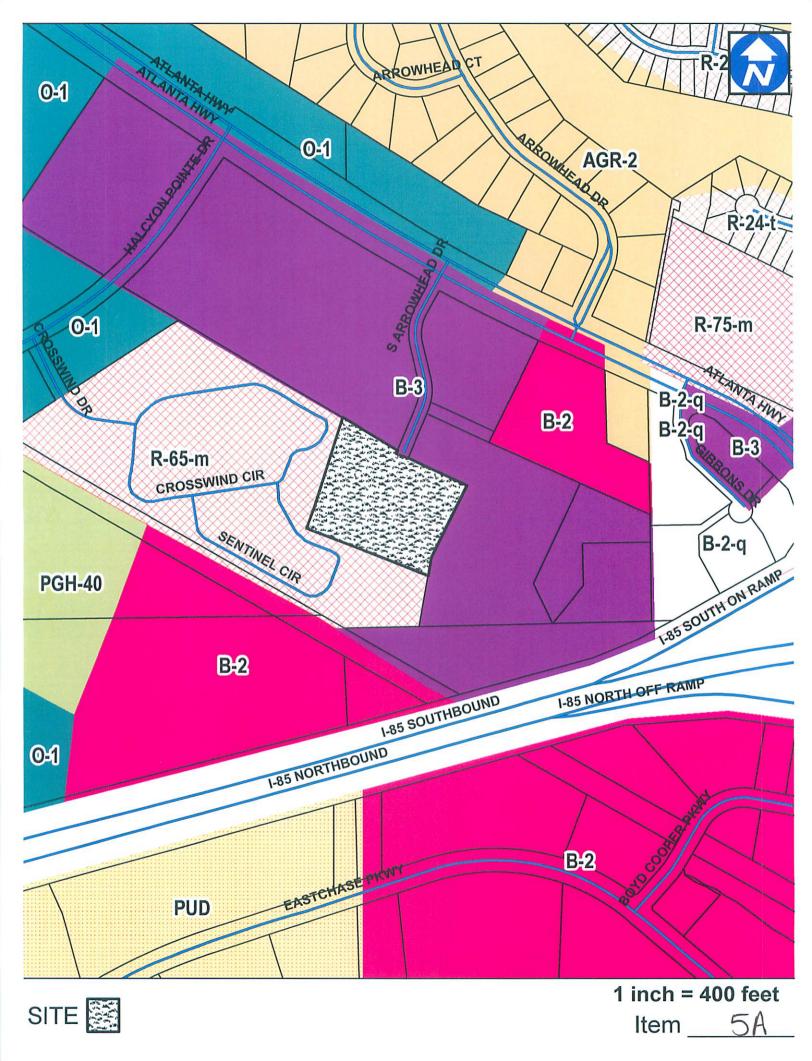
SUBJECT: Request a front yard variance and a coverage variance for a new mini-warehouse facility to be located at the south end of South Arrowhead Drive in a B-3 (Commercial) Zoning District.

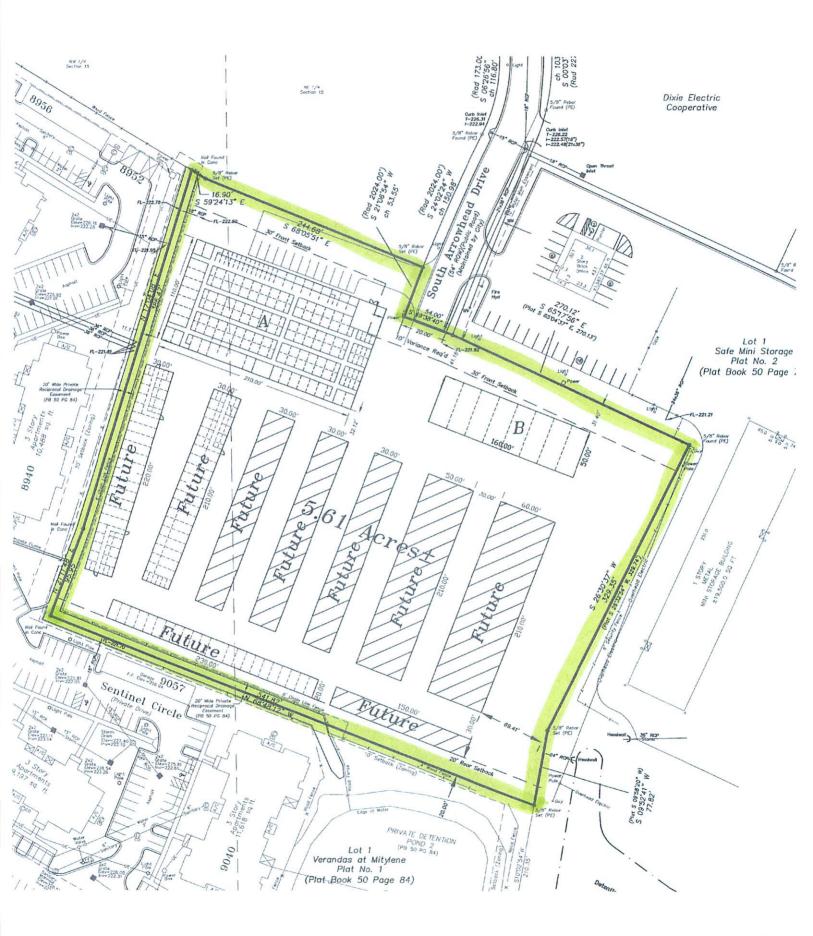
REMARKS: This request is being made to give the petitioner permission building a new miniwarehouse facility that will come within 20 ft. of the front property line, whereas 30 ft. is required, and allow 39% coverage, whereas 30% is allowed.

The requests are a 10 ft. front yard variance and 9% coverage variance.

COUNCIL DISTRICT: 9

COMMENTS





5B





1 inch = 200 feet Item <u>5</u>

6. BD-2015-006 **PRESENTED BY:** Marvin W. Nugent

REPRESENTING: Outcast of Montgomery.

SUBJECT: Request a variance to Ordinance No. 17-2014 for a building located at 2119 Lower Wetumpka Road in an M-1 (Light Industrial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a lounge within 160 ft. of a residential district boundary, whereas 250 ft. is required.

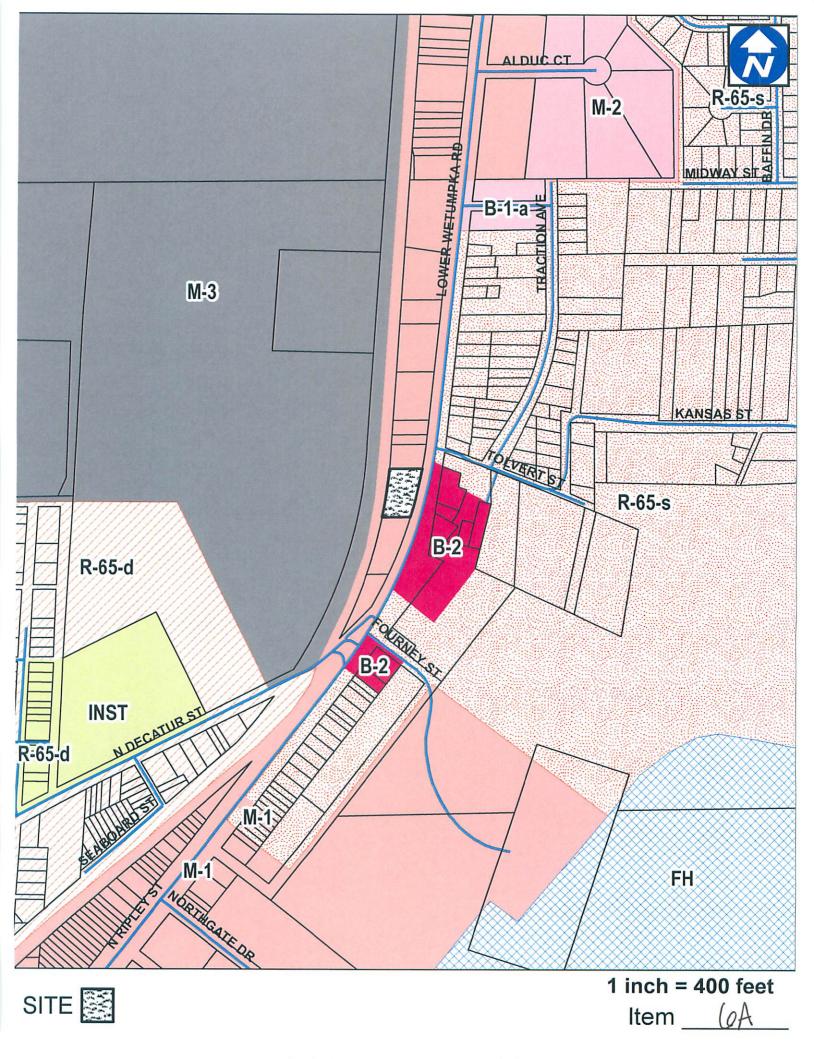
Ordinance 17-2014

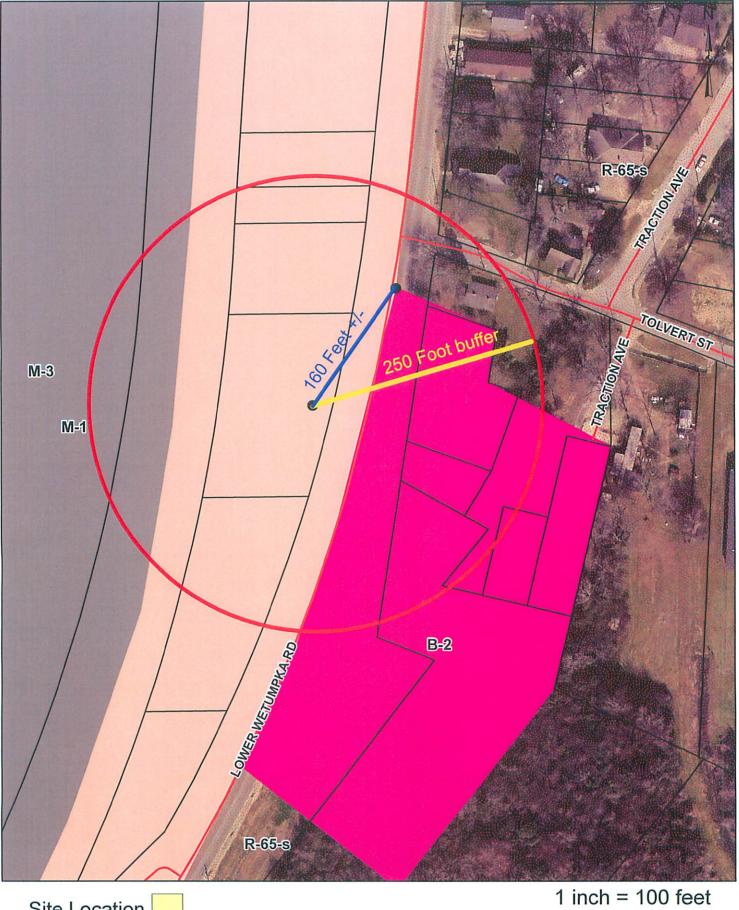
Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum 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 variance request is a 90 ft. variance to the required 250 ft. buffer.

COUNCIL DISTRICT: 3

COMMENTS_____





Site Location

Item No. 6B



Site Location

1 inch = 30 feet

Item No. LeC

7. BD-2015-007 PRESENTED BY: Michael D. Goodson

REPRESENTING: Same

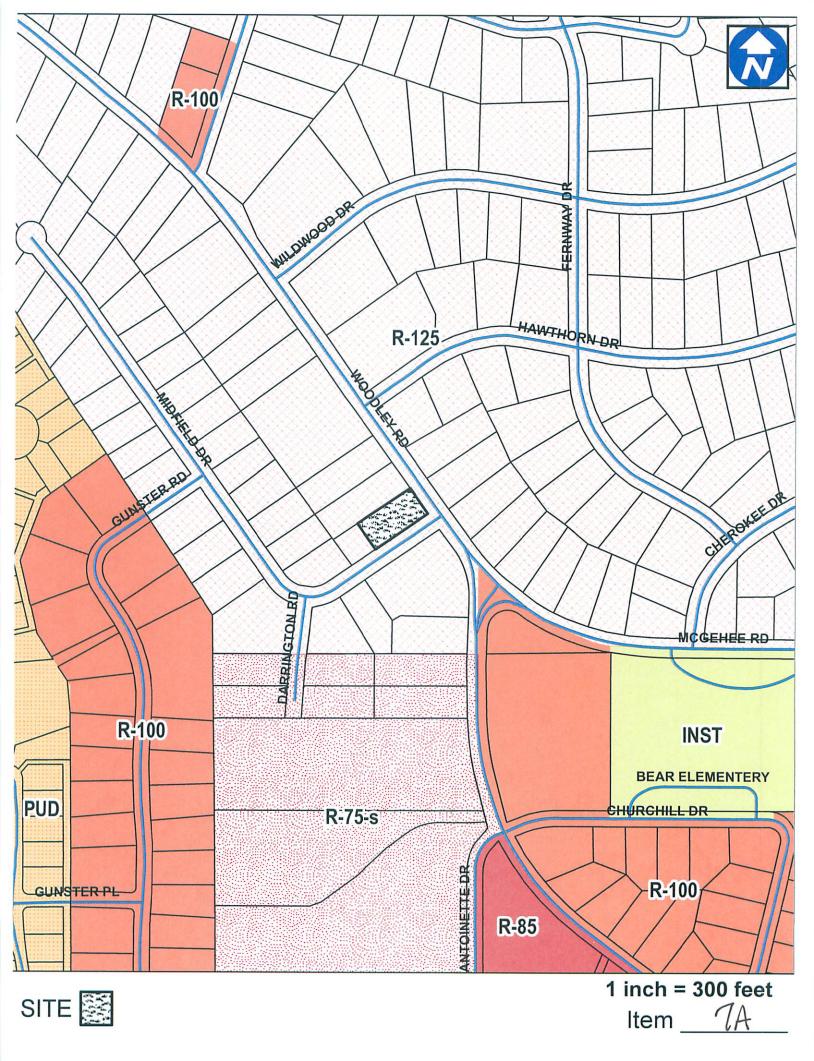
SUBJECT: Request a street side yard variance for a new dwelling to be located at 2452 Woodley Road in an R-125 (Single-Family Residential) Zoning District.

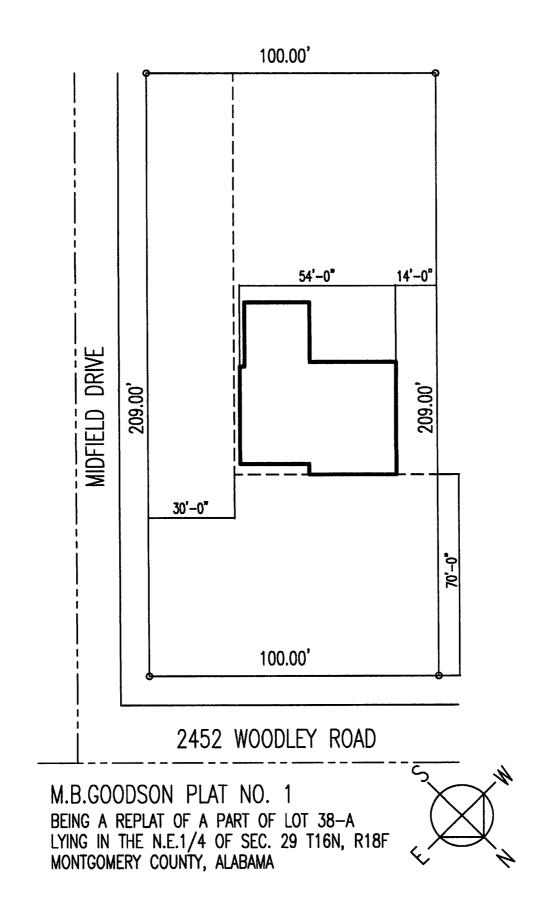
REMARKS: This request is being made to give the petitioner permission to construct a new dwelling to come within 30 ft. of the street side property line (Midfield Drive), whereas 50 ft. is required. The house to the rear of this property is setback 30 ft. off the property line; therefore this new dwelling would be in line with that residence.

The request is a 20 ft. street side yard variance.

COUNCIL DISTRICT: 5

COMMENTS_____





B



SITE

1 inch = 100 feet Item 7C

8. BD-2015-009 **PRESENTED BY:** Andre Jackson

REPRESENTING: Same

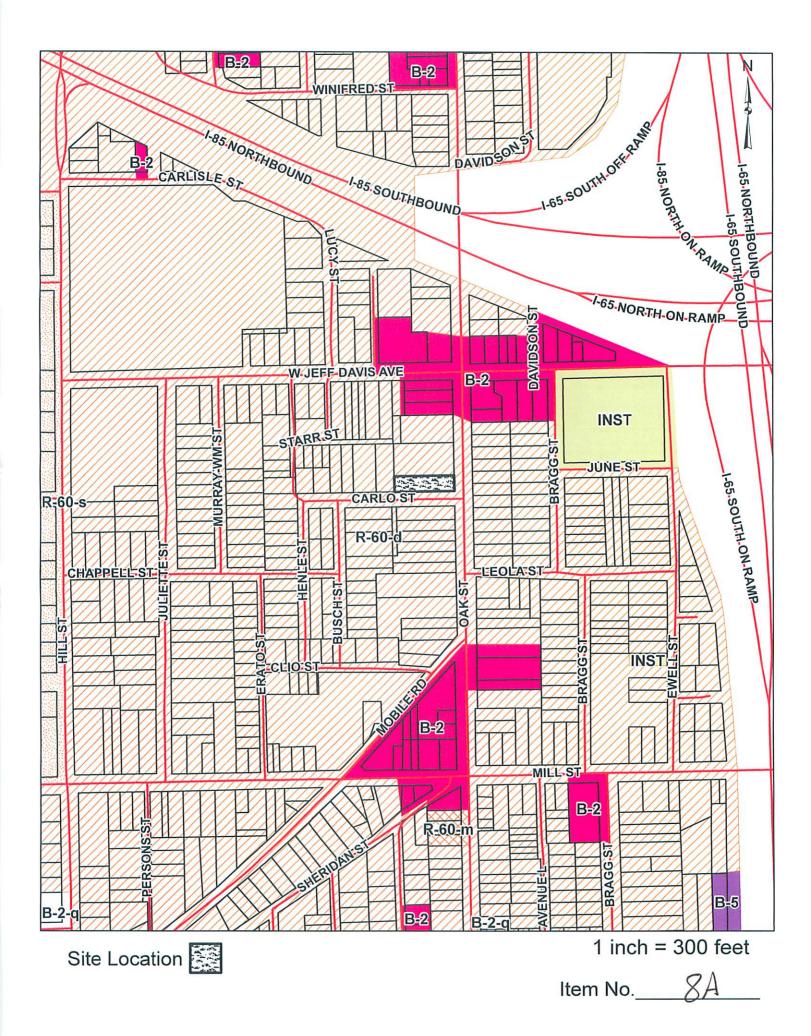
SUBJECT: Request a street side yard variance and a coverage variance for a proposed accessory structure to be located at 944 Oak Street in an R-60-d (Duplex Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to construct an accessory structure (garage) to come within 10 ft. of the street side property line (Carlo Street), whereas 20 ft. is required. The garage will be 380 sq. ft. (19 ft. x 20 ft.), whereas 360 sq. ft. is coverage allowed.

The variances requested are a 10 ft. street side yard variance, and a 20 sq. ft. coverage variance.

COUNCIL DISTRICT: 4

COMMENTS





Site Location

Item No. 8B

9. BD- 2015-008 PRESENTED BY: Barrett-Simpson, Inc.

REPRESENTING: Hilton Garden Inn

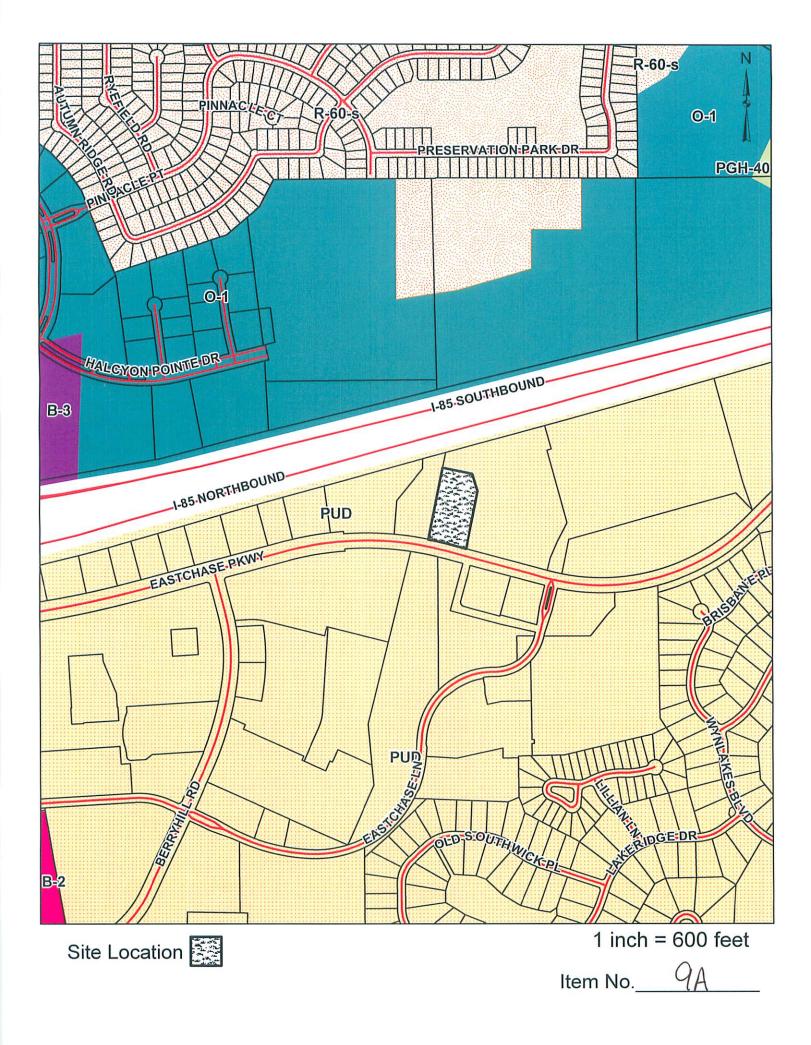
SUBJECT: Request a height and story variance for a new motel to be located at 7665 EastChase Parkway in a PUD (Planned Unit Development) Zoning District.

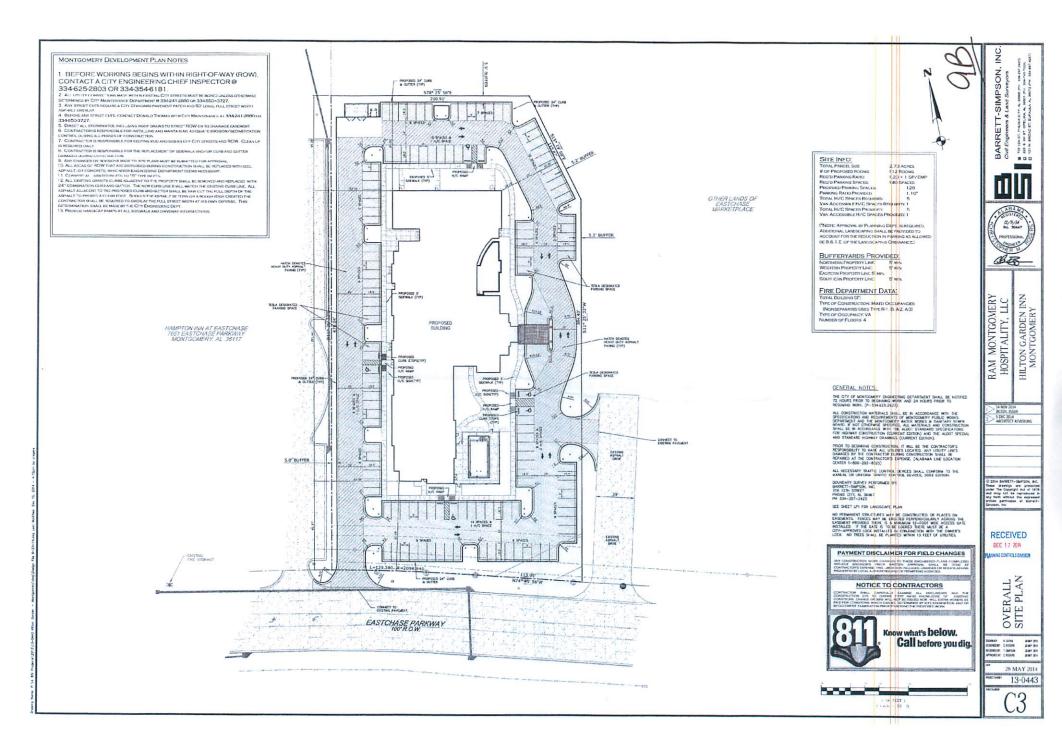
REMARKS: This request is being made to give the petitioner permission to construct a 4 story motel, whereas 3 stories are allowed. The proposed motel will be 52 feet in height, whereas a 45 foot height is allowed. This is a PUD zoning the height and story requirements were established using B-3 guidelines.

Variance requests are a 1 story variance, and a 7 foot height variance.

COUNCIL DISTRICT: 9

COMMENTS_____









1 inch = 200 feet Item ______

10. BD-1950-058 PRESENTED BY: First United Methodist Church.

REPRESENTING: Same

SUBJECT: Request a setback variance for a new ID sign to be located at 2416 West Cloverdale Park in an R-75-s (Residential) Zoning District.

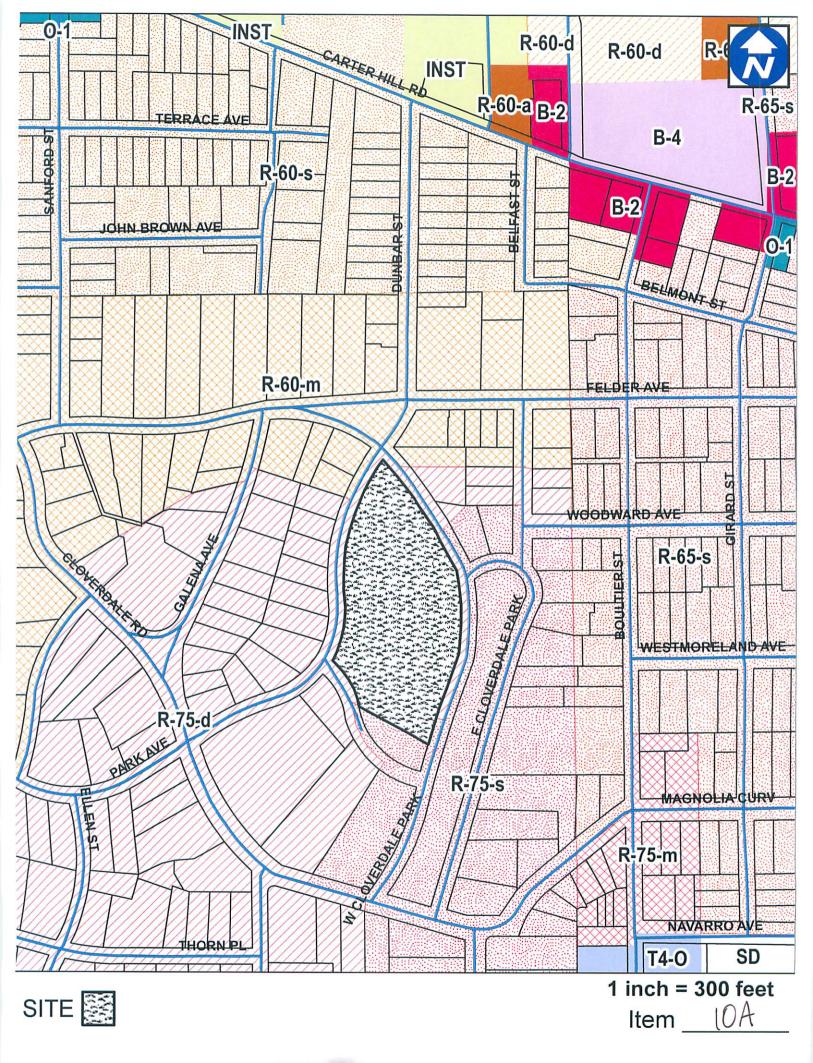
REMARKS: This request is being made to give the petitioner permission to install a new 5 ft. high ID sign at the northern corner of the property (intersection of West Cloverdale Park & Park Avenue). The sign will come to the West Cloverdale Park property line, and to the Park Avenue property line.

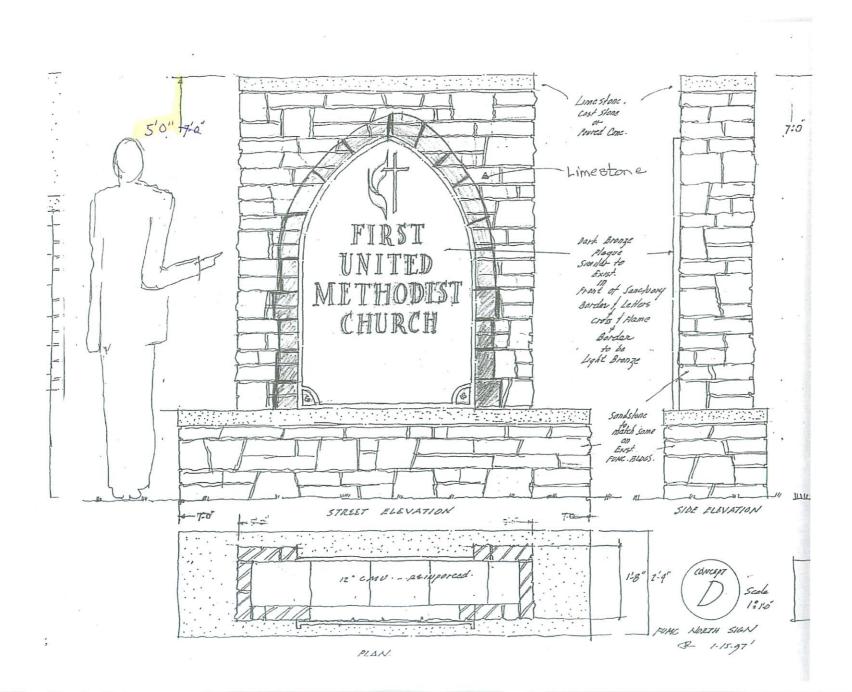
This will be heard by the Architectural Review Board on January 27, 2015.

COUNCIL DISTRICT: 7

COMMENTS_____

ACTION TAKEN:







Site Location

1 inch = 50 feet

Item No. DC

11. BD-2015-010 PRESENTED BY: Williams Blackstone Architect

REPRESENTING: Riverview LLC.

SUBJECT: Request an exception to SmartCode Signage Standards for new signs to be located at 605 Maxwell Boulevard in T4-R (General Urban Zone-Open) and T5 (Urban Center Zone) SmartCode Districts.

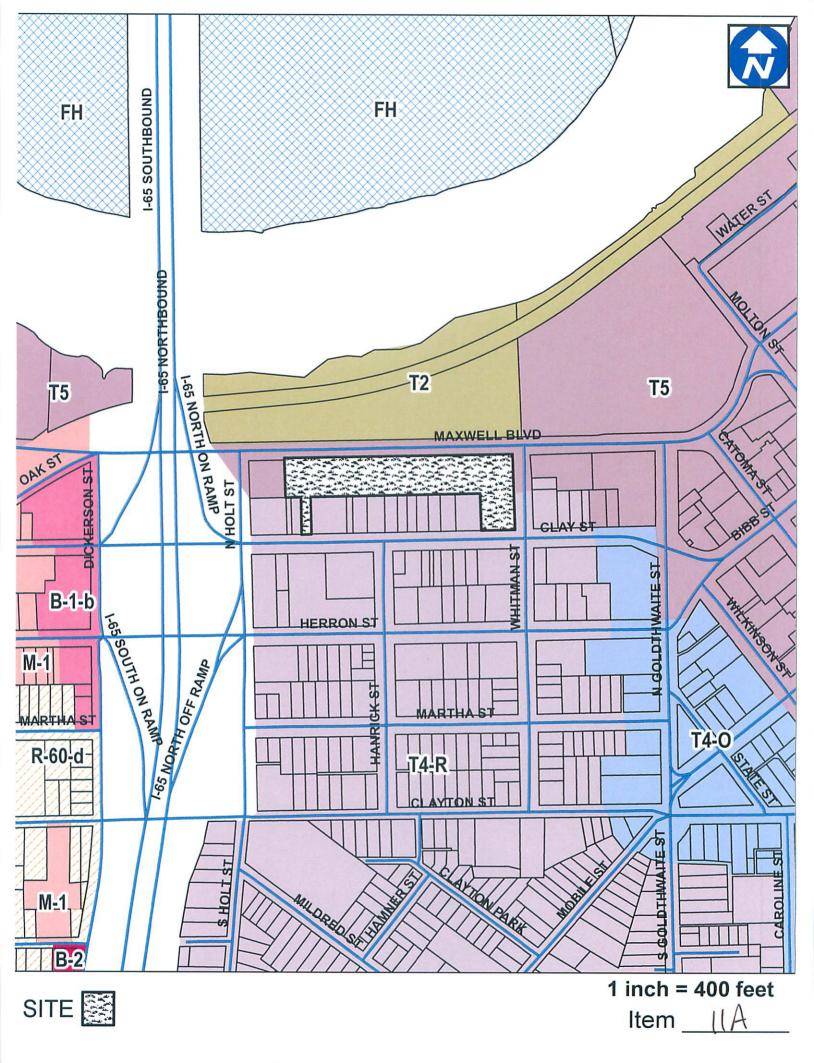
REMARKS: This request is being made to give the petitioner permission to install two (2) new blade signs that are 54 sq. ft. (3 ft. wide x 18 ft. length), whereas 28 sq. ft. is allowed in a T5 SmartCode District. One (1) blade sign will be installed on the west end of the building, and one (1) blade sign will be installed on the east end of the building. Although the entire property is in two SmartCode Districts, the blade signs will be in the T5 SmartCode District.

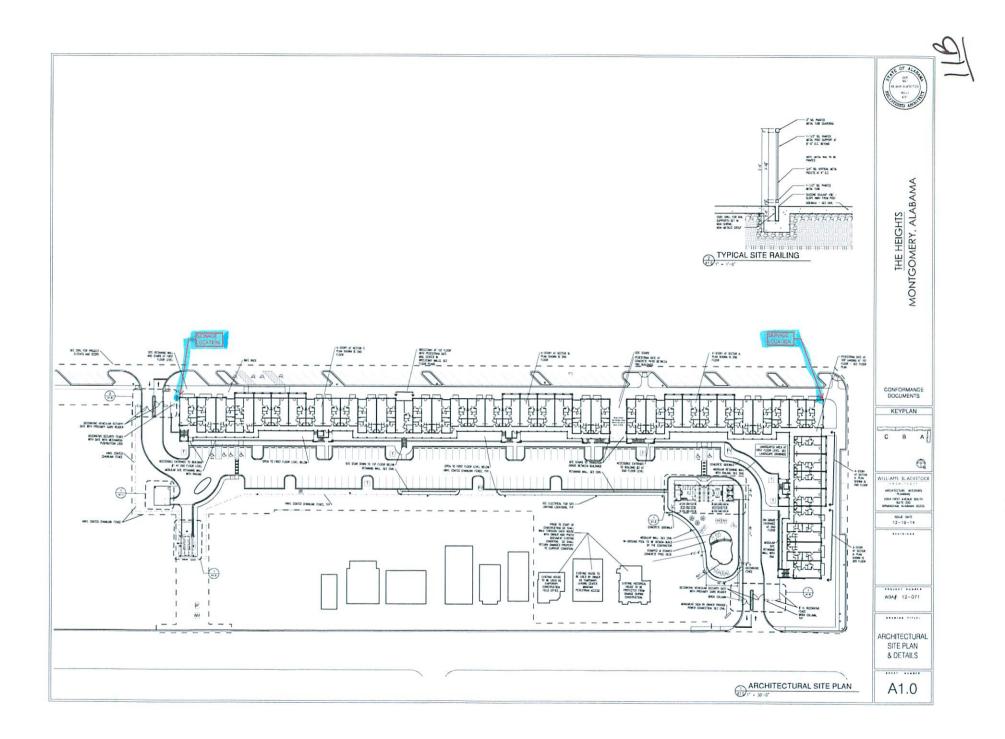
<u>The request is an exception to SmartCode Signage Standards to allow two (2) 54 sq. ft. blade</u> <u>signs.</u>

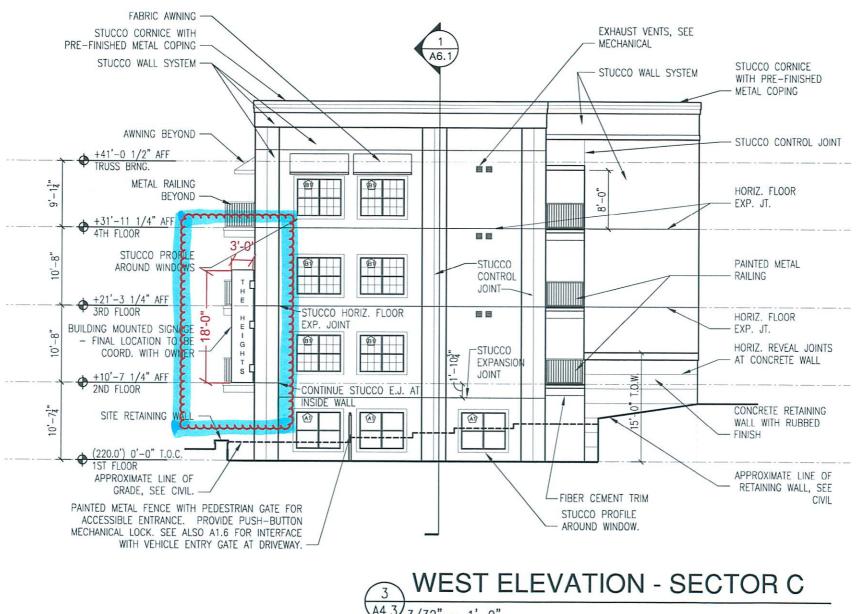
COUNCIL DISTRICT: 3

COMMENTS_

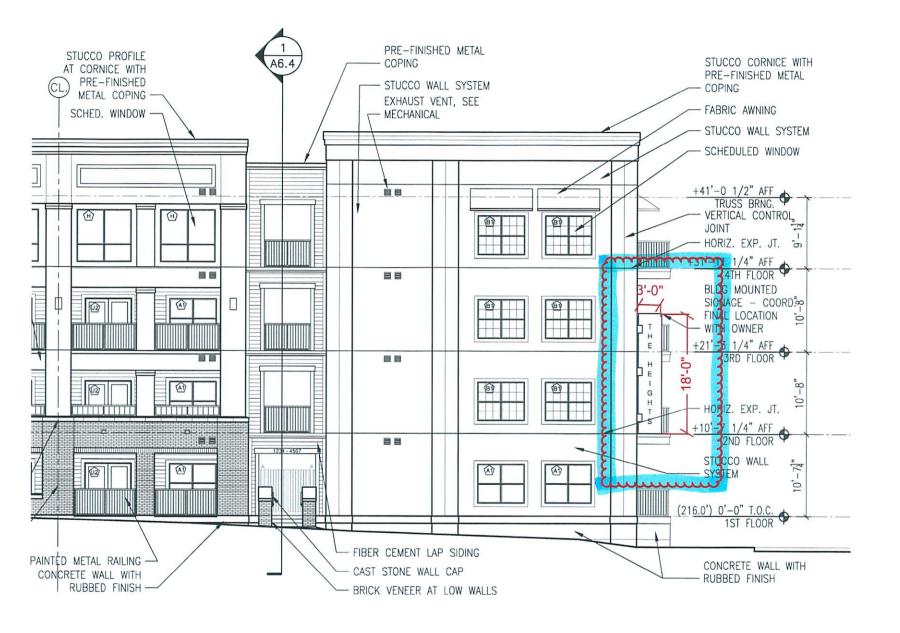
ACTION TAKEN:_____







A4.3/3/32" = 1'-0"

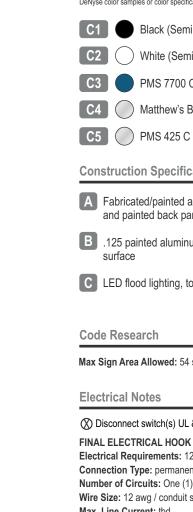


EAST ELEVATION - SECTOR A

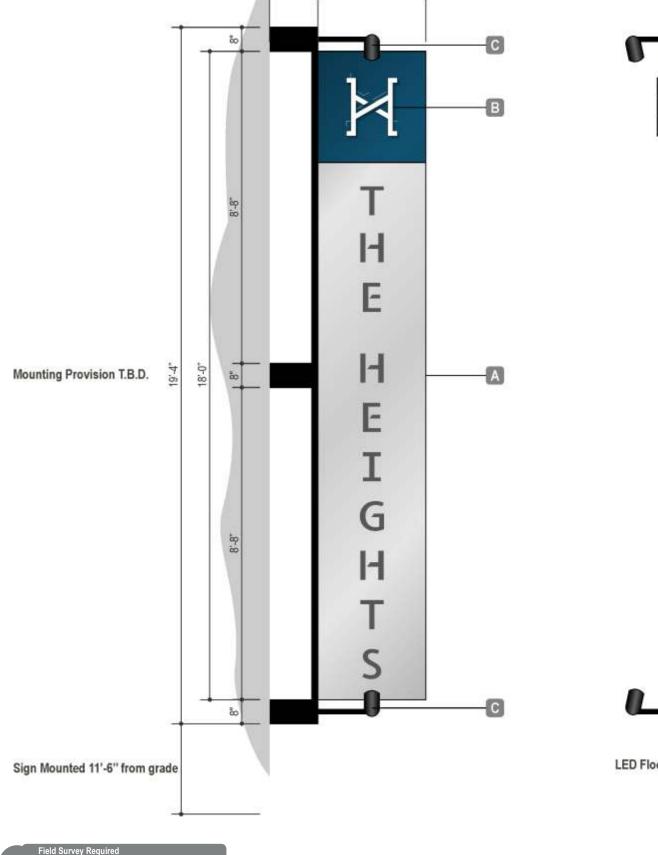
4'-4"

3'-0"









0

All measurements & site conditions are to be field verified prior to production. Patterns may be required for production.

LED Flood Lighting T.B.D.

1'-0"

14

Main Id Scale: 3/8" = 1'-0"

Colors shown here may not exactly match manufacturers color chart swatch or actual sample. Client to either provide samples or specifications for custom colors prior to production or approve DeNyse color samples or color specifications

- Black (Semi Gloss)
- White (Semi Gloss)
- PMS 7700 C
- Matthew's Brushed Aluminum

Construction Specifications

A Fabricated/painted aluminum cabinet with routed out copy and painted back panel offset 3" inside cabinet behind copy

B .125 painted aluminum logo pin-mounted 2" off cabinet

C LED flood lighting, top and bottom, T.B.D.

Max Sign Area Allowed: 54 sq. ft. with variance

Oisconnect switch(s) UL & ID labels Vent - 2" Dia. Louvered

FINAL ELECTRICAL HOOK UP BY OTHERS

Electrical Requirements: 120 volt 60 htz

- **Connection Type:** permanent continuous operation
- Number of Circuits: One (1) 20 amp Dedicated Branch Circuit(s)
- Wire Size: 12 awg / conduit size: 1/2"

Max. Line Current: tbd

Inspected and labeled in accordance with UL Standard for Electric Signs Installed using UL listed parts and methods of installation in accordance with Article 600 of the National Electric Code and other applicable local codes. This includes proper grounding and bonding.

This lighted product may contain Fluorescent, Neon, HID lamps or components that use Mercury in them. Dispose of these lamps & components according to the laws of the authority having jurisdiction.



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Management Company **Golden Construction**

Property Name & Address The Heights Montgomery AL

Bid Number 1385

Project Manager Earl Raymond

Designer kc

Date 01.12.2015

Revision Date



Design Time

3

Customer Approval

Filename TH Blade Id v1



1









Main Id Scale: n/a



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Management Company Golden Construction

Property Name & Address The Heights Montgomery AL

Bid Number 1385

Project Manager Earl Raymond

Designer kc

Date 01.12.2015

Revision Date





Design Time

3

Customer Approval

Filename TH Blade Id v1









<u>M</u>



SITE

1 inch = 200 feet Item _____F