



CITY OF PRATTVILLE

BILL GILLESPIE, JR.
MAYOR

CITY COUNCIL

WILLIE WOOD, JR. PRESIDENT DISTRICT 2	ALBERT C. STRIPLIN PRESIDENT PRO TEMPORE DISTRICT 1	DENISE B. BROWN DISTRICT 3	JERRY STARNES DISTRICT 4	CLYDE CHAMBLISS, JR. DISTRICT 5	RAY C. BOLES DISTRICT 6	LORA LEE BOONE DISTRICT 7
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City of Prattville Board of Zoning Adjustment

The minutes of the May 10, 2016 regular meeting of the City of Prattville Board of Zoning Adjustment were approved.

Leo Jamieson, Chairman

June 14, 2016

Date

PLANNING & DEVELOPMENT DEPARTMENT

102 WEST MAIN STREET ■ PRATTVILLE, ALABAMA 36067 ■ 334-595-0500 ■ 334-361-3677
FACSIMILE
planning.prattvilleal.gov



CITY OF PRATTVILLE

BILL GILLESPIE, JR.
MAYOR

CITY COUNCIL

WILLIE WOOD, JR.
PRESIDENT
DISTRICT 2

ALBERT C. STRIPLIN
PRESIDENT PRO TEMPORE
DISTRICT 1

DENISE B. BROWN
DISTRICT 3

JERRY STARNES
DISTRICT 4

GARY L. WHITESIDE
DISTRICT 5

RAY C. BOLES
DISTRICT 6

LORA LEE BOONE
DISTRICT 7

**CITY OF PRATTVILLE
BOARD OF ZONING ADJUSTMENT
A G E N D A
May 10, 2016
4:00pm**

Call to Order:

Roll Call:

Chairman Leo Jamieson, Vice-Chairman James Miles, Mr. Jerry Cimis, Mr. Mac Macready, and Mrs. Jerry Schanep.

Election of Officers:

Minutes:

April 12, 2016

Old Business:

None

New Business:

- | | | | |
|--------------|---------------|---|---------------------|
| 1. 160510-01 | USE-ON-APPEAL | To allow for church use
986 South Memorial Drive
B-1 Zoning District (General Business)
River Regions Developers, Petitioner | <i>District 6</i> |
| 2. 160510-02 | VARIANCE | To encroach into the required 10' side yard line
106 Beth Manor Drive
R-2 Zoning District (Single Family Residential)
Richard & Teresita Bird, Petitioners | <i>District 6/5</i> |
| 3. 160510-03 | USE-ON-APPEAL | To allow use for a temporary structure
North end of Pratt Street
M-1 Zoning District (Light Industrial)
Jeff Wainwright, Petitioner | <i>District 1</i> |

Miscellaneous:

Adjourn

**City of Prattville Board of Zoning Adjustment
Minutes
May 10, 2016**

CALL TO ORDER:

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:02 p.m. on Tuesday, May 10, 2016.

ROLL CALL:

Present: Chairman Leo Jamieson, Mr. Gerald Cimis, Mr. Mac Macready, Mrs. Jerry Schannep and Alternate member Mr. Jerry Crosby. Absent: Vice-Chairman James Miles.

Quorum Present

Staff present: Mr. Joel Duke, City Planner and Ms. Alisa Morgan, Secretary.

Chairman Jamieson stated the governing rules for the Prattville Board of Zoning Adjustment according to the *Code of Alabama, 1975* and the procedure of the meeting.

MINUTES:

Mr. Cimis moved to approve the minutes of the April 12, 2016 meeting. Mr. Crosby seconded the motion. The motion passed unanimously.

OLD BUSINESS:

There was no old business to discuss.

NEW BUSINESS:

USE-ON-APPEAL

To allow for church use

986 South Memorial Drive

B-1 Zoning District (General Business)

River Regions Developers, Petitioner

Mr. Duke introduced the request for a use-on-appeal at 986 South Memorial Drive. He stated that the petitioner is requesting for a church use on the property which is located in a small strip shopping center. A request was previously granted to the applicant, Annail Fort, in 2015 in a different location. He stated that there is ample parking space for the requested use.

Annail Fort, applicant, presented the request to allow for church use on property at 986 South Memorial. She stated that there was not enough parking space for the anticipated occupancy load where they were approved in 2015 so they never occupied the property at the previous location.

John Gillian, petitioner's representative, stated that this building is twice the size of the previous building with an occupancy load of 35. He stated that the parking requirements are met as set by the building code.

Chairman Jamieson opened the public hearing. There were none to speak. The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. Mr. Cimis moved to approve the finding of facts: 1. The requested use is not a prohibited use in a B-1 district. 2. The proposed

institutional use is consistent with the present commercial use of the property. 3. The proposed use and configuration of the property are consistent with the zoning ordinance and in the public interest and 4. The proposed use does not pose and adverse impact on the surrounding neighborhood. Mr. Crosby seconded the motion.

The motion to approve the finding of facts passed unanimously.

Mr. Cimis moved to approve the request based on the approved finding of facts contingent that operation is on Sundays 10:00 a.m. until 12:00 p.m., one Saturday a month from 10:00 a.m. until 12:00 p.m., that there is no outside activities and also operation on Wednesdays from 7:00 p.m. until 8:00 p.m. Mr. Crosby seconded the motion.

The motion to approve passed unanimously.

The BZA voted unanimously to approve the use-on-appeal with contingencies to allow church use on property at 986 South Memorial Drive.

VARIANCE

To encroach into the required 10' side yard line

106 Beth Manor Drive

R-2 Zoning District (Single Family Residential)

Richard & Teresita Bird, Petitioners

Mr. Duke introduced the variance request to encroach 6'4" into the required side yard line at 106 Beth Manor Drive. He stated that addition is for a carport.

Richard Bird, petitioner, presented the request to encroach into the 10' side yard at 106 Beth Manor Drive. He presented a picture of his property. He stated that he has resided at the property since 1989. He stated that his neighbor's oak tree is causing damage to his vehicles. He has spoken with the neighbor about cutting the oak tree, but he will not comply. He stated that the acorns from the tree are causing extensive damage to his vehicles. He stated that his insurance company would not cover damage on his newly purchased vehicle because potential damage from the acorns is known. He stated that the cost of a carport was cheaper than going to court to have the tree removed or cut down.

Chairman Jamieson opened the public hearing. There were none to speak. The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. Mr. Cimis moved to approve the finding of facts: 1. A literal interpretation of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance, 2. The special conditions and circumstances do not result from actions of the applicant, 3. The granting of a variance will not confer a special privilege on the applicant that is denied by the zoning ordinance to other lands, structures, or buildings in the same R-2 district, and 4. The granting of a variance is in harmony with the intent and purposes of the zoning ordinance. Mr. Crosby seconded the motion.

The motion to approve the finding of facts passed unanimously.

Mr. Cimis moved to approve the request based on the approved finding of facts. Mr. Crosby seconded the motion.

The motion to approve passed unanimously.

The BZA voted unanimously to approve the variance to encroach into the required 10' side yard line on property at 106 Beth Manor Drive.

USE-ON-APPEAL

To allow use for a temporary structure

North end of Pratt Street

M-1 Zoning District (Light Industrial)

Jeff Wainwright, Petitioner

Mr. Duke introduced the use-on-appeal to allow a temporary structure at property located at the north end of Pratt Street. He stated that the use is permitted without additional approval by BZA. A site plan review and approval by the Planning Department is required before proposed commercial use can operate from the site.

Jeff Wainwright, petitioner, presented his request for a use-on-appeal for a temporary structure on Pratt Street. He stated that the temporary structure would be for administrative office for the landscape business. He stated that the business is being opened on trial basis with a lease on the property for a year.

Chairman Jamieson opened the public hearing. There were none to speak. The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. Mrs. Schannep moved to approve the use-on-appeal for a temporary structure for 18 months. Mr. Macready seconded the motion.

The motion to approve passed by 4/1 as recorded. Favor: Mrs. Schannep, Mr. Macready, Mr. Crosby, and Chairman Jamieson. Oppose. Mr. Cimis.

The BZA voted to approve the use-on-appeal to allow a temporary structure for 18 months on property at the north end of Pratt Street.

MISCELLANEOUS:

ADJOURN:

After no further comments, questions or discussion the meeting was adjourned at 5:21 p.m.

Respectfully submitted,



Alisa Morgan, Secretary
Board of Zoning Adjustment

**CITY OF PRATTVILLE BOARD OF ADJUSTMENT
PUBLIC HEARING
SPEAKERS SIGN-IN SHEET**

MEETING DATE: May 10, 2016

PETITIONER: River Regions Developers

ADDRESS OF PETITION: 986 South Memorial Drive

	NAME	ADDRESS
1.	<i>Crystal Clark</i>	<i>1562 Yellow Dr Prattville</i>
2.	<i>John W. Duhon</i>	
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PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: RIVER REGIONS DEVELOPERS/JOHN GILLIAN
PO BOX 680747
PRATTVILLE, AL 36068

REQUEST: USE-ON-APPEAL TO ALLOW FOR CHURCH USE.
986 SOUTH MEMORIAL DRIVE
B-1 ZONING DISTRICT (LOCAL SHOPPING DISTRICT)

ORDER

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on May 10, 2016 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the use-on-appeal to allow church use contingent that operation is on Sundays 10:00 a.m. until 12:00 p.m., one Saturday a month from 10:00 a.m. until 12:00 p.m., that there is no outside activities and also operation on Wednesdays from 7:00 p.m. until 8:00 p.m. on property at 986 South Memorial Drive.**

IT IS THEREFORE ORDERED the petition of River Regions Developers, PO Box 680747, Prattville, AL is hereby approved.

DONE THIS THE 10th DAY OF May 2016.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



USE-ON-APPEAL Church Use - Annail Fort
986 S. Memorial Drive

BZA Application – 160510-01

DATE May 9, 2016

PROPOSED DEVELOPMENT

Petitioners: Annail Fort
Property Owners: River Region Developers
Agent: John Gillian
Location: 986 S. Memorial Drive

Development Status and History

Submission Status: Requesting permission to use existing shopping center space at the NW corner of S. Memorial Drive and Smith Avenue for church use

Previous Approvals: None. No other request on file for use-on-appeal at this address

Conditions of Previous Approvals: N/A

Property Configuration

Acreage: Approximately .78 acres (33,846 square feet)

Existing Structures Site contains an 8,282 square foot site-built shopping center structure.

Proposed Use: Church/Semi-Public Use

Current Zoning: B-1 (Local Shopping District)

<i>Required Zoning:</i>	Church permitted with use-on-appeal approval from the Board of Zoning Adjustment.
<i>Surrounding Developments and Uses:</i>	The property north east, and west of the site is zoned B-1 (Local Shopping District). The property to the south is zoned B-2, General Business.
<i>Street Extensions or New Streets:</i>	None required or proposed.
<i>Water and Sewer:</i>	Public potable water and sanitary sewer are provided to the site and the existing building.

PLANNING STAFF EVALUATION

Reviewed by:	Joel T. Duke, AICP
Site Visits Conducted:	May 8, 2016
Recommendation:	Approval contingent on compliance with building and life safety codes. Proposed use was previously approved by the BZA on May 12, 2015 for the store front location at 963-C S. Memorial Drive.

Planning Staff Comments:

Background. Ms. Fort appeared before the BZA on May 12, 2015 requesting approval for a church for the storefront location at 963-C S. Memorial Drive. This shopping center is located north and east of the subject location. According to Mr. John Gillian who is the leasing agent for both 963-C and 986 S. Memorial Drive, Ms. Fort did not occupy 963-C Memorial Drive after receiving approval.

Ms. Fort submitted an application to the Board requesting approval of the church use as a use-on-appeal. She provided the Board with the following information:

- A. Current Membership: 15
- B. Days and Hours of Services: Sundays 10:00 am - 12:00 pm, One Saturday a month 10:00 am – 12:00 pm
- C. Average Weekly Attendance: 15 to 25
- D. Days and Hours of All Activities: One Saturday a month 10:00 am – 12:00 pm

- E. Outside Activities: No
- F. Parking Available on Site: 42 (provided by city staff)
- G. Seating in the Worship Center: 35

Analysis. Below is the staff assessment of the three general question applicable to uses-on-appeal:

1. *Is the proposed church an allowable use-on-appeal, and not a prohibited use in a B-1 district?*

The requested use is a permitted use-on-appeal. It is not a prohibited use in a B-1 district.

2. *Is location of the proposed church at 986 S. Memorial Drive in the public interest? Does the proposed development meet the spirit of the City of Prattville Zoning Ordinance?*

A primary purpose of the city's zoning ordinance is to insure that adequate space and facilities are provided for a given use. Regarding churches, the zoning ordinance requires adequate setback from adjacent properties and an adequate parking field. The church stated their capacity in the worship center to be 35 seats. The church has not completed and submitted the require code analysis to support a 35 seat capacity. However, assuming the 35 seats, city ordinance dictates 14 parking spaces. 42 spaces are provided in the shopping center containing 986 S. Memorial Drive

The proposed institutional use is consistent with the present commercial use of the property. It is also consistent with the neighborhood focused uses located adjacent and nearby. The site directly accesses a major traffic arterial, S. Memorial Drive, with sufficient capacity and connectivity to accommodate the proposed use. The proposed use and configuration of the property are consistent with the zoning ordinance and in the public interest.

3. *Does the proposed church use cause substantial adverse impact to adjacent or nearby properties or uses?*

Given the stated scale of the operation, the past use of the shopping center for meetings such as Weight Watchers, and the limitation placed on future expansion by the city's building code, the proposed use does not pose an adverse impact on the surrounding neighborhood.

ATTACHMENTS

- A. Location Map
- B. Application
- C. Minutes May 12, 2015 BZA meeting (part)



City Of Prattville
Planning and Development Department
102 W. Main Street
Prattville, AL 36067
(334) 361-3614 Fax (334) 361-3677
www.prattvilleal.gov

**Application
Prattville Board of Zoning Adjustment**

Application Type: Use-On-Appeal Variance Administrative Appeal

Applicant /Agent Information
Notarized letter from the property owner is required if agent is used for representation.

Name: Anneil Fort

Street Address: 1562 Meadow Dr.

City: Montgomery State: AL Zip: 36116

Phone Number(s): (334) 233-0818

Property Owner Information
If different than above

Name: JOHN COLLIAN Realtor

Address of Property Owner: P.O. Box 680747

City: PRATTVILLE State: AL Zip: 36068

Phone Number: 334 365-9618

Property Description

County Tax Parcel Number/Legal Description: _____

Current Zoning of Property: _____ Physical Address: 906^S Memorial Dr.

Proposed Use of Property (generally): _____

Describe Proposed Use or Variance: Church use

Relocate Church

Parking larger & fits better

for use needed

The following items must be attached to the application (check those items included):

- Tax record map from the Autauga County or Elmore County Tax Assessors Office
- Site sketch plan (drawn to scale) showing any property lines, required and proposed setbacks, existing and proposed structures and any additional information you believe will be helpful to the Board of Adjustment .
- Application fees: Variance and Administrative Appeal - Fifty dollars (\$50), Use-on-Appeal - Two hundred fifty dollars (\$250).
- Names and address of all property owners immediately adjacent to the subject property (not required for administrative appeals). Adjacent properties include those directly across the street from the subject property.
- If person signing application is someone other than property owner, attach authorization to file application (i.e. notarized letter, real estate contract, etc.)

Hardship: The Board requests a statement of hardship to justify any variance application:

"To authorize upon appeal in specific cases such variance from the terms of the (zoning) ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of the (zoning) ordinance will result in unnecessary hardship and so that the spirit of the (zoning) ordinance shall be observed and substantial justice done." *Code of Alabama, 1975, as amended. § 11-52-80(d) (3)*

I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore County if applicable), and is a complete list of all real property owners adjacent to the parcel submitted for consideration. I also attest that I have read and understand what a hardship is according to the *Code of Alabama, 1975, as amended.*

John W. Gillian John W. Gillian 3/23/16
 Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that JOHN W. GILLIAN, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 23rd day of MARCH, 2016.

B. Eugenia Turner
 Notary Public
 My commission expires 10/10/2017

**Prattville Board of Zoning Adjustment
Application
Supplemental Information – Church Uses**

1. What is the approximate membership of the church as of the date of this application?	15
2. What are the days & hours for services?	Sundays 10:00am. until 12:00p.m. 1 Saturday a month 10:00a.m. until 12:00p.m
3. What is the approximate attendance for each of the services listed above?	15 to 25 attendees
4. What are the days & hours of any church sponsored activities on the property?	1 Saturday a month @ 10:00a.m. to 12:00p.m. Women ministry
5. Will any of the church sponsored activities regularly take place outside?	No
6. If answering "Yes" to Question 5, please specify the type of activities:	
7. How many off-street parking spaces are on the property where the church is located?	0
8. How many seats will be available in the worship center?	35

Form Completed By:	<i>Anna Lee</i>	Phone Number:	<i>(334) 233-0818</i>
Application Address:	<i>1562 Marlow Dr. Montg, Ah 36116</i>		
CITY USE ONLY			
Application Number:	Application Date:		

ATTACHMENT B



**CITY OF
PRATTVILLE, AL**

**986
S Memorial Dr**

Zoning: B-1

Scale: 1" = 100'



— STREETS
□ TAX PARCEL



closed.

After no further comments, questions, or discussion, the vote was called. Assistant Chief Whaley moved to approve the request as submitted. Mrs. Schannep seconded the motion. The BZA voted unanimously to approve the use-on-appeal to allow church use on property at 364 East Main Street.

Chairman Jamieson resumed his seat to preside over the meeting.

USE-ON-APPEAL

To allow church use on property.

963-C South Memorial Drive

B-1 Zoning District (Local Shopping District)

Kingdom Come Worship Center, Petitioner

Mr. Duked introduced the use-on-appeal request allow a church use on property at 963-C South Memorial Drive.

Annail Fort, petitioner's representative, presented the use-on-appeal request to allow church use on property at 963-C South Memorial Drive. She stated that the location was a church before. She stated that the Kingdom Come Worship Center is currently operating at the North Highland Community Center. She stated that the plan of operation at the site would be Sunday 10:00 a.m. thru 12:00 p.m. and Wednesday 7:00 p.m. thru 8:00 p.m. and some outreach services on Saturdays. She stated that there is adequate parking for the current 25 members.

Chairman Jamieson opened the public hearing. There were none to speak. The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. Mr. Macready moved to approve the request as submitted. Mrs. Schannep seconded the motion. The BZA voted unanimously to approve the use-on-appeal to allow church use on property at 963-C South Memorial Drive.

VARIANCE

To locate an accessory structure in the front yard.

4 Knob Hill Road

R-2 Zoning District (Single Family Residential)

Kevin M. Costello, Petitioner

Mr. Duke presented the variance request to locate an accessory structure on property at 4 Knob Hill Road. He stated that Article 6 of the Zoning Ordinance Section 68 requires that accessory structure be located in the rear of the main building.

Kevin Costello and Rebecca Costello, petitioners, presented their request to allow an accessory structure in the front yard of 4 Knob Hill Road. He stated that they wanted to place the 2-car garage over the existing pad. He stated that placing the garage in the rear would lose tremendous green space. He stated that there is a 30' drop next to neighbor. He stated that all the lots in the area are uniquely configured.

Chairman Jamieson opened the public hearing. There were none to speak. The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. The BZA voted unanimously to approve the variance to locate an accessory structure in the front yard on property at 4 Knob Hill Road.

**CITY OF PRATTVILLE BOARD OF ADJUSTMENT
PUBLIC HEARING
SPEAKERS SIGN-IN SHEET**

MEETING DATE: May 10, 2016

PETITIONER: Richard & Teresita Bird

ADDRESS OF PETITION: 106 Beth Manor Drive

	NAME	ADDRESS
1.	<u>Richard Bird</u>	<u>106 Beth Manor Drive</u>
2.	<u> </u>	<u> </u>
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PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: **RICHARD & TERESITA BIRD**
 106 BETH MANOR DRIVE
 PRATTVILLE, AL 36066

REQUEST: **VARIANCE TO ENCROACH INTO THE REQUIRED 10' SIDE**
 YARD LINE.
 106 BETH MANOR DRIVE
 R-2 ZONING DISTRICT (SINGLE FAMILY RESIDENTIAL)

ORDER

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on May 10, 2016 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the variance to encroach into the required 10' side yard line on property at 106 Beth Manor Drive.**

IT IS THEREFORE ORDERED the petition of Richard & Teresita Bird, 106 Beth Manor Drive, Prattville, AL is hereby approved.

DONE THIS THE 10th DAY OF May 2015.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

CITY OF PRATTVILLE
Board of Zoning Adjustment
Planning Department Staff Report



VARIANCE 106 Beth Manor Drive
BZA Application – 160510-02

DATE May 9, 2016

PROPOSED DEVELOPMENT

Petitioner: Richard and Teresita Bird

Property Owners: same as petitioner

Agent: N. A.

Location: 106 Beth Manor Drive

Development Status and History

Previous Variance Requests/Approvals: No previous variances

Conditions of Previous Approvals: N/A

Property Configuration

Acreage: Approximately 0.24 acres (10,454 square feet)

Zoning Classification: R-2, Single Family Residential

Relevant Standards: Prattville Zoning Ordinance

Section 68 – Definitions.

Accessory structure. Any detached minor building in the rear of the main building consisting of masonry or frame walls and roof, one (1) or two (2) stories in height, necessary as an adjunct to the use or occupancy of a principal or main structure.

Yard, rear. The yard extending across the entire width of the lot between the main building, including covered porches, and the rear lot line.

Yard, side. The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches and carports, and such lot line.

Section 71— R-2 Districts

Minimum Lot Size: 10,500 square feet

Maximum Lot Coverage: 45%

Yard Setbacks:

Front: 35'

Rear: 40'

Sides: 10'

Requested Variance: Effective variance as re-stated by staff (see application for applicant statement): Permission to install an attached 12' x 22' structure in the east side yard of 106 Beth Manor Drive. The attached structure will extend the main structure 6' 4" in to the required 10' side yard (3' 8" from the property line).

Statement of Hardship: (taken from application) "See attached drawing: 12' x 22' carport installed by Diversified Siding Co; David Curtis 358-4818 for \$1,850.00. Variance requested because it will be closer to property line than currently authorized" (Supplemental letter provided by applicant on April 21. – attached to mail out sent by Ms. Morgan)

PLANNING STAFF EVALUATION

Reviewed by: Joel T. Duke, AICP

Site Visits Conducted: May 8, 2016

Recommendation: Recommend denial – hardship is not well defined.

Planning Staff Comments:

No permit request has been submitted on this property.

State code and best practices require the BZA to measure variance requests against several basic standards. Below is the staff opinion regarding the standards and this request.

1. No special conditions and circumstances exist regarding this structure which are not applicable to other lands, structures, or buildings in the same R-2 zoning district.
2. A literal interpretation of the zoning ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.
3. The special conditions and circumstances do result from actions of the applicant.
4. The granting of a variance will confer a special privilege on the applicant that is denied by the zoning ordinance to other lands, structures, or buildings in the same R-3 district;
5. The granting of a variance is not in harmony with the intent and purposes of the zoning ordinance;
6. A variance may adversely affect the surrounding property, the general neighborhood, or the community as a whole;
7. A variance will not allow the establishment of a use prohibited under the terms of the zoning ordinance in an R-2 district.

ATTACHMENTS

None. Please see earlier mail out.

CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	4/26/16
APPLICATION TYPE:	Variance (160510-02)
PROPERTY LOCATION or DESCRIPTION:	106 Beth Manor Drive
PETITIONER(S) AND AGENT(S):	Richard & Teresita Bird
ZONING DISTRICT(S)	R-2 (Single Family Residential)
REQUESTED ACTION:	Variance to encroach into the required 10' side yard line.
ZONING ORDINANCE REFERENCE:	<p>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</p> <p>R-2 District:</p> <p>Minimum Yard Size</p> <p>Front yard - 35'</p> <p>Rear Yard – 40'</p> <p>Side Yard – 10'</p>



160510-02

Variance

To encroach into the 10' side yard line

City Of Prattville
Planning and Development Department
102 W. Main Street
Prattville, AL 36067
(334) 361-3614 Fax (334) 361-3677
www.prattvilleal.gov

**Application
Prattville Board of Zoning Adjustment**

Application Type: Use-On-Appeal Variance Administrative Appeal

Applicant /Agent Information

Notarized letter from the property owner is required if agent is used for representation.

Name: Richard & Teresita Bird
Street Address: 106 Beth Manor Drive
City: Prattville State AL Zip: 36066
Phone Number(s): 365-6681

Property Owner Information

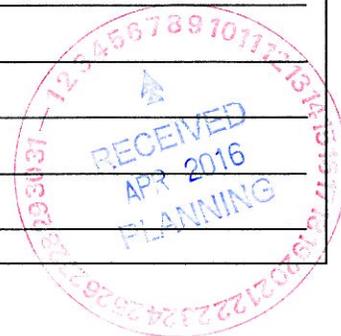
if different than above

Name: Same As above
Address of Property Owner: _____
City: _____ State: _____ Zip: _____
Phone Number: () _____

Property Description

County Tax Parcel Number/Legal Description: _____

Current Zoning of Property: _____ Physical Address: _____
Proposed Use of Property (generally): _____
Describe Proposed Use or Variance: A carport to park one vehicle
The attached 12'x22' structure would be approx 44"
to adjacent (108 Beth Manor Dr.) property line.



The following items must be attached to the application (check those items included):

- Tax record map from the Autauga County or Elmore County Tax Assessors Office
- Site sketch plan (drawn to scale) showing any property lines, required and proposed setbacks, existing and proposed structures and any additional information you believe will be helpful to the Board of Adjustment
- Application fees: Variance and Administrative Appeal - Fifty dollars (\$50), Use-on-Appeal – Two hundred fifty dollars (\$250).
- Names and address of all property owners immediately adjacent to the subject property (not required for administrative appeals). Adjacent properties include those directly across the street from the subject property.
- If person signing application is someone other than property owner, attach authorization to file application (i.e. notarized letter, real estate contract, etc.)

Hardship: The Board requests a statement of hardship to justify any variance application:

"To authorize upon appeal in specific cases such variance from the terms of the (zoning) ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of the (zoning) ordinance will result in unnecessary hardship and so that the spirit of the (zoning) ordinance shall be observed and substantial justice done." *Code of Alabama, 1975, as amended. § 11-52-80(d) (3)*

See attached drawing: 12'x22' carpet installed by
Diversified Siding Co; David Curtis 358-4818
for \$1,850.00 Variance requested because it will
be closer to property line than currently authorized.

I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore County if applicable), and is a complete list of all real property owners adjacent to the parcel submitted for consideration. I also attest that I have read and understand what a hardship is according to the *Code of Alabama, 1975, as amended.*

Richard Bird
Printed Name

Richard K. Bird
Signature

April 6, 2016
Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Richard Bird, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 6th day of April, 2016.

Diane C. Free
Notary Public

My commission expires 9-12-18

Subj: Addendum To Application
106 Beth Manor Drive
Prattville AL. 36066

TO: Planning/Bldg Dept.

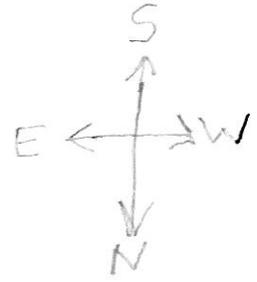
I am submitting this Addendum to support my application for a carport to be built, that would be closer than the 10 foot property line requirement. The reason I am needing to have a carport is to protect my vehicles. The property 108 Beth Manor Dr. has a 75' Oak tree that sheds acorns for months during the fall/winter months. As small as a acorn maybe it has damaged my prior vehicle. I have asked the owner to cut down the tree but he refuses. So in an effort to protect my vehicles I am needing this carport approval to protect my property. We have purchased a 2015 Honda Pilot/38,000.00 dollars and it (the acorns) did damage our 2006 Pilot that I traded in. The Oak tree is within two feet of the property line, stands of 30 feet.

Your cooperation in approving my request is greatly appreciated. Disapproving this will result in future damage to my vehicles.



Sincerely,
Richard C. Bird
Richard C. Bird
Home phone:
365-6681

Requesting approval of a attached carport to resident.
 Will be 12' x 22', 8 1/2' tall sloping to 8', will span the
 width of the concrete driveway. It will end approx 44"
 from adjacent 108 Beth Manor Dr. property line.
 The Carport will have a rain gutter.



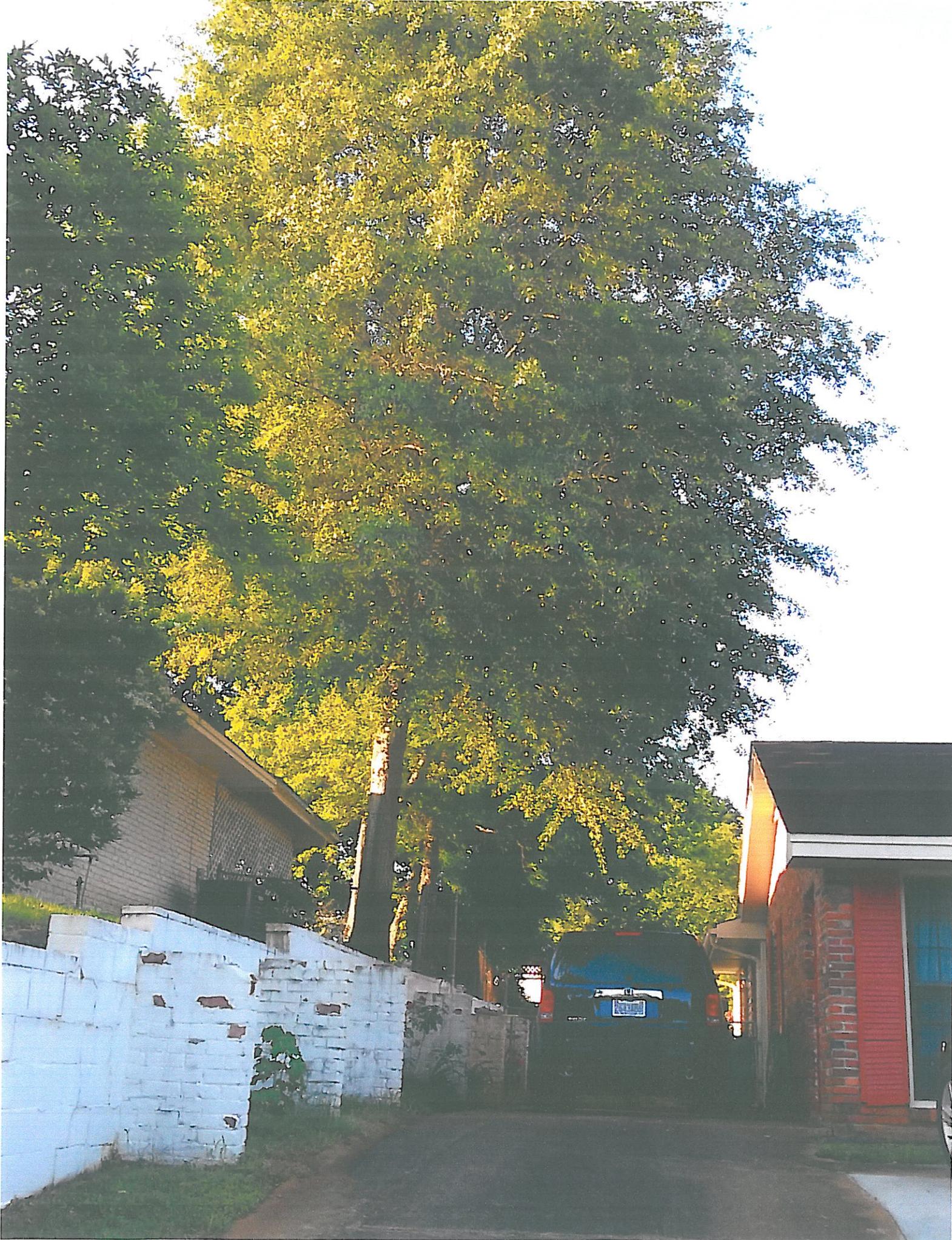
75'

Variance
 160510-02/B
 To encroach into the 10' side yard line



148'
 104 Beth Manor Drive
 Jeff & Joy Albrecht
 365-4321

Beth Manor Drive



**CITY OF PRATTVILLE BOARD OF ADJUSTMENT
PUBLIC HEARING
SPEAKERS SIGN-IN SHEET**

MEETING DATE: May 10, 2016

PETITIONER: Jeff Wainwright

ADDRESS OF PETITION: North End of Pratt Street

	NAME	ADDRESS
1.	<i>William J. Wainwright</i>	<i>671-Wynnton Rd</i>
2.		
3.		
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21.		

PRATTVILLE BOARD OF ZONING ADJUSTMENT

**PETITIONER: JEFF WAINWRIGHT
671 WYATT LOOP ROAD
PRATTVILLE, AL 36067**

**REQUEST: USE-ON-APPEAL TO ALLOW USE FOR A TEMPORARY
STRUCTURE.
NORTH END OF PRATT STREET
M-1 ZONING DISTRICT (LIGHT INDUSTRIAL)**

ORDER

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on May 10, 2016 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the use-on-appeal to allow a temporary structure for 18 months on property located at the north end of Pratt Street.**

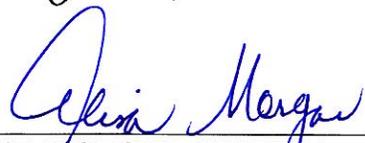
IT IS THEREFORE ORDERED the petition of Jeff Wainwright, 671 Wyatt Loop Road, Prattville, AL is hereby approved.

DONE THIS THE 10th DAY OF May 2016.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

CITY OF PRATTVILLE
Board of Zoning Adjustment
Planning Department Staff Report



USE-ON-APPEAL Jeff Wainwright (Dirk Digger, Inc.)
Vacant Property North end of Pratt Street

BZA Application – 160510-03

DATE May 9, 2016

PROPOSED DEVELOPMENT

Petitioners: Jeff Wainwright (Dirk Digger, Inc.)
Property Owners: Beverly J. Malone
Agent: N/A
Location: Vacant lots either side of street at the north end of Pratt Street – north of E. Main Street – between Trotter Veterinary Clinic and Jet Pep

Development Status and History

Submission Status: Initial request for temporary structure
Previous Approvals: N.A.
Conditions of Previous Approvals: N.A.

Property Configuration

Acreage: Approximately 1.44 acres (leased portion of tax parcels 19020930140100000 and 19020930190010000)
Proposed Use: Landscaping materials
Current Zoning: M-1 (Light Industrial)
Required Zoning: Use is permitted without additional approval by BZA. Site plan review and approval by the Planning Department is required before proposed commercial use can operate from the site.
Surrounding Developments and Uses: All surrounding property is zoned M-1, Light Industrial.

Street Extensions or New Streets: None proposed.

Water and Sewer: Adequate potable water and sanitary sewer for the proposed use is provided to the site.

PLANNING STAFF EVALUATION

Reviewed by: Joel T. Duke, AICP

Site Visits Conducted: April 8, 2016

Recommendation: This requested use has been referred to the BZA for approval of a temporary structure. The petitioner is requesting to approval for use of a temporary structure for an 18 month period. The petitioner has indicated a desire to build a permanent structure for the proposed business The proposed use is permitted by zoning and can be accommodated by the site. The request should be approved.

Planning Staff Comments:

Below is the staff opinion of questions generally applied to uses-on-appeal:

1. The proposed temporary structure is an allowable use-on-appeal, and is not a prohibited use in an M-1 district.
2. Development of the proposed temporary structure at vacant lot at the north end of Pratt Street is in the public interest and meets the spirit of the City of Prattville Zoning Ordinance.
3. The proposed temporary structure will not cause substantial adverse impact to adjacent or nearby properties or uses.

ATTACHMENTS

None. Please see information sent earlier by Ms. Morgan.

CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	4/26/16
APPLICATION TYPE:	Use-On-Appeal (160510-03)
PROPERTY LOCATION or DESCRIPTION:	North end of Pratt Street
PETITIONER(S) AND AGENT(S):	Jeff Wainwright (Dirk Digger Inc.)
ZONING DISTRICT(S)	M-1 (Light Industrial)
REQUESTED ACTION:	Use-On-Appeal to allow use for a temporary structure.
ZONING ORDINANCE REFERENCE:	<p>Appendix A-Zoning Ordinance Section 73 Industrial business requirements:</p> <p>TEMPORARY STRUCTURE:</p> <p>Where such structures shall be used for a period of not to exceed 18 months prior to construction of a permanent structure, which will replace the temporary structure. The owner must give evidence, satisfactory to the Board of Zoning Adjustment, of such owner's good faith and intent to construct, or have constructed, a permanent structure. Under no circumstances shall such structures be authorized as a residence or habitation.</p>



City Of Prattville
 Planning and Development Department
 102 W. Main Street
 Prattville, AL 36067
 (334) 361-3614 Fax (334) 361-3677
 www.prattvilleal.gov

160510-03

Use-On-Appeal
 Temporary Use

Application
 Prattville Board of Zoning Adjustment

: Use-On-Appeal Variance Administrative Appeal



Applicant /Agent Information

Notarized letter from the property owner is required if agent is used for representation.

Name: JEFF Wainwright (Dirk Digger Inc.)
 Street Address: 671 Wyattloop Rd
 City: Prattville State Al. Zip: 36067
 Phone Number(s): 334-207-2562

Property Owner Information

If different than above

Name: Beverly J. MALONE
 Address of Property Owner: 3234 Washington Ferry Ad.
 City: Montgomery State: Al. Zip: 36108
 Phone Number: 334 508-0141

Property Description

County Tax Parcel Number/Legal Description: _____

 Current Zoning of Property: M-1 Physical Address: Northend of Pratt St.
 Proposed Use of Property (generally): Landscape Material Supply
 Describe Proposed Use or Variance: Temporary Structure -
Storage of Landscape Material For
pickUp or Delivery

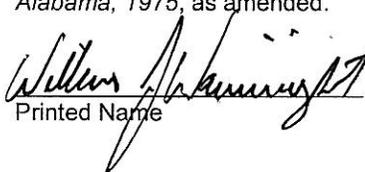
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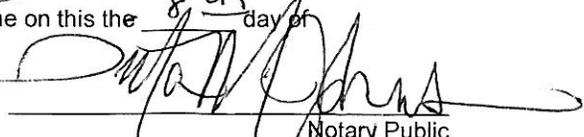
I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore County if applicable), and is a complete list of all real property owners adjacent to the parcel submitted for consideration. I also attest that I have read and understand what a hardship is according to the *Code of Alabama, 1975*, as amended.





Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that WILLIAM J. WAINWRIGHT, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 8th day of April, 2016.



 Notary Public

My commission expires 7/2/2018

OFFICIAL SEAL
Tina M. Johnson
NOTARY PUBLIC-STATE OF ALABAMA
My Commission Expires July 2, 2018

160510-03/A

Use-On-Appeal
Temporary Use

Woods

← 140 FT →

MATERIAL STORAGE
SLAB

↑ 70 FT
↓

Fence

GATE

DRIFT STREET

Woods

← 160 FT →

MATERIAL STORAGE
SLAB

↑ 80 FT
↓

Fence