

**City of Prattville
Board of Zoning Adjustment**

**The minutes of the August 11, 2009
meeting of the City of Prattville Board of
Zoning Adjustment were approved.**


Leo Jamieson, Chairman

October 13, 2009

Date



CITY OF PRATTVILLE

JIM BYARD, JR.
MAYOR

CITY COUNCIL

DEAN R. ARGO
PRESIDENT
DISTRICT 3

TOM MILLER
PRESIDENT PRO TEMPORE
DISTRICT 4

BILL GILLESPIE, JR.
DISTRICT 1

WILLIE WOOD, JR.
DISTRICT 2

MIKE RENEGAR
DISTRICT 5

RAY C. BOLES
DISTRICT 6

NATHAN D. FANK
DISTRICT 7

CITY OF PRATTVILLE BOARD OF ZONING ADJUSTMENT A G E N D A August 11, 2009 4:00pm

Call to Order:

Roll Call:

Chairman Leo Jamieson, Vice-Chairman John Gillian, Ms. Connie Dismukes, Ms. Kitty Houser, and Ms. Jerry Schannep.
Alternate Member: Commander Michael Whaley

Minutes:

Old Business:

None

New Business:

1. 090811-01 USE-ON-

APPEAL: To operate a home child daycare.
105 Creely Drive
R-2 Zoning District (Single Family Residential)
Shirley Arthur, Petitioner

District 4

2. 090811-02 USE-ON-

APPEAL: To allow a sign in the right-of-way
564 N. Memorial Drive
R-3 Zoning District (Single Family Residential)
Martin A. Wybenga, Petitioner

District 3

Miscellaneous:

Adjourn:

**City of Prattville Board of Zoning Adjustment
Minutes
August 11, 2009**

CALL TO ORDER:

The special meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:02 p.m. on Tuesday, August 11, 2009.

ROLL CALL:

Present: Chairman Leo Jamieson, Vice-Chairman John Gillian, Ms. Kitty Houser, Mrs. Jerry Schannep, and Commander Michael Whaley. Absent: Ms. Connie Dismukes.

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.

OLD BUSINESS:

None.

NEW BUSINESS:

USE-ON-APPEAL

To operate a home child daycare.

105 Creely Drive

R-2 Zoning District (Single Family Residential)

Shirley Arthur, Petitioner

Mr. Duke stated that the proposed use-on-appeal request to allow home child daycare is a customary home occupation allowed in the R-2 zoning district.

Gwendolyn Bradley, petitioner representative, stated that she is the daughter of the petitioner. She stated that the petitioner is retired with no children in the home. There would be no major traffic impact.

Chairman Jamieson opened the public hearing. There was 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 to operate a child home daycare. Commander Whaley seconded the motion. The BZA voted unanimously to approve the use-on-appeal to operate a child home daycare on property at 105 Creely Drive.**

USE-ON-APPEAL:

**To allow a sign in the right-of-way
564 N. Memorial Drive
R-3 Zoning District (Single Family Residential)
Martin A. Wybenga, Petitioner**

Mr. Duke stated that the use-on-appeal request is for a freestanding, existing sign that was placed without permit approval. The sign is legal except for its location in the public right-of-way (50' from the edge of the pavement). The petitioner is requesting to modify the existing sign by illuminating it.

Michael Godwin, petitioner representative, stated that the petitioner (Dr. Martin Wybenga) purchased the property approximately five (5) years ago. He was aware that the sign is in the state right-of-way and would have to be removed if the road is ever widened. The request is to allow the sign to stay. It would be dressed up with a flower bed around it and two (2) small beam spot lights to illuminate it.

Chairman Jamieson opened the public hearing.

Arnold Pledger-913 Skidmore Avenue, spoke in favor of the request.

William "Bob" Garrett-906 Skidmore Avenue, spoke in opposition to the "lighted" sign.

The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. **Mr. Gillian moved to approve the use-on-appeal to allow the sign in its current location with lights as proposed. Ms. Houser seconded the motion. The BZA voted unanimously to approve the use-on-appeal to allow a sign in the right-of-way with lights to illuminate it on property at 564 N. Memorial Drive.**

MINUTES:

None

MISCELLANEOUS:

ADJOURN:

After no further comments, questions or discussion the meeting was adjourned at 4:41 pm.

Respectfully submitted,



Alisa Morgan, Secretary
Board of Zoning Adjustment

PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: **SHIRLEY M. ARTHUR**
105 CREELY DRIVE
PRATTVILLE, AL 36067

REQUEST: **USE-ON-APPEAL TO OPERATE A CHILD HOME DAYCARE**
105 CREELY 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 August 11, 2009 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 operate a child daycare** at property requested.

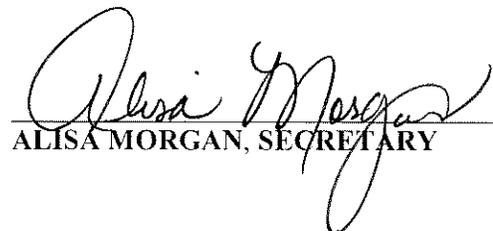
IT IS THEREFORE ORDERED the petition of Shirley M. Arthur, 105 Creely Drive, Prattville, AL is hereby approved.

DONE THIS THE 11th DAY OF August 2009.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: August 11, 2009

PETITIONER: Shirley M. Arthur

ADDRESS OF PETITION: 105 Creely Drive

	NAME	ADDRESS
1.	Gwendolyn Bradley	109 Aberdeen CT
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CITY OF PRATTVILLE
 Board of Zoning Adjustment
 Planning Department Staff Report



DATE:	7/27/09
APPLICATION TYPE:	Use-On-Appeal (090811-01)
PROPERTY LOCATION or DESCRIPTION:	105 Creely Drive
PETITIONER(S) AND AGENT(S):	Shirley M. Arthur
ZONING DISTRICT(S)	R-2 (Single Family Residential)
REQUESTED ACTION:	To operate a home child daycare on property.
ZONING ORDINANCE REFERENCE:	<p>Appendix A-Zoning Ordinance Section 71</p> <p>R-2 Uses Permitted On Appeal:</p> <p>...regulations common to all "R" Districts</p> <p>All "R" Districts" Uses Permitted On Appeal:</p> <p>Customary home occupations...day care centers...</p> <p>Home Occupation as defined by ordinance (Sec. 68):</p> <p>Any use customarily conducted entirely within a dwelling and carried within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof...</p>

090811-01

Use-On-Appeal
To operate a home child daycare

Application
Prattville Board of Zoning Adjustment

Application Type: Use-On-Appeal Variance Administrative Appeal

Applicant /Agent Information

Name: SHIRLEY M. ARTHUR

Street Address: 105 CREELY DRIVE

City: PRATTVILLE State: AL Zip: 36066

Phone Number(s): 334-365-9899

Property Owner Information

Name: SHIRLEY M. ARTHUR

Address of Property Owner: 105 CREELY DRIVE

City: PRATTVILLE State: AL Zip: 36066

Phone Number: (334) 365-9899

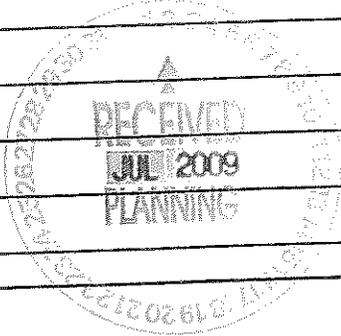
Property Description

County Tax Parcel Number/Legal Description: see Attachment

Current Zoning of Property: R-2 Physical Address: 105 Creeley Dr.

Proposed Use of Property (generally): DAY CARE IN HOME

Describe Proposed Use or Variance: Home occupation for
child daycare. for up to six children
hours of operation 7AM thru 5 PM



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.

SHIRLEY M. ARTHUR
Printed Name

Shirley M. Arthur
Signature

Date 7-2-09

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Shirley M. Arthur whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 2nd day of

July, 2009

[Signature]
Notary Public

My commission expires 11-08-2011

CITY OF PRATTVILLE, ALABAMA

105 CREELY DR
ZONING: R-2
SHIRLEY ARTHUR

1" = 200'



— STREETS
▭ TAX PARCELS



PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: MARTIN A. WYBENGA
564 N. MEMORIAL DRIVE
PRATTVILLE, AL 36067

REQUEST: USE-ON-APPEAL TO ALLOW A SIGN IN THE RIGHT-OF-WAY
564 NORTH MEMORIAL DRIVE
R-3 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 August 11, 2009 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 sign in the right-of-way with lights to illuminate it** at property requested.

IT IS THEREFORE ORDERED the petition of Martin A. Wybenga, 564 N. Memorial Drive, Prattville, AL is hereby approved.

DONE THIS THE 11th DAY OF August 2009.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: August 11, 2009

PETITIONER: Martin A. Wybenga

ADDRESS OF PETITION: 564 N. Memorial Drive

	NAME	ADDRESS
1.	<i>Michael H. ...</i>	<i>315 S. Memorial Dr</i>
2.	<i>Arnold Pledger</i>	<i>913 Skidmore Ave</i>
3.	<i>WILLIAM E. GARRETT</i>	<i>906 SKIDMORE AVE.</i>
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CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	7/28/09
APPLICATION TYPE:	Use-On-Appeal (090811-02)
PROPERTY LOCATION or DESCRIPTION:	564 N. Memorial Drive
PETITIONER(S) AND AGENT(S):	Dr. Martin Wybenga Representative: Michael Godwin, Central Alabama Sign & Banner
ZONING DISTRICT(S)	R-3 (Single Family Residential)
REQUESTED ACTION:	To allow a sign in the right-of-way.
ZONING ORDINANCE REFERENCE:	<p>Appendix A-Zoning Ordinance Section 132. General Sign Regulations.</p> <p>(a) No sign shall be constructed or placed in or over a public right-of-way that in any way interferes with normal or emergency use of that public right-of-way; any sign proposed to be placed in a public right-of-way shall be considered a use on appeal and require that the Board of Adjustment find that the proposed location is in the public interest after advertisement and a public hearing as provided by state law. The Board of Adjustment shall require the written opinions of the Chief of Police, the City Engineer, the Fire Chief, and the Administrator prior to making their [its] determination.</p> <p>(f) One (1) freestanding sign shall be allowed for each public street directly bordering any parcel or lot. One (1) additional sign per street is allowed for each five hundred (500) feet of frontage, on that street, in continuous common ownership. Signs allowed by this section may be placed to property corners.</p>

090811-02

Use-On-Appeal
To place a sign in the right-of-way

Application
Prattville Board of Zoning Adjustment

Application Type: Use-On-Appeal Variance Administrative Appeal

Applicant /Agent Information

Name: Michael H Goelwin

Street Address: 315 S Memorial Dr

City: Prattville State: AL Zip: 36067

Phone Number(s): 358-1068 467-4184 cell

Property Owner Information

Name: Martin A J Wybenga, MD

Address of Property Owner: 564 N Memorial

City: Prattville State: AL Zip: 36066

Phone Number: () 358-2010

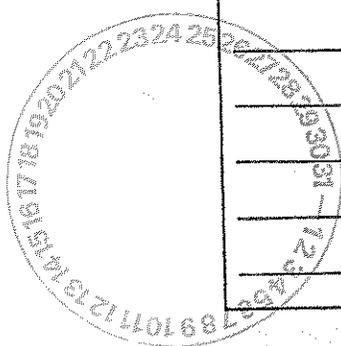
Property Description

County Tax Parcel Number/Legal Description: See attached assessment

Current Zoning of Property: ~~R-3~~ R-3 Physical Address: 564 N. Memorial

Proposed Use of Property (generally): _____

Describe Proposed Use or Variance: Put spotlights on existing sign
By Entrance at 564 N. Memorial
Drive.



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.

Michael H Godwin
Printed Name

[Handwritten Signature]
Signature

Date 7-16-09

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Michael Godwin, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 16th day of July, 2009.

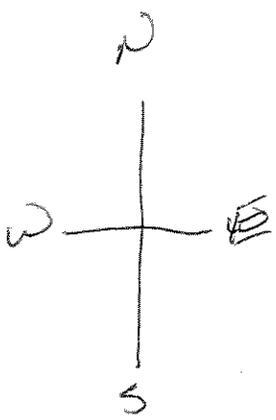
[Handwritten Signature]
Notary Public

My commission expires **NOTARY PUBLIC STATE OF ALABAMA AT LARGE**
MY COMMISSION EXPIRES: Oct 7, 2011
BONDED THRU NOTARY PUBLIC UNDERWRITERS

090811-02/A

Use-On-Appeal

To place a sign in the right-of-way



North Memorial Drivs

50' FROM EDGE OF ROAD

388' TO PARKING LOT

* LIGHTPOLE FOR PARKING LOT
ELECTRICAL FOR SIGN WILL BE RUN FROM THIS POLE

* LIGHTPOLE FOR PARKING LOT

D R I V E W A Y

PARKING

Room

BUILDING

CITY OF
PRATTVILLE, ALABAMA

564 N MEMORIAL DR
ZONING: R-3
OFFICE OF
DR. WYBENGA

1" = 200'



STREETS
TAX PARCELS



Ryan Pecharka, G.I.S. Coordinator

