



CITY OF PRATTVILLE

BILL GILLESPIE, JR.
MAYOR

CITY COUNCIL

MIKE RENEGAR
PRESIDENT
DISTRICT 5

NATHAN D. FANK
PRESIDENT PRO TEMPORE
DISTRICT 7

ALBERT C. STRIPLIN
DISTRICT 1

WILLIE WOOD, JR.
DISTRICT 2

DEAN R. ARGO
DISTRICT 3

TOM MILLER
DISTRICT 4

RAY C. BOLES
DISTRICT 6

City of Prattville Board of Zoning Adjustment

The minutes of the October 11, 2011 meeting of the
City of Prattville Board of Zoning Adjustment
were approved.

2/14/12

Leo Jamieson, Chairman

Date



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**CITY OF PRATTVILLE
BOARD OF ZONING ADJUSTMENT
A G E N D A
October 11, 2011
4:00pm**

Call to Order:

Roll Call:

Chairman Leo Jamieson, Vice-Chairman John Gillian, Ms. Kitty Houser, Mr. Mac Macready, and Mrs. Jerry Schannep. Alternate Member: Commander Michael Whaley.

Minutes:

September 13, 2011

Old Business:

None

New Business:

1. 111011-01 USE-ON-APPEAL
To allow expansion of an existing church use and parking lot improvements
901 N. Memorial Drive
B-2 Zoning District (General Business)
Prattmont Church of Christ, Petitioner

Public Hearing

Miscellaneous:

City Attorney, David McDowell
Prattville Development Group LLC v. City of Prattville BZA

Adjourn:

**City of Prattville Board of Zoning Adjustment
Minutes
October 11, 2011**

CALL TO ORDER:

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:00 p.m. on Tuesday, October 11, 2011.

ROLL CALL:

Present: Chairman Leo Jamieson, Vice-Chairman John Gillian, Mr. Mac Macready, Mrs. Jerry Schannep and Commander Michael Whaley. Absent: Mrs. Kitty Houser.

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. Macready moved to approve the minutes of the September 13, 2011 meeting. Commander Whaley seconded the motion. The motion to approve passed unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

USE-ON-APPEAL

**To allow expansion of an existing church use and parking lot improvements
901 N. Memorial Drive
B-2 Zoning District (General Business)
Prattmont Church of Christ, Petitioner**

Mr. Duke stated introduced the use-on-appeal for the expansion of an existing church at 901 N. Memorial Drive. He stated that the property is zoned B-2 for general business. He presented the site plan of the proposed expansion. He stated that the existing building does not meet the zoning by violating the front building line by encroaching 7' and the south building line by encroaching 10' into the building line.

Cary McDaniel, petitioner representative stated that they plan to expand to enlarge the classroom space of the church. He stated that the proposed addition is a 20x20 metal building. He stated that the existing building needs improvements and that the expansion will allow those improvements to be done. He stated that the existing building has been established since 1968.

Randy Lovelady of Lovelady Construction will be the contractor of the project. He stated that the dirt road will be improved. He stated that the state right-of-way permit has been approved. He stated that there would be no pavement on the south side of the property.

Chairman Jamieson opened the public hearing.

Joy Smith resident of 817 Wynwood Drive spoke in opposition to the request. She stated that a flooding in the area in 2008 gave her great concern for future flooding especially that which could be

caused by run-off that would be caused from the construction of the addition to the church. She questioned whether the additional water run-off would overflow to the creek. She also wanted to know who the architect of the building is.

Mr. Duke responded that Jarvis & Associates is the architect for the plans for the addition of the building. He also stated that drainage improvement plans are on file in the office of the Prattville Planning Department.

Clarence Gibbons resident of 625 County Road 47 spoke in opposition to the request. He stated that water drainage was major concern for him and residents that live on Wynwood Drive.

Rita Traywick resident of 815 Wynwood Drive spoke in opposition to the request. She stated that flooding was a concern for her. She asked how the water run-off would be maintained.

Diane Paul resident of 812 Wynwood Drive spoke in opposition to the request. She stated that the excess water run-off from the existing holding pond runs to the rear of her property.

After no further comments, Mr. Lovelady addressed the public comments. He stated that the water drainage had been addressed by allowing a detention basin by the southwest property. He stated that the current water flow drains to the southwest of the property and a current detention basin catches the water run-off. He stated that nothing can prevent heavy rain flooding. He stated that ADEM requires and has approved the type of flood control that they have proposed. He stated that the detention basin is designed to carry normal rainfall.

Mr. Duke stated that storm water requirements are not adopted by state it deals with sediments leaving the site. He stated that the city over sites this loss of natural condition and must provide 25 year storm event. He stated that 10% rainfall runs off property. He stated that storm water detention pond maintains current rate of run-off prior to development. He stated that development will cause additional run-off but the proposed detention pond meets regulation for that excess run-off to be contained until it can flow at a controlled rate. He stated that the area has been in a flood plain since 1981.

Ms. Smith asked that the BZA would table the request until a professional architect could answer the question whether the proposed basin would prevent any water from running onto her property.

Chairman Jamieson addressed Ms. Smith's request stating that no one could guarantee that water would run onto her property. He stated that civil engineers are the professionals that deal with the flow of the water. He asked Mr. Duke for clarity.

Mr. Duke provided the state board's regulations stating that the architect generally deals with the design of the building. He stated that the civil engineer deals with the storm water, public works and some civil engineers who specialize in mechanical and electrical drawings. He stated that the city ordinance requires that the church have plans drawn by a civil engineer which the petitioner has provided.

Chairman Jamieson asked the board if they would consider holding the request for an engineer to address the question on the design of the basin. The BZA unanimously responded "no."

After no further comments, questions, or discussion, the vote was called. **The BZA voted unanimously to approve the variance of the existing encroachments of 10' of the south property line and 7' of the west property line.**

Mrs. Schannep moved to approve the use-on-appeal to allow expansion of an existing church use and parking lot improvements. Mr. Gillian seconded the motion.

The motion to approve passed unanimously.

Chairman Jamieson called for recess at 5:07. The BZA resumed session at 5:09 with same members present.

City attorney David McDowell called for an executive session with the BZA at 5:09. Mr. Gillian moved to go into executive session. Mrs. Schannep seconded the motion.

The BZA came out of executive session at 5:30.

MISCELLANEOUS:

None

ADJOURN:

After no further comments, questions or discussion the meeting was adjourned at 5:30.

Respectfully submitted,

A handwritten signature in cursive script that reads "Alisa Morgan".

Alisa Morgan, Secretary
Board of Zoning Adjustment

PRATTVILLE BOARD OF ZONING ADJUSTMENT

**PETITIONER: PRATTMONT CHURCH OF CHRIST
901 N. MEMORIAL DRIVE
PRATTVILLE, AL 36067**

**REQUEST: USE-ON-APPEAL TO ALLOW EXPANSION OF AN EXISTING
CHURCH USE AND PARKING LOT IMPROVEMENTS.
901 NORTH MEMORIAL DRIVE
B-2 ZONING DISTRICT (GENERAL BUSINESS)**

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 October 11, 2011 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 of the existing encroachments of 10' of the south property line and 7' of the west property line and a use-on-appeal to allow expansion of an existing church use and parking lot improvements** at property requested.

IT IS THEREFORE ORDERED the petition of Prattmont Church of Christ, 901 N. Memorial Drive, Prattville, AL is hereby approved.

DONE THIS THE 11th DAY OF October 2011.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: October 11, 2011

PETITIONER: Prattmont Church of Christ

ADDRESS OF PETITION: 901 N. Memorial Drive

	NAME	ADDRESS
1.	Cary McDaniel	425 G 20 41 Prattville 36067
2.	Randy Lovelady	490 Ravenwoods Dr. Selma 36701
3.	Joyce A Smith	817 Wynwood Dr, Prattville 36067
4.	Ratna Sanyal	815 Wynwood Dr, Prattville 36067
5.	Dian Paul	817 Wynwood Dr, Prattville 36067
6.	Clarence Johnson	625 Col Rd, 47 Prattville 36067
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CITY OF PRATTVILLE
 Board of Zoning Adjustment
 Planning Department Staff Report



DATE:	10/3/11
APPLICATION TYPE:	Use-On-Appeal (111011-01)
PROPERTY LOCATION or DESCRIPTION:	901 North Memorial Drive
PETITIONER(S) AND AGENT(S):	Prattmont Church of Christ Representative: Cary McDaniel
ZONING DISTRICT(S)	B-2 (General Business)
REQUESTED ACTION:	To allow expansion of an existing church use and parking lot improvements.
ZONING ORDINANCE REFERENCE:	<p>Article 7. District Requirements. Appendix A-Zoning Ordinance Section 72 Business District Requirements (B-2) USES PERMITTED ON APPEAL: Animal clinics, hospitals or kennels, dry cleaners and laundries. Manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically prohibited herein. Any use permitted or permitted on appeal in the R-4 Residential District, and subject to all district requirements of an R-4 District as specified in Section 71, hereof.</p> <p>Section 71 Residential District Requirements (R-4) USES PERMITTED ON APPEAL: Clubs, not conducted for profit; rooming and boarding houses. (See: regulations common to all "R" Districts, listed above.)</p> <p>ALL "R" DISTRICTS USES PERMITTED ON APPEAL: ...churches;</p> <p>PARKING SPACE ORDINANCE <u>USES:</u> PLACES OF ASSEMBLY Auditoriums, theaters, stadiums or similar places of assembly including churches.</p> <p><u>REQUIRED:</u> One space per every five (5) seats.</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

111011-01

Use On-Appeal
 To allow expansion of an existing church use
 and Parking lot improvements.

**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: Cary McDaniel
 Street Address: 425 Co. Rd. 41
 City: Prattville State AL Zip: 36067
 Phone Number(s): (334)358-5363

Property Owner Information
If different than above

Name: Prattmont Church of Christ
 Address of Property Owner: 901 N. Memorial Drive
 City: Prattville State: AL Zip: 36067
 Phone Number: (334) 365-5887

Property Description

County Tax Parcel Number/Legal Description: 19020410050050000

Current Zoning of Property: B-2 Physical Address: 901 N. Memorial Drive
 Proposed Use of Property (generally): Existing Church operations.
 Describe Proposed Use or Variance: Development use for a building expansion attached to the rear of the existing Church for classrooms (4), and parking lot improvements. The development will be contained on two lots with 2.28 acres, with access to Highway 31 N.

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
- N/A 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.

Cary M. Daniel  9/13/11
Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Cary M. McDaniel, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 13th day of September, 2011.


Notary Public

My commission expires _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: July 30, 2014
BONDED THRU NOTARY PUBLIC UNDERWRITERS

CITY OF
PRATTVILLE, ALABAMA

Prattmont Church
of Christ
901 N Memorial Dr

1" = 200'



STREETS

TAX PARCELS

