



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

**The minutes of the April 14, 2015 regular meeting
of the City of Prattville Board of Zoning
Adjustment were approved.**



Leo Jamieson, Chairman

July 14, 2015

Date

Planning & Development Department

102 West Main Street ■ Prattville, Alabama 36067 ■ 334-595-0500 ■ 334-361-3677 Facsimile
planning.prattvilleal.gov



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**CITY OF PRATTVILLE
BOARD OF ZONING ADJUSTMENT
A G E N D A
April 14, 2015
4:00pm**

Call to Order:

Roll Call:

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

Minutes:

March 10, 2015

Old Business:

None

New Business:

1. 150414-01 VARIANCE

District 3

To allow changes in the landscape requirements.
Highway 14 East (Vacant Lot)
B-2 Zoning District (General Business)
Long-Lewis of the River Region, LLC, Petitioner

2. 150414-02 USE-ON-APPEAL

District 1

To allow residential use in a business zoned district.
135 First Street
B-2 Zoning District (General Business)
Prattvillage Associates, Petitioner

3. 150414-03 VARIANCE

District 3

To allow changes to the landscape setback requirements.
Highway 14 East and Malwest Drive (Vacant Lot)
B-4 Zoning District (Highway Commercial)
Standing Boy Properties, Petitioner

4. 150414-04 USE-ON-APPEAL

District 1

To allow a sign in the right-of-way.
Grouby Airport Rd/Highway 14 West
Right-Of-Way
Prattville Airport Authority, Petitioner

Miscellaneous:

Adjourn:

Planning & Development Department

**City of Prattville Board of Zoning Adjustment
Minutes
April 14, 2015**

CALL TO ORDER:

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:01 p.m. on Tuesday, April 14, 2015.

ROLL CALL:

Present: Chairman Leo Jamieson, Mr. Gerald Cimis, Mr. Mac Macready, Mr. Jerry Crosby, and Mrs. Jerry Schannep and Alternate member Commander Michael Whaley. 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:

None

OLD BUSINESS:

None

NEW BUSINESS:

VARIANCE

To allow changes in the landscape requirements.

Highway 14 East (Vacant Lot)

B-2 Zoning District (General Business)

Long-Lewis of the River Region, LLC, Petitioner

Mr. Duke introduced the request for the variance for property on Highway 14 East for the Long-Lewis property. He stated that the petitioner's request is to reduce the number of trees by 4 along Highway 14 and by 3 along Old Farm Lane, to eliminate the required berm but will maintain 30' setback. He stated that they are also requesting to reduce the required 5' deep foundation landscaping.

Charles Chambliss of McKee & Associates, petitioner's representative, presented the request for changes to the landscape. He stated that they are requesting to reduce the number of trees along Highway 14 East from 19 to 15; along Old Farm Lane from 12 to 9. He stated that the number of trees to be eliminated would be filled in other areas on the property. He stated that they request to eliminate the berm and foundation planting would be 3' ground cover instead because of floor-to-ceiling storefront glass.

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 to variance to allow changes in the landscape requirements as presented on property at Highway 14 East (vacant lot).

USE-ON-APPEAL

To allow residential use in a business zoned district.

135 First Street

B-2 Zoning District (General Business)

Prattvillage Associates, Petitioner

Mr. Duke introduced the use-on-appeal request to allow a residential use in a business district at 135 First Street. He stated that there are six historic structures on the one acre lot on First Street. Each unit has been and is currently being occupied by office, retail or service uses.

Al Bock, petitioner, presented the request for a residential use in a business district. He stated that he owns 10 properties in Prattvillage and these units were formerly residential uses that were converted to business use in 1988. He stated that the property at 135 First Street is very small in comparison to the other properties and has difficulty renting space for a business. He stated that he has had many request for the use of a resident. He stated that the residential use would provide additional security for the businesses in the area. He stated that a study done six years ago showed the residential use in business districts. He stated that he spoke with current renters in the district and they are favorable of the residential use. He stated that the unit had been inspected and meets building code requirements for residential use. He stated that he could provide designated parking for the unit.

Chairman Jamieson opened the public hearing.

Thea Langley, 133 First Street, spoke in favor of the request. She stated that she also operates a business in the district. She stated that she felt confident that this would be a good use with the appropriate family residing in the neighborhood.

After no further comments, questions, or discussion, the vote was called. Mr. Cimis moved to approve the request contingent to a dedicated 2-car parking space and if residential use lapses in a year, the use converts back to business use. Mrs. Schannep seconded the motion. The BZA voted unanimously to approve the use-on-appeal to allow a residential use in a business zoned district with contingencies on property at 135 First Street.

VARIANCE

To allow changes to the landscape setback requirements.

Highway 14 East and Malwest Drive (Vacant Lot)

B-4 Zoning District (Highway Commercial)

Standing Boy Properties, Petitioner

Mr. Duke introduced the variance request to allow changes to the landscape setback requirements at Highway 14 East and the south east corner of Malwest Drive. He stated that the petitioner is requesting to eliminate the berm, with no change to the amount of landscape requirements. He stated that the property was platted prior to adoption of the Landscape Ordinance.

Brandon Bolt, petitioner's representative, along with Mike Johnson and Terry Phelps of Bolt Engineering, Inc. presented the request for change to landscape setback requirements. He stated that the request is needed because of the north east property drainage easement and topography impacts the development of the site. He stated that landscape will be provided in other areas as required.

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 to variance to allow changes in the landscape setback requirements as presented on property at Highway 14 East and Malwest Drive (vacant lot).

USE-ON-APPEAL

To allow a sign in the right-of-way.

Grouby Airport Rd/Highway 14 West

Right-Of-Way

Prattville Airport Authority, Petitioner

Mr. Duked introduced the use-on-appeal request allow a sign in the city's right-of-way. He stated that the Sign Regulations require the written opinions of the Chief of Police, the City Engineer, the Fire Chief, and the Administrator prior to making determination. (Written opinions attached and made a part of the minutes).

Amy Brabham, member and representative of the Leadership Autauga County class 2015, in partnership with the Prattville Airport Authority has projected to erect a directional sign to the Prattville Grouby Field in the city's right-of-way. She stated that the proposed sign would match the existing gateway sign in the area.

Chairman Jamieson opened the public hearing.

Catherine Cook, 166 Maple Street, had questions about the sign height and whether there the site would be landscaped.

Mr. Cimis referred to the drawings that showed the sign to be 10' and 6" in height.

Ms. Brabham stated that the city would take care of the landscape in the area.

After no further comments, questions, or discussion, the vote was called. Mr. Cimis moved to approve the request as submitted. Mrs. Schannep seconded the motion. The BZA voted unanimously to approve the use-on-appeal to allow a sign in the right-of-way on property at Grouby Airport Road and Highway 14 West.

MISCELLANEOUS:

ADJOURN:

After no further comments, questions or discussion the meeting was adjourned at 5:08 p.m.

Respectfully submitted,



Alisa Morgan, Secretary
Board of Zoning Adjustment

PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: LONG-LEWIS OF THE RIVER REGION, LLC
2800 WOODWARD AVENUE
MUSCLE SHOALS, AL 35661

REQUEST: VARIANCE TO ALLOW CHANGES TO THE LANDSCAPE
REQUIREMENTS.
HIGHWAY 14 E (VACANT LOT)
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 April 14, 2015 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 allow changes to the landscape requirements as presented on property at Highway 14 East (Vacant Lot).**

IT IS THEREFORE ORDERED the petition of Long-Lewis of the River Region, LLC, 2800 Woodward Avenue, Muscle Shoals, AL is hereby approved.

DONE THIS THE 14th DAY OF April 2015.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: April 14, 2015

PETITIONER: Long-Lewis River Region LLC

ADDRESS OF PETITION: Highway 14 E (Vacant Lot)

	NAME	ADDRESS
1.	<u>CHARLES CUMMERS</u>	<u>Monte</u>
2.	<u>CUMMERS WALK</u>	<u>F. WILSON</u>
3.		
4.		
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CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	3/23/15
APPLICATION TYPE:	Variance (150414-01)
PROPERTY LOCATION or DESCRIPTION:	Highway 14 E (Vacant Lot)
PETITIONER(S) AND AGENT(S):	Long-Lewis of the River Region, LLC
ZONING DISTRICT(S)	B-2 (General Business)
REQUESTED ACTION:	To allow changes to the landscape requirements.
ZONING ORDINANCE REFERENCE:	<p>Landscaping Ordinance Article 13 Section 135 General Site and Off-Street Parking Area Landscaping Requirements.</p> <p><u>(a) Frontage Landscaping and Foundation Planting Requirements.</u> Frontage landscaping shall require a landscaped strip with a minimum 10-foot depth along all adjacent public rights-of-way. Frontage landscaping shall include a minimum of one (1) tree and six (6) shrubs per full forty (40) linear feet of the frontage strip; shrubs are optional in areas where a berm at least four (4) feet in height is used, Trees and shrubs shall be well distributed, though not; necessarily evenly spaced.</p> <p>A lot with less than one hundred fifty (150) feet frontage and adjacent to a right-of-way shall have a frontage strip depth of ten (10) feet; a lot with one hundred fifty (150) feet to two hundred fifty (250) feet frontage shall have a frontage strip depth of twenty (20) feet; a lot with over 250 feet frontage shall have a frontage strip depth of thirty (30) feet...</p> <p>Foundation Planting shall require a landscaped bed with a minimum depth of five (5) feet along the front of the primary structure. The bed shall contain shrubs, or other greenery with a minimum height of 23 inches and a maximum spacing of four (4) feet. Greenery shall be planted within a bed of mulch or ground cover other than turfgrass, and be protected by some barrier from damage by vehicles and maintenance equipment. Greenery shall be well distributed through not necessarily evenly spaced.</p>



CITY OF
PRATTVILLE, AL



HWY 14 E
Vacant Lot

Scale: 1" = 400'



— STREETS

▭ TAX PARCEL





150414-01

Variance

To allow changes in the landscape requirements

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: _____

Street Address: _____

City: _____ State _____ Zip: _____

Phone Number(s): _____

Property Owner Information
If different than above

Name: LLRR LLC

Address of Property Owner: 2800 Woodward Avenue

City: Muscle Shoals State: Alabama Zip: 35661

Phone Number: () (256) 386-7800

Property Description

County Tax Parcel Number/Legal Description: _____

Current Zoning of Property: B2 Physical Address: _____

Proposed Use of Property (generally): Automobile Dealership

Describe Proposed Use or Variance: _____

1) No berming along frontages

2) Fewer than 1 tree per 40 l.f. along frontages (offset by more than minimum number required elsewhere)

3) Less than 5' depth for Foundation planting (approx. 3') and with plantings less than 23" high (groundcover instead, as storefront glass is to be floor-to-ceiling)



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.)

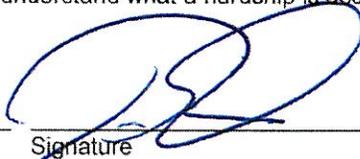
Hardship: The Board requests a statement of hardship to justify any variance application:

"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))

The owner would bear a hardship by adhering literally to the Parking Area Landscape Ordinance in that success in the intended business, an automobile retail sales dealership, depends in large part upon the best presentation of the most vehicles to the passing public. The owner proposes to go beyond the planting requirements in some areas and seek relief from certain aspects of the Ordinance in other areas.

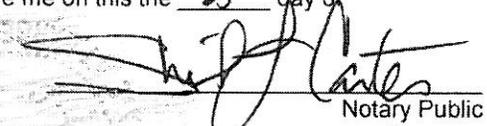
I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore County if applicable), and is a complete list of all 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.

Todd Ouellette
Printed Name

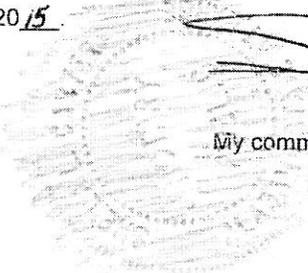

Signature

2-25-15
Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Todd Ouellette, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 25 day of Feb, 2015.

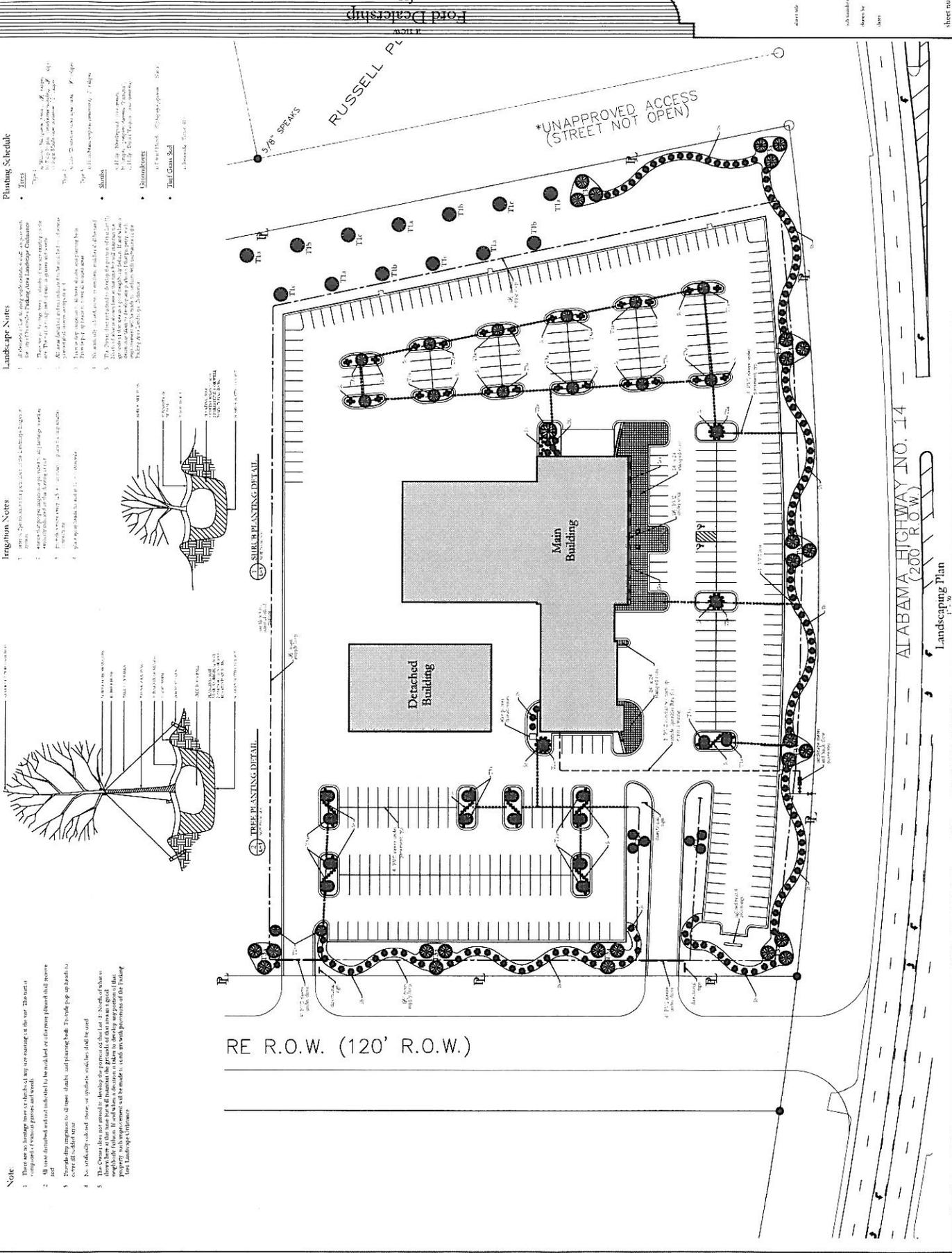

Notary Public

My commission expires 6-9-2015





sheet title: Architectural Site and Landscaping Plan
sheet number: 150414
drawn by: [blank]
date: 28 February 2015



Planting Schedule

- Trees**
 - Type 1: 12" DBH, 15' H, 10" CAL.
 - Type 2: 18" DBH, 20' H, 12" CAL.
 - Type 3: 24" DBH, 25' H, 14" CAL.
 - Type 4: 30" DBH, 30' H, 16" CAL.
 - Type 5: 36" DBH, 35' H, 18" CAL.
 - Type 6: 42" DBH, 40' H, 20" CAL.
 - Type 7: 48" DBH, 45' H, 22" CAL.
 - Type 8: 54" DBH, 50' H, 24" CAL.
 - Type 9: 60" DBH, 55' H, 26" CAL.
 - Type 10: 66" DBH, 60' H, 28" CAL.
 - Type 11: 72" DBH, 65' H, 30" CAL.
 - Type 12: 78" DBH, 70' H, 32" CAL.
 - Type 13: 84" DBH, 75' H, 34" CAL.
 - Type 14: 90" DBH, 80' H, 36" CAL.
 - Type 15: 96" DBH, 85' H, 38" CAL.
 - Type 16: 102" DBH, 90' H, 40" CAL.
 - Type 17: 108" DBH, 95' H, 42" CAL.
 - Type 18: 114" DBH, 100' H, 44" CAL.
 - Type 19: 120" DBH, 105' H, 46" CAL.
 - Type 20: 126" DBH, 110' H, 48" CAL.
 - Type 21: 132" DBH, 115' H, 50" CAL.
 - Type 22: 138" DBH, 120' H, 52" CAL.
 - Type 23: 144" DBH, 125' H, 54" CAL.
 - Type 24: 150" DBH, 130' H, 56" CAL.
 - Type 25: 156" DBH, 135' H, 58" CAL.
 - Type 26: 162" DBH, 140' H, 60" CAL.
 - Type 27: 168" DBH, 145' H, 62" CAL.
 - Type 28: 174" DBH, 150' H, 64" CAL.
 - Type 29: 180" DBH, 155' H, 66" CAL.
 - Type 30: 186" DBH, 160' H, 68" CAL.
 - Type 31: 192" DBH, 165' H, 70" CAL.
 - Type 32: 198" DBH, 170' H, 72" CAL.
 - Type 33: 204" DBH, 175' H, 74" CAL.
 - Type 34: 210" DBH, 180' H, 76" CAL.
 - Type 35: 216" DBH, 185' H, 78" CAL.
 - Type 36: 222" DBH, 190' H, 80" CAL.
 - Type 37: 228" DBH, 195' H, 82" CAL.
 - Type 38: 234" DBH, 200' H, 84" CAL.
 - Type 39: 240" DBH, 205' H, 86" CAL.
 - Type 40: 246" DBH, 210' H, 88" CAL.
 - Type 41: 252" DBH, 215' H, 90" CAL.
 - Type 42: 258" DBH, 220' H, 92" CAL.
 - Type 43: 264" DBH, 225' H, 94" CAL.
 - Type 44: 270" DBH, 230' H, 96" CAL.
 - Type 45: 276" DBH, 235' H, 98" CAL.
 - Type 46: 282" DBH, 240' H, 100" CAL.
 - Type 47: 288" DBH, 245' H, 102" CAL.
 - Type 48: 294" DBH, 250' H, 104" CAL.
 - Type 49: 300" DBH, 255' H, 106" CAL.
 - Type 50: 306" DBH, 260' H, 108" CAL.
 - Type 51: 312" DBH, 265' H, 110" CAL.
 - Type 52: 318" DBH, 270' H, 112" CAL.
 - Type 53: 324" DBH, 275' H, 114" CAL.
 - Type 54: 330" DBH, 280' H, 116" CAL.
 - Type 55: 336" DBH, 285' H, 118" CAL.
 - Type 56: 342" DBH, 290' H, 120" CAL.
 - Type 57: 348" DBH, 295' H, 122" CAL.
 - Type 58: 354" DBH, 300' H, 124" CAL.
 - Type 59: 360" DBH, 305' H, 126" CAL.
 - Type 60: 366" DBH, 310' H, 128" CAL.
 - Type 61: 372" DBH, 315' H, 130" CAL.
 - Type 62: 378" DBH, 320' H, 132" CAL.
 - Type 63: 384" DBH, 325' H, 134" CAL.
 - Type 64: 390" DBH, 330' H, 136" CAL.
 - Type 65: 396" DBH, 335' H, 138" CAL.
 - Type 66: 402" DBH, 340' H, 140" CAL.
 - Type 67: 408" DBH, 345' H, 142" CAL.
 - Type 68: 414" DBH, 350' H, 144" CAL.
 - Type 69: 420" DBH, 355' H, 146" CAL.
 - Type 70: 426" DBH, 360' H, 148" CAL.
 - Type 71: 432" DBH, 365' H, 150" CAL.
 - Type 72: 438" DBH, 370' H, 152" CAL.
 - Type 73: 444" DBH, 375' H, 154" CAL.
 - Type 74: 450" DBH, 380' H, 156" CAL.
 - Type 75: 456" DBH, 385' H, 158" CAL.
 - Type 76: 462" DBH, 390' H, 160" CAL.
 - Type 77: 468" DBH, 395' H, 162" CAL.
 - Type 78: 474" DBH, 400' H, 164" CAL.
 - Type 79: 480" DBH, 405' H, 166" CAL.
 - Type 80: 486" DBH, 410' H, 168" CAL.
 - Type 81: 492" DBH, 415' H, 170" CAL.
 - Type 82: 498" DBH, 420' H, 172" CAL.
 - Type 83: 504" DBH, 425' H, 174" CAL.
 - Type 84: 510" DBH, 430' H, 176" CAL.
 - Type 85: 516" DBH, 435' H, 178" CAL.
 - Type 86: 522" DBH, 440' H, 180" CAL.
 - Type 87: 528" DBH, 445' H, 182" CAL.
 - Type 88: 534" DBH, 450' H, 184" CAL.
 - Type 89: 540" DBH, 455' H, 186" CAL.
 - Type 90: 546" DBH, 460' H, 188" CAL.
 - Type 91: 552" DBH, 465' H, 190" CAL.
 - Type 92: 558" DBH, 470' H, 192" CAL.
 - Type 93: 564" DBH, 475' H, 194" CAL.
 - Type 94: 570" DBH, 480' H, 196" CAL.
 - Type 95: 576" DBH, 485' H, 198" CAL.
 - Type 96: 582" DBH, 490' H, 200" CAL.
 - Type 97: 588" DBH, 495' H, 202" CAL.
 - Type 98: 594" DBH, 500' H, 204" CAL.
 - Type 99: 600" DBH, 505' H, 206" CAL.
 - Type 100: 606" DBH, 510' H, 208" CAL.
 - Type 101: 612" DBH, 515' H, 210" CAL.
 - Type 102: 618" DBH, 520' H, 212" CAL.
 - Type 103: 624" DBH, 525' H, 214" CAL.
 - Type 104: 630" DBH, 530' H, 216" CAL.
 - Type 105: 636" DBH, 535' H, 218" CAL.
 - Type 106: 642" DBH, 540' H, 220" CAL.
 - Type 107: 648" DBH, 545' H, 222" CAL.
 - Type 108: 654" DBH, 550' H, 224" CAL.
 - Type 109: 660" DBH, 555' H, 226" CAL.
 - Type 110: 666" DBH, 560' H, 228" CAL.
 - Type 111: 672" DBH, 565' H, 230" CAL.
 - Type 112: 678" DBH, 570' H, 232" CAL.
 - Type 113: 684" DBH, 575' H, 234" CAL.
 - Type 114: 690" DBH, 580' H, 236" CAL.
 - Type 115: 696" DBH, 585' H, 238" CAL.
 - Type 116: 702" DBH, 590' H, 240" CAL.
 - Type 117: 708" DBH, 595' H, 242" CAL.
 - Type 118: 714" DBH, 600' H, 244" CAL.
 - Type 119: 720" DBH, 605' H, 246" CAL.
 - Type 120: 726" DBH, 610' H, 248" CAL.
 - Type 121: 732" DBH, 615' H, 250" CAL.
 - Type 122: 738" DBH, 620' H, 252" CAL.
 - Type 123: 744" DBH, 625' H, 254" CAL.
 - Type 124: 750" DBH, 630' H, 256" CAL.
 - Type 125: 756" DBH, 635' H, 258" CAL.
 - Type 126: 762" DBH, 640' H, 260" CAL.
 - Type 127: 768" DBH, 645' H, 262" CAL.
 - Type 128: 774" DBH, 650' H, 264" CAL.
 - Type 129: 780" DBH, 655' H, 266" CAL.
 - Type 130: 786" DBH, 660' H, 268" CAL.
 - Type 131: 792" DBH, 665' H, 270" CAL.
 - Type 132: 798" DBH, 670' H, 272" CAL.
 - Type 133: 804" DBH, 675' H, 274" CAL.
 - Type 134: 810" DBH, 680' H, 276" CAL.
 - Type 135: 816" DBH, 685' H, 278" CAL.
 - Type 136: 822" DBH, 690' H, 280" CAL.
 - Type 137: 828" DBH, 695' H, 282" CAL.
 - Type 138: 834" DBH, 700' H, 284" CAL.
 - Type 139: 840" DBH, 705' H, 286" CAL.
 - Type 140: 846" DBH, 710' H, 288" CAL.
 - Type 141: 852" DBH, 715' H, 290" CAL.
 - Type 142: 858" DBH, 720' H, 292" CAL.
 - Type 143: 864" DBH, 725' H, 294" CAL.
 - Type 144: 870" DBH, 730' H, 296" CAL.
 - Type 145: 876" DBH, 735' H, 298" CAL.
 - Type 146: 882" DBH, 740' H, 300" CAL.
 - Type 147: 888" DBH, 745' H, 302" CAL.
 - Type 148: 894" DBH, 750' H, 304" CAL.
 - Type 149: 900" DBH, 755' H, 306" CAL.
 - Type 150: 906" DBH, 760' H, 308" CAL.
 - Type 151: 912" DBH, 765' H, 310" CAL.
 - Type 152: 918" DBH, 770' H, 312" CAL.
 - Type 153: 924" DBH, 775' H, 314" CAL.
 - Type 154: 930" DBH, 780' H, 316" CAL.
 - Type 155: 936" DBH, 785' H, 318" CAL.
 - Type 156: 942" DBH, 790' H, 320" CAL.
 - Type 157: 948" DBH, 795' H, 322" CAL.
 - Type 158: 954" DBH, 800' H, 324" CAL.
 - Type 159: 960" DBH, 805' H, 326" CAL.
 - Type 160: 966" DBH, 810' H, 328" CAL.
 - Type 161: 972" DBH, 815' H, 330" CAL.
 - Type 162: 978" DBH, 820' H, 332" CAL.
 - Type 163: 984" DBH, 825' H, 334" CAL.
 - Type 164: 990" DBH, 830' H, 336" CAL.
 - Type 165: 996" DBH, 835' H, 338" CAL.
 - Type 166: 1002" DBH, 840' H, 340" CAL.
 - Type 167: 1008" DBH, 845' H, 342" CAL.
 - Type 168: 1014" DBH, 850' H, 344" CAL.
 - Type 169: 1020" DBH, 855' H, 346" CAL.
 - Type 170: 1026" DBH, 860' H, 348" CAL.
 - Type 171: 1032" DBH, 865' H, 350" CAL.
 - Type 172: 1038" DBH, 870' H, 352" CAL.
 - Type 173: 1044" DBH, 875' H, 354" CAL.
 - Type 174: 1050" DBH, 880' H, 356" CAL.
 - Type 175: 1056" DBH, 885' H, 358" CAL.
 - Type 176: 1062" DBH, 890' H, 360" CAL.
 - Type 177: 1068" DBH, 895' H, 362" CAL.
 - Type 178: 1074" DBH, 900' H, 364" CAL.
 - Type 179: 1080" DBH, 905' H, 366" CAL.
 - Type 180: 1086" DBH, 910' H, 368" CAL.
 - Type 181: 1092" DBH, 915' H, 370" CAL.
 - Type 182: 1098" DBH, 920' H, 372" CAL.
 - Type 183: 1104" DBH, 925' H, 374" CAL.
 - Type 184: 1110" DBH, 930' H, 376" CAL.
 - Type 185: 1116" DBH, 935' H, 378" CAL.
 - Type 186: 1122" DBH, 940' H, 380" CAL.
 - Type 187: 1128" DBH, 945' H, 382" CAL.
 - Type 188: 1134" DBH, 950' H, 384" CAL.
 - Type 189: 1140" DBH, 955' H, 386" CAL.
 - Type 190: 1146" DBH, 960' H, 388" CAL.
 - Type 191: 1152" DBH, 965' H, 390" CAL.
 - Type 192: 1158" DBH, 970' H, 392" CAL.
 - Type 193: 1164" DBH, 975' H, 394" CAL.
 - Type 194: 1170" DBH, 980' H, 396" CAL.
 - Type 195: 1176" DBH, 985' H, 398" CAL.
 - Type 196: 1182" DBH, 990' H, 400" CAL.
 - Type 197: 1188" DBH, 995' H, 402" CAL.
 - Type 198: 1194" DBH, 1000' H, 404" CAL.
 - Type 199: 1200" DBH, 1005' H, 406" CAL.
 - Type 200: 1206" DBH, 1010' H, 408" CAL.
 - Type 201: 1212" DBH, 1015' H, 410" CAL.
 - Type 202: 1218" DBH, 1020' H, 412" CAL.
 - Type 203: 1224" DBH, 1025' H, 414" CAL.
 - Type 204: 1230" DBH, 1030' H, 416" CAL.
 - Type 205: 1236" DBH, 1035' H, 418" CAL.
 - Type 206: 1242" DBH, 1040' H, 420" CAL.
 - Type 207: 1248" DBH, 1045' H, 422" CAL.
 - Type 208: 1254" DBH, 1050' H, 424" CAL.
 - Type 209: 1260" DBH, 1055' H, 426" CAL.
 - Type 210: 1266" DBH, 1060' H, 428" CAL.
 - Type 211: 1272" DBH, 1065' H, 430" CAL.
 - Type 212: 1278" DBH, 1070' H, 432" CAL.
 - Type 213: 1284" DBH, 1075' H, 434" CAL.
 - Type 214: 1290" DBH, 1080' H, 436" CAL.
 - Type 215: 1296" DBH, 1085' H, 438" CAL.
 - Type 216: 1302" DBH, 1090' H, 440" CAL.
 - Type 217: 1308" DBH, 1095' H, 442" CAL.
 - Type 218: 1314" DBH, 1100' H, 444" CAL.
 - Type 219: 1320" DBH, 1105' H, 446" CAL.
 - Type 220: 1326" DBH, 1110' H, 448" CAL.
 - Type 221: 1332" DBH, 1115' H, 450" CAL.
 - Type 222: 1338" DBH, 1120' H, 452" CAL.
 - Type 223: 1344" DBH, 1125' H, 454" CAL.
 - Type 224: 1350" DBH, 1130' H, 456" CAL.
 - Type 225: 1356" DBH, 1135' H, 458" CAL.
 - Type 226: 1362" DBH, 1140' H, 460" CAL.
 - Type 227: 1368" DBH, 1145' H, 462" CAL.
 - Type 228: 1374" DBH, 1150' H, 464" CAL.
 - Type 229: 1380" DBH, 1155' H, 466" CAL.
 - Type 230: 1386" DBH, 1160' H, 468" CAL.
 - Type 231: 1392" DBH, 1165' H, 470" CAL.
 - Type 232: 1398" DBH, 1170' H, 472" CAL.
 - Type 233: 1404" DBH, 1175' H, 474" CAL.
 - Type 234: 1410" DBH, 1180' H, 476" CAL.
 - Type 235: 1416" DBH, 1185' H, 478" CAL.
 - Type 236: 1422" DBH, 1190' H, 480" CAL.
 - Type 237: 1428" DBH, 1195' H, 482" CAL.
 - Type 238: 1434" DBH, 1200' H, 484" CAL.
 - Type 239: 1440" DBH, 1205' H, 486" CAL.
 - Type 240: 1446" DBH, 1210' H, 488" CAL.
 - Type 241: 1452" DBH, 1215' H, 490" CAL.
 - Type 242: 1458" DBH, 1220' H, 492" CAL.
 - Type 243: 1464" DBH, 1225' H, 494" CAL.
 - Type 244: 1470" DBH, 1230' H, 496" CAL.
 - Type 245: 1476" DBH, 1235' H, 498" CAL.
 - Type 246: 1482" DBH, 1240' H, 500" CAL.
 - Type 247: 1488" DBH, 1245' H, 502" CAL.
 - Type 248: 1494" DBH, 1250' H, 504" CAL.
 - Type 249: 1500" DBH, 1255' H, 506" CAL.
 - Type 250: 1506" DBH, 1260' H, 508" CAL.
 - Type 251: 1512" DBH, 1265' H, 510" CAL.
 - Type 252: 1518" DBH, 1270' H, 512" CAL.
 - Type 253: 1524" DBH, 1275' H, 514" CAL.
 - Type 254: 1530" DBH, 1280' H, 516" CAL.
 - Type 255: 1536" DBH, 1285' H, 518" CAL.
 - Type 256: 1542" DBH, 1290' H, 520" CAL.
 - Type 257: 1548" DBH, 1295' H, 522" CAL.
 - Type 258: 1554" DBH, 1300' H, 524" CAL.
 - Type 259: 1560" DBH, 1305' H, 526" CAL.
 - Type 260: 1566" DBH, 1310' H, 528" CAL.
 - Type 261: 1572" DBH, 1315' H, 530" CAL.
 - Type 262: 1578" DBH, 1320' H, 532" CAL.
 - Type 263: 1584" DBH, 1325' H, 534" CAL.
 - Type 264: 1590" DBH, 1330' H, 536" CAL.
 - Type 265: 1596" DBH, 1335' H, 538" CAL.
 - Type 266: 1602" DBH, 1340' H, 540" CAL.
 - Type 267: 1608" DBH, 1345' H, 542" CAL.
 - Type 268: 1614" DBH, 1350' H, 544" CAL.
 - Type 269: 1620" DBH, 1355' H, 546" CAL.
 - Type 270: 1626" DBH, 1360' H, 548" CAL.
 - Type 271: 1632" DBH, 1365' H, 550" CAL.
 - Type 272: 1638" DBH, 1370' H, 552" CAL.
 - Type 273: 1644" DBH, 1375' H, 554" CAL.
 - Type 274: 1650" DBH, 1380' H, 556" CAL.
 - Type 275: 1656" DBH, 1385' H, 558" CAL.
 - Type 276: 1662" DBH, 1390' H, 560" CAL.
 - Type 277: 1668" DBH, 1395' H, 562" CAL.
 - Type 278: 1674" DBH, 1400' H, 564" CAL.
 - Type 279: 1680" DBH, 1405' H, 566" CAL.
 - Type 280: 1686" DBH, 1410' H, 568" CAL.
 - Type 281: 1692" DBH, 1415' H, 570" CAL.
 - Type 282: 1698" DBH, 1420' H, 572" CAL.
 - Type 283: 1704" DBH, 1425' H, 574" CAL.
 - Type 284: 1710" DBH, 1430' H, 576" CAL.
 - Type 285: 1716" DBH, 1435' H, 578" CAL.
 - Type 286: 1722" DBH, 1440' H, 580" CAL.
 - Type 287: 1728" DBH, 1445' H, 582" CAL.
 - Type 288: 1734" DBH, 1450' H, 584" CAL.
 - Type 289: 1740" DBH, 1455' H, 586" CAL.
 - Type 290: 1746" DBH, 1460' H, 588" CAL.
 - Type 291: 1752" DBH, 1465' H, 590" CAL.
 - Type 292: 1758" DBH, 1470' H, 592" CAL.
 - Type 293: 1764" DBH, 1475' H, 594" CAL.
 - Type 294: 1770" DBH, 1480' H, 596" CAL.
 - Type 295: 1776" DBH, 1485' H, 598" CAL.
 - Type 296: 1782" DBH, 1490' H, 600" CAL.
 - Type 297: 1788" DBH, 1495' H, 602" CAL.
 - Type 298: 1794" DBH, 1500' H, 604" CAL.
 - Type 299: 1800" DBH, 1505' H, 606" CAL.
 - Type 300: 1806" DBH, 1510' H, 608" CAL.
 - Type 301: 1812" DBH, 1515' H, 610" CAL.
 - Type 302: 1818" DBH, 1520' H, 612" CAL.
 - Type 303: 1824" DBH, 1525' H, 614" CAL.
 - Type 304: 1830" DBH, 1530' H, 616" CAL.
 - Type 305: 1836" DBH, 1535' H, 618" CAL.
 - Type 306: 1842" DBH, 1540' H, 620" CAL.
 - Type 307: 1848" DBH, 1545' H, 622" CAL.
 - Type 308: 1854" DBH, 1550' H, 624" CAL.
 - Type 309: 1860" DBH, 1555' H, 626" CAL.
 - Type 310: 1866" DBH, 1560' H, 628" CAL.
 - Type 311: 1872" DBH, 1565' H, 630" CAL.
 - Type 312: 1878" DBH, 1570' H, 632" CAL.
 - Type 313: 1884" DBH, 1575' H, 634" CAL.
 - Type 314: 1890" DBH, 1580' H, 636" CAL.
 - Type 315: 1896" DBH, 1585' H, 638" CAL.
 - Type 316: 1902" DBH, 1590' H, 640" CAL.
 - Type 317: 1908" DBH, 1595' H, 642" CAL.
 - Type 318: 1914" DBH, 1600' H, 644" CAL.
 - Type 319: 1920" DBH, 1605' H, 646" CAL.
 - Type 320: 1926" DBH, 1610' H, 648" CAL.
 - Type 321: 1932" DBH, 1615' H, 650" CAL.
 - Type 322: 1938" DBH, 1620' H, 652" CAL.
 - Type 323: 1944" DBH, 1625' H, 654" CAL.
 - Type 324: 1950" DBH, 1630' H, 656" CAL.
 - Type 325: 1956" DBH, 1635' H, 658" CAL.
 - Type 326: 1962" DBH, 1640' H, 660" CAL.
 - Type 327: 1968" DBH, 1645' H, 662" CAL.
 - Type 328: 1974" DBH, 1650' H, 664" CAL.
 - Type 329: 1980" DBH, 1655' H, 666" CAL.
 - Type 330: 1986" DBH, 1660' H, 668" CAL.
 - Type 331: 1992" DBH, 1665' H, 670" CAL.
 - Type 332: 1998" DBH, 1670' H, 672" CAL.
 - Type 333: 2004" DBH, 1675' H, 674" CAL.
 - Type 334: 2010" DBH, 1680' H, 676" CAL.
 - Type 335: 2016" DBH, 1685' H, 678" CAL.
 - Type 336: 2022" DBH, 1690' H, 680" CAL.
 - Type 337: 2028" DBH, 1695' H, 682" CAL.
 - Type 338: 2034" DBH, 1700' H, 684" CAL.
 - Type 339: 2040" DBH, 1705' H, 686" CAL.
 - Type 340: 2046" DBH, 1710' H, 688" CAL.
 - Type 341: 2052" DBH, 1715' H, 690" CAL.
 - Type 342: 2058" DBH, 1720' H, 692" CAL.
 - Type 343: 2064" DBH, 1725' H, 694" CAL.
 - Type 344: 2070" DBH, 1730' H, 696" CAL.
 - Type 345: 2076" DBH, 1735' H, 698" CAL.
 - Type 346: 2082" DBH, 1740' H, 700" CAL.
 - Type 347: 2088" DBH, 1745' H, 702" CAL.
 - Type 348: 2094" DBH, 1750' H, 704" CAL.
 - Type 349: 2100" DBH, 1755' H, 706" CAL.
 - Type 350: 2106" DBH, 1760' H, 708" CAL.
 - Type 351: 2112" DBH, 1765' H, 710" CAL.
 - Type 352: 2118" DBH, 1770' H, 712" CAL.
 - Type 353: 2124" DBH, 1775' H, 714" CAL.
 - Type 354: 2130" DBH, 1780' H, 716" CAL.
 - Type 355: 2136" DBH, 1785' H, 718" CAL.
 - Type 356: 2142" DBH, 1790' H, 720" CAL.
 - Type 357: 2148" DBH, 1795' H, 722" CAL.
 - Type 358: 2154" DBH, 1800' H, 724" CAL.
 - Type 359: 2160" DBH, 1805' H, 726" CAL.
 - Type 360: 2166" DBH, 1810' H, 728" CAL.
 - Type 361: 2172" DBH, 1815' H, 730" CAL.
 - Type 362: 2178" DBH, 1820' H, 732" CAL.
 - Type 363: 2184" DBH, 1825' H, 734" CAL.
 - Type 364: 2190" DBH, 1830' H, 73

CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



VARIANCE Vacant Lot
Alabama Highway 14 East

BZA Application – 150414-01

DATE April 13, 2015

PROPOSED DEVELOPMENT

Petitioner: LLRR Properties, LLC

Property Owners: petitioner

Agent: N/A

Location: Vacant Lot
NE Corner of Old Farm Lane and Alabama Highway 14
East

Development Status and History

Previous Variance Requests/Approvals: N/A

Conditions of Previous Approvals: N/A

Property Configuration

Acreage: 13 acres

Zoning Classification: B-4, Highway Commercial

Relevant District Standards:

**Zoning Ordinance, Article 13, Section 135
General Site and Off-Street Parking Area
Landscaping Requirements.**

(a) Frontage Landscaping and Foundation Planting Requirements.

Frontage landscaping shall require a landscaped strip with a minimum 10-foot depth along all adjacent public rights-of-way. Frontage landscaping shall include a minimum of one (1) tree and six (6) shrubs per full forty (40) linear feet of the frontage strip; shrubs are optional in areas where a berm at

least four (4) feet in height is used, Trees and shrubs shall be well distributed, though not; necessarily evenly spaced.

A lot with less than one hundred fifty (150) feet frontage and adjacent to a right-of-way shall have a frontage strip depth of ten (10) feet; a lot with one hundred fifty (150) feet to two hundred fifty (250) feet frontage shall have a frontage strip depth of twenty (20) feet; **a lot with over 250 feet frontage shall have a frontage strip depth of thirty (30) feet...**

For developments of two (2) or more acres with frontage of to two hundred fifty (250) feet or more, the frontage strip shall be bermed in order to minimize the visual impact of the off-street parking area, unless the Administrator determines that the natural topography does not require site to be bermed. The berm shall not have a slope of greater than one (1) foot of rise per three (3) feet of run, and shall not be less than four (4) feet in height at its apex. Landscaping of bermed perimeter strips shall be in accordance with all requirements as outlined in this section

Foundation Planting shall require a landscaped bed with a minimum depth of five (5) feet along the front of the primary structure. The bed shall contain shrubs, or other greenery with a minimum height of 23 inches and a maximum spacing of four (4) feet. Greenery shall be planted within a bed of mulch or ground cover other than turfgrass, and be protected by some barrier from damage by vehicles and maintenance equipment. Greenery shall be well distributed through not necessarily evenly spaced.

Requested Variance:

Effective variance as re-stated by staff (see application for applicant statement):

1. Reduction of required trees on AL 14 East frontage from 19 to 15 and on the Old Farm Lane frontage from 12 to 9
2. Elimination of required berm on both the AL 14 East and Old Farm Lane frontages
3. Reduction of the required foundation landscaping to less than the required 5'

Statement of Hardship:
(taken from application)

“The owner would bear a hardship by adhering literally to the Parking Area Landscaping Ordinance in that success in the intended business, an automobile retail sales dealership, depends in large part upon the best presentation of the most vehicles to the passing public. The owner proposes to go beyond the planting requirements in some areas and seek relief from certain aspects of the Ordinance in other areas.”

PLANNING STAFF EVALUATION

Reviewed by: Joel T. Duke, AICP

Site Visits Conducted: Several visits in April 2015

Recommendation: Approval – overall spirit of the ordinance is maintained and amount of landscaping required is provided on site.

While a special privilege is confirmed on the applicant, the requested variance is similar to those granted other auto dealerships.

Planning Staff Comments:

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 B-4 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 this ordinance to other lands, structures, or buildings in the same B-4 district;

5. The granting of a variance is in harmony with the intent and purposes of the zoning ordinance;
6. A variance will not 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 a B-4 district.

ATTACHMENTS

1. Location Map
2. Application

CITY OF PRATTVILLE, AL

HWY 14 E
Vacant Lot

Scale: 1" = 400'



- STREETS
- TAX PARCEL





150414-01

Variance

To allow changes in the landscape requirements

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: _____

Street Address: _____

City: _____ State _____ Zip: _____

Phone Number(s): _____

Property Owner Information
If different than above

Name: LLRR LLC

Address of Property Owner: 2800 Woodward Avenue

City: Muscle Shoals State: Alabama Zip: 35661

Phone Number: () (256) 386-7800

Property Description

County Tax Parcel Number/Legal Description: _____

Current Zoning of Property: B2 Physical Address: _____

Proposed Use of Property (generally): Automobile Dealership

Describe Proposed Use or Variance: _____

1) No berming along frontages

2) Fewer than 1 tree per 40 l.f. along frontages (offset by more than minimum number required elsewhere)

3) Less than 5' depth for Foundation planting (approx. 3') and with plantings less than 23" high (groundcover instead, as storefront glass is to be floor-to-ceiling)



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.)

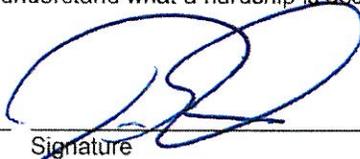
Hardship: The Board requests a statement of hardship to justify any variance application:

"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))

The owner would bear a hardship by adhering literally to the Parking Area Landscape Ordinance in that success in the intended business, an automobile retail sales dealership, depends in large part upon the best presentation of the most vehicles to the passing public. The owner proposes to go beyond the planting requirements in some areas and seek relief from certain aspects of the Ordinance in other areas.

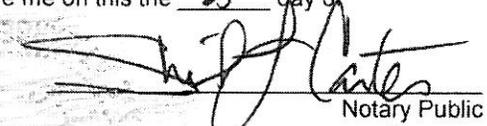
I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore County if applicable), and is a complete list of all 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.

Todd Ouellette
Printed Name

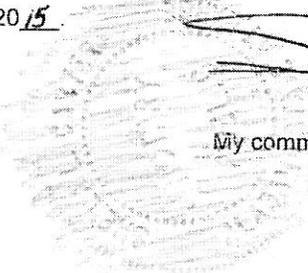

Signature

2-25-15
Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Todd Ouellette, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 25 day of Feb, 2015.


Notary Public

My commission expires 6-9-2015



PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: **LAWRENCE A. BOCK**
 839 HEATHER DRIVE
 PRATTVILLE, AL 36066

REQUEST: **VARIANCE TO ALLOW A RESIDENTIAL USE IN A BUSINESS**
 ZONED DISTRICT.
 135 FIRST STREET
 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 April 14, 2015 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 allow a residential use in a business zoned district contingent to a dedicated 2-car parking space and if residential use laps in a year, the use converts back to business use on property at 135 First Street.**

IT IS THEREFORE ORDERED the petition of Lawrence A. Bock, 839 Heather Drive, Prattville, AL is hereby approved.

DONE THIS THE 14th DAY OF April 2015.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: April 14, 2015

PETITIONER: Prattvillage Associates LLC

ADDRESS OF PETITION: 135 First Street

	NAME	ADDRESS
1.	Al Bock	839 Heather Dr,
2.	Ther Lutz	22018 Street Prattville, al
3.		
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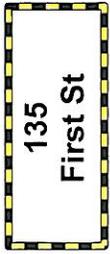
CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	3/23/15
APPLICATION TYPE:	Use-On-Appeal (150414-02)
PROPERTY LOCATION or DESCRIPTION:	135 First Street
PETITIONER(S) AND AGENT(S):	Prattvillage Associates Representative: Al Bock
ZONING DISTRICT(S)	B-2 (General Business)
REQUESTED ACTION:	To allow residential use in a business zoned district.
ZONING ORDINANCE REFERENCE:	<p>Appendix A-Zoning Ordinance Section 72 Business district requirements:</p> <p>B-2 District:</p> <p>USES PERMITTED ON APPEAL: ...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>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</p> <p>R-4 District: Dwellings and apartments for any number of families</p>

CITY OF
PRATTVILLE, AL



Zoning: B-2

Scale: 1" = 100'



— STREETS

□ TAX PARCEL





150414-02

Use-On-Appeal
To allow residential use in a business zoned district



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: LOWREN A. BOCK

Street Address: 839 HEATHER DRIVE

City: PRATTVILLE State: AL Zip: 36066

Phone Number(s): 300-7935 (cell) 365-3416 (ic)

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: SEE ATTACHED

TAX INFORMATION

Current Zoning of Property: B-2 Physical Address: 135 1ST ST.

Proposed Use of Property (generally): RESIDENTIAL RENTAL

Describe Proposed Use or Variance: _____

RENTAL FOR RESIDENCE FOR
SINGLE OR COUPLE - PROPERTY
IS NOT SUITABLE FOR FAMILYS
DUE TO SMALL SIZE APPROX
500 SQ FT.

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:

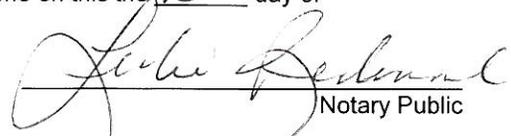
"To authorize upon appeal in specific cases such variance from the terms of the (zoning) ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of the (zoning) ordinance will result in unnecessary hardship and so that the spirit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

N/A

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.

LOWREN A BOCK	Lowren A Bock	12 Mar 15
Printed Name	Signature	Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Lowren A. Bock, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 12th day of March, 2015.


Notary Public

My commission expires **My Commission Expires 11-08-2015**

150414-02/A

Use-On-Appeal
To allow residential use in a business zoned district



MY COPY

CITY OF PRATTVILLE
Board of Zoning Adjustment
Planning Department Staff Report



USE-ON-APPEAL 135 First Street
BZA Application – 150414-02

DATE January 12, 2014

PROPOSED DEVELOPMENT

Petitioners: Lowren A. Bock

Property Owners: petitioner

Agent: N/A

Location: 135 First Street

Development Status and History

Submission Status: Second request at 135 First Street for use-on-appeal for same use. Request presented by Prattvillage Associates at the October 12, 2010 board hearing. Denied by a 3-1 vote. Minutes and order attached.

Previous Approvals: N/A

Conditions of Previous Approvals: None

Property Configuration

Acreeage: 135 First Street is located on a 1.11 acre parcel containing six historic residential structures. Majority of structures were relocated to the lot for use and rental as office, retail and service activities.

Proposed Use: Single-family residential use. Applicant states an intention to limit rental of unit to single individual or couple – unit is not suitable for families due to limited space – approximately 500 square feet.

<i>Current Zoning:</i>	Property is zoned B-2, General Business
<i>Required Zoning:</i>	All residential uses are permitted in a B-2 district with use-on-appeal approval from the Board of Zoning Adjustment.
<i>Consistency with Adopted Future Land Use Plan</i>	The Future Land Plan/Map adopted by the Planning Commission on January 21, 2010 shows the subject property's designation as Mixed-Use – Commercial. The plan states that, "this is a mixed-use category with a focus on commercial. It implies a rezoning, within the framework of which would be outlined allowances – most likely by percentage of square footage – for commercial and accessory uses. It is geared towards the redevelopment of existing commercial areas, so that there would not be a large net gain in retail, while additional complementary uses would be added."
<i>Surrounding Developments and Uses:</i>	<p>The primary land uses to the north, east, and west are business and service establishments. The sole exception is the single family units at 325 S. Chestnut Street.</p> <p>To the south and across First Street is the Glen Park apartment complex and 11 townhouse units on Oak Creek Circle. The remainder of the south side of First Street is commercial uses.</p>
<i>Street Extensions or New Streets:</i>	No new streets required for proposed use. Existing site – no modifications.
<i>Water and Sewer:</i>	Sufficient water and sewer facilities are available for the proposed use.

PLANNING STAFF EVALUATION

Reviewed by: Joel T. Duke, AICP

Site Visits Conducted: April 12, 2015

Recommendation: Based on Future Land Use maps and the location of other higher density residential uses in the surrounding neighborhood, the proposed use should be granted with a certain restrictions.

Planning Staff Comments:

- Strategically placed residential uses are considered an intended and complementary use in the Mixed Use – Commercial land use category. Similar reasoning was used by the Planning Commission and the City Council when considering rezoning of the Continental Eagle property to R-4, Multi-family Residential in 2012.
- To be successfully integrated into an area that is predominately commercial, the residential use must be designed to fit the appearance and practices of the area. The same concept is used when considering home occupations in residential areas. Where the home occupation should offer little evidence of business activity, the residential use in the predominately commercial district should be restricted from activities often overlooked in a residential subdivision such as front yard storage of yard equipment, grills, and other items.
- Given the limited size of the subject structure and the limited presence of residential on the lot, the Board should consider an expiration of the residential use if the unit is later returned to commercial use. The expiration would not preclude the owner from applying for residential again at a later date.

ATTACHMENTS

1. Location Map
2. Application
3. October 12, 2010 Minutes and Order

CITY OF
PRATTVILLE, AL

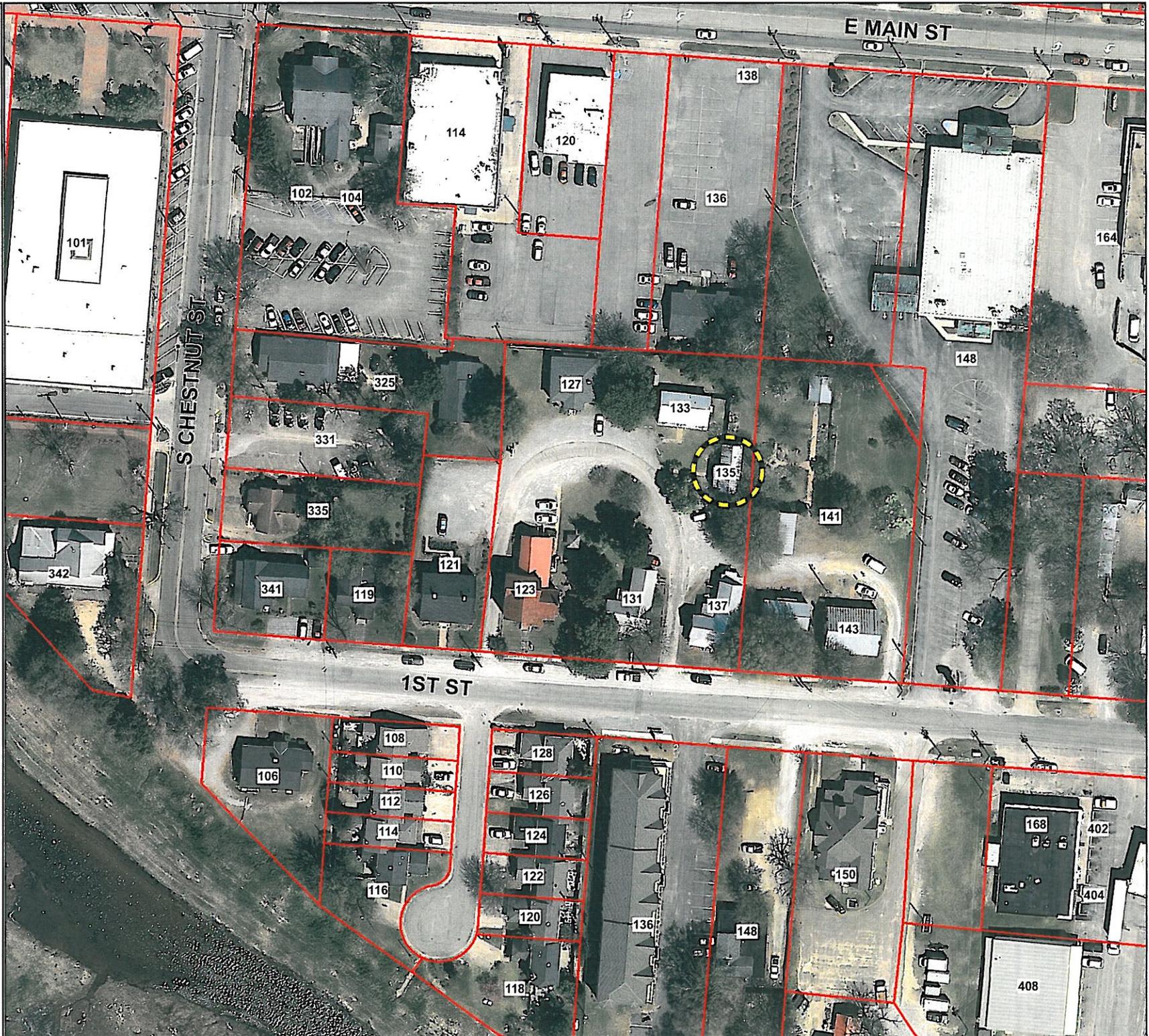
135
First St

Zoning: B-2

Scale: 1" = 100'



— STREETS
□ TAX PARCEL





150414-02

Use-On-Appeal
To allow residential use in a business zoned district



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: LOWREN A. BOCK

Street Address: 839 HEATHER DRIVE

City: PRATTVILLE State: AL Zip: 36066

Phone Number(s): 300-7935 (cell) 365-3416 (ic)

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: SEE ATTACHED

TAX INFORMATION

Current Zoning of Property: B-2 Physical Address: 135 1ST ST.

Proposed Use of Property (generally): RESIDENTIAL RENTAL

Describe Proposed Use or Variance: _____

RENTAL FOR RESIDENCE FOR
SINGLE OR COUPLE - PROPERTY
IS NOT SUITABLE FOR FAMILYS
DUE TO SMALL SIZE APPROX
500 SQ FT.

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:

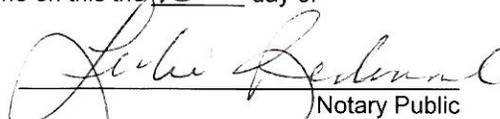
"To authorize upon appeal in specific cases such variance from the terms of the (zoning) ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of the (zoning) ordinance will result in unnecessary hardship and so that the spirit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

N/A

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.

LOWREN A BOCK	Lowren A Bock	12 Mar 15
Printed Name	Signature	Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Lowren A. Bock, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 12th day of March, 2015.


Notary Public

My commission expires **My Commission Expires 11-08-2015**

**City of Prattville Board of Zoning Adjustment
Minutes
October 12, 2010**

CALL TO ORDER:

The meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:02 p.m. on Tuesday, October 12, 2010.

ROLL CALL:

Present: Chairman Leo Jamieson, Vice-Chairman John Gillian, Mr. Mac Macready, and Mrs. Jerry Schanep. 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. Gillian moved to approve the minutes of the May 11, 2010 and September 14, 2010 meetings. Mrs. Schanep seconded the motion. The motion to approve passed unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

VARIANCE

**To encroach (carport) 2.5' into the 10' side yard line.
105 Westbrook Court
R-2 Zoning District (Single Family Residential)
Johnny Batton, Petitioner**

Mr. Duke introduced the petitioner's request for a carport. He stated that the carport would encroach 7.5' into the 10' side yard line leaving 2.5' remaining to the property line.

John Batton, petitioner, stated that the existing double carport would be covered and would be constructed of vinyl covered aluminum. He stated that the water drainage would be contained on his property to flow to the rear drainage.

A letter of support was received from Mr. Michael Gordon; 107 Westbrook Court (101012-01/E) is attached and made a part of the minutes.

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 allow an encroachment 7.5' into the 10' side yard line on property at 105 Westbrook Court.**

USE-ON-APPEAL

**To operate a home child daycare.
107 Hargis Drive
R-2 Zoning District (Single Family Residential)
Florence Griffin, Petitioner**

Mr. Duke introduced the petitioner's request for a customary home occupation. He stated that in previous cases the Board has examined the hours of operation and the amount of traffic that would be generated. Previous cases presented with six or less children were approved without much trouble.

Florence Griffin, petitioner, stated that she resides across the street from a school (Prattville Elementary). She has a handicap granddaughter who lives with her. Her daughter, who does not live with her, will assist her in the childcare business. She stated that she plans to have six or more children in her care. She cited other businesses that are located in the residential neighborhood. She further stated that her property is fenced.

Chairman Jamieson opened the public hearing.

Cynthia Griffin Martin, 275 Fitzpatrick St. Elmore, AL, stated that she will not reside at the property but will be assisting in the home child daycare business.

A letter received via e-mail in support of the request from **Renee & Robert Lloyd, 1103 Honeysuckle Drive** is attached and made a part of the minutes.

The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. **Mr. Gillian moved to approve the request as submitted. Mr. Macready seconded the motion. The BZA voted unanimously to approve the use-on-appeal to operate a home child daycare on property at 107 Hargis Drive.**

VARIANCE

**To encroach (2-carports) into the 10' side yard line.
916 Skidmore Ave
R-2 Zoning District (Single Family Residential)
Christopher Golsan, Petitioner**

Mr. Duke introduced the petitioner's request for encroachment into the 10' side yard line for two carports. He stated that the encroachment is approximately 1' from the property line (9' encroachment).

Christopher Golsan, petitioner, along with his father **Brent Golsan**, presented the request for a free standing awning to cover two vehicles and a camper. Brent Golsan stated that he and his son are co-owners of the camper and it would be parked on his son's property at 916 Skidmore Ave. Mr. C. Golsan stated that the drainage system for the subdivision was designed to flow from one house to the next until it reaches the sewer. He stated that he will do everything necessary to make sure there are no drainage issues on the adjacent property.

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 2/2 on the request for the variance to allow an encroachment (9') into the 10' side yard line on property at 916 Skidmore Avenue. The request was denied for lack of four (4) affirmative votes. The votes**

are as recorded. Favor: Chairman Jamieson and Mr. Gillian. Oppose: Mrs. Schannep and Mr. Macready.

VARIANCE

To encroach (carport) 7' into the 10' side yard line.

613 Vintage Way

R-3 Zoning District (Single Family Residential)

Richard & Deborah Acker, Petitioners

Mr. Duke introduced the petitioner's request to encroach into the side yard line. The property is zoned R-3 and the side yard requirements are 8' on one side and 6' on the other. The petitioner is requesting to encroach into the 8' side where the driveway is located.

Deborah Acker, petitioner, presented the request for a covered carport that would encroach 4.5' into the 8' side yard line. She stated that her disable mother resides with her and her husband. She stated that the home would have to be sold to purchase a handicap accessible home for her and her family. She stated that gutters would be place to divert the drainage flow to the rear of the property.

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. **The BZA voted unanimously to approve the variance to encroach (4.5') into the 8' side yard line on property at 613 Vintage Way.**

USE-ON-APPEAL

To allow residential use in a business zoned district.

135 First Street

B-2 Zoning District (General Business)

Prattvillage Associates, Petitioner

Mr. Duke introduced the petitioner's request to allow residential use in a business district. He stated that the city is interested in seeing mixed use in the downtown district. This is an allowed use with BZA approval.

Al Bock, petitioner representative, presented the request to the BZA. He stated that the property would be used for a single family resident. He stated that Prattvillage Association owns the adjacent property and that there is no interest in converting the adjacent properties for residential use.

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. **Mr. Gillian moved to approve the request as submitted. Mr. Macready seconded the motion. The BZA voted 3/1 to approve the use-on-appeal to allow residential use in a business zoned district on property at 135 First Street. The request was denied for lack of four (4) affirmative votes. The votes are as recorded. Favor: Chairman Jamieson, Mr. Macready, and Mr. Gillian. Oppose: Mrs. Schannep.**

MISCELLANEOUS:

ADJOURN:

After no further comments, questions or discussion the meeting was adjourned at 5:34 pm.

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: PRATTVILLAGE ASSOCIATION
135 FIRST STREET
PRATTVILLE, AL 36067

REQUEST: USE-ON-APPEAL TO ALLOW RESIDENTIAL USE IN A BUSINESS
ZONED DISTRICT
135 FIRST STREET
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 12, 2010 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 deny the use-on-appeal to allow residential use in a business district at property requested.

IT IS THEREFORE ORDERED the petition of Prattvillage Association, 135 First Street, Prattville, AL is hereby denied.

DONE THIS THE 12th DAY OF October 2010.

BOARD OF ZONING ADJUSTMENT


LEO JAMIESON, CHAIRMAN


ALISA MORGAN, SECRETARY

PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: **STANDING BOY PROPERTIES**
 3530 MACON ROAD
 COLUMBUS, GA 31907

REQUEST: **VARIANCE TO ALLOW CHANGES TO THE LANDSCAPE**
 REQUIREMENTS HIGHWAY 14 EAST AND MALWEST DRIVE
 (VACANT LOT)
 B-4 ZONING DISTRICT (HIGHWAY COMMERCIAL)

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 April 14, 2015 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 allow changes to the landscape requirements as presented on property at Highway 14 East (Vacant Lot) on property at 135 First Street.**

IT IS THEREFORE ORDERED the petition of Standing Boy Properties, 3530 Macon Road, Columbus, GA is hereby approved.

DONE THIS THE 14th DAY OF April 2015.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: April 14, 2015

PETITIONER: Standing Boy Properties

ADDRESS OF PETITION: Highway 14 E & Malwest Drive (Vacant Lot)

	NAME	ADDRESS
1.	MIKE JOHNSON	
2.	Brandon B. IT	
3.	Terry Phelps	
4.		
5.		
6.		
7.		
8.		
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13.		
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21.		

CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	3/23/15
APPLICATION TYPE:	Variance (150414-03)
PROPERTY LOCATION or DESCRIPTION:	Highway 14 E/Malwest Drive (Vacant Lot)
PETITIONER(S) AND AGENT(S):	Standing Boy Properties Representative: Terry Phelps
ZONING DISTRICT(S)	B-4 (Highway Commercial)
REQUESTED ACTION:	To allow changes to the landscape requirements.
ZONING ORDINANCE REFERENCE:	<p>Landscaping Ordinance Article 13 Section 135 General Site and Off-Street Parking Area Landscaping Requirements.</p> <p>(a) <u>Frontage Landscaping and Foundation Planting Requirements.</u> Frontage landscaping shall require a landscaped strip with a minimum 10-foot depth along all adjacent public rights-of-way. Frontage landscaping shall include a minimum of one (1) tree and six (6) shrubs per full forty (40) linear feet of the frontage strip; shrubs are optional in areas where a berm at least four (4) feet in height is used, Trees and shrubs shall be well distributed, though not; necessarily evenly spaced.</p> <p>A lot with less than one hundred fifty (150) feet frontage and adjacent to a right-of-way shall have a frontage strip depth of ten (10) feet; a lot with one hundred fifty (150) feet to two hundred fifty (250) feet frontage shall have a frontage strip depth of twenty (20) feet; a lot with over 250 feet frontage shall have a frontage strip depth of thirty (30) feet...</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

Variance
To allow changes to the setback requirements

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: Terry Phelps

Street Address: 3530 Macon Road

City: Columbus State GA Zip: 31907

Phone Number(s): 706-568-2657

Property Owner Information
If different than above

Name: Standing Boy Properties

Address of Property Owner: 3530 Macon Road

City: Columbus State: GA Zip: 31907

Phone Number: (706) 568-2657

Property Description

County Tax Parcel Number/Legal Description: 1901011000001007
Autauga County Legal - Lot 1, Dale-Dees Plat 1, MB 3/PG231
Elmore County Legal - Lot 1, Dale-Dees Plat 1, MB 3/PG231

Current Zoning of Property: B-4 Physical Address: Intersection of Malwest Drive and Highway 14 East

Proposed Use of Property (generally): Restaurant

Describe Proposed Use or Variance: _____

We respectfully request a variance to the landscape setbacks on Highway 14 and Malwest Drive. The Highway 14 landscape setback requirement is 20'. We are requesting a variance to reduce the landscape setback requirement to 11'. The Malwest Drive landscape setback requirement is 30'. We are requesting a variance to reduce the landscape setback requirement to 7'.

Hardship Description:

Due to the site being impacted by two frontage road landscape setbacks and the constraining sloping topography on the north east side of the site, the restaurant is unable to construct enough parking to support its needs without a landscape setback variance. Please note that on highway 14 the right of way crosses the property at an angle which the setback is clipping the proposed parking. On Malwest Drive landscape setback requirement is 30'. Due to the existing topography and storm runoff drainage on the north east side of the site we need to encroach on the Malwest Drive landscape setback in order to support the parking needs of the development. Please note that the majority of Malwest Drive contains a minimum 10' landscape setback. ~~The rear landscape setback is proposed to be encroached by a storm drainage flume. The flume is needed for stormwater conveyance to the detention pond.~~

Does not apply.

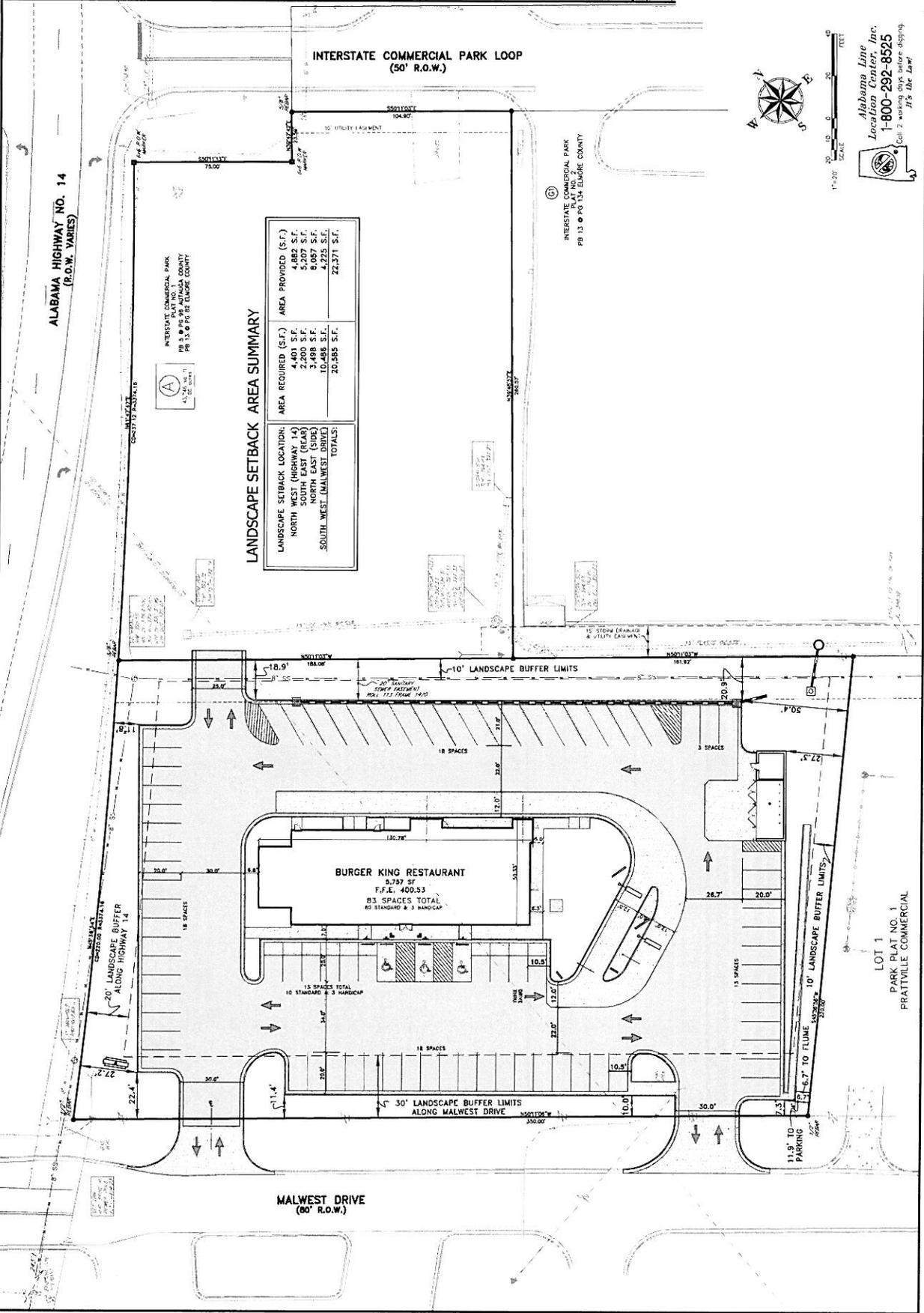
Thank

(BB)

BOLT ENGINEERING INC
 CIVIL ENGINEERING • LAND PLANNING
 1000 N. UNIVERSITY BLVD SUITE 200E
 OXFORD, AL 36850
 PHONE 205-754-7870
 WWW.BOLTEENGINEERING.COM



BURGER KING RESTAURANT
 LAYOUT PLAN
 SEC 6 T17N R17E E14000 COUNTY ALABAMA
 SEC 1 T17N R16E E14000 COUNTY ALABAMA



Alabama Line
 Location: Prattville, AL
 1-800-292-8525
 Call 2 weeks before closing
 JTS Site Law

CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



VARIANCE Vacant Lot
Alabama Highway 14 East/Malwest Drive

BZA Application – 150414-03

DATE April 13, 2015

PROPOSED DEVELOPMENT

Petitioner: Standing Boy Properties
Property Owners: petitioner
Agent: Terry Phelps
Location: Vacant Lot
SE Corner of Malwest Drive and Alabama Highway 14 East

Development Status and History

Previous Variance Requests/Approvals: N/A
Conditions of Previous Approvals: N/A

Property Configuration

Acreage: 1.71 acres
Zoning Classification: B-4, Highway Commercial

Relevant District Standards: **Zoning Ordinance, Article 13, Section 145
General Site and Off-Street Parking Area
Landscaping Requirements.**

(a) Frontage Landscaping and Foundation Planting Requirements.
Frontage landscaping shall require a landscaped strip with a minimum 10-foot depth along all adjacent public rights-of-way. Frontage landscaping shall include a minimum of one (1) tree and six (6) shrubs per full forty (40) linear feet of the frontage strip; shrubs are optional in areas where a berm at

least four (4) feet in height is used, Trees and shrubs shall be well distributed, though not; necessarily evenly spaced.

A lot with less than one hundred fifty (150) feet frontage and adjacent to a right-of-way shall have a frontage strip depth of ten (10) feet; a lot with one hundred fifty (150) feet to two hundred fifty (250) feet frontage shall have a frontage strip depth of twenty (20) feet; **a lot with over 250 feet frontage shall have a frontage strip depth of thirty (30) feet...**

For developments of two (2) or more acres with frontage of to two hundred fifty (250) feet or more, the frontage strip shall be bermed in order to minimize the visual impact of the off-street parking area, unless the Administrator determines that the natural topography does not require site to be bermed. The berm shall not have a slope of greater than one (1) foot of rise per three (3) feet of run, and shall not be less than four (4) feet in height at its apex. Landscaping of bermed perimeter strips shall be in accordance with all requirements as outlined in this section

Requested Variance:

Effective variance as re-stated by staff (see application for applicant statement):

1. Reduction of required depth of landscaped area on AL 14 East frontage from 20' to 11' and on the Malwest Drive frontage from 30' to 7'
2. Elimination of required berm on both the Malwest Drive frontage

Statement of Hardship:
(taken from application)

“Due to the site being impacted by two frontage road landscape setbacks and the constraining sloping topography on the northeast side of the site, the restaurant is unable to construct enough parking to support its needs without a landscaping setback variance. Please note that on Highway 14 the right-of-way cross the property at an angle which the (required) setback is clipping the proposed parking. On Malwest Drive landscaping setback requirement is 30'. Due to the existing topography and storm runoff drainage on the northeast side of the site we need to encroach on the Malwest Drive landscape

setback in order to support the parking needs of the development. Please note that the majority of Malwest Drive contains a minimum 10' landscape setback.”

PLANNING STAFF EVALUATION

Reviewed by: Joel T. Duke, AICP

Site Visits Conducted: Several visits in April 2015

Recommendation: Approval – overall spirit of the ordinance is maintained and amount of landscaping required is provided on site. Lot was platted prior to initial adoption of landscaping codes in the 1999.

Planning Staff Comments:

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 B-4 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 this ordinance to other lands, structures, or buildings in the same B-4 district;
5. The granting of a variance is in harmony with the intent and purposes of the zoning ordinance;
6. A variance will not 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 a B-4 district.

ATTACHMENTS

1. Location Map
2. Application

CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	3/23/15
APPLICATION TYPE:	Variance (150414-03)
PROPERTY LOCATION or DESCRIPTION:	Highway 14 E/Malwest Drive (Vacant Lot)
PETITIONER(S) AND AGENT(S):	Standing Boy Properties Representative: Terry Phelps
ZONING DISTRICT(S)	B-4 (Highway Commercial)
REQUESTED ACTION:	To allow changes to the landscape requirements.
ZONING ORDINANCE REFERENCE:	<p>Landscaping Ordinance Article 13 Section 135 General Site and Off-Street Parking Area Landscaping Requirements.</p> <p>(a) <u>Frontage Landscaping and Foundation Planting Requirements.</u> Frontage landscaping shall require a landscaped strip with a minimum 10-foot depth along all adjacent public rights-of-way. Frontage landscaping shall include a minimum of one (1) tree and six (6) shrubs per full forty (40) linear feet of the frontage strip; shrubs are optional in areas where a berm at least four (4) feet in height is used, Trees and shrubs shall be well distributed, though not; necessarily evenly spaced.</p> <p>A lot with less than one hundred fifty (150) feet frontage and adjacent to a right-of-way shall have a frontage strip depth of ten (10) feet; a lot with one hundred fifty (150) feet to two hundred fifty (250) feet frontage shall have a frontage strip depth of twenty (20) feet; a lot with over 250 feet frontage shall have a frontage strip depth of thirty (30) feet...</p>

CITY OF
PRATTVILLE, AL

Intersection Of
Malwest Dr
& Hwy 14 E

Zoning: B-4

Scale: 1" = 200'



- STREETS
- TAX PARCEL





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

Variance
To allow changes to the setback requirements

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: Terry Phelps

Street Address: 3530 Macon Road

City: Columbus State GA Zip: 31907

Phone Number(s): 706-568-2657

Property Owner Information
If different than above

Name: Standing Boy Properties

Address of Property Owner: 3530 Macon Road

City: Columbus State: GA Zip: 31907

Phone Number: (706) 568-2657

Property Description

County Tax Parcel Number/Legal Description: 1901011000001007
Autauga County Legal - Lot 1, Dale-Dees Plat 1, MB 3/PG231
Elmore County Legal - Lot 1, Dale-Dees Plat 1, MB 3/PG231

Current Zoning of Property: B-4 Physical Address: Intersection of Malwest Drive and Highway 14 East

Proposed Use of Property (generally): Restaurant

Describe Proposed Use or Variance: _____

We respectfully request a variance to the landscape setbacks on Highway 14 and Malwest Drive. The Highway 14 landscape setback requirement is 20'. We are requesting a variance to reduce the landscape setback requirement to 11'. The Malwest Drive landscape setback requirement is 30'. We are requesting a variance to reduce the landscape setback requirement to 7'.

Hardship Description:

Due to the site being impacted by two frontage road landscape setbacks and the constraining sloping topography on the north east side of the site, the restaurant is unable to construct enough parking to support its needs without a landscape setback variance. Please note that on highway 14 the right of way crosses the property at an angle which the setback is clipping the proposed parking. On Malwest Drive landscape setback requirement is 30'. Due to the existing topography and storm runoff drainage on the north east side of the site we need to encroach on the Malwest Drive landscape setback in order to support the parking needs of the development. Please note that the majority of Malwest Drive contains a minimum 10' landscape setback. ~~The rear landscape setback is proposed to be encroached by a storm drainage flume. The flume is needed for stormwater conveyance to the detention pond.~~

Does not apply.

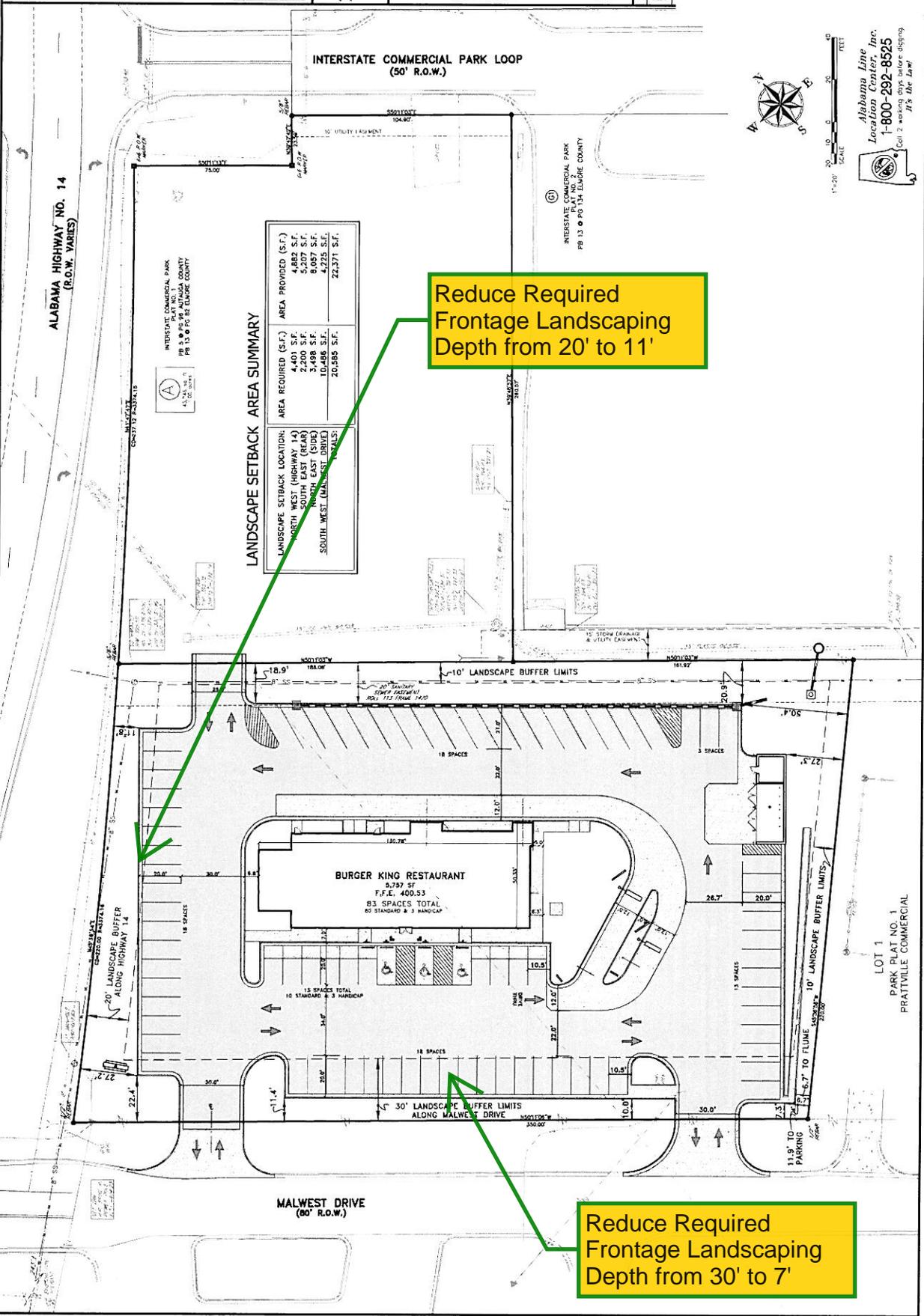
Thank

(BB)

BOLT ENGINEERING INC
CIVIL ENGINEERING • LAND PLANNING
10000 Highway 14, Prattville, AL 36068
Phone: 205-336-7878
www.boltingengineering.com



BURGER KING RESTAURANT
LAYOUT PLAN
SEC 6 T17N R17E E10R00 COUNTY ALABAMA
SEC 1 T17N R16E E10R00 COUNTY ALABAMA
PARK PLAT NO. 1
PARKVILLE COMMERCIAL



LANDSCAPE SETBACK AREA SUMMARY

LANDSCAPE SETBACK LOCATION:	AREA REQUIRED (S.F.)	AREA PROVIDED (S.F.)
NORTH WEST (HIGHWAY 14)	4,401 S.F.	4,882 S.F.
SOUTH EAST (NEAR)	2,200 S.F.	5,207 S.F.
SOUTH WEST (NEAR)	10,488 S.F.	4,225 S.F.
SOUTH WEST (MAIN DRIVE)	20,585 S.F.	22,371 S.F.

Reduce Required Frontage Landscaping Depth from 20' to 11'

Reduce Required Frontage Landscaping Depth from 30' to 7'

North Arrow

1" = 20' SCALE

Alabama Line Location Inc.
1-800-292-8525
Call 2, making sure before doing JTS Site Plan

PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: PRATTVILLE AIRPORT AUTHORITY
1450 AVIATION WAY
PRATTVILLE, AL 36066

REQUEST: USE-ON-APPEAL TO ALLOW A SIGN IN THE RIGHT-OF-WAY.
GROUBY AIRPORT ROAD AND HIGHWAY 14 WEST
RIGHT-OF-WAY

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 April 14, 2015 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 allow a sign in the right-of-way as submitted on property at Grouby Airport Road and Highway 14 West.**

IT IS THEREFORE ORDERED the petition of Prattville Airport Authority, 1450 Aviation Way, Prattville, AL is hereby approved.

DONE THIS THE 14th DAY OF April 2015.

BOARD OF ZONING ADJUSTMENT



LEO JAMESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: April 14, 2015

PETITIONER: Prattville Airport Authority

ADDRESS OF PETITION: Grouby Airport Road/Highway 14 West

	NAME	ADDRESS
1.	<u>Amy Brabha</u>	<u>Chamber of Comm.</u>
2.	<u>Catherine Cook</u>	<u>116 Maple St, Prattville</u>
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____
16.	_____	_____
17.	_____	_____
18.	_____	_____
19.	_____	_____
20.	_____	_____
21.	_____	_____

CITY OF PRATTVILLE
 Board of Zoning Adjustment

Planning Department Staff Report



DATE:	3/27/15
APPLICATION TYPE:	Variance (150414-04)
PROPERTY LOCATION or DESCRIPTION:	Grouby Airport Road/Highway 14 W
PETITIONER(S) AND AGENT(S):	Prattville Airport Authority Representative: Amy Brabham
ZONING DISTRICT(S)	
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>

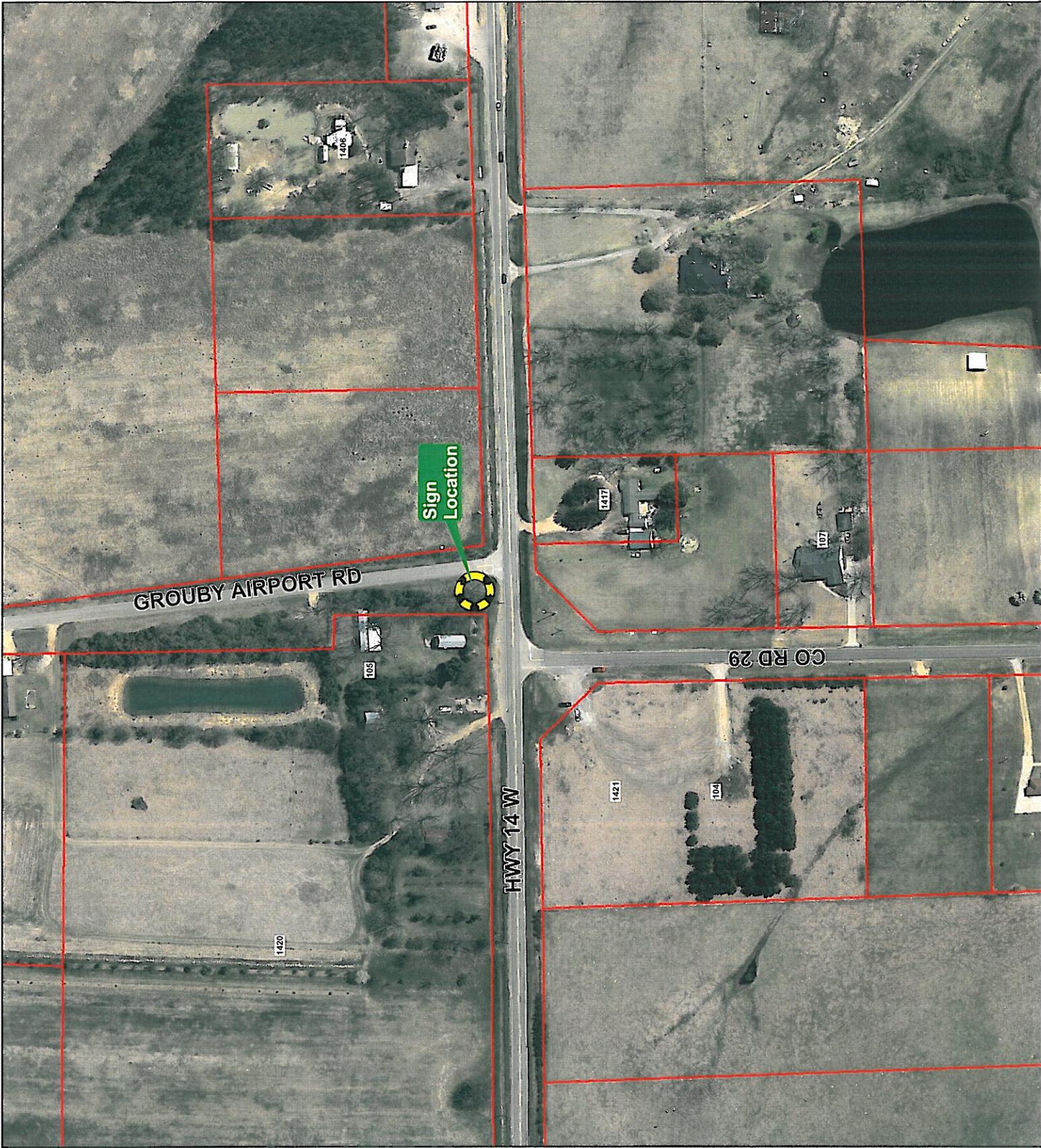
CITY OF
PRATTVILLE, AL

Intersection Of
Grouby Airport Rd
& Hwy 14 W

Scale: 1" = 200'



— STREETS
□ TAX PARCEL





150414-04

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

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

Use-On-Appeal Variance Administrative Appeal

Applicant /Agent Information

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

Name: City of Prattville Airport Authority
Street Address: 1450 Aviation Way
City: Prattville State AL Zip: 36067
Phone Number(s): 334-361-0060

Property Owner Information

If different than above

Name: City of Prattville Airport Authority
Address of Property Owner: SAA
City: _____ State: _____ Zip: _____
Phone Number: () _____

Property Description

County Tax Parcel Number/Legal Description: NW corner of Grouby Airport Rd and Highway 14 West

Current Zoning of Property: _____ Physical Address: Grouby Airport Rd.

Proposed Use of Property (generally): Signage

Describe Proposed Use or Variance: Request airport sign to be located in City right-of-way at the above described corner.

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 *(Right-of-Way)*
- 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). *Approved by Mayor for reduction of fee to \$50.*
- 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)

N/A

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.

Joseph F Mathis Joseph F Mathis 3/25/15
 Printed Name Signature Date

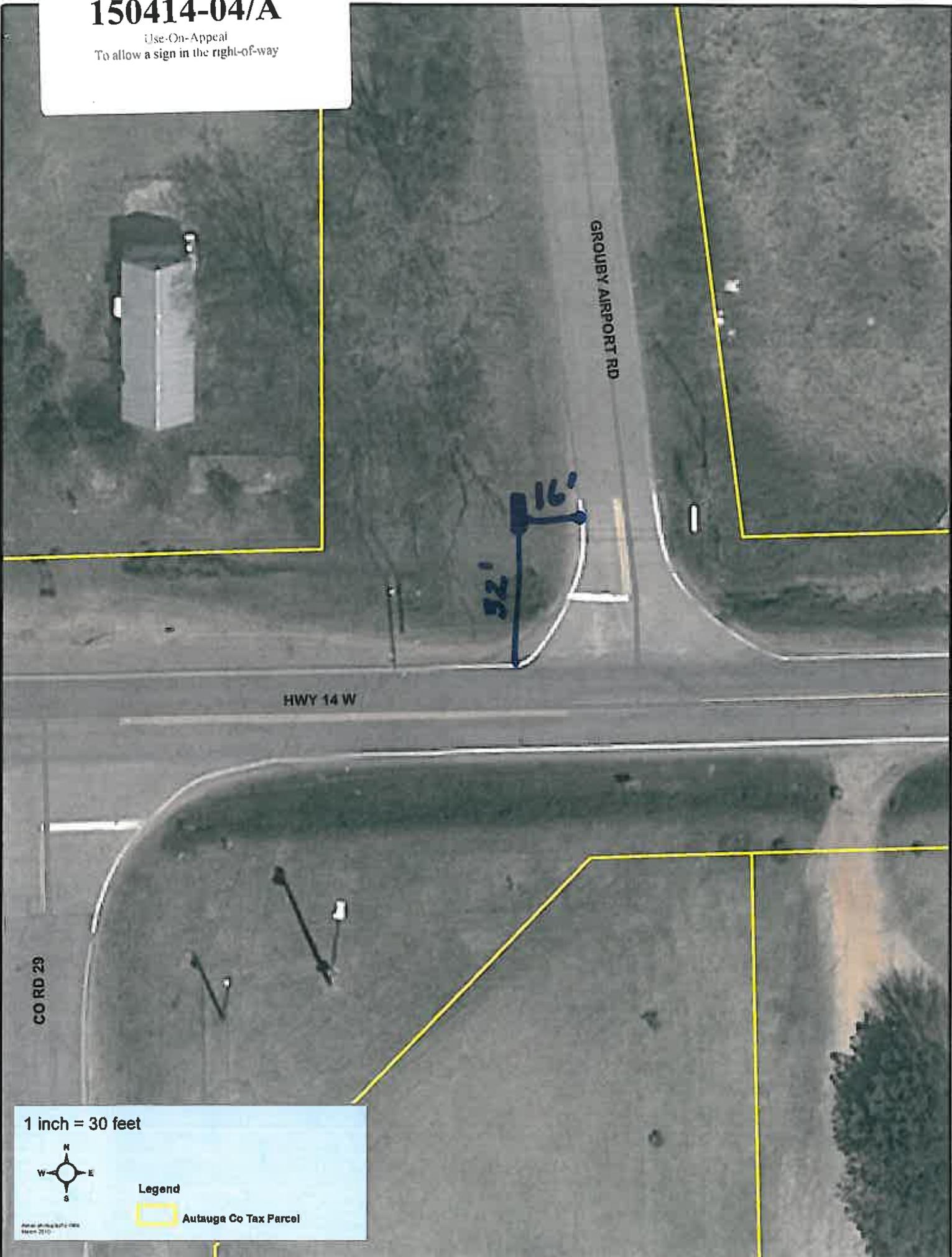
I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Joseph F. Mathis, whose name is signed to the foregoing petition, and who is known to me, acknowledged same before me on this the 25 day of March, 2016.

[Handwritten Signature]
 My commission expires 3/1



150414-04/A

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



1 inch = 30 feet

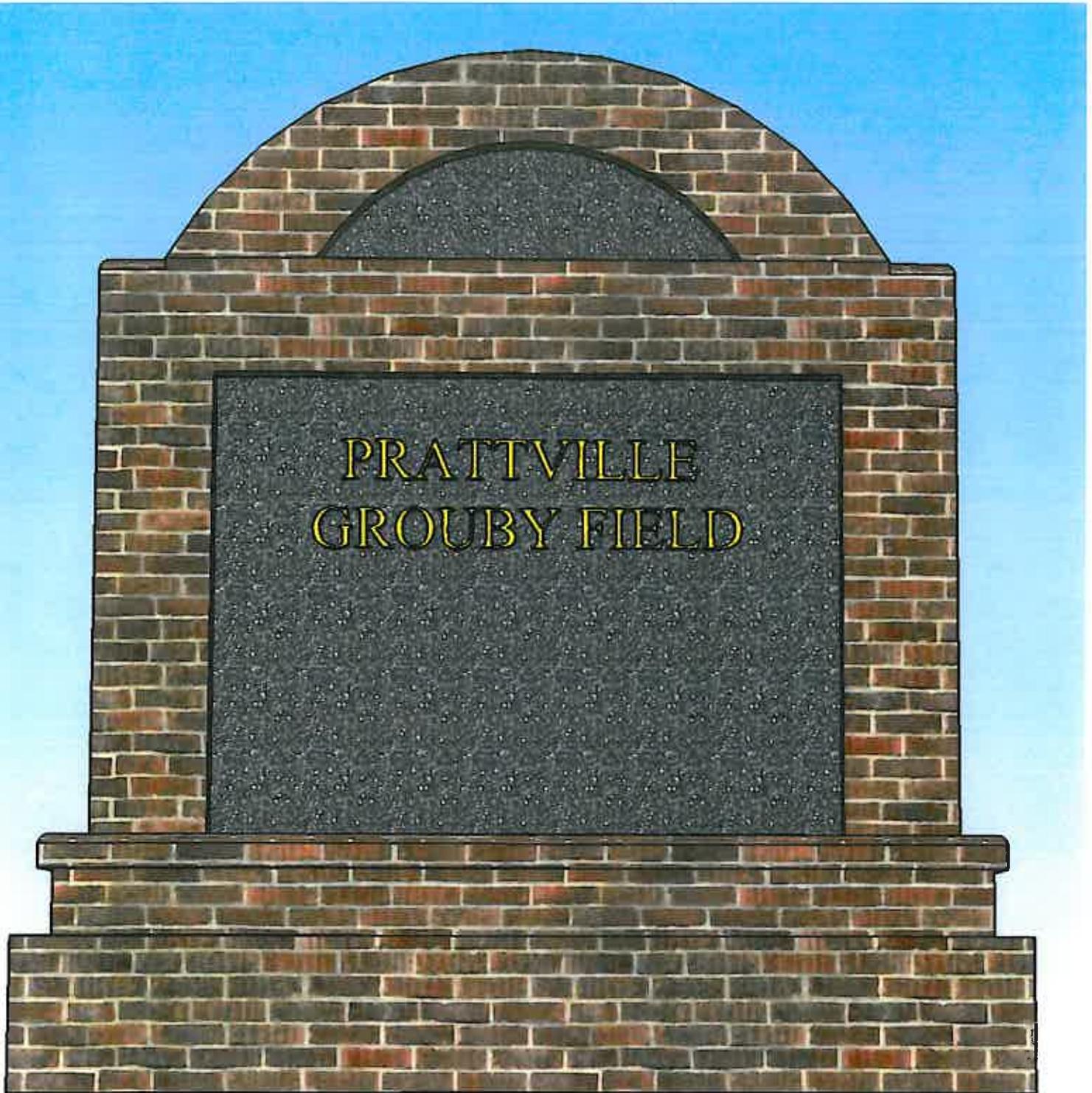


Legend

 Autauga Co Tax Parcel

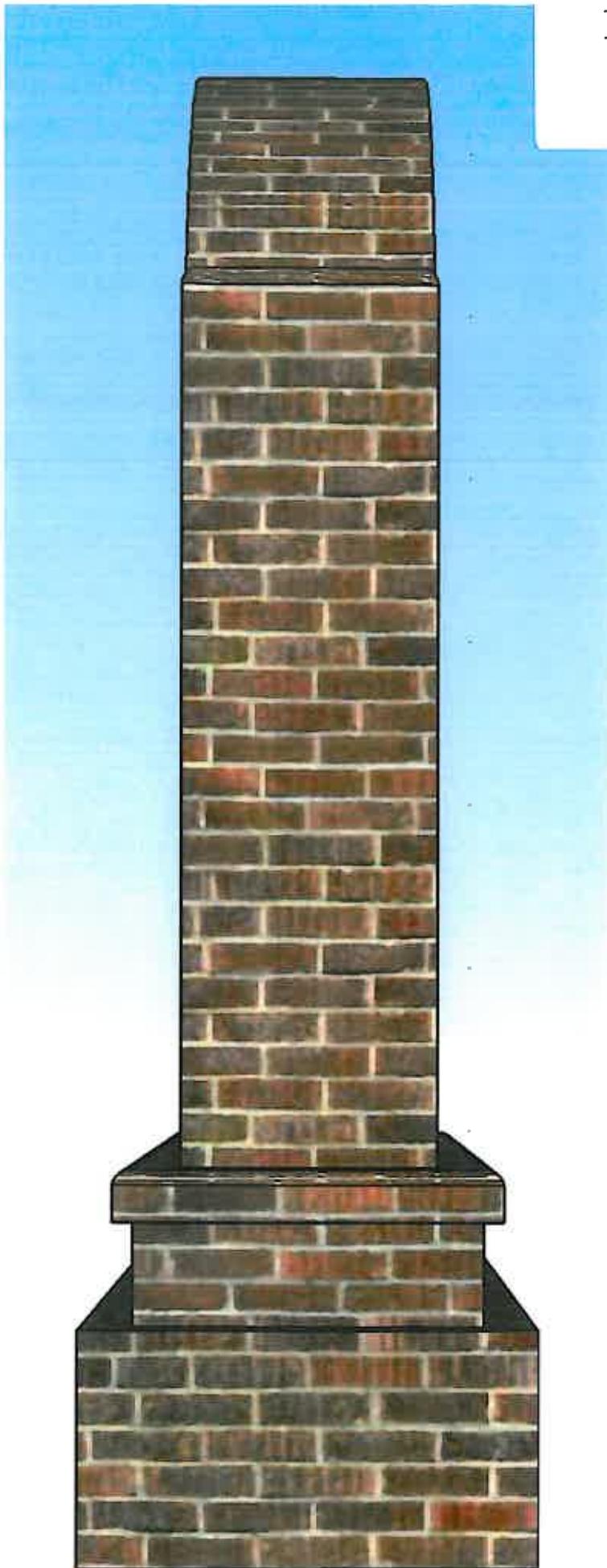
150414-04/B

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



150414-04/C

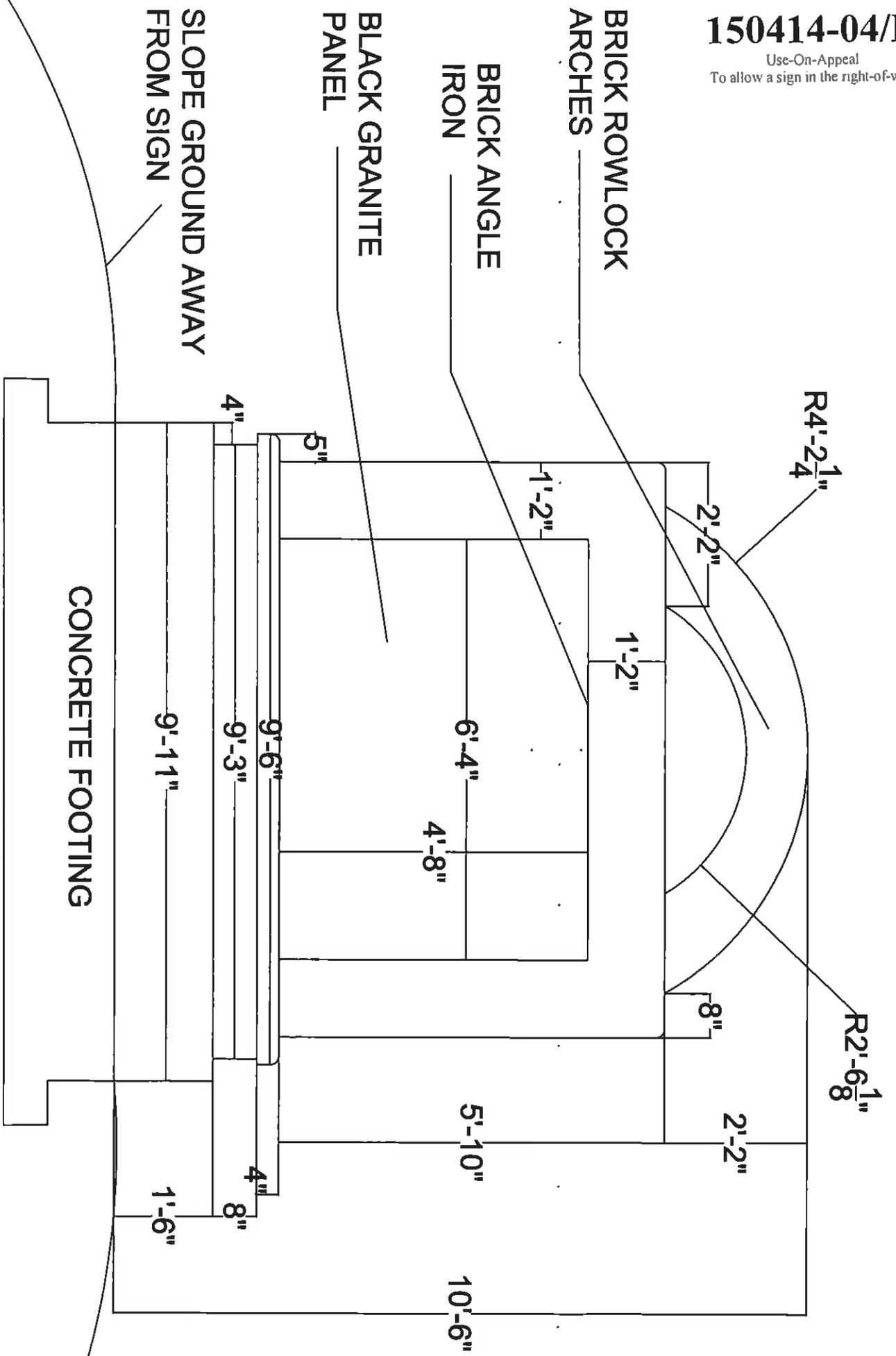
Use-On-Appeal
To allow a sign in the right-of-way



revised 3/26/11

150414-04/D

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



SLOPE GROUND AWAY FROM SIGN

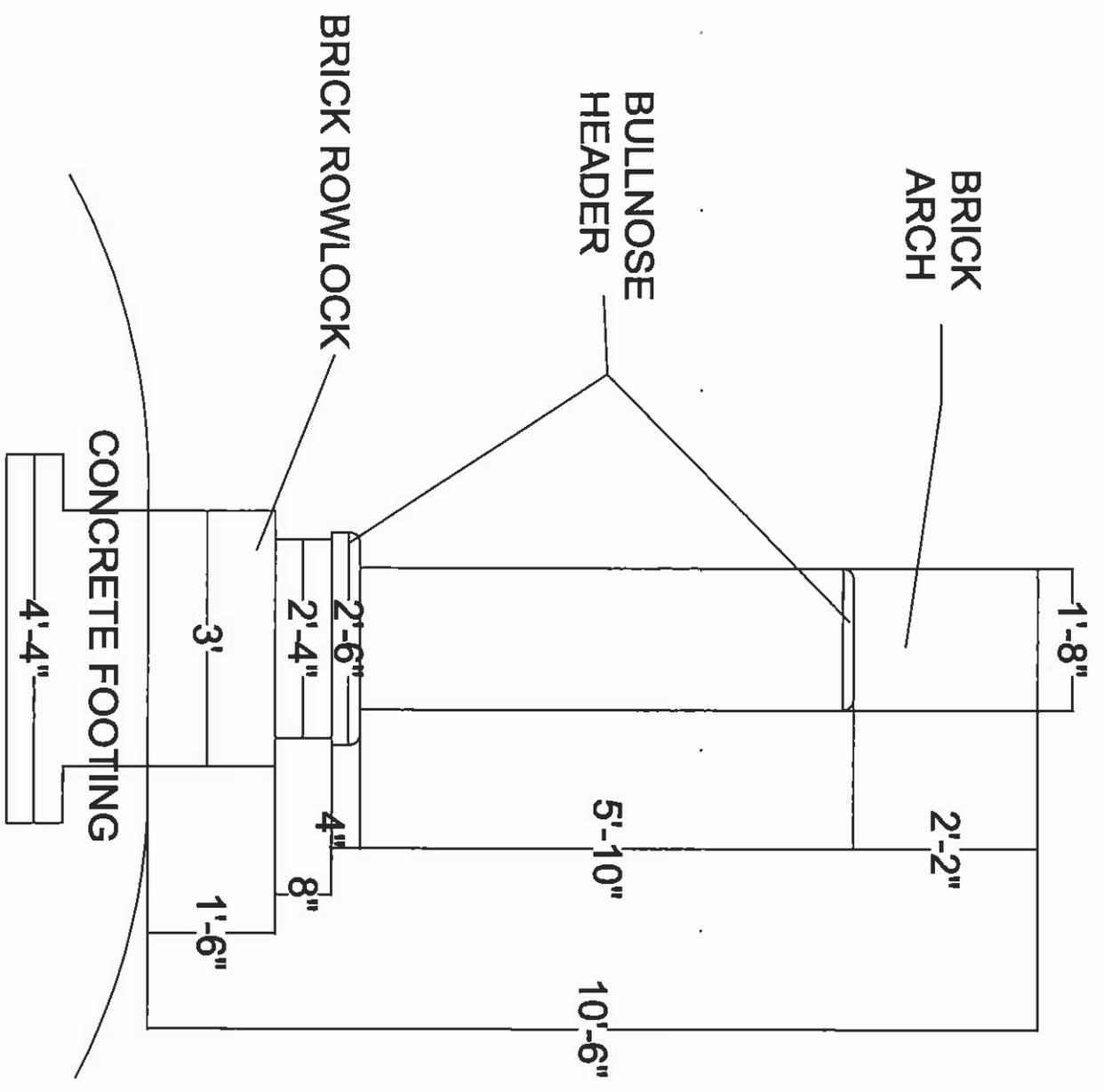
CONCRETE FOOTING

FRONT ELEVATION

SCALE: 1/2" = 1"

(REAR ELEVATION SAME)

Revised 3/26/15



SIDE ELEVATION
SCALE: 1/2" = 1"

revised 3/12/15



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 BOONI DISTRICT 7
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MEMORANDUM

DATE: April 9, 2015

TO: Mark Thompson, Police Chief

FROM: Joel T. Duke, City Planner

RE: Sign Located on the Public Right-of-Way
Grouby Airport Road/Alabama 14

Attached is a site and sign plan submitted by the Prattville Airport Authority for placement of a new sign at the NW corner of Grouby Airport Road and Alabama Highway 14. The proposed location is within the right-of-way of Grouby Airport Road. Per Section 132 of the city's zoning ordinance (copy provide below), the Board of Zoning Adjustment may consider and grant a request to locate a sign in the ROW, but only after receiving the written opinion of the Police Chief. You may use the space provided below to indicate your opinion and attach as many additional sheets are needed.

Zoning Ordinance, Article 12, Section 132. - General sign regulations.

(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. The foregoing provision shall not apply to public event signs authorized by other procedures contained in this article.*

Approve as Submitted Approve with Conditions Do Not Approve

MCS



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

MEMORANDUM

DATE: April 9, 2015
TO: Joel T. Duke, City Planner
FROM: Joel T. Duke
RE: Sign Located on the Public Right-of-Way
Grouby Airport Road/Alabama 14



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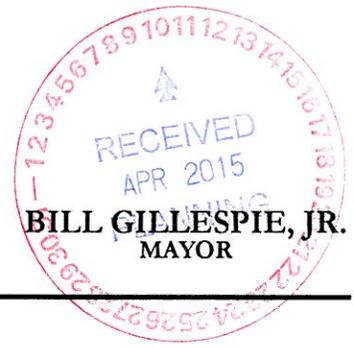
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Approve as Submitted **Approve with Conditions** **Do Not Approve**

[Handwritten signature] 4/13/2015



CITY OF PRATTVILLE



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

MEMORANDUM

DATE: April 9, 2015

TO: Terry Brown, Fire Chief

FROM: Joel T. Duke, City Planner 

RE: Sign Located on the Public Right-of-Way
Grouby Airport Road/Alabama 14

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Approve as Submitted Approve with Conditions Do Not Approve





CITY OF PRATTVILLE

BILL GILLESPIE, JR.
MAYOR

CITY COUNCIL

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MEMORANDUM

DATE: April 9, 2015
TO: Robby Anderson, City Engineer
FROM: Joel T. Duke, City Planner *JTD*
RE: Sign Located on the Public Right-of-Way
 Grouby Airport Road/Alabama 14

Attached is a site and sign plan submitted by the Prattville Airport Authority for placement of a new sign at the NW corner of Grouby Airport Road and Alabama Highway 14. The proposed location is within the right-of-way of Grouby Airport Road. Per Section 132 of the city's zoning ordinance (copy provide below), the Board of Zoning Adjustment may consider and grant a request to locate a sign in the ROW, but only after receiving the written opinion of the City Engineer. You may use the space provided below to indicate your opinion and attach as many additional sheets are needed.

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Approve as Submitted Approve with Conditions Do Not Approve

AS MARKED 4/10/15. PA