



# CITY OF PRATTVILLE

**BILL GILLESPIE, JR.**  
MAYOR

---

## CITY COUNCIL

**WILLIE WOOD, JR.**  
PRESIDENT  
DISTRICT 2

**ALBERT C. STRIPLIN**  
PRESIDENT PRO TEMPORE  
DISTRICT 1

**DENISE B. BROWN**  
DISTRICT 3

**JERRY STARNES**  
DISTRICT 4

**CLYDE CHAMBLISS, JR.**  
DISTRICT 5

**RAY C. BOLES**  
DISTRICT 6

**LORA LEE BOONE**  
DISTRICT 7

## City of Prattville Board of Zoning Adjustment

The minutes of the August 9, 2016 regular meeting of the City of Prattville Board of Zoning Adjustment were approved.

September 13, 2016

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Leo Jamieson, Chairman

Date

### PLANNING & DEVELOPMENT DEPARTMENT

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



# CITY OF PRATTVILLE

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DISTRICT 7

**CITY OF PRATTVILLE  
BOARD OF ZONING ADJUSTMENT  
A G E N D A  
August 9, 2016  
4:00pm**

**Call to Order:**

**Roll Call:**

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

**Election of Officers:**

**Minutes:**

July 12, 2016

**Old Business:**

None

**New Business:**

- |              |  |                   |
|--------------|--|-------------------|
| 1. 160809-01 | USE-ON-APPEAL<br>To allow an offsite sign.<br>1595 South Memorial Drive<br>B-2 Zoning District (General Business)<br>Circle C Trailer Company, LLC, Petitioner                       | <i>District 2</i> |
| 2. 160809-02 | VARIANCE<br>To encroach into the required 10' side yard setback<br>1101 Cooper Avenue<br>R-2 Zoning District (Single Family Residential)<br>Genie & Richard Grooms, Petitioners      | <i>District 6</i> |
| 3. 160809-03 | USE-ON-APPEAL<br>To allow use for a temporary structure<br>960 East Main Street<br>B-2 Zoning District (General Business)<br>Bowen-Arrow, LLC, Petitioner                            | <i>District 6</i> |
| 4. 160809-04 | VARIANCE<br>To make changes to the landscape requirements<br>Medical Center Drive (Vacant Lot)<br>B-2 Zoning District (General Business)<br>Danny Clements Builder, Inc., Petitioner | <i>District 3</i> |

**Miscellaneous:**

**Adjourn**

**City of Prattville Board of Zoning Adjustment  
Minutes  
August 9, 2016**

**CALL TO ORDER:**

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:04 p.m. on Tuesday, August 9, 2016.

**ROLL CALL:**

Present: Chairman Leo Jamieson, Vice-Chairman James Miles, Mr. Gerald Cimis, Mr. Mac Macready, and Mrs. Jerry Schannep. Absent: None.

***Quorum Present***

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

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

**MINUTES:**

Mr. Macready moved to approve the minutes of the July 12, 2016 meeting. Mrs. Schannep seconded the motion. The motion passed unanimously.

**OLD BUSINESS:**

There was no old business to discuss.

**NEW BUSINESS:**

**USE-ON-APPEAL**

**To allow an offsite sign.**

**1595 South Memorial Drive**

**B-2 Zoning District (General Business)**

**Circle C Trailer Company, LLC, Petitioner**

Mr. Duke introduced the request for a use-on-appeal at 1595 South Memorial Drive. He stated that the request is for an offsite sign which will advertise a business at another location.

Billy Cutter, petitioner, stated that he is the owner of Circle C Trailer Company which is located at 1720 Highway 82 West. He stated that he plans to move the business closer into the city and posted a sign at the current location without knowledge of needing a permit. He stated that he received permission from the property owner to place the sign on the property but did not obtain a permit. He stated that it may take some time to relocate the business to the proposed location, but wants potential customers to know that the business exists and where it's presently located.

Chairman Jamieson opened the public hearing.

Lee Reynolds, property owner of 1595 South Memorial Drive, spoke in favor of the request. He stated that he purchased the six acre property in 1994. A portion of the property has been successfully leased to B&G Equipment Supply for four years. The remaining approximately three acre portion would be leased to Circle C Trailer Company. He stated that there is no city sewer currently on the property so that limits the types of business that can use the site.

The public hearing was closed.

The vote was called. Mr. Cimis moved to establish the finding of facts: 1. The proposed off-site sign is an allowable use-on-appeal, and is not a prohibited use in a B-2 district; 2. Development of the off-site sign at 1595 S. Memorial Drive is in the public interest and meets the spirit of the City of Prattville Zoning Ordinance and 3. The proposed temporary structure will not cause substantial adverse impact to adjacent or nearby properties or uses.

Mr. Macready moved to approve the finding of facts. Mr. Miles seconded the motion.

The motion to approve the finding of facts passed unanimously.

Mr. Cimis moved to approve the request based on the approved finding of facts contingent that the use-on-appeal status for the sign expire should the business move to this location. Mr. Crosby seconded the motion.

The motion to approve passed unanimously.

The BZA voted unanimously to approve the use-on-appeal to allow an offsite sign contingent that the use expire should the business move to location at 1595 South Memorial Drive.

#### **VARIANCE**

**To encroach into the required 10' side yard setback**

**1101 Cooper Avenue**

**R-2 Zoning District (Single Family Residential)**

**Genie & Richard Grooms, Petitioners**

Mr. Duke introduced the request for a variance at 1101 Cooper Avenue. He stated that the request is for a side yard setback encroachment into the 10' yard line. Inspection of the site in conjunction with a request for an addition to the main structure revealed the encroachment of the existing carport which is currently a non-conforming structure. He stated that the carport encroaches 2 ½' into the east side yard.

Genie & Richard Grooms, petitioners, presented their request for a 2 ½' side yard variance. Ms. Grooms stated that the carport's front pole is in compliance but the rear pole encroaches into the side yard line. Mr. Grooms stated that the pie shaped lot tapers to the rear and causes the encroachment of the rear pole. They stated that the carport has been there since 2008.

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

*Mr. Miles recused himself from voting because of a possible conflict of interest.*

The vote was called. Mr. Cimis moved to establish the finding of facts: 1. The special conditions and circumstances do result from actions of the applicant; 2. The granting of a variance will confer a special privilege on the applicant that is denied by the zoning ordinance to other lands, structures, or buildings in the same R-2 district; 3. The granting of a variance is in harmony with the intent and purposes of the zoning ordinance because of the unique shape of the lot; and 4. A variance will not adversely affect the surrounding property, the general neighborhood, or the community as a whole. Mrs. Schannep seconded the motion.

The motion to approve the finding of facts passed by 4/0 vote. (*Mr. Miles recused himself*).

Mr. Cimis moved to approve the request based on the finding of facts. Mrs. Schannep seconded the motion.

The motion to approve based on the finding of facts passed by 4/0 vote. (*Mr. Miles recused himself*).

The BZA voted unanimously to approve the variance to encroach into the required 10' side yard setback at 1101 Cooper Avenue.

**USE-ON-APPEAL**

**To allow use for a temporary structure  
960 East Main Street  
B-2 Zoning District (General Business)  
Bowen-Arrow, LLC, Petitioner**

Mr. Duke introduced the request for a use-on-appeal at 960 East Main Street. He stated that the request is for a temporary structure to be used until the permanent structure is built. He stated that the staff recommends approval.

Brad Flowers of Flowers & White Engineering, petitioner's representative, presented the request for a temporary structure to be used as an office building until the permanent office is constructed. He stated that the existing building will be completely demolished and reconstructed. He stated that parking on Chambliss and Peachtree Streets will be utilized during construction. All renovations will be contained within the property. Mr. Flowers estimated construction to last for three to four months.

Mr. Duke stated that 18 months is the standard time frame granted for temporary structures. The petitioner's projected construction time is well within the frame.

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

The vote was called. Mr. Cimis moved to establish the finding of facts: 1. The proposed temporary structure is an allowable use-on-appeal, and is not a prohibited use in a B-2 district; 2. Development of the proposed temporary structure at 960 East Main Street is in the public interest and meets the spirit of the City of Prattville Zoning Ordinance; and 3. The proposed temporary structure will not cause substantial adverse impact to adjacent or nearby properties or uses. Mrs. Schannep seconded the motion.

The motion to approve the finding of facts passed unanimously.

Mr. Miles moved to approve the request based on the approved finding of facts contingent that the use does not exceed 18 months. Mrs. Schannep seconded the motion.

The motion to approve passed unanimously.

The BZA voted unanimously to approve the use-on-appeal to allow a temporary structure contingent that the use does not exceed 18 months on property at 960 East Main Street.

**VARIANCE**

**To make changes to the landscape requirements  
Medical Center Drive (Vacant Lot)  
B-2 Zoning District (General Business)  
Danny Clements Builder, Inc., Petitioner**

Mr. Duke introduced the request for a variance at the southeast corner of Fairview Avenue and Medical Center Drive Intersection. He stated that the request is for a reduction of the frontage 20' landscape setback to 10' at Medical Center Drive and Fairview Avenue.

Danny Clements, petitioner's representative, presented the request for a reduction of 10' to the frontage landscape requirements. He stated that the lot was developed prior to the landscape ordinance which has created a hardship in the development of the proposed medical office.

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

The vote was called. Mr. Cimis moved to establish the finding of facts: 1. The granting of a variance is in harmony with the intent and purposes of the zoning ordinance; 2. A variance will not adversely affect the surrounding property, the general neighborhood, or the community as a whole; and 3. A variance will not allow the establishment of a use prohibited under the terms of the zoning ordinance in a B-2 district. Mrs. Schannep seconded the motion.

The motion to approve the finding of facts passed unanimously.

Mr. Cimis moved to approve based on the finding of facts with a reduction from 20' to 10' at the frontage of Fairview Avenue and from 20' to approximately 7' at the frontage of Medical Center Drive. Mrs. Schannep seconded the motion.

The motion to approve based on the finding of facts passed unanimously.

The BZA voted unanimously to approve the variance to change the landscape requirements from 20' to 10' at the frontage of Fairview Avenue and from 20' to approximately 7' at Medical Center Drive.

**MISCELLANEOUS:**

**ADJOURN:**

After no further comments, questions or discussion the meeting was adjourned at 4:40 p.m.

Respectfully submitted,



Alisa Morgan, Secretary  
Board of Zoning Adjustment

PRATTVILLE BOARD OF ZONING ADJUSTMENT

**PETITIONER:** CIRCLE C TRAILER COMPANY LLC  
1720 HIGHWAY 82 WEST  
PRATTVILLE, AL 36067

**REQUEST:** USE-ON-APPEAL TO ALLOW AN OFFSITE SIGN  
1595 SOUTH MEMORIAL DRIVE  
B-2 ZONING DISTRICT (GENERAL BUSINESS)

**ORDER**

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on August 9, 2016 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the use-on-appeal to allow an offsite sign contingent that the use expire should the business move to location at 1595 South Memorial Drive.**

**IT IS THEREFORE ORDERED** the petition of Circle C Trailer Company, LLC, 1595 South Memorial Drive, Prattville, AL is hereby approved.

**DONE THIS THE 9th DAY OF August 2016.**

**BOARD OF ZONING ADJUSTMENT**

  
\_\_\_\_\_  
LEO JAMIESON, CHAIRMAN

  
\_\_\_\_\_  
ALISA MORGAN, SECRETARY

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

**MEETING DATE:** August 9, 2016

**PETITIONER:** Circle C Trailer Company, LLC

**ADDRESS OF PETITION:** 1595 South Memorial Drive

|     | NAME                | ADDRESS                               |
|-----|---------------------|---------------------------------------|
| 1.  | <i>Billy Catter</i> | <i>1720 Hwy 82 west Prattville</i>    |
| 2.  | <i>Joe Reynolds</i> | <i>P.O. Box 270 Shelton, AL 36075</i> |
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



**USE-ON-APPEAL**                      Off-Site Sign  
1595 South Memorial Drive  
  
BZA Application – 160809-01  
  
**DATE**                                      August 8, 2016

**PROPOSED DEVELOPMENT**

**Petitioners:**                              Circle C Trailer Company, LLC (Billy Cutter, Sr.)  
**Property Owners:**                      L & L Properties, Inc.  
**Agent:**                                      Bill Cutter, Sr.  
**Location:**                                  1595 South Memorial Drive

**Development Status and History**

*Submission Status:*                      Portion of lot developed and used for equipment rental business.  
  
No other requests on file for variances or uses-on-appeal at this address  
  
*Previous Approvals:*                      None  
  
*Conditions of Previous Approvals:*                      N/A

**Property Configuration**

*Acreage:*                                      Approximately 6.5 acres  
  
*Existing Structures*                      Site contains 8,200 square foot site-built commercial structure used for an equipment rental business. Site contains one freestanding sign.  
  
*Proposed Use:*                              Single sign facing S. Memorial Drive. Two 4' x 8' signs installed in a V configuration on three 4 x 4 posts. Sign is

less than 25' in height and greater than 15' from edge of pavement.

Sign advertises use located at a site (1720 Highway 82 West) other than 1595 S. Memorial Drive.

Sign installed prior to application for permit.

*Current Zoning:* B-2 (General Business)

*Required Zoning:* Off-site signs are permitted in B-2 zones as a use-on-appeal. See Prattville Zoning Ordinance, Section 134. - District regulations. (c) Business districts

*Surrounding Developments and Uses:* The property north, south east, and west of the site is zoned B-2, General Business.

*Street Extensions or New Streets:* N/A

*Water and Sewer:* N/A

## **PLANNING STAFF EVALUATION**

**Reviewed by:** Joel T. Duke, AICP

**Site Visits Conducted:** June 27, 2016

**Recommendation:** Approval based on the following:

1. Site zoned for business.
2. Previous approvals in S. Memorial Drive corridor for off-site signs - primarily billboards.
3. Per other requirements of Zoning Ordinance Article 12, this large site can accommodate more than one freestanding sign (see Section 132. - General sign regulations, subsection (f)).

### **Planning Staff Comments:**

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

1. The proposed off-site sign is an allowable use-on-appeal, and is not a prohibited use in a B-2 district.
2. Development of the off-site sign at 1595 S. Memorial Drive is in the public interest and meets the spirit of the City of Prattville Zoning Ordinance.
3. The proposed temporary structure will not cause substantial adverse impact to adjacent or nearby properties or uses.

## **ATTACHMENTS**

- A. Staff photograph

ATTACHMENT A



**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



|  |  |
|--|--|
| <b>DATE:</b>                             | 7/11/16  |
| <b>CASE FILE NUMBER:</b>                 | 160809-01  |
| <b>APPLICATION TYPE:</b>                 | Use-On-Appeal  |
| <b>PROPERTY LOCATION or DESCRIPTION:</b> | 1595 South Memorial Drive  |
| <b>PETITIONER(S) AND AGENT(S):</b>       | Circle C Trailer Company, LLC<br>Agent: Billy Cutter, Sr.  |
| <b>ZONING DISTRICT(S)</b>                | B-2 (General Business)   |
| <b>REQUESTED ACTION:</b>                 | Offsite sign   |
| <b>ZONING ORDINANCE REFERENCE:</b>       | <b>Appendix A-Zoning Ordinance Article 12. Signs. Section 134 District Regulations (c) Business districts, office districts, and manufacturing districts.-</b><br><br><b>PERMITTED ON APPEAL:</b><br>Offsite signs |

CITY OF  
PRATTVILLE, AL

1595  
S Memorial Dr

Zoning: B-2

Scale: 1" = 200'



STREETS  
TAX PARCEL





160809-01

Use-On-Appeal  
Offsite Sign

Deadline July 8 4:00pm  
Mtg Aug 9. 4:00pm

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: Circle C Trailer Company LLC (Billy P. Cutter Sr)  
Street Address: 1720 Hwy 82 west  
City: Prattville AL 36067 State AL Zip: 36067  
Phone Number(s): 334-301-9520

**Property Owner Information**

If different than above

Name: L&L Properties Inc (Lee Reynolds - Prop/owner)  
Address of Property Owner: PO Box 270  
City: Shonter State: AL Zip: 36075  
Phone Number: (334) 318-5700

**Property Description**

County Tax Parcel Number/Legal Description: 19 06 23 4 000 032.000

Current Zoning of Property: B-2 Physical Address: 1595 S. Memorial Drive

Proposed Use of Property (generally): Off-site sign

Describe Proposed Use or Variance: I Billy Cutter installed the sign on the lot not knowing we needed a permit. The sign was put there to generate more business for Circle C trailers. I hope that one day we could move our trailers to the said lot. we are a small company and wanting to grow in the city of Prattville. we have talked with the lot owner and have been talking with Mr Joel Duke. we would appreciate you allowing us to leave the sign on the lot. Thank you.



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)*

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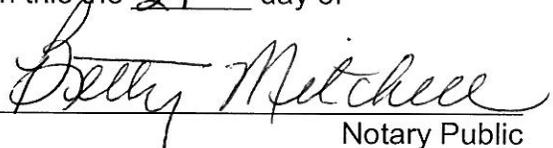
I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore County if applicable), and is a complete list of all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

Lee Reynolds  
Printed Name

  
Signature

6/29/16  
Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Lee Reynolds, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 29<sup>th</sup> day of June, 2016.

  
Notary Public

My commission expires 8/8/2019

**PRATTVILLE BOARD OF ZONING ADJUSTMENT**

**PETITIONER:**            **RICHARD M & GENIE G. GROOMS**  
                                 **1101 COOPER AVENUE**  
                                 **PRATTVILLE, AL 36066**

**REQUEST:**                **VARIANCE TO ENCROACH INTO THE REQUIRED 10' SIDE**  
                                 **YARD SETBACK**  
                                 **1101 COOPER AVENUE**  
                                 **R-2 ZONING DISTRICT (SINGLE FAMILY RESIDENTIAL)**

**ORDER**

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on August 9, 2016 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the variance to encroach into the required 10' side yard setback on property at 1101 Cooper Avenue.**

**IT IS THEREFORE ORDERED** the petition of Richard M & Genie G. Grooms, 1101 Cooper Avenue, Prattville, AL is hereby approved.

**DONE THIS THE 9th DAY OF August 2016.**

**BOARD OF ZONING ADJUSTMENT**

  
\_\_\_\_\_  
**LEO JAMIESON, CHAIRMAN**

  
\_\_\_\_\_  
**ALISA MORGAN, SECRETARY**

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

**MEETING DATE:** August 9, 2016

**PETITIONER:** Genie & Richard Grooms

**ADDRESS OF PETITION:** 1101 Cooper Avenue

|     | NAME                   | ADDRESS                 |
|-----|------------------------|-------------------------|
| 1.  | <i>Genie G. Grooms</i> | <i>1101 Cooper Ave.</i> |
| 2.  | <i>Richard Grooms</i>  | <i>1101 Cooper Ave.</i> |
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment  
Planning Department Staff Report



**VARIANCE** 1101 Cooper Avenue  
BZA Application – 160809-02

**DATE** August 8, 2016

**PROPOSED DEVELOPMENT**

**Petitioner:** Genie and Richard Grooms

**Property Owners:** same as petitioner

**Agent:** N. A.

**Location:** 1101 Cooper Avenue

**Development Status and History**

*Previous Variance Requests/Approvals:* No previous variances

*Conditions of Previous Approvals:* N/A

**Property Configuration**

*Acreage:* Approximately 0.35 acres (15,246 square feet)

*Zoning Classification:* R-2, Single Family Residential

*Relevant Standards:* Prattville Zoning Ordinance

Section 4. – Uses

(B) Any use or structure existing at the time of enactment or of subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued with the following limitations: Any use or structure which does not conform to the provisions of this ordinance, except with the written approval of the Board of Zoning Adjustment, shall not be:

- (a) Chained to another nonconforming use.

- (b) Re-established after discontinued [discontinuance] for one (1) year.
- (c) Rebuilt after fire or storm loss, exceeding its value, above foundation, at the time of loss.

Section 5. - Building lots, yards and open spaces.

In each district, each structure, hereafter erected or altered, shall be provided with the yards specified and shall be on a lot of the area and width specified in Article 7. No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure.

Exceptions to the district requirements for building lots and yards follow:

- a. Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable him to conform to the yard and other requirements of this ordinance, one (1) building and its accessory structures may be built provided the yard space and other requirements conform as closely as possible, in the opinion of the Board of Zoning Adjustment, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than five (5) feet in width.
- b. No building need be set back more than the average of the setbacks of the existing residences within one hundred (100) feet each side thereof.

Section 68 – Definitions.

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

Section 71— R-2 Districts

Minimum Lot Size: 10,500 square feet

Maximum Lot Coverage: 45%

Yard Setbacks:

Front: 35'

Rear: 40'

Sides: 10'

*Requested Variance:* Effective variance as re-stated by staff (see application for applicant statement): Attached carport installed in the side yard. Due to angle of east side property line, a portion of the carport extends into the required 10' side yard. Requesting variance for an encroachment of no greater than 2.5 feet (closest corner is 7.5 feet from property line). Property owner believes variance is justified due to irregular space of their lot compared to surrounding subdivision lots.

*Statement of Hardship:*  
(taken from application) "Our statement of hardship is that we would hope the board would take into consideration that we be allowed a permit for construction of an additional room onto our dwelling. Our house has only one bath and two small bedrooms. We really need the 2<sup>nd</sup> bath and a little more room in the master bedroom.

We thank you for your consideration."

### **PLANNING STAFF EVALUATION**

**Reviewed by:** Joel T. Duke, AICP

**Site Visits Conducted:** May 26, 2016 and June 22, 2016

**Recommendation:** Recommend denial. Encroaching carport is a portable unit that may be moved.

### **Planning Staff Comments:**

On March 19, 2016, the petitioner's contractor applied for a permit to add a 345 square foot addition to the rear of the single-family residential house at 1101 Cooper Avenue. Upon inspection, the zoning administrator determined that a portion of the existing structure, an attached carport on the east side of the structure, extends 2.5 feet into the required 10 foot side setback. Upon finding a non-conforming structure and failing to find record of the lot

being zoned differently at construction or a previous variance, the administrator denied the requested permit based on the non-conforming use clauses found in Section 4 (B) of the city's zoning ordinance. The addition for which the denied permit is requested is a not a part of, nor does it increase the side yard encroachment. The applicant is requesting a variance to account for the non-conformance of the existing structure and allowance for the addition.

State code, board rules, and best practices require the BZA to measure variance requests against several basic standards. Below is the Planning Department staff's opinion regarding the standards and this request.

1. No special conditions and circumstances exist regarding this structure which are not applicable to other lands, structures, or buildings in the same R-2 zoning district.
2. A literal interpretation of the zoning ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.
3. The special conditions and circumstances do result from actions of the applicant.
4. The granting of a variance will confer a special privilege on the applicant that is denied by the zoning ordinance to other lands, structures, or buildings in the same R-2 district;
5. The granting of a variance is not 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 an R-2 district.

## **ATTACHMENTS**

Attachment A. – Staff photograph of property.

Attachment A



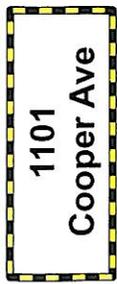
**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



|  |   |
|--|---|
| <b>DATE:</b>                             | 7/28/16   |
| <b>CASE FILE NUMBER:</b>                 | 160809-02   |
| <b>APPLICATION TYPE:</b>                 | Variance  |
| <b>PROPERTY LOCATION or DESCRIPTION:</b> | 1101 Cooper Avenue  |
| <b>PETITIONER(S) AND AGENT(S):</b>       | Richard & Genie Grooms  |
| <b>ZONING DISTRICT(S)</b>                | R-2 (Single Family Residential)   |
| <b>REQUESTED ACTION:</b>                 | Variance to encroach into the required 10' side yard setback.   |
| <b>ZONING ORDINANCE REFERENCE:</b>       | <b>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</b><br><b>R-2 District:</b><br>Minimum Yard Size<br>Front yard - 35'<br>Rear Yard – 40'<br>Side Yard – 10' |

CITY OF  
PRATTVILLE, AL



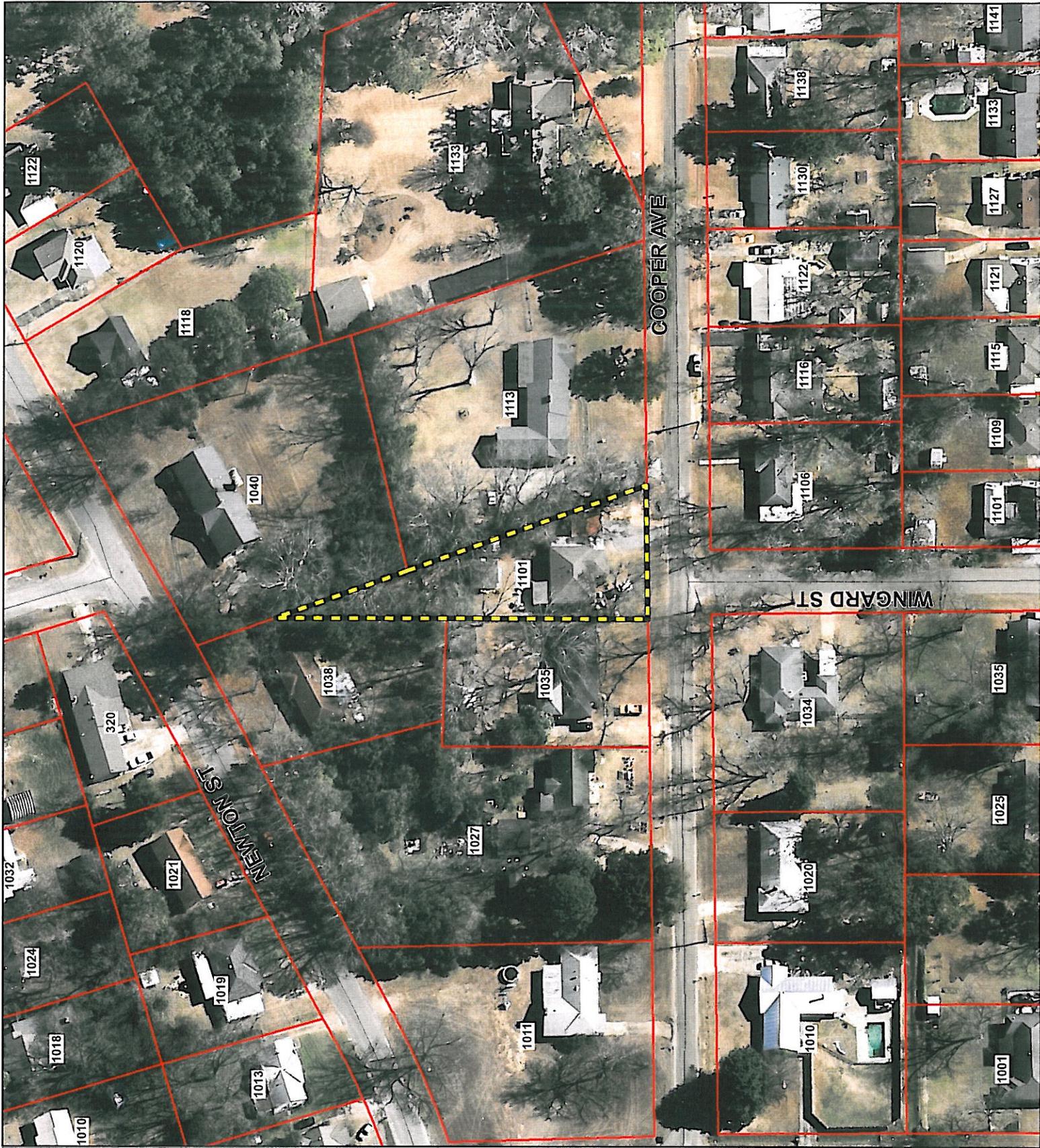
Zoning: R-2

Scale: 1" = 100'



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

**Application  
Prattville Board of Zoning Adjustment**

Application Type:  Use-On-Appeal  Variance  Administrative Appeal

**Applicant /Agent Information**

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

Name: Richard M. and Genie G Grooms  
Street Address: 1101 Cooper Av.  
City: Prattville State: Al. Zip: 36066  
Phone Number(s): H-3343655859 C-3347990180

**Property Owner Information**

If different than above

Name: \_\_\_\_\_  
Address of Property Owner: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone Number: ( ) \_\_\_\_\_

**Property Description**

County Tax Parcel Number/Legal Description: Attached

Current Zoning of Property: \_\_\_\_\_ Physical Address: 1101 Cooper Av.

Proposed Use of Property (generally): \_\_\_\_\_

Describe Proposed Use or Variance: \_\_\_\_\_

Last post of carport is 71/2 feet away from property line.

Asking for minimal amount of variance to allow carport to stay in place. We believe we are impacted differently than our neighbors because of the shape of our lot.

Property owners next to us:

Russell Harris Morris Woodfin

1113 Cooper Av. 1035 Cooper Av.

Prattville, Al. 36066 Prattville, Al. 36066

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)

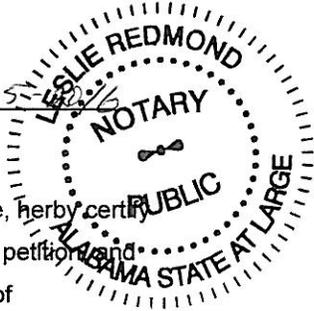
Our statement of hardship is that we would hope the board would take into consideration that we be allowed a permit for construction of an additional room onto our dwelling.

Our house has only one bath and 2 small bedrooms. We really need the 2nd bath and a little more room in the master bedroom.

We thank you for your consideration

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.

Genie G. Groom      Genie G. Groom      7-5-16  
 Printed Name                      Signature                      Date



I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Genie G. Grooms, whose name is signed to the forgoing petition and who is known to me, acknowledged same before me on this the 5<sup>th</sup> day of July, 2016.

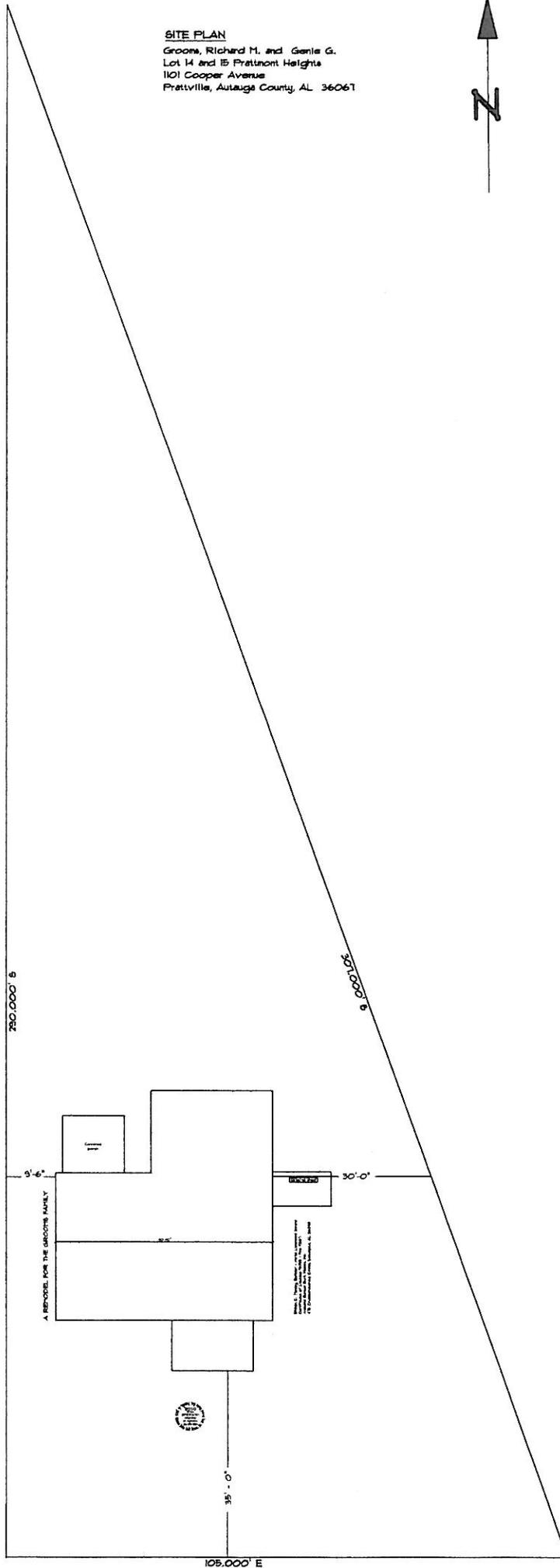
July, 2016

Leslie Redmond  
Notary Public

My Commission Expires 10/05/2019

**SITE PLAN**

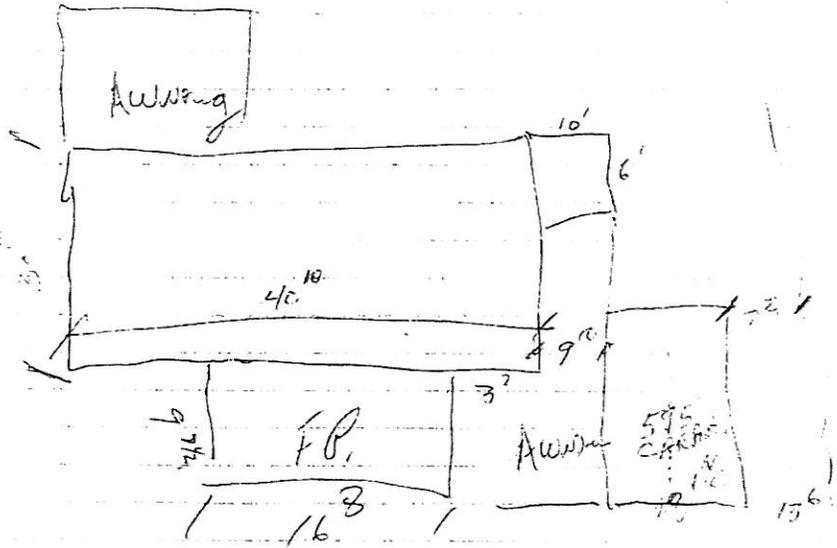
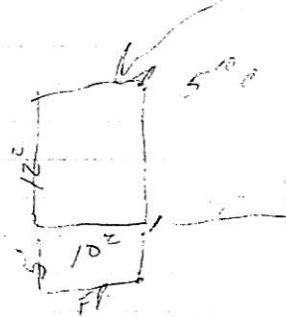
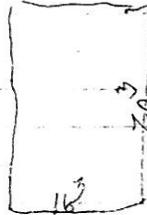
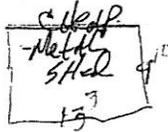
Groons, Richard M. and Genie G.  
Lot 14 and 15 Prattmont Heights  
1101 Cooper Avenue  
Prattville, Autauga County, AL 36067



Call @ Bill Mackey  
430-26046

if any questions

$3 \times 20^3 = 329.06$   
 $\times 10^2 = 123.69$   
 $\times 16^2 = 160.42$   
 $\times 40^0 = 1259.03$   
TOTAL SQ FT 1872.2



**PRATTVILLE BOARD OF ZONING ADJUSTMENT**

**PETITIONER:** BOWEN-ARROW, LLC  
740 SOUTH MEMORIAL DRIVE  
PRATTVILLE, AL 36067

**REQUEST:** USE-ON-APPEAL TO ALLOW A TEMPORARY STRUCTURE  
960 EAST MAIN STREET  
B-2 ZONING DISTRICT (GENERAL BUSINESS)

**ORDER**

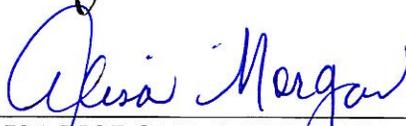
The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the 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 August 9, 2016 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the use-on-appeal to allow a temporary structure contingent that the use does not exceed 18 months on property at 960 East Main Street.**

**IT IS THEREFORE ORDERED** the petition of Bowen-Arrow, LLC, 960 East Main Street, Prattville, AL is hereby approved.

**DONE THIS THE 9th DAY OF August 2016.**

**BOARD OF ZONING ADJUSTMENT**

  
\_\_\_\_\_  
LEO JAMESON, CHAIRMAN

  
\_\_\_\_\_  
ALISA MORGAN, SECRETARY

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

MEETING DATE: August 9, 2016

PETITIONER: Bowen-Arrow, LLC

ADDRESS OF PETITION: 960 East Main Street

|     | NAME                | ADDRESS                                    |
|-----|---------------------|--|
| 1.  | <u>Bred Flowers</u> | <u>2744 Central Pkwy. Montgomery 36106</u> |
| 2.  | _____               | _____                                      |
| 3.  | _____               | _____                                      |
| 4.  | _____               | _____                                      |
| 5.  | _____               | _____                                      |
| 6.  | _____               | _____                                      |
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| 18. | _____               | _____                                      |
| 19. | _____               | _____                                      |
| 20. | _____               | _____                                      |
| 21. | _____               | _____                                      |

**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report

---



**USE-ON-APPEAL**

Bowen-Arrow, LLC  
960 East Main Street

BZA Application – 160809-03

**DATE**

August 8, 2016

**PROPOSED DEVELOPMENT**

**Petitioners:**

Bowen-Arrow, LLC

**Property Owners:**

Same

**Agent:**

Flower and White Engineering

**Location:**

960 East Main Street (southeast corner of East Main Street/Peachtree Street intersection)

**Development Status and History**

*Submission Status:*

Initial request for temporary structure

*Previous Approvals:*

N.A.

*Conditions of Previous Approvals:*

N.A.

**Property Configuration**

*Acreage:*

Approximately 0.51 acres

*Proposed Use:*

Temporary office building for use while new structure is constructed.

*Current Zoning:*

B-2, General Business

*Required Zoning:*

Primary use (office) is permitted without additional approval by BZA. Site plan review and approval by the Planning Department is required before proposed commercial use can operate from the site.

|   |   |
|---|---|
| <i>Surrounding Developments and Uses:</i> | Surrounding property fronting East Main Street is zoned B-2 and used as business or institutional uses (fire station). Property to south and southeast is zoned and used as single-family residential |
| <i>Street Extensions or New Streets:</i>  | None proposed.  |
| <i>Water and Sewer:</i>                   | Adequate potable water and sanitary sewer for the proposed use is provided to the site.   |

**PLANNING STAFF EVALUATION**

**Reviewed by:** Joel T. Duke, AICP

**Site Visits Conducted:** April 8, 2016

**Recommendation:** This use has been referred to the BZA for approval of a temporary structure. The petitioner is requesting to approval for use of a temporary structure for an 18 month period. The petitioner has presented preliminary plans to the Planning Department showing the demolition of the existing office building on the site and construction of a new office structure with the same tenant (ALFA Insurance). The temporary structure will allow the current tenant to maintain operations on the site during construction. The separation of customer and construction traffic on the site is the Planning Department's primary concern with this request. The applicant's plan for parking and separation is sufficient. The request should be approved.

**Planning Staff Comments:**

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

1. The proposed temporary structure is an allowable use-on-appeal, and is not a prohibited use in a B-2 district.
2. Development of the proposed temporary structure at 960 East Main Street is in the public interest and meets the spirit of the City of Prattville Zoning Ordinance.

3. The proposed temporary structure will not cause substantial adverse impact to adjacent or nearby properties or uses.

**ATTACHMENTS**

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

**CITY OF PRATTVILLE**  
 Board of Zoning Adjustment  
 Planning Department Staff Report



|  |  |
|--|--|
| <b>DATE:</b>                             | 7/28/16  |
| <b>CASE FILE NUMBER:</b>                 | 160809-03  |
| <b>APPLICATION TYPE:</b>                 | Use-On-Appeal  |
| <b>PROPERTY LOCATION or DESCRIPTION:</b> | 960 East Main Street   |
| <b>PETITIONER(S) AND AGENT(S):</b>       | Bowen-Arrow, LLC<br>Terry Bowen, Agent   |
| <b>ZONING DISTRICT(S)</b>                | B-2 (General Business)   |
| <b>REQUESTED ACTION:</b>                 | To allow use for a temporary structure.  |
| <b>ZONING ORDINANCE REFERENCE:</b>       | <p><b>Appendix A-Zoning Ordinance Section 72 Business district requirements:</b></p> <p><b>TEMPORARY STRUCTURES:</b></p> <p>Where such structures shall be used for a period of not to exceed 18 months prior to construction of a permanent structure, which will replace the temporary structure. The owner must give evidence, satisfactory to the Board of Zoning Adjustment, of such owner's good faith and intent to construct or have constructed a permanent structure. Under no circumstances shall such structures be authorized as a residence or habitation.</p> |

CITY OF  
PRATTVILLE, AL

960  
E Main St

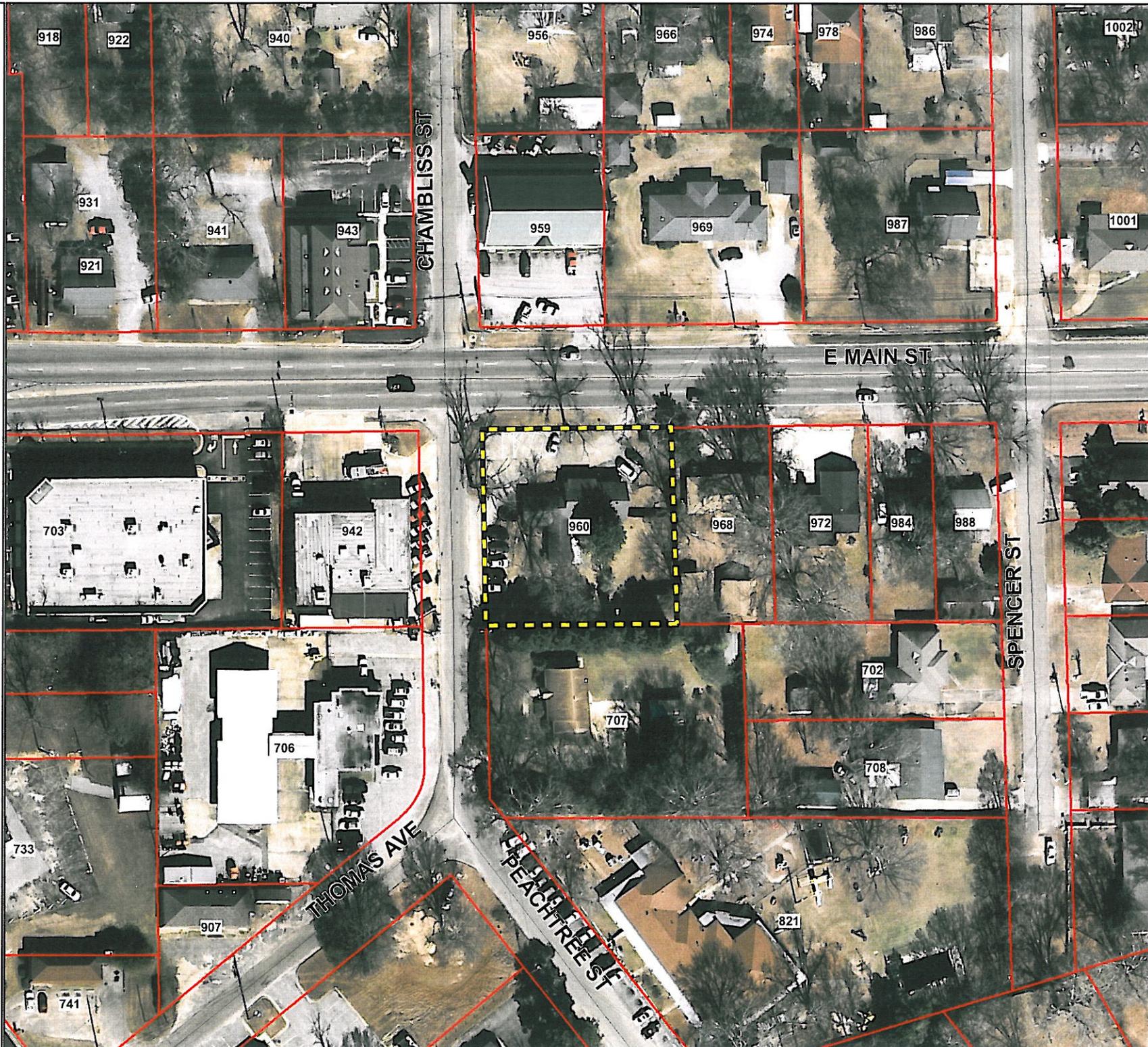
Zoning: B-2

Scale: 1" = 100'



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

**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: Bowen - Arrow, LLC (Terry Bowen)

Street Address: 740 S. Memorial Drive

City: Prattville State AL Zip: 36067

Phone Number(s): (334)365-4610

**Property Owner Information**  
If different than above

Name: \_\_\_\_\_

Address of Property Owner: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: (    ) \_\_\_\_\_

**Property Description**

County Tax Parcel Number/Legal Description: 1905152003008000

Lot 1-3, Block 12, Revised Map of Prattmont Heights

Current Zoning of Property: business Physical Address: 960 E. Main St.

Proposed Use of Property (generally): business

Describe Proposed Use or Variance: Owner would like to install a trailer on site to use as an office during construction.

The existing building will be demolished and a new building constructed. The trailer will be removed when the new building is completed.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



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 is not able to close the business during the construction of a new building.

They are requesting a trailer be temporary installed to continue business at this location.

---



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---



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

|              |  |        |
|--------------|--|--------|
| Terry Bowen  |  | 7-7-16 |
| Printed Name | Signature  | Date   |

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Terry Bowen, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 7<sup>th</sup> day of July, 2016.

  
 \_\_\_\_\_  
 Notary Public  
 My commission expires 5-12-2020



Alabama Line  
Location Center, Inc.  
1-800-292-8525  
Call 2 working days before digging.  
It's the Law!

160809-03/A

Use-On-Appeal  
To allow a temporary structure



VICINITY MAP  
NO SCALE

**FLOWERS & WHITE**  
ENGINEERING, L.L.C.  
PO BOX 231286 MONTGOMERY, AL 36123  
PH: (334) 358-7600

A NEW BUILDING AND PARKING LOT FOR:

ALFA

PRATTVILLE, ALABAMA

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PROJ # 16-002  
DRAWN BY BWF  
CHECKED BY BWF

DATE 3-16-16  
REV. 1  
REV. 2  
REV. 3

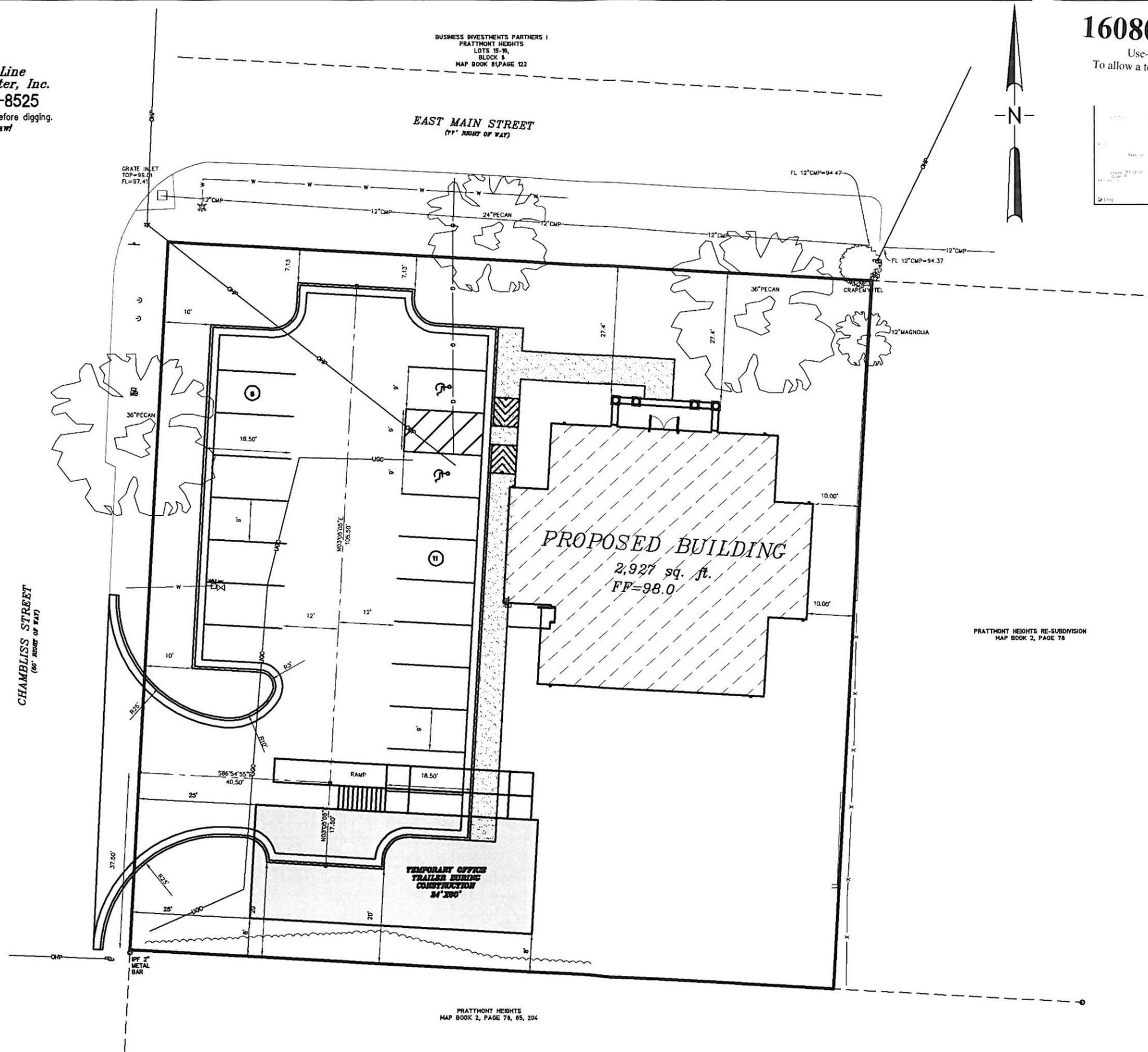
SHEET TITLE:

SITE PLAN

SHEET NUMBER:

C2.0

SHEET x OF x



CITY OF PRATTVILLE

CHAMBLISS STREET  
(60' R/W OF R/W)

EAST MAIN STREET  
(71' R/W OF R/W)

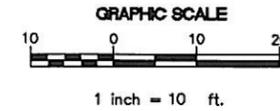
BUSINESS INVESTMENTS PARTNERS I  
PRATTVILLE HEIGHTS  
LOTS 15-18  
BLOCK 8  
MAP BOOK 81/PAGE 122

PROPOSED BUILDING  
2,927 sq. ft.  
FF=98.0

TEMPORARY OFFICE  
TRAILER DURING  
CONSTRUCTION  
24' X 30'

PRATTVILLE HEIGHTS RE-SUBDIVISION  
MAP BOOK 2, PAGE 78

PRATTVILLE HEIGHTS  
MAP BOOK 2, PAGE 78, 85, 204

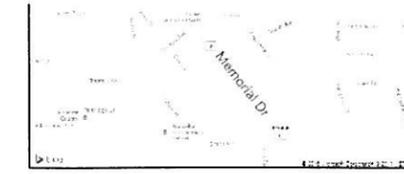




Alabama Line  
Location Center, Inc.  
1-800-292-8525  
Call 2 working days before digging.  
It's the Law!

160809-03/B

Use-On-Appeal  
To allow a temporary structure



VICINITY MAP  
NO SCALE

FLOWERS & WHITE  
ENGINEERING, L.L.C.

PO BOX 231286 MONTGOMERY, AL 36123  
PH: (334) 358-7600

A NEW BUILDING AND PARKING LOT FOR:  
ALFA

PRATTVILLE, ALABAMA

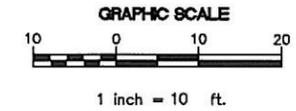
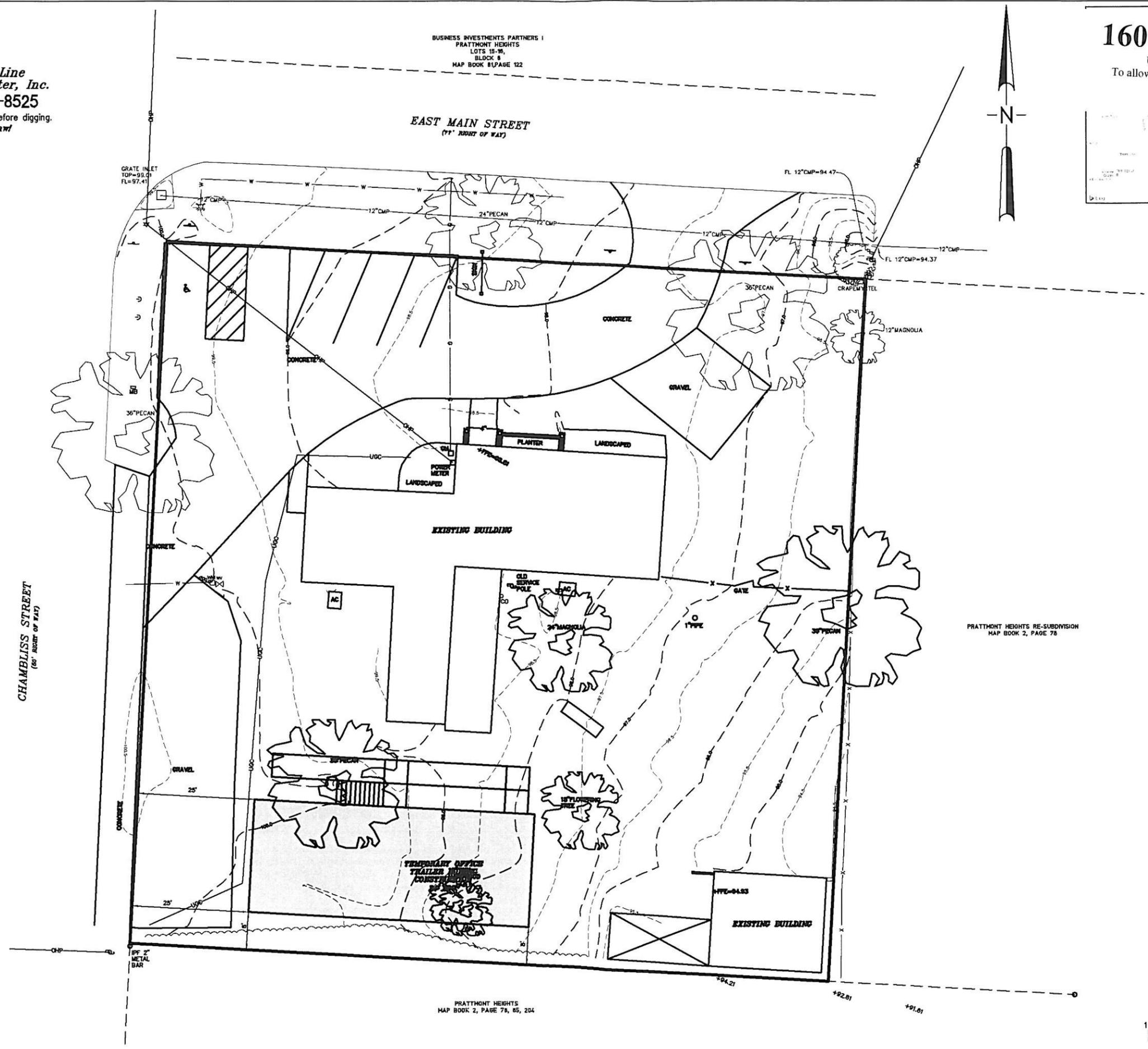
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|            |         |
|------------|---------|
| PROJECT #  | 10-602  |
| DRAWN BY   | BWF     |
| CHECKED BY | BWF     |
| DATE       | 3-15-18 |
| REV. 1     | ---     |
| REV. 2     | ---     |
| REV. 3     | ---     |

SHEET TITLE:  
SITE PLAN

SHEET NUMBER:  
C2.0

SHEET 1 OF 1



PRATTVILLE HEIGHTS  
MAP BOOK 2, PAGE 78, 85, 204

PRATTVILLE HEIGHTS RE-SUBDIVISION  
MAP BOOK 2, PAGE 78

CITY OF PRATTVILLE

CHAMBLISS STREET  
(66' RIGHT OF WAY)

EAST MAIN STREET  
(71' RIGHT OF WAY)

PRATTVILLE BOARD OF ZONING ADJUSTMENT

**PETITIONER:** DANNY CLEMENTS BUILDER, INC.  
1054 MONTICELLO PARK  
MONTGOMERY, AL 36117

**REQUEST:** VARIANCE TO CHANGE THE LANDSCAPE REQUIREMENTS  
MEDICAL CENTER DRIVE  
B-2 ZONING DISTRICT (GENERAL BUSINESS)

**ORDER**

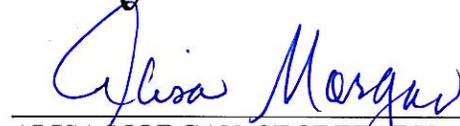
The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on August 9, 2016 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the variance to change the landscape requirements from 20' to 10' at the frontage of Fairview Avenue and from 20' to approximately 7' at Medical Center Drive (vacant lot).**

**IT IS THEREFORE ORDERED** the petition of Danny Clements Builder, Inc., 1054 Monticello Park, Montgomery, AL is hereby approved.

**DONE THIS THE 9th DAY OF August 2016.**

**BOARD OF ZONING ADJUSTMENT**

  
\_\_\_\_\_  
LEO JAMIESON, CHAIRMAN

  
\_\_\_\_\_  
ALISA MORGAN, SECRETARY

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

**MEETING DATE:** August 9, 2016

**PETITIONER:** Danny Clements Builder, Inc.

**ADDRESS OF PETITION:** Medical Center Drive

|     | NAME           | ADDRESS                               |
|-----|----------------|---------------------------------------|
| 1.  | Danny Clements | 1054 Monticello Park<br>Wood. @ 36117 |
| 2.  |                |                                       |
| 3.  |                |                                       |
| 4.  |                |                                       |
| 5.  |                |                                       |
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



**VARIANCE** Vacant lot – Southeast Corner of Fairview Avenue/Medical Center Drive Intersection

BZA Application – 160809-04

**DATE** August 8, 2016

**PROPOSED DEVELOPMENT**

**Petitioner:** Danny Clements Builder, Inc.

**Property Owners:** RER L.L.C. (Reza Esmaili)

**Agent:** N/A

**Location:** Southeast Corner of Fairview Avenue/Medical Center Drive Intersection

**Development Status and History**

*Previous Variance Requests/Approvals:* No previous requests or variances for this property

*Conditions of Previous Approvals:* N/A.

**Property Configuration**

*Acreage:* 1.0 acre

*Zoning Classification:* B-2, General Business

*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

(b) Perimeter landscaping requirement. Perimeter landscaping must be provided within the property lines between the off-street parking area, adjoining properties. Planting areas existing in the public rights-of-way or on adjoining property shall not count toward the required perimeter landscaping area. Perimeter landscaping areas adjacent to adjoining properties shall be at least ten (10) feet in depth, excluding walkways, measured perpendicularly from the adjacent property to the back of curb.

Should the parking area abut any Residential District as defined by Article 7 of the Zoning Ordinance of the City of Prattville, a higher perimeter landscaping criteria shall apply. The perimeter landscaping area along the common property line shall have a twenty (20) foot landscaped buffer area consisting of a solid unbroken visual screen, eight (8) feet high within two (2) years of planting, and in sufficient density to afford protection to the residential districts from the glare of lights, from blowing paper, dust and debris, from visual encroachment and to effectively reduce the transmission of noise. The perimeter buffer area shall be maintained in a clean and neat condition.

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

1. Reduction of required depth of landscaped area on Fairview Avenue (formerly Alabama Highway 14 East) frontage from 20' to an average depth of 10' (matching the submitted site plan).
2. Reduction of required depth of landscaped area on Medical Center Drive from 20' to 7' (matching the submitted site plan).

*Statement of Hardship:* (taken from application) “We are asking for a variance for the 20 ft landscape area on the 2 street sides of the lot. The subdivision was platted and developed in 1998 and the current landscaping ordinance when into effect in 1999. Thank you for your help in this matter.”

### **PLANNING STAFF EVALUATION**

**Reviewed by:** Joel T. Duke, AICP

**Site Visits Conducted:** Several visits in May and June 2016

**Recommendation:** Approval.

1. Lot was planned and platted in mid-1990's prior to initial adoption of city's landscaping codes in the 1999, as a result additional space was not allocated for the site and parking lot landscaping that would be required when developed.
2. Sufficient space is available to accommodate the quantity of landscaping material required, but not enough for the setback.
3. Relief from setback requirements is justified to permit development of the existing lot.
4. Similar variances have been approved by the board for similarly configured properties.

5. Overall spirit of the ordinance is maintained and amount of landscaping required is provided on site.

**Planning Staff Comments:**

State code, board rules, and best practices require the BZA to measure variance requests against several basic standards. Below is the Planning Department staff's opinion regarding the standards and this request.

1. No special conditions and circumstances exist regarding this site which are not applicable to other lands, structures, or buildings in the same B-2 zoning district.
2. A literal interpretation of the zoning ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.
3. The special conditions and circumstances do result from actions of the applicant.
4. The granting of a variance will confer a special privilege on the applicant that is denied by 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-2 district.

**ATTACHMENTS**

None. Please attachments provided with meeting packet.

**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



|  |  |
|--|--|
| <b>DATE:</b>                             | 7/28/16  |
| <b>CASE FILE NUMBER:</b>                 | 160809-04  |
| <b>APPLICATION TYPE:</b>                 | Variance   |
| <b>PROPERTY LOCATION or DESCRIPTION:</b> | Medical Center Drive (vacant lot)  |
| <b>PETITIONER(S) AND AGENT(S):</b>       | Danny Clements Builder, Inc.   |
| <b>ZONING DISTRICT(S)</b>                | B-2 (General Business)   |
| <b>REQUESTED ACTION:</b>                 | To allow changes to the landscape setback requirements.  |
| <b>ZONING ORDINANCE REFERENCE:</b>       | <p><b>Landscaping Ordinance Article 13 Section 135 General Site and Off-Street Parking Area Landscaping Requirements.</b></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> |

CITY OF  
PRATTVILLE, AL

Medical  
Center Dr

Zoning: B-2

Scale: 1" = 100'



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

**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: Danny Combs, Builder Inc  
 Street Address: 1054 Monticello Park  
 City: Monticello State AL Zip: 36117  
 Phone Number(s): 334-274-0605

**Property Owner Information**  
If different than above

Name: Rena Esmile  
 Address of Property Owner: 1510 Four Seasons  
 City: Monticello State AL Zip: \_\_\_\_\_  
 Phone Number: 214-335-7333

**Property Description**

County Tax Parcel Number/Legal Description: Lot 6, Interstate Park, Plat 1, Autauga Co. Probate Office Map Book 5, Page 74  
 Current Zoning of Property: B-2 Physical Address: \_\_\_\_\_  
 Proposed Use of Property (generally): \_\_\_\_\_  
 Describe Proposed Use or Variance: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



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)

*We are asking for a variance for the 20' landscape area on the 2 street sides of this lot. The subdivision was plotted & divided in 1975 & the current landscape ordinance was not in effect at that time. Thank you for your help on this matter.*

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.

Reza Esmaili  
Printed Name

*[Signature]*  
Signature

Jun, 29, 2016  
Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Reza Esmaili, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 29<sup>th</sup> day of

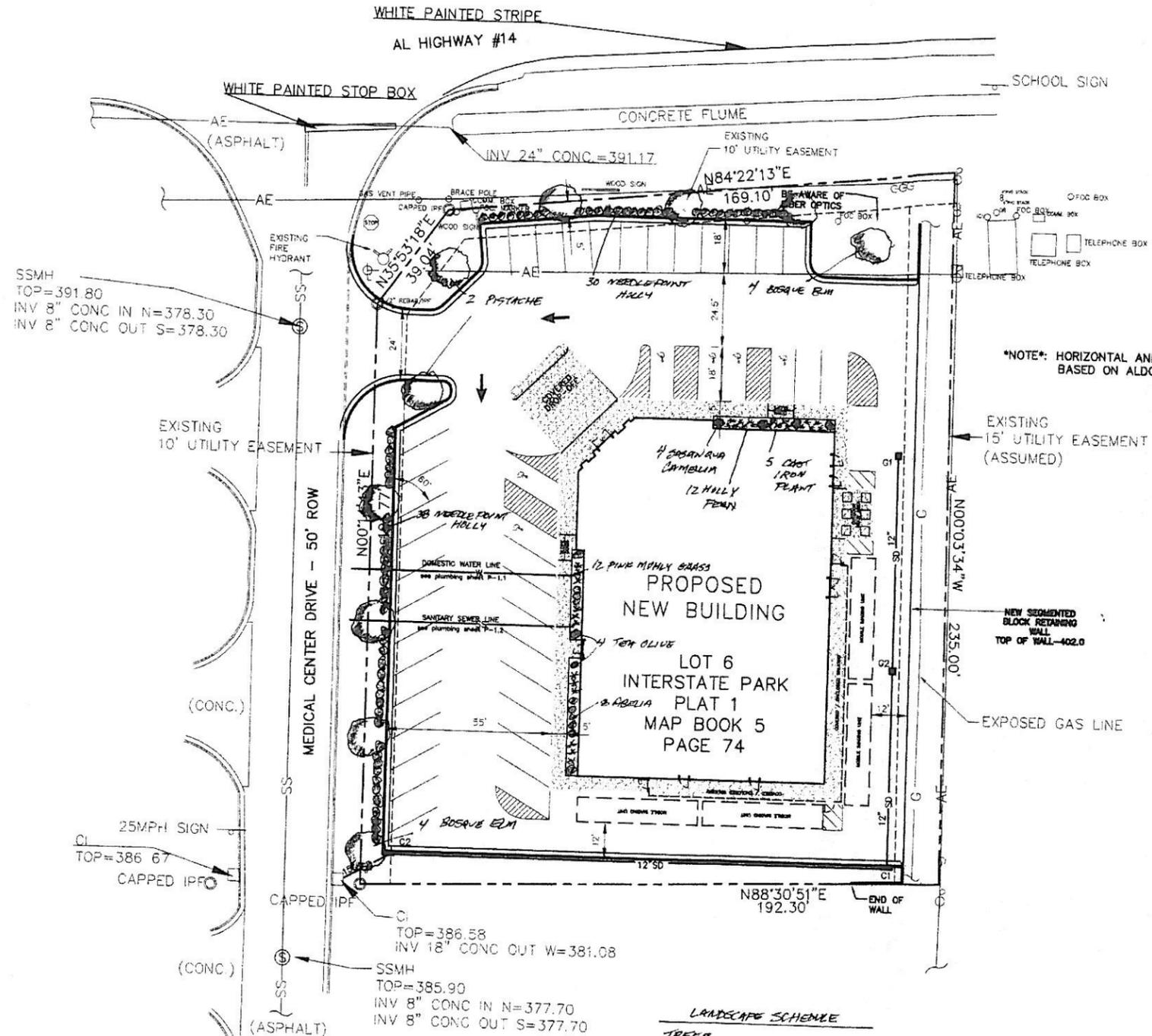
June, 2016

*[Signature]*  
Notary Public

My commission expires 10/30/2017

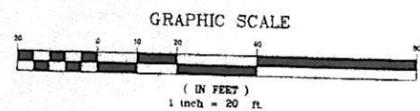
160809-04/A

Variance  
To make changes to the landscape requirements



\*NOTE\*: HORIZONTAL AND VERTICAL CONTROL BASED ON ALDOT. CORRS. STATION.

- LANDSCAPE SCHEME**
- TREES**
- 8 ULMUS PARVIFOLIA 'BACQUE ELM' 2" CAL.
  - 2 PISTACIA CHINENSIS 'PISTACHE' 2" CAL.
- SHRUBS**
- 30 ILEX CORNUTA 'NEEDLEPOINT HOLLY' 3 GAL.
  - 4 OSMUNDA FRAGRANS 'TEA OLIVE' 3 GAL.
  - 8 ABELIA 'ROSE CRAB' 5 GAL.
  - 12 MICRANTHUS SINENSIS 'PINK HAWLEY' 3 GAL.
  - 4 DAMIELIA SASANQUA 'SHISHI BASHA' 3 GAL.
  - 12 CYRTOPHYLLUM FALCATUM HOLLY FERN 1 GAL.
  - 5 ASPIDISTRUM ELATIOR CAST IRON PLANT 1 GAL.



**ROBERT V. MULLEN III**  
ARCHITECTURE, L.L.C.  
Robert V. Mullen III  
ARCHITECT  
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ZIP 36124-2807



**DANNY CLEMENTS**  
BUILDER, INC.  
1024 Monticello Park  
Montgomery, Alabama  
(334) 279-0605  
State General Contractors  
License no. 19695

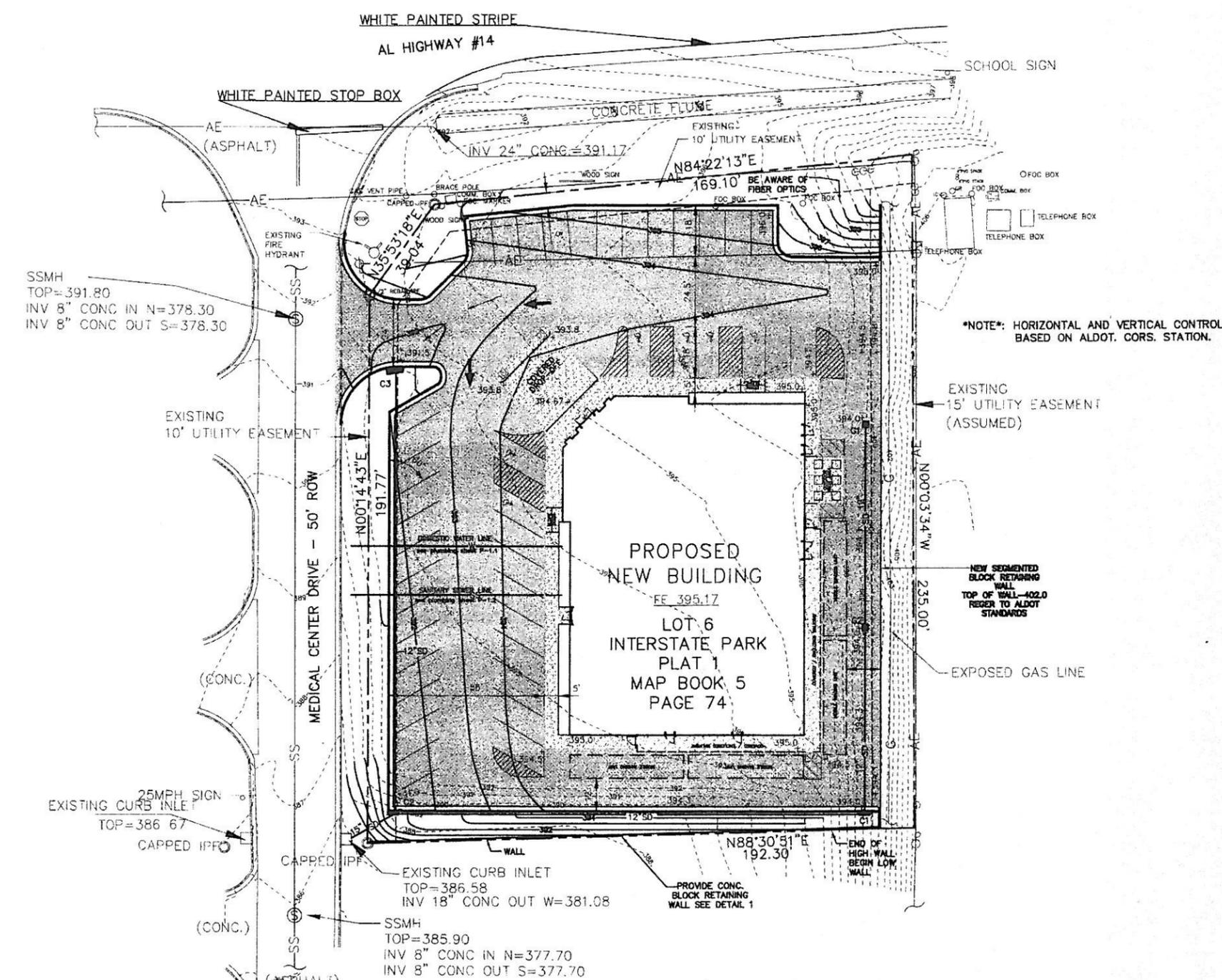
THIS OFFERING IS MADE BY THE ARCHITECT FOR THE PROJECT. IN NO WAY DOES THIS OFFERING BE GUARANTEED BY THE ARCHITECT OR ANY OTHER PARTY. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THE PLANS AND SPECIFICATIONS.

**A NEW  
MEDICAL  
OFFICE BUILDING**  
Highway 14 & Medical Center Drive  
PRATTVILLE, ALABAMA

| ISSUE: | DATE:         |
|--------|---------------|
|        | JUNE 16, 2016 |
|        |               |
|        |               |
|        |               |

SHEET TITLE:  
**LANDSCAPE  
PLAN**

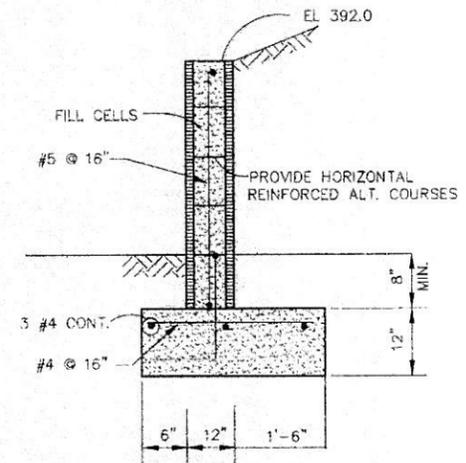
SHEET NUMBER:  
**L-1**



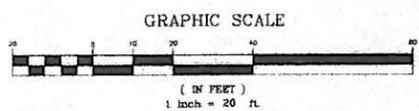
| DESCRIPTION            | EXISTING    | NEW         |
|------------------------|-------------|-------------|
| CURB & GUTTER          | ---         | ---         |
| ASPHALT PAVEMENT       | ---         | ---         |
| SANITARY SEWER MANHOLE | ⊙           | ⊙           |
| SANITARY SEWER LINE    | SS          | SS          |
| GAS LINE               | C           | C           |
| WATER LINE             | ---         | ---         |
| GRATE INLET            | □           | G1 ■        |
| STORM DRAIN LINE       | SD          | SD          |
| SIDEWALK               | ---         | ---         |
| CURB INLET             | ---         | C1 ■        |
| ELECTRIC (AERIAL)      | AE          | ---         |
| FIRE HYDRANT           | ⊕           | ---         |
| POWER POLE             | ⊕           | ---         |
| GUY WIRE               | ⊕           | ---         |
| TREE                   | ⊕           | ---         |
| IRON PIN FOUND         | OPF         | ---         |
| PROPERTY LINE          | ---         | ---         |
| CONTOUR                | --- 394 --- | --- 394 --- |

\*NOTE\*: HORIZONTAL AND VERTICAL CONTROL BASED ON ALDOT. CORS. STATION.

NOTES:  
1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL OF THE UNDERGROUND UTILITIES.



| SCHEDULE OF STORM STRUCTURES |               |          |                    |
|------------------------------|---------------|----------|--------------------|
| STRUCTURE                    | TOP OR THROAT | INV ELEV | REMARKS            |
| G1                           | 394.0         | 391.0    |                    |
| G2                           | 394.0         | 390.65   |                    |
| C1                           | 394.0         | 390.30   |                    |
| C2                           | 391.0         | 383.0    | 12" ENTERS @ 387.0 |
| C3                           | 391.5         | 388.5    |                    |



STATE OF ALABAMA  
PATRICK A. WHEATLEY  
5435  
*Patrick A. Wheatley*

PEC  
PROFESSIONAL ENGINEERING CONSULTANTS, LLC  
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Montgomery, Alabama 36104  
(334) 262-7307

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ZIP 36124-2607



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License no. 19695

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A NEW  
MEDICAL  
OFFICE BUILDING  
Highway 14 & Medical Center Drive  
PRATTVILLE, ALABAMA

| ISSUE:            | DATE:    |
|-------------------|----------|
| Final Preliminary | 12/22/15 |
| FINAL Const.      | 04/08/16 |

SHEET TITLE:  
SITE PLAN  
LAYOUT

SHEET NUMBER:  
C1.01