



PLANNING  
DEPARTMENT

# CITY OF PRATTVILLE

JIM BYARD, JR.  
MAYOR

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## CITY COUNCIL

DEAN R. ARGO  
PRESIDENT  
DISTRICT 3

TOM MILLER  
PRESIDENT PRO TEMPORE  
DISTRICT 4

BILL GILLESPIE, JR.  
DISTRICT 1

WILLIE WOOD, JR.  
DISTRICT 2

MIKE RENEGAR  
DISTRICT 5

RAY C. BOLES  
DISTRICT 6

NATHAN D. FANK  
DISTRICT 7

## City of Prattville Board of Zoning Adjustment

The minutes of the September 14, 2010 meeting of the City of Prattville Board of Zoning Adjustment were approved.

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John Gillian, Vice-Chairman

10/12/10

Date



PLANNING  
DEPARTMENT

# CITY OF PRATTVILLE

JIM BYARD, JR.  
MAYOR

## CITY COUNCIL

DEAN R. ARGO  
PRESIDENT  
DISTRICT 3

TOM MILLER  
PRESIDENT PRO TEMPORE  
DISTRICT 4

BILL GILLESPIE, JR.  
DISTRICT 1

WILLIE WOOD, JR.  
DISTRICT 2

MIKE RENEGAR  
DISTRICT 5

RAY C. BOLES  
DISTRICT 6

NATHAN D. FANK  
DISTRICT 7

## CITY OF PRATTVILLE BOARD OF ZONING ADJUSTMENT

### A G E N D A

September 14, 2010

4:00pm

#### Call to Order:

#### Roll Call:

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

#### Minutes:

April 13, 2010

#### Old Business:

None

#### New Business:

1. 100914-01 VARIANCE: To encroach approximately 9' into the 10' side yard line. District 7  
204 Leigh Drive  
R-2 Zoning District (Single Family Residential)  
Henry B. Meadows, Petitioner
2. 100914-02 VARIANCE: To change the rear yard setback from 40' to 25'. District 6  
112 E. Teri Court  
R-2 Zoning District (Single Family Residential)  
Joseph P. Long, Inc., Petitioner
3. 100914-03 VARIANCE: To allow an accessory structure to exceed 50% of total District 5  
of the main structure.  
120 Scenic Drive  
R-2 Zoning District (Single Family Residential)  
Tobey L. Mallory, Petitioner
4. 100914-04 USE-ON- District 5  
APPEAL: To allow an off-site sign.  
VARIANCE: To allow the sign 9' over the maximum 25' height.  
Cobbs Ford Road and Hwy. 82 E.  
B-2 Zoning District (General Business)  
DHS Holding-1, Inc., Petitioner

#### Miscellaneous:

#### Adjourn:

**City of Prattville Board of Zoning Adjustment  
Minutes  
September 14, 2010**

**CALL TO ORDER:**

The meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Vice-Chairman John Gillian at 4:01 p.m. on Tuesday, September 14, 2010.

**ROLL CALL:**

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

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

Vice-Chairman Gillian 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:**

Commander Whaley moved to approve the minutes of the April 11, 2010 meeting. Mrs. Schannep seconded the motion. The motion to approve passed unanimously.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**VARIANCE**

**To encroach approximately 9' into the 10' side yard line.**

**204 Leigh Drive**

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

**Henry B. Meadows, Petitioner**

**Mr. Duke** introduced the petitioner's request for a carport. He stated that the carport would encroach into the 10' side yard line.

**Henry Meadow, petitioner**, stated that the covered carport would be constructed on an existing slab. Lester Taylor with Airflow Awning is the contractor. He stated that water drainage would be contained on the owner's property. The carport would encroach 9' into the side yard line.

Vice-Chairman Gillian 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 9' into the 10' side yard line on property at 204 Leigh Drive.**

**VARIANCE**

**To change the rear yard setback from 40' to 25'.**

**112 E. Teri Court**

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

**Joseph P. Long, Inc., Petitioner**

Mr. Duke introduced the petitioner's request for a rear yard variance. He stated that the previous house on the lot was destroyed during the 2008 tornado. The house did not meet zoning district requirements prior to being destroyed. He stated that the petitioner's request is to build a house within the same setback as previous.

The petitioner, Joseph Long was not present for the hearing. Mr. Duke stated that staff recommends approval for variance.

Vice-Chairman Gillian 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 (15') into the 40' rear yard line on property at 112 E. Teri Court.**

*\*Note: Mr. Long arrived at the meeting prior to dismissal.*

#### **VARIANCE**

**To allow an accessory structure to exceed 50% of total of the main structure.**

**120 Scenic Drive**

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

**Tobey L. Mallory, Petitioner**

Mr. Duke introduced the petitioner's request for an accessory structure. He stated that the accessory structure would violate Appendix A Section 9 of the zoning ordinance which stated that there shall be but one (1) main structure on any lot zoned or used for single-family residential purposes; also, accessory structures shall not exceed fifty (50) percent of the total floor area of any main structure. No accessory structure shall be used as living quarters; however, protective shelters may provide temporary living quarters in time of danger or emergency. He presented a letter from Carl Wilson, Prattville Code Enforcement Inspector, explaining the reasoning for needed improvements. (Letter attached and made a part of the minutes).

**Tobey L. Mallory, petitioner,** presented a copy of his flood elevation certificate to show the board. He explained the requirements that he would have to make to the accessory structure to have it in compliance with the Flood Damage Prevention Ordinance.

Mrs. Schannep asked if the structure would be used for living quarters. Mr. Tobey explained that his college age son occupies the structure. He stated that the home has a kitchen, bathroom. It would not be used for rental property.

Vice-Chairman Gillian 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 accessory structure to exceed the 50% of total of the main dwelling on property at 120 Scenic Drive.**

#### **USE-ON-APPEAL**

**To allow an offsite sign.**

**VARIANCE**

**To allow the sign 9' over the maximum 25' height.  
Cobbs Ford Road & Highway 82 E Intersection  
B-2 Zoning District (General Business)  
DHS Holding-1, Inc., Petitioner**

Mr. Duke introduced the petitioner's request for a sign. The sign would require a use-on-appeal approval from the board to allow the offsite sign and a variance approval to allow for extended height.

Tracy Bassett of Goodwyn Mills & Cawood, Inc., petitioner representative, presented the request for the signage. He stated that the sign would be used to advertise the Marriott Hotel and Conference Center. The sign unit is similar to the one approved at the intersection of N. Memorial Drive and Highway 14 E (April 11, 2010) which will be equipped to provide a real-time communication network for broadcasting time-sensitive emergency information and public service announcements.

Vice-Chairman Gillian opened the public hearing.

Joe Turner spoke in favor of the request.

The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. **Commander Whaley moved to approve. Mr. McCready seconded the motion. The BZA voted 4/1 to approve the use-on-appeal to allow an offsite sign. The votes are as recorded. Favor: Commander Whaley, Mrs. Houser, Vice Chairman Gillian, and Mr. Macready. Oppose: Mrs. Schannep. The BZA voted unanimously to approve the variance to allow the sign to exceed the maximum 25' height (9') on property at Cobbs Ford Road and Highway 82 E.**

**MISCELLANEOUS:**

**ADJOURN:**

After no further comments, questions or discussion the meeting was adjourned at 4:27 pm.

Respectfully submitted,



Alisa Morgan, Secretary  
Board of Zoning Adjustment

## PRATTVILLE BOARD OF ZONING ADJUSTMENT

**PETITIONER:** HENRY B. MEADOWS  
204 LEIGH DRIVE  
PRATTVILLE, AL 36067

**REQUEST:** VARIANCE TO ENCROACH 9' INTO THE 10' SIDE YARD LINE  
204 LEIGH DRIVE  
R-2 ZONING DISTRICT (SINGLE FAMILY RESIDENTIAL)

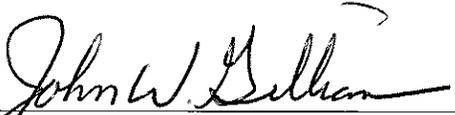
**ORDER**

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on September 14, 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 approve the variance to encroach 9' into the 10' side yard line** at property requested.

**IT IS THEREFORE ORDERED** the petition of Henry B. Meadows, 204 Leigh Drive, Prattville, AL is hereby approved.

**DONE THIS THE 14th DAY OF September 2010.**

**BOARD OF ZONING ADJUSTMENT**

  
\_\_\_\_\_  
JOHN GILLIAN, VICE-CHAIRMAN

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

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

MEETING DATE: September 14, 2010

PETITIONER: Henry B. Meadows

ADDRESS OF PETITION: 204 Leigh Drive

	NAME	ADDRESS
1.	<i>Henry B. Meadows</i>	<i>204 Leigh Dr</i>
2.	<i>Leigh Dr</i>	<i>Air Flow Huming Co</i>
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	8/24/10
<b>APPLICATION TYPE:</b>	Variance (100914-01)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	204 Leigh Drive
<b>PETITIONER(S) AND AGENT(S):</b>	Henry B. Meadows Air Flow Awning (Lester Taylor)
<b>ZONING DISTRICT(S)</b>	R-2 (Single Family Residential)
<b>REQUESTED ACTION:</b>	To allow an (carport) encroachment approximately 9' into the 10' side yard line.
<b>ZONING ORDINANCE REFERENCE:</b>	<b>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</b> <b>R-2 District:</b> Minimum Yard Size Front yard - 35' Rear Yard – 40' Side Yard – 10'



CITY OF  
PRATTVILLE, ALABAMA

204 LEIGH DR

ZONING: R-2  
Single Family Residential

COUNCIL DISTRICT: 7

PETITIONER:  
Henry B Meadows

1" = 200'



— STREETS  
□ TAX PARCELS

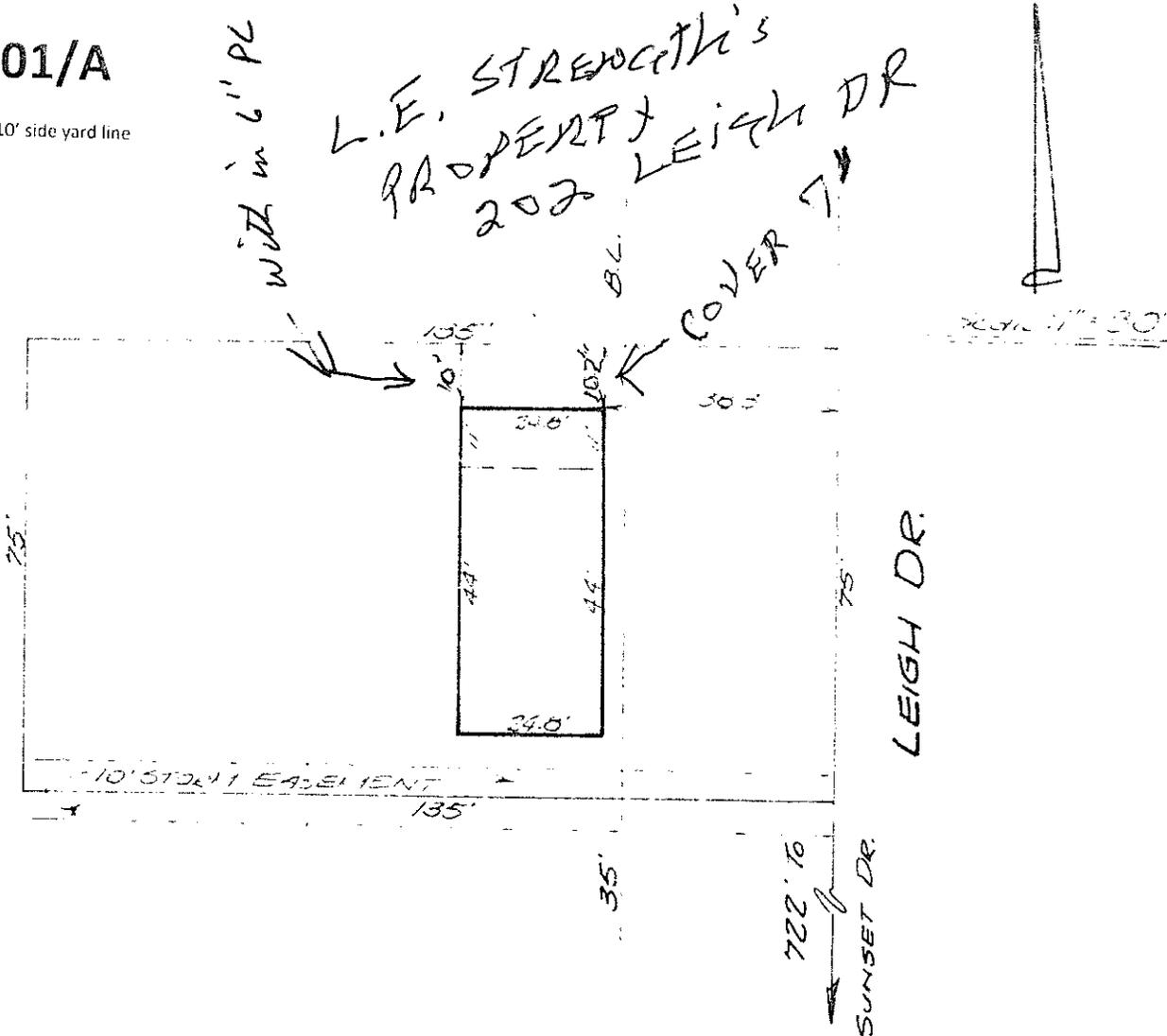


Ryan Pechushko, G.I.S. Coordinator

100914-01/A

Variance

To encroach approx. 9' into the 10' side yard line



STATE OF ALABAMA

COUNTY OF Autauga

I, Charles E. York

Land Surveyor, hereby certify that the foregoing is a true and correct map of plat of Lot 10, Block 3  
Amended Plat Oakleigh Heights

as the same is recorded in D.B. 86 at page 195 in the office of the Judge of Probate Autauga  
County, Alabama; that the buildings now erected on said property are within the boundaries of same; that there are no  
encroachments by buildings on the adjoining property; that there are no rights-of-way, easements, or joint driveways over  
or across said land visible on the surface of the ground; there are no electric or telephone wires (excluding wires which  
serve the premises only) or structures or supports therefor including poles, anchors and guy wires on or over said prem-

ises, except as shown, and; that the correct address is 204 LEIGH DRIVE  
Prattville, Alabama, the property of

According to my survey this the 18<sup>th</sup> day of May, 1964  
Charles E. York

Ala. Reg. No. 2184

9/14

# City of Prattville

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

## 100914-01

Variance  
To encroach approx. 9' into the 10' side yard line

Application  
Prattville Board of Zoning Adjustment

Application type:  Use-On-Appeal  Variance  Administrative Appeal

### Applicant /Agent Information

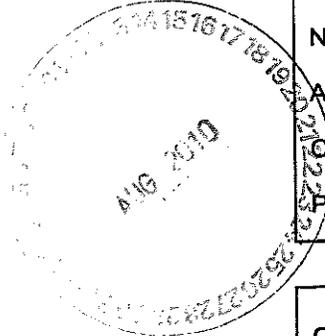
Notarized letter from the property owner is required if agent is used for representation

Name: HENRY B. MEADOWS  
Street Address: 204 LEIGH DR  
City: PRATTVILLE State: AL Zip: 36067  
Phone Number(s): (334) 365.0575

### 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

Current Zoning of Property: R-2 Physical Address: \_\_\_\_\_

Proposed Use of Property (generally): HOMESTEAD

Describe Proposed Use or Variance: NEED APPROVAL

TO COVER CARPORT ON

7' TO L.E. STRENGTH'S (209 LEIGH

PROPERTY LINE. MR. STRENGTH

HAS NO OBJECTIONS TO THIS.

Geo Flow Canning will

do the work.

per conversation w/ Lester - Geo Flow Canning - side yard  
variance for carport to encroach approx 9' into 10' side yard.

8/24/10  
*[Signature]*

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)

L.E. STRENGTH, 202 LEIGH DR  
ERIC TEAGUE 206 LEIGH DR

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.

HENRY B MEADOWS Henry B Meadows  
Printed Name Signature  
Date 8-11-10 8-13-10 Henry B. Meadows

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Henry Meadows whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 13th day of August, 2010

[Signature]  
Notary Public

My commission expires 11-08-2011

## PRATTVILLE BOARD OF ZONING ADJUSTMENT

**PETITIONER:** JOSEPH P. LONG, INC.  
112 E. TERI COURT  
PRATTVILLE, AL 36066

**REQUEST:** VARIANCE TO ENCROACH INTO THE 40' REAR YARD LINE  
112 E. TERI COURT  
R-2 ZONING DISTRICT (SINGLE FAMILY RESIDENTIAL)

**ORDER**

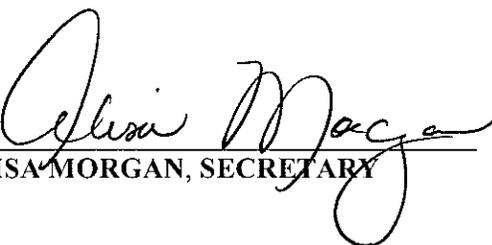
The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the 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 September 14, 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 approve the variance to encroach into the 40' rear yard line (15')** at property requested.

**IT IS THEREFORE ORDERED** the petition of Joseph P. Long, Inc., 112 E. Teri Court, Prattville, AL is hereby approved.

**DONE THIS THE** 14th **DAY OF** September 2010.

**BOARD OF ZONING ADJUSTMENT**

  
JOHN GILLIAN, VICE-CHAIRMAN

  
ALISA MORGAN, SECRETARY

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

**MEETING DATE:** September 14, 2010

**PETITIONER:** Joseph P. Long

**ADDRESS OF PETITION:** 112 E. Teri Court

	<b>NAME</b>	<b>ADDRESS</b>
1.	_____	_____
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	8/24/10
<b>APPLICATION TYPE:</b>	Variance (100914-02)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	112 E. Teri Court
<b>PETITIONER(S) AND AGENT(S):</b>	Joseph P. Long, Inc.
<b>ZONING DISTRICT(S)</b>	R-2 (Single Family Residential)
<b>REQUESTED ACTION:</b>	To change the rear yard line setback from 40' to 25'.
<b>ZONING ORDINANCE REFERENCE:</b>	<p><b>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</b></p> <p><b>R-2 District:</b></p> <p>Minimum Yard Size</p> <p>Front yard - 35'</p> <p>Rear Yard – 40'</p> <p>Side Yard – 10'</p>



CITY OF  
PRATTVILLE, ALABAMA

112 E TERI CT

ZONING: R-2  
Single Family Residential

COUNCIL DISTRICT: 5

PETITIONER:  
Joseph P Long

1" = 200'



— STREETS  
□ TAX PARCELS



Ryan Petchenko, G.I.S. Coordinator



100914-02

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

Variance

To change the rear yard setback from 40' to 25'

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: Joseph P. Long, Inc.  
Street Address: 40 Hunter Hill Ln.  
City: Pike Road State AL Zip: 36064  
Phone Number(s): 334.221.3832

**Property Owner Information**

If different than above

Name: \_\_\_\_\_  
Address of Property Owner: 19-06  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone Number: ( ) \_\_\_\_\_

**Property Description**

County Tax Parcel Number/Legal Description: 19-06-14-3-001-053-000

Lot 12 Blk 9 Overlook Ests Plat 8

Current Zoning of Property: R-2 Physical Address: 112 E. Teal Ct.

Proposed Use of Property (generally): Residence

Describe Proposed Use or Variance: Request a rear yard of 25' as opposed to 40'.

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 current requirement of a 35' front building line and a 40' rear building line does not leave enough buildable room on the lot. WE are requesting a 25' rear building line to be able to build a structure similar to the original home that was on the lot.

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 P. Long  
Printed Name

[Signature]  
Signature

Date 8/12/10

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Joseph P Long, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 12 day of August, 2010.

[Signature]  
Notary Public

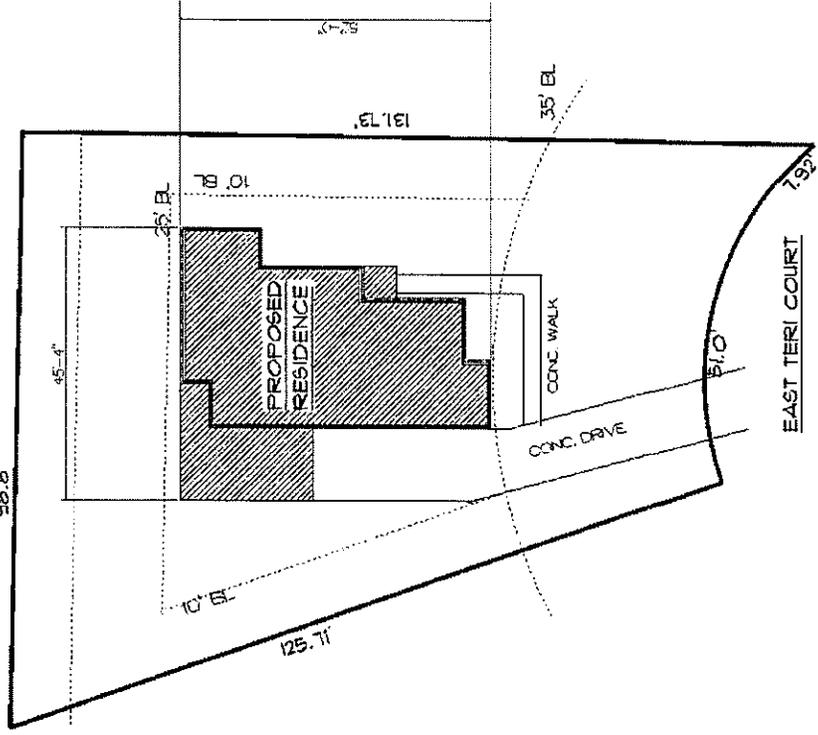
NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Feb 20, 2012  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

# 100914-02/A

Variance

To change the rear yard setback from 40' to 25'

LOT 12 BLOCK 9  
OVERLOOK ESTATES  
PLAT NO. 8  
PRATTVILLE, AL  
98.8'



SITE PLAN  
1"=20'

## PRATTVILLE BOARD OF ZONING ADJUSTMENT

**PETITIONER:** TOBEY L. MALLORY  
120 SCENIC DRIVE  
PRATTVILLE, AL 36066

**REQUEST:** VARIANCE TO ALLOW AN ACCESSORY STRUCTURE TO  
EXCEED 50% OF TOTAL OF THE MAIN STRUCTURE.  
120 SCENIC DRIVE  
R-2 ZONING DISTRICT (SINGLE FAMILY RESIDENTIAL)

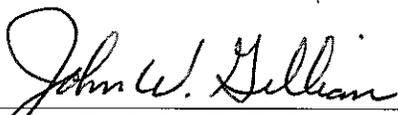
## ORDER

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on September 14, 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 approve the variance to allow an accessory structure to exceed 50% of the main structure** at property requested.

**IT IS THEREFORE ORDERED** the petition of Tobey L. Mallory, 120 Scenic Drive, Prattville, AL is hereby approved.

**DONE THIS THE** 14th **DAY OF** September 2010.

BOARD OF ZONING ADJUSTMENT

  
JOHN GILLIAN, VICE-CHAIRMAN

  
ALISA MORGAN, SECRETARY

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

MEETING DATE: September 14, 2010

PETITIONER: Tobey L. Mallory

ADDRESS OF PETITION: 120 Scenic Drive

	NAME	ADDRESS
1.	<u>Tobey Mallory</u>	<u>120 Scenic Dr.</u>
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PLANNING  
DEPARTMENT

# CITY OF PRATTVILLE

JIM BYARD, JR.  
MAYOR

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## CITY COUNCIL

DEAN R. ARGO  
PRESIDENT  
DISTRICT 3

TOM MILLER  
PRESIDENT PRO TEMPORE  
DISTRICT 4

BILL GILLESPIE, JR.  
DISTRICT 1

WILLIE WOOD, JR.  
DISTRICT 2

MIKE RENEGAR  
DISTRICT 5

RAY C. BOLES  
DISTRICT 6

NATHAN D. FANK  
DISTRICT 7

August 26, 2010

Joel Duke  
City Planning Director  
102 West Main Street  
Prattville, AL 36067

Dear Mr. Duke:

### SUBJECT: FLOOD ZONE INFORMATION

Mr. Toby Mallory approached our department around June of this year to discuss the remodel of his pool house located behind his house at 120 Scenic Drive. This structure lies with Zone AE of the Flood Insurance Rate Map Panel 01051C0395D. The mandatory purchase of flood insurance and enforcement of the Flood Damage Prevention Ordinance (FDPO) is required in this area. Flooding in this area is caused when Pine Creek leaves its banks and crosses Cooter Pond Road.

Due to the nature of the improvements that Mr. Mallory desires to make, he must comply with the FDPO by elevating the structure at a minimum of one foot above the known base flood elevation. In doing so, Mr. Mallory would double the square footage of the accessory structure and would cause him to exceed the "50% Rule" of the Zoning Ordinance. However, the area beneath the proposed elevated pool house cannot be finished or occupied and can only be used for parking according to the guidelines of the FDPO.

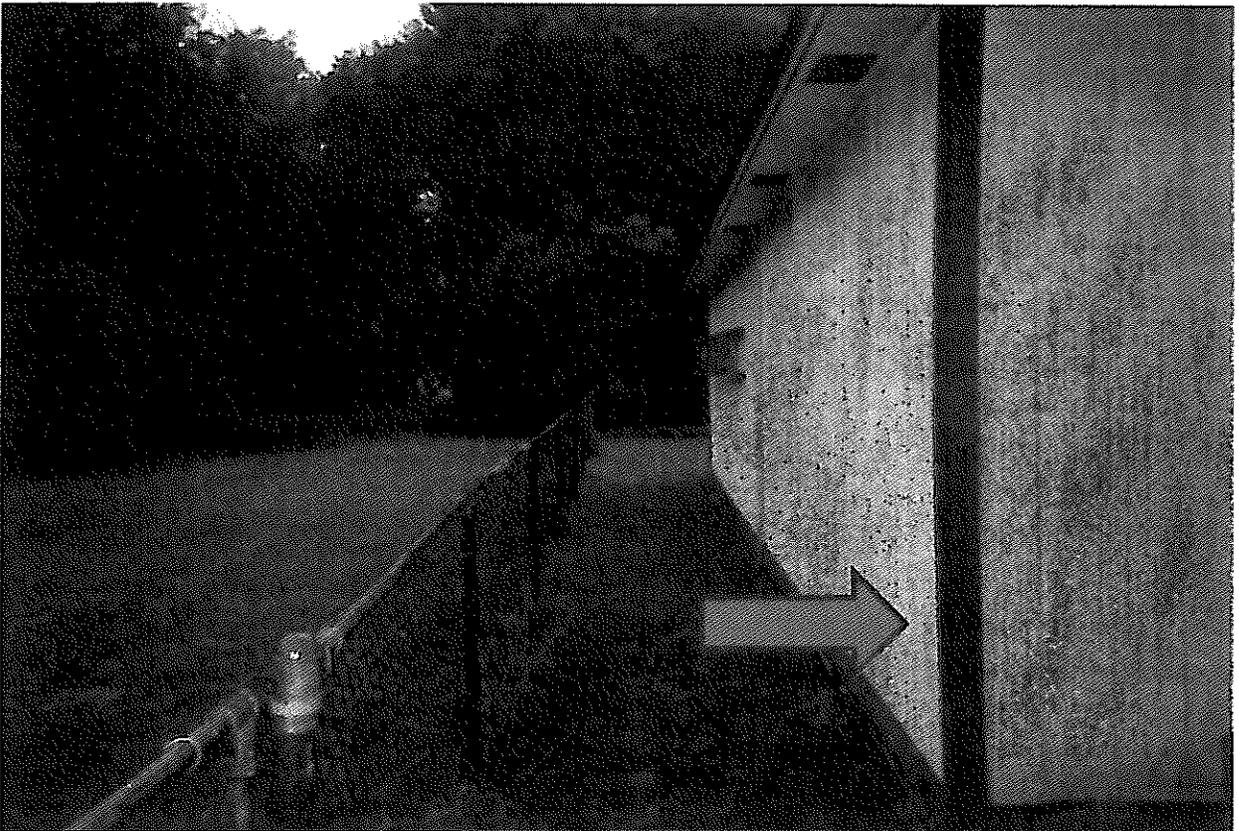
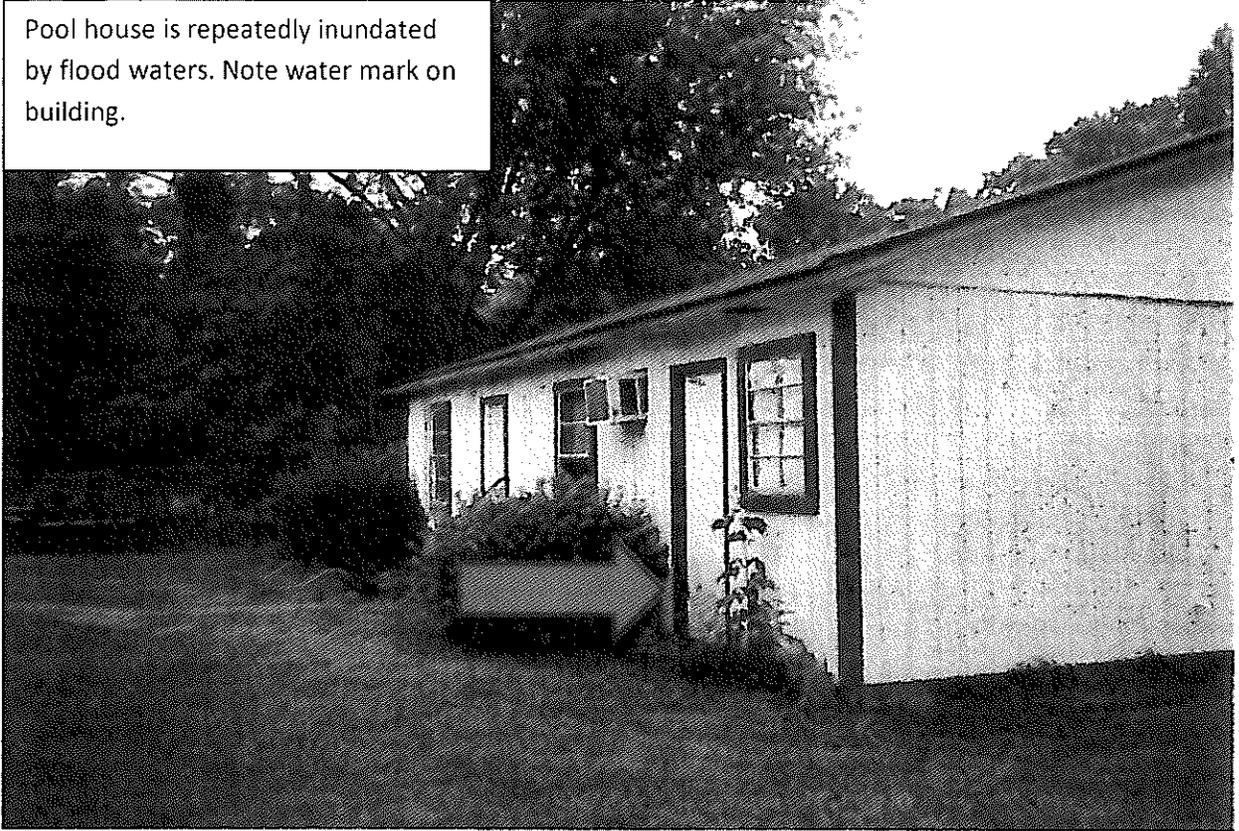
I have attached a copy of pictures that notate the high water mark on the current structure.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Carl T. Wilson  
Code Enforcement Inspector  
Prattville Planning Department

Pool house is repeatedly inundated by flood waters. Note water mark on building.





**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	8/27/10
<b>APPLICATION TYPE:</b>	Variance (100914-03)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	120 Scenic Drive
<b>PETITIONER(S) AND AGENT(S):</b>	Tobey L. Mallory
<b>ZONING DISTRICT(S)</b>	R-2 (Single Family Residential)
<b>REQUESTED ACTION:</b>	To allow an accessory structure to exceed 50% of total of the main structure.
<b>ZONING ORDINANCE REFERENCE:</b>	<b>Appendix A-Zoning Ordinance Section 9 Structures.</b> <i>(a) [General]</i> ...there shall be but one (1) main structure on any lot zoned or used for single-family residential purposes; also, accessory structures shall not exceed fifty (50) percent of the total floor area of any main structure. No accessory structure shall be used as living quarters; however, protective shelters may provide temporary living quarters in time of danger or emergency. ...



CITY OF  
PRATTVILLE, ALABAMA



120 SCENIC DR

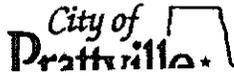
ZONING: R-2  
Single Family Residential

COUNCIL DISTRICT: 5

PETITIONER:  
Tobey L Mallory

1" = 200'





100914-03

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

Variance  
To allow accessory structure more than 50% of main dwelling

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: Tobey Lane Mallory  
 Street Address: 120 Scenic Drive  
 City: Prattville State Al Zip: 36066  
 Phone Number(s): (334) 358-2543 OR (334) 365-6486

BEST # to get in contact (334) 260-2789

**Property Owner Information**  
If different than above

Name: Tobey Lane Mallory  
 Address of Property Owner: 120 Scenic Dr  
 City: Prattville State: Al Zip: 36066  
 Phone Number: ( ) (334) 358-2543

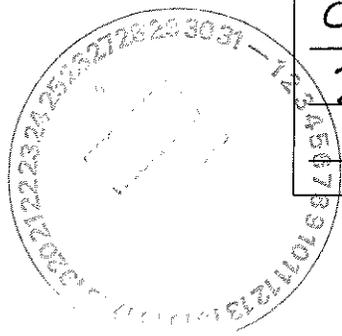
**Property Description**

County Tax Parcel Number/Legal Description: \_\_\_\_\_

Current Zoning of Property: R2-Residential Physical Address: \_\_\_\_\_

Proposed Use of Property (generally): Residence

Describe Proposed Use or Variance: The back side of the property was deemed to be in a flood zone about 4-5 years ago. On the backside of the property, a pool house ± 950 square feet currently exist. We request a variance to build the pool up approximately 8 to 9 feet so it will be out of the flood zone. (Accessory structure)



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)

Proposed building was built 10-15 years before property was deemed to be in a flood zone. Property value is greatly effected with the building as it set. This construction will double the square footage upon completion.

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.

Tobey Mallory  
Printed Name  
Date 8-13-10

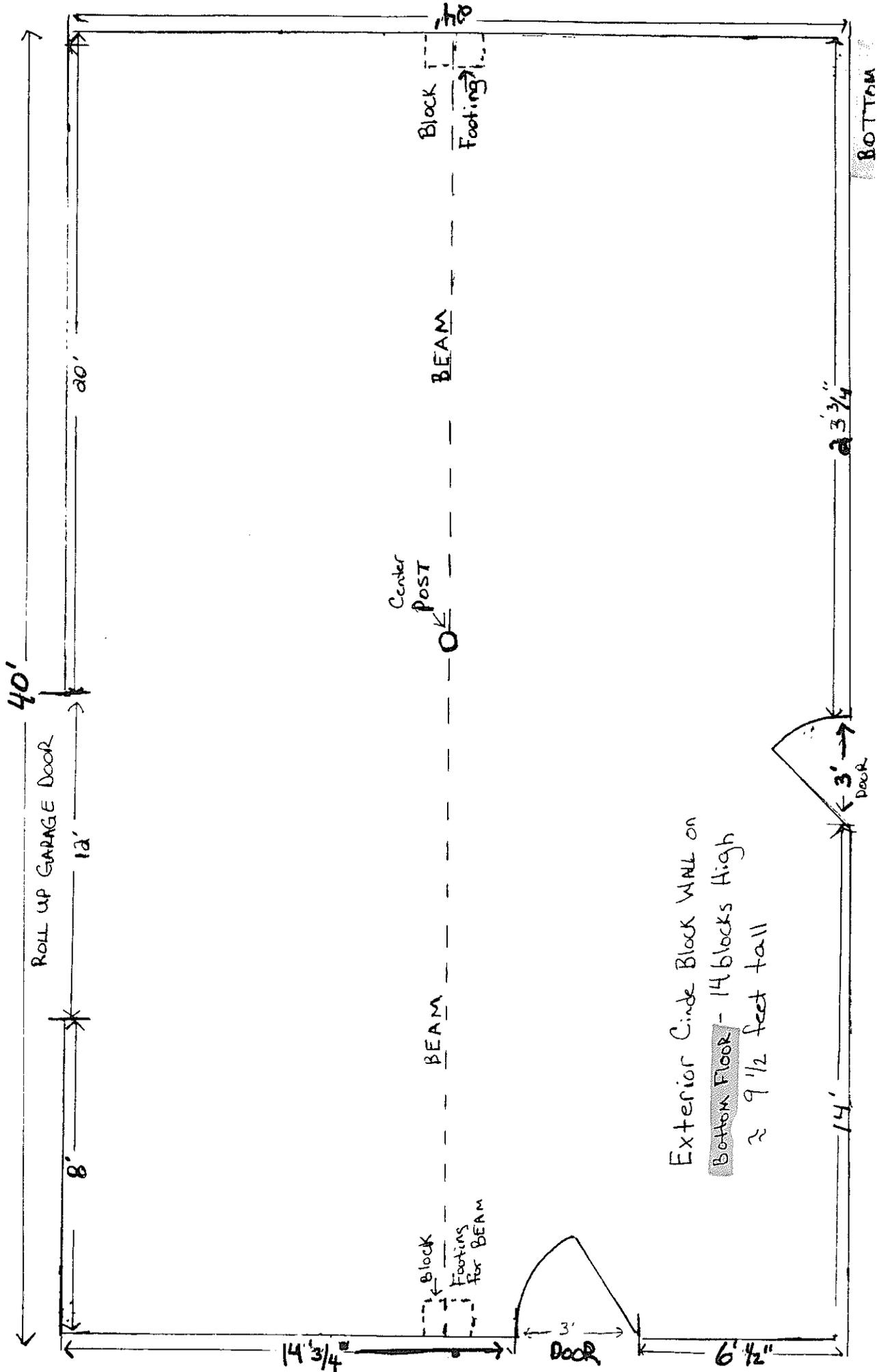
Tobey R. Mallory  
Signature

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Tobey Mallory, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 13<sup>th</sup> day of August, 2010.

[Signature]  
Notary Public  
My commission expires Feb. 22, 2012

100914-03/A

Variance  
To allow accessory structure more than 50% of main dwelling

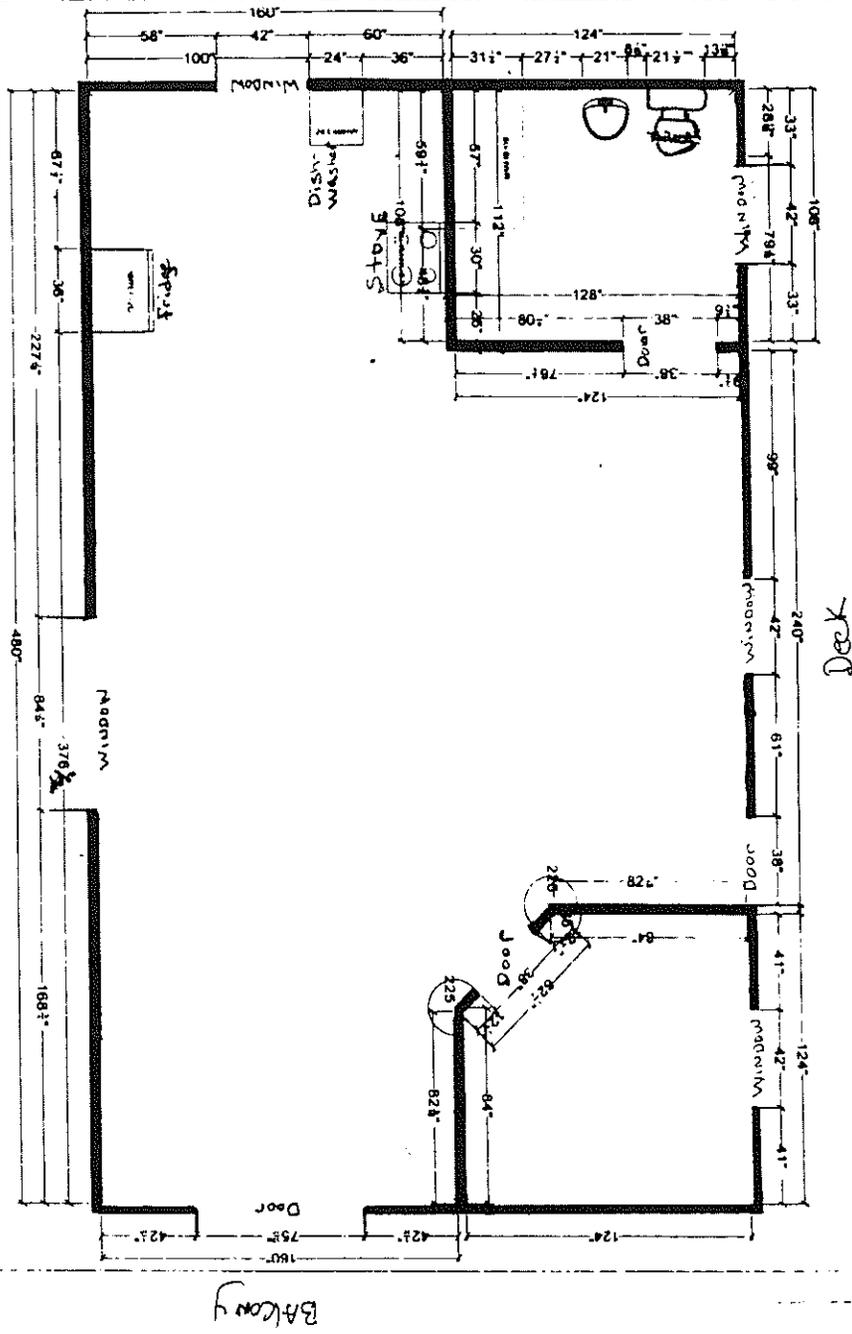


Exterior Cinder Block Wall on  
Bottom Floor - 14 blocks High  
≈ 9 1/2 feet tall

# 100914-03/B

Variance

To allow accessory structure more than 50% of main dwelling



2ND Floor

Wooden Framed Building  
Built on subfloor

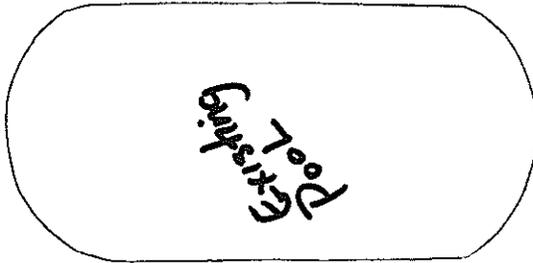
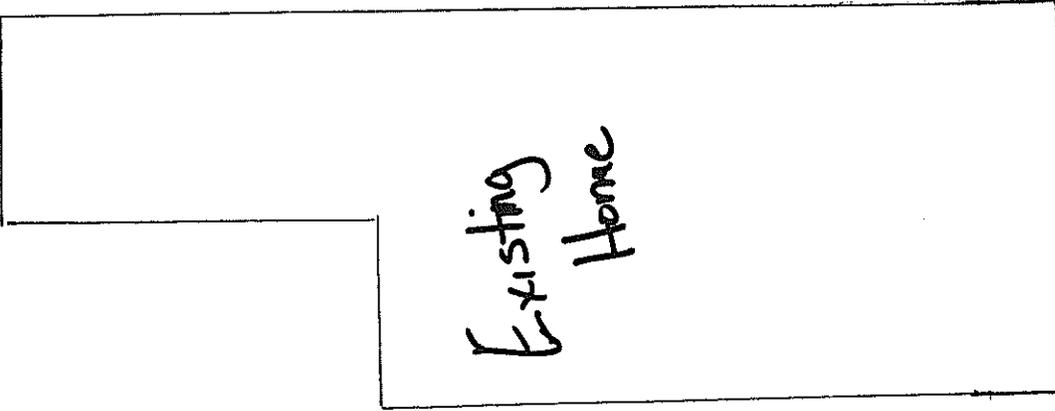
Balcony

Deck

100914-03/C

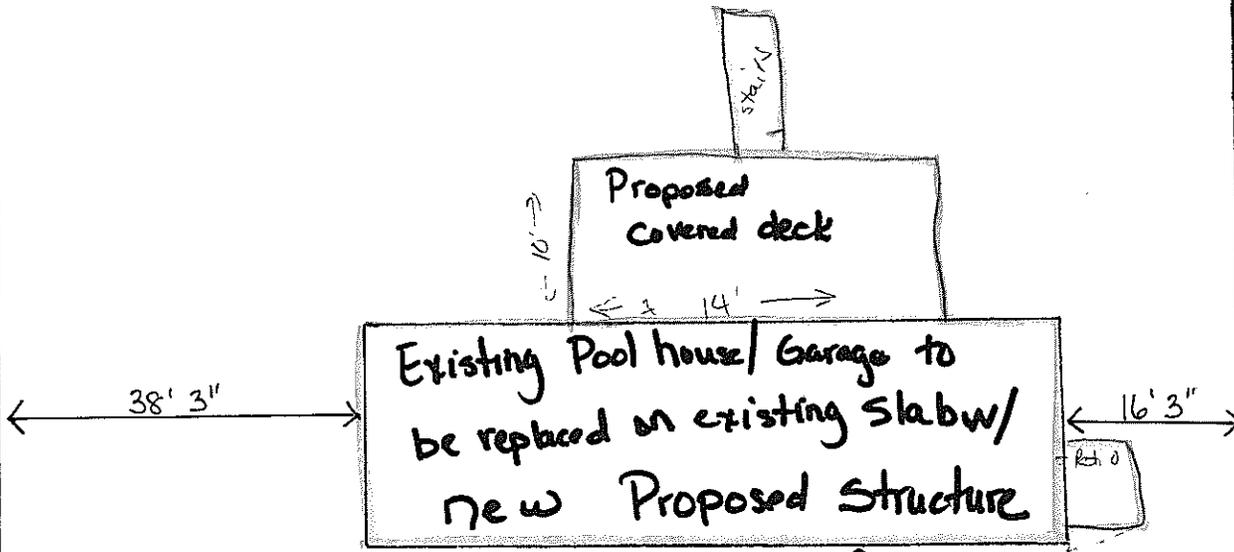
VARIANCE  
To allow necessary structure more than 50% of main dwelling.

90'



175'

175'



95'

S 69° 30' E

## PRATTVILLE BOARD OF ZONING ADJUSTMENT

**PETITIONER:** DHS HOLDING-1, INC.  
1001 MCQUEEN SMITH ROAD  
PRATTVILLE, AL 36066

**REQUEST:** USE-ON-APPEAL TO ALLOW AN OFFSITE SIGN  
VARIANCE TO ALLOW SIGN 9' OVER MAXIMUM 25' HEIGHT.  
SOUTHWEST CORNER OF COBBS FORD ROAD AND HWY 82 E  
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 September 14, 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 approve the use-on-appeal to allow an offsite sign and a variance to allow the sign to exceed the maximum 25' height (9')** at property requested.

**IT IS THEREFORE ORDERED** the petition of DHS Holding-1, Inc., 1001 McQueen Smith Road, Prattville, AL is hereby approved.

**DONE THIS THE 14th DAY OF September 2010.**

**BOARD OF ZONING ADJUSTMENT**

  
\_\_\_\_\_  
JOHN GILLIAN, VICE-CHAIRMAN

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

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

**MEETING DATE:** September 14, 2010

**PETITIONER:** DHS Holding-1, Inc.

**ADDRESS OF PETITION:** Cobbs Ford Road / Hwy. 82 E.

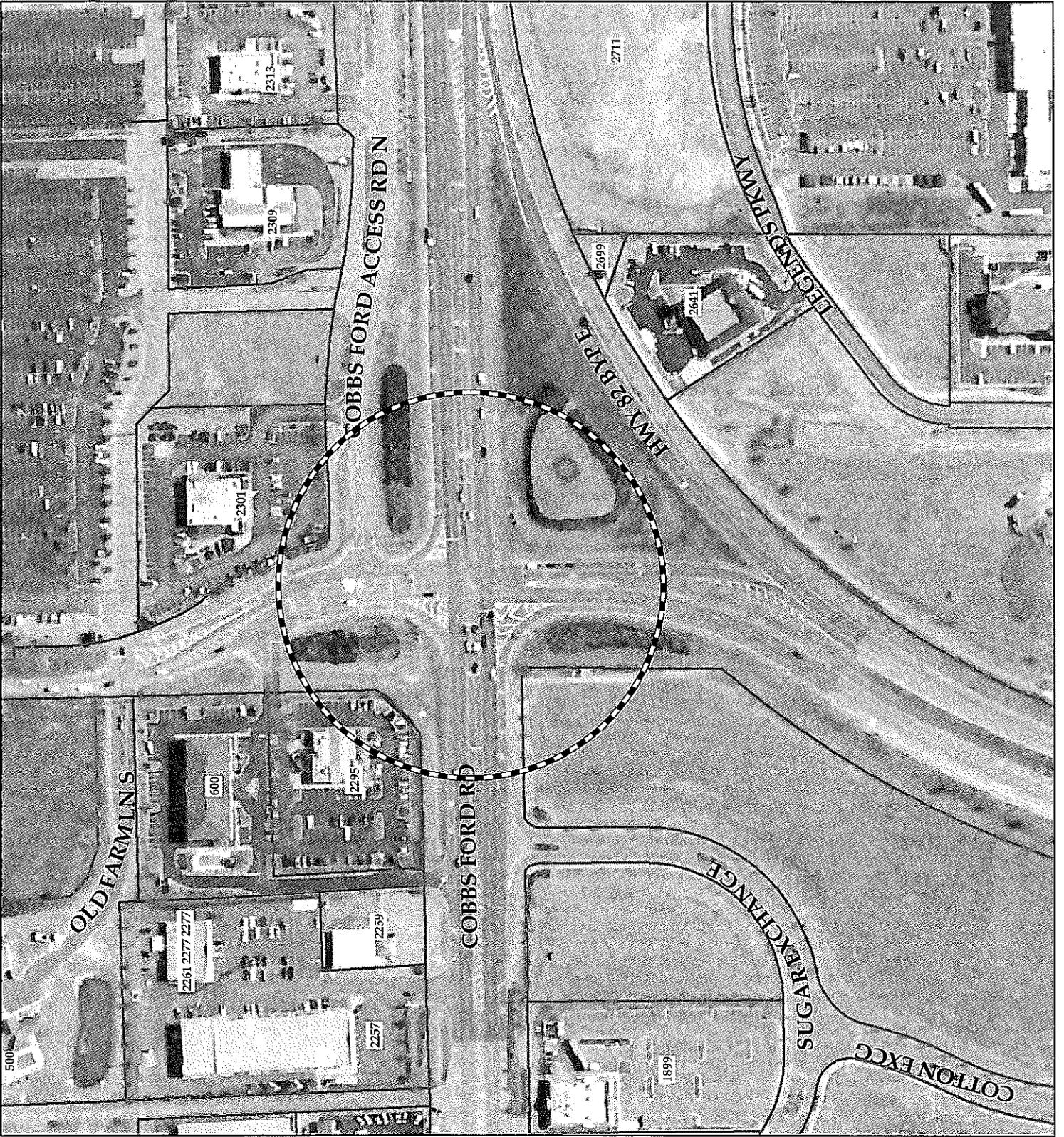
	NAME	ADDRESS
1.	TRACY BASSETT	2660 East Chase Circle Montg.
2.	JOE TURNER	511 Mossy Oak Ridge
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
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17.		
18.		
19.		
20.		
21.		

**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	8/31/10
<b>APPLICATION TYPE:</b>	Use-On-Appeal (100914-04) Variance
<b>PROPERTY LOCATION or DESCRIPTION:</b>	Southwest corner of Cobbs Ford Road and Hwy 82 E
<b>PETITIONER(S) AND AGENT(S):</b>	DHS Holding-1, Inc. Tracy A. Bassett of Goodwyn, Mills & Cawood, Inc. (Representative)
<b>ZONING DISTRICT(S)</b>	B-2 (General Business)
<b>REQUESTED ACTION:</b>	To allow an offsite sign and to allow the sign 9' over the maximum 25' height requirement.
<b>ZONING ORDINANCE REFERENCE:</b>	<b>Appendix A-Zoning Ordinance Article 12 Section 134 District regulations.</b> <i>(c) Business districts, office districts, and manufacturing districts:</i> <b>SIGN CATEGORIES PERMITTED ON APPEAL</b> <i>Off-site signs.</i> <b>SIGN TYPES PERMITTED</b> <i>High mount free-standing signs</i> <i>Setback: 10'</i> <i>Max. Height: 25'</i> <i>Min. Height: 8'</i> <i>Max. Size: Not specified</i>



CITY OF  
PRATTVILLE, ALABAMA

**INTERSECTION OF  
COBBS FORD RD &  
HWY 82 EAST**

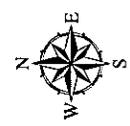
**ZONING: B-2**  
General Business

North side of Cobbs Ford Rd  
**COUNCIL DISTRICT: 4**

South side of Cobbs Ford Rd  
**COUNCIL DISTRICT: 5**

**PETITIONER:**  
DHS Holding 1 Inc.

1" = 200'



— STREETS  
□ TAX PARCELS



Ryan Pechuka, G.U.S. Coordinator



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

100914-04

Use-on-Appeal/Variance  
 To allow an offsite sign 9' over max 25' height

**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: Tracy A. Bassett Goodwyn, Mills & Cawood, Inc.

Street Address: 2660 Eastchase Lane

City: Montgomery State Alabama Zip: 36117

Phone Number(s): (334)271-3200

**Property Owner Information**  
 If different than above

Name: Dorothy H. Sanford DHS Holding -1, Inc.

Address of Property Owner: 1001 McQueen Smith Road

City: Prattville State: Alabama Zip: 36066

Phone Number: (334) 365-0077

**Property Description**

County Tax Parcel Number/Legal Description: 26 04 18 0 001 006.034

Exchange at HomePlace: Plat 1

Current Zoning of Property: B-2 Physical Address: Southwest corner of Cobbs Ford Road and US 82

Proposed Use of Property (generally): Retail Business

Describe Proposed Use or Variance: Proposed monumental structure will be 13' +/- in length x 13' +/- wide by 34' high with LED "oasis" boards on 2 sides.

See attached elevations. This request is for an use-on-appeal for an off-site sign and a height variance of 9' above the existing set height requirement.

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).
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- 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:

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The proposed monument indicates an oasis LED type screen (with screens on 2 sides) which will provide to the citizens of Prattville updates about the city's upcoming local events, public alerts, downtown functions, etc... We have limited the structure of the sign to 25' in height due to the existing restrictions in the area; however, the request for the peak of the roof to be at a height of 34' (a 9' variance) is in keeping with the continuity of the surrounding context and to have the structure blend in with similar existing structures in the area. The height of the LED screens has been determined based on visibility from the street traffic at the location. The request for a 9' variance will allow for the roof which will tie the sign into the existing context and give a cohesive appearance to the area.

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.*

Tracy Bassett  
Printed Name

[Signature]  
Signature

Date 8/30/2010

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Tracy Bassett, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 30<sup>th</sup> day of August, 2010.

Barbara Baker  
Notary Public

My commission expires 05/31/11

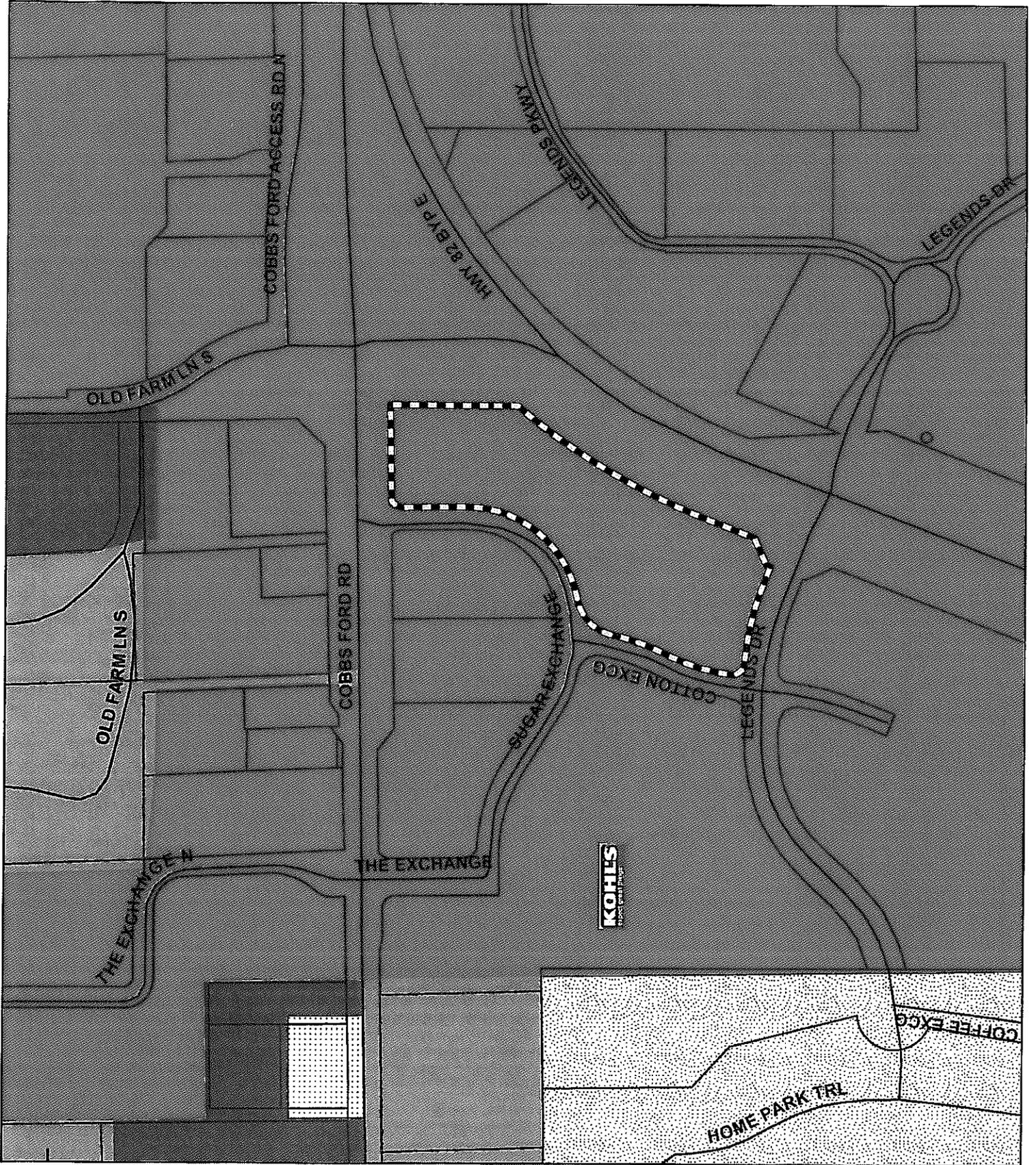
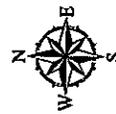
CITY OF  
PRATTVILLE  
ALABAMA

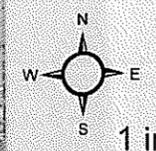
Tax Parcel I.D.  
2609180001006034

1" = 300'

LEGEND

- STREETS
- TAX PARCELS
- ZONING 1007
  - R-1
  - R-2
  - R-3
  - R-4
  - R-5
  - R-6
  - RD-1
  - B-1
  - B-2
  - B-3
  - B-4
  - O-1
  - M-1
  - M-2
  - T-1
  - T-2
  - T-3
  - FAR
  - NO ZONING VALUE
  - HOMEPLACE PUD





1 inch = 60 feet

Aerial photography date:  
March 2005



2235 COBBS FORD RD

COBBS FORD ACCESS RD N

370

OLD FARM LN S

COBBS FORD RD

250'

SUGAR EXCHANGE

HWY 82 BYP E

HWY 82 BYP E

2699 LEGENDS PKWY

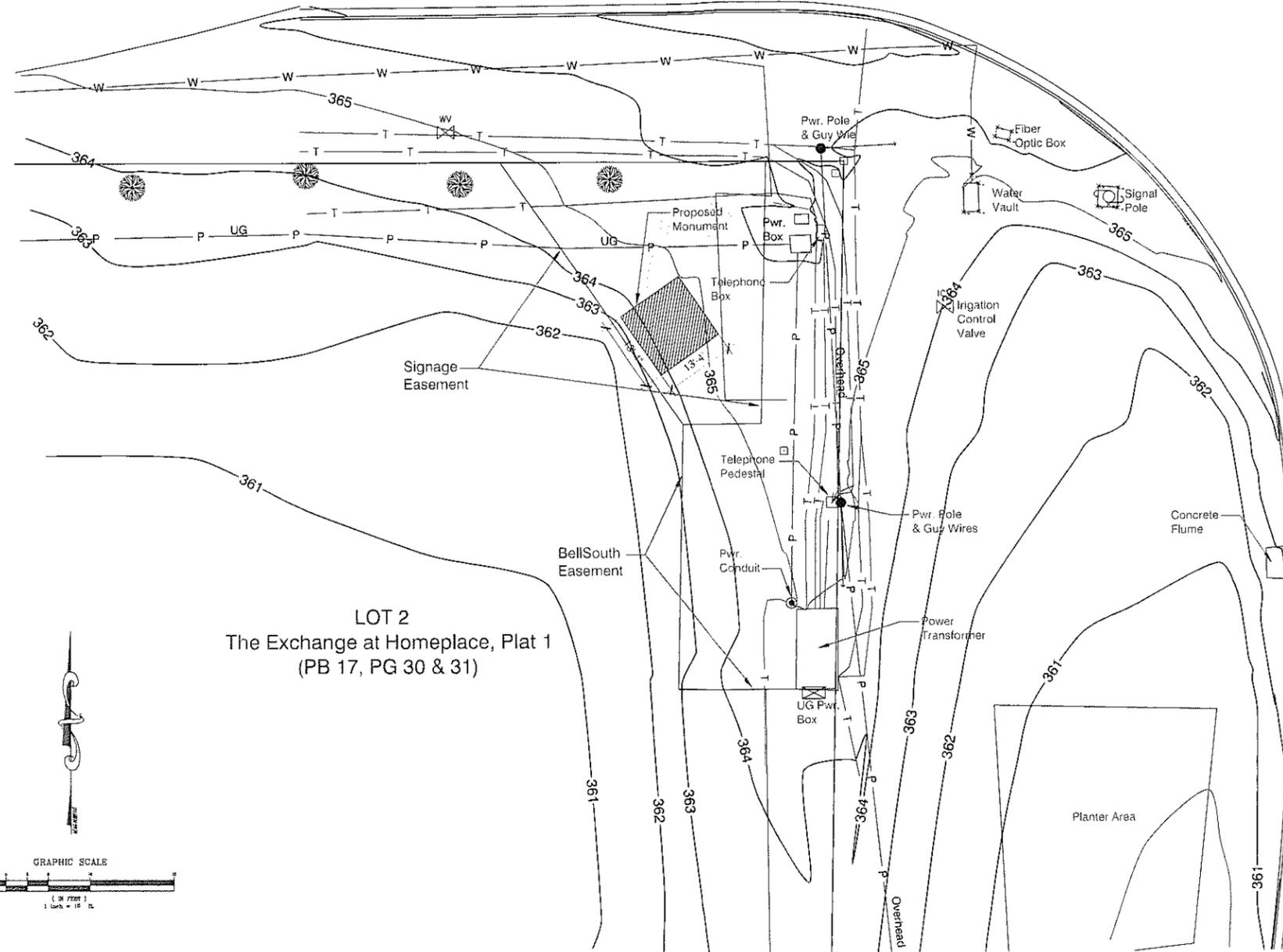
360

300

100914-04/A

Use-on-Appeal Variance  
To allow an off-site sign 9' over max 25' height

COBBS FORD ROAD  
(ROW Varies)



U.S. Highway 82  
(ROW Varies)

SITE PLAN

AO.01  
sheet 1 of 2

PROPOSED MONUMENT  
PRATTVILLE, ALABAMA

GMC 609002.014

PROPOSAL DRAWINGS

ISSUE DATE

BZA Submittal: 08/27/10

drawn by:

checked by:



GOODWYN MILLS CAWOOD

2660 East Chase Lane, Suite 200 | Montgomery, AL 36117  
Tel. 334.271.3200 | GMCNETWORK.COM

