



CITY OF PRATTVILLE

BILL GILLESPIE, JR.
MAYOR

CITY COUNCIL

MIKE RENEGAR
PRESIDENT
DISTRICT 5

NATHAN D. FANK
PRESIDENT PRO TEMPORE
DISTRICT 7

ALBERT C. STRIPLIN
DISTRICT 1

WILLIE WOOD, JR.
DISTRICT 2

DENISE B. BROWN
DISTRICT 3

TOM MILLER
DISTRICT 4

RAY C. BOLES
DISTRICT 6

City of Prattville Board of Zoning Adjustment

The minutes of the September 11, 2012 meeting of the City of Prattville Board of Zoning Adjustment were approved.

Leo Jamieson, Chairman

11/13/12

Date



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CITY OF PRATTVILLE BOARD OF ZONING ADJUSTMENT

A G E N D A

September 11, 2012

4:00pm

Call to Order:

Roll Call:

Chairman Leo Jamieson, Vice-Chairman John Gillian, Mr. Mac Macready, Mr. James Miles, and Mrs. Jerry Schanep. Alternate Member: Commander Michael Whaley.

Minutes:

Old Business:

None

New Business:

1. 120911-01 VARIANCE:

District 6

To allow a single family resident in a O1 zoning district
1003 East Main Street
O-1 (Office District)
Roland L. Hepburn, Petitioner

2. 120911-02 USE-ON-APPEAL:

District 6

To operate a restaurant in a B1 zoning district.
801 South Memorial Drive
Russell Rissman/BB&T Bank, Petitioner

Miscellaneous:

Adjourn:

**City of Prattville Board of Zoning Adjustment
Minutes
September 11, 2012**

CALL TO ORDER:

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:01 p.m. on Tuesday, September 11, 2012.

ROLL CALL:

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

Quorum Present

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:

None

OLD BUSINESS:

None

NEW BUSINESS:

VARIANCE

To allow a single family resident in a O1 zoning district

1003 East Main Street

O-1 (Office District)

Roland L. Hepburn, Petitioner

Mr. Duke introduced the variance request to allow a single family residential use in an O-1 Zoning district. He stated that the district is zoned for limited and professional offices use.

Roland Hepburn, petitioner, stated that he was requesting a variance to use property for single family resident because he can't find commercial tenants to lease to.

Vice-Chairman Gillian opened the meeting for any public comments.

Paul Elzy, 1101 East Main Street, stated that he was in opposition to the request. He stated that the adjacent resident had not been kept up.

Gene Hall, 206 Stewart Street, stated that he was in favor of the request if the use would make the area look better.

The public hearing was closed.

Mr. Duke stated that the building was moved to this location for commercial use. He asked that the board provided guidance on limitation of use if they approved it.

After no further comments, questions, or discussion, the vote was called. **The BZA voted unanimously to deny the variance to allow a single family resident in a O1 zoning district at 1003 East Main Street.**

USE-ON-APPEAL

To operate a restaurant in a B1 zoning district.

801 South Memorial Drive

Russell Rissman/BB&T Bank, Petitioner

Mr. Duke introduced the petitioner's request to operate a restaurant in a B1 zoning district. He stated that the lot accommodates parking and with three (3) road frontages there is sufficient access.

Russ Rismann and Lisa Morgan, petitioner representatives, presented the proposal for a fast food restaurant. Mr. Rissman stated that the building can accommodate 34 seats and they have 24 parking spaces.

Vice-Chairman Gillian opened the meeting for any public comments. There were none. The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. **Mrs. Schannep moved to approve the use-on-appeal to operate a restaurant in a B1 zoning district at 801 South Memorial Drive. Mr. Macready seconded the motion. The motion to approve passed unanimously.**

MISCELLANEOUS:

ADJOURN:

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

Respectfully submitted,



Alisa Morgan, Secretary
Board of Zoning Adjustment

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

MEETING DATE: September 11, 2012

PETITIONER: Roland L. Hepburn

ADDRESS OF PETITION: 1003 East Main Street

	NAME	ADDRESS
1.	<i>[Signature]</i>	<i>1146 Gaddis Ave</i>
2.	<i>Paul Elger</i>	<i>1101 EAST MAIN ST.</i>
3.	<i>Gene Hall</i>	<i>206 Stewart</i>
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CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	8/21/12
APPLICATION TYPE:	Variance (120911-01)
PROPERTY LOCATION or DESCRIPTION:	1003 East Main Street
PETITIONER(S) AND AGENT(S):	Roland L. Hepburn
ZONING DISTRICT(S)	O-1 (Office District)
REQUESTED ACTION:	To allow a single family resident in an O1 zoning district.
ZONING ORDINANCE REFERENCE:	<p>Article 7. District Requirements. Appendix A-Zoning Ordinance Section 75 Office District Requirements (O-1)</p> <p>USES PERMITTED: Business or professional offices; office buildings in which chattels, goods, wares or merchandise are not manufactured, stored, exchanged or sold. Offices which include, but not necessarily limited to, professional offices, medical offices (doctors and dentists), attorney, accountants, architects, engineers, real estate. Parking lots. Municipal, county, state or federal buildings, state or federal buildings, including schools and libraries. Customary accessory structures or uses.</p> <p>USES (PERMITTED) ON APPEAL: Offices including not more than ten (10) percent of the total floor area involved in storage and sale of goods or merchandise, provided they meet all other requirements and any other restrictions imposed by the board of adjustment to preserve the character of the neighborhood. Public utility structures. Hospitals. Churches. Customary, accessory structures and uses.</p> <p>TEMPORARY STRUCTURE: 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> <p>USES PROHIBITED: All uses prohibited in a B-1 District.</p>

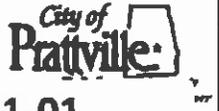
CITY OF
PRAITTVILLE, ALABAMA

1003 EAST MAIN ST



STREETS
TAX PARCELS





120911-01

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 a single family resident in a O1 zoning district

Application
Prattville Board of Zoning Adjustment

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 L. Hepburn

Street Address: 1502 So Memorial Dr

City: Prattville AL State AL Zip: 36067

Phone Number(s): 334-358-9280

Property Owner Information
If different than above

Name: Richard L. Hepburn

Address of Property Owner: 1502 So Memorial Dr

City: Prattville State: AL Zip: 36067

Phone Number: 334 358-9280

Property Description

County Tax Parcel Number/Legal Description: _____

Current Zoning of Property: _____ Physical Address: 1003 E Main St

Proposed Use of Property (generally): O1

Describe Proposed Use or Variance: To use as a Residence

Prattville BZA Application
Page 2

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)

Due to the access being limited from access to main street by Guard Rail installed on main street and the guardrails at Office Rentals at the present time economically. Not being Rented is causing a financial hardship on the making payments on a vacant building

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.

Roland L. Hephurn
Printed Name

[Signature]
Signature

Date *8/16/2012*

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Roland L. Hephurn whose name is signed to the foregoing petition, and who is known to me, acknowledged same before me on this the 16 day of

August, 2012

[Signature]
Notary Public

My commission expires _____

Approved for use 11/04

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Jan 31, 2016
BONDED THRU NOTARY PUBLIC UNDERWRITERS

PRATTVILLE BOARD OF ZONING ADJUSTMENT

**PETITIONER: RUSSELL RISSMAN
 1439 UPPER KINGSTON RAOD
 PRATTVILLE, AL 36067**

**REQUEST: USE-ON-APPEAL TO OPERATE A RESTAURANT IN A B1 ZONING
 DISTRICT
 801 SOUTH MEMORIAL DRIVE
 B-1 ZONING DISTRICT (GENERAL BUSINESS)**

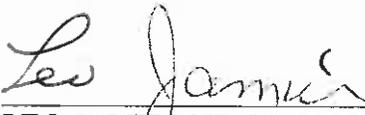
ORDER

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 11, 2012 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the use-on-appeal to operate a restaurant in a B1 zoning district** at property requested.

IT IS THEREFORE ORDERED the petition of Russell Rissman, 801 South Memorial Drive, Prattville, AL is hereby approved.

DONE THIS THE 11th DAY OF September 2012.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: September 11, 2012

PETITIONER: Russell Rissman/BB&T Bank

ADDRESS OF PETITION: 801 South Memorial Drive

	NAME	ADDRESS
1.	Russ Rissman	1439 Upper King Sten Rd
2.	Linda Morgan	1590 Upper Kingston Rd.
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CITY OF PRATTVILLE
 Board of Zoning Adjustment
 Planning Department Staff Report



DATE:	8/29/12
APPLICATION TYPE:	Use-On-Appeal (120911-02)
PROPERTY LOCATION or DESCRIPTION:	801 South Memorial Drive
PETITIONER(S) AND AGENT(S):	Russell Rissman/BB&T Bank
ZONING DISTRICT(S)	B-1 (Neighborhood Commercial)
REQUESTED ACTION:	To operate a restaurant in a B-1 zoning district.
ZONING ORDINANCE REFERENCE:	<p>Article 7. District Requirements. Appendix A-Zoning Ordinance Section 72 Business District Requirements</p> <p>B-1</p> <p>USES PERMITTED ON APPEAL:</p> <p>Filling stations where no major repair work is done; restaurants.</p>



CITY OF
PRATTVILLE, ALABAMA

801 S MEMORIAL DR



STREETS
TAX PARCELS





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



120911-02

Variance
 To operate a restaurant in a B1 zoning district

**Application
 Prattville Board of Zoning Adjustment**

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: Russell Rissman
 Street Address: 1439 Upper Kingston Rd
 City: Prattville State: AL Zip: 36067
 Phone Number(s): 334.462.8850 334.365.7492

Property Owner Information

(if different than above)

Name: BB&T
 Address of Property Owner: PO Box 167
 City: Winston-Salem State: NC Zip: 27102
 Phone Number: () _____

Property Description

County Tax Parcel Number/Legal Description: 91-05-15-2-005-001.00

Current Zoning of Property: B-1 Physical Address: 801 S. Memorial Dr.

Proposed Use of Property (generally): Restaurant

Describe Proposed Use or Variance: I would like to

turn the current property into

a restaurant. I am looking

at doing a fast food taco

concept. (Former BB&T Bank Building)

Existing building to be converted into

a "Pecco's Tacos" Restaurant.

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

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

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

Russell Rissman Printed Name Russell Rissman Signature 8/23/12 Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Russell Rissman, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 23rd day of

August, 2012

Diana Cam Segel
Notary Public

My commission expires 2-28-15