



# CITY OF PRATTVILLE

**BILL GILLESPIE, JR.**  
MAYOR

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## 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

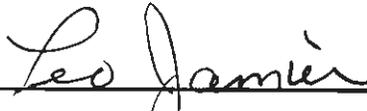
**CLYDE CHAMBLISS, JR.**  
DISTRICT 5

**RAY C. BOLES**  
DISTRICT 6

**LORA LEE BOONE**  
DISTRICT 7

## City of Prattville Board of Zoning Adjustment

The minutes of the November 13, 2012 meeting of the City of Prattville Board of Zoning Adjustment were approved.

  
\_\_\_\_\_

Leo Jamieson, Chairman

1/8/13

\_\_\_\_\_ Date

PLANNING & DEVELOPMENT DEPARTMENT

102 WEST MAIN STREET ■ PRATTVILLE, ALABAMA 36067 ■ 334-361-3613 ■ 334-361-3677  
FACSIMILE  
planning.prattvilleal.gov



# 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

### A G E N D A

November 13, 2012

4:00pm

### Call to Order:

### Roll Call:

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

### Minutes:

September 11, 2012

### Old Business:

1. 121009-03 VARIANCE:

To reduce parking spaces from 92 to 60 and landscape variance.  
Corner of McQueen Smith Road & Cobbs Ford Road  
B-2 Zoning District (General Business)  
Foresite Group, Inc./McQueen & Cobb, LLC, Petitioner

*District 5*

### New Business:

2. 121113-01 VARIANCE:

To place structure on lot less than 6000ft<sup>2</sup>.  
925 Wilberforce Avenue  
R-4 Zoning District (Multi Family Residential)  
Martha Burt, Petitioner

*District 2*

### Miscellaneous:

### Adjourn:

**City of Prattville Board of Zoning Adjustment  
Minutes  
November 13, 2012**

**CALL TO ORDER:**

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:04 p.m. on Tuesday, November 13, 2012.

**ROLL CALL:**

Present: Chairman Leo Jamieson, Mr. Gerald Cimis, Mr. James Miles, 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:**

Mrs. Schannep moved to approve the minutes of the September 11, 2012 meeting. Mr. Macready seconded the motion. The motion passed by 4/0 vote. Mr. Cimis abstained from voting.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**VARIANCE**

**To reduce parking spaces from 92 to 60 and landscape variance.  
Corner of McQueen Smith Road & Cobbs Ford Road  
B-2 Zoning District (General Business)  
Foresite Group, Inc./McQueen & Cobb, LLC, Petitioner**

Mr. Duke provided background information on the property at the corner of McQueen Smith Road & Cobbs Ford Road. He stated that the property was previously held to clarify the proper transfer of the property, pending Planning Commission approval. He stated that approval was recommended with the condition of the Planning Commission's approval.

Shane Yarbrough, petitioner representative stated that the variance request is for parking and landscape setback. He stated that he met with the City Planner, Mr. Duke after the initial BZA hearing and was in agreement with the proposed landscape plan presented which is the best design to allow sufficient parking.

Mr. Duke stated that the proposal met city requirements.

Chairman Jamieson 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. **Mr. Cimis moved to approve the request as submitted contingent upon Planning Commission approval of the**

subdivision. Mr. Miles seconded the motion. The motion passed unanimously to approve the variance request to reduce parking spaces from 92 to 60 and landscape variance as presented at the corner of McQueen Smith Road and Cobbs Ford Road.

**VARIANCE**

To place structure on lot less than 6000ft<sup>2</sup>.  
925 Wilberforce Avenue  
R-4 Zoning District (Multi Family Residential)  
Martha Burt, Petitioner

Mr. Duke introduced the petitioner's request to place a home on the property at 925 Wilberforce Avenue. He stated that the existing 5750ft<sup>2</sup> lot does not meet the 6000ft<sup>2</sup> requirements of R-4 Zoning District. He stated that the proposed structure otherwise meets the setback requirements.

Tom Risher of Habitat for Humanity Autauga/Chilton Counties, petitioner representative, stated that the existing house would be torn down to build the proposed new structure.

Chairman Jamieson 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. **The BZA voted unanimously to approve the variance request to place structure on lot less than 6000ft<sup>2</sup> on property at 925 Wilberforce Avenue.**

**MISCELLANEOUS:**

Chairman Jamieson officially welcomed new member Mr. Gerald Cimis to the BZA who was appointed to fill the remaining term of Vice Chairman John Gillian. Since Mr. Gillian's removal Mr. Macready moved to appoint Mrs. Schannep as Vice-Chairman. Mr. Miles seconded the motion. The motion passed unanimously.

**ADJOURN:**

After no further comments, questions or discussion the meeting was adjourned at 4:55.

Respectfully submitted,



Alisa Morgan, Secretary  
Board of Zoning Adjustment

**PRATTVILLE BOARD OF ZONING ADJUSTMENT**

**PETITIONER:**       MRT, LLC  
                          PO BOX 250330  
                          MONTGOMERY, AL 36125

**REQUEST:**         **VARIANCE TO REDUCE PARKING SPACES FROM 92 TO 60 AND  
                          LANDSCAPE VARIANCE.  
                          CORNER OF MCQUEEN SMITH ROAD & COBBS FORD ROAD  
                          B-2 ZONING DISTRICT (GENERAL BUSINESS)**

**ORDER**

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on October 9, 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 variance request to reduce parking spaces from 92 to 60 and landscape variance as presented contingent upon the Planning Commission's approval of subdivision** at property requested.

**IT IS THEREFORE ORDERED** the petition of MRT, LLC, McQueen Smith Road and Cobbs Ford Road, Prattville, AL is hereby approved.

**DONE THIS THE 13th DAY OF November 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:** October 9, 2012

**PETITIONER:** Foresite Group, Inc./ McQueen and Cobb, LLC

**ADDRESS OF PETITION:** SE Corner of McQueen Smith Rd & Cobbs Ford Rd

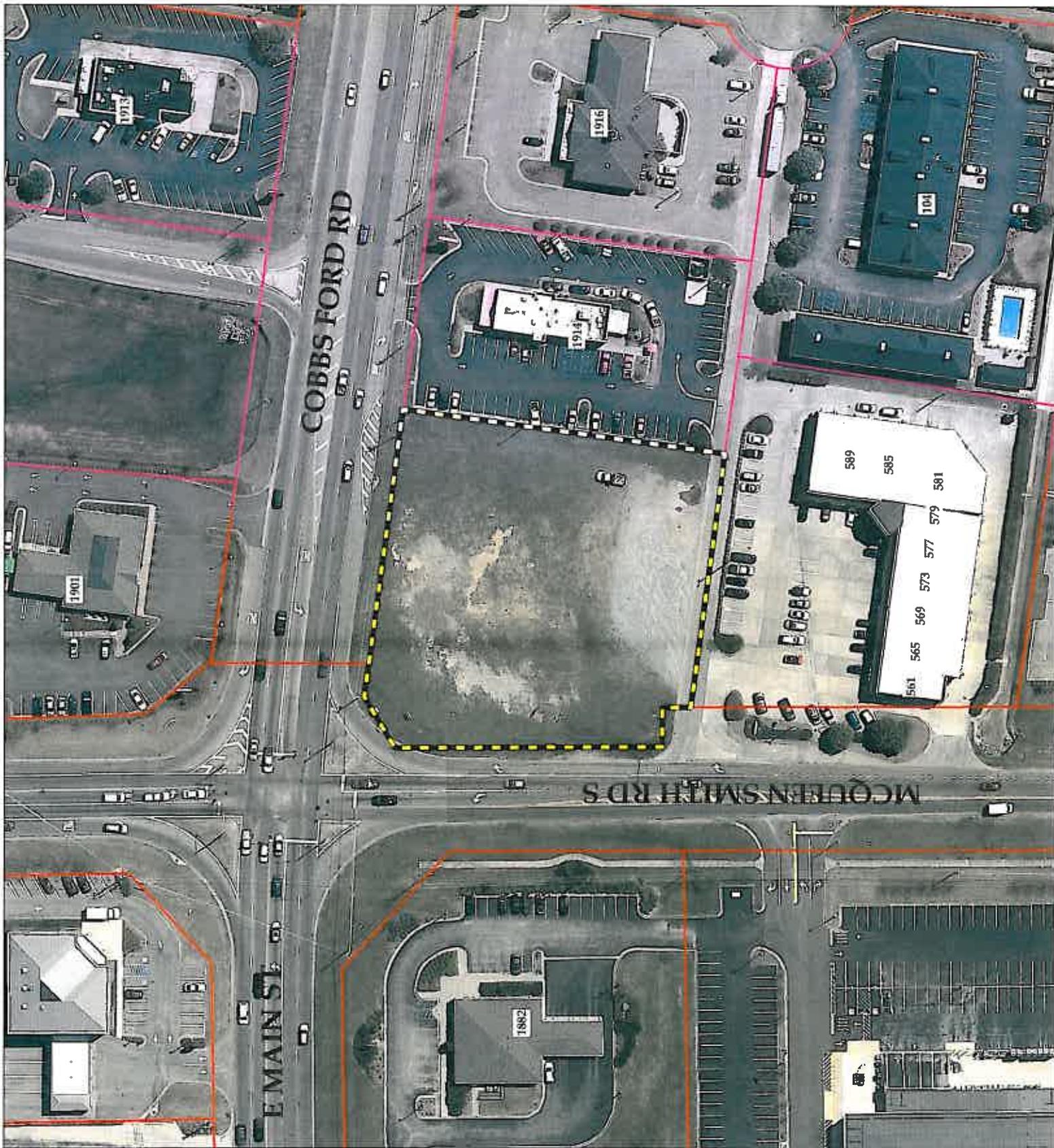
	<b>NAME</b>	<b>ADDRESS</b>
1.	<i>Shane Yarbrough</i>	<i>5142/5124/1 A Foresite group inc. com</i>
11/13/12 2.	<i>Shane Yarbrough</i>	<i>5142/5124/1 A</i>
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	9/26/12
<b>APPLICATION TYPE:</b>	Variance (121009-03)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	SE Corner of McQueen Smith Road and Cobbs Ford Road
<b>PETITIONER(S) AND AGENT(S):</b>	Foresite Group, Inc./McQueen Cobb, LLC. Shane Yarbrough, Representative
<b>ZONING DISTRICT(S)</b>	B-2 (General Business)
<b>REQUESTED ACTION:</b>	To reduce the required parking spaces from 92 to 60 and landscape variance.
<b>ZONING ORDINANCE REFERENCE:</b>	<p><b>PARKING SPACE ORDINANCE</b></p> <p><b>PAGE -3-</b> Retail sales or service establishment not elsewhere specified: Three (3) spaces per first fifteen hundred (1500) square feet of gross floor area plus one space per one hundred (100) square feet of gross floor area.</p> <p><b>PARKING AREA LANDSCAPING ORDINANCE</b> Article 13. <b>Site and Off-Street Parking Area Landscaping Requirements</b></p> <p><b>Section 135</b> (a) <b>Frontage Landscaping and Foundation Planting Requirements.</b> 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.</p>



CITY OF  
PRATTVILLE, ALABAMA

**SOUTH EAST CORNER  
INTERSECTION OF  
COBBS FORD RD &  
MCQUEEN SMITH RD S**

SCALE: 1" = 100'



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

**121009-03**

**Application  
 Prattville Board of Zoning Adjustment**

Variance  
 To reduce parking spaces from 92 to 60 and landscape  
 variance

Use:  Use-On-Appeal  Variance  Administrative Appeal

**Applicant /Agent Information**  
 Notarized letter from the property owner is required if agent is used for representation.

Name: Shane Yarbrough (Foresite Group, Inc.)

Street Address: 2128 Moores Mill Rd, Suite C

City: Auburn State: AL Zip: 36830

Phone Number(s): (334) 887-6064

**Property Owner Information**  
 if different than above

Name: MRT, LLC

Address of Property Owner: PO Box 250330

City: Montgomery State: AL Zip: 36125

Phone Number: (334) 887-6064

**Property Description**

County Tax Parcel Number/Legal Description: 19-06-13-1-000-005.0000

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Current Zoning of Property: B-2 Physical Address: SE Corner of McQueen Smith Rd and Cobbs Ford Rd.

Proposed Use of Property (generally): Commercial Retail

Describe Proposed Use or Variance: We formally request the following variances:

1) A parking variance to reduce the required parking spaces from 92 to 60.

2) A landscape variance to encroach into the 20 foot landscape strip along Cobb's Ford Road and McQueen Smith Road as depicted on the accompanying Variance Plan.

3) A landscape variance to remove the requirement to provide foundation planing along the front and side of the proposed building facing Cobb's Ford Road and McQueen Smith Road.

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SEP 2012

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 limited site area and existing lot configuration, Foresite Group seeks the above mentioned variances for the proposed development.

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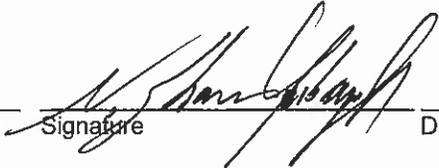
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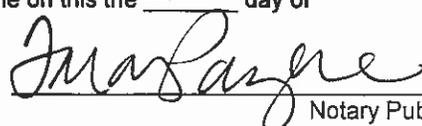
I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore County if applicable), and is a complete list of all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

Shane Yarbrough  
Printed Name

  
Signature

9/21/12  
Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Shane Yarbrough, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 21 day of September, 2012.

  
Notary Public

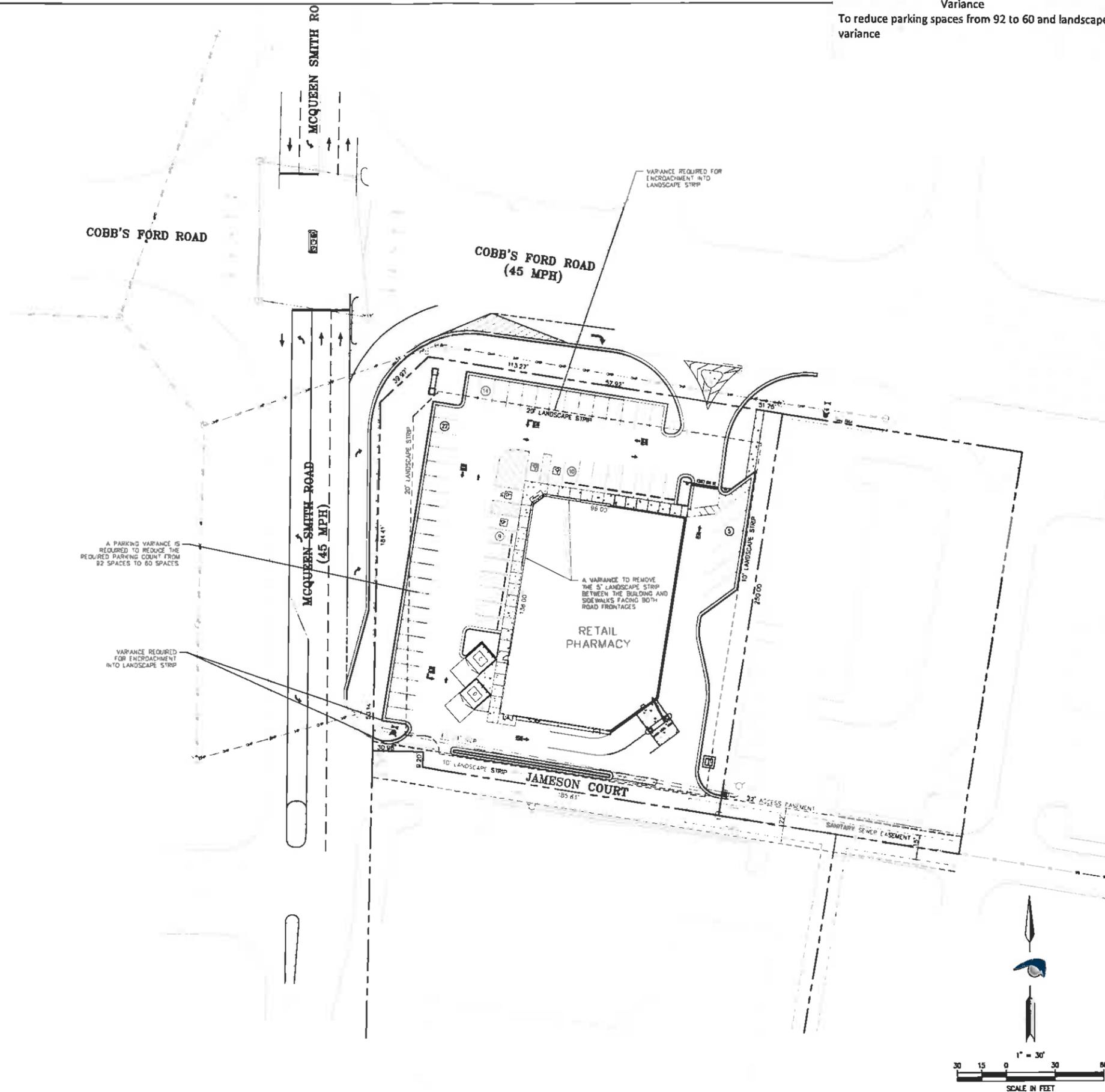
My commission expires 07-03-16

**My Comm. Expires 7/3/16**

Variance  
To reduce parking spaces from 92 to 60 and landscape variance

SITE DATA	
TOTAL RETAIL PHARMACY AREA	= 1.33 ACRES
BUILDING AREA	= 12,745 SF
RETAIL AREA ONLY	= 10,309 SF
RETAIL PARKING PROVIDED	60 SPACES*
PARKING REQUIRED	92 SPACES
PARKING RATIO REQUIRED	3 SPACES PER FIRST 1500 SF PLUS 1 FOR EACH ADDITIONAL 100 SF OF FLOOR AREA
*PARKING VARIANCE REQUIRED	

SITE PLAN LEGEND	
	EXISTING TRAFFIC SIGNAL
	NUMBER OF PARKING SPACES
	ACCESSIBLE PARKING SPACES
	TRANSFORMER BOX ON PAD



A PARKING VARIANCE IS REQUIRED TO REDUCE THE REQUIRED PARKING COUNT FROM 92 SPACES TO 60 SPACES

VARIANCE REQUIRED FOR ENCRoACHMENT INTO LANDSCAPE STRIP

A VARIANCE TO REMOVE THE S' LANDSCAPE STRIP BETWEEN THE BUILDING AND SIDEWALKS FACING BOTH ROAD FRONTAGES

VARIANCE REQUIRED FOR ENCRoACHMENT INTO LANDSCAPE STRIP

RETAIL PHARMACY

**ENGINEER**  
  
 Foresite Group, Inc.  
 2125 Macon's Mill Road  
 Suite C  
 Auburn, AL 36830  
 o 334 887 6064  
 f 334 887 6024  
 www.foresitegroup.com

CONSULTANT:

DEVELOPER:

SEAL:

REVISIONS:


DRAWING BY: BLV  
 DATE: 21 SEPTEMBER 2012  
 JOB NUMBER: 024.074  
 TITLE:

VARIANCE PLAN  
 SHEET NUMBER:

COMMENTS:  
 NOT RELEASED FOR CONSTRUCTION



**PRATTVILLE BOARD OF ZONING ADJUSTMENT**

**PETITIONER: MARTHA BURT  
925 WILBERFORCE AVENUE  
PRATTVILLE, AL 36067**

**REQUEST: VARIANCE TO PLACE STRUCTURE ON LOT LESS THAN  
6000FT<sup>2</sup>.  
925 WILBERFORCE AVENUE  
R-4 ZONING DISTRICT (MULTI FAMILY RESIDENTIAL)**

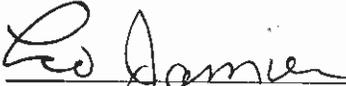
**ORDER**

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 November 13, 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 variance request to place structure on lot less than 6000ft<sup>2</sup> at property requested.**

**IT IS THEREFORE ORDERED** the petition of Martha Burt, 925 Wilberforce Avenue, Prattville, AL is hereby approved.

**DONE THIS THE 13th DAY OF November 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:** November 13, 2012

**PETITIONER:** Martha Burt

**ADDRESS OF PETITION:** 925 Wilberforce Avenue

	<b>NAME</b>	<b>ADDRESS</b>
1.	<u>Tom Fisher</u>	<u>120 E 7<sup>th</sup> ST</u>
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**CITY OF PRATTVILLE**  
 Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	10/30/12
<b>APPLICATION TYPE:</b>	Variance (121113-01)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	925 Wilberforce Avenue
<b>PETITIONER(S) AND AGENT(S):</b>	Martha Burt Representative: Tom Risher, Habitat for Humanity
<b>ZONING DISTRICT(S)</b>	R-4 (Multi Family Residential)
<b>REQUESTED ACTION:</b>	To place structure on lot less than 6000ft <sup>2</sup> .
<b>ZONING ORDINANCE REFERENCE:</b>	<p><b>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</b></p> <p><b>R-4 District:</b></p> <p>Minimum Yard Size</p> <p style="padding-left: 40px;">Front yard - 25'</p> <p style="padding-left: 40px;">Rear Yard – 30'</p> <p style="padding-left: 40px;">Side Yard – 8'6"</p> <p>Minimum Lot Size</p> <p style="padding-left: 40px;">6,000 area in square foot</p> <p style="padding-left: 40px;">50 width ft. at building line</p>

CITY OF  
PRATTVILLE, ALABAMA

925  
WILBERFORCE AVE

SCALE: 1" = 50'



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

**121113-01**

**Application  
 Prattville Board of Zoning Adjustment**

Variance  
 To place a structure on lot less than 6000ft<sup>2</sup>

e:  Use-On-Appeal  Variance  Administrative Appeal

**Applicant /Agent Information**

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

Name: Tom Risher Exec Dir Habitat for Humanity of Autauga and  
Chilton Counties  
 Street Address: 120 E 5th ST  
 City: Prattville State Al Zip: 36067  
 Phone Number(s): 334 365-4132

**Property Owner Information**

If different than above

Name: Martha Burt  
 Address of Property Owner: 925 Wilberforce Avenue  
 City: Prattville State: Al Zip: 36067  
 Phone Number: 334 717-3121

**Property Description**

County Tax Parcel Number/Legal Description: 19-03-05-A-002-012.000 #0  
SEC 05 TWN: 17N RANG: 16E Colfax Hts Prattville AL 36067  
BLK 7 MB2 166 50x115  
 Current Zoning of Property: R-4 Physical Address: 925 Wilberforce Avenue  
Prattville, AL 36067  
 Proposed Use of Property (generally): single family residence  
 Describe Proposed Use or Variance: To use this property  
Sec. 5-a  
to build a new home for Martha Burt,  
a Habitat for Humanity of Autauga and Chilton  
Counties Partner Family.

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)

Martha Junt is a Habitat Partner with our local  
Affiliate (Autauga and Chilton Counties) who lives in a substandard  
single story home on 925 Wilberforce Avenue. We propose to  
tear down the existing home and build an affordable, energy  
efficient home in its place that will increase her property value and  
inspire revitalization of her College Heights area. Her total  
square footage of the lots 697 do not come to the 6000 sq-ft requirement.

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.

<u>Thomas K. Risher</u>	<u>[Signature]</u>	<u>10/25/2012</u>
Printed Name	Signature	Date

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

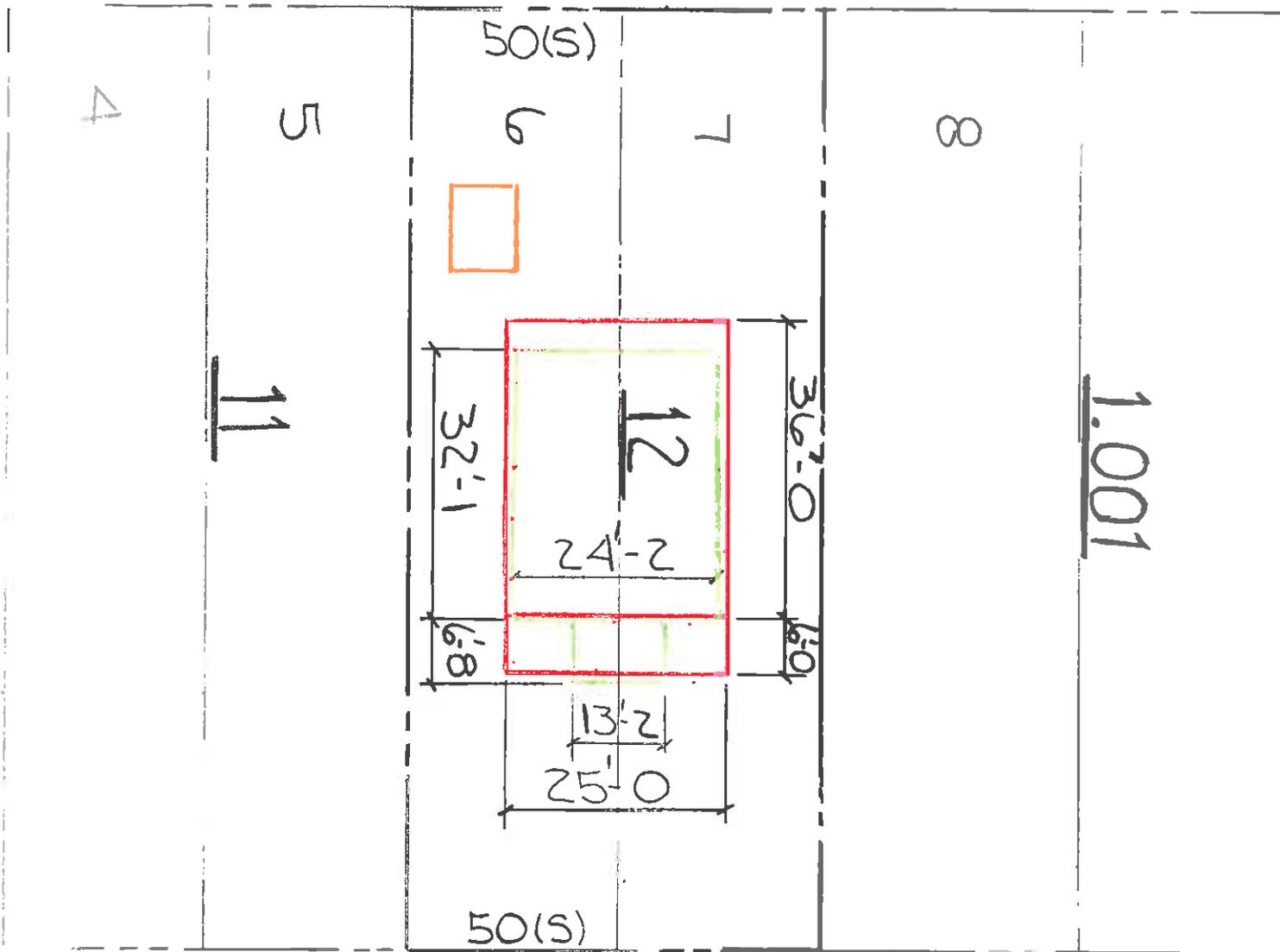
October, 2012

[Signature]  
Notary Public

My commission expires 9/19/2015

121113-01/A

Variance  
To place a structure on lot less than 6000ft<sup>2</sup>



- EXISTING HOUSE
- PROPOSED HOUSE
- STORAGE UNIT

BURT PROPERTY