



# 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 April 8, 2014 meeting of the  
City of Prattville Board of Zoning Adjustment  
were approved.

Leo Jamieson, Chairman

16 June 2014

Date

### PLANNING & DEVELOPMENT DEPARTMENT

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



# CITY OF PRATTVILLE

**BILL GILLESPIE, JR.**  
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DISTRICT 7

## CITY OF PRATTVILLE BOARD OF ZONING ADJUSTMENT A G E N D A April 8, 2014 4:00pm

### Call to Order:

### Roll Call:

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

### Minutes:

### Old Business:

1. 140311-01 VARIANCE

To add a storage building to a legal non-conforming use.  
105 and 113 Pickett Street  
R-2 Zoning District (Single Family Residential)  
Thomas L. Davis, Petitioner

*District 2*

### New Business:

2. 140408-01 USE-ON-APPEAL

To allow use for a child development center.  
720 Doster Road  
B-1 Zoning District (Local Shopping District)  
Gateway Youth Empowerment, Petitioner

*District 7*

3. 140408-02 VARIANCE

To encroach into the rear yard existing nonconforming setback.  
508 Honeybee Court  
R-2 Zoning District (Single Family Residential)  
Debbie Scarpace, Petitioner

*District*

4. 140408-03 VARIANCE

To encroach into the required 40' rear yard setback.  
201 Evergreen Street  
R-2 Zoning District (Single Family Residential)  
Clark Goss, Petitioner

*District 7*

### Miscellaneous:

### Adjourn:

## PLANNING & DEVELOPMENT DEPARTMENT

102 WEST MAIN STREET ■ PRATTVILLE, ALABAMA 36067 ■ 334-361-3613 ■ 334-361-3677  
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**City of Prattville Board of Zoning Adjustment  
Minutes  
April 8, 2014**

**CALL TO ORDER:**

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:00 p.m. on Tuesday, April 8, 2014.

**ROLL CALL:**

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

***Quorum Present***

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

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

**OLD BUSINESS:**

**VARIANCE**

**To add a storage building to a legal non-conforming use.**

**105 and 113 Pickett Street**

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

**Thomas L. Davis, Petitioner**

Mr. Duke stated that the item was held because neither the petitioner nor a representative was at the previous meeting to present the request. He stated that the current zoning required that there be one resident on a single lot. He stated that property has two residences on a single lot which probably existed prior to zoning which made it a legal non-conforming use. He stated that the petitioner was requesting to place a storage building on the lot behind one of the residence, which would continue its non-conformance.

Thomas L. Davis, petitioner, stated that he wanted to build a 10'x16' storage building behind the residence (105) where he would be moving to. He stated that a previous storage building was there but had been removed.

Mr. Cimis asked the petitioner why he would not subdivide the property. He stated that by subdividing the property the lot would be conformed to the zoning requirements then there would be no need for a variance.

Mr. Davis stated that he did not want to subdivide the property because he didn't want to sell the other house.

Mr. Cimis explained that he would not have to sell the property in order to subdivide it but go through a different process.

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

After no further comments, questions, or discussion, the vote was called. The BZA denied the

approval of a variance request to add a storage building to the existing legal non-conforming use on property located at 105 and 113 Pickett Street by 4/1 vote. The votes are as recorded. Oppose: Commander Whaley, Mr. Cimis, Mr. Macready and Chairman Jamieson. Favor: Mrs. Schannep.

**NEW BUSINESS:**

**USE-ON-APPEAL**

**To allow use for a child development center.**

**720 Doster Road**

**B-1 Zoning District (Local Shopping District)**

**Gateway Youth Empowerment, Petitioner**

Mr. Duke provided the staff report for the use-on-appeal request to operate a child daycare center. He stated that the BZA approved a use-on-appeal to operate an after school and summer youth program at this location in July, 2013. He stated that the petitioner was requesting to expand the use to operate a full time day care center.

Felicia Bates, petitioner's representative of Gateway Youth Empowerment, presented the use-on-appeal request to operate a full time daycare center. She stated that the center would be operating five days a week from 6:30 a.m. to 6:00 p.m. She stated that the maximum capacity for the building was 70. She stated that they currently have 22 after care students.

Chairman Jamieson opened the public hearing.

Jonny Davis, Pastor of Ambassador for Christ Church, spoke in favor of the request. He stated that the center uses the church bus to transport students.

Chairman Jamieson closed the public hearing.

After no further comments, questions, or discussion, the vote was called. Mr. Cimis stated that the use would not cause substantial adverse impact to adjacent or nearby properties or uses and moved to approve as submitted Mrs. Schannep seconded the motion. The BZA voted unanimously to approve the use-on-appeal to allow use for a child development center on property at 720 Doster Street.

**VARIANCE**

**To encroach into the rear yard existing nonconforming setback.**

**508 Honeybee Court**

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

**Debbie Scarpace, Petitioner**

Mr. Duke provided the staff report for the variance request to encroach into the rear yard of 508 Honeybee Court. He stated that the property is an existing non-conforming use with a rear yard setback at 36'. He stated that the R-2 zoning district required a 40' rear yard setback. He stated that the petitioner was requesting to cover the existing porch; once the porch is covered it would be considered part of the main structure. He stated that the proposed covered porch would encroach 10' into the existing non-conforming 36' rear yard setback.

Charles Nelson, petitioner's representative, stated that his company, Tri County Screen Enclosures, was contracted to cover the deck. He stated that that the water runoff would continue its current flow to runoff to the rear of the property. He stated that there were no special conditions to the property that were not applicable to other property in the neighborhood.

Chairman Jamieson opened the public hearing.

Jeff Hammock, 507 Mockingbird Court, stated that he did not oppose the request as it was presented.

Chairman Jamieson closed the public hearing.

After no further comments, questions, or discussion, the vote was called. The BZA denied the approval of the variance to encroach into the rear yard existing non-conforming setback at 508 Honeybee Court by 3/2 vote. The votes are as recorded. Oppose: Commander Whaley, Mr. Cimis and Chairman Jamieson. Favor: Mr. Macready and Mrs. Schanep.

**VARIANCE**

**To encroach into the required 40' rear yard setback.**

**201 Evergreen Street**

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

**Clark Goss, Petitioner**

Mr. Duke provided the staff report for the variance request to encroach into the required 40' rear yard setback at 201 Evergreen Street. He stated that the petitioner was requesting a 4' to 10' variance.

Clark Goss, petitioner, stated that he purchased a corner lot in Deerwood Estates to build a new resident. He stated that the proposed house would face Evergreen Street. He stated that the covenant restrictions and the zoning requirements have caused him to have problems placing his desired style house on the lot. He stated that he could make it work with a 4' variance but a 10' variance would make the house more aesthetically appealing on the lot.

Chairman Jamieson asked Mr. Goss if the plans could be altered 4' to fit on the lot. Mr. Goss replied that the original drawings had already been modified to the proposed layout.

Chairman Jamieson opened the public hearing.

Mary Ewing, 208 Spruce Street, spoke in favor of the request. She stated that the variance request would not be out of conformity with the neighborhood.

Burt Perry, 204 Spruce Street, spoke in favor of the request.

Chairman Jamieson closed the public hearing.

Mr. Cimis asked Mr. Duke if there was any uniqueness about the drainage or the terrain of the property that would warrant a variance.

Mr. Duke stated that there were no special conditions on this lot.

After no further comments, questions, or discussion, the vote was called. The BZA granted the approval of the variance to encroach 4' into the required 40' rear yard setback at 201 Evergreen Street by 4/1 vote. The votes are as recorded. Favor: Mr. Macready, Mrs. Schanep, Commander Whaley, and Chairman Jamieson. Oppose: Mr. Cimis.

**MISCELLANEOUS:**

**ADJOURN:**

After no further comments, questions or discussion the meeting was adjourned at 4:38 p.m.

*Approved 6/16/14*

Respectfully submitted,

A handwritten signature in cursive script that reads "Alisa Morgan".

Alisa Morgan, Secretary  
Board of Zoning Adjustment

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

MEETING DATE: March 11, 2014

PETITIONER: Thomas L. Davis

ADDRESS OF PETITION: 105 & 113 Pickett Street

	NAME	ADDRESS
1.	Joseph Albright	1050 Spring St
2.	Thomas Davis	406 CARVER ST
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4-8-14

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



**VARIANCE** 105 & 113 Pickett Street  
BZA Application – 140311-01

**DATE** March 10, 2014

**PROPOSED DEVELOPMENT**

**Petitioner:** Thomas L. Davis  
**Property Owners:** same as petitioner  
**Agent:** N/A  
**Location:** 105 and 113 Pickett Street

**Development Status and History**

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

**Property Configuration**

*Acreage:* 0.72 acres (31,233 square feet)  
*Zoning Classification:* R-2, Single Family Residential

*Relevant Standards:* 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 discontinue [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 71. R-2 Districts

Minimum Lot Size: 10,500 square feet

Maximum Lot Coverage: 45%

Yard Setbacks:

Front: 35'

Rear: 40'

Sides: 10'

Accessory Structure Location: behind rear building line

Accessory Structure Setbacks: 5' from rear and side lines.

*Requested Variance:*

Effective variance as re-stated by staff (see application for applicant statement): R-2 parcel is a legal non-conforming use due to the presence of two single family structures. Applicant wishes to add an accessory structure which will further its non-conformance. This is prohibited by Section 4. Applicant is requesting a variance to allow the storage building/accessory structure.

*Statement of Hardship:* No statement of hardship is provided on the application.  
(taken from application)

## **PLANNING STAFF EVALUATION**

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

**Site Visits Conducted:** Several visits in March 2014

**Recommendation:** Denial – no clear hardship. Two legal, R-2 lots can be created from the .72 acre parcel allowing legal placement of accessory structures and further legal use of the two separate lots.

### **Planning Staff Comments:**

The applicant applied for a permit to add a new accessory structure on the residential parcel containing 105 and 113 Pickett Street -- two single-family residential structures. Since the property is zoned R-2, which limits the uses to a single residential structure per lot, the current configuration is legal non-conforming as defined by Zoning Ordinance, Section 4(B). Adding the accessory structure will further the non-conformance. The applicant is requesting a variance to allow the accessory structure to be placed behind 105 Pickett Street.

State code and best practices require the BZA to measure variance requests against several basic standards. Below is the staff opinion regarding the standards and this request.

1. No special conditions and circumstances exist regarding this structure which are not applicable to other lands, structures, or buildings in the same R-3 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 not 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-3 district;
  5. The granting of a variance is not in harmony with the intent and purposes of the zoning ordinance;
  6. A variance may not adversely affect the surrounding property, the general neighborhood, or the community as a whole;
  7. A variance will allow the establishment of a use prohibited under the terms of the zoning ordinance in an R-2 district.
- R-2 standards require a minimum lot size of 10,500 square feet. The subject parcel is of sufficient size that it may be divided into two lots meeting the zoning district's minimum lot area. Once divided, the accessory structure can be permitted as long as it is placed behind the rear building line.

## **ATTACHMENTS**

1. Location Map
2. Application.



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: Thomas L. Davis  
 Street Address: 706 Carver St.  
 City: Prattville State: Al. Zip: 36067  
 Phone Number(s): 334 328-5275

*All same as above*

**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: ~~X~~ 19042040020150000

Current Zoning of Property: R-2 Physical Address: 105 & 113 Pickett Street

Proposed Use of Property (generally): Residential 36067

Describe Proposed Use or Variance: I wish to request to construct a 16x16 storage building location to rear 105 Pickett Street.

*The property has two homes located on site. Variance requested to allow construction of the storage and meet the rule of compliance & legal non-conforming with the two homes. I will reside in the 105 Pickett St. home and rent the 113 home.*

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.

N/A  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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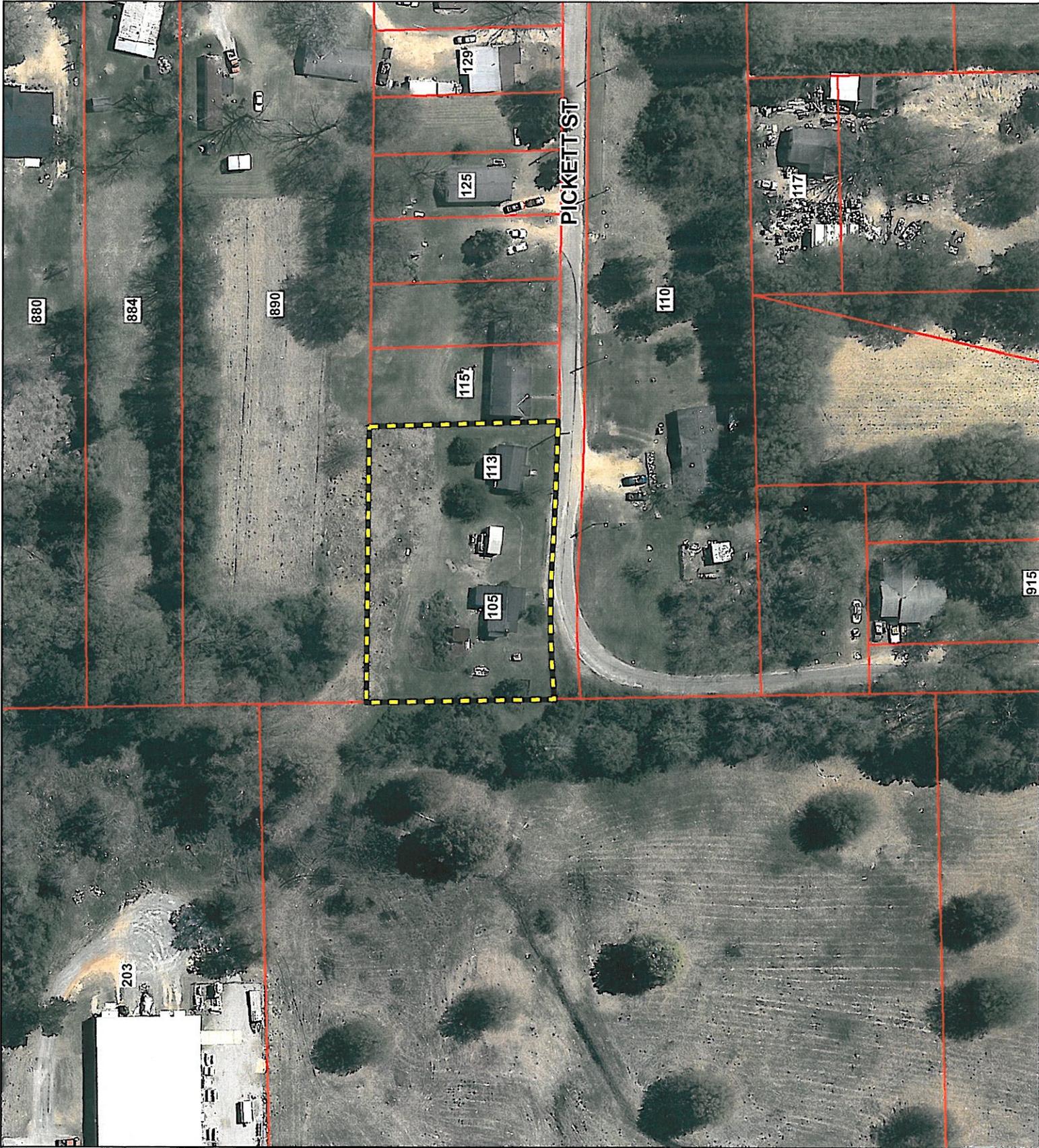
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I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore 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.*

Thomas L Davis      Thomas L Davis      2-21-14  
 Printed Name                      Signature                      Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Thomas L Davis, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 21<sup>st</sup> day of February, 2014.

Leah Redmond  
 Notary Public  
 My commission expires 11-08-2015



CITY OF  
PRATTVILLE, AL

105 & 113  
PICKETT ST



— STREETS

□ TAX PARCELS

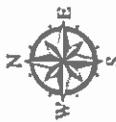


CITY OF  
PRATTVILLE, AL

105  
Pickett St

4-113 ✕  
Scale: 1" = 50'

*R-2 zone*



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STREETS  
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TAX PARCELS

\* *New Storage Bldg.*  
*(16' x 16')*

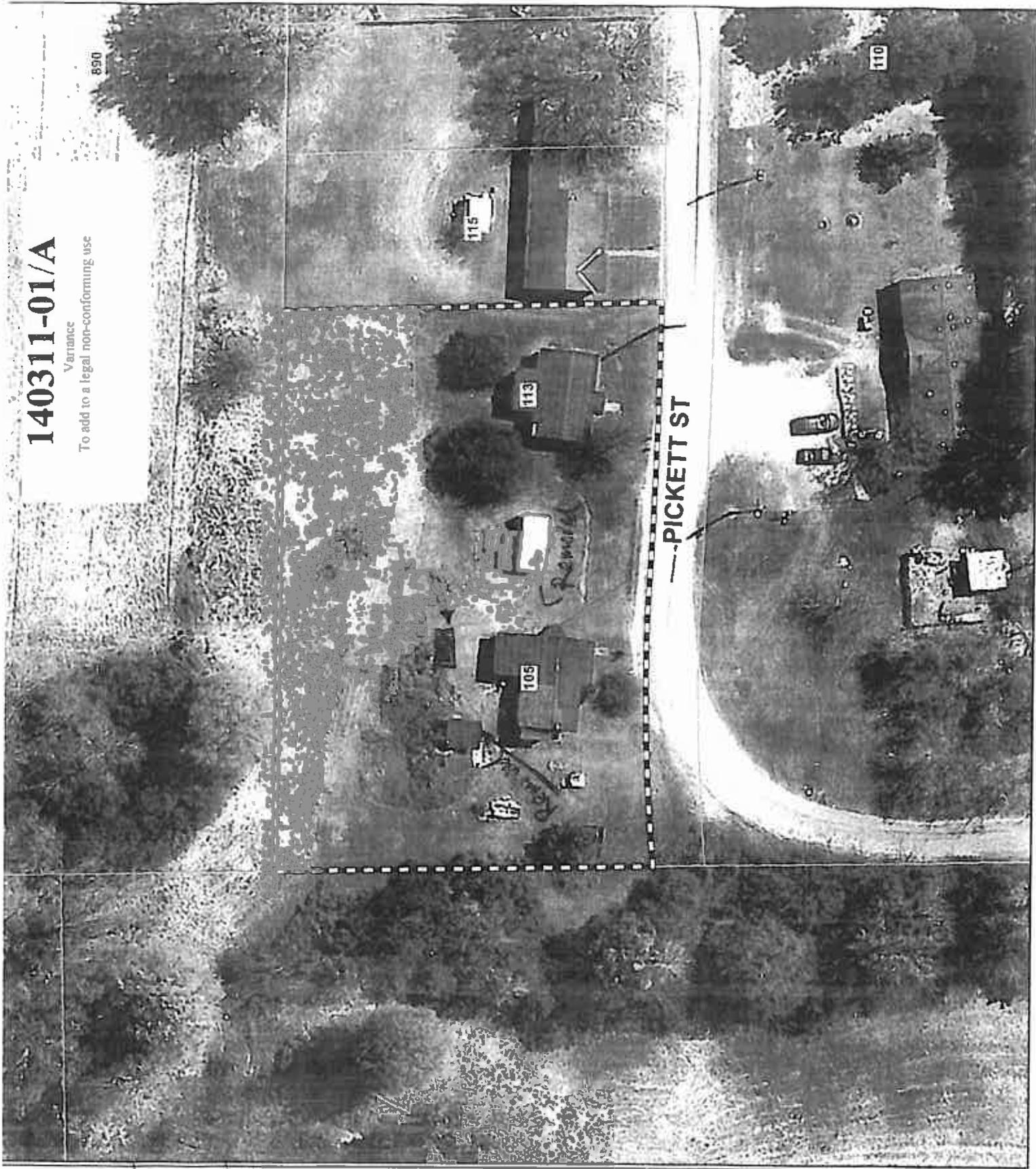
" *Thomas Davis Property* "



140311-01/A

Variance  
To add to a legal non-conforming use

890



**PRATTVILLE BOARD OF ZONING ADJUSTMENT**

**PETITIONER:** GATEWAY YOUTH EMPOWERMENT MINISTRIES  
720 DOSTER ROAD  
PRATTVILLE, AL 36067

**REQUEST:** USE-ON-APPEAL TO ALLOW USE FOR A CHILD DEVELOPMENT  
CENTER  
720 DOSTER ROAD  
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 April 8, 2014 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 use for a child development center (as submitted) at 720 Doster Road.**

**IT IS THEREFORE ORDERED** the petition of Gateway Youth Empowerment Ministries, 720 Doster Road, Prattville, AL is hereby approved.

**DONE THIS THE 8th DAY OF April 2014.**

**BOARD OF ZONING ADJUSTMENT**

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

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

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

**MEETING DATE:** April 8, 2014

**PETITIONER:** Gateway Youth Empowerment

**ADDRESS OF PETITION:** 720 Doster Road

	<b>NAME</b>	<b>ADDRESS</b>
1.	<i>Jelicia Beal</i>	<i>720 Doster Rd.</i>
2.	<i>Johnny L DAVIS</i>	<i>" "</i>
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



**USE-ON-APPEAL** Gateway Youth Empowerment – Daycare Center – 720 Doster Road

BZA Application – 140408-01

**DATE** April 6, 2014

**PROPOSED DEVELOPMENT**

**Petitioners:** Gateway Youth Empowerment Ministries

**Property Owners:** Boonopen Carter

**Agent:** N/A

**Location:** 720 Doster Road

**Development Status and History**

*Submission Status:* Requesting a revision/expansion to the use-on-appeal granted by BZA on July 9, 2013. Expanding approved after-school daycare and summer youth program to a full time daycare program

*Previous Approvals:* Granted use-on-appeal on July 9, 2013 for use as an after-school daycare and summer youth program.

*Conditions of Previous Approvals:* None additional to the required city codes.

**Property Configuration**

*Acreage:* Approximately 0.45 acres

*Proposed Use:* Full time daycare program

*Current Zoning:* B-1 (Local Shopping District)

*Required Zoning:* Daycare permitted with use-on-appeal approval from the Board of Zoning Adjustment.

*Surrounding Developments and Uses:* The property west of the site and across Autauga Creek is zoned R-2, Single-family Residential and used for low density housing.

To the east and across Doster Road is the New Moon Subdivision zoned T-1, Mobile Home Subdivision.

North and south of the proposed development are vacant, undeveloped, forested parcels zoned B-1, Neighborhood Commercial.

*Street Extensions or New Streets:* None required or proposed.

*Water and Sewer:* 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 1, 2014

**Recommendation:** This requested use has been referred back to the BZA as an expansion of the use-on-appeal approval grant in July 2013. The proposed use is heavily regulated by the city's building and fire codes. The size of the site and the building's size and configuration limited the size of the initial operation. These limitations will also apply to the expansion. The only substantial change to the daycare program is its operating hours. Unless some information is presented at hearing that reveals a negative traffic or noise impact to the neighborhood, the request should be approved.

### **Planning Staff Comments:**

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

1. The proposed daycare center is an allowable use-on-appeal, and is not a prohibited use in a B-1 district.

2. Development of the proposed use at 720 Doster Road is in the public interest and meets the spirit of the City of Prattville Zoning Ordinance.
3. The proposed use will not cause substantial adverse impact to adjacent or nearby properties or uses.

**ATTACHMENTS**

1. BZA approval – July 9, 2013

**PRATTVILLE BOARD OF ZONING ADJUSTMENT**

**PETITIONER: GATEWAY YOUTH EMPOWERMENT  
1849 GLYNWOOD DRIVE  
PRATTVILLE, AL 36066**

**REQUEST: USE-ON-APPEAL TO ALLOW USE AS AFTER-SCHOOL CARE  
AND SUMMER DAY CAMP  
720 DOSTER ROAD  
B-1 ZONING DISTRICT (LOCAL SHOPPING DISTRICT)**

**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 July 9, 2013 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 use as after-school care and summer day camp on property at 720 Doster Road.**

**IT IS THEREFORE ORDERED** the petition of Gateway Youth Empowerment, 1849 Glynwood Drive, Prattville, AL is hereby approved.

**DONE THIS THE 9th DAY OF July 2013.**

**BOARD OF ZONING ADJUSTMENT**

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**LEO JAMIESON, CHAIRMAN**

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**ALISA MORGAN, SECRETARY**

**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	3/31/14
<b>APPLICATION TYPE:</b>	Use-On-Appeal (140408-01)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	720 Doster Road
<b>PETITIONER(S) AND AGENT(S):</b>	Gateway Youth Empowerment Representative: Felicia Bates
<b>ZONING DISTRICT(S)</b>	B-1 (Local Shopping District)
<b>REQUESTED ACTION:</b>	Use-On-Appeal to allow use as a child development center.
<b>ZONING ORDINANCE REFERENCE:</b>	<p><b>Article 7. District Requirements. Appendix A-Zoning Ordinance Section 72 Business District Requirements</b></p> <p><b>(B-1)</b> <b>USES PERMITTED ON APPEAL:</b> Filling stations where no major repair work is done; restaurants; community recycling. Any use permitted or permitted on appeal in the R-4 Residential District, and subject to all district requirements of an R-4 District as specified in Section 71, hereof.</p> <p><b>Section 71 Residential District Requirements (R-4)</b> <b>USES PERMITTED ON APPEAL:</b> (See: regulations common to all "R" Districts, listed above.)</p> <p><b>All "R" Districts</b> <b>USES PERMITTED ON APPEAL:</b> ...daycare centers, private schools...</p>

CITY OF PRATTVILLE, AL

720  
DOSTER RD

Scale: 1" = 100'



— STREETS  
□ TAX PARCELS



647



140408-01

Use-On-Appeal  
To allow a child development center

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

Application  
Prattville Board of Zoning Adjustment

Use-On-Appeal  Variance  Administrative Appeal

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

Name: Jelicia Bates (Ministry Youth Empowerment - Ministerial)

Street Address: 720 Dexter Rd

City: Prattville State: AL Zip: 36067

Phone Number(s): 334-651-2288

**Property Owner Information**  
If different than above

Name: Mrs Boonopen Carter

Address of Property Owner: 831 Highway 82 west bypass

City: Prattville State: AL Zip: 36067

Phone Number: (334) 549-1224

**Property Description**

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

Current Zoning of Property: B1 Physical Address: 720 Dexter Rd

Proposed Use of Property (generally): Child development center

Describe Proposed Use or Variance: After school, summer and daily child development. Parents will drop off and pick up children daily. hours of operation will be from 6<sup>30</sup> AM to 6<sup>00</sup> PM were currently running the after school and summer program.



The following items must be attached to the application (check those items included):

*Fee waived*

- 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.

*X* BOONPEN CARTER *X* Boonpen Carter *X* 3-12-14  
 Printed Name                      Signature                      Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Boonpen Carter, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 12<sup>th</sup> day of

March, 2014.

*Jessie Redmond*  
Notary Public

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

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

MEETING DATE: April 8, 2014

PETITIONER: Debbie Scarpace

ADDRESS OF PETITION: 508 Honeybee Court

	NAME	ADDRESS
1.	<i>CHARLES NELSON</i>	
2.	<i>Jeff Hamm</i>	<i>507 MOCKINGBIRD COURT</i>
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment  
Planning Department Staff Report



**VARIANCE** 508 Honeybee Court  
BZA Application – 140408-02

**DATE** April 6, 2014

**PROPOSED DEVELOPMENT**

**Petitioner:** Debbie Scarpace  
**Property Owners:** same as petitioner  
**Agent:** N/A  
**Location:** 508 Honeybee Court

**Development Status and History**

*Previous Variance Requests/Approvals:* No previous variances

*Conditions of Previous Approvals:* N/A

**Property Configuration**

*Acreage:* Approximately 0.44 acres (19,167 square feet)

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

*Relevant Standards:* 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 discontinuance [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'

Accessory Structure Location: behind rear building line

Accessory Structure Setbacks: 5' from rear and side lines.

*Requested Variance:* Effective variance as re-stated by staff (see application for applicant statement): Existing structure at 508 Honeybee Court has a 4' encroachment into the required 40' rear yard. The applicant is requesting a variance to permit a further 10' encroachment in order to add an attached cover to an existing deck. The effective rear setback will be 26'.

*Statement of Hardship:*  
(taken from application) "My house was built (in the) late 1970's at which I purchased in the 2007. I am wanting to build an aluminum patio cover to cover my existing wood deck. I understand the R-2 zone requires a forty foot set back. However, I have thirty-six feet currently. I request a variance to install a 10 feet patio cover."

## **PLANNING STAFF EVALUATION**

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

**Site Visits Conducted:** April 6, 2014

**Recommendation:** Variance is not justified. No extraordinary hardship has been presented. Existing non-conformance should not have an impact on the request. If the main structure complied with the 40' setback, a variance would still be necessary to permit a permanent, attached awning over the deck.

### **Planning Staff Comments:**

The existing structure at 508 Honeybee Court encroaches approximately 4' into the 40' setback required by in an R-2 district. Attached to the rear of the structure is an uncovered wooded deck that extends 10' further into the rear yard. This existing structure and uncovered deck has been deemed to be a legal non-conforming use under the terms of Section 4. The applicant requested a building permit to construct an attached patio cover which will match the 10' depth of the existing deck. Since the attached patio cover will be considered a part of the main structure and must meet the setback requirements, adding the patio cover will further the non-conformance of the structure.

State code and best practices require the BZA to measure variance requests against several basic standards. Below is the staff opinion regarding the standards and this request.

1. No special conditions and circumstances exist regarding this structure which are not applicable to other lands, structures, or buildings in the same 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 not 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-3 district;
5. The granting of a variance is not in harmony with the intent and purposes of the zoning ordinance;
6. A variance may not adversely affect the surrounding property, the general neighborhood, or the community as a whole;
7. A variance will allow the establishment of a use prohibited under the terms of the zoning ordinance in an R-2 district.

### **ATTACHMENTS**

None. Please see earlier mail out.

**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	3/31/14
<b>APPLICATION TYPE:</b>	Variance (140408-02)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	508 Honeybee Court
<b>PETITIONER(S) AND AGENT(S):</b>	Debbie Scarpace
<b>ZONING DISTRICT(S)</b>	R-2 (Single Family Residential)
<b>REQUESTED ACTION:</b>	To encroach into the rear yard's existing nonconforming setback.
<b>ZONING ORDINANCE REFERENCE:</b>	<p><b>Appendix A-Zoning Ordinance Section 68 Definitions.</b></p> <p>Nonconforming use. A use of any structure or land which, though originally lawful, does not conform with the provisions of this ordinance or any subsequent amendments thereto for the district in which it is located.</p> <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, AL

508  
HONEYBEE CT

Scale: 1" = 100'



— STREETS  
□ TAX PARCELS





140408-02

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

Variance  
To encroach into rear yard existing nonconforming setback

Use-On-Appeal  Variance  Administrative Appeal

**Applicant /Agent Information**

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

Name: Debbie Scarpato  
Street Address: 508 Honeybee Ct  
City: Prattville State: Al Zip: 36067  
Phone Number(s): 313 046 7

**Property Owner Information**

If different than above

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

**Property Description**

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

Current Zoning of Property: R-2 Physical Address: 508 Honeybee Ct

Proposed Use of Property (generally): RESIDENCE

Describe Proposed Use or Variance: INSTALL A TEN FOOT ALUMINUM PATIO COVER OVER EXISTING WOOD DECK. HOUSE EXIST AT FOUR INTO SET BACK, THEREFORE MAKING THE TOTAL ENCROACHMENT TO FOURTEEN FEET.



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))

MY HOUSE WAS BUILT LATE 1970'S AT WHICH I PURCHASED IN 2007. I AM WANTING TO BUILD AN ALUMINUM PATIO COVER TO COVER MY EXISTING WOOD DECK. I UNDERSTAND THE R-2 ZONE REQUIRES A FORTY FOOT SET BACK. HOWEVER, I HAVE THIRTY SIX FEET CURRENTLY. I REQUEST A VARIANCE TO INSTALL A 10 FEET PATIO COVER.

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.

Debbie Scarpace [Signature] 3/19/14  
Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Debbie Scarpace, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 19<sup>th</sup> day of March, 2014.

[Signature]  
Notary Public

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

APPLICATION - ACCESSORY STRUCTURE

Building Department  
102 W. Main St.  
Prattville, AL 36067  
(334) 595-0400/FAX (334) 361-3677  
building@prattvilleal.gov

140408-02/A

Variance  
To encroach into rear yard existing nonconforming setback



Structure Address: 508 Honey Bee Ct Area of Proposed New Building (sq. ft.): 590

Area of House on Lot (square feet): 1600 Approximate Cost/Value: \$4200

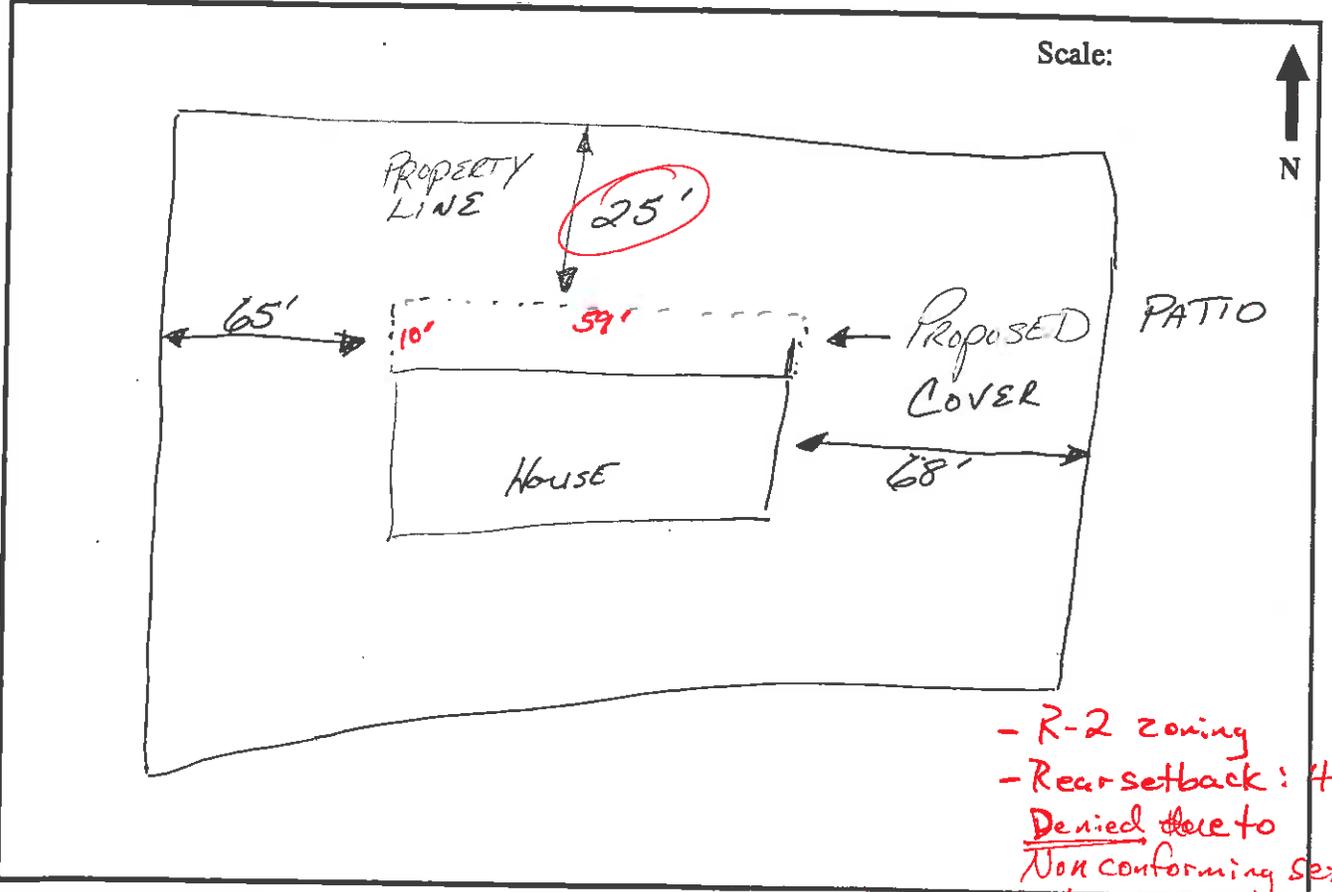
Contractor: Tri County Screen Enclosures Telephone: (334) 558-2372

Prattville Business License #: 20110018 State License #: N/A

Property Owner: DEBBIE SCARPACE Telephone: (334) 313-0467

Address: 508 Honey Bee Ct, Prattville AL 36067

Site Plan: A scale drawing or survey showing the location of the proposed accessory structure relative to the main structure and all property lines is required before a permit may be approved. Please attach a scale drawing or survey or complete a sketch in the space provided below.



- R-2 zoning  
 - Rear setback: 40'  
 Denied due to  
 Non conforming setback  
 and encroachment into  
 Required Rear yard  
 J.P.D.  
 3/19/2014  
 Applicant has been  
 contacted.

Rules: In a residential district, accessory structures must be placed to the rear of the rear building line of the main structure (house) on the lot. Accessory structures may not be placed in the side yard. Multiple accessory structures are allowed, but the total area of all accessory structures may not exceed fifty percent of the area main building.

**PRATTVILLE BOARD OF ZONING ADJUSTMENT**

**PETITIONER:** CLARK GOSS  
209 FAWN LANE  
PRATTVILLE, AL 36067

**REQUEST:** VARIANCE TO ENCROACH INTO THE REQUIRED 40' REAR  
YARD SETBACK  
201 EVERGREEN STREET  
R- 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 April 8, 2014 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 4' into the required 40' rear yard setback at 201 Evergreen Street.**

**IT IS THEREFORE ORDERED** the petition of Clark Goss, 209 Fawn Lane, Prattville, AL is hereby approved.

**DONE THIS THE 8th DAY OF April 2014.**

**BOARD OF ZONING ADJUSTMENT**



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



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

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

**MEETING DATE:** April 8, 2014

**PETITIONER:** Clark Goss

**ADDRESS OF PETITION:** 201 Evergreen Street

	NAME	ADDRESS
1.	<u>Clark Goss</u>	<u>209 Fawn Lane Prattville AL 36067</u>
2.	<u>Mary Ewing</u>	<u>208 Spruce St. Prattville, AL 36067</u>
3.	<u>Burt Parrott</u>	<u>204 SPRUCEST, "</u>
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment  
Planning Department Staff Report



**VARIANCE** 201 Evergreen Street  
BZA Application – 140408-03

**DATE** April 6, 2014

**PROPOSED DEVELOPMENT**

**Petitioner:** Clark Goss

**Property Owners:** Trust of Arthur and Agnes Cobern

**Agent:** N/A

**Location:** 201 Evergreen Street (corner of Evergreen and Deer Wood Drive).

**Development Status and History**

*Previous Variance Requests/Approvals:* Undeveloped lot - no existing variances

*Conditions of Previous Approvals:* N/A

**Property Configuration**

*Acreage:* Approximately 0.49 acres (21,344 square feet)

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

*Relevant Standards:* 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'

Accessory Structure Location: behind rear building line

Accessory Structure Setbacks: 5' from rear and side lines.

*Requested Variance:* Effective variance as re-stated by staff (see application for applicant statement): Requesting either a 4' or 10' encroachment into the required 40' rear yard for a new house. Applicant intends to face Evergreen Street in conformance with the opposite corner of Evergreen Street and Deer Wood Drive.

*Statement of Hardship:* Attachment A from the application included with the report.  
(taken from application)

## **PLANNING STAFF EVALUATION**

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

**Site Visits Conducted:** April 6, 2014

**Recommendation:** Variance is not justified. No extraordinary hardship has been presented. Sufficient space exists on the lot to achieve any square footage required by covenants, as defined by the applicant, and still comply with zoning.

### **Planning Staff Comments:**

State code and best practices require the BZA to measure variance requests against several basic standards. Below is the staff opinion regarding the standards and this request.

1. No special conditions and circumstances exist regarding this structure which are not applicable to other lands, structures, or buildings in the same 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-3 district;
5. The granting of a variance is not in harmony with the intent and purposes of the zoning ordinance;
6. A variance may not adversely affect the surrounding property, the general neighborhood, or the community as a whole;
7. A variance will allow the establishment of a use prohibited under the terms of the zoning ordinance in an R-2 district.

#### **ATTACHMENTS**

1. Application – Attachment A – Applicant’s Statement
2. Deer Wood Subdivision Protective Covenants (provided by staff)

APPLICATION FOR VARIANCE

LOT 8 BLOCK 5 DEERWOOD SUBDIVISION

201 EVERGREEN STREET

I am making an appeal for a rear set back variance for lot 8 block 5 of Deerwood subdivision to the zoning board at the city of Prattville. Lot 8 is located at the corner of Evergreen st. and Deerwood and measures on the road frontage 150' along Deerwood and 145' along Evergreen st. I am requesting the zoning board consider atleast a 4' variance, preferably 10' variance is possible to lot 8 block 5 in Deerwood. This variance would be to the rear minimum set back of 40' be decreased to a minimum of 36' and preferably 30'. The owner of the and I were both under the impression that the rear set backs were the same as the side yard set backs, 10 feet. This was after reading through the covenants, which read single story dwellings must be atleast 75' feet wide. If this area is zoned R2, this would mean my maximum and minimum house, would either be on the minimum set backs or over, depending on which way the house faces. If the house measures 75' and faces Deerwood, it will be 5' over the minimum set backs. If it conforms to the older homes in the neighborhood and faces Evergreen St. it will be right on the line of the minimum set backs or slightly over.

In the current times of smaller lot sizes. It has been incredibly difficult to find a modern and functional house plan, that meets the minimum 75' covenants and complements the neighborhood of Deerwood. It was truly my, and the lot owners understanding, that at the time of the purchase, that the minimum set backs on this lot were, 35' front on the road frontage and 10' on the back and sides. I only found out while submitting the plans for permitting that it was zoned R2 and had 40' rear easment. In this case, it would make it nearly impossible to meet the zoning requirements and the subdivision covenants. I plead with you to consider my situation, and grant me a variance based on the information above, age of the neighborhood, and the ambiguity in the covenants. I will happily answer any questions on this matter, and truly appreciate your time.

Thank You,

Clark Goss

By adoption of this plat, Autauga Land Development Corporation, owner of all the lots embraced herein, hereby adopt the following Protective Covenants and impose them upon the property comprising the said plat and upon each lot therein.

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date of the recording of this plat, after which time covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part. Enforcement shall be by proceeding at law or in equity against the person or persons violating or attempting to violate any covenant, either by restrain violation or to recover damages. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

1. No lot shall be used except for residential purposes. No building other than one detached single-family dwelling not to exceed two and one-half stories in height shall be permitted on any lot. This shall not be construed to prevent necessary out buildings as hereinafter authorized and provided.
2. No residence shall be erected upon or allowed to occupy any lot unless the total living area of the main structure, exclusive of open porches, attached garages or carports, be not less than 2500 square feet in the case of a one-story dwelling, nor less than 1650 square feet in the case of a dwelling of more than one story.
3. No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building set-back lines shown on the recorded plat. No building shall be located on any lot nearer than ten feet to an interior lot line, except that a five-foot minimum side yard be permitted for a garage or other accessory building located on the rear one-quarter of the lot. For purposes of this covenant, eaves, steps, open porches, and ornamental planting boxes shall not be considered as part of a building provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.
4. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown.
5. No building shall be erected or placed on any lot having a width of less than 75 feet at the minimum building set-back line, nor shall any dwelling be erected or placed on any lot having an area of less than 10,500 square feet.
6. Easements in favor of the utility companies are reserved on or within two feet of the side lot lines from the front line of the building setback line only, to permit the placement of power and telephone poles and anchors.
7. No separate garages or outbuilding of any kind or nature, except garden or ornamental landscape structures, shall be erected on or allowed to occupy any lot except on that portion of the lot in the rear of the residence, and no such building shall be constructed or occupied prior to the construction of the main house, except such as may be used in storing tools and materials for the construction of the main house.
8. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

9. No structure of a temporary character, trailer, basement, tent, shed, garage, barn or other out building shall be used on any lot at any time as a residence, either temporarily or permanently.

10. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

11. No oil drilling, oil development operation, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavation or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.

12. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

13. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

14. No fence, wall, hedge or shrub planting which obstructs sight-lines at elevations between 2 and 15 feet above the roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight-lines.

15. No fence or ornamental wall shall extend along the side lot lines nearer to the street property line than the rear of the dwelling.

16. No building shall be placed nor shall any material or refuse be placed or stored on any lot within 20 feet of the property line of any park or edge of any open water course, except that clean fill may be placed nearer provided that the natural water course is not altered or blocked by such fill.

17. No dwelling in which the quality of workmanship, materials, or methods of construction are below the current or last published standard of the Federal Housing Administration shall be erected or placed on any lot, nor shall any unfinished or partially finished structure of the "shell home" variety be used as a residence, either temporarily or permanently.

**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	3/31/14
<b>APPLICATION TYPE:</b>	Variance (140408-03)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	201 Evergreen Street
<b>PETITIONER(S) AND AGENT(S):</b>	Clark Goss
<b>ZONING DISTRICT(S)</b>	R-2 (Single Family Residential)
<b>REQUESTED ACTION:</b>	To encroach into the required rear yard setback.
<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'

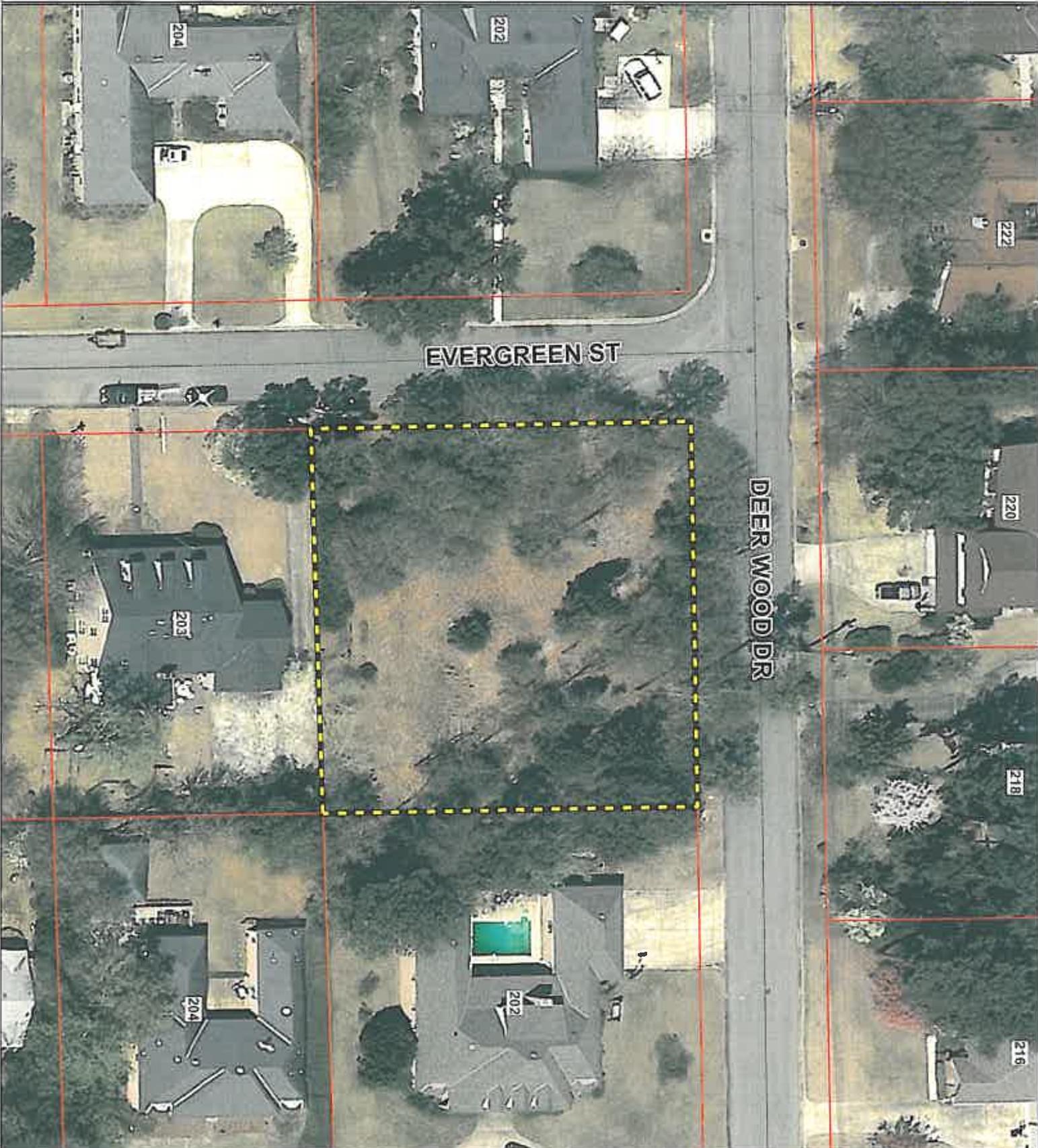
CITY OF  
PRATTVILLE, AL

Future Goss  
Property  
201  
Evergreen St

Scale: 1" = 50'



— STREETS  
□ TAX PARCELS





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)

See Attached PAPER WORK

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.

Clark Goss                      [Signature]                      3/21/14  
 Printed Name                      Signature                      Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Clark Goss, whose name is signed to the foregoing petition, and who is known to me, acknowledged same before me on this the 21<sup>st</sup> day of March, 2014.

[Signature]  
 Notary Public

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

# 140408-03/A

Variance

To encroach into the required 40' rear yard setback

## APPLICATION FOR VARIANCE

LOT 8 BLOCK 5 DEERWOOD SUBDIVISION

201 EVERGREEN STREET

I am making an appeal for a rear set back variance for lot 8 block 5 of Deerwood subdivision to the zoning board at the city of Prattville. Lot 8 is located at the corner of Evergreen st. and Deerwood and measures on the road frontage 150' along Deerwood and 145' along Evergreen st. I am requesting the zoning board consider atleast a 4' variance, preferably 10' variance is possible to lot 8 block 5 in Deerwood. This variance would be to the rear minimum set back of 40' be decreased to a minimum of 36' and preferably 30'. The owner of the and I were both under the impression that the rear set backs were the same as the side yard set backs, 10 feet. This was after reading through the covenants, which read single story dwellings must be atleast 75' feet wide. If this area is zoned R2, this would mean my maximum and minimum house, would either be on the minimum set backs or over, depending on which way the house faces. If the house measures 75' and faces Deerwood, it will be 5' over the minimum set backs. If it conforms to the older homes in the neighborhood and faces Evergreen St. it will be right on the line of the minimum set backs or slightly over.

In the current times of smaller lot sizes. It has been incredibly difficult to find a modern and functional house plan, that meets the minimum 75' covenants and complements the neighborhood of Deerwood. It was truly my, and the lot owners understanding, that at the time of the purchase, that the minimum set backs on this lot were, 35' front on the road frontage and 10' on the back and sides. I only found out while submitting the plans for permitting that it was zoned R2 and had 40' rear easment. In this case, it would make it nearly impossible to meet the zoning requirements and the subdivision covenants. I plead with you to consider my situation, and grant me a variance based on the information above, age of the neighborhood, and the ambiguity in the covenants. I will happily answer any questions on this matter, and truly appreciate your time.

Thank You,

Clark Goss

140408-03/B

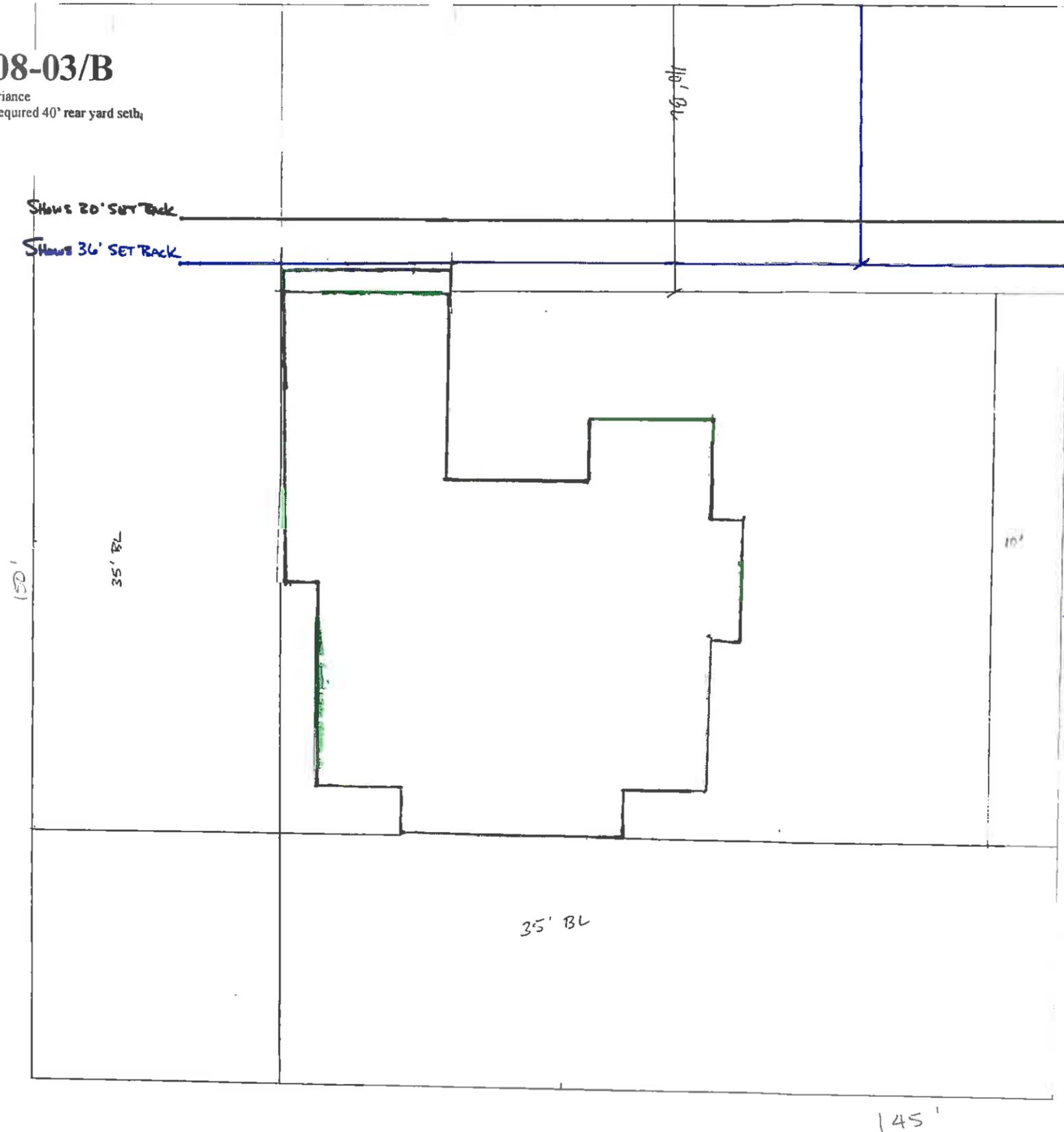
Variance

To encroach into the required 40' rear yard setb<sub>1</sub>

1/8" Scale

DEER WOOD

LOT B Block 5  
DEER WOOD



EVERGREEN STREET

145'