

# CITY OF TROY

**JASON A. REEVES**  
*Mayor*

**CHARLIE "SARGE" DUNN, SR.**  
*Council Vice President, District 1*

**GREG MEEKS**  
*District 2 Councilman*



**JOHN H. WITHERINGTON**  
*Council President, District 4*

**MARCUS PARAMORE**  
*District 3 Councilman*

**DEJERILYN KING HENDERSON**  
*District 5 Councilwoman*

## PLANNING AND ZONING

### TROY BOARD OF ADJUSTMENT AGENDA

May 21, 2015 · 4:00 P.M.  
Council Chambers, City Hall, Troy

#### CHAIRMAN'S MESSAGE

#### APPROVAL OF MINUTES from April 16, 2015

#### PUBLIC HEARINGS:

##### NEW BUSINESS:

**CASE#:** 1004

**APPLICANT:** Mr. Bill Ware, Harbert Realty Services

**SUBJECT:** Request for a variance from the sign regulations to allow the signage as shown on the Park Place Shopping Center development plan to be located at 1147 (currently 1185) US Highway 231 South in the C4: Highway Commercial Zoning District.

**CASE#:** 1005

**APPLICANT:** Mr. Parker Messick

**SUBJECT:** Request for special exception for a Tier 2 Home Occupation to allow the operation of a lawn maintenance home-based business at 103 First Ave. in the R2: Medium Density Residential Zoning District.

**CASE#:** 1006

**APPLICANT:** Pastor Marion Johnson, SCCA of 7<sup>th</sup> Day Adventists

**SUBJECT:** Request for front-yard setback variance to construct an addition on an existing structure at 210 Normal Ave. in the R3: High Density Residential Zoning District.

**CASE #:** 1007

**APPLICANT:** Mr. Chad McCrory, Casey Propane

**SUBJECT:** Request for a special exception and a variance to allow the operation of a Storage Facility and Propane Store with two above-ground propane tanks at 1216 Henderson Highway in the M2: Heavy Industrial Zoning District.

**CASE #:** 1008

**APPLICANT:** Mr. Buck Watkins, Watkins Consulting Engineering, representing Dr. Allen Dunn

**SUBJECT:** Request for a front-yard setback variance to construct an addition on an existing structure at 606 S. George Wallace Dr. in the C4: Highway Commercial Zoning District.

**CASE #:** 1009

**APPLICANT:** Mr. Michael Carnley

**SUBJECT:** Request for a variance to construct a 3600+/- SF commercial structure at 826 S. Three Notch St. in the C1: Neighborhood Commercial Zoning District.

**MELISSA SANDERS, PLANNING AND ZONING ADMINISTRATOR**

P.O. Box 549 • 301 Charles W. Meeks Avenue • Troy, Alabama 36081 • Tel: (334) 670.6058 • Fax: (334) 670.6078  
www.troyal.gov • planning@troyal.info

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## PLANNING AND ZONING

### TROY BOARD OF ADJUSTMENT

#### AGENDA (page 2)

May 21, 2015 · 4:00 P.M.

Council Chambers, City Hall, Troy

#### NEW BUSINESS *(continued)*:

**CASE #:** 1010

**APPLICANT:** Mr. Walt Stell representing Carolina Girls, LLC

**SUBJECT:** Request for a variance to allow 18 Patio Home Lots to be developed on a street without curb and gutter to the west of and not including 1280 Enzor Road in the RR: Reserved Residential Zoning District.

#### OTHER BUSINESS

#### ADJOURN

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"There's a world of difference between insisting on someone's doing something and establishing an atmosphere in which that person can grow into wanting to do it."

*[Fred Rogers, or, as we know, Mister Rogers]*

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## BOARD OF ADJUSTMENTS

City Hall, Troy, Alabama

April 16, 2015

The City of Troy Board of Adjustments met in regular session on April 16, 2015, at 4:00 P.M.

Members present were:

Mr. Greg Anderson

Mr. Perry Green

Mr. John Henderson

Mr. Jack Norton

Mr. Dax Pugh (*Supernumerary*)

Ms. Mabel Williams

Member absent was:

Ms. Christine Barron (*Supernumerary*)

Mr. Jack Norton presided as the Chairperson of the meeting. The Secretary, Melissa Sanders, also present, presided as the Clerk of the Meeting.

Ms. Mabel Williams made a motion to approve the minutes of the March 19, 2015, seconded by Mr. Perry Green, and being put to vote the March 19, 2015 minutes were unanimously approved.

Mr. Jack Norton introduced **Case # 1000**, presented by Mr. Sam Brown, for a special exception to allow the placement of a mobile home and to allow an 8' privacy fence facing away from neighboring properties along the front property line on an 16+/- acre parcel of land at the northern end of an unimproved right-of-way located between 340 & 350 Enzor Road in the RR: Reserved Residential Zoning District. This request is being presented so that the applicant can place a mobile home on this parcel with the intent to allow his grandson to live in it. The applicant is requesting the special exception to be given without a term expiration. The property is located in the RR District which allows mobile homes on appeal and there are other mobile homes in the direct area. The fencing request is to shield the mobile home from neighboring properties. The applicant is requesting an 8' privacy fence along the front property line which is adjacent to the rear property lines on the lots fronting Enzor Road with the face of the fence facing in towards the property and away from the adjacent property owners. This is to be used as a buffer between the uses and to shield the mobile home from neighboring properties. Mr. Brown stated that the mobile home would be for his grandson on the 16 acres behind the houses that he built on Enzor Road. Mr. Jack Norton asked if there was anyone from the audience like to speak for or against the request. Mr. Bill Hart, Mr. Kent Robinson, and Mr. Joe Johnson spoke in opposition to the request. Mr. Jack Norton stated that they will handle this request in two parts, the mobile home and the fence. Mr. Brown spoke of the surrounding area and showed the Board pictures of the surrounding area. Mr. Norton asked Mrs. Sanders if there has been any calls regarding this request. Mrs. Sanders replied that there have been calls in opposition to this request. Mr. Jack Norton asked if there were any more questions from the Board. He then stated if not, he would entertain a motion to approve or deny the request. Mr. Perry Green motioned to deny the request for a special exception to allow the placement of a mobile home on an 16+/- acre parcel of land at the northern end of an unimproved right-of-way located between 340 & 350 Enzor Road in the RR: Reserved Residential Zoning District, seconded by Mr. John Henderson, and being put to vote the motion carried unanimously.

Mr. Norton stated that they would now discuss the second part of the request relations to the special exception to allow an 8' privacy fence facing away from neighboring properties along the front property line on an 16+/- acre parcel of land at the northern end of an unimproved right-of-way located between 340 & 350 Enzor Road in the RR: Reserved Residential Zoning District. Mr. Sam Brown stated that he is withdrawing this part of the request due to it was relating to the mobile home.

Mr. Jack Norton introduced **Case # 1001**, presented by Ms. Debra Tarbox, for special exception to the fencing regulations to allow a 4' decorative split rail fence within the required front yard at 2115 Elm Street Road in the

RR: Reserved Residential Zoning District. The current plan shows the fence to be located approximately 60-65' from the center line of Elm Street Road and will tie in with the character of the surrounding neighborhood. The ROW of this street is 80' (40' from centerline). Ms. Tarbox stated the fence would be set back from the front property line. Mr. Jack Norton asked if there was anyone from the audience like to speak for or against the request. Mr. Al Renfroe stated that he was present representing the developer of the subdivision, Sellers Corporation, and they are in favor of this request and believe this would add to the character as they continue to development the subdivision. Ms. Dianna Bascomb asked if it would be the same fence as across the street. Mrs. Tarbox replied that it would be a wooden split rail fence. Mrs. Bascomb stated that she opposed this request due to it being a different type of fencing and to keep the neighborhood integrity they do not need multiple types of fencing. Mrs. Bascomb also stated that appraiser look at aesthetics and different fences. Mr. Norton explained that this request is only for a special exception to the height regulations and not the style of the fence, and normally covenants handle aesthetics. Ms. Sanders explained that the city does not enforce covenants, if there are any, and that these are enforced by homeowners associations or civil action. Mr. Jack Norton asked if there were any more questions from the Board. He then stated if not, he would entertain a motion to approve or deny the request. Mr. Perry Green motioned to approve the request for special exception to the fencing regulations to allow a 4' decorative split rail fence within the required front yard at 2115 Elm Street Road in the RR: Reserved Residential Zoning District, seconded by Mr. John Henderson, and being put to vote the motioned carried with one abstention by Ms. Mabel Williams.

Mr. Jack Norton introduced **Case # 1002**, requested by Mr. Mike Edwards, for a special exception for a Tier 2 Home Occupation to allow the operation of a general contractor home-based business at 211 W. Fairview St in the R1: Low Density Residential Zoning District. This request is being presented so that the applicant can operate a general contractor home-based business at 211 W. Fairview St in the R1: Low Density Residential Zoning District. Home Occupations are permitted on appeal in the R1 District subject to the provisions of Section 6.24 of the Troy Zoning Ordinance. Per Section 6.241 (2) contractor businesses fall under a Tier 2 Home Occupation which requires Board approval. No one was in attendance to present the case. Mr. Perry Green motioned to deny the request for a special exception for a Tier 2 Home Occupation to allow the operation of a general contractor home-based business at 211 W. Fairview St in the R1: Low Density Residential Zoning District, seconded by Ms. Mabel Williams, and being put to vote the motion carried unanimously.

Mr. Jack Norton introduced **Case # 1003**, presented by Mr. Chris Dickens, for a variance from the sign regulations to allow additional signage at 65 W. Court Square in the C3: Central Business Zoning District. This request is being presented so that the applicant can place an additional building wall sign at 65 W. Court Square in the C3: Central Business Zoning District for the Sweet Rack Rib Shack business which is operated at this location. The applicant currently has a 40 sf sign on the front of the first floor of this building. The height of this building is approximately 41 feet. This business is operated on both floors of the building. The requested additional building sign is approximately 44.25 sf and would be centered on the upper level of the front of the building. Mr. Dickens stated that the plans are to remove the current box sign and paint the logo in its place and place the proposed signage above the upper floor windows. He stated that the signage would be black cans stroked with gold neon. Mr. Norton asked Mrs. Sanders if there has been any calls regarding this request. Mrs. Sanders replied that there was a call with concerns over the signage and the location of the signage. Mr. Perry Green motioned to approve the request as presented for a variance from the sign regulations to allow additional signage at 65 W. Court Square in the C3: Central Business Zoning District, seconded by Mr. Greg Anderson, and being put to vote the motion carried unanimously.

There being no further business, Mr. John Henderson motioned to adjourn the meeting, seconded by Ms. Mabel Williams, and the meeting was duly adjourned at 4:30 P.M.

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Jack Norton, Chairperson

ATTEST:

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Melissa Sanders, Secretary

## TROY BOARD OF ADJUSTMENT

May 21, 2015

(Case 1004)

**CASE#:** 1004

**APPLICANT:** Mr. Bill Ware, Harbert Realty Services

**SUBJECT:** Request for a variance from the sign regulations to allow the signage as shown on the Park Place Shopping Center development plan to be located at 1147 (currently 1185) US Highway 231 South in the C4: Highway Commercial Zoning District.

**REMARKS:** This request is being presented so that the signage can be permitted and positioned as presented on the Park Place Shopping Center development plan. The signage proposed is as follows:

Type	Size	SF / Setback	Allowable / Request
1. Freestanding Sign (GW/231 intersection)	12' Wide X 20' Tall Actual Signage Portion (8' Wide X 12'6" Tall)	240 SF Total Signage Portion (100 SF) Setback: 46' front / 4' side	One Sign 200 Allowed SF (Publix Bldg LF = 240')
2. Freestanding Sign (secondary 231 entrance)	12' Wide X 20' Tall Actual Signage Portion (8' Wide X 12'6" Tall)	240 SF Total Signage Portion (100 SF) Setback: 10' front / 1.85' & 8' side	Setback ½ required setback Height: 35' Requested: Three signs at 720 SF (300 SF total signage portion) with noted setback variances:
3. Freestanding Sign (main entrance)	12' Wide X 20' Tall Actual Signage Portion (8' Wide X 12'6" Tall)	240 SF Total Signage Portion (100 SF) Setback: 10' side yard	1. 1' side variance 2. 7.5' front and 3.15' side variance 3. 0 – looking at this as a side yard. Two freestanding signs are on sign easements and not on the actual property due to this being a Commercial Development and these are the Commercial Development Signs.
Publix Main Building Sign (front)	Max 9' 8" Tall X 27' 10" Wide	269.06 SF Actual Signage Portion (215 SF)	One Sign 240 Allowed SF (Publix Bldg LF = 240')
Publix Secondary Building Sign (front)	Max 5' 8" Tall X 17' 3" Wide	97.75 SF Actual Signage Portion (67 SF)	Requested: Two signs at max 282 SF total
Publix Signage (side)	4' Tall X 8' Wide	32 SF	Side Signage not Specified in C4 (C3 allows one sign – 1SF per 1 LF) Side of Public appr. 192' Requested: Two signs at 64 SF.
Pharmacy Signage (side)	4' Tall X 8' Wide	32 SF	
Pharmacy Directional Signage (2 each)	24" x 18" Each	3 SF Each	Small Directional Signage not Specified in Zoning Requested: Two signs at 6 SF.

The signs on the remaining store fronts on the primary building will be calculated as strip center signage allowing 1SF per LF of store façade frontage. This development plan does not show or represent this additional signage, any entry/access/exit signage, or the signage on the out parcels. These signs will be handled at the time of development or placement of signage.

The freestanding signs are at the three main entrance points to this development. The Secondary Entrance Freestanding sign would be on property owned by the developer at this time, and be part of this development as an out parcel. The developer currently has a contract on the land for the ROW showing at this entrance and the other entrance and is providing that ROW for access and the road project. There are or will be negotiations with the owner of the Popeye's signage easement location for such easement. The Publix Signage is per their Site Development Manual.

## TROY BOARD OF ADJUSTMENT

May 21, 2015

(Case 1004)

Below is the section regarding signage in the C4 District:

### 6.21 Sign Regulations:

#### 6.211 General Sign Regulations:

1. No sign shall be erected or placed either temporarily or permanently at any location where by reason of position, size, shape, color, movement, flashing or general illumination may interfere with, obstruct or confuse the view of traffic, signs or signal devices.
2. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
3. In the reserved residential and in all residential districts, signs may only be illuminated by non-flashing, reflected light. Any light used to illuminate such signs shall be arranged so as to reflect light away from adjoining premises and streets. All signs shall be placed no closer to the street right-of-way line than one-half (1/2) the minimum authorized front yard depth.
4. In commercial and industrial districts, signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect light away from adjoining premises and streets. Flashing lights shall be restricted to white light only. In the central business districts where signs may be flush with the property line, a variance may be given to allow signs to be placed in the right-of-way.
5. Unless otherwise specifically stated, all signs shall conform to all other yard and height requirements of the district in which said sign is located.
6. The height of a free-standing sign shall be measured from the curb level to the top of the sign frame or facing. The height of a projecting sign shall be measured from the base of the sign face to ground level. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the maximum permitted building height, nor shall it be more than three (3) feet higher than the highest ceiling elevation in the building.
7. Temporary, portable or wheeled signs which have a flashing lighting element are prohibited.

#### 6.214 Permitted On-Site Signs in a Commercial and Industrial District: The following on-site signs are permitted on any one (1) lot in the commercial and industrial districts:

1. One (1) on-site sign may be affixed flat against the wall of the building, or may project therefrom not more than 48 inches. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater.
2. One (1) on-site free-standing identification sign may be erected for a business location or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed 200 square feet in area, nor be closer to the front, side, or rear property line, than one-half (1/2) the distance of the required building setback.

# TROY BOARD OF ADJUSTMENT

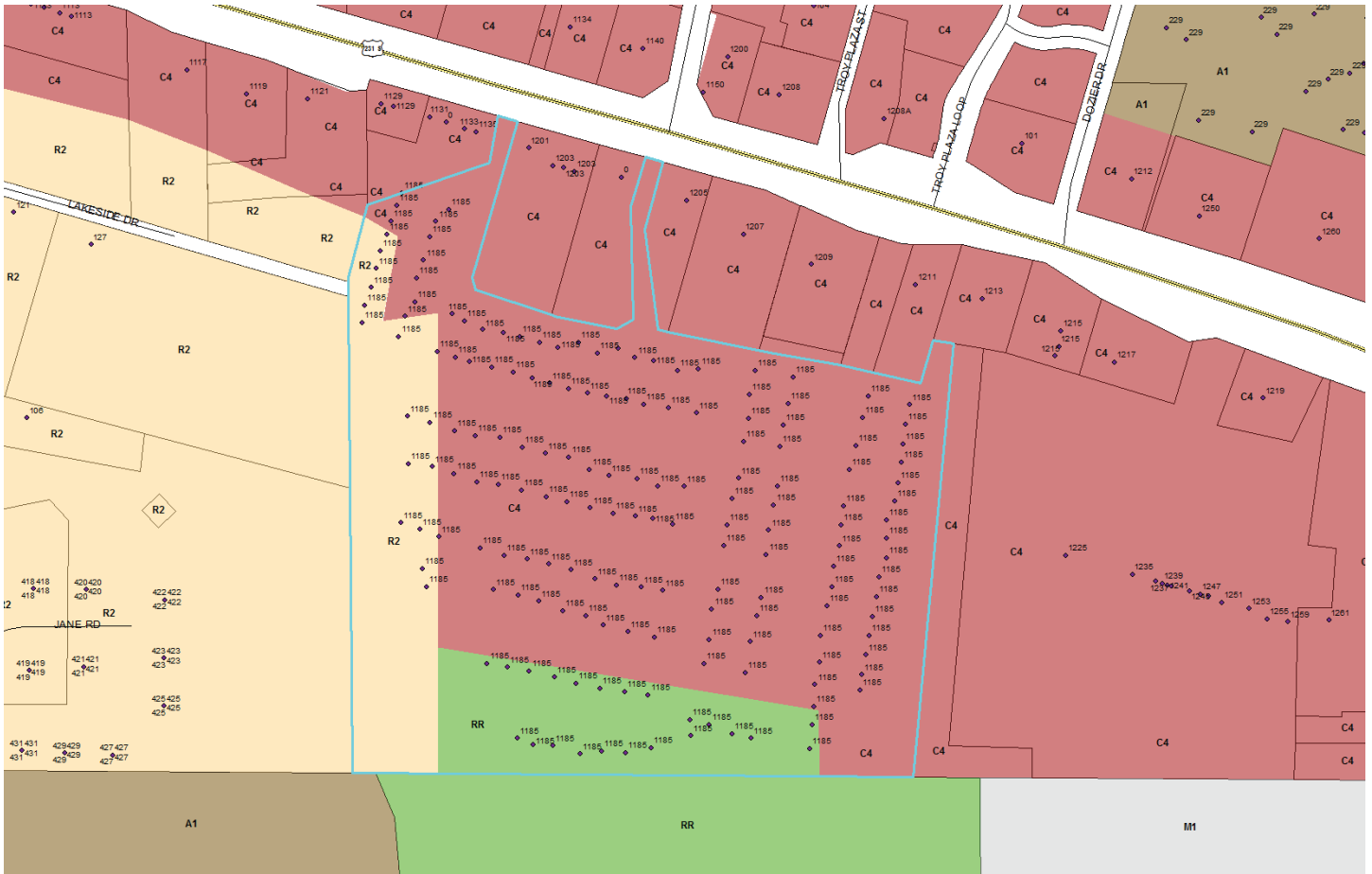
May 21, 2015

(Case 1004)

**DEPARTMENT COMMENTS:** The Utilities Department requests that all sign locations meet required NESC clearances from all power lines.

**PUBLIC COMMENTS RECEIVED TO DATE:**

**ZONING MAP:**



**TROY BOARD OF ADJUSTMENT**

May 21, 2015

(Case 1004)

**AERIAL OF SITE (2012) WITH APPROXIMATE LOCATION OF MOBILE HOME:**



**PICTURE OF SITE:**





NO.	DATE	REVISION
1	1-21-15	BOUNDARY
2	2-16-15	REVISION
3	3-10-15	REVISION

REVISION LOC:  
DRAWN/CHECKED BY:  
KLR

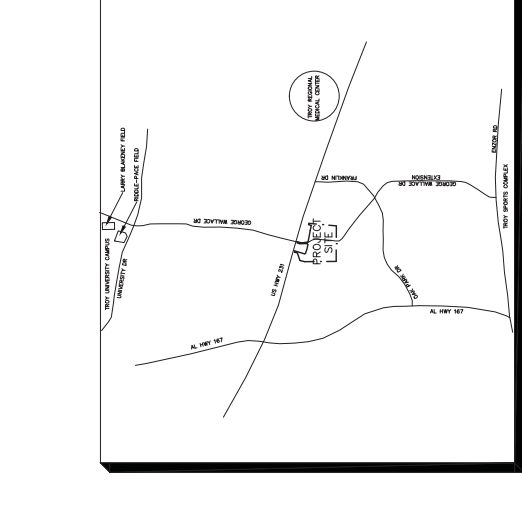
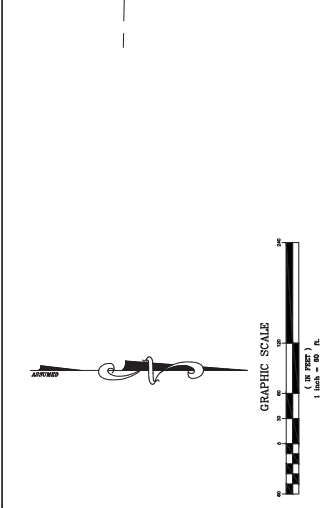
PRELIMINARY SITE LAYOUT  
FOR  
**PUBLIX**  
45,600 SF PROTOTYPE  
TROY, ALABAMA

PROFESSIONAL SEAL

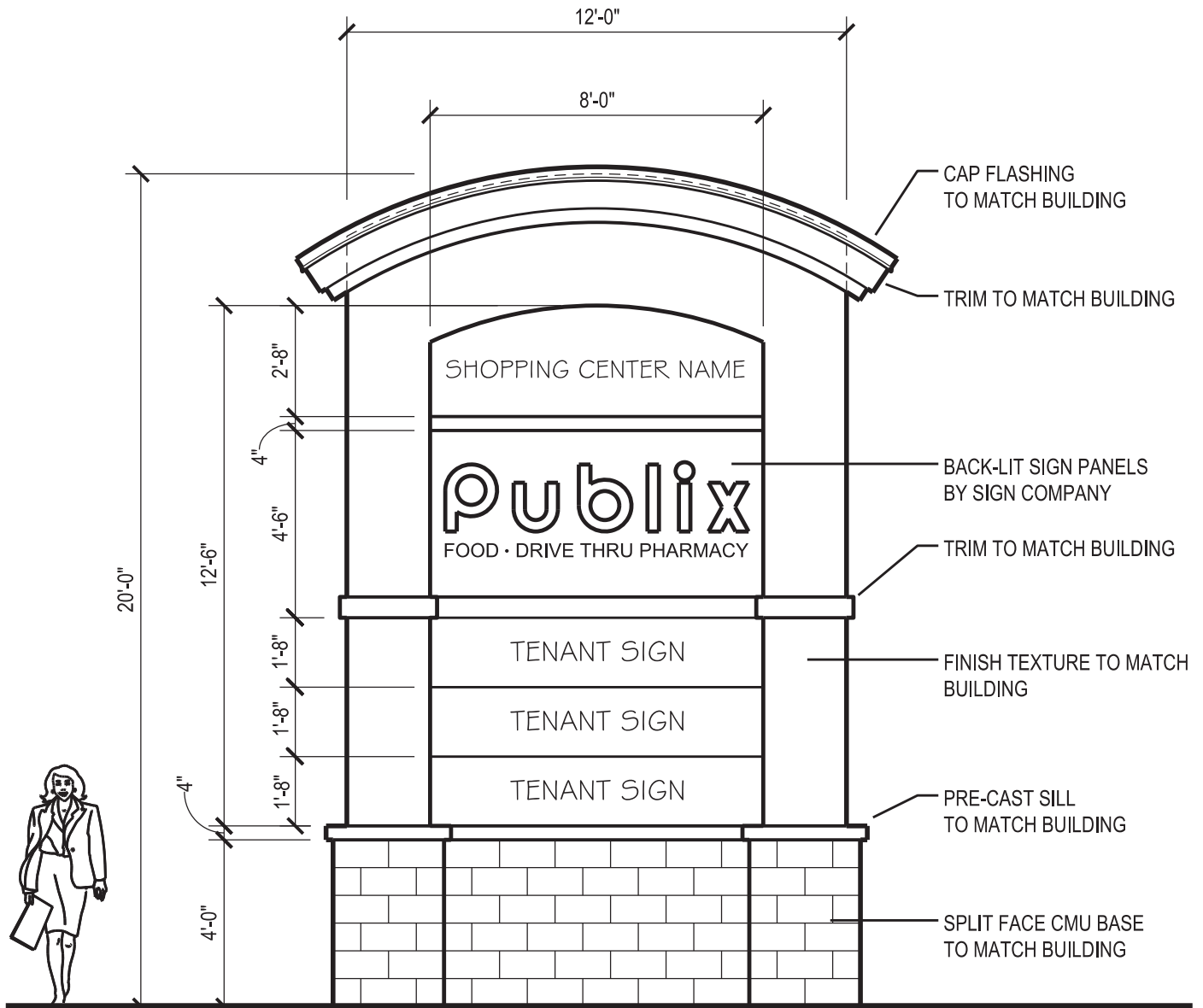


**KREEVES**  
ENGINEERING & CONSTRUCTION, LLC  
Professional Consulting Engineers and Construction Services  
12 Adams Place - Dothan, Alabama 36903 • 334.877.5600 • Fax: 334.793.6276

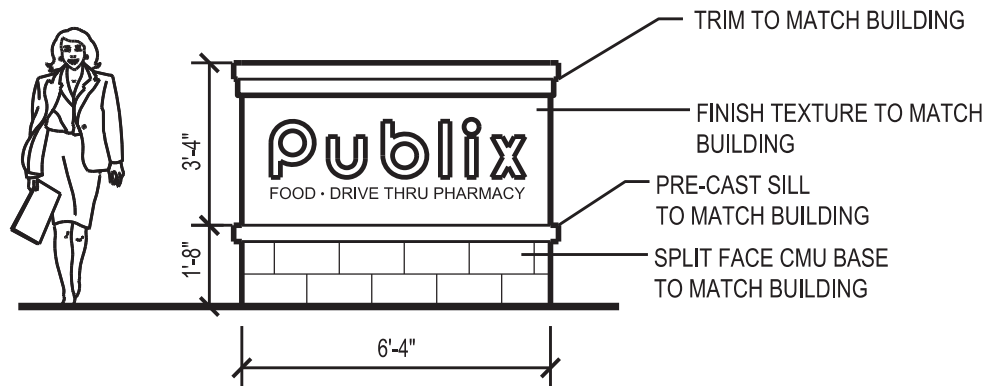
JOB NUMBER:  
DATE:  
FEBRUARY 2015  
SHEET TITLE & NO.  
PRELIMINARY LAYOUT  
X-1



ZONING	PUBLIX / SHOPPING CENTER	C-4
MAXIMUM BLDG HEIGHT	35 FT	35 FT
TOTAL BLDG AREA	61,000	61,000
PUBLIX PARKING REQ'D: 1 SPACE / 200 SF	228	228
PUBLIX PARKING PROVIDED: 1 SPACE / 200 SF	228	228
RETAIL PARKING REQ'D: 1 SPACE / 200 SF	77	77
RETAIL PARKING PROVIDED: 1 SPACE / 151 SF	102	102
PROJECT PARKING REQ'D: 1 SPACE / 200 SF	305	305
PROJECT PARKING DESIGNED: 1 SPACE / 185 SF	330	330

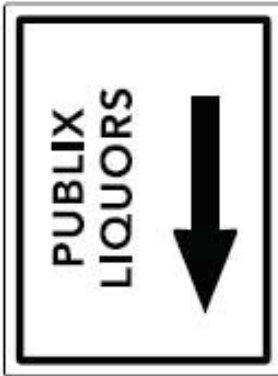


COPY AREA: 8'-0" WIDE X 12'-6" HIGH = 100 SF

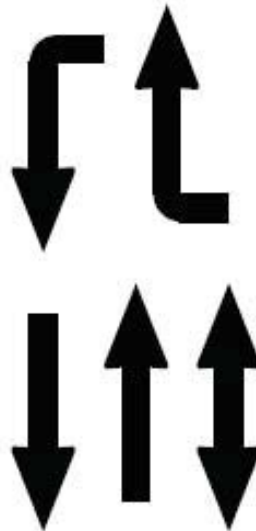


PROPOSED PYLON AND MONUMENT SIGNS - EXHIBIT "H"  
FOR THE  
PUBLIX @ TROY, ALABAMA

SIGNS ARE 24" x 18"



AVENIR TEXT  
85 HEAVY  
2" TALL WITH  
+50 TRACKING



3" GALVANIZED  
POST

4'

2'

INSTALLATION DETAIL

### PARKING LOT DIRECTIONAL SIGNAGE

SELECT 3 OR 4 LOGICAL LOCATIONS TO INDICATE PREFERRED  
VEHICULAR APPROACH TO PHARMACY DRIVE THRU  
LOCATE OTHER SIGNS AS NEEDED

## PUBLIX FOOD & PHARMACY STACKED CHANNEL LETTERS



CHANNEL LETTERS						
A	B	C	D	E	TOTAL SQUARE FEET	BOXED SQUARE FEET
4'-0"	18'-6 1/4"	1'-2"	17'-10 7/8"	6'-5 1/8"	94.97'	119.08'
4'-6"	20'-10"	1'-4"	20'-5 5/8"	7'-3"	121.03'	151.01'
5'-0"	23'-1 3/4"	1'-6"	23'-7/8"	8'-7/8"	150.34'	187.05'
5'-6"	25'-5 5/8"	1'-7"	24'-3 5/8"	8'-9 3/4"	178.56'	224.39'
6'-0"	27'-9 3/8"	1'-9"	26'-10 3/8"	9'-7 5/8"	213.70'	267.80'

"TOTAL SQFT" : is calculated by multiplying copy height by copy width, multiplying subcopy height by subcopy width & adding the two sums together.

### MATERIAL SPECIFICATIONS:

#### RETURNS:

5" DEEP RETURNS PAINTED TO MATCH GREEN PMS #363C, .040" ALUMINUM RETURNS FOR CHANNEL LETTERS UNDER 30", .063" ALUMINUM RETURNS FOR LARGER SIZES

#### BACKS:

RETURNS STAPLED TO .040" ALUMINUM BACKS FOR CHANNEL LETTERS UNDER 30", .063" ALUMINUM BACKS FOR LARGER SIZES

#### FACES:

LETTER FACES ARE .177" SG PLUS #363C GREEN, PAN-FORMED FACES FOR LETTERS 18" OR LARGER

#### INTERIORS:

INTERIORS TO BE PAINTED WHITE, TWO (2) WEEP HOLES PER LETTER REQUIRED, CAULK REQUIRED

#### RETAINERS:

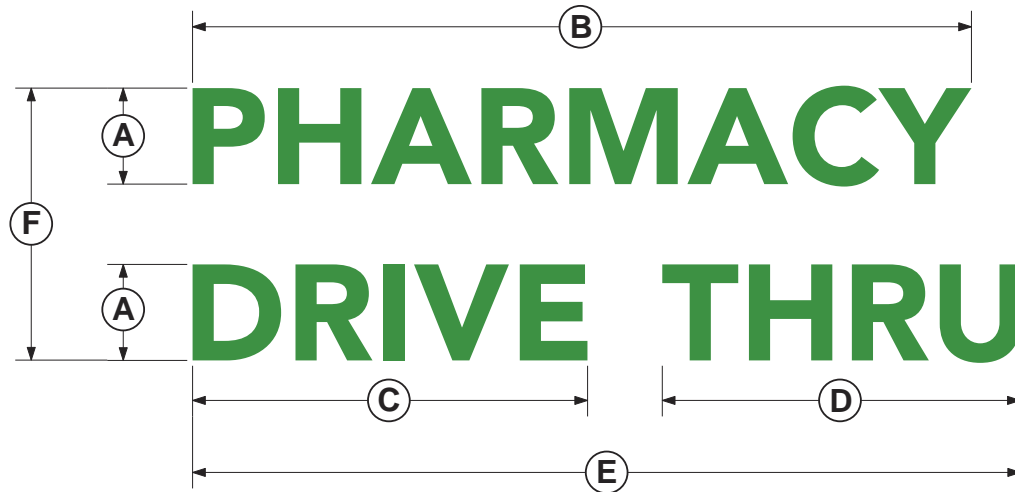
1" JEWELITE TRIMCAP GREEN ON CHANNEL LETTERS UP TO 66", ALUMINUM RETAINERS FOR LARGER SIZES

#### ILLUMINATION:

LETTERS USE GREEN US LEDs POWERED BY TRANSFORMERS

ALL SIGNS ARE UL APPROVED. THE PUBLIX FACADE SHOULD BE DESIGNED TO ACCOMODATE THE MAXIMUM SIZED SIGNAGE ALLOWED BY CODE.

## PHARMACY DRIVE THRU STACKED CHANNEL LETTERS



CHANNEL LETTERS						
(A)	(B)	(C)	(D)	(E)	(F)	TOTAL SQUARE FEET
10"	6'-9 1/8"	3'-5 1/8"	3'-1 1/4"	7'-2 1/4"	2'-4 3/8"	11.07'
12"	8'-1 3/8"	4'-1 3/8"	3'-8 3/4"	8'-7 1/2"	2'-10"	15.95'
14"	9'-5 5/8"	4'-9 5/8"	4'-4 1/4"	10'-3/4"	3'-3 5/8"	21.73'
16"	10'-9 3/4"	5'-5 7/8"	4'-11 3/4"	11'-6"	3'-9 3/8"	28.38'
18"	12'-2"	6'-2"	5'-7 1/8"	12'-11 1/4"	4'-3"	35.89'
19"	12'-10 1/8"	6'-6 1/8"	5'-10 7/8"	13'-7 7/8"	4'-5 7/8"	40.00'
21"	14'-2 3/8"	7'-2 3/8"	6'-6 3/8"	15'-1 1/8"	4'-11 1/2"	48.87'
24"	16'-2 3/4"	8'-2 3/4"	7'-5 1/2"	17'-3"	5'-8"	63.84'

"TOTAL SQFT" : is calculated by multiplying A times B, A times C, A times D, & adding the three sums together.

**MATERIAL SPECIFICATIONS:**

**RETURNS:**

5" DEEP .040" ALUMINUM RETURNS PAINTED TO MATCH GREEN PMS #363C

**BACKS:**

RETURNS STAPLED TO .040" ALUMINUM BACKS

**FACES:**

LETTER FACES ARE .177" SG PLUS #363C GREEN, PAN-FORMED FACES FOR LETTERS 18" OR LARGER

**INTERIORS:**

INTERIORS TO BE PAINTED WHITE, TWO (2) WEEP HOLES PER LETTER REQUIRED, CAULK REQUIRED

**RETAINERS:**

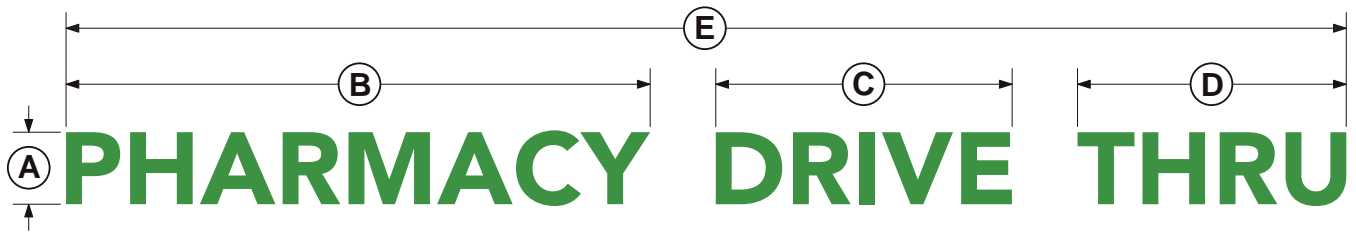
1" JEWELITE TRIMCAP GREEN

**ILLUMINATION:**

LETTERS USE GREEN US LEDs POWERED BY TRANSFORMERS

ALL SIGNS ARE UL APPROVED. THE PUBLIX FACADE SHOULD BE DESIGNED TO ACCOMODATE THE MAXIMUM SIZED SIGNAGE ALLOWED BY CODE.

## PHARMACY DRIVE THRU LINEAR CHANNEL LETTERS



CHANNEL LETTERS					
(A)	(B)	(C)	(D)	(E)	TOTAL SQUARE FEET
12"	8'-1 3/8"	4'-1 3/8"	3'-8 3/4"	17'-9 3/8"	17.78'
14"	9'-5 5/8"	4'-9 5/8"	4'-4 1/4"	20'-8 7/8"	24.20'
16"	10'-9 3/4"	5'-5 7/8"	4'-11 3/4"	23'-8 1/2"	31.61'
18"	12'-2"	6'-2"	5'-7 1/8"	26'-8"	40.00'

"TOTAL SQFT" : is calculated by multiplying A times E.

**MATERIAL SPECIFICATIONS:**

**RETURNS:**

5" DEEP .040" ALUMINUM RETURNS PAINTED TO MATCH GREEN PMS #363C

**BACKS:**

RETURNS STAPLED TO .040" ALUMINUM BACKS

**FACES:**

LETTER FACES ARE .177" SG PLUS #363C GREEN, PAN-FORMED FACES FOR LETTERS 18" OR LARGER

**INTERIORS:**

INTERIORS TO BE PAINTED WHITE, TWO (2) WEEP HOLES PER LETTER REQUIRED, CAULK REQUIRED

**RETAINERS:**

1" JEWELITE TRIMCAP GREEN

**ILLUMINATION:**

LETTERS USE GREEN US LEDs POWERED BY TRANSFORMERS

ALL SIGNS ARE UL APPROVED. THE PUBLIX FACADE SHOULD BE DESIGNED TO ACCOMODATE THE MAXIMUM SIZED SIGNAGE ALLOWED BY CODE.

# CITY OF TROY



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## PLANNING AND ZONING

### BOARD OF ADJUSTMENT

City Hall, Troy, Alabama  
May 21, 2015

**CASE#:** 1004

**APPLICANT:** Mr. Bill Ware, Harbert Realty Services

**SUBJECT:** Request for a variance from the sign regulations to allow the signage as shown on the Park Place Shopping Center development plan to be located at 1147 (currently 1185) US Highway 231 South in the C4: Highway Commercial Zoning District.

### CERTIFICATION OF COMPLIANCE

BE IT RESOLVED by the Board of Adjustment of the City of Troy, Alabama, that upon APPROVAL of the above case, the Board has thus deemed the application to be in compliance with the following conditions:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- That literal interpretation of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.
- That the special conditions do not result from actions of the applicant (self-imposed hardship).
- That granting of the variance will not confer any special privilege on the applicant that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- That granting of the variance is in harmony with the intent and purposes of the Zoning Ordinance.
- That the variance will not adversely affect surrounding property, the general neighborhood, or the community as a whole.
- That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of land structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- That the variance will not allow the establishment of a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by terms of the Ordinance in said district.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Board of Adjustment of the City of Troy this the 21<sup>st</sup> day of May, 2015.

\_\_\_\_\_  
Jack Norton, Chairperson

ATTEST:

\_\_\_\_\_  
Melissa Sanders, Secretary

**MELISSA SANDERS, PLANNING AND ZONING ADMINISTRATOR**

P.O. Box 549 • 301 Charles W. Meeks Avenue • Troy, Alabama 36081 • Tel: (334) 670.6058 • Fax: (334) 670.6078  
www.troyal.gov • planning@troyal.info

## TROY BOARD OF ADJUSTMENT

May 21, 2015

(Case 1005)

**CASE#:** 1005

**APPLICANT:** Mr. Parker Messick

**SUBJECT:** Request for special exception for a Tier 2 Home Occupation to allow the operation of a lawn maintenance home-based business at 103 First Ave. in the R2: Medium Density Residential Zoning District.

**REMARKS:** This request is being presented so that the applicant can operate a lawn maintenance home-based business at 211 W. Fairview St in the R1: Low Density Residential Zoning District. Home Occupations are permitted on appeal in the R1 District subject to the provisions of Section 6.24 of the Troy Zoning Ordinance. Per Section 6.241 (2) lawn maintenance businesses fall under a Tier 2 Home Occupation which requires Board approval.

Section 6.241 (2) also states: "Unless expressly omitted by the Board of Adjustment, the restrictions listed below shall be considered conditions of approval. However, the Board of Adjustment may add additional conditions of approval should conditions warrant. It shall be the applicant's responsibility to clearly explain the scope of the business to ensure the proper restrictions are approved and/or omitted by the Board of Adjustment."

- a. The special exception and ultimately the business license shall be valid only for the applicant, this home occupation, this operator at this location;
- b. The special exception shall be void if a privilege license, issued by the City, is not obtained within 90 days of approval and subsequently if the license is allowed to lapse, or is revoked, discontinued, abandoned, or lost for any reason;
- c. The business operator shall obtain a 5 lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
- d. No more than twenty-five (25) percent of total gross floor area of the dwelling unit shall be used in the conduct of the home occupation;
- e. There shall be no noise, odors or vibrations associated with the business;
- f. Only residents of the home shall be authorized to engage in business activity at the home;
- g. No employees or employee vehicles (who are not residents of the home) shall be allowed at the home;
- h. Tier 2 home occupations shall be restricted such that there shall not, at any time, be more than two clients (who are not members of the resident family) on the premises for any reason related to such home occupation;
- i. All work-related activities must be conducted inside the home;
- j. The existing dwelling unit shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation;
- k. No accessory building shall be used in conjunction with the business;
- l. The applicant is allowed to have one business-related vehicle parked on the property, but it shall be no larger than a ¾ ton pickup truck or 12-passenger van and shall not be parked in the required front yard;
- m. There shall be no business-related vehicle parked in the street;
- n. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation shall be met off the street and shall not be located in the required front yard;
- o. Lawn care equipment and/or any trailer used to transport the equipment shall be shielded from the view of the street and adjacent properties;



# TROY BOARD OF ADJUSTMENT

May 21, 2015

(Case 1005)

- p. No business-related equipment or materials shall be visible from the road or from adjoining properties and shall be stored inside either the single vehicle or inside the home;
- q. Used and/or left over materials shall not be taken to or stored on the property;
- r. If business-related materials or equipment are delivered to the home, there shall be no more than two deliveries per week, and the delivery vehicle shall have no more than a single axle with six wheels;
- s. The approval of a qualifying tier 2 home occupation and/or issuance of a business license to a contractor, who performs work at other locations, shall not constitute permission to store materials, multiple business-related vehicles, or any construction equipment at the home;
- t. There shall be no signs or advertisements at the home, including on the mailbox;
- u. The activity carried on, as a home occupation shall be limited to the hours between 7:00 a.m. and 9:00 p.m.;
- v. The business operator shall be responsible for observing any private covenants which may impact the home occupation;
- w. Any other restriction as may be considered appropriate by the zoning administrative official or the Board of Adjustment; and
- x. Violation of any of the aforementioned conditions or complaints from property owners in the neighborhood of the business could not only result in revocation of the tier 2 home occupation approval but, also, prosecution for violating the Zoning Ordinance, if warranted.”

## DEPARTMENT COMMENTS:

## PUBLIC COMMENTS RECEIVED TO DATE:

## ZONING MAP:



**TROY BOARD OF ADJUSTMENT**

May 21, 2015

(Case 1005)

**AERIAL OF SITE:**



**PICTURE OF SITE:**



# CITY OF TROY

**JASON A. REEVES**  
*Mayor*

**CHARLIE "SARGE" DUNN, SR.**  
*Council Vice President, District 1*

**GREG MEEKS**  
*District 2 Councilman*



**JOHN H. WITHERINGTON**  
*Council President, District 4*

**MARCUS PARAMORE**  
*District 3 Councilman*

**DEJERILYN KING HENDERSON**  
*District 5 Councilwoman*

## PLANNING AND ZONING

### BOARD OF ADJUSTMENT

City Hall, Troy, Alabama  
May 21, 2015

**CASE#:** 1005  
**APPLICANT:** Mr. Parker Messick  
**SUBJECT:** Request for special exception for a Tier 2 Home Occupation to allow the operation of a lawn maintenance home-based business at 103 First Ave. in the R2: Medium Density Residential Zoning District.

### CERTIFICATION OF COMPLIANCE

BE IT RESOLVED by the Board of Adjustment of the City of Troy, Alabama, that upon APPROVAL of the above case, the Board has thus deemed the application to be in compliance with the following conditions:

- It is not contrary to public interest and will insure that the spirit of the Zoning Ordinance shall be observed.
- It does not permit the establishment within a district any use which is prohibited.
- It will not cause a substantial adverse effect to property or improvements in the vicinity or in the districts in which the applicant is located.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Board of Adjustment of the City of Troy this the 21st day of May, 2015.

\_\_\_\_\_  
Jack Norton, Chairperson

ATTEST:

\_\_\_\_\_  
Melissa Sanders, Secretary

**MELISSA SANDERS, PLANNING AND ZONING ADMINISTRATOR**

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**TROY BOARD OF ADJUSTMENT**

May 21, 2015

(Case 1006)

**CASE#:** 1006

**APPLICANT:** Pastor Marion Johnson, SCCA of 7th Day Adventists

**SUBJECT:** Request for front-yard setback variance to construct an addition on an existing structure at 210 Normal Ave. in the R3: High Density Residential Zoning District.

**REMARKS:** This request is being presented so that the applicant can construct an addition to an existing church which will extend 15’ into the required front yard. The proposed site plan shows a 20’ x 36’ addition. There is also a final plat being presented to the Planning Commission at the May 28, 2015 meeting to combine lots 15 and 16 of the Brundidge Heights Subdivision.

Below is the section regarding the setbacks in the R3 District.

- 5.24 **R-3: High Density Residential:**
- 5.246 **Required Lot Area, Lot Width, Yards and Building Area:** Dwellings and other structures shall be located so as to comply with the following requirements:
  - Minimum required lot area:
    - Single family dwellings ..... 9,000 square feet
    - Two-family dwellings ..... 12,000 square feet
    - Each additional unit ..... 2,000 square feet
  - Minimum required corner lot width at building line:
    - Single family residence ..... 75 feet
    - Two and multi-family residence ..... 95 feet
  - Minimum required inside lot width at building line:
    - Single family dwelling ..... 60 feet
    - Two and multi-family residences ..... 80 feet
  - Minimum required corner lot yard width from all streets ..... 30 feet
  - Minimum required depth of front yard ..... 30 feet
  - Minimum total side yards ..... 17 feet
  - Minimum one-side yards ..... 7 feet
  - Minimum required rear yard ..... 35 feet
  - Maximum total building area of total lot area ..... 40%
  - Accessory Structures: Rear and side yard ..... 3 feet

This is an area which was developed before the adoption of the current zoning ordinance. Please note that the next structure to the south of this church is only 10’ from the ROW.

**DEPARTMENT COMMENTS: City Engineer -** The small addition to an existing building should have no adverse effects on storm water. I recommend that the City advise the contractor doing this work about stormwater control when application of building permit

**PUBLIC COMMENTS RECEIVED TO DATE:**

# TROY BOARD OF ADJUSTMENT

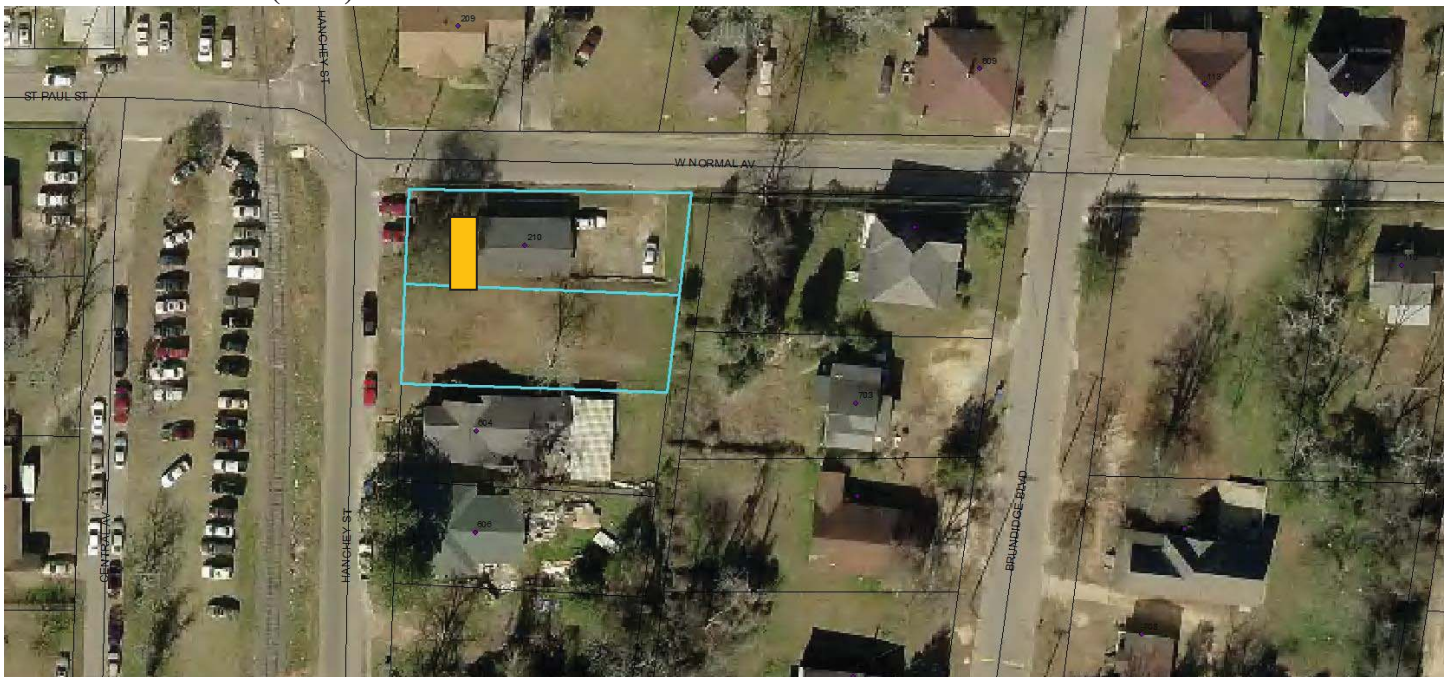
May 21, 2015

(Case 1006)

## ZONING MAP:



## AERIAL OF SITE (2012) with PROPOSED ADDITION:



**TROY BOARD OF ADJUSTMENT**

May 21, 2015

(Case 1006)

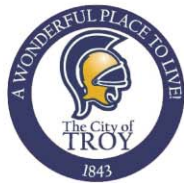
**AERIAL OF SITE (2014) with PROPOSED ADDITION:**



**PICTURE OF SITE:**



# CITY OF TROY



**JASON A. REEVES**  
*Mayor*

**JOHN H. WITHERINGTON**  
*Council President, District 4*

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**MARCUS PARAMORE**  
*District 3 Councilman*

**GREG MEEKS**  
*District 2 Councilman*

**DEJERILYN KING HENDERSON**  
*District 5 Councilwoman*

## PLANNING AND ZONING

### BOARD OF ADJUSTMENT

City Hall, Troy, Alabama  
May 21, 2015

**CASE#:** 1006

**APPLICANT:** Pastor Marion Johnson, SCCA of 7th Day Adventists

**SUBJECT:** Request for front-yard setback variance to construct an addition on an existing structure at 210 Normal Ave. in the R3: High Density Residential Zoning District.

### CERTIFICATION OF COMPLIANCE

BE IT RESOLVED by the Board of Adjustment of the City of Troy, Alabama, that upon APPROVAL of the above case, the Board has thus deemed the application to be in compliance with the following conditions:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- That literal interpretation of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.
- That the special conditions do not result from actions of the applicant (self-imposed hardship).
- That granting of the variance will not confer any special privilege on the applicant that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- That granting of the variance is in harmony with the intent and purposes of the Zoning Ordinance.
- That the variance will not adversely affect surrounding property, the general neighborhood, or the community as a whole.
- That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of land structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- That the variance will not allow the establishment of a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by terms of the Ordinance in said district.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Board of Adjustment of the City of Troy this the 21<sup>st</sup> day of May, 2015.

\_\_\_\_\_  
Jack Norton, Chairperson

ATTEST:

\_\_\_\_\_  
Melissa Sanders, Secretary

**MELISSA SANDERS, PLANNING AND ZONING ADMINISTRATOR**

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# TROY BOARD OF ADJUSTMENT

May 21, 2015

(Case 1007)

**CASE #:** 1007

**APPLICANT:** Mr. Chad McCrory, Casey Propane

**SUBJECT:** Request for a special exception and a variance to allow the operation of a Storage Facility and Propane Store with two above-ground propane tanks at 1216 Henderson Highway in the M2: Heavy Industrial Zoning District.

**REMARKS:** This request is being presented so that the applicant can operate a Propane Store, Mini-Storage, and Large Storage Facility with a small above ground propane tank in the front of the store and a large propane tank (30,000 gallons max) in the rear of the property. The request for the variance is to allow the placement of the large propane tank within 1000' of an undeveloped residentially zoned area and to allow the placement of the small storage tank in the front yard.

The M2 district allows heating fuel or building material storage or wholesaling; provided that materials shall not be extracted or processed on the premises. This use meets this criteria. The M2 District also allows warehousing, truck terminals, C4 uses, M1 uses, nosiness service establishments, etc.

The uses permitted on appeal in the M2 district per Section 5.333 is as follows:

1. Any industrial, service or commercial use, except those which in the opinion of the building inspector would cause noise, smoke, gas, vibration, fumes, dust or other objectionable conditions which would effect a considerable portion of the City.
2. Tanks for storage of gasoline, liquefied petroleum gas, oil, and other flammable liquids or gases. Such tanks shall not be less than 1,000 feet from any residential district.
3. Commercial convenience and other business uses associated with the industrial character of the district or providing services necessary for the operation of such industrial uses.

**DEPARTMENT COMMENTS: City Engineer** - A grading plan should be submitted by the developer if any appreciable amount of grading work is to take place.

**PUBLIC COMMENTS RECEIVED TO DATE:**

**ZONING MAP:**





**TROY BOARD OF ADJUSTMENT**

May 21, 2015

(Case 1007)

**AERIAL OF SITE:**



**PICTURE OF SITE:**



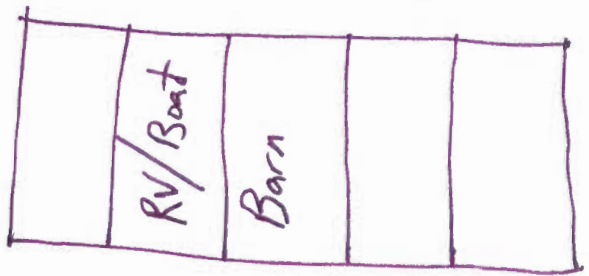
New 1000

New Office



New Fence

New Storage tank  
Prep tank



# CITY OF TROY

**JASON A. REEVES**  
*Mayor*

**CHARLIE "SARGE" DUNN, SR.**  
*Council Vice President, District 1*

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*District 3 Councilman*

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*District 5 Councilwoman*

## PLANNING AND ZONING

### BOARD OF ADJUSTMENT

City Hall, Troy, Alabama

May 21, 2015

**CASE #:** 1007

**APPLICANT:** Mr. Chad McCrory, Casey Propane

**SUBJECT:** Request for a special exception and a variance to allow the operation of a Storage Facility and Propane Store with two above-ground propane tanks at 1216 Henderson Highway in the M2: Heavy Industrial Zoning District.

### CERTIFICATION OF COMPLIANCE

BE IT RESOLVED by the Board of Adjustment of the City of Troy, Alabama, that upon APPROVAL of the above case, the Board has thus deemed the application to be in compliance with the following conditions:

#### *Special Exception:*

- It is not contrary to public interest and will insure that the spirit of the Zoning Ordinance shall be observed.
- It does not permit the establishment within a district any use which is prohibited.
- It will not cause a substantial adverse effect to property or improvements in the vicinity or in the districts in which the applicant is located.

#### *Variance:*

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- That literal interpretation of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.
- That the special conditions do not result from actions of the applicant (self-imposed hardship).
- That granting of the variance will not confer any special privilege on the applicant that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- That granting of the variance is in harmony with the intent and purposes of the Zoning Ordinance.
- That the variance will not adversely affect surrounding property, the general neighborhood, or the community as a whole.
- That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of land structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- That the variance will not allow the establishment of a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by terms of the Ordinance in said district.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Board of Adjustment of the City of Troy this the 21<sup>st</sup> day of May, 2015.

\_\_\_\_\_  
Jack Norton, Chairperson

ATTEST:

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**TROY BOARD OF ADJUSTMENT**

May 21, 2015

(Case 1008)

**CASE #:** 1008

**APPLICANT:** Mr. Buck Watkins, Watkins Consulting Engineering, representing Dr. Allen Dunn

**SUBJECT:** Request for a front-yard setback variance to construct an addition on an existing structure at 606 S. George Wallace Dr. in the C4: Highway Commercial Zoning District.

**REMARKS:** This request is being presented so that the applicant can construct an addition on an existing doctor’s office building at 606 S. George Wallace Dr. in the C4: Highway Commercial Zoning District. This addition will extend into the 35’ front-yard building setback by a maximum of 8.5’. Specific areas of the building which will be enlarges are as follows: At the northwest corner of the existing structure, the patient entrance will be enlarged. The portion of this change will extend into the front-yard setback by 2.5’ by 14’ long. On the southwest side of the new addition, the portion extending over the front building lie is approximately 8.5’ wide by 50’ long.

Below is the section regarding the setbacks in the C4 District.

5.31 C-4: Highway Commercial:

5.316 Required Lot Area, Lot Width, Yards and Setbacks: Buildings hereafter constructed for uses permitted in this subsection shall be so located as to comply with the following requirements:

Minimum Lot Area: It is the intent of this subsection that lots of sufficient size be used for the business or service permitted, provided, however, that such lots shall have adequate space for normal operations plus required off-street parking, loading, and yard requirements.

Minimum required front yard .....35 feet

Minimum required rear yard.....20 feet

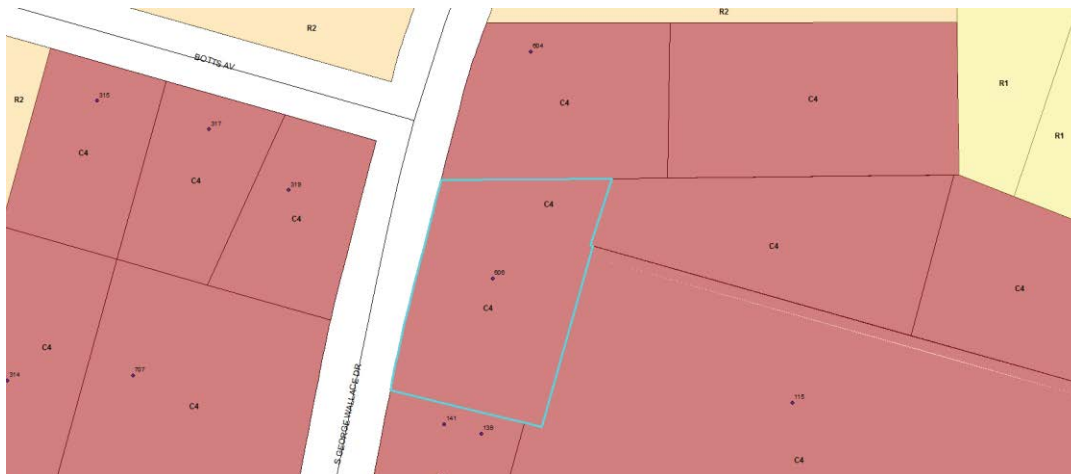
Minimum required side yard.....10 feet

Maximum building area..... 30%

**DEPARTMENT COMMENTS: City Engineer** - Drainage improvements for the downstream stormwater receiving area have been awarded.This projects drainage can be served by said improvements.

**PUBLIC COMMENTS RECEIVED TO DATE:**

**ZONING MAP:**

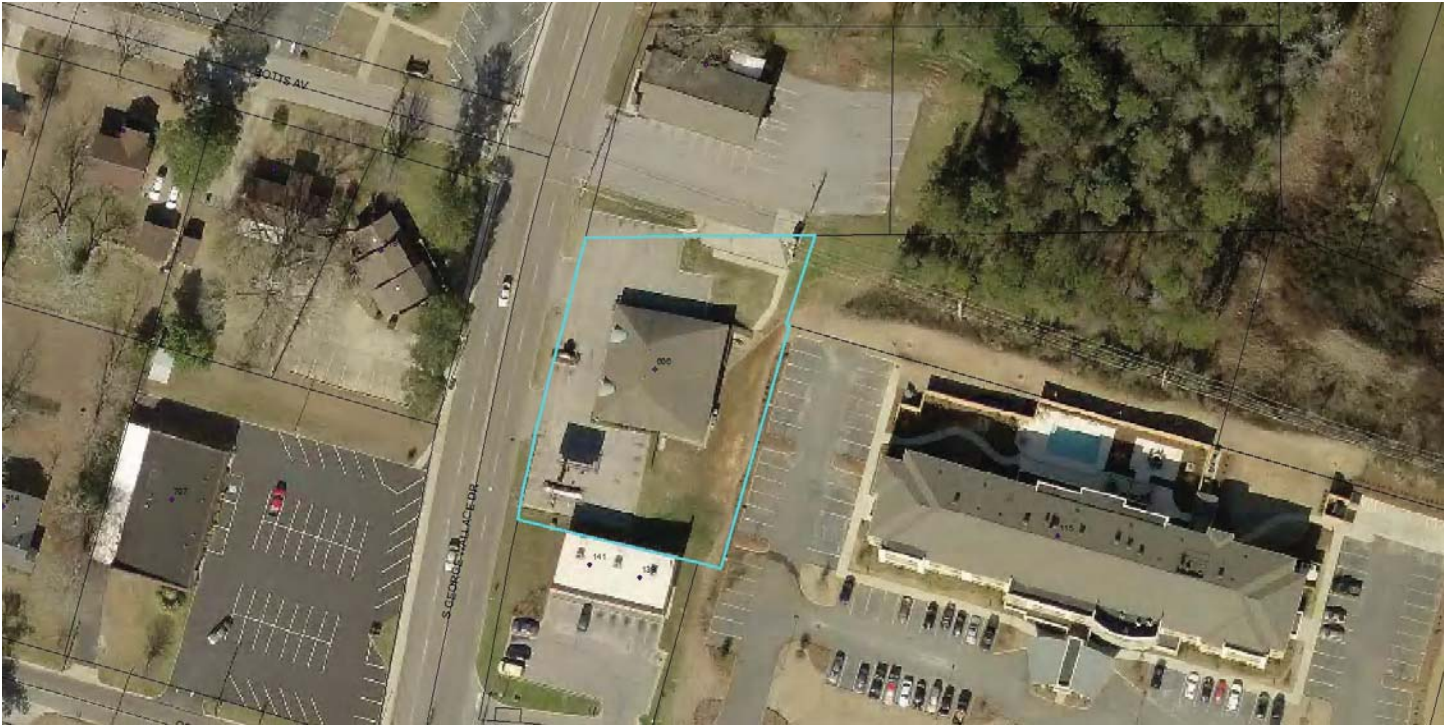


**TROY BOARD OF ADJUSTMENT**

May 21, 2015

(Case 1008)

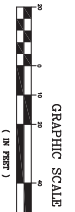
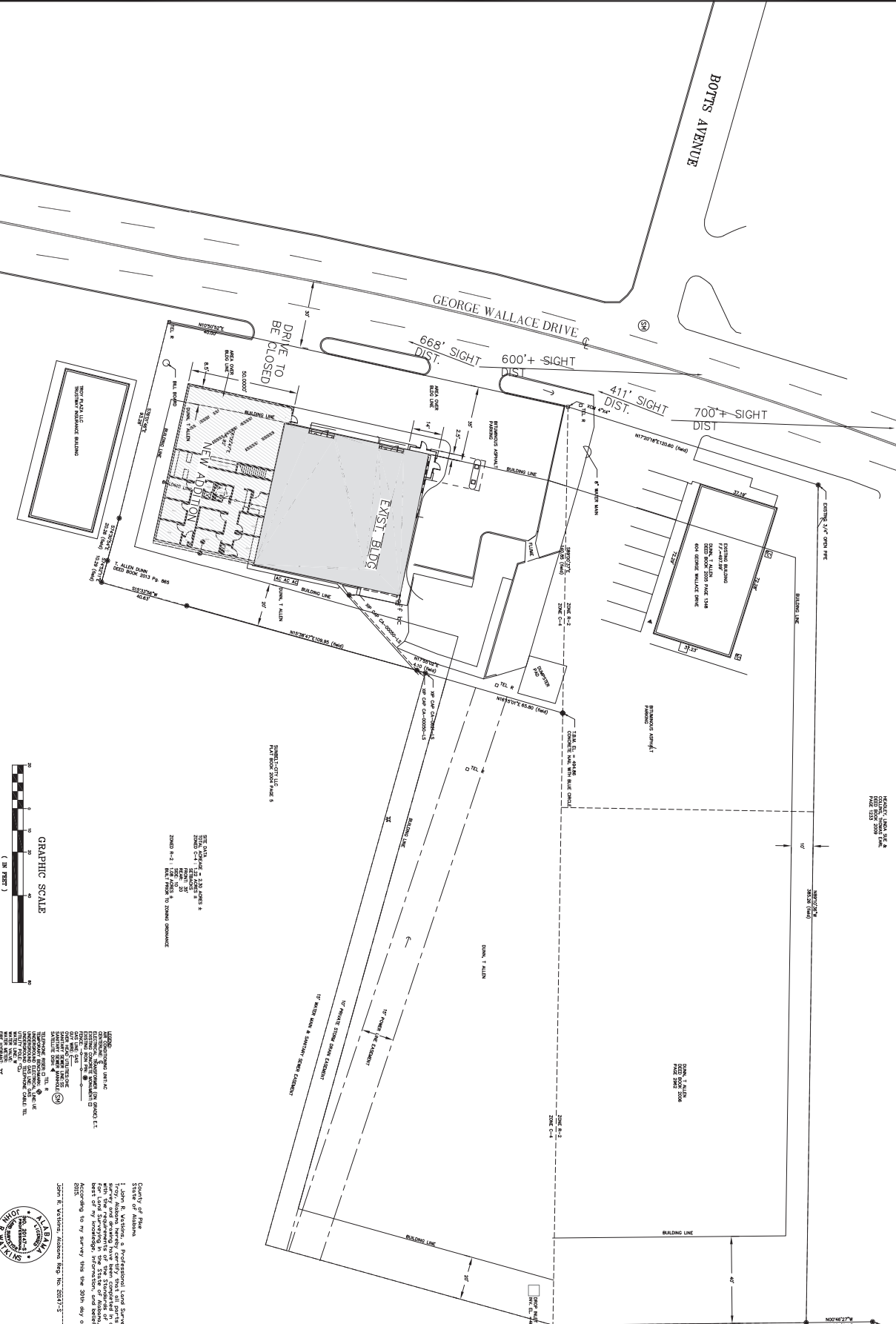
**AERIAL OF SITE:**



**PICTURE OF SITE:**



PRELIMINARY BUILDING PLAN  
 FOR DR. J. ALLEN DUNN  
 LOCATION: NE 1/4 OF THE SW 1/4, SEC. 4, T9N, R31E,  
 TRIM, SPIKE COUNTY, ALABAMA  
 DATE: 30 APRIL, 2015  
 SCALE: 1"=20'



**LEGEND**  
 1. EXISTING BUILDING  
 2. NEW ADDITION  
 3. DRIVE TO BE CLOSED  
 4. DRIVE TO BE OPEN  
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**WATKINS**  
 Consulting Engineers  
 50 NORMAL AVE. SUITE 618  
 MOBILE, AL 36688  
 PHONE: 984-675-2580

# CITY OF TROY



**JASON A. REEVES**  
*Mayor*

**CHARLIE "SARGE" DUNN, SR.**  
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## PLANNING AND ZONING

### BOARD OF ADJUSTMENT

City Hall, Troy, Alabama  
May 21, 2015

**CASE #:** 1008

**APPLICANT:** Mr. Buck Watkins, Watkins Consulting Engineering, representing Dr. Allen Dunn

**SUBJECT:** Request for a front-yard setback variance to construct an addition on an existing structure at 606 S. George Wallace Dr. in the C4: Highway Commercial Zoning District.

### CERTIFICATION OF COMPLIANCE

BE IT RESOLVED by the Board of Adjustment of the City of Troy, Alabama, that upon APPROVAL of the above case, the Board has thus deemed the application to be in compliance with the following conditions:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- That literal interpretation of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.
- That the special conditions do not result from actions of the applicant (self-imposed hardship).
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- That the variance will not adversely affect surrounding property, the general neighborhood, or the community as a whole.
- That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of land structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- That the variance will not allow the establishment of a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by terms of the Ordinance in said district.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Board of Adjustment of the City of Troy this the 21<sup>st</sup> day of May, 2015.

\_\_\_\_\_  
Jack Norton, Chairperson

ATTEST:

\_\_\_\_\_  
Melissa Sanders, Secretary

**MELISSA SANDERS, PLANNING AND ZONING ADMINISTRATOR**

P.O. Box 549 • 301 Charles W. Meeks Avenue • Troy, Alabama 36081 • Tel: (334) 670.6058 • Fax: (334) 670.6078  
www.troyal.gov • planning@troyal.info

**TROY BOARD OF ADJUSTMENT**

May 21, 2015

(Case 1009)

**CASE #:** 1009

**APPLICANT:** Mr. Michael Carnley

**SUBJECT:** Request for a variance to construct a 3600+/- SF commercial structure at 826 S. Three Notch St. in the C1: Neighborhood Commercial Zoning District.

**REMARKS:** This request is being presented so that the applicant can construct a 3600 sf commercial structure at this location. The current plan is to operate a laundry mat at this location. The C1 District allows such uses, but limits the square footage of gross floor area. This C1 lot does not actually adjoin any residential district. It has C4: Highway Commercial to the South and West, C1 to the north, and M1: Light Industrial to the east.

Below is the section regarding the C1 District.

5.28 C-1: Neighborhood Commercial:

5.281 Statement of Intent: The intent of the C-1: Neighborhood Commercial District is to provide limited retail convenience goods and personal services establishments in residential neighborhoods and to encourage the concentration of these uses in one (1) location for each residential neighborhood rather than stripped or scattered commercial developments occupied by individual shops throughout a neighborhood.

5.282 Uses Permitted: Retail convenience, personal service and business establishments primarily oriented to the sale of goods and provision of personal services to residents of a neighborhood and not to exceed 1,500 square feet of gross floor area. Such uses may include but are not limited to, barber shops, beauty shops, branch banks, cafes, drugstores, fruit markets, dry cleaning and laundry pick-up, flower shops, convenience grocery stores, ice cream stores, self-service stores, filling stations (not to include repair garages), appliance stores.

5.286 Required Lot Area, Lot Width, Yards and Setbacks: All buildings hereafter constructed for uses listed in this subsection shall be so located as to comply with the following minimum requirements:

Minimum Required:

- Lot Width at Building Line.....50 feet
- Front Yard .....35 feet
- Rear Yard .....25 feet

Minimum Required side yard on corner lots along

- Intersecting Streets.....25 feet
- On Interior Lots .....15 feet

On a lot adjoining a residential district along a side-lot line, a side yard shall be required on the side adjacent to the residential district. Such side yard shall double the minimum side yard requirements of that adjacent residential district.

**DEPARTMENT COMMENTS: City Engineer -** A developed set of plans will be required to review this project. Developer should be advised as to stormwater control plans required by the City.

**PUBLIC COMMENTS RECEIVED TO DATE:**

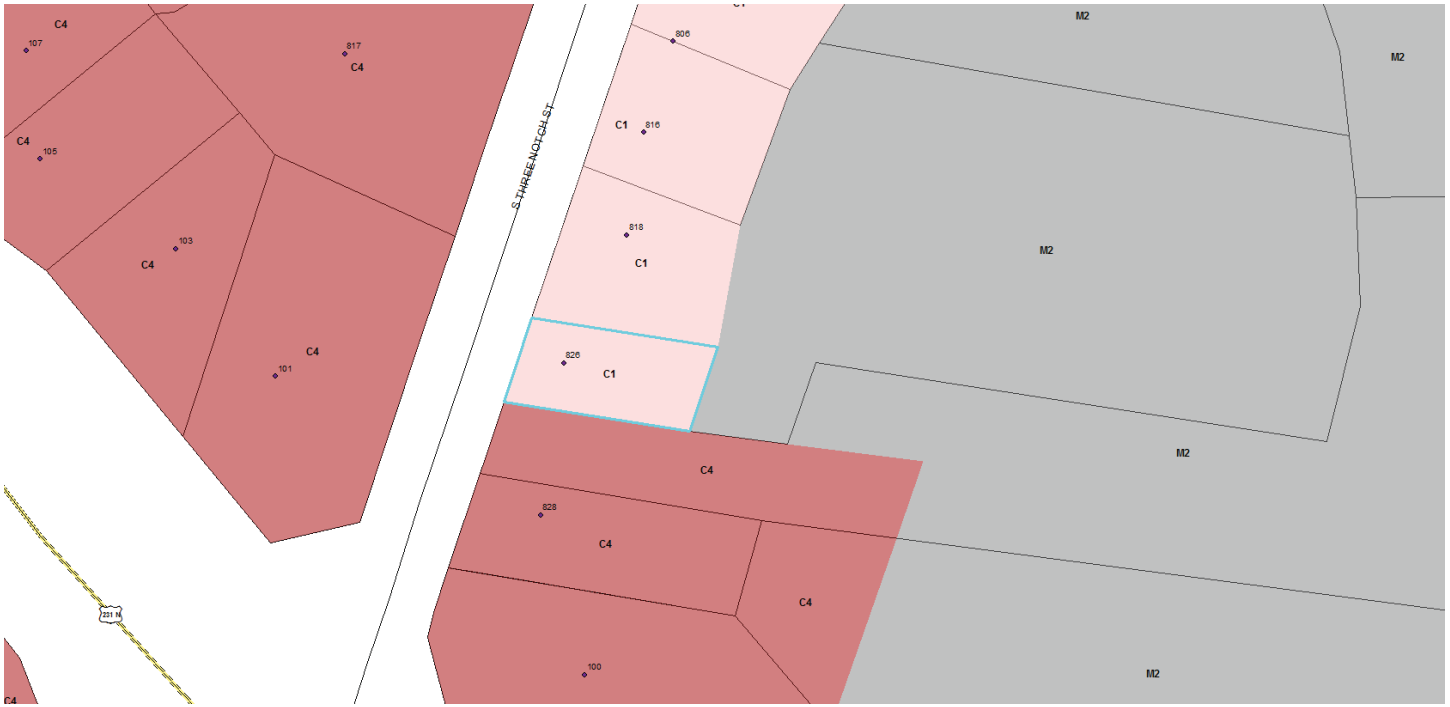


# TROY BOARD OF ADJUSTMENT

May 21, 2015

(Case 1009)

## ZONING MAP:



## AERIAL OF SITE:



**TROY BOARD OF ADJUSTMENT**

May 21, 2015

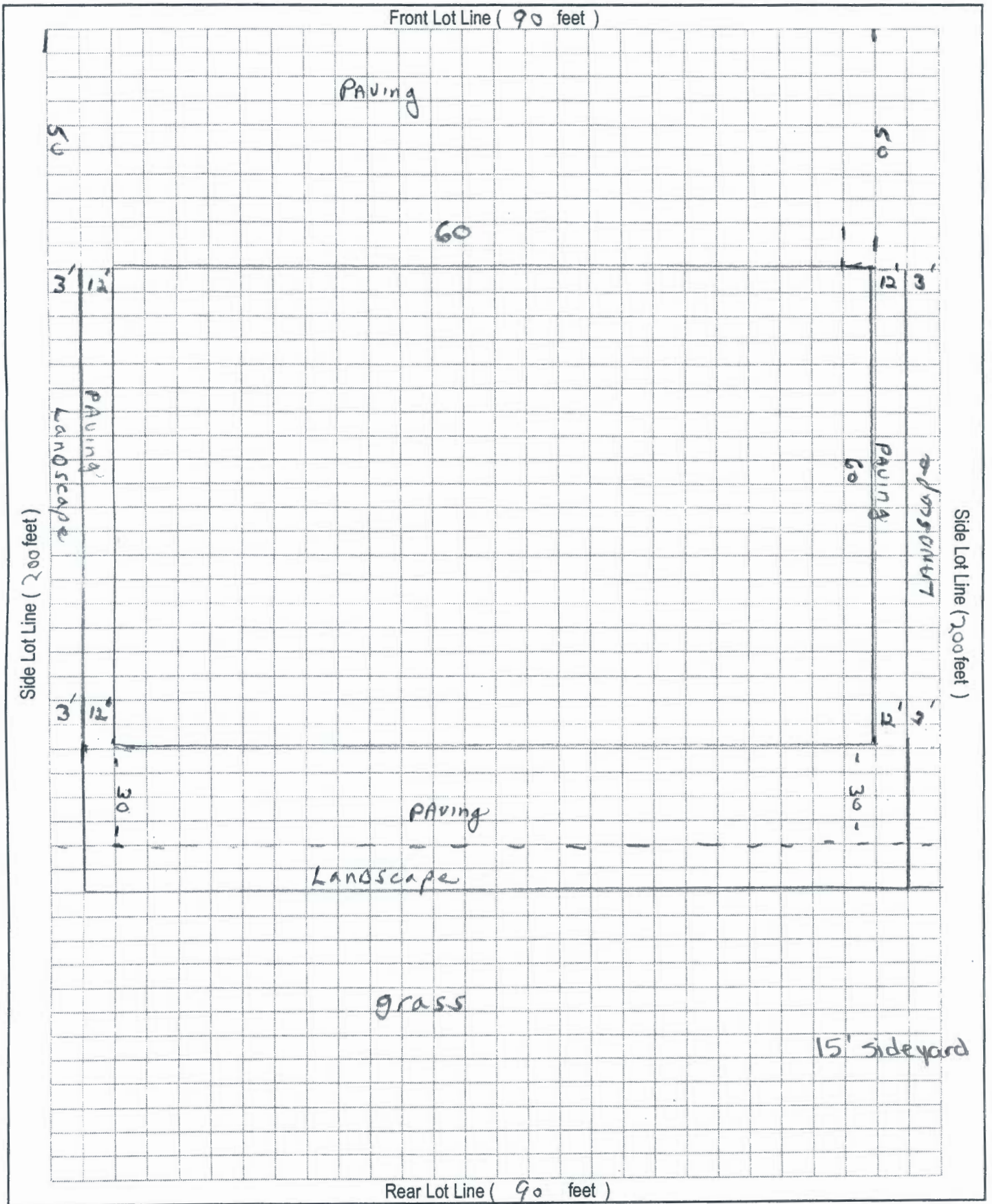
(Case 1009)

**PICTURE OF SITE:**



# Reproducible Plot Plan or Survey Template – Board of Adjustment

Page 2 of 2



# CITY OF TROY



**JASON A. REEVES**  
*Mayor*

**CHARLIE "SARGE" DUNN, SR.**  
*Council Vice President, District 1*

**GREG MEEKS**  
*District 2 Councilman*

**JOHN H. WITHERINGTON**  
*Council President, District 4*

**MARCUS PARAMORE**  
*District 3 Councilman*

**DEJERILYN KING HENDERSON**  
*District 5 Councilwoman*

## PLANNING AND ZONING

### BOARD OF ADJUSTMENT

City Hall, Troy, Alabama  
May 21, 2015

**CASE #:** 1009

**APPLICANT:** Mr. Michael Carnley

**SUBJECT:** Request for a variance to construct a 3600+/- SF commercial structure at 826 S. Three Notch St. in the C1: Neighborhood Commercial Zoning District.

### CERTIFICATION OF COMPLIANCE

BE IT RESOLVED by the Board of Adjustment of the City of Troy, Alabama, that upon APPROVAL of the above case, the Board has thus deemed the application to be in compliance with the following conditions:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- That literal interpretation of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.
- That the special conditions do not result from actions of the applicant (self-imposed hardship).
- That granting of the variance will not confer any special privilege on the applicant that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- That granting of the variance is in harmony with the intent and purposes of the Zoning Ordinance.
- That the variance will not adversely affect surrounding property, the general neighborhood, or the community as a whole.
- That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of land structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- That the variance will not allow the establishment of a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by terms of the Ordinance in said district.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Board of Adjustment of the City of Troy this the 21<sup>st</sup> day of May, 2015.

\_\_\_\_\_  
Jack Norton, Chairperson

ATTEST:

\_\_\_\_\_  
Melissa Sanders, Secretary

**MELISSA SANDERS, PLANNING AND ZONING ADMINISTRATOR**

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**TROY BOARD OF ADJUSTMENT**

May 21, 2015

(Case 1010)

**CASE #:** 1010

**APPLICANT:** Mr. Walt Stell, representing Carolina Girls, LLC

**SUBJECT:** Request for a variance to allow 18 Patio Home Lots to be developed on a street without curb and gutter to the west of and not including 1280 Enzor Road in the RR: Reserved Residential Zoning District.

**REMARKS:** This request is being presented so that the applicant can develop 18 patio home lots along Enzor Road which is a street designed without curb & gutter. Patio Homes lots (PH-50 lots) are a permitted use in the RR District as long as they are developed on a curb and gutter street. Please note that this is a county road, and that curb & gutter are required due to the potential of increased stormwater from smaller lots with a denser configuration. The developer is installing sewer to be in compliance with the sewer stipulation of the patio home regulations. Per the applicant, this development will have a rear alleyway in which all lots will have access from the rear instead of Enzor Road and will have covenants. The Preliminary Plat of Carolina Girls Plat No 1 is one the May 28, 2015 Planning Commission agenda for approval, but cannot be approved as it is currently submitted without this variance.

Per Section 5.281, the Board of Adjustment shall not issue a Special Exception or Variance involving patio homes, except upon favorable report, the Planning Commission shall seek the advice and recommendations of the City Planner, and shall determine that the proposed patio homes are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission, they shall be included as part of the Building Permit. If Special Exceptions or Variances are involved, the Board of Adjustments shall not grant such Exception except with the conditions attached by the Planning Commission, but the Board may add conditions in granting approval. **IF approved, it is highly recommended that such approval be contingent upon a favorable report by the Planning Commission and subsequent Planning Commission approval of the Preliminary Plat of Carolina Girls Plat No 1 and subject to any conditions the Board feels necessary and any conditions attached by the Planning Commission upon such approval.**

Below is the section regarding the Patio Home Lots.

5.281

PH50:

Patio Home:

1. No Building Permit shall be issued for patio homes, and the Board of Adjustment shall not issue a Special Exception or Variance involving patio homes, except upon favorable report, the Planning Commission shall seek the advice and recommendations of the City Planner, and shall determine that the proposed patio homes are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission, they shall be included as part of the Building Permit. If Special Exceptions or Variances are involved, the Board of Adjustments shall not grant such Exception except with the conditions attached by the Planning Commission, but the Board may add conditions in granting approval.
2. It is the intention of this Ordinance that patio homes in areas where there are permitted may be appropriately intermingled with other types of housing; shall constitute groupings making efficient, economical, compatible and convenient use of land and open space; and serve the public interest providing an alternative to conventional arrangements of yards and building areas.

## TROY BOARD OF ADJUSTMENT

May 21, 2015

(Case 1010)

3. Patio homes shall be permitted in the following zoning districts, PH-50: Patio Home Residential, R-2: Medium Density Residential, R-3: High Density Residential and R-R: Reserved Residential, provided that the following criteria are met:
  - a. Patio Homes shall be developed on curbed and guttered streets and sanitary sewer must be installed in a manner prescribed by the City Utility Department Standards and Specifications.
  - b. Patio Homes permitted in the PH-50: Patio Home Residential, R-2: Medium Density Residential and R-R: Reserved Residential shall be used as Single Family Dwellings. Unless permitted on appeal, any use of a Patio Home in these zoning districts other than as a residence of a single family as defined in this Ordinance is expressly prohibited. Any such prohibited use shall be unlawful and any persons residing together in a single dwelling unit in violation of this prohibition shall each be deemed to be unlawfully in violation of this Ordinance. It shall be unlawful for any person, firm, corporation, company, partnership, business, association, or other entity of any type owning or having charge or control of any residential premises in this zone district to lease, sell, or permit occupancy of any single dwelling unit in violation of this section, and the same shall be deemed to be an unlawful violation of this Ordinance.
4. In line with the general consideration above, the following site plan and design criteria are established:
  - (1) Each patio home shall be constructed on its own lot, shall be a minimum width of 50 feet at the building line, and a minimum lot area shall be 6,000 square feet.
  - (2) Each patio home lot shall have one (1) side yard with a minimum of five (5) feet and one (1) with a minimum of ten (10) feet. Minimum depth of front yards shall be 20 feet. Minimum depth of rear yards shall be 20 feet. Side yards may be averaged, but shall not be less than eight (8) feet. Fireplace and chimney may be placed in the side or rear yard setback provided they do not project beyond the 30 inch permitted roof overhang, and provided they do not restrict or obstruct any drainage or drainage easement, either existing or proposed.
  - (3) The required side yard must be kept perpetually free of permanent obstructions, accessory structures, walls and fences without gates.
  - (4) Privacy fences or walls may be placed on or along any lot lines provided that such fences or walls are not constructed in such a manner as to block any local lot drainage and provided gates or other openings are provided that will not restrict access for fire protection. An eight (8) foot maximum height limit will be permitted for privacy fences or walls located on or along any required side or rear yard.

## TROY BOARD OF ADJUSTMENT

May 21, 2015

(Case 1010)

- (5) Each patio home shall have on its own lot one (1) yard containing not less than 600 square feet, reasonably secluded from view of streets or neighboring property.
- (6) Maximum lot coverage permitted for the main dwelling shall be 100% of the permitted building area, not including coverage permitted for accessory buildings or structures.
- (7) Off-street parking shall be provided at the rate of two (2) spaces per dwelling unit and shall be located within the interior of the lot. Garages shall not be credited toward the parking requirements if said garage is part of the main dwelling or attached to the main dwelling.
- (8) The exterior walls of the patio home, or any accessory structures located on the five (5) foot side yard setback, shall not project over the property line.
- (9) The lot adjacent to the five (5) setback side yard must be under the same ownership at the time of initial construction (ensuring that a developer does not infringe on the property rights of owners of adjacent tracts) or a ten (10) foot side setback shall be required, provided the adjacent property is not zoned for patio homes or is not a permitted use in the adjacent zoning district.
- (10) No accessory structures shall be erected in a required front, side, street side yard, or open space. Accessory structures shall be permitted in the rear yard and shall not exceed one and one-half (1 ½) stories in height; shall not cover more than 25% of the rear yard; and shall be permitted a zero (0) foot setback from the rear yard and five (5) feet from the side property lines, and five (5) feet from any other structure on the same lot. These requirements shall not apply to unattached open carports and garages.
- (11) Unattached garages and carports shall be permitted in addition to the 25% coverage for accessory structures, but shall not exceed 600 square feet in area; shall not be placed in any required front, side, or street side yard or open space; shall not exceed one and one-half (1 ½) stories in height; and shall be permitted a zero (0) setback from the rear and five (5) feet from the side property lines and five (5) feet from any other structure on the same lot.
- (12) All patio homes shall be developed on curbs and guttered streets and shall not be constructed without sanitary sewer being provided.

### DEPARTMENT COMMENTS:

City Engineer – Stormwater flows away from the Enzor Road ROW and will flow on these lots. There is a drainage outlet at lot 7 which needs to be addressed. Also, to see the impact of the full development, a master plan or overall plan of the development showing the future development including, but not limited to, the street layout is requested from the developer.

**TROY BOARD OF ADJUSTMENT**

May 21, 2015

*(Case 1010)*

**PUBLIC COMMENTS RECEIVED TO DATE:**

Gus King - IF the land and streets underlying same in this subdivision are to be deeded to City of Troy and it's taxpayers, consideration needs to be made as to maintenance and management of stormwater runoff of same. Who will maintain the Asphaltic paving? Concrete curbing serves to protect the edges from deterioration due to runoff and traffic wear and tear. Where will the stormwater runoff be directed? Will the City of Troy be expected to repair damages from erosion and wear and tear in the future?? Walt and friends need to provide more information for handling of future potential problems associated with this request. I suggest a tabling or "No" vote to this request until more study can be provided to answer these questions. Other residential developments have met or exceeded City ordinances requiring curbing and guttering to control runoff and maintenance issues. How will property values be affected by erosion and runoff problems?? Why should this subdivision be any different??

There have been two others who have spoken in opposition to this request and will most likely be present at the meeting.



# TROY BOARD OF ADJUSTMENT

May 21, 2015

(Case 1010)

## ZONING MAP:



## AERIAL OF SITE:



**TROY BOARD OF ADJUSTMENT**

May 21, 2015

(Case 1010)

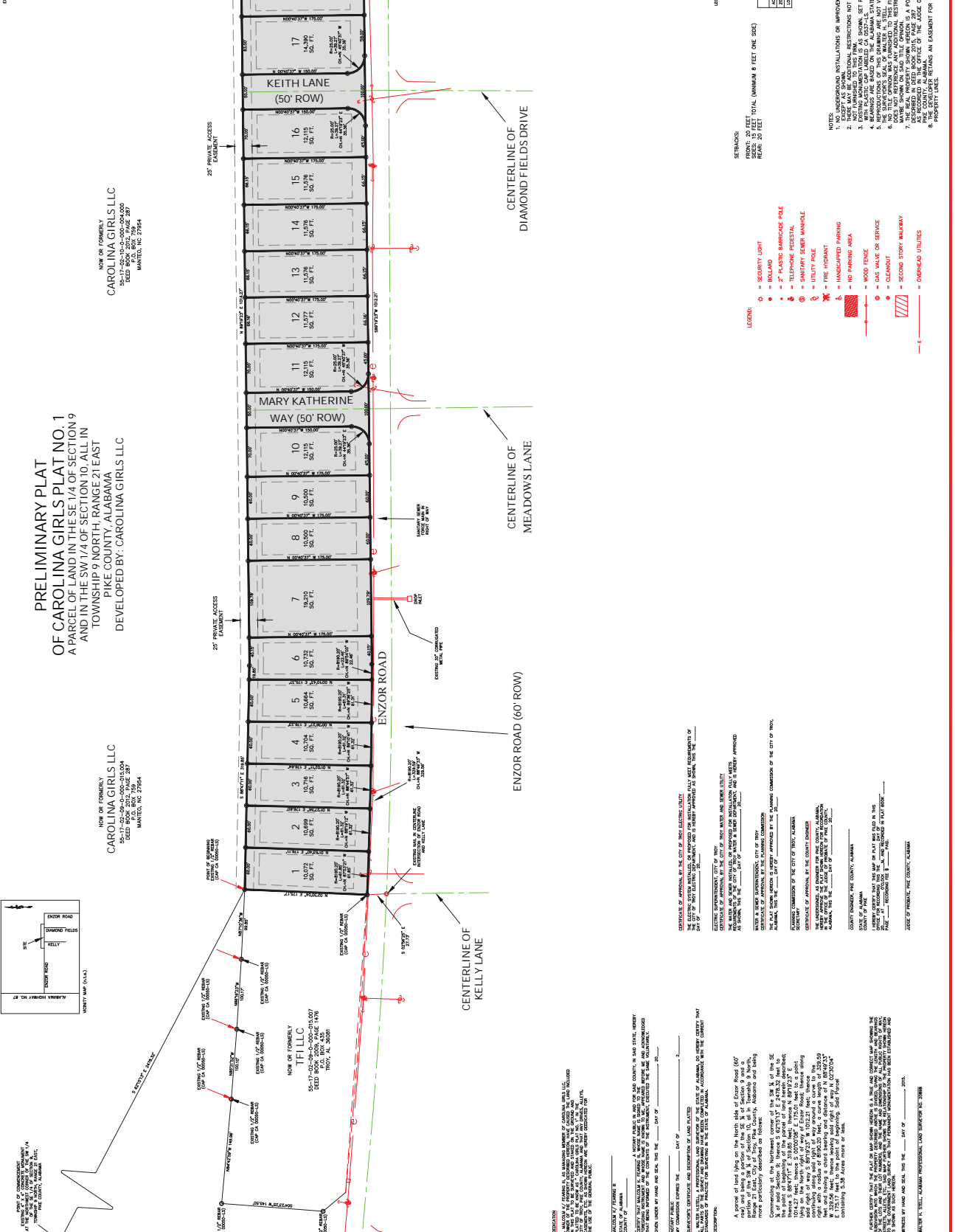
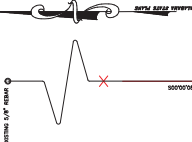
**PICTURE OF SITE:**





NO.	DATE	DESCRIPTION	BY	APPROVED

DRAWN BY: M.L.A.
CHECKED BY: M.L.A.
DATE: 04-20-2012
PROJECT NO.: 1212
SHEET 1 OF 1



**PRELIMINARY PLAT**  
**OF CAROLINA GIRLS PLAT NO. 1**  
 A PARCEL OF LAND IN THE SE 1/4 OF SECTION 9  
 AND IN THE SW 1/4 OF SECTION 10, ALL IN  
 TOWNSHIP 9 NORTH, RANGE 21 EAST  
 PIKE COUNTY, ALABAMA  
 DEVELOPED BY: CAROLINA GIRLS LLC

NEW OR FORMERLY  
**CAROLINA GIRLS, LLC**  
 DEED BOOK 202, PAGE 287  
 DEED 05-17-02-00-000-004,000  
 50-17-02-10-00-000-004,000  
 WANTED, NO. 27564

NEW OR FORMERLY  
**CAROLINA GIRLS, LLC**  
 DEED BOOK 202, PAGE 287  
 DEED 05-17-02-00-000-010,004  
 50-17-02-20-00-000-010,004  
 WANTED, NO. 27564

NEW OR FORMERLY  
**TELLIC**  
 DEED BOOK 200A, PAGE 478  
 DEED 05-17-02-20-00-000-000,007  
 50-17-02-20-00-000-000,007  
 WANTED, NO. 30081

**LEGEND:**

- = SECURITY LIGHT
- = ROLLUP
- = TELEPHONE POLE
- = SANITARY SEWER MANHOLE
- = UTILITY POLE
- = FIRE HYDRANT
- = HANDICAPPED PARKING
- = NO PARKING AREA
- = WOOD FENCE
- = GAS VALVE OR SOURCE
- = CLEANTO
- = SECOND STORY WALKWAY
- = OVERHEAD UTILITIES

**SETBACKS:**  
 FRONT: 20 FEET  
 SIDES: 5 FEET  
 REAR: 20 FEET

**NOTES:**

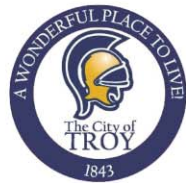
- NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED.
- THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN HEREON THAT WERE NOT RECORDED WITH THIS PLAT.
- EXISTING MONUMENTS ARE SHOWN SET THIS ARE 24" - 1/2" REBAR.
- REBARING FOR BASES ON THE ALABAMA STATE PLANE COORDINATE SYSTEM.
- THE DISTANCE TO THE CENTERLINE OF MEADOWS LANE, DIAMOND FIELDS DRIVE AND ENZOR ROAD IS SHOWN FOR REFERENCE ONLY. THE DISTANCE TO THE CENTERLINE OF KELLY LANE IS SHOWN FOR REFERENCE ONLY.
- THE DISTANCE TO THE CENTERLINE OF KELLY LANE IS SHOWN FOR REFERENCE ONLY.
- THE REAL PROPERTY SHOWN HEREON IS A PORTION OF THAT REAL PROPERTY AS RECORDED IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF PIKE COUNTY, ALABAMA.
- THE DEVELOPER RETAINS AN EASEMENT FOR ANY USE 8 FEET EACH SIDE OF ALL OVERHEAD UTILITIES.

**DESCRIPTION:**  
 A parcel of land lying on the North side of Enzor Road (60' wide) and being a portion of the SE 1/4 of Section 9 and the SW 1/4 of Section 10, Township 9 North, Range 21 East, Pike County, Alabama and being more particularly described as follows: ...

**REVISIONS:**  
 1. WITH UTILITY AND OVERHEAD LINES LOCATED AND SET AS SHOWN ON THIS PLAT, THE CITY OF MOBILE, ALABAMA, HAS HEREBY APPROVED THIS PLAT FOR RECORDATION IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF PIKE COUNTY, ALABAMA, THIS 14th DAY OF APRIL, 2012.

**EXEMPTION:**  
 I, JOHN W. AND EMMA MCCIURE, SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT COMPLETES THE SURVEY OF THE LAND DESCRIBED IN THE FOREGOING AND THAT THE SAME IS ACCORDING TO THE REQUIREMENTS OF THE ALABAMA PROFESSIONAL LAND SURVEYING ACT AND THE RULES AND REGULATIONS THEREUNDER.

# CITY OF TROY



**JASON A. REEVES**  
*Mayor*

**CHARLIE "SARGE" DUNN, SR.**  
*Council Vice President, District 1*

**GREG MEEKS**  
*District 2 Councilman*

**JOHN H. WITHERINGTON**  
*Council President, District 4*

**MARCUS PARAMORE**  
*District 3 Councilman*

**DEJERILYN KING HENDERSON**  
*District 5 Councilwoman*

## PLANNING AND ZONING

### BOARD OF ADJUSTMENT

City Hall, Troy, Alabama  
May 21, 2015

**CASE #:** 1010

**APPLICANT:** Mr. Walt Stell representing Carolina Girls, LLC

**SUBJECT:** Request for a variance to allow 18 Patio Home Lots to be developed on a street without curb and gutter to the west of and not including 1280 Enzor Road in the RR: Reserved Residential Zoning District.

### CERTIFICATION OF COMPLIANCE

BE IT RESOLVED by the Board of Adjustment of the City of Troy, Alabama, that upon APPROVAL of the above case, the Board has thus deemed the application to be in compliance with the following conditions:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- That literal interpretation of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.
- That the special conditions do not result from actions of the applicant (self-imposed hardship).
- That granting of the variance will not confer any special privilege on the applicant that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- That granting of the variance is in harmony with the intent and purposes of the Zoning Ordinance.
- That the variance will not adversely affect surrounding property, the general neighborhood, or the community as a whole.
- That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of land structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- That the variance will not allow the establishment of a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by terms of the Ordinance in said district.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Board of Adjustment of the City of Troy this the 21<sup>st</sup> day of May, 2015.

\_\_\_\_\_  
Jack Norton, Chairperson

ATTEST:

\_\_\_\_\_  
Melissa Sanders, Secretary

**MELISSA SANDERS, PLANNING AND ZONING ADMINISTRATOR**

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