



PLANNING
DEPARTMENT

CITY OF PRATTVILLE

JIM BYARD, JR.
MAYOR

CITY COUNCIL

DEAN R. ARGO
PRESIDENT
DISTRICT 3

TOM MILLER
PRESIDENT PRO TEMPORE
DISTRICT 4

BILL GILLESPIE, JR.
DISTRICT 1

WILLIE WOOD, JR.
DISTRICT 2

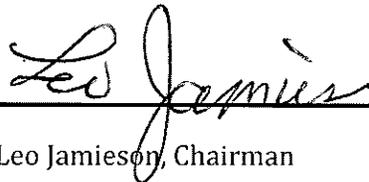
MIKE RENEGAR
DISTRICT 5

RAY C. BOLES
DISTRICT 6

NATHAN D. FANK
DISTRICT 7

City of Prattville Board of Zoning Adjustment

The minutes of the February 9, 2010 meeting of the
City of Prattville Board of Zoning Adjustment
were approved.


Leo Jamieson, Chairman

3/9/10

Date



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CITY OF PRATTVILLE BOARD OF ZONING ADJUSTMENT

A G E N D A

February 9, 2010

4:00pm

Call to Order:

Roll Call:

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

Election of Officers:

Minutes:

January 12, 2010

Old Business:

1. 100112-01 VARIANCE: To encroach into the (35') side yard line.
1607 Guiding Way
R-2 (Single Family Residential)
Kenyon & Ginger Knapp, Petitioners

District 1

New Business:

None

Miscellaneous:

Adjourn:

**City of Prattville Board of Zoning Adjustment
Minutes
February 9, 2010**

CALL TO ORDER:

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:01 p.m. on Tuesday, February 9, 2010.

ROLL CALL:

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

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

ELECTION OF OFFICERS:

Mr. Gillian moved to nominate Mr. Leo Jamieson as Chairman. Mrs. Schanep seconded the motion. The motion to elect Mr. Leo Jamieson as Chairman passed unanimously.

Mrs. Schanep moved to nominate Mr. John Gillian as Vice-Chairman. Mr. Macready seconded the motion. The motion to elect Mr. John Gillian as Vice-Chairman passed unanimously.

MINUTES:

Commander Whaley moved to approve the minutes of the January 12, 2010 meeting. Mrs. Schanep seconded the motion. The motion to approve passed unanimously.

OLD BUSINESS:

**To encroach into the (35') side yard line.
1607 Guiding Way
R-2 (Single Family Residential)
Kenyon & Ginger Knapp, Petitioners**

Mr. Duke introduced the petition to allow the home at 1607 Guiding Way to encroach into the 35' front yard line. He stated that the property is located on a corner lot at Guiding Way and High Place Drive; therefore it has two front yards. He stated that the house was built at 32' on High Place Drive frontage and the petitioner is requesting that it would remain at that setback rather than the required 35'.

Nikki Burch, petitioner representative, was present to represent the petitioners. She stated that the property is no longer owned by the Knapps. Although they were able to close the sale of the property with the new owner; they are seeking a variance to clear up any future discrepancy.

Mr. Macready asked how long has the house existed. Ms. Burch replied that the house was built in 2000.

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 voted unanimously to approve the variance to allow an encroachment into the (35') side yard line on property at 1607 Guiding Way.**

NEW BUSINESS:

None

MISCELLANEOUS:

ADJOURN:

After no further comments, questions or discussion the meeting was adjourned at 4:09 p.m.

Respectfully submitted,

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

Alisa Morgan, Secretary
Board of Zoning Adjustment

PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: KENYON & GINGER KNAPP
1607 GUIDING WAY
PRATTVILLE, AL 36067

REQUEST: VARIANCE TO ENCROACH INTO THE (35') SIDE YARD LINE
1607 GUIDING WAY
R-2 ZONING DISTRICT (SINGLE FAMILY RESIDENTIAL)

ORDER

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on January 12, 2010 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the variance to allow an encroachment into the (35') side yard line** at property requested.

IT IS THEREFORE ORDERED the petition of Kenyon & Ginger Knapp, 1607 Guiding Way, Prattville, AL is hereby approved.

DONE THIS THE 9th DAY OF February 2010.

BOARD OF ZONING ADJUSTMENT


LEO JAMIESON, CHAIRMAN


ALISA MORGAN, SECRETARY

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

MEETING DATE: January 12, 2010 (2/9/10)
PETITIONER: Kenyon & Ginger Knapp
ADDRESS OF PETITION: 1607 Guiding Way

	NAME	ADDRESS
1.	<i>Phil Burch</i>	<i>1328 CR85 Prville 36067</i>
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CITY OF PRATTVILLE
 Board of Zoning Adjustment
 Planning Department Staff Report



DATE:	12/22/09
APPLICATION TYPE:	Variance (100112-01)
PROPERTY LOCATION or DESCRIPTION:	1607 Guiding Way
PETITIONER(S) AND AGENT(S):	Kenyon & Ginger Knapp
ZONING DISTRICT(S)	R-2 (Single Family Residential)
REQUESTED ACTION:	To allow (2.5') encroachment into the 35' side yard line.
ZONING ORDINANCE REFERENCE:	<p>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</p> <p>R-2 District:</p> <p>Minimum Yard Size</p> <p>Front yard - 35'</p> <p>Rear Yard – 40'</p> <p>Side Yard – 10'</p>

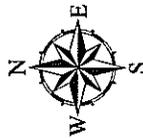
CITY OF
PRATTVILLE, ALABAMA

1607 GUIDING WAY LN

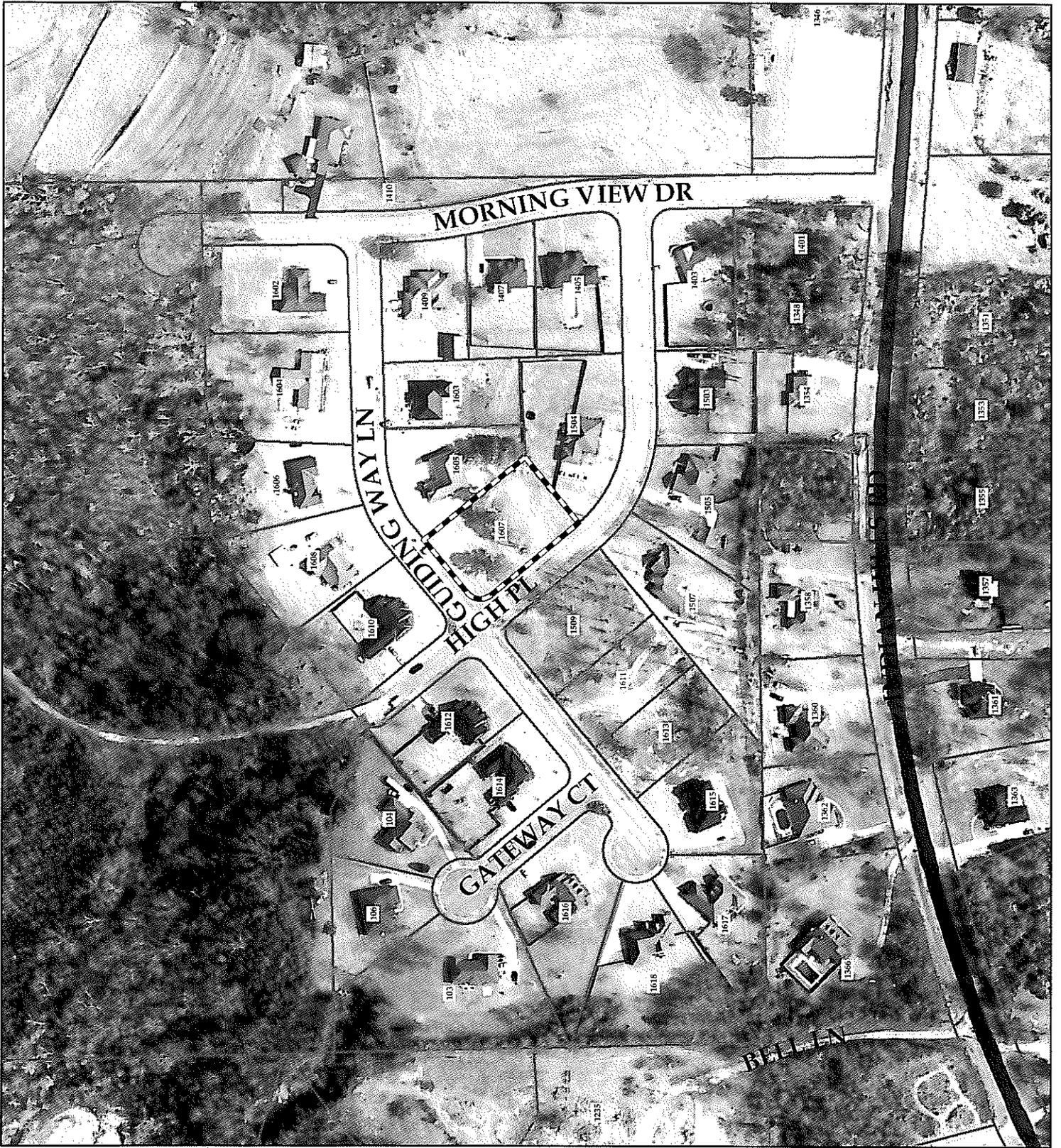
ZONING: R-2
(SINGLE FAMILY RES)

PETITIONERS:
KNAPP, KENYON & GINGER

1" = 200'



STREETS
TAX PARCELS



Ryan Prebarka, C.I.S., Coordinator



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

100112-01

Variance *side*
To encroach into the (35') front yard line

Application
Prattville Board of Zoning Adjustment

Application type: Use-On-Appeal Variance Administrative Appeal

Applicant /Agent Information

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

Name: Kenyon C. Knapp and Ginger B. Knapp

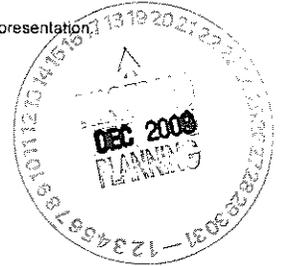
Street Address: 1607 Guiding Way Lane

City: Prattville

State: AL

Zip: 36067

Phone Number(s): 404-308-5499



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: 04-18-01-12-0-004-030.007; Lot 9 of Beacon Hill Estates Plat No. 1, as recorded in the Office of the Judge of Probate of Autauga County, Alabama, in Plat Book 5, at Page 31.

Current Zoning of Property: R-2

Physical Address: 1607 Guiding Way Lane; Prattville, AL 36067

Proposed Use of Property (generally): Residential

Describe Proposed Use or Variance: This application is made for a variance to modify, change, and allow for the violation of the building set back distance for the property referenced above. Knapp purchased the property and had the dwelling constructed in January 2007. The plat which the property is located within reflects that the building set back should be 35 feet. The dwelling was constructed over the building set back line without the knowledge of the owner (Knapp). The violation of the set back line was discovered when Prattville Land Surveying performed a survey of the property on December 10, 2009, pursuant to request of Timothy P. Smith and Pamela L. Smith who have contracted to purchase the property from Kenyon C. Knapp and Ginger B. Knapp. The survey of Prattville Land Surveying shows the dwelling to be situated at 32.5 feet – an approximate 2.5 foot violation of the building set back line. Pursuant to the above facts, Knapp hereby request that a variance be issued allowing for the violation, that said variance be issued modifying the set back line to 32 feet, that said variance be issued in the name of Timothy P. Smith and Pamela L. Smith, and that said variance be issued and made to run with the land.

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

- Tax record map from the Autauga County or Elmore County Tax Assessors Office
- Site sketch plan (drawn to scale) showing any property lines, required and proposed setbacks, existing and proposed structures and any additional information you believe will be helpful to the Board of Adjustment
- Application fees: Variance and Administrative Appeal Fifty dollars (\$50) Use-on-Appeal – Two hundred fifty dollars (\$250).
- Names and address of all property owners immediately adjacent to the subject property (not required for administrative appeals). Adjacent properties include those directly across the street from the subject property.
- If person signing application is someone other than property owner, attach authorization to file application (i.e. notarized letter, real estate contract, etc.)

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

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

The failure to grant the application will result in the property owner having to correct the violation, which would require considerable expense. In order to correct the violation, the dwelling would have to be destroyed and rebuilt. To require such action would be in fact an unnecessary hardship due to the cost of such an undertaking

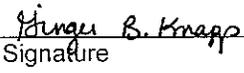
I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore County if applicable), and is a complete list of all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

Kenyon C. Knapp
Printed Name


Signature

Date 12/17/09

Ginger B. Knapp
Printed Name

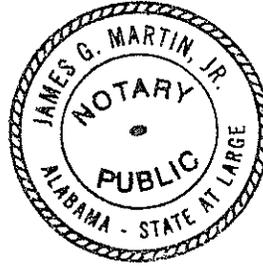

Signature

Date 12/17/09

I the undersigned authority, a Notary Public in and for said County in said State, herby certify that Kenyon C. Knapp, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 17th day of December, 2009.



Notary Public

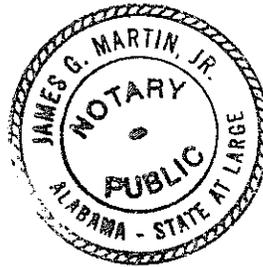


My commission expires 11-17-10

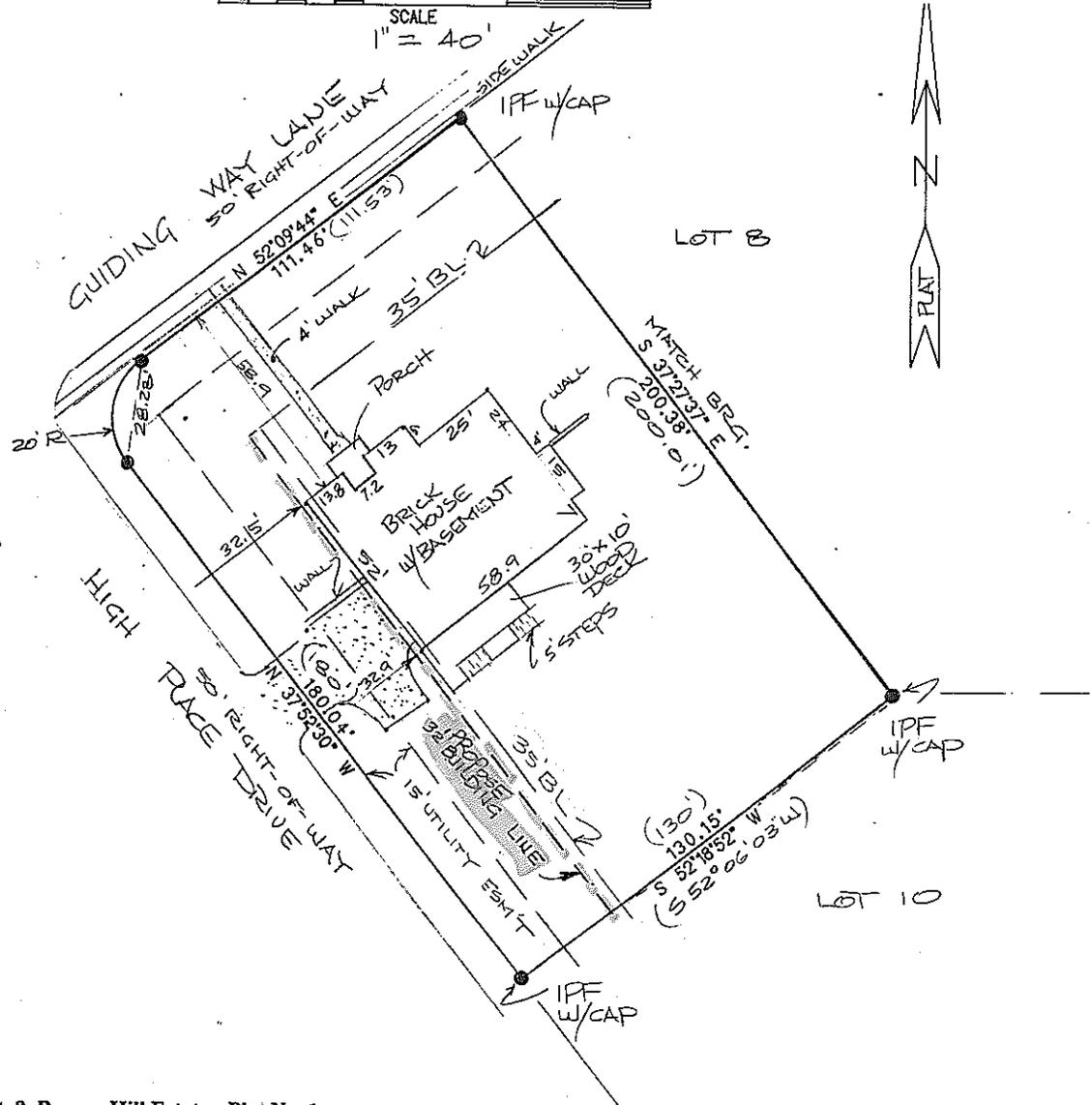
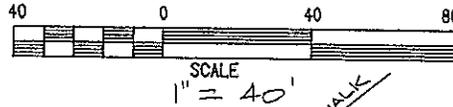
I the undersigned authority, a Notary Public in and for said County in said State, herby certify that Ginger B. Knapp, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 17th day of December, 2009.



Notary Public



My commission expires 11-17-10



Lot 9 Beacon Hill Estates Plat No. 1

As the same is recorded in Map Book 5 at page 31 and recorded in the Office of the Judge of Probate Autauga County, Alabama.

Client: **Knapp**
Property Address: 1607 Guiding Way Lane

Prattville, Alabama.

This Survey is made subject to any and all easements, restrictions and reservations of covering the above described property. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor. No abstract of title, nor title commitment, nor results of title searches were finished the surveyor. There may exist other documents of record which would affect this parcel.

- Legend**
- POB Point of Beginning
 - IPS Iron Pin Set w/cap, (stamp P.L.S. 14721)
 - IPF Iron Pin Found, $\frac{5}{8}$ " REBAR
 - △ Calculated Point Only
 - p- Overhead Utility Lines
 - x-x- Fence
 - () Recorded Distance/ Bearing
 - N. Not to Scale
 - C- Centerline
 - POC Point of Commencement

According to **FIRM**
Property lying in Zone C
Panel # 010314 0119 B
Dated Dec. 1985

I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and brief. Copyrighted by David C. McLain, no part of this drawing may be copied, added to, altered or reproduced by any means with out written permission from

David C. McLain AL Reg. No. 14721.
According to my survey this the 10th day of December, 2009.

REVISED DECEMBER 17, 2009

(Signature)

AL Reg. No. 14721
**NOT VALID UNLESS SIGNED,
DATED, AND STAMPED WITH
EMBOSSSED SEAL**

Boundary Survey
By:
Prattville Land Surveying
616 Washington Ferry Rd
Prattville, AL 36067
334-365-1122

File No. 6095