



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 May 11, 2010 meeting of the
City of Prattville Board of Zoning Adjustment
were approved.

Leo Jamieson, Chairman

10/12/10

Date



PLANNING
DEPARTMENT

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NATHAN D. FANK
DISTRICT 7

CITY OF PRATTVILLE BOARD OF ZONING ADJUSTMENT A G E N D A May 11, 2010 4:00pm

Call to Order:

Roll Call:

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

Minutes:

Old Business:

None

New Business:

1. 100511-01 USE-ON-APPEAL: To allow a temporary structure time extension. *District 4*
700 Old Farm Lane
B-2 (General Business)
Valance Properties, Petitioner
2. 100511-02 VARIANCE: To encroach into the 10' side yard line. *District 5*
1806 Autumn Court West
R-2 (Single Family Residential)
Johnnie & Glenda Yarbrough, Petitioners

Miscellaneous:

Adjourn:

**City of Prattville Board of Zoning Adjustment
Minutes
May 11, 2010**

CALL TO ORDER:

Call Meeting to order by Chairman Jamieson at 4:00 p.m.

ROLL CALL

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

Rules of order presented by Chair concerning votes required by state law. Chair stated that City Planner, Joel Duke, will present agenda items followed by each petitioner's presentation and then public comment.

USE-ON-APPEAL

To allow a temporary structure time extension.

700 Old Farm Lane

B-2 (General Business)

Valance Properties, Petitioner

Joel Duke presented the request for an extension of time on temporary structure for an additional 18 months. The initial approval was granted by the BZA on November 13, 2007.

Earl Dees represented his son, Lance Dees, who could not attend due to illness.

Mr. Dees stated that the originally request was made based on the anticipated schedule for ALDOT improvements for Old Farm Lane. He stated that the improvements have not happened as they anticipated. Mr. Dee's presented a 10 year old plan showing how long they have been waiting for ALDOT project. Mr. Dee's stated that his son's idea is wait on the expected right of way acquisition by ALDOT, which he expects will include some of the subject site. Once the ALDOT acquisition is complete he plans to submit a development plans for site. Mrs. Schanep asked for details on land acquisition. Dees explained which properties he expected to be impacted.

Mr. Jamison called for any further questions from the Board. Hearing none, he called for a vote on the requested extension.

Mr. Duke asked the Board to start the extension time period at May 2009, which coincides with the expiration of the original approval. Mr. Duke further requested that the Board require submission of a development plan for a permanent building within the extended time period.

Chairman Jamison requested a motion from the Board and general discussion.

Motion offered by John Gillian: 18 month time extension granted from May 11, 2010 with the requirement that a development plan be submitted to the Planning Department during the extended period. Motion was seconded by Mrs. Schanep.

5-0 approved.

VARIANCE

**To encroach into the 10' side yard line
1806 Autumn Court West
R-2 (Single Family Residential)
Johnnie & Glenda Yarbrough, Petitioners**

Commander Whaley removed himself from the discussion and vote on this matter citing a potential conflict of interest.

Mr. Duke explained conditions of request and zoning setbacks. The requested variance is for a maximum encroachment of 3 ft. into the required 10' side yard.

Byron Godwin III, general contractor, presented the request.

Chairman Jamieson asked for any questions from the Board.

Kitty Houser inquired on the setback layout clarifications.

A motion was offered by Mrs. Schanep to approve the requested variance provided the structure and any roof overhang are no closer than 6 feet from the side property line. Motion was seconded by John Gillian.

4-0 approved. (Commander Whaley did not vote).

Any further business asked by Chairman.

Motion to adjourn was approved by all.

Respectfully submitted,



George Stathopoulos, Acting Secretary
Board of Zoning Adjustment

PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: VALANCE PROPERTIES
700 OLD FARM LANE
PRATTVILLE, AL 36066

REQUEST: USE-ON-APPEAL TO ALLOW TIME EXTENSION OF
TEMPORARY STRUCTURE
700 OLD FARM LANE
B-2 ZONING DISTRICT (GENERAL BUSINESS)

ORDER

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on May 11, 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 use-on-appeal to allow the time extension on a temporary structure** at property requested.

IT IS THEREFORE ORDERED the petition of Valance Properties, 700 Old Farm Lane, Prattville, AL is hereby approved.

DONE THIS THE 11th DAY OF May 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: May 11, 2010

PETITIONER: Valance Properties

ADDRESS OF PETITION: 700 Old Farm Lane

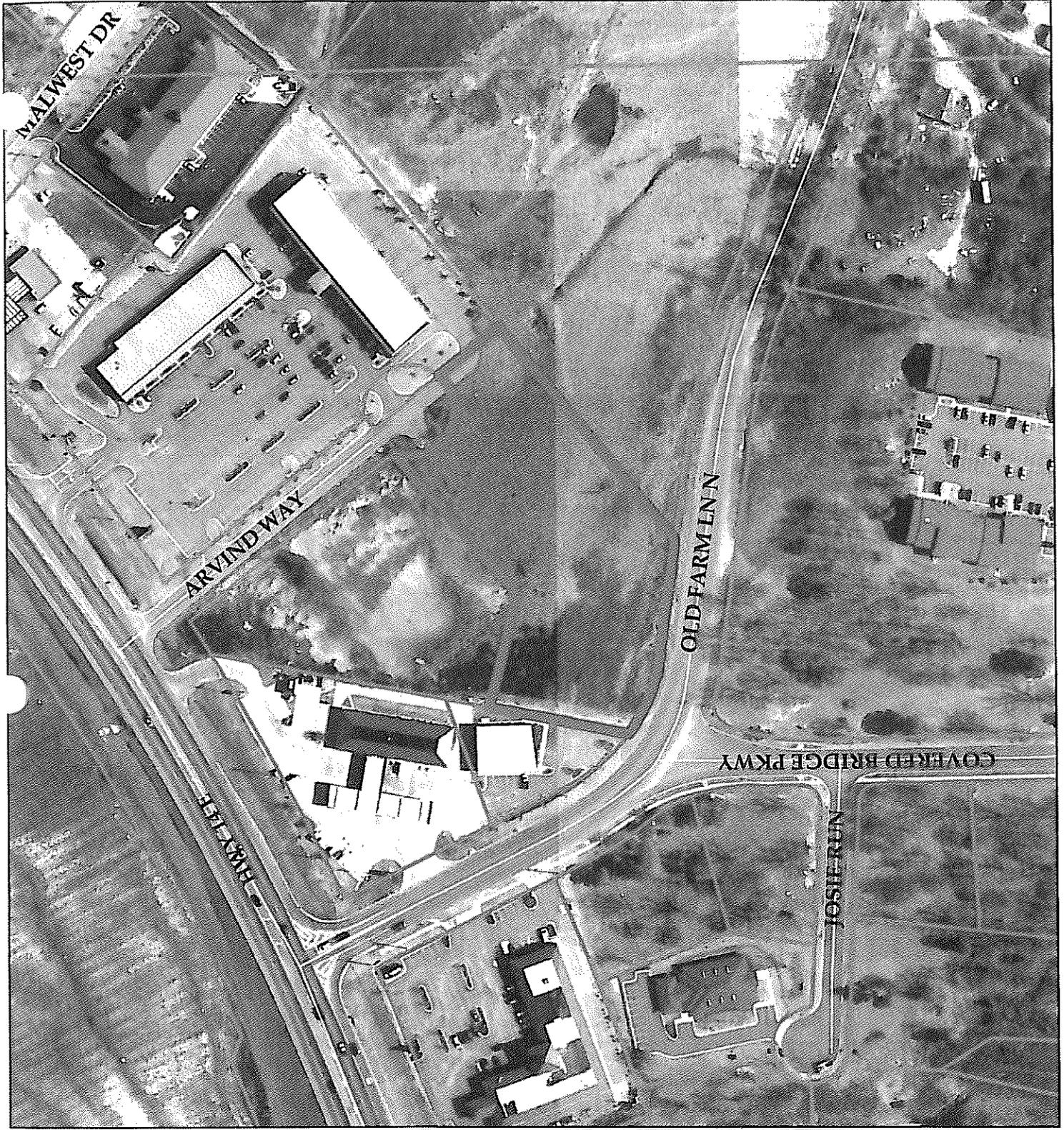
	NAME	ADDRESS
1.	<i>Earl L. Dees</i>	<i>572 Horsestoe Lane</i>
2.		<i>Wetumpka</i>
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CITY OF PRATTVILLE
 Board of Zoning Adjustment

Planning Department Staff Report



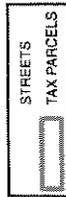
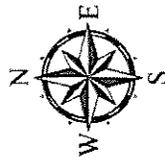
DATE:	4/26/10
APPLICATION TYPE:	Use-On-Appeal (100511-01)
PROPERTY LOCATION or DESCRIPTION:	700 Old Farm Lane
PETITIONER(S) AND AGENT(S):	Valance Properties Lance Dees
ZONING DISTRICT(S)	B-2 (General Business)
REQUESTED ACTION:	To allow a temporary structure time extension. *The initial temporary use-on-appeal was approved by the BZA on November 13, 2007.
ZONING ORDINANCE REFERENCE:	Appendix A-Zoning Ordinance Section 72 Business district requirements: TEMPORARY STRUCTURES: Where such structures shall be used for a period of not to exceed 18 months prior to construction of a permanent structure, which will replace the temporary structure. The owner must give evidence, satisfactory to the Board of Zoning Adjustment, of such owner's good faith and intent to construct or have constructed a permanent structure. Under no circumstances shall such structures be authorized as a residence or habitation.



City of Prattville
 Board of Zoning
 Adjustment

Location Map

Lance Dees
 Old Farm Ln N



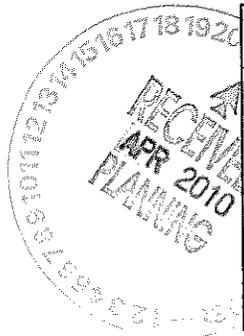
City of Prattville
100511-01

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

Use-On-Appeal
To allow a temporary structure time extension

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: _____
 Street Address: _____
 City: _____ State _____ Zip: _____
 Phone Number(s): _____

Property Owner Information
If different than above

Name: Valance Properties LLC (LANCE DEES)
 Address of Property Owner: 700 Old Farm Ln
 City: Prattville State: AL Zip: 36066
 Phone Number: (334) 361-9960

Property Description

County Tax Parcel Number/Legal Description: See Attached

Current Zoning of Property: Commercial Physical Address: 700 Old Farm Ln
 Proposed Use of Property (generally): Trailer Sales
 Describe Proposed Use or Variance: Trailer Sales
Request extension of Time
for Temporary use for 18 mo. Due
To Road Construction Delays.
See Attached Letter Describing
hardship & needs.

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)

Attached Letter

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.

LANCE DEES
Printed Name

[Signature]
Signature

Date 4-21-10

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

April, 2010

[Signature]
Notary Public

My commission expires My Commission Expires 11-06

100511-01/A

Use-On-Appeal
To allow a temporary structure time extension

STATEMENT OF HARDSHIP

FOR THE PAST TEN YEARS I HAVE BEEN IN POSSESSION OF SAIN ASSOCIATES SATTELITE OVERLAY DRAWING FOR THE RESTRUCTURING OF OLD FARM LANE AND/OR ARVIND WAY. SEVERAL TIMES I HAVE SPOKEN WITH STATE, LOCAL AND SAIN OFFICIALS IN AN EFFORT TO ACHIEVE CONFIRMATION OF THE EXACT LOCATION OF THE PROPOSED PROJECT. TO THIS DATE MY PROPERTY CANNOT BE DEVELOPED SINCE I HAVE NO EXACT LOCATION OF THE PROPOSED ROAD PROJECT. I HESITATE TO CONSIDER BUILDING A PERMENANT STRUCTURE FOR FEAR IT MIGHT BE LOCATED IN THE PROPOSED OR RELOCATED RIGHT OF WAY. I UNDERSTAND THE DRAWING I POSSESS IS NOT SET IN STONE AND FURTHER CHANGES COULD AFFECT MY PROPERTY AND THE LOCATION OF MY PLANNED BUILDING.

THE LOCATION OF ACCESS FRON THE PROPOSED STREET WILL IMPACT CONSIDERATION IN LOCATING THE PROPOSED BUILDING. THE PROPOSED STREED RELOCATION WILL POSSIBLY TAKE ONE YEAR ONCE THE CONSTRUCTION IS UNDERWAY.

THE PROBILITY OF LOCATING AND BUILDING A STRUCTURE THAT MAY BE IN A RIGHT OF WAY OR HAVE NO COMPATABLE ACCESSIS A RISK I AM UNWILLING TO TAKE. IF THE STATE WOULD MOVE FORWARD AND PURCHASE THE REQUIRED RIGHT OF WAY, I WOULD BE MOST WILLING TO MOVE TO DEVELOP THE PROPERTY. THIS DEVELOPMENT HAS BEEN STALLED FOR TEN OR MORE YEARS WHILE WE HAVE ANTICIPATED A DEFINED DEVELOPMENT PLAN FROM SAIN AND ASSO.

THANK YOU FOR ANY HELP YOU MIGHT PROVIDE IN ENCOURAGING THE STATE TO MOVE FORWARD WITH THIS PROJECT. ONCE THE RIGHT OF WAY IS DEFINED AND A CONSTRUCTION DATE SET, I WILL BE MOST WILLING TO MOVE FORWARD WITH PLANS TO DEVELOP THIS VALUEABLE PIECE OF COMMERCIAL REAL ESTATE.

LANCE DEES



PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: **JOHNNIE & GLENDA YARBROUGH**
 1806 AUTUMN COURT W
 PRATTVILLE, AL 36066

REQUEST: **VARIANCE TO ENCROACH INTO THE 10' SIDE YARD LINE**
 1806 AUTUMN COURT W
 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 May 11, 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 encroach into the 10' side yard line provided the structure and any roof overhang are no closer than 6 feet from the side property line** at property requested.

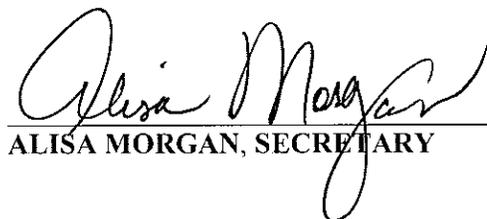
IT IS THEREFORE ORDERED the petition of Johnnie & Glenda Yarbrough, 1806 Autumn Court W, Prattville, AL is hereby approved.

DONE THIS THE 11th DAY OF May 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: May 11, 2010

PETITIONER: Johnnie & Glenda Yarbrough

ADDRESS OF PETITION: 1806 Autumn Court West

	NAME	ADDRESS
1.	<i>BGB (Byron Godwin)</i>	<i>114 Taxi ct Deatsville, AL 36027</i>
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CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



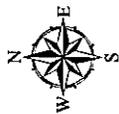
DATE:	4/26/10
APPLICATION TYPE:	Variance (100511-02)
PROPERTY LOCATION or DESCRIPTION:	1806 Autumn Court W
PETITIONER(S) AND AGENT(S):	Johnnie & Glenda Yarbrough Dixie Patios, LLC (Byron Godwin)
ZONING DISTRICT(S)	R-2 (Single Family Residential)
REQUESTED ACTION:	To allow an (carport) encroachment into the 10' side yard line.
ZONING ORDINANCE REFERENCE:	Appendix A-Zoning Ordinance Section 71 Residential district requirements: R-2 District: Minimum Yard Size Front yard - 35' Rear Yard – 40' Side Yard – 10'



CITY OF
PRATTVILLE, ALABAMA

1806
AUTUMN CT WEST

1" = 150'



— STREETS
□ TAX PARCELS



Ryan Pecharka, G.I.S. Coordinator

100511-02/A

Variance

To encroach into the 10' side 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: Dixie Patios, LLC. Byron E Godwin III
Street Address: 114 Taxi court
City: Deatsville State: AL Zip: 36022
Phone Number(s): (334) 657-1304

Property Owner Information

If different than above

Name: Johnnie K and Glenda Yarbrough
Address of Property Owner: 1806 West Autumn Ct.
City: Prattville State: AL Zip: 36067
Phone Number: (334) 318-0039

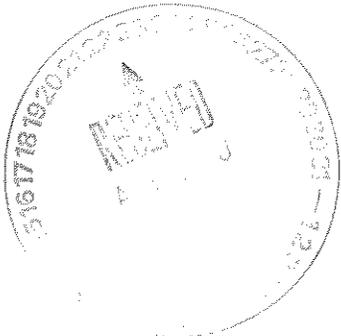
Property Description

County Tax Parcel Number/Legal Description: _____

Current Zoning of Property: R-2 Physical Address: _____

Proposed Use of Property (generally): _____

Describe Proposed Use or Variance: The current driveway at house is 7 feet from the property line at rear of driveway. The homeowner wishes to install an aluminum carport over existing driveway. The carport will start at the front left corner of the house and will end at the back left corner. The carport will not extend past the front of the house and are requesting a variance ^{from} ~~to~~ the 10 ft to 5 ft at the rear of the carport.



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 existing driveway is 7 feet from the neighboring property line at rear of driveway. Homeowner will not be able to install a carport over the existing driveway without approval of a variance from 10 feet to 5 feet. 2 other houses on same ~~side~~ street have carports within 5 feet of neighboring property line.

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.

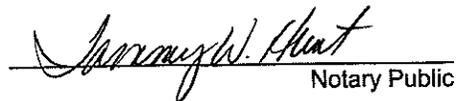
Byron I Godwin III
Printed Name


Signature

Date 4/22/10

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Byron Godwin III, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 22nd day of

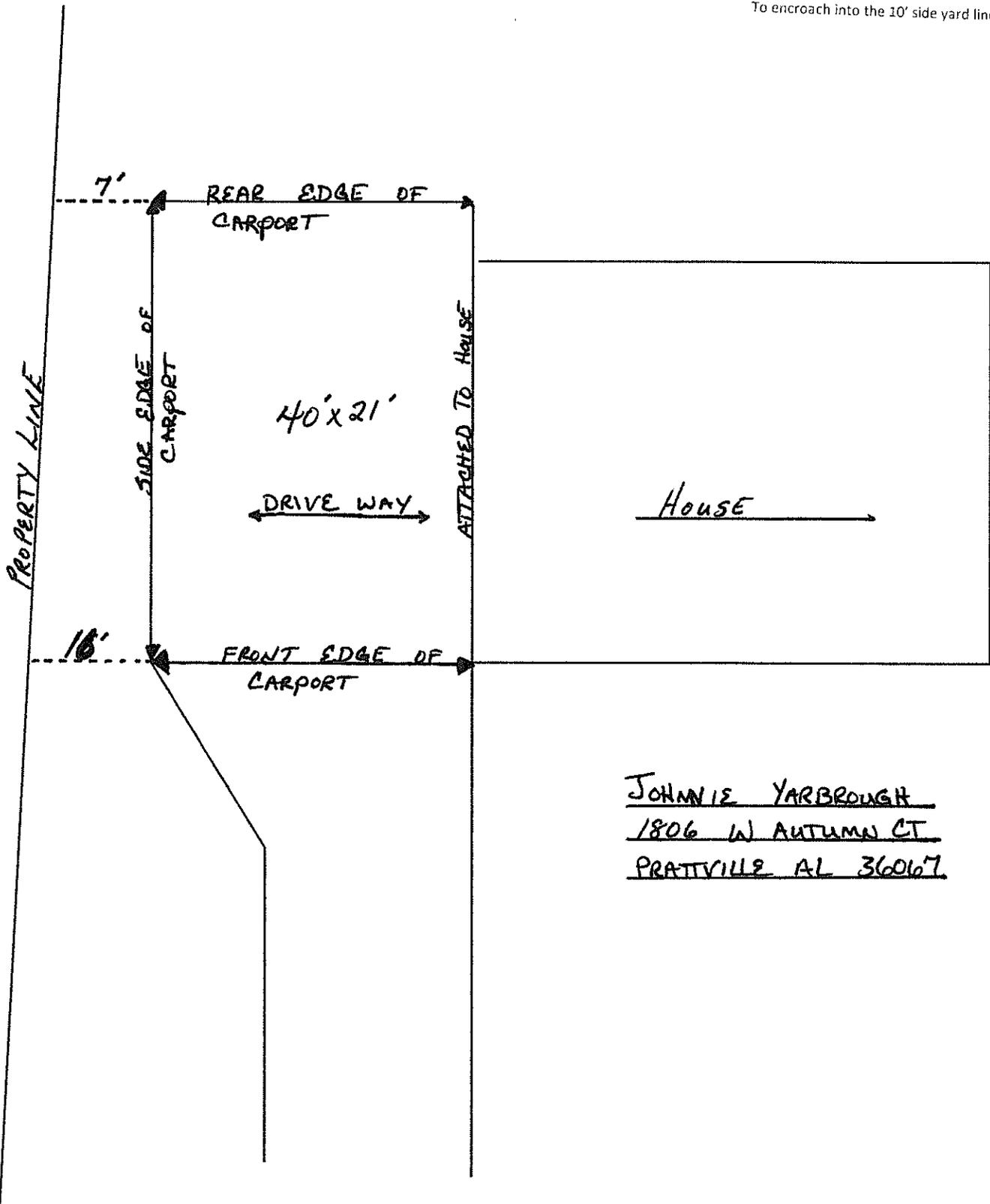
April, 2010.


Notary Public

My commission expires _____

100511-02/B

Variance
To encroach into the 10' side yard line



JOHNNIE YARBROUGH
1806 W AUTUMN CT
PRATTVILLE AL 36067