



CITY OF PRATTVILLE

BILL GILLESPIE, JR.
MAYOR

CITY COUNCIL

MIKE RENEGAR
PRESIDENT
DISTRICT 5

NATHAN D. FANE
PRESIDENT PRO TEMPORE
DISTRICT 7

ALBERT C. STRIPLIN
DISTRICT 1

WILLIE WOOD, JR.
DISTRICT 2

DENISE B. BROWN
DISTRICT 3

TOM MILLER
DISTRICT 4

RAY C. BOLES
DISTRICT 6

City of Prattville Board of Zoning Adjustment

The minutes of the May 8, 2012 meeting of the City of Prattville Board of Zoning Adjustment were approved.

Leo Jamieson, Chairman

7/10/12

Date



CITY OF PRATTVILLE

BILL GILLESPIE, JR.
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DISTRICT 6

CITY OF PRATTVILLE BOARD OF ZONING ADJUSTMENT

A G E N D A

May 8, 2012

4:00pm

Call to Order:

Roll Call:

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

Minutes:

April 10, 2012

Old Business:

None

New Business:

1. 120508-01 VARIANCE:

District 4

To encroach 5.5' into the side yard line.
500 Old Farm Lane
R-4 (Multi-Family)
Old Farm Properties Phase 2, LLC, Petitioner

2. 120508-02 VARIANCE:

District 4

To encroach 3-1/2' into the front yard line.
506 East Sixth Street
R-3 (Single Family Residential)
Barbara Thomas, Petitioner

Miscellaneous:

Adjourn:

**City of Prattville Board of Zoning Adjustment
Minutes
May 8, 2012**

CALL TO ORDER:

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:00 p.m. on Tuesday, May 8, 2012.

ROLL CALL:

Present: Chairman Leo Jamieson, Vice-Chairman John Gillian, Mr. Mac Macready, Mr. James Miles, and Mrs. Jerry Schannep. Absent: None.

Quorum Present

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

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

MINUTES:

None

OLD BUSINESS:

None

NEW BUSINESS:

VARIANCE

To encroach 5.5' into the side yard line.

500 Old Farm Lane

R-4 (Multi-Family)

Old Farm Properties Phase 2, LLC, Petitioner

Mr. Duke introduced the variance request to encroach 5.5' into the required 6' side yard line on the east side. He stated that this request is similar to the one requested by this petitioner at the March 13, 2012 meeting.

Richard Bollinger, petitioner representative, stated that two future buildings (520 & 526) will be encroaching into the side yard on the east property line. He stated that infrastructure has been set in place on the property.

Chairman Jamieson opened the meeting for public comments.

Tommy Gilmore, property owner, spoke in favor of the request. He stated that the two apartment parcels will be re-platted into one lot in the future.

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 encroach 5.5' into the side yard set line at 500 Old Farm Lane.**

VARIANCE

To encroach 3-1/2' into the front yard line.

506 East Sixth Street

R-3 (Single Family Residential)

Barbara Thomas, Petitioner

Mr. Duke introduced the variance request for an encroachment into the front building line. He stated that the submitted site plan shows an 8' encroachment. He stated that the initial building had deteriorated and was removed. He stated that the petitioner wants to replace the new structure where the old one was. He stated that since the old structure was removed the new structure must comply with current zoning regulations. He stated that a variance is needed to place the structure in the same location.

Fred Thomas, petitioner representative, stated that the proposed structure is being replaced with the same size structure which was removed. He stated that he had applied and received a permit for an addition; once the construction began they found that the existing structure needed to be torn down and they did so without knowing that a permit was required for demolition.

Chairman Jamieson opened the meeting for public comments.

Alvin Thomas of Alvin Thomas Corporation spoke in favor of the request. He spoke highly of Mr. Thomas' character and his willingness to come into compliance with building requirements.

Jimmy Morris, 226 Easy Street, spoke in favor of the request.

Morris Warren was present to obtain information about the request.

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 (8') encroachment into the front yard line at 506 East Sixth Street.**

MISCELLANEOUS:

ADJOURN:

After no further comments, questions or discussion the meeting was adjourned at 4:35.

Respectfully submitted,



Alisa Morgan, Secretary
Board of Zoning Adjustment

PRATTVILLE BOARD OF ZONING ADJUSTMENT

**PETITIONER: OLD FARM PROPERTIES, LLC
500 OLD FARM LANE
PRATTVILLE, AL 36066**

**REQUEST: VARIANCE TO ENCROACH 5.5' INTO THE SIDE YARD LINE
500 OLD FARM LANE
R-4 ZONING DISTRICT (MULTI FAMILY)**

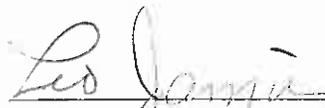
ORDER

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 8, 2012 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the variance to encroach 5.5' into the side yard line** at property requested.

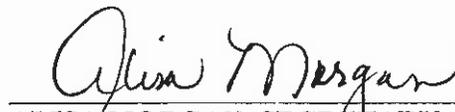
IT IS THEREFORE ORDERED the petition of Old Farm Properties, LLC, 500 Old Farm Lane, Prattville, AL is hereby approved.

DONE THIS THE 8th DAY OF May 2012.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: May 8, 2012

PETITIONER: Old Farm Properties Phase II, LLC

ADDRESS OF PETITION: 500 Old Farm Lane

	NAME	ADDRESS
1.	<u>Richard Bollinger</u>	<u>1109 S HULL ST 36104</u>
2.	<u>Tommy Gilmore</u>	<u>1424 Upper Kingston</u>
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City Of Prattville
 Planning and Development Department
 102 W. Main Street
 Prattville, AL 36067
 (334) 361-3614 Fax (334) 361-3677
 www.prattvilleal.gov

120508-01

Variance
 To encroach 5.5' into the side yard line

**Application
 Prattville Board of Zoning Adjustment**

Application Type: Use-On-Appeal Variance Administrative Appeal

Applicant /Agent Information
No. 1 letter from the property owner is required if agent is used for representation.

Name: Old Farm Properties Phase 2, LLC

Street Address: 500 Old Farm Lane

City: Prattville State: AL Zip: 36067

Phone Number(s): 334-462-5550

Property Owner Information
If different than above

Name: Same

Address of Property Owner: _____

City: _____ State: _____ Zip: _____

Phone Number: () _____

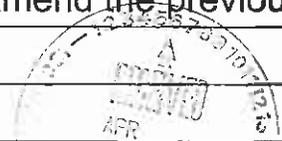
Property Description

County Tax Parcel Number/Legal Description: Lot 1 & Lot 2 Plat Bk 20 Pg 08
Elmore County, Alabama

Current Zoning of Property: _____ Physical Address: 500 Old Farm Ln

Proposed Use of Property (generally): Multi Family

Describe Proposed Use or Variance: 5.5' variance into side yard set back
located on the east side of Lot 1 and Lot 2; this property
will be replatted into a single lot within approximately
four years with the adjoining Phase One Willow Ridge
Apartments; basically same ownership with the exception
of lending institutions. We are asking to amend the previous
variance.



2008 APR 13

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)*

After construction an as-built map of all improvements was request by the lending institutions. It was found that a horizontal error in the east west direction by the construction surveyor staking out the buildings pushed the buildings 5.5 feet to the east causing them to encroach into the 6 feet side yard set back. The four remaining proposed buildings will also fall into this side yard set back. All improvements thus far steets, parking, underground water and sewer were build 5' to the east.

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.*

David Turner		02/20/2012
Printed Name	Signature	Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that David Turner, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 20th day of April 6, 2012.


Notary Public

My commission expires 07/07/2014

CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report

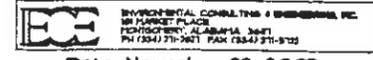


DATE:	4/25/12
APPLICATION TYPE:	Variance (120508-01)
PROPERTY LOCATION or DESCRIPTION:	500 Old Farm Lane Willow Ridge Apartments
PETITIONER(S) AND AGENT(S):	Old Farm Properties Phase 2, LLC Petitioner Representative: J. M. Garrett & Son, LLC.
ZONING DISTRICT(S)	R-4 (Multi-Family)
REQUESTED ACTION:	To encroach 5.5' into the 6' (east) side yard line. Lot 1 and Lot 2
ZONING ORDINANCE REFERENCE:	Appendix A-Zoning Ordinance Section 71 Residential district requirements: R-4 District: Minimum Yard Size Front yard - 25' Rear Yard - 30' Side Yard - 8'6'

120508-01/A

Variance To encroach 5.5' into the side yard line

Map of WILLOW RIDGE APARTMENTS PHASE TWO & THREE



Date: November 29, 2007

Legal Description: Elmore County, Alabama

Lot 1: Beginning at a fence corner marking the Southwest Corner of the Northeast 1/4 of the Southwest 1/4 of Section 7, T-17-N, R-17-E, Elmore County, Alabama...

Said lot lying in the Southwest 1/4 of Section 7, T-17-N, R-17-E, Elmore County, Alabama and containing 6.48 acres more or less.

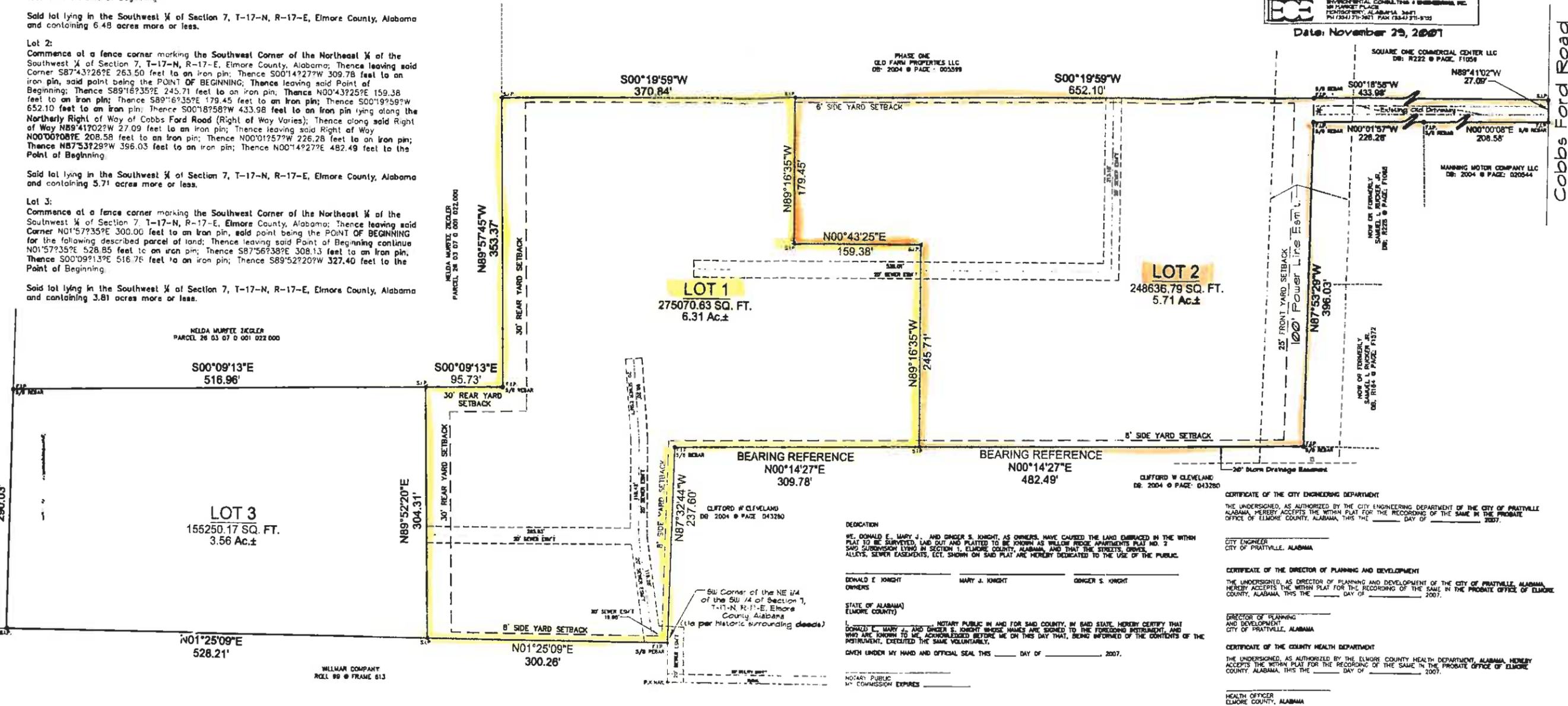
Lot 2: Commence at a fence corner marking the Southwest Corner of the Northeast 1/4 of the Southwest 1/4 of Section 7, T-17-N, R-17-E, Elmore County, Alabama...

Said lot lying in the Southwest 1/4 of Section 7, T-17-N, R-17-E, Elmore County, Alabama and containing 5.71 acres more or less.

Lot 3: Commence at a fence corner marking the Southwest Corner of the Northeast 1/4 of the Southwest 1/4 of Section 7, T-17-N, R-17-E, Elmore County, Alabama...

Said lot lying in the Southwest 1/4 of Section 7, T-17-N, R-17-E, Elmore County, Alabama and containing 3.81 acres more or less.

- NOTES: 1. The City of Prattville Has Access Rights for Servicing All Areas Designated Within All Storm Sewer Easements. 2. Once Construction is Complete the Existing Old Driveway (27.05 ft. span) will be for Private and Public Service Needs Only and will be Battered to Control its Use. 3. Lot 1 and Lot 2 Have Cross Over and Parking Rights with the Phase One Development.



RECORD SURVEY LEGEND: Symbols for iron pin, calculated point, concrete monument, fence post, fence pole, point of commencement, easement, sanitary sewer, utility, building line. Includes a graphic scale (1 inch = 60 ft.) and a north arrow.

STATE OF ALABAMA ELMORE COUNTY. I, W. DARRELL MYATT, A REGISTERED LAND SURVEYOR OF MONTGOMERY, ALABAMA, HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY WILLOW RIDGE PLAT NO. 2, SITUATED IN PRATTVILLE, ALABAMA...

DEDICATION: WE, DONALD E. MARY J., AND GINGER S. KNIGHT, AS OWNERS, HAVE CAUSED THE LAND EMBRACED IN THE WITHIN PLAT TO BE SURVEYED, Laid Out and Platted to be known as WILLOW RIDGE APARTMENTS PLAT NO. 2...

CERTIFICATE OF THE CITY ENGINEERING DEPARTMENT: THE UNDERSIGNED, AS AUTHORIZED BY THE CITY ENGINEERING DEPARTMENT OF THE CITY OF PRATTVILLE, ALABAMA, HEREBY ACCEPTS THE WITHIN PLAT FOR THE RECORDING OF THE SAME IN THE PROBATE OFFICE OF ELMORE COUNTY, ALABAMA, THIS THE ___ DAY OF ___ 2007.

Cobbs Ford Road (Right of Way Varies Per Text Maps)

PRATTVILLE BOARD OF ZONING ADJUSTMENT

**PETITIONER: BARBARA THOMAS
506 EAST SIXTH STREET
PRATTVILLE, AL 36067**

**REQUEST: VARIANCE TO ENCROACH 3 ½' INTO THE FRONT YARD LINE
506 EAST SIXTH STREET
R-3 ZONING DISTRICT (SINGLE FAMILY RESIDENTIAL)**

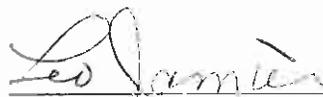
ORDER

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 8, 2012 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the variance to allow an (8') encroachment into the front yard line** at property requested.

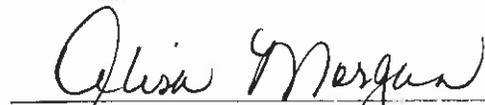
IT IS THEREFORE ORDERED the petition of Barbara Thomas, 506 East Sixth Street, Prattville, AL is hereby approved.

DONE THIS THE 8th DAY OF May 2012.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: May 8, 2012

PETITIONER: Barbara Thomas

ADDRESS OF PETITION: 506 East Sixth Street

	NAME	ADDRESS
1.	<i>Fred Thomas</i>	<i>506 East 6th St Pitt.</i>
2.	<i>Barbara Thomas</i>	
3.		<i>675 MEK</i>
4.	<i>Jimmy L. ...</i>	<i>226 East 7th St</i>
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CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	4/25/12
APPLICATION TYPE:	Variance (120508-02)
PROPERTY LOCATION or DESCRIPTION:	506 East Sixth Street
PETITIONER(S) AND AGENT(S):	Barbara Thomas Petitioner Representative: Fred Thomas
ZONING DISTRICT(S)	R-3 (single Family Residential)
REQUESTED ACTION:	To encroach 3 ½' into the 25' front yard line.
ZONING ORDINANCE REFERENCE:	Appendix A-Zoning Ordinance Section 71 Residential district requirements: R-3 District: Minimum Yard Size Front yard - 25' Rear Yard – 30' Side Yard – 8'6'



CITY OF
PRATTVILLE, ALABAMA



1" = 100'





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

120508-02

Variance
To encroach 3-1/2' into the front yard line

Application
Prattville Board of Zoning Adjustment

Use-On-Appeal Variance Administrative Appeal

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

Name: Fred Thomas & Barbara Thomas
 Street Address: 506 East 6th Street
 City: Prattville State: AL Zip: 36067
 Phone Number(s): 313-6299-cell 858-2314 cell

Property Owner Information
If different than above

Name: Fred Thomas & Barbara Thomas
 Address of Property Owner: 506 East 6th Street
 City: Prattville State: ALA Zip: 36067
 Phone Number: (334) 313-6299- 858-2314

Property Description

County Tax Parcel Number/Legal Description: 1902094005008000

Current Zoning of Property: R-3 Physical Address: 506 East 6th Str.

Proposed Use of Property (generally): _____

Describe Proposed Use or Variance: Build back existing house and porch to encroach 3 1/2 Ft to set back in front



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).

Because of last use of land in back of house because of Veger gully we went back as far as we could to be safe, as a result we don't have enough room in the front to build back original structure, so that's why the 3/2 lot with 12^{ft} porch is muddy.

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.

Fred Thomas
Printed Name

Fred Thomas
Signature

Date 4-18-2012

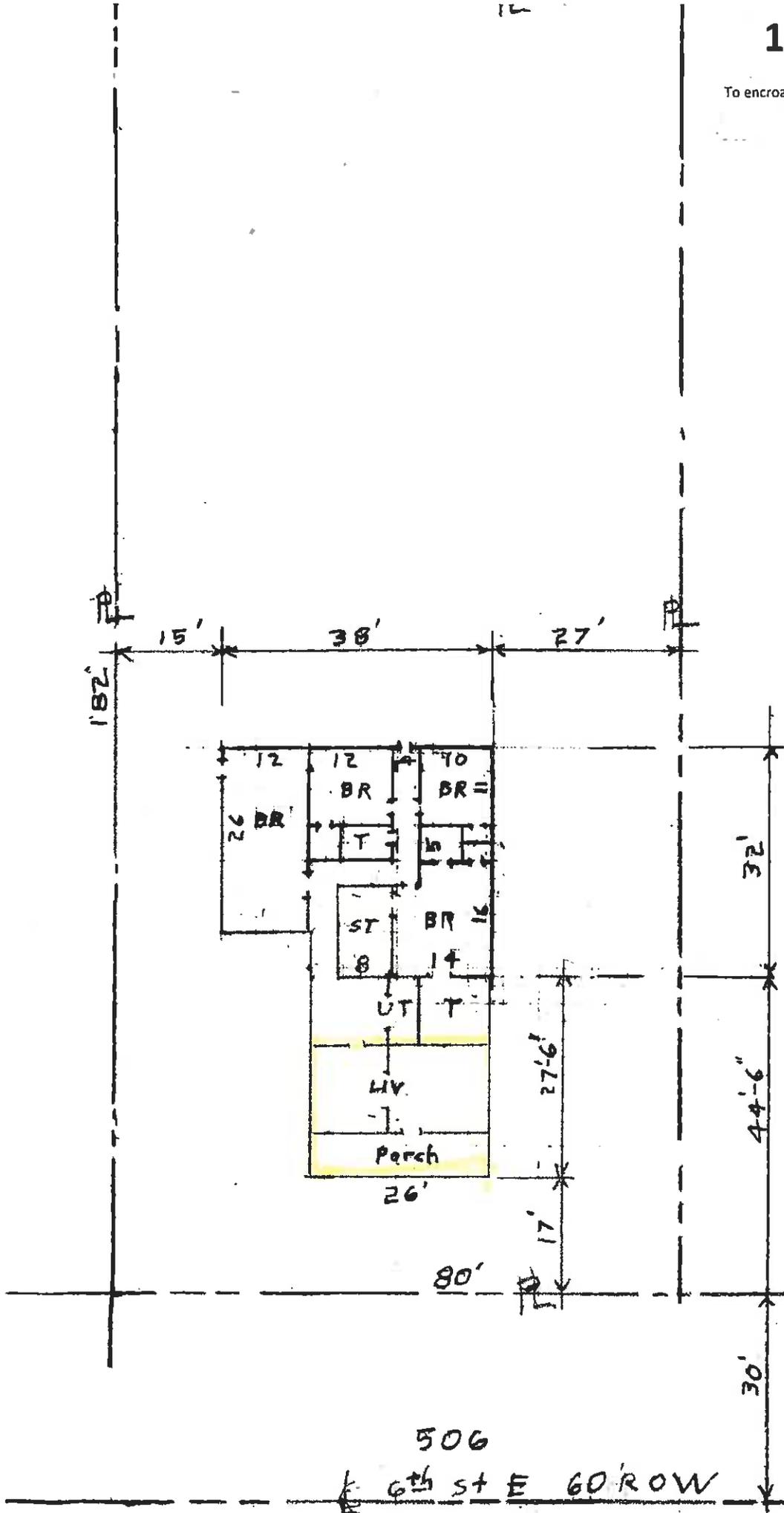
I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Fred Thomas, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 18th day of April, 2012.

Jammy A. Jones
Notary Public

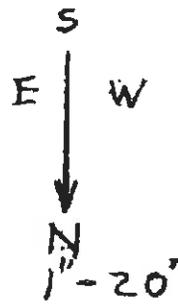
My commission expires 6-2-2013

120508-02/A

Variance
To encroach 3-1/2' into the front yard line



Set backs
Front 25
Rear 35
E 6
W 8



506

6th St E 60' ROW