



# CITY OF PRATTVILLE

**BILL GILLESPIE, JR.**  
MAYOR

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## CITY COUNCIL

**MIKE RENEGAR**  
PRESIDENT  
DISTRICT 5

**NATHAN D. FANK**  
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 August 14, 2012 meeting of the City of Prattville Board of Zoning Adjustment were approved.

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Leo Jamieson, Chairman

10/9/12

Date



# CITY OF PRATTVILLE

**BILL GILLESPIE, JR.**  
MAYOR

## CITY COUNCIL

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PRESIDENT  
DISTRICT 5

**NATHAN D. FANK**  
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**RAY C. BOLES**  
DISTRICT 6

**CITY OF PRATTVILLE  
BOARD OF ZONING ADJUSTMENT  
A G E N D A  
August 14, 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:

July 10, 2012

### Old Business:

None

### New Business:

1. 120814-01 USE-ON-APPEAL:

To allow a home occupation for a child daycare.  
650 Pleasant Road  
R-2 (Single Family Residential)  
**Valerie Thomas, Petitioner**

*District 7*

2. 120814-02 VARIANCE:

To encroach 15' into the required 30' rear yard line.  
505 Lower Kingston Road  
R-3 (Single Family Residential )  
**Habitat for Humanity Autauga/Chilton Co., Petitioner**

*District 1*

### Miscellaneous:

### Adjourn:

**City of Prattville Board of Zoning Adjustment  
Minutes  
August 14, 2012**

**CALL TO ORDER:**

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:03 p.m. on Tuesday, August 14, 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:**

Mr. Gillian moved to approve the minutes of the July 10, 2012 meeting. Mr. Macready seconded the motion. The motion passed unanimously.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**USE-ON-APPEAL**

**To allow a home occupation for a child daycare.**

**650 Pleasant Road**

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

**Valerie Thomas, Petitioner**

Mr. Duke introduced the use-on-appeal request to allow a home child daycare. He stated that the board should consider in the scope of the operation, the hours of operation and traffic impact of this operation.

Latoria Bates and Rubie McCary, petitioner representatives, stated that they are requesting to operate a home child daycare at 650 Pleasant Road. Ms. Bates stated that she lives at the property and would be the primary care giver. Ms. McCary, her grandmother, stated that she lives adjacent to the property at 662 McKethen and would provide assistance to Ms. Bates. Ms. Bates stated that she will start with the minimum of six children with plans to build to the maximum of 12 children. She stated that she would have two assistants that would help with the care. She stated that the hours of operation are Monday thru Friday from 6:00 a.m. to 6:00 p.m.

Ms. McCary stated that there should be no problem with traffic flow because there is another entrance (McKethen Road) to the property.

Chairman Jamieson opened the meeting for any public comments.

Walter Johnson, 801 Gin Shop Hill Road, stated that he was not in opposition to the request. He stated that Pleasant Road runs through his property and wanted to know if he would be liable for any incidents that may occur on that portion of which he owns.

Mr. Duke stated that the city maintains Pleasant Road as a public street. He stated that Mr. Johnson's property is on either side of the road. He stated that he didn't believe he would be liable for any incidents that would occur on the public street.

Mr. Johnson stated that he would feel better assured to have something in writing supporting that claim to release him of any liability.

Mr. Miles moved to table the item until city attorney can determine Mr. Johnson's incident liability on Pleasant Road. Mr. Macready seconded the motion. The motion to table passed unanimously.

Mr. Macready moved to reopen the public hearing. Mr. Gillian seconded the motion. The motion passed unanimously.

Marty Owens, 833 Gin Shop Hill Road, asked if two cars could pass safely on the road.

Mr. Duke stated that the road is narrower than regulations, but cars can safely pass on the street.

In the board's discussion, it was determined that the existence of the daycare would not change Mr. Johnson's current responsibility for any incidence on Pleasant Road. The board also determined that Mr. Johnson would not have liability of incidence on the public access of Pleasant Road.

Mr. Miles asked the petitioner if it was possible to direct the daycare traffic to use McKethen Road as sole access. Mrs. McCary stated that it could be arranged.

Mrs. Schannep moved to vote on the use-on-appeal to allow the home daycare. Mr. Gillian seconded the motion.

**The BZA voted unanimously to approve the use-on-appeal to operate a home child daycare at 650 Pleasant Road.**

#### **VARIANCE**

**To encroach 15' into the 30' rear yard line.**

**505 Lower Kingston Road**

**R-3 (Single Family Residential)**

**Habitat for Humanity Autauga/Chilton Counties, Petitioner**

Mr. Duke introduced the petitioner's request to encroach into the 30' rear yard line. He stated that the proposed structure would encroach 3' into the property line but the petitioner is requesting for an additional 12'.

Tom Risher, petitioner representative, stated that they are requesting to build a house on the property at 505 Lower Kingston. He stated that the structure will encroach 3' into the rear yard line as proposed to build. He stated that there is a large sycamore tree on the lot and they are requesting the additional 12' to offset for it

Chairman Jamieson opened the meeting for any public comments. There were none. 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 15' into the 30' rear yard line at 505 Lower Kingston Road.**

**MISCELLANEOUS:**

**ADJOURN:**

After no further comments, questions or discussion the meeting was adjourned at 5:03.

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: VALERIE THOMAS  
662 MCKETHEN ROAD  
PRATTVILLE, AL 36067**

**REQUEST: USE-ON-APPEL TO OPERATE A HOME CHILD DAYCARE  
650 PLEASANT ROAD  
R-2 ZONING DISTRICT (SINGLE FAMILY RESIDENTIAL)**

**ORDER**

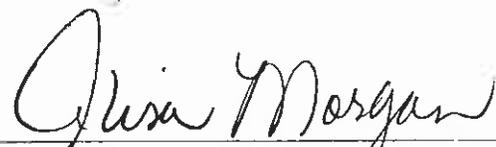
The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the 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 August 14, 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 use-on-appeal to operate a home child daycare** at property requested.

**IT IS THEREFORE ORDERED** the petition of Valerie Thomas, 650 Pleasant Road, Prattville, AL is hereby approved.

**DONE THIS THE 14th DAY OF August 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: August 14, 2012

PETITIONER: Valerie Thomas

ADDRESS OF PETITION: 650 Pleasant Road

	NAME	ADDRESS
1.	<i>Yvonne Bates</i>	<i>650 Pleasant Rd.</i>
2.	<i>Rebecca McCarry</i>	<i>662 McArthur Rd</i>
3.	<i>Walter Johnson</i>	<i>801 Johnson Dr</i>
4.	<i>Marty Owens</i>	<i>833 Gun Shop Hill Rd</i>
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	7/25/12
<b>APPLICATION TYPE:</b>	Use-On-Appeal (120814-01)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	650 Pleasant Road
<b>PETITIONER(S) AND AGENT(S):</b>	Valerie Thomas Agent: Bright Beginnings/Latoria Bates
<b>ZONING DISTRICT(S)</b>	R-2 (Single Family Residential)
<b>REQUESTED ACTION:</b>	To operate a home child daycare on property.
<b>ZONING ORDINANCE REFERENCE:</b>	<p><b>Appendix A-Zoning Ordinance Section 71</b></p> <p><b>R-2 Uses Permitted On Appeal:</b></p> <p>...regulations common to all "R" Districts</p> <p><b>All "R" Districts" Uses Permitted On Appeal:</b></p> <p>Customary home occupations... day care centers...</p> <p><b>Home Occupation as defined by ordinance (Sec. 68):</b></p> <p>Any use customarily conducted entirely within a dwelling and carried within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof...</p>



CITY OF  
PRATTVILLE, ALABAMA

650  
PLEASANT RD  
TAX PARCEL I.D.  
19041730000070010

1" = 200'



— STREETS  
□ TAX PARCELS





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

**120814-01**

Use-on-Appeal  
 To allow a home child daycare

**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: Bright Beginnings

Street Address: 650 Pleasant Rd.

City: Prattville State: Al. Zip: 36067

Phone Number(s): (334) 365-1570

**Property Owner Information**  
If different than above

Name: Valerie Thomas

Address of Property Owner: 662 McKethen Rd

City: Prattville State: AL Zip: 36067

Phone Number: (334) 595-2414

**Property Description**

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

Current Zoning of Property: R-2 Physical Address: 650 Pleasant Rd.

Proposed Use of Property (generally): FAMILY DAY CARE

Describe Proposed Use or Variance: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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))

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I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore County if applicable), and is a complete list of all real property owners adjacent to the parcel submitted for consideration. I also attest that I have read and understand what a hardship is according to the Code of Alabama, 1975, as amended.

Latoria Bates  
Printed Name

Latoria Bates  
Signature

Date 7/18/12

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Latoria Bates, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 18<sup>th</sup> day of

July, 2012

Diane C. Free  
Notary Public

My commission expires 9-12-2014

**PRATTVILLE BOARD OF ZONING ADJUSTMENT**

**PETITIONER: HABITAT FOR HUMANITY OF AUTAUGA/CHILTON COUNTIES  
120 E. FIFTH STREET  
PRATTVILLE, AL 36067**

**REQUEST: VARIANCE TO ENCROACH 15' INTO THE 30' REAR YARD LINE  
505 LOWER KINGSTON ROAD  
R-3 ZONING DISTRICT (SINGLE FAMILY RESIDENTIAL)**

**ORDER**

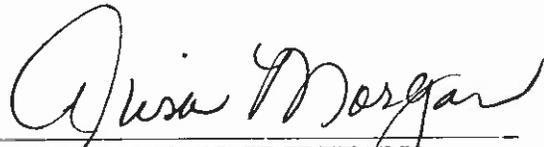
The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the 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 August 14, 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 15' into the 30' rear yard line** at property requested.

**IT IS THEREFORE ORDERED** the petition of Habitat for Humanity, 505 Lower Kingston Road, Prattville, AL is hereby approved.

**DONE THIS THE 14th DAY OF August 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:** August 14, 2012

**PETITIONER:** Habitat for Humanity Autauga/Chilton Counties

**ADDRESS OF PETITION:** 505 Lower Kingston Road

	NAME	ADDRESS
1.	<u>Tom Risher</u>	<u>506 Ashby Ct Prattville, AL</u>
2.	_____	_____
3.	_____	_____
4.	_____	_____
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18.	_____	_____
19.	_____	_____
20.	_____	_____
21.	_____	_____

**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	7/25/12
<b>APPLICATION TYPE:</b>	Variance (120814-02)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	505 Lower Kingston Road
<b>PETITIONER(S) AND AGENT(S):</b>	Habitat for Humanity Autauga/Chilton Counties
<b>ZONING DISTRICT(S)</b>	R-3 (Single Family Residential)
<b>REQUESTED ACTION:</b>	To encroach 15' into the required 30' rear yard line.
<b>ZONING ORDINANCE REFERENCE:</b>	<b>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</b> <b>R-3 District</b> Minimum Yard Size Front yard - 25' Rear Yard – 30' Side Yard – 8'6"



CITY OF  
PRATTVILLE, ALABAMA

505  
LOWER KINGSTON RD  
TAX PARCEL I.D.  
19030830020030000

1" = 100'

**\*NOTE\***  
May require address  
modification.  
Status pending.



STREETS  
TAX PARCELS



120814-02

Variance

To encroach 15' into the required 30' rear 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: Habitat for Humanity of Autauga and Chilton Counties - Tom Risher Sec 2  
 Street Address: 120 E. 5th St  
 City: Prattville State AL Zip: 36067  
 Phone Number(s): 334 365-4132

**Property Owner Information**

if different than above

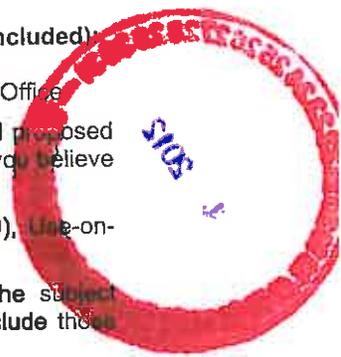
Name: Autauga and Chilton County Habitat for Humanity  
 Address of Property Owner: 120 E 5th St  
 City: Prattville State: AL Zip: 36067  
 Phone Number: 334 365-4132

**Property Description**

County Tax Parcel Number/Legal Description: 19-03-08-3-002-003.000 #0  
sec 08 Twn: 17N Rng: 16E Lot 2 of Habitat Autauga PLT 1 Bk 20  
 Current Zoning of Property: R-3 Physical Address: 505 Lower Kingsley PG 17  
 Proposed Use of Property (generally): Habitat home 3 br 2 bath (AG: 59x107. w.  
 Describe Proposed Use or Variance: To build a Habitat home on  
this lot with the footprint shown on our site sketch plan.  
The sketch plan shows we require, at a minimum,  
3' of variance from the back lot line. We are  
asking for 15' because of difficulties we may well  
experience when <sup>siting and</sup> building the foundation.

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), One-on-One 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)

Habitat for Humanity of Autauga and Chilton Counties will not be able to build a suitable BZA 2 Bedroom for Ms. Shanika Dixon on this lot (2) without a variance on the back lot line of 15'. The footprint of the home will not fit on this irregularly shaped lot without a variance to the 30' distance required from the back of the home to the rear lot 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.

Thomas K. Risher

Printed Name

Date

7/24/2012

Signature

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Thomas K. Risher, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 24<sup>th</sup> day of

July, 2012.

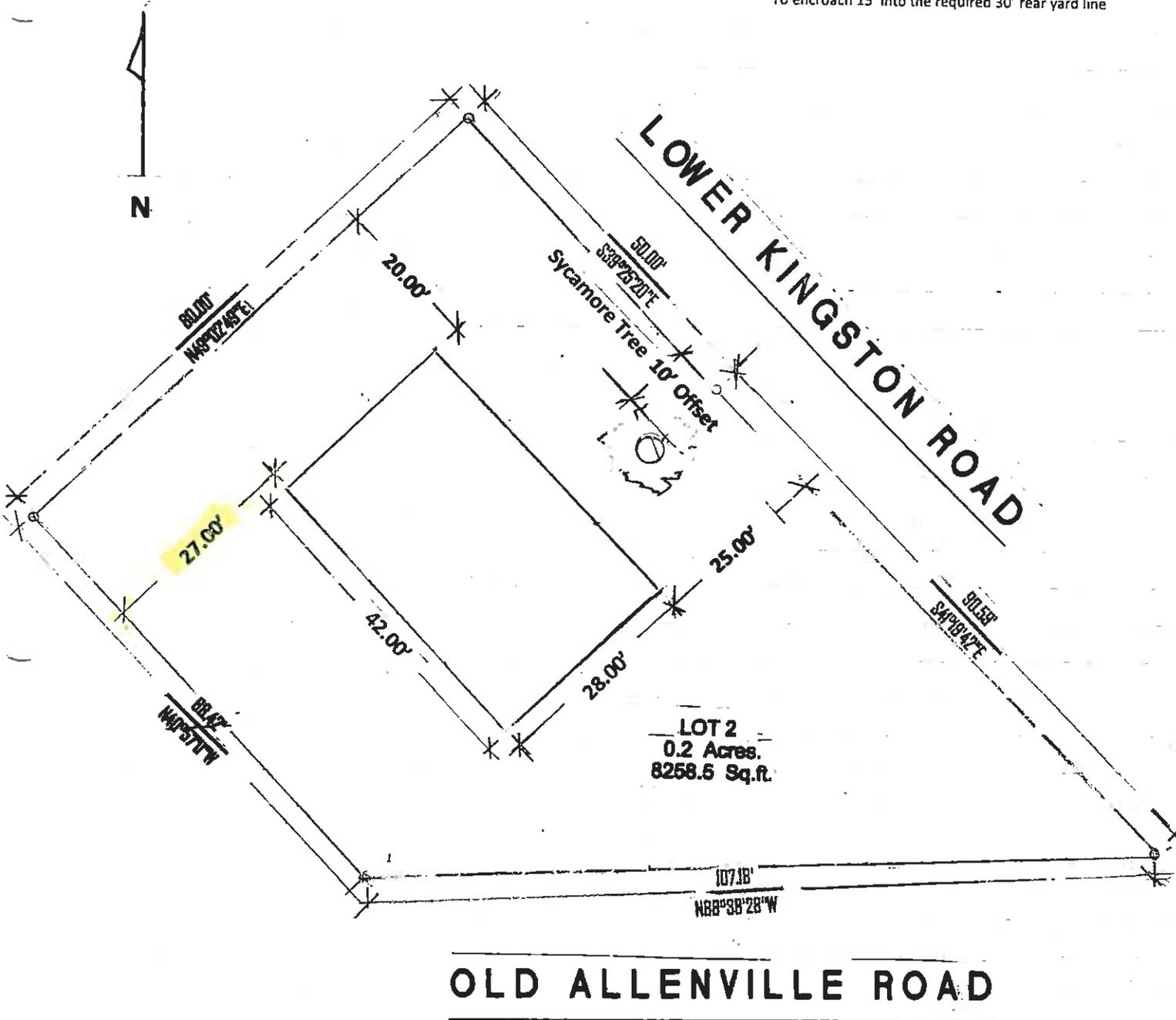
Notary Public

My commission expires

9/19/2015

120814-02/A

Variance  
To encroach 15' into the required 30' rear yard line



**HABITAT FOR HUMANITY**  
**(AUTAUGA-CHILTON CTY AFFILLIATE)**  
**PRATTVILLE, ALABAMA**

MGS: July 21, 2012  
Scale: 1" = 10'