



CITY OF PRATTVILLE

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DISTRICT 5

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DISTRICT 6

LORA LEE BOONE
DISTRICT 7

City of Prattville Board of Zoning Adjustment

**The minutes of the October 9, 2012 meeting of the
City of Prattville Board of Zoning Adjustment
were approved.**



Leo Jamieson, Chairman

1/8/13

Date

PLANNING & DEVELOPMENT DEPARTMENT

102 WEST MAIN STREET ■ PRATTVILLE, ALABAMA 36067 ■ 334-361-3613 ■ 334-361-3677
FACSIMILE
planning.prattvilleal.gov



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DISTRICT 6

CITY OF PRATTVILLE BOARD OF ZONING ADJUSTMENT

A G E N D A
October 9, 2012
4:00pm

Call to Order:

Roll Call:

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

Minutes:

August 14, 2012

Old Business:

None

New Business:

1. 121009-01 VARIANCE:

To encroach 15' into the required 40' rear yard setback.
106 Beth Manor Court
R-2 Zoning District (Single Family Residential)
Kenneth Chambliss, Petitioner

District 6

2. 121009-02 VARIANCE:

To place a manufactured home on property.
595 Lower Kingston Road
R-3 Zoning District (Single Family Residential)
Esther & Chris Caver, Petitioners

District 1

3. 121009-03 VARIANCE:

To reduce parking spaces from 92 to 60 and landscape variance.
Corner of McQueen Smith Road & Cobbs Ford Road
B-2 Zoning District (General Business)
Foresite Group, Inc./McQueen & Cobb, LLC, Petitioner

District 5

Miscellaneous:

Adjourn:

**City of Prattville Board of Zoning Adjustment
Minutes
October 9, 2012**

CALL TO ORDER:

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:02 p.m. on Tuesday, October 9, 2012.

ROLL CALL:

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

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:

Mrs. Schanep moved to approve the minutes of the August 14, 2012 meeting. Mr. Gillian seconded the motion. The motion passed unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

VARIANCE

To encroach 15' into the required 40' rear yard setback.

106 Beth Manor Court

R-2 Zoning District (Single Family Residential)

Kenneth Chambliss, Petitioner

Mr. Duke provided background information on the property at 106 Beth Manor Court. He stated that the property was damaged in a tornado in 2008 and the structure was removed. He stated that the lot was presented by the petitioner to the Planning Commission as a replat dividing it into two (2) lots which was approved and recorded. He stated that inquiries of ownership were received to the Planning Department about the lot after Mr. Chambliss purchased a building permit and poured the slab for the proposed house.

Mr. Duke presented an aerial photo of the lot shown before the tornado as outlined in blue and the red line delineate the sliver of property that was a question of ownership. He stated that Mr. Chambliss and other adjacent property owners showed both quick claim deeds to the same property. He stated that the Planning Commission determined that the replat was invalid because Mr. Chambliss did not own the entire property as presented in the replat. He stated a stop work order was in place and the building permit will expire in six (6) months.

Kenny Chambliss with Cole Bennett, petitioners, agreed with the background provided by Mr. Duke. Mr. Chambliss stated that he did not know that the property owner that deeded him the sliver of property in question had also deeded the same sliver to the original property. They stated that they are

proposing to build one (1) house on one (1) lot using the existing slab. He stated that the shape of the lot prevented them from meeting the required 40' rear yard setback. They stated that the proposed 1400ft² house was comparable to the existing houses in the area.

Chairman Jamieson opened the meeting for any public comments.

Kim Chambliss, 249 Terri Lane, spoke in favor of the request. She stated that the previous house had a garage that was near her fence. She stated that a new house would add value to the neighborhood.

Wayne Thorn, 109 Beth Manor Court, spoke in opposition to the request. He presented a packet to the board on his argument against the variance request. He stated that they wanted to see a single house built at the location of the original structure (center of lot).

Gordon McKinnon, 149 Beth Manor Court spoke in opposition to the request.

The public hearing was closed.

Mr. Duke stated that Mr. Chambliss had acted in good faith when he poured the existing slab because he thought he legally subdivided the lot.

After no further comments, questions, or discussion, the vote was called. **The BZA by a 3/2 vote denied the variance request to allow an encroachment 15' into the required 40' rear yard setback at 106 Beth Manor Court. The votes are as recorded. Favor: Mr. Gillian, Mr. Miles, and Ms. Schannep. Oppose: Commander Whaley and Chairman Jamieson.**

VARIANCE

**To place a manufactured home on property.
595 Lower Kingston Road
R-3 Zoning District (Single Family Residential)
Esther & Chris Caver, Petitioners**

Mr. Duke introduced the petitioner's request to place a manufactured home on property. He stated that a manufactured home was not allowed in an R-3 district and only one (1) main dwelling was allowed per lot. He stated that the property was located in a floodplain and would have to meet flood elevation requirements.

Esther Caver, petitioner, stated that the proposed manufactured home would be built at required flood elevations. She stated that they were requesting to place the structure for her son and his two children so that she can assist with the children's care.

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 by a 3/2 vote denied the variance request to allow a manufactured home on property at 595 Lower Kingston Road. The votes are as recorded. Favor: Ms. Schannep, Mr. Gillian, and Chairman Jamieson. Oppose: Commander Whaley and Mr. Miles.**

VARIANCE

**To reduce parking spaces from 92 to 60 and landscape variance.
Corner of McQueen Smith Road & Cobbs Ford Road
B-2 Zoning District (General Business)
Foresite Group, Inc./McQueen & Cobb, LLC, Petitioner**

Mr. Duke stated that since the application was submitted, there had been legal issues presented that must be resolved. He recommended that the item be tabled.

Shane Yarbrough, of Foresite Group, petitioner representative was in attendance.

After no further comments, questions, or discussion, **Mr. Gillian moved to table the item until the next meeting. Mr. Miles seconded the motion.**

The motion to table passed unanimously.

MISCELLANEOUS:

ADJOURN:

After no further comments, questions or discussion the meeting was adjourned at 5:26.

Respectfully submitted,



Alisa Morgan, Secretary
Board of Zoning Adjustment

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

MEETING DATE: October 9, 2012

PETITIONER: Kenneth Chambliss

ADDRESS OF PETITION: 106 Beth Manor Court

	NAME	ADDRESS
1.	<u>Cole Burdet</u>	<u>5768 Washington Ferry Rd Lot CD Montgomery</u>
2.	<u>Kenneth A Chambliss</u>	<u>834 Heather Dr Pratt 36108</u>
3.	<u>Kim Chambliss</u>	<u>249 Teri Ln 36066</u>
4.	<u>Wayne D Thorn</u>	<u>109 Beth Manor Ct</u>
5.	<u>Gordon K McKinnon</u>	<u>149 BETH MANOR CT</u>
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
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17.	_____	_____
18.	_____	_____
19.	_____	_____
20.	_____	_____
21.	_____	_____

CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	9/25/12
APPLICATION TYPE:	Variance (121009-01)
PROPERTY LOCATION or DESCRIPTION:	106 Beth Manor Court
PETITIONER(S) AND AGENT(S):	Kenneth Chambliss
ZONING DISTRICT(S)	R-2 (Single Family Residential)
REQUESTED ACTION:	To encroach 15' into the required 40' rear 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

106
BETH MANOR CT

SCALE: 1" = 100'



— STREETS
 TAX PARCELS



121009-01

Application
Prattville Board of Zoning Adjustment

Variance
To encroach 15' into the 40' rear yard setback

Use-On-Appeal Variance Administrative Appeal

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

Name: Kenneth Chambliss

Street Address: 834 Heather Drive

City: Prattville State AL Zip: 36066

Phone Number(s): 334-546-4749

Property Owner Information
If different than above

Name: Kenneth A. Chambliss

Address of Property Owner: 106 Beth Manor Court

City: Prattville State: AL Zip: 36066

Phone Number: () 334/546-4749

Property Description

County Tax Parcel Number/Legal Description: 19061430020150000; Lot 19 Block 8
Overlook Estates Plat No. 5 (Plat Book 2 @ Page 233)

Current Zoning of Property: R-2 Physical Address: 106 Beth Manor Ct

Proposed Use of Property (generally): Residential Structure

Describe Proposed Use or Variance: Rear Yard Setback- 40' Required

Proposed Rear Yard Setback 25'

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))

Original Plat of Overlook Estates Plat No. 5 did not provide adequate depth when platted. Original house constructed as shown (see photo) encroaching into setback area- no variance found on record per Planning Dept. Structure destroyed by tornado. New permitted slab in place.

- Adjacent Landowner aggressively taking of quit claimed land to block construction. - Note variance requirement for Lot 21 Block 8 Overlook

Estates No.5 & Lot 14A & 15A Replat of Lots 13-15 Block 8 Overlook Estates

I certify that I am the property owner, or authorized agent, and attest that all facts are true Plat 8 (Plat Book 3 @ Page2) 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.

Kenneth A Chambliss
Printed Name

Kenneth A Chambliss
Signature

Date 9/11/2012

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Kenneth A. Chambliss, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 11th day of September, 2012.

[Signature]
Notary Public

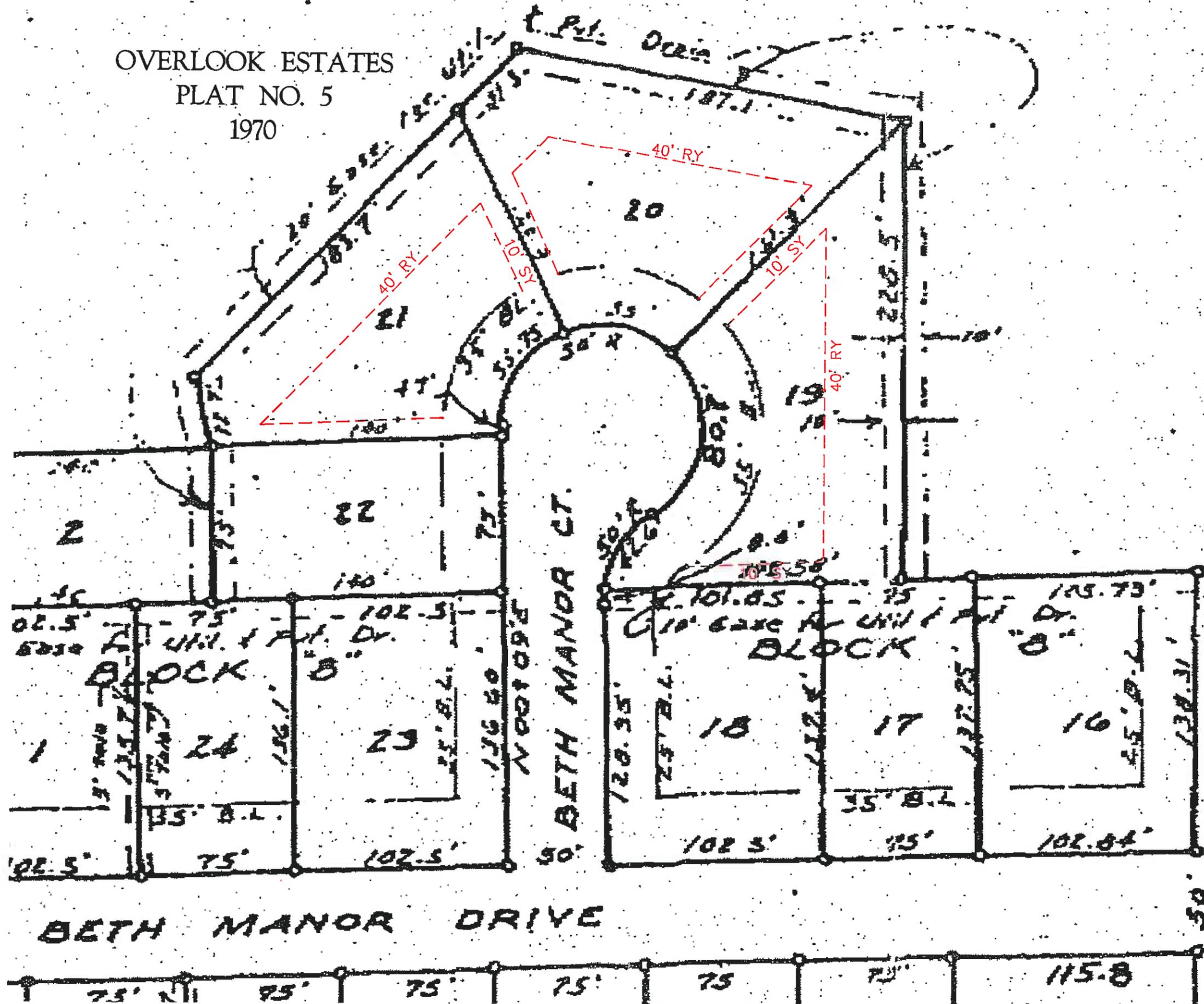


1 inch = 50 feet

Aerial photography date:
March 2010



OVERLOOK ESTATES
 PLAT NO. 5
 1970



\\NTS1\Projects\pro\1404\dwg\stoke2.dwg, 8/2/2012 2:51:51 PM, \\NTS1\RICOH_Archie MP C:3500 PCL 5c
 HHH

ARGUMENT AGAINST GRANTING VARIANCE FOR
KENNETH A. CHAMBLISS, LOT 19, 106 BETH
MANOR COURT

Prepared for the Prattville Board of Zoning Adjustment

Researched and created by the Neighbors and Friends of Beth Manor Court

10/9/2012

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OVERVIEW OF EVENTS

On March 15, 2012, the Prattville Planning Commission approved a replat of lot 19 located at 106 Beth Manor Court, at the request of Kenneth A. Chambliss, creating lots 19A and 19B. Shortly thereafter, a building permit for one of the newly created lots (19A) was issued, with construction commencing within the week. As prior notice of these events was not required by City code, the residents of Beth Manor Court, seeing the construction of a new home considerably closer to one of their property lines, quickly learned of the replat and the plan to now construct two homes on a lot that prior to the tornado of 2008 had only one. To be clear, at no time prior to the new construction on lot 19A had anyone associated with the City or with the builder, Mr. Chambliss, approached the residents to inform them of what was occurring, or how it might affect their property, their property values, or the character of their neighborhood.

Shortly after voicing their great displeasure and objections to Mayor Bill Gillespie, Councilman Mike Renegar, City Planner Joel Duke, and City Attorney David McDowell regarding the building of two homes at 106 Beth Manor Court, a number of residents investigated the matter as thoroughly as time permitted and determined that Mr. Chambliss did not hold clear title to all of the land that had been replatted. It now appeared clear that Mr. Chambliss had failed to perform the necessary due diligence regarding title research before presenting the request to replat to the Planning Commission. On July 19, 2012, the Prattville Planning Commission voted unanimously to withdraw their approval for the replat of lot 19, because it had been based on factually incorrect information. Additionally, **the factually incorrect information filed with the City served as the basis for the issuance of building permit #120404 dated March 28, 2012, allowing Mr. Chambliss to place a foundation within the boundaries of what was referred to as lot 19A.**

Since presenting City Attorney David McDowell and City Planner Joel Duke with the documentation on April 12, 2012, refuting Mr. Chambliss claim of ownership of a portion of the land replatted in March, Mr. Chambliss has missed a deadline to clarify his ownership of the land to the City, has been granted an extension for his attorney to review the matter, and has been offered the land necessary to build one home on the lot as was the case prior to the tornado of 2008. The City of Prattville's Planning Department has at times been non-responsive to inquiries for explanation from neighbors, and failed to cancel the building permit for this lot on two occasions after clearly stating that this would occur.

BETH MANOR COURT NEIGHBOR OBJECTIVES

The residents of Beth Manor Court are seeking a resolution that involves building one home in roughly the same footprint as the home that previously existed on this lot prior to the tornado on February 17, 2008. Two residents of the area, including the owner of the land required to restore this lot to its configuration prior to the tornado of 2008, have met with Mr. Chambliss and offered the transfer of title for this purpose, to which he declined. The residents have made every effort in good faith to resolve this matter amicably. We do not believe that Mr. Chambliss should be given a third or fourth chance at correcting his mistake, when it will be at the expense of the neighborhood that many have called home for 30 to 40 years, a neighborhood that has developed its own character and charm, and where neighbors genuinely respect and appreciate each other.

The residents of Beth Manor Court and surrounding area believe that this issue was clearly created by Mr. Chambliss's failure to research the title of all land embraced in the replat having occurred on March 15, 2012. That failure to research the matter thoroughly resulted in a building permit being issued when, based on the facts coming to light, it actually should not have been. The basis for the concrete slab that now sits on lot 19 has been proven to be inaccurate information. It is Kenneth Chambliss's signature on the building permit application beneath the line stating "I certify that I have read this document and state that the information is correct." The residents believe that Mr. Chambliss is using the City of Prattville's Board of Zoning Adjustment to correct his mistakes; as a means of protecting a slab of concrete that should not have been permitted in the first place. The residents are asking that the Prattville Board of Zoning Adjustment **not approve the request for variance and that the Planning Department cancel the building permit.**

The reasons for this objection are:

1. It is contrary to the interest of every homeowner at Beth Manor Court, and others in the surrounding area, who have called the area home for many years. The residents of Beth Manor Court cumulatively have almost 120 years of residency in this cul-de-sac. Mr. Chambliss has four years of ownership and his actions have made it clear he does not have enough respect for the neighborhood to have had informed the neighbors of his plans when starting his project.
2. Mr. Chambliss's claims of hardship are unfounded because his own actions created the special conditions and circumstances that exist on lot 19, and he has been offered on two occasions the opportunity to remedy the problem and move forward with building a home on lot 19, with no objections from the neighbors. These offers were declined in favor of pursuing a variance.

If the Board of Zoning Adjustment approves this variance request, you will be setting a precedent that filings with the City of Prattville do not need to be well prepared, well researched, or even completely accurate. It will prove that there are no consequences for filing inaccurate information with the City, as ultimately anyone that does can seek a variance from the Board of Zoning Adjustment to remedy their mistakes. It will also prove that long term residents have little say about changes to their neighborhood.

REGARDING STATEMENT OF HARDSHIP

Per Mr. Chambliss's variance application statement of hardship: "Original Plat of Overlook Estates Plat No. 5 did not provide adequate depth when platted. Original house constructed as shown (see photo) encroaching into setback area – no variance found on record per Planning Department. Structure destroyed by tornado. New permitted slab in place. – Adjacent Landowner aggressively taking of quit claimed land to block construction. – Note variance requirement for Lot 21 Block 8 Overlook Estates No. 5 & Lot 14A & 15A Replat of Lots 13-15 Block 8 Overlook Estates Plat 8 (Plat Book 3 @ Page 2)".

- "Original house constructed as shown encroaching into setback area – no variance found on record per Planning Department"
 - **Response:** It is true that the previous house encroached into the setback (see images in Appendix D). Prior to the tornado of 2008, the home was approximately 30 feet off the rear property line. As Mr. Chambliss has been told by neighbors of Beth Manor Court, if he rebuilt a home in roughly the same footprint as the previous home, the necessary land would be transferred to him and there would not be an issue.
- "Structure destroyed by tornado. New permitted slab in place."
 - **Response:** At the surface, there is nothing false about this statement. **However, what Mr. Chambliss fails to point out is that the "permitted slab" was permitted on his submitting factually incorrect information to the city to a) obtain a replat of lot 19, and b) using the replat based on factually incorrect information to obtain the building permit.** It should be noted that on multiple occasions the Prattville City Planner stated he was going to cancel the building permit, which he never did. It would be interesting to know if the Prattville Planning Department would have issued this building permit had they known of the inaccuracies contained in the paperwork submitted by Mr. Chambliss to the City. It proves to be an interesting house of cards.
- "Adjacent Landowner aggressively taking of quit claimed land to block construction."
 - **Response:** Since the land referred to in this statement was transferred from Thames Lumber and Manufacturing, Inc. to the Jack Gearhart and Eleanor Moore (formerly Gearhart) on April 11, 1973 via a quit claim deed, the obvious means of transferring the land from the Gearhart's to Patrick Mears was via the same instrument. As time permits, and if Mr. Chambliss continues to decline the use of the land offered to him for construction of a house, Mr. Mears will most likely have the land replatted into lot 13. If and when this lot is ever sold, it will be via a warranty deed at that time. If the type of instrument used in obtaining the land is questioned by Mr. Chambliss, it would need to be pointed out to this commission that it was good enough for him in his failed due diligence attempt to purchase the land from Thames Lumber and Manufacturing in 2009.
 - **Response:** It is difficult to understand this statement since Mr. Chambliss had three and a half years of opportunity to "aggressively" take a quit claim to the land in question for his use. However, Mr. Chambliss chose not to adequately research the land, nor talk with the neighborhood about his intentions to build two homes. Had Mr. Chambliss

undertaken either of these courses of action, we would not be before this commission today.

- **Response:** If the adjacent landowner not purchased lots 13, 14, and 15, Mr. Chambliss would have been notified by the City Planner to clarify his ownership claims, giving Mr. Chambliss the opportunity to likely remedy that error, and again moved forward **without the neighbors of Beth Manor Court being given an opportunity to be heard.**
- **Response:** It should also be pointed out that the landowner that is “aggressively” blocking the construction of Mr. Chambliss’s house, has on two occasions offered the land to Mr. Chambliss (most recently for \$1.00) contingent on the building of one home in roughly the same footprint as it was prior to the tornado of 2008. Offers made on August 3 (verbally in the presence of Mr. Wayne Thorn), and again on September 12 (via USPS, delivery confirmation 70111570000268825847) were turned down by Mr. Chambliss. No, this landowner is not blocking the construction; he has encouraged the construction, just as it was prior to the tornado of 2008. This “aggressive” landowner and a number of his neighbors have acted in good faith, trying to work with Mr. Chambliss to resolve this problem.
- Note variance requirement for Lot 21 Block 8 Overlook Estates No. 5 & Lot 14A & 15A Replat of Lots 13-15 Block 8 Overlook Estates Plat 8 (Plat Book 3 @ Page 2)
 - **Response:** Since lot 21 and lot 14A existed prior to the tornado of 2008 exactly as they are today, in the same footprint, their inclusion would appear to be irrelevant to this discussion. Mr. Chambliss’s proposed variance is for a home that has shifted significantly to the north, approximately 10 feet off the property line where prior to the tornado of 2008, at its closest point was approximately 30 feet off that same property line. If Mr. Chambliss’s building was in the same footprint as the previous home, he would have a valid point, However, he does not.
 - **Response:** Lot 15A, formerly owned by Mr. Chambliss and currently owned by Kimberly Chambliss, appears to be another good example of why the neighbors of Beth Manor Court are fighting this variance. Since lot 15A was a complete rebuild, whatever the nature of the variance for this property, many neighbors were at the time displaced by the tornado and unaware of this variance request. It should also be pointed out that on October 3, 2012 Joyce Thorn requested a copy of this variance from the Planning Commission. She was informed that they could not locate such a document (see item 16 in Appendix A).

TIMELINE

MARCH 15, 2012

Joel Duke, Prattville City Planner, presented to the Prattville Planning Commission Kenneth Chambliss's request to replat lot 19 (106 Beth Manor Court) into two distinct lots. Mr. Duke stated that the two lots met the current zoning of R-2 district. The commission votes unanimously to approve the replat. The replat is filed with the Office of the Judge of Probate of Autauga County, Alabama, on March 26, 2012. Lots 19A and 19B are created.

Note of Interest: *As per City code, replatting fewer than 5 lots requires no public notification. Hence, the residents of Beth Manor Court are not aware of and have no input as to the ramifications of changing the nature of their neighborhood, and have not been afforded the courtesy by Mr. Chambliss to be informed of impending changes.*

MARCH 28, 2012

Building permit is issued to Kenneth Chambliss for construction on lot 19A.

MARCH 28, 2012 – APRIL 4, 2012

As building on lot 19A commences, the neighbors of Beth Manor Court become aware of what has happened, and the fact that they were not notified of the changes to their neighborhood. A number of residents (Wayne Thorn and Jerry Starnes) speak with Mayor Gillespie trying to determine how this could have happened.

APRIL 12, 2012

Shirley Starnes, Joyce Thorn, and Patrick Mears meet with Prattville City Attorney David McDowell and Prattville City Planner Joel Duke to present evidence that the replat of lot 19, having occurred at the March 15 Planning Commission hearing, was based on factually incorrect information. It was pointed out at this meeting that Kenneth Chambliss did not have clear title to Lots 13, 14, and 15, Block 8, according to the Plat of Overlook Estates Plat No. 8, as recorded in Map Book 2, at page 264, in the Office of the Judge of Probate of Autauga County, Alabama. Successive deeds to the property were presented to Mr. McDowell and Mr. Duke supporting the fact that the replat was performed in error, and that some of the documentation submitted by Mr. Chambliss to the City requesting the replat was inaccurate. At this time, Mr. McDowell and Mr. Duke both felt there was sufficient evidence to have a Stop Work Order issued for lot 19A. Both Mr. McDowell and Mr. Duke stated at this meeting that the lot would be unbuildable without the parcel of land referred to as lots 13, 14, and 15.

APRIL 30, 2012

Patrick Mears contacts Mayor Bill Gillespie (see item 1 in Appendix A) first stating that he is the current title holder of the property described as Lots 13, 14, and 15, and as such, he feels that he is entitled to be provided with information on how the City will rectify the problem with the replat having been performed on March 15, 2012. At some point between April 30, 2012 and May 7, 2012, Mayor Gillespie forwards email from Patrick Mears to City Planner Joel Duke. At some point after April 30, 2012, Patrick Mears speaks with the Mayor on the phone. Mr. Mears is left with the impression after this conversation that if the facts previously presented to Mr. McDowell and Mr. Duke were accurate, the City would move to reverse the replat of 106 Beth Manor Court.

MAY 7, 2012

Joel Duke, responding to Patrick Mears's forwarded email from Mayor Gillespie (see item 2 in Appendix A), states that a Stop Work Order was placed on the building under construction at 106 Beth Manor Court on April 13, 2012. He further stated that Kenneth Chambliss was offered the opportunity to clarify his ownership of the lot, giving a deadline of May 14, 2012. Unless Mr. Chambliss responded by this date, the Planning Department "will move to cancel the building permit. We will eventually treat the partial structure as dilapidated and order its removal."

Mr. Duke also stated that he would not recommend any action by the Commission because he felt that previous owners of the property at 106 Beth Manor Court may have claim to the remnants of Lots 13, 14, and 15.

MAY 7 2012

In response to Joel Duke's email, Patrick Mears follows up questioning the reasoning behind some of Mr. Duke's conclusions (see item 3 in Appendix A). Mr. Mears questioned why Mr. Duke would now be concerned with the interests of the "successive owners" when there was no question raised prior to Mr. Chambliss having the parcel of land replatted. Additionally regarding the interests of "successive owners", Mr. Mears inquired into why would Mr. Chambliss have been given the benefit of doubt when representing that he owned the land to be replatted, and after having clearly shown the chain of title, why Mr. Mears would not be afforded the acknowledgment of ownership. Simply put, Mr. Chambliss's representation of owner was unquestioned, as evidenced by the replat of March 15, 2012. Mr. Mears however was not afforded the same benefit.

MAY 11, 2012

Joel Duke responds to say he is investigating how best to address when a plat is approved by a planning commission based on false information.

MAY 14, 2012 (END OF BUSINESS DAY)

Patrick Mears sends an inquiry (see item 4 in Appendix A) to Joel Duke as to the disposition of Kenneth Chambliss's deadline to clarify his ownership of 106 Beth Manor Court, more specifically the replatted lots 19A and 19B.

MAY 16, 2012

Joel Duke responds to Patrick Mears's email (see item 5 in Appendix A) indicating that he has not received from Kenneth Chambliss "any additional information supporting his ownership of the land behind Lot 19." For purposes of clarity, this reference is for Lots 13, 14, and 15. Additionally, Mr. Duke stated that Mr. Chambliss's "permit for the structure at 106 Beth Manor Court is being cancelled."

Note of Interest: *Mr. Kenneth Chambliss missed the deadline to clarify his ownership of the replatted property. More importantly, Mr. Joel Duke stated at this time the building permit was being cancelled.*

MAY 17, 2012

Patrick Mears follows up with Mayor Bill Gillespie (see item 6 in Appendix A) on how the City will address the unresolved issues relating to the matter at 106 Beth Manor Court, and lots 13, 14, and 15. How will the City reverse a replat that was initiated by a person having presented factually incorrect information? What will it take to restore the correct property lines?

MAY 17, 2012

At some point on May 17, 2012, Patrick Mears spoke with Joel Duke on the telephone (see item 7 in Appendix A). Mr. Duke explained that the issue with the replatted lot at 106 Beth Manor Court would be presented to the Planning Commission for the replat to be invalidated.

WEEK OF MAY 21, 2012

Kenneth Chambliss visits the home of Patrick Mears wanting to negotiate a solution to his and the neighborhood's differences. Mr. Mears states that there are actions pending before the City on this matter and that until those actions have been completed, he is unable to negotiate.

MAY 31, 2012

Patrick Mears contacts Joel Duke regarding Kenneth Chambliss's desire to negotiate a settlement (see item 8 in Appendix A). Mr. Mears is trying to determine a time frame for the City to complete its actions of withdrawing approval of the replat before discussing the matter further with Mr. Chambliss.

JUNE 5, 2012

Patrick Mears sends letter to Kenneth Chambliss's address of record (see item 9 in Appendix A). The letter is a courtesy to let Mr. Chambliss know that he is unable to negotiate until the City

completes the actions previously referred to. Once those actions have been completed, Mr. Mears "would gladly be open to any reasonable negotiation that satisfies all parties involved." At this point, Mr. Mears has yet to receive a response from Mr. Joel Duke regarding the disposition of these actions.

JUNE 5, 2012

Joel Duke sends Patrick Mears an email (see item 10 in Appendix A) indicating that Kenneth Chambliss's attorney has requested additional time to review the situation, thus granting an extension. He also points out that the Stop Work Order remains in place and that he will review the building permit again on June 29. Additionally, the issue to address withdrawing the Planning Commission's approval for the replat of Lot 19 will be submitted for consideration on their July 19, 2012 agenda.

Note of Interest: *On May 16, 2012, Mr. Duke stated that the building permit for construction at 106 Beth Manor Court was being cancelled because Mr. Chambliss had failed to respond to a request to clarify his ownership of the replatted lot. This clearly has not occurred.*

JULY 2, 2012

Patrick Mears contacts Joel Duke (see item 11 in Appendix A) regarding the status of Mr. Chambliss's time extension, and per his previous communication, his statement regarding the review of the building permit on June 29.

JULY 5, 2012

After receiving no response from Joel Duke, Patrick Mears calls the Planning Department at approximately 11:30 AM to speak with Mr. Duke regarding the disposition Kenneth Chambliss's time extension and Mr. Duke's June 29th review of the 106 Beth Manor Court building permit. Mr. Duke is unavailable and a message is left asking for him to return Mr. Mears's call.

JULY 10, 2012

After not receiving any response from Joel Duke, Patrick Mears contacts Councilman Mike Renegar to determine why the Prattville Planning Department is not responding to his inquiries (see item 12 in Appendix A).

JULY 11, 2012

Joel Duke responds to repeated inquiries regarding 106 Beth Manor Court. He does not address the time extension granted to Kenneth Chambliss, nor does he address the cancellation of the building permit. His response is only to notify Patrick Mears of what previously was stated, and that is that the issue of withdrawing commission approval will go before the Planning Commission on July 19, 2012 (see item 13 and 14 in Appendix A).

JULY 19, 2012

Prattville Planning Commission meets to discuss, as one of the items before them, the issue of the replat performed on March 15, 2012, for lot 19 at 106 Beth Manor Court (reference draft resolution in item 14 of Appendix A - as of September 25, 2012, the minutes of this meeting were not available online). The commission votes unanimously to withdraw their approval for the replat of lot 19, located at 106 Beth Manor Court. As part of the proceedings, the commission requested that the commission secretary file the resolution with the Office of the Judge of Probate of Autauga County, Alabama, as to indicate its actions (have been unable to locate this recording as of 9/23/2012). Also at this commission meeting, Joel Duke stated that "we will take action to cancel that building permit, we have just not done that... it's not a major issue at this point, as long as work does not continue."

Note of Interest: *As on May 16, 2012, Mr. Duke has once again stated that the building permit would be cancelled. However, per his comments at this commission hearing, it wasn't a major issue at this point. Apparently he was only considering Mr. Chambliss's interests.*

AUGUST 3, 2012

Patrick Mears was contacted by Kenneth Chambliss and informed that Mr. Chambliss intended to pursue a hardship variance thus allowing him to continue building the house. Mr. Chambliss agreed to a request from Mr. Mears for further conversation to include Wayne Thorn to see if there was any room to negotiate a settlement.

AUGUST 7, 2012

Kenneth Chambliss, Wayne Thorn, and Patrick Mears met on Mr. Chambliss's lot (106 Beth Manor Drive) and spoke for about 20 minutes. Mr. Chambliss maintained that in his current predicament, his only option at the time was to pursue a hardship variance from the City of Prattville. Mr. Thorn and Mr. Mears made it clear that the desire of most neighbors surrounding the property would be to see one house centered on lot 19 as it was prior to the tornado of February 17, 2008. To further encourage this result, Mr. Chambliss was told that lots 14 and 15 would be available to him, provided a single home was placed in roughly the same footprint as the previous home. Both sides agreed to disagree, and after a cordial discussion, parted ways.

SEPTEMBER 12, 2012

In a final attempt to reach a compromise with Kenneth Chambliss, Patrick Mears sends a letter (see item 15 in Appendix A) to Mr. Chambliss's address offering to sell lots 14 and 15 to Mr. Chambliss for \$1.00, contingent on "agreeing to build a single home in roughly the same footprint as the home that previously existed on this lot prior to the tornado on February 17, 2008." A deadline of October 1, 2012 was given, to which there was no response.

APPENDIX

APPENDIX A - COMMUNICATIONS WITH CITY AND MR. CHAMBLISS

Patrick Mears

From: Patrick Mears <pmears@charter.net>
Sent: Monday, April 30, 2012 12:19 PM
To: Mayor Bill Gillespie Jr. (mayor@prattvilleal.gov)
Cc: joyce_thorn@almb.uscourts.gov, Mike Renegar (mike.renegar@prattvilleal.gov)
Subject: RE: Comment/Concern regarding the replat of plat 5A on Beth Manor Court
Signed By: pmears@charter.net

Good afternoon Mayor Gillespie,

I wanted to follow up with you regarding the previously mentioned issue of the replat of lot 19 located at 106 Beth Manor Court that occurred as a result of the Prattville Planning Commission meeting of March 15, 2012. On Thursday, April 12, Shirley Starnes (of 105 Beth Manor Court), Joyce Thorn (of 109 Beth Manor Court), and myself met with David McDowell and Joel Duke at Mr. McDowell's office to discuss the matter further. I believe I can safely say that enough doubt was raised at this meeting as to the ownership of a portion of this lot, that the Planning Department issued a stop work order for the current owner to prove ownership. At this meeting, if my memory is correct, Mr. Duke stated that there was nothing else required of us and that the matter would be addressed privately with the current owner, which I completely understand the need for privacy.

However, since the meeting with Mr. McDowell and Mr. Duke, I purchased the portion of land in question (previously referred to as lots 13, 14, and 15, in Block 8 of Overlook Estates Plat No. 8) from whom I believe were the legal owners (recorded at the Probate and Revenue offices on April 18). With that said, I think I can safely say that I have a right to know a couple of things. First, I would like to know how long the City of Prattville will allow the current owner to prove his ownership of the land in question. Is this an open-ended process, does he have thirty days, does he have sixty days, etc? I do not believe it to be unreasonable to have this question answered. Second, if and when the person claiming ownership of this property cannot successfully prove ownership of the entire lot, what steps will the City of Prattville take at that time to reverse the replat which was approved at the Planning Commission meeting dated March 15, 2012? The reason I ask this is that I believe the original property lines should be restored to their pre-March 15 state.

As I mentioned in my previous correspondence, I truly realize that there are more important issues before the city. It is somewhat discomfoting to ask for your assistance in this matter knowing that some might consider it trivial. Nevertheless, the residents of Beth Manor Court and I believe that we are fighting for the integrity of our neighborhood. We should be afforded the same level of cooperation that has been given to the owner of lot 19. So, I respectfully ask for your assistance in this matter and express my gratitude for that assistance.

Sincerely,

Patrick G. Mears
253 Teri Lane
Prattville, AL 36066

-----Original Message-----

From: Patrick Mears [mailto:pmears@charter.net]
Sent: Wednesday, April 04, 2012 12:37 PM
To: Mayor Bill Gillespie Jr (mayor@prattvilleal.gov)
Cc: Mike Renegar (mike_renegar@prattvilleal.gov)
Subject: Comment/Concern regarding the replat of plat 5A on Beth Manor Court

Dear Mayor Gillespie,

My name is Patrick Mears and I reside at 253 Teri Lane. Having been a resident at this location since 1973, I feel that I have the right to express my thoughts and concerns regarding the development of the property located on Beth Manor Court (I believe it is, or was, referred to as plat 5A). I will state that since construction has begun on this property, that it is most likely too late for my concerns to carry much weight. However, I will inform you of my displeasure at how the process has transpired. I realize there are other residents in the surrounding area that share my concerns, though I speak only for myself.

I would imagine I am not the first person to express concern about the City Planning Commission granting a replat of Overlook Estates plat 5A located off of Beth Manor Court. I would like to think that the duties of the Prattville Planning Commission would involve notifying surrounding residents of changes that might affect their property values and changes to their neighborhood. Perhaps more specifically, anyone requesting such changes should be required to notify surrounding residents. Having watched the planning commission meeting of March 15, 2012 on YouTube, I realize that this process did not appear to involve any public comment, since it appears that the residents of the neighborhood had no idea that this was occurring. I recall when my parents added a carport to their house that they had to obtain a variance. Obtaining the variance required making a public notice in the local newspaper giving other residents the opportunity to object. I believe the actions of the planning commission, splitting a plat into two distinct plats, might actually carry more weight than that of adding a carport to a home.

From the YouTube video of the planning commission, I learned that the owner of the property is Kenny Chambliss. I have never met Mr. Chambliss and in no way bear any ill will towards him. He has kept the property clean and well maintained since the tornado in 2008. My greatest problem though, is that the city has allowed such a change to the nature of the neighborhood. Many of the residents here are long-term residents and have developed very close bonds, which is what should occur in neighborhoods. I personally would not welcome anyone intruding on my rights to do with my property as I wish, and I certainly do not wish to imply that I'm trying to do this regarding Mr. Chambliss's property. However, I believe the residents of this area should

have been made aware of the impending changes and allowed to comment and express their concerns.

Mr. Mayor, I'm grateful the city is finally taking its financial responsibilities seriously, and the issue I bring before you pales in comparison to the big picture items facing the city. But I will point out that this neighborhood and those of us that call each other "neighbor" have been here considerably longer than our present city government, and longer than Mr. Chambliss owned his property on Beth Manor Court. I think it to be very important to not overlook possible concerns of residents in the future. I appreciate you taking the time to read my correspondence.

Sincerely,
Patrick Mears
253 Teri Lane
Prattville, AL 36066
(334)207-3132

Patrick Mears

From: Duke, Joel <Joel.Duke@prattvilleal.gov>
Sent: Monday, May 07, 2012 2:56 PM
To: Patrick Mears
Cc: Mayor, CC Mike Renegar Forward
Subject: 106 Beth Manor Court

Mr. Mears:

Mayor Gillespie forwarded your recent e-mail and asked that I address your questions concerning the development of 106 Beth Manor Court.

First, you asked how long will the city provide Mr. Chambliss an opportunity to verify his ownership of the property. On April 13, 2012, a Stop Work Order was placed on the building under construction at 106 Beth Manor Court. In a letter accompanying the SWO, Mr. Chambliss was offered an opportunity to clarify his ownership of the lot. Unless Mr. Chambliss responds to the letter by May 14, 2012, the Planning Department will move to cancel the building permit. We will eventually treat the partial structure as dilapidated and order its removal.

Second, you asked when the Planning Commission will take action to reverse Mr. Chambliss' re-plat. At this point, I will not recommend any action by the Commission regarding the lot or lots involved. Successive owners of 106 Beth Manor Court believed they were transferring the original lot and the remnant. As a result, others may still have some claim on the property. The Commission should not consider further action involving these lots until all ownership questions can be resolved. In the meantime, the Planning Department has tagged the lots as unbuildable and will not issue permits for the lot or lots. You should note that Lot 19, as originally platted, is currently unbuildable unless the lot's zoning classification changes or the requirements for R-2 districts are modified city wide.

If you have any additional questions concerning these lots, please do not hesitate to call or e-mail.

Sincerely,

Joel T. Duke, AICP
City Manager
100 West Main Street, Prattville, AL 36077
334-781-2222 (ext. 4141) or
www.prattvilleal.gov
joel.t.duke@prattvilleal.gov

Patrick Mears

From: Patrick Mears <pmears@charter.net>
Sent: Monday, May 07, 2012 8:05 PM
To: Duke, Joel
Cc: Mayor; 'CC Mike Renegar Forward'
Subject: RE: 106 Beth Manor Court
Signed By: pmears@charter.net

Mr. Duke,

I do appreciate your response regarding this matter. I understand and respect the city's position regarding Mr. Chambliss' obligation to clarify his ownership of lot 19 and what has been referred to as the remnant of lots 13, 14, and 15 in plat 8 of Overlook Estates Plat No. 8 (or as originally deeded by Thames Lumber and Manufacturing to Jack and Eleanor Gearhart, a piece of land utilizing dimensions from various points of reference on lots 13, 14, and 15).

However, after speaking to Mayor Gillespie last week, I felt a little bit more assured at that time that if Mr. Chambliss could not provide satisfactory proof of ownership, the city would move to reverse the replat of lot 19 (that was approved by the Planning Commission on March 15, 2012) based on the fact that the replat was achieved through the use of faulty information. Now, regarding your position of not recommending any action by the Commission, I'm not sure that I understand this. You stated that "Successive owners of 106 Beth Manor Court believed they were transferring the original lot and the remnant. As a result, others may still have some claim on the property." I think it is "belief" of ownership and not "fact" of ownership that has brought us to this point, and I also believe that if this is the city's position, then this statement alone would render Mr. Chambliss' claim to be void. Additionally, if this is the city's position, why would the city knowingly maintain a replat of two pieces of property when the person that requested the replat had no ownership of one of the pieces of land replatted?

I may be getting a week ahead of myself by asking this question, but if Mr. Chambliss was given the benefit of the doubt by the City of Prattville and its Planning Commission when he represented ownership of lot 19 and the remnant of lots 13, 14, and 15 so they could be replatted into two lots, why would I not be afforded the same consideration in requesting a reversal of the replat after I have shown both you and Mr. McDowell the deeds for lot 19 going back to the early 1970's, none of which reference joining the parcels in question? I believe when Shirley Starnes, Joyce Thorn, and myself sat down to discuss the matter with both you and Mr. McDowell, if my memory isn't as faulty as I sometimes believe it to be, you were posed with the question as to why the city did not verify that Mr. Chambliss did in fact own the property that was requested to be replatted. I believe, again if my recollection is correct, that you stated the city is not capable of proving the ownership of all parcels of land that come before it for replat. Has the city's position now changed?

Assuming that to be the case, and the city now is proving ownership of land before replatting it, I must ask the question of what specifically will the city require I provide to them to prove that I own the "remnant" piece of land that has been replatted by the city into the lot(s) of another, other than what I have already provided, to put this matter to rest, to reverse the replat? What do you, the city planner, the planning department, the planning commission, and City of Prattville require to undo what was done in error in the first place? Is this only being required in this instance, or will this be required for all subsequent replats coming before the commission?

As mentioned in prior communications, I mean no disrespect in my communications with the city or its officials, but I must say that the position you are taking on the city's behalf not to reverse the replat if Mr. Chambliss fails to prove ownership is a curious one, especially since the replat was based on faulty information. Nevertheless, it is one that will obviously be revisited next week with you and the Mayor. I would like to thank you for your time in reviewing my

concerns and questions, and hope you're able to resolve the additional concerns I've mentioned above. Thank you Mr. Duke

Patrick Mears
253 Ten Lane
Prattville, AL 36066
C (334) 207 3132

From: Duke, Joel [mailto:Joel.Duke@prattvilleal.gov]
Sent: Monday, May 07, 2012 2:56 PM
To: Patrick Mears
Cc: Mayor; CC Mike Renegar Forward
Subject: 106 Beth Manor Court

Mr. Mears:

Mayor Gillespie forwarded your recent e-mail and asked that I address your questions concerning the development of 106 Beth Manor Court.

First, you asked how long will the city provide Mr. Chambliss an opportunity to verify his ownership of the property. On April 13, 2012, a Stop Work Order was placed on the building under construction at 106 Beth Manor Court. In a letter accompanying the SWO, Mr. Chambliss was offered an opportunity to clarify his ownership of the lot. Unless Mr. Chambliss responds to the letter by May 14, 2012, the Planning Department will move to cancel the building permit. We will eventually treat the partial structure as dilapidated and order its removal.

Second, you asked when the Planning Commission will take action to reverse Mr. Chambliss' re-plat. At this point, I will not recommend any action by the Commission regarding the lot or lots involved. Successive owners of 106 Beth Manor Court believed they were transferring the original lot and the remnant. As a result, others may still have some claim on the property. The Commission should not consider further action involving these lots until all ownership questions can be resolved. In the meantime, the Planning Department has tagged the lots as unbuildable and will not issue permits for the lot or lots. You should note that Lot 19, as originally platted, is currently unbuildable unless the lot's zoning classification changes or the requirements for R-2 districts are modified city wide.

If you have any additional questions concerning these lots, please do not hesitate to call or e-mail

Sincerely,

Joel T. Duke, AICP

City Planner
102 West Main Street
Prattville, AL 36067
334 381 7000 • Fax 334 381 3600
www.prattvilleal.gov
joel.duke@prattvilleal.gov

Patrick Mears

From: Patrick Mears <pmears@charter.net>
Sent: Monday, May 14, 2012 4:20 PM
To: Duke, Joel
Cc: Mayor; 'CC Mike Renegar Forward'; 'David A. McDowell (David@mcdowellfaulk.com)'; joyce.thorn@almb.uscourts.gov
Subject: RE: 106 Beth Manor Court
Signed By: pmears@charter.net

Mr. Duke,

As was probably expected, I would like to follow up on the status of Mr. Chambliss's proof of ownership of the 'remnant' portion of land behind lot 19. As both you and the Mayor have previously mentioned to me, today is the deadline for this information to be provided by Mr. Chambliss. I am only concerned with whether or not the city has accepted Mr. Chambliss as the remnant's owner based on any additional submissions he has made as of today, or if his efforts have ended unsuccessfully. Since I believe I am the true owner of this land, I request this information as soon as you can provide it so I may plan accordingly. I very much appreciate all of your help in this matter. Have a good afternoon.

Patrick Mears
253 Ten Lane
Prattville, AL 36066
C: (334) 207-3132

From: Duke, Joel [mailto:Joel.Duke@prattvilleal.gov]
Sent: Friday, May 11, 2012 4:30 PM
To: pmears@charter.net
Cc: Mayor; CC Mike Renegar Forward; David A. McDowell (David@mcdowellfaulk.com)
Subject: RE: 106 Beth Manor Court

Mr. Mears,

I am presently looking into the best way to handle a plat approved by a planning commission based on false information. Some action will be taken to amend or invalidate the recorded plat. Regardless, no building will be permitted for Lot 19 until the plat is corrected and recorded.

If you have any questions concerning these lots, please do not hesitate to call, e-mail or schedule an appointment.

Sincerely,

Joel T. Duke, AICP
City Planner, City of Prattville, Alabama
102 West Main Street, Prattville, AL 36068
(334) 361-3131 FAX (334) 361-3132
www.prattvilleal.gov
joel.duke@prattvilleal.gov

From: Patrick Mears (mailto:pmears@prattville.net)
Sent: Monday, May 07, 2012 8:05 PM
To: Duke, Joel
Cc: Mayor; CC Mike Renegar Forward
Subject: RE: 106 Beth Manor Court

Mr. Duke,

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I may be getting a week ahead of myself by asking this question, but if Mr. Chambliss was given the benefit of the doubt by the City of Prattville and its Planning Commission when he represented ownership of lot 19 and the remnant of lots 13, 14, and 15 so they could be replatted into two lots, why would I not be afforded the same consideration in requesting a reversal of the replat after I have shown both you and Mr. McDowell the deeds for lot 19 going back to the early 1970's, none of which reference joining the parcels in question? I believe when Shirley Starnes, Joyce Thorn, and myself sat down to discuss the matter with both you and Mr. McDowell, if my memory isn't as faulty as I sometimes believe it to be, you were posed with the question as to why the city did not verify that Mr. Chambliss did in fact own the property that was requested to be replatted. I believe, again if my recollection is correct, that you stated the city is not capable of proving the ownership of all parcels of land that come before it for replat. Has the city's position now changed?

Assuming that to be the case, and the city now is proving ownership of land before replatting it, I must ask the question of what specifically will the city require I provide to them to prove that I own the "remnant" piece of land that has been replatted by the city into the lot(s) of another, other than what I have already provided, to put this matter to rest, to reverse the replat? What do you, the city planner, the planning department, the planning commission, and City of Prattville require to undo what was done in error in the first place? Is this only being required in this instance, or will this be required for all subsequent replats coming before the commission?

As mentioned in prior communications, I mean no disrespect in my communications with the city or its officials, but I must say that the position you are taking on the city's behalf not to reverse the replat if Mr. Chambliss fails to prove ownership is a curious one, especially since the replat was based on faulty information. Nevertheless, it is one that will obviously be revisited next week with you and the Mayor. I would like to thank you for your time in reviewing my concerns and questions, and hope you're able to clarify the additional concerns I've mentioned above. Thank you Mr. Duse.

Patrick Mears
253 Teri Lane
Prattville, AL 36066

C (334) 207-3132

From: Duke, Joel [mailto:Joel.Duke@prattvilleal.gov]
Sent: Monday, May 07, 2012 2:56 PM
To: Patrick Mears
Cc: Mayor; CC Mike Renegar Forward
Subject: 106 Beth Manor Court

Mr. Mears:

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First, you asked how long will the city provide Mr. Chambliss an opportunity to verify his ownership of the property. On April 13, 2012, a Stop Work Order was placed on the building under construction at 106 Beth Manor Court. In a letter accompanying the SWO, Mr. Chambliss was offered an opportunity to clarify his ownership of the lot. Unless Mr. Chambliss responds to the letter by May 14, 2012, the Planning Department will move to cancel the building permit. We will eventually treat the partial structure as dilapidated and order its removal.

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If you have any additional questions concerning these lots, please do not hesitate to call or e-mail.

Sincerely,

Joel T. Duke, AICP

City Manager
100 West Main Street, 3rd Floor, Suite 301
Prattville, AL 36067
www.prattvilleal.gov
joel.duke@prattvilleal.gov

Patrick Mears

From: Duke, Joel <Joel.Duke@prattvilleal.gov>
Sent: Wednesday, May 16, 2012 4:50 PM
To: pmears@charter.net
Subject: RE: 106 Beth Manor Court

Mr. Mears,

Mr. Chambliss has not provided any additional information supporting his ownership of the land behind Lot 19. The stop work order remains in place and his permit for the structure at 106 Beth Manor Court is being canceled. We are exploring the appropriate route for withdrawing Commission approval of the re-plat.

If you have further questions, please do not hesitate to contact me.

Sincerely,

Joel T. Duke, AICP

City of Prattville, Alabama
106 Beth Manor Street, Prattville, AL 36066
Joel.Duke@prattvilleal.gov
www.prattvilleal.gov
(334) 207-3132

From: Patrick Mears [mailto:pmears@charter.net]
Sent: Monday, May 14, 2012 4:20 PM
To: Duke, Joel
Cc: Mayor; CC Mike Renegar Forward; 'David A. McDowell'; joyce_thorn@almb.uscourts.gov
Subject: RE: 106 Beth Manor Court

Mr. Duke,

As was probably expected, I would like to follow up on the status of Mr. Chambliss's proof of ownership of the "remnant" portion of land behind lot 19. As both you and the Mayor have previously mentioned to me, today is the deadline for this information to be provided by Mr. Chambliss. I am only concerned with whether or not the city has accepted Mr. Chambliss as the remnant's owner based on any additional submissions he has made as of today, or if his efforts have ended unsuccessfully. Since I believe I am the true owner of this land, I request this information as soon as you can provide it so I may plan accordingly. I very much appreciate all of your help in this matter. Have a good afternoon.

Patrick Mears
253 Terr Lane
Prattville, AL 36066
C (334) 207-3132

From: Duke, Joel [mailto:Joel.Duke@prattvilleal.gov]
Sent: Friday, May 11, 2012 4:30 PM
To: pmears@charter.net
Cc: Mayor; CC Mike Renegar Forward; David A. McDowell (David@mcdowellfaulk.com)
Subject: RE: 106 Beth Manor Court

Patrick Mears

From: Patrick Mears <pmears@charter.net>
Sent: Wednesday, May 16, 2012 9:46 PM
To: Mayor Bill Gillespie Jr (mayor@prattvilleal.gov);
Cc: mike renegar (mrenegar@knology.net); joel duke@prattvilleal.gov
Subject: FW: 106 Beth Manor Court
Signed By: pmears@charter.net

Mayor Gillespie,

I wanted to ask for your continued assistance in my pursuit of resolving the matter completely involving lot 19 at 106 Beth Manor Court. If you have been following the numerous email exchanges between myself and Mr. Duke, there are a number of questions previously posed to him that have yet to be addressed adequately. I don't believe any of the questions to be unreasonable to ask, or even pose any liability to the city in answering. Mr. Chambliss's inability to provide sufficient proof of ownership took care of the major question. The other questions are below.

1) What will it take for the city to acknowledge my ownership of the remnant (officially referred to as lots 13, 14, and 15) of land behind lot 19? The last official action on this land recorded at the probate office are my deeds purchasing this land from Jack Gearhart and Eleanor (formerly Gearhart) Moore. Prior to that, the last recording was the deed transferring the land from Thames Lumber to Jack and Eleanor Gearhart. I purchased the land from the last recorded owners but do not seem to be afforded the same benefit of ownership acknowledgement as someone who provided the city with false information.

2) Why would reversing a replat be any more difficult than creating a replat? As it stands at this time, my portion of property is included in the two lots (19A and 19B) owned by Kenneth Chambliss. Understandably, the stop work order has been issued, and Mr. Duke stated that the building permit will now be revoked, so my concern at this time isn't as much stopping the building but the restoration of correct property lines so that I may utilize and maintain my land. I don't believe anything should be required of me in this process since it was initiated with incorrect information provided by Mr. Chambliss.

I am not trying to further inflame the situation, only trying to make sure the loose ends are tied up. I will follow this process all the way to the very end to make sure that all of the property in question is in perfect order when I'm gone. I am willing to work with the city in any way to this end, but I'm not getting much information on how to do this. As you previously mentioned to me, government is not known for its speed, and I accept that. But I do want to know specifically how this matter will be put to rest. If time permits, I will be in attendance at the Planning Commission meeting on Thursday May 17 to view the proceedings, and hopefully to quickly introduce myself. I do appreciate both your and Mr. Duke's assistance in helping to rectify this problem.

Patrick Mears
253 Terri Lane
Prattville, AL 36066
C (334) 207-3132

From: Duke, Joel [mailto:Joel.Duke@prattvilleal.gov]
Sent: Wednesday, May 16, 2012 4:50 PM

To: pmears@charter.net
Subject: RE: 106 Beth Manor Court

Mr. Mears,

Mr. Chambliss has not provided any additional information supporting his ownership of the land behind Lot 19. The stop work order remains in place and his permit for the structure at 106 Beth Manor Court is being canceled. We are exploring the appropriate route for withdrawing Commission approval of the re-plat.

If you have further questions, please do not hesitate to contact me.

Sincerely,

Joel T. Duke, AICP

City Planner
111 South 1st Street, Prattville, AL 36066
334-333-4444
www.prattvilleal.gov
joel.duke@prattvilleal.gov

From: Patrick Mears [mailto:pmears@charter.net]
Sent: Monday, May 14, 2012 4:20 PM
To: Duke, Joel
Cc: Mayor; CC Mike Renegar Forward; 'David A. McDowell'; joyce.thorn@almb.uscourts.gov
Subject: RE: 106 Beth Manor Court

Mr. Duke,

As was probably expected, I would like to follow up on the status of Mr. Chambliss's proof of ownership of the "remnant" portion of land behind lot 19. As both you and the Mayor have previously mentioned to me, today is the deadline for this information to be provided by Mr. Chambliss. I am only concerned with whether or not the city has accepted Mr. Chambliss as the remnant's owner based on any additional submissions he has made as of today, or if his efforts have ended unsuccessfully. Since I believe I am the true owner of this land, I request this information as soon as you can provide it so I may plan accordingly. I very much appreciate all of your help in this matter. Have a good afternoon.

Patrick Mears
253 Teri Lane
Prattville, AL 36066
C (334) 207-3132

From: Duke, Joel [mailto:Joel.Duke@prattvilleal.gov]
Sent: Friday, May 11, 2012 4:30 PM
To: pmears@charter.net
Cc: Mayor; CC Mike Renegar Forward; David A. McDowell (David@mcDowellfaulk.com)
Subject: RE: 106 Beth Manor Court

Mr. Mears,

I am presently looking into the best way to handle a plat approved by a planning commission based on false information. Some action will be taken to amend or invalidate the recorded plat. Regardless, no building will be permitted for Lot 19 until the plat is corrected and recorded.

Patrick Mears

From: Patrick Mears <pmears@charter.net>
Sent: Thursday, May 17, 2012 1:10 PM
To: Mayor Bill Gillespie Jr. (mayor@prattvilleal.gov)
Cc: mike renegar (mrenegar@knology.net); joel.duke@prattvilleal.gov
Subject: RE: 106 Beth Manor Court
Signed By: pmears@charter.net

Mayor Gillespie,

I had a very cordial conversation with Mr. Duke this morning, and can say that I have a much better understanding of how I and my neighbors need to proceed. For that, I must say thank you to you, Mr. Duke, and Mr. Renegar for your assistance. Now, my understanding is that the replatted lot will be put before the Planning Commission at some point in the future so that the replat may be invalidated. My hope is to see this appear on the Planning Commission's agenda for either it's June or July hearing. I understand the deadline for making June's agenda is Tuesday, and that might be unattainable, but I do hope to see it as soon as possible so I may be allowed to move forward with cleanly and legally joining this small piece of land with another lot or lots. I believe the sooner we are able to see this happen, the better off all involved will be. I am also sorry to say that because of my conversation with Mr. Duke this morning, I no longer feel the need to attend this afternoon's Planning Commission hearing. I did want to introduce myself and dispel any notion that horns might be protruding from my head (sorry if this is an inappropriate venue for a small bit of humor). Thank you again to each of you, and I will maintain communication with each of you as needed. Have a good afternoon.

Patrick Mears
253 Ten Lane
Prattville, AL 36066
C (334) 207-3132

From: Patrick Mears [mailto:pmears@charter.net]
Sent: Wednesday, May 16, 2012 9:46 PM
To: Mayor Bill Gillespie Jr. (mayor@prattvilleal.gov)
Cc: mike renegar (mrenegar@knology.net); joel.duke@prattvilleal.gov
Subject: FW: 106 Beth Manor Court

Mayor Gillespie,

I wanted to ask for your continued assistance in my pursuit of resolving the matter completely involving lot 19 at 106 Beth Manor Court. If you have been following the numerous email exchanges between myself and Mr. Duke, there are a number of questions previously posed to him that have yet to be addressed adequately. I don't believe any of the questions to be unreasonable to ask, or even pose any liability to the city in answering. Mr. Chambliss's inability to provide sufficient proof of ownership took care of the major question. The other questions are below.

1) What will it take for the city to acknowledge my ownership of the remnant (officially referred to as lots 13, 14, and 15) of land behind lot 19? The last official action on this land recorded at the probate office are my deeds purchasing this land from Jack Gearhart and Eleanor (formerly Gearhart) Moore. Prior to that, the last recording was the deed transferring the land from Thames Lumber to Jack and Eleanor Gearhart. I purchased the land from the last recorded owners but do not seem to be afforded the same benefit of ownership acknowledgement as someone who provided the city with false information.

Patrick Mears

From: Patrick Mears <pmears@charter.net>
Sent: Thursday, May 31, 2012 12:44 PM
To: Duke, Joel
Cc: mike renegar (mrenegar@knology.net); joyce_thorn@almb.uscourts.gov
Subject: RE: 106 Beth Manor Court
Signed By: pmears@charter.net

Mr. Duke,

I thought I'd take a moment to follow up with you regarding the disposition of reversing the replat of lot 19 at 106 Beth Manor Court. I know that in our last conversation you were still looking into how best to address this problem. The reason I'm inquiring is that I was contacted by Mr. Kenneth Chambliss last week wanting to negotiate a solution to our differences. It's a conversation I would prefer not to have until I have a clearer picture as to when the replat reversal will occur. Granted, I understand that you and the City do not want to rush the process and risk compounding the problem, but if you have just a brief moment to give me an update, I'd greatly appreciate it. I know Mr. Chambliss and I may not view the situation in the same manner, but I'd like to give him a timely response if I can. Thank you for your time, and have a good afternoon.

Patrick Mears
253 Teri Lane
Prattville, AL 36066
(334) 207-3132

From: Duke, Joel [mailto:Joel.Duke@prattvilleal.gov]
Sent: Wednesday, May 16, 2012 4:50 PM
To: pmears@charter.net
Subject: RE: 106 Beth Manor Court

Mr. Mears,

Mr. Chambliss has not provided any additional information supporting his ownership of the land behind Lot 19. The stop work order remains in place and his permit for the structure at 106 Beth Manor Court is being canceled. We are exploring the appropriate route for withdrawing Commission approval of the replat.

If you have further questions, please do not hesitate to contact me.

Sincerely,

Joel T. Duke, AICP
City of Prattville, Alabama
101 West Main Street, Prattville, AL 36068
334-207-3132 (Alabama) / 334-207-3133
www.prattvilleal.gov
joel.duke@prattvilleal.gov

From: Patrick Mears [mailto:pmears@charter.net]
Sent: Monday, May 14, 2012 4:20 PM
To: Duke, Joel

Patrick Mears
253 Teri Lane
Prattville, AL 36066
C (334)207-3132
June 5, 2012

Kenneth A. Chambliss
K.C. Builders
834 Heather Drive
Prattville, AL 36066

Mr. Chambliss:

I wanted to let you know that I have not forgotten about your request to negotiate a solution to the situation at 106 Beth Manor Court. I believe most people familiar with the situation would like to see it resolved quickly. Unfortunately, I am unable to negotiate at this time as I am awaiting further action by the City of Prattville, more specifically the Planning Commission. Until the City completes its actions, I will be unable to negotiate. However, at the point the City completes these actions I would gladly be open to any reasonable negotiation that satisfies all parties involved. Thank you.

Sincerely,

Patrick Mears

Patrick Mears

From: Duke, Joel <Joel.Duke@prattvilleal.gov>
Sent: Tuesday, June 05, 2012 3:36 PM
To: pmears@charter.net
Cc: CC Mike Renegar Forward; joyce_thorn@almb.uscourts.gov
Subject: RE: 106 Beth Manor Court

Mr. Mears,

Mr. Chambliss requested additional time for his attorney to review the situation. The Stop Work Order remains in place. I will review the building permit again on June 29. A resolution withdrawing the Planning Commission's approval for the re-plot of Lot 19, Overlook Estates, Plat 5 will be submitted for consideration on the July 19, 2012 agenda.

If you have additional questions, please call or e-mail.

Sincerely,

Joel T. Duke, AICP
City Planner, City of Prattville, Alabama
122 West Main Street, Prattville, AL 36066
334-301-3615 • FAX 334-301-1766
www.prattvilleal.gov
joel.duke@prattvilleal.gov

From: Patrick Mears [mailto:pmears@charter.net]
Sent: Thursday, May 31, 2012 12:44 PM
To: Duke, Joel
Cc: CC Mike Renegar Forward; joyce_thorn@almb.uscourts.gov
Subject: RE: 106 Beth Manor Court

Mr. Duke,

I thought I'd take a moment to follow up with you regarding the disposition of reversing the replat of lot 19 at 106 Beth Manor Court. I know that in our last conversation you were still looking into how best to address this problem. The reason I'm inquiring is that I was contacted by Mr. Kenneth Chambliss last week wanting to negotiate a solution to our differences. It's a conversation I would prefer not to have until I have a clearer picture as to when the replat reversal will occur. Granted, I understand that you and the City do not want to rush the process and risk compounding the problem, but if you have just a brief moment to give me an update, I'd greatly appreciate it. I know Mr. Chambliss and I may not view the situation in the same manner, but I'd like to give him a timely response if I can. Thank you for your time, and have a good afternoon.

Patrick Mears
253 Terri Lane
Prattville, AL 36066
(334) 207-3132

From: Duke, Joel [mailto:Joel.Duke@prattvilleal.gov]
Sent: Wednesday, May 16, 2012 4:50 PM
To: pmears@charter.net
Subject: RE: 106 Beth Manor Court

Patrick Mears

From: Patrick Mears <pmears@charter.net>
Sent: Monday, July 02, 2012 4:16 PM
To: Duke, Joel
Cc: CC Mike Renegar Forward
Subject: RE: 106 Beth Manor Court
Signed By: pmears@charter.net

Mr. Duke,

Briefly, I wanted to check with you to see what determination has been made with regards to replat of Lot 19 located at 106 Beth Manor Court. Our last communication indicated that you would be reviewing the building permit on June 29, with the possibility of introducing a resolution for the July 19 committee meeting to withdraw the Planning Commission's approval of the replat. At your convenience, if you would please let me know what the status of this is, I would greatly appreciate it.

Patrick Mears

From: Duke, Joel [mailto:Joel.Duke@prattvilleal.gov]
Sent: Tuesday, June 05, 2012 3:36 PM
To: pmears@charter.net
Cc: CC Mike Renegar Forward; joyce_thorn@almb.uscourts.gov
Subject: RE: 106 Beth Manor Court

Mr. Mears,

Mr. Chambliss requested additional time for his attorney to review the situation. The Stop Work Order remains in place. I will review the building permit again on June 29. A resolution withdrawing the Planning Commission's approval for the replat of Lot 19, Overlook Estates, Plat 5 will be submitted for consideration on the July 19, 2012 agenda.

If you have additional questions, please call or e-mail.

Sincerely,

Joel T. Duke, AICP

City Manager
100 West Main Street
Prattville, AL 36068
Phone: 334-791-1111
www.prattvilleal.gov
joel.duke@prattvilleal.gov

From: Patrick Mears [mailto:pmears@charter.net]
Sent: Thursday, May 31, 2012 12:44 PM
To: Duke, Joel
Cc: CC Mike Renegar Forward; joyce_thorn@almb.uscourts.gov
Subject: RE: 106 Beth Manor Court

Mr. Duke,

Patrick Mears

From: mike renegar <mrenegar@knology.net>
Sent: Tuesday, July 10, 2012 6:27 PM
To: Patrick Mears
Subject: Re: Follow up

I will forward this to the Mayor and I will follow up with Duke tomorrow. I will have an answer for you tomorrow if at all possible. Communication on a timely basis is something that the Mayor has counseled Mr. Duke on in the recent past as recent as last Friday.

Mike

----- Original Message -----

From: Patrick Mears
To: Mike Renegar
Sent: Tuesday, July 10, 2012 6:00 PM
Subject: Follow up

Mike,

While I had a quick minute, I wanted to see what the status of my land at 106 Beth Manor Ct is, and also to see what the Mayor has had to say about that and the agendas. I'm getting a lot of silence from the city, especially your planner that will not return my mail or telephone calls. If it isn't clear yet how frustrating this is, I will be glad to express my displeasure directly to the Mayor again. June 28th was the deadline and still no answer from the city. Mike, can you tell me now when I will have an answer? Almost two weeks...nothing.

Mike, would you, the Mayor, or even Duke please let me know what's going on? Not tomorrow or the next day, but now?

Patrick Mears

Patrick Mears

From: Duke, Joel <Joel.Duke@prattvilleal.gov>
Sent: Wednesday, July 11, 2012 12:06 PM
To: pmears@charter.net
Cc: Mayor, CC Mike Renegar Forward
Subject: RE: 106 Beth Manor Court
Attachments: RESOLUTION - Withdrawing Commission Approval - July 19 2012.pdf

Mr. Mears,

The stop work order placed on the building permit issued for 106 Beth Manor Court remains in place. At the July 19, 2012 Planning Commission meeting, I will request that the Commission adopt the attached resolution. Since neither the Commission nor the City may unrecord the plat filed by Mr. Chambliss, this resolution will be recorded showing the Commission action to withdraw approval. The resolution does not appear on the draft agenda currently posted online. The final agenda is set a week before the Commission meeting.

If you have any additional questions, please do not hesitate to call or e-mail.

Sincerely,

Joel T. Duke, AICP
City Engineer
West Main Street, Prattville, AL 36071
334-361-3600
www.prattvilleal.gov
or joel@prattvilleal.gov

From: Patrick Mears [mailto:pmears@charter.net]
Sent: Monday, July 02, 2012 4:16 PM
To: Duke, Joel
Cc: CC Mike Renegar Forward
Subject: RE: 106 Beth Manor Court

Mr. Duke,

Briefly, I wanted to check with you to see what determination has been made with regards to replat of Lot 19 located at 106 Beth Manor Court. Our last communication indicated that you would be reviewing the building permit on June 29, with the possibility of introducing a resolution for the July 19 committee meeting to withdraw the Planning Commission's approval of the replat. At your convenience, if you would please let me know what the status of this is, I would greatly appreciate it.

Patrick Mears

From: Duke, Joel [mailto:Joel.Duke@prattvilleal.gov]
Sent: Tuesday, June 05, 2012 3:36 PM
To: pmears@charter.net
Cc: CC Mike Renegar Forward; joyce_thorn@almb.uscourts.gov
Subject: RE: 106 Beth Manor Court

Mr. Mears,

RESOLUTION

To Withdraw Commission Approval of
Overlook Estates, Plat No. 5A

July 19, 2012

Whereas, Kenneth A. Chambliss requested Prattville Planning Commission approval of the re-plat known as Overlook Estates, Plat No. 5A, which included Lot 19 of the Overlook Estates, Plat No. 5 as recorded in Autauga County Plat Book 2, Page 233 and property removed by from Lots 13, 14, 15 of the Overlook Estates Plat No. 8 by a re-plat recorded in Autauga County Plat Book 3, Page 2, and

Whereas Mr Chambliss certified by his signature on Overlook Estates, Plat No. 5A his ownership of the property contained in the submitted re-plat, and

Whereas, the Commission found the submitted re-plat complied with the Commission's adopted subdivision regulations and City of Prattville zoning ordinances and approved the plat as presented, and

Whereas, the Commission has since been presented information indicating that Mr Chambliss did not have clear title to that portion of the approved re-plat originally contained in the re-plat of Lots 13, 14, 15 of the Overlook Estates Plat No. 8 as recorded in Autauga County Plat Book 3, Page 2.

Now Therefore Be It Resolved by the Prattville Planning Commission that the March 15, 2012 approval of Overlook Subdivision, Plat 5A recorded in Plat Book 2012, Page 5 of the Office of the Judge of Autauga County is hereby withdrawn.

Be It Further Resolved that the Commission Secretary is instructed to record a copy of this resolution in the Office of the Judge of Probate of Autauga County.

APPROVED:

Reuben Gardner, Chairman

Alisa Morgan, Secretary

September 12, 2012

Mr. Kenneth A. Chambliss
834 Heather Drive
Prattville, AL 36066

Mr. Chambliss,

First I'd like to say thank you again for meeting with Wayne Thorn and I on August 3rd to discuss the situation with your lot at 106 Beth Manor Court. Granted, we all remained firm in our positions, but at least we are all aware of what the other would like to see happen. I know we would all like to find a way to move forward to the benefit of all involved. With that said, I would like to reiterate my offer of selling lots 14 and 15 (of Block 8 Overlook Estates Plat No. 8, from Map Book 2, recorded on page 264 in the office of the Judge of Probate of Autauga County) to you for the price of \$1.00, contingent upon your agreeing to build a single home in roughly the same footprint as the home that previously existed on this lot prior to the tornado on February 17, 2008. This offer will remain valid until the end of business on Monday, October 1, 2012. I would hope to receive a response from you, whether it is to accept or reject the offer, but if I have not heard from you by end of business on Monday, October 1, 2012, I will assume you have chosen not to accept this offer. I thank you for your time.

Sincerely,

Patrick Mears
253 Tert Lane
Prattville, AL 36066
Cell: (334) 207-3132



PUBLIC RECORDS REQUEST

Requestor Information - Please Print

Name Joyce Thorn

Address 109 Beth Manor Court

City Prattville State AL Zip 36066 Phone Number 546-1124

Information Requested: Please describe the information requested as specifically as possible.

Copy of variance issued for 249 Teri Lane
+ Kimberly or Kenny Chambless in 2008

I understand the charge for copies is Fifty Cents (\$.50) per page and that I may choose to have any single document comprising more than ten (10) pages and available in a digital format copied to a compact disc at a cost of Five Dollars (\$5). I hereby agree to pay any and all fees as set forth on this form.

If applicable under the conditions set forth above, I choose to have copies provided on a disc

Signature Joyce Thorn

Date Requested 10-3-12

RESPONSE

 Request Approved

Request Denied

Reason Denied No records found for variance @ 249 Teri Lane.

Finance Director Joel Dube RMJ

Date 10/3/12

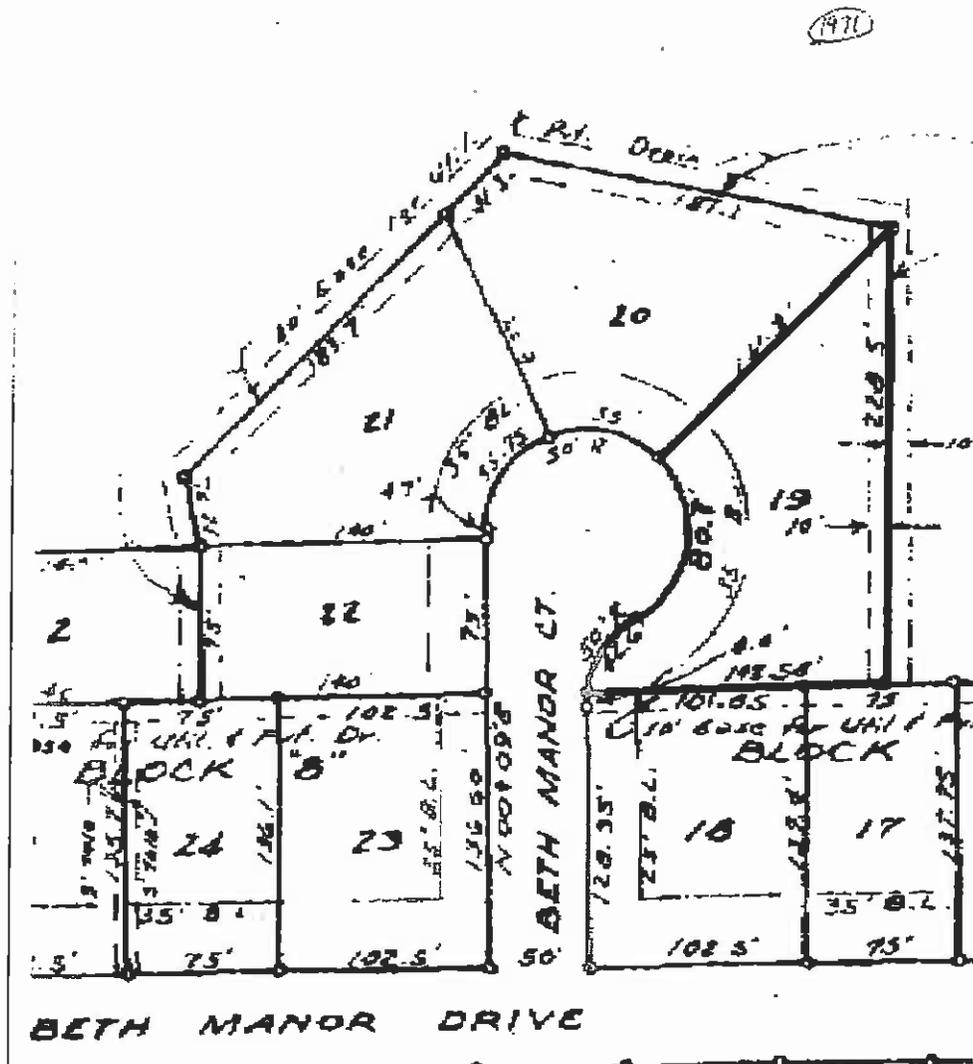
RECORD OF PUBLIC RECORDS COPIED AND RELEASED

Number of Copies or Discs Received Cost Receipt #

Signature Date Received

APPENDIX B - HISTORY OF 106 BETH MANOR COURT

DESCRIPTION: Lot 19, in Block 8, according to the Plat of Overlook Estates Plat No. 5, as recorded in the Office of the Judge of Probate of Autauga County, Alabama, in Plat Book 2, at Page 233.



PRIOR TO JANUARY 10, 1972

Owned and developed by Thames Lumber and Manufacturing Company, Inc.

JANUARY 10, 1972

Purchased by Jack Sherman Gearhart and Eleanor H. Gearhart (presently Moore), husband and wife. Property described as Lot 19, in Block 8, according to the Plat of Overlook Estates Plat No. 5, as recorded in the Office of the Judge of Probate of Autauga County, Alabama, in Plat Book 2,

at Page 233. This deed was filed in the Office of the Judge of Probate of Autauga County, Alabama, on January 17, 1972.

APRIL 29, 1980

Purchased by Philip D. McMillan and Nancy T. McMillan, husband and wife. Property described as Lot 19, in Block 8, according to the Plat of Overlook Estates Plat No. 5, as recorded in the Office of the Judge of Probate of Autauga County, Alabama, in Plat Book 2, at Page 233. This deed was filed in the Office of the Judge of Probate of Autauga County, Alabama, on May 21, 1980.

JANUARY 19, 1998

Purchased by Gerald E. Cade and Tammy L. Cade, husband and wife. Property described as Lot 19, in Block 8, according to the Plat of Overlook Estates Plat No. 5, as recorded in the Office of the Judge of Probate of Autauga County, Alabama, in Plat Book 2, at Page 233. This deed was filed in the Office of the Judge of Probate of Autauga County, Alabama, on January 21, 1998.

FEBRUARY 17, 2008

Tornado causes widespread damage to the Overlook Estates neighborhood, including the home at 106 Beth Manor Court.

JUNE 18, 2008

Purchased by Micheal W. Price. Property described as Lot 19, in Block 8, according to the Plat of Overlook Estates Plat No. 5, as recorded in the Office of the Judge of Probate of Autauga County, Alabama, in Plat Book 2, at Page 233. This deed was filed in the Office of the Judge of Probate of Autauga County, Alabama, on June 18, 2008.

Note of Interest: *This deed filed in the Office of the Judge of Probate of Autauga County, Alabama, included a map denoting only Lot 19 in this sale. The remnants of Lots 13, 14, and 15 have not been referenced or included in any prior sale of Lot 19.*

SEPTEMBER 26, 2008

Purchased by Kenneth A. Chambliss. Property described as Lot 19, in Block 8, according to the Plat of Overlook Estates Plat No. 5, as recorded in the Office of the Judge of Probate of Autauga County, Alabama in Plat Book 2 at Page 233.

Note of Interest: *As with the previously recorded deed to Micheal W. Price, this deed filed in the Office of the Judge of Probate of Autauga County, Alabama, included a map denoting only Lot 19 in this sale. The remnants of Lots 13, 14, and 15 have not been referenced or included in any prior sale of Lot 19.*

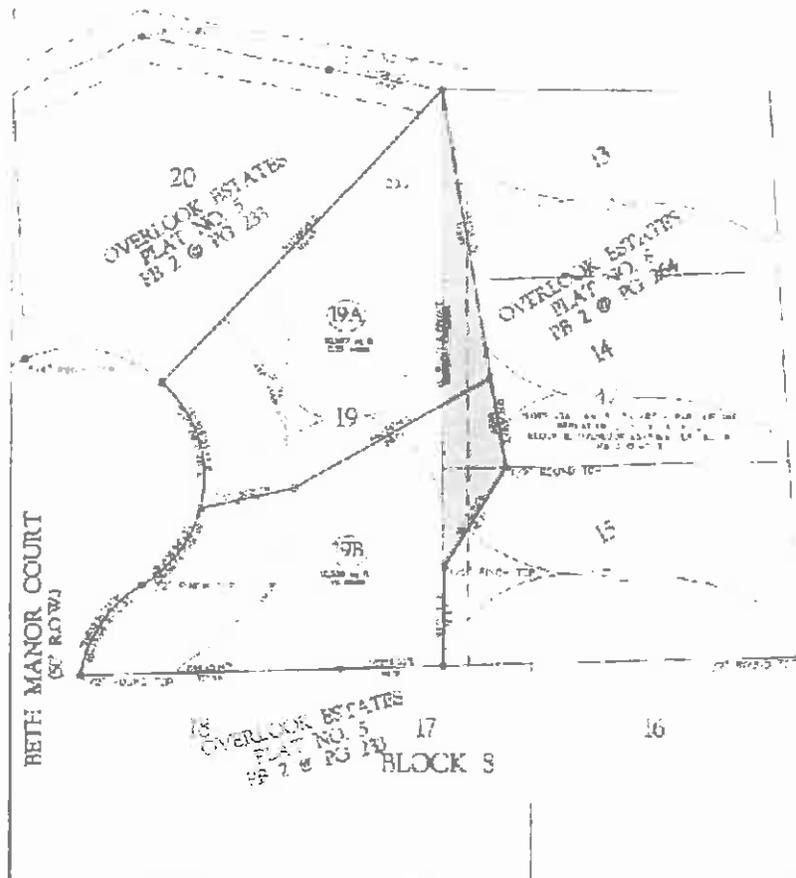
(Based on deeds obtained from the Office of the Judge of Probate of Autauga County, Alabama)

APPENDIX C - HISTORY OF LOTS 13, 14, AND 15

DESCRIPTION: Lots 13, 14, and 15, Block 8, Overlook Estates Plat No. 8, as recorded in Map Book 2, at Page 264, in the Office of the Judge of Probate of Autauga County, Alabama.

The remnants of lots 13, 14, and 15 are (according to the Replat of Lots 13, 14, and 15, Block 8, Overlook Estates, Plat No. 8, as recorded in Map Book 3, at Page 2, in the Office of the Judge of the Probate of Autauga County, Alabama) described as beginning at a point on the west line of Lot 15, Block 8, according to the Plat of Overlook Estates Plat No. 8, as recorded in Map Book 2, at Page 264, in the Office of the Judge of Probate of Autauga County, Alabama, 39.25 feet north of the southwest corner of said Lot 15, thence northeasterly a distance of 46.3 feet to a point on the north line of said Lot 15 a distance of 25.0 feet east of the northwest corner of said Lot 15; thence northwesterly a distance of 75.7 feet to a point on the north line of Lot 14 in said Block 8 a distance of 15 feet east of the northwest corner of said Lot 14; thence northwesterly a distance of 76.5 feet to the northwest corner of Lot 13 in said Block 8, thence southerly and along the west line of said Lots 13, 14, and 15, Block 8, a distance of 189.25 feet to the point of beginning.

The Replat that created the remnant of Lots 13, 14, and 15, occurred in March/April 1973, and was recorded in the Office of the Judge of Probate of Autauga County, Alabama, on April 5, 1973.



APRIL 6, 1966 - FEBRUARY 6, 1973

Thames Lumber and Manufacturing Company, Inc. (formerly Thames Land Company, Inc.) and Aronov Realty Company, Inc.

Purchased from Don McQueen Smith and wife, Lenore O. Smith. This purchase was prior to the development of Overlook Estates and the establishment of the individually platted lots. It should be noted that Thames Land Company, Inc. was dissolved on August 29, 1969, with its assets being transferred to the corporation of Thames Lumber and Manufacturing Company, whose incorporation was certified in the Office of the Judge of Probate of Montgomery County, Alabama, on May 12, 1967.

FEBRUARY 6, 1973 TO APRIL 11, 1973

Thames Lumber and Manufacturing Company, Inc.

Aronov Realty Company, Inc. sold and transferred its rights to the previously mentioned parcel(s) of land to the Thames Lumber and Manufacturing Company, Inc. on February 6, 1973, signed by Aaron Aronov (President) and Herman Aronov (Secretary). This deed was filed in the Office of the Judge of Probate of Autauga County, Alabama, on February 12, 1973.

MARCH 5, 1973

Thames Lumber and Manufacturing Company, Inc.

Thames Lumber and Manufacturing Company, Inc. has lots 13, 14, and 15 replatted. This creates what are currently lots 13A, 14A, and 15A, leaving what have been referred to as the remnants of lots 13, 14, and 15.

APRIL 11, 1973 TO APRIL 18, 2012: OWNER OF REMNANT OF LOTS 13, 14, AND 15

Jack Gearhart and Eleanor Moore (formerly Gearhart)

Purchased from Thames Lumber and Manufacturing Company, signed by William K. Thames (President) and G.W. Wright (secretary). Filed in the Office of the Judge of Probate of Autauga County, Alabama, on February 27, 1980.

APRIL 18, 2012 TO TODAY: OWNER OF THE REMNANT OF LOTS 13, 14, AND 15

Patrick G. Mears

Purchased from Jack Gearhart and Eleanor Moore (formerly Gearhart) on April 18, 2012, and filed in the Office of the Judge of Probate of Autauga County, Alabama, on the same date. Filed with the Autauga County Tax Assessors Office on the same date, being referenced to as a split from 19-06-14-3.

(Based on title abstract provided to the Mears family at time of home purchase in 1973)

APPENDIX D – IMAGES OF BETH MANOR COURT (PRIOR TO 2008)



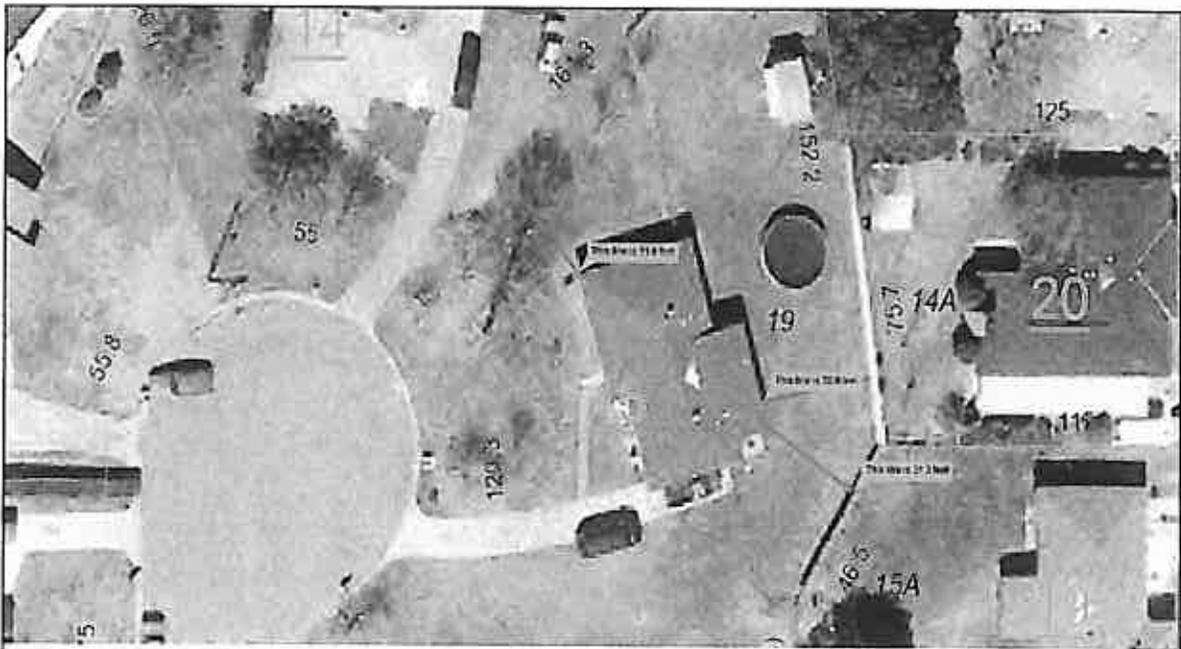
Overlook Estates

106 Beth Manor Court

Printed Fri Oct 5 2012

Maps are for Tax Purposes Only. Not to be Used for Conveyance

Powered by EMapsPlus.com



Overlook Estates

106 Beth Manor Court

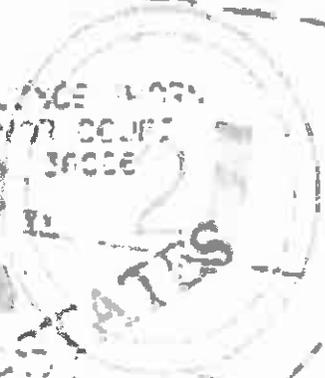
Printed Fri Oct 5 2012

Maps are for Tax Purposes Only. Not to be Used for Conveyance

Powered by EMapsPlus.com

IANOR COURT (50' R.O.W.)

PAVING & CURB WORK
1/4" PER MANHOLE COEFF
FRATINILE 36026



19A

EXISTING
SLAB

220.7

220.5

13.51

NET 787.4'E
101.09

40.51

15.01

33'

100.00
1/2

220.7

10.00

PINCH 10'

8

45.00

100.00

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

MEETING DATE: October 9, 2012

PETITIONER: Esther & Chris Caver

ADDRESS OF PETITION: 595 Lower Kingston Road

	NAME	ADDRESS
1.	<i>Esther Caver</i>	<i>597 L Kingston</i>
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CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	9/25/12
APPLICATION TYPE:	Variance (121009-02)
PROPERTY LOCATION or DESCRIPTION:	595 Lower Kingston Road
PETITIONER(S) AND AGENT(S):	Esther & Chris Caver
ZONING DISTRICT(S)	R-3 (Single Family Residential)
REQUESTED ACTION:	To place a manufactured home on property.
ZONING ORDINANCE REFERENCE:	<p>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</p> <p>R-3 District:</p> <p>USES PERMITTED: Single Family dwellings</p> <p>USES PERMITTED ON APPEAL: Apartments* Clubs, not conducted for a profit; rooming and boarding houses. (See regulations common to all "R" Districts).</p> <p>ALL 'R' DISTRICTS</p> <p>USES PROHIBITED: Mobile homes, house trailers, trailer courts or camps, commercial and industrial uses including parking lots or parking areas in connection with these uses, not specifically permitted.</p>

595
LOWER KINGSTON RD

SCALE: 1" = 100'



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.prattvilleal.gov

121009-02

Application

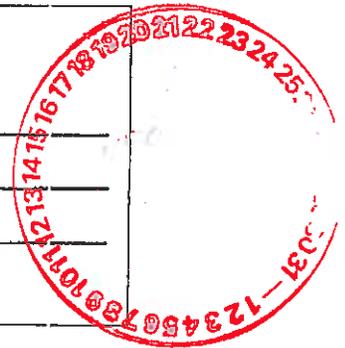
Prattville Board of Zoning Adjustment

Variance
 To place a manufactured home on property

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: Esther & Chris Caver
 Address of Property Owner: 595 Lower Kingston
 City: Prattville State: AL Zip: 36067
 Phone Number: (334) 369-6511 after 4:30 PM
365-9787 day

Property Description

County Tax Parcel Number/Legal Description: 0022993000

Current Zoning of Property: R3 Physical Address: 595 Lower Kingston

Proposed Use of Property (generally): home site

Describe Proposed Use or Variance: I would like to place a manufactured home on the open lot to the left of the house located on the property for my son. He has small children he needs help with due to his work schedule with CSX railroad, which requires him to work both days & nights. He is a single father that takes care of his children several days each week. He has joint custody and he and his exwife split time each week.

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

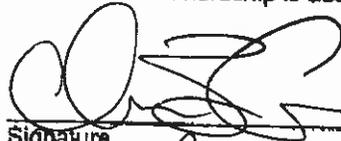
- Tax record map from the Autauga County or Elmore County Tax Assessors Office
- Site sketch plan (drawn to scale) showing any property lines, required and proposed setbacks, existing and proposed structures and any additional information you believe will be helpful to the Board of Adjustment
- Application 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.
- N/A 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. § 11-62-80(d) (3)

To place a manufactured home on lot for my son because he needs help with his small children. He is a single father that works for CSX Railroad which requires both day & night work. He has to take care of the children several nights each week.

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.

CHRIS B CAVER  9/17/12
 Printed Name Signature Date
~~Esther Caver~~  9-17-12
 Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Esther + Chris Caver, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 17th day of September, 2012

Denise Poole
Notary Public
My commission expires 08-25-2014

Proposed ^{5th} Location ↓

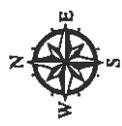
121009-02/A
Variance
To place a manufactured home on property



CITY OF
PRAITVILLE, ALABAMA

595
Lower Kingston Rd
Zoning: R-3

1" = 50'



STREETS
TAX PARCELS



August 2012

To whom it may concern:

I have been approached by Esther and Chris Caver wishing to have a lot they own rezoned. I understand they wish to have a manufactured home placed on the open lot they own located at 595 Lower Kingston. I understand the reason for this request is to place the home there so Jason Caver can live there with his children. Jason is a single parent with joint custody of his children who spend several days and nights each week with him. Jason works with CSX Railroad and needs help getting his children ready and transported to and from school each day due to his work schedule.

I do not think that placing a manufactured home at this address will have any ill effect on our community. I would like to state that I do not have any objections to the rezoning of this property and I hope the variance will be approved by the Board of Zoning Adjustment.

Deoyi Lator

624 LOWER KINGSTON

828-12

RECEIVED
SEP

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588 Lower Kingston
Prattville, AL 36067

RECEIVED
SEP

August 2012

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Sanaha Mann 8-29-12
595 Lower Kingston

SEP