



CITY OF PRATTVILLE

BILL GILLESPIE, JR.
MAYOR

CITY COUNCIL

WILLIE WOOD, JR.
PRESIDENT
DISTRICT 2

ALBERT C. STRIPLIN
PRESIDENT PRO TEMPORE
DISTRICT 1

DENISE B. BROWN
DISTRICT 3

JERRY STARNES
DISTRICT 4

CLYDE CHAMBLISS, JR.
DISTRICT 5

RAY C. BOLES
DISTRICT 6

LORA LEE BOONE
DISTRICT 7

City of Prattville Board of Zoning Adjustment

**The minutes of the June 16, 2014 meeting of the
City of Prattville Board of Zoning Adjustment
were approved.**

Leo Jamieson, Chairman

12 August 2014

Date



CITY OF PRATTVILLE

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DISTRICT 7

CITY OF PRATTVILLE BOARD OF ZONING ADJUSTMENT A G E N D A June 16, 2014 4:00pm

Call to Order:

Roll Call:

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

Minutes:

Old Business:

None

New Business:

1. 140610-01 VARIANCES

To allow a mobile home in an R-2 zoning district.
To change the setback requirements
230 Lewis Street
R-2 Zoning District (Single Family Residential)
Ameer Craion, Petitioner

District 2

2. 140610-02 VARIANCE

To locate accessory structure closer to the required 22' property line.
1286 County Road 85
FAR Zoning District (Forest, Agricultural, Recreation)
Orelynn Golson, Petitioner

District 1

3. 140610-03 VARIANCE

To change the required front and side yard setbacks
1818 Riverton Drive
R-2 Zoning District
Double D. Builders, LLC, Petitioner

Miscellaneous:

Adjourn:

PLANNING & DEVELOPMENT DEPARTMENT

102 WEST MAIN STREET ■ PRATTVILLE, ALABAMA 36067 ■ 334-595-0500 ■ 334-361-3677
FACSIMILE
planning.prattvilleal.gov

**City of Prattville Board of Zoning Adjustment
Minutes
June 16, 2014**

CALL TO ORDER:

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:03 p.m. on Tuesday, June 16, 2014.

ROLL CALL:

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

Quorum Present

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

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

MINUTES:

Mr. Cimis moved to approve the minutes of the March 11, 2014 and April 8, 2014 meetings. Mrs. Schannep seconded the motion. The motion passed unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

VARIANCES

To allow a mobile home in an R-3 zoning district.

To change the setback requirements

230 Lewis Street

R-3 Zoning District (Single Family Residential)

Ameer Craion, Petitioner

Mr. Duke provided the staff report for the variance to allow a mobile home at 230 Lewis Street. He stated the petitioner was requesting to place a mobile home on property that was zoned R-3 and change the setback requirements to allow the mobile home to be placed on the property. He stated that the existing mobile home was placed on the property in 1972 and the petitioner wishes to replace with a newer unit. He stated that the petitioner wishes to encroach 10' into the required 25' front yard and 8' into the required 30' rear yard.

Mr. Duke stated that Lewis Street is a public street that was a private street to connect to Peagler Street. He stated that in March 2001, the previous owner, Mr. Taylor, with other adjacent residents had petitioned to have the private drive known as Lewis Street accepted for public maintenance by the City of Prattville which the city council accepted the petition for maintenance of the street. He stated that once Lewis Street became a public street, the petitioner's lot became a corner lot as designated by the zoning ordinance requiring a 25' minimum setback from both streets (Lewis Street and Jensen Road).

Ameer Craion, petitioner, presented the variance request to place a mobile home on property at 230 Lewis Street. He stated that his hardship was inherited because Lewis Street runs through the middle of his property.

Chairman Jamieson opened the public hearing. There were none to speak. The public hearing was closed.

Mr. Duke stated that there was no existing variance on the property for the mobile home use. He stated that there was no clear record of the zoning history. He stated that there is a mixture of housing in the area. He stated that rezoning was considered by the city and the owner, but there is no established pattern to guide zoning. He recommended approval of the mobile home use due to minimal or no impact to the surrounding properties.

After no further comments, questions, or discussion, the vote was called. The BZA voted unanimously to approve the variance to allow a mobile home in an R-3 zoning district and to encroach 10' into the required 25' front yard setback and 8' into the required 30' rear yard setback on property at 230 Lewis Street.

VARIANCE

To locate an accessory structure closer to the required 22' property line.

1286 County Road 85

FAR Zoning District (Forest, Agricultural, Recreation)

Orelynn Golson, Petitioner

Mr. Duke provided the staff report for the variance request to place an accessory structure on property at 1286 County Road 85. He stated that the FAR Zoning requirements that accessory structures be located from property line by measure of height calculation. He stated that by measurement the proposed structure should be located 22' from the property line and the petitioner was requesting to place the structure 12' from the property line.

Orelynn Golson, petitioner, stated that the property is located off the road in a wooded area. She stated that the property drops steeply and into floodplain behind the building and was trying to do everything legally. She stated that there is swamp and unusable land on back two lines.

Chairman Jamieson opened the public hearing. There were none to speak. The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. The BZA voted unanimously to approve the variance to allow an accessory structure to locate 12' from the side yard line on property at 1286 County Road 85.

VARIANCE

To change the required front and side yard setbacks.

1818 Riverton Drive

R-2 Zoning District

Double D. Builders, LLC, Petitioner

Mr. Duke provided the staff report for the variance request to change the front and side yard setbacks on property at 1818 Riverton Drive. He stated that the vacant lot was located at the north east corner of Trolley and Riverton Road. He stated that since the application the petitioner had submitted a revised site plan requesting a 10' encroachment on Trolley Road.

Don Moser of Double D. Builders, LLC stated that the embankment on the rear of the lot causes hardship to place house on property. He stated that the original submission place the house closer to the embankment. He stated that the entrance would face Riverton Drive.

Chairman Jamieson opened the public hearing. There were none to speak. The public hearing was

Approved 8/12/14

closed.

After no further comments, questions, or discussion, the vote was called. The BZA voted unanimously to approve the variance to allow a 10' encroachment into the required 35' side yard line on property at 1818 Riverton Drive.

MISCELLANEOUS:

Chairman Jamieson asked that the City Planner prepare a letter requesting the City Council to appoint an alternate member for the board.

ADJOURN:

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

Respectfully submitted,

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

Alisa Morgan, Secretary
Board of Zoning Adjustment

PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: AMEER CRAION
230 LEWIS STREET
PRATTVILLE, AL 36067

REQUEST: VARIANCE TO PLACE A MOBILE HOME IN AN R-3 ZONING DISTRICT AND TO CHANGE THE SETBACK REQUIREMENTS.
230 LEWIS STREET
R-3 ZONING DISTRICT (SINGLE FAMILY RESIDENTIAL)

ORDER

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on June 16, 2014 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the variance to allow a mobile home in a R-3 zoning district and to encroach 10' into the required 25' front yard setback and 8' into the required 30' rear yard setback on property at 230 Lewis Street.**

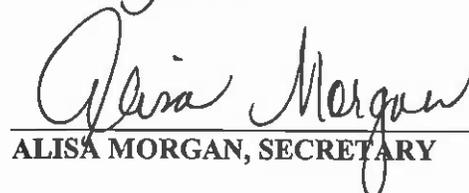
IT IS THEREFORE ORDERED the petition of Ameer Craion, 230 Lewis Street, Prattville, AL is hereby approved.

DONE THIS THE 16th DAY OF June 2014.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: June 16, 2014

PETITIONER: Ameer Craion

ADDRESS OF PETITION: 230 Lewis Street

	NAME	ADDRESS
1.	<u>Ameer CRAION</u>	<u>230 Lewis Street</u>
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CITY OF PRATTVILLE
Board of Zoning Adjustment
Planning Department Staff Report



VARIANCE 230 Lewis Street
BZA Application – 140610-01

DATE June 15, 2014

PROPOSED DEVELOPMENT

Petitioner: Ameer Craion
Property Owners: Ameer Craion and Princess Craion (minor)
Agent: N/A
Location: 230 Lewis Street

Development Status and History

Previous Variance Requests/Approvals: N/A
Conditions of Previous Approvals: N/A

Property Configuration

Acreage: 0.48 acres (20,909 square feet)
Zoning Classification: R-3, Single Family Residential

Relevant District Standards: ALL "R" Districts:
Uses Permitted: Accessory structures: gardens, playgrounds and parks; public buildings, including public schools and libraries; satellite dishes or discs as herein defined by that ordinance, and no other; and parking of recreational vehicles, as herein defined subject to the following conditions: a) At no time shall such parked or stored camping and recreational equipment be occupied or used for living, sleeping or housekeeping purposes. b) If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored to

the rear of the front of the building line of the lot. c) Notwithstanding the provisions of subparagraph (b), camping and recreational equipment may be parked anywhere on the premises for loading and unloading purposes.

Uses Permitted on Appeal: Customary home occupations; public utility structures, such as electric substations, gas metering stations, sewage pumping stations and similar structures; general hospitals for humans, except primarily for mental cases; churches; cemeteries; semi-public buildings; golf courses; municipal, county, state or federal use; kindergartens, nurseries, nursery schools, day care centers, private schools; and satellite dishes or discs, not defined herein.

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.

R-3 Districts

Uses Permitted: Single-family dwellings

Yard Setbacks:

Front: 25'

Rear: 30'

Side: 8'6'

Requested Variance:

Effective variance as re-stated by staff (see application for applicant statement):

1. Replacement of mobile home currently located on the lot with newer unit.
2. Encroachments into required 25" front setback and 30' rear setback. Amount of encroachment:
 - a. 10' into front yard
 - b. 8' encroachment into rear yard.

Statement of Hardship:
(taken from application)

“To whom it may concern, I Ameer Craion inherited a hardship that was not created by me. My grandfather purchase this land and gave it to my mother after he died in December 2001. On February 22 of 2001, Delores Taylor Traywick signed for Menthone Taylor (grandfather) for a road (Lewis Street) to be maintained by the City of Prattville. It was deeded to my mother in June of 2002 after accepted by the City of Prattville for maintenance. After the death of my mother, Mary Gardner, the land was inherited by me and my daughter, Princess Craion, on November 2, 2012. In 2014, I learned that Lewis Street is running through the middle of my property rather than on the end of my property. So that leave me no choice but to ask for a variance because the street had been accepted for maintenance by the City of Prattville before my mother, Mary Gardner, and I received ownership.” *(items in parenthesis added for clarification)*

PLANNING STAFF EVALUATION

Reviewed by: Joel T. Duke, AICP

Site Visits Conducted: Several visits in March and April 2014

Recommendation: Approval of mobile home use due to minimal or no impact to surrounding properties. Approval of setback variances based on demonstrated hardship.

Planning Staff Comments:

In March 2014, Mr. Craion and his family approached the city about a permit to replace their single wide mobile home located at 230 Lewis Street with another mobile home. Due to the zoning classification of R-3, Single-family Residential, Mr. Craion was told that a replacement for the current legal non-conforming use would not be permitted. It was also determined that due to Mr. Craion’s lot having frontage on two streets, Lewis Street and Jensen Road, he would have to meet the 25’ front setback from each. By deed and tax assessor’ map, Mr. Craion’s lot is approximately 90’ wide and 220’ deep. He inherited the lot from his mother in November 2012. His mother, Mary Gardner had inherited the lot from her father Menthone Taylor in 2002. In March 2001, Mr. Taylor

had petitioned in conjunction with other adjacent residents to have a private drive known as Lewis Street accepted for public maintenance by the City of Prattville. The city council accepted the petition for maintenance of the street. Once Lewis Street became a public street rather than a driveway, Mr. Craion's lot became a corner lot as designated by the zoning ordinance requiring a 25' minimum setback from both streets. In addition, Lewis Street was not located near the edge of the property, but 15' south of the north property line leaving a portion of the lot north of the newly designated street. Due to the approximately 15' road width and its location on the lot, the effective width of the lot was reduced from 90' to 60'. Mr. Craion states placement of a site built of mobile home on the site within the district guidelines is difficult or impossible.

State code and best practices require the BZA to measure variance requests against several basic standards. Below is the staff opinion regarding the standards and this request.

1. Special conditions and circumstances exist regarding this structure which are not applicable to other lands, structures, or buildings in the same R-3 zoning district.
 2. A literal interpretation of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.
 3. The special conditions and circumstances do not result from actions of the applicant.
 4. The granting of a variance will confer a special privilege on the applicant that is denied by this ordinance to other lands, structures, or buildings in the same R-3 district;
 5. The granting of a variance is in harmony with the intent and purposes of the zoning ordinance;
 6. A variance will not adversely affect the surrounding property, the general neighborhood, or the community as a whole;
 7. A variance will allow the establishment of a use prohibited under the terms of the zoning ordinance in an R-3 district.
- Mr. Craion claims an unnecessary hardship and states that the hardship is not self-created since it is due to acceptance of Lewis Street for public maintenance. He further states that he was not involved with the request for maintenance and he acquired the property as an inheritance. City staff supports his claim of

hardship and believes that a setback variance is necessary to permit redevelopment of the property under R-3 standards.

- Mr. Craion's argument for a variance to allow replacement of the existing mobile home with another is not as strong as for the setbacks, but should be carefully considered by the Board. Lewis Street, with the exception of two lots zoned T-2, is zoned R-3, however, the actual structures on the street are about evenly divided between site built (legally permitted structures) and mobile homes (prohibited use). In addition, there is not a clear pattern to their allocation among the lots. While it is safe to state that R-3 is probably not the best zoning for the entire area, one cannot clearly find a way to appropriately designate the lots based on current use without the zoning map of the area looking like an odd checkerboard. While replacement of the existing unit is extending a non-conforming use, it is not an expansion of the mobile home use. Unless there are creditable objections from adjacent property owners, the requested use variance should be granted.

ATTACHMENTS

1. Location Map

CITY OF
PRATTVILLE, AL

230
Lewis St

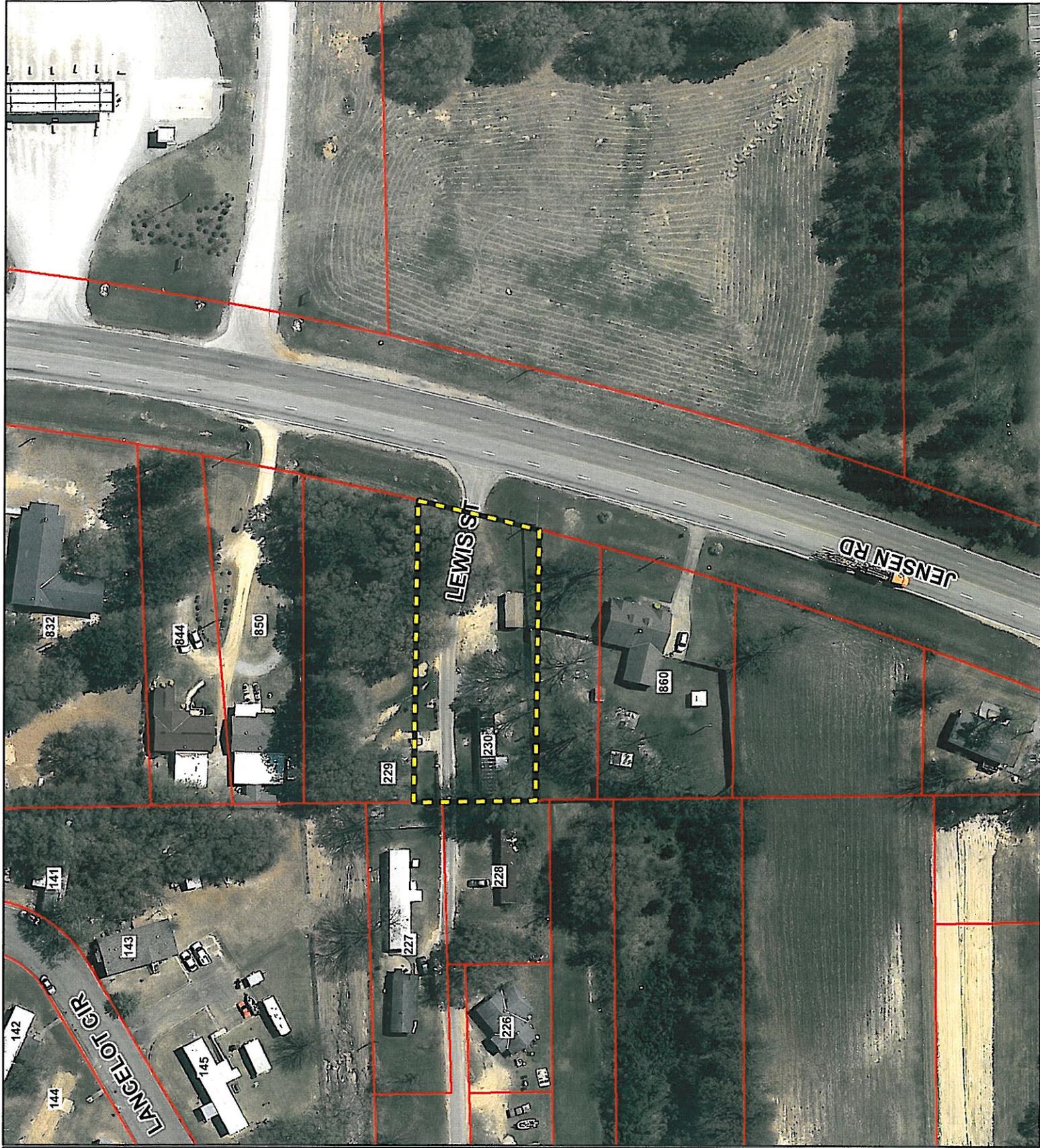
Zoning: R-3

Scale: 1" = 100'



— STREETS

□ TAX PARCELS



CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	5/19/14
APPLICATION TYPE:	Variance (140610-01)
PROPERTY LOCATION or DESCRIPTION:	230 Lewis Street
PETITIONER(S) AND AGENT(S):	Ameer Craion
ZONING DISTRICT(S)	R-2 (Single Family Residential)
REQUESTED ACTION:	Variances to allow a mobile home in an R-2 district and to change the setback requirements.
ZONING ORDINANCE REFERENCE:	<p>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</p> <p>R-2 District: USES PERMITTED: Single-family dwellings. (See: regulations common to all "R" Districts)</p> <p>MINIMUM LOT SIZE: Area in Square Feet: 10,500 Width at building line: 75 feet.</p> <p>MAXIMUM HEIGHT: 35 feet; 2 1/2 stories.</p> <p>MAXIMUM BUILDING AREA PERCENT: 25%</p> <p>Minimum Yard Size Front yard - 35' Rear Yard - 40' Side Yard - 10'</p> <p>Regulations common to all "R" Districts 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>

CITY OF
PRATTVILLE, AL

230
Lewis St

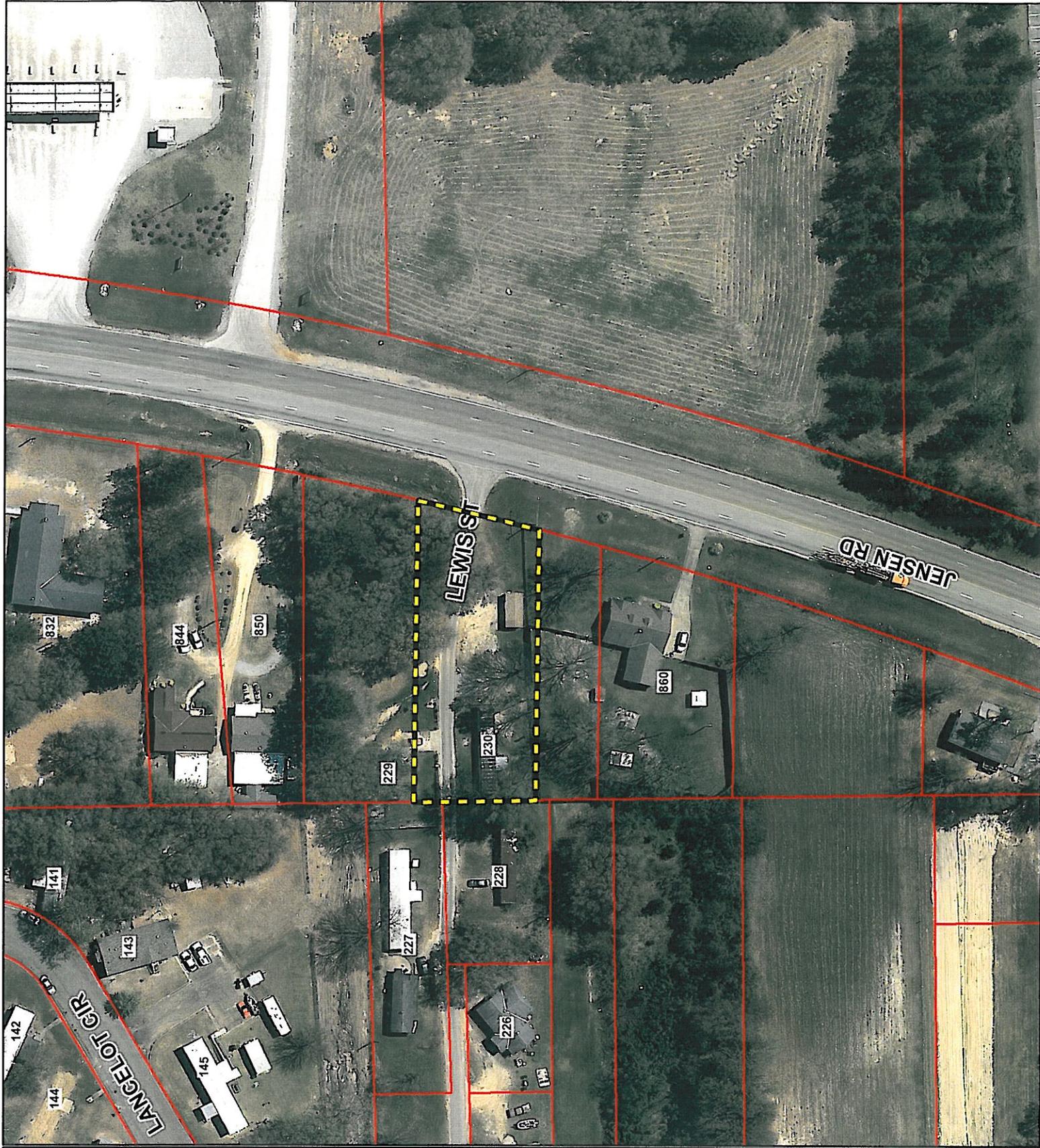
Zoning: R-3

Scale: 1" = 100'



— STREETS

□ TAX PARCELS





140610-01

Variations
To allow a mobile home in an R-2 district
To change the setback requirements

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

Application
Prattville Board of Zoning Adjustment

Type: Use-On-Appeal Variance Administrative Appeal

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

Name: Ameer Craion

Street Address: 230 Lewis Street

City: Prattville State: Alabama Zip: 36067

Phone Number(s): (334) 730-1172

Property Owner Information
If different than above

Name: Princess Craion (minor)

Address of Property Owner: 230 Lewis Street

City: Prattville State: Alabama Zip: 36067

Phone Number: (334) 730-1172

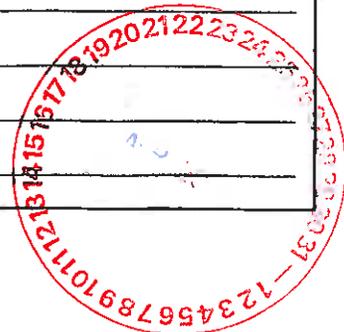
Property Description

County Tax Parcel Number/Legal Description: 19052130000160020

Current Zoning of Property: R-2 Physical Address: 230 Lewis Street

Proposed Use of Property (generally): Residential (current use)

Describe Proposed Use or Variance: Variance to allow placement of a mobile home on a lot zoned R-2. Variances to the required setbacks from Lewis: Street, rear and, side property lines: Front setback at 15' rather than required 35', Rear setback at 22' rather than the required 40', and side (west side) setback at 6' rather than the required 10'.



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. § 11-52-90(d) (3)

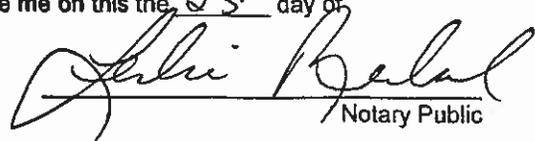
See the attach page

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.

Ameer Craion Ameer Craion 4-23-2014
 Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Ameer Craion, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 23rd day of

April, 2014


 Notary Public

My commission expires My Commission Expires 11-08-2015

140610-01/A

Variances

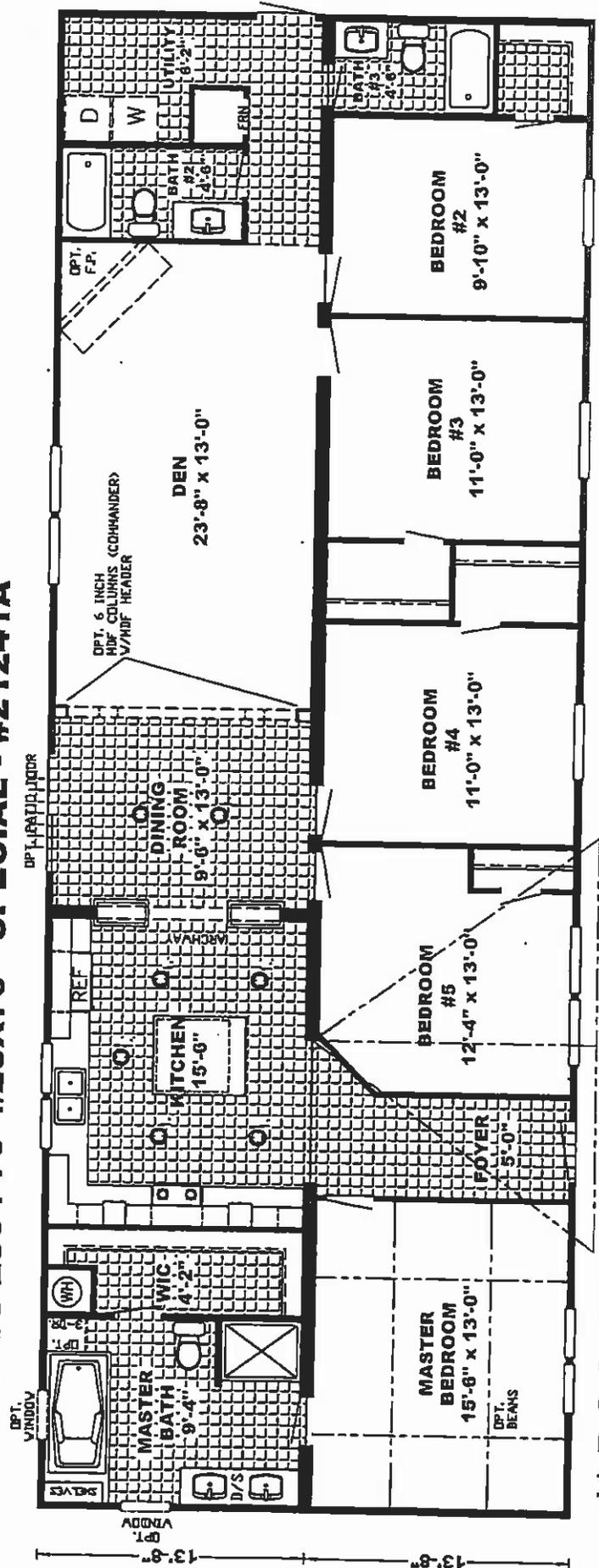
To allow a mobile home in an R-2 district
To change the setback requirements

To whom this may concern, I Ameer Craion inherited a parcel that was not created by me. My grandfather purchase this land and gave it to my mother after he died in December 2001. On February 22 of 2001 Delores Taylor Traywick signed for Menthone Taylor for a road to be maintain by the City of Prattville. It was deeded to my mother in June of 2002 after accepted by City of Prattville for maintenance. After the death of my mother Mary Gardner the land was inherited by me and my daughter Princess Craion on November 2, 2012. In 2014 I learned that Lewis St. is running through the middle of my property rather than along the end of my property. So that leave me no choice but to ask for a variance because the street had been accepted for maintenance by the City of Prattville before my mother Mary Gardner and I received ownership.

140610-01/B

Variances
 To allow a mobile home in an R-2 district
 To change the setback requirements

MODEL VS-2804-76-4/28X76 - SPECIAL - #21241A



**** R.S.O. PENDLEY**

PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: ORELYNN GOLSON
1286 COUNTY ROAD 85
PRATTVILLE, AL 36067

REQUEST: VARIANCE TO LOCATE AN ACCESSORY STRUCTURE CLOSER
TO THE REQUIRED 22' PROPERTY LINE.
~~230 LEWIS STREET~~ 1286 County Road 85
FAR ZONING DISTRICT (FOREST, AGRICULTURAL,
RECREATION)

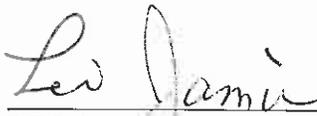
ORDER

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on June 16, 2014 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville voted to approve the variance to allow an accessory structure to locate 12' from the side yard line on property at 1286 County Road 85.

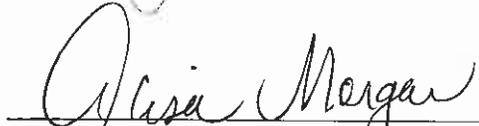
IT IS THEREFORE ORDERED the petition of Orelynn Golson, 1286 County Road 85, Prattville, AL is hereby approved.

DONE THIS THE 16th DAY OF June 2014.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: June 16, 2014

PETITIONER: Orelynn Golson

ADDRESS OF PETITION: 1286 County Road 85

	NAME	ADDRESS
1.	<i>Orelynn Golson</i>	<i>1286 Co Rd 85</i>
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CITY OF PRATTVILLE
Board of Zoning Adjustment
Planning Department Staff Report



VARIANCE 1286 County Road 85
BZA Application – 140610-02

DATE June 15, 2014

PROPOSED DEVELOPMENT

Petitioner: Orelynn Golson
Property Owners: Orelynn Golson
Agent: N/A
Location: 1286 County Road 85

Development Status and History

Previous Variance Requests/Approvals: N/A
Conditions of Previous Approvals: N/A

Property Configuration

Acreage: 5 acres
Zoning Classification: FAR, Forest, Agricultural, Recreation
Relevant District Standards: Zoning Ordinance Section 74 Forest, Agricultural, Recreation district requirements:

Height of Buildings:

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height except in the case of towers, spires, domes or other such structures not designed for human occupancy may exceed this height, provided such structures comply with the provisions of all other pertinent codes and ordinances, and provided further, *that such structures are located no closer to the*

nearest property line than the distance equal to their height plus ten (10) feet.

Requested Variance: Effective variance as re-stated by staff (see application for applicant statement):

Location of a 12' high accessory structure near the northeast corner of the lot. Structure setback from the north property (side) line will be 12' rather than the 22' required by Section 74.

Statement of Hardship: (taken from application) "We had already started process and building is in place 12 feet from line. Property drops steeply and into floodplain behind the building. Trying to do everything legally and didn't know right away we needed a permit. There is swamp and unusable land on back two lines. All adjoining owners are amiable to this."

PLANNING STAFF EVALUATION

Reviewed by: Joel T. Duke, AICP

Site Visits Conducted: Site visit April 21, 2014

Recommendation: Approval due to minimal or not impact to adjacent vacant land

Planning Staff Comments:

State code and best practices require the BZA to measure variance requests against several basic standards. Below is the staff opinion regarding the standards and this request.

1. No special conditions and circumstances exist regarding this structure which are not applicable to other lands, structures, or buildings in the same FAR zoning district.

2. A literal interpretation of the zoning ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.
 3. The special conditions and circumstances do result from actions of the applicant.
 4. The granting of a variance will confer a special privilege on the applicant that is denied by this ordinance to other lands, structures, or buildings in the same FAR district;
 5. The granting of a variance is in harmony with the intent and purposes of the zoning ordinance;
 6. A variance will not adversely affect the surrounding property, the general neighborhood, or the community as a whole;
 7. A variance will not allow the establishment of a use prohibited under the terms of the zoning ordinance in an FAR district.
- Ms. Golson does not clearly state the circumstances of that exist on her lot. Her house was built prior to being annexed into the city limits and is located near the rear portion of the 5 acre lot. The large portion of the rear yard drops away from the house into the Breakfast Creek floodplain making difficult to develop or unavailable for development.
 - While Ms. Golson may adjust the location of the accessory structure, the proposed location is adjacent to large parcels that are unavailable for development due to the floodplain or unlikely to develop due to a lack of road frontage.
 - The requested variance will not have a significant impact on the surrounding property or spirit of the zoning ordinance.

ATTACHMENTS

1. Location Map

CITY OF
PRATTVILLE, AL

1286
County Road 85

Zoning: F.A.R.

Scale: 1" = 100'



— STREETS
□ TAX PARCELS



CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	5/21/14
APPLICATION TYPE:	Variance (140610-02)
PROPERTY LOCATION or DESCRIPTION:	1286 County Road 85
PETITIONER(S) AND AGENT(S):	Orelynn Golson
ZONING DISTRICT(S)	FAR (Forest, Agricultural, Recreation)
REQUESTED ACTION:	Variance to locate accessory structure closer to the required 22' property line.
ZONING ORDINANCE REFERENCE:	<p>Appendix A-Zoning Ordinance Section 74 Forest, Agricultural, Recreation district requirements:</p> <p>Height of Buildings: No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height except in the case of towers, spires, domes or other such structures not designed for human occupancy may exceed this height, provided such structures comply with the provisions of all other pertinent codes and ordinances, and provided further, that such structures are located no closer to the nearest property line than the distance equal to their height plus ten (10) feet.</p> <p>No accessory structure shall exceed two (2) stories or twenty-five (25) feet in height. (Ord. of 4-16-75).</p>

CITY OF
PRATTVILLE, AL

1286
County Road 85

Zoning: F.A.R.

Scale: 1" = 100'



— STREETS
□ TAX PARCELS





May 13
4:00

May 9 deadline for
June
meeting

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

140610-02

Variance

to locate accessory structure closer to the required 22' property line

Application
Prattville Board of Zoning Adjustment

Use-On-Appeal Variance Administrative Appeal

Applicant /Agent Information

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

Name: ORELYNN GOLSON
Street Address: 1286 Co. Rd. 85
City: Prattville State: AL Zip: 36067
Phone Number(s): 334-365-7976

Property Owner Information

If different than above

Name: _____
Address of Property Owner: _____
City: _____ State: _____ Zip: _____
Phone Number: () _____

Property Description

County Tax Parcel Number/Legal Description: 10-09-31-0-000-004
+006

Current Zoning of Property: FAR Physical Address: _____

Proposed Use of Property (generally): workshop

Describe Proposed Use or Variance: _____
Locate Accessory Structure closer to the property line than required 22'. Locate at 12' from side line.

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

- ① Tax record map from the Autauga County or Elmore County Tax Assessors Office
- ② 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
- ③ Application fees: Variance and Administrative Appeal - Fifty dollars (\$50), Use-on-Appeal - Two hundred fifty dollars (\$250).
- ④ 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.
- ⑤ If person signing application is someone other than property owner, attach authorization to file application (i.e. notarized letter, real estate contract, etc.)
- ⑥ *tax description #*

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)

We had already started process and building is in place 10 ft. from line. Property drops steeply into flood plain behind building. Trying to do everything legally & didn't know right away we needed permit. There is swamp & unusable land in back two lines. All

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.

Adjacent owners are amiable to this

Orlynn Golson

ORLYNN GOLSON Orlynn Golson 5/13/2014
Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Orlynn Golson, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 8th day of May, 2014

Leticia Bednall
Notary Public

My commission expires ~~my Commission Expires~~ **11-08-2015**

2

APPLICATION - ACCESSORY STRUCTURE

Building Department
102 W. Main St.
Prattville, AL 36067
(334) 595-0400/FAX (334) 361-3677
building@prattvilleal.gov

140610-02/A

Variance
to locate accessory structure closer to the required 2
property line



Structure Address: 1286 Co. Rd. 85 Area of Proposed New Building (sq. ft.): 640

Area of House on Lot (square feet): 2600 Approximate Cost/Value: \$9000

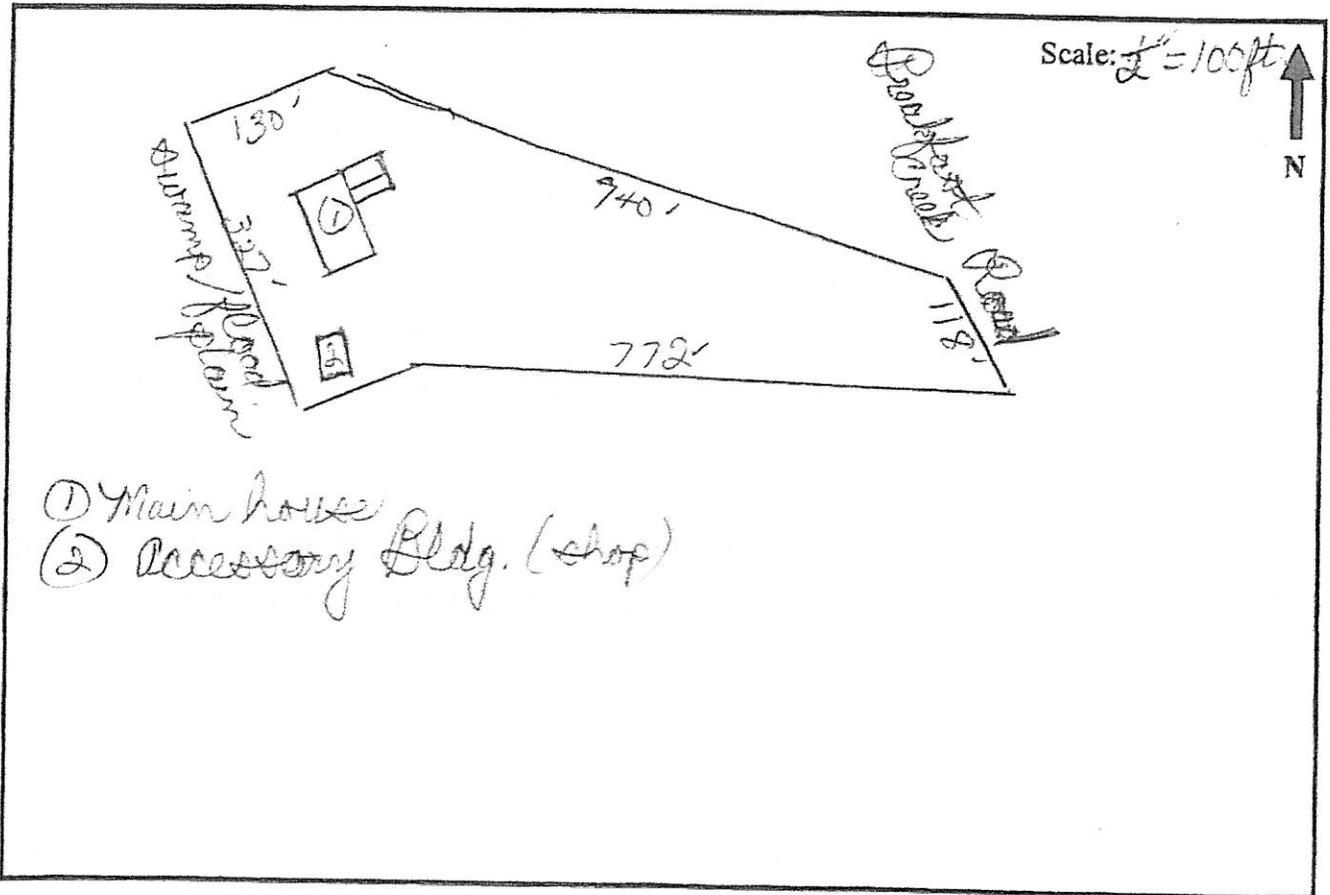
Contractor: Portable Storage - mobile built Telephone: 334-365-7976

Prattville Business License #: _____ State License #: _____

Property Owner: Ornelyn J. Holson Telephone: None

Address: 1286 Co. Rd 85

Site Plan: A scale drawing or survey showing the location of the proposed accessory structure relative to the main structure and all property lines is required before a permit may be approved. Please attach a scale drawing or survey or complete a sketch in the space provided below.



Rules: In a residential district, accessory structures must be placed to the rear of the rear building line of the main structure (house) on the lot. Accessory structures may not be placed in the side yard. Multiple accessory structures are allowed, but the total area of all accessory structures may not exceed fifty percent of the area main building.

2

140610-02/B

Variance

to locate accessory structure closer to the required 22' property line



Jolson 1286 Co. Rd. 85

PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: **DOUBLE D. BUILDERS, LLC**
1525 TROLLEY ROAD
PRATTVILLE, AL 36067

REQUEST: **VARIANCE TO PLACE A MOBILE HOME IN A R-3 ZONING**
DISTRICT AND TO ENCROACH 10' INTO THE REQUIRED 25'
FRONT YARD AND 8' INTO THE REQUIRED 30 REAR YARD
LINE.
1818 RIVERTON DRIVE
R-2 ZONING DISTRICT (SINGLE FAMILY RESIDENTIAL)

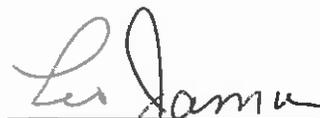
ORDER

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on June 16, 2014 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the variance to allow a 10' encroachment into the required 35' side yard line on property at 1818 Riverton Drive.**

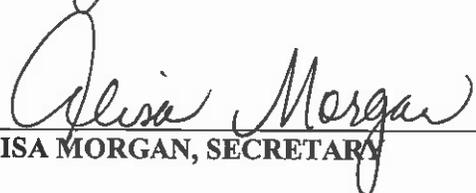
IT IS THEREFORE ORDERED the petition of Double D. Builders, LLC, 1525 Trolley Road, Prattville, AL is hereby approved.

DONE THIS THE 16th DAY OF June 2014.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: June 16, 2014

PETITIONER: Double D Builders, LLC

ADDRESS OF PETITION: 1818 Riverton Drive

	NAME	ADDRESS
1.	<i>Don M. Maser</i>	<i>1525 Trolley Rd</i>
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CITY OF PRATTVILLE
Board of Zoning Adjustment
Planning Department Staff Report



VARIANCE 1818 Riverton Drive
BZA Application – 140610-03

DATE June 15, 2014

PROPOSED DEVELOPMENT

Petitioner: Double D Builders, LLC
Property Owners: Robertson Builders, LLC
Agent: Don Moser
Location: Vacant lot at 1818 Riverton Drive

Development Status and History

Previous Variance Requests/Approvals: N/A
Conditions of Previous Approvals: N/A

Property Configuration

Acreage: 17,595 square feet
Zoning Classification: R-2, Single-family Residential

Relevant District Standards: **Zoning Ordinance - Section 71 Residential district requirements:**

R-2 District:
Minimum Yard Size:
Front yard - 35'
Rear Yard – 40'
Side Yard – 10'

Requested Variance: Effective variance as re-stated by staff (see application for applicant statement):

Original Application (as advertised)

- Encroachments into required 35” front setbacks on Trolley Road and Riverton Drive and 40’ rear setback. Amount of encroachment:
 - a. Trolley Road frontage –10’ into front yard
 - b. Riverton Drive frontage – 9’ into front yard
 - c. 30’ encroachment into rear yard.

Revised Application (submitted 5/30/2014)

Changing from single story to two story structure.

- Encroachments into required 35” front setback on Trolley Road and the 40’ rear setback. Amount of encroachment:
 - a. Trolley Road frontage –10’ into front yard
 - b. Encroachment into rear yard – unclear from drawing, but less than originally submitted.

Statement of Hardship:
(taken from application)

“This lot is on the corner of Riverton Drive and Trolley Road. The building line is 35ft. I am requesting the building line on Trolley Road be changed to 25ft and one corner of the where the house will be location on Riverton Drive be changed 26ft. I am requesting this variance due to the slope of the lot and an embankment which runs the length of the lot (east property line) causing a hardship on the land. Proposed house 2,068 square feet – equal to average house in the neighborhood.” *(items in parenthesis added for clarification)*

PLANNING STAFF EVALUATION

Reviewed by: Joel T. Duke, AICP

Site Visits Conducted: Site visit May 5, 2014

Recommendation: Approval due to corner lot, shape of the lot, and slope and difference in elevation of adjacent lot on east property line.

Planning Staff Comments:

State code and best practices require the BZA to measure variance requests against several basic standards. Below is the staff opinion regarding the standards and this request.

1. Special conditions and circumstances exist regarding this lot which are not applicable to other lands, structures, or buildings in the same FAR zoning district.
 2. A literal interpretation of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.
 3. The special conditions and circumstances do result from actions of the applicant.
 4. The granting of a variance will confer a special privilege on the applicant that is denied by this ordinance to other lands, structures, or buildings in the same FAR district;
 5. The granting of a variance is in harmony with the intent and purposes of the zoning ordinance;
 6. A variance will not adversely affect the surrounding property, the general neighborhood, or the community as a whole;
 7. A variance will not allow the establishment of a use prohibited under the terms of the zoning ordinance in an FAR district.
- Lot 11, Riverchase North, Plat 6 was approved by the Planning Commission on February 21, 2008. While the size of the lot is sufficient to meet the basic requirements of R-2 zoning, its location on a corner, trapezoidal shape, and the difference in elevation between it and the its eastern neighbor create difficulty when building to the average size in the neighborhood.
 - Similar variances were granted by the BZA in 2012 for the adjacent lot at 1817 Riverton Drive
 - The requested variance will not have a significant impact on the surrounding property or spirit of the zoning ordinance.

ATTACHMENTS

1. Location Map
2. Original layout submitted with application and photos.
3. Revised layout submitted to Planning Department on May 30, 2014.

CITY OF
PRATTVILLE, AL

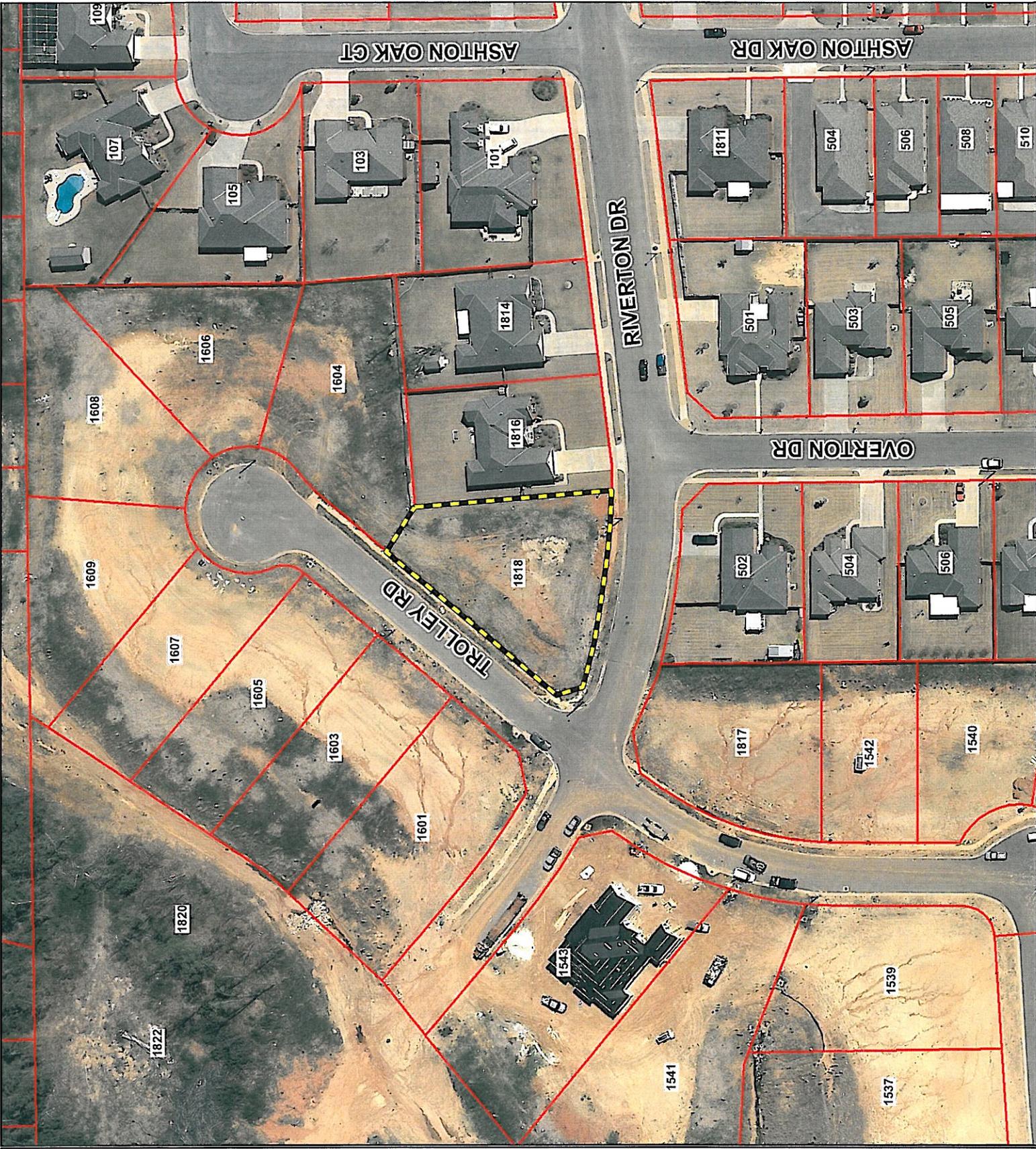
1818
Riverton Dr

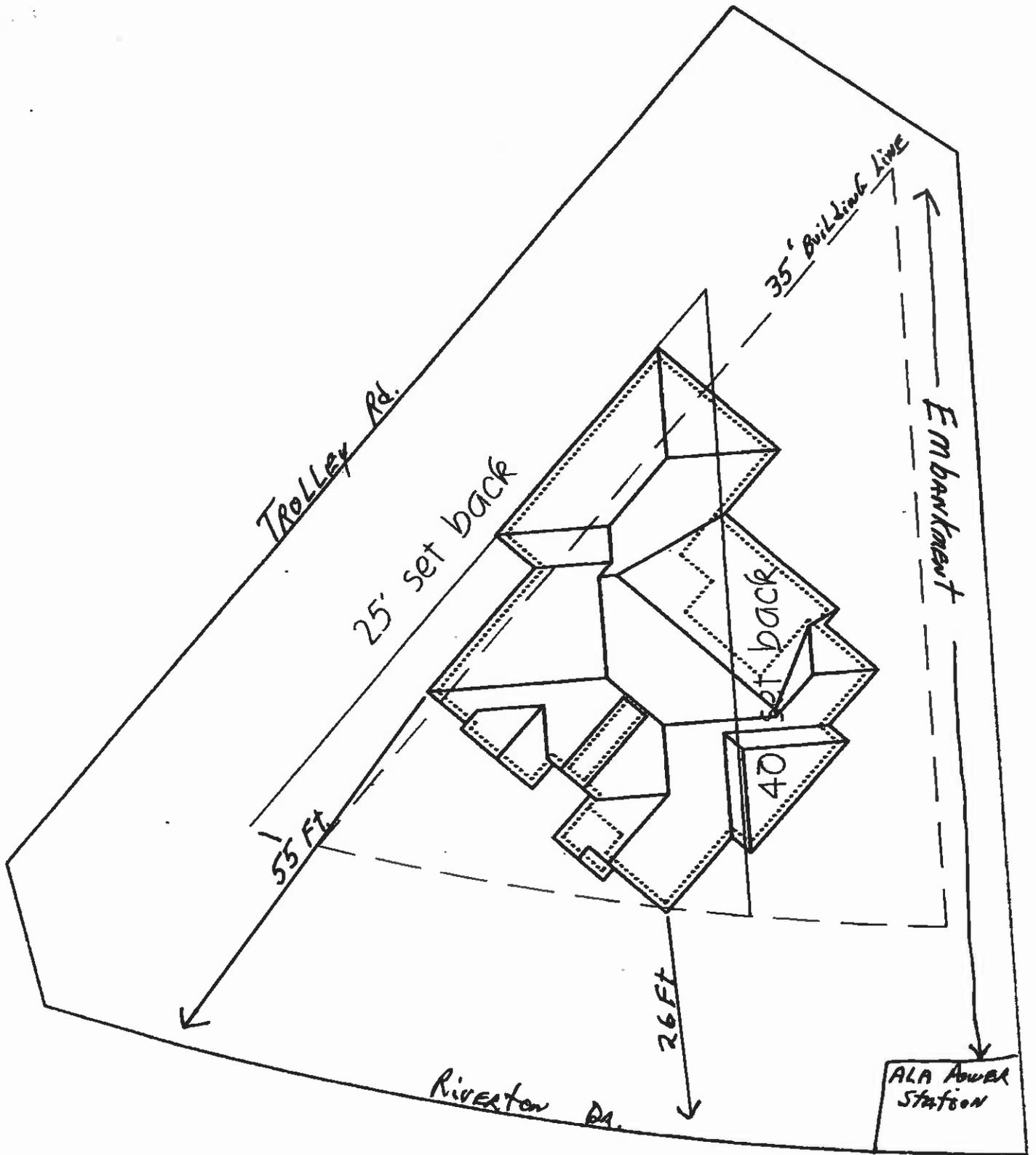
Zoning: R-2

Scale: 1" = 100'



— STREETS
□ TAX PARCELS







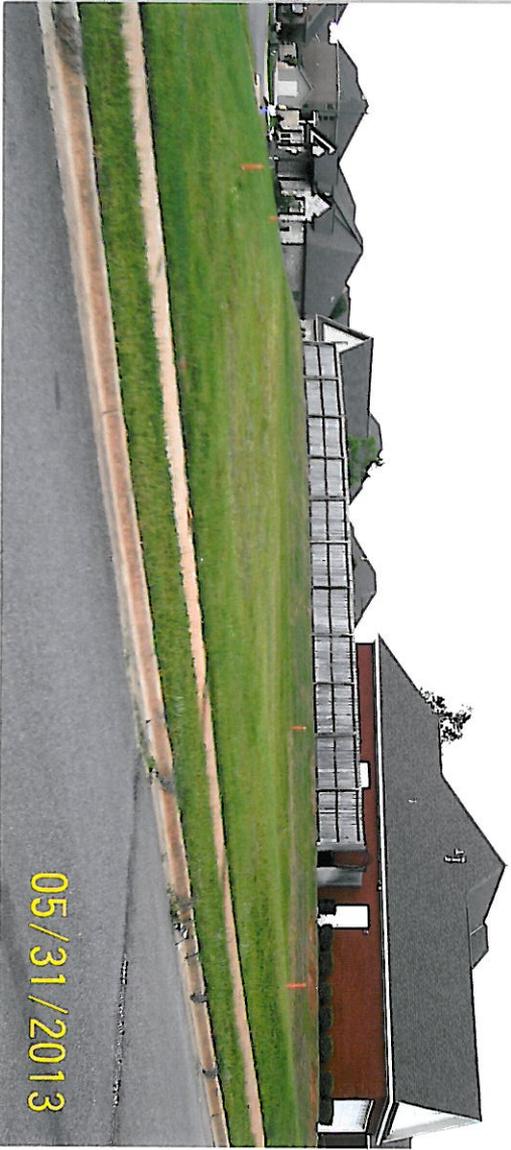
05/31/2013



05/31/2013



05/31/2013



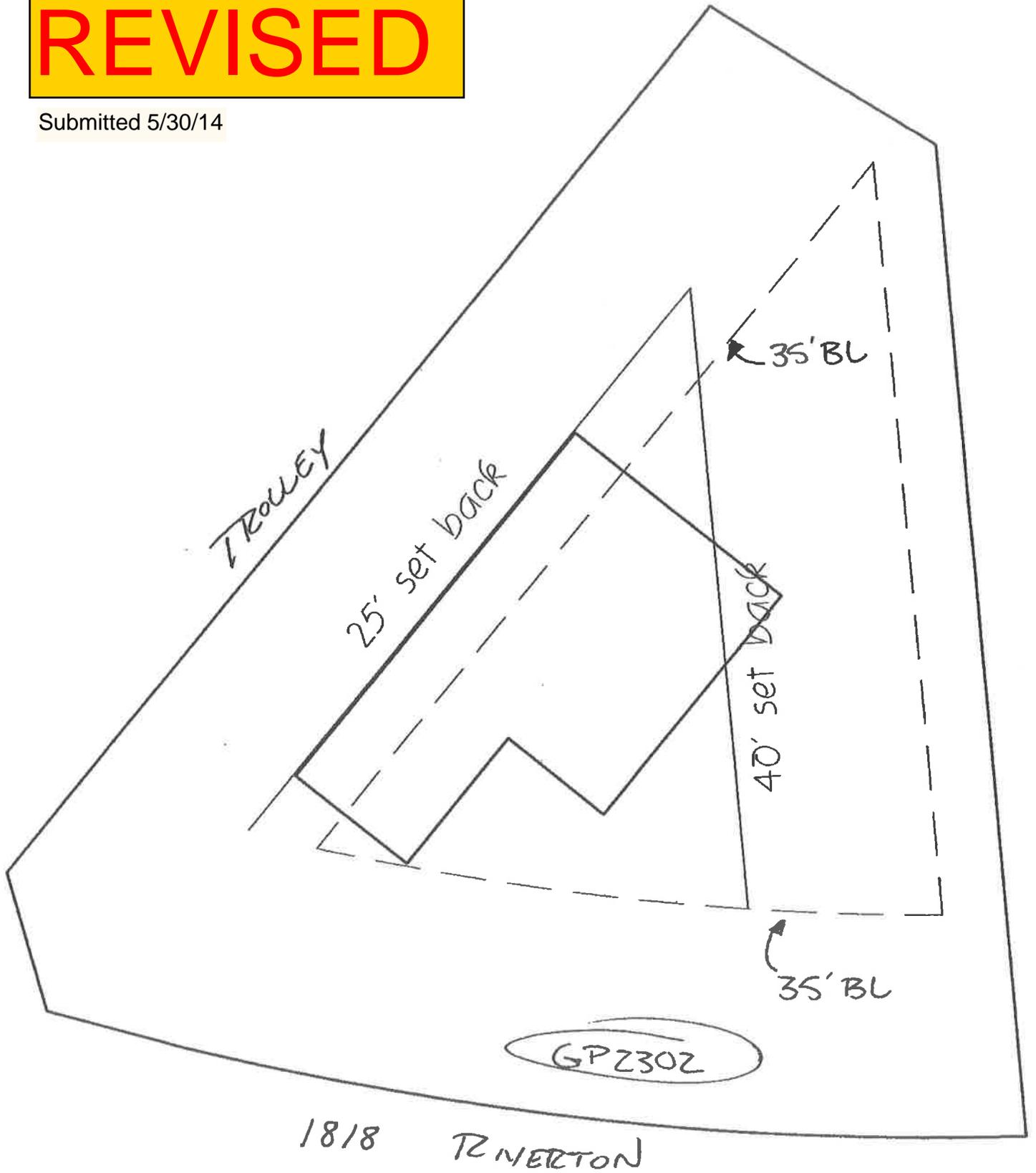
05/31/2013



05/31/2013

REVISED

Submitted 5/30/14



CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	5/21/14
APPLICATION TYPE:	Variance (140610-03)
PROPERTY LOCATION or DESCRIPTION:	1818 Riverton Drive
PETITIONER(S) AND AGENT(S):	Double D. Builders, LLC
ZONING DISTRICT(S)	R-2 (Single Family Residential)
REQUESTED ACTION:	Variance to change the required front and side yard setbacks.
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, AL

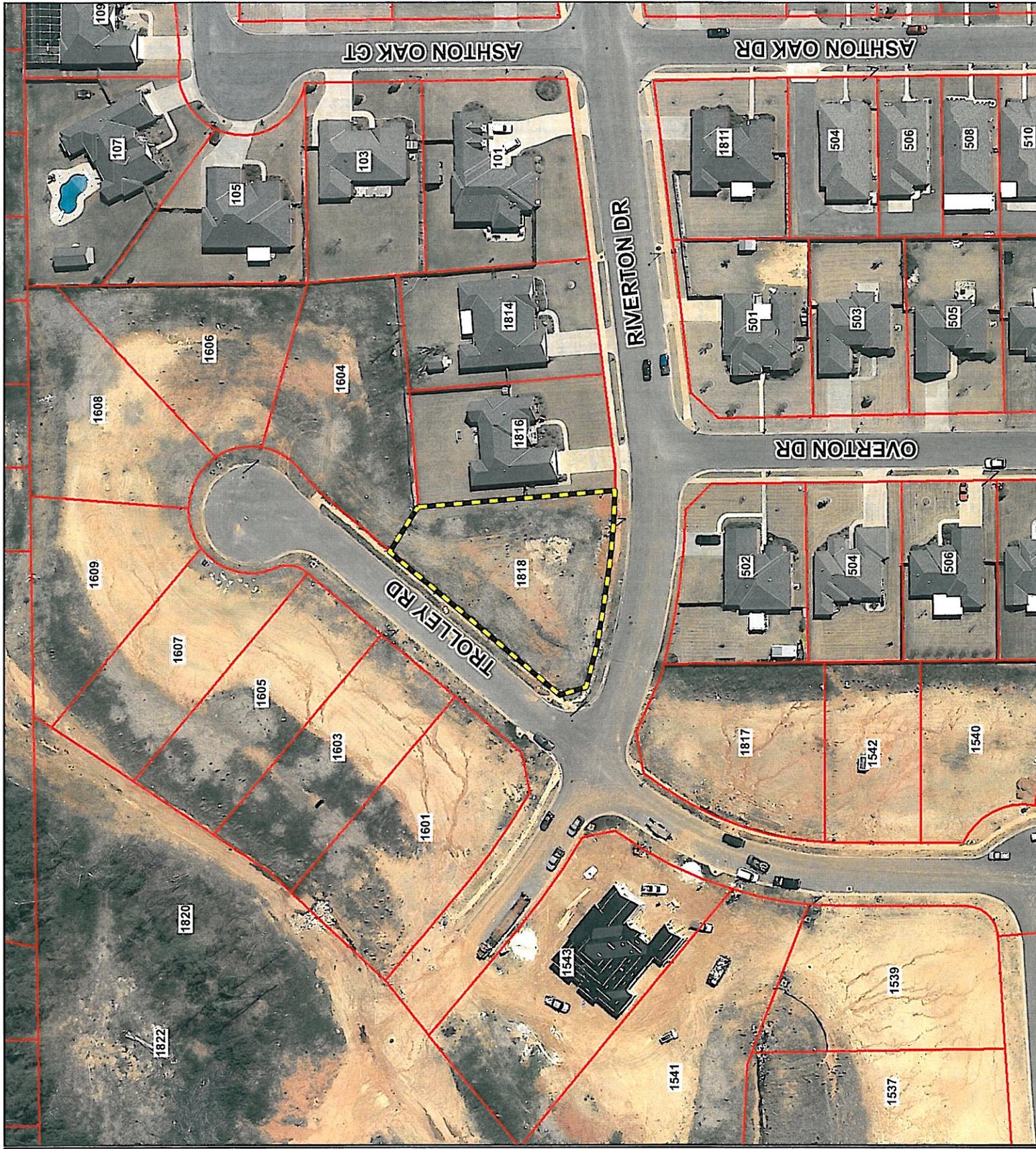
1818
Riverton Dr

Zoning: R-2

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

140610-03

Variance
 To change the required front and side yard setbacks

Application
 Prattville Board of Zoning Adjustment

Use-On-Appeal Variance Administrative Appeal

Applicant /Agent Information

Name: Double D. Olds, LLC

Street Address: 1525 Trolley Rd.

City: Prattville State AL Zip: 36066

Phone Number(s): 334-657-4524 358-8813

Property Owner Information

Name: Robertson Olds, LLC

Address of Property Owner: 3331 Hwy 14

City: Millbrook State: AL Zip: 36054

Phone Number: (334) 657-8503

Property Description

County Tax Parcel Number/Legal Description: Riverton North 6, Lot 11

Current Zoning of Property: Residential Physical Address: 1818 Riverton Dr.

Proposed Use of Property (generally): Residential Construction

Describe Proposed Use or Variance: This lot is on the corner of Riverton Dr. and Trolley Rd. The building line is 35 Ft. I Am requesting the building line on Trolley Rd. be changed to 25 Ft and one corner of where home will be located on Riverton Dr. be changed to 26 Ft. I Am requesting this Variance due to the shape of the lot and an Embankment which runs the length of the lot, causing a Hardship on the Land. Proposed Home 2068 Sq. Ft. Equal to average Home in Neighborhood.

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

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

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

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

The lot has an Embankment which runs the
Length of the lot causing a Hardship on the
land and makes the lot Unbuildable.

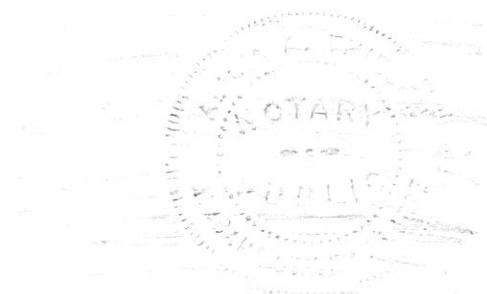
I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore County if applicable), and is a complete list of all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

Don M Moser Don M Moser 5-12-14
Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Don M Moser, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 12 day of May, 2014.

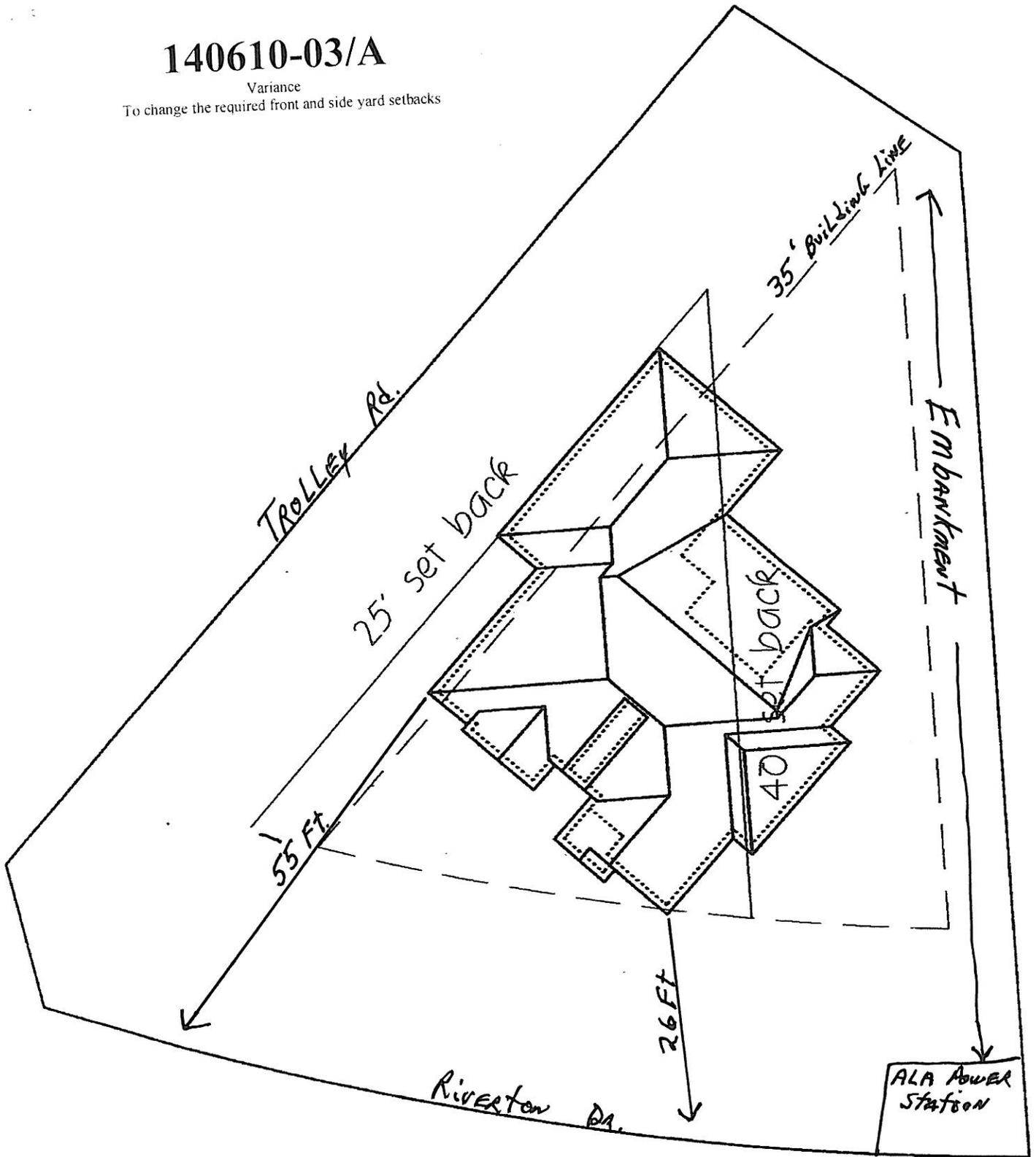
Shirley J. Shubin
Notary Public

My commission expires 02-10-2016



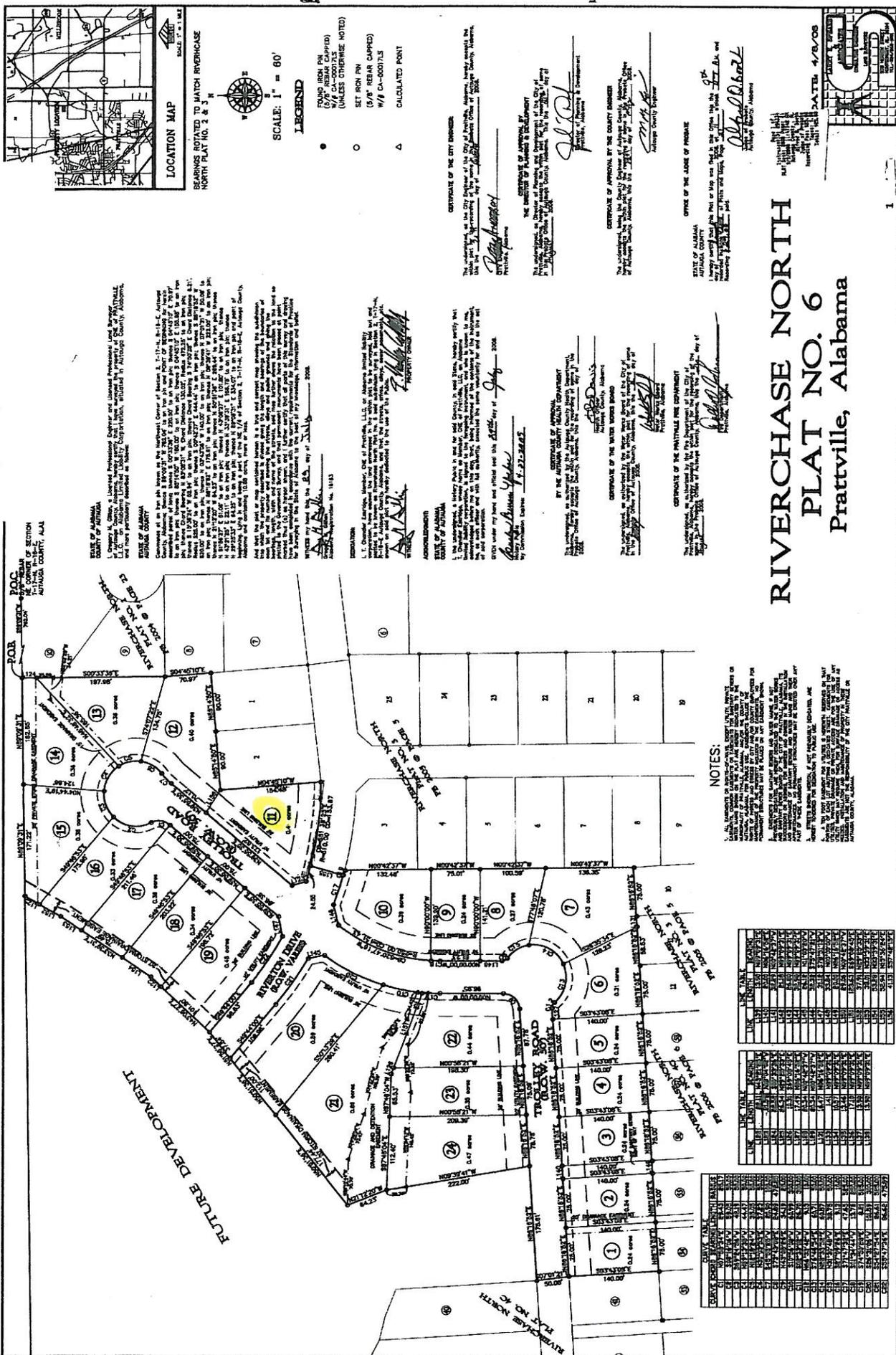
140610-03/A

Variance
To change the required front and side yard setbacks



140610-03/B

Variance
To change the required front and side yard setbacks



LEGEND
 FOUND IRON PIN (9/8" REBAR CAPPED) (UNLESS OTHERWISE NOTED)
 SET IRON PIN (9/8" REBAR CAPPED) 1/8" DIA-000113
 CALCULATED POINT

SCALE: 1" = 80'
 NORTH ARROW

CERTIFICATE OF THE CITY ENGINEER
 I, the undersigned, City Engineer of the City of Prattville, Alabama, hereby certify that the plat of the above described property, as shown on the attached plat, is in accordance with the provisions of the City Ordinance No. 1113, as amended, and that the same has been duly recorded in the Office of the County Clerk, Alabama, in the name of the City of Prattville, Alabama.

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER
 I, the undersigned, County Engineer of the County of Blount, Alabama, hereby certify that the above described property, as shown on the attached plat, is in accordance with the provisions of the County Ordinance No. 1113, as amended, and that the same has been duly recorded in the Office of the County Clerk, Alabama, in the name of the City of Prattville, Alabama.

CERTIFICATE OF APPROVAL BY THE JUDGE OF PROBATE
 I, the undersigned, Judge of Probate of the County of Blount, Alabama, hereby certify that the above described property, as shown on the attached plat, is in accordance with the provisions of the County Ordinance No. 1113, as amended, and that the same has been duly recorded in the Office of the County Clerk, Alabama, in the name of the City of Prattville, Alabama.

STATE OF ALABAMA
 BLOUNT COUNTY
 OFFICE OF THE JUDGE OF PROBATE
 DATE: 4/2/08

RIVERCHASE NORTH
 PLAT NO. 6
 Prattville, Alabama

NOTES:
 1. THE PROPERTY IS SUBJECT TO THE CITY OF PRATTVILLE, ALABAMA, CITY ORDINANCE NO. 1113, AS AMENDED, WHICH PROVIDES FOR THE REGULATION OF THE PLACING OF SIGNAGE ON REAL PROPERTY.
 2. THE PROPERTY IS SUBJECT TO THE COUNTY OF BLOUNT, ALABAMA, COUNTY ORDINANCE NO. 1113, AS AMENDED, WHICH PROVIDES FOR THE REGULATION OF THE PLACING OF SIGNAGE ON REAL PROPERTY.
 3. THE PROPERTY IS SUBJECT TO THE JUDGE OF PROBATE, COUNTY OF BLOUNT, ALABAMA, WHICH PROVIDES FOR THE REGULATION OF THE PLACING OF SIGNAGE ON REAL PROPERTY.

LOT NO.	AREA (SQ. FT.)	AREA (SQ. YDS.)
1	14,000	3.23
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LOT NO.	AREA (SQ. FT.)	AREA (SQ. YDS.)
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LOT NO.	AREA (SQ. FT.)	AREA (SQ. YDS.)
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8	14,000	3.23
9	14,000	3.23
10	14,000	3.23
11	14,000	3.23
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25	14,000	3.23
26	14,000	3.23
27	14,000	3.23
28	14,000	3.23
29	14,000	3.23
30	14,000	3.23

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