



PLANNING
DEPARTMENT

CITY OF PRATTVILLE

JIM BYARD, JR.
MAYOR

CITY COUNCIL

DEAN R. ARGO
PRESIDENT
DISTRICT 3

TOM MILLER
PRESIDENT PRO TEMPORE
DISTRICT 4

BILL GILLESPIE, JR.
DISTRICT 1

WILLIE WOOD, JR.
DISTRICT 2

MIKE RENEGAR
DISTRICT 5

RAY C. BOLES
DISTRICT 6

NATHAN D. FANK
DISTRICT 7

City of Prattville Board of Zoning Adjustment

The minutes of the January 12, 2010 meeting of the
City of Prattville Board of Zoning Adjustment
were approved.

Leo Jamieson, Chairman

2/12/10 ⁹ (Am)

Date



PLANNING
DEPARTMENT

CITY OF PRATTVILLE

JIM BYARD, JR.
MAYOR

CITY COUNCIL

DEAN R. ARGO
PRESIDENT
DISTRICT 3

TOM MILLER
PRESIDENT PRO TEMPORE
DISTRICT 4

BILL GILLESPIE, JR.
DISTRICT 1

WILLIE WOOD, JR.
DISTRICT 2

MIKE RENEGAR
DISTRICT 5

RAY C. BOLES
DISTRICT 6

NATHAN D. FANK
DISTRICT 7

CITY OF PRATTVILLE BOARD OF ZONING ADJUSTMENT

A G E N D A
January 12, 2010
4:00pm

Call to Order:

Roll Call:

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

Election of Officers:

Minutes:

December 8, 2009

Old Business:

None

New Business:

1. 100112-01 VARIANCE: To encroach into the (35') side yard line. *District 1*
1607 Guiding Way
R-2 (Single Family Residential)
Kenyon & Ginger Knapp, Petitioners
2. 100112-02 USE-ON-
APPEAL: To allow church use on property. *District 5*
692 Commerce Court
B-2 (General Business)
Agape Lutheran Church, Petitioner

Miscellaneous:

Adjourn:

**City of Prattville Board of Zoning Adjustment
Minutes
January 12, 2010**

CALL TO ORDER:

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:01 p.m. on Tuesday, January 12, 2010.

ROLL CALL:

Present: Chairman Leo Jamieson, Vice-Chairman John Gillian, Mrs. Kitty Houser, Mr. Mac Macready, and Mrs. Jerry Schanep. Absent: None.

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

MINUTES:

Mrs. Schanep moved to approve the minutes of the December 8, 2009 meeting. Mrs. Houser seconded the motion. The motion to approve passed unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

**To encroach into the (35') side yard line.
1607 Guiding Way
R-2 (Single Family Residential)
Kenyon & Ginger Knapp, Petitioners**

Mr. Duke introduced the petition to allow the home at 1607 Guiding Way to encroach into the 35' front yard line. He stated that the property is located on a corner lot; therefore it has two front yards. He stated that the house was built at 32' and the petitioner is requesting that it would remain at that setback.

There was no one present to represent the petition for 1607 Guiding Way. Mrs. Houser moved to hold the request. Mrs. Schanep seconded the request.

The motion to hold passed unanimously.

USE-ON-APPEAL

**To allow church use on property.
692 Commerce Court
B-2 (General Business)
Agape Lutheran Church, Petitioner**

Mr. Duke introduced the request to allow a church use in a shopping center. He stated that this is not the first request where a church was allowed to operate in a shopping center.

Josine Walter, petitioner representative, presented the use request to allow a church to operate on property on Commerce Court. She stated that the church currently has 30-35 attending members. Services are held on Sundays and a midweek service. The property currently has 61-parking spaces which are to be shared by existing shopping center attendants. The church would have an office, classrooms and a break room. The worship services are non-contemporary; the only instrument played would be a keyboard. There are currently a small group of children in attendance. They do not anticipate having outdoor activities on the property.

Chairman Jamieson opened the public hearing.

Melvin Welsh, 1851 Seasons Drive, spoke in opposition to the request. He stated that a previous church in the same location as the proposed request caused a lot a problems with he and other adjacent property owners because of the loud noise and music. He stated that there is no buffer to protect the residential property from the commercial property. He also stated that the intersection is dangerous for traffic access.

Brandyann Mosley, 1853 Seasons Drive, spoke in opposition to the request. She stated that the noise from the previous church was so loud that she had to call the police. She stated that the structure of the building does not provide a strong barrier for adjacent property owners.

Linda Westoff, 1849 Seasons Drive, spoke in opposition to the request. She stated that she is concern about the increase traffic as well as loud noise being potential problems for the area.

Mike Westoff, 1849 Seasons Drive, spoke in opposition to the request. He was opposed because of the loud noise from the previous church.

The public hearing was closed.

Mr. Duke addressed the concerns with the property of a previous church. He stated that the city was not aware of a previous church in the location because approval had not been sought or granted by the BZA. He stated that the parking is adequate to meet city ordinance. The parking lot was built to code for B-2 zoning and is designed to be shared between tenants of the shopping center.

Ms. Walter addressed the public concerns about the loud noise for the proposed use. She stated that the worship services are quiet, traditional, "Lutheran" services. She stated that they don't anticipate using a microphone. She stated that since the tornado, additional insulation, sheetrock, and carpeting has been added to the building which will help with sound proofing. She stated that the church would be willing to make any additional efforts to ensure that the building is sound proof and to be good neighbors.

After no further comments, questions, or discussion, the vote was called. **Mr. Gillian moved to approve contingent that if any complaints are received within six (6) months the petitioner must appear before the BZA for reevaluation. Mr. McCready seconded the motion. The BZA voted unanimously to approve the use-on-appeal to allow a church use with contingencies on property at 692 Commerce Court.**

MISCELLANEOUS:

ADJOURN:

After no further comments, questions or discussion the meeting was adjourned at 5:29 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: AGAPE LUTHERN CHURCH
 1805 SHEILA COURT
 PRATTVILLE, AL 36066**

**REQUEST: USE-ON-APPEAL TO ALLOW A CHURCH USE ON PROPERTY
 692 COMMERCE COURT
 B-2 ZONING DISTRICT (GENERAL BUSINESS)**

ORDER

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on January 12, 2010 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the use-on-appeal to allow a church** at property requested **contingent that if any complaints are received within six (6) months the petitioner must appear before the BZA for reevaluation.**

IT IS THEREFORE ORDERED the petition of Agape Lutheran Church, 1805 Sheila Court, Prattville, AL is hereby approved.

DONE THIS THE 12th DAY OF January 2010.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

Morgan, Alisa

From: Mel Welsh [mwelsh@knology.net]
Sent: Wednesday, January 06, 2010 6:03 AM
To: Morgan, Alisa
Subject: Notice of Public Hearing for the Agape Lutheran Church at 692 Commerce Court

Dear Alisa,

My name is Melvin Welsh. I live adjacent to the property that the Agape Lutheran Church wants to secure for church services. If there is any information that you can give out prior to the hearing please send it to this email address. Agape Lutheran Church is not the first church to move into this location. Mr. Rainwater rented out the space to another church and my neighbors Mike and Linda Westhoff, Billy and Brandie Moseley, and my family were frustrated with the activities because of the noise. The tornado destroyed the building as well as many house in the area. I say this due to the reason of I was ready to take possible legal action due to activities. Here is a list of the problems we had with the last church that occupied the space.

- 1) The church practiced live music in the evenings even after 9:00 PM and you could hear not only the instruments but also the amplified voices from inside our homes.
- 2) The building has no sound proofing. So the services and practices are broadcasted into our homes through our walls and closed windows.
- 3) The closeness to the church doesn't give a buffer zone.

I would like to know a little about this church.

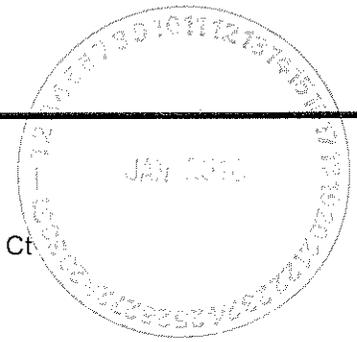
What activities do they have?
What are the times of the activities?
What is the size of their church?
Will they have amplified music as the last church?
Does the church have a youth group?

I do plan to attend the hearing. Please pass this on to the city counsel members. Thank you for hearing me out.

Respectfully,
Melvin Welsh
1851 Seasons Drive
Prattville Alabama 36066

Morgan, Alisa

From: Jamie Styron [jamie.styron@yahoo.com]
Sent: Sunday, January 10, 2010 9:37 PM
To: Morgan, Alisa
Subject: Hearing for the Agape Lutheran Church at 692 Commerce Ct



Dear Alisa,

My name is Jamie Styron, I live at 1855 Seasons Drive with my husband Matt Styron. My husband and I are opposed to the Agape Lutheran Church being located behind our home. We had previous noise disturbances due to the previous church that was located there before the tornado that destroyed it as well as the homes in this area. We were able to hear the extremely loud music which rattled our windows which is very difficult when we have a young child. To our knowledge this building is not sound proof and would be a nuisance to us.

Again my husband and I are strongly against the placement of this church. We are not going to be able to attend this meeting due to work schedules so if you can please pass our letter on to the council members in our absence. We hope this will be sufficient in our absence. If you have any questions please contact me at 334-303-2855 or my husband at 334-590-0353.

Respectfully,

Matt and Jamie Styron

Morgan, Alisa

From: Bill Moseley [jgmoseley@knology.net]
Sent: Monday, January 11, 2010 8:52 PM
To: Morgan, Alisa
Subject: Agape Lutheran Church at 692 Commerce Court

My husband and I live at 1853 Seasons Drive. We are concerned with the church hoping to rent the property behind our house.

The last church that occupied the space had a live band, and it would play/practice well past 9pm. We have a 9 & 7 year old and are expecting another child in the spring. The music and noise of the previous church would carry into the house, and I even called the police about the noise a couple of times. The space doesn't have sound proofing and I hope you will consider this when reviewing the request.

The building is just so close to our home. I can't imagine having a newborn and battling a noise problem too. Thank you for your time.

Bill & Brandynn Moseley
1853 Seasons Drive
Prattville, AL. 36066
Phone: 334-358-8458



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

MEETING DATE: January 12, 2010

PETITIONER: Agape Lutheran Church

ADDRESS OF PETITION: 692 Commerce Court

	NAME	ADDRESS
1.	<u>Joanne Waffey</u>	<u>1805 Sheda Ct Prville</u>
2.	<u>Paul White</u>	<u>1851 Seasons Dr Prville</u>
3.	<u>Brandynn Moseley</u>	<u>1853 Seasons Dr Prville</u>
4.	<u>Junda Westhoff</u>	<u>1849 Seasons Dr Prattville</u>
5.	<u>Mike Westhoff</u>	<u>1849 SEASONS DR. PRATTVILLE</u>
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		

CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	12/22/09
APPLICATION TYPE:	Variance (100112-02)
PROPERTY LOCATION or DESCRIPTION:	692 Commerce Court
PETITIONER(S) AND AGENT(S):	Agape Lutheran Church Representative: Josine Walter
ZONING DISTRICT(S)	B-2 (General Business)
REQUESTED ACTION:	To allow church use on property.
ZONING ORDINANCE REFERENCE:	<p>Appendix A-Zoning Ordinance Article 7 Section 72</p> <p>B-2 District</p> <p>Uses Permitted:</p> <p>...any use permitted in a B-1 Local Shopping District.</p> <p>B-1 District</p> <p>Uses Permitted:</p> <p>...any uses permitted or permitted on appeal in the R-4 District as specified in Section 71</p> <p>Article 7 Section 71</p> <p>R-4 District</p> <p>Uses Permitted On Appeal:</p> <p>Regulations common to all "R" Districts.</p> <p>...churches.</p>



CITY OF
PRATTVILLE, ALABAMA

692 COMMERCIAL CT

ZONING: B-2
(GENERAL BUSINESS)

PETITIONER:
AGAPE LUTHERN CHURCH

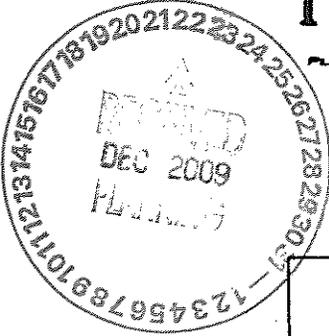
1" = 200'



STREETS
TAX PARCELS



Ryan Potharka, G.I.S. Coordinator



City of Prattville
Prattville
100112-02
Use-On-Appeal
To allow for church use

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

Application
Prattville Board of Zoning Adjustment

Application Type: Use-On-Appeal Variance Administrative Appeal

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

Name: Josine Walter
Street Address: 1805 Sheila Court
City: Prattville State AL Zip: 36006
Phone Number(s): 334-361-1943 cell: 334-328-9161

Property Owner Information
if different than above

Name: TAR Properties LLC
Address of Property Owner: 2219 Co Rd. 40W
City: Billingsley State: AL Zip: 36006
Phone Number: 334-365-8497

Property Description

County Tax Parcel Number/Legal Description: 4-19-06-14-1-001-001.007#0
MB5 PG-16 Lot 1 Cherry Tree Properties Plat #1
Current Zoning of Property: B2 Physical Address: 692 Commerce Court
Proposed Use of Property (generally): Church
Describe Proposed Use or Variance: Requesting use variance for church services and normal operating functions associated with a church. Services on Sunday & Thursday. With volunteers present on days during the week w/no set times. 101 parking spaces -

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). *Waived*
- 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))

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.

Josine A. Walter
Printed Name
Date 12-21-09

Josine Walter
Signature

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

December, 2009

[Signature]
Notary Public

My commission expires 11-08-2011