



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

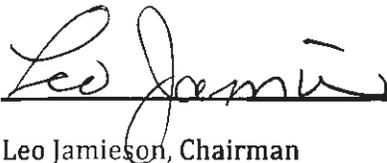
CLYDE CHAMBLISS, JR.
DISTRICT 5

RAY C. BOLES
DISTRICT 6

LORA LEE BOONE
DISTRICT 7

City of Prattville Board of Zoning Adjustment

The minutes of the January 8, 2013 meeting of the
City of Prattville Board of Zoning Adjustment
were approved.



Leo Jamieson, Chairman

2/12/13

Date

PLANNING & DEVELOPMENT DEPARTMENT

102 WEST MAIN STREET ■ PRATTVILLE, ALABAMA 36067 ■ 334-361-3613 ■ 334-361-3677
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**CITY OF PRATTVILLE
BOARD OF ZONING ADJUSTMENT
A G E N D A
January 8, 2013
4:00pm**

Call to Order:

Roll Call:

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

Election of Officers:

Minutes:

October 9, 2012, November 13, 2012 and December 11, 2012

Old Business:

None

New Business:

1. 130108-01 VARIANCE:

To place an accessory structure in the side yard.
1317 Cooper Avenue
R-2 Zoning District (Single Family Residential)
Harland Donaldson, Petitioner

District 6

2. 130108-02 VARIANCE:

To place a manufactured home on property.
1288 Bridge Creek Road
FAR Zoning District (Forest, Agriculture, Recreation)
Marsha Hall, Petitioner

District 1

Miscellaneous:

Adjourn:

PLANNING & DEVELOPMENT DEPARTMENT

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**City of Prattville Board of Zoning Adjustment
Minutes
January 8, 2013**

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, January 8, 2013.

ROLL CALL:

Present: Chairman Leo Jamieson, Vice-Chairman Mrs. Jerry Schannep, Mr. Gerald Cimis, Mr. Mac Macready, and Mr. James Miles. 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. Macready moved to approve the minutes of the October 9, 2012, November 13, 2012 and December 11, 2012 meetings. Mr. Miles seconded the motion. The motion passed unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

VARIANCE

**To place an accessory structure in the side yard.
1317 Cooper Avenue
R-2 Zoning District (Single Family Residential)
Harland Donaldson, Petitioner**

Mr. Duke introduced the variance request for to place an accessory structure in the side yard at 1317 Cooper Avenue. He stated that the city ordinance requires that accessory structure be placed in the rear yard. He stated that the petitioner had placed a unit in the north side of the main dwelling which the ordinance considers the side yard. He stated that the diagram in the packet (130108-01-A) shows sketch #6 is the building in violation of the city's zoning ordinance.

Harland Donaldson, petitioner, presented the variance request for 1317 Cooper Avenue. He stated that the building was moved from his previous resident on Pinecrest Street by the same company that installed it. He stated that the company did not obtain a building permit to move it to Cooper Avenue. He stated that the building is too wide to maneuver into the proper location in the rear yard.

Mrs. Schannep asked Mr. Donaldson if the existing (building #5) would be removed. Mr. Donaldson stated that the original storage building was full to capacity and would remain on the property.

Mr. Cimis asked Mr. Duke if the structure was difficult to place in the rear yard. Mr. Duke stated that placement of the new structure was difficult; however removal of the fence on the north property line would allow better maneuver to place building in the proper location.

Chairman Jamieson opened the meeting for any public comments.

Nola Pond, 1585 Rolling Hills, spoke in favor of the request. She stated that she owns property in the area and frequently travels in the neighborhood. She stated that the structure is not a distraction of view.

Wayne Shockley, 1310 Cooper Avenue, spoke in opposition to the request.

Tommy Pratt, 1300 Cooper Avenue, spoke in opposition to the request. He stated that this variance should not be approved. He stated that there had been several storage buildings that had been placed on different properties in the area that were in violation and had to come into compliance with the zoning regulations.

Donald McGough, property owner of 1307 Cooper Avenue, spoke in opposition to the request.

David Rose, 1320 Cooper Avenue, spoke in favor to the request. He stated that he lived directly across from the property and felt like the building did not distract from the neighborhood.

The public hearing was closed.

In their discussion, the BZA's findings were that the size of the building was not a hardship and the property owner created his hardship by not purchasing a permit prior to moving the building on the property.

After no further comments, questions, or discussion, the vote was called. **The BZA voted unanimously to deny the variance request to place an accessory structure in the side yard on property at 1317 Cooper Avenue.**

VARIANCE

To place a manufactured home on property.

1288 Bridge Creek Road

FAR Zoning District (Forest, Agriculture, Recreation)

Marsha Hall, Petitioner

Mr. Duke introduced the variance request to place a manufactured home on property. He stated that the request violates the city's ordinance in dual fashion. He stated that a manufactured home was not an allowed use in the FAR zoning district and not more than two main dwellings was allowed on a single lot. He stated that the approximate size of the lot was about five acres.

Marsha Hall, petitioner, presented the variance request to place a two bedroom manufactured home on her property. She stated that the property is just less than five acres and the manufactured home would be place there until a permanent structure was built. She stated that the manufactured home would be for her son to live in to allow him to save on rent and to help her take care of the property. She stated that the estimated time frame to build a permanent structure would be between two and three years.

Chairman Jamieson opened the meeting for any public comments.

Paul Foshee, 1301 Bridge Creek, an adjacent property owner, spoke in opposition to the request. He stated that there were several structures currently on the lot and was concerned that his property would be affected.

Greg Motes, 1273 Bridge Creek Road, spoke in opposition to the request.

Ms. Hall stated that the permanent structure would be built where the proposed manufactured would be placed and the existing main dwelling would be torn down. She stated that that her estimate time of construction was three years.

In their discussion, the BZA's findings were that the addition of the manufactured home would violate the city's ordinance and economic concerns were not consideration for hardship.

After no further comments, questions, or discussion, the vote was called. **The BZA voted unanimously to deny the variance request to place a manufactured home on property at 1288 Bridge Creek Road.**

MISCELLANEOUS:

ADJOURN:

After no further comments, questions or discussion the meeting was adjourned at 4:53.

Respectfully submitted,

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

Alisa Morgan, Secretary
Board of Zoning Adjustment

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

MEETING DATE: January 8, 2013

PETITIONER: Marsha Hall

ADDRESS OF PETITION: 1288 Bridge Creek Road

	NAME	ADDRESS
1.	<u>Marsha Hall</u>	<u>1288 Bridge Creek Rd.</u>
2.	<u>Paul Jace</u>	<u>1301 Ridge Creek Rd</u>
3.	<u>Greg Mack</u>	<u>1273 Bridge Creek</u>
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CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



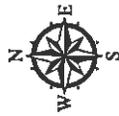
DATE:	12/19/12
APPLICATION TYPE:	Variance (130108-02)
PROPERTY LOCATION or DESCRIPTION:	1288 Bridge Creek Road
PETITIONER(S) AND AGENT(S):	Marsha Hall
ZONING DISTRICT(S)	FAR (Forest, Agriculture, Recreation)
REQUESTED ACTION:	To place a manufactured home on property.
ZONING ORDINANCE REFERENCE:	<p>Appendix A-Zoning Ordinance Section 74. (FAR) Forest, agricultural, recreation</p> <p>USES PERMITTED: General and specialized farming, forestry and agricultural uses, except commercial feed lots; roadside stands for the sale of produce raised on the farm premises. Conservation areas and structures for the development, protection, preservation and conservation of open space, watersheds, water, soil, forest and wildlife resources. Parks, playgrounds, play fields, general recreation facilities, golf courses and clubhouses. Single-family detached dwellings. Accessory structures or use customarily incidental to any of the aforementioned permitted uses. Home occupations only in accordance with the provisions specified in Article 6.</p> <p>USES PERMITTED ON APPEAL: Churches and other places of worship, schools offering general education courses, clubs not conducted for profit, outdoor advertising signs and structures, plant nurseries and greenhouses, hospitals, sanitariums, nursing homes and orphanages, resorts, campgrounds, riding academies and stables, airports, sanitary landfills, quarries, railroad rights-of-way, cemeteries, and essential community facilities. Accessory structures or uses customarily incidental in any of the aforementioned conditional uses.</p> <p>USES PROHIBITED: All uses not permitted or permitted on appeal are prohibited.</p>



CITY OF
PRATTVILLE, ALABAMA

1288
BRIDGE CREEK 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

130108-02

Variance

To place a manufactured home on property

**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: Marsha Hall

Street Address: 1288 Bridge Creek Rd.

City: Pratt. State AL. Zip: 36067

Phone Number(s): 334-208-2697

Property Owner Information
If different than above

Name: Marsha Hall

Address of Property Owner: 1288 Bridge Creek Rd.

City: Pratt. State: AL. Zip: 36067

Phone Number: () 334-208-2697

Property Description

County Tax Parcel Number/Legal Description: 10-09-32-3-001-006.008#0

Current Zoning of Property: FAR Physical Address: 1288 Bridge Creek Rd

Proposed Use of Property (generally): Residential (Single Family)

Describe Proposed Use or Variance: To place a manufactured home on property. 60x14 on rear lot.

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))

I want to allow a mobile home to be placed on my property. For my son to live in, until a house can be built, to replace it. I need my son to live at my residence to help me maintain the property, and help me.

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.

Marsha Hall
Printed Name

Marsha Hall
Signature

12-18-12
Date

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

December, 2012

[Signature]
Notary Public

My commission expires

My Commission Expires 11-08-2016

130108-02/A

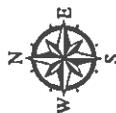
Variance
To place a manufactured home on property



CITY OF
PRATTVILLE, ALABAMA

1288
BRIDGE CREEK RD

SCALE: 1" = 100'



STREETS

TAX PARCELS



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

MEETING DATE: January 8, 2013

PETITIONER: Harland Donaldson

ADDRESS OF PETITION: 1317 Cooper Avenue

	NAME	ADDRESS
1.	<i>Harland Donaldson</i>	<i>above</i>
2.	<i>Wayne Shively</i>	<i>1310 Cooper</i>
3.	<i>Harland</i>	<i>1383 Colling Hills</i>
4.	<i>Tommy Pratt</i>	<i>1300 Cooper Ave</i>
5.	<i>Donald McSherry</i>	<i>1307 1st St</i>
6.	<i>David</i>	<i>1320 Cooper Ave</i>
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CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	12/18/12
APPLICATION TYPE:	Variance (130108-01)
PROPERTY LOCATION or DESCRIPTION:	1317 Cooper Avenue
PETITIONER(S) AND AGENT(S):	Harland Donaldson
ZONING DISTRICT(S)	R-2 Zoning District (Single Family Residential)
REQUESTED ACTION:	To place an accessory structure in the side yard.
ZONING ORDINANCE REFERENCE:	<p>Article 7. District Requirements. Appendix A-Zoning Ordinance Section 74 R District Requirements</p> <p>Accessory structures:</p> <p style="padding-left: 40px;">Minimum Yard Size</p> <p style="padding-left: 80px;">Rear Yard - 5'</p> <p style="padding-left: 80px;">Side Yard – 5'</p> <p>Section 68. Definitions.</p> <p><i>Yard.</i> An open space, on the lot with the main building, left open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.</p> <p><i>Yard, front.</i> The yard extending across the entire width of the lot between the main building including covered porches, and the front line, or if an official future street right-of-way line has been established, between the main building, including covered porches and the right-of-way line. No fallout shelter, even though it does not exceed thirty (30) inches in height, shall be permitted in any front yard.</p> <p><i>Yard, rear.</i> The yard extending across the entire width of the lot between the main building, including covered porches, and the rear lot line.</p> <p><i>Yard, side.</i> The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches and carports, and such lot line.</p>



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

130108-01

Variance
 To place a structure in the side yard

**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: Harland Donaldson

Street Address: 1317 Cooper Ave

City: Prattville State: AL Zip: 36066

Phone Number(s): 334-365-9303

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: lot 4, Block 6, first addition to Woodland Heights Subdivision

Current Zoning of Property: Residential Physical Address: 1317 Cooper Ave

Proposed Use of Property (generally): residence

Describe Proposed Use or Variance: Storage

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))

There is no way building could have been put in any other area of the yard due to the lay out of the property and previously existing buildings and large oak tree. This is our back yard (see photos attached).

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.

Harland Donaldson [Signature] 12/11/12
Printed Name Signature Date

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

[Signature]
Notary Public

My commission expires 6-22-13

130108-01-B

Variance
To place a structure in the side yard



130108-01 • C

Variance

To place a structure in the side yard



130108-01-D
Variance
To place a structure in the side yard



130108-01 - E

Variance

To place a structure in the side yard



130108-01-F

Variance
To place a structure in the side yard



130108-01 - G

Variance
To place a structure in the side yard

