

STATE OF ALABAMA  
SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – May 18, 2009 – 7:00 P.M.

**Members Present:** Bob Land, Chairman; Kenneth Wilder, Vice-Chairman; Scott Chambers; Rachel Garrett; Bill Kinnebrew; Robert Taylor; and Ralph Thomas.

**Staff Present:** Ray E. Hamilton, Manager; David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Sharman Brooks, Planner II; Kristine Goddard, Planner II; and Winston Sitton, Civil Engineer.

**NOTE:** Over 40 people were present at the beginning of the meeting. **Commissioner Land** asked staff to address this gathering. Tom Wilkins explained that the majority of those in attendance were present because of a family subdivision case that was currently in staff review. Mr. Wilkins explained that the case was being reviewed administratively, and that no and that no public hearing is required for administrative subdivisions. **Commissioner Land** noted that because this case is still under review, it would be inappropriate to make any substantive comments about the case. Staff asked the folks in attendance to provide their contact information for future contact.

**PUBLIC HEARING**

The meeting was called to order at approximately 7:15 p.m. by Bob Land, Chairman. Approximately six people were present in addition to the Commission and the staff.

**1. Approval of the Minutes of the Regularly Scheduled Meeting of May 4, 2009.**

**Commissioner Garrett** made a motion to approve the minutes of the meeting of May 4, 2009. The motion was seconded by **Commissioner Chambers** and by a unanimous vote of seven (7), with Commissioners Chambers, Garrett, Land, Kinnebrew, Taylor, Thomas and Wilder voting in favor, the minutes of the meeting of May 4, 2009 were approved.

**2. S09-023; Ada's Place, A Resurvey of Lot 2 – Final Plat**

*Purpose:* A request from Carolyn Feltenberger for the approval of a final plat to be called **Ada's Place**, A Resurvey of Lot 2, Ada's Place (Map Book 31, Page 71) dividing one lot into two residential lots.

*Location:* The subject property, 3414 CR 37, is located immediately south of the intersection with Beaver Creek Road in the unzoned Columbiana Zoning Beat and situated in the SW ¼ of Section 11, Township 22 South, Range 1 West; Parcel Identification No. 58-29-1-11-0-000-008.000.

The case was introduced by Kristine Goddard, Department of Development Services. Ms. Goddard explained that the home on the subject property was destroyed by fire some time ago. The applicant wished to build a new manufactured home on the property. Since another

manufactured home was already located on the property, it would have to be resubdivided into two lots to place another manufactured home on the property.

**Commissioner Garrett** asked if there was a home and a trailer on the property prior to the fire can they not replace the house with a manufactured home. Ms. Goddard explained that because of the *Regulations for Manufactured Home Communities* the subdivision is necessary.

**Commissioner Kinnebrew** asked for clarification where Lot 1 was located. **Commissioner Taylor** asked if the property owner also owned the lot north of Lot 2A. Ms Goddard confirmed that she did also own the other lot.

At this time, **Commissioner Land** introduced the members of the Planning Commission.

Carolyn Feltenberger, owner, said that she only wants to rebuild her home that had burned down. She said that she had lived there all of her life and wanted to continue to live there.

**Commissioner Garrett** asked about the other two lots that she owned. Ms. Feltenberger stated that her sister lived on one of the lots and another person lived on the other. No one else was present to speak in favor of or in opposition to this request.

**Commissioner Garrett** made a motion to *Approve* this case, as recommended by staff. The motion was seconded by **Commissioner Chambers** and, by a unanimous vote of seven (7), with Commissioners Chambers, Garrett, Kinnebrew, Land, Taylor, Thomas and Wilder voting in favor, the following resolution was approved:

**WHEREAS**, Carolyn Feltenberger has petitioned the Planning Commission for the approval of a final plat to be called **Ada's Place, A Resurvey of Lot 2**, dividing a 1.95 acre lot into two residential lots; and,

**WHEREAS**, the subject property, 3414 CR 37, is located just south of the intersection with Beaver Creek Road in the unzoned Columbiana Zoning Beat and is situated in the SW ¼ of Section 11, Township 22 South, Range 1 West; Parcel Identification No. 58-29-1-11-0-000-008.000; and,

**WHEREAS**, Ada's Place (*Case No. S-15-03*), an administrative subdivision dividing 2.86 acres into two lots was recorded on May 19, 2003, (MapBook 31, Page 71); and,

**WHEREAS**, the owner now desires to divide Lot 2, Ada's Place, a 1.95 acre lot into two residential lots to permit the replacement of a home that was destroyed by fire with a new manufactured home; and,

**WHEREAS**, the documents and maps presented meet the minimum requirements of the Subdivision Regulations of Shelby County;

**NOW, THEREFORE, BE IT RESOLVED**, by the Shelby County Planning Commission that the application of Carolyn Feltenberger for the approval of a final plat to be called **Ada's Place, A Resurvey of Lot 2**, dividing one lot into two residential lots for the subject property, 3414 CR 37, located just south of the intersection with Beaver Creek Road and situated in the SW ¼ of Section 11, Township 22 South, Range 1 West; Parcel Identification No. 58-29-1-11-0-000-008.000 be, and the same is hereby *Approved* subject to:

- *Compliance with the regulations, policies and guidelines of Shelby County.*

At this time **Commissioner Land** introduced the members of the staff.

3. **S09-020; Nancy Hammond Family Subdivision, Being a Resurvey of Lot 1, Between the Oaks – Final Plat**

*Purpose:* A request from Nancy Hammond for the approval of a final plat to be called **Nancy Hammond Family Subdivision**, being a Resurvey of Lot 1, Between The Oaks Subdivision (Mapbook 34, Page 98) dividing one lot into three family lots.

*Location:* The subject property, 161 Hawks View Drive, is located at the northwest corner of the intersection of Hawks View Drive and CR 41 in an A-1, Agricultural District of the Chelsea North-Dunnivant Valley South-Westover North Zoning Beat, and is situated in the SE ¼ of Section 13, Township 18 South, Range 1 West; Parcel Identification No. 58-03-6-13-0-000-005.001.

The case was presented by Sharman Brooks, Department of Development Services. Ms. Brooks explained that the applicant desired to create a Family Subdivision dividing one recorded lot into three lots. **Commissioner Taylor** asked if this was the site of a previous setback variance case. Ms. Brooks confirmed that the variance was on Lot 2 that is, however, not a part of this subdivision. Case No. V-05-05 was a request for a variance to permit the placement of an accessory structure (garage) in a required front yard along Hawks View Drive instead of in the rear yard as required. The case was granted. **Commissioner Land** noted that the completed structure looks good and is appropriately sited.

Ms. Brooks noted that two letters of opposition have been received. Both letters objected to the subdivision because of the narrow width (12.5 feet) of Hawk's View Lane and the danger it poses.

Nancy Hammond came forward to explain her request. She said that she only wanted to divide her property so that it could be identified in her will. The property would be inherited by her two sons.

**Commissioner Taylor** asked Ms. Hammond if she had seen the letters of opposition. Ms. Hammond and her daughter, April Johnson, reviewed the letters. They noted that the road does not go anywhere. The residents on the road all know each other and respect each other's access. The wreck that was mentioned in one of the letters had nothing to do with this subdivision case.

Joe Wallace, 184 Hawk's View Drive, came forward to object to the subdivision. He stated that he had built the drive years ago when he built his home. If the subdivision is to go forward, the applicants should be required to widen the road.

Ms. Hammond noted that the drive is County maintained. **Commissioner Taylor** asked if the road goes any further. Ms. Hammond said that it did not.

Ms. Johnson agreed that the road is only wide enough for one car. Winston Sitton, Highway Department, stated that when properties are platted, they are required to dedicate right-of-way.

**Commissioner Kinnebrew** asked how many miles of dirt roads are located in Shelby County. Mr. Sitton said he did not know exactly but that it was probably over 100 miles. **Commissioner Garrett** asked what is the width of the right-of-way. Mr. Sitton explained that the plat provides 30 feet to the center of the road, on her side of Hawk's View Drive.

**Commissioner Wilder** made a motion to *Approve* the case as recommended by staff. The motion was seconded by **Commissioner Kinnebrew** and by a unanimous vote of seven (7) Commissioners Chambers, Garrett, Kinnebrew, Land, Taylor, Thomas and Wilder, the following resolution was approved:

**WHEREAS**, Nancy Hammond, owner, has petitioned the Planning Commission for the approval of a final plat to be called **Nancy Hammond Family Subdivision**, being a Resurvey of Lot 1, Between The Oaks Subdivision (Mapbook 34, Page 98) dividing one lot into three family lots; and,

**WHEREAS**, subject property, 161 Hawks View Drive, is located at the northwest corner of the intersection of Hawks View Drive and CR 41 in an A-1, Agricultural District of the Chelsea North-Dunnavant Valley South-Westover North Zoning Beat, and is situated in the SE ¼ of Section 13, Township 18 South, Range 1 West; Parcel Identification No. 58-03-6-13-0-000-005.001; and,

**WHEREAS**, Between the Oaks (*Case No. S-04-05*), an administrative subdivision dividing 9.4 acres into two residential lots was recorded on February 14, 2005 (MapBook 34, Page 98); and,

**WHEREAS**, the applicant now desires to divide Lot 1, Between the Oaks Subdivision into three residential lots to be called **Nancy Hammond Family Subdivision** for the use of her family members; and,

**WHEREAS**, to documents and maps presented meet the minimum requirements of the Subdivision Regulations of Shelby County;

**NOW, THEREFORE, BE IT RESOLVED**, by the Shelby County Planning Commission that the application of Nancy Hammond for the approval of a final plat to be called **Nancy Hammond Family Subdivision**, dividing one lot into three residential lots for 161 Hawks View Drive, located at the northwest corner of the intersection of Hawks View Drive and CR 41 in the Chelsea North-Dunnavant Valley South-Westover North Zoning Beat, and situated in the SE ¼ of Section 13, Township 18 South, Range 1 West; Parcel Identification No. 58-03-6-13-0-000-005.001 be, and the same is hereby **Approved** subject to:

- *Conformance with all requirements of the Shelby County Engineer.*
- *Compliance with the regulations, policies and guidelines of Shelby County.*

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There being no further business, **Commissioner Wilder** made a motion to adjourn. The motion was seconded by **Commissioner Thomas** and by a unanimous vote of seven (7), with Commissioners Chambers, Garrett, Kinnebrew, Land, Taylor, Thomas and Wilder voting in favor, the meeting was adjourned.

**ADJOURNMENT 7:45 P.M. May 18, 2009.**

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David Hunke, AICP  
Planning Services Supervisor

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James R. Land, Chairman  
Shelby County Planning Commission