



CITY OF BOAZ  
Planning Commission Agenda  
March 02, 2023

Boaz Public Library, Mastin Conference Room – 6:00 PM

- I. Call to Order
- II. Invocation
- III. Pledge of Allegiance
- IV. Adoption of Agenda
- V. Reading and/or Approval of Minutes of Previous Planning Commission Meeting
  1. Adopt the minutes of the Planning Commission Meeting dated 02/02/2023.
- VI. Public Hearings
  1. The City of Boaz Planning Commission will hold a public hearing on Thursday, March 2, 2023 at 6:00 P.M. in the Mastin Room at the Boaz Public Library. The purpose of the public hearing will be to hear a request from Brett Keller. Mr. Keller is seeking to rezone property located at 465 Gold Kist Street St. From R-1 (Low Density Detached Residential District) to R-3 (High Density Single-Family Residential District). Mr. Keller seeks to build a duplex on the property.
- VII. New Business
  1. Entertain a motion to approve or deny the rezoning of the property owned by Brett Keller located at 465 Gold Kist Street St. From R-1 (Low Density Detached Residential District) to R-3 (High Density Single-Family Residential District).
- VIII. Public Comments
- IX. Chairman Comments
- X. Adjourn



CITY OF BOAZ  
 Planning Commission Minutes  
 February 02, 2023  
 Boaz Public Library, Mastin Conference Room – 6:00 PM

I. Call to Order

Chairman Frix called the meeting to order at 6:00 P.M.

PRESENT

Chris Washburn  
 David Wallace  
 Nick Borden  
 Randall White  
 Rodney Frix

II. Invocation

Randall White gave the Invocation.

III. Pledge of Allegiance

Chris Washburn led the Pledge of Allegiance.

IV. Adoption of Agenda

Motion made by Borden, Seconded by Washburn.  
 Motion passed by unanimous voice vote.

V. Reading and/or Approval of Minutes of Previous Planning Commission Meeting

1. Adopt the minutes of the Planning Commission Meeting date 11/03/2022.

Motion made by White, Seconded by Washburn.

Motion passed by unanimous voice vote.

VI. Public Hearings

1. A public hearing will be to hear an application from Dr. Mark L.Turk, O.D. for a petition to rezone lots 11 & 12 of the Hospital Heights Extension from R-1 (low density detached residential district) to B-2 (community commercial district). This property adjoins Dr. Turk's property located at 2378 US Hwy 431. The property is located in a residential and business area. The property will be used for a doctor's office with entrance off of Hwy 431.

Motion made by Borden to open the Public Hearing at 6:02 P.M., Seconded by Washburn.  
 The motion passed on a unanimous voice vote.

Chairman Frix announced that the meeting was the noticed time and place for a proposed public hearing regarding an application from Dr. Mark L.Turk, O.D. for a petition to rezone lots 11 & 12 of the Hospital Heights Extension from R-1 (low density detached residential district)

to B-2 (community commercial district). This property adjoins Dr. Turk’s property located at 2378 US Hwy 431. The property is located in a residential and business area. The property will be used for a doctor’s office with entrance off of Hwy 431.

The hearing being open to the public, Chairman Frix asked if there was anyone present to speak "for" or "against" the rezoning.

Persons who spoke "for" the rezoning:

Dr. Mark L. Turk, O.D.  
2378 US Hwy 431  
Boaz, AL 35957.

Derek Ymker with Ymker Development LLC  
15613 Maries Road  
Dixon, Missouri 65459

Stefan Graeber- engineer with Sain Associates  
Two Perimeter Park South  
Suite 500 East  
Birmingham, AL 35243

Persons who spoke "against" the rezoning:

Blake Farmer  
1117 James Street  
Boaz, AL 35957

Chad Cofield  
1213 James Street  
Boaz, AL 35957

Shirley Edmondson  
1147 James Street  
Boaz, AL 35957

David Specht and Andrea Specht  
1144 James Street  
Boaz, AL 35957

Kim Mullinax  
1208 James Street  
Boaz, AL 35957

Motion made by Washburn to close the Public Hearing at 6:19 P.M., Seconded by White. The motion passed on a unanimous voice vote.

VII. New Business

Motion made by Borden to open New Business, Seconded by Washburn. The motion passed on a unanimous voice vote.

- 1. Approval of an application from Dr. Mark L.Turk, O.D. for a petition to rezone lots 11 & 12 of the Hospital Heights Extension from R-1 (low density detached residential district) to B-2 (community commercial district).

Chairman Frix gave his opinion regarding the items working against the zoning change.

Dr. Mark L. Turk, O.D. gave Chairman Frix 3 letters "for" the rezoning.

Chairman Frix read the letters "for" the rezoning.

The letters "for" the rezoning were from:

Joy Painter  
2424 US HWY 431  
Boaz, AL 35957

Patsy Gowens  
2330 US HWY 431  
Boaz, AL 35957

Alex Pope  
(No address on the letter.)

Motion made by White to oppose the rezoning from R-1 to B-2, seconded by Wallace. The motion passed on a unanimous voice vote.

VIII. Adjourn

The meeting adjourned at 6:36 P.M.

Motion made by Washburn, Seconded by Wallace. The motion passed on a unanimous voice vote.

Minutes prepared by City Clerk/ Treasurer Beth Stephens.



# City of Boaz Alabama

David Dyar  
Mayor

COUNCIL  
DAVID ELLIS  
JOSH GREER  
JOHNNY WILLIS  
JEFF SIMS  
MIKE MATTHEWS

Item 1.

## PUBLIC NOTICE February 6, 2023

The City of Boaz Planning Commission will hold a public hearing on Thursday, March 2, 2023 at 6:00 P.M. in the Mastin Room at the Boaz Public Library. The purpose of the public hearing will be to hear a request from Brett Keller. Mr. Keller is seeking to rezone property located at 465 Gold Kist Street St. From R-1 (Low Density Detached Residential District) to R-3 (High Density Single-Family Residential District). Mr. Keller seeks to build a duplex on the property. The legal description is as follows:

The North half of Lots 22, 23, 24, and 25 in Block of the R. E. Aldridge Addition as prepared by southern Realty Co., of Boaz, Ala., and surveyed by J.M. Morton, C.S. and platted and recorded in Plat Book 1 Page 46 in the Probate Office of Marshall County, Alabama, together with all improvements located thereon. (B-15909;tm)

At said time and place, all persons in favor of or in opposition to said zoning change request can be heard.

Chairman  
Boaz Planning Commission

# APPLICATION FOR ZONING AMENDMENT

Case No. \_\_\_\_\_

Date 01/26/2023

STATE OF ALABAMA  
COUNTY OF MARSHALL

This is to certify that I (we) the undersigned owner(s) do hereby request the Boaz Planning Commission to consider a zoning amendment for the property identified below:

1.) Description of property for which amendment is requested:

a.) Address: 465 GOLD KIST ST, BOAZ, AL 35957

b.) Name of Subdivision plat R.E. ALDRIDGE ADDITION PBI, PG 46

c.) Lot and Block numbers involved in change: LOTS 22, 23, 24, & 25/BLK 6

d.) Total acreage of change: 0.19 ACRE

e.) Recorded in Plat Book Number: 1 Page Number: 46

f.) Owned in whole by the undersigned? YES

g.) If owned in part, name(s) of co-owner(s): N/A

2. Zoning change requested:

a.) Present classification of property R1

b.) Reclassification desired: R3

c.) Character of neighborhood: RESIDENTIAL & BUSINESS MIX

3. a.) Reasons for requesting change and use to which property will be put:

I WOULD LIKE TO BUILD A DUPLEX ON THE PROPERTY

4. The following attachments **must** accompany the request for consideration of a zoning amendment:


- a.) One copy of a list of the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property to be rezoned.
- b.) One copy of a map or plat, drawn to scale, showing the existing and proposed zoning re-classification and other pertinent information.
- c.) One copy of the legal description of the property to be rezoned.
- d.) Fifty dollars (\$50.00) filing fee.

5. Certifications:

a.) Applicant' Name BRETT KELLER  
 Address: 283 SUMMIT PT, GUNTERSVILLE, AL 35976  
 Telephone: 256 - 738 - 1051

b.) Date: 01/26/2023

6. Signatures:

  
 \_\_\_\_\_  
 \_\_\_\_\_

Fee Paid: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Hearing Dates: Planning Commission \_\_\_\_\_ City Council: \_\_\_\_\_

Decision of Planning Commission: \_\_\_\_\_ City Council: \_\_\_\_\_



VICINITY MAP



X 2 1/2"  
 RON 3.18' NORTH  
 6.05' OF PROPERTY CORNER

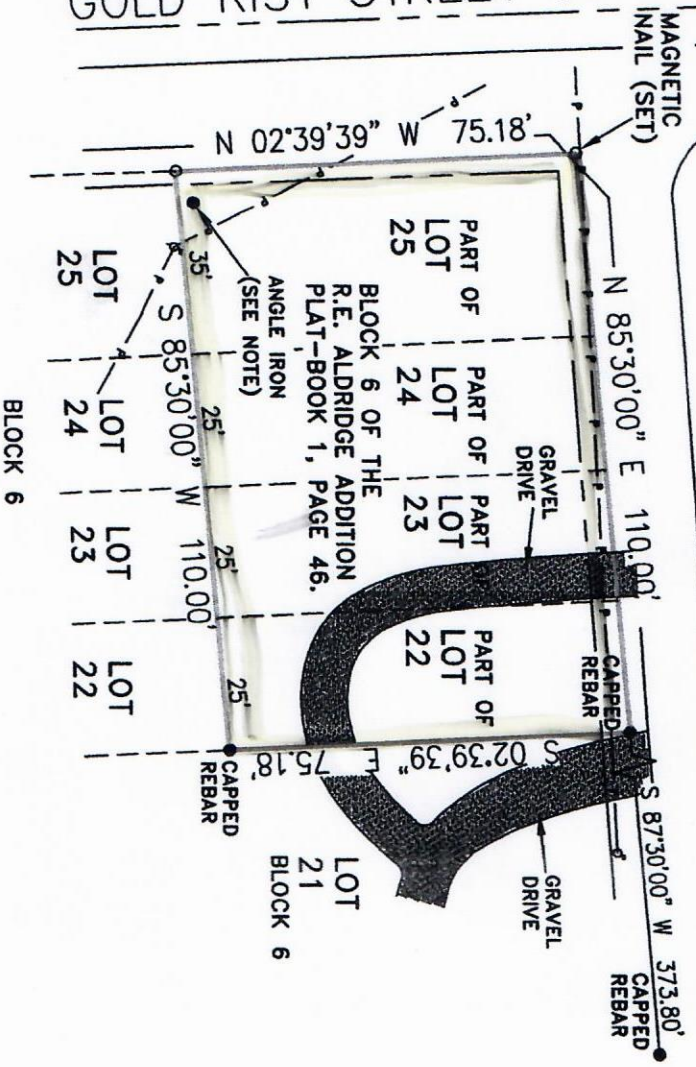
ADDENDUM ADDITION, PLAT BOOK 1, PAGE 46.

AS MADE TO DETERMINE THE LOCATION OR  
 SHIELD ENCROACHMENTS BENEATH THE

AS MADE TO VERIFY THE RIGHT OF WAY OF  
 THE LOCATION OF PROPERTY CORNERS, AND  
 F ROADS OR STREETS.

SUBJECT TO ANY RIGHTS OF WAY OR  
 AT MAY EXIST, RECORDED OR UNRECORDED.

GOLD KIST STREET 30' R.O.W



TERRELL STREET 30' R.O.W

LEGAL DES

STATE OF ALABAMA  
 COUNTY OF MARSHALL

I, Robert L. Taylor, a Registered Land Surveyor, have prepared this plat and drawing in accordance with the requirements of the Standards and Code of Alabama to the best of my knowledge and belief, and the same is more particularly described as follows:

The North half of Lots 22, 23, 24, and 25, Addition as prepared by Southern Realty by J. M. Morton, C.S. and plotted and in the Probate Office of Marshall County, Alabama, the City of Boaz, Marshall County, Alabama.

NOTE: The above described property is situated in the City of Boaz, Marshall County, Alabama. According to my survey the

ROBERT TAYLOR





**WARRANTY DEED**

STATE OF ALABAMA            )  
COUNTY OF MARSHALL        )

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of **SEVEN THOUSAND DOLLARS** (\$7,000.00), and other good and valuable consideration in hand paid to **Bert Phillips Properties, LLC, an Alabama Limited Liability Company** (hereinafter referred to as "Grantor(s)"), the receipt and sufficiency of which is hereby acknowledged, by the **All Season Homes, LLC, an Alabama Limited Liability Company** (hereinafter referred to as "Grantee(s)"), does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee(s), in fee simple absolute together with every contingent remainder and right of reversion, and subject to all the provisions contained in this warranty deed, the following described real property situated in Marshall County, Alabama, to-wit:

**The North half of Lots 22, 23, 24, and 25 in Block 6 of the R. E. Aldridge Addition as prepared by Southern Realty Co., of Boaz, Ala., and surveyed by J. M. Morton, C.S. and platted and recorded in Plat Book 1 Page 46 in the Probate Office of Marshall County, Alabama. said lots being situated in the City of Boaz, Marshall County, Alabama, together with all improvements located thereon. (B-15909;tm)**

**No part of the above described property constitutes the homestead of either party.**

**SOURCE OF TITLE: Deed book 6011, Page 32 in the Probate Court of Marshall County, Alabama**

LESS AND EXCEPT such oil, gas, and other mineral interests, and all rights and privileges in connection therewith, as may have been reserved or conveyed by prior owners, if any.

THIS CONVEYANCE AND THE WARRANTIES CONTAINED IN THIS WARRANTY DEED ARE MADE SUBJECT TO THE FOLLOWING:

Any and all covenants, restrictions, regulations, conditions, easements, rights-of-way, liens, set back lines, and other rights of whatever nature, recorded and/or unrecorded.

TOGETHER WITH ALL AND SINGULAR the rights, members, privileges, tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD unto said Grantee(s), and the heirs and assigns of said Grantee(s), in fee simple, forever.

AND except as to the above, and taxes hereafter falling due, which are assumed by said Grantee(s), for the Grantor(s), and for the heirs and assigns of the Grantor(s), hereby covenants and warrants to and with said Grantee(s), Grantee's heirs and assigns, that the Grantor(s) is seized of an indefeasible estate in fee simple in and to said real property, and has a good and lawful right to sell and convey the same, and that the Grantor(s) is in quiet and peaceable possession of said real property, and that said real property is free and clear of all liens and encumbrances, unless otherwise noted herein and/or incorporated herein by reference, and Grantor(s) does hereby WARRANT and will forever DEFEND the title to said real property, unto said Grantee(s), and Grantee's heirs and assigns, against the lawful claims and demands of all persons whomsoever.

**City of Boaz**  
**Miscellaneous Receipt**

Item 1.

**Misc. Receipt No:** 12074  
**POS Receipt No:** 11812  
**Receipt Date:** 01/26/2023

**Received By:** Chelsea Richey  
**Received On:** 01/26/2023 11:57 AM

**Customer ID:** 400  
**Name:** BRETT KELLER  
**Description:** APPLICATION FOR ZONING AMENDMENT

<b>Miscellaneous Receipt Total</b>
\$50.00

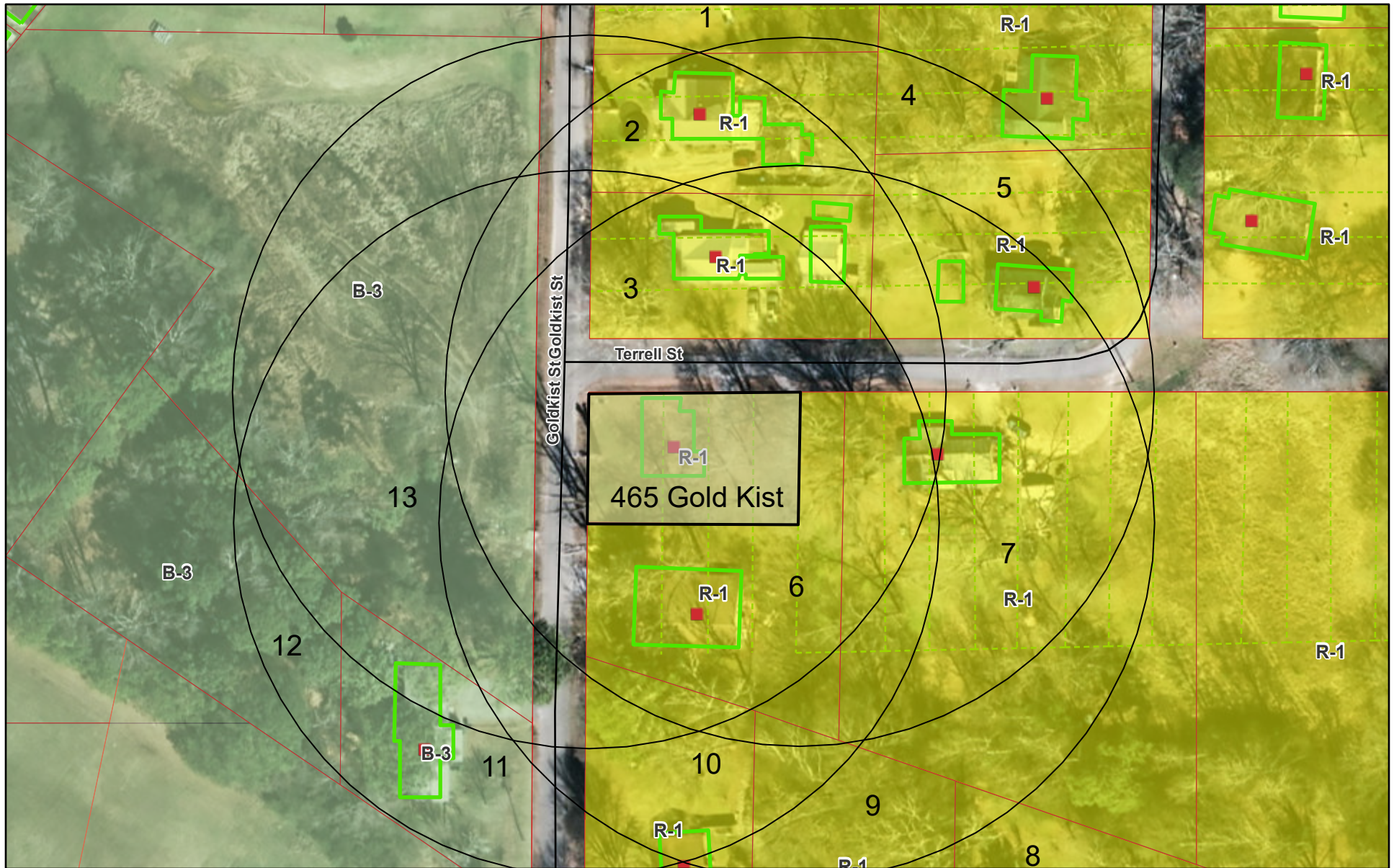
<b>GL Account Number</b>	<b>GL Account Description</b>	<b>Debit</b>	<b>Credit</b>
01-4-10-4079-000	Sub-Div/Zoning Var. Appl. Fee	\$0.00	\$50.00
<b>Miscellaneous Receipt Totals:</b>		<b>\$0.00</b>	<b>\$50.00</b>

**Thank You!**



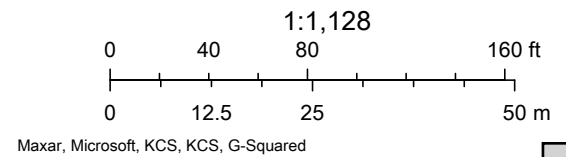
# 465 Gold Kist. current zoning and adj. property owners

Item 1.



2/6/2023, 11:00:14 AM

- Addresses (Boaz)
- City Limits
- R-1
- Streets (Boaz)
- Zoning
- Marshall County - Parcels
- Buildings
- B-3
- Marshall County - Lot\_Line



## ADJOINING PROPERTY OWNERS

Brett Keller  
465 Gold Kist St.  
BOAZ, ALABAMA 35957

Brett Keller  
283 Summit PT.  
Guntersville, AL 35976

1. JOHN RAY AMOS AND PATRICK LAMAR AMOS AND  
415 GOLD KIST STREET  
BOAZ, AL 35957
2. SIMS, JERRY LIVING TRUST AND STONE BREND  
6811 ALABAMA HIGHWAY 168 WEST  
BOAZ, AL 35957
3. RICHEY, KENNETH L & YVONNE  
445 GOLDKIST STREET  
BOAZ, AL 35957
4. JESSICA PINEDA AND JOSE MANUEL PINEDA AN  
207 TERRELL STREET  
BOAZ, AL 35957
5. MATIAS, HERMENEGILDO AGUILON  
8726 ALABAMA HIGHWAY 179  
BOAZ, AL 35956
6. MARR, DONALD R SR  
1240 TAYLOR MILL  
GUNTERSVILLE, AL 35976
7. THOMPSON, RONNIE & BRENDA  
P O BOX 17  
BOAZ, AL 35957
8. GARRARD, DONALD E & JIMMIE SUE  
565 GOLD KIST ST  
BOAZ, AL 35957
9. RUSH MARY ANN  
530 RAINWATER ROAD  
GUNTERSVILLE, AL 35976
10. POE, MICHAEL  
515 GOLD KIST STREET  
BOAZ, AL 35957
11. RENT RIGHT LLC  
8255 U S HIGHWAY 431  
ALBERTVILLE, AL 35950
12. TALTON PROPERTIES LLC  
440 LEE HOLCOMB ROAD  
BOAZ, AL 35956
13. KNOTT, DORIS  
1202 SNELLGROVE AVENUE  
BOAZ, AL 35957