



# CITY OF PRATTVILLE

**BILL GILLESPIE, JR.**  
MAYOR

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## 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 April 9, 2013 meeting of the  
City of Prattville Board of Zoning Adjustment  
were approved.

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Leo Jamieson, Chairman

5/14/13

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 April 9, 2013 4:00pm

### Call to Order:

### Roll Call:

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

### Minutes:

March 12, 2013

### Old Business:

None

### New Business:

1. 130409-01 VARIANCE:

To allow an accessory structure greater than 50% of the main dwelling.  
Vacant lot behind 724 Elizabeth Street  
R-3 Zoning District (Single Family Residential)  
Don Whittington, Petitioner

*District  
1*

### Miscellaneous:

Work Session

### Adjourn:

## PLANNING & DEVELOPMENT DEPARTMENT

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*Approved 5/14/13*

**City of Prattville Board of Zoning Adjustment  
Minutes  
April 9, 2013**

**CALL TO ORDER:**

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:03 p.m. on Tuesday, April 9, 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:**

Mrs. Schannep moved to approve the minutes of the March 12, 2013 meeting. Mr. Macready seconded the motion. The motion passed unanimously.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**VARIANCE:**

**To allow an accessory structure greater than 50% of the main dwelling.**

**Vacant lot behind 724 Elizabeth Street**

**R-3 Zoning District (Single Family Residential)**

**Don Whittington, Petitioner**

Mr. Duke introduced the variance request to allow an accessory structure on property. He stated that the proposed structure would be located on property behind 724 Elizabeth Street. He stated that the Zoning Ordinance requires that the total area of all structures can be no more than 50% of the main dwelling. He stated that the accessory structure would be the only structure located on the lot which also would violate the Zoning Ordinance. He stated that the petitioner proposed to replat that portion of property to join with 724 Elizabeth Street.

Don Whittington, petitioner, presented the variance request to allow an accessory structure on property. He provided a copy of the proposed replat to be submitted to the Planning Commission. He stated that the proposed structure would be used for a garage and storage. He explained that the proposed use listed on his application as farm/timber was referenced as is recorded in the Autauga County Judge of Probate Office. He presented pictures of his and surrounding property to the board. He stated that the size of the proposed structure (1680 ft<sup>2</sup>) would not impede the view of adjacent property owners.

Mr. Miles asked the petitioner about the hardship as it related to his property. Mr. Whittington replied that he owned the house he currently resides in on Upper Kingston Road and was trying to sell it and

*Approved 5/14/13*

owned the house he would be moving into on Elizabeth Street. He stated that he could not afford both houses and the house on Elizabeth Street was much smaller and closer to his mother-in-law whom he would be helping with her health care.

Chairman Jamieson opened the meeting for any public comments.

Andrew Odom represented his parents who own property at 802 Durden Road. He spoke in favor of the request.

Carla Hines, 804 Durden Road, wanted to know if the proposed structure would be used for a business.

Chairman Jamieson called a five minute recess at 4:58 p.m. The meeting was called back to order at 5:03 p.m. with all members present.

Mr. Miles asked if there was a representative from the adjacent church. Mr. Frank Lee stated that he was a member of the church and also the father-in-law to Mr. Whittington. He stated that the church had a membership of approximately 60 people.

Chairman Jamieson offered for anyone else to speak at the hearing. There were no other public comments therefore; Chairman Jamieson closed the public hearing.

Mr. Whittington addressed a public comment regarding operating a business and stated that he had no intent of operating a business at the proposed location.

In their discussion, the BZA's findings were that there was no uniqueness of the property to warrant a hardship, the move to Elizabeth Street was a matter of convenience and finance was not a bona fide reason for a hardship; the hardship was self-created.

After no further comments, questions, or discussion, the vote was called. **The BZA voted 4/1 to deny the variance request to allow an accessory structure greater than 50% of the main dwelling on property at vacant lot behind 724 Elizabeth Street.** The votes are as recorded. Oppose: Chairman Jamieson, Mrs. Schannep, Mr. Cimis, and Mr. Miles. Favor: Mr. Macready.

**MISCELLANEOUS:**

The Commission discussed holding a work session on Tuesday, April 23, 2013 at 4:00 at the City Hall Annex Conference Room.

**ADJOURN:**

After no further comments, questions or discussion the meeting was adjourned at 5:23 p.m.

Respectfully submitted,



Alisa Morgan, Secretary  
Board of Zoning Adjustment

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

MEETING DATE: April 9, 2013

PETITIONER: Don Whittington

ADDRESS OF PETITION: Vacant Lot behind 724 Elizabeth Street

	NAME	ADDRESS
1.	<i>Don W</i>	<i>724 Elizabeth St</i>
2.	<i>ANDREW OGDEN</i>	<i>802 OGDEN ROAD</i>
3.	<i>Carla Hill</i>	<i>804 Birch Rd</i>
4.	<i>Frank Lee</i>	
5.		
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	3/28/13
<b>APPLICATION TYPE:</b>	Variance <b>(130409-01)</b>
<b>PROPERTY LOCATION or DESCRIPTION:</b>	Vacant lot behind 724 Elizabeth Street
<b>PETITIONER(S) AND AGENT(S):</b>	Don Whittington
<b>ZONING DISTRICT(S)</b>	R-3 Zoning District (Single Family Residential)
<b>REQUESTED ACTION:</b>	To allow an accessory structure greater than 50% of the main dwelling.
<b>ZONING ORDINANCE REFERENCE:</b>	<p><b>Article 7. District Requirements. Appendix A-Zoning Ordinance Section 74 R District Requirements</b></p> <p><b>Accessory structures:</b></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><b>Appendix A</b></p> <p><b>Section 9. Structures.</b></p> <p>(a) [General.] It is the intent of this ordinance, that there shall be but one (1) main structure on any lot zoned or used for single-family residential purposes; also, accessory structures shall not exceed fifty (50) percent of the total floor area of any main structure. No accessory structure shall be used as living quarters; however, protective shelters may provide temporary living quarters in times of danger or emergency.</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

**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: Don Whittington  
 Street Address: 724 Elizabeth St  
 City: Prattville State: AL Zip: 36067  
 Phone Number(s): 334 391 0264

**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: See Attached

Current Zoning of Property: R-3 Physical Address: N/A  
 Proposed Use of Property (generally): Farm / Timber  
 Describe Proposed Use or Variance: To be able to build storage building bigger - over 50% the size of main structure -  
A Re Plat of lot is pending before Planning Commission  
SF main dwelling = 2327  
Proposed Structure SF = 1680 (24 x 70)



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 reason I am moving to  
this property is because of  
financial and health reasons

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 Whittington  
Printed Name

[Signature]  
Signature

3-22-13  
Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Don Whittington, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 22<sup>nd</sup> day of March, 2013.

[Signature]  
Notary Public

My commission expires 2-28-15