



# 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 December 9, 2014 regular meeting of the City of Prattville Board of Zoning Adjustment were approved.

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Leo Jamieson, Chairman

January 13, 2015

Date

### PLANNING & DEVELOPMENT DEPARTMENT

102 WEST MAIN STREET ■ PRATTVILLE, ALABAMA 36067 ■ 334-595-0500 ■ 334-361-3677  
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planning.prattvilleal.gov



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**CITY OF PRATTVILLE  
BOARD OF ZONING ADJUSTMENT  
A G E N D A  
December 9, 2014  
4:00pm**

**Call to Order:**

**Roll Call:**

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

**Minutes:**

November 10, 2014

**Old Business:**

None

**New Business:**

1. 141209-01      VARIANCE

To encroach 3' into the required 40' rear yard setback.  
142 Poplar Street  
R-2 Zoning District (Single Family Residential)  
Bobby J. Wilson, Petitioner

*District 6*

**Miscellaneous:**

**Adjourn:**

**PLANNING & DEVELOPMENT DEPARTMENT**

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**City of Prattville Board of Zoning Adjustment  
Minutes  
December 9, 2014**

**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, December 9, 2014.

**ROLL CALL:**

Present: Chairman Leo Jamieson, Mr. Gerald Cimis, Mr. Mac Macready, Mrs. Jerry Schannep and Mr. Jerry Crosby. Absent: Vice-Chairman James Miles.

***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:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**VARIANCE**

**To encroach 3' into the required 40' rear yard setback.**

**142 Poplar Street**

**R-2 Zoning District (Single Family Residential)**

**Bobby J. Wilson, Petitioner**

Mr. Duke provided the staff report for the variance to allow a 3' rear yard encroachment for an addition at 142 Poplar Street.

Bobby Wilson, petitioner, stated that the proposed addition of a utility room and sunroom would encroach 3' into the rear yard setback. He stated that the 3' variance was needed to allow the sunroom to align with the existing pool.

Mr. Cimis asked Mr. Wilson if the proposed 4' breezeway, attaching the sunroom to the utility room, could be shortened or eliminated to eliminate the need for the encroachment. Mr. Wilson replied that it could not because the sunroom would be misaligned with the pool.

Chairman Jamieson opened the public hearing.

Robert Johnson, 141 Poplar Street, spoke in favor of the request.

The public hearing was closed.

Mr. Cimis stated that there was nothing unique to the land that would require a need for a variance and that the petitioner wanting to align the sunroom to the pool was a self-created hardship.

*Approved 1/13/15*

After no further comments, questions, or discussion, the vote was called. The BZA voted 4/1 to approve the request to encroach 3' into the required 40' rear yard setback on property at 142 Poplar Street. The votes are as recorded: Favor: Chairman Jamieson, Mr. Macready, Mrs. Schannep and Mr. Crosby. Oppose: Mr. Cimis. (Absent: Mr. Miles).

**MISCELLANEOUS:**

**ADJOURN:**

After no further comments, questions or discussion the meeting was adjourned at 4:29 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:**           **BOBBY J. WILSON**  
                                  **142 POPLAR STREET**  
                                  **PRATTVILLE, AL 36066**

**REQUEST:**             **VARIANCE TO ENCROACH 3' INTO THE REQUIRED 40' REAR**  
                                  **YARD SETBACK**  
                                  **142 POPLAR STREET**  
                                  **R-2 ZONING DISTRICT (SINGLE FAMILY RESIDENTIAL)**

**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 December 9, 2014 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 variance to encroach 3' into the required 40' rear yard setback on property at 142 Poplar Street.**

**IT IS THEREFORE ORDERED** the petition of Bobby J. Wilson, 142 Poplar Street, Prattville, AL is hereby approved.

**DONE THIS THE 9th DAY OF December 2014.**

**BOARD OF ZONING ADJUSTMENT**

  
\_\_\_\_\_  
**LEO JAMIESON, CHAIRMAN**

  
\_\_\_\_\_  
**ALISA MORGAN, SECRETARY**

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

**MEETING DATE:** December 9, 2014

**PETITIONER:** Bobby J. Wilson

**ADDRESS OF PETITION:** 142 Poplar Street

	NAME	ADDRESS
1.	<u>Bobby J. Wilson</u>	<u>142 Poplar St</u>
2.	<u>Robert JOHNSON</u>	<u>142 Poplar St</u>
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



**VARIANCE** 142 Poplar Street  
BZA Application – 141209-01

**DATE** December 9, 2014

**PROPOSED DEVELOPMENT**

**Petitioner:** Bobby J. Wilson

**Property Owners:** same

**Agent:** N/A

**Location:** 142 Poplar Street

**Development Status and History**

*Previous Variance Requests/Approvals:* No existing variances

*Conditions of Previous Approvals:* N/A

**Property Configuration**

*Acreage:* Approximately 0.34 acres (15,000 square feet)

*Zoning Classification:* R-2, Single Family Residential

*Relevant Standards:* Section 68 – Definitions.  
*Yard, rear.* The yard extending across the entire width of the lot between the main building, including covered porches, and the rear lot line.

Section 71— R-2 Districts  
Minimum Lot Size: 10,500 square feet  
Maximum Lot Coverage: 45%  
Yard Setbacks:  
Front: 35'  
Rear: 40'  
Sides: 10'

Accessory Structure Location: behind rear building line  
Accessory Structure Setbacks: 5' from rear and side lines.

*Requested Variance:* Effective variance as re-stated by staff (see application for applicant statement): Owner proposes to build addition extending from the east end of the structure into the rear yard. The addition will place the rear line of the house within 37' of the rear property line. This will be a 3' encroachment into the required 40' rear yard. The applicant is requesting a variance of 3'

*Statement of Hardship:*  
(taken from application) Structure width aligned with the existing pool and building is a sun room in support of the pool itself. In order to align building with pool width and maintain that alignment I need a variance.

### **PLANNING STAFF EVALUATION**

**Reviewed by:** Joel T. Duke, AICP

**Site Visits Conducted:** October 30, 2014

**Recommendation:** Denial – no unique or unnecessary hardship is created by the 40' setback requirement on this lot.

#### **Planning Staff Comments:**

State code and best practices require the BZA to measure variance requests against several basic standards. Below is the staff opinion regarding the standards and this request.

1. No special conditions and circumstances exist regarding this structure which are not applicable to other lands, structures, or buildings in the same R-2 zoning district.
2. A literal interpretation of the zoning ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.
3. The special conditions and circumstances do result from actions of the applicant.

4. The granting of a variance will confer a special privilege on the applicant that is denied by the zoning ordinance to other lands, structures, or buildings in the same R-2 district;
5. The granting of a variance is not in harmony with the intent and purposes of the zoning ordinance;
6. A variance may not adversely affect the surrounding property, the general neighborhood, or the community as a whole;
7. A variance will not allow the establishment of a use prohibited under the terms of the zoning ordinance in an R-2 district.

#### **ATTACHMENTS**

No Attachments – Documents included in notebooks or previously distributed.

**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	11/14/14
<b>APPLICATION TYPE:</b>	Variance (141209-01)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	142 Poplar Street
<b>PETITIONER(S) AND AGENT(S):</b>	Bobby J. Wilson
<b>ZONING DISTRICT(S)</b>	R-2 (Single Family Residential)
<b>REQUESTED ACTION:</b>	Variance to encroach 3' into the required 40' rear yard setback.
<b>ZONING ORDINANCE REFERENCE:</b>	<b>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</b> <b>R-2 District:</b> Minimum Yard Size Front yard - 35' Rear Yard – 40' Side Yard – 10'





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

**141209-01**

Variance  
 To encroachment 3' into the required 40' rear yard setback

**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: Bobby J Wilson

Street Address: 142 Poplar Street

City: Prattville State AL Zip: 36066

Phone Number(s): Home:(334)365-4047; Cell:(205)807-0362

**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 A Woodland Hts Plt 12 A

Map Book 3 Page 202 100ft. X 150 ft.

Current Zoning of Property: Residential Physical Address: 142 Poplar Street

Proposed Use of Property (generally): Residential single family

Describe Proposed Use or Variance: Owner proposes to extend current utility room  
10 ft. X 12 ft. Owner proposes to build in the same line as utility room extension a  
12 ft. X 16 ft. Sun room. The Sun room will be connected to the utility room by way of a  
4 ft long breezeway. The southern most exterior wall of the Sun room will be 37 ft. from  
the rear property line. The owner request a variance of 3 ft. from the required 40 ft. rear  
setback. Thank you for your consideration.



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 (Sketch delivered by hand by Justin Spivey)
- 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))

Structure width Aligned with Existing Pool and Building is a Sun room is in support of the pool deck. In order to allow building with Pool width maintain that Alignment I need the variance.

*Bobby J. Wilson*

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.

Bobby J. Wilson  
Printed Name

*Bobby J. Wilson*  
Signature

November 6, 2014  
Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Bobby J. Wilson, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 6<sup>th</sup> day of November, 2014.

*Rebecca Bushell*  
Notary Public

My Commission Expires 11-08-2015

My commission expires \_\_\_\_\_

# 141209-01/A

Variance  
To encroachment 3' into the required 40' rear yard setback

ADDITION will ATTACH TO LAUNDRY ROOM ON EXISTING HOUSE  
high lighted AREA

DRIVE WAY

EXISTING HOME

Remove existing hip + extend to new room

ARCHITECTURAL Shingle ROOF to match existing house

SAME HEIGHT + PITCH AS ROOF ADDITION

2 OR 3 outlets

HARDIE PLANK siding

screened in BREEZEWAY

SUN ROOM

SIAB ON GRADE

12' 1"

APPROX. 40'

PROPERTY LINE

PROPERTY LINE

30'

SIAB ON GRADE

10'

BACK DOOR

12.5'

10'-5-0"

FRENCH DOORS

16'

v

