



# 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 July 12, 2016 regular meeting of the City of Prattville Board of Zoning Adjustment were approved.



Leo Jameson, Chairman

August 9, 2016

Date

### PLANNING & DEVELOPMENT DEPARTMENT

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



# CITY OF PRATTVILLE

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DISTRICT 7

**CITY OF PRATTVILLE  
BOARD OF ZONING ADJUSTMENT  
A G E N D A  
July 12, 2016  
4:00pm**

**Call to Order:**

**Roll Call:**

Chairman Leo Jamieson, Vice-Chairman James Miles, Mr. Jerry Cimis, Mr. Mac Macready, and Mrs. Jerry Schanep.

**Election of Officers:**

**Minutes:**

June 14, 2016

**Old Business:**

None

**New Business:**

1. 160712-01 USE-ON-APPEAL

To allow parking lot for church use.  
191 Seventh Street  
B-2 Zoning District (General Business)  
First Missionary Baptist Church, Petitioner

*District 2*

**Miscellaneous:**

**Adjourn**

**Planning & Development Department**

102 West Main Street ■ Prattville, Alabama 36067 ■ 334-595-0500 ■ 334-361-3677 Facsimile  
planning.prattvilleal.gov

**City of Prattville Board of Zoning Adjustment  
Minutes  
July 12, 2016**

**CALL TO ORDER:**

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:00 p.m. on Tuesday, July 12, 2016.

**ROLL CALL:**

Present: Chairman Leo Jamieson, Mr. Gerald Cimis, Mr. Mac Macready, Mrs. Jerry Schannep and Alternate Member 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:**

Mr. Macready moved to approve the minutes of the June 14, 2016 meeting. Mr. Crosby seconded the motion. The motion passed by majority vote. Mr. Cimis abstained.

**OLD BUSINESS:**

There was no old business to discuss.

**NEW BUSINESS:**

**USE-ON-APPEAL**

**To allow parking lot for church use.**

**191 Seventh Street**

**B-2 Zoning District (General Business)**

**First Missionary Baptist Church, Petitioner**

Mr. Duke introduced the request for a use-on-appeal at 191 Seventh Street. He stated that the property is located at the corner of Seventh Street and Court Street. He stated that the petitioner is requesting to pave the northeast corner of the vacant lot for parking to be used by the church. He stated that the lot has consistently been used for parking for area businesses and uses.

Larry Smith, Vice-Chairman of the Board of Trustees for First Missionary Baptist Church and representative for the petitioner, stated that they want to beautify the vacant lot that is currently used for parking by paving it just within the fenced area. He stated that the lot would contain a maximum of 10 parking spaces.

Chairman Jamieson opened the public hearing.

Quinton Robinson, 143 7<sup>th</sup> Street, spoke on concerns of the boundary lines, whether the parking lot would encroach on their property.

Mr. Duke stated that the paved parking would not extend beyond the existing fence that is the commonly recognized property boundary. The property deed lays out the dimension of the lots.

Fannie Robinson, 143 7<sup>th</sup> Street, stated that she placed the fence on the property many years ago to prevent trespassing to her property. She stated that the church has parked on her property and wanted to ensure that her rights are not being violated.

Mr. Smith addressed Ms. Robinson's comments. He stated that the First Missionary Baptist Church wants to be good neighbors. They are taking precautions not to infringe upon her rights by maintaining the paved parking inside the existing fence. He stated that they are not trying to eliminate anyone from using the parking. They just want to beautify the area.

The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. Mr. Cimis moved to approve the finding of facts: 1. The proposed church is an allowable use-on-appeal, and not a prohibited use in a B-2 district; 2. The proposed location of the church is in the public's interest and the proposed parking lot does meet the spirit of the City of Prattville Zoning Ordinance; 3. The proposed church use does not cause substantial adverse impact to adjacent or nearby properties or uses; and 4. The parking lot will not violate the setback of the existing fence or any existing structures. Mr. Crosby seconded the motion.

The motion to approve the finding of facts passed unanimously.

Mr. Cimis moved to approve the request based on the approved finding of facts. Mr. Crosby seconded the motion.

The motion to approve passed unanimously.

The BZA voted unanimously to approve the use-on-appeal to allow a parking lot for church use at 191 Seventh Street.

**MISCELLANEOUS:**

**ADJOURN:**

After no further comments, questions or discussion the meeting was adjourned at 4:40 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:** July 12, 2016

**PETITIONER:** First Missionary Baptist Church

**ADDRESS OF PETITION:** 191 Seventh Street

	NAME	ADDRESS
1.	Larry Smith	192 7th St.
2.	Robinson Clinton	143 7th St
3.	Jasmi Robinson	143 7th St
4.		
5.		
6.		
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21.		

**PRATTVILLE BOARD OF ZONING ADJUSTMENT**

**PETITIONER:**           **FIRST MISSIONARY BAPTIST CHURCH**  
                                  **192 SEVENTH STREET**  
                                  **PRATTVILLE, AL 36067**

**REQUEST:**             **USE-ON-APPEAL TO ALLOW A PARKING LOT FOR CHURCH**  
                                  **USE.**  
                                  **191 SEVENTH STREET**  
                                  **B-2 ZONING DISTRICT (GENERAL BUSINESS)**

**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 July 12, 2016 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 use-on-appeal to allow a parking lot for church use on property at 191 Seventh Street.**

**IT IS THEREFORE ORDERED** the petition of First Missionary Baptist Church, 191 Seventh Street, Prattville, AL is hereby approved.

**DONE THIS THE 12th DAY OF July 2016.**

**BOARD OF ZONING ADJUSTMENT**

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

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

**CITY OF PRATTVILLE**  
Board of Zoning Adjustment  
Planning Department Staff Report



**USE-ON-APPEAL** Church Use – First Missionary Baptist Church  
  
Vacant Lot – SE Corner of Seventh Street and  
N. Court Street 192 Seventh Street  
  
BZA Application – 160712-01  
  
**DATE** July 8, 2016

**PROPOSED DEVELOPMENT**

**Petitioners:** First Missionary Baptist Church  
**Property Owners:** Same  
**Agent:** Larry Smith, First Missionary Baptist Church  
**Location:** Vacant parcel southeast corner of 7<sup>th</sup> Street and N. Court Street.  
Autauga County Parcel Number: 1903084002012000  
(Previously addressed as 191 7<sup>th</sup> Street)

**Development Status and History**

*Submission Status:* Requesting permission to convert existing vacant lot to parking lot for use by the church.  
  
*Previous Approvals:* None. No other request on file for use-on-appeal at this address  
  
*Conditions of Previous Approvals:* N/A

**Property Configuration**

*Parcel Size:* Approximately 7,600 square feet according to Autauga County Tax Records. 5,890 square feet according to deed.  
  
*Existing Structures* No existing structures

<i>Proposed Use:</i>	Church/Semi-Public Use – Parking Lot
<i>Current Zoning:</i>	B-2 (General Business)
<i>Required Zoning:</i>	Church permitted in B-2 district with use-on-appeal approval from the Board of Zoning Adjustment.
<i>Surrounding Developments and Uses:</i>	The property west of the site is zoned M-1 (Light Industrial). The property to the north, south, and east is zoned B-2 (General Business).
<i>Street Extensions or New Streets:</i>	None required or proposed.
<i>Water and Sewer:</i>	Not applicable to the proposed development

**PLANNING STAFF EVALUATION**

<b>Reviewed by:</b>	Joel T. Duke, AICP
<b>Site Visits Conducted:</b>	March 1, 2016 and July 8, 2016
<b>Recommendation:</b>	Approval.

**Planning Staff Comments:**

*Background.* The vacant parcel previously addressed as 191 Seventh Street is located directly across Seventh Street from the First Missionary Baptist Church. A 982 square foot structure was removed from the property between 2000 and 2005 leaving an un-vegetated field. The roughly 6,000 square foot parcel was acquired by the church in January 2015. The church is requesting permission to improve the lot and create 8 paved parking spaces. The improved lot provides driveways on both Seventh Street and Court Street. The proposed driveways and parking spaces meet city dimensional requirements. The design provides a 10’ x 10’ area in the northwest corner of the lot for landscaping.

According to church representatives, the locally accepted boundaries of the lot correspond with a chain link fence running near the east and south property lines. These “lines” do not correspond with the deeded property or the tax office boundaries. All of these lines are shown on the applicant’s submitted site plan. While additional property may be available for development of the parking lot, the church is electing to maintain the fence line as the boundary for the developed parking.

The church provided the Board with the following supplemental information concerning their operations:

- A. Current Membership: 300 - 400
- B. Days and Hours of Services: Sunday worship service 9:20 a.m., Wednesday Bible study Noon and 6:30 p.m.
- C. Average Weekly Attendance: Sunday: 150, Wednesday 50
- D. Days and Hours of All Activities: Food ministry - Wednesday
- E. Outside Activities: No
- F. Parking Available on Site: 100+ (Staff count 133)
- G. Seating in the Worship Center: 300

*Analysis.* Below is the staff assessment of the three general question applicable to uses-on-appeal:

1. *Is the proposed church an allowable use-on-appeal, and not a prohibited use in a B-2 district?*

The requested use is a permitted use-on-appeal. It is not a prohibited use in a B-2 district.

2. *Is location of the proposed church use (parking lot) at 192 Seventh Street in the public interest? Does the proposed development meet the spirit of the City of Prattville Zoning Ordinance?*

A primary purpose of the city's zoning ordinance is to insure that adequate space and facilities are provided for a given use. Regarding churches, the zoning ordinance requires adequate setback from adjacent properties and an adequate parking field. The church stated their capacity in the worship center to be 300 seats. City ordinance dictates 120 parking spaces. 133 spaces are provided in the churches existing configuration. The proposed parking is not required to meet zoning requirements.

The proposed church or institutional use of the subject property is consistent with the present commercial use of the property. It is also consistent with the commercial uses located adjacent and nearby. The unimproved site is likely providing parking for all of these uses at various times during a given week. The proposed improvements bring the lot into compliance with city codes for the de facto use. The proposed use and configuration of the property are consistent with the zoning ordinance and in the public interest.

3. *Does the proposed church use cause substantial adverse impact to adjacent or nearby properties or uses?*

The use does not adversely impact the neighborhood, and may arguably be an improvement to the neighborhood and intersection.

**ATTACHMENTS**

- A. Location Map
- B. Application
- C. Site Plan (part of application)

CITY OF  
PRATTVILLE, AL



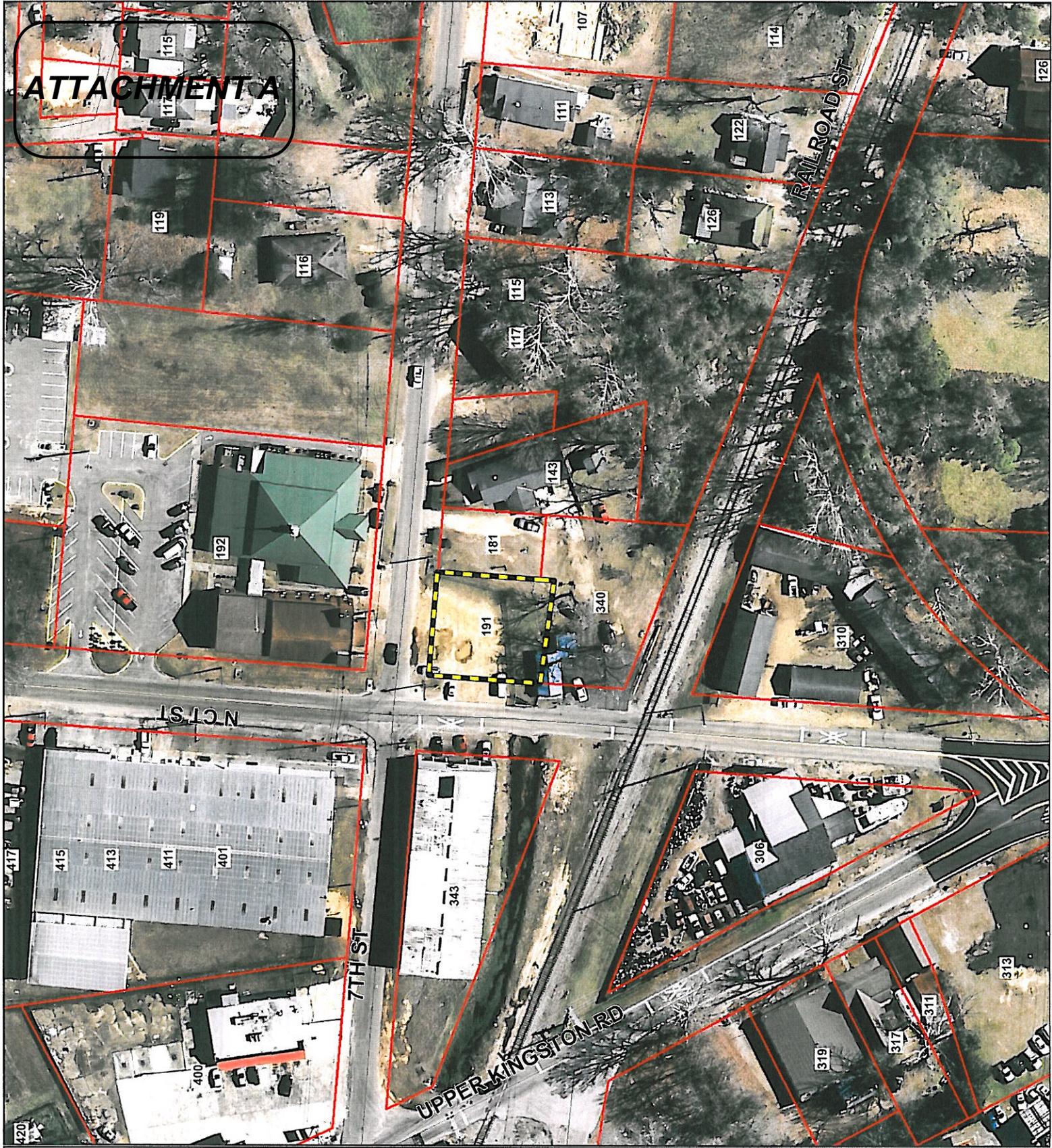
Zoning: B-2

Scale: 1" = 100'



STREETS

TAX PARCEL



ATTACHMENT A

# ATTACHMENT B

## 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: First Missionary Baptist Church Prattville  
Street Address: 192 7th Street / P.O. Box 680956  
City: Prattville State: AL Zip: 36067  
Phone Number(s): (334) 365-3628 Larry D. Smith (334) 430-3393

### Property Owner Information

If different than above

Name: \_\_\_\_\_  
Address of Property Owner: N/A  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone Number: ( ) \_\_\_\_\_

### Property Description

County Tax Parcel Number/Legal Description: \_\_\_\_\_

Current Zoning of Property: \_\_\_\_\_ Physical Address: 192 7th St.

Proposed Use of Property (generally): Church Use

Describe Proposed Use or Variance: Parking Lot





## To - Board of Zoning Adjustments

This Note Is to Confirm that the Board of Deacons and Trustees Meeting was held on Sunday 5/15/16. One topic of discussion was the dirt lot across from the Church which was recently purchased.

The Joint Boards Agreed to proceed with making application to the (BZA) Board of Zoning Adjustment for parking spaces in this area. Mr. Larry Smith, Vice Chairman of the Trustee Board was delegated with this task.

Signed — Ray C. Jackson  
Dec Jackson

SEND TAX NOTICE TO:  
First Missionary Baptist Church  
P.O. Box 680956  
Prattville, AL 36068

Grantors:  
Nora Faye Epkins  
Donna Kathleen Epkins  
Jamar Lontriel Epkins  
23811 Vergale Drive  
Spring, Texas 77373

Sales Price \$7,000.00

### WARRANTY DEED

STATE OF  
AUTAUGA

KNOW ALL MEN BY THESE PRESENTS, that in consideration of ONE HUNDRED AND NO/100 (\$100.00) and other valuable consideration, to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we, **Nora Faye Epkins a/k/a Nora Faye Epkins, by Donna Greene as her Attorney in Fact, and Donna Kathleen Epkins a/k/a Donna Kathleen Epkins, an unmarried woman and Jamar Lontriel Epkins, an unmarried man,** herein referred to as grantors do **grant, bargain, sell and convey** unto **First Missionary Baptist Church,** herein referred to as Grantee, the following described real estate situated in Autauga County, Alabama, to-wit:

**Beginning at the Southeast intersection of Seventh Street and Court Street, also known as Factory Street, thence East along the South side of Seventh Street 62 feet, thence South parallel with Court Street, also known as Factory Street, 95 feet, thence West parallel with Seventh Street 62 feet to the East side of Court Street, also known as Factory Street, thence North along the East side of Court Street, also known as Factory Street, 95 feet to the point of beginning.**

**Subject to covenants, restrictions, reservations, easements and rights of way appearing of record affecting subject property.**

**The Grantors last names were identified as Epkins in the duly probated Last Will and Testament of Worthy Hughes, probated in the State of Alabama in Tallapoosa County from which they obtained the property. Their correct and legal last names are Epkins.**

**Jamar Lontriel Epkins is the only heir and next of kin of Ronda Maria Epkins whose date of death was January 30<sup>th</sup>, 2015.**

TO HAVE AND TO HOLD, the aforegranted premises to the said grantee, their successors and assigns forever.

And we do for ourselves and for our heirs, executors, and administrators covenant with the said Grantees, their successors and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that we have a good right to sell and convey the same as aforesaid; that we will and our heirs, executors and administrators shall warrant and defend the same to the said Grantee, their successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this 18 day of November, 2015.

*Nora Faye Epkins by Donna Greene*  
Nora Faye Epkins a/k/a Nora Faye Epkins, POA  
By Donna Greene, her Attorney in Fact

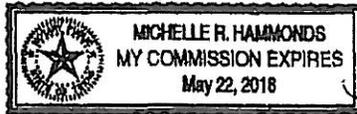
*Donna Kathleen Epkins*  
Donna Kathleen Epkins a/k/a Donald Katherine Epkins

*Jamar Lontriel Epkins*  
Jamar Lontriel Epkins

STATE OF Texas  
Harris COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Nora Faye Epkins a/k/a Nora Faye Epkins, by Donna Greene her Attorney in Fact, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of this conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 18 day of November, 2015.

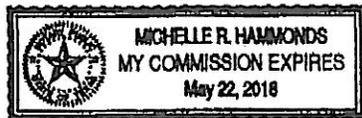


Michelle R. Hammonds  
NOTARY PUBLIC

STATE OF Texas  
Harris COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Donna Kathleen Epkins a/k/a Donald Katherine Epkins, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of this conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 18 day of November, 2015.



Michelle R. Hammonds  
NOTARY PUBLIC

STATE OF Texas  
Harris COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Jamar Lontrel Epkins, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of this conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 18 day of November, 2015.



Michelle R. Hammonds  
NOTARY PUBLIC

THIS INSTRUMENT WAS PREPARED BY:  
MCDOWELL, FAULK AND MCDOWELL, L.L.C.  
145 WEST MAIN STREET  
PRATTVILLE, ALABAMA 36067  
334/365-5924  
RE (W:\RE\First Missionary Baptist Church 2015-452 (7th St. Property)\Closing Package.wpd)

**Prattville Board of Zoning Adjustment  
Application  
Supplemental Information – Church Uses**

1. What is the approximate membership of the church as of the date of this application?	300- 400
2. What are the days & hours for services?  Sunday (Sunday Services- 9:20 am) Wednesday (Bible Study - 12 noon and 6:30 pm)	
3. What is the approximate attendance for each of the services listed above?	Sunday 150; Wed 50
4. What are the days & hours of any church sponsored activities on the property?	Food Ministry Wednesday
5. Will any of the church sponsored activities regularly take place outside?	No
6. If answering "Yes" to Question 5, please specify the type of activities:	
7. How many off-street parking spaces are on the property where the church is located?	100 plus
8. How many seats will be available in the worship center?	300

<b>Form Completed By:</b> Larry D. Smith Sr.	<b>Phone Number:</b> (334) 430-3393
<b>Application Address:</b> 192 7th Street , Prattville, AL 36067	
<b>CITY USE ONLY</b>	
<b>Application Number:</b> 160712 -01	<b>Application Date:</b> 6/8/2016

ATTACHMENT C

First Missionary Baptist Church

7TH ST

NCT ST

10' x 10' Landscape Area

8 Spaces

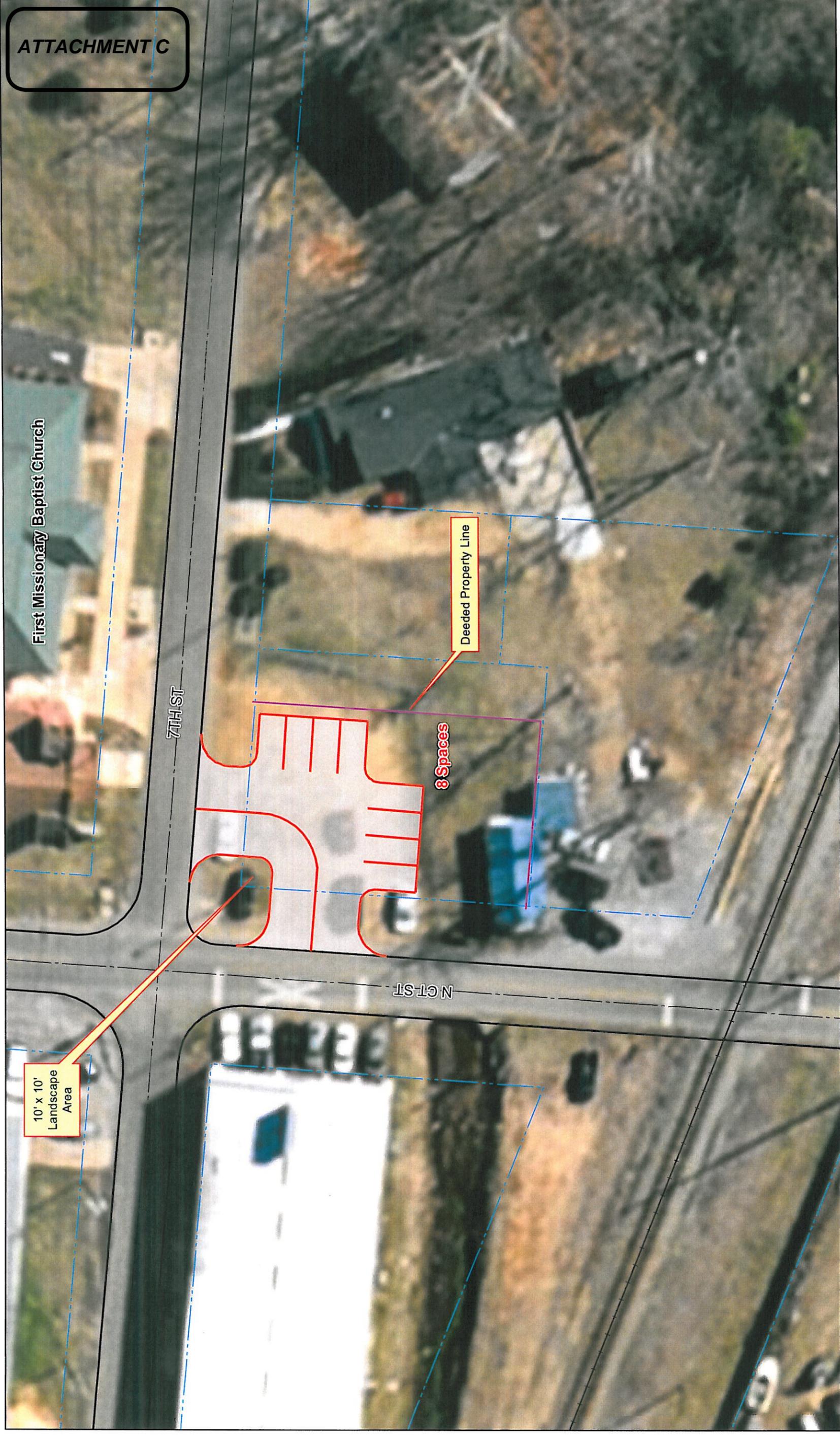
Deeded Property Line

Proposed Parking Area  
First Missionary Baptist Church  
Prattville, Alabama



1 in = 30 ft

**SAIN**  
associates  
mechanical engineers  
& surveyors



**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	6/27/16
<b>CASE FILE NUMBER:</b>	160712-01
<b>APPLICATION TYPE:</b>	Use-On-Appeal
<b>PROPERTY LOCATION or DESCRIPTION:</b>	191 Seventh Street
<b>PETITIONER(S) AND AGENT(S):</b>	First Missionary Baptist Church Prattville Larry Smith, Representative
<b>ZONING DISTRICT(S)</b>	B-2 (Local Shopping District)
<b>REQUESTED ACTION:</b>	Use-On-Appeal to allow church use on property.
<b>ZONING ORDINANCE REFERENCE:</b>	<p><b>Article 7. District Requirements. Appendix A-Zoning Ordinance Section 72 Business District Requirements</b></p> <p><b>(B-2)</b> <b>USES PERMITTED:</b> ...Any use permitted or permitted on appeal in the R-4 Residential District, and subject to all district requirements of an R-4 District as specified in Section 71, hereof.</p> <p><b>Section 71 Residential District Requirements (R-4)</b> <b>USES PERMITTED ON APPEAL:</b> (See: regulations common to all “R” Districts...)</p> <p><b>All “R” Districts</b> <b>USES PERMITTED ON APPEAL:</b> ...churches...</p>



160712-01

Use-On-Appeal  
Parking lot for church use

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: First Missionary Baptist Church Prattville

Street Address: 192 7th Street / P.O. Box 680956

City: Prattville State AL Zip: 36067

Phone Number(s): (334) 365-3628 Larry D. Smith (334) 430-3393

**Property Owner Information**

If different than above

Name: \_\_\_\_\_

Address of Property Owner: N/A

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: (    ) \_\_\_\_\_

**Property Description**

County Tax Parcel Number/Legal Description: \_\_\_\_\_

Current Zoning of Property: \_\_\_\_\_ Physical Address: 192 7th St.

Proposed Use of Property (generally): Church Use

Describe Proposed Use or Variance: Parking Lot





160712-01/A

Use-On-Appeal  
Parking lot for church use

First Missionary Baptist Church

10' x 10'  
Landscape  
Area

7TH ST

N CT ST

8 Spaces

Deeded Property Line

**SAIN**  
associates  
consulting engineers  
& surveyors



1 in = 30 ft

Proposed Parking Area

First Missionary Baptist Church  
Prattville, Alabama