

**STATE OF ALABAMA  
SHELBY COUNTY**

**SHELBY COUNTY PLANNING COMMISSION**

**Minutes**

**Regular Meeting – April 18, 2005, 7:00 P.M.**

**Members Present:** Bob Land, Chairman; Kenneth Wilder, Vice Chairman; Len Ward; Ralph Thomas, Robert Taylor and Russ Hale  
**Staff Present:** Ray Hamilton, Development Services Manager; Tom Wilkins, Senior Planner; Michelle O’Neal, Planner II.

The meeting was called to order at approximately 7:05 p.m. by Bob Land, Chairman. The Chairman introduced the members of the Shelby County Planning Commission and staff. One person was present for this meeting.

**WORK SESSION**

A work session was held prior to the regular meeting at 6:00 p.m. All interested parties were invited to attend. Note: This was not a public hearing.

**PUBLIC HEARING**

**1. Approval of Minutes of April 4, 2005 Regular Meeting**

**Commissioner Thomas** made a motion to approve the minutes. The motion was seconded by **Commissioner Wilder** and by a vote of 4 in favor and 2 abstaining, the Minutes of the meeting of April 4, 2005 were *Adopted*.

**2. Case No. V-03-05, Oak Harbour Phase I, Request for Front Yard Variance**

A request from Prime Development Company, representing the property owners John P. & Patricia A. Duke, for the approval of a variance to permit the construction of a single family dwelling having a 15’ front setback, instead of the minimum 35 feet required in an "E-2", Single Family Estate District; a variance of Article IX, Section 3, pursuant to Article XXIII, Section 3.

The subject property, 151 Harbour Drive, is recorded as Lot 3A in the “Resurvey of Lots 2 and 3, Oak Harbour – Phase I”. This property is located off of County Road 416 on Lay Lake, northeast of the Beeswax Recreation Facility and situated in Section 23, Township 21 South, Range 1 East, parcel identification number 58-20-6-23-0-002-003.000.

The case was presented by Donna Morris, representing the owners John P & Patricia A Duke. Ms. Morris stated that the subject property is unique in that it only has a small build able area, as established by easement and the flood boundaries. She stated that the proposed home would be a

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single level "garden style" home, which would be an asset to the community. There was no one present to speak either for or against this request.

**Commissioner Hale** made a motion to *Deny* the request. The motion was seconded by **Commissioner Ward**, and by a unanimous vote, the following resolution was approved:

**WHEREAS**, Donna Morris, Prime Development Company, representing the property owners John P. & Patricia A. Duke, requests the approval of a variance to permit the construction of a single family dwelling having a 15 foot front setback, instead of the minimum 35 feet required in an "E-2", Single Family Estate District; a variance of Article IX, Section 3, pursuant to Article XXIII, Section 3; and,

**WHEREAS**, the subject property, 151 Harbour Drive, is located off of County Road 416 on Lay Lake, northeast of the Beeswax Recreation Facility and situated in Section 23, Township 21 South, Range 1 East, parcel identification number 58-20-6-23-0-002-003.000; and,

**WHEREAS**, the Commission found that the testimony presented did not identify the necessary hardship or practical difficulty to warrant granting a variance from the minimum requirements of the Zoning Ordinance of Shelby County; and

**WHEREAS**, the Commission found that there were several alternative means available to remedy this situation;

**NOW, THEREFORE, BE IT RESOLVED**, that Case No. V-03-05, consideration of a variance to permit the construction of a single family dwelling having a 15 foot front setback, instead of the minimum 35 feet required in an "E-2", Single Family Estate District; a variance of Article IX, Section 3, pursuant to Article XXIII, Section 3, is hereby *DENIED*.

The Planning Commission discussed the now two (2) vacant seats on the Planning Commission. **Commissioner Hale** made a motion to ask the Manager of the Department of Development Services to ask the County Manager what the intentions of the Commission are regarding the two vacant seats. **Commissioner Wilder** seconded the motion and by a unanimous vote, the motion carried.

There being no new business, **Commissioner Wilder** made a motion to adjourn. **Commissioner Thomas** seconded the motion and by a unanimous vote, the meeting was adjourned.

**ADJOURNMENT 7:50 – April 18, 2005**

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Todd McDonald,  
Planning Services Supervisor

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James R. Land, Chairman  
Planning Commission