

**MADISON ADJUSTMENTS AND APPEALS BOARD  
MINUTES OF THE JANUARY 6, 2011 ANNUAL ORGANIZATIONAL AND  
REGULARLY SCHEDULED MEETING**

The City of Madison Adjustments and Appeals Board held their Annual Organizational and regularly scheduled meeting on January 6, 2011 at 5:30 p.m. in the City Council Chambers located in Madison Municipal Complex, 100 Hughes Road, Madison, Alabama. Chairperson Betty Fletcher called the meeting to order at 5:30 pm. Attendance was as follows:

<b>Betty Fletcher, Chairperson</b>	<b>Present</b>
<b>Troy Wesson</b>	<b>Present</b>
<b>Fredrick Davey</b>	<b>Present</b>
<b>John Horch</b>	<b>Present</b>
<b>Ted Whitney</b>	<b>Present</b>

**Supernumeraries**

<b>Tim Malueg</b>	<b>Absent</b>
<b>Mary Hudson</b>	<b>Present</b>

**Staff Present:** Amy Furfori, Director, Community Development and Planning; Kelly Butler, City Attorney; Johnny Blizzard, Chief Planner; Gary Chynoweth, City Engineer; Sherri Blair, Zoning Administrator and Recording Secretary

**Public Attendees (as registered):** John Burnham; Brandon Cooper; Sandra Steele

Mrs. Fletcher stated: This Board is composed of five persons (with two supernumeraries), is empowered by the Alabama State Legislature, but appointed by the City Council, and charged with hearing petitions for relief from a literal and strict application of the Zoning Code. Cases are heard in the order in which they are filed. Motions are made in the positive and each case requires a positive vote of at least four members. (A simple majority will not approve an action). The burden of proof for Variances and Special Exceptions rests with the petitioner. Any party aggrieved by any decision of this Board may, within fifteen days, file a written notice of appeal to the Circuit Court.

**Approval of Minutes**

The first order of business was the approval of minutes from the November 4, 2010 meeting. Mrs. Fletcher asked board members for requested changes and/or corrections, if any. Board members requested no changes and/or corrections and Mrs. Fletcher entertained a motion.

**Motion:** Mr. Davey moved to approve the minutes of the November 4, 2010 regular meeting, as written. Mr. Wesson seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>Troy Wesson</b>	<b>Aye</b>

<b>Fredrick Davey</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Ted Whitney</b>	<b>Aye</b>

**Motion Carried.**

### **Election of Officers**

**Motion:** Mr. Davey moved to elect Betty Fletcher as Chair of the Zoning Board of Adjustments and Appeals for the 2011 calendar year. Dr. Horch seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Abstain</b>
<b>Troy Wesson</b>	<b>Aye</b>
<b>Fredrick Davey</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Ted Whitney</b>	<b>Aye</b>

**Motion Carried.**

**Motion:** Mr. Whitney moved to elect John Horch as Vice-Chair of the Zoning Board of Adjustments and Appeals for the 2011 calendar year. Mr. Davey seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>Troy Wesson</b>	<b>Aye</b>
<b>Fredrick Davey</b>	<b>Aye</b>
<b>John Horch</b>	<b>Abstain</b>
<b>Ted Whitney</b>	<b>Aye</b>

**Motion Carried.**

### **Petitions and Formal Requests for Action**

- Case #1064 - Sandra P. Steele/Grove Park** - A Variance to Section 5-6 (g) of the City of Madison Subdivision regulations to allow a minimum lot area less than 7,500 sq. ft. for the following lots: Lot 3: 6,056.2 sq ft; Lot 4: 6,825.0; sq ft; Lot 5: 6,300.0 sq ft; Lot 7: 7,249.6 sq ft; Lot 8: 6,405.0 sq ft; Lot 9: 6,300.0 sq ft; Lot 10: 6,375.6 sq ft; Lot 13: 7,322.3 sq ft; Lot 14: 6,020.3 sq ft; Lot 15: 6,500.0 sq ft; Lot 16: 6,500.0 sq ft; and Lot 17: 7,092.9 sq ft. The Applicant is requesting a variance to Section 5-6 (h) of the City of Madison Subdivision Regulations to reduce the lot width at the minimum building line from 60 ft to 54 ft for lot 3. The property is currently zoned High Density Residential District (R-3). This Variance is in accordance with Section 10-8 of the Zoning Ordinance.

Jeff Enfinger with Enfinger Steele Development presented the request stating that the original plan was to build townhomes on the lots but the market trend is for patio homes. An alleyway runs behind the lots thereby making them non conforming. Johnny Blizzard stated that staff supports the request and that it has been approved by all City

departments and the Planning Commission. The variance request was the last step in the process.

**Motion:** Mr. Wesson moved to approve Case number 1064, a Variance to Section 5-6 (g) of the City of Madison Subdivision regulations to allow a minimum lot area less than 7,500 sq. ft. for the following lots: Lot 3: 6,056.2 sq ft; Lot 4: 6,825.0; sq ft; Lot 5: 6,300.0 sq ft; Lot 7: 7,249.6 sq ft; Lot 8: 6,405.0 sq ft; Lot 9: 6,300.0 sq ft; Lot 10: 6,375.6 sq ft; Lot 13: 7,322.3 sq ft; Lot 14: 6,020.3 sq ft; Lot 15: 6,500.0 sq ft; Lot 16: 6,500.0 sq ft; and Lot 17: 7,092.9 sq ft. The Applicant is requesting a variance to Section 5-6 (h) of the City of Madison Subdivision Regulations to reduce the lot width at the minimum building line from 60 ft to 54 ft for lot 3. Dr. Horch seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>Troy Wesson</b>	<b>Aye</b>
<b>Fredrick Davey</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Ted Whitney</b>	<b>Aye</b>

**Motion Carried.**

- 2. **Case #1065 - John Burnham, 134 Dawn Drive** – A Variance to Section 4-4-3(b) of the City of Madison Zoning Ordinance, reducing the front yard setback from 30 feet to 16 feet. The property is currently zoned Medium Density Residential District (R-2). This Variance is in accordance with Section 10-8 of the Zoning Ordinance.

Mr. Burnham presented his request stating that he loves the area, schools and his house and a 2 story addition will provide the space needed by his family. The 10’ side yard setback will be adhered to. Johnny Blizzard stated that staff supports the request and recommends approval.

**Motion:** Mr. Davey moved to approve case number 1065 a Variance to Section 4-4-3(b) of the City of Madison Zoning Ordinance, reducing the front yard setback from 30 feet to 16 feet. Mr. Whitney seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>Troy Wesson</b>	<b>Aye</b>
<b>Fredrick Davey</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Ted Whitney</b>	<b>Aye</b>

**Motion Carried.**

- 3. **Case #1066 - Brandon Cooper, 44 Hughes Road** - Appealing the Decision of an Administrative Officer requiring an attached accessory sign be located close to the public entrance of each tenant in a multi-tenant building as required under Section 7-5-4 of the City of Madison Zoning Ordinance. The property is currently zoned General Business District (B-3). This Appeal is in accordance with Section 10-8 of the Zoning Ordinance.

Brandon Cooper with Trav-Ad Signs presented the case stating that his customer would like maximum visibility from Hughes Road. Johnny Blizzard stated that the tenant has the same amount of signage as all other tenants and staff does not support the request for tenant signage on an area of the building other than above the public entrance into the space.

**Motion:** Dr. Horch moved to affirm the decision of an Administrative Officer requiring an attached accessory sign be located close to the public entrance of each tenant in a multi-tenant building as required under Section 7-5-4 of the City of Madison Zoning Ordinance. Mr. Davey seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>Troy Wesson</b>	<b>Aye</b>
<b>Fredrick Davey</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Ted Whitney</b>	<b>Aye</b>

**Motion Carried.**

**Motion:** Mr. Davey moved to remove from the Board's docket case number 1052, a request for a Special Exception to allow a church or place of worship based on applicant's voluntary withdrawal. Dr. Horch seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>Troy Wesson</b>	<b>Aye</b>
<b>Fredrick Davey</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Ted Whitney</b>	<b>Aye</b>

**Motion Carried.**

#### **OLD BUSINESS**

Mrs. Fletcher stated that case #1061, 121 Harpers Hop, is a request for a variance in a PUD. It was determined that this matter that cannot be addressed by the ZBA. Therefore, staff suggested the case be removed from the Board's docket.

**Motion:** Mr. Davey moved to remove from the Board's table case #1061, 121 Harpers Hop, is a request for a variance in a PUD. Mr. Wesson seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>Troy Wesson</b>	<b>Aye</b>
<b>Fredrick Davey</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Ted Whitney</b>	<b>Aye</b>

**Motion Carried.**

Mrs. Fletcher stated that case #1055, 5636 Wall Triana was granted but the applicant decided to not move forward with his plan to purchase the property and build the detached building that the variance applied to. Since a variance applies to the property and not to the applicant she requested Staff prepare the necessary paperwork to have the variance rescinded.

**Other Business**

With no further business before the Board, the meeting was adjourned 6:16 p.m.

**Approved:**



**Betty Fletcher, Chairperson**  
**Zoning Board of Adjustments and Appeals**

**Attest:**



**Sherri W. Blair, Recording Secretary**