

**MADISON ZONING BOARD OF ADJUSTMENTS AND APPEALS
BOARD MINUTES OF THE JUNE 2, 2011 REGULAR MEETING**

The City of Madison Adjustments and Appeals Board held their regular meeting on June 2, 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:

| | |
|------------------------------------|----------------|
| Betty Fletcher, Chairperson | Present |
| John Horch, Vice Chair | Present |
| Troy Wesson | Present |
| Fredrick Davey | Present |
| Ted Whitney | Present |
| Supernumeraries | |
| Tim Malueg | Absent |
| Mary Hudson | Present |

Staff Present: Amy Furfori, Director, Community Development and Planning; Kelly Butler, City Attorney and Johnny Blizzard, Chief Planner

PUBLIC ATTENDEES

Art Spencer; Bob Kumar

INTRODUCTION

Chairperson Betty 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 March 3, 2011, Regular 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 March 3, 2011, Regular Meeting, as written. Mr. Whitney seconded the motion and the vote was as follows:

| | |
|-----------------------|------------|
| Betty Fletcher | Aye |
| John Horch | Aye |
| Troy Wesson | Aye |
| Fredrick Davey | Aye |
| Ted Whitney | Aye |

Motion Carried.

PETITIONS AND FORMAL REQUESTS FOR ACTION

1. Case #1068 – William L. Brigadier, 149 Stoneway Trail – A Special Exception to Section 4-1-2 to allow an accessory apartment located in an accessory detached garage. The property is located in the Low Density Residential (R-1A) District.

Director Furfori and Chief Planner Blizzard presented the request stating the special exception will be null and void if and when the property changes ownership. The purpose for the current ordinance is to allow families to better to care for family members but to prevent the rental of garage apartment to a non-family member.

Motion: Mr. Whitney moved to approve Case number 1068, a Special Exception to Section 4-1-2 to allow an accessory apartment located in an accessory detached garage. The property is located in the Low Density Residential (R-1A) District, as presented. Dr. Horch seconded the motion and the vote was as follows:

| | |
|-----------------------|------------|
| Betty Fletcher | Aye |
| John Horch | Aye |
| Troy Wesson | Aye |
| Fredrick Davey | Aye |
| Ted Whitney | Aye |

Motion Carried.

2. Case #1069 – BCS Madison Lodging c/o Bob Kumar, 8950 Madison Boulevard – A Variance to Section 4-8-3(b) to allow a reduction in the side yard setback from fifteen (15) feet to ten (10) feet. The property is located in the General Business (B-3) District.

Art Spencer, representing Bob Kumar, presented the request and provided site plans for the Holiday Inn Express and the proposed new building for the members' review. Further, Mr. Spencer stated: the existing U-Haul building was 6.5' from the property line; the new building will be 10' from the property line; the access drive has Fire Marshal approval. The new building will house two (2) businesses, including Marco's

Pizza. The required number of parking spaces for the hotel and the new building is 138 and 164 have been provided.

Motion: Mr. Davey moved to approve Case number 1069, a Variance to Section 4-8-3(b) to allow a reduction in the side yard setback from fifteen (15) feet to ten (10) feet. The property is located in the General Business (B-3) District, as presented. Mr. Wesson seconded the motion and the vote was as follows:

| | |
|-----------------------|------------|
| Betty Fletcher | Aye |
| John Horch | Aye |
| Troy Wesson | Aye |
| Fredrick Davey | Aye |
| Ted Whitney | Aye |

Motion Carried.

OLD BUSINESS

Director Furfori stated staff will research and prepare necessary documents, to rescind case number 1055, at the July meeting.

With no further business before the Board, the meeting was adjourned.

APPROVED:



Betty Fletcher, Chairperson
Zoning Board of Adjustments and Appeals

ATTEST:



Sherri W. Blair, Recording Secretary