

**MADISON ADJUSTMENTS AND APPEALS BOARD  
MINUTES OF THE DECEMBER 1, 2011  
REGULAR MEETING**

The City of Madison Adjustments and Appeals Board held their regularly scheduled meeting on December 1, 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>Absent</b>
<b>Fredrick Davey</b>	<b>Absent</b>
<b>John Horch</b>	<b>Present</b>
<b>Ted Whitney</b>	<b>Present</b>
<b>Supernumeraries</b>	
<b>Tim Malueg</b>	<b>Present</b>
<b>Mary Hudson</b>	<b>Absent</b>

**Staff Present:** Amy Bell, Director, Community Development and Planning; Sherri Blair, Zoning Administrator and Recording Secretary

**Public Attendees (as registered):** Betty Jo Killian; Rick Hattaway; Sharon Clifton; Charles Jewellson

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**

In the absence of a quorum of regular members, Mrs. Fletcher moved Supernumerary Tim Malueg into the position of a voting member. Further she announced that with only four (4) members present a unanimous vote would be required to approve a request. Mrs. Fletcher gave applicants the option to present their cases or wait until another time when more members were present. Applicants chose to be heard.

The first order of business was the approval of minutes from the November 3, 2011 meeting. Mrs. Fletcher asked board members for requested changes and/or corrections, if any. Board members requested no administrative changes and/or corrections and Mrs. Fletcher entertained a motion.

**Motion:** Dr. Horch moved to approve the minutes of the November 3, 2011 regular meeting, as written. Mr. Whitney seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Ted Whitney</b>	<b>Aye</b>
<b>Tim Malueg</b>	<b>Aye</b>

**Motion Carried.**

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

1. **Case #1075 – 410 Sharp Boulevard** - a Variance to Section 4-2-3 of the City of Madison Zoning Ordinance, to reduce the side yard setback from 15 feet to 10 feet. The property is currently zoned Low Density Residential District (R-1B).

**Request:** Property owner, Sharon Clifton, stated that she and her fiancé would like to construct a 360 square foot addition to create more space for themselves and her mother who lives there also. She likes the neighborhood and wants to improve her property.

**Board Comments:** None

**Public Comments:** None

**Staff Comments:** Zoning Administrator Sherri Blair stated that no phone calls, emails or letters had been received in opposition to the request.

**Motion:** Mr. Whitney moved to approve case number 1075, 410 Sharp Boulevard, a Variance to Section 4-2-3 of the City of Madison Zoning Ordinance, to reduce the side yard setback from 15 feet to 10 feet. The property is currently zoned Low Density Residential District (R-1B), as presented. Dr. Horch seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Ted Whitney</b>	<b>Aye</b>
<b>Tim Malueg</b>	<b>Aye</b>

**Motion Carried.**

2. **Case #1076 – 1635 Hughes Road** - A Variance to Section 7-5-4(2) of the City of Madison Zoning Ordinance, to allow more than one attached accessory sign on a single tenant building. The property is currently zoned General Business District (B-3);

**Request:** Rick Hattaway, agent for Waffle House, Inc., presented the request stating the property was originally part of a larger tract of land that included the land on which

Arby's restaurant is currently located. A site plan was submitted in 1998 that detailed the layout and construction of both restaurants and shared off-street parking facilities. The Arby's restaurant was constructed as planned but the Waffle House portion was not constructed. In August of 2011, Waffle House submitted a new site plan to construct a Waffle House using a similar layout as provided in 1998. However, since the time of the original submittal in 1998, the portion of the lot on which the Waffle House will be located became a separate parcel. A sign on the north side of the building would make the restaurant more visible from the intersection of Hughes and Hwy 72.

**Board Comments:** None

**Public Comments:** None

**Staff Comments:** Zoning Administrator Sherri Blair stated that no phone calls, emails or letters had been received in opposition to the request.

**Motion:** Mr. Whitney moved to approve case number 1076, 1635 Hughes Road, a Variance to Section 7-5-4(2) of the City of Madison Zoning Ordinance, to allow more than one attached accessory sign on a single tenant building. The property is currently zoned General Business District (B-3). Mr. Malueg seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Ted Whitney</b>	<b>Aye</b>
<b>Tim Malueg</b>	<b>Aye</b>

**Motion Carried.**

#### **Other Business**

With no further business before the Board, the meeting was adjourned at 5:50 p.m.

**Approved:**

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

**Attest:**

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**Sherri W. Blair, Recording Secretary**