

**MADISON ZONING BOARD OF ADJUSTMENTS
MINUTES OF THE MARCH 7, 2013 REGULAR MEETING**

The City of Madison Adjustments and Appeals Board held their regularly scheduled monthly meeting on March 7, 2013 at 5:30 p.m. in the City Council Chambers located in Madison Municipal Complex, 100 Hughes Road, Madison, Alabama. In the absence of Board Chair Mrs. Betty Fletcher, Vice-Chair Dr. John Horch called the meeting to order at 5:50 p.m. to allow for the arrival of a delayed board member. Attendance was as follows:

Betty Fletcher, Chairperson	Absent
Mary Hudson	Present
Ted Whitney	Absent
Christopher Lindsey	Present
John Horch	Present
Supernumeraries	
Wesley Alford	Absent
Larry Mason	Present

City Staff Present: Amy Bell, Director of Planning; Johnny Blizzard, Chief Planner; Sherri Blair, Zoning Administrator and Board Secretary

Public Attendees (as registered): Randy Smith; David Cypert; DeeAnn Cypert.

Vice-Chair Dr. Horch read aloud: 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 February 7, 2013 Regular Meeting. Dr. Horch asked board members for requested changes and/or corrections, if any. Board members requested no changes and the minutes were approved as written.

Petitions and Formal Requests for Action

1. Case #1090 – Randy Smith, 906 Lark Circle; a request for a Variance to Section 4-2-3 of the City of Madison Zoning Ordinance, to reduce the side yard setback from fifteen (15) feet to twelve (12) feet and to reduce the rear yard setback from forty-five (45) feet to twenty-one (21) feet. The property is currently zoned Low Density Residential (R-1B). This request is in accordance with Section 10-9 of the Zoning Ordinance.

Request: Applicant presented his request stating: he desires to build a 2,452 square foot garage-use structure which will be attached to the rear of his house by a breezeway. The addition will extend into both the required fifteen (15) foot side yard and the forty-five (45) foot rear yard setback. The proposed addition is not to be an extension of the residential use of the main structure but instead an accessory, garage use, for the housing and maintenance of vehicles and motorcycles that he and his son currently own. He stated that the structure would not accommodate his needs if it was reduced in size. He further stated that if it was shifted or turned the roof would not be in line with that of the house.

Board Comment: Members questioned applicant about the size of the structure; the perceived hardships he encounters and the necessity to encroach upon the side and rear setbacks.

Public Comment: No comment

Staff Comment: Staff did not receive correspondence from the public regarding this request. Johnny Blizzard stated that staff does not recommend approval of the requested variance from Section 4-2-3 to reduce the side yard setback from fifteen (15) feet to twelve (12) feet nor approval of the rear yard setback from forty-five (45) feet to twenty-one (21) feet given the entire addition is an accessory use and therefore it is reasonable to conclude that the applicant is not deprived from enjoying the rights enjoyed by other property owners in the district. Director Bell stated that the proposed accessory-use structure was to be attached to the main structure in order to circumvent the proportionality requirements and that its use was not for additional living space as first implied by the applicant. She further stated that if the structure was reduced only slightly in size, it would fit within the 22.5 foot setback which is allowed in the zoning district by averaging the size of the rear yard.

Motion: Mr. Mason moved to approve case number 1090, a request for a Variance to Section 4-2-3 of the City of Madison Zoning Ordinance, to reduce the side yard setback from fifteen (15) feet to twelve (12) feet and to reduce the rear yard setback from forty-five (45) feet to twenty-one (21) feet. The property is currently zoned Low Density Residential (R-1B). This request is in accordance

with Section 10-9 of the Zoning Ordinance. Ms. Hudson seconded the motion and the vote was as follows:

Mary Hudson	Nay
Christopher Lindsey	Nay
John Horch	Nay
Larry Mason	Aye

Motion Failed.

2. Case #1091 – David and Dee Ann Cypert, 119 Chesnut Heath Court; a request for a Special Exception to Section 4-2-2 (4-1-2) to allow a major home occupation subject to Article XIV for a single-chair beauty parlor. The property is currently zoned R-3A, High Density Residential District. This Special Exception is in accordance with Section 10-8 of the Zoning Ordinance.

Request: Applicants presented their request stating: Mrs. Cypert owns and operates a single-chair beauty parlor at their current resident. They are building a new home in Stillwater Cove and have received permission from the developer, as the current HOA president, to operate.

Board Comment: No comment

Public Comment: No comment

Staff Comment: Staff received one emailed correspondence regarding this request. Johnny Blizzard stated that staff recommends approval of the requested special exception, Section 4-4-A-2 of the Zoning Ordinance, for a one-chair beauty shop with the following condition:

1. The area of the residence devoted to the business be no more than ten (10%) or less than three-hundred (300) square feet of the residence, whichever is less.

Director Bell stated that she was unaware of who was on the distribution list for Mr. Collins' deceptive and unfounded email regarding this request for a major home occupation. She further stated that Mr. Collins does not live in Stillwater Cove subdivision and will not be affected by the granting of this special exception.

Motion: Mr. Lindsey moved to approve case number 1091, a request for a Special Exception to Section 4-2-2 (4-1-2) to allow a major home occupation for a single-chair beauty parlor, subject to Article XIV and with the satisfaction of staff's contingency. The property is currently zoned R-3A, High Density Residential District. This Special Exception is in accordance with Section 10-8 of

the Zoning Ordinance. Ms. Hudson seconded the motion and the vote was as follows:

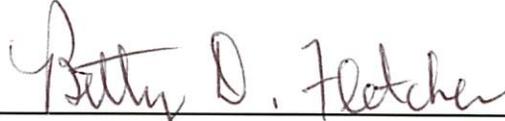
Mary Hudson	Aye
Christopher Lindsey	Aye
John Horch	Aye
Larry Mason	Aye

Motion Carried.

Other Business

With no further business before the Board, the meeting was adjourned at 6:37 P.M.

Approved:



Betty Fletcher, Chairperson

Attest:



Sherri W. Blair, Recording Secretary