

**MADISON ZONING BOARD OF ADJUSTMENT AND APPEALS
MINUTES OF THE OCTOBER 2, 2014 REGULAR MEETING**

The City of Madison Zoning Board of Adjustment and Appeals held its regularly scheduled monthly meeting on September 4, 2014 in the City Council Chambers of the Madison Municipal Complex located at 100 Hughes Road, Madison, Alabama. Board Chair Betty Fletcher, called the meeting to order at 5:30 P.M. and attendance was as follows:

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

City Staff Present: Kelly Butler, City Attorney; Johnny Blizzard, Senior Planner; Sherri Williams, Assistant Planner and Board Secretary

Public Attendees (as registered): Robert Webber, Paladin Group

Mrs. Fletcher 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.

II. Approval of Minutes

The first order of business was the approval of minutes from the September 4, 2014 Regular meeting. Mrs. Fletcher asked Board members for requested changes and/or corrections, if any. Board members did not request changes or corrections and Mrs. Fletcher entertained a motion.

Motion: Mr. Lindsey moved to approve the minutes of the September 4, 2014 Regular meeting, as written. Mr. Whitney seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
Christopher Lindsey	Aye
Ted Whitney	Aye

Motion Carried.

III. Petitions and Formal Requests for Action

- a. **Case #1104, 9580 Madison Boulevard;** Steve Black and Amy Clem; a request for a Special Exception to City of Madison Zoning Ordinance Section 4-9-2 to allow a motorized vehicle service, mechanical or body repair shop in the Restricted Industrial (M-1) Zoning District. This Special Exception request is in accordance with Section 10-4 of the Zoning Ordinance.

Request: Applicant appeared and presented his request stating he wishes to operate a transmission repair shop. He stated Madison Transmission has been operating in Madison for eight (8) years. The owner of the property at the previous location died and the property sold, requiring him to relocate. Mr. Black stated when he changed the address on the business license and applied for a sign permit he learned that a Special Exception was required. Mr. Black stated that the suite has three (3) lifts and parking behind the building.

Robert Webber, agent for the property owner, stated the suite is set-up to accommodate the business. It has bay doors on the back and space inside for auto repairs.

Public Comments: Planning Staff stated they received neither emails nor phone calls objecting to the request.

Board Comments: Board members raised questions about ventilation, parking, compatibility with surrounding businesses and other uses permitted in the M-1 District.

Staff Comments: Planning Staff stated they recommended approval of the Special Exception with the following contingencies:

1. The applicant verifies safeguards are in place to ensure the general environment, and adjacent suites, are not affected by odor, smoke, dust, vibration and heat and, if necessary, complies with the Building Director's directive to upgrade the mechanical unit;
2. That all vehicle repairs and services be performed within the confined space leased by the applicant;
3. The applicant submits a parking plan that provides a stacking area located at the rear of the building, for vehicles awaiting service, which does not hinder emergency vehicle maneuverability. The parking plan must be approved by the Fire Marshal and Planning Director;
4. The applicant must ensure fluids, including motor oil and gasoline, are properly contained and disposed to prevent them from leaching into the ground and that oily rags are stored in metal, fireproof, lidded containers; and
5. The applicant shall adhere to other, currently unknown, contingencies, as may be imposed by the Building Director or Fire Marshal upon further, detailed inspection.

Motion: Mr. Whitney moved to approve case number 1104, 9580 Madison Boulevard a request for a Special Exception to City of Madison Zoning Ordinance Section 4-9-2 to allow a motorized vehicle service, mechanical or body repair shop in the Restricted Industrial (M-1) Zoning District. This Special Exception request is in accordance with Section 10-4 of the Zoning Ordinance pending the satisfaction of Planning Staff's recommendation. Ms. Hudson seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
Christopher Lindsey	Aye
Ted Whitney	Aye
Wesley Alford	Aye

Motion Carried.

IV. Old Business

Staff recommended that the Board remove cases 1100 and 1101 from the Table as cell towers no longer require a Special Exception. Therefore, no action is required by the ZBA. The City's Zoning Ordinance updates incorporate Federal

Regulations. From now on, cell tower sites will require site plan approval through the Technical Review process.

Motion: Mr. Whitney moved to remove cases 1100 and 1101 from the Table. Ms. Hudson seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
Christopher Lindsey	Aye
Ted Whitney	Aye
Wesley Alford	Aye

Motion Carried.

V. Other Business

Staff reminded Board members of the dates for upcoming CAPZO training. Mrs. Fletcher asked Board members and Staff if there were any other items to discuss. There being none, Mrs. Fletcher closed the floor to other business.

VI. Adjournment

With no further business before the board, Mrs. Fletcher adjourned the meeting at 6:15 P.M.

Approved:



Betty Fletcher, Chairperson

Attest:



Sherri Williams, Recording Secretary