

MADISON ZONING BOARD OF ADJUSTMENT AND APPEALS
MINUTES OF THE APRIL 2, 2015 REGULAR MEETING

The City of Madison Zoning Board of Adjustment and Appeals held its regularly scheduled monthly meeting on April 2, 2015 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	Absent
Supernumeraries	
Wesley Alford	Present
Larry Mason	Present

City Staff Present: Johnny Blizzard, Senior Planner; Ross Ivey, Assistant Planner; Sherri Williams, Assistant Planner and Board Secretary

Public Attendees (as registered): John Buis

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.

In the absence of five (5) members, Mrs. Fletcher requested Supernumeraries Wes Alford and Larry Mason move into voting positions.

II. Approval of Minutes

The first order of business was the approval of the minutes for the February 5, 2015 Regular Meeting. Mrs. Fletcher asked Board members for requested

changes and/or corrections, if any. There being no requested changes and/or corrections, Mrs. Fletcher entertained a motion.

Motion: Ms. Hudson moved to approve the minutes of the February 5, 2015 Regular Meeting, as written. Mr. Lindsey seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Christopher Lindsey	Aye
Mary Hudson	Aye
Wes Alford	Aye
Larry Mason	Aye

Motion Carried.

III. Petitions and Formal Requests for Action

- a. **Case number 1108, 440 Carter Drive;** A request for a Variance to Section 5-9-2, to allow a swimming pool constructed in a residential district, as an accessory use to a residence, to be located in the side yard. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance.

Request: Applicant, John Buis, appeared and presented the request stating he wishes to renovate the house he owns in *Rainbow Mountain Heights Subdivision*, to include a garage addition to the rear of the house, an outdoor entertainment area with a large deck and swimming pool as well as an outdoor kitchen. He wishes to build the deck and pool in the side yard, attached to the house. Mr. Buis showed members a rendering of the planned pool and deck addition. Mr. Buis stated the lot slopes up, from the street, approximately fifty (50) feet. Also, the rear half of the property has large boulders and rocks which would make it difficult to put the pool in the rear yard. Mr. Buis stated the only part of the pool area that will be seen from the street, will be the steps and fence. The pool will sit a couple hundred feet from the street. The fence around the pool will have a locking gate, as required by the building code.

Board Comments: Board members asked questions regarding the addition to the house, lot size and type fencing planned for the pool area. Mrs. Fletcher ask what type of fence Staff recommends in addition to the pool deck fence. Assistant Planner Sherri Williams stated an opaque, privacy fence, with a minimum height of six (6) feet, along the south property line, will shield the pool from view, if a house is built on the currently undeveloped lot.

Public Comments: No member of the public appeared to comment. Planning Staff stated they received neither emails nor phone calls objecting to the request.

Staff Comments: Staff recommends granting the request for a Variance to *City of Madison Zoning Ordinance Section 5-9-2*, to allow a swimming pool constructed in a residential district, as an accessory use to a residence, to be located in the side yard, as presented and with the contingency that an opaque (privacy) fence, with a minimum of six (6) feet in height, be required along the south property line, adjacent to lot 15.

Motion: Mr. Lindsey moved to approve case number 1108, a request for a variance to City of Madison Zoning Ordinance Section 5-9-2, to allow a swimming pool constructed in a residential district, as an accessory use to a residence, to be located in the side yard, as presented and with the contingency that an opaque (privacy) fence, with a minimum of six (6) feet in height, be required along the south property line, adjacent to lot 15. Mr. Mason seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Christopher Lindsey	Aye
Mary Hudson	Aye
Wes Alford	Aye
Larry Mason	Aye

Motion Carried.

IV. Old Business

Mrs. Fletcher asked Board members and Staff if there were any items of old business to discuss. There being none, Mrs. Fletcher closed the floor to old business.

V. Other Business

Mrs. Fletcher asked Board members and Staff if there were any items of other business 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 5:45P.M.

Approved:



Betty Fletcher, Chair

Attest:



Sherri Williams, Recording Secretary