

**MADISON ADJUSTMENTS AND APPEALS BOARD
MINUTES OF THE REGULAR SCHEDULED MEETING
February 05, 2009**

The City of Madison Adjustments and Appeals Board held their scheduled meeting on February 05, 2009 at 5:30 p.m. in the PEB Conference Room located downstairs in the Madison Municipal Complex, 100 Hughes Road, Madison, Alabama. David Aichele, Chairperson, called the meeting to order at 5:30 pm. Attendance was as follows:

| | |
|------------------------------------|----------------|
| Betty Fletcher, Chairperson | Absent |
| Carla Daily | Absent |
| Keith Graham | Present |
| David Aichele | Present |
| Patrick Nelson | Present |
| Fredrick Davey | Present |
| John Horch | Present |

Staff Present: Johnny Blizzard, AICP, CFM, Chief Planner, Gina Romine, Planner I, Lori J. Goff, Recording Secretary.

Public Attendees (as registered): John Walthall, Tim Morris, Sean Heileman, Reeva Heileman and Victoria Souife.

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.

The first item of business was the appointment of David Aichele as Chairperson in Betty Fletcher's absence. The Board voted unanimously that David Aichele would sit as Chairperson for the February Meeting. The second order of business was the approval of minutes from the January 8, 2009 meeting. **Motion:** Fredrick Davey moved to approve the minutes as written, John Horch seconded the motion and the vote was unanimous in favor of the motion. **Minutes approved.**

Case #1031: John Walthall, 129 Compass Point Drive:

Request: A Variance to Section 4-5-3 Subsection 3, to reduce the rear yard setback from 30' foot to 15' foot. The property is currently zoned R-4, Multi-Family Residential. The Variance is in accordance with Section 10-9 of the Zoning Ordinance.

John Walthall presented his case for a Variance, explaining that he would like to place an enclosed pool in his back yard. Mr. Walthall has no neighbors behind him that this would affect. David Aichele asked if we had received any correspondence or phone calls on this; Lori Goff stated there were none.

Motion: **Keith Graham** made a motion to approve the Variance to Section 4-5-3 Subsection 3, to reduce the rear yard setback from 30' foot to 15' foot. The property is currently zoned R-4, Multi-Family Residential. The Variance is in accordance with Section 10-9 of the Zoning Ordinance. John Horch seconded the motion and the vote was unanimous in favor of the motion. **Motion carried**

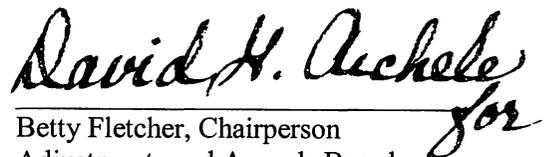
Case #1032: Tim Morrison, 109 Carlton Woods:

Request: A Special Exception to Section 4-4-A-2 accessory apartments located in the same structure as the principal building or its accessory detached garage provided that the accessory apartment can only be occupied by members of the immediate family and provide further that the Special Exception will become void when the family occupying the principal structure vacates the principal structure, as referenced in Section 4-1-2 of the Madison Zoning Ordinance. The property is currently zoned R-3A, Single Family Detached Residential. This Variance is in accordance with Section 10-9 of the Zoning Ordinance.

Tim Morrison presented his case for a Special Exception, explaining that due to a sick family member that would need extended care they were petitioning the Board for a Special Exception so that they could have an accessory apartment for the family member to dwell in. David Aichele asked if we had received any correspondence or phone calls on this; Lori Goff stated there were none.

Motion: Patrick Nelson made a motion to approve the Special Exception to Section 4-4-A-2 accessory apartments located in the same structure as the principal building or its accessory detached garage provided that the accessory apartment can only be occupied by members of the immediate family and provide further that the Special Exception will become void when the family occupying the principal structure vacates the principal structure, as referenced in Section 4-1-2 of the Madison Zoning Ordinance. The property is currently zoned R-3A, Single Family Detached Residential. This Variance is in accordance with Section 10-9 of the Zoning Ordinance. Keith Graham seconded the motion and the vote was unanimous in favor of the motion. **Motion carried**

With no further business before the Board, the meeting was adjourned at 6:00 p.m.


Betty Fletcher, Chairperson
Adjustments and Appeals Board

Attest:


Lori J. Goff, Recording Secretary