

MADISON ZONING BOARD OF ADJUSTMENT AND APPEALS
MINUTES OF THE AUGUST 6, 2015 REGULAR MEETING

The City of Madison Zoning Board of Adjustment and Appeals held its regularly scheduled monthly meeting on August 6, 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 5:43 P.M. 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	Present @5:51
Larry Mason	Absent

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

Public Attendees (as registered): Tony Hayes; Joseph Latimer; Truman Gee; Al Nejad.

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 the minutes for the June 4, 2015 Regular Meeting. Mrs. Fletcher asked Board members for requested changes and/or corrections, if any. There being one (1) requested change, Mrs. Fletcher entertained a motion.

Motion: Ms. Hudson moved to approve the minutes of the June 4, 2015 Regular Meeting, as corrected. 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 #1110, 7885 Hwy 72, West** - Stuart Anderson, P.E., Interplan, LLC, as agent for Chick-fil-A, Inc. A request for a Variance to City of Madison Zoning Ordinance Section 4-6-1, to exempt the current accessory ground sign from the list of required improvements. The property is within the B3 General Business Zoning District. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance.

Request: Mr. Truman Gee, representing Interplan, presented the request and stated that Chick-fil-A is the first company within a two (2) mile stretch asked to take down pole sign and replace it with an eight (8) foot monument sign. He stated that visibility is everything in the restaurant business and it was ironic since the site is well maintained. He stated that a short sign will be unfair compared to the other fast food restaurants and that by upgrading the site, they were being penalized. Joseph Latimer, with Chick-fil-A corporate office, stated Chick-fil-A would be at competitive disadvantage with a lower profile sign since all other restaurants have a 25-30 foot sign. Applicants provided photos of Hwy. 72 signage.

Board Comments: Board members asked questions about the upgrades being performed to the site. Mr. Latimer stated that the inside and outside of the restaurant are being upgraded as well as the kitchen and drive-thru. Mr. Whitney asked the number of new customers visiting the store each week. Mr. Latimer stated approximately 15% are new based on customer surveys. Mr. Lindsey asked for an explanation of the new code requirement. Johnny Blizzard explained how the cumulative amounts determine what site upgrades are required. He also explained the new developmental standards for the B3 Zoning District, including monument sign requirement. Sherri Williams explained that the new code was needed to help further the vision of the adopted Growth Plan and that other businesses on Hwy. 72 have been denied permits to alter existing non-compliant signs. City Attorney Kelly Butler further explained the need for the code and Mrs. Fletcher agreed that it was necessary. Mrs. Fletcher stated that the City of Madison appreciates Chick-fil-A and that it was unfortunate that their site, which

is better than many of the surrounding sites, was the first to require sign replacement.

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 recommended the Zoning Board deny applicant's request for a Variance to *City of Madison Zoning Ordinance, Section 4-6. Applicability of Required Improvements in the B1, B2, B3, and MC Districts and Table 4-6-1*, to exempt the currently non-conforming accessory ground sign from the list of required improvements, thereby requiring the replacement of the existing pole sign with a monument-style sign, as detailed in *Section 4-8-10. Signage Requirements in the B-3 District*, within six (6) months of the date of this denial. Any motion should include the condition of the deadline, should the request be denied.

Motion: Mr. Whitney moved to approve case number case number 1110, 7885 Hwy 72, West, a request for a Variance to City of Madison Zoning Ordinance Section 4-6-1, to exempt the current accessory ground sign from the list of required improvements. The property is within the B3 General Business Zoning District. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance. Ms. Hudson seconded the motion and the vote was as follows:

Betty Fletcher	Nay
Mary Hudson	Nay
Christopher Lindsey	Aye
Ted Whitney	Nay
Wes Alford	Aye

Motion Failed.

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*.

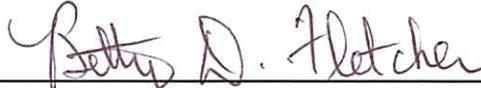
V. Other Business

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 6:35P.M.

Approved:



Betty Fletcher, Chair

Attest:



Sherri Williams, Recording Secretary