

MADISON ZONING BOARD OF ADJUSTMENT AND APPEALS
MINUTES OF THE FEBRUARY 4, 2016 ANNUAL ORGANIZATIONAL AND REGULAR MEETING

The City of Madison Zoning Board of Adjustment and Appeals held its annual organizational and regularly scheduled monthly meeting on February 4, 2016, 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 5:31 P.M. Attendance was as follows:

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

City Staff Present: Mary Beth Broeren, Director of Planning & Economic Development; Kelly Butler, City Attorney; Megan Zingarelli, Assistant City Attorney; Ross Ivey, Assistant Planner and Sherri Williams, Assistant Planner and Board Secretary

Public Attendees (as registered): Frank Fletcher.

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 August 6, 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 August 6, 2016 Regular Meeting, as corrected. Mr. Lindsey seconded the motion and the vote was as follows:

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

Motion Carried.

III. Election of 2016 Officers

- a. **Chair:** Mary Hudson nominated Betty Fletcher as 2016 Chair and John Horch seconded the nomination. There being no other nominations, nominations were closed and Mrs. Fletcher was elected by acclamation.
- b. **Vice-Chair:** Mary Hudson nominated Chris Lindsey as 2016 Vice-Chair and Ted Whitney seconded the nomination. There being no other nominations, nominations were closed and Mr. Lindsey was elected by acclamation.

IV. Petitions and Formal Requests for Action

- a. **Case #1111, 11260 County Line Road;** Matthew Gillespie, Engineering Manager, Engineering Design Technologies, Inc., as agent for Jesse Marinko, Phoenix at Madison, LLC, a request for a Variance to *City of Madison Zoning Ordinance, Section 4-6A-6* to increase the maximum building height from thirty-five (35) feet to fifty (50) feet. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance.

Request: Matthew Gillespie, as agent for Phoenix of Madison, presented the request and stated that there are many physical hardships that make the development of the property difficult. A large portion of the back of the lot is a regulatory wetland which cannot be developed; there is a 20 foot fall in elevation from the front of the lot to the rear; a required detention berm and pond is required by City Engineering Department. A marketing study has shown the need for assisted living units in Madison. Since the footprint cannot be expanded, a third floor is required to accommodate the desired number of units. A third floor would increase the building height to nearly 50 feet, and exceed the maximum height allowed by the City. The building will actually sit 10 feet below the elevation of County Line Road, which means it will appear to be 40 feet in height.

Mr. Gillespie described the site and amenities that will be provided, including a park that will be available to the public.

Board Comments: Board members asked questions about the facility grounds and amenities. Mrs. Fletcher asked if the request for additional units is based on a local need. Mr. Gillespie stated the marketing study showed a need for an additional 60 units for independent living. Ms. Hudson asked if a 2-story unit was initially planned and Mr. Gillespie stated yes.

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 approval of the requested variance.

Motion: Mr. Lindsey moved to approve case number 1111, 11260 County Line Road, a request for a Variance to City of Madison Zoning Ordinance, Section 4-6A-6 to increase the maximum building height from thirty-five (35) feet to fifty (50) feet. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance. Mr. Whitney seconded the motion and the vote was as follows:

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

Motion Carried.

V. 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*.

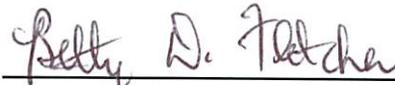
VI. Other Business

Mrs. Fletcher asked that Staff provide a hard copy of the Zoning Ordinance for Board members and to check on available training. Mrs. Fletcher then 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*.

VII. Adjournment

With no further business before the Board, Mrs. Fletcher adjourned the meeting at 5:54P.M.

Approved:



Betty Fletcher, Chair

Attest:



Sherri Williams, Recording Secretary