

MADISON ZONING BOARD OF ADJUSTMENT AND APPEALS
MINUTES OF THE APRIL 7, 2016 REGULAR MEETING

The City of Madison Zoning Board of Adjustment and Appeals held its annual organizational and regularly scheduled monthly meeting on April 7, 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 5:30 P.M. Attendance was as follows:

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

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

Public Attendees (as registered): Roy Foreman

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 a five (5) member majority, Mrs. Fletcher informed the applicant that a unanimous affirmative vote of the four (4) members present, would be required in order for his request to be granted. She asked if he wished to proceed, or would prefer to wait until a five (5) member majority were present. Mr. Foreman stated he understood and wished to proceed.

II. Approval of Minutes

The first order of business was the approval of the minutes for the February 4, 2016 Annual Organizational and Regular Meeting. Mrs. Fletcher asked Board members for requested changes and/or corrections, if any. There being no requested changes, Mrs. Fletcher entertained a motion:

Motion: Ms. Hudson moved to approve the minutes of the February 4, 2016 Annual Organizational and Regular Meeting. Mr. Whitney seconded the motion and the vote was as follows:

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

Motion Carried.

Prior to Mrs. Fletcher introducing the first Request for Action, Planning Staff informed the Mrs. Fletcher and members present that case number 1113 had been removed from the agenda, at the request of the applicant.

III. Petitions and Formal Requests for Action

- a. ***Case #1112, 112-B Celtic Circle; Roy Foreman, a request for a Special Exception to operate an Indoor Commercial Recreational facility in a M-1 Restricted Industrial Zoning District, as prescribed in City of Madison Zoning Ordinance, Section 4-9-2. This request is in accordance with Section 10-4 of the City of Madison Zoning Ordinance.***

Request: Applicant, Roy Foreman, 134 Tidewater Drive appeared and presented his request and stated that he is the hitting coach at Alabama A&M University. After speaking with area high schools, he realized there was a need for an indoor training facility. The warehouse at 112-B Celtic Circle will be used for batting practice, and will be where he offers group and private coaching.

Board Comments: Board members asked questions about the facility grounds and amenities. Mrs. Fletcher asked if Staff had concerns about the location. Sherri Williams stated that Staff believes it is important to protect the limit amount of M1 zoned areas, but that filling un-used space with short term uses, such as this, is a good temporary solution for property owners and businesses seeking tenant space.

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 with the following contingencies:

1. That the subject property is compliant with all applicable building and fire codes and that any deficiencies discovered during the inspection process will be remedied within sixty (60) days of the date of the inspections;
2. The Special Exception will apply only to the proposed use, at the subject location, for a period of five (5) years, or until the applicant no longer operates at the subject location, whichever comes first;
3. The Special Exception is not transferable to any other business, owner, agent or entity.

Motion: Mr. Whitney moved to approve, with the Staff's recommended contingencies, case number 1112, 112-B Celtic Circle, a request for a Special Exception to operate an Indoor Commercial Recreational facility in an M-1 Restricted Industrial Zoning District, as prescribed in City of Madison Zoning Ordinance, Section 4-9-2. This request is in accordance with Section 10-4 of the City of Madison Zoning Ordinance. Ms. Hudson seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
Christopher Lindsey	Absent
John Horch	Aye
Ted Whitney	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 5:50P.M.

Approved:


Betty Fletcher, Chair

Attest:


Sherri Williams, Recording Secretary