

**MADISON ZONING BOARD OF ADJUSTMENT AND APPEALS
MINUTES OF THE SEPTEMBER 1, 2016 REGULAR MEETING**

The City of Madison Zoning Board of Adjustment and Appeals held its regularly scheduled monthly meeting on September 1, 2016, in the City Council Chambers of the Madison Municipal Complex located at 100 Hughes Road, Madison, Alabama. Vice-Chair Chris Lindsey called the meeting to order at 5:30 P.M. Attendance was as follows:

Betty Fletcher, Chairperson	Absent
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, and Sherri Williams, Assistant Planner and Board Secretary

Public Attendees (as registered): Sharon Gilbreath-Heard; Terry Ragland; Lorene Ragland; Annie Mae Scott; Mark Harris; Beverly L. Boyd; Norbert A. Dalizu; Colleen Murch; Edneva Ayers

Mr. Lindsey 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, Mr. Lindsey informed the applicants that a unanimous affirmative vote of the four (4) members present would be required in order for their request to be granted. He asked if applicants they wished to proceed, or would prefer to wait until a five (5) member majority were

present. Ms. Boyd stated she understood and wished to proceed. Mr. Harris stated he understood and wished to proceed.

II. Approval of Minutes

The first order of business was the approval of the minutes for the April 7, 2016 Regular Meeting. Mr. Lindsey asked Board members for requested changes and/or corrections, if any. There being none, Mr. Lindsey called for a motion.

Motion: Dr. Horch moved to approve the minutes of the April 7, 2016 Regular Meeting, as written. Ms. Hudson seconded the motion and the vote was as follows:

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

Motion Carried.

III. Petitions and Formal Requests for Action

- a. **Case #1115, 102 Monument Lane;** Beverly Boyd, a request for a Variance to City of Madison Zoning Ordinance Section 4-3-3(3) to reduce the rear yard setback from forty (40) feet to fifteen (15) feet. The property is zoned R2 Medium Density Residential District. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance.

Request: Applicant presented her case and stated she wished to construct an addition onto the rear of her house to provide additional living space. Ms. Boyd stated that the shape and location of her lot cause an undue hardship. She stated she previously spoke with Johnny Blizzard in the planning department who stated she would be approved for a detached garage. When she submitted the plan for the addition she was told it went over the setback line. She did not wish to change the configuration of the addition or remove portions that extended over the 20-foot setback line.

Board Comments: Board members asked questions about the lot configuration and setback requirements and whether modifying the plan, as indicated in Staff's report, was presented to Ms. Boyd. Ms. Boyd stated she was not given an alternative plan. Norbert Dalizu, contractor for the applicant, stated he was not given an alternative plan. Sherri Williams stated that she spoke first with the contractor and then Ms. Boyd about modifying the plan, but both stated Ms. Boyd did not want to change it. She stated that one of the images in Staff's report was a copy of the actual plot plan she discussed with the applicant and her contractor, which showed the line she drew indicating the setback line, and the areas that extended over the line. Sherri Williams further explained alternative rear yard averaging, and in what way the code was applied when the applicant's house was initially constructed.

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 denial of the requested variance.

Motion: Ms. Hudson moved to approve case number 1115, 102 Monument Lane, a request for a Variance to City of Madison Zoning Ordinance Section 4-3-3(3) to reduce the rear yard setback from forty (40) feet to fifteen (15) feet. The property is zoned R2 Medium Density Residential District. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance. Dr. Horch seconded the motion and the vote was as follows:

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

Motion Failed.

- b. Case #1116, Proposed Madison Midtowne Subdivision;** Mark Harris, Mark Harris Home, LLC, a request for a Variance to City of Madison Zoning Ordinance Section 4-3-3(4) to reduce the minimum lot width from seventy (70) feet to sixty-five (65) feet for proposed Madison Midtowne Subdivision. The property is zoned R2 Medium Density

Residential District. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance.

Request: Mr. Harris presented his request. He stated that he purchased 2.37 acres in downtown Madison and is in the process of having a subdivision plat drawn which will create nine (9) single family residential lots. A portion of the property is within the Madison Station Historic District. It is his wish to maintain the look and feel of the downtown area. He plans to build craftsman style houses in both single-story and two-story plans. Each lot will have access from the rear and will not have access to Sullivan Street. He received approval from the Madison Station Historic Preservation Commission on August 5 to move forward with the development, and will receive individual approvals for each house to be placed on lots that are inside the Madison Station Historic District. He stated he hopes to revitalize the area and bring in families.

Board Comments: Board members asked questions about the Historic Commission's approval, how the lots will be accessed and reviewed the proposed subdivision plat and renderings/photographs of the proposed house plans. Board members stated that it will be good to have more housing available downtown and that the house styles are attractive.

Public Comments: Sharon Gilbreath-Heard, 210 Arnett Street, stated that she was representing Sam Gideon and heirs. She requested that the Board postpone its decision regarding this matter pending the outcome of a DOI investigation currently underway. City Attorney Kelly Butler stated her office had not received a notice of any investigation and that without proper proof or documentation of such investigation, the ZBA must base its decision on the information before them. Ms. Gilbreath-Heard stated that the project will adversely impact the Pension Row area. Colleen Murch, 15 Arnett Street, voiced objections to the Historic Preservation Commission's approval of the demolition of the house on Sullivan Street. Vice-Chair Lindsey stated she would need to take her concerns to that Commission. Loreen Ragland, corner of Stone and Arnett Streets, stated that the streets and drainage need to be improved in the area. Staff informed Ms. Ragland that drainage and street improvements were required with the development of the subdivision. Sherri Williams stated that she had received an email from the Jeanne Steadman, Historic Liaison for the Madison Station Historic Preservation Commission, expressing her support for the development and Mr. Harris's Variance request. Sherri Williams stated that email had been forwarded to ZBA members on August 31. Sherri Williams further stated she had not received phone calls or other communication regarding the requested Variance.

Staff Comments: Staff recommended approval of the requested variance.

Motion: Dr. Horch moved to approve case number 1116, Mark Harris, Mark Harris Home, LLC's request for a Variance to City of Madison Zoning Ordinance Section 4-3-3(4) to reduce the minimum lot width from seventy (70) feet to sixty-five (65) feet for proposed Madison Midtowne Subdivision. The property is zoned R2 Medium Density Residential District. 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	Absent
Mary Hudson	Aye
Christopher Lindsey	Aye
John Horch	Aye
Ted Whitney	Aye

Motion Carried.

IV. Old Business

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

V. Other Business

Mr. Lindsey asked Board members and Staff if there were any items of *other business* to discuss. There being none, Mr. Lindsey closed the floor to *other business*.

VI. Adjournment

With no further business before the Board, Mr. Lindsey adjourned the meeting at 6:18P.M.

Approved:



Betty Fletcher, Chair

Attest:

A handwritten signature in blue ink, appearing to read "S. Williams", written over a horizontal line.

Sherri Williams, Recording Secretary