



**Zoning Board of Adjustment and Appeals
Minutes of the April 6, 2017
Annual Organizational and Regular Meeting**

The meeting convened in the Madison Municipal Complex, City Council Chambers, 100 Hughes Road, Madison, Alabama 35758, and was called to order at 5:30 p.m. by Board Chair Betty Fletcher.

In Attendance:

| | |
|---------------------------------|---------|
| Betty Fletcher, Chair | 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 and Economic Development; Megan Zingarelli, Assistant City Attorney, and Sherri Williams, Assistant Planner and Board Secretary

Registered Public Attendees

John Austin; Cheryl Austin; J. Keith Maxwell; Jock Leonard

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.

Approval of Minutes

The first order of business was the approval of the minutes for the December 1, 2016 Regular Meeting. Mrs. Fletcher asked Board members for requested

changes and/or corrections, if any. There being none, Mrs. Fletcher called for a motion.

Motion: Chris Lindsey moved to approve the minutes of the December 1, 2016 Regular Meeting, as written. Ted 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.

Election of 2017 Officers

Chair: Mary Hudson nominated Betty Fletcher as 2017 Chair and Chris Lindsey seconded the nomination. There being no other nominations, nominations were closed and Betty Fletcher was elected by acclamation.

Vice-Chair: John Horch nominated Chris Lindsey as 2017 Vice-Chair and Ted Whitney seconded the nomination. There being no other nominations, nominations were closed and Chris Lindsey was elected by acclamation.

Petitions and Formal Requests for Action

1. *Case number VAR-2017-001, John and Cheryl Austin, Austin's Furniture, 8872 Madison Blvd. a/k/a 8880 Madison Blvd. a request for a Variance to City of Madison Zoning Ordinance Section 4-6A-6 Dimensional Requirements for B1, B2, B3 and MC, to reduce the side yard setback at the west property line from fifteen (15) feet to 1.7-feet.*

Request: Applicant, John Austin, presented their case, stating that Austin's Furniture is a family owned business and has operated at the current location for 25-years. Mr. Austin read aloud a prepared statement which included the following information: Austin's Furniture has five (5) employees and two (2) delivery people at the Madison Blvd. store. They also employ three (3) people at a manufacturing facility where custom furniture is built. The store on Madison Blvd. was destroyed by a fire on December 5, 2016. They wish to build a new 15,000 square foot building but can only do so if they are permitted to use the existing foundation, which does not meet the required setback for the zoning

district. If they are required to move the building to the required setback line, there will not be enough room for customer parking or delivery truck access.

Board Comments: Board members asked about the appearance of the new building and the reuse of the existing slab. Sherri Williams informed the Board that the site plan, including the materials to be used for the building, will be reviewed by the Technical Review Committee to ensure compliance with current design standards. Also, the building plans must be approved by the Building Director and Fire Marshal prior to issuance of a building permit.

Public Comments: Mr. Austin provided a letter of support from Joanna Weeks Williams, owner of the adjacent property. The letter was made a part of the record. 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's report recommended approval of the requested variance. Staff had no further comments.

Motion: Ted Whitney moved to approve, as presented, case number VAR-2017-001, a request for a Variance to City of Madison Zoning Ordinance Section 4-6A-6 Dimensional Requirements for B1, B2, B3 and MC, to reduce the side yard setback at the west property line from fifteen (15) feet to 1.7-feet. Mary Hudson 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.

Old Business

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

Other Business

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

Adjournment

Mrs. Fletcher thanked the Board for the opportunity to continue to serve as Chair and for their continued support and confidence. With no further business before the Board, Mrs. Fletcher adjourned the meeting at 6:05P.M.

Approved:



Betty Fletcher, Chair

Attest:



Sherri Williams, Recording Secretary