

**Zoning Board of Adjustment and Appeals  
Minutes of the May 3, 2018 Regular Meeting**

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

**In Attendance:**

Betty Fletcher, Chair	Present
Christopher Lindsey, Vice-Chair	Absent
Mary Hudson	Present
John Horch	Present
Ted Whitney	Present
Supernumeraries	
Wesley Alford	Present
Michael Keenan	Absent

**City Staff Present**

Mary Beth Broeren, Director of Planning and Economic Development; Megan Zingarelli, City Attorney, and Sherri Williams, Assistant Planner and Board Secretary

**Registered Public Attendees**

Rod Weaver; Allen Walters; Brenda Thornton; Jon Krichev

*Mrs. Fletcher read aloud, this Board is composed of five persons, with two supernumeraries, and is empowered by the Alabama State Legislature, but appointed by the City Council and is 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 April 5, 2018 Annual Organizational and 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:** John Horch moved to approve the minutes of the April 5, 2018 Annual Organizational and Regular Meeting, as written. May Hudson seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
John Horch	Aye
Ted Whitney	Aye
Wes Alford	Aye

**Motion Carried.**

#### **Petitions and Formal Requests for Action**

- a. *Case VAR-2018-004, 181 Hughes Road, Hughes Plaza Management, LLC, a request for Variances to the following sections of the City of Madison Zoning Ordinance; Section 4-6B-3, Landscape Buffer Requirements in the B1 District; Section 5-15-1, Minimum Space Requirement, to reduce the number of on-site parking spaces; Section 5-15-6, Off-Street Parking and Vehicular Use Are (PVA) Landscaping Requirements. The property is zoned B1, Neighborhood Business District. This request is in accordance with City of Madison Zoning Ordinance, Section 10-5.*

**Request:** Applicant, Jon Krichev presented his request and stated that he is a doctor in Madison and he and his wife formed an LLC in order to purchase Hughes Plaza from Miller Properties. While researching the property they discovered the non-compliance. Changes to the streets and zoning ordinance prevent meeting current development requirements. He stated that he understands the property is an eyesore and his improvement plan will consist of repairs to the building to bring it up to code, update the appearance of the building, remove the blue roof and reroof the entire shopping center, reface the building to meet code, add landscaping, resurface the parking lot and restripe the parking spaces and make improvements to the back of the building.

**Public Comments:** Brenda Thornton and Allen Walters stated they look forward to the center being improved and asked questions about the plans for the back of the center where garbage and debris get dropped off and pile up. Dr. Krichev stated he wants it to be attractive and clean. Since Mr. Miller, the current owner, lives in Tennessee, it is not possible for him to police the area daily.

**Board Comments:** Mrs. Fletcher stated that Staff had covered the request well in its Staff Report and asked if the Board had questions. Dr. Horch asked when construction would begin and Dr. Krichev stated the closing was scheduled for May 31 and that construction would begin as quickly as possible following closing.

**Staff Comments:** During the course of the meeting, a letter was given to staff, addressed from current owner Ed Miller, relating to an ingress/egress agreement between himself and the owners of the separate parcel located at the southwest corner of the property. After reading the letter, City Attorney Megan Zingarelli stated she did not believe it would affect the plans for redevelopment of the lot, but that certain additional language should be included in the motion. Mrs. Fletcher asked if Planning Staff had received phone calls or emails regarding the request. Sherri Williams stated that one member of the public, who had received a public notice in the mail, came by City Hall and spoke with herself and Johnny Blizzard. Once they explained the request and the proposed improvements, the caller was pleased and stated support.

**Motion:** Ted Whitney moved to approve Case VAR-2018-004, 181 Hughes Road, Hughes Plaza Management, LLC, a request for Variances to the following sections of the *City of Madison Zoning Ordinance; Section 4-6B-3, Landscape Buffer Requirements in the B1 District; Section 5-15-1, Minimum Space Requirement, to reduce the number of on-site parking spaces; Section 5-15-6, Off-Street Parking and Vehicular Use Are (PVA) Landscaping Requirements* as presented and with the following requirements based on Staff's recommendation:

1. That the applicant eliminate the second access drive, located south of the main entrance, near the State Farm office, subject to easements of record.
2. That the applicant maximize the site's parking and landscaping potential by resurfacing and restriping the parking lot. Replacing the current 10x20 parking spaces with code compliant 10x18 spaces.
3. That the applicant install a minimum of seven landscape islands, or equivalent, distributed throughout the parking lot.
4. That the applicant create an approximate four-foot wide strip, between the existing parking lot and Hughes Road, for the installation of perimeter landscaping.
5. That the applicant install landscaping adjacent to the building along the north and south elevations

The property is zoned B1, Neighborhood Business District. This request is in accordance with *City of Madison Zoning Ordinance, Section 10-5*. John Horch seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
John Horch	Aye
Ted Whitney	Aye
Wes Alford	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 *other business*.

**Adjournment**

With no further business before the Board, Mrs. Fletcher adjourned the meeting at 6:20 P.M.

**Approved:**

  
for Betty Fletcher  
Betty Fletcher, Chair

**Attest:**

  
Sherri Williams, Recording Secretary