

**Zoning Board of Adjustment and Appeals
Minutes of the August 1, 2019 Regular Meeting**

The meeting convened in the Madison Municipal Complex, City Council Chambers, 100 Hughes Road, Madison, Alabama 35758, and called to order at 5:40 p.m. by Board Chair Betty Fletcher.

In Attendance:

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

City Staff Present

Megan Zingarelli, City Attorney, and Sherri Williams, Assistant Planner and Board Secretary

Registered Public Attendees

Monica Tuck, Nicholas Tuck, Brycen Borden, Sterling Borden, Shana Pullum, Marion Pullum.

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 July 11, 2019 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: Ted Whitney moved to approve the minutes of the July 11, 2019 Regular Meeting, as written. Mary Hudson seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
Chris Lindsey	Absent
John Horch	Absent
Ted Whitney	Aye
Michael Keenan	Aye

Motion Carried.

Petitions and Formal Requests for Action

Mrs. Fletcher informed the applicants that a unanimous vote is required in order for their request to be granted. She asked the applicants if they wished to proceed or to delay another month when more than four members may be in attendance. The applicants stated they wished to proceed.

- a. *Case VAR-2019-004, 180 Rainbow Glen Circle, Shana and Marion Pullum, a request for a Variance to City of Madison Zoning Ordinance Section 5-9, Accessory Uses and Structures in Residential and Agriculture Districts, to permit an accessory structure with a roof impervious to weather to be located in a side yard. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance.*

Shana Pullum presented the request stating that when they moved into their house, they realized that her husband's pick-up truck would not fit into the attached garage. Since the lot next door has easements and wetlands, there is not enough room to build a house that will meet the subdivision requirements. The Homeowner's Association approved their plan to buy the lot and build a detached garage.

Mrs. Hudson asked questions regarding the placement of applicants' house and why no other area is available for the detached garage.

Mrs. Fletcher stated that Staff had prepared a detailed report covering the technical aspects and asked if Board members had any additional questions. There being none, Mrs. Fletcher asked if Planning Staff had received phone calls or emails regarding the request. Sherri Williams stated that she had not received phone calls or emails regarding the request. Mrs. Fletcher then then called for a motion.

Sherry Williams asked Mrs. Fletcher to please consider an additional contingency that staff did not include in its recommendation. If members choose to grant the variance, please add a third contingency that the detached garage must be located behind the minimum building line, at the front of the lot. The Zoning Ordinance states that an accessory structure must be located a minimum of one-foot from all utility and drainage easements but since accessory structures are required to be in the rear yard there are no requirements for a front setback. Mrs. Fletcher asked members to add the third contingency, as requested by staff, and then she called for a motion.

Motion: Ted Whitney moved to approve case VAR-2019-004, 180 Rainbow Glen Circle, a request for a Variance to *City of Madison Zoning Ordinance Section 5-9, Accessory Uses and Structures in Residential and Agriculture Districts*, to permit an accessory structure with a roof impervious to weather to be located in a side yard, with the following contingencies:

1. The *Certified Plat for Lot 41-A, Rainbow Landing Phase Five*, must be recorded with the Madison County Judge of Probate and a copy of the recorded plat delivered to the City of Madison Planning Department.
2. The detached garage must meet all other zoning and building code requirements.
3. That the detached garage must be located behind the minimum building line at the front of the lot.

This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance. Mary Hudson seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
Chris Lindsey	Absent
John Horch	Absent
Ted Whitney	Aye
Michael Keenan	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 then closed the floor to *other business*.

Adjournment

With no further business before the Board, Mrs. Fletcher adjourned the meeting at 6:00P.M.

Approved:



Betty Fletcher
Betty Fletcher, Chair

Attest:



Sherri Williams
Sherri Williams, Recording Secretary