

**Zoning Board of Adjustment and Appeals
Minutes of the May 7, 2020 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
Mary Hudson	Present
John Horch	Present
	Supernumeraries
Michael Keenan	Present

City Staff Present

Mary Beth Broeren, Director of Development Services; Megan Zingarelli, City Attorney; and Johnny Blizzard, Senior Planner and Board Secretary

Registered Public Attendees

Norbert Webley, Will Sowell and Lindsay Sowell

Approval of Minutes

No minutes presented.

Petitions and Formal Requests for Action

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.

Case SE-2020-003, 147 E. Westchester Road, Now Soccer Academy, A request for Special Exception to the City of Madison Zoning Ordinance Section 4-9-2, for Indoor Commercial Recreation to operate a soccer training facility. This request is in accordance with Section 10-4 of the City of Madison Zoning Ordinance.

Norbert Webley informed the Board his school has been in operation at Country Day Schools since 2013 and at least 700 students have taken part in training since that time.

Ms. Fletcher asked the applicant how many students would be in the facility at one time, and he responded no more than six to 10 students train at one time. He indicated they prefer small numbers to allow for more individual attention. Mrs. Hudson asked about the hours of operation, and the applicant stated 4:30 to 8:30 for groups. He informed the Board they do private training for home school students during the day but would never have more than four in the facility at any one time. Mr. Keenan informed the applicant the staff report recommended no spectator events should be held, and the applicant was aware of that and had no issues with the recommendation. Mrs. Fletcher informed the Board of a correspondence from Brent Benefield who owns an adjacent property. He has had problems with a baseball type venue in the past with parking on his property and in the street. He indicated there were no such problems with the current baseball facility. He further stated that he did not have any problem with the special exception request as long as they had adequate parking and there was no parking on the street.

Motion: Mary Hudson moved to approve Case SE-2020-002, 147 E. Westchester Road, a request for a Special Exception under Section 4-9-2 for Indoor Commercial Recreation to operate a soccer training academy in the M1 (Restricted Industrial District). This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance with the following conditions:

- A. The special exception shall only apply for the requested use at 147 E. Westchester Road for a period of five years or until the business license is terminated, whichever comes first. At the end of the five year period, the applicant may reapply.
- B. Spectator events shall not be allowed at the facility.
- C. Patrons must park on-site and may not use the parking areas of adjacent properties or businesses.

John Horch seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
John Horch	Aye
Michael Keenan	Aye

Motion Carried

Case VAR-2020-002, 28585 Nora Street, William Glen and Amber Lindsay Sowell. A request for a variance to Section 4-11-3 (2) of the Zoning Ordinance to allow the side yard setback to be reduced from 15 feet to five feet in the AG (Agriculture) District. This request is in accordance with Section 10-4 of the City of Madison Zoning Ordinance.

Mr. Sowell stated he was here to get an exception to allow his garage with a second floor playroom to be where it is, which is too close to the property line. He indicated that he bought the house in 2012 and gutted the interior of the house. Mrs. Fletcher informed the applicant she drove out to look at the site and noticed the building was partially constructed. He stated that he didn't know that the house was in the City of Madison and just began working on the house. He indicated the City of Madison came and shut the job down because he didn't have permits, and the work has been on hold since. Mrs. Hudson asked about the guest quarters that was originally part of the application. Mr. Sowell stated that the City of Madison brought it to his attention such a use was not allowed in the AG District. They had planned for Mrs. Sowell's mother to move into the quest quarters. As a result, Mr. Sowell's new plan is to provide a room in the principal structure for his mother-in-law and use the area above the garage as a playroom. Mr. Sowell informed the Board that he plans to work with his neighbors to rezone the entire subdivision from AG to a residential district. If the rezoning is successful, they plan to come back and ask for the second floor of the garage to become guest quarters.

Mr. Blizzard informed the Board that Mr. Adams called Mary Beth Broeren concerning the meaning of the public hearing letter he was sent. She explained the situation and he had no issues with the request. Mr. Jerrod Wooten sent the following email, which Mr. Blizzard read: *With the cascading topography associated with our neighborhood, water flows downhill from the southeast to the northwest. When our home was built several years ago we had to take the water runoff, from our adjacent neighbor to the east, into consideration during the design of our home and driveway. The current footprint and design of the property under review is going to require a runoff water mitigation strategy to accommodate the runoff of rain water from my property. This is of no impact to me and my property as long as the chosen strategy does not require manipulation of my property. With the setback reduced from 15 ff. to 5 ft. the available open area to utilize for a runoff mitigation strategy is more constrained and should be considered when implementing a chosen strategy.* Mr. Sowell responded that he plans to install a french drain that will go all the way out to the street.

Motion: Mary Hudson moved to approve Case VAR-2020-002, 28585 Nora Street, a variance to Section 4-11-3 (2) to allow 10 feet reduction to an interior side back from 15 feet to five feet for an addition to an existing house.

Michael Keenan seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
John Horch	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.

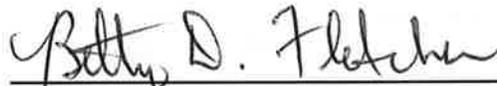
Other Business

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

Adjournment

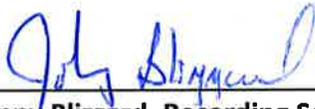
With no further business before the Board, Mrs. Fletcher adjourned the meeting at 6:30 P.M.

Approved:



Betty Fletcher Chair

Attest:



Johnny Blizzard, Recording Secretary