

**MADISON ADJUSTMENTS AND APPEALS BOARD
MINUTES OF THE REGULAR SCHEDULED MEETING
November 05, 2009**

The City of Madison Adjustments and Appeals Board held their scheduled meeting on November 05, 2009 at 5:30 p.m. in the PEB Conference Room located downstairs in the Madison Municipal Complex, 100 Hughes Road, Madison, Alabama. Betty Fletcher, Chairperson, called the meeting to order at 5:30 pm. Attendance was as follows:

Betty Fletcher, Chairperson	Present
David Aichele	Present
Patrick Nelson	Present
Fredrick Davey	Present
John Horch	Present

Staff Present: Johnny Blizzard, Chief Planner and Gina Romine, Planner I and Recording Secretary.

Public Attendees (as registered): Ted Whitney, Richie Cothren, Mike Culbreath and Troy Wesson.

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.

The first order of business was the approval of minutes from the September 03, 2009 meeting. **Motion:** Patrick Nelson moved to approve the minutes as written, John Horch seconded the motion and the vote was unanimous in favor of the motion. **Minutes approved.**

Case #1041: Richie Cothren:

Request: A Variance to Section 4-3A-3, to reduce the rear yard setback by six (6) feet, lowering it from twenty (20) feet to fourteen (14) feet. The property is currently zoned R-Z, Zero Lot Line Residential. This Variance is in accordance with Section 10-9 of the Zoning Ordinance.

Richie Cothren discussed that the patio was existing and he was hired to add a roof. Johnny Blizzard stated the patio was not a violation alone, but when the roof was added it became a violation to the Zoning Code. Mr. Blizzard also stated this lot adjoins a common area and backs up to County Line Road, in addition to the variance the applicant is also in the process of requesting a vacation of easement for ½ foot of the public utility and drainage easement. The vacation of easement must be granted for the patio to be in compliance. Mr. Blizzard stated there appears to be no issues with the approval of the vacation of easement. John Horch asked what the hardship was in this case. The applicant could not state a hardship. Betty Fletcher asked if there were any calls or correspondence regarding this case. Gina Romine stated that she was not aware of any.

Motion: Patrick Nelson moved to approve a Variance to Section 4-3A-3, to reduce the rear yard setback by six (6) feet, lowering it from twenty (20) feet to fourteen (14) feet, David Aichele seconded the motion and vote was Fredrick Davey, Betty Fletcher, David Aichele and Patrick Nelson in favor of the motion and John Horch opposes. **Motion carried.**

Case #1042: Louis Breland:

Request: A Variance to Section 4-5-3 (7), to allow a maximum height of fifty (50) feet. The property is currently zoned R-4, Multi-Family Residential District. This Variance is in accordance with Section 10-9 of the Zoning Ordinance.

Mike Culbreath stated the building code requires the walkout basement to be considered in determining the height of the structure. He discussed they would like to build 3-story apartments due to the extreme topography of the land. Johnny Blizzard discussed the topography issues further. David Aichele asked if the Fire Department had any issues with the

height increase. Johnny Blizzard stated he spoke with the Fire Marshal and he has no issues with the height, however they will have to meet all fire and building codes. Betty Fletcher asked if there had been any calls or correspondence regarding this case. Gina Romine stated that she was not aware of any. Johnny Blizzard stated staff had no objections to this request.

Motion: John Horch moved to approve a Variance to Section 4-5-3 (7), to allow a maximum height of fifty (50) feet, Fredrick Davey seconded the motion and vote was unanimous in favor of the motion. **Motion carried.**

With no further business before the Board, the meeting was adjourned at 5:55 p.m.


Betty Fletcher, Chairperson
Adjustments and Appeals Board

Attest:

Gina Romine, Recording Secretary