

**MADISON ADJUSTMENTS AND APPEALS BOARD  
MINUTES OF THE APRIL 1, 2010  
REGULAR SCHEDULED MEETING**

The City of Madison Adjustments and Appeals Board held their scheduled meeting on April 1, 2010 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:

<b>Betty Fletcher, Chairperson</b>	<b>Present</b>
<b>Troy Wesson</b>	<b>Present</b>
<b>Patrick Nelson</b>	<b>Absent</b>
<b>Fredrick Davey</b>	<b>Present</b>
<b>John Horch</b>	<b>Absent</b>
<b>Supernumeraries</b>	
<b>Ted Whitney</b>	<b>Present</b>
<b>Tim Malueg</b>	<b>Present</b>

**Staff Present:** Sherri Blair, CFM, C.A.P.Z.O., Zoning Administrator and Recording Secretary

**Public Attendees (as registered):** Kenneth Zabel; Tim Doherty; Mike Zieman; Emily Zieman; John Allen.

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.

In the absence of five present members, Mrs. Fletcher requested Supernumerary Ted Whitney to move into a voting position.

The first order of business was the approval of minutes from the February 2, 2010 meeting. **Motion:** Mr. Whitney moved to approve the minutes with the correction of supernumeraries being removed from the list of Board members. Mr. Wesson seconded the motion and the vote was unanimous in favor of the motion. **Minutes approved.**

**Case #1045: Dee Ann Cypert**

**Request:** Special Exception to Section 4-2-2 (4-1-2) to allow a major home occupation subject to Article XIV for a single-chair beauty parlor.

**Board Comments:** Mrs. Fletcher questioned staff regarding the status of the case that was tabled at the February meeting. Sherri Blair stated that Ms. Cypert had not contacted her to remove the case or to request that it be heard at the April meeting. Mrs. Fletcher stated that the case would remain tabled.

**Case #1046: Kenneth Zabel**

**Request:** Variance to Section 4-1-3(2) to reduce the side yard setback from 15 feet to 7.5 feet.

Mr. Zabel and John Allen, Southern Construction and Design, presented the request.

**Board Comments:** Mrs. Fletcher questioned staff regarding comments from adjacent property owners. Sherri Blair stated no comments concerning this request had been received. Mr. Whitney questioned the drainage and Mr. Allen stated he met with Gary Chynoweth and addressed the issue.

**Motion:** Mr. Davey moved to approve the variance to section 4-1-3(2) to reduce the side yard setback from 15 feet to 7.5 feet as presented. Mr. Wesson seconded the motion and the vote was unanimous in favor of the motion. **Motion approved.**

**Case #1047: Timothy M. Doherty**

**Request:** Variance to Section 5-9 increasing the proportionality of a detached accessory building to the main structure.

Mr. Doherty presented his request. He stated that the house in the historic district is quite small and sits on a large lot. The proposed detached garage will be at the rear of the lot.

**Board Comments:** Mrs. Fletcher questioned staff regarding comments from adjacent property owners. Sherri Blair stated no comments concerning this request had been received.

**Motion:** Mr. Davey moved to approve the variance to section 5-9 to increase the proportionality of a detached accessory building to the main structure. Mr. Wesson seconded the motion and the vote was unanimous in favor of the motion. **Motion approved.**

**Case #1048: Michael Zieman**

**Request:** Variance to Section 4-2-3(2) to reduce the side yard setback from 30 feet to 12 feet.

Mr. Zieman presented the request. An existing swimming pool and large trees on the lot prevent the placement of a needed detached storage building elsewhere on the lot.

**Board Comments:** Mrs. Fletcher questioned staff regarding comments from adjacent property owners. Sherri Blair stated no comments concerning this request had been received.

**Motion:** Mr. Wesson moved to approve the variance to section 4-2-3(2) to reduce the side yard setback from 30 feet to 12 feet as presented. Mr. Davey seconded the motion and the vote was unanimous in favor of the motion. **Motion approved.**

**OTHER ITEMS FOR DISCUSSION**

Mrs. Fletcher asked the board whether they would like to present plaques or certificates to former board members Fowler, Aichele and Daly. Board agreed that it would like to continue the tradition. Recording secretary was asked to follow up with the Mayor's office regarding certificates.

With no further business before the Board, the meeting was adjourned at 6:10 p.m.

**Approved:**

  
**Betty Fletcher, Chairperson**  
**Adjustments and Appeals Board**

**Attest:**

  
**Sherri Blair, Recording Secretary**