

**MADISON ADJUSTMENTS AND APPEALS BOARD
MINUTES OF THE JUNE 3, 2010
REGULAR SCHEDULED MEETING**

The City of Madison Adjustments and Appeals Board held their scheduled meeting on June 3, 2010 at 5:30 p.m. in the PEB Conference Room located downstairs in the Madison Municipal Complex, 100 Hughes Road, Madison, Alabama. Mrs. Betty Fletcher, Chairperson, called the meeting to order at 5:30 pm. Attendance was as follows:

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

Staff Present: Kelly Butler, City Attorney; Sherri Blair, Zoning Administrator and Recording Secretary

Public Attendees (as registered): Gerald Martin; Larry Vannoy; Samuel Sepulveda

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 May 6, 2010 meeting. Mrs. Fletcher asked board members for requested changes and/or corrections, if any. Board members requested no changes and/or corrections and Mrs. Fletcher entertained a motion.

Motion: Dr. Horch moved to approve the minutes as written. Mr. Davey seconded the motion and the vote was unanimous in favor of the motion. **Minutes approved.**

1. Case #1050: Adams Homes, 118 Autumn Haven Lane – Tabled from May 6, 2010 meeting

Request: A variance to Section 4-3-3(3) to reduce the rear yard setback from 40 feet to 28 feet. Gerald Martin presented the request on behalf of applicant Adams Homes. Mr. Martin stated the lot is 3-sided; the rear yard is the point where the two side yards meet. The rear yard cannot be averaged as allowed in R-2 zoning districts thereby preventing the placement of a house in compliance with the zoning code.

Public Comment: Mrs. Fletcher read an email sent by Don Blevins, a Stonecrest subdivision resident, opposing the request (attached). Mr. Samuel Sepulveda, 120 Autumn Haven Lane, appeared in opposition to the variance request and asked board members to refer to the information he provided at the May 6, 2010 meeting (attached). He stated that Adams Homes made a mistake and now wants to correct it at the expense of property owners. Mr. Martin stated that the subdivision was developed by Louis Breland and not Adams. Mr. Sepulveda stated property values will be lowered; a smaller house with a smaller lot will have a lower value and will adversely affect the appraised value of his house.

Board Comments: Mrs. Fletcher read staff recommendation from Johnny Blizzard (attached). Dr. Horch questioned whether Adams Homes had tried to place the house differently on the lot to fit within the zoning requirements. Mr. Martin stated they had and this is the best placement. With no other discussion or comments Mrs. Fletcher entertained a motion.

Motion: Dr. Horch moved to approve case #1050, a request for a variance to section 4-3-3(3) to reduce the rear yard setback from 40 feet to 28 feet. Mr. Davey seconded the motion. The vote was 3 in favor with Messrs. Wesson and Whitney in opposition. **Motion Denied.**

2. Case #1051: Larry W. Vannoy, 102 Victoria Drive

Request: A variance to Section 4-1-3(2) to reduce the side yard setback from 15 feet to 5 feet at both property lines. Mr. Vannoy appeared and presented his request. He stated the unusual shape of his lot prevents the placement of a small shed (under 300 square feet) in the rear yard and compliance with the 15 foot side yard setback.

Public Comment: No comment.

Board Comments: Mrs. Fletcher asked staff if adjacent property owners voiced opposition to which Sherri Blair stated they had not. With no other discussion or comments Mrs. Fletcher entertained a motion.

Motion: Mr. Wesson moved to approve a variance to Section 4-1-3(2) to reduce the side yard setback from 15 feet to 5 feet at both property lines. Mr. Whitney seconded the motion. The vote was unanimously in favor. **Motion Approved.**

With no further business before the Board, the meeting was adjourned at 6:00 p.m.

Approved:



Betty Fletcher, Chairperson
Adjustments and Appeals Board

Attest:



Sherri Blair, Recording Secretary

Blair, Sherri

From: Don Blevins [donblevins@gmail.com]
Sent: Wednesday, June 02, 2010 2:59 PM
To: Blair, Sherri
Subject: Case 1050 opposition

I am writing you about an Adam's home subdivision, Stone Crest, property 118 Autumn Haven Lane. As someone who wants Madison to stay a family friendly community where children have safe places to play without driving very far, and as someone who wants Madison city to keep an outstanding commitment to community I would like to support an effort to make this lot a play ground or neighborhood pool. I think this will help the home values for our area. I believe that our neighborhoods shouldn't be just a place to live but a place to grow as a community. Community support is a great way to keep areas safe and looking good. This is why it is important to integrate areas that support this type of interaction. The more we get to know our neighbors the safer our neighborhoods and communities will be.

There is a hearing June 3rd about this property and I hope you consider NOT allowing Adam's to build a house on this lot, but place a play ground or pool here instead. I believe that you understand Madison is more than a track home community but a place with safe neighborhoods and a place where we are a community not a just a place to live.

I have three young girls ages 10, 7 and 5, there safety is very important to me and actions like this will help their safety.

Thank you,
Don Blevins
Stone Crest Resident

Blair, Sherri

From: Sepulveda, Samuel [Samuel.Sepulveda@PeoAvn.Army.Mil]
Sent: Thursday, May 06, 2010 9:27 AM
To: Blair, Sherri
Subject: Protest to Case #1050...
Attachments: Reject Request for Variance.pptx

Sherri,

Sorry it took me so long to get back to you with this. Work has been very hectic. Attached is my presentation I would like to give to the board tonight. I'll talk it through myself if that is ok? Is the hearing still at 5:30? How many hearings are there all together? If there are more than one, how long should I expect to be there? What is the dress code? The reason I ask is because my son has a baseball game tonight at 7 pm but we are suppose to be there at 6 for warm-ups and I am one of the assistant coaches for batting. Anyway, any info would be greatly appreciated. Thank you.

Sam

v/r
Samuel Sepulveda
APACHE Tech Pubs Div
Equipment Specialist
Office: (256) 313-1387
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Please **Reject** Request for Variance
to Sect 4-3-3(3) Case # 1050

120 Autumn Haven Lane

118 Autumn Haven Lane

Arial View of 120 & 118 Autumn Haven Lane



Picture taken from fence of my back yard to stake (boundary of house)



Picture taken from fence of my back yard to stake (boundary of house)



Picture taken from stake (boundary of house) to fence of my back yard



View to the West



View from the North, facing South



View from the West, facing East



Blair, Sherri

Subject: FW: Opposition to Case #1050

From: Blizzard, Johnny
Sent: Thursday, June 03, 2010 12:43 PM
To: Furfori, Amy; Blair, Sherri
Cc: Butler, Kelly
Subject: RE: Opposition to Case #1050

All,

Lot 10, Block 3, Stone Crest Subdivision, Phase 2 is located within the Medium Family Residential Zoning District (R2). A single-family detached home is a permitted use in the R2 District and allowed by right and doesn't require any special approval by the Zoning Board of Appeals to construct. The lot in question was never platted nor never intended for any other use than for the construction of a single-family detached dwelling. The original developer was Stone Crest Properties LLC and I believe the principle agent was Mr. Louis Breland. Adam's Homes is the current owner of the lot in question.

The only issue before the Zoning Board of Appeals is whether the applicant can build the single-family detached dwelling 12' closer to the rear yard than normally allowed. In this case, I would support the variance request with the provision that the single-family detached dwelling be located on the lot as provided to Ms. Sherri Blair with the variance request application. The primary reason I support this request is because the geometry of the lot makes the construction of a single-family detached dwelling more difficult than other lots zoned R2. In most cases involving an issue with meeting the rear yard setback in R2, the builder has the option of averaging the rear yard. This provision is found in Article V, Section 5-1-5 of the Zoning Ordinance. For a non-rectangle lot, the builder can reduce the rear yard setback of a lot in R2 from 40 to 20' provided there is 2800 square feet of rear yard remaining. Because the lot in question is a three sided lot, the rear yard is only a point at the intersection of the two side yard property lines. This measurement is determined by measuring from the point to the rear of the structure. In this case making it impossible to average the rear but not giving a true representation of the amount of open area surrounding the structure.

If you have any questions, please feel free to contact me.

Sherri Blair will be attending the Zoning Board of Appeals meeting tonight as staff.

Johnny Blizzard, AICP, CFM

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