

**CITY OF MADISON
ZONING BOARD OF ADJUSTMENTS AND APPEALS
BOARD MINUTES OF THE SEPTEMBER 1, 2011 REGULAR MEETING**

The City of Madison Adjustments and Appeals Board held their regular meeting on September 1, 2011 at 5:30 p.m. in the City Council Chambers located in Madison Municipal Complex, 100 Hughes Road, Madison, Alabama. Chairperson Betty Fletcher called the meeting to order at 5:30 pm. Attendance was as follows:

Betty Fletcher, Chairperson	Present
John Horch, Vice Chair	Present
Troy Wesson	Present
Fredrick Davey	Present
Ted Whitney	Absent
Supernumeraries	
Tim Malueg	Absent
Mary Hudson	Present

In the absences of Ted Whitney and Tim Malueg, Chairperson Betty Fletcher requested Mary Hudson move from Supernumerary Position 2 to that of a voting member.

Staff Present: Amy Bell Furfori, Director, Community Development and Planning; Kelly Butler, City Attorney, Johnny Blizzard, Chief Planner and Sherri W. Blair, Zoning Administrator and Board Secretary

PUBLIC ATTENDEES

Frank Holmes; Kenny Watts; Rhodes Russler; Brandon Rogers

INTRODUCTION

Chairperson Betty Fletcher stated: 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.

APPROVAL OF MINUTES

The first order of business was the approval of minutes from the June 2, 2011, Regular 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: Mr. Davey moved to approve the minutes of the July 7, 2011, Regular Meeting, as written. Mr. Wesson seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Troy Wesson	Aye
Fredrick Davey	Aye
John Horch	Aye
Mary Hudson	Aye

Motion Carried.

PETITIONS AND FORMAL REQUESTS FOR ACTION

1. **Case #1071 – 103 Willena Drive** - A Variance to Section 4-1-3 of the City of Madison Zoning Ordinance, reducing the side yard setback from 15 feet to 6 feet. The property is currently zoned Low Density Residential District (R-1A).

Applicant's Comment: Property owner Kenny Watts presented his request stating that he is the original owner and has lived there since March, 1986. He and his wife have physical issues that prevent them from easily accessing the second floor of their house. He would like to construct an addition to use as their master suite. Mr. Watts provided photographs of the site for the Board's review. He further stated that the back yard of his property slopes substantially; the only level grade being at the driveway. Major structural modifications must be made to add to rear. He will have to trim the limbs from the tree that overhang from his neighbors' property.

Board Comments: Mr. Wesson asked if windows were going to be in the addition on the neighbors' side, to which Mr. Watts replied, no.

Public Comments: Frank Holmes, adjoining property owner, stated his opposition including: property value, distance from his uncovered deck and trees on his property which overhang Mr. Watts' property. Further, Mr. Holmes provided photographs for the Board to review. Mr. Holmes stated for the record that he would like a 30 day stay to which Attorney Butler stated would not be granted.

Board members, Staff and Mr. Holmes discussed the appeal process.

Motion: Dr. Horch moved to approve case number 1071, 103 Willena Drive, a request for a Variance to Section 4-1-3 of the City of Madison Zoning Ordinance, reducing the side yard setback from 15 feet to 6 feet. The property is currently zoned Low Density Residential District (R-1A) as presented. Mr. Davey seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Troy Wesson	Nay
Fredrick Davey	Aye
John Horch	Aye
Mary Hudson	Aye

Motion Denied.

2. **Case #1072 – 167 Westchester Road - A Variance to Section 4-9-3 of the City of Madison Zoning Ordinance, reducing the front yard setback from 50 feet to 10.01 feet. The property is currently zoned Restricted Industrial District (M-1).**

Applicant's Comment: Rhodes Russler presented the request on behalf of himself and his two business partners stating: A third phase of the development is proposed and they would like to reduce the front setback for the parking lot.

Board Comments: No comments

Public Comments: No comments.

Motion: Mr. Wesson moved to approve case number 1072 – 167 Westchester Road - A Variance to Section 4-9-3 of the City of Madison Zoning Ordinance, reducing the front yard setback from 50 feet to 10.01 feet. The property is currently zoned Restricted Industrial District (M-1), as presented. Dr. Horch seconded the motion and the vote was as follows:

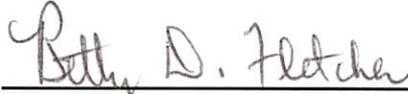
Betty Fletcher	Aye
Troy Wesson	Aye
Fredrick Davey	Aye
John Horch	Aye
Mary Hudson	Aye

Motion Denied.

OLD BUSINESS

With no further business before the Board, the meeting was adjourned at 6:03 P.M.

APPROVED:



Betty Fletcher, Chairperson
Zoning Board of Adjustments and Appeals

ATTEST:



Sherri W. Blair, Recording Secretary