

**MADISON ADJUSTMENTS AND APPEALS BOARD  
MINUTES OF THE MARCH 1, 2012 REGULAR MEETING**

The City of Madison Adjustments and Appeals Board held their regularly scheduled monthly meeting on March 1, 2012 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:

|                                    |                |
|------------------------------------|----------------|
| <b>Betty Fletcher, Chairperson</b> | <b>Present</b> |
| <b>Mary Hudson</b>                 | <b>Present</b> |
| <b>Fredrick Davey</b>              | <b>Present</b> |
| <b>John Horch</b>                  | <b>Present</b> |
| <b>Ted Whitney</b>                 | <b>Present</b> |
| <b>Supernumeraries</b>             |                |
| <b>Tim Malueg</b>                  | <b>Absent</b>  |

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

**Public Attendees (as registered):** Wayne Blaxton

Mrs. Fletcher read aloud: 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 January 5, 2012 Annual Organizational and 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 January 5, 2012 Annual Organizational and Regular Meeting, as written. Dr. Horch seconded the motion and the vote was as follows:

|                       |            |
|-----------------------|------------|
| <b>Betty Fletcher</b> | <b>Aye</b> |
| <b>Mary Hudson</b>    | <b>Aye</b> |
| <b>Fredrick Davey</b> | <b>Aye</b> |
| <b>John Horch</b>     | <b>Aye</b> |
| <b>Ted Whitney</b>    | <b>Aye</b> |

**Motion Carried.**

## Petitions and Formal Requests for Action

- A. **Case #1078** – Lots 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74 Grove Park, A Townhome Village - A Variance to Section 4-4-3 of the City of Madison Zoning Ordinance, to decrease the front yard setback from twenty-five feet (25') to sixteen feet (16'); the side yard setback from eight feet (8') to five feet (5') and the rear yard setback from ten feet (10') to four feet (4'). The property is currently zoned High Density Residential District (R-3);

**Request:** Wayne Blaxton with Enfinger Steele Development presented the case stating: the plan for townhomes that was designed 5 years ago seemed like a good plan at the time. Townhouses are not selling. In order to build single family patio homes on the lots the setbacks need to be changed. The number of lots will decrease but the community needs to be completed and this is the best alternative.

**Board Comment:** Dr. Horch asked applicant if he could work around the rear setback if the board approved 5'1" instead of 4" to which Mr. Blaxton said they could.

**Public Comment:** No comment.

**Staff Comment:** Chief Planner Johnny Blizzard stated the applicant was requesting variances for the two sections of *Grove Park* subdivision which currently have lots designed for attached townhome type dwellings. The applicant plans to re-subdivide the subject property into larger lots that can be used for single-family detached patio homes. The applicant does have some hardship associated with the land that prohibits development of most of the land. The area of the tract of land in Grove Park is 43.35 acres. However the majority of the land (37.50 acres) is located in a regulatory wetland and may not be developed, as outlined in Figure 5 in yellow. The area where development is permitted contains only 5.75 acres. Since the applicant cannot utilize the majority of the land within Grove Park Subdivision, a reduction in the setback requirements will provide the applicant with more buildable area on the lots to be created, but not confer any privilege when considering the number of units dwelling units per gross acreage. The variances requested will be for the new lots created and not for the lots that currently. The variances requested from Section 4-4-3 are as follows:

1. Reduction in the front yard setback from 25 feet to 16 feet;
2. Reduction in the side yard setback from 8 feet to 5 feet; and
3. Reduction in the rear yard setback from 10 feet to 4 feet.

Staff recommends:

1. The motion states the variances requested shall be for any lot utilized for a single-family detached dwelling;
2. The request to reduce the side yard setback from 8 feet to 5 feet be modified to 5 feet, 1 inch;
3. The request to reduce the rear yard setback from 10 feet to 4 feet is modified to 5 feet, 1 inch. The 2006 International Building Code, adopted

by the City of Madison, does not permit any dwelling to be closer than 5 feet, 1 inch to a property line without fire rated walls, nor may windows or other openings be constructed as part of a wall closer than 5 feet, 1 inch to a property line. It should be noted that attachments such as central heat and air units may not be closer than 5, 1 inch to a property line as well.

**Motion:** Mr. Davey moved to approve case #1078, a request for a variance to Section 4-4-3 of the City of Madison Zoning Ordinance, to decrease the front yard setback from twenty-five feet (25') to sixteen feet (16'); the side yard setback from eight feet (8') to five feet and one inch (5'1") and the rear yard setback from ten feet (10') to five feet and one inch (5'1") for Lots 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74 Grove Park, A Townhome Village or for any lot utilized for a single-family detached dwelling. The property is currently zoned High Density Residential District (R-3). Ms. Hudson seconded the motion and the vote was as follows:

|                |     |
|----------------|-----|
| Betty Fletcher | Aye |
| Mary Hudson    | Aye |
| Fredrick Davey | Aye |
| John Horch     | Aye |
| Ted Whitney    | Aye |

**Motion Carried.**

#### Other Business

Mrs. Fletcher asked that City staff follow up on past member recognition.  
Mr. Davey questioned whether Tim Malueg could be dismissed "for cause" due to his numerous absences and asked City staff to research.  
Director Bell informed the board that Dr. Horch had been reappointed by Council to the ZBA and that Ms. Hudson had been moved from the Supernumerary #2 position to fill the unexpired term of Mr. Wesson upon his appointment to Planning Commission.

**Approved:**

  
Betty Fletcher, Chairperson

**Attest:**

  
Sherri W. Blair, Recording Secretary