

**MADISON ZONING BOARD OF ADJUSTMENT AND APPEALS**  
**MINUTES OF THE JUNE 5, 2014 REGULAR MEETING**

The City of Madison Zoning Board of Adjustment and Appeals held its regularly scheduled monthly meeting on June 5, 2014 in the City Council Chambers of the Madison Municipal Complex located at 100 Hughes Road, Madison, Alabama. Board Chair Betty Fletcher, called the meeting to order at 5:30 P.M. and attendance was as follows:

<b>Betty Fletcher, Chairperson</b>	<b>Present</b>
<b>Christopher Lindsey, Vice-Chair</b>	<b>Absent</b>
<b>Mary Hudson</b>	<b>Present</b>
<b>John Horch</b>	<b>Present</b>
<b>Ted Whitney</b>	<b>Present</b>
<b>Supernumeraries</b>	
<b>Wesley Alford</b>	<b>Absent</b>
<b>Larry Mason</b>	<b>Present</b>

**City Staff Present:** Johnny Blizzard, Senior Planner; Beverly Zendt, Senior Planner; Kelly Butler, City Attorney

**Public Attendees (as registered):** Brandon Rogers

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.

**II. Approval of Minutes**

The first order of business was the approval of minutes from the May 1, 2014 Regular meeting. Mrs. Fletcher asked Board members for requested changes and/or corrections, if any. Board members did not request changes or corrections and Mrs. Fletcher entertained a motion.

**Motion:** Dr. Horch moved to approve the minutes of the May 1, 2014 Regular meeting, as written. Ms. Hudson seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>Mary Hudson</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Christopher Lindsey</b>	<b>Absent</b>
<b>Ted Whitney</b>	<b>Aye</b>
<b>Wesley Alford</b>	<b>Absent</b>
<b>Larry Mason</b>	<b>Aye</b>

**Motion Carried.**

### **III. Petitions and Formal Requests for Action**

- a. Case #1100, **Tabled May 1, 2014**, 5880 Wall Triana Hwy; N. Andrew Rotenstreich of Baker Donnellson, Bearman, Caldwell & Berkowitz, PC, as agent for AT&T; A Special Exception as permitted under Section 5-13A-6(a) to permit a cell phone tower. The property is currently located in the General Business (B-3) Zoning District. This request is in accordance with Section 10-8 of the City of Madison Zoning Ordinance.

**Request:** Applicant did not appear to present his request.

**Public Comments:** None

**Board Comments:** Board members discussed and decided to table until applicant files a *request to remove*.

**Staff Comments:** Planning Staff stated they received neither emails nor phone calls objecting to the request.

**Motion:** Ms. Hudson moved to table case number 1100, 5880 Wall Triana Hwy; N. Andrew Rotenstreich of Baker Donnellson, Bearman, Caldwell & Berkowitz, PC, as agent for AT&T; A Special Exception as permitted under Section 5-13A-6(a) to permit a cell phone tower until applicant files a *request to remove*. 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>John Horch</b>	<b>Aye</b>
<b>Christopher Lindsey</b>	<b>Absent</b>
<b>Ted Whitney</b>	<b>Aye</b>
<b>Wesley Alford</b>	<b>Absent</b>
<b>Larry Mason</b>	<b>Aye</b>

**Motion Carried.**

- b. Case #1101, 9076 Madison Blvd.; N. Andrew Rotenstreich's, Baker Donnellson, Bearman, Caldwell & Berkowitz, PC, as agent for AT&T, request for a Special Exception as permitted under Section 5-13A-6(a) to permit a cell phone tower. The property is currently located in the General Business (B-3) Zoning District. This request is in accordance with Section 10-8 of the City of Madison Zoning Ordinance.

**Request:** Applicant did not appear to present his request.

**Public Comments:** None

**Board Comments:** Board members discussed and decided to table until applicant files a *request to remove*.

**Staff Comments:** Planning Staff stated they received neither emails nor phone calls objecting to the request.

**Motion:** Mr. Mason moved to table case number 1101, 9076 Madison Blvd.; N. Andrew Rotenstreich's, Baker Donnellson, Bearman, Caldwell & Berkowitz, PC, as agent for AT&T, request for a Special Exception as permitted under Section 5-13A-6(a) to permit a cell phone tower until applicant files a *request to remove*. 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>John Horch</b>	<b>Aye</b>
<b>Christopher Lindsey</b>	<b>Absent</b>
<b>Ted Whitney</b>	<b>Aye</b>
<b>Wesley Alford</b>	<b>Absent</b>
<b>Larry Mason</b>	<b>Aye</b>

**Motion Carried.**

- c. Case #1102, 167 Westchester Road; Morell Engineering, as agent for Brandon K. Rogers, a request for a Variance to Section 4-9-3(3) of the City of Madison Zoning Ordinance to allow off-street parking located within the required front yard setback, approximately ten (10) feet from the property line. The property is currently located in the Restricted Industrial (M-1) Zoning District. This request is in accordance with Section 10-9 of the City of Madison Zoning Ordinance.

**Request:** Applicant Brandon Rogers appeared to present his request and stated it is his desire to construct a storage facility for large RV storage adjacent to the existing storage facility. A floodway and flood hazard exists at the rear of the lot deeming it unusable. Allowing the parking to be located within the required front yard will mirror adjacent lot.

**Public Comments:** None

**Board Comments:** None

**Staff Comments:** Planning Staff stated they received neither emails nor phone calls objecting to the request.

**Motion:** Mr. Mason moved to approve case number 1102, 167 Westchester Road; Morell Engineering, as agent for Brandon K. Rogers, a request for a Variance to Section 4-9-3(3) of the City of Madison Zoning Ordinance to allow off-street parking located within the required front yard setback, approximately ten (10) feet from the property line. The property is currently located in the Restricted Industrial (M-1) Zoning District. This request is in accordance with Section 10-9 of the City of Madison Zoning Ordinance. Mr. Mason seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>Mary Hudson</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Christopher Lindsey</b>	<b>Absent</b>
<b>Ted Whitney</b>	<b>Aye</b>
<b>Wesley Alford</b>	<b>Absent</b>
<b>Larry Mason</b>	<b>Aye</b>

**Motion Carried.**

**IV. Old Business**

Mrs. Fletcher asked Board members and Staff if there were any items of old business to discuss. There being none, Mrs. Fletcher closed the floor to old business.

**V. Other Business**

Mrs. Fletcher asked Board members and Staff if there were any items of other business to discuss. There being none, Mrs. Fletcher closed the floor to other business.

**VI. Adjournment**

With no further business before the board, Mrs. Fletcher adjourned the meeting at 5:45 P.M.

**Approved:**



**Betty Fletcher, Chairperson**

**Attest:**



**Sherri Williams, Recording Secretary**