

**MADISON ADJUSTMENTS AND APPEALS BOARD
MINUTES OF THE REGULAR SCHEDULED MEETING
June 04, 2009**

The City of Madison Adjustments and Appeals Board held their scheduled meeting on June 04, 2009 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 5:38 pm. Attendance was as follows:

Betty Fletcher, Chairperson	Absent
Carla Daily	Present
Keith Graham	Present
David Aichele	Absent
Patrick Nelson	Present
Fredrick Davey	Present
John Horch	Present

Staff Present: Gina Romine, Planner I, Lori J. Goff, Recording Secretary.

Public Attendees (as registered): Alan Burgman, Gary Wentz Jr., Roy Hutchenson, Mi Ae Morgan, Lisa Abedi, Anwar Ali.

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 7, 2009 meeting. **Motion:** Patrick Nelson moved to approve the minutes as written, Carla Daily seconded the motion and the vote was unanimous in favor of the motion. **Minutes approved.**

Case #1035: Roy Hutchinson:

Request: A Special Exception to Section 4-8-2, to allow a lot less than 40,000 square feet. The property is currently zoned B-3, General Business. This Special Exception is in accordance with Section 10-9 of the Zoning Ordinance.

Roy Hutchinson explained the reason for the Special Exception, they were unable to divide the property and obtain separate deeds for the property. John Horch asked if there had been any correspondence on this case, Lori Goff stated there had been none. John asked if the staff was in favor of this, Gina Romine stated yes.

Motion: Keith Graham made a motion to approve the Special Exception to Section 4-8-2, to allow a lot less than 40,000 square feet. The property is currently zoned B-3, General Business. Special Exception is in accordance with Section 10-9 of the Zoning Ordinance. Carla Daily seconded the motion and the vote was unanimous in favor of the motion. **Motion carried**

Case #1036: Gary Wentz:

Request: A Variance to Section 4-1-3 to reduce the side yard setback from 15' feet to 5' feet. The property is currently zoned R-1A, Low Density Residential. This Variance is in accordance with Section 10-9 of the Zoning Ordinance.

Gary Wentz presented his case to the Board and his plans to build a second garage. John Horch asked if there had been any correspondence on this case, Lori Goff stated there had been none. John asked if the staff was in favor of this, Gina Romine stated yes.

Motion: Patrick Nelson made a motion to approve the Variance to Section 4-1-3 to reduce the side yard setback from 15' feet to 5' feet. The property is currently zoned R-1A, Low Density Residential. This Variance is in accordance with Section 10-9 of the Zoning Ordinance. Keith Graham seconded the motion and the vote was unanimous in favor of the motion. **Motion carried.**

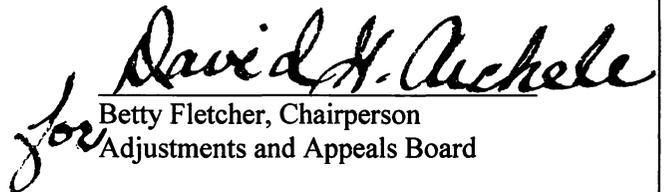
Case #1037: Ghassan Abedi:

Request: A Variance to Section 4-1-3(2) to reduce the side yard setback from 15' feet to 5' feet. The property is currently zoned R-1A, Low Density Residential. This Variance is in accordance with Section 10-9 of the Zoning Ordinance.

Lisa Abedi presented her case to the Board and her plans to build a detached garage. John Horch asked if there had been any correspondence on this case, Lori Goff stated there had been none. John asked if the staff was in favor of this, Gina Romine stated yes. Allen Burgman a neighbor opposed this explaining that the deed restrictions opposed a front entry garage for their subdivision. John Horch explained, that was outside of the scope of the Board to regulate the Home Owners Association and covenants.

Motion: Fredrick Davey made a motion to approve the Variance to Section 4-1-3(2) to reduce the side yard setback from 15' feet to 5' feet. The property is currently zoned R-1A, Low Density Residential. This Variance is in accordance with Section 10-9 of the Zoning Ordinance. Patrick Nelson seconded the motion Carla Daily opposed the motion was approved four to one. **Motion carried.**

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


for Betty Fletcher, Chairperson
Adjustments and Appeals Board

Attest:


Lori J. Goff, Recording Secretary