

**Zoning Board of Adjustment and Appeals**  
**Minutes of the April 5, 2018 Annual Organizational and Regular Meeting**

The meeting convened in the Madison Municipal Complex, City Council Chambers, 100 Hughes Road, Madison, Alabama 35758, and called to order at 5:30 p.m. by Board Chair Betty Fletcher.

**In Attendance:**

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

**City Staff Present**

Mary Beth Broeren, Director of Planning and Economic Development; Megan Zingarelli, City Attorney, and Sherri Williams, Assistant Planner and Board Secretary

**Registered Public Attendees**

Charlie Murphy

*Mrs. Fletcher read aloud, this Board is composed of five persons, with two supernumeraries, and is empowered by the Alabama State Legislature, but appointed by the City Council and is 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 the minutes for the December 7, 2017 Regular Meeting Regular Meeting. Mrs. Fletcher asked Board members for

requested changes and/or corrections, if any. There being none, Mrs. Fletcher called for a motion.

**Motion:** John Horch moved to approve the minutes of the December 7, 2017 Regular Meeting, as written. Ted Whitney seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
Chris Lindsey	Aye
John Horch	Aye
Ted Whitney	Aye

**Motion Carried.**

#### **Election of 2018 Officers**

**Chair:** Mary Hudson nominated Betty Fletcher as 2018 Chair and John Horch seconded the nomination. There being no other nominations, nominations were closed and Betty Fletcher was elected by acclamation.

**Vice-Chair:** Mary Hudson nominated Chris Lindsey as 2018 Vice-Chair and John Horch seconded the nomination. There being no other nominations, nominations were closed and Chris Lindsey was elected by acclamation.

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

- a. *Case VAR-2018-002, Charlie Murphy, Vice President, Murphy Homes, 14 Tubman Drive, a request for a Variance to City of Madison Zoning Ordinance Section 4-2-3(2) Dimensional Requirements, to reduce the side yard setback at the east property line from eight- (8) feet to seven- (7) and sixty-five hundredths (.65) feet. The property is zoned R3A Single Family Detached Residential. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance.*

**Request:** Applicant, Charlie Murphy presented his request and stated that Murphy Homes has been building in the City of Madison for over 30-years. He explained that manual measurements were made, when the foundation was formed, but that a survey was not performed until the house was nearly completed. It was not until the survey was performed that they realized the house did not meet setbacks.

**Public Comments:** No members of the public commented.

**Board Comments:** Mrs. Fletcher stated that Staff had covered the request well in its Staff Report and asked if the Board had questions. Mr. Lindsey discussed with applicant the timeframe, the date the building permit was approved and the date the survey was performed. Mrs. Hudson asked the applicant why he did not request a survey at the time the foundation was framed, as the City required. Applicant stated that manual measurements were taken and the foundation appeared to be in the correct place. Mrs. Hudson asked if the foundation was formed and measured by the City and the Applicant stated that a sub-contractor for Murphy Homes formed the foundation and performed the measurements. Mrs. Hudson asked staff about the contingencies in the Staff Report specifically about the location of the pad for the HVAC unit and whether it was too close to the property line. Sherri Williams stated that because the house was too close to the property line, the HVAC pad was also too close, and extended into the utility and drainage easement that runs along the side property line. She further stated that by relocating the HVAC pad to the rear of the house, it would no longer extend in the easement. Dr. Horch stated that the board needs to be careful about setting a precedence, by granting Variance requests when the City's rules were not followed.

**Staff Comments:** Mrs. Fletcher asked if Planning Staff had received phone calls or emails regarding the request. Sherri Williams stated that she had not received phone calls or emails regarding the request.

**Motion:** Ted Whitney moved to approve Case VAR-2018-002, a request for a Variance to City of Madison Zoning Ordinance Section 4-2-3(2) Dimensional Requirements, to reduce the side yard setback at the east property line from eight- (8) feet to seven- (7) and sixty-five hundredths (.65) feet. The property is zoned R3A Single Family Detached Residential. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance. Chris Lindsey seconded the motion and the vote was as follows:

Betty Fletcher	Abstain
Mary Hudson	Nay
Chris Lindsey	Nay
John Horch	Nay
Ted Whitney	Nay

**Motion Failed.**

**Old Business**

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

**Other Business**

Mrs. Fletcher asked Board members and Staff if there were items of *other business* to discuss. Mrs. Fletcher reminded Board members about CAPZO recertification training on April 11 in the Police Department training room. She then closed the floor to *other business*.

**Adjournment**

With no further business before the Board, Mrs. Fletcher adjourned the meeting at 6:12 P.M.

**Approved:**



Betty Fletcher, Chair

**Attest:**



Sherri Williams, Recording Secretary