



**Zoning Board of Adjustment and Appeals
Minutes of the December 7, 2017 Regular Meeting**

The meeting convened in the Madison Municipal Complex, City Council Chambers, 100 Hughes Road, Madison, Alabama 35758, and called to order at 5:31 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
Supernumeraries	
Wesley Alford	Present @ 5:34
Larry Mason	Absent

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

Brian Rowe

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 September 7, 2017 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: Mary Hudson moved to approve the minutes of the September 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	Abstain
John Horch	Aye
Ted Whitney	Aye

Motion Carried.

Petitions and Formal Requests for Action

1. *Case SE-2017-001, 500 Lanier Road, Building 3, Suite A, Brian Rowe, Rowe Motors LLC.; Request for a Special Exception to operate a motorized vehicle service, mechanical or body repair business, as provided in City of Madison Zoning Ordinance Section 4-9-2, Special Exceptions in the M-1 District. The subject property is within the M-1, Restricted Industrial Zoning District.*

Request: Applicant, Brian Rowe, presented his request. He stated that his business focuses on cosmetic alteration and customization of vehicles, predominately Jeeps, to include the replacement and installation of wheels and lights as well as suspension lifts. The business does not customize performance by altering engines and transmissions. Mr. Rowe explained the ceramic coating application process, which protects vehicle paint. The products require limited water and limited run-off. The products are non-toxic and are safe to pour down the sink. No run-off will enter the storm drain. He stated that customers will enter through the office, located in front of the warehouse area, and that customers will not be in the warehouse area. He stated parking is available for customers but that the cars he customizes will be inside the warehouse until the customer comes to pick it up.

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 stated that the process is safe. She further stated that Staff recommended approval of the Special Exception, with the following contingencies.

1. The Special Exception will apply only to the operation of Rowe Motors, as detailed in case number SE-2017-001;
2. The Special Exception will apply only to the 9,000 square foot warehouse space located at 500 Lanier Road, Building 3, Suite A and the attached 1,500 +/- square foot office.
3. Expansion of the floor areas beyond 10% of what is detailed in case number SE-2017-001, without any expansion of the services offered, will require review by the Planning Director, Building Director and Fire Marshal to determine whether an additional Special Exception Permit is required;
4. Expansion of the services offered, beyond those detailed in case number SE-2017-001, will require review by the Planning Director, Building Director and Fire Marshal to determine whether an additional Special Exception Permit is required;
5. The required repairs to Building 3, Suite A and the attached office suite, as previously determined by Fire and Building inspectors, must be completed and compliant with Fire and Building codes;
6. The Applicant and proposed use shall comply with all required, applicable City, State and federal codes and regulations;
7. Non-compliance with the contingencies placed on the approval of this Special Exception will render it invalid without further action from the Zoning Board of Adjustment and Appeals.

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 number SE-2017-001, 500 Lanier Road, Building 3, Suite A, Brian Rowe, Rowe Motors LLC.; Request for a Special Exception to operate a motorized vehicle service, mechanical or body repair business, as provided in City of Madison Zoning Ordinance Section 4-9-2, Special Exceptions in the M-1 District. The subject property is within the M-1, Restricted Industrial Zoning District with the following contingencies:

1. The Special Exception will apply only to the operation of Rowe Motors, as detailed in case number SE-2017-001;
2. The Special Exception will apply only to the 9,000 square foot warehouse space located at 500 Lanier Road, Building 3, Suite A and the attached 1,500 +/- square foot office.
3. Expansion of the floor areas beyond 10% of what is detailed in case number SE-2017-001, without any expansion of the services offered, will require review by the Planning Director, Building Director and Fire Marshal to determine whether an additional Special Exception Permit is required;
4. Expansion of the services offered, beyond those detailed in case number SE-2017-001, will require review by the Planning Director, Building Director and Fire Marshal to determine whether an additional Special Exception Permit is required;
5. The required repairs to Building 3, Suite A and the attached office suite, as previously determined by Fire and Building inspectors, must be completed and compliant with Fire and Building codes;
6. The Applicant and proposed use shall comply with all required, applicable City, State and federal codes and regulations;
7. Non-compliance with the contingencies placed on the approval of this Special Exception will render it invalid without further action from the Zoning Board of Adjustment and Appeals.

Chris Lindsey 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.

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. There being none, Mrs. Fletcher stated that she attended the 50th

Anniversary of the Huntsville Airport, and distributed commemorative lapel pins to board members and City Staff. She then closed the floor to *other business*.

Adjournment

With no further business before the Board, Mrs. Fletcher wished everyone present a Merry Christmas and a Happy New Year before adjourned the meeting at 6:00 P.M.

Approved:



Betty Fletcher, Chair

Attest:



Sherri Williams, Recording Secretary