

**Zoning Board of Adjustment and Appeals  
Minutes of the June 6, 2019 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 | Absent  |
| Mary Hudson                     | Present |
| John Horch                      | Present |
| Ted Whitney                     | Present |
| Supernumeraries                 |         |
| Michael Keenan                  | Present |

**City Staff Present**

Megan Zingarelli, City Attorney, and Sherri Williams, Assistant Planner and Board Secretary

**Registered Public Attendees**

Valerie Miles; Thelma Dawson; David Hall; Jay Floyd, Adam Harbin and Alan B. Smith, III.

*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 March 7, 2019 Annual Organizational and 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:** Ted Whitney moved to approve the minutes of the March 7, 2019 Annual Organizational and Regular Meeting, as written. Mike Keenan seconded the motion and the vote was as follows:

|                |        |
|----------------|--------|
| Betty Fletcher | Aye    |
| Mary Hudson    | Aye    |
| Chris Lindsey  | Absent |
| John Horch     | Aye    |
| Ted Whitney    | Aye    |
| Michael Keenan | Aye    |

**Motion Carried.**

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

- a. *Case VAR-2019-004, 7635 Hwy 72 W, David Hall, 4-Site, Inc, as agent for Jaybird Partners, LLC. A request for Variances to City of Madison Zoning Ordinance Section 4-6A-6 Dimensional Requirements, to reduce the side yard setback, along the west property line, from fifteen-feet to four-feet and to reduce the rear yard setback from twenty-feet to ten-feet. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance.*

**Request:** Jay Floyd, owner and founder of the Ark stated that he lives in Chattanooga and has been in business for 14 years. The Ark is a full service grooming, boarding and daycare facility for pets. Socializing of animals is by size and temperament. They also have a small retail area where customers can purchase pet food, collars, etc. Mr. Floyd stated he has been searching for a Madison location for the last four years and believes the property on Hwy 72 is a great location. The property is unique because it was once a residential property that was rezoned. The reduction in the side yard setback is necessary in order to build sufficient kennel space that will cover the entire existing concrete slab, and meet all other development requirements.

David Hall and Ark employees provided image boards showing existing conditions and proposed improvements, and explained the development plan. David Hall explained further that the reason for the request was to allow the property owner to build climate control kennels on the existing concrete slab, where the previous owner had pole-barn type, open kennels. The portion behind the kennels was previously used as a dog run.

Assistant Planner Sherri Williams explained that the building code may require alterations to the existing concrete slab, to provide space for a footing around the perimeter of the slab, and throughout the slab where loadbearing walls will be built. Since building plans have not been submitted, it is impossible to know the locations and number of cuts that will be required. She suggested the kennels be placed slightly to the east.

Applicants stated that the house currently sits nine-feet from the property line and that a reduction from fifteen-feet to nine-feet would be helpful.

**Public Comments:** Thelma Dawson stated that she owns the property next door and that she had a bad experience with the previous pet spa. Because the kennels were open, she could hear dogs barking all the time. She is not concerned with the Ark going there because the kennels are closed and will be much quieter. She stated she thinks it is a great idea and they will be good neighbors.

**Board Comments:** Board members discussed the existing conditions on the lot, including the placement of the proposed kennels, and the location of the house. Mrs. Fletcher stated that since the house currently sits 9-feet from the property line that granting the requested Variances would not increase the nonconformity of the site. Board members stated they were happy to know the site was being redeveloped.

**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 VAR-2019-004, 7635 Hwy 72 W, a request for Variances to City of Madison Zoning Ordinance Section 4-6A-6 Dimensional Requirements, as amended to reduce the side yard setback, along the west property line, from fifteen-feet to nine-feet and to reduce the rear yard setback from twenty-feet to ten-feet. John Horch seconded the motion and the vote was as follows:

|                |        |
|----------------|--------|
| Betty Fletcher | Aye    |
| Mary Hudson    | Aye    |
| Chris Lindsey  | Absent |
| John Horch     | Aye    |
| Ted Whitney    | Aye    |
| Michael Keenan | 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 then closed the floor to *other business*.

**Adjournment**

With no further business before the Board, Mrs. Fletcher adjourned the meeting at 6:40P.M.

**Approved:**



Betty Fletcher, Chair

**Attest:**



Sherri Williams, Recording Secretary