

**MADISON ADJUSTMENTS AND APPEALS BOARD
MINUTES OF THE FEBRUARY 4, 2010
REGULAR SCHEDULED MEETING**

The City of Madison Adjustments and Appeals Board held their scheduled meeting on February 4, 2010 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 5:30 pm. Attendance was as follows:

Betty Fletcher, Chairperson	Present
David Aichele	Present
Patrick Nelson	Present
Fredrick Davey	Absent
John Horch	Present

Supernumeraries

Troy Wesson	Present
Ted Whitney	Present

Staff Present: Johnny Blizzard, AICP, CFM, Chief Planner; Kelly Butler, City Attorney and Sherri Blair, CFM, C.A.P.Z.O., Zoning Administrator and Recording Secretary

Public Attendees (as registered): David Dycus; David Cypert; Dee Ann Cypert; David Arterburn and one illegible signature.

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 December 3, 2009 meeting. **Motion:** John Horch moved to approve the minutes with the correction of Ted Whitney being added to the list of Board members. David Aichele seconded the motion and the vote was unanimous in favor of the motion. **Minutes approved.**

Case #1044: David Cypert

Request: Special Exception to 4-4-A-1 (4-1-2) allowing an accessory apartment in a detached accessory structure.

Mr. Cypert presented request for a 21' x 13' detached garage with apartment. Eldest son to occupy the garage apartment and will also allow for additional parking. Space would also be considered for use when/if elderly parents need it. Privacy fence currently in place would be moved back to allow for construction. Dr. Horch questioned whether contractor would be used and applicant said yes.

Public Comments: David Dycus, 116 Old Ivy voiced concerns that a detached garage will lower property value and that the space will be used for business. Johnny Blizzard stated that the space could not be used for business use. Mr. Dycus further stated that applicant had not appeared before the HOA for approval.

Staff Comments: Johnny Blizzard stated what is required of the Board pursuant to Section 10-8 of the Madison Zoning Ordinance. Chairperson Betty Fletcher read aloud the section of the code. She asked applicant if the detached garage would be located in the rear yard and applicant said that it would. Johnny Blizzard further stated that the Board could consider placing restrictions on the special exception.

Motion: John Horch moved to approve case #1044, a Special Exception to 4-4-A-1 (4-1-2) allowing an accessory apartment in a detached accessory structure. The property is currently zoned R-3A, High Density Residential. This Special Exception is in accordance with Section 10-8 of the Zoning Ordinance. Patrick Nelson seconded the motion and the vote was unanimous in favor of the motion. **Motion carried.**

Case #1045: Dee Ann Cypert

Request: Special Exception to Section 4-2-2 (4-1-2) to allow a major home occupation subject to Article XIV for a single-chair beauty parlor.

Mrs. Cypert presented request for a major home occupation to allow her to continue to operate a 1 chair beauty shop as she did at her former address. She provided letters from the adjacent property owners from her previous address. She said she was intending to use the space in the detached garage for her shop until Johnny Blizzard told her husband that it would not be allowed.

Staff Comments: Johnny Blizzard stated that the building code allows only 10% or less of the floor area to be used for major home occupation without meeting ADA requirements. He further stated that the business cannot be visible from outside the residence. He informed the Board that they could table the matter until the next regular meeting to allow Mrs. Cypert to decide if she wanted to operate the business inside the main structure. Mrs. Cypert requested the Board to table the matter.

Motion: John Horch moved to table case #1045, a Special Exception to Section 4-2-2 (4-1-2) to allow a major home occupation subject to Article XIV for a single-chair beauty parlor. The property is currently zoned R-3A, High Density Residential. This Special Exception is in accordance with Section 10-8 of the Zoning Ordinance. Patrick Nelson seconded the motion and vote was unanimous in favor. **Motion carried.**

OTHER ITEMS FOR DISCUSSION

1. Annual Election of Officers

Chairperson Betty Fletcher reminded Board members that officers are to be elected annually and that she would entertain motions:

Motion: John Horch moved to retain the current officers. David Aichele declined the nomination to continue as Vice-Chair. He stated he believed his hearing impairment would not allow him to render decisions in the best interest of the City.

Motion: John Horch moved to retain Betty Fletcher as chairperson for the 2010 calendar year. Mr. Ted Whitney seconded the motion and the vote was unanimous in favor. **Motion carried.** Mrs. Fletcher accepted the nomination and thanked the Board for their confidence.

Motion: Ted Whitney moved to elect Dr. John Horch as Vice-Chair for the 2010 calendar year. Patrick Nelson seconded the motion and the vote was unanimous in favor. **Motion carried.** Dr. Horch accepted the nomination and thanked the Board for their confidence.

- Johnny Blizzard stated he would sign Board members up for membership in the APA so they could receive the emailed information of relevance and interest.

With no further business before the Board, the meeting was adjourned at 6:25 p.m.

Approved:



**Betty Fletcher, Chairperson
Adjustments and Appeals Board**

Attest:



Sherri Blair, Recording Secretary