

**MADISON ADJUSTMENTS AND APPEALS BOARD
MINUTES OF THE MAY 6, 2010
REGULAR SCHEDULED MEETING**

The City of Madison Adjustments and Appeals Board held their scheduled meeting on May 6, 2010 at 5:30 p.m. in the PEB Conference Room located downstairs in the Madison Municipal Complex, 100 Hughes Road, Madison, Alabama. Dr. John Horch, Co-Chairperson, called the meeting to order at 5:30 pm. Attendance was as follows:

Betty Fletcher, Chairperson	Absent
Troy Wesson	Present
Patrick Nelson	Present
Fredrick Davey	Present @5:36
John Horch	Present
Supernumeraries	
Ted Whitney	Present
Tim Malueg	Absent

Staff Present: Sherri Blair, CFM, C.A.P.Z.O., Zoning Administrator and Recording Secretary

Public Attendees (as registered): Samuel Sepulveda; Cindy Wallace; Nathan Wallace

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.

Due to there being only four members present at the commencement of the meeting, Dr. Horch informed the applicant that a unanimous vote in the affirmative would be required for approval.

The first order of business was the approval of minutes from the February 2, 2010 meeting. **Motion:** Mr. Davey moved to approve the minutes as written. Mr. Wesson seconded the motion and the vote was unanimous in favor of the motion. **Minutes approved.**

1. Case #1049: Nathan Wallace, 114 Green Fern Street

Request: A variance to Section 4-3-3(2) to reduce the side yard setback from 10 feet to 5 feet.

Mr. Wallace presented his request for a reduction in the side yard setback so that he can construct a detached accessory building. The current setback would cause accessibility difficulties, increased concrete, plumbing and electrical costs and would not be as aesthetically pleasing. Dr. Horch asked if staff had received any negative response regarding the request to which Sherri Blair stated no. Dr. Horch asked if staff supported the request to which Sherri Blair stated yes.

Board Comments: Mr. Whitney questioned drainage concerns to which Mr. Wallace stated gutters and downspouts will direct water to the proper location.

Motion: Mr. Wesson moved to approve the variance to section 4-3-3(2) to reduce the side yard setback from 10 feet to 5 feet as presented. Mr. Whitney seconded the motion and the vote was unanimous in favor of the motion. **Motion approved.**

2. Case #1050: Adams Homes, 118 Autumn Haven Lane

Request: A variance to Section 4-3-3(3) to reduce the rear yard setback from 40 feet to 28 feet.

No one appeared on behalf of the applicant to present request.

Public Comment: Mr. Samuel Sepulveda, 120 Autumn Haven Lane, appeared in opposition to the request stating privacy issues and decline in property value.

Board Comments: Dr. Horch stated that in light of the opposition and lack of representation by applicant, he would entertain a motion to table the request.

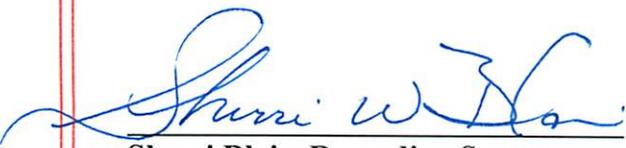
Motion: Mr. Nelson moved to table case #1050, a request for a variance to section 4-3-3(3) to reduce the rear yard setback from 40 feet to 28 feet. Mr. Whitney seconded the motion. The vote was 4 in favor with Mr. Wesson in opposition. **Motion approved.**

With no further business before the Board, the meeting was adjourned at 5:59 p.m.

Approved:


Betty Fletcher, Chairperson
Adjustments and Appeals Board

Attest:


Sherri Blair, Recording Secretary