

**MADISON ADJUSTMENTS AND APPEALS BOARD
MINUTES OF THE JULY 1, 2010
REGULAR SCHEDULED MEETING**

The City of Madison Adjustments and Appeals Board held their scheduled meeting on July 1, 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, Vice-Chairperson, called the meeting to order at 5:30 pm. Attendance was as follows:

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

Staff Present: Kelly Butler, City Attorney; Sherri Blair, Zoning Administrator and Recording Secretary

Public Attendees (as registered): Jerry Gipson; Toni Gipson; Ed Collins; Joe De Lehman; Rhonda Furr; Charles Furr; John T. Wright; Bill Holtzclaw;

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. Dr. Horch advised applicant that a unanimous vote of all four members present would be required for approval of her request and gave the option to table until the August meeting. Applicant chose to move forward.

Approval of Minutes

The first order of business was the approval of minutes from the June 3, 2010 meeting. Dr. Horch asked board members for requested changes and/or corrections, if any. Board members requested no changes and/or corrections and Dr. Horch entertained a motion.

Motion: Mr. Davey moved to approve the minutes as written. Mr. Nelson seconded the motion and the vote was unanimous in favor of the motion. **Minutes approved.**

Petitions and Formal Requests for Action

Case #1052 – Toni Gipson and Cora Bright, 5636 Wall-Triana Highway

Request: A request for a Special Exception to Section 4-1-1 (4-1-2) to allow churches and similar places of worship. The property is currently zoned R-1A, Low Density Residential District

Joe De Lehman, the realtor representing applicants, presented the request for a special exception allowing a church on the R-1A zoned residential lot located at 5636 Wall-Triana Highway. The small house that is currently on the lot would be used as a parsonage for either the pastor or youth pastor. He stated that applicant had not provided the information requested by planning staff. He further stated that his office had received many phone inquiries about putting a business on the lot and believed a church would be a good fit.

Public Comment: Ed Collins, president of HOA network, 303 Crownridge Drive, urged the board to deny the request. He stated granted requests of this nature cause tremendous impact on neighborhoods. Regularly scheduled worship and associated activities in a residential neighborhood is bad practice. He believes the regulations need to be changed. Bill Holtzclaw, 103 Radisson Lane, asked that at the very least the matter be tabled until a conceptual drawing is provided. A special exception will apply to the property forever unlike grandfathering-in a business or other use which goes away when the property is sold.

Rhonda Furr, 5626 Wall-Triana, stated that assumptions about the church's intended use of the property should not be made. More information should be provided.

Board Comments: Dr. Horch read aloud the section of the zoning code pertaining to special exceptions and the duty of the applicant to provide information. Since applicant did not provide the requested information, there is nothing to review for an approval. Dr. Horch entertained a motion.

Motion: Mr. Davey moved to CONTINUE case #1052, a request for a Special Exception to Section 4-1-1 (4-1-2) to allow churches and similar places of worship until the next scheduled meeting. The property is currently zoned R-1A, Low Density Residential District. Mr. Nelson seconded the motion. The vote was 3 in favor with Mr. Whitney in opposition. **Motion Denied.**

Motion: Mr. Nelson moved to TABLE case #1052, a request for a Special Exception to Section 4-1-1 (4-1-2) to allow churches and similar places of worship until the next scheduled meeting. The property is currently zoned R-1A, Low Density Residential District. Mr. Davey seconded the motion. The vote was 3 in favor with Mr. Whitney in opposition. **Motion Denied.**

Dr. Horch entertained a third motion asking that a motion to approve be raised. Discussion between board members and Kelly Butler concerning the outcome of a case if there is no vote. Kelly Butler stated a quorum was present and a decision must be made. Mr. Nelson declared that he would leave the meeting in order to prevent a quorum from being present and to prevent a vote. Dr. Horch stated "Board member Patrick Nelson excused himself from the meeting thereby forcing us to recognize that we no longer have a quorum with which to do business" without a quorum, the matter can be discussed but there can be no action.

With no further business before the Board, the meeting was adjourned at 6:07 p.m.

Approved:



Betty Fletcher, Chairperson
Adjustments and Appeals Board

Attest:



Sherri Blair, Recording Secretary