

**MADISON ADJUSTMENTS AND APPEALS BOARD
MINUTES OF THE OCTOBER 7, 2010
REGULAR SCHEDULED MEETING**

The City of Madison Adjustments and Appeals Board held their regularly scheduled meeting on October 7, 2010 at 5:30 p.m. in the City Council Chambers located in Madison Municipal Complex, 100 Hughes Road, Madison, Alabama. Chairperson Betty Fletcher called the meeting to order at 5:45 pm. Attendance was as follows:

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

Staff Present: Amy Furfori, Director of Community Development and Planning; Johnny Blizzard, Chief Planner

Public Attendees (as registered): Edward Freeman; Faye Freeman; Stephanie Gandy; Ed Collins; Janet Gray; Andrea Rasely; Elizabeth McCleskey; Scott Sables; Michael Moody.

Mrs. Fletcher stated: 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.

Approval of Minutes

The first order of business was the approval of minutes from the September 7, 2010 meeting. Mrs. Fletcher asked board members for requested changes and/or corrections, if any. Board members requested no changes and/or corrections and Mrs. Fletcher entertained a motion.

Motion: Mr. Davey moved to approve the minutes of the September 7, 2010 regular meeting, as written. Dr. Horch seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Fredrick Davey	Aye
John Horch	Aye
Tim Malueg	Aye

Motion Carried.

Petitions and Formal Requests for Action

1. **Case #1059, 114 Rosehaven Circle** – a request for a Variance to section 5-9 of the Madison Zoning Ordinance to reduce the separation between principal and accessory structures from 8 feet to 6 feet

Request: Edward Freeman presented his request stating his desire to add a detached accessory building on his property. He stated the lot is triangular in shape and therefore prevents the placement of the accessory building the required 8 feet from his main structure. Mr. Freeman stated that the building would be used for gardening supplies and a workshop and, in the event of another hail storm, for overflow parking.

Board Comment: Mrs. Fletcher stated that a copy of a letter addressed to Mr. Freeman had been received from the Heritage Plantation Homeowners Association reminding him that he must obtain approval from the association prior to the onset of construction. Mr. Freeman acknowledged receipt of the letter and the requirements of the HOA.

Public Comment: No comment.

Staff Comment: Amy Furfori stated that staff had heard concerns from the HOA. Heritage Plantation HOA board members were informed that all applicants are advised to contact their respective HOA's for approval.

Motion: Dr. Horch moved to approve case number 1059, a request for a Variance to section 5-9 of the Madison Zoning Ordinance to reduce the separation between principal and accessory structures from 8 feet to 6 feet, knowing that they will have to appear before the Homeowner Association Architectural Review Committee. Mr. Davey seconded the motion and the vote was as follows:

Betty Fletcher, Chairperson	Aye
Fredrick Davey	Aye
John Horch	Aye
Ted Whitney	Aye
Tim Malueg	Aye

Motion Carried.

2. **Case #1060, 8760 Madison Boulevard** – a request for a Special Exception to section 4-8-2 of the Madison Zoning Ordinance allowing a veterinary hospital or clinic

Request: Petitioner Janet Gray and her business partner, Andrea Rasely, presented their request to allow the overnight boarding of pets at their day spa. They are currently negotiating to move into Suite E to accommodate the boarding. Waste is double bagged and placed in a closed dumpster. The only change to the current spa will be overnight boarding. All current services will continue. 16 dog suites will be built that will accommodate 2 small dogs.

Board Comment: Mrs. Fletcher read from materials provided by the applicant.

Public Comment: No comment.

Staff Comment: No emails or phone calls have been received concerning this application.

Motion: Mr. Davey moved to approve case number 1060, a request for a Special Exception to section 4-8-2 of the Madison Zoning Ordinance allowing a veterinary hospital or clinic. Dr. Horch seconded the motion and the vote was as follows:

Betty Fletcher, Chairperson	Aye
Fredrick Davey	Aye
John Horch	Aye
Ted Whitney	Aye
Tim Malueg	Aye

Motion Carried.

3. **Case #1062, 9290 Madison Boulevard Suite E** – a request for a Special Exception to section 4-8-2 of the Madison Zoning Ordinance to allow a veterinary hospital or clinic

Request: Dr. Stephanie Gandy presented her requested stating that she has been practicing in the City of Madison for the last 2 years and would like to open a feline-only clinic. The primary facility will be a veterinary facility to perform surgery, vaccines and boarding and grooming. The hyper-thyroid sector is a separate business entity that will be encompassed in the same facility. Currently the only treatment location in the State of Alabama is at Auburn University. The radioactive treatment is considered the gold standard for treatment of this disease. Treated cats are boarded separately. Human exposure to radioactive

material is not a concern. Cat waste storage is mandated by the Alabama Department of Public Health. We will be the only clinic in the state that will provide this service.

Board Comment: Mrs. Fletcher stated that if the Board chose to grant the special exception a contingency would be that the health department monitors the radioactive treatment facility. Questions concerning locks on the waste storage container to which Dr. Gandy stated they would not be and are not required. Quick containment would be delayed with a series of locks. If the Department of Public Health should suggest that practice, she would certainly do so willing. She is the only one licensed to handle the radioactive material. The radioactive material is not cumulative. Only four cats would be treated at one time.

Public Comment: No comment

Staff Comment: Staff has not received phone calls or emails concerning this application.

Motion: Dr. Horch moved to approve case number 1062 a request for a Special Exception to section 4-8-2 of the Madison Zoning Ordinance to allow a veterinary hospital or clinic. Mr. Whitney seconded the motion and vote was as follows:

Betty Fletcher, Chairperson	Aye
Fredrick Davey	Aye
John Horch	Aye
Ted Whitney	Aye
Tim Malueg	Aye

Motion Carried.

Other Business

Amy Furfori announced to the board and public that the Growth Plan meeting will take place November 4 at the new YMCA. Everyone is encouraged to attend.

With no further business before the Board, the meeting was adjourned.

Approved:



Betty Fletcher, Chairperson
Zoning Board of Adjustments and Appeals

Attest:



Sherri W. Blair, Recording Secretary