

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

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

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

Staff Present: Johnny Blizzard, Chief Planner; Sherri Blair, Zoning Administrator and Recording Secretary

Public Attendees (as registered): Tim Morris; Matt Lombardi

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 October 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 October 7, 2010 regular meeting, as written. Dr. Horch seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Troy Wesson	Aye
Patrick Nelson	Aye
Fredrick Davey	Aye
John Horch	Aye

Motion Carried.

Petitions and Formal Requests for Action

Mrs. Fletcher brought to the board's attention the matter of 2 unresolved cases:

Case number 1052, 5636 Wall Triana Highway, a request for special exception to allow a church or place of worship, was heard and tabled at the July 1, 2010 regular meeting. Since that meeting, the applicant withdrew their request. Staff suggested the case be removed from the Board's docket.

Motion: Mr. Davey moved to remove from the Board's table case number 1052, a request for a Special Exception to allow a church or place of worship. Dr. Horch seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Troy Wesson	Aye
Patrick Nelson	Aye
Fredrick Davey	Aye
John Horch	Aye

Motion Carried.

Motion: Mr. Davey moved to remove from the Board's docket case number 1052, a request for a Special Exception to allow a church or place of worship based on applicant's voluntary withdrawal. Dr. Horch seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Troy Wesson	Aye
Patrick Nelson	Aye
Fredrick Davey	Aye
John Horch	Aye

Motion Carried.

Mrs. Fletcher stated that case number 1053, 210 Arnett Street, is a variance request to reduce the side yard setback from 10 feet to 3 feet. The case was tabled at the September 7, 2010 regular meeting. Since that meeting, the applicant withdrew the request. Staff suggested the case be removed from the Board's docket.

Motion: Mr. Davey moved to remove from the Board's table case number 1053, a variance request to reduce the side yard setback from 10 feet to 3 feet. Dr. Horch seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Troy Wesson	Aye
Patrick Nelson	Aye
Fredrick Davey	Aye
John Horch	Aye

Motion Carried.

Motion: Mr. Davey moved to remove from the Board's docket case number 1053, a variance request to reduce the side yard setback from 10 feet to 3 feet, based on applicant's voluntary withdrawal. Dr. Horch seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Troy Wesson	Aye
Patrick Nelson	Aye
Fredrick Davey	Aye
John Horch	Aye

Motion Carried.

1. Case #1063 – 117 Mildred Way – a request for a Variance to section 4-4-A-3(2) of the Madison Zoning Ordinance to reduce the side yard setback from eight (8) feet to three (3) feet

Request: Tim Morris with Woodland Homes, as agent for Cu Gibson, presented the request. Mr. Morris stated that the original plot plan that was used when the house was built was submitted with the application for the building permit for the accessory structure. Since it was shown at the review stage, that the separation between the house and the accessory building would not meet code, it was decided to attach the accessory structure with a breezeway. Not until the City's inspector performed the framing inspection, was it determined that the side yard setback was not appropriate. At that time, measurements

were taken and showed that the house was not placed where it should have been. In order to keep the accessory structure as it currently sits, Mr. Gibson requests the side yard setback be reduced from 8 feet to 3 feet. A vacation of easement has also been applied for with the City.

Board Comment: Board members discussed when the setbacks were determined inappropriate and reviewed of the original plot plan and building permit.

Public Comment: No comment.

Staff Comment: Johnny Blizzard stated that the City's building inspectors do not confirm that a house is placed on the lot as shown on the plot plan submitted. It is up to the contractor to make sure the house is properly placed.

Motion: Mr. Nelson moved to approve case number 1063, a request for a Variance to section 4-4-A-3 (2) of the Madison Zoning Ordinance to reduce the side yard setback from eight (8) feet to three (3) feet. Mr. Wesson seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Troy Wesson	Aye
Patrick Nelson	Aye
Fredrick Davey	Aye
John Horch	Nay

Motion Carried.

Other Business

Mrs. Fletcher requested Staff check appointment schedule for board members and inform her of expirations.

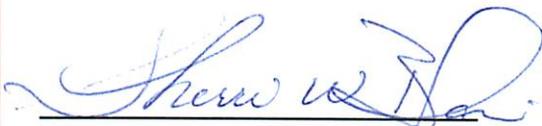
With no further business before the Board, the meeting was adjourned.

Approved:



Betty Fletcher, Chairperson
Zoning Board of Adjustments and Appeals

Attest:



Sherri W. Blair, Recording Secretary