

**Zoning Board of Adjustment and Appeals
Minutes of the March 3, 2022 Regular Meeting**

The meeting convened in the Madison Municipal Complex, City Council Chambers, 100 Hughes Road, Madison, Alabama 35758, and was called to order at 5:30 p.m. by Board Chair Betty Fletcher.

In Attendance:

Betty Fletcher, Chair	Present
Brenda Buschmann, Vice Chair	Present
Mary Hudson	Present
Lisa Laurendine	Present
Larry Miles	Present
David Kessler, Supernumerary 1	Absent

City Staff Present

Johnny Blizzard, Senior Planner and Megan Zingarelli, City Attorney

Registered Public Attendees

Patrick Gorman, Luke Mathis, Jonathan Jones, Albert E. Rivera

Approval of Minutes

Mrs. Fletcher asked Board members for requested changes and/or corrections, if any, to the January 25, 2022 minutes. There being no changes, Mrs. Fletcher asked for a motion.

Motion: Mary Hudson moved to approve the January 25, 2022 minutes. Brenda Buschmann seconded the motion, and the vote was as follows:

Betty Fletcher, Chair	Aye
Mary Hudson	Aye
Brenda Buschmann	Aye
Lisa Laurendine	Aye
Larry Miles	Aye
Motion Carried	

Petitions and Formal Requests for Action

Mrs. Fletcher read aloud, *this Board is composed of five persons, with two supernumeraries, and is empowered by the Alabama State Legislature, but appointed by the City Council and is 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.*

are approximately 50 feet from the residential dwellings to the south and 90 feet to the nearest one to the east.

Mrs. Fletcher asked how the fence surrounding the dog play areas was not compliant. Mr. Mathis stated they plan to use landscaping or any other required methods for buffering and screening. Mr. Blizzard explained to Mrs. Fletcher the dog play area must be buffered by a continuous hedge, shrub, earthen wall or retaining wall at least five feet in height. Mrs. Buschmann asked if the requirement was for sound proofing and Mr. Blizzard said that it was. Mrs. Hudson asked if the extra sound proofing material should be a condition of approval. Mr. Blizzard stated that it could be part of the motion to require sound proofing material be installed on the inside of the fence around the outdoor facility.

Mrs. Buschmann asked how long the facility has been in operation. Dr. Gorman stated 43 years. Mrs. Buschmann asked if there had been any complaints registered with the City. Mr. Blizzard responded that no complaints were on file with the Police Department or Code Enforcement.

Jonathan Jones, 106 Shoreline Drive told the Board that he didn't have any issues with the current request but was concerned about the potential for this being a precedent leading to the elimination of such sound proofing buffers. He asked that the current situation be monitored.

Mrs. Fletcher asked if the dogs stay out overnight. Dr. Gorman responded that the hours dogs were allowed out was from 9 a.m. to 4 p.m. He told the Board the dog runs were used to rehab dogs. He said the routine was to rotate dogs between rehab and rest in the facility. He noted there were also indoor runs.

Mrs. Buschmann made a motion to approve the Variance to Section 4-6A-5 (22) to allow outdoor facilities to include animal runs and play yards within 200 feet of a residential use or zone with the following condition:

1. Sound proofing material be installed on the inside of the fence around the facility.

Mrs. Hudson seconded the motion.

Betty Fletcher, Chair	Aye
Mary Hudson	Aye
Brenda Buschmann	Aye
Lisa Laurendine	Aye
Larry Miles	Nay
Motion Carried	

Mrs. Buschmann made a motion to approve the Variance to Section 5-8-3 to reduce the landscape buffer from 20 feet to 4.32 feet adjacent to the Roema Drive right-of-way with the following condition:

1. A formal agreement with the City of Madison be established that gives the responsibility of planting and maintenance of the buffer to the property owner at 174 and 180 Roema Drive. The agreement must also acknowledge that the City may remove the landscaping and buffer if necessary to carry out the purposes of the easement. It will be the responsibility of the

- The total area of all wall signs not exceed 460 square feet; and
- The total area of the wall sign attached to the rear elevation not exceed 400 square feet; and
- No freestanding monument or Interstate signs be permitted on the property. Small directional driveway signs, pursuant to Section 7-11-7 of the Zoning Ordinance would be allowed.

Mrs. Hudson continued the motion to approve the Variance to Section 7-11-5.e.2 to allow the primary sign to be attached to the rear elevation instead of the front elevation with the following condition:

- The wall sign attached to the front elevation may not be greater than 50 percent of the wall sign attached to the rear elevation

Mrs. Buschmann seconded the motion

Betty Fletcher, Chair	Aye
Mary Hudson	Aye
Brenda Buschmann	Aye
Lisa Laurendine	Aye
Larry Miles	Aye
Motion Carried	

New Business

Mrs. Fletcher asked Board members and Staff if there were items of business to discuss. There were none.

Adjournment

With no further business before the Board, Mrs. Fletcher adjourned the meeting at 6:45 P.M.

Approved:



Betty Fletcher, Chair

Attest:



Johnny Blizzard, Recording Secretary