Minutes December 9, 2024

MADISON CITY BOARD OF ZONING APPEALS

The City of Madison Board of Zoning Appeals held a regular meeting on Monday, December 9, 2024, at 6:00 p.m. in City Hall. Scott Baldwin presided over the meeting with the following additional Board Members present: Nancy Burkhardt, Mark Acosta, Rick Farris and Karl Eaglin. Also present: Ray Dibaya. Absent: Devon Sharpe; Attorney, and Nicole Schell; Director of Planning.

Minutes:

S. Baldwin noted that there were two sets of minutes to approve, the October minutes and the November minutes.

There were no corrections or additions to the October 15th, 2024, meeting minutes. N. Burkhardt made the motion to approve the October 15th, 2024, minutes – Seconded by S. Baldwin – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motion carries.

Minutes for October 15, 2024, approved in accordance with the motion and vote.

S. Baldwin noted that K. Eaglin was not present for the November 12th, 2024, meeting so he would not be voting. There were no corrections or additions to the November 12th, 2024, meeting minutes. S. Baldwin made the motion to approve the November 12th, 2024, minutes – Seconded by R. Farris – Unanimous Consent Vote – Final vote is four (4) in favor and none against – Motion carries.

Minutes for November 12, 2024, approved in accordance with the motion and vote.

Renewals:

1. Glennia Moore – Conditional Use Permit for a mobile home.

Location: 3607 N Old SR 62 Zoned: Low Density Residential (R-4)

One-Year Renewal

2. Super Shine – Conditional Use Permit for vehicle detailing, window tinting, headliner work, and retail

sales of truck accessories.

Location: 3068 Landmark Ln Zoned: High Density Residential (R-32)

One-Year Renewal

3. Mike Anderson – Conditional Use Permit for a tattoo studio.

Location: 408/418 Mulberry St Zoned: Central Business District (CBD)

One-Year Renewal

S. Baldwin noted that Renewals #1 and #2 had been paid. S. Baldwin made the motion that the renewals that had been paid be approved – Seconded by N. Burkhardt – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motion Carries.

Renewals #1 and #2 were renewed in accordance with the motion and vote.

S. Baldwin noted that Renewal #3 had not been paid. S. Baldwin made the motion that the Attorney send a letter informing him that his renewal is in arrears, however if he pays the fees by the next meeting it will be renewed and added that the appropriate staff member from the City check to ensure that it is still in business – Seconded by M. Acosta – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motion Carries.

Renewal #3 was conditionally renewed in accordance with the motion and vote.

New Applications:

1. **BZVD-24-46**: James & Suzanne Capps – Variance from Development Standards for setbacks and lot width.

Location: 1128 W Second St Zoned: Medium Density Residential (R-8)

Jim Capps – 1471 Hill Bridge Rd, Utica, KY – the applicant approached the podium and explained that he believed that he had already been before the BZA to address the Variance for the narrow lot.

- S. Baldwin explained that his previous application was for setbacks, not to address the lot not being able to meet the minimum width requirement of forty (40) feet.
- S. Baldwin noted that the application is requesting setbacks so that the front of his home is in line with the adjacent homes.
- J. Capps explained that he originally requested fifteen (15) foot setbacks from the right-of-way but did not take into consideration the steps infringing on the previously approved setbacks and added that he did not realize that the city's right-of-way began behind the sidewalk.
- K. Eaglin asked J. Capps if they plan on building a new structure on the lot if approved, to which J. Capps replied yes.
- J. Capps added that they would still need approval from the Historic Board and noted that when he originally received the Variance the lot was twenty-five (25) feet wide, but he has since acquired and added ten (10) feet to the lot, so it is now exactly thirty-five (35) feet wide.
- N. Burkhardt asked S. Baldwin if they could do both Variances as one or if they should split them, to which S. Baldwin stated that he would split them.
- S. Baldwin asked the Board members and the audience if they had any further questions.
- S. Baldwin then noted that he would go over the Findings of Fact and ask the Board members not to make a statement unless they had an objection.

The other Board members agreed, and S. Baldwin went into the Findings of Fact for the Variance for the lot width.

Findings of Fact

1. Will this variance be injurious to the public health, safety, morals, and general welfare of the community?

M. Acosta: No objections.R. Farris: No objections.N. Burkhardt: No objections.S. Baldwin: No objections.K. Eaglin: No objections.

2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

M. Acosta: No objections.R. Farris: No objections.N. Burkhardt: No objections.S. Baldwin: No objections.K. Eaglin: No objections.

3. Will the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property?

M. Acosta: No objections.R. Farris: No objections.N. Burkhardt: No objections.S. Baldwin: No objections.K. Eaglin: No objections.

S. Baldwin made the motion to approve a Variance for the applicant's lot to be thirty-five (35) feet wide – Seconded by M. Acosta – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

The requested Variance for lot width for Application BZVD-24-46 was approved in accordance with the motion and vote.

S. Baldwin then made the motion to approve a Variance for four (4) foot setbacks from the south property line – Seconded by M. Acosta – Roll Call Vote – all ayes – Final Vote is five (5) in favor and none against – Motion Carries.

The requested Variance for four (4) foot setbacks from the south property line for Application BZVD-24-46 was approved in accordance with the motion and vote.

BZVD-24-47: Brent Bennett – Variance from Development Standards for setbacks.
Location: 300 Maple Hill Dr Zoned: Medium Density Residential (R-8)

Megan Bennett – 300 Maple Hill Dr – a representative of the applicant approached the podium.

- S. Baldwin briefly discussed the request with M. Bennett, which was a Variance for five (5) foot setbacks from the east property line.
- M. Bennett explained they had a survey conducted when they bought the property and that there is an easement to the east of the property owned by the city that sits five (5) feet from their fence that is sometimes used by residents as a cut-through. M. Bennet added that they maintain the cut-through.

A brief discussion was had between M. Acosta and M. Bennett about the placement of the pole barn.

- S. Baldwin asked the Board members and audience if they had any further questions.
- S. Baldwin then went into the Findings of Fact.

Findings of Fact

1. Will this variance be injurious to the public health, safety, morals, and general welfare of the community?

M. Acosta: I don't see it in any way being injurious.

R. Farris: No, I don't either.

N. Burkhardt: No, as we discussed they're good neighbors by keeping the area clean.

K. Eaglin: I see no problem with that.

S. Baldwin: I don't see any problem either. It abuts a road that never was, which is an easement. Its in line

with a fence that's probably been there for years. I think that one's met.

2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

M. Acosta: No, should have a positive impact. It'll be a new structure, new construction.

R. Farris: Yeah, I agree with those comments. I think the new construction will add something to the

neighborhood instead of deterring from it.

N. Burkhardt: I agree with those comments.

K. Eaglin: I agree.

S. Baldwin: We've had no testimony, otherwise I think that one's met.

3. Will the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property?

M. Acosta: I believe that based on the size of the building they're going to use, if they have to observe the

full setback, they're going to run into other existing stuff in their backyard.

R. Farris: Yeah, I think the practical difficulty is the size and shape of their lot and strict adherence would

probably prevent the deal.

N. Burkhardt: I agree with his comment.

K. Eaglin: I agree.

S. Baldwin: I think there is no issue there. It's in line with a fence and an informally recognized boundary.

Move it over five (5) feet and this case to me doesn't seem necessary per the zoning ordinance.

So, I think that one's met.

S. Baldwin made the motion to approve the application as submitted – Seconded by N. Burkhardt – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

Application BZVD-24-47 was approved in accordance with the motion and vote.

3. **BZCU-24-60:** Jeffrey Shields – Conditional Use Permit for a short-term rental.

Location: 309 Jefferson St Zoned: Central Business District (CBD)

4. BZVD-24-48: Larry and Joni Hoffman – Variance from Development Standards for setbacks.

Location: 1211 W Main St Zoned: Medium Density Residential (R-8)

S. Baldwin noted that these two applications have been requested to be tabled.

S. Baldwin made the motion that applications **BZCU-24-60** and **BZVD-24-48** be tabled to the next meeting – Seconded by N. Burkhardt – Unanimous Consent Vote- Final vote is five (5) in favor and none against – Motion carries.

Applications BZCU-24-60 and BZVD-24-48 was tabled in accordance with the motion and vote.

Old Business:

1. Lena Burns – Conditional Use Permit for a residential daycare (maximum of 16 children, hours 7:00am – 5:00 pm)

Location: 124 Crestwood Dr Zoned: Historic District Residential (HDR)

One-Year Renewal

2. Ellen Troutman – Conditional Use Permit to allow for an event center and short-term rental/lodging.

Location: 402 W Main St Zoned: Specialty District (SD)

Two-Year Renewal

3. Leslie Jackson – Conditional Use Permit for short-term rentals.

Location: 223 W First St Zoned: Historic District Residential (HDR)

One-Year Renewal

- S. Baldwin noted that Renewal #3 had been paid and per previous motion her Conditional Use Permit is renewed.
- S. Baldwin noted that Renewals #2 and #3 had not been paid.
- S. Baldwin made the motion that the city attorney send them a letter indicating that their Conditional Use Permits have expire and if they wish to remain in business they will have to reapply and added that if they pay their fees by the next regular meeting, they will be renewed, and instructed the appropriate staff member from the city to contact them to see if they're still in business Seconded by M. Acosta Unanimous Consent Vote Final Vote is five (5) in favor and none against Motion carries.

Renewals #2 and #3 were conditionally renewed in accordance with the motion and vote.

No further business brought before the Board.

K. Eaglin made the motion to adjourn – Seconded by R. Farris – Unanimous Consent vote – Final vote is five (5) in favor and none against – Motion carries.

The meeting adjourned at 6:19 p.m. in accordance with the motion and vote.

BY ORDER OF THE CITY OF MADISON BOARD OF ZONING APPEALS

Scott Baldwin, Chairman
Ray Dibaya, Secretary/Associate Planner