Minutes

MADISON CITY BOARD OF ZONING APPEALS

The City of Madison Board of Zoning Appeals held a regular meeting on Monday, January 13, 2025, at 6:00 p.m. in City Hall. Scott Baldwin presided over the meeting with the following additional Board Members present: Mark Acosta, and Karl Eaglin. Also present: Ray Dibaya. Absent: Nancy Burkhardt; Board Member, Rick Farris; Board Member, Devon Sharpe; Attorney, and Nicole Schell; Director of Planning.

Minutes:

There were no corrections or additions to the December 9th, 2024, meeting minutes. S. Baldwin made the motion to approve the December 9th, 2024, minutes – Seconded by K. Eaglin - Unanimous Consent Vote – Final vote is three (3) in favor and none against – Motion carries.

Minutes for December 9, 2024, approved in accordance with the motion and vote.

Renewals:

 Madison Elks Lodge #524 – Conditional Use Permit for a lodge to include food service, bar, and meeting rooms.
 Location: 1251 W Main St
 Zoned: Heavy Manufacturing District (M-2)

Zoned: Heavy Manufacturing Dist Five-Year Renewal

- Stuart & Kimberly Hizey Conditional Use Permit for a guest house.
 Location: 215 East St
 Zoned: Historic District Residential (HDR)
 One-Year Renewal
- Shawn Sands Conditional Use Permit for a wrestling facility.
 Location: 2520 Lanier Drive, Suite C
 Zoned: Heavy Manufacturing District (M-2)
 One-Year Renewal
- 4. Susan Reed Smith Conditional Use Permit to allow for animal sales and swap at the Madison Indiana Flea Market/Animal Swap. The following Conditions apply:
 - 1. 4th Saturday of March through October
 - 2. 8am-4pm
 - 3. Submit parking plan.
 - 4. Adhere to all relevant health and safety laws.
 - 5. Must file emergency action plan.
 - 6. No camping.
 - 7. No amplified music.
 - 8. No fireworks.

9. No alcohol.

- 10. No firearms as agreed and stated by applicant.
- 11. Permitted as an animal swap meet only 829.
- 12. CUP may be revoked and/or fines incurred if specified conditions aren't met.
- 13. Animals have to be food producing animals no animals sold for/as pets.
- 14. Food producing plants only no house plants.
- 15. Allowed one bounce house.
- 16. Allowed two refreshment food vendors.
- 17. No other retail.
- 18. Petting Zoo allowed.
- 19. Items produced from animals on farm such as eggs.

Location: 2355 N K Rd

Zoned: Residential Agricultural (RA)

One-Year Renewal

R. Dibaya informed S. Baldwin that all Renewals had been paid with the exception of Renewal #2, which had been requested to expire by the applicant. S. Baldwin made the motion that the Renewals that had been paid be approved – Seconded by K. Eaglin – Unanimous Consent Vote – Final vote is three (3) in favor and none against – Motion Carries.

Renewals #1, 3, and 4 were renewed in accordance with the motion and vote.

Tabled Applications:

BZCU-24-60: Jeffrey Shields – Conditional Use Permit for a short-term rental.Location: 1128 W Second StZoned: Central Business District (CBD)

S. Baldwin stated that the applicant had requested to table the application to the next scheduled meeting.

S. Baldwin made the motion to table the application to the next scheduled meeting (February 10th) – Seconded by M. Acosta – Unanimous Consent Vote – Final vote is three (3) in favor and none against – Motion Carries.

Application BZCU-24-60 was tabled in accordance with the motion and vote.

 BZVD-24-48: Larry and Joni Hoffman – Variance from Development Standards for setbacks and lot width.
 Location: 1211 W Main St
 Zoned: Medium Density Residential (R-8)

Larry and Joni Hoffman – 1211 W Main St – the applicants approached the podium and explained that they are building a garage at the rear of their property and need a variance for the placement of the garage, as well as a variance for their lot not meeting the forty (40) foot minimum restriction for zoning classification Medium Density Residential.

S. Baldwin noted that their property was zoned R-8 when it should have been zoned Historic District Residential, which mandates smaller setbacks, and then explained that this is a common issue that the Board has run into.

S. Baldwin then briefly discussed previous variances that were granted in the vicinity of the applicant's residence.

L. Hoffman stated he wants to park his car off Main Street as he explained that cars sometime drive aggressively or speed.

S. Baldwin noted that some of his neighbors have a garage located at the rear of their property as well and asked L. Hoffman about the construction of the garage.

L. Hoffman explained that he will be using the foundation that had been poured by the contractor.

A brief discussion was held about the location of the garage by K. Eaglin and L. Hoffman.

S. Baldwin asked the Board and audience if they had any further questions.

Findings of Fact

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

- M. Acosta: I think it fits in well with the immediate area and offers them a huge safety benefit for getting in and out of their vehicles.
- K. Eaglin: No, like it was mentioned, I mentioned that the safety, of course, is a real factor in Main Street. So, I think this is a nice addition to that residence.
- S. Baldwin: And Lagree, I think it is an improvement to the public safety to avoid a possible accident, which has happened out there.
- 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, I would say just the opposite. Having a new building there and fitting in with the adjacent properties.
- K. Eaglin: Yes, it should improve the property values of theirs. Plus, I'd say the neighbors also.
- S. Baldwin: We certainly have heard no testimony from an accredited witness that it will affect adversely, we've heard nothing from neighbors, so 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: Strict application, there wouldn't be many houses down there, let alone garages or anything else. So, it simply takes away the ability to use the property at all.
- K. Eaglin: Yes, we have to get off of this strictness because of the neighborhood, the way things are laid out down there.
- S. Baldwin: I agree with Mr. Eaglin, it's zoned one thing, but the reality is another. So, I see the practical difficulty as being that dilemma. I think that one's met.

S. Baldwin made the motion to approve the application as submitted – Seconded by M. Acosta – Roll Call Vote – all ayes - Final Vote is three (3) in favor and none against – Motion Carries.

Application BZVD-24-48 was approved in accordance with the motion and vote.

New Applications:

1. BZVD-24-49: Claude Rottet - Variance from Development Standards for setbacks.Location: 826 Fillmore StZoned: Historic District Residential (HDR)

Claude Rottet – 826 Fillmore St – the applicant approached the podium and explained the request. C. Rottet explained that he was requesting zero (0) foot setbacks from the east property line so that he can build a garage.

S. Baldwin noted that the home sat on both lot lines that C. Rottet owned (820 and 826) as evidence by the GIS picture included in the application.

C. Rottet stated that he was in contact with a surveyor to confirm the property lines.

S. Baldwin stated that the Staff report notes that the Historic Board was requesting a variance before approving a design for the garage, to which C. Rottet stated that he does not have a design yet and added that he was

unsure if the curb east of the property was on his property, which would prohibit him from having a two car garage and would instead force him to have a one car garage.

S. Baldwin stated that his concern was that there was no site plan for the garage.

R. Dibaya noted that what staff had did not show the proposed structure in relation to the property.

K. Eaglin asked if the garage would be attached to the residence, to which C. Rottet stated that it would not.

K. Eaglin stated that he has trouble figuring out how the garage would fit in the lot without dimensions for the garage.

S. Baldwin stated that a lack of a floor plan was a dilemma since he needed more details to avoid any issues with the State, which owns the curb to the east.

C. Rottet stated without the variance for setbacks, he wouldn't know how large the structure could be.

Wanda Rottet, the wife of C. Rottet approached the podium.

W. Rottet clarified what she believed the BZA was requesting, which was a drawing of the home and the garage to see exactly where it would be placed and if it would fit onto the property.

The BZA confirmed that was what they needed.

M. Acosta asked C. Rottet if he knew exactly where his lot line ended and the curb began, to which C. Rottet responded he did not.

M. Acosta stated he needs to know exactly how far the curb is from his lot.

R. Dibaya noted that the Historic Board stated that they want approval for the variance before they can approve the design of the garage.

N. Burkhardt joined the meeting.

A brief discussion was held about what the sketch would need to include.

C. Rottet asked what steps they would need to take before returning to the BZA.

S. Baldwin suggested first having a survey conducted which would give them good legal ground so as not to infringe on the State's property.

K. Eaglin stated once the survey was completed, they would be able to determine how much space they'll have for the garage.

C. Rottet inquired about combining the parcels, to which S. Baldwin stated that that would go before the Plan Commission.

M. Acosta added that combining the parcels would not impact the request for the variance for setbacks.

S. Baldwin made the motion to table the application until the applicant returns with the necessary paperwork within a time limit of six months – Seconded by M. Acosta – Roll Call Vote – all ayes - Final Vote is three (3) in favor and none against – Motion Carries.

Application BZVD-24-49 was tabled in accordance with the motion and vote.

Old Business:

 Mike Anderson – Conditional Use Permit for a tattoo studio. Location: 408/418 Mulberry St
 Zoned: Central Business District (CBD) One-Year Renewal

S. Baldwin made the motion that the city attorney send him a letter indicating that his Conditional Use Permit has expired and if he wishes to remain in business he will have to reapply – Seconded by K. Eaglin – Roll Call Vote - Final Vote is three (3) in favor and none against – Motion carries.

S. Baldwin stated that since this was the first meeting of the year, they needed to re-elect the Chairman, Vice Chairman, and Secretary.

K. Eaglin made the motion to nominate S. Baldwin as the Chairman of the Board for 2025 – Seconded by M. Acosta – Unanimous Consent Vote – Final Vote is three (3) in favor and non against – Motion Carries.

S. Baldwin was appointed Chairman of the Board in accordance with the motion and vote.

M. Acosta made the motion to nominate K. Eaglin as the Vice Chairman of the Board for 2025 – Seconded by S. Baldwin – Unanimous Consent Vote – Final Vote is three (3) in favor and non against – Motion Carries.

K. Eaglin was appointed Vice Chairman of the Board in accordance with the motion and vote.

S. Baldwin made the motion to nominate R. Dibaya as the Secretary of the Board for 2025 - Seconded by M. Acosta – Unanimous Consent Vote – Final Vote is three (3) in favor and none against – Motion Carries.

R. Dibaya was appointed Secretary of the Board in accordance with the motion and vote.

R. Dibaya noted that Mayor Bob Courtney recommended the reappointment of N. Burkhardt as the Citizen Member.

No further business brought before the Board.

K. Eaglin made the motion to adjourn – Seconded by M. Acosta – Unanimous Consent vote – Final vote is three (3) in favor and none against – Motion Carries.

The meeting adjourned at 6:31 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