



PROJECT BRIEF – BZVU-25-3

Application Date: 03/24/2025

Meeting Date: 04/14/2025

Application Description:

An application has been filed for a Variance of Use for Category 651 to allow for a health and wellness spa.

Current Zoning: Medium Density Residential (R-8)	Project Location: 2024 Clifty Dr.
Applicant: Sandra Smith	Owner: KOEHLER JAY F

Preliminary Staff Recommendation: Approve

Conditions: NA

Reasoning:

While the Schedule of Uses does not allow for Cat. 651: Medical & Other Health Services the text of the zoning ordinance lists that category by name as a conditional use.

History, Relevant Information, & Prior Approvals:

History: NA

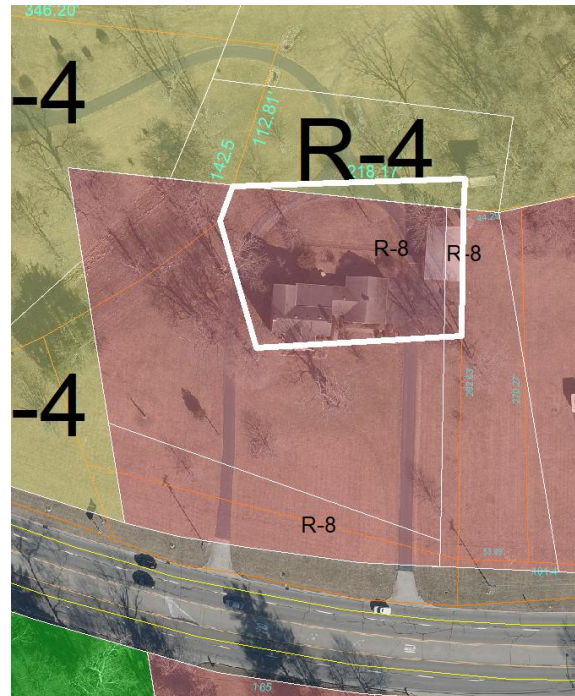
Relevant Information:

Doctor office down the road was spot zoned to General Business to allow for that use. Cat. 651: Medical & Other Health Services within the Schedule of Uses is allowed by conditional use within RA or R-32 residential districts. Other Health Services is listed as a category with additional restrictions as a conditional use within the R-8 text of the Zoning Ordinance.

Prior Approvals: NA

Surrounding Zoning and Land Use:

North: Residential Low Density (R-4)
South: Medium Density Residential (R-8)
East: Medium Density Residential (R-8)
West: Residential Low Density (R-4)



Comprehensive Plan, Ordinances, & Finding of Fact

Comprehensive Plan:

Future Land Use Designations (pg. 74-78)

SUBURBAN RESIDENTIAL

Suburban Residential refers to neighborhoods of single-family of low to moderate densities, as well as attached, manufactured, and multifamily developments. This category is characterized by larger lot and housing typically built after World War II. Suburban residential areas may also contain institutional uses such as civic, religious, and educational facilities. New development should always be required to connect to existing infrastructure and utility services. Residential neighborhoods should be connected by streets and sidewalks or multi-use paths to schools and other compatible non-residential areas. Cul-de-sac streets, which do not encourage connectivity, should be minimized.

Ordinance:

SECTION 6.13 – MEDIUM DENSITY RESIDENTIAL (R-8) (Page 50-54)

A. General Restrictions

1. Floor area ratio – Not to exceed one (1.00)
2. Lot area – For individual units, not less than five thousand and four hundred (5,400) square feet; if, however, there is a desire to build a duplex or triplex, there may not be a greater density than eight (8) units per acre. Other multi-family units are not permitted in this district except for conditional use.
3. Lot width – Not less than forty (40) feet.
4. Signage within the Historic district – All signs within the Historical District require a Certificate of Appropriateness and must comply with the signage requirements of the City's Historic Ordinance 151.36.

C. Restrictions for Conditional Uses

All conditional uses listed in Section 7.00 Official Schedule of District Regulations shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

5. Medical, Comprehensive Treatment Center and other Health Services (653655, 699)
Providing that the following restrictions are adhered to, and upon receiving approval from the Board of Zoning Appeals, these uses may be permitted in this district:
 - a. Setbacks shall not be less than thirty (30) feet from the right-of-way line.
 - b. Side yards shall be not less than twenty (20) feet wide.
 - c. Lighted areas shall be approved prior to development and shall be placed in such a way that they do not infringe upon the rights of adjacent property owners. It is recommended that no light standard be placed closer than fifty (50) feet from any adjacent property line.
 - d. Parking lots shall be placed behind or alongside the principal buildings and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within thirty (30) feet of lot lines. Relevant text. Include screenshots if helpful.

Finding of Fact:

Finding of Fact #1 - Are there any special conditions and circumstances existing which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?

The applicant has provided the following response:	Yes. There is a lack of commercial properties available. High visibility location. Located on Madison's main hilltop highway and close proximity to similar use business.
Staff Response:	No, there are no special conditions, however the contradiction within the zoning ordinance for Other Health Services is peculiar to all land within this district.

Finding #1 has been satisfied.

Finding of Fact #2 - Will literal interpretation of the provisions of this ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance?

The applicant has provided the following response:	Yes. Because neighboring properties are zoned R-4 which would be a conditional use. Additionally, this property is on a highway less than a mile from other businesses, including a doctor's office (similar use).
Staff Response:	Yes, there are contradictions within the Zoning Ordinance on the category of Other Health Services. While listed as cat. 651 in the schedule of uses, the category name Other Health Services shows up as a conditional use with category number 699 within the R-8 text.

Finding #2 has been satisfied.

Finding of Fact #3 - Do special conditions and circumstances result from the actions of the applicant?

The applicant has provided the following response:	No, we do not anticipate any effects on neighboring properties. Access to this property is separate from any other neighbor.
Staff Response:	No, there are no special conditions that are the result of the applicant.

Finding #3 has been satisfied.

Finding of Fact #4 - Will the variance requested confer on the applicant special privilege(s) that is denied by Zoning Ordinance to other lands, structures, or buildings?

The applicant has provided the following response:	No. This use would be a conditional use in other zoning classifications. The use here would be low impact to neighbors. Applicant operates by appointment only.
Staff Response:	No, given this may have been intended to be a conditional use within R-8.

Finding #4 has been satisfied.



MADISON

Indiana
Planning, Preservation and Design

DOCKET ID ASSIGNED:

101 W Main St
Madison, IN 47250
(812) 265-8324

Application for Variance Of Use

Application Fee	\$ 60.00
Ad Fee (for Legal Notice)	\$ 15.00
Recording Fee	\$ 25.00
Total Due	\$ 100.00

Paper applications will be accepted by the Office of Planning, Preservation, and Design; however, electronic submissions through our Permit Portal are preferred. This application can be submitted electronically at www.madison-in.gov/reporting.

Purpose: Per the City of Madison Zoning Ordinance, the Board of Zoning Appeals shall approve or deny variances of use from the terms of the Zoning Ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved only upon a determination by the Board.

This application must be filed at least 15 days prior to scheduled meeting to be eligible for consideration at that meeting. Actual deadlines vary due to holidays, office business hours and operating schedule, media publishing deadlines, etc. Deadlines are published publicly and can also be provided by contacting the Planning Office.

APPLICANT INFORMATION

Name: Sandra Smith
 Street: 4770 W. Co. Rd 600 South
 City: Commiskey State: IN Zip: 47227
 Phone (Preferred): 812-374-2584
 Phone (Alternate): _____
 Email: sandra@madisonhew.com

OWNER INFORMATION (IF DIFFERENT*)

Name: Jay Koehler
 Street: 2024 Clifty Drive
 City: Madison State: IN Zip: 47250
 Phone (Preferred): 812-273-8388
 Phone (Alternate): _____
 Email: fathoyzautomotive@yahoo.com

* If Applicant is not Owner, MUST submit documentation from owner authorizing applicant on their behalf.

PROPERTY FOR WHICH VARIANCE IS REQUESTED

Address and/or Legal Description of Property: 2024 Clifty Drive Madison, IN

Zoning Classification: R8

Description of Existing Use: single family residence

Schedule of Use Category #: 651

Description of Proposed Use: Health & wellness Spc by appt. only

Submit property site plan showing structures, setbacks, parking, adjoining streets and neighboring land uses. This Site Plan must include the distance of the closest point from any existing or planned structure to each property line.

Per the City of Madison Zoning Ordinance, a variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions has been met by the applicant. These Findings of Fact are established and required by Indiana Code.

Provide a detailed Narrative statement demonstrating that the requested variance conforms to the following standards. Respond to each question with Yes/No and why. Use additional pages if necessary.

1. Are there any special conditions and circumstances existing which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?
Yes. There is a lack of commercial properties available. High visibility location located on Madison's main hilltop highway and close proximity to similar use business.
2. Will literal interpretation of the provisions of this ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance?
Yes. Because neighboring properties are zoned R4 which would be a conditional use. Additionally this property is on a highway less than a mile from other businesses, including a doctors office (similar use).
3. Do special conditions and circumstances result from the actions of the applicant?
NO, we do not anticipate any effects on neighboring properties. Access to this property is separate from any other neighbor.
4. Will the variance requested confer on the applicant special privilege(s) that is denied by Zoning Ordinance to other lands, structures, or buildings?
No. This use would be a conditional use in other zoning classifications. The use here would be low impact to neighbors. Applicant operates by appointment only.

Include any other documents/information which you feel will aid the Board in making its determination.

Certified letters **MUST** be mailed to adjoining property owners (includes owners of real estate at corners, across streets, alleys or easements as well as others who may share a common boundary) at least ten (10) days prior to the meeting. The Planning Office can assist you in obtaining this information. Proof of Certified Mail receipts and corresponding returned green cards shall be given to the Planning Office at least one (1) working day prior to the scheduled meeting. The Board will not review the application unless proof of attempt(s) of contact are provided. USPS delays will not be held against you if proof indicates that letters were sent appropriately.

I certify that the information provided in this application is true and accurate to the best of my ability and I understand and agree to the Certified mail stipulations.

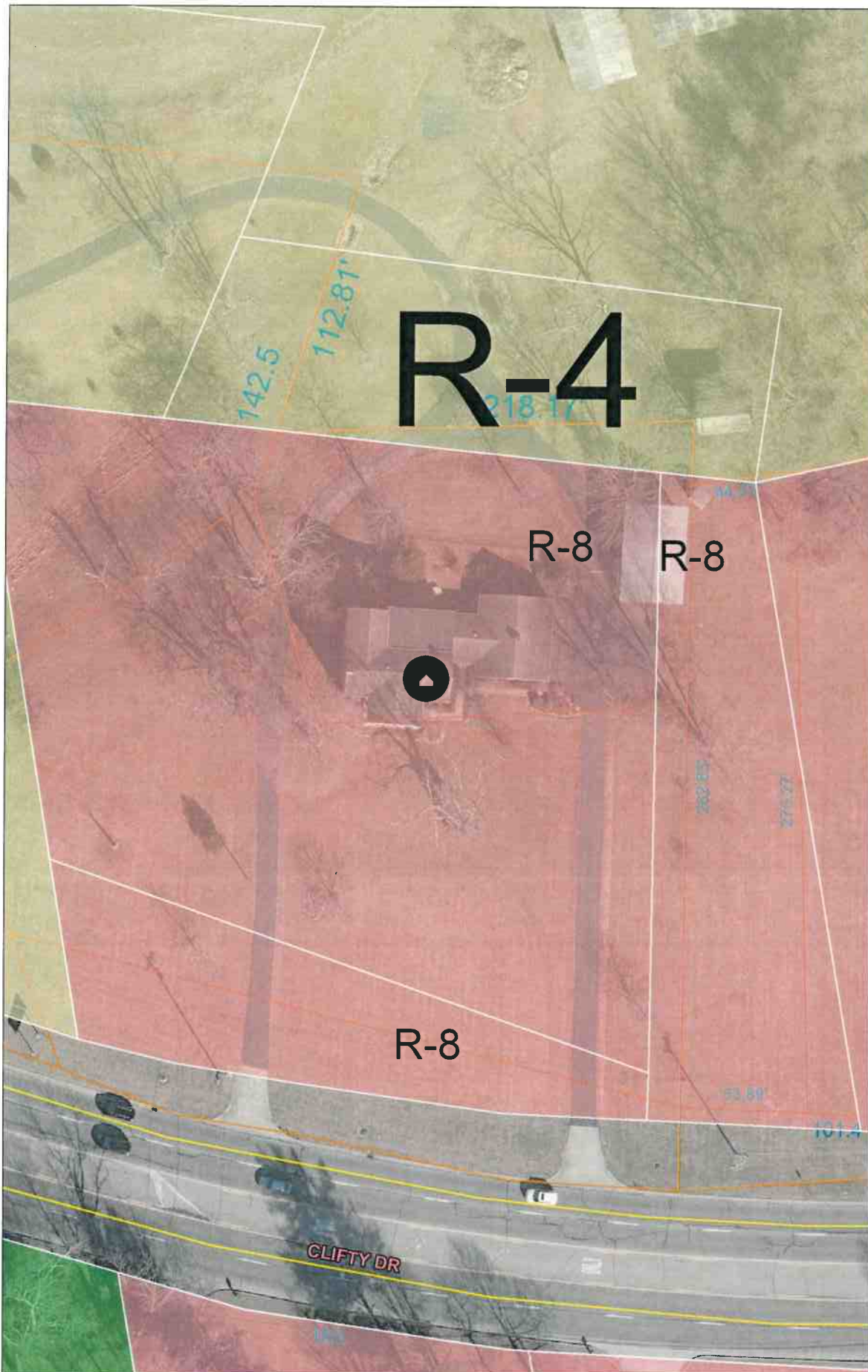
3-21-25
Date

Jared Smith
Signature of Applicant

COMPLETED BY PLANNING OFFICE	Meeting Information: Board of Zoning Appeals
Application Accepted on: _____	101 W Main St, Madison, IN 47250 – Council Chambers
Application Accepted by: _____	Meeting Date: _____ Time: 6:00PM

- Documentation Review** (Completed by Planning Office)
- ___ Owner Authorization provided (if req'd)
 - ___ Site plan is adequate
 - ___ Narrative Statements completed
 - ___ Application is complete
 - ___ GIS Information to applicant and attached
 - ___ Certified Mail Receipts received (attach)
 - ___ Certified Mail Green Cards received (attach)

Staff Notes



MadisonZoning

Zoning Code:

- AG
- R-4
- R-8

Flood INDNR Best Avail
Flood Zone:

- A - Approximate Flo

Parcels

Roads

R-4

R-8

R-8

R-8

CLIFTY DR

