Minutes

June 10, 2024

#### MADISON CITY BOARD OF ZONING APPEALS

The City of Madison Board of Zoning Appeals held a regular meeting on Monday, June 10, 2024, at 6:00 p.m. in City Hall. Scott Baldwin presided over the meeting with the following additional Board Members present: Mark Acosta, Nancy Burkhardt, and Rick Farris. Also present: Devon Sharpe, Attorney; Ray Dibaya, Secretary/Associate Planner, and Nicole Schell, Director of Planning. Absent: Karl Eaglin, Board Member.

#### Minutes:

S. Baldwin noted that due to technical difficulties, approval of the May 13<sup>th</sup> minutes would be tabled until the July 8<sup>th</sup> meeting – Seconded by N Burkhardt - Unanimous Consent Vote – Final vote is four (4) in favor and none against – Motion carries.

Minutes for May 13, 2024, tabled in accordance with the motion and vote.

#### Renewals:

1. Kathyrn G. Ayers – Conditional Use Permit for a guest cottage and/or miscellaneous home business.

There is to be no business signage and no walk-in customers.

Location: 1116 W Main St

Zoned: Medium Density Residential (R-8)

One-Year Renewal

2. James Gurley – Conditional Use Permit for a tobacco packaging facility.

Location: 2900 Wilson Ave

Zoned: Light Manufacturing (M-1)

One-Year Renewal

3. Anna Nguyen – Conditional Use Permit for a tea and/or gift shop.

Location: 1402 Bear St

Zoned: Local Business (LB)

One-Year Renewal

4. Laser Command, LLC – Conditional Use Permit for a party center - indoor inflatables, party rental

area and rooms, indoor family entertainment center. (Kangaroo's)

Location: 3000 N Shun Pike

Zoned: Light Manufacturing (M-1)

One-Year Renewal

5. Knights of Columbus – Conditional Use Permit for a mobile home.

Location: 2250 Lanier Dr

Zoned: Light Manufacturing (M-1)

One-Year Renewal

6. Petsense, LLC – Conditional Use Permit for housing of kittens/cats brought in through partnering

shelters and rescues.

Location: 433 E Clifty Dr

Zoned: General Business (GB)

One-Year Renewal

7. Darlisa Davis – Conditional Use Permit to operate a daycare center.

Location: 206 Green Rd

Zoned: Medium Density Residential (R-8)

One-Year Renewal

8. Sharon Daghir – Conditional Use Permit for owner-occupied residence with short-term rentals

primarily for travel nurses.

Location: 215 E Fourth St

Zoned: Historic District Residential (HDR)

One-Year Renewal

## City of Madison Board of Zoning Appeals June 10, 2024

9. JKAK Investments, LLC – Conditional Use Permit for a mechanic shop and body shop.

Location: 2575 Wilson Ave

Zoned: Light Manufacturing (M-1)

Ten-Year Renewal

10. Red Ball Recycling – Conditional Use Permit for a metal recycling facility.

Location: 2910 Wilson Ave

Zoned: Light Manufacturing (M-1)

Three-Year Renewal

11. Corey Perry – Conditional Use Permit to place a 2022 Clayton Doublewide mobile home on block foundation.

Location: 1660 N Borcherding RD

Zoned: Residential Agricultural (RA)

Five-Year Renewal

12. MVP 1014, LLC (Mike Pittman) – Conditional Use Permit for warehousing & storage services (1

building with 6 rental units)

Location: 416 Presbyterian Ave

Zoned: Central Business District (CBD)

Three-Year Renewal

S. Baldwin noted that Renewals #3, #5, #6, #8, and #12 had been paid. N. Burkhardt made the motion that the renewals that had been paid be approved – seconded by S. Baldwin – Unanimous Consent Vote – Final vote is four (4) in favor and none against – Motion carries.

# Renewals #3, #5, #6, #8 and #12 were renewed in accordance with the motion and vote.

S. Baldwin stated that Renewals #1, #2, #4, and #7 had not been paid. S. Baldwin made the motion that a letter be sent by the Attorney notifying them that their renewal fees had not been paid and the Conditional Use is therefore expired but will be renewed if paid before the next meeting – seconded by N. Burkhardt – Unanimous Consent Vote – Final vote is four (4) in favor and none against – Motion carries.

# Renewals #1, #2, #4, and #7 conditionally renewed in accordance with the motion and vote.

It was noted by staff on note to the board that renewals #9, #10, and #11 were incorrectly listed on the legal notice and were not up for renewal at this meeting.

## New Applications:

 BZCU-24-17: Kate Fox – Application for Conditional Use Permit for Short-term rental Location: 716 Walnut St
Zoned: Historic District Residential (HDR)

BZVD-24-3: Kate Fox – Application for Variance from Development Standards to use on-street parking.
Location: 716 Walnut St
Zoned: Historic District Residential (HDR)

- S. Baldwin noted that the applications have been requested to be tabled.
- S. Baldwin made the motion to table the applications to the next meeting (July 8<sup>th</sup>) Seconded by M. Acosta Unanimous Consent Vote Final vote is four (4) in favor and none against Motion carries.

Applications BZCU-24-17 and BZVD-24-3 were tabled in accordance with the motion and vote.

4. **BZVD-24-16-BZVD-24-30:** Ian Evans on behalf of Aypa Power – Application for variance from Development Standards for waiver of section 11.78- expiration of conditional use permit.

Location: 3621 N 300 W, MADISON, IN 47250, 3356 W DEPUTY PIKE RD, MADISON, IN 47250, 4321Deputy Pike Rd, Madison, IN 47250, 3356 W DEPUTY PIKE RD, MADISON, IN 47250, 3901 + W Deputy Pike Rd, Madison, IN 47250, 3621 + N 300 W, MADISON, IN 47250, 3750 W DEPUTY PIKE RD, MADISON, IN 47250

Zoned: Residential Agricultural (RA)

Location: 3000 + W Chicken Run Rd, Madison, IN 47250, 3201 + W Deputy Pike Rd, Madison, IN 47250, 3247 W DEPUTY PIKE RD, MADISON, IN 47250, 3621 N 300 W, MADISON, IN 47250, 2601 + W Deputy Pike Rd, Madison, IN 47250, 3621 N 300 W, MADISON, IN 47250, 3600 + W 400 N, Madison, IN 47250, 3500 + W 400 N, Madison, IN 47250,

Zoned: Residential Low Density (R-4)

13. **BZCU-24-28-BZCU-24-42**: Ian Evans on behalf of Aypa Power – Application for Conditional Use Permit for Utility Scale Solar Facility

Location: 3621 N 300 W, MADISON, IN 47250, 3356 W DEPUTY PIKE RD, MADISON, IN 47250, 4321 Deputy Pike Rd, Madison, IN 47250, 3356 W DEPUTY PIKE RD, MADISON, IN 47250, 3901 + W Deputy Pike Rd, Madison, IN 47250, 3621 + N 300 W, MADISON, IN 47250, 3750 W DEPUTY PIKE RD, MADISON, IN 47250

Zoned: Residential Agricultural (RA)

Location: 3000 + W Chicken Run Rd, Madison, IN 47250, 3201 + W Deputy Pike Rd, Madison, IN 47250, 3247 W DEPUTY PIKE RD, MADISON, IN 47250, 3621 N 300 W, MADISON, IN 47250, 2601 + W Deputy Pike Rd, Madison, IN 47250, 3621 N 300 W, MADISON, IN 47250, 3600 + W 400 N, Madison, IN 47250, 3500 + W 400 N, Madison, IN 47250,

Zoned: Residential Low Density (R-4)

- S. Baldwin noted that lan Evans' applications on behalf of Aypa power have been withdrawn.
  - 3. **BZVD-24-4**: Joy King Application for a variance from Development Standards to use on-street parking. Location: 606 Jefferson St Zoned: Historic District Residential (HDR)

John King – 741 Dixie Highway – A representative of the applicant approached the podium.

- S. Baldwin asked J. King what they plan on doing and why they need the variance.
- J. King stated that they don't have any off-street parking available because of a garage located at the rear of the property near the alley, and that they'd like to use the property periodically as a short-term rental. He added that there has always been space available on the street whenever they visit the home. He noted that there are at least two available spots on their side of the street and three to four on the other side of the street, and that they don't expect more than two cars to use the space.

#### **Findings of Fact**

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

# City of Madison Board of Zoning Appeals June 10, 2024

M. Acosta: No, I don't see any impact of that at all. It's a house, single residence, it's going to basically be

continued to be used in that same manner.

R. Farris: Yeah, I agree with Mr. Acosta's comments. The use of the property is going to remain the same.

N. Burkhardt: Yeah, I agree with both those comments.

S. Baldwin: And given the reality there that there are available parking spaces, generally I think that one is

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: I think it would have a positive effect for them to rent it out and allow others to use it. That's

going to put you towards better upkeep and all that, so it can't be more than beneficial.

R. Farris: I agree with those comments as well. I think the applicant intends to maintain the property in a

similar fashion to what exists now so, I don't see any adverse effects of that plan.

N. Burkhardt: I agree. As we've said before, he is improving the property.

S. Baldwin: And I agree, I do not think that two cars are going to hurt anybody's property value.

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

M. Acosta: Difficulty being that no access to the back of the area to allow for any off-street parking, which

obviously, strict application would mean it could not be used for that. You could argue it could

be used for a single residence.

R. Farris: Yeah, I agree with those comments as well. I mean, as we often see, parking is always an issue

with these older downtown properties and if we applied the ordinances as written, it would

hinder their ability to do what they're asking to do.

N. Burkhardt: I agree with both those prior comments.

S. Baldwin: The practical difficulty is that property was designed, frankly, so there is no way to get a car onto

it. The other practical difficulty, as pointed out, to get a car on it you'd have to tear down a structure. And so, given those two realities, I think that one's met. We've gone through our findings of fact. We will take a motion. This is a variance from development standards.

N. Burkhardt made the motion to approve the application as submitted – Seconded by R. Farris – Roll Call Vote – Final Vote is four (4) in favor and none against – Motion Carries.

## Application BZVD-24-4 was approved in accordance with the motion and vote.

S. Baldwin noted that this application was the last item on the agenda for the meeting. S. Baldwin then asked staff for a follow-up to Indiana Apartment Holdings conditional use permit renewal as he didn't see anything on the agenda pertaining to it.

## City of Madison Board of Zoning Appeals June 10, 2024

- D. Sharpe stated that he had emailed their attorney and had not gotten a response. D. Sharpe then requested that the application be continued once more as they had paid their renewals the previous year after being contacted, so he believes that there was a communication breakdown between the parties.
- S. Baldwin made the motion to continue this renewal until our next regular meeting Seconded by M. Acosta.
- S. Baldwin asked if there was anything else that needed to be addressed.
- N. Schell gave the Board an update on the zoning ordinance and subdivision standard process. She stated that they had received five (5) submittals, and that the selection committee is currently reviewing them with the intention of selecting a consultant by July.

No further business brought before the Board.

R. Farris made the motion to adjourn – Seconded by M. Acosta– Unanimous Consent vote – Final vote is four (4) in favor and none against – Motion carries.

The meeting adjourned at 6:15 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