

MADISON CITY BOARD OF ZONING APPEALS

Minutes
2020

May 11,

The Madison City Board of Zoning Appeals held a regular meeting on Monday, May 11, 2020 at 6:30 p.m. in City Hall. Due to the corona virus pandemic the meeting was conducted utilizing Zoom. Scott Baldwin, chairman, presided over the meeting with the following board members present: Nancy Burkhardt and Rick Farris. Also present: Brian Martin, Building Inspector; Devon Sharpe, attorney; and Louann Waller, secretary. Bob Waller had an excused absence from this meeting.

Minutes:

N. Burkhardt had the correction to the page 1871 second paragraph down should be “noting” instead of nothing. R. Farris made the motion to approve minutes- seconded by N. Burkhardt – roll call – all ayes.

Minutes stand approved as recorded and distributed.

Renewals:

1. Jason Pattison – Conditional Use permit for an in-home part-time law office.
Location: **312 Vine St.** Zoned: Historic District Residential (HDR)
One-Year Renewal

Renewal fee received; No complaints

2. SITA Management – Variance permit for a billboard sign.
Location: **305 E. Clifty Dr.** Zoned: General Business (GB)
One-Year Renewal

Renewal fee received; No complaints

3. Patricia Danda –Conditional Use permit for an in-home acupuncture practice.
Location: **132 East St.** Zoned: Historic District Residential (HDR)
One-Year Renewal

Renewal fee received; No complaints

4. Riverside Tower, LP – Conditional Use permit for a 50-unit multifamily complex dedicated to senior citizens.
Location: **1001 W. Second St.** Zoned: Historic District Residential (HDR)
Two-Year Renewal

Renewal fee received; No complaints

***N. BURKHARDT made the motion to approve the renewals as read (#1 Pattison, #2 SITA, #3 Danda, #4 Riverside) second R. Farris- roll call- all ayes.
(Renewals #1 Pattison, #2 SITA, #3 Danda, #4 Riverside - approved as read.***

New Applications:

5. MPP Rentals, LLC – Conditional Use permit for golf cart sales.
Official Schedule of Uses category #551 Retail – Motor Vehicle Sales
Location: **110 Cragmont St.** Zoned: Heavy Manufacturing (M-2)

Present for this application via Zoom is property owner of 110 Cragmont St., Mike Pricket.

He has been to the board and had zoning changed at the location. Small brick building down there that plans to sell golf carts out of. S. Baldwin asks if there will be any services. Pricket responds “No.” Will not service them in the location, strictly sales. Guy that helps with it will just go to his location to repair the carts.

Page 2
Madison City Board of Zoning Appeals
May 11, 2020

N. Burkhardt notes Planning Commission and ADA. S. Baldwin notes would be not parking and they would have to park on the street. Pricket – Yes, that would be correct. S. Baldwin responds not sure if the ADA compliant applies since they park on street. Pricket notes not really a need for customers to enter the building because of a large concrete patio. S. Baldwin asks council if the ADA parking requirement applies?

Zoom is having complications and the volume is cutting in and out. S. Baldwin said he went down and looked and appeared to have 6 to 8 parking spaces on the little portion of the street and the adjacent street. L. Waller answers Ordinance states that it must have some ADA parking for Conditional Use. Might check and see because of the new apartments going in. I will check with Tony with the street department to see what we can get done about that. Reply by S. Baldwin sounds like you want to check with the Street Department. Find out if there is no on-site parking would like to check with the attorney. New apartment will have paved parking for a parking lot for the new apartment. Should we table or postpone this? L. Waller says I don't think we need to postpone this or table this. I think parking is something we can get taken care of. N. Burkhardt asks can we just put a contingent on that? L. Waller states you can but I feel confident that it is something we can take care of. N. Burkhardt right. S. Baldwin asks board are there any other questions from board members? L. Waller comments I wouldn't want you say that the Conditional Use is contingent upon on them getting an ADA parking spot. My recommendation would be to consider the Conditional Use and have the city work on parking for him. S. Baldwin sounds good to me. R. Farris I have no problem with that. S. Baldwin no other comments or questions, will move onto Findings of Fact

Findings of Fact

1. Do you agree this is in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of Uses adopted by Section 7.00 for the zoning district involved - or is in accordance with the City of Madison Zoning Ordinance Section 11.71 – General?

Yes No Why?

R. Farris- Yes. I think it meets the requirements as defined. I do not think it is a stretch by any means to apply this permit to that category.

N. Burkhardt- I agree it was 551 Retail under Motor Vehicle Sales and that's conditional use permitted in Heavy Manufacturing (M-2).

S. Baldwin- I agree as well. It is appropriate. Closest thing we have to this. They are vehicles and that is met.

2. Do you agree this will be harmonious with and in accordance with the general objectives, or with any specific objectives of the City's Comprehensive Plan and/or the Zoning Ordinance?

Yes No Why?

N. Burkhardt- I agree it will be harmonious and those conditions stated in question one.

R. Farris- I agree we want to promote business growth. That building isn't in the greatest shape and will be repaired and maintained and probably have better eye appeal then it has had in the past.

S. Baldwin- I am in agreement as well. The general objective is business as much as possible as much as not harming anyone.

3. Do you agree this will be designed, constructed, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area?

Yes No Why?

1881

**Page 3
Madison City Board of Zoning Appeals
May 11, 2020**

R. Farris- I think in the application that it does state no plans to change the appearance of the structure other than just to do some necessary maintenance and upkeep.

N. Burkhardt- I agree with R. Farris statement.

S. Baldwin- I think that it fits in the general character of that area, which of course is that large apartment house and other small residence. In fact it is tucked way back way in a corner. I think that is met.

4. Do you agree this will not be hazardous or disturbing to existing or future neighboring uses?
Yes No Why?

N. Burkhardt I agree it's not going to be disturbing or hazardous. Are doing appointment only so I wouldn't suspect much traffic throughout the day.

R. Farris- I don't see any reason why it would cause any problems. It is a fairly quiet little street and if business operates by appointment only I can't imagine that too many people will notice it is there.

S. Baldwin- I am in agreement that it is by appointment and small volume business. I do not think it will disturb the neighborhood. I think that one is met.

5. Do you agree this will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services?
Yes No Why?

R. Farris- I think that all the requirements for public service and utilities to that location is met. It is an existing structure that has been there for many, many years. I see no other reason why all those conditions won't be met. I agree that it meets the requirements.

N. Burkhardt- I agree with Mr. Farris comments.

S. Baldwin- I can't see the use of almost any services because the business is so small. I think that it is met.

6. Do you agree this will not create excessive requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community?
Yes No Why?

N. Burkhardt Yea I don't see any excess requirements of public expense. I see it is appointment only and will only help economic welfare.

R. Farris- I agree with previous comments from Mrs. Burkhardt. Having a business there that is going to maintain upkeep of that structure will advance the neighborhood.

S. Baldwin- I am in agreement as well. I do not see this anyway will be detrimental to the economic welfare of the community.

Page 4
Madison City Board of Zoning Appeals
May 11, 2020

7. Do you agree this will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors?
Yes No Why?

R. Farris- No I do not believe going to require or involve any hazardous materials, processes or excessive noise. Golf carts are fairly quiet. It will not disrupt the neighborhood

N. Burkhardt- I agree with Mr. Farris comments

S. Baldwin- I agree too. A small business by appointment only will not have excessive production of traffic. Probably not make any noise to speak of.

8. Do you agree this will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares?
Yes No Why?

N. Burkhardt- I agree. It is not a busy street anyway. I see a lot of people going in one at a time to see golf cart sales.

R. Farris- I agree as well. While it is a dead end street. A quiet street. The key here is by appointment only. Do not see any problems by operating that way.

S. Baldwin- I agree as well. You know appointment only. Will not be high traffic down there. That is met.

9. Do you agree this will not result in the destruction, loss or damage of natural, scenic, or historic features of major importance?
Yes No Why?

R. Farris- I can't think of any reason to believe that it will disrupt the eye appeal or value of the neighborhood. It is a small building. Going to have someone to maintain and hopefully improve the appearance. I think all the conditions are met.

N. Burkhardt- I agree with Mr. Farris comments. I think they will maintain the property.

S. Baldwin- I am not certain there are any in jeopardy at all so I think that is met.

S. Baldwin makes a motion to approve this Conditional Use permit for MPP Rentals with the following conditions. It will be Conditional Use permit for one (1) year, run by appointment only, on street parking allowed, applicant will not block access to Heritage building or property. Motion seconded by R. Farris- roll call – all ayes.

Application approved with following conditions:

1. **One (1) year renewals**
2. **Run by appointment only**
3. **Do not block access to Heritage building or property**

6. Jon and Angela Miller – Variance from Development Standards (Setback Variance) of 6-ft. from the north property line so as to allow for construction of an accessory building.
 Location: **2428 Woods Edge Dr.** Zoned: Low Density Residential (R-4)

Page 5
Madison City Board of Zoning Appeals
May 11, 2020

S. Baldwin there was a comment period for this night's meeting and Mrs. Waller informed me that no one sent any in.

S. Baldwin reintroduced himself for new people joining the video conference and stated he doesn't have video because of technical problems.

Present for this application via Zoom are John and Angela Miller who are the property owners.

John Miller- We are going to have an in-ground pool put in here within the next week to 10 days. Would like to add a 10 by 14 foot accessory building for some storage. We would like to potentially include a half bath so people would not be in and out of the house as much. We would like to lay that out to include in the site plan which Angela and I put together.

Some technical difficulties are happening now.

S. Baldwin lets him know they have sketch that the property owners provided.

S. Baldwin asks Board members do you have any questions or comments. N. Burkhardt- I know it is kind of an angle. Is there a reason why it is at an angle? Angela Miller responds I would say that it is partially for a better view at the front of the building. We considered when you look at the GIS other neighbors have buildings close to their property line. John Miller says that it fits in with what other properties have and how it fits in the lot they have. R. Farris curious if they have reached out to neighbors about the plan they have. John Miller responds, yes, we have talked to both of our neighbors and the one on that side. Nobody has expressed concerns but rather excitement that they are getting a pool. S. Baldwin asks why they would want it between the pool and the main house. John responds looking at the layout that is the way they think it looks nicest and the convenience to the house.

S. Baldwin states that this is supposed to be a five (5) member board and only four (4) are on it. That means all three (3) of us have to vote yes. I see on your sketch you have your building only four and half feet from the main house. Its nit picking but section 538 on page 34 says it needs to be 5 feet. John Miller says point well taken and this is my drawing and am not an expert and would fix this if they would accept it. S. Baldwin asks if there are any other questions. R. Farris asks Louann if they have received any other comments about this application. L. Waller stated no, I have not. N. Burkhardt said I think they have talked to the surrounding neighbors. Devon Sharpe responds by saying as a community member I live in the same neighborhood and familiar with that lot. Part of the design is to not lose all the green space they have. I understand that lot design. I am familiar with their neighborhood and don't see them having a problem. S. Baldwin asks if they have any other questions.

Findings of Fact

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

Yes **No** **Why?**

N. Burkhardt - No I don't think that it will be injurious to the health safety morals or general welfare to the community. Several others in the neighborhood have pools and pool houses. Should go in well with community.

R. Farris- I agree with Mrs. Burkhardt's comments.

S. Baldwin- I see no issue. I think that one is met.

Page 6
Madison City Board of Zoning Appeals
May 11, 2020

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

Yes No Why?

R. Farris - The only adverse manner I can think of is they may have more kids showing up at their house then what they expected. Spirit of the question I do not see any negative adverse to adjacent neighbors

N. Burkhardt - No I do not see any negative effects.

S. Baldwin - I do not think it will devalue. I think that one is met.

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

Yes No What are the practical difficulties?

N. Burkhardt - I think a strict application would result in practical difficulties. The have a unique shape and size of a lot. As attorney said, they don't have a lot of green space.

R. Farris- I agree. I think the property owners want to preserve the green space. A strict application of the ordinance would cause problems

S. Baldwin - I am in agreement. Practical difficulties would result in the shape of that lot which a lot of properties have in this town. I think that one is met.

4. Is this request contrary to public interest?

Yes No Why?

N. Burkhardt - No other building in the neighborhood have similar _____.

R. Farris - I don't see any problems. It will bring neighborhood together with all kids the around.

S. Baldwin- I don't see any public problems with it either.

5. Are there conditions peculiar to the property?

Yes No What are the peculiarities?

N. Burkhardt - It is a small triangular lot. One of the smallest in the neighborhood. I see that being peculiar here

R. Farris- I agree with her comments.

S. Baldwin - The shape of the lot is the peculiarity here and on the curb of the street. And the house is already on it. That one is met.

6. Are the peculiarities to the property a result of the applicant?

Yes No Why/Explain

N. Burkhardt - No that is just how the lot was laid out.

R. Farris- No I do not believe that was any fault of the applicant.

S. Baldwin- They bought property that way. I think that one is met.

Page 7
 Madison City Board of Zoning Appeals
 May 11, 2020

7. Will owner sustain an unnecessary and undue hardship?

Yes No What is/are the hardship(s)

N. Burkhardt - Think they would if they put it anywhere else.

R. Farris- (Technical Difficulties)

S. Baldwin- I think that one is met

S. Baldwin - Accessory building needs to be at least five (5) feet from the main house. R. Farris second S. Baldwin motion. Motion is to approve this variance; to be constructed at least 5 feet from main house. Motion seconded by R. Farris – roll call – all ayes.

Variance approved with the following condition:

1. Accessory building at least 5 feet from main house

7. Jim Pruett – Variance from Development Standards (Setback Variance) of a zero lot line setback from the west property line so as to allow for construction of an accessory building.

Location: **214 W. Second St.**

Zoned: Historic District Residential (HDR)

8. Jim Pruett – Variance from Development Standards (Setback Variance) of a zero lot line setback from the east property line so as to allow for construction of an accessory building.

Location: **216 W. Second St.**

Zoned: Historic District Residential (HDR)

Present in the Zoom call is property owner Jim Pruett.

Jim Pruett - Past couple months I have come to you for very similar additions. Been working to apply for this at the time. Earlier this evening we went to the Planning Commission at 5:30. I am purchasing this property from Chris and Marie Harper. They live at 212 West Second street. They got approval to split that property into 4 parcels. I would be purchasing 2 of those parcels and combing them with 214 and 216. Survey of those 2 parcels would be combined. Last time a large conversation about a 3 foot wide easement. We have vacated that easement. Amy Fishmer has agreed to a 2 foot easement running north and south on the west side of 216 lot. Would like to fix up this property to turn around and sell it. Like to have the buyer have the ability to build a garage. The lot at 214 is about 20 and half feet wide. Lot at 216 is about 19 foot wide. Would like to have a garage with a common wall that crosses that lot line. Have done away with that east west easement. They would move that garage to the south and would be across the easement. The east side would be the 15 foot wide alley. Would be a 3 foot setback. North would be 14 foot alley. Would a 3 foot setback. They would move that garage closer to the house similar to the house addition. Build a garage with a zero lot line. If this is approved they could build a garage approximately 17 and ½ foot wide and 16 foot wide going west or 14 and 13. Asking for a zero lot line of the common wall.

S. Baldwin - How long of a garage? Jim - That is up to the new homeowners. S. Baldwin - This is all for nothing to be built but for potential buyers. Board members, are there any questions or comments? N. Burkhardt - I don't know what we are setting by approving stuff before anything is planned. R. Farris- I agree I think it is unusual. In normal circumstances we are looking at a predesigned building that we are approving. I am wrestling with that. Jim - I don't think you are approving the building, you are approving the set back. S. Baldwin says I have read the last meeting minutes to this. We approved a zero lot line variance to put an addition to be put on both sides of the existing house. Now you want a variance involving lots that aren't part of the original. I am wondering if it is opening up a can of worms. You want to advertise that it has been done, to make the property more saleable. Jim responds- Most people that talk about this want a garage 17 foot wide instead of the smaller size. S. Baldwin - What are

Page 8
Madison City Board of Zoning Appeals
May 11, 2020

we getting to if the neighbors don't want to build the same garage or one wants one and other doesn't. Jim says we have lots of zero lot lines downtown that aren't identical built over the last 200 years. You want the buildings to match but they don't have to. S. Baldwin - I don't necessarily want them to match. It looks like to me we could table this and think about it, approve it with definite dimensions, that somebody in future can follow if they would want to build without a variance. Variance problems come with the zero lot line. I think downtown building have had much problems. N. Burkhardt - Would want to see the property owner and what they would want. Jim- I am the property owner at this time. N. Burkhardt - You aren't intending to build on it are you? Jim- I don't intend to but I could. I don't want to make that a condition. I don't think the building size is important to you. As long as we meet the setbacks. S. Baldwin - I see your point but that means everyone downtown could do this. This is an advertising thing for you. Setback variance. Mr. Sharpe do you have any opinion about this? Any comments from the board members? N. Burkhardt - I am not comfortable with it for blindly approving it. D. Sharpe says about granting setback variances without building involved. R. Farris- On our application it says for new construction submit plans and specifications. We have none of that. S. Baldwin I understand you Mr. Pruett that you are not constructing and that you just want to be able to advertise that lot is ready to build. Jim Pruett responds that is correct. It is the same last month with the addition onto the house. D. Sharpe- I see both sides is that they approve your request and they build something that is beyond what they intended. Normally they would have plans. I don't know if there is a way they could approve on contingent plans should there be a future building. Jim Pruett states that it would have to go through both the Historic Board and get a building permit. D. Sharpe says this board also does as well. My advice to the board that it could vote either direction. I think it would be fine. From a practical purpose I see the board's hesitation. N. Burkhardt responds - Don't you think this sets precedence for other people to get a variance. Jim Pruett - I am not doing this for another client, I own this property. D. Sharpe says that it is a management thing and they do not want to lose track of what has happened and with pre approvals could easily lose track of that. Sounds like they want to think about it and I could do some research and give them an opinion.

S. Baldwin - I am in agreement with that. I have been on this board for four years and that is not a long time. I have not seen something like this. I would like for our attorney to look over this. Brian Martin comes in to say I certainly understand. The biggest concern that we have is the zero lot line and to make sure that the wall and assembly is appropriate for fire assembly. For instance, if one garage is built and the other isn't it would require fire safety. Food for thought to make sure that the assembly is properly built.

S. Baldwin motions to table this so they can research any legal. N. Burkhardt agrees. R. Farris adds that he can get more comfortable to define more clearly some of the specifications that the new owners would have to abide by. S. Baldwin agreed with R. Farris and agreed with N. Burkhardt that it could open up much more. Bothers me with the last meeting that had something to deal with the back. Now we've got a whole new issue with a new lot and new space. Jim Pruett there previously were two sheds connected to the building that was connected to the lots, was a 10 foot by 40 foot building that had a zero lot line.

S. Baldwin moves to table this application until next meeting and instruct attorney to find any legal application. N. Burkhardt seconds the motion - Roll call – all ayes

Applications #7 (214 W. Second St) and #8 (216 W. Second St) - Tabled until next meeting

Tabled Applications:

9. David and Sharon Dagher – Conditional Use permit renewal for cultural education classes – small groups of five to ten people for introductory classes to various arts, heritages and historical education – two (2) per month.

Location: **601 Jefferson St.**

Zoned: Historic District Residential (HDR)
 One-Year Renewal

Application #9 (David and Sharon Dagher) – Withdrawn per request of applicants

1887

Page 9
 Madison City Board of Zoning Appeals
 May 11, 2020

10. Prince of Peace Catholic Schools – Variance from Development Standards so as to allow for a 20-ft. x 30-ft. billboard. Said variance is in relation to the Madison City Zoning Ordinance, Section 6.10 – Restrictions – Residential Districts (A)(2)(c).

Page 11
 Madison City Board of Zoning Appeals
 May 11, 2020

Property Address: **201 W. State St. (Desired billboard location in field north of 1505 Michigan Rd.)**
 Zoned: Medium Density Residential (R-8)

Application #10 (Prince of Peace Catholic Schools) – Withdrawn by applicant.

11. Indiana Apartment Holdings, LLC – Conditional Use permit for an apartment complex
 Location: **2219, 2223, 2225, 2227 & 2213 Michigan Rd.**
Renewal fee received; No complaints

Present for the Zoom call is Jodi Funke who is the owner. The address is 2213 Michigan Rd.

Jodi - I didn't realize this was an issue until I refinanced. I found out that I didn't have a Conditional Use. I purchased them in 2012. The lender is requiring this. S. Baldwin - they were built back in 1975 or 1976. Jodi - We have no thoughts on changing anything. S. Baldwin- Any questions by the board members?

S. Baldwin I think it is pretty straight forward. A place that has been here for a long, long time. This is being done to bring into the Zoning Ordinance. Go into the Finding of Facts.

Findings of Fact

1. Do you agree this is in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of Uses adopted by Section 7.00 for the zoning district involved - or is in accordance with the City of Madison Zoning Ordinance Section 11.71 – General?

Yes No Why?

N. Burkhardt - Yea category 130 Apartments and Condominiums are designated in Residential upon a Conditional Use.

R. Farris - I agree, couldn't have read it any better than N. Burkhardt

S. Baldwin- I agree came straight from the ordinance.

2. Do you agree this will be harmonious with and in accordance with the general objectives, or with any specific objectives of the City's Comprehensive Plan and/or the Zoning Ordinance?

Yes No Why?

N. Burkhardt - I agree it has been harmonious since 1976.

R. Farris - I agree as well. It is hard to not say it hasn't been harmonious. I agree it is harmonious.

S. Baldwin - It has been around a long time. It was then, it is now.

3. Do you agree this will be designed, constructed, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area?

Yes No Why?

Page 10
Madison City Board of Zoning Appeals
May 11, 2020

N. Burkhardt - Yes and they state no change in design character of the building.

R. Farris - I agree. The applicant states no intention to remodel or change the structure. Been there for a long time so I believe it has been met.

S. Baldwin - I believe that it is.

4. Do you agree this will not be hazardous or disturbing to existing or future neighboring uses?
Yes No Why?

N. Burkhardt - I agree. It has not been hazardous or disturbing for many years. It has been there a long time with no problems.

R. Farris - I agree as well. I do not see any reason why all of a sudden it will become disturbing and hazardous.

S. Baldwin - I agree as well. It has been there for 40 years and the neighborhood has gone on.

5. Do you agree this will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services?
Yes No Why?

N. Burkhardt - Yea it will be adequately served by public facilities. It is on a main road. Nothing is going to change.

R. Farris - I agree. I don't see any reason to believe that something all of a sudden will change. It has been serviced adequately for all these years. See no reason to believe there will be a change.

S. Baldwin - I agree as well. It has been there for 40 + years.

6. Do you agree this will not create excessive requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community?
Yes No Why?

N. Burkhardt - I agree. I don't see any excessive requirements, only enhances the economic welfare.

R. Farris - I agree. We need housing. I think this site has served the community well. I do not see any reason why there will be a change.

S. Baldwin - I am in agreement.

7. Do you agree this will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors?
Yes No Why?

N. Burkhardt - I agree. I see no excessive production or anything different than what has been happening.

R. Farris - I have question for the applicant. Can you tell us how many parking spaces are tied to the complex?

Page 11
Madison City Board of Zoning Appeals
May 11, 2020

Property owner (Jodi) - We just had it appraised and I would have to get the appraisal. I would like to say close to 175 and we have 79 units.

R. Farris- In this day of age this is unusual. Sometimes you have to use the public streets for part of the parking.

Jodi - We have never seen issues with parking before.

R. Farris - I see no reason to believe that all of these conditions will not be met.

S. Baldwin - There hasn't been any problem in over 40 years. I think that one is met. They have a good track record.

8. Do you agree this will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares?
Yes No Why?

N. Burkhardt – Yes. As long as I live I do not think I have ever seen any traffic problems. I do not see any reason it will start now.

R. Farris - I agree. I think that was part of our previous discussion. I do see that it will cause interference with traffic now.

S. Baldwin- I agree. It was well designed in the first place.

9. Do you agree this will not result in the destruction, loss or damage of natural, scenic, or historic features of major importance?
Yes No Why?

N. Burkhardt - No I do not see any result in destruction. In fact I think it has been looking better lately.

Page 14
Madison City Board of Zoning Appeals
May 11, 2020

R. Farris- No I agree as well. I can't think of any historic features that are involved in this or related to this application. Do not see any cause of destruction, loss or damage of natural historic features.

S. Baldwin - I agree. It has been there for so long its part of the scenery.

S. Baldwin - I would like to make a motion to approve a Conditional Use permit for Indiana Apartment Holdings, LLC at 2219, 2223, 2225, 2227 & 2213 Michigan Rd. subject to as long as Indiana Apartment Holdings, LLC owns and controls the property. Seconded by R. Farris – roll call – all ayes.

Application approved:

- 1. Condition Use Permit approved as long as Indiana Apartment Holdings, LLC owns and controls the property.**

12. Anthony Hall – Variance from Development Standards (Setback Variance) – Applicant request a 3-ft. setback from the north (side) lot line and a 3 ½-ft. setback from the east (front) property line so as to allow for construction of an accessory building.

Location: **2711 Lanier Dr.**

Zoned: Medium Density Residential (R-8)

Sheryl Hall, 2711 Lanier Dr. is present at the Zoom call.

Page 12
Madison City Board of Zoning Appeals
May 11, 2020

Hall- We have got it moved back so that the front of the building will be even with the front of the house. Move it in from the side so that it is 7 feet from the property line instead of 4 feet. We will have to remove a building that is already there because it will overlap. We will lose that space of storage but will be able to use that space for other things. This is about the only option we have.

S. Baldwin - So you are moving a building even with your existing house and are asking for a variance of 7 feet which would be your North lot line? Hall said Yes. S. Baldwin - And by doing so you have solved all the problems of potential visibility? Hall said I sure hope so.

N. Burkhardt - I appreciate you going back and making it look better and able to do that. Hall said it was with my husband and studied pretty hard to figure it out. R. Farris replied by saying he appreciates it as well. S. Baldwin said I am appreciative as well.

Findings of Fact

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

Yes **No** **Why?**

N. Burkhardt - No I do not think it is. I think they have come to a good solution with the location.

Page 15
Madison City Board of Zoning Appeals
May 11, 2020

R. Farris - I agree as well. If they are willing to move the building back and make it even with the front of their house they have done everything that they can do within their control. Worked hard to make this not be a public health and safety issue.

S. Baldwin - I am in agreement. They have served and met the public safety.

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

Yes **No** **Why?**

N. Burkhardt - No I do not believe so. I do not see that could be adverse to anyone.

R. Farris - I agree as well. They have worked hard to figure out how it is not a problem to anyone.

S. Baldwin - I have seen no public comments against this.

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

Yes **No** **What are the practical difficulties?**

N. Burkhardt – Yes I think a strict application would be tough for them to build on there.

R. Farris - I agree as well. We had some of these discussions the first time they applied. There are practical difficulties when you are dealing with unique situations like this. If we applied strict standards it would result in difficulties.

S. Baldwin - I agree. The property makes the problem. That would have made the difficulty.

Page 13
Madison City Board of Zoning Appeals
May 11, 2020

4. Is this request contrary to public interest?

Yes No Why?

N. Burkhardt - No I don't believe it is contrary to public interest. No visibility problem now.

R. Farris - I agree as well. They have a unique situation. Reading definitions they have done everything they can to try and meet the conditions.

S. Baldwin - I see no problems of public interests of building a shed.

5. Are there conditions peculiar to the property?

Yes No What are the peculiarities?

N. Burkhardt - I think we have discussed the peculiar shape of it.

R. Farris - I agree we have plenty of discussion about previous application. The configuration of the lot.

S. Baldwin - Peculiar is the shape of the lot, location of the house, heavily traveled road.

6. Are the peculiarities to the property a result of the applicant?

Yes No Why/Explain

N. Burkhardt- No because of the shape of the property and the road is where it is.

R. Farris - I agree. I do not see any reason why the applicants _____ with the shape of this property.

S. Baldwin - Applicants have solved a bad problem

7. Will owner sustain an unnecessary and undue hardship?

Yes No What is/are the hardship(s)

N. Burkhardt - I think they would because they have worked with us to move to the best place possible.

R. Farris - I agree it would have an undue hardship. Everyone would like to have a garage and more space and if we enforce the ordinance it would create a hardship.

S. Baldwin - They need a shed. I think that one is met.

S. Baldwin moves to approve the variance of 7 feet to the North lot line of the property and in line with the existing house - seconded by N. Burkhardt – roll call- all ayes.

Application for Variance approved

- 1. 7 feet from North lot line of property**
- 2. Front setback in line with the enlisting house**

Business- Old or New:

S. Baldwin said we have some old business. We have some past due Conditional Use permits. One Conditional Use permit for an engineering office and lab at 2715 Clifty Dr. They did pay their renewal fee so the Conditional Use is renewed. Also Yong Perry, a Conditional Use permit for retail sales of furniture and household goods. Location 845 W. Main St. Zoned: Local Business. Phone call from Mr. Perry that the business was discontinued in the Fall 2019; no plans to reopen. CUP is now discontinued.

Page 14
Madison City Board of Zoning Appeals
May 11, 2020

Do we have any other business Mrs. Waller? L. Waller says no that takes of it. Just wanted to make sure that we brought up about the two past due Conditional Use but they are all taken care of. S. Baldwin - That concludes all of our business.

R. Farris makes a motion to adjourn – Seconded by S. Baldwin

Meeting adjourned at 8:11 p.m.

BY ORDER OF THE MADISON CITY BOARD OF ZONING APPEALS

Scott Baldwin, Chairman

Nancy Burkhardt, Vice-Chairman

Louann Waller, Secretary

Minutes typed by summer intern, Carson Cheatham