Minutes December 11, 2023

MADISON CITY BOARD OF ZONING APPEALS

The City of Madison Board of Zoning Appeals held a regular meeting on Monday, December 11, 2023 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 Karl Eaglin. Also present: Joe Patterson, Secretary/Associate Planner. Arriving Late: Devon Sharpe, Attorney. Absent: Rick Farris, Board Member; and Nicole Schell, Director of Planning.

Minutes:

There were no additions or corrections to the Minutes from September 11, 2023. S. Baldwin made motion to approve the minutes – seconded by N. Burkhardt – Unanimous Consent Vote – all ayes – Final vote is four (4) in favor and none against – Motion carries.

September 11, 2023 Minutes approved in accordance with motion and vote.

There were no additions or corrections to the Minutes from November 13, 2023. S. Baldwin made motion to approve the minutes – seconded by N. Burkhardt – Unanimous Consent Vote – all ayes – Final vote is four (4) in favor and none against – Motion carries.

November 13, 2023 Minutes approved in accordance with 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. Mike Anderson – Conditional Use Permit for a tattoo studio.

Location: 408/418 Mulberry St Zoned: Historic District Residential (HDR)

One-Year Renewal

3. George & Jean Reed – Conditional Use Permit for a mobile home.

Location: 533 Spring St Zoned: Medium Density Residential (R-8)

One-Year Renewal

4. Hrezo Engineering, Inc. - Conditional Use Permit for professional service office - Architecture, Engineering,

and Surveying services.

Location: 448 Meadow Ln Zoned: General Business (GB)

Two-Year Renewal

5. Madison Travel Company, LLC – Conditional Use Permit for an in-home travel agency.

Location: 317 W Third St Zoned: Historic District Residential (HDR)

One-Year Renewal

6. 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

7. Kathy Kidwell – Conditional Use Permit for a mobile home.

Location: 1347 N Old SR 62 Zoned: Residential Agricultural (RA)

One-Year Renewal

8. Paul & Teresa Walters - Conditional Use Permit for a Bed & Breakfast.

Location: 618 E Second St Zoned: Historic District Residential (HDR))

Two-Year Renewal

9. Chad Gray – Conditional Use Permit for a Catering Hall.

Location: 928 Park Ave Zoned: General Business (GB)

Two-Year Renewal

S. Baldwin noted that Renewals #1, 4, and 8 had been paid and made motion that these renewals be approved – seconded by M. Acosta – Unanimous Consent Vote – Final vote is four (4) in favor and none against – Motion carries.

Renewals #1, 4, and 8 renewed in accordance with motion and vote.

S. Baldwin noted that Renewals #2, 6, 7, and 9 had not paid their renewal fees and made motion that a letter be sent by the Attorney notifying that the 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 – Roll Call Vote – All ayes – Final vote is four (4) in favor and none against – Motion carries.

Renewals #2, conditionally renewed in accordance with motion and vote.

New Applications:

BZVD-23-19: Shina Kay Murdock – Variance from Development Standards for setbacks to place a garage/carport on the rear of the property. Request a zero-lot line on the north and south lot lines. Location: 120 Jefferson St
 Zoned: Central Business District (CBD)

Shina Murdock – 120 Jefferson St – Looking to build a carport to the rear of the property which would be accessible from the alley.

The applicant and the Board discussed at length the project layout, materials, and how neighboring property owners could still access their property and structures that would all be in very close proximity to the carport once constructed. Ms. Murdock stated that the design had changed so that it would be essentially an open-air structure which would allow much easier access for neighbors to maintain their properties and the roof of the carport would now likely be an extension off the rear of the home instead of a completely detached structure.

No further questions from the Board. No comments from the public.

Findings of Fact

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community.

M. Acosta No, I do not see it injurious in any way – kind of fitting with the surrounding areas.

N. Burkhardt I agree, and with the changes that the applicant informed us of, I see no problem with safety.

K. Eaglin: No, I seen no safety issues.

S. Baldwin: Are fire issues of any kind here? Certainly, fire issues are nonexistent. The general welfare of

the community that would be accessed by the neighbors to maintain their garages. It seems

she's taken that in consideration. I think that one's met

2. The use and value of the area adjacent to the property included in the variance will not be affect in a substantially manner.

M. Acosta No. To the contrary, having a new structure there should be beneficial to the homes around it.

N. Burkhardt I see no problems with that as both neighbors have similar structures.

K. Eaglin: No, I think it complies and fits in very well with the neighborhood. Plus, everybody downtown

desires off-street parking, and I think that helps with that also.

S. Baldwin: There's certainly been no testimony from a realtor or anybody that this will adversely affect

property values or anything. So, I think that one's met.

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

M. Acosta The issues with that would be obviously couldn't put the structure up because of the ordinance

requirements. In the same sense, the home itself wouldn't be in compliance either.

N. Burkhardt I agree. With such narrow lot, she wouldn't have area to put almost anything there.

K. Eaglin: I think taking into consideration the neighbors and all the setbacks that that you just can't have

in that neighborhood, this is going to fit in very well.

S. Baldwin: Practical difficulties? It's a 20-foot-wide lot. Long before there were a zoning ordinance,

buildings were built on the lot lines, and a carport not being anything extraordinary to put up. And modern standards. The practical difficulty all derives from the 20 foot width of the lot and

the placement of structures on the lot lines, so I think that one's met.

S. Baldwin made motion to approve this variance subject to the following conditions: (1) A carport only be erected as applicant stated or plans are and access be maintained to the neighbors garages so that in the future they can be maintained. (2) Zero lot lines to the north and the south so that the house will be in conformance or the house will be brought into conformance with the zoning ordinance – Seconded by M. Acosta – Roll Call vote – all ayes – Final vote is four (4) in favor and none against – Motion carries.

Application BZVD-23-19 approved in accordance with motion and vote.

2. **BZVD-23-20**: Scott Murphy – Variance from Development Standards for setbacks for construction of an addition to the home which is currently legally non-conforming. Request setbacks of fourteen (14) feet on the north lot line, four (4) feet and eight (8) inches on the east lot line, and seven (7) feet on the west lot line. Location: 1205 W Main St

Zoned: Medium Density Residential (R-8)

Scott Murphy – 8479 W Deputy Pike – Owner of the property and stated he has received approval from the Historic Board for the plans which include extending the deck in-line with the existing structure and a small addition to the front porch which would also be in-line with the existing structure.

S. Baldwin noted that this was a historic area of downtown and if it were zoned HDR the setbacks would be met, but this area was zoned R-8 instead despite many of the homes and properties in the area being more inline with HDR standards and requirements.

No further questions from the Board. No comments from the public.

Findings of Fact

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community.

M. Acosta No, I don't think so. Not in any way whatsoever.

N. BurkhardtNo. He's improving the property.K. Eaglin:No. I agree with both comments.

S. Baldwin: I see no – the addition of a porch in the front and back does not seem to me, be a great

disaster for the public welfare. I think that one's met.

2. The use and value of the area adjacent to the property included in the variance will not be affect in a substantially manner.

M. Acosta Nothing adverse at all. I think we've seen the – you know, over the last few years of

development and renovation we have seen downtown on this – fits right in line with it.

N. Burkhardt I agree, and as I've stated before, he's improving the property.

K. Eaglin: I agree the whole area down there is improving and this is just going to add to that

improvement.

S. Baldwin: We've heard no testimony, again, from anybody, a realtor or anyone. So, I think that one's met.

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

M. Acosta You know, in this situation, it's more about the conformance of the house to the ordinance as

opposed to the improvements that he's asking for. The improvements actually don't really

infringe if the original footprint of the house is approved.

N. Burkhardt I agree he's dealing with the structure that was already there that was non-conforming. He's

just bringing it to conforming use.

K. Eaglin: I agree with both comments and it should not be a detriment to the neighborhood.

S. Baldwin: He is making nothing that protrudes farther than the existing house has for years. So, I see no

problem there.

S. Baldwin made motion to approve the applications to allow construction of porches in-line with the house and for the existing house and its existing setbacks – Seconded by N. Burkhardt – Roll Call vote – all ayes – Final vote is four (4) in favor and none against – Motion carries.

Applications BZVD-23-20 approved in accordance with motion and vote.

Old Business

Natalie Nicole Vladimirovs – Conditional Use Permit for a portable building for café and deli sales.
 Location: 307 E Clifty Dr
 Zoned: General Business (GB)
 One-Year Renewal

S. Baldwin noted that this renewal has expired and she may be subject to legal action if she does not renew. If she renews by the next meeting, it will be reinstated and that an appropriate official attempt to get in contact with the owner to explain this to her – Seconded by K. Eaglin – Roll Call vote – all ayes – Final vote is four (4) in favor and none against – Motion carries.

Conditional Use conditionally expired in accordance with motion and vote.

S. Baldwin noted that an application by Garrett Baker, BZVD-23-17, was tabled at last month's meeting due to ongoing negotiations and made motion to table this application again until next month's meeting – seconded by K. Eaglin – Unanimous Consent Vote – Final vote is four (4) in favor and none against – Motion carries.

BZVD-23-17 tabled in accordance with motion and vote.

No further business brought before the Board.

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

Meeting adjourned at 6:33pm in accordance with motion and vote.

BY ORDER OF THE CITY OF MADISON BOARD OF ZONING APPEALS

Scott Baldwin, Chairman	
Joe Patterson, Secretary/Associate Planner	_