

December 11, 2023

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.

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.

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.

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

- 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.

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.

New Applications:

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

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.

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

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.

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.

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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 in-line 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. Burkhardt No. 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.

1. 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

Conditional Use conditionally expired in accordance with motion and vote.

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

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

Scott Baldwin, Chairman

Joe Patterson, Secretary/Associate Planner