

City of Madison Board of Zoning Appeals  
April 8, 2024

Minutes

April 8, 2024

MADISON CITY BOARD OF ZONING APPEALS

The City of Madison Board of Zoning Appeals held a regular meeting on Monday, April 8, 2024 at 6:30 p.m. in City Hall. Scott Baldwin presided over the meeting with the following additional Board Members present: Mark Acosta, Nancy Burkhardt, Karl Eaglin, and Rick Farris. Also present: Devon Sharpe, Attorney; and Nicole Schell, Director of Planning.

Minutes:

There were no corrections or additions to the February 12, 2024 meeting minutes. K. Eaglin made the motion minutes be approved – seconded by N. Burkhardt – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motion carries.

*Minutes for February 12, 2024 approved in accordance with the motion and vote.*

There were no corrections or additions to the March 11, 2024 meeting minutes. R. Farris made the motion minutes be approved – seconded by K. Eaglin – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motion carries.

*Minutes for March 11, 2024 approved in accordance with the motion and vote.*

Renewals:

1. Mason & Mefford Auto Sales, Inc – Conditional Use Permit for an auto sales lot.  
Location: 3112 Wilson Ave / N Shun Pike Rd  
Zoned: Light Manufacturing (M-1)  
One-Year Renewal
2. Camille Fife – Conditional Use Permit to operate an in-home professional consulting service.  
Location: 608 Mulberry St  
Zoned: Historic District Residential (HDR)  
One-Year Renewal
3. Eric Davis – Conditional Use Permit for a mobile home at the rear of property.  
Location: 992 Saddle Tree Ln  
Zoned: Medium Density Residential (R-8)  
One-Year Renewal
4. Russell N. Linville – Conditional Use Permit to operate an automobile repair business.  
Location: 1801 Allen St  
Zoned: Medium Density Residential (R-8)  
One-Year Renewal
5. Kimberly S Taylor for Jefferson County Transitional Services – Conditional Use Permit to house a maximum of ten (10) residents - nine (9) Transitional Services residents and one (1) manager.  
Transitional Services rules to be maintained.  
Location: 309 St Michaels Ave / 515 E Second St  
Zoned: Historic District Residential (HDR)  
One-Year Renewal
6. Darlisa Davis – Conditional Use Permit for a preschool/daycare facility.  
Location: 431 Ivy Tech Dr  
Zoned: General Business (GB)

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S. Baldwin noted that Renewals #1, #3, and #6 had been paid and made the motion that these renewals be approved – seconded by M. Acosta – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motion carries.

*Renewals #1, #3, and #6 were renewed in accordance with the motion and vote.*

S. Baldwin noted that Renewals #2, #4, and #5 were not paid. S. Baldwin made the 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 – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motion carries.

*Renewals #2, #4 and #5 are conditionally renewed in accordance with the motion and vote.*

Tabled Applications:

1. **BZCU-24-4:** Tirrie Jenkins/Legacy of Hope – Conditional Use Permit for a Rooming and Boarding House to provide housing to individuals and families seeking immediate housing who are agreeable to sharing the housing space.

Location: 524 Jefferson St

Zoned: Historic District Residential (HDR)

S. Baldwin stated the applicant has requested this application be tabled until the next meeting.

S. Baldwin made the motion to table the application to the next meeting (May 13, 2024) – Seconded by M. Acosta – Roll Call vote – all ayes – Final vote is five (5) in favor and none against – Motion carries.

*Application BZCU-24-4 was tabled in accordance with the motion and vote.*

New Applications:

1. **BZVD-24-2:** Alexandra Hammock – Variance from Development Standards for lot area.

Location: 1805 Orchard St

Zoned: Medium Density Residential (R-8)

Lisa Hammock, a representative of the applicant, was present. L. Hammock explained the conversion plan of the former church into 3 apartment units. S. Baldwin noted that the zoning ordinance has a larger lot size for that number of units. S. Baldwin noted the concern about providing off street parking. L. Hammock stated they had enough land around the buildings to provide off street parking for each unit.

S. Baldwin noted that the zoning ordinance would require 6 off street parking spots for 3 units. L. Hammock stated that would not be a problem. N. Burkhardt asked about the management setup. L. Hammock stated they would be the managers of the units.

No comments from the Board.

Mary Distel – 146 Irish Hollow Ln – spoke on behalf of the neighbor next door whom she cares for. M. Distel noted that the front side which the applicant has referred to is actually the side of the structure. She also expressed concern about the condition of the property, the cost of the units, and the setback from the property line.

S. Baldwin asked the staff to address the setback question. N. Schell stated she could not speak for the fire department but downtown has a setback of 3-ft to provide fire protection. K. Eaglin added that while space is nice, the structure's footprint is not changing and it has been there for the past 40 years. L. Hammock

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addressed the concern about the cost of the units and the quality of the tenants she rents to. She noted that she has a list of rules that have to be followed when renting one of her units. L. Hammock also agreed that the side of the current structure would become the front of the apartment units.

No other comments from the board or 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: I agree with Mr. Ferris. I think it's just an improvement in the area. I drove by the other day myself, and it's quite an eyesore in the condition it's in now. It's going to be a big uplift to that neighborhood.
- R. Farris: I don't believe so. I think the applicant has plans to invest a lot of money in renovating this old church, and I think it will be just the opposite. I think it'll fit well in the community.
- N. Burkhardt: I think the applicant has a proven history of positive managerial and rehabbing of properties.
- K. Eaglin: I think it's going to enhance and make the neighborhood better and clean up the structure. It needed to be cleaned up many years ago.
- S. Baldwin: A variance is needed because of the peculiarity of this property is that it was laid out long ago. It does not meet modern standards for how many apartments you can put in, given the size of the lot. That was no fault of their own that this situation arose. And frankly, there could be almost nothing done with that except perhaps a single-family dwelling. So, I think that in addition, rehabbing the vacant building, which was used by homeless people and whatnot, is slowly rotting away, termite infested, which certainly does the neighbors no good. I think that this first criterion is met.

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

- M. Acosta: I agree with that statement. I think it's just that it will be a pickup for the neighborhood, helping the overall values of adjacent properties.
- R. Farris: No, I don't believe so. I think it will improve the surrounding properties with the investment the owner plans to make in renovations.
- N. Burkhardt: I agree with those previous comments. There will be an improvement.
- K. Eaglin: Yes. All improvements are beneficial for everybody in the neighborhood, especially this one.
- S. Baldwin: I do not think that given enforcement of the rules she said that are included in the lease agreement. I do not think that's going to substantially harm property values by getting rid of a termite-infested structure. I think that helps property values. 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: It just eliminates the project from happening and does not allow for the improvements in the area affecting the whole neighborhood.
- R. Farris: The strict application changes the whole project. Not being able to turn it into living or apartments for long-term rental changes the whole project, in my opinion.
- N. Burkhardt: I agree with those comments. It would just change the project completely.

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- K. Eaglin: Yes, I agree with all the other members on that issue.
- S. Baldwin: The practical difficulty is the lot was laid out a long time ago, and it was not laid out by current modern standards. And strictly applying the zoning ordinance would result in frankly, not being able to use it. I think that one's met.

S. Baldwin made the motion to approve the application as written contingent on providing parking that meets the ordinance – Seconded by M. Acosta – Roll Call vote – all ayes – Final vote is five (5) in favor and none against – Motion carries.

***Application BZVD-24-2 approved in accordance with motion and vote.***

2. **BZCU-24-7:** Alexandra Hammock – Conditional Use Permit for multi-family housing in apartments.

Location: 1805 Orchard St

Zoned: Medium Density Residential (R-8)

Lisa Hammock, a representative of the applicant, was present. L. Hammock explained the conversion plan of the former church into 3 apartment units.

R. Farris asked if these apartments would be for short-term or long-term rental. L. Hammock stated they would require a year-long lease.

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

S. Baldwin noted that this would be for Category 130 for the apartments.

**Findings of Fact**

1. *Is in fact a Conditional Use as established under the provisions of Article V of the City of Madison Zoning Ordinance and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved.*

M. Acosta: Yes.

R. Farris: Yes I do.

N. Burkhardt: Yes.

K. Eaglin: Yes.

S. Baldwin: Yes, that is the appropriate one.

2. *Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance.*

M. Acosta: Yes, It's looking at providing more long-term housing options for more citizens.

R. Farris: I believe it is. I think it's another project with an investor who's willing to spend money on a dilapidated property.

N. Burkhardt: I agree.

K. Eaglin: I agree.

S. Baldwin: And the general objective is to maintain and having a termite-infested structure in a nice old neighborhood is not a good thing. So I think this one is met.

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3. *Will be designed, constructed, operated, 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.*

- M. Acosta: I think it should fit in. The neighborhood has other multifamily. So, I think it would fit in well with the neighborhood.
- R. Farris: Yeah, I believe the investors are going to operate within the current footprint. That building's been there for a long time, so I don't see any reason to believe they're going to change the character of the neighborhood.
- N. Burkhardt: I agree. I don't think it will change the character of the neighborhood.
- K. Eaglin: Yes, I think it's going to be a good fit for the neighborhood.
- S. Baldwin: And maintaining the building and getting rid of the rot. I think that will improve the character of the general vicinity. I think that one's met.

4. *Will not be hazardous or disturbing to existing or future neighboring uses.*

- M. Acosta: I agree with Mr. Farris. There are already some other multifamily dwellings. I don't think this is going to change anything from that standpoint.
- R. Farris: No, I don't believe so. I think the applicant has it written in their lease that they're not going to put up with bad behavior from the renters, and I don't see any reason to believe it's going to be any more disturbing to the neighborhood than anything else that could go in there.
- N. Burkhardt: I agree, if the applicant has rules on the lease.
- K. Eaglin: Yes, I think it's all very well with what's in the neighborhood.
- S. Baldwin: The general area does have some rentals, so I think I think that one's met.

5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, 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.*

- M. Acosta: Yeah, I think all the appropriate infrastructure is already available.
- R. Farris: Yeah, I think all of the required facilities are in place because it's an existing structure and an existing neighborhood.
- N. Burkhardt: I agree.
- K. Eaglin: Yes, I think it's all there. And as I said, we talked about the only concern which is the width of the streets and because of the way it was laid out, there's nothing we can do about that.
- S. Baldwin: I think there are adequate utilities and all that. I think that one's not an issue.

6. *Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.*

- M. Acosta: Yeah, I don't see it raising expenses or being detrimental, it would be just the opposite. It should be a benefit.
- R. Farris: I don't believe this project's going to create any excessive requirements at public expense. I don't think it's going to be detrimental to the economic welfare of that neighborhood and of the community.

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N. Burkhardt: I agree, I see no detriment to the economic welfare.

K. Eaglin: Yeah, this will be coming on our tax rolls now and Madison will benefit from the change.

S. Baldwin: It will be an improvement, not a detriment.

*7. 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.*

M. Acosta: No increase or addition of anything like this.

R. Farris: I don't see any of those things being a long-term concern. You know, there'll probably be some noises during construction, but that would be short-term at most.

N. Burkhardt: I see no problem with that.

K. Eaglin: Yes, I think the neighborhood will stay a nice, quiet neighborhood.

S. Baldwin: I do not see an issue. Frankly, six cars for three apartments is less traffic than having a church there with 30 or 40 people.

*8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.*

M. Acosta: It can't be any worse than it already is with the going to have all the parking off the street. I know you mentioned can't get two cars down the street as it is, but this doesn't add to the situation.

R. Farris: Yeah, I think the parking spaces are essential for this project, and the applicant's already addressed that, so I don't I don't see any interference with traffic.

N. Burkhardt: No, I see no interference with the traffic.

K. Eaglin: I see no change with traffic.

S. Baldwin: I do not think this really is much of an issue.

*9. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.*

M. Acosta: No

R. Farris: No

N. Burkhardt: No

K. Eaglin: No

S. Baldwin: No

S. Baldwin made the motion to approve the Conditional Use Permit for a maximum of three units for two year with a provision that the rules be provided to the office – Seconded by M. Acosta – Roll Call vote – all ayes – Final vote is five (5) in favor and none against – Motion carries.

***Application BZCU-24-7 approved in accordance with motion and vote.***

- Tirrie Jenkins – Desire to use the property for two apartment units, 1 Airbnb unit, and one cultural gallery center.

K. Eaglin asked about the distance between the new structure and the alley and if it would allow parking. T. Jenkins stated her application showed that information. N. Schell noted that the lot is 168 ft in length and the plans showed 84 ft between the new structure and the alley.

N. Burkhardt asked about the number of people allowed to stay in the short-term rental. T. Jenkins stated a minimum in a two-bedroom would likely be 4 people so it would probably sleep around 6 people.

S. Baldwin noted the applicant has submitted her house rules.

N. Burkhardt asked about the intended use of the cultural center. T. Jenkins explained that it would be a gallery showcasing the history of the area and the underground railroad. They hoped to include some artwork and some common space to allow people to sit or take a tour.

No further questions from the Board.

The following individuals spoke during public comment and asked questions regarding the application:

- Michael Bobo – 522 Jefferson St – asked questions related to the application.
- Pam Hadden – 313 E Fifth St – spoke against the proposal.
- Jackie Knoble – asked questions related to the application.
- Debbie Beeman – 709 Walnut St – spoke against the proposal and asked questions related to the application.
- Lisa Ferguson – 718 E Second St – spoke against the Airbnb portion of the proposal.
- Link Ludington – PO Box 92 – spoke in favor of the proposal.
- Jan Vetrhus – 701 E Second St – spoke in favor of the proposal.
- Ron Bateman – 204 Plum St – spoke about his experience with a rehabilitation project on Walnut St and about protecting the area's history.
- David Gee – 710 Gerry Ln – asked questions related to the application.
- Camille Fife – 608 Mulberry St – spoke in favor of the proposal.
- Julie Patterson – 714 Walnut St – spoke in favor of the proposal.
- Sam Reynolds – Dupont IN – spoke about her experience with PACE and building construction and how she would like to see the building start to be restored.

No further comments from the public.

S. Baldwin noted that this would be Category 130 for the apartment, Category 581 for the short-term Airbnb unit, and Category 711 for the cultural activities.

Findings of Fact

1. *Is in fact a Conditional Use as established under the provisions of Article V of the City of Madison Zoning Ordinance and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved.*

M. Acosta: Yes, they are.

R. Farris: Yes, I believe it is.

N. Burkhardt: They're all allowed under historic district with conditional use.

K. Eaglin: Yes.

S. Baldwin: Yes, I agree those are the appropriate.

2. *Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance.*

M. Acosta: I agree. Especially the more recognized the Georgetown area is, I think the better. The more we improve the area down there, the better, obviously, in line with the comprehensive plan.

R. Farris: I believe the plans that we've been presented, uh, meet the comprehensive plan. And, you know, we, uh, we want to see investment in that part of downtown Madison. So, I think it meets the city's comprehensive plan and the zoning ordinance.

N. Burkhardt: I agree that it will be with the comprehensive plan as long as it is built to the standards that's discussed.

K. Eaglin: I agree.

S. Baldwin: The comprehensive plan involves preserving old buildings, and this building has an unusual significance to it.

3. *Will be designed, constructed, operated, 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.*

M. Acosta: Yes. I think just taking it from what it is today and according to the plan submitted would be a big improvement. I think everybody agrees they want to see the building refurbished and redone. The way the application, as it's submitted, the design makes a lot of sense, for the area, and makes it inclusive with other uses in the same area.

R. Farris: I agree with the applicant's plans and the intention for this building that it will be appropriate for that neighborhood and that the property fits with the zoning category. So, I think everything's met.

N. Burkhardt:

K. Eaglin: I would like to see the building fixed up the way so many other properties on Walnut Street have been fixed up to make it harmonious. But I still have some concerns about the parking situation.

S. Baldwin:



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4. *Will not be hazardous or disturbing to existing or future neighboring uses.*

- M. Acosta: I would think after the rehabilitation it would be much less disturbing than the neighborhood based on some of the activities that it reportedly taken place there before. I just must believe that fixing the building up makes sense to all the issues of crime. And all those things should be a should be a positive influence.
- R. Farris: With the intent of the application, I don't see any reason to believe that that's going to be hazardous or disturbing to future neighboring uses.
- N. Burkhardt: I don't think it'll be hazardous or disturbing if there are rules with Airbnb and those are included with the conditional use.
- K. Eaglin: Yeah, I think it's a good thing to fix up any building. Let's just make sure that it's all taken care of.
- S. Baldwin: The building, currently in a dilapidated state, is disturbing to the neighbors. Fixing it up will certainly fix that, so I think that is met.

5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, 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.*

- M. Acosta: Yeah, it should be adequately served.
- R. Farris: It's an existing structure in downtown Madison. All the critical facilities and services should already be present. I don't see any issues with this condition being met.
- N. Burkhardt: I believe it should be adequately served.
- K. Eaglin: Yes
- S. Baldwin: I don't even think that's an issue downtown.

6. *Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.*

- M. Acosta: I agree. I think there should be no additional expense and certainly fixing the building up according to the plan should be a benefit across the board.
- R. Farris: I believe if the applicant completes the project the way it's been presented, there should be no reason that any excessive expense to the public's pocketbook will be an issue. And I hope that it's a benefit to the economic welfare.
- N. Burkhardt: I agree. I don't think it will be detrimental as well as the project is completed as presented.
- K. Eaglin: I agree with the comments of the board members.
- S. Baldwin: It will certainly not be detrimental to economic welfare. It will help it because of its extreme historic significance.

7. *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.*

- M. Acosta: Yeah, I see nothing in the plan that would cause any of this. It is going to include apartments like anywhere else and short-term rentals like anywhere else with house rules and such. So, I see nothing unique about this application.

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- R. Farris: I don't see anything that stands out as being a problem with any of those descriptors that are listed.
- N. Burkhardt: I agree with Mr. Acosta. No detriment as long as rules are followed for the tenants.
- K. Eaglin: I agree.
- S. Baldwin: Most of those things are no issue. The traffic, frankly, I don't know how anybody can deal with trying to improve the traffic situation on Walnut Street, simply given the way everything is built there. So, I think that one is met.

*8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.*

- M. Acosta: Based on what the staff had mentioned there is some distance between the building and the alley, I think off-street parking is essential to making that work.
- R. Farris: It's downtown Madison. It's Walnut Street. I think the applicant will provide some off-street parking to alleviate the congestion down there. I don't see any reason to think that this project is going to add to any of those problems.
- N. Burkhardt: I see no interference with traffic, and we can always put in the condition of the Airbnb on how many cars are allowed with that.
- K. Eaglin: Yes, I agree, but also the gentleman in the back here who came up. He's questioning the parking situation in the back. I think that should be investigated.
- S. Baldwin: Interference with traffic and the only issue would come from parking availability. But otherwise, I think that that one is met.

*9. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.*

- M. Acosta: Yeah, I agree. I think the whole basis here is to rejuvenate a historic structure that is in disrepair tomorrow.
- R. Farris: The applicant is willing to invest to renovate this property. So, I don't think it's going to result in the loss or destruction of any of these scenic or historic features. I think it will improve them, if anything.
- N. Burkhardt: I agree with Mr. Acosta.
- K. Eaglin: I agree.
- S. Baldwin: This house is one of the most significant historic buildings in Jefferson County. It rates right up there with Eleutherin College at rates up there with the known documented underground railway crossing point at Eagle Hollow. It was the home of one of the most prominent underground railroad figures at that time. I think you cannot overstate the historic importance of preserving that building and not losing it like we did John Paul's house decades ago. So, I think that that one is well met.

S. Baldwin made the motion to approve the Conditional Use Permit for 2 apartment units, 1 Airbnb type unit with 4 designated parking spaces and the rules as submitted to be adhered to, and a cultural activities space for one year – The motion was amended by N. Burkhardt to include that the Airbnb unit may only sleep a maximum of 6 people and have 2 of the 4 spots designated. Seconded by M. Acosta – Roll Call vote – all ayes – Final vote is five (5) in favor and none against – Motion carries.

***Application BZCU-24-13 approved in accordance with motion and vote.***

1. John & Lori Heitz – Conditional Use Permit for a restaurant.  
Location: 842 W Main St  
Zoned: Historic District Residential (HDR)  
Two-Year Renewal
2. Steve Buchanan – Conditional Use Permit for a four (4) bay self-service carwash.  
Location: 814 W Third St  
Zoned: Local Business (LB)  
One-Year Renewal

N. Schell noted that staff is working on a Request for Proposals to rewrite the zoning ordinance including the Subdivision Ordinance.

*The meeting adjourned at 8:00 p.m. in accordance with the motion and vote.*

BY ORDER OF THE CITY OF MADISON BOARD OF ZONING APPEALS

Scott Baldwin, Chairman

Nicole M Schell, Director of Planning