

Minutes

May 12, 2025

MADISON CITY BOARD OF ZONING APPEALS

The City of Madison Board of Zoning Appeals held a regular meeting on Monday, May 12, 2025, at 7:52 p.m. in City Hall. Scott Baldwin presided over the meeting with the following additional Board Members present: Nancy Burkhardt, Rick Farris, Mark Acosta, and Karl Eaglin. Also present: Nicole Schell; Director of Planning and Joe Jenner; Attorney.

Minutes:

There were no corrections or additions to the April 14, 2025 meeting minutes. K. Eaglin made the motion to approve the April 14, 2025 minutes – Seconded by S. Baldwin - Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motion carries.

*Minutes for April 14, 2025 approved in accordance with the motion and vote.*

Renewals:

1. **BZCU-23-35:** Prickett Properties, LLC – Conditional Use Permit for retail golf cart sales. Business open by appointment only; Heritage Trail building or property shall not be blocked.  
Location: 110 Cragmont St  
Zoned: Heavy Manufacturing (M-2)  
One-Year Renewal
2. **BZCU-23-32:** Jason J. Pattison– Conditional Use Permit for an in-home part-time law office.  
Location: 312 Vine St  
Zoned: Historic District Residential (HDR)  
One-Year Renewal
3. **BZCU-23-31:** Patricia Danda– Conditional Use Permit for in-home acupuncture practice.  
Location: 132 East St  
Zoned: Historic District Residential (HDR)  
One-Year Renewal
4. **BZCU-23-36:** Indiana Apartment Holdings, LLC– Conditional Use Permit for an apartment complex.  
Location: 2219, 2223, 2225, 2227, & 2213 Michigan Rd  
Zoned: Medium Density Residential (R-8)  
One-Year Renewal
5. **BZCU-23-33:** Gene Armel (GTG Investments, LLC)– Conditional Use Permit for a mobile home.  
Location: 3680 W Long Way  
Zoned: Residential Agriculture (RA)  
One-Year Renewal
6. **BZCU-23-29:** Dugan Hollow Retreats – Conditional Use Permit for utilizing property for guest suites and cottages.  
Location: 1708 E Dugan Hollow Rd  
Zoned: Hillside (HS)  
One-Year Renewal

S. Baldwin made the motion to renew all 6 renewals. – M. Acosta seconded the motion – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motions Carry.

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

### New Applications:

- [illegible]

Brenda Cooper represents the Mad Paddle LLC seeking a conditional use permit to continue brewing and distilling at their site. The board raises questions about changes to operations and potential concerns regarding outdoor music affecting nearby residences.

Discussions about the noise ordinance highlight the need to consider the proximity of an apartment complex to the brew pub. Cooper acknowledges concerns and expresses willingness to collaborate with neighbors to address potential noise issues, ensuring harmony within the community. S. Baldwin asked for any comments or questions from the board or the audience.

## Finding of Facts

1. *Is this use in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved?*

S. Baldwin: Any objections from the board that this one is met?  
R. Farris: No.  
N. Burkhardt: No.  
K. Eaglin: No.

2. *Will this use 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?*

S. Baldwin: Any objections from the board that this one is met?  
R. Farris: No.  
N. Burkhardt: No.  
K. Eaglin: No.

3. *Will this use 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?*

S. Baldwin: Any objections from the board that this one is met?  
R. Farris: No.  
N. Burkhardt: No.  
K. Eaglin: No.

4. Will this use not be hazardous or disturbing for existing or future neighboring uses?

S. Baldwin: Any objections from the board that this one is met?  
R. Farris: No.  
N. Burkhardt: No.  
K. Eaglin: No.

5. *Will this use 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?*

S. Baldwin: Any objections from the board that this one is met?  
 R. Farris: No.  
 N. Burkhardt: No.  
 K. Eaglin: No.

6. *Will this use 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?*

S. Baldwin: Any objections from the board that this one is met?  
 R. Farris: No.  
 N. Burkhardt: No.  
 K. Eaglin: No.

7. *Will this use 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?*

S. Baldwin: Any objections from the board that this one is met?  
 R. Farris: No.  
 N. Burkhardt: No.  
 K. Eaglin: No.

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

S. Baldwin: Any objections from the board that this one is met?  
 R. Farris: No.  
 N. Burkhardt: No.  
 K. Eaglin: No.

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

S. Baldwin: Any objections from the board that this one is met?  
 R. Farris: No.  
 N. Burkhardt: No.  
 K. Eaglin: No.

S. Baldwin made the motion to approve the application with the following conditions: Renewal period of 1 year and if no complaints are received within that year, the renewal period will increase to 5 years – Seconded by K. Eaglin – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

***Application BZCU-25-7 was approved in accordance with the motion and vote.***

2. **BZCU-25-8:** Timothy Waters – Conditional Use Permit for Category 581 Retail - Hotels, Tourist Court, Tourist Home, Residential Hotel, Motels and Other Transient Housing for a short term rental.  
Location: 319 Central Ave                      Zoned: Central Business District (CBD)

Timothy Waters proposes to convert a property at 319 Central Avenue into an Airbnb. Concerns over parking availability arise, especially regarding limitations on Central Avenue where parking is scarce. Staff recommended limiting the maximum number of guests due to significant parking concerns. N. Schell provided an email sent to her from Maryann Imes regarding her concerns about this application.

S. Baldwin made the motion to accept the email into the official records – Seconded by M. Acosta – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

Ms. Imes is concerned about parking within the yellow curb in front of her garage and the private sidewalk leading back to her property next to 319 Central Avenue. Waters discussed pedestrian and local guest management strategies to minimize impact on the neighborhood.

S. Baldwin asked for any comments or questions from the board or the audience.

## Finding of Facts

1. *Is this use in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

2. *Will this use 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?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

3. *Will this use 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?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

4. *Will this use not be hazardous or disturbing for existing or future neighboring uses?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

5. *Will this use 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?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

6. *Will this use 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?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

7. *Will this use 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?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

S. Baldwin made the motion to approve the application with the following conditions: renewal period of 1 year, rules provided with the application are enforced, and limited to 6 guests – Seconded by M. Acosta – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

***Application BZCU-25-8 was approved in accordance with the motion and vote.***

3. **BZVD-25-9:** Glen Spencer – Variance from Development Standards to rebuild accessory structure with a setback of 2-ft from the west property line.

Location: 313 East St

Zoned: Historic District Residential (HDR)

N. Schell noted that while the applicant had appeared for the meeting, he did not send out the required notifications. N. Schell asked the board to table this application.

S. Baldwin made the motion to table the application – Seconded by R. Farris – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

***Application BZVD-25-9 was tabled.***

#### New/Old Business:

The BZA was presented with amendment to the Rules of Procedure by staff. The intention of the amendments is to streamline the meetings and to allow professional staff to provide recommendations on findings of fact for each application. The following amendments were considered by the board:

#### **ARTICLE IX - MEETING AGENDA**

##### **Section 1. Agenda:**

Current	Proposed
The agenda shall list all applications to be considered by the Board at the regular or special meeting. The applications shall be listed on the agenda in the order in which the petition was filed with the Staff. New or Old Business may be added to the agenda by board members or Staff following the applications.	The agenda shall list all applications to be considered by the Board at the regular or special meeting. The applications shall be listed on the agenda in the order in which the petition was filed with the Staff <b>by application type in the following order:</b> <ul style="list-style-type: none"> <li>• Conditional Use Applications</li> <li>• Variance from Development Standards</li> <li>• Variance of Use</li> </ul> New or Old Business may be added to the agenda by board members or Staff following the applications.

## ARTICLE X - DISPOSITION OF PETITIONS

## Section 2. Presentations:

Current	Proposed
D. The Staff may present a Staff Report detailing any opinions, findings, and/or recommendations relating to the petition.	A. The Staff may present a Staff Report detailing any opinions, findings, and/or recommendations relating to the petition.
F. Findings of Fact shall be completed for each application. Failure of response by a Board member shall be considered a "no".	1. Findings of Fact <b>may be prepared by staff and posted as part of the packet for public review. These will be presented to the Board for a vote to accept or reject the staff prepared Findings of Fact. The Chairman shall call for a discussion by members of the Staff prepared Findings of Fact. The Chairman shall call for a motion on the Staff prepared Findings of Fact which may be in the form of:</b> <ul style="list-style-type: none"> <li>• A motion to accept the Staff prepared Findings of Fact as part of the official record. If the motion to accept the Staff prepared Findings of Fact fails, the Chairman shall ask for each member to respond to the Findings of Fact for that application.</li> <li>• A motion to reject the Staff prepared Findings of Fact. Following an affirmative vote on the motion to reject the Staff prepared Findings of Fact, the Chairman shall ask for each member to respond to the Findings of Fact for that application. If the motion to reject the Staff prepared Findings of Fact fails, the board shall entertain a motion to accept the Staff prepared Findings of Fact.</li> </ul>

S. Baldwin made the motion to approve the amendments to the Rules of Procedure – Seconded by K. Eaglin – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

***Rules of Procedure are amended in accordance with the motion and vote.***

No further business brought before the Board.

K. Eaglin made the motion to adjourn – Seconded by S. Baldwin – Unanimous Consent vote – Final vote is five (5) in favor and none against – Motion Carries.

***The meeting adjourned at 8:24 p.m. in accordance with the motion and vote.***

BY ORDER OF THE CITY OF MADISON BOARD OF ZONING APPEALS

\_\_\_\_\_  
Scott Baldwin, Chairman

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Nicole Schell, Secretary/Director of Planning