



PROJECT BRIEF – BZCU-25-10

Application Date: 05/05/2025

Meeting Date: 06/16/2025

Application Description:

An application has been filed for Conditional Use Permit for Category 581 Retail - Hotels, Tourist Court, Tourist Home, Residential Hotel, Motels and Other Transient Housing for a short term rental.

Current Zoning: Historic District Residential (HDR)	Project Location: 123 St Michaels Ave
Applicant: Pamela Phillips (Pamela Scroggins)	Owner: Pamela Phillips (Pamela Scroggins)

Preliminary Staff Recommendation: Approve with Conditions

Conditions:

1. Renewal period of 1 year
2. Provide written house rules for staff to attach to the approval documentation
3. Occupancy limit of 2 people per occupiable bedroom

Reasoning:

The limit of people per occupiable bedroom ensures that parking is available for guests.

History, Relevant Information, & Prior Approvals:

History: NA

Relevant Information:

Staff discussed the need for house rules with the applicant at the time of application; however, at the time of publication those have not been provided. Staff recommends the board discuss those during the meeting; however, not having them in writing should not prevent the board from making an informed decision on this application.

Prior Approvals: NA

Surrounding Zoning and Land Use:

North: Historic District Residential(HDR)
South: Historic District Residential(HDR)
East: General Business(GB)
West: Historic District Residential(HDR)



Comprehensive Plan, Ordinances, & Finding of Fact

Comprehensive Plan:

Future Land Use Designations (pg. 74-78)

NEIGHBORHOOD MIXED-USE

Neighborhood Mixed-Use refers to traditional neighborhoods with a historic development pattern such as those in the southern section of Madison generally between the bluff and the Ohio River. It is primarily a mix of single and two-family homes and small multifamily buildings with minimal setback from the street. This land use also includes some mixed-use commercial/residential properties. Some are on alleys with rear-loaded garages and in some cases only on-street parking, but typically these homes do not have front-loading garages unless at the rear of the lot. This designation surrounds the core around Main Street and much lies within the Historic District. There is a continuous network of blocks connected by streets and sidewalks that lead to parks, the central business and civic area. Vacant lots should be redeveloped with compatible infill that reflects the desired character of the neighborhood. This designation can also serve as a transition between lower density residential and commercial or business activities. Development should be connected to City utilities and public services.

Ordinance:

SECTION 6.15 – HISTORIC DISTRICT RESIDENTIAL (HDR) (pg. 63-67)

C. Restrictions for Conditional Uses

All Conditional Uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed:

1. Rooming and Boarding Houses, Fraternity, Sorority Houses, Residence Halls and Dormitories, Apartments, Condominiums and Tourist Homes (110, 111, 121, 122, 124, and 130)
 - a) For all apartments adjacent to single family structures side and back yards must be 20 feet.
 - b) Parking lots shall be placed behind or alongside the principal building and shall be screened from the view of the surrounding dwelling units. Further, no parking area shall be located within fifteen (15) feet of surrounding dwelling units.
 - c) Necessary lighting should not adversely affect any adjacent property. Such devices should be approved by the Plan Commission prior to installation.

Finding of Fact:

Finding 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?

The applicant has provided the following response:	Yes, category 581
Staff Response:	Yes, category 581 is allowed by conditional use.

Finding #1 has been satisfied.

Finding of Fact #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?

The applicant has provided the following response:	Yes, short-term rental is allowed by conditional use.
Staff Response:	Yes, this area is designated as mixed-use.

Finding #2 has been satisfied.

Finding of Fact #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?

The applicant has provided the following response:	Yes, existing building since the 1850s.
Staff Response:	Yes, the building is historic and will not be modified.

Finding #3 has been satisfied.

Finding of Fact #4 - Do you agree this will not be hazardous or disturbing to existing or future neighboring uses?

The applicant has provided the following response:	No, all neighbors know each other and look out for each home adjacent.
Staff Response:	If appropriate house rules are provided and enforced, this use should not be disturbing to neighboring uses. Parking limitations should also be considered since off street parking is not being provided and a public parking lot is not located within walking distance.

Finding #4 has been satisfied with the proposed conditions.

Finding of Fact #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?

The applicant has provided the following response:	Yes, downtown location, across from the old Cotton Mill – now hotel.
Staff Response:	Yes, public facilities are in place for this structure.

Finding #5 has been satisfied.

Finding of Fact #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?

The applicant has provided the following response:	No, looking for quiet, peaceful people to visit our historic home.
Staff Response:	Yes, the use as a short term rental will not create excessive requirements for public services.

Finding #6 has been satisfied.

Finding of Fact #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?

The applicant has provided the following response:	No, looking for quiet, peaceful people to visit our historic home.
Staff Response:	If appropriate house rules are provided and enforced, this use should not be disturbing to neighboring uses.

Finding #7 has been satisfied with the proposed conditions.

Finding of Fact #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?

The applicant has provided the following response:	No, street parking is provided now.
Staff Response:	Yes, street is relatively wide and can accommodate additional traffic.

Finding #8 has been satisfied.

Finding of Fact #9 - Do you agree this will not result in the destruction, loss or damage of natural, scenic, or historic features of major importance?

The applicant has provided the following response:	No, nothing has changed.
Staff Response:	Yes, no modifications to the historic home are anticipated.

Finding #9 has been satisfied.



MADISON

Indiana
Planning, Preservation and Design

DOCKET ID ASSIGNED:

BZCU-25-10

101 W Main St
Madison, IN 47250
(812) 265-8324

Conditional Use Permit

Paper applications will be accepted by the Office of Planning, Preservation, and Design; however, electronic submissions through our Permit Portal are preferred. This application can be submitted electronically at www.madison-in.gov/reporting.

Application Fee	\$ 60.00
Ad Fee (for Legal Notice)	\$ 15.00
Recording Fee	\$ 25.00
Total Due	\$ 100.00
Conditional Permit Renewal Fees	\$ 75.00
Conditional Use Permit Late Renewal Fee	\$ 20.00 per meeting

Purpose: Per the City of Madison Zoning Ordinance, the Official Schedule of District Regulations identifies each land use according to whether it is a permitted use, a conditional use, or a prohibited use within each district. A conditional use permit is granted by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district to the property owner who makes the original application. This permit does not transfer to the new owner if the property changes ownership. The new owner must apply to the Board of Zoning Appeals for a new permit in order to continue the use that was conditionally allowed.

This application must be filed at least 15 days prior to scheduled meeting to be eligible for consideration at that meeting. Actual deadlines vary due to holidays, office business hours and operating schedule, media publishing deadlines, etc. Deadlines are published publicly and can also be provided by contacting the Planning Office.

APPLICANT INFORMATION

Name: PAMELA K. PHILLIPS
Street: 121 SAINT MICHAELS AVE.
City: MADISON State: IN Zip: 47250
Phone (Preferred): (812) 801-9618
Phone (Alternate): _____
Email: pamphillips2@yahoo.com

OWNER INFORMATION (IF DIFFERENT*)

Name: NA
Street: _____
City: _____ State: _____ Zip: _____
Phone (Preferred): _____
Phone (Alternate): _____
Email: _____

* If Applicant is not Owner, MUST submit documentation from owner authorizing applicant on their behalf.

PROPERTY FOR WHICH A CONDITIONAL USE IS REQUESTED

Address and/or Legal Description of Property: 123 SAINT MICHAELS AVE., DUPLEX
1850'S SHOTGUN-BUILT w/ 5 ROOMS.

Zoning Classification: HDR

Description of Existing Use: RENTAL TO SHORT-TERM RENTAL

Proposed Schedule of Uses Category #: 581

Description of Proposed Use: _____
Short term rental

Submit property site plan showing structures, setbacks, parking, adjoining streets and neighboring land uses.

Per the City of Madison Zoning Ordinance, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the established standards and shall find adequate evidence supporting such use at the proposed location.

Provide a detailed Narrative statement demonstrating that the requested variance conforms to the following standards. Respond to each question below with Yes/No and why. Use additional pages if necessary.

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? §

yes Category #581

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?

yes, short term Rental is allowed by ordinance - use.

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?

yes Ex'tg. build since 1850's

4. Will this use be hazardous or disturbing to existing or future neighboring uses?

No, all neighbors know each other & look out for each home adjacent.

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?

yes
DOWN TOWN LOCATION, across from the old Cotton mill - now HOTEL.

6. Will this use create excessive additional requirements at public expense for public facilities and services and/or will it be detrimental to the economic welfare of the community?

No, looking for quiet, peaceful people to visit our Historic Home.

7. Will this 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?

No, none of the above ↑

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

NO, STREET PARKING is provided now.

9. Will this use result in the destruction, loss, or damage of natural, scenic, or historic features of major importance?

NO, nothing has changed.

Include any other documents/information which you feel will aid the Board in making its determination.

Certified letters **MUST** be mailed to adjoining property owners (includes owners of real estate at corners, across streets, alleys or easements as well as others who may share a common boundary) at least ten (10) days prior to the meeting. The Planning Office can assist you in obtaining this information. Proof of the Certified Mail receipts and the corresponding returned green cards shall be given to the Planning Office at least one (1) working day prior to the scheduled meeting. The Board will not review the application unless these are received.

I certify that the information provided in this application is true and accurate to the best of my ability and I understand and agree to the Certified mail stipulations.

5/3/2025
Date

Pamela K. Phillips
Signature of Applicant

COMPLETED BY PLANNING OFFICE

Application Accepted on: _____

Application Accepted by: _____

Meeting Information: Board of Zoning Appeals

101 W Main St, Madison, IN 47250 – Council Chambers

Meeting Date: _____ Time: 6:00PM

Documentation Review (Completed by Planning Office)

- ___ Owner Authorization provided (if req'd)
- ___ Site plan is adequate
- ___ Narrative Statements completed
(Proposed Use & 1 – 9 above)
- ___ Application is complete
- ___ GIS Information to applicant and attached
- ___ Certified Mail Receipts received (attach)
- ___ Certified Mail Green Cards received (attach)
- ___ Category # Requires Conditional Use

Staff Notes

