



## PROJECT BRIEF – BZCU-25-11

Application Date: 05/08/2025

Meeting Date: 06/16/2025

### Application Description:

An application has been filed for Conditional Use Permit for Category 130 Apartments.

<b>Current Zoning:</b> Historic District Residential (HDR)	<b>Project Location:</b> 401 E Third St
<b>Applicant:</b> Jennifer Cissell	<b>Owner:</b> Broomsage Properties LLC

### Preliminary Staff Recommendation: Approve with Conditions

#### Conditions:

1. Renewal period of 1 year; if no complaints increased to 3 years
2. Occupancy limit of 2 people per occupiable bedroom

#### Reasoning:

The renewal period allows the board to quickly review the impacts of the added unit. If no complaints are received, the added unit's renewal period should be increased to be in line with other apartments recently approved for conditional uses. Limiting the number of people per bedroom should ensure that fire codes are complied with and should limit the number of cars.

### History, Relevant Information, & Prior Approvals:

#### History:

9/10/18 BZA denied Conditional Use Permit for a 4-unit apartment building

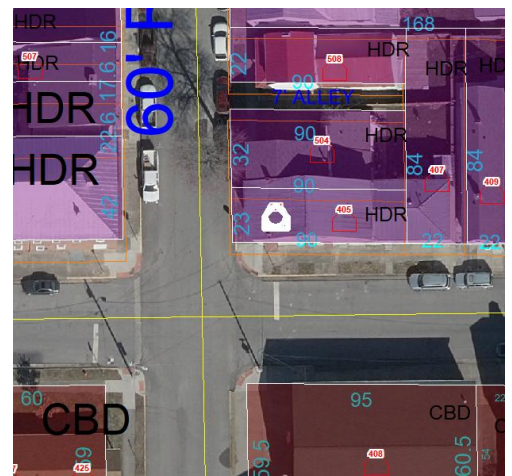
#### Relevant Information:

- Applicants purchased the property in 2021 as a multi-unit apartment building and have been paying taxes to that effect since closing on the property. They understand the issues with the previous owner and are only asking for 1 additional unit within this property.
- They also own the property at 504 Walnut Street.

#### Prior Approvals: NA

### Surrounding Zoning and Land Use:

<b>North:</b> Historic District Residential(HDR)
<b>South:</b> Central Business District(CBD)
<b>East:</b> Historic District Residential(HDR)
<b>West:</b> 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:

2. Rooming and Boarding Houses, Fraternity, Sorority Houses, Residence Halls and Dormitories, Apartments, Condominiums and Tourist Homes (110, 111, 121, 122, 124, and 130)
  - d) For all apartments adjacent to single family structures side and back yards must be 20 feet.
  - e) 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.
  - f) 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. #130 allows conditional use.
Staff Response:	Yes, apartments are allowed by conditional use within HDR.

***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. We are renovating a structure to support Madison's goal of improving Walnut Street.
Staff Response:	Yes, multi-family is noted within this area for land 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. Our tenants go through a screening process that includes credit checks, background checks, and employment verifications. We use a detailed lease agreement to hold tenants accountable in any situation. We have had no issues or negative feedback with any of our tenants renting on Walnut Street/E 3rd Street for the past 5 years in 3 different properties. We personally manage the properties to make sure things are being done correctly (no middle-person like previous ownership). We reviewed the neighbor's concerns with previous ownership of this building and have worked to ensure those issues haven't been repeated. (Examples - parking in fire station parking, trash cans left on sidewalks, etc) With additional tenants, we can continue working to rehabilitate this building.
Staff Response:	Yes, the structure will not be modified from the exterior. Any interior renovations will not impact the character of the district.

***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. Just adding more friendly neighbors and more living space for people working and supporting Madison businesses. :) On-street parking is available around the building.
Staff Response:	Yes, if the proposed condition of limiting the number of occupants in each unit, this should not be disturbing to the neighbors.

***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. Unit is already connected to city utilities, etc.
Staff Response:	Yes, public facilities are already 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. No additional public services needed.
Staff Response:	Yes, one additional unit should not be detrimental to the public welfare.

***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. No detrimental impact.
Staff Response:	Yes, if the proposed condition of limiting the number of occupants in each unit, this should not be disturbing to the neighbors.

***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:	Yes. On street parking is available in front of and to the side of the building.
Staff Response:	Yes, the streets surrounding this property are relatively wide and already provide parking spaces. By limiting the number of occupants, the streets should accommodate the additional unit.

*Finding #8 has been satisfied with the proposed conditions.*

*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. No impact to features.
Staff Response:	Yes, building will remain the same on the exterior.

*Finding #9 has been satisfied.*



## BZCU-25-11

### Conditional Use Permit

Status: Active

Submitted On: 5/8/2025





### Primary Location

401 E THIRD ST  
MADISON, IN 47250

### Owner

Broomsage Properties LLC  
COUNTY ROAD 450 S 3760  
NORTH VERNON, IN 47265

### Applicant

 Jennifer Cissell  
 502-417-8985  
 jenfarrow@msn.com  
3760 E COUNTY ROAD 450  
 S  
North Vernon, IN 47265

## General Information

Are you the property owner?\*

Yes

## Permit Information

### Type of Application

Initial Application

### Zoning Classification

Historic District Residential (HDR)

### Legal Description of Property

011-03808-0023BY80FTLOT32 3RD&WALNUTST. 11-127-53 401-405 ETHIRDST

### **Description of Existing Use**

Building was purchased as 4 apartments in dilapidated state. Building was not for sale when we bought it - we saw it wasn't being taken care of and reached out to the owner to see if they would let us buy it. They originally said no then 6 months later changed their mind. We have been paying city taxes on the property as a 4-16 unit building since we purchased it. We have also been paying water/sewage/trash for the property as a 4-unit building since we purchased it. Currently have one unit renovated and has been rented for 1.5 years. (First tenant was the original manager at the newly opened Hobby Lobby!)

### **Description of Proposed Use**

Allow rental of one (1) additional unit.

### **Proposed Schedule of Uses Category #**

130

## **Narrative**

**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. #130 allows conditional use.

**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. We are renovating a structure to support Madison's goal of improving Walnut Street.

**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. Our tenants go through a screening process that includes credit checks, background checks, and employment verifications. We use a detailed lease agreement to hold tenants accountable in any situation. We have had no issues or negative feedback with any of our tenants renting on Walnut Street/E 3rd Street for the past 5 years in 3 different properties. We personally manage the properties to make sure things are being done correctly (no middle-person like previous ownership). We reviewed the neighbor's concerns with previous ownership of this building and have worked to ensure those issues haven't been repeated. (Examples - parking in fire station parking, trash cans left on sidewalks, etc) With additional tenants, we can continue working to rehabilitate this building.

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

No. Just adding more friendly neighbors and more living space for people working and supporting Madison businesses.:) On-street parking is available around the building.

**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. Unit is already connected to city utilities, etc.

## Narrative (Continued)

**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?\***

No. No additional public services needed.

**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?\***

No. No detrimental impact.

**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?\***

Yes. On street parking is available in front of and to the side of the building.

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

No. No impact to features.




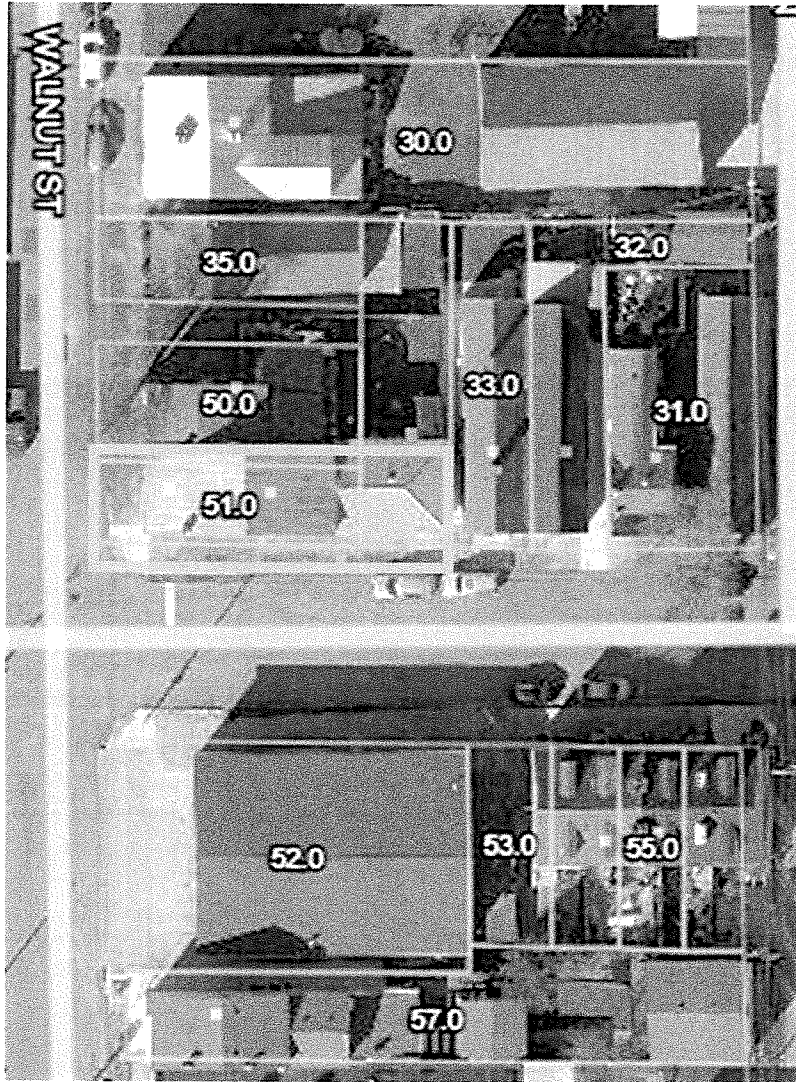
## Acknowledgement

*Certified letters MUST be mailed to adjoining property owners (includes owners of real estate at corners, accross 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.**

**Digital Signature\***

 Jennifer J Cissell  
Mar 25, 2025





# MADISON

*Indiana*  
Planning, Preservation and Design

## MEETING NOTICE REGARDING APPLICATION MADE TO THE CITY OF MADISON

Attention: \_\_\_\_\_, Date: \_\_\_\_\_  
(Recipient Name)

Application has been made by:

Jennifere Cissell on behalf of Broomsage Properties LLC

(Applicant name)

to the *City of Madison Board of Zoning Appeals* for:

☒ Conditional Use Permit

☐ Variance from Development Standards

☐ Notice of Appeal

☐ Variance from Setbacks (non GB)

☐ Variance from Use

at: 401 E Third St

(Address for which Permit/Variance is requested)

APPLICATION DOCKET ID: BZCU-25-11

Purpose of Permit/Variance/Reason for Appeal:

Conditionaional use permit to allow 2 apartment units under category 130: Apartments

Hearing on this matter will be held before the *City of Madison Board of Zoning Appeals* on:

June 9, 2025

at 6:00 p.m. in City Hall, 101 W. Main Street, Madison, IN 47250.

(Date of Meeting – given by Planning Office)

You are not required to attend the meeting, but as a property owner in this vicinity (includes: owners of real estate at corners, across streets, alleys, or easements, as well as others who may share a common boundary), you are given this notice so that you may be aware of your opportunity to submit questions and/or comments to the City of Madison Office of Planning, Preservation, & Design by 3:00 p.m. at least one (1) business day prior to this hearing if unable to attend. You may also attend the meeting in person and present comments during the public comment portion of the application.

*For additional information you may contact the City of Madison Office of Planning, Preservation, & Design in City Hall at (812) 265-8324 or email [nschell@madison-in.gov](mailto:nschell@madison-in.gov) and reference the above Application Docket ID.*

The City of Madison Zoning Ordinance requires that this letter be mailed with a postmark of at least ten (10) days prior to the above meeting date. If the application is tabled or otherwise further continued, no additional notification is required. If such continuances occur, you may contact the Planning Office to obtain additional details regarding the status of such application and any additional meetings scheduled.

## ThinkMap Parcel Number

County	Area	Section	Block	Parcel	Split	Tax ID
39	13	02	122	034	000	007

## ProVal Parcel Numbers

Tax Bill ID	0110380900
Parcel ID	39-13-02-122-034.000-007

## Owner Information

Name	LITER PROPERTIES LLC		
Name 2			
Address	220 Sunrise Dr		
City State Zip	MADISON	IN	47250

## Property Information

Address	407 E THIRD ST		
City State Zip	MADISON	IN	47250-0000
Deed Book	2016	Deed Page	04815
Legal Acreage	0.0000	taxYearBuilt	1900
Legal Description	011-03809-00 BEG 80 FT E OF SW COR LOT 32 ON N SIDE 3RD ST THENCE 22 FT & N S A ME 84 FT 11-127-54 407 E Third St		

	Date	Owner	Grantee	Book	Page	Comment Sort
Transfer History	12/19/2016	LITER PROPERTIES LLC	2016	04815		
	8/5/1993	Taulman Lawrence E Trust	177	0965		
	1/1/1900	THACKER, JOHN H & FRANCES E				

Comment	
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pvFound	Yes	taxFoundMVP	Yes	pvLastSoldPrice	0	pvAssessmentClass
pvLastAssessment	62300	pvNeighborhood	3906993-007	pvLastSoldDate	12/19/2016	

WTH Date

01/01/2001

acreage

0.0502

PRIVREC

No

...

## ThinkMap Parcel Number

County	Area	Section	Block	Parcel	Split	Tax ID
39	13	02	122	052	000	007

## ProVal Parcel Numbers

Tax Bill ID	0110501500
Parcel ID	39-13-02-122-052.000-007

## Owner Information

Name	WALNUT ST FIRE CO #4		
Name 2			
Address	Walnut & Third St		
City State Zip	Madison	IN	47250

## Property Information

Address	408 E THIRD ST		
City State Zip	MADISON	IN	47250-0000
Deed Book		Deed Page	
Legal Acreage	0.0000	taxYearBuilt	
Legal Description	011-05015-00 59 1/2 BY 95 LOT 35 O T 11-127-71 Walnut & Third St		

Date	Owner	Grantee	Book	Page	Comment Sort
1/1/1900	Walnut St Fire Co #4				

Comment		acrage	0.1338
		PRIVREC	No

pvFound	Yes	taxFoundMVP	Yes	pvLastSoldPrice	0	pvAssessmentClass	699
pvLastAssessment	159000	pvNeighborhood	3906180-007	pvLastSoldDate	01/01/1900		

...

## ThinkMap Parcel Number

County	Area	Section	Block	Parcel	Split	Tax ID
39	13	02	122	059	000	007

## ProVal Parcel Numbers

Tax Bill ID	0110383400
Parcel ID	39-13-02-122-059.000-007

## Owner Information

Name	Ohio Valley Opportunities Inc
Name 2	
Address	Po Box 625
City State Zip	MADISON IN 47250

## Property Information

Address	427 WALNUT St		
City State Zip	MADISON IN 47250-0000		
Deed Book	2009	Deed Page	05198
Legal Acreage	0.0820	taxYearBuilt	
Legal Description	011-03834-00 59 BY 60 FT LOT 36 O T COR WALNUT 3RD STS 11-127-81 .0823Ac 427 Walnut St		

Date	Owner	Grantee	Book	Page	Comment Sort
11/12/2009	Ohio Valley Opportunities Inc	2009 05198			
1/1/1900	CHRISTIAN SCIENCE SOCIETY				

Comment	
acrage	0.0823
PRIVREC	No

pvFound	Yes	taxFoundMVP	Yes	pvLastSoldPrice	42500	pvAssessmentClass	680
pvLastAssessment	76900	pvNeighborhood	3906180-007	pvLastSoldDate	11/12/2009		

## ThinkMap Parcel Number

County	Area	Section	Block	Parcel	Split	Tax ID
39	13	02	122	049	000	007

## ProVal Parcel Numbers

Tax Bill ID	0110379700
Parcel ID	39-13-02-122-049.000-007

## Owner Information

Name	RJL Properties LLC		
Name 2			
Address	523 Walnut St		
City State Zip	MADISON	IN	47250

## Property Information

Address	501 WALNUT St		
City State Zip	MADISON	IN	47250-0000
Deed Book		Deed Page	
Legal Acreage	0.0000	taxYearBuilt	1900
Legal Description	011-03797-00 42 BY 84 FT LOT 31 O T 11-127-42 501 WALNUT ST		

	Date	Owner	Grantee	Book	Page	Comment Sort
Transfer History	12/17/2014	RJL Properties LLC				
	6/2/2006	Schoenstein Robert J Jr & Pamela J	2006	02648		
	12/21/1993	SCHOENSTEIN, ROBERT J & PAMELA				
	1/1/1900	ROBERT & MARTHA SCHOENSTEIN				
Comment						WITH Date
						01/01/2001
						acreage
						0.0849
pvFound						PRIVREC
						No
pvLastAssessment	87200	taxFoundMVP	Yes	pvLastSoldPrice	75000	pvAssessmentClass
		3906992-007		12/17/2014		599