



01/20/2023

## BZCU-23-8

### Conditional Use Permit

**Status:** Active

**Date Created:** Jan 20, 2023

#### Applicant

Crystal Pavey  
justrite1626@yahoo.com  
6681 W 900 S  
Milroy, IN 46156  
765-561-1851

#### Primary Location

3910 MICHIGAN RD  
MADISON, IN 47250

#### Owner:

PAVEY CRYSTAL  
6681 900 S IN 46156-9553

#### Internal Review

##### Staff Completing Initial Application



##### BZA Meeting Date

02/13/2023

#### Permit For:

Gasoline Service Station with Convenience Store and Restaurant with Drive Thru

#### Renewal

#### General Information

##### Property Owner Information

###### Property Owner Name

Crystal Pavey

###### Street Mailing Address

6681 W 900 S

###### City

Milroy

###### State

IN

###### Zip Code

###### Phone Number

46156

7655611851

**Email**

justrite1626@yahoo.com

**Permit Information**

**Type of Application**

Initial Application

**Zoning Classification**

Light Manufacturing District (M-1)

**Legal Description of Property**

3910 N Michigan Rd, Madison, IN 47250

**Description of Existing Use**

Vacant Ground

**Description of Proposed Use**

Gas Station with Convenience Store and Restaurant with Drive Thru

**Proposed Schedule of Uses Category #**

553

**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.*

**Digital Signature**

Staff Entry for Crystal Pavey  
01/20/2023

**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.**



## Conditional Use Permit

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: Crystal Pavey  
Street: 6681 West 900 South  
City: Milroy State: IN Zip: 46156  
Phone (Preferred): 765-561-1851  
Phone (Alternate): \_\_\_\_\_  
Email: justrite1626@yahoo.com

### OWNER INFORMATION (IF DIFFERENT\*)

Name: \_\_\_\_\_  
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: \_\_\_\_\_  
3910 North Michigan Road, Madison, Indiana 47250

Zoning Classification: M1

Description of Existing Use: \_\_\_\_\_  
Vacant Ground

Proposed Schedule of Uses Category #: 553,

Description of Proposed Use: \_\_\_\_\_  
**Proposed Gas Station with Convenience Store and Restaurant with Drive Thru**

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, according to Section 700. Use #553, is listed as a conditional use.

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, it is an acceptable conditional use, and would not conflict with other uses in the area, and would be a benefit to the adjacent uses.

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, the construction will use the standard materials and colors for the proposed gas station chain.

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

No, this use will complement the adjacent uses and future uses.

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, the site will be served by public utilities and also provide access needed for police and fire. We are proposing a storm water detention pond, and the use will not burden the schools capacity, being it is a commercial use.

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.

Yes, improvements will be completed with private funds, and will improve the economic welfare of the community.

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.

No, the site will be developed to meet the City's specifications and requirements.

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.

No, but if required by the City's specifications the site will make such improvements.

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

No. As shown on the drawing, we are working around the delineated wetlands on the subject property, and leaving most of the wetlands area wooded.

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.

1/20/23  
Date

Crystal Pavey  
Signature of Applicant

COMPLETED BY PLANNING OFFICE	Meeting Information: Board of Zoning Appeals
Application Accepted on: <u>1/20/2023</u>	101 W Main St, Madison, IN 47250 – Council Chambers
Application Accepted by: <u>Joe Patterson</u> <i>JP</i>	Meeting Date: <u>2/13/2023</u> Time: 6:30PM

Documentation Review (Completed by Planning Office)

- ☒ *n/a* 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