

Minutes

January 9, 2023

MADISON CITY BOARD OF ZONING APPEALS

The City of Madison Board of Zoning Appeals held a regular meeting on Monday, January 9, 2023 at 6:30 p.m. in City Hall. Scott Baldwin presided over the meeting with the following additional Board Members present: Nancy Burkhardt and Rick Farris. Also present: Devon Sharpe, Attorney; Nicole Schell, Director of Planning; and Joe Patterson, Associate Planner. Absent: Mark Acosta, Board Member.

Minutes:

No additions or corrections noted for the December 12, 2022 Minutes. N. Burkhardt made motion to approve the minutes as written – seconded by R. Farris. Unanimous Consent Vote – all ayes – Final vote is three (3) in favor and zero (0) against – Motion carries.

December 12, 2022 Minutes approved in accordance with motion and vote.

Renewals:

1. Landmark Apostolic Bible Church, Inc. – Conditional Use permit for a church.
Location: **3100 Landmark Lane** Zoned: High Density Residential (R-32)
One-Year Renewal
2. Shawn Sands – Conditional Use permit for a wrestling facility.
Location: **2520 Lanier Drive, Suite C** Zoned: Heavy Industry (M-2)
One-Year Renewal
3. Steward & Kimberly Hizey – Conditional Use permit for a guest house.
Location: **215 East St.** Zoned: Historic District Residential (HDR)
One-Year Renewal
4. Kentuckiana News – Conditional Use permit for a recording, editing, producing, photofinishing and administrative office.
Location: **402 W. Main St.** Zoned: Specialty District (SD)
One-Year Renewal
5. Susan Reed Smith – Conditional Use permit to allow for animal sales and swap at the Madison Indiana Flea Market/Animal Swap.
Location: **2355 N K Rd** Zoned: Residential Agricultural (RA)
One-Year Renewal

S. Baldwin noted that renewal #1 had not paid their renewal fees. S. Baldwin made motion to instruct the Attorney to send a letter and inform them that they have not paid their renewal fee and their Conditional Use is expired; However, if the renewal fee is paid by the next scheduled meeting then the conditional use permit would be renewed – seconded by N. Burkhardt – Roll Call Vote – all ayes – Final vote is three (3) in favor and none against – Motion carries.

Renewal #1 conditionally expired in accordance with motion and vote.

S. Baldwin noted that renewal #3 was out of town however they had informed Staff that payment was sent. S. Baldwin made motion that renewal #3 be renewed on the condition that payment be received by the next

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regular scheduled meeting – seconded by R. Farris – Roll Call – all ayes – Final vote is three (3) in favor and none against – Motion carries.

Renewal #3 conditionally approved in accordance with motion and vote.

S. Baldwin noted that renewals #2 and #4 had not paid their fees and mail was returned undeliverable. S. Baldwin made the motion for Staff to contact these renewals and determine if renewal fees were still required and they would be renewed if paid before the next regular meeting – seconded by N. Burkhardt – Roll Call Vote. All ayes – Final vote is three (3) in favor and none against – Motion carries.

Renewals #2 and #4 conditionally approved in accordance with motion and vote.

S. Baldwin noted that renewal #5 paid their renewal fee and their Conditional Use Permit was hereby renewed.

New Applications:

1. **BZCU-22-1:** Oystercatcher LLC – Conditional Use Permit for a vacation home used as a short-term rental when unit is not owner-occupied.

Location: **312 Poplar St**

Zoned: Historic District Residential (HDR)

Staff noted that the Certified Mail notice requirements had not been met.

S. Baldwin made motion to table the application – seconded by R. Farris – Roll Call Vote – All ayes – Final vote is three (3) in favor and none against – Motion carries.

New Application #1 (BZCU-22-1) tabled in accordance with motion and vote.

Business – Old or New:

1. Natalie Nicole Vladimirovs – Conditional Use Permit for a portable building for café and deli sales.

Location: **307 E Clifty Dr**

Zoned: General Business (GB)

One-Year Renewal

2. Glennia Moore – Conditional Use Permit for a mobile home.

Location: **3607 N Old SR 62**

Zoned: Low Density Residential (R-4)

One-Year Renewal

3. Larry & Valencia Crisafulli – Conditional Use Permit for a seven (7) unit apartment building.

Location: **420 West St**

Zoned: Central Business District (CBD)

Three-Year Renewal

4. Mike Anderson – Conditional Use Permit for a tattoo studio.

Location: **408/418 Mulberry St**

Zoned: Historic District Residential (HDR)

One-Year Renewal

5. Super Shine – Conditional Use Permit for vehicle detailing, window tinting, headliner work, and retail sales of truck accessories.

Location: **3068 Landmark Ln**

Zoned: High Density Residential (R-32)

One-Year Renewal

6. Kathy Kidwell – Conditional Use Permit for a mobile home.

Location: **1347 N Old SR 62**

Zoned: Residential Agricultural (RA)

One-Year Renewal

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S. Baldwin noted that all renewals had been paid and are therefore renewed in accordance with original motions.

7. Election of 2023 Board of Zoning Appeals Chairman and Vice-Chairman.

R. Farris nominated S. Baldwin retain his Presidentship (Chairman of the Board of Zoning Appeals) – seconded by N. Burkhardt – Roll Call vote – all ayes - Final vote is three (3) in favor and zero (0) against – Motion carries.

S. Baldwin elected as Chairman in accordance with motion and vote.

N. Burkhardt nominated R. Farris as Vice Chair for the Board of Zoning Appeals. R. Farris respectfully declined the nomination.

S. Baldwin nominated N. Burkhardt for Vice Chair of the Board of Zoning Appeals – seconded by R. Farris – Roll Call vote – all ayes - Final vote is three (3) in favor and zero (0) against – Motion carries.

N. Burkhardt elected as Vice Chair in accordance with motion and vote.

8. Rules of Procedure

There was brief discussion on the most recent updates and changes to the proposed Rules of Procedure.

R. Farris made motion to approve the Rules of Procedure as presented – seconded by N. Burkhardt – Unanimous Consent Vote – all ayes – Final vote is three (3) in favor and zero (0) against – Motion carries.

Rules of Procedure adopted in accordance with motion and vote.

S. Baldwin noted that at the previous meeting that Paul and Frances Francis had requested a Variance from Setbacks which was tabled after some discussion and the applicants have since withdrawn that application.

S. Baldwin noted that the Board could elect a Secretary for the Board as they have, at times, done so in the past. S. Baldwin nominated J. Patterson as the Secretary for the Board of Zoning Appeals – Seconded by R. Farris – Roll Call Vote – all ayes – Final vote is three (3) in favor and zero (0) against – Motion carries.

J. Patterson elected as Secretary in accordance with motion and vote.

There was some discussion between Board and Staff regarding the newly implemented late fee for renewals.

No further business brought before the board.

S. Baldwin made motion to adjourn – Seconded by N. Burkhardt – Unanimous Consent vote – all ayes – Final vote is three (3) in favor and zero (0) against – Motion carries.

Meeting adjourned at 6:43pm in accordance with motion and vote.

BY ORDER OF THE CITY OF MADISON BOARD OF ZONING APPEALS

Scott Baldwin, Chairman

Joe Patterson, Secretary/Associate Planner