

Minutes

October 10, 2023

MADISON CITY BOARD OF ZONING APPEALS

The City of Madison Board of Zoning Appeals held a regular meeting on Tuesday, October 10, 2023 at 6:00 p.m. in City Hall. Scott Baldwin presided over the meeting with the following additional Board Members present:, Nancy Burkhardt, Karl Eaglin, and Rick Farris. Also present: Devon Sharpe, Attorney; and Joe Patterson, Secretary/Associate Planner. Absent: Mark Acosta, Board Member; and Nicole Schell, Director of Planning.

Minutes:

S. Baldwin noted that the September 11, 2023 Minutes were not ready for review.

## Renewals:

1. Bruce Butters/Madtown Tattoo Studio – Conditional Use Permit for a tattoo studio and gallery.  
Location: 702 W Main St  
Zoned: Specialty District (SD)  
One-Year Renewal
2. McKenzie Gerber – Conditional Use Permit for dog grooming and boarding.  
Location: 3140 Clifty Dr  
Zoned: General Business (GB)  
One-Year Renewal
3. Historic Madison, Inc – Conditional Use Permit for professional offices.  
Location: 301 W Second St  
Zoned: Historic District Residential (HDR)  
Five-Year Renewal
4. Grover Copeland, Jr – Conditional Use Permit for a manufactured home.  
Location: 541 Spring St  
Zoned: Medium Density Residential (R-8)  
Two-Year Renewal
5. Oscar Rubio – Conditional Use Permit for a restaurant.  
Location: 1111 Clifty Dr  
Zoned: Light Manufacturing (M-1)  
Two-Year Renewal
6. Joseph Geyman – Conditional Use Permit for a crematory service.  
Location: 1848 E 400 N  
Zoned: Agricultural (AG)  
One-Year Renewal
7. Chad & Amy Nichols – Conditional Use Permit for a Bed & Breakfast.  
Location: 708 E Main St  
Zoned: Historic District Residential (HDR)  
One-Year Renewal

S. Baldwin noted that all Renewals had been paid and made motion to approve accordingly – seconded by R. Farris – Unanimous Consent Vote – Final vote is four (4) in favor and none against – Motion carries.

*Renewals #1 – 7 renewed in accordance with motion and vote Renewal 8 allowed to expire accordingly.*

Tabled Applications:

- [illegible]

Ryan Rodgers – 804 E First St – He and wife had purchased property and stated that the property has been used as apartments for over twenty (20) years and they wanted to continue that use as well as for short-term use. They have done substantial upgrades to the home including the electrical and plaster.

City of Madison Board of Zoning Appeals  
October 10, 2023

The Board and applicant discussed the layout of the apartments, parking situation, and House Rules.

No additional comments from the Board. No comments from the public.

It was noted that this would be under Categories 130 and 581.

**Findings of Fact**

1. *Is in fact a Conditional Use as established under the provisions of Article V of the City of Madison Zoning Ordinance and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved.*

- K. Eaglin: Yes, I do. So, the neighborhood doesn't change from the apartments in the past so I think it fits in very well.
- R. Farris: Yeah, I think the Historic District rules are pretty clear, and these fit very well in that category.
- N. Burkhardt: Yeah, both categories are allowed in Historic District with a Conditional Use.
- S. Baldwin: I agree with Mrs. Burkhardt.

2. *Will 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.*

- K. Eaglin: Yeah, of course, with the variance, it makes it compatible.
- R. Farris: Yeah, I see no reason to believe that it won't be harmonious with the general objectives and the comprehensive plan.
- N. Burkhardt: I agree it's allowed in the comprehensive Plan.
- S. Baldwin: Since those categories are in section seven, it goes with the comprehensive plan.

3. *Will 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.*

- K. Eaglin: Yeah. It's going to be just like the rest of the homes in the area with on-street parking, and they could fit very well.
- R. Farris: Yeah, I think it fits right in with the with the neighborhood.
- N. Burkhardt: I agree. In the past it was utilized for rentals and it will continue to be.
- S. Baldwin: And I've noticed that part of Mulberry seems to be preponderantly Airbnbs and rentals now, and it is allowed there, so I think it will blend in.

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

- K. Eaglin: I know you've already talked about the ordinance. I think that should cover that part of it.
- R. Farris: Yeah, I think with the rules that are established for the renters shouldn't, shouldn't be any problems.
- N. Burkhardt: I agree with the existing rules.
- S. Baldwin: With enforcement of the rules, I think that it will be that one will be met.

City of Madison Board of Zoning Appeals  
October 10, 2023

5. *Will 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.*

K. Eaglin: Yeah, I think all the utilities are there. I don't think it's going to overload anything that the City has there, whether it be water, sewage or parking, either one. I think it's all going to be good.

R. Farris: Yeah, I think all the, all the essential facilities and services are already provided and the outhouse is probably removed long ago.

N. Burkhardt I agree it was served adequately in the past, and I assume it will continue.

S. Baldwin: Personally, I don't even think this is much of an issue. It's met.

6. *Will 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.*

K. Eaglin: I don't think it's going to be a detriment. I think it's going to be a plus to the neighborhood.

R. Farris: Yeah, I see no reason to believe that that's going to be a problem with this property.

N. Burkhardt I agree with those comments.

S. Baldwin: He's putting in a essentially an abandoned house back to use. I can't see that harms the welfare or economic welfare of the community.

7. *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.*

K. Eaglin: Somebody mentioned the outhouse. As long as that doesn't come back, I think that should be okay.

R. Farris: Yeah. I mean, I see no reason to believe that any of these things are going to be produced at a level that's going to cause any problems.

N. Burkhardt I see no detriment.

S. Baldwin: I personally don't see any problem there.

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

K. Eaglin: No, that's not going to interfere. It hasn't in the past and never been a traffic problem in that neighborhood that I'm aware of.

R. Farris: Yeah. I don't I don't see any reason to believe it's going to cause problems. I mean, it's basically being restored as a structure that was used for apartments and rentals anyway and don't know we have any recorded issues.

N. Burkhardt No, I see no interference with traffic.

S. Baldwin: Two cars? I don't think is going to interfere seriously with traffic.

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

K. Eaglin: I think we're actually saving that historic feature.

S. Baldwin: I think that they will help preserve that historic building by using it.

*Application BZCU-23-68 approved in accordance with motion and vote.*

*Use of public parking lot approved in accordance with motion and vote.*

S. Baldwin noted this would be Category 130.

No objections noted from any Board members.

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*Application BZCU-23-71 approved in accordance with motion and vote.*

2.   **BZCU-23-75:** Rebeccan Brown/Covert Grove Properties – Conditional Use Permit for apartments.  
Location: 302 West St     Zoned: Central Business District (CBD)
3.   **BZCU-23-76:** Rebeccah Brown/Covert Grove Properties – Conditional Use Permit for apartments.  
Location: 304 West St     Zoned: Central Business District (CBD)

Rebecca Brown – 1013 Cattail Road, Otisco, Indiana – She and husband also purchased this property and desired to convert it into long-term rental units/apartments.

City of Madison Board of Zoning Appeals  
October 10, 2023

There was discussion that the property requires substantial stabilization and improvements to be done before it could be utilized for the planned apartments and further discussed the parking in the area and neighboring business properties.

No further questions from the Board. No comments from the public.

S. Baldwin noted this would be Category 130.

**Findings of Fact**

1. *Is in fact a Conditional Use as established under the provisions of Article V of the City of Madison Zoning Ordinance and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved.*

No objections noted from any Board members.

2. *Will 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.*

No objections noted from any Board members.

3. *Will 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.*

No objections noted from any Board members.

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

No objections noted from any Board members.

5. *Will 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.*

No objections noted from any Board members.

6. *Will 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 objections noted from any Board members.

7. *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.*

No objections noted from any Board members.

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

No objections noted from any Board members.

City of Madison Board of Zoning Appeals  
October 10, 2023

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

No objections noted from any Board members.

K. Eaglin made motion to approve the applications for two (2) years with the condition that if the property takes longer than one year to commence use, the Conditional Use will still be valid and that the submitted House Rules be adhered to with Quiet Hours of 10pm to 8am – Seconded by S. Baldwin – Roll Call vote – all ayes – Final vote is four (4) in favor and none against – Motion carries.

**Applications BZCU-23-75 and BZCU-23-76 approved in accordance with motion and vote.**

4. **BZVD-23-14:** Jacque Buchinsky – Variance from Development Standards for Setbacks to add a shade structure to the property requiring a zero-lot line on the north and east lot lines.

Location: 405 E Second St

Zoned: Historic District Residential (HDR)

Corey Bachman and Jacque Buchinsky – 405 E Second St – Would like to build a shade structure on the rear of the property due to the heat from the parking lot behind them.

No further questions or comments from the Board. No further comments from the public.

### Findings of Fact

1. *The approval will not be injurious to the public health, safety, morals and general welfare of the community.*

K. Eaglin: Should not be a problem with any of those items.

R. Farris: Yeah, I don't see any reason to believe it's going to be an issue.

N. Burkhardt: No, I see no problem there improving the property, in fact.

S. Baldwin: I do not see how this thing could possibly hurt the general welfare. I think that is well met.

2. *The use and value of the area adjacent to the property included in the variance will not be affect in a substantially manner.*

K. Eaglin: No, they had a chance to come before us and speak. So, they're not here. So, I have to say they're happy with it.

R. Farris: Yeah. I don't think it's going to have a negative impact on the adjacent property. It'd probably be an improvement.

N. Burkhardt: I agree, as I stated before, they're improving the property.

S. Baldwin: The adjacent property is pretty much a parking lot, and certainly, as Mr. Eaglin stated it, well, nobody showed up to oppose it. I think that one's met.

3. *The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.*

K. Eaglin: I don't see problems with it. I mean, it's actually all right on their property inside the small wall. So, it should be just fine.

R. Farris: Yeah. I mean, if we applied the strict application, they wouldn't be able to proceed with their project and I can only imagine how hot it gets back there. I would want some shade too.

S. Baldwin: I agree. It was fenced in previously. This is in many ways a fence. If they had to adhere to the three-foot lots they would hardly have any structure at all back there. So, I think, as so often happens downtown, I think this one is met.

*Application approved in accordance with motion and vote.*

1. Lena Burns – Conditional Use Permit for a residential daycare.  
Location: 124 Crestwood Dr                                      Zoned: Medium Density Residential (R-8)  
One-Year Renewal
2. Michael Holcak – Conditional Use Permit for short term rentals.  
Location: 1850 Adams Dr                                         Zoned: Historic District Residential (HDR)  
One-Year Renewal

No further business brought before the Board.

*Meeting adjourned at 6:41pm in accordance with motion and vote.*

BY ORDER OF THE CITY OF MADISON BOARD OF ZONING APPEALS

Joe Patterson, Secretary/Associate Planner