

## Minutes

September 11, 2023

MADISON CITY BOARD OF ZONING APPEALS

The City of Madison Board of Zoning Appeals held a regular meeting on Monday, September 11, 2023 at 6:00 p.m. in City Hall. Scott Baldwin presided over the meeting with the following additional Board Members present: Mark Acosta, Nancy Burkhardt, Karl Eaglin, and Rick Farris. Also present: Devon Sharpe, Attorney; and Joe Patterson, Secretary/Associate Planner. Absent: Nicole Schell, Director of Planning.

S. Baldwin introduced and welcomed K. Eaglin as a newly appointed member to the Board of Zoning Appeals and noted his service on other committees including the Plan Commission, Board of Public Works, and prior membership on the Board of Zoning Appeals.

Minutes:

No additions or corrections noted for the August 14, 2023 Minutes. R. Farris made motion to approve the minutes – seconded by N. Burkhardt – Unanimous Consent Vote – all ayes – Final vote is five (5) in favor and none against – Motion carries.

*August 14, 2023 Minutes approved in accordance with motion and vote.*

## Renewals:

1. John Aaron & Jennifer Harmon – Conditional Use Permit for upscale consignment shop.  
Location: 1416 Bear St  
Zoned: Local Business (LB)  
One-Year Renewal
2. Anderson's Land Investments – Conditional Use Permit for Beauty & Barber services.  
Location: 2920 Clifty Dr  
Zoned: Light Manufacturing (M-1)  
One-Year Renewal
3. Andrew Legrand – Conditional Use Permit for a motor vehicle transportation business.  
Location: 2820 Clifty Dr  
Zoned: General Business (GB)  
One-Year Renewal
4. Carl Hungness – Conditional Use Permit for an apartment on the first floor only.  
Location: 318 Mulberry St  
Zoned: Central Business District (CBD)  
One-Year Renewal
5. Lena Burns – Conditional Use Permit for a residential daycare.  
Location: 124 Crestwood Dr  
Zoned: Medium Density Residential (R-8)  
One-Year Renewal
6. Monty & Nellie Mason – Conditional Use Permit for a mobile home.  
Location: 3341 W 400 N  
Zoned: Residential Agricultural (RA)  
One-Year Renewal
7. Susan L. Smith – Conditional Use Permit one (1) camper and one (1) boat with trailer June 1 through October 31 and up to two (1) additional campers for five (5) holidays.  
Location: 926 E Vaughn Dr  
Zoned: Open Space (OS)  
One-Year Renewal
8. Anna Lauderbaugh – Conditional Use Permit for a pet grooming business.  
Location: 1850 Adams Dr  
Zoned: Medium Density Residential (R-8)  
One-Year Renewal
9. Ryan Rodgers – Conditional Use Permit for short-term rentals.

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Location: 209 W First St

Zoned: Historic District Residential (HDR)  
One-Year Renewal

10. Ryan Rodgers – Conditional Use Permit for short-term rentals.

Location: 207 W First St

Zoned: Historic District Residential (HDR)  
One-Year Renewal

11. Michael Holcak – Conditional Use Permit for short term rentals.

Location: 1850 Adams Dr

Zoned: Historic District Residential (HDR)  
One-Year Renewal

S. Baldwin noted that Renewals #1, 3, 4, and 6 – 10 had been paid and made motion that these renewals be approved – seconded by N. Burkhardt – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motion carries.

**Renewals #1, 3, 4, and 6 – 10 renewed in accordance with motion and vote.**

S. Baldwin noted that Renewals #2, 5, and 11 had not paid their renewal fees and made motion that a letter be sent by the Attorney notifying that the renewals had not been paid and are therefore expired, but will be renewed if paid before the next meeting – seconded by N. Burkhardt – Roll Call Vote – All ayes – Final vote is five (5) in favor and none against – Motion carries.

**Renewals #2, 5, and 11 conditionally renewed in accordance with motion and vote..**

**Tabled Applications:**

1. **BZCU-23-59:** Jessica Lawless/New Life Fellowship – Conditional Use Permit for a daycare/childcare ministry.  
Location: 1542 Clifty Dr Zoned: Local Business (LB)

Jessica Lawless – 322 Marine St, Hanover – Wanting to open a daycare to help fill a need in the community and noted that they have the appropriate licensing and are regulated by the State accordingly. Additional discussion with the Board noted that the daycare will essentially operate as a not-for-profit organization for the church and the hours of operation would be Monday – Friday 6:30 AM to 5:30 PM

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

It was noted that this would be under Category 681.

**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.*

M. Acosta Yes.

R. Farris: Yes, I believe it is.

N. Burkhardt Yes, 681 is allowed in Local Business with a Conditional Use.

K. Eaglin Yes.

S. Baldwin I think 681 is appropriate.

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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.*

M. Acosta Yes, I think the additional childcare service to the community is very well within that.

R. Farris: Yeah, I think the applicants are meeting a need and the type of business fits in the category very well.

N. Burkhardt I agree with those comments.

K. Eaglin I agree with all the comments.

S. Baldwin It being 681 and that's in Section 7.00, that is part of the Comprehensive Plan, so that one is met.

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.*

M. Acosta Yeah, obviously being totally indoor, no new construction, and other than slightly more traffic, that would be the only thing that would even be noticed.

N. Burkhardt I agree, it doesn't change the character of the area.

R. Farris: Yeah, I think it fits in well with that area.

K. Eaglin Yes, it should be great for the neighborhood.

S. Baldwin The character of the area, I think since 1974, has been a church and now two churches. So, this is certainly, no different from a church, so I think that it changes nothing.

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

M. Acosta I don't see it having any impact at all.

R. Farris: Yeah, I don't see it having any impact on the neighborhood either.

N. Burkhardt I agree with that comment.

K. Eaglin No impact on it. Just positive use for our community.

S. Baldwin I do not think it will disturb the neighborhood.

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.*

M. Acosta Obviously, it's an operating facility now. They're not doing and construction to it, so should be no issue whatsoever.

R. Farris: Yeah, I think it will be served adequately. It's an existing structure with accommodations for a lot of people and now it will accommodate a lot of kids.

N. Burkhardt I think it's adequately served.

K. Eaglin I agree with all the previous comments.

S. Baldwin It's on Clifty Drive which is adequately served by all that stuff.

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6. *Will not create excessive additional requirements at public expense for public facilities and services and will not be* M. Acosta
- M. Acosta No, it's no additional public expenses at all.
- R. Farris: Yeah, I see no reason to believe it will be any of those things.
- N. Burkhardt It's actually a needed service in the community.
- K. Eaglin It's a needed service and it will help people along.
- S. Baldwin I agree, it's a necessary service today. I think that one is met.
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.*
- M. Acosta Other than an impact inside with the added kids, I don't see it having any impact at all.
- R. Farris: Yeah, I don't think the kids are going to make a noticeable difference in that area.
- N. Burkhardt I see no problem with all those.
- K. Eaglin I think it will be just fine.
- S. Baldwin We have other daycares in Madison, and there have never been any complaints to my knowledge, so I think there is probably no issue.
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.*
- M. Acosta No, the church has a large parking lot with multiple entrances. I don't think there is an impact whatsoever.
- R. Farris: I agree with Mr. Acosta's comments.
- N. Burkhardt I, too, agree with those.
- K. Eaglin I agree also.
- S. Baldwin I think this is not even an issue given there are two fairly large churches right there and it's never been a problem.
9. *Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.*
- M. Acosta It's got no exterior impact whatsoever.
- R. Farris: Yeah, so nothing's going to change, so it won't have a negative impact on any of those things.
- N. Burkhardt I see no negative impact there.
- K. Eaglin I see all positive with it.
- S. Baldwin I know of no historic features there. I think that is not even an issue.

S. Baldwin made motion to approve the application for a period of one (1) year – Seconded by N. Burkhardt – Roll Call vote – all ayes – Final vote is five (5) in favor and none against – Motion carries.

**Application BZCU-23-59 approved in accordance with motion and vote.**

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New Applications:

1. **BZCU-23-61:** Landon & Amy Ralston – Conditional Use Permit for home occupation for purchase and sales of firearms by appointment only.  
Location: 1970 Clifty Dr Zoned: Medium Density Residential (R-8)

Landon Ralston – 1970 Clifty Dr – Seeking a Conditional Use to allow purchase and sales of firearms by appointment only.

There was some discussion between the Board and the applicant regarding the types of sales to be performed and what would be separate from personal use. S. Baldwin also noted that there are similar uses in Sunrise and downtown as well with no prior complaints or issues. It was noted that the Conditional Use was required to complete the process for obtaining an FFL.

No further questions from the Board. Floor opened for public comment.

Judy Koehler – 414 Broadway – Also own property that adjoins the applicant's property and has expressed concerns regarding the safety of this business as a home occupation and upon discussing with other homeowners in the area, they wanted to submit a petition to deny the application.

S. Baldwin made motion to accept the remonstrance petition into the record – seconded by N. Burkhardt – Unanimous Consent Vote – all ayes – Final vote is five (5) in favor and none against – Motion carries.

**Remonstrance petition accepted into the record in accordance with motion and vote.**

Further in-depth discussion with the applicant, Board, and Ms. Koehler was conducted regarding the FFL process, conditions, and how regulations would apply to the Conditional Use and FFL permits and the oversight that is required.

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

It was noted that this would be under Category 111.

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.*

M. Acosta Yes, by your definition just a moment ago.

R. Farris: Yes, I think it meets the definition very well.

N. Burkhardt I agree. It meets the definition of home business and Category 111.

K. Eaglin I agree also with the Category of 111.

S. Baldwin It's a home business. It seems, to me, very straightforward. No employees besides the owner, so I think that one is met.

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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.*

M. Acosta I think so. It's the development of a home business and growing the business here.

R. Farris: Yeah, I agree as well. It's a home business and it fits in the general objectives of the City of Madison.

N. Burkhardt Category 111 is allowed in R-8 with a Conditional Use for the Comprehensive Plan.

K. Eaglin Yes, I agree with the home occupation and with this definition of home occupation with no signage, I believe it's a good use.

S. Baldwin Since it is Category 111, it fits the criteria of a home business. That is in accordance with the Zoning Ordinance.

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.*

M. Acosta No, I don't see it having any impact. There's no signage and the increase in traffic – the facility will not be changed or the appearance from the exterior.

R. Farris: Yeah, I agree as well. It's a home-based business we've already established. There will be no signage. It's by appointment only, so there shouldn't be an increase in traffic. Other than it looking like a house, no one will even know that a business is being run out of that residence.

N. Burkhardt I don't think it will change the essential character with specific conditions we can put in a motion.

K. Eaglin I agree with all those comments. It's going to look like a home and continue to look like a home.

S. Baldwin General character of the area is those nice homes out there with large yards. I do not see a business run with suitable conditions affecting it. I think that one is met.

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

M. Acosta I don't see it providing anything hazardous or disturbing. I think the description he's given of how the business would be ran by appointment only, 8 to 5, should not be inviting crime or anything of that nature.

R. Farris: Yeah, per the applicant's testimony., there is not going to be any practice shooting by clients of their purchased weapons, so I see no reason to believe it is going to be disturbing to the neighbors.

N. Burkhardt I see no disturbance, again, according to specific conditions in the motion.

K. Eaglin Yes, I agree. It's not going to hurt the neighborhood. I think it's just going to be a nice home business.

S. Baldwin With no inventory there, I think the neighborhood is safe. I think that one is met.

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.*

M. Acosta No, it's an existing home and continue to be an existing home.

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- R. Farris: Yeah, it's going to look like a residence and nobody will know the difference.
- N. Burkhardt I think all services are adequately covered there.
- K. Eaglin Yeah, I see no change in utilities or otherwise.
- S. Baldwin I don't even think this is an issue in this case.
6. *Will not create excessive additional requirements at public expense for public facilities and services and will not be* M. Acosta
- M. Acosta No, there will be no additional requirements.
- R. Farris: No, I see no reason to believe there will be additional expense at the public cost and it won't be detrimental to the economic welfare of the community.
- N. Burkhardt Yeah, I see no detriment to the welfare of the community.
- K. Eaglin I agree with all the comments.
- S. Baldwin We heard no testimony from realtors or anybody that says this would adversely affect property values. We've had experience in this town in another somewhat similar neighborhood having a firearms service and there have been no complaints, no knowledge of detriments. So, I think that one is met.
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.*
- M. Acosta No, pertaining to the business, there will be no ammunition, no discharge of weapons or anything of that nature.
- R. Farris: Yeah, the operation of the business will not be detrimental to any of those things listed.
- N. Burkhardt I agree. I see no detriment with the conditions in the motion
- K. Eaglin I see all the conditions in the neighborhood just staying the same with this business running.
- S. Baldwin Since there will be no inventory of firearms or storage of large quantities of gunpowder or primers or any of that stuff, I see no 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.*
- M. Acosta I see no issue with that, as mentioned, this would be by appointment only. We're talking about one vehicle at a time.
- R. Farris: Yeah, I agree with that as well as long as the conditions are that it is one customer at a time – by appointment only.
- N. Burkhardt I agree with that comment with the conditions.
- K. Eaglin I agree with that comment.
- S. Baldwin By appointment only is not going to create a large traffic volume.
9. *Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.*
- M. Acosta No, it won't change anything that is there today. It will just continue to be the gentleman's home.

R. Farris:        Yep, it will look like a residence and nobody will know the difference.

N. Burkhardt Yeah, I see no problem with that one either.

K. Eaglin      Nothing will change.

S. Baldwin I don't even think that's an issue at all in this case.

S. Baldwin made motion to approve the application for a period of one (1) year with the following Conditions: (1) No signage allowed (2) No inventory other than personal (3) No website (4) No sales of ammunition or parts of ammunition (5) Hours of 8:00 AM to 5:00 PM by appointment only – Seconded by M. Acosta – Roll Call vote – all ayes – Final vote is five (5) in favor and none against – Motion carries.

*Application BZCU-23-59 approved in accordance with motion and vote.*

- [illegible]

Jacqueline Greene – 1215 W Main St – Due to the nature of the narrow lot lines, a variance is needed to build an adequately sized carport.

There was some brief discussion regarding the nature of being downtown and how this property compares to others in the vicinity and the overall R-8 and HDR requirements.

No further comments from the Board or 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.*

M. Acosta No, not all. It simply allows the applicant to utilize the property in similar ways to others.

R. Farris: I see no reason to believe it will be injurious to any of those things.

N. Burkhardt    No, I think she is improving her property, in fact.

K. Eaglin Yeah, I think with it being anchored in concrete, the safety factor is there.

S. Baldwin I see no problem here. It's actually less than a garage, and we've heard no testimony otherwise.

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

M. Acosta No, it will not have any impact. Maybe a slight positive impact.

R. Farris: Yeah, I think it will have a positive impact on the area and adjacent properties. She's basically asking to do the same thing that her neighbors are doing.

N. Burkhardt Yes, I agree with that comment.



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K. Eaglin Yeah, I think this is just, in that neighborhood, there is a lot of outdoor living space and different things going on down there. I think this is just going to add to that and I think it will be positive in the neighborhood.

S. Baldwin Nobody has spoken either way. There have been no realtors, no recognized authorities. So, I think that one is met.

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

M. Acosta As Mr. Baldwin talked about earlier, we run into this in downtown Madison quite often. Developed in the manner that they are, the sizes, the practical difficulty here is the strict application of the Ordinance you couldn't use a house, let alone build anything new on it.

R. Farris: Yeah, with the shape of the property with the existing lot lines, the strict application of the Ordinance would probably prevent the applicant from building just about anything.

N. Burkhardt I agree with those comments.

K. Eaglin Yes, like I said earlier, it just adds the outdoor living that people are doing in downtown Madison now.

S. Baldwin This is a classic case, as it was said, lots were laid out a long time ago. R-8 zoning applied to a lot that shouldn't really be R-8. A house already – you could not add a simple roof to your porch if you follow strictly the Zoning Ordinance. You couldn't have a carport. The neighbors couldn't. So, there are abundant practical problems as so often happens downtown. I think that one is well met.

N. Burkhardt made motion to approve the application – Seconded by K. Eaglin – Roll Call vote – all ayes – Final vote is five (5) in favor and none against – Motion carries.

***Application BZVD-23-13 approved in accordance with motion and vote.***

3. **BZVU-23-3:** Aaron Grubbs – Variance of Use for placement of a storage shed on the property and to continue to utilize the property for automobile repair services.

Location: 1019 Walnut St

Zoned: Medium Density Residential (R-8)

Aaron Grubbs – 4607 N SR 62 – Operate a business at 1019 Walnut St.

There was some discussion with the Board and applicant regarding the past use of the property as a mechanic shop and how the past buildings and layout had been approved. This would require permission from DNR and the new storage shed would fit within the existing footprint and blend in.

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

**Findings of Fact**

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

M. Acosta No, not at all.

R. Farris: No, I don't believe it will.

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N. Burkhardt No. Mr. Grubbs has shown he keeps a neat area for the past three years, so I don't see any change in that.

S. Baldwin I do not see any issues here allowing an improvement on a use which this Board previously granted.

K. Eaglin I agree with all those comments.

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

M. Acosta No, I think as the applicant has shown, since he only continues to improve that area, this will be another improvement, so, obviously no negative impact.

R. Farris: Yeah, I think the applicant takes pride in keeping the place looking very nice and I see no reason to believe that this won't fit in with that same philosophy.

N. Burkhardt I agree. I see no negative impact.

K. Eaglin I see nothing negative and let's hope the creek doesn't rise.

S. Baldwin There has been none – it really has never been any bad impacts on property values either with Darrell's Tire was there, now that you're there. That one is well met.

3. *The need for the variance arises from some condition peculiar to the property involved.*

M. Acosta You know, in general, being downtown, we find so much peculiar. Obviously, that particular location, is extremely unique. Again, has a history with it. I think a Variance of Use, I agree with our Chairman, is to be used for those super special situations and I see this as one of those.

R. Farris: Yeah, I think the peculiarity is that it was an existing business prior to zoning. It's survived as a business location, but the current zoning definitions prohibit the current use of what the applicant is intending to do.

N. Burkhardt I agree, he already has a Variance for the property he has and this is just within the parameters of that property.

K. Eaglin Weel, he also needs the storage plus he also has committed to us that the storage will be inside and not out and this will just add to that property and to the looks of the neighborhood.

S. Baldwin The peculiar problem with this property is in R-8 because of zoning because of the nature of the zoning ordinance and it never was proper for that zoning, but it's been there for years and, since prior to that, we saw fit, this Board saw fit, to allow for a Variance of Use. This one is even less because it's simply for storage on the property. So, the peculiarity is the conditions itself.

4. *The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.*

M. Acosta Again, the location and uniqueness of the buildings and adjacent to the creek and the floodplain. Again, a unique situation that if you follow the strict guidelines of the ordinance. Not only could you not place building, but you may be going back to the original Variance of Use that was issued for them for the business.

R. Farris: Yeah, the hardship is that the applicant wouldn't be able to add the needed storage for his business and, as we've already discussed, the peculiarities of this location are such that we're trying to allow him to continue to run his business.

N. Burkhardt I agree with those prior comments. He wouldn't be allowed to put the storage needed.

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K. Eaglin Yes, I think you keep the business running and, especially as it is, he needs the storage. With the uniqueness of the area, I think it's perfect.

S. Baldwin He needs storage, but he couldn't do it under the strict terms of the Zoning Ordinance. So, I think that's a pretty big hardship.

5. *The approval does not interfere substantially with the Comprehensive Plan.*

M. Acosta No, in the contrary, I think it keeps – allows – a thriving business to continue to grow which is very much in tune with the Comprehensive Plan.

R. Farris: Yeah, I agree with Mr. Acosta's comments.

N. Burkhardt I agree. It doesn't interfere. He's trying to keep things neat and clean there and the storage shed will only help.

K. Eaglin Yes, I agree it just adds to his business and the looks of the business.

S. Baldwin I think Mrs. Burkhardt put it very well.

R. Farris made motion to approve the application – Seconded by N. Burkhardt– Roll Call vote – all ayes – Final vote is five (5) in favor and none against – Motion carries.

***Application BZVU-23-3 approved in accordance with motion and vote.***

4. **BZCU-23-68:** Kelly Rodgers – Conditional Use Permit to allow for short and long-term rentals.  
Location: 604 Mulberry St Zoned: Historic District Residential (HDR)

Applicant not present. S. Baldwin made motion to table the application to next month's regular meeting (Tuesday, October 10, 2023) – Seconded by N. Burkhardt– Unanimous Consent Vote – all ayes – Final vote is five (5) in favor and none against – Motion carries.

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

5. **BZCU-23-69:** Cynthia Johnson – Conditional Use Permit to allow for short-term rentals.  
Location: 209 East St Zoned: Historic District Residential (HDR)

Kathy Courtney – Railroad Court in Madison on the Hilltop – Here to represent Cindy and noted that she is recognized as a Super Host at three other properties with Airbnb and wants to expand to add an additional property for Airbnb in Madison.

The Board discussed the layout of the property, how parking would be handled, and reviewed the House Rules as well as reviewed how the property would be managed and taken care of locally.

No further questions or comments from the Board. Floor opened for public comment.

Shelby Murphy – 418 E Second St – Expressed concerns regarding parking at the property and how past use has blocked their access to their own property, including times where they were unable to leave home due to cars blocking them in. Wanted to ensure that would not be the case going forward. The Board discussed how the conditions could apply in this case and that the House Rules address the parking.

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No further comments from the public or the Board.

S. Baldwin noted this would be for Category 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.*

M. Acosta Yes.

R. Farris: Yes, I do.

N. Burkhardt Yes.

K. Eaglin Yes.

S. Baldwin 581 has been used before for these.

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.*

M. Acosta Yeah, I think with the Zoning Ordinance allowing the Conditional Use as well as the Comprehensive Plan inviting some more tourism and stuff to the area.

R. Farris: Yeah, I think it fits in well with the general objectives and the City's Comprehensive Plan. This is just another example of this type of application the Board gets a lot.

N. Burkhardt Yes, 581 is allowed in Historic District with a Conditional Use.

K. Eaglin Madison has become a destination for a lot of folks. They like to visit Madison, so I think this just adds. The character of the neighborhood, I don't think, will be hurt by this usage.

S. Baldwin Yes, tourism is certainly one of the general objectives.

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.*

M. Acosta Yes, there's no change to the physical building or the layout or anything of that nature.

R. Farris: Year, there's not going to be any changes to the structure. It's going to look like a house that's already sitting there.

N. Burkhardt I see no change in the character of the area.

K. Eaglin Yeah, I see the same thing. I think the parking won't be an issue if supervised.

S. Baldwin The area is residential, but Airbnb type things are all over the place, so I think that one is met.

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

M. Acosta No, I think listening to the potential issues that may be there and with proper House Rules, I think having a local representative to monitor on a daily-type basis, I don't think there will be an issue with that.

R. Farris: I agree with Mr. Acosta's comments.

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N. Burkhardt I agree. I see no disturbance to the neighborhood.

K. Eaglin I agree.

S. Baldwin Given enforcement of the Rules, I think that one is met.

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.*

M. Acosta Yeah, again, it's an existing building using the existing resources.

R. Farris: I agree. It's an existing structure that has been there for a long time and it won't require any additional services.

N. Burkhardt It's adequately served by services.

K. Eaglin Yeah, I see no change in utilities.

S. Baldwin I don't even think this one is an issue.

6. *Will not create excessive additional requirements at public expense for public facilities and services and will not be* M. Acosta

M. Acosta No. I think, if anything, it would be a benefit.

R. Farris: Yeah, I think it has a positive impact on the community.

N. Burkhardt I agree. I see no detriment to the economic welfare.

K. Eaglin Yeah. I do think it's a positive.

S. Baldwin I do not think it's going to harm the welfare of Madison.

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.*

*traffic on surrounding public thoroughfares.*

M. Acosta I think, going back the House Rules, with quiet times established. Obviously, there are concerns with parking, but I think, for some of the Board members that are very familiar with the area, don't consider than an issue. Obviously, we don't want the parking blocking the neighbors, but I think we're good with this.

R. Farris: Yeah, I don't think any of those things are going to be a problem. I think with good communication with the owners, Airbnb, and through our motion, we can address any potential issues there.

N. Burkhardt I agree. I don't think there's going to be any detriment. Traffic I think, if anything, would just be a spot problem that would happen at any time, which happened in the past when you had people living there, but I don't see any big problem with that. I think traffic would probably affect the most in the front there and I just don't see a problem there.

K. Eaglin Yeah, I was glad to see the property manager here and to listen to all the concerns. I think it will be made well because of that participation.

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S. Baldwin I don't think any of these couldn't be addressed by enforcement of the Rules with a local manager. Traffic, no issue. Parking, as it was pointed out, it was previously a private residence with a number of cars, so I don't see a problem there.

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

M. Acosta This is all street parking. There's no issue. Obviously, adequate roadway around this.

R. Farris: Yeah, I don't approving this as a short-term rental is going to change any aspects about the vehicular approaches and traffic in that area.

N. Burkhardt I agree with those comments.

K. Eaglin It should not be an issue.

S. Baldwin I don't think there will be an overwhelming of traffic on that. Not much of an issue.

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

M. Acosta No, I don't see any impact there. It's managed by the Historic District and they keep close tabs on that.

R. Farris: Yeah, I don't think anything is really going to change so things will maintain themselves as they are.

N. Burkhardt I agree. There has been no change. In fact, they've maintained it well from previous owners.

K. Eaglin I see no changes in the neighborhood because of this.

S. Baldwin I think it's preserving that historic house.

S. Baldwin made motion to approve the Conditional Use for a period of one (1) year with the Condition that the submitted Rules are followed with Quiet Hours of 11:00 PM to 8:00 AM and the Rules include notifying the tenants that there is no parking in the alley and there be posted signs to that effect. – Seconded by M. Acosta – Roll Call vote – all ayes – Final vote is five (5) in favor and none against – Motion carries.

***Application BZCU-23-69 approved in accordance with motion and vote.***

No further business brought before the Board.

S. Baldwin made motion to adjourn – Seconded by N. Burkhardt – Unanimous Consent vote – Final vote is five (5) in favor and none against – Motion carries.

***Meeting adjourned at 7:54pm in accordance with motion and vote.***

BY ORDER OF THE CITY OF MADISON BOARD OF ZONING APPEALS

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Scott Baldwin, Chairman

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Joe Patterson, Secretary/Associate Planner