

The City of Madison Board of Zoning Appeals held a regular meeting on Tuesday, November 12, 2024, at 6:00 p.m. in City Hall. Scott Baldwin presided over the meeting with the following additional Board Members present: Nancy Burkhardt, Mark Acosta, Rick Farris. Also present: Ray Dibaya, Secretary/Associate Planner and Devon Sharpe; Attorney. Absent: Karl Eaglin; Board Member, and Nicole Schell; Director of Planning.

S. Baldwin noted that due to various reasons the October 15th Meeting Minutes were not ready and would be approved at the next meeting.

1.	Baird Homes, Inc. – Conditional Use Permit for new and manufactured home sales. Location: 3041 W Clifty Dr	Zoned: General Business (GB) One-Year Renewal
2.	Phillip & Angela Lobb – Conditional Use Permit for a guest house (second floor of residence). Location: 213 Jefferson St	Zoned: Central Business District (CBD) One-Year Renewal
3.	Paul Francis – Conditional Use Permit for in-home gunsmithing services. Location: 1929 Hillview Ct	Zoned: Low Density Residential (R-4) One-Year Renewal
4.	Samantha Greer – Conditional Use Permit for short-term rentals. Location: 233 W First St	Zoned: Historic District Residential (HDR) One-Year Renewal
5.	Deborah Watkins – Conditional Use Permit for short-term rentals. Location: 128 West St	Zoned: Central Business District (CBD) One-Year Renewal
6.	Ahmed Alcuma – Conditional Use Permit for selling Cigars, Cigarettes, Vaping products and related accessories. Location: 114 E Main St	Zoned: Central Business District (CBD) One-Year Renewal

S. Baldwin noted that Renewals #1, 2, 3, 5, and 6 had been paid. S. Baldwin made the motion that the renewals that had been paid be approved – Seconded by N. Burkhardt – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motion Carries.

Renewals #1, 2, 3, 5 and 6 were renewed in accordance with the motion and vote.

S. Baldwin noted that Renewal #4 had not been paid. S. Baldwin made the motion that the Attorney send a letter informing her that her renewal is in arrears, however if she pays the fees by the next meeting it will be renewed – Seconded by M. Acosta – Unanimous Consent Vote – Final vote is four (4) in favor and none against – Motion Carries.

Renewal #4 was conditionally renewed in accordance with the motion and vote.

S. Baldwin noted that Renewal #8 had not been paid. S. Baldwin made the motion that instructed a letter be sent by the Attorney that indicated they have not paid their renewal fee and their Conditional Use is expired;

R. Dibaya explained that due to the proximity of the property to the adjacent properties, they would need a Variance to bring the property into compliance with the Ordinance.

S. Baldwin noted that this is a common occurrence for properties located in Downtown Madison.

D. Sharpe stated that his property was an adjoining property, and he had no issue with the request.

S. Baldwin then went into the Finding of Facts.

Findings of Fact

1. *Will this variance be injurious to the public health, safety, morals, and general welfare of the community?*

M. Acosta: No, I don't see it changing anything.

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

N. Burkhardt: No, I don't see a problem.

S. Baldwin: The building's been there for a long time and the general welfare has not been harmed, I think that one's met.

2. *Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?*

M. Acosta: No, again, granting this Variance doesn't change any of those situations.

R. Farris: No, I mean, the property already has by default zero (0) feet setbacks so just approving this application will just bring it into conformance.

N. Burkhardt: I agree with that comment.

S. Baldwin: We've already heard testimony from an adjacent property owner who had no problems, I think that one's met.

3. *Will the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property?*

M. Acosta: Now as the previous applicant, it just ties his hands on doing anything. It's not changing the existing structure in any way, it's just as we see so many times in Downtown where small narrow lots and the setbacks don't make sense.

R. Farris: I agree with everything Mr. Acosta said, it's an old Downtown property. There were no zoning requirements. I think the age of the property is the peculiarity in this case.

N. Burkhardt: I agree. That property has been there for a long time we're just bringing it into conformance.

S. Baldwin: I agree with Mrs. Burkhardt. I think she put it very well.

S. Baldwin made the motion to approve the application as submitted – Seconded by M. Acosta – Roll Call Vote – all ayes - Final Vote is four (4) in favor and none against – Motion Carries.

Application BZVD-24-45 was approved in accordance with the motion and vote.

2. **BZCU-24-62:** Darcy Leeseberg – Conditional Use Permit for a Convenience store containing a restaurant with a drive-thru and fuel station.

Location: 1200 Clifty Dr

Zoned: Heavy Manufacturing District (M-2)

John Lapointe – 3708 Swann Blvd, Tampa, FL – a representative of the applicant approached the podium and explained the request for the Conditional Use Permits. J. Lapointe explained that the drive-thru was more of a Order-up window where customers receive a text and pick it up at the window. He added that they opted to submit a Conditional Use Permit as opposed to rezoning the property, as it was harmonious with the adjacent properties.

S. Baldwin asked J. Lapointe if they were purchasing the land or leasing it, to which J. Lapointe responded that they planned on purchasing it contingent on subdividing a portion of the property.

A brief discussion was had about drainage, parking, and access points between S. Baldwin and J. Lapointe.

R. Farris asked J. Lapointe how long he'd like the renewal term to last.

J. Lapointe responded that he'd prefer a longer renewal term if possible.

S. Baldwin then went into the Findings of Fact.

Findings of Fact

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?*

M. Acosta: Yes.

R. Farris: Yes, I believe they are.

N. Burkhardt: Yes.

S. Baldwin: I agree they are the proper ones.

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?*

M. Acosta: Yeah, I believe so. More services offered to the citizens and visitors.

R. Farris: Yeah, I believe it is. We're pro-business.

N. Burkhardt: Those categories are allowed with a Conditional Use Permit.

S. Baldwin: Since they are in section seven (7) which lays out what the Zoning Ordinance and comprehensive plan are, that one's met.

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?*

M. Acosta: No, it can be similar to other properties right in the immediate area. Makes use of a vacant area that quite frankly had gone unused for quite some time.

R. Farris: Yeah, I couldn't agree more with Mr. Acosta.

N. Burkhardt: I agree with those comments.

S. Baldwin: It's another gas station in an area with gas stations and stores, I think that's the general area.

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

M. Acosta: No, like I said, similar businesses in the immediate area so no disruption or hazard.

R. Farris: Yeah, I think it fits in very well with the neighborhood.

N. Burkhardt: I agree, it's similar to other businesses in the area.

S. Baldwin: I think that one's met I can't see it disturbing anything.

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?

M. Acosta: No issues there, the area is serviced very well.

R. Farris: Yeah, it's on two main thoroughfares. I think all services will be sufficient.

N. Burkhardt: I see no issues with that one.

S. Baldwin: It's amply met, it's on one of the main entrances to Madison.

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?

M. Acosta: I see no impact with that, if anything, maybe a benefit to the welfare of the community.

R. Farris: Yeah, I agree. I don't see any excessive public expense, and I do think it will serve the community.

N. Burkhardt: I agree with those comments.

S. Baldwin: It's another business, I see no harm to our economic welfare.

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?

M. Acosta: No, I see no issue with any of those.

R. Farris: No, I don't think there's any issues there.

N. Burkhardt: No, I don't see a problem with that.

S. Baldwin: I agree, there will be no problems here.

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?

M. Acosta: I don't see any such issue as you mentioned, INDOT's already approved the entrances and the flow, so I don't see any impact with that.

R. Farris: Yeah, I think the applicant has already done their homework and gotten approval for that so, I think all conditions are met.

N. Burkhardt: I agree that all conditions are met.

S. Baldwin: If it's good enough for INDOT it's good enough for me.

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

M. Acosta: No, it's going to take an open lot an become useful to the community.

R. Farris: I agree with Mr. Acosta.

N. Burkhardt: I see no problem with that one either.

S. Baldwin: I know of no natural, scenic, historic features there, so I think that one's met.

S. Baldwin made the motion to approve the application as submitted with a renewal term of thirty (30) years – Seconded by M. Acosta – Roll Call Vote – all ayes - Final Vote is four (4) in favor and none against – Motion Carries.

Application BZCU-24-62 was approved in accordance with the motion and vote.

[illegible]

Scott Lynch – 1800 Valley Vista Dr – a representative of the applicant approached the podium and explained that the applicant would like to continue to operate the property in its current use which was a short-term rental.

S. Baldwin noted that the BZA previously approved the Conditional Use Permit for the previous owners for that property.

S. Baldwin then briefly reviewed the House Rules and parking for the property.

N. Burkhardt asked S. Lynch if somebody would be able to manage the short-term rental, to which he responded yes.

S. Baldwin noted that because an identical use was approved two (2) years prior and the property has only changed owners who intend to use it for the same use, he would expedite the Findings of Fact and ask if anyone had any objections.

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?*

M. Acosta: No objections.

R. Farris: No objections.

N. Burkhardt: No objections.

S. Baldwin: No objections.

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?*

M. Acosta: No objections.

R. Farris: No objections.

N. Burkhardt: No objections.

S. Baldwin: No objections.

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?*

M. Acosta: No objections.

R. Farris: No objections.

N. Burkhardt: No objections.

S. Baldwin: No objections.

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

M. Acosta: No objections.

R. Farris: No objections.

N. Burkhardt: No objections.

S. Baldwin: No objections.

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?*

M. Acosta: No objections.

R. Farris: No objections.

N. Burkhardt: No objections.

S. Baldwin: No objections.

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?*

M. Acosta: No objections.

R. Farris: No objections.

N. Burkhardt: No objections.

S. Baldwin: No objections.

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?*

M. Acosta: No objections.

R. Farris: No objections.

N. Burkhardt: No objections.

S. Baldwin: No objections.

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?*

M. Acosta: No objections.

R. Farris: No objections.

N. Burkhardt: No objections.

S. Baldwin: No objections.

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

M. Acosta: No objections.

R. Farris: No objections.

N. Burkhardt: No objections.

S. Baldwin: I will note there they are simply continuing to preserve a nice, old Historic building.

N. Burkhardt made the motion to approve the application as submitted with a renewal term of one (1) year – Seconded by – M. Acosta – Roll Call Vote – all ayes – Final Vote is four (4) in favor and none against – Motion Carries.

Application BZCU-24-64 was approved in accordance with the motion and vote.

Old Business:

1. Lena Burns – Conditional Use Permit for a residential daycare (maximum of 16 children, hours 7:00am – 5:00 pm)
Location: 124 Crestwood Dr
Zoned: Historic District Residential (HDR)
One-Year Renewal
2. Jessica Lawless/New Life Fellowship – Conditional Use Permit for a daycare/childcare ministry.
Location: 1542 Clifty Dr
Zoned: Local Business (LB)

One-Year Renewal

3. Steve Buchanan – Conditional Use permit for a laser tag facility.
Location: 2587 Cragmont St Zoned: General Business (GB)

Two-Year Renewal
4. Aaron P. Wood – Dark Phoenix Productions – Conditional Use permit for production, editing, audio, visual and administrative services for motion picture development.
Location: 606 E Main St Zoned: Specialty District (SD)

Two-Year Renewal
5. Ellen Troutman – Conditional Use Permit to allow for an event center and short-term rental/lodging.
Location: 402 W Main St Zoned: Specialty District (SD)

Two-Year Renewal

S. Baldwin noted that Renewal #2 has requested to let the Conditional Use Permit expire, Renewal #4 had paid, and Renewal #3 was no longer in use.

S. Baldwin made the motion that the Attorney send a letter to L. Burns indicating that her Conditional Use Permit had expired but will be renewed if she pays her fees by the next meeting – Seconded by N. Burkhardt – Unanimous Consent vote – Final vote is four (4) in favor and none against – Motion carries.

Renewals #1 conditionally renewed in accordance with the motion and vote.

S. Baldwin asked R. Dibaya if he were able to get in contact with E. Troutman to which he responded no.

D. Sharpe stated that he could get in contact with her.

S. Baldwin made the motion that the Attorney send a letter to E. Troutman indicating that her Conditional Use Permit had expired but will be renewed if she pays her fees by the next meeting – Seconded by N. Burkhardt – Unanimous Consent vote – Final vote is four (4) in favor and none against – Motion carries.

Renewals #5 conditionally renewed in accordance with the motion and vote.

No further business brought before the Board.

M. Acosta made the motion to adjourn – Seconded by N. Burkhardt – Unanimous Consent vote – Final vote is four (4) in favor and none against – Motion carries.

The meeting adjourned at 6:47 p.m. in accordance with the motion and vote.

BY ORDER OF THE CITY OF MADISON BOARD OF ZONING APPEALS

Scott Baldwin, Chairman

Ray Dibaya, Secretary/Associate Planner