



PROJECT BRIEF –BZCU-25-8

Application Date: 04/10/2025

Meeting Date: 05/12/2025

Application Description:

An application has been filed for a Conditional Use Permit for Cat. 581: Retail - Hotels, Tourist Courts, Tourist Home, Residential Hotel, Motels & other Transient Housing.

Current Zoning: Central Business District (CBD)	Project Location: 319 Central Ave
Applicant: Timothy Waters	Owner: Same

Preliminary Staff Recommendation: Approve with Conditions

Conditions:

1. Renewal period of 1 year
2. Adherence to the rules provided with the application
3. Occupancy limit of 2 people per occupiable bedroom (6 guests)

Reasoning:

The limit of people per occupiable bedroom ensures that parking is available for guests.

History, Relevant Information, & Prior Approvals:

History:

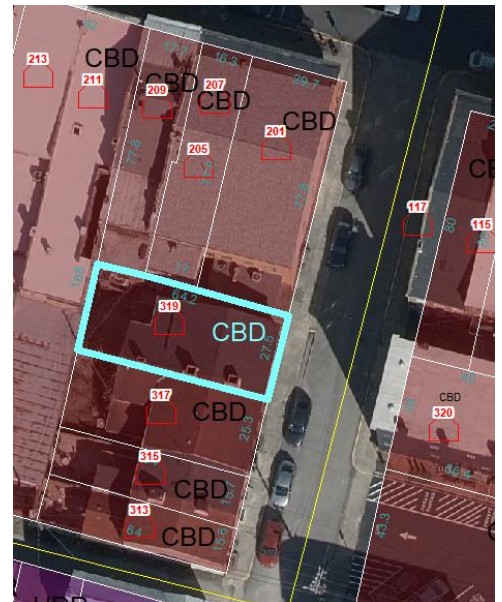
Relevant Information:

1. Property listed as a 3-bedroom, 2 bath on Zillow posting. Staff is concerned about the request to allow 10 guests.
2. City Hall's parking lot is considered a private lot and is only open to the public after business hours. This property cannot provide off-street parking and the availability of parking should be considered by the board.

Prior Approvals: NA

Surrounding Zoning and Land Use:

North: Central Business District (CBD)
South: Central Business District (CBD)
East: Central Business District (CBD)
West: Central Business District (CBD)



Comprehensive Plan, Ordinances, & Finding of Fact

Comprehensive Plan:

Future Land Use Designations (pg. 74-78)

DOWNTOWN CORE

This designation refers to the downtown core which encompasses much of area along Main Street and extends to the river between West and East streets. There are a mix of uses (residential, commercial, civic) contained in the 133-block historic district. Development occurs on an urban grid traversed by major thoroughfares (Main Street, Michigan Road, SR 7 and US 421). Like the Neighborhood Mixed- Use designation above, vacant lots should be redeveloped with compatible infill that reflects the desired character of the neighborhood. Chapter 8: Targeted Redevelopment outlines redevelopment opportunities, several of which occur in the downtown core. Enhancing and maintaining connectivity, infrastructure and utilities must be approached in a proactive manner.

Ordinance:

SECTION 6.21 – CENTRAL BUSINESS DISTRICT (CBD) (pg. 78-79)

C. Restrictions for Conditional Uses

1. All conditional uses permitted in the Official Schedule of Uses shall conform to the General Restrictions. In addition, the following restrictions, as appropriate, shall be observed.

Finding of Fact:

Finding of Fact #1 - Do you agree this is in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of Uses adopted by Section 7.00 for the zoning district involved?

The applicant has provided the following response:	Yes, category 581 is a conditional use for Central Business District
Staff Response:	Yes, cat. 581 is a conditional use within CBD.

Finding #1 has been satisfied.

Finding of Fact #2 - Do you agree this will be harmonious with and in accordance with the general objectives, or with any specific objectives of the City's Comprehensive Plan and/or the Zoning Ordinance?

The applicant has provided the following response:	Yes, property will remain a single family residence
Staff Response:	Yes, the use as a short term rental meets the objectives.

Finding #2 has been satisfied.

Finding of Fact #3 - Do you agree this will be designed, constructed, 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?

The applicant has provided the following response:	Yes, property's historical character and architectural elements will be maintained.
Staff Response:	Yes, building is already constructed and will be maintained as a residential structure.

Finding #3 has been satisfied.

Finding of Fact #4 - Do you agree this will not be hazardous or disturbing to existing or future neighboring uses?

The applicant has provided the following response:	Yes, strict adherence to and enforcement of established house rules.
Staff Response:	If rules provided by the applicant are adhered to, this should not be disturbing to the neighbors.

Finding #4 has been satisfied.

Finding of Fact #5 - Do you agree this will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, 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?

The applicant has provided the following response:	Yes, no changes in public facilities or services required for this use.
Staff Response:	Yes, all public facilities and services currently exist for this structure.

Finding #5 has been satisfied.

Finding of Fact #6 - Do you agree this will not create excessive requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community?

The applicant has provided the following response:	Yes, this use will not create any additional public expense nor be detrimental to the economic welfare.
Staff Response:	This should not create excessive requirements at the public's expense.

Finding #6 has been satisfied.

Finding of Fact #7 - Do you agree this 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?

The applicant has provided the following response:	Yes, see attached house rules
Staff Response:	If rules provided by the applicant are adhered to, this should not be disturbing to the neighbors. The only concern is the amount of vehicles allowed at the short term rental. Staff recommends limiting the occupancy or number of vehicles allowed.

Finding #7 has been satisfied with the proposed conditions.

Finding of Fact #8 - Do you agree this will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares?

The applicant has provided the following response:	Yes, this use will not create interference with traffic. Vehicles will have access to on-street parking in front of the property and at nearby public parking lots
Staff Response:	City Hall's parking lot is considered a private lot. Staff recommends limiting the occupancy or number of vehicles allowed.

Finding #8 has been satisfied with the proposed conditions.

Finding of Fact #9 - Do you agree this will not result in the destruction, loss or damage of natural, scenic, or historic features of major importance?

The applicant has provided the following response:	Yes, the residence is in good repair, and all historical and architectural elements shall remain and be maintained.
Staff Response:	Yes, the structure will be maintained.

Finding #9 has been satisfied.



BZCU-25-8

Conditional Use Permit

Status: Active

Submitted On: 4/10/2025





Primary Location

319 CENTRAL AVE
MADISON, IN 47250

Owner

WATERS TIMOTHY A &
REBEKAH R
MADISON PIKE 5241
Independence, KY 41051

Applicant

 Timothy Waters
 859-760-1469
 twaters.taw@gmail.com
 5241 Madison Pike
Independence, KY 41051

General Information

Are you the property owner?*

Yes

Permit Information

Type of Application

Initial Application

Zoning Classification

Central Business District (CBD)

Legal Description of Property

319 Central Ave., Madison, IN

Description of Existing Use

Single Family Residence

Description of Proposed Use

Single Family Residence as a Tourist House / Short Term Rental

Proposed Schedule of Uses Category #

581

Narrative

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, category 581 is a conditional use for Central Business District

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, property will remain a single family residence

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, property's historical character and architectural elements will be maintained.

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

Yes, strict adherence to and enforcement of established house rules.

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, no changes in public facilities or services required for this use.

Narrative (Continued)

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, this use will not create any additional public expense nor be detrimental to the economic welfare.

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?*

Yes, see attached house rules

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?*

Yes, this use will not create interference with traffic. Vehicles will have access to on-street parking in front of the property and at nearby public parking lots

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


Yes, the residence is in good repair, and all historical and architectural elements shall remain and be maintained.

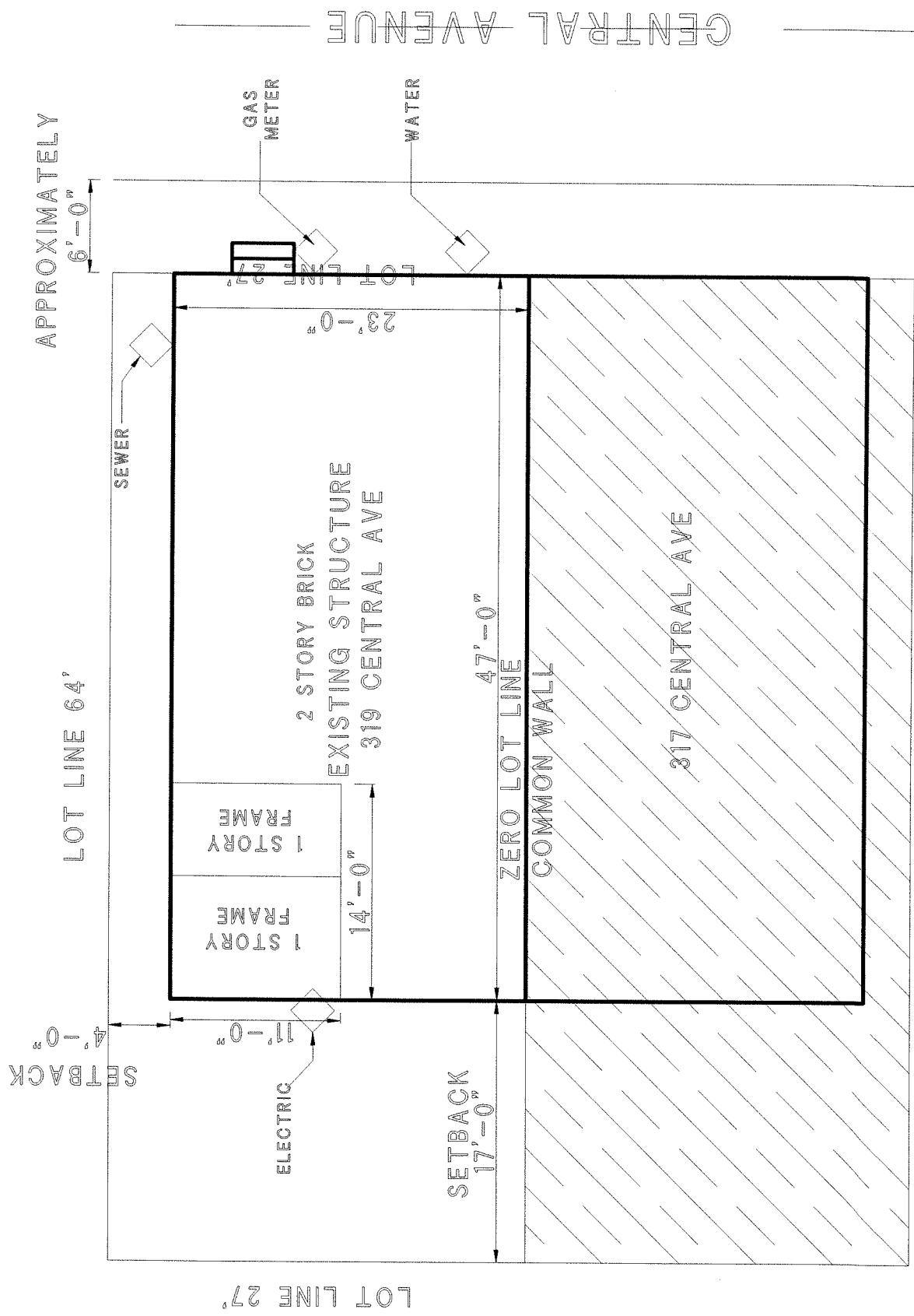
Acknowledgement

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.

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.

Digital Signature*

 Timothy Waters
Mar 25, 2025



All we ask is that you treat this residence the exact same way that you would want a guest to treat your own home :)

Please also acknowledge the following:

1. Based on past experiences, we do not host groups who are all 21 years of age or younger. If your group is 21 years of age or younger, please do not place a reservation without written pre-approval from us. Failure to do so will result in termination of your reservation.
2. Locals are not allowed to place a booking without pre-approval from us. This is to prevent locals from using our residence as a party house.
3. Please note that we only release door codes to the person who booked the reservation, and you may be asked to provide valid, government issued photo ID before check in.
4. 10 Guests Maximum and all guests must be accounted for in the reservation. All guests entering the residence/building at any point in time counts as a guest. Any extra guests not disclosed before arrival will lead to an immediate termination of the reservation and/or a fee per extra guest, at the host's discretion. We will also seek compensation for any damages that are found upon our subsequent inspection of the property. We do have a camera outside the front door and side door for safety.
5. No parties/events. We have close relationships with our neighbors, and we respect their rights as homeowners. Therefore, we will know if parties are being held. If this rule is not followed, your reservation will be terminated, and we will seek compensation for any damages that are found upon our subsequent inspection of the property.
6. Not for commercial use or special occasions without pre-approval (weddings, bachelor parties, birthdays, commercials, bridal showers, photoshoots, etc.). We will consider your request if you notify us in advance. Failure to inform us in advance will lead to termination of your reservation.
7. Please note that this is a smoke-free/drug free environment. If any smoking/vaping/drugs are detected either within the unit or in the common areas of the property, we will immediately terminate the reservation and/or apply a fee of \$500 for smoking/vaping/drugs, this will be up to the management's discretion. There will also be an added charge to remove any odors remaining. We will seek compensation for any damages that are found upon our subsequent inspection of the property.
8. No Pets are allowed at any time. The home is a pet-free environment due to allergies. A cleaning fee of \$800 will be charged if violated and will result in immediate termination of the reservation without reimbursement.

9. No excessive noise or loud music. Quiet hours outside start at 10:00pm. Quiet hours inside start at 11:00pm. If excessive noise is detected or any noise complaints are reported by neighbors, your reservation could be terminated and you may be given a \$500 fee, at the host's discretion. We do have a noise level monitor in the home to ensure safety.

10. Please ensure to check-out on time. We need to have our cleaners clean the unit on time for the next guest to check-in. If you require an earlier check-in or a later check-out please request it in advance and we will do our best to accommodate you. Unless otherwise approved, any guest who is still in the residence 20 mins past your check out time, will be charged for an extra night or a \$50 Late check out charge, at the host's discretion.

11. Guests are assured that the space will be in clean and working condition. No compensation will be given for non-working items outside of our control, including but not limited to, power outages, internet outages, etc. For items within our control, we will make every attempt to rectify any problems that may occur. It is the Guest's responsibility to notify us immediately if there are any problems. No refunds or other compensations will be given for problems we are able to rectify within a reasonable timeframe. Guest will be responsible for costs of any repairs for problems caused by actions of Guest or due to Guest's failure to immediately notify Host.

12. Guests take full responsibility for any accidents, injuries, or illnesses that occur while on the premises or its facilities. By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the premises. Guests recognize that they may personally purchase insurance to protect themselves in such events.

13. Depending on the season and weather, you might see mosquitoes, bees, gnats, moths, ants, spiders, beetles, roaches, ladybugs, stinkbugs, and more around the property. We do have regular pest control, but we can't guarantee you won't see a bug or two, and we are unable to provide refunds for natural encounters. To help keep critters outside where they belong, please keep doors closed, store food properly, and dispose of trash in a timely manner. If you come across anything concerning, please contact us through your booking platform's messaging system, and we'll respond as quickly as possible.

14. Please do not use any candles with open flames while inside the property during your stay.

15. No open flames, burning of wood/combustible materials, or use of fireworks of any kind are allowed on the property.

Just to confirm that you've read over the house rules, please state "I've read your house rules" when booking this property.

Most importantly, enjoy your stay and have fun!