

Minutes

April 14, 2025

MADISON CITY BOARD OF ZONING APPEALS

The City of Madison Board of Zoning Appeals held a regular meeting on Monday, April 14, 2025, at 6:00 p.m. in City Hall. Scott Baldwin presided over the meeting with the following additional Board Members present: Nancy Burkhardt, Rick Farris, and Karl Eaglin. Also present: Nicole Schell; Director of Planning, Tony Steinhardt, Deputy Mayor and Joe Jenner; Attorney (participated by phone). Board Members absent: Mark Acosta.

Minutes:

There were no corrections or additions to the March 10, 2025, meeting minutes. R. Farris made the motion to approve the March 10, 2025, minutes – Seconded by K. Eaglin - Unanimous Consent Vote – Final vote is four (4) in favor and none against – Motion carries.

Minutes for March 10, 2025, approved in accordance with the motion and vote.

Renewals:

1. **BZCU-23-27:** Mason & Mefford Auto Sales, Inc – Conditional Use Permit for an auto sales lot.
Location: 3112 Wilson Ave / N Shun Pike Rd
Zoned: Light Manufacturing (M-1)
One-Year Renewal
2. **BZCU-23-28:** Camille Fife – Conditional Use Permit to operate an in-home professional consulting service.
Location: 608 Mulberry St
Zoned: Historic District Residential (HDR)
One-Year Renewal
3. **BZCU-23-24:** Eric Davis – Conditional Use Permit for a mobile home at the rear of property.
Location: 992 Saddle Tree Ln
Zoned: Medium Density Residential (R-8)
One-Year Renewal
4. **BZCU-23-30:** Russell N. Linville – Conditional Use Permit to operate an automobile repair business.
Location: 1801 Allen St
Zoned: Medium Density Residential (R-8)
One-Year Renewal
5. **BZCU-23-26:** Darlisa Davis – Conditional Use Permit for a preschool/daycare facility.
Location: 431 Ivy Tech Dr
Zoned: General Business (GB)
One-Year Renewal
6. **BZCU-24-13:** Tirrie Jenkins/Madison Christian Health and Dev. Services – Conditional Use Permit for 2 apartments, 1 AirBnB, and 1 cultural activities center. Rules to apply to AirBnB and may not sleep more than 4 people. 4 parking spaces must be provided onsite.
Location: 705 Walnut St.
Zoned: Historic District Residential (HDR)
One-Year Renewal

S. Baldwin made the following motion:

1. Renewals 1, 3, 4, and 6 (Mason & Mefford Auto Sales, Inc., Eric Davis, Russell N. Linville, and Tirrie Jenkins/Madison Christian Health and Dev. Services) be approved as they had paid their fees.
2. Renewal 2 and 5 (Fife and Davis) have expired.

K. Eaglin seconded the motion – Unanimous Consent Vote – Final vote is four (4) in favor and none against – Motions Carry.

Renewals #1, 3, 4, 6 were renewed in accordance with the motion and vote.

Tabled Applications:

1. **BZVD-25-4:** Tom Pritchard – Variance from Development Standards for setbacks for construction of detached garage. Applicant is requesting a two-foot setback on the west lot line.

Location: 822 W Third St

Zoned: Historic District Residential (HDR)

Tom Pritchard represented the application, explaining the need for a two-foot setback due to the tight space and adjacent structures. The board engaged in detailed discussion about neighborhood aesthetics, affirming the plans would not harm public safety or adjacent property values.

Finding of Facts

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

R. Farris: No, I don't think it is. I think the applicant's just trying to improve the property. And the size of the garage they're asking to build is not that big of a building, but because of the space they need, they need some room.

N. Burkhardt: No, I think there's others in the area that are the same size as that.

S. Baldwin: I think Mrs. Burkhardt answered it well.

K. Eaglin: Yes, I agree

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

R. Farris: No, I don't believe so. I think it's an improvement to the neighborhood.

N. Burkhardt: I agree with that comment.

S. Baldwin: And we certainly heard no testimony from a realtor or assessor saying anything would be harmed. So, I think that one's met.

K. Eaglin: I think it's also an improvement.

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

R. Farris: The practical difficulty is that those houses were built a long time ago, and they just are out of space and are asking for enough space to build a garage.

N. Burkhardt: The practical difficulty is he wouldn't have enough room to build anything. Others in that area have built up, so I don't see a problem.

S. Baldwin: This is the problem; downtown lots were laid out long ago. And modern uses frequently it won't fit. So, I think this variance is met.

K. Eaglin: Yes. I think it's very, very practical for that neighborhood. Like I said, there's no way that meets the setbacks just because of the neighborhood that's in.

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

Application BZVD-25-4 was approved in accordance with the motion and vote.

2. **BZCU-25-5:** Rodney Pettit – Conditional Use Permit for Category 130 Apartments.

Location: 1630 Washington Ave

Zoned: Medium Density Residential (R-8)

A conditional use permit request for a triplex at 1630 Washington Avenue was presented by Rodney Pettit. Concerns were raised by Ravinder Bevli and Jim Cunningham regarding drainage and parking. Rodney Pettit, the applicant, addressed queries about water runoff and parking provisions. The board was supportive of the application, noting community needs for housing.

Finding of Facts

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?*

S. Baldwin: And I agree, 130 is the proper use.

R. Farris: Yeah, I think it is.

N. Burkhardt: Yeah, apartments are allowed with conditional use within R8.

K. Eaglin: Yes, other apartments exist in that neighborhood right now. I think this will fit very well.

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?*

S. Baldwin: I think this one is met as well.

R. Farris: Yeah, I think it is. I think Madison seems to be in a deficit for housing, and this fits in with the comprehensive plan.

N. Burkhardt: Yes. Karl stated the neighborhood already has a mixture of multifamily and single family.

K. Eaglin: Yes, and we do need housing.

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?*

S. Baldwin: And I would tend to agree that it's not going to hurt the general character. It will fit in with what that area already is. I think that one's met.

R. Farris: I think it'll be an improvement to the neighborhood.

N. Burkhardt: I agree. I don't think it'll change the character.

K. Eaglin: I think it's an improvement.

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

S. Baldwin: I think Mr. Eaglin put it very well. I think that one's met.

R. Farris: I don't see any reason to believe that it will be.

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

K. Eaglin: I don't see a problem with it. I think Mr. Pettit handled the issue the neighbor brought up very well with his explanation on the drainage.

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?*

S. Baldwin: I don't even think this is an issue. I think that one's well met.

R. Farris: Yeah, I think so. I mean, the property slopes towards natural drainage. The applicant has already addressed the rise and fall at the front of the property, so I don't see any issues there.

N. Burkhardt: I agree with that comment.

K. Eaglin: Yes. I don't see any problems.

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?*

S. Baldwin: And that one is certainly not going to harm anything by making more housing.

R. Farris: No, I think I think it will be an improvement to the economic welfare of the community.

N. Burkhardt: I agree, I don't see a problem.

K. Eaglin: Yes, that's an improvement for the neighborhood.

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?*

S. Baldwin: I don't think that's much of an issue either. I think it's met

R. Farris: No, I don't see any reason to believe that there's going to be any excess of any of those things.

N. Burkhardt: I agree, I don't see anything in excess.

K. Eaglin: I don't see any excess.

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?*

S. Baldwin: And I agree, I don't think this is an issue.

R. Farris: Yeah. It is kind of a narrow road, but, adding these apartments, I don't think it is going to be a hindrance to the flow of traffic.

N. Burkhardt: I agree with that comment.

K. Eaglin: Yeah, there's several ins and outs in that neighborhood and adding six more cars to it I don't think it's going to be a problem.

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

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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

Application BZCU-25-5 was approved in accordance with the motion and vote.

3. **BZVD-25-5:** Angela Koehler – Variance from Development Standards for lot area smaller than 1 acre and lot width less than 150-ft.

Location: 2156 N. K Rd.

Zoned: Residential Agriculture (RA)

Angela Koehler explained the existing conditions of the lot and presented her plan. Board members agreed there were no significant concerns regarding property values or public safety.

Finding of Facts

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

R. Farris: No I don't think it will.

N. Burkhardt: No, I see no problem with that.

S. Baldwin: And I see no issue there. We've certainly heard no testimony to that effect.

K. Eaglin: I agree.

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

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

N. Burkhardt: No, the structure is already there.

S. Baldwin: And we sure certainly heard no testimony to the effect that anybody would be harmed. So I think that one's met.

K. Eaglin: Yeah, I don't see any change.

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

R. Farris: Well, the practical difficulty is the current zoning standard of that requires a one acre lot.

N. Burkhardt: She purchased it and it was .66. It was already there, so I don't see a problem with it being there.

S. Baldwin: So, she purchased the property which was previously small. It was not her doing. It was in existence prior to her acquiring it. I think that one's met.

K. Eaglin: I agree.

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

Application BZVD-25-5 was approved in accordance with the motion and vote.

4. **BZCU-25-2:** Angela Koehler – Conditional Use Permit for Section 7.00: Short Term Rental.

Location: 2156 N. K Rd.

Zoned: Residential Agriculture (RA)

A conditional use permit request for the Airbnb operation was presented by Angela Koehler. House rule modifications for the application were noted, particularly concerning quiet hours and pets.

Finding of Facts

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?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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?*

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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

Application BZCU-25-2 was approved in accordance with the motion and vote.

New Applications:

1. **BZVD-25-6:** David and Jeneen Wise – Variance from Development Standards for setbacks of 2-ft on the east and west lot lines.

Location: 1014/1016 W First St

Zoned: Historic District Residential (HDR)

David Wise represented his application. Wise noted the historical context and existing structure limitations. The board discussed practical difficulties based on the location's historical zoning constraints.

Finding of Facts

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

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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

S. Baldwin: Any objections from the board that this one is met?

R. Farris: No.

N. Burkhardt: No.

K. Eaglin: No.

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

Application BZVD-25-6 was approved in accordance with the motion and vote.

2. **BZCU-25-6:** Kimberly S Taylor for Jefferson County Transitional Services – Conditional Use Permit to house a maximum of ten (10) residents - nine (9) Transitional Services residents and one (1) manager. Transitional Services rules to be maintained.

Location: 515 E Second St

Zoned: Historic District Residential (HDR)

Brandy Atkins represented Jefferson County Transitional Services. Board members discussed the conditional use permit request and noted that this facility previously had a permit but needed to obtain a new one due to ownership changes. The board and staff acknowledged that there has been no complaints in the last 5 years on this facility.

Finding of Facts

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

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

Since this application was a matter of formality with the change in ownership, the board agreed to dispense with going through the findings of fact. S. Baldwin made the motion to suspend the rules and move directly to a motion. – Seconded by N. Burkhardt – Roll Call Vote – all ayes – Final Vote is four (4) in favor and non against. – Motion carries.

The findings of fact for the original application remain in effect for this application.

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

Application BZCU-25-6 was approved in accordance with the motion and vote.

3. **BZVU-25-3:** Sandra Smith – Variance of Use for Category 651 to allow for a health and wellness spa.

Location: 2024 Clifty Dr.

Zoned: Medium Density Residential (R-8)

Scott Lynch represented the application and addressed detailed operations, which included a range of medical services that warranted the variance request. The need for the business was emphasized, and conditions were added ensuring the operation's continuation while controlled by the applicant's management. Concerns expressed by neighbor, Barbara Tompany, regarding site safety and parking were satisfactorily addressed.

Finding of Facts

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

- R. Farris: No, I don't believe it will be injurious. I think this is a service that our community probably needs. And I see no issues with that.
- N. Burkhardt: I agree with Mr. Farris' statement. I know she does mental health services, which I think is needed along with other cosmetic surgery services that people request.
- K. Eaglin: Yeah, I agree with the other two board members comments.
- S. Baldwin: No, I see no problems there.

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

- R. Farris: No, I don't think so. The applicant is going to use the existing house as her office, and I don't think the nature of her business will affect the character of the neighborhood or adjacent properties.
- N. Burkhardt: I agree. And I think that there would be less noise and less traffic, as if a normal family lived there.
- K. Eaglin: I agree. And like I said, the hours are good for the neighborhood, so it shouldn't be a problem.
- S. Baldwin: We certainly heard no testimony from a recognized authority against that. There would be harm. So I think that one's met.

3. *The need for the variance arises from some condition peculiar to the property involved. And what is it?*

R. Farris: Well, I think the thing that is the difficulty is the zoning. I do think that category 651 is an approved use for that location.

N. Burkhardt: Yeah, I agree with his comment.

K. Eaglin: Yeah, I agree with his comment.

S. Baldwin: The comprehensive plan of Madison seems to be in favor of this, which is an important aspect. The peculiarity is that at the moment, it's not zoned for something that perhaps it could be or should have been. I think on balance in my mind that one's met.

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.*

R. Farris: I just don't see any issues with what the applicant is trying to do here. I don't think it affects any of those things.

N. Burkhardt: Yeah, she wouldn't be allowed to have the business there, but I don't see a problem with it there.

K. Eaglin: No, I think this type of business is not going to cause any problems. Neighborhood.

S. Baldwin: The zoning ordinance allows home businesses with certain restrictions. This is, in a sense, a home business. It's going to be operated by a medical professional. And the city's interpretation of the comprehensive plan has no objection. So I think this one is met.

5. *The approval does not interfere substantially with Madison's comprehensive plan.*

R. Farris: I just don't see any interference at all. I think it's just one of those issues where; the zoning definitions aren't completely clear. And my interpretation is that this fits in that zoning category.

N. Burkhardt: I agree, I think it fits in with the comprehensive plan.

K. Eaglin: Yes, I think it fits in quite well with the comprehensive plan.

S. Baldwin: According to testimony from staff, it does.

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

Application BZVU-25-3 was approved in accordance with the motion and vote.

4. **BZVD-25-7:** Jeff Meinders/Rykers Ridge Sewer District on behalf of TRIPLE D PROPERTIES LLC – Variance from Development Standards for property size less than 1 acre for a new parcel created from the parent parcel with the parcel ID of 39-09-19-000-012.001-006.

Location: 2200 + E CROSS RD

Zoned: Residential Agriculture (RA)

Jeff Meinders represented the Rykers Ridge Sewer District and property owner TRIPLE D PROPERTIES LLC. J. Meinders outlined the urgent need for an upgraded sewage facility due to community growth. Concerns over odor and visibility, raised by neighbor Jeff Phagan, were discussed. J. Meinders made assurances that odor control measures were being implemented. The board acknowledged the technical requirements and community benefit.

Finding of Facts

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

R. Farris: No. In fact, I think if they don't do something, it will be injurious.

N. Burkhardt: I agree with that.

S. Baldwin: I agree with the members.

K. Eaglin: They're updating a very outdated system. 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?*

R. Farris: Well, you know, I think with the technology that they're going to implement with this new design and have a focus on odor control. There are all kinds of new technologies out there right now. I deal with it in my line of work. And I think the impact on adjoining properties is probably not even going to be noticeable at all.

N. Burkhardt: I see no problem in that area.

S. Baldwin: And given the fact there are landscaping it and they're using modern odor control, and there was no testimony to the effect that anything would be harmed, I think that one's met.

K. Eaglin: I agree.

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

R. Farris: Well, the requirement to have a larger lot is the big issue. So to me, the location of this is a great fit. They've got an opportunity with a landowner that's willing to sell, and I think they need to seize the moment.

N. Burkhardt: I agree with that comment.

S. Baldwin: The practical difficulty, in my view, is that engineering requires that this thing be fairly close to this area. The second practical difficulty is they could only acquire a half-acre. For whatever reason, they couldn't acquire one acre. Um, the other practical difficulty is that upgrading the sewer with residential growth out there means that they must have a facility that can reliably handle sewage and their subject, of course, to EPA rules and various regulations. So, I think there's a whole bunch of practical difficulties that require them to sit on this half acre, and that's all they can do. So, I think that one is really met.

K. Eaglin: I agree with that comment.

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

Application BZVD-25-7 was approved in accordance with the motion and vote.

5. **BZVD-25-8:** Royer Corporation – Variance from Development Standards for setbacks less than 35-ft from a residential district boundary.

Location: 805 EAST ST

Zoned: Light Industry (M-1)

Zach Zehron represented Royer and their application. The need for expansion was contextualized within Royer's historical significance in the area. T. Steinhardt expressed appreciation for Royer's commitment to the community and their need to expand their facility. Precautionary measures concerning neighbor impacts, raised by Gayle and Jim Cunningham, were presented. A cooperative solution with impacted parties was noted.

Finding of Facts

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

R. Farris: No, I don't think it will be injurious.

N. Burkhardt: No, I see no problem with that.

S. Baldwin: I see no injury to the public health. The testimony of gentlemen from Royer indicates that the neighbor's concerns about parking and access to their garage have been worked out in an agreement.

K. Eaglin: I agree.

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

R. Farris: No, I don't think so. I think the applicant is probably very sensitive to being a good neighbor. And I think they're trying to do everything they can to minimize any impact on their neighbors.

N. Burkhardt: I agree with that comment.

S. Baldwin: Once again, we've heard no assessor or realtor say that there's any adverse effect. Nobody has testified. I think that one's met.

K. Eaglin: I agree with that comment.

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

R. Farris: Well, I think the space requirements to run their business and be able to grow is the practical difficulty being located where it is.

N. Burkhardt: I agree they wouldn't be allowed to expand as needed.

S. Baldwin: And my view, the practical difficulty is that factory predates zoning ordinances. It's growing and it needs places to grow, but its location from a historic viewpoint constrains it. So, I think that the practical the 35-foot requirement for lot line, given where that factory is and its history, I think that makes a very real practical difficulty. And I think that that one's met.

K. Eaglin: Yes. They need the expansion, because luckily their business is doing well. And it's good for the neighborhood. Good for Madison. So I think we need to overlook this little issue.

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

Application BZVD-25-8 was approved in accordance with the motion and vote.

