



PROJECT BRIEF – BZVD-25-12

Application Date: 06/05/2025

Meeting Date: 07/14/2025

Application Description:

An application has been filed for a Variance from Development Standards for 0-ft setbacks on the north and west lot lines and for 0.5-ft on the east lot line.

Current Zoning: Central Business District (CBD)	Project Location: 408 MULBERRY ST
Applicant: Timothy Godward	Owner: Mulberry Lodge LLC

Preliminary Staff Recommendation: Approve

Conditions: NA

Reasoning:

While Finding of Fact #3 was not satisfied, staff does not think that is enough for warrant the denial of this application.

History, Relevant Information, & Prior Approvals:

History:

Historic Board approved changes 5/27/25

Relevant Information: NA

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 (Page 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) (Page 78-79)

A. General Restrictions

4. Side Yard and Rear Yard Setback – Minimum of three feet

Finding of Fact:

Finding of Fact #1 - Will approval of this application will be injurious to the public health, safety, morals, and general welfare of the community?

The applicant has provided the following response:	No, variance will allow improved safety in building and allow for removal of shed in poor repair and graffiti.
Staff Response:	No, this variance will not be injurious to the general public.

Finding #1 has been satisfied.

Finding of Fact #2 - Will the use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner?

The applicant has provided the following response:	No, current shed is in poor repair, stairs are largely expected to make the alley improved in appearance . No changes to adjacent property use.
Staff Response:	Based on character of downtown, this variance will not negatively impact the neighboring properties.

Finding #2 has been satisfied.

Finding of Fact #3 - The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

The applicant has provided the following response:	Yes, current shed already occupies the setback. Inside the shed, the brick is painted and shed contains basement access and controls rear courtyard access. Stairs cannot be placed along building exterior.
Staff Response:	While the use of the property could continue without this variance, it limits the ability to use the second floor due to fire egress.

Finding #3 has not been satisfied however staff does not see any issue with the proposed structure.



MADISON

Indiana
Planning, Preservation and Design

DOCKET ID ASSIGNED:

~~BZVP~~ BZVP-25-12

101 W Main St
Madison, IN 47250
(812) 265-8324

Application for Variance from Development Standards

Application Fee	\$ 60.00
Ad Fee (for Legal Notice)	\$ 15.00
Recording Fee	\$ 25.00
Total Due	\$ 100.00

Paper applications will be accepted by the Office of Planning, Preservation, and Design; however, electronic submissions through our Permit Portal are preferred. This application can be submitted electronically at www.madison-in.gov/reporting.

Purpose: Per the City of Madison Zoning Ordinance, the Board of Zoning Appeals shall approve or deny variance from development standards from the terms of the Zoning Ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved only upon a determination by the Board.

This application must be filed at least 15 days prior to scheduled meeting to be eligible for consideration at that meeting. Actual deadlines vary due to holidays, office business hours and operating schedule, media publishing deadlines, etc. Deadlines are published publicly and can also be provided by contacting the Planning Office.

APPLICANT INFORMATION

Name: TIM GODWARD
Street: 314 W. THIRD ST.
City: MADISON State: IN Zip: 47250
Phone (Preferred): 607-244-9107
Phone (Alternate): _____
Email: tim.godward@gmail.com

OWNER INFORMATION (IF DIFFERENT*)

Name: MULBERRY LODGE LLC
Street: 11903 W. STATE ROAD 250
City: DEPUY State: IN Zip: 47236
Phone (Preferred): 607-244-9107
Phone (Alternate): 908-238-9842
Email: donna.godward@gmail.com

* If Applicant is not Owner, MUST submit documentation from owner authorizing applicant on their behalf.

PROPERTY FOR WHICH A VARIANCE IS REQUESTED

Address and/or Legal Description of Property: 408 MULBERRY ST. MADISON IN.

Zoning Classification: CBD

Description of Existing Use: VACANT

Description of Proposed Use: COMMERCIAL STORE FRONTS (FIRST FLOOR)
MEETING HALL, OFFICE (SECOND FLOOR)

List sections of the Zoning Ordinance for which a variance is requested: Setbacks

Describe why a variance is requested: EXISTING, BUT NON-HISTORIC SHED ATTACHED TO
REAR CORNER (NE) OF BUILDING IS IN POOR REPAIR. ADDITIONALLY,
EMERGENCY EXIT FROM 2ND FLOOR OPENS ABOVE/ONTO THIS SHED
ROOF. GOAL OF PROJECT IS TO REPLACE SHED AND INSTALL PROPER EMERGENCY
EGRESS.

A Site Plan is required and must include the distance of the closest point from any existing or planned structure to each property line: For Variance from Setbacks, list below and indicate on Site Plan.

Current – North: 0 ft East: ~0.5 ft South: ~4 ft West: 0 ft
Requested – North: 0 ft East: ~0.5 ft South: ~4 ft West: 0 ft

Per the City of Madison Zoning Ordinance, a variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions has been met by the applicant. These Findings of Fact are established and required by Indiana Code.

Provide a detailed Narrative statement demonstrating that the requested variance conforms to the following standards. Respond to each question below with Yes/No and why. Use additional pages if necessary.

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

NO, VARIANCE WILL ALLOW IMPROVED SAFETY IN BUILDING,
AND ALLOW FOR REMOVAL OF SHED IN POOR REPAIR & GRAFITI

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

NO, CURRENT SHED IS IN POOR REPAIR, STAIRS ARE LARGELY
EXPECTED TO MAKE THE ALLEY IMPROVED IN APPEARANCE. NO CHANGES TO ADJACEN
PROPERTY USE.

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

YES. CURRENT SHED ALREADY OCCUPIES THE SETBACK. INSIDE
THE SHED, THE BRICK IS PAINTED AND SHED CONTAINS BASEMENT ACCESS AND CONTROLS
REAR COURTYARD ACCESS. STAIRS CANNOT BE PLACED ALONG BUILDING EXTERIOR.
Include any other documents/information which you feel will aid the Board in making its determination.

Certified letters *MUST* be mailed to adjoining property owners (includes owners of real estate at corners, across 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 Certified Mail receipts and 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 proof of attempt(s) of contact are provided. USPS delays will not be held against you if proof indicates that letters were sent appropriately.

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.

05 JUN 2025

Date

Christy A. Medwood

Signature of Applicant

COMPLETED BY PLANNING OFFICE

Application Accepted on: 6/5/25

Application Accepted by: WMS

Meeting Information: Board of Zoning Appeals

101 W Main St, Madison, IN 47250 – Council Chambers

Meeting Date: 07/14/25 Time: 6:00PM

Documentation Review (Completed by Planning Office)

- ☐ Owner Authorization provided (if req'd)
☐ Narrative Statements completed
☐ Site Plan is adequate
☐ Application is complete
☐ GIS Information to applicant and attached
☐ Certified Mail Receipts received (attach)
☐ Certified Mail Green Cards received (attach)

Staff Notes

