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|-----|---|---------------------------------------|------------|----------------|
| 1. | BZCU-23-53: SUSAN HUSER – Conditional Use Permit for a Conditional Use Permit to operate a pet grooming business. | Location: 1650 CLIFTY DR | Zoned: R-8 | 1 Year Renewal |
| 2. | BZCU-23-51: MIKE & MELISSA HESS – Conditional Use Permit for a Conditional Use Permit for a mobile home. | Location: 313 W FIFTH ST | Zoned: HDR | 1 Year Renewal |
| 3. | BZCU-23-52: MIKE & MELISSA HESS – Conditional Use Permit for a Conditional Use Permit for a mobile home. | Location: 317 W FIFTH ST | Zoned: HDR | 1 Year Renewal |
| 4. | BZCU-23-49: BOB & TAMMY COURTNEY – Conditional Use Permit for a Conditional Use Permit for a guest house. | Location: 318 PLUM ST | Zoned: SD | 1 Year Renewal |
| 5. | BZCU-23-55: BARRY SPEER – Conditional Use Permit for a Conditional Use Permit for a mobile home. | Location: 4010 W INSTERSTATE BLOCK RD | Zoned: RA | 1 Year Renewal |
| 6. | BZCU-24-53: Ray & Vicki Black – Conditional Use Permit for a Conditional Use Permit to utilize the garage as a guest house and potential Airbnb-style of use. | Location: 834 W Main St | Zoned: SD | 1 Year Renewal |
| 7. | BZCU-23-34: Samantha Greer – Conditional Use Permit for a Conditional Use Permit for short-term rental. Max number of guests would be six. | Location: 410 E Second St | Zoned: CBD | 1 Year Renewal |
| 8. | BZCU-23-42: Jaclyn Jones / Sunflower & Blooms Boutique – Conditional Use Permit for a Conditional Use Permit for a home business. | Location: 2421 Michigan Rd | Zoned: R-8 | 1 Year Renewal |
| 9. | BZCU-23-47: Matt Findley – Conditional Use Permit for a Conditional Use Permit for short-term rentals. | Location: 615 Mulberry St | Zoned: HDR | 1 Year Renewal |
| 10. | BZCU-23-48: Sandra Smith – Conditional Use Permit for a Conditional Use Permit for a mobile home. | Location: 3598 W Interstate Block Rd | Zoned: RA | 1 Year Renewal |
| 11. | BZCU-24-17: Kate Fox – Conditional Use Permit for a Conditional Use Permit for Short-term rental. | Location: 716 Walnut St | Zoned: HDR | 1 Year Renewal |
| 12. | BZCU-24-52: Kelly Kempton – Conditional Use Permit for a Conditional Use Permit to operate a laser firing range from their home. | Location: 2301 Lanier Dr | Zoned: GB | 1 Year Renewal |

13. BZCU-24-50: Joy King – Conditional Use Permit for a Conditional Use Permit for a single-family residence to be used as a short-term rental.

Location: 606 Jefferson St

Zoned: HDR

1 Year Renewal

S. Baldwin noted that of the 13 renewals, 11 have paid their fees and hand no complaints. One renewal application (Jacqueline Jones, 2421 Michigan Road – a boutique) was noted as expired due to business closure. Another renewal (Sandra Smith, 3598 West Interstate Block Road – mobile home permit) had not been paid but had no complaints.

S. Baldwin made the motion to renew renewals number 1-7, and 11-13. – K. Eaglin seconded the motion – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motions Carry.

Renewals #1-7, and 11-13 were renewed in accordance with the motion and vote.

S. Baldwin made the motion to have the board's attorney send a letter to renewal number 10 to inform them that they had until the next meeting to pay their renewal fee or the permit would expire. – N. Burkhardt second the motion - Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motions Carry.

New Applications

1. BZCU-25-12: Angela Koehler – Conditional Use Permit for Category 749: Other Recreation (Including Camping & Picnic Areas) to allow for a small event central and one short-term rental unit.

Location: 2175 N K RD

Zoned: Residential Agriculture (RA)

Angela and Mark Koehler appeared to request a conditional use permit under category 749 for a short-term rental on a 23-acre residential agricultural property. They clarified that they were no longer pursuing approval for a small event venue (previously applied for) but sought approval solely for the short-term rental.

S. Baldwin made the motion to accept the map into the official record. - N. Burkhardt second the motion - Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motions Carry.

Key details discussed:

- The rental unit would be a new construction on the second parcel of their property, approximately 400 feet back from North K Road.
- The building would be about 5-600 square feet, configured as a one-bedroom unit with a maximum occupancy of two people.
- The board was informed that prospective guests are vetted to avoid issues, with no instant reservations accepted; prior experience with a similar property had informed their stricter vetting process.
- The rental would be managed locally by the applicants, with an adjacent neighbor also serving as a point of contact.
- Parking would be sufficient on-site, with plans to extend a driveway and create two parking spaces.
- Sewage disposal was undecided, with considerations between septic and county sewer connections based on cost.

The applicants were asked to provide a set of house rules, including prohibitions against hunting on the property and quiet hours from 10 p.m. to 7 a.m.

S. Baldwin asked for any comments or questions from the board or the audience.

Steven Hay expressed concerns about possible unauthorized large gatherings or camping, emphasizing the need for strict enforcement of rules. He also voiced concerns about the previously proposed kennel and event center, which were not part of the current application. S. Haye questioned the construction of the building and if a permit would be needed.

N. Schell noted that it would require a building permit and would be inspected by the city's building inspector. M. Koehler presented the board a set of plans for the proposed structure. S. Baldwin made the motion to accept the plans into the official record. - N. Burkhardt second the motion - Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motions Carry.

During public comment, the board received a copy of the rules intended for the short term rental. S. Baldwin made the motion to accept the plans into the official record. - N. Burkhardt second the motion - Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motions Carry.

Discussion relating to hunting was carried out during the public comment period. The applicants noted for the board that hunting on the property would not be allowed and agreed to make that part of the rules.

Jason Goley requested that the proposed rules be published publicly prior to final approval and expressed a limit on the number of vehicles or RVs. Applicants agreed to limit the occupants to two people and two vehicles.

A neighbor expressed concerns about the notification about the meeting as he was mis-informed that the board meeting was cancelled. Applicant noted that she attempted to correct her error with this neighbor prior to the meeting. Brian Hay also spoke about the miscommunication between his father and the applicant.

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?*

The board reviewed the finding of facts for this conditional use application and believed that all 9 criteria were met.

S. Baldwin made the motion to approve the application with the following conditions: Renewal period of 1 year and enforcement of the submitted house rules with the addition of two people maximum, two cars maximum, and no hunting. – Seconded by N. Burkhardt – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

Application BZCU-25-12 was approved in accordance with the motion and vote.

2. **BZVD-25-12:** Timothy Godward – 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.

Location: 408 MULBERRY ST

Zoned: Central Business District (CBD)

Timothy Goddard requested a variance of developmental standards to allow zero-foot setbacks on the north, west, and a half-foot on the east lot lines to replace an old shed and improve fire egress from the second floor of a building. The existing shed was approximately 18 by 10 feet, and the current fire escape involved jumping from a door onto the shed roof, then down to gravel, which was unsafe. The proposed plan was to replace the shed with a smaller structure and install stairs around it for safer emergency egress. The new shed would be no closer to the property line than the existing shed, maintaining a roughly 6-inch to 8-inch setback.

S. Baldwin asked for any comments or questions from the board or the audience.

Finding of Facts

1. Will this variance be injurious to the public health, safety, morals, and general welfare of the community?
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?
3. Will the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property?

The board reviewed the finding of facts for this conditional use application and believed that all 3 criteria were met. Board members viewed the variance as a non-intrusive safety improvement.

S. Baldwin made the motion to approve the application with the following conditions: Building Inspector to approve site plan – Seconded by K. Eaglin – Roll Call Vote – all ayes with M. Acosta abstaining – Final Vote is four (4) in favor and none against – Motion Carries.

Application BZVD-25-12 was approved in accordance with the motion and vote.

3. **BZVU-25-4:** Alexandra Hammock on behalf of Chandler Properties LLC – Variance of Use for Category 130: Apartments to allow for the permanent use as an apartment building.

Location: 846 MARTIN ST

Zoned: Medium Density Residential (R-8)

Alexandra Hammock requested a variance of use to legalize a converted three-unit apartment building at 846 Martin Street (formerly 1805 Orchard Street), which was an abandoned church prior to renovation. The applicant prefers a variance of use rather than a conditional use permit to avoid the need for periodic renewals and to provide stability for tenants.

The board discussed the differences between variance of use and conditional use permits noting:

- Conditional use permits are temporary and allow for conditions and revocation if necessary.
- Variance of use is permanent and transfers with property ownership.

The applicant noted that the property has already been sold. A. Hammock expressed concerns regarding if a conditional use permit was revoked and the units were occupied. S. Baldwin noted that the board could not revoke a conditional use permit without cause.

The board discussed whether the application could be changed from a variance of use application to a conditional use permit application. N. Schell noted that she would have to check with legal counsel to determine if that was proper. N. Schell recommended that the board continue to review the application as submitted and then if needed to continue the discussion about a conditional use permit if needed.

The board noted that the zoning ordinance lists multifamily apartments as conditional uses in the R8 district, so a conditional use permit would be the more appropriate mechanism. Concerns were raised that variance of use could lead to "spot zoning" and reduce control over future use.

S. Baldwin asked for any comments or questions from the board or the audience.

Finding of Facts

1. Will this variance be injurious to the public health, safety, morals, and general welfare of the community?
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?
3. Does the need for this variance arise from some conditions peculiar to the property?
4. Will the strict application of the terms of the zoning ordinance constitute an unnecessary hardship if applied to the property for which the variance is sought?
5. Does the approval interfere substantially with the Comprehensive Plan?

Board members expressed satisfaction with that criterion 1, 2, and 5 were met. Board members expressed concerns about criterion 3 and 4. They determined that those were not met.

N. Schell proposed a recess of the meeting to allow her time to confer with legal counsel. S. Baldwin made the motion to take a 5 minute recess. - - Seconded by M. Acosta - Roll Call Vote - all ayes - Final Vote is five (5) in favor and none against - Motion Carries.

S. Baldwin reconvened the meeting. N. Schell stated that J. Jenner agreed that there was no legal issue with the applicant amending their application from a variance of use to a conditional use prior to the vote. J. Jenner stated that the board has hear and voted on amended applications in the past. The amendment to a conditional use permit requires less than the variance of use.

A. Hammock requested to amend the application from a variance of use to a conditional use permit. She also requested a 5 year renewal period.

K. Eaglin made the motion to approve the amendment. - Seconded by M. Acosta - Roll Call Vote - all ayes - Final Vote is five (5) in favor and none against - Motion Carries.

S. Baldwin asked for any comments or questions from the board or the audience.

S. Baldwin noted that the board needed to do finding of facts. N. Schell noted that the board did finding of fact on the variance portion. S. Baldwin wished to apply the conditional use permit finding of facts to this amendment. S. Baldwin asked the board if there were any issues with the 9 criteria for a conditional use permit. The board agreed affirmatively that the nine criteria were met.

K. Eaglin made the motion to approve the application as amended for a conditional use permit for 5 years. - Seconded by M. Acosta - Roll Call Vote - all ayes - Final Vote is five (5) in favor and none against - Motion Carries.

Application BZVU-25-4 (BZCU-25-14) was approved in accordance with the motion and vote.

New/Old Business:

No further business brought before the Board.

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

The meeting adjourned at 7:14 p.m. in accordance with the motion and vote.

BY ORDER OF THE CITY OF MADISON BOARD OF ZONING APPEALS

Scott Baldwin, Chairman

Nicole Schell, Secretary/Director of Planning