

Minutes

June 16, 2025

MADISON CITY BOARD OF ZONING APPEALS

The City of Madison Board of Zoning Appeals held a regular meeting on Monday, June 16, 2025, at 5:30 p.m. in City Hall. Scott Baldwin presided over the meeting with the following additional Board Members present: Nancy Burkhardt, Rick Farris, Mark Acosta, and Karl Eaglin. Also present: Nicole Schell; Director of Planning and Joe Jenner; Attorney.

Minutes:

There were no corrections or additions to the May 12, 2025 meeting minutes. N. Burkhardt made the motion to approve the May 12, 2025 minutes – Seconded by R. Farris - Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motion carries.

Minutes for May 12, 2025 approved in accordance with the motion and vote.

Renewals:

1. **BZCU-23-43:** Kathryn G. Ayers – Conditional Use Permit for a guest cottage and/or miscellaneous home business. There is to be no business signage and no walk-in customers.
Location: 1116 W Main St Zoned: Medium Density Residential (R-8)
One-Year Renewal
2. **BZCU-23-70:** James Gurley – Conditional Use Permit for a tobacco packaging facility.
Location: 2900 Wilson Ave Zoned: Light Manufacturing (M-1)
One-Year Renewal
3. **BZCU-23-44:** Anna Nguyen – Conditional Use Permit for a tea and/or gift shop.
Location: 1402 Bear St Zoned: Local Business (LB)
One-Year Renewal
4. **BZCU-23-37:** Knights of Columbus – Conditional Use Permit for a mobile home.
Location: 2250 Lanier Dr Zoned: Light Manufacturing (M-1)
One-Year Renewal
5. **BZCU-23-41:** Petsense, LLC – Conditional Use Permit for housing of kittens/cats brought in through partnering shelters and rescues.
Location: 433 E Clifty Dr Zoned: General Business (GB)
One-Year Renewal
6. **BZCU-23-38:** Darlisa Davis – Conditional Use Permit to operate a daycare center.
Location: 206 Green Rd Zoned: Medium Density Residential (R-8)
One-Year Renewal
7. **BZCU-23-20:** Sharon Daghir – Conditional Use Permit for owner-occupied residence with short-term rentals primarily for travel nurses.
Location: 215 E Fourth St Zoned: Historic District Residential (HDR)
One-Year Renewal
8. **BZCU-25-13:** Red Ball Recycling – Conditional Use Permit for a metal recycling facility.
Location: 2910 Wilson Ave Zoned: Light Manufacturing (M-1)
Three-Year Renewal

S. Baldwin made the motion to renew renewals number 1, 3-5, 7, and 8. – M. Acosta seconded the motion – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motions Carry.

Renewals #1, 3-5, 7, and 8 were renewed in accordance with the motion and vote.

S. Baldwin noted that renewal 6 expired due to the property being sold. Renewal 2 informed staff he had closed the business so that renewal also expired.

Tabled Applications

- [illegible]

No applicants or representatives were present to discuss variance for developmental setbacks. This item was tabled until the end of the meeting to possibly give the applicant another chance to appear.

Claude Rottet appeared before the board at the end of the meeting to discuss his application. He expressed concern about limited space, thinking he might only have room for one car. The board referenced a previous meeting in January where C. Rottet had provided a site plan for the proposed garage location. There was some confusion about the site plan's whereabouts, but C. Rottet confirmed he had the survey and utility markings needed. Board members reviewed the survey submitted by C. Rottet and staff noted he is also scheduled for a plan commission meeting to officially combine the lots. The board acknowledged the survey as sufficient documentation but emphasized the need for proper approval before proceeding with garage construction.

S. Baldwin made a motion to accept the survey into the official records – Seconded by N. Burkhardt – 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.

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 their findings of fact, confirming no objections related to public health, safety, or adjacent property values. They agreed there were practical difficulties justifying the variance request

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

Application BZVD-24-49 was approved in accordance with the motion and vote.

2. **BZVD-25-9:** Glen Spencer – Variance from Development Standards to rebuild accessory structure with a setback of 2-ft from the west property line.
Location: 313 East St Zoned: Historic District Residential (HDR)
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Glenn Spencer requested a variance to rebuild an accessory structure (garage) on the same footprint as the existing unsafe garage, which requires a two-foot setback from the west property line. Spencer clarified he would tear down the dilapidated structure without expanding its footprint and rebuild it to modern safety standards. S. Baldwin asked for any comments or questions from the board or the audience.

Finding of Facts

The board reviewed the three criteria for granting a variance: injurious public health, property values, and practical difficulties.

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?*

No board member raised any concerns regarding these criteria. It was acknowledged that the applicant is simply replacing an unsafe structure with a safe one on the same footprint, thus satisfying the practical difficulties requirement.

S. Baldwin made the motion to approve the application as submitted. – Seconded by N. Burkhardt – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

Application BZVD-25-9 was approved in accordance with the motion and vote.

New Applications

1. **BZCU-25-10:** Pamela Phillips (Pamela Scroggins) – Conditional Use Permit for Category 581 Retail - Hotels, Tourist Court, Tourist Home, Residential Hotel, Motels and Other Transient Housing for a short term rental.
Location: 123 St Michaels Ave Zoned: Historic District Residential (HDR)

Pamela Phillips spoke on behalf of herself and her husband, discussing plans to operate a short-term rental (B&B) at their duplex property. The main concerns raised by the board were are parking and quiet hours.

P. Phillips confirms that although they currently do not have written house rules for the short-term rental, they plan to provide them, emphasizing good neighbor relations. The board stresses the importance of submitting these rules in writing. P. Phillips clarifies that the property remains a duplex, with intentions to renovate the south side and possibly keep it as a long-term rental while renting the north side short-term.

Discussion continues about the duplex setup: one side potentially short-term rental, the other long-term based on market needs. The north side has two bedrooms and one bathroom with a maximum occupancy of four people and parking is available via a two-car garage in the back, which will not be rented out.

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

Finding of Facts

The board reviews the nine statutory conditions for approval, affirming that the proposed use fits the zoning category, aligns with the comprehensive plan, is harmonious with the neighborhood, and will not disturb neighbors if house rules are enforced.

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?*

Betsy Vonderheide, Gerry Liter, Randy Bellamy, and Bob Schoenstein spoke about the application and expressed concerns due to past issues. Board members recalled the property's poor past condition and agreed improvements would benefit the area.

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 comment period was closed, and the board began reviewing findings of fact related to the conditional use permit, with no objections noted on various criteria including compatibility, safety, utilities, and historic preservation.

S. Baldwin made the motion to approve the application with the following conditions: Renewal period of 1 year and maximum two apartments; two occupants per bedroom; tenant screening enforcement; and renewal period increases to 3 years contingent on lack of complaints. – Seconded by N. Burkhardt – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

Application BZCU-25-11 was approved in accordance with the motion and vote.

3. **BZVD-25-10:** Landon Ralston – Variance from Development Standards to allow setbacks of 10-ft from all property lines and to allow construction on a 0.75 acre lot.
Location: 1301 E Scenic View Dr Zoned: Residential Agriculture (RA)

Landon Ralston appeared before the board to represent his application. The property is located in a residential agriculture subdivision originally intended for 1-acre lots, but this particular 3/4 acre lot does not meet those standards due to past subdivision approvals without variances. It is explained that the lot is pie-shaped with 20-foot setbacks required, making it difficult to build a home similar to others in the subdivision.

L. Ralston submitted a photo of the proposed home. S. Baldwin made a motion to accept the photo in the official records – Seconded by R. Farris – Roll Call Vote – all ayes with M. Acosta abstaining - Final Vote is four (4) in favor and none against – Motion Carries.

The board members ask questions, and staff notes this issue has come up multiple times, emphasizing that the applicant faces challenges due to subdivision not strictly following zoning rules. Board members express concern about the lack of a site plan or sketch showing the house placement and setbacks, which is necessary to understand the practical difficulties.

The applicant has a building plan but it does not include a site plan showing the house location on the lot. Board members hesitate to approve a variance without this, though they acknowledge the board could still decide to approve contingent on submitting a plan before the building permit process. It is suggested that the variance approval be contingent on the building inspector approving the final building permit based on submitted plans showing the 10-foot setbacks. This approach could save the applicant from returning for another hearing and appears acceptable to the board.

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 reviews the three criteria for variances: no harm to public health, no negative impact on adjacent property values, and presence of practical difficulties. The board finds no issues and begins a motion to approve the variance contingent on building inspector approval.

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-25-10 was approved in accordance with the motion and vote.

4. **BZVD-25-11:** Will Estheimer – Variance from Development Standards to allow setbacks of 2-ft from the north lot line and 8-ft from the east lot line.

Location: 2212 Taylor St

Zoned: Medium Density Residential (R-8)

Will Estheimer was present and discussed plans to replace a structure with a 30x50 building that is aesthetically pleasing and fits within the neighborhood. They mention a gas line running through their yard which limits placement to their property line, about 8 feet off an easement between properties. The building will be 10 feet tall with larger garage doors requiring a 10-foot ceiling. The adjacent church owns the neighboring property to the north, including a large yard and a ditch-like easement, which they have tried but failed to purchase due to its ownership by multiple churches.

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?*

Board members then discuss the criteria for approval, agreeing there are no issues with public safety or property values and acknowledging the practical difficulties posed by the gas line.

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

Application BZCU-25-11 was approved in accordance with the motion and vote.

New/Old Business:

No further business brought before the Board.

K. Eaglin made the motion to adjourn – Seconded by M. Acosta – Unanimous Consent vote – Final vote is five (5) in favor and none against – Motion Carries.

The meeting adjourned at 6:24 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