

- |    |                                                                                                                                                                                                                                                                                                                     |                           |            |                |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------|----------------|
| 1. | BZCU-23-80: JOHN AARON & JENNIFER HARMON – Conditional Use Permit for a Conditional Use Permit for an upscale consignment shop.                                                                                                                                                                                     | Location: 1416 BEAR ST    | Zoned: LB  | 1 Year Renewal |
| 2. | BZCU-23-86: ANDERSON'S LAND INVESTMENTS, LLC – Conditional Use Permit for a Conditional Use Permit for Beauty & Barber services.                                                                                                                                                                                    | Location: 2920 CLIFTY DR  | Zoned: M-1 | 1 Year Renewal |
| 3. | BZCU-23-77: ANDREW LEGRAND – Conditional Use Permit for a Conditional Use Permit for a motor vehicle transportation business. No junk, spare tires and/or parts collected on the property outside of a building - anything that is visible; not to exceed more than 10 trucks, not to exceed more than 12 trailers. | Location: 2820 CLIFTY DR  | Zoned: GB  | 1 Year Renewal |
| 4. | BZCU-23-73: CARL HUNGNESS – Conditional Use Permit for a Conditional Use Permit for an apartment on the first floor only.                                                                                                                                                                                           | Location: 318 MULBERRY ST | Zoned: CBD | 1 Year Renewal |
| 5. | BZCU-23-72: MONTY & NELLIE MASON – Conditional Use Permit for a Conditional Use Permit for a mobile home.                                                                                                                                                                                                           | Location: 3341 W 400 N    | Zoned: RA  | 1 Year Renewal |
| 6. | BZCU-23-74: SUSAN L. SMITH – Conditional Use Permit for a Conditional Use Permit for one (1) camper and one (1) boat with trailer for five (5) months - June 1st through October 31st; and up to two (2) additional campers for five (5) holidays.                                                                  | Location: 926 E VAUGHN DR | Zoned: OS  | 1 Year Renewal |
| 7. | BZCU-23-81: Anna Lauderbaugh – Conditional Use Permit for a Conditional Use Permit for a pet grooming business. Business Hours allowed of 8AM - 5PM Monday through Friday and every other weekend. No more than one customer at a time. Installation of sound-proofing material in business areas.                  | Location: 1850 Adams Dr   | Zoned: R-8 | 1 Year Renewal |
| 8. | BZCU-23-79: Ryan Rodgers – Conditional Use Permit for a Conditional Use Permit for a short-term AirBNB style rental.                                                                                                                                                                                                | Location: 209 W First St  | Zoned: HDR | 1 Year Renewal |
| 9. | BZCU-23-78: Ryan Rodgers – Conditional Use Permit for a Conditional Use Permit for a short-term AirBNB style rental.                                                                                                                                                                                                | Location: 207 W First St  | Zoned: HDR | 1 Year Renewal |

10. BZCU-23-95: Michael Holcak – Conditional Use Permit for a Conditional Use Permit for a short-term AirBNB style rental.  
Location: 604 Jefferson St                      Zoned: HDR                      1 Year Renewal
11. BZCU-23-61: Landon & Amy Ralston – Conditional Use Permit for a Conditional Use Permit for home occupation for purchase and sales of firearms by appointment only.  
Location: 1970 Clifty Dr                      Zoned: R-8                      1 Year Renewal
12. BZCU-23-69: Cynthia Johnson – Conditional Use Permit for a Conditional Use Permit for short-term rentals.  
Location: 209 East St                      Zoned: HDR                      1 Year Renewal

S. Baldwin noted that two applicants—Anderson's Land Investments and Michael Hullchack—had not yet paid their renewal fees. S. Baldwin made the motion to have the attorney send letters informing them that payment must be made by the next meeting to avoid permit lapses and to renew all other renewals since they have been paid, and had no complaints reported. – N. Burkhardt seconded the motion – Unanimous Consent Vote – Final vote is five (5) in favor and none against – Motions Carry.

**Renewals #1, 3-9, and 11-12 were renewed in accordance with the motion and vote.**

### **New Applications**

1. BZCU-25-15: Alexandra Hammock – Conditional Use Permit for Short-term rental.  
Location: 517 West St                      Zoned: CBD-Central Business District(CBD)

Alexandra Hammock presented her request to convert her one-bedroom studio-style house into a short-term rental (Airbnb). She emphasized concerns about parking and noise, agreeing to the city's noise ordinance quiet hours from 10:00 p.m. to 8:00 a.m. Staff recommended limiting occupancy to two guests and two vehicles. A. Hammock was aware of the adjacent private parking lot and emphasized guests should avoid parking there to prevent towing.

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

### **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 state-mandated criteria for CUP approval, finding no objections across nine categories including neighborhood character, traffic impact, and historic preservation.

S. Baldwin made the motion to approve the application with the following conditions: Renewal period of one year, maximum two occupants, maximum of two vehicles, and quiet hours from 10 p.m. to 8 a.m. – Seconded by M. Acosta – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

*Application BZCU-25-15 was approved in accordance with the motion and vote.*

2. BZCU-25-17: Samuel Lowenfield – Conditional Use Permit for Short-term rental.  
Location: 505 W Main St                      Zoned: SD-Specialty District(SD)

Samuel Lowenfield represented his application and seeks to rent it as a higher-end short-term rental. He does not reside there but lives nearby. He initially proposed quiet hours from 9 p.m. to 7 a.m., stricter than city ordinance. The board recommended matching the city's ordinance. Board members questioned the terms "unapproved parties". S. Lowenfield agreed to eliminate confusing language about "unapproved parties," clarifying no parties or unregistered guests would be allowed. Staff recommended a maximum of six occupants and three vehicles, with reliance on street parking due to limited off-street options.

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

Jill St. Francis, resident at 501 W Main St., spoke against the application citing concerns about property values, noise, parking shortages, and the transient nature of Airbnbs impacting neighborhood cohesion. She highlighted the housing shortage in Madison and the proliferation of short-term rentals downtown (over 200 rentals, 81 in the historic district), emphasizing that many are owned by out-of-area investors with no intent to become permanent community members. Jill questioned if the board tracks the number of short-term rentals or has limits to preserve neighborhood character.

The board explained that Indiana state law limits local restrictions on short-term rentals, generally favoring property owners' rights to rent. Madison's zoning ordinance allows rentals in certain districts, including the specialty district. The board must follow these laws and cannot impose outright bans on Airbnbs, only conditions to mitigate impacts, such as quiet hours and occupancy limits. The board noted very few complaints have been reported despite many short-term rentals downtown.

Kathryn Rutherford raised questions about parking regulations and impacts on the neighborhood, noting limited parking spaces on Elm and Main Streets and challenges posed by multi-unit rentals. Board members compared potential parking and occupancy limits for rentals with those of typical families living in similar homes, noting that the proposed limits often mirror or are less than what a family might have. They emphasized the ability to enforce permit conditions and address complaints through hearings, fines, and potential revocation of permits if violations occur.

## 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?*





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, quiet hours 10 p.m.-8 a.m., max four occupants, max two vehicles. – Seconded by M. Acosta – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

*Application BZCU-25-18 was approved in accordance with the motion and vote.*

5. BZCU-25-19: Alexander Deutch – Conditional Use Permit for Short-term rental.  
Location: 523 West St                      Zoned: CBD-Central Business District(CBD)

Alexander Deutch requested approval for a two-bedroom short-term rental with two bathrooms. He was represented by Erin Deutch. Staff recommended a maximum of four occupants and two vehicles, consistent with two per bedroom. E. Deutch confirmed awareness of parking restrictions related to a nearby private lot and said family members live nearby to assist with any issues.

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

## 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, quiet hours 10 p.m.–8 a.m., max four occupants, max two vehicles. – Seconded by K. Eaglin – Roll Call Vote – all ayes - Final Vote is five (5) in favor and none against – Motion Carries.

***Application BZCU-25-19 was approved in accordance with the motion and vote.***

New/Old Business:

S. Baldwin noted that under Old Business was one conditional use permit which was not renewed at their last meeting. Staff asked for that old business to be tabled due to communication error between staff and the board's attorney.

S. Baldwin made the motion to table the old business until the next meeting. - Seconded by R. Farris – Unanimous Consent vote – Final vote is five (5) in favor and none against – Motion Carries.

No further business brought before the Board.

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

***The meeting adjourned at 7:46 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