

**March 14, 2022**

**The City of Madison Board of Zoning Appeals held a regular meeting on Monday, March 14, 2022 at 6:30 p.m. in City Hall. Scott Baldwin, Chairman, presided over the meeting with the following Board Members present: Mark Acosta, Nancy Burkhardt, Rick Farris, and Darrell Henderson. Also present: Nicole Schell, Director of Planning; and Joe Patterson, Associate Planner. The following were late: Devon Sharpe, Attorney.**

No corrections noted to the December 13, 2021 Minutes. N. Burkhardt made motion to approve the February 14, 2022 Minutes – Seconded by M. Acosta – Unanimous Consent Vote – All ayes.

**Renewals:**

- ### One-Year Renewal

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8. Miller Automotive – Conditional Use permit for a mobile home to be utilized for residential use only; not to be utilized for a storage unit.

Location: **3169 W Black Rd**

Zoned: Residential Agricultural (RA)  
One-Year Renewal

S. Baldwin made the motion to approve renewals #1, #5, #6 and #7 – seconded by N. Burkhardt – roll call – all ayes. Final vote was five (5) in favor and zero (0) against.

***Renewals #1, #3, #4 and #5 approved in accordance with motion and vote.***

S. Baldwin noted that renewal fees had not yet been received for #2, #3, #4, and #8.

S. Baldwin made the motion to conditionally approve renewal #2, #3, #4, and #8 and instructed a letter be sent that they have not paid their renewal fee and their Conditional Use is expired; However, if the renewal fee is paid by the next scheduled meeting (March 14, 2022) then the conditional use permit would be renewed. – Seconded by M. Acosta – roll call – all ayes. Final vote was five (5) in favor and zero (0) against.

***Renewals #2, #3, #4, and #8 approved in accordance with motion and vote.***

**New Applications:**

1. Brian Marshall – Application for Variance from Development Standards. Applicant is requesting to build a small addition to home on lot that does not meet the minimum setbacks or lot size requirements for R-8 zoning. Requested setbacks are three (3) feet on the north, a zero-lot line on the east, eighteen (18) feet on the south, and seven (7) feet on the west.

Location: **411 Dowell St**

Zoned: Medium Density Residential (R-8)

Gary McGinnis – Carmel Rd, Hanover, IN – Asked by Brian Marshall at 411 Dowell St to represent him as he is sick. Mr. McGinnis stated that the plan is to build ten (10) feet to the south towards the street with no plans to add on in any other direction.

The Board discussed with MR. McGinnis the general area and the layout of the lot and how the limited room available made it difficult to do any sort of addition without needing some sort of setback variance.

No other questions from the Board and no comments from the public.

**Findings of Fact**

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

**Yes**

**No**

**Why?**

M. Acosta

No, I don't believe so. It kind of fits with the structure of the existing house.

R. Farris

Yeah, I don't think it will be injurious in any way. I think he's staying pretty much in the same footprint it looks like from the drawings.

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N. Burkhardt No, I don't see a problem. I think he's making his house a bit larger.  
 D. Henderson No, I would agree with those answers.  
 S. Baldwin I can see no problems with the general welfare of the community in this caring and updating an old house in this part of town.

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?

	<b>Yes</b>	<b>No</b>	<b>Why?</b>
M. Acosta			No, it will be the opposite.
R. Farris			No, I don't think so either. I think it will be an improvement to the house and the neighborhood.
N. Burkhardt			Yeah, I agree with those comments.
D. Henderson			No, it would be the opposite.
S. Baldwin			I agree. Updating and rehabbing a house in that neighborhood is certainly going to help things.

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

	<b>Yes</b>	<b>No</b>	<b>What are the practical difficulties?</b>
M. Acosta			No, I don't see that in any way.
R. Farris			The strict application of the Zoning Ordinance wouldn't allow him to build. We're looking for a Variance of Use – or of Development Standards – so it wouldn't allow him to build.
N. Burkhardt			Yes, I agree with Mr. Farris' comments.
D. Henderson			Yes, I agree. Strict applications wouldn't allow him to do this.
S. Baldwin			The practical difficulty is certainly he couldn't put that addition on. I frankly can see in this day and age, that addition is pretty valuable in upgrading that house.

4. Is this request contrary to public interest?

	<b>Yes</b>	<b>No</b>	<b>Why?</b>
M. Acosta			No, I see it being beneficial.
R. Farris			No, I don't see it being contrary to public interest. If anything, it will maybe help develop that neighborhood.
N. Burkhardt			I agree with that comment.
D. Henderson			Yes, I agree also.
S. Baldwin			I think public interest is in upgrading and maintaining houses around here, so I think that one is met.

5. Are there conditions peculiar to the property?

	<b>Yes</b>	<b>No</b>	<b>What are the peculiarities?</b>
M. Acosta			Certainly with the small lot layout and tight settlement of housing in that area.
R. Farris			Yeah, I just think that the size and shape of the property is the peculiarity that we're dealing with.
N. Burkhardt			Yes, I agree with that comment.
D. Henderson			Yes, it's a very small lot and in downtown Madison.
S. Baldwin			I agree, it's in downtown Madison and those lots were probably laid out in the Nineteenth Century. That goes with them.

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6. Are the peculiarities to the property a result of the applicant?

	Yes	No	Why/Explain
M. Acosta	No, it was long before.		
R. Farris	I don't see how in any way that it's the applicant's doing.		
N. Burkhardt	No, it's not a result of the applicant.		
D. Henderson	No, definitely not.		
S. Baldwin	No, the lot was laid out that way and he just bought it and is seeking to upgrade it.		

7. Will owner sustain an unnecessary and undue hardship?

	Yes	No	What is/are the hardship(s)
M. Acosta	Without the variance, yes. He would be unable to improve the property.		
R. Farris	I agree as well. The literal enforcement would prevent him from adding the addition.		
N. Burkhardt	Yeah, I agree with those comments.		
D. Henderson	Yes, I agree also.		
S. Baldwin	The undue hardship would be he would be unable to upgrade the house as needed, so that is met.		

D. Henderson made the motion to approve the application for 411 Dowell St – seconded by M. Acosta – roll call – all ayes. Final vote was five (5) in favor and zero (0) against.

***Variance approved in accordance with motion and vote.***

**Tabled Applications:**

1. Indiana Veterans Memorial Cemetery – Variance of Use for expansion of burial space on current cemetery grounds.

Location: **1415 MSH N Gate Rd**

Zoned: Residential Agricultural (RA)

S. Baldwin stated that Staff had informed the Board that they were in the process of re-reviewing the application to look at various legal requirements and any other requirements were being adhered to.

S. Baldwin made the motion to table this application indefinitely until Staff is ready to present it again – seconded by N. Burkhardt – Unanimous Consent Vote. Final vote was five (5) in favor and zero (0) against.

***Application tabled in accordance with motion and vote.***

2. Cory Hankins & Erin Dickerson – Conditional Use Permit for placement of a few tiny homes on the lots and other times for storage on the property. Applicant desired to modify application from a request for tiny homes to instead be utilized like past camping uses.

Location: **502, 504, and 510 E Vaughn Dr**

Zoned: Open Space (OS)

Cory Hankins & Erin Dickerson – 201 Bank St – Desire to utilize the properties during festival weekends and other holidays for camping and other similar uses as the previous owner and holder of a Conditional Use Permit for these properties had utilized. Applicants discussed with the Board that while they would charge some sort of nominal fee to help pay for the property taxes, it would only be for friends and

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family and that they would also be present any time the properties were being utilized during these holidays and activities. Mr. Farris asked if there would be any sort of advertisement of the properties to which the applicants stated there would not be. S. Baldwin inquired as to the total number of spaces available to which the applicants and D. Henderson stated they were requesting in line with the previous owner of twelve (12) spaces for campers, trailers, and similar camping apparatus.

S. Baldwin stated that there was a huge public outpouring regarding the previous applicant as Vaughn Drive area is treasured and is essentially a “micro-version” of Lake Shore Drive in Chicago. S. Baldwin stated that his personal belief was that renting these sort of spaces was a “red flag” and asked if the applicants did actually intend to be present to which the applicants replied that they would. The applicants reiterated that it would be only for friends and family and if they did not personally know someone who wanted to utilize the space then they would not be allowed to. The applicants restated that the intention with the “fees” was just to help cover expenses that go along with owning the property to which S. Baldwin stated that might change his opinion on things if the intent was not to not rent out directly to the public.

D. Henderson stated that it appeared this application was no different than that of the previous owner and did not see any issue. N. Burkhardt agreed and her opinion to the Board was to use caution and not apply too many conditions to the applicants’ request as everything appeared to work with the previous owner’s use. The Board discussed the previous owner’s use further and the setup of the lots, including utilities. The Board and the applicants discussed the various dates that were being requested to permit the camping use.

Di Sommers – 512 E Vaughn Dr – Stated her son never received a letter to which the applicants and Staff confirmed that a letter was sent in accordance with the Zoning Ordinance. Ms. Sommers stated that she received a letter to her address but it did not have her name on it. Ms. Sommers provided a history events in the area and that the neighbors in the area had spent a significant amount of time and money in maintaining their properties and maintaining the character of the area. Ms. Sommers further stated that she had a map of other property owners in the area who were opposed to the applicant’s request.

S. Baldwin made the motion to accept Di Sommers’ map into the record – seconded by R. Farris – Unanimous Consent vote – all ayes. Motion carries with five (5) in favor and zero (0) against.

**Di Sommers’ map accepted into record in accordance with motion and vote.**

Joseph Phillips – 121 St Michaels Ave – Primary concern is with the city-owned lot adjacent to these properties on the alley and if the City would allow this lot to be utilized as well. D. Henderson stated that the City would not allow these activities to occur on the City-owned lot to which Staff also confirmed.

Duane Rabb – 119 St Michaels Ave – Had concerns relating to tiny houses and the general timeframe of the events with setup and cleanup. S. Baldwin stated that, per the applicant’s application, setup could occur the day before any event after 3PM and all items must be removed by 3PM the day following the event, including all trash and debris. The Board and applicants discussed with Mr. Rabb that the tiny homes had been removed from the property once they were made aware of the Zoning Violation regarding their placement on the property which also prompted them to discuss the appropriate actions needed to pursue to allow camping on the property. R. Farris stated that the applicants, once aware,

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have been very cooperative and diligent in working with the City on their application and that their plan and conditions within the application was thorough and listed more conditions than probably 98% of the applications the Board reviews. M. Acosta agreed with R. Farris' comments as well.

No further comments from the Public or the Board.

S. Baldwin summarized for the public how the Findings of Fact and motion process worked. S. Baldwin also stated that this application was being considered under Category 752.

**Findings of Fact**

1. Do you agree this is in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of Uses?

**Yes                      No                      Why?**

M. Acosta	Yes, it fits as demonstrated by the previous owner's use.
R. Farris	I agree as well. I think the amount of time that we've spent on the previous application and this application as well we've covered this material extensively and I do believe that it fits in that category.
N. Burkhardt	Yes, 752 is allowed in Open Space with a Conditional Use.
D. Henderson	Yes, I agree 752 is appropriate.
S. Baldwin	752 is the one we have used in the past for this same type of application. I believe this one is met.

2. Do you agree this will be harmonious with and in accordance with the general objectives or with any specific objectives of the City's Comprehensive Plan and/or the zoning ordinance?

**Yes                      No                      Why?**

M. Acosta	I see it being harmonious in the fact that the festivals and activities on the riverfront are a big part of what Madison is and what it's known for. I make the assumption that this is not going to bring bad conduct or those types of things to the area as I feel that some of the comments were directed in that direction.
R. Farris	I believe it will be harmonies with the general objectives of the City's Comprehensive Plan, but I want to add to the applicants that it is very, very important that you follow and abide by the terms and conditions that are in writing. So, as long as the applicants are willing to abide by all the written stipulations, then I believe that this can be harmonious.
N. Burkhardt	Yes, I agree with the provisions that we've added to the property.
D. Henderson	Yes, I agree with the restrictions and all the conditions that we've made it as harmonious as possible.
S. Baldwin	The general objective is that with the town festivals and the lots down there that people want to use them, so with appropriate safeguards I believe that one can be met.

3. Do you agree this will be designed, constructed, 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?

**Yes                      No                      Why?**

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- M. Acosta Yes, as defined it's during festival time. It will be in the general use of everywhere else along the riverfront. So, I do see it as being a fit.
- R. Farris I agree as well. I want to point out that I think the neighbors will hopefully benefit from having all these terms and conditions outlined and addressed in writing. A lot of the sense of what could happen at these properties would be reflective of years past and I think everybody is working hard here to address those so that it will be an improvement and not just the same old, same old.
- N. Burkhardt I don't think it's going to change the essential character relative amount of time we've given them and their actions will be reviewed annually, so I think they will be good neighbors.
- D. Henderson Yes, I agree also. With all the restrictions, we've done all we can do.
- S. Baldwin Mr. Acosta put it well. This is going to be harmonious with the festivals and that is the only time this is going to be allowed.

4. Do you agree that this will not be hazardous or disturbing to future or existing neighboring uses?
- |  | <b>Yes</b> | <b>No</b> | <b>Why?</b> |
|--|------------|-----------|-------------|
|--|------------|-----------|-------------|

- M. Acosta I think it will be no more disturbing than anyone else on the riverfront sitting on their porch attending the festivals.
- R. Farris I agree as well. I think, again, with the work that's been done and the cooperation of the applicants that this will be no more disturbing than any other property in the area.
- N. Burkhardt I agree with the restrictions that we've added, I hope it's not disturbing to these neighbors.
- D. Henderson Yes, I think it will be less disturbing than all the food trucks along the Vaughn Drive.
- S. Baldwin Disturbing to the existing or future neighboring uses? Well, the bulk of the time, they won't even be there. So, the times they will be there will be during the big festivals and so forth when that area is already filled with people. So I think that one is met.

5. Do you agree this will 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?
- |  | <b>Yes</b> | <b>No</b> | <b>Why?</b> |
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|--|------------|-----------|-------------|

- M. Acosta Yes, I see no issues with that.
- R. Farris Yeah, I don't see any issues either. They're certainly not going to be adding to the crowd or the population during the festivals any more than what has already been there in years past so I don't see any reason why it would be a burden on public services or facilities.
- N. Burkhardt I agree with that comment with the limited time they will have use of the property.
- D. Henderson Yes, I agree also. It is being adequately served.
- S. Baldwin It's in downtown Madison. All of the utilities and services are there in abundance, especially at festival times. That one is met.

6. Do you agree this will 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?
- |  | <b>Yes</b> | <b>No</b> | <b>Why?</b> |
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M. Acosta	Yes, I don't see where any public expense or public facilities are needed.
R. Farris	Yeah, I don't see any reason to believe why approving this application is going to create any excessive requirements.
N. Burkhardt	I agree and I don't believe it will be a detriment to the economic welfare of the community.
D. Henderson	Yes, I agree also for the same reasons.
S. Baldwin	I see no requirements at public expense for things that are already there. I think that one is met.

7. Do you agree this will 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?

<b>Yes</b>	<b>No</b>	<b>Why?</b>
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M. Acosta	Yes, as long as the stipulations that are there are followed.
R. Farris	I agree as well. I don't think approving this application is going to create any more noise than the festival itself, so I think it will fit right in.
N. Burkhardt	I agree with those comments. We'll see how their actions proceed over the next year.
D. Henderson	Yes, I agree also. As Mr. Farris said there is a little more noise as a rule that goes with those activities, especially Regatta and that kind. I don't see this causing any more.
S. Baldwin	I agree that there will be no excessive production of traffic or noise than what's already there at festival times. I think that one is met.

8. Do you agree this will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares?

<b>Yes</b>	<b>No</b>	<b>Why?</b>
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M. Acosta	I do not see it having any impact as, again, it is only during festival time where most of those events along Vaughn Drive is very limited.
R. Farris	I agree as well. I think part of the stipulations that describe how many pieces of equipment can be located on those properties, is still big enough to account for the parking.
N. Burkhardt	No, I don't see any problems or interfering with traffic.
D. Henderson	I don't see any problem. There is plenty of room to park there.
S. Baldwin	The only traffic they would generate would be removal and setup of equipment and Vaughn Drive can handle that.

9. Do you agree this will not result in the destruction, loss, or damage of a natural, scenic, or historic features of major importance?

<b>Yes</b>	<b>No</b>	<b>Why?</b>
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M. Acosta	No, I don't see any impact to that at all, to any of it.
R. Farris	I don't see any impact on that as well. I think, again, the behavior of the applicants is going to require them to be good neighbors, to do what they say they're going to do, and

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- clean up between visits, and trying to find a compromise between green space down there it that area and being able to use their property as a private property owner.
- N. Burkhardt Yes, I agree with Mr. Farris' statement.
- D. Henderson Yes, I agree also. I don't see where it results in any destruction, loss, or damages to scenic resources.
- S. Baldwin I agree. I can't see any. There will be festivals going on with lots of people and food trucks and boats. I don't see anything being destroyed. I think that one is met.

S. Baldwin made the motion to approve the Conditional Permit for a period of one (1) year with the following stipulations (conditions):

Major recreational equipment, as defined in the Madison Zoning Ordinance, tents, or any other type of overnight shelter or accommodation is permitted on the following weekends or events.

- a. Memorial Day
  - b. Labor Day
  - c. Chautauqua Festival of Art on the date(s) it is held
  - d. Ribberfest BBQ and Blues on the date(s) it is held
  - e. Regatta on the date(s) it is held
  - f. Independence Day and related City activities, if different from Regatta dates
  - g. Soup, Stew, Chili, and Brew on the date(s) it is held.
  - h. Roostertail Music Festival the date(s) it is held
  - i. Vintage Thunder Hydroplane Boat Race on the date(s) it is held.
  - j. Riverfront Wine, Stein, and Barrel on the date(s) it is held.
  - k. RDC UTV/Golf Cart Poker Run on the date(s) it is held.
1. On the dates listed above setup of any pieces of major recreational equipment, tents, or other type of overnight shelter or accommodation may occur the day before the official beginning of the holiday or event after 3:00 p.m.
  2. On the dates listed above, setup of any pieces of major recreational equipment, tents, or other type of overnight shelter or accommodation must be completely removed by 3:00 p.m. of the day following the conclusion of the holiday or event. The lot must be completely cleaned of all trash, debris, and equipment by this time.
  3. No storage of any kind including but not limited to RV's, boats, trailers, vehicles, and tiny homes is permitted outside of the events and dates above.
  4. Campfires must be extinguished by 11:00 p.m. No permanent fire pits or fireplaces are allowed. Barbecue and other cooking equipment for personal use only is authorized outside of established Quiet Hours.
  5. The City of Madison Noise Ordinance requirements must be adhered to except:
    - a. Quiet hours must be observed from 11:00 p.m. – 8:00 a.m. No amplified music, or otherwise, is permitted during this time.
    - b. Clearly Audible shall be defined as no more than 100 feet from the property
    - c. Exemptions listed in the Ordinance apply unless this Conditional Use Permit contains more stringent requirements (i.e. Fireworks)
  6. No fireworks of any kind are permitted.
  7. No more than twelve (12) total pieces of major recreational equipment, tent, camper, or other kind of overnight shelter or accommodation permitted on the total of the three (3) lots.
  8. Any and all utility connections shall meet all regulations and requirements of all pertinent regulating agencies and utilities.

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9. Ten-foot setbacks from combined property boundaries shall be maintained.
10. For family members and friends only. No commercially advertised use are permitted.
11. No amplified music of any kind is permitted to ensure no disruption of peace and quiet of surrounding property, residents, and passers-by. However, acoustic instruments such as guitars are permitted excluding drums and brass instruments.

– seconded by M. Acosta –

After brief discussion amongst the Board, applicants, and Staff regarding Condition 11 and reference to Condition 5.b, S. Baldwin modified Condition 11 to:

11. No amplified live music of any kind.

– Modified set of Conditions seconded by M. Acosta – M. Acosta added a comment that it seems like when these things come up, the worst is expected. It's going to be unruly. It's going to be loud. The criteria and stipulations laid out, if followed, should be very harmonious, even if this is a permit granted for whatever length of time, if they don't follow these stipulations, the Permit can be pulled. It's not like you get permit and you're free to do whatever you want to do. It's up to the owners to be good citizens and abide by them.

S. Baldwin noted there was a motion and a second – roll call – all ayes. Final vote was five (5) in favor and zero (0) against.

**Conditional Use approved in accordance with motion and vote (Category 752).**

3. David Cheatham – Variance from Development Standards for setbacks to allow for relocating steps to the property. Applicant is requesting a zero-lot line on the west and south lot lines.

Location: **816 W First St**

Zoned: Historic District Residential (HDR)

David Cheatham – Owner of 816 W First St – Purchased the property in November (2021). Mr. Cheatham stated that previous owner had rehabilitated the property including the steps. Mr. Cheatham explained that as the prior owner was finishing this all up, Mr. Cheatham had an official survey performed on the property and discovered that a portion of the steps had overlapped onto the adjacent property. Mr. Cheatham stated that since they intended to replace the porch, they spoke with Staff and received permission to remove the overlapping steps and is now seeking the variance to finish the steps and porch as it would encroach upon the standard three-foot variance.

No questions from the Board. No comments from the audience.

**Findings of Fact**

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

**Yes**

**No**

**Why?**

M. Acosta	No, I see no issue.
R. Farris	No, I see no reason why it would be.
N. Burkhardt	No, it's the opposite. He's trying to make something better.
D. Henderson	No.
S. Baldwin	He's helping the general welfare by rehabbing that house.

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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?

**Yes                      No                      Why?**

M. Acosta            It will not have an adverse effect. If anything, it should improve the values of the surrounding area.

R. Farris             Yeah, like many applications that we see, in similar fashion, he's just trying to upgrade the house to the original standard. With the lot sizes being what they are, he has to get a variance just to be able to replace the steps.

N. Burkhardt        No, in fact he's bringing this property into conformance with the zoning requirements.

D. Henderson       No, it would increase the value of the adjacent property.

S. Baldwin           I agree with that. Upgrades and repairs improve the value of a neighborhood.

4. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

**Yes                      No                      What are the practical difficulties?**

M. Acosta            Given the lot size and shape and especially the existing structure that is there already encroaching across the property line.

R. Farris             Yeah, I mean the practical difficulty is the literal enforcement would cause pain and heartache in getting this project done.

N. Burkhardt        Yes, I agree with those comments.

D. Henderson       Yes, under strict application, he definitely couldn't do it.

S. Baldwin           The practical difficulty, like so much of downtown Madison, are tiny lots, and houses too close to the lot lines.

5. Is this request contrary to public interest?

**Yes                      No                      Why?**

M. Acosta            No, it is not contrary to public interest.

R. Farris             No, I don't believe it is either. I think he is trying to spend some money and upgrade an older house in downtown Madison.

N. Burkhardt        No, he is actually bringing his property out of someone else's property area.

D. Henderson       No, it's actually helping the area.

S. Baldwin           I agree. The public interest is preserving and maintaining these fine, old homes. I think it's helping public interest.

6. Are there conditions peculiar to the property?

**Yes                      No                      What are the peculiarities?**

M. Acosta            Like we've said, again, as so many times in downtown Madison with the small lots, houses close together, it's necessary to accommodate them.

R. Farris             I agree with the previous comments. I mean, it's the age-old issue with houses in downtown Madison.

N. Burkhardt        Yes, I agree with those comments.

D. Henderson       Yes, I agree also.

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S. Baldwin Once again, the peculiar conditions are the proximity of the house to the lot lines.

7. Are the peculiarities to the property a result of the applicant?

Yes	No	Why/Explain
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M. Acosta No. It's actually trying to correct an error of the previous owner.

R. Farris No, I don't see how it is.

N. Burkhardt I agree with those comments.

D. Henderson No.

S. Baldwin All he did was buy the house and the lot. It wasn't his fault it was laid out and built that way.

8. Will owner sustain an unnecessary and undue hardship?

Yes	No	What is/are the hardship(s)
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M. Acosta Without the variance he will. He will not be able to complete the project.

R. Farris It couldn't be said any better, I agree.

N. Burkhardt Yes, I agree with those comments.

D. Henderson Yes, it definitely will.

S. Baldwin The hardship would be he couldn't do the project.

R. Farris made the motion to approve the application for the Variance from Development Standards – seconded by D. Henderson – roll call – all ayes. Final vote was five (5) in favor and zero (0) against.

**Variance approved in accordance with motion and vote.**

**Business – Old or New:**

1. Shawn Sands – Conditional Use permit for a wrestling facility.

Location: **2520 Lanier Drive, Suite C**

Zoned: Heavy Industry (M-2)

One-Year Renewal

2. Glennia Moore – Conditional Use Permit for a mobile home.

Location: **3607 N Old SR 62**

Zoned: Low Density Residential (R-4)

One-Year Renewal

3. Mike Anderson – Conditional Use Permit for a tattoo studio.

Location: **408/418 Mulberry St**

Zoned: Historic District Residential (HDR)

One-Year Renewal

4. Hrezo Engineering, Inc. – Conditional Use Permit for professional service office - Architecture, Engineering, and Surveying services.

Location: **444 Meadow Ln**

Zoned: General Business (GB)

Two-Year Renewal

- ### One-Year Renewal

Joe Patterson, Associate Planner