

LEGAL NOTICE
MADISON CITY BOARD OF ZONING APPEALS

The Madison City Board of Zoning Appeals will meet Monday, May 10, 2021 at 6:30 p.m. in City Hall, 101 W. Main Street, Madison, IN 47250.

Renewals:

1. Indiana Apartment Holdings, LLC – Conditional Use permit for an apartment complex.
Location: **2219,2223,2225,2227 & 2213 Michigan Rd.** Zoned: Medium Density Residential (R-8)
One-Year Renewal
2. Jason J. Pattison – Conditional Use permit for in-home part time law office.
Location: **312 Vine St.** Zoned: Historic District Residential (HDR)
One-Year Renewal
3. Patricia Danda – Conditional Use permit for in home acupuncture practice.
Location: **132 East St.** Zoned: Historic District Residential (HDR)
One-Year Renewal
4. MPP Rentals, LLC – Conditional Use permit for retail golf cart sales.
Conditions: One-Year Renewals; Business open by appointment only; Heritage Trail building or property shall not be blocked.
Location: **110 Cragmont St.** Zoned: Heavy Manufacturing (M-2)
One-Year Renewal

New Applications:

1. 1809 Property Group, LLC/Tony Steinhardt – Variance from Development Standards (Setback Variance) for a +/- six (6) inch setback on the west property line and a +/- one (1) foot setback from the east property line in order to complete a restoration and addition to an 1850's shotgun home.
Location: **221 W. First St.** Zoned: Historic District Residential (HDR)
2. Ronald J. Frazee – Variance from Development Standards (Setback Variance) for a zero (0) lot line setback on the north property line in order to build a new roof out from existing brick approximately eighteen (18) inches to create a classic door entry.
Location: **829 W. Main St.** Zoned: Local Business (LB)
3. Warren Watson - Variance from Development Standards (Setback Variance) for a fifteen (15) foot setback on the East property line in order to build a pole barn storage building
Location: **31 S. Oak Dr.** Zoned: Low Density Residential (R-4)
4. Michael Roark - Variance from Development Standards (Setback Variance) for a six-teen (16) foot & three (3) Inch setback on the North property line, a one (1) foot setback on the West property line, and a four (4) foot setback on the East property line for the front porch. The

applicant is also requesting a one (1) foot setback on the West property line and a four (4) foot setback on the East property line for the back porch. Applicant is requesting the following setbacks in order to remove & replace front & back porches.

Location: **1035 W. Main St.**

Zoned: Medium Density Residential (R-8)

5. Tom & Barbara McPherson - Variance from Development Standards (Setback Variance) for a one (1) foot setback on the East property line and a zero (0) lot line setback on the West property line in order to rebuild deck and increase the size of the deck to the end of the house.

Location: **901 W. First St.**

Zoned: Historic District Residential (HDR)

6. Todd Boone - Variance from Development Standards (Setback Variance) for a zero (0) lot line setback on the West property line in order to construct a privacy wall extending up from the existing concrete wall along the west side of the property.

Location: **107 E. Second St.**

Zoned: Central Business District (CBD)

7. Gene Armel, GTG Investments LLC - Variance from Development Standards in order to allow for the use of a 2001 double wide mobile home.

Location: **3680 W. Long Way**

Zoned: Residential Agricultural (RA)

8. Gene Armel, GTG Investments LLC – Conditional Use in order to place a double wide mobile home at 3680 W. Long Way.

Location: **3680 W. Long Way**

Zoned: Residential Agricultural (RA)

Tabled Applications:

1. Rich & Sallie Plass – Variance from Development Standards (Setback Variance) for a zero lot line on the east property line. The applicants are planning on enclosing their porch with a sliding door/window unit & to cantilever & extend their deck three (3) feet to the south.

Location: **811 W. First St.**

Zoned: Historic District Residential (HDR)

Business – Old or New:

1. Kimberly S. Taylor for Jefferson County Transitional Services – Conditional Use permit to house a maximum of ten (10) residents – nine Transitional Services Residents and one (1) manager. Conditions: Not to exceed maximum residency of ten (10); One (1) year renewals; Transitional Services rules to be maintained.

Location: **309 St. Michael's Ave.**

Zoned: Historic District Residential (HDR)
One-Year Renewal

2. Yong Perry – Conditional Use permit for retail sales of furniture & household goods.

Location: **845 W. Main St.**

Zoned: Local Business (LB)
One-Year Renewal

3. One Scientific Inc. – Conditional Use permit for engineering office and lab.

Location: **2715 Clifty Dr.**

Zoned: General Business (GB)
One-Year Renewal

4. Lucas Soule – Conditional Use permit for a mobile home.

Location: **2761 E. SR 56**

Zoned: Residential Agriculture (RA)
One-Year Renewal

5. Board of Zoning Appeals Rules of Procedure

6. Concern of a zoning violation.

For the purpose of hearing those for or against said applications, a public hearing will be held on Monday, May 10, 2021 at 6:30 p.m. in City Hall, 101 W. Main St., Madison, IN 47250.

BY ORDER OF THE MADISON CITY ZONING BOARD OF APPEALS

Darien Vernon, Office Assistant

As per Title II of the Americans with Disabilities Act, anyone requiring an auxiliary aid or service for effective communication, should contact the Madison City Plan Commission at 812-265-8324 as soon as possible but no later than 48 hours before the scheduled meeting.

**MADISON CITY BOARD OF ZONING APPEALS
VARIANCE FROM DEVELOPMENT STANDARDS**



Application Fee: \$ 35.00
Ad Fee (for Legal Notice) \$ 15.00
Recording Fee \$ 25.00
Total Due \$ 75.00

Madison City Plan Commission
101 W. Main St.
Madison, IN 47250
(812) 265-8324

NOTICE: ALL QUESTIONS MUST BE FILLED OUT COMPLETELY; NARRATIVE AND SITE PLAN ATTACHED

A complete application must be filed at least 28 days prior to meeting.

Owner Information:

Name: 1809 PROPERTY GROUP LLC / TONY STEINHARDT
Address: 6115 E 65th PLACE INDIANAPOLIS IN 46220
Phone #: (Work/Home) 317/523/0579 (cell) (SAME)
Email: TSTEINHARDT@RATIODESIGN.COM

If Needed - Additional Contact Information Associated with Application:

Name: _____
Address: _____
Phone #: (Work/Home) _____ (cell) _____
Email: _____

Property Address: 221 W. FIRST ST. MADISON IN 47250
Parcel I.D.: _____
Zoning Classification: _____

Description of Existing Use: RESIDENTIAL - ABANDON

Description of Proposed Use:
RESIDENTIAL

Type of Variance requested: ☐ Parking ☒ Setbacks ☐ Other (Explain) _____

For new construction submit plans and specifications

(Required application attachments outlined on back.)

If you plan to make any changes in the following items, please circle and give detailed description below;
Include available materials, pictures, drawings, etc.

Roof Porches Outbuilding(s) Walks Driveways Removal or Demolition Addition to existing building(s) Other

Approximate cost of work to be done, if any: \$125,000 - \$150,000

Description of work to be done:

RESTORATION AND ADDITION TO A 1850'S SHOTGUN HOME,
+/- 6" ON WEST SIDE IN ALIGNMENT W/ EXISTING HOME & EAST SIDE +/- 1'
OFF PROPERTY LINE

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 and mailing stubs along with green certified receipts shall be presented to the Plan Commission office at least one (1) working day prior to hearing.

3.31.2021

(Date)


(Signature of Applicant)

City of Madison Zoning Ordinance

Variance definition – A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance and regulations would result in unnecessary and undue hardship.

A narrative/explanation addressing each of the seven (7) items in Section 11.35 MUST be submitted with this application.

Section 11.35 -

The Board of Zoning Appeals shall approve or deny variances from the development standards of the zoning ordinance. A variance may be approved under this section only upon a determination that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*
2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and*
3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.*
4. *How will not be contrary to public interest*
5. *Conditions peculiar to the property*
6. *The peculiarities to the property are not the result of the applicant.*
7. *The unnecessary and undue hardship.*

If requesting a setback variance, a site plan showing setbacks from all four (4) property lines for new structure and all existing structures MUST be included with application!!!

Section 11.36 – APPLICATION FOR VARIANCES FROM DEVELOPMENT STANDARDS

A variance from development standards of the Zoning Ordinance shall not be granted by the Board of Zoning Appeals unless and until written application for a variance from development standards is submitted to the Building Inspector and the Board of Zoning Appeals

Section 11.37 – SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Board of Zoning Appeals grant an appeal for variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 11.50 of the Zoning Ordinance.

Zoning Application -Narrative and Explanation – 221 West First Street

1. We believe the approval would have no injurious effect on public health, safety, morals, or impact to the general welfare to the community. Several examples exist in the downtown community of building on property lines or small setbacks as proposed.
2. We believe the approval will not affect the adjacent property as the neighborhood has homes constructed on or with small setbacks as proposed.
3. Without the variance, the existing structure built in 1850's does not offer enough footprint for a modern home and the additions are critical to the function of a home of today.
4. We believe the additions will not be contrary to public interest and will take an abandoned structure and put it into use as a modern home.
5. The conditions of the existing structure and the additions being removed and rebuilt need repair.
6. The existing issues with the property are not the result of the applicant.
7. We believe no hardship will be caused by the neighbors or the community by this request.



NORTH ELEVATION



WEST ELEVATION



STREET VIEW



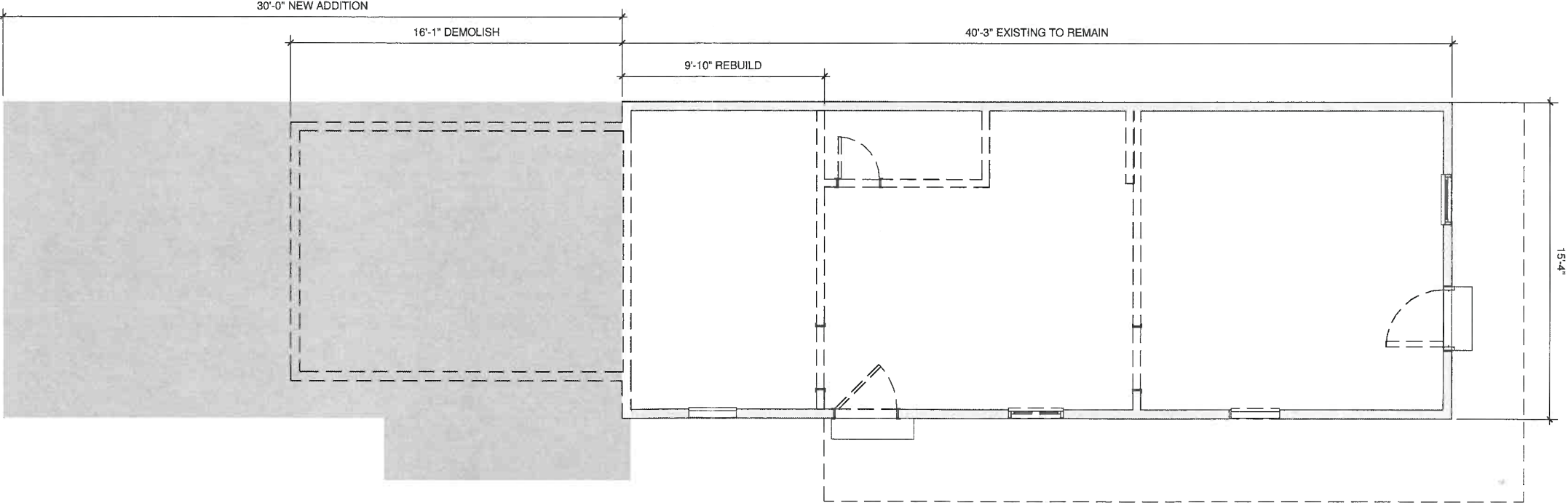
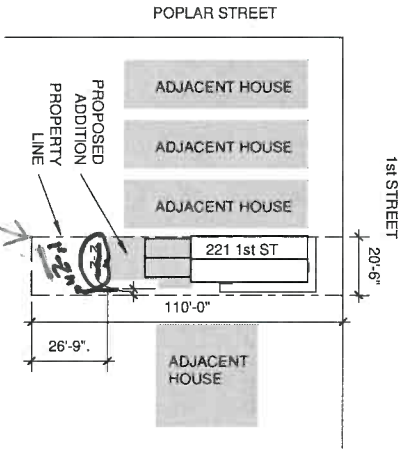
EAST ELEVATION

EXISTING DEMOLITION WORK SCOPE

- SIDEWALK
REMOVE EXISTING - PREP FOR NEW
- ROOF
REMOVE EXISTING ASPHALT SHINGLES TO ROOF DECK - REPLACE ROOF DECK AS REQUIRED - PREP FOR NEW ROOFING
- DRAINAGE
REMOVE EXISTING ALUMINUM GUTTERS - REPAIR GUTTER BOARDS AS REQUIRED & PREP FOR NEW
- EXTERIOR WALLS
REPAIR & INSTALL NEW LAP SIDING TO MATCH EXISTING AS REQUIRED
- REBUILD APPROXIMATELY 10'-0" OF SOUTH END OF HOUSE IN SAME CONFIGURATION
- DOORS
REMOVE EXISTING - PREP OPENING FOR NEW DOOR
- WINDOWS
NORTH - (1) 2 OVER 2 WOOD DOUBLE-HUNG UNIT TO BE REPAIRED & RESTORED - PAINT
EAST - REMOVE (2) UNITS - PREP FOR INSTALLATION OF NEW
EAST - (1) FIXED 6-LITE WOOD UNIT TO BE REPAIRED & RESTORED - PAINT
WEST - FRAME NEW OPENINGS FOR (2) NEW WINDOWS
- FOUNDATION
REMOVE EXISTING STONE FOUNDATION PIERS - PREP FOR INSTALLATION OF NEW
- INTERIOR
DEMOLISH INTERIOR WALLS, DOORS, FINISHES & MEP - PREP FOR INSTALLATION OF NEW IN NEW CONFIGURATION
- REAR ADDITION
DEMOLISH REAR ADDITION IN ITS ENTIRETY - PREP FOR NEW ADDITION COMPLETE WITH LOWER LEVEL
- NEW ADDITION LOCATION SHOWN IN GRAY

SITE PLAN NOTES

- PROPERTY SIZE
20'-6" x 110'-0"
- SETBACKS
NORTH - UNCHANGED
EAST - ADDITION TO MATCH EXISTING WITH EXCEPTION OF 12'-0" STAIR BUMP OUT WHICH WILL BE APPROXIMATELY 2'-2" FROM PROPERTY LINE
SOUTH - INCREASE BY 14'-0" TO 26'-9" FROM PROPERTY LINE
WEST - UNCHANGED



MADISON CITY BOARD OF ZONING APPEALS
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Ad Fee (for Legal Notice) \$ 15.00
Recording Fee \$ 25.00
Total Due \$ 75.00

Madison City Plan Commission
101 W. Main St.
Madison, IN 47250
(812) 265-8324

NOTICE: ALL QUESTIONS MUST BE FILLED OUT COMPLETELY; NARRATIVE AND SITE PLAN ATTACHED

A complete application must be filed at least 28 days prior to meeting.

Owner Information:

Name: Ronald J. Frazee
Address: 4343 Grayson Dr. Indianapolis, IN 46228
Phone #: (Work/Home) _____ (cell) 317-710-0877
Email: rjfrazee@yahoo.com

If Needed - Additional Contact Information Associated with Application:

Name: _____
Address: _____
Phone #: (Work/Home) _____ (cell) _____
Email: _____

Property Address: 829 W. Main Madison
Parcel I.D.: 39-13-03-121-007.000-007
Zoning Classification: LB

Description of Existing Use: VACANT

Description of Proposed Use: 4-Cond.

Type of Variance requested: ☐ Parking ☒ Setbacks ☐ Other (Explain) _____

For new construction submit plans and specifications

(Required application attachments outlined on back.)

If you plan to make any changes in the following items, please circle and give detailed description below;
Include available materials, pictures, drawings, etc.

? Roof Porches Other Outbuilding(s) Walks Driveways Removal or Demolition Addition to existing building(s)

Approximate cost of work to be done, if any: \$800.00

Description of work to be done:

BUILD NEW ROOF OUT FROM EXISTING BRICK APPROX. 18"
TO CREATE A CLASSIC DOOR ENTRY - 3rd 2nd line on North
Property line

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 and mailing stubs along with green certified receipts shall be presented to the Plan Commission office at least one (1) working day prior to hearing.

4-09-2021

(Date)

Bonnie J. Frazier

(Signature of Applicant)

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Section 11.35

1. The approval will not pose any threat to public health and safety, but will add a safety feature for the homeowner.
2. The use and value of adjacent property will be complemented by the addition of the classic front door entry.
3. Due to the fact that this is the main entry, without the decorative detailing above the door, it provides no protection to persons using it in inclement weather.
4. It will add to the historic charm of the building. Pleasing to the eye.
5. There is no overhang to protect the entrance with two stories, plus roof above and water running down the wall.
6. This building was not in good repair when we purchased it in the fall of 2020.

7. The addition of a small decorative detail above the door would prevent any undue hardship in inclement weather and would help preserve the historic features of the front of the building.

SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

ADDRESS: 829 W MAIN STREET, MADISON, INDIANA 47250
PROPERTY DESCRIPTION: PARCEL ON SOUTH SIDE OF MAIN STREET, SECT 3, T3N, R1OE,
MADISON TWP., JEFFERSON COUNTY, INDIANA

CLIENT: BARBARA FRAZEE

BUYER: N/A

OWNER: DAVID BEDINGHAM

TITLE COMPANY: JEFFERSON COUNTY LAND TITLE, MADISON, INDIANA

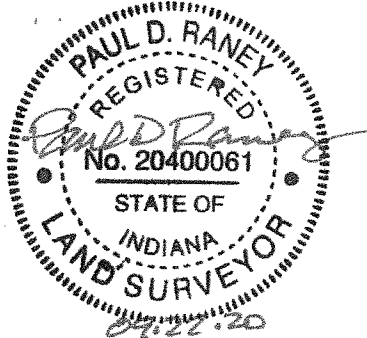
SURVEYORS CERTIFICATE

I HEREBY CERTIFY TO THE PARTIES NAMED ABOVE THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS CONTAINED IN SECTIONS 27 THROUGH 29 OF 865 IAC 1-1.2 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

DATE OF SURVEY: SEPTEMBER 17, 2020

SIGNED THIS 22 DAY OF
September, 2020.

Paul D. Raney
PAUL D. RANEY PS20400061



ZONING & FLOOD INFORMATION

THIS PARCEL IS CURRENTLY ZONED LOCAL BUSINESS (LB). BUILDING AND ZONING SETBACKS DETERMINED BY GOVERNING AUTHORITY.

THIS TRACT LIES WITHIN ZONE X AS SAID TRACT PLOTS BY SCALE ON FIRM PANEL 18077C0282C, EFFECTIVE ON APRIL 2, 2015. THE ACCURACY OF THE FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

SURVEYOR LOCATION REPORT

829 W MAIN STREET
MADISON, JEFFERSON COUNTY, INDIANA 47250
OWNER: DAVID BEDINGHAM

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These plans and specifications are an unpublished instrument of service and are the property of Hrezo Engineering, Inc. Any use or reproduction of these documents without written permission from Hrezo Engineering, Inc. is prohibited.



HREZO

Engineering, Inc.

GREENDALE

1925 Ridge Avenue

Greendale, IN 47025

T 812.537.4700

contact@hrezoengineering.com

MADISON

448 Meadow Lane

Madison, IN 47250

T 812.273.2644

TF 800.265.5249

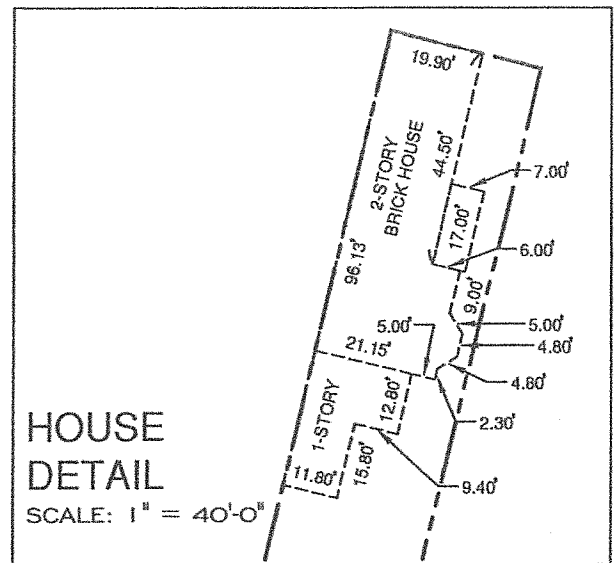
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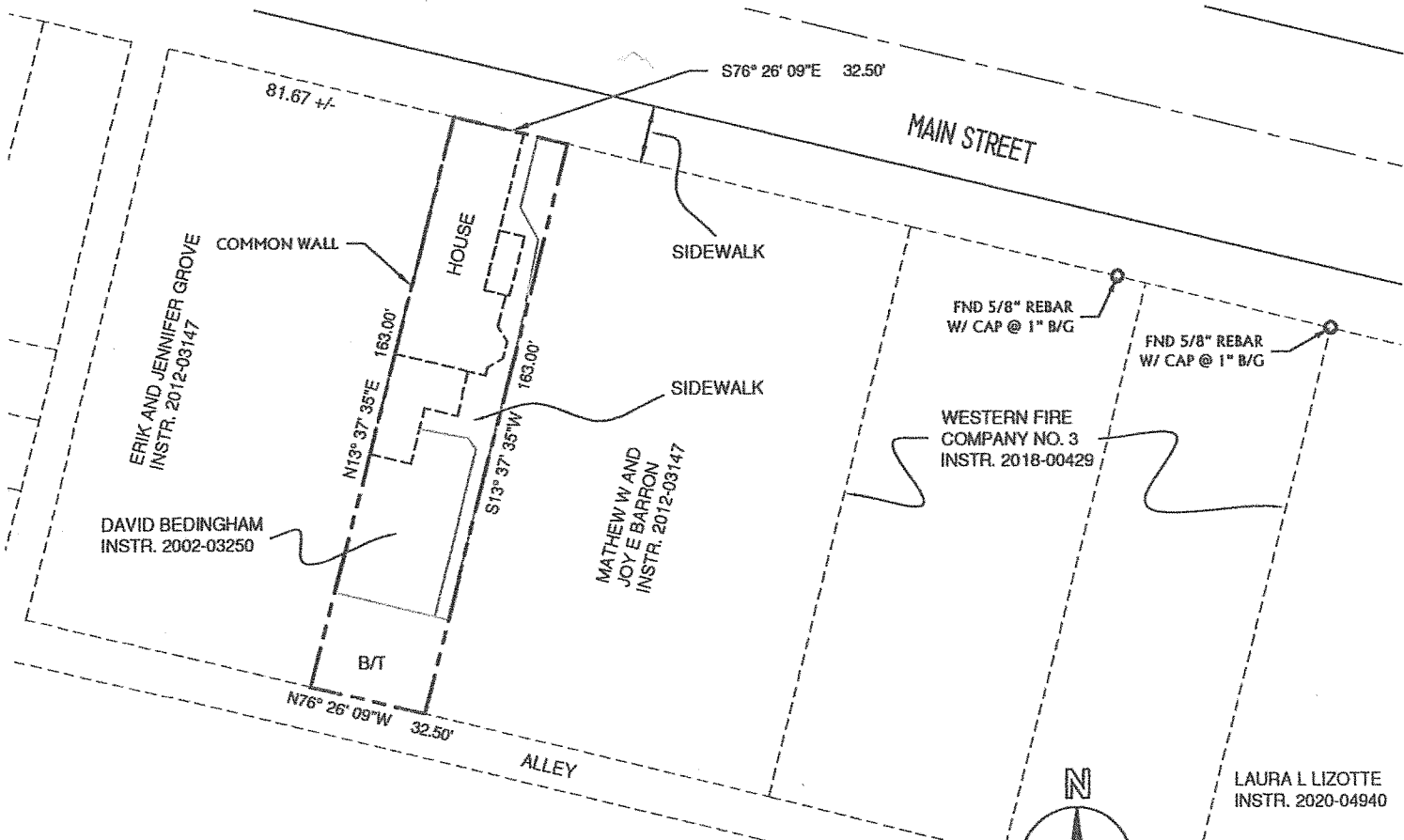
2 of 2

PROJECT # :SVY14090

829 W MAIN STREET
SECTION 3, T3N, R10E - MADISON TOWNSHIP
CURRENT OWNER: DAVID BEDINGHAM
INSTR. 2002 - 03250



NOTE: THIS BUILDING HAS SUSTAINED FIRE DAMAGE



- FOUND MONUMENT AS NOTED (FLUSH UNLESS STATED OTHERWISE)
- B/G = BELOW GRADE
- A/G = ABOVE GRADE
- (R) = RECORD
- (M) = MEASURED
- (C) = CALCULATED



SCALE: 1" = 50'-0"



SURVEYOR LOCATION REPORT

829 W MAIN STREET

MADISON, JEFFERSON COUNTY, INDIANA 47250

OWNER: DAVID BEDINGHAM



HREZO

Engineering, Inc.

GREENDALE
1025 Ridge Avenue
Greendale, IN 47025
T 812.537.4700

MADISON
448 Meadow Lane
Madison, IN 47250
T 812.273.2644

DATE : 09.22.20

DRAWN BY : JEL

1 of 2

PROJECT # : SVV14000



MADISON CITY BOARD OF ZONING APPEALS
VARIANCE FROM DEVELOPMENT STANDARDS

Application Fee: \$ 35.00
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Total Due \$ 75.00

Madison City Plan Commission
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(812) 265-8324

NOTICE: ALL QUESTIONS MUST BE FILLED OUT COMPLETELY; NARRATIVE AND SITE PLAN ATTACHED

A complete application must be filed at least 28 days prior to meeting.

Owner Information:

Name: WARREN WATSON
Address: 31 SOUTH OAK DRIVE HANOVER IN. 47243
Phone #: (Work/Home) 812-866-3075 (cell) 812-701-3792, 812-701-9159
Email: WWWATSON@CINERGYMETRO.NET
ALL SMALL LETTER

If Needed - Additional Contact Information Associated with Application:

Name: _____
Address: _____
Phone #: (Work/Home) _____ (cell) _____
Email: _____

Property Address: 31 SOUTH OAK DRIVE, HANOVER, IN. 47243
Parcel I.D.: _____
Zoning Classification: _____

Description of Existing Use: YARD

Description of Proposed Use: STORAGE BUILDING

Type of Variance requested: ☐ Parking ☐ Setbacks ☒ Other (Explain) _____

For new construction submit plans and specifications

(Required application attachments outlined on back.)

**If you plan to make any changes in the following items, please circle and give detailed description below;
Include available materials, pictures, drawings, etc.**

Roof	Porches	Outbuilding(s)	Walks	Driveways	Removal or Demolition	Addition to existing
building(s)	Other					

Approximate cost of work to be done, if any: 30,000.00

Description of work to be done:

Building A Pole Barn

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 and mailing stubs along with green certified receipts shall be presented to the Plan Commission office at least one (1) working day prior to hearing.

April 9, 2021
(Date)

Warren R. Watson
(Signature of Applicant)

City of Madison Zoning Ordinance

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Warren Watson

1. No
2. No
3. No
4. No
5. No
6. No
7. No

Neighbor

(818) 866-3875
Warren Watson
31 South Oak Dr.
Haverhill, MA.
47843

60'

From Street

PT 1

30'

This is
What The
New Building
Would Be

App. 50' From Street

30'

Building

24'

20'

53' From Street

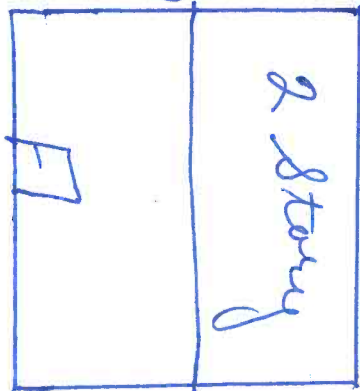
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Street

30'

2 story

50'



37' From Street

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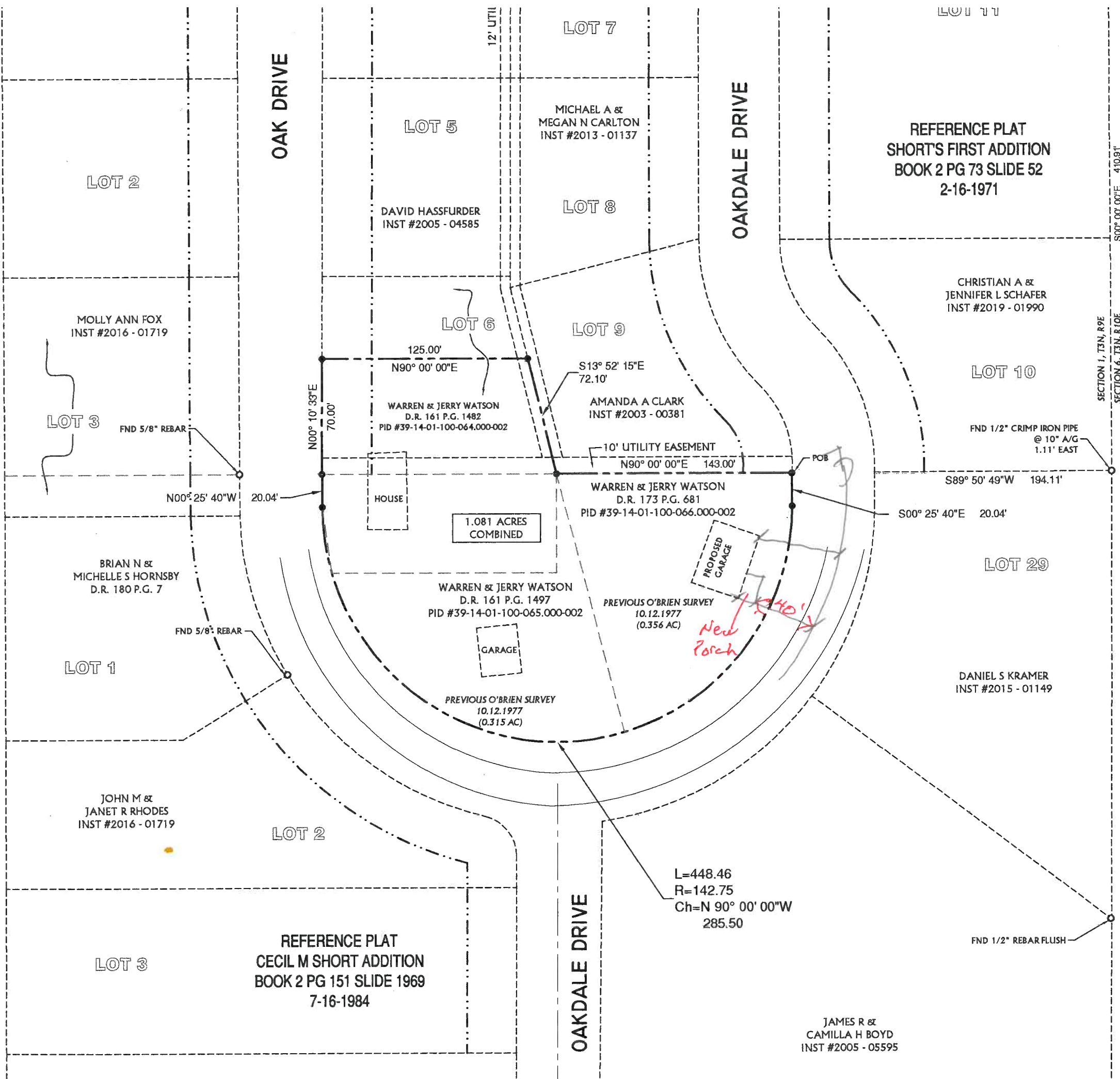
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WAY OF



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT I AM A LAND SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA AND I DO HEREBY FURTHER CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, CONFORMS WITH THE REQUIREMENTS AS SET FORTH IN INDIANA SURVEYING LAW TITLE 865, ARTICLE 1, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE.

SIGNED THIS 7th DAY OF April, 2021.
Paul D. Raney
PAUL D. RANEY PS20400061

"I AFFIRM, UNDER PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Paul Raney

NOTE:
PER 865 IAC 1-12-12 THIS PLAT AND SURVEY WILL BE VOID IF NOT RECORDED WITHIN 3 MONTHS OF THE SURVEY CERTIFICATION DATE

OWNERS CERTIFICATE

THIS IS TO CERTIFY THAT THE UNDERSIGNED WARREN AND JERRY WATSON ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED ON THIS PLAT AND AS SAID OWNERS HAVE CAUSED THE SAID ABOVE DESCRIBED PROPERTY TO BE SURVEYED AND SHOWN ON THE HEREIN DRAWN PLAT AS THEIR OWN FREE AND VOLUNTARY ACT AND DEED. AS THE OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN DO HEREBY CERTIFY THAT I HAVE LAID OFF AND PLATTED SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT AND DO DEDICATE RIGHT OF WAY AS SHOWN.

Warren R. Watson Jerry Watson
WARREN WATSON JERRY WATSON

NOTARY CERTIFICATE

STATE OF INDIANA
COUNTY OF Jefferson

BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC FOR Jefferson COUNTY, STATE OF INDIANA, PERSONALLY APPEARED WARREN AND JERRY WATSON AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING CERTIFICATE AS THEIR VOLUNTARY ACT THIS 8 DAY OF April, 2021.

Jenny L. Beverly
NOTARY PUBLIC

Jenny L. Beverly
NAME TYPED OR PRINTED
RESIDENT OF Jefferson COUNTY
MY COMMISSION EXPIRES: November 18, 2025

Jenny L. Beverly
Notary Public, State of Indiana
Jefferson County
Commission Number N
My Commission Expires
November 18, 2025

ZONE AND FLOOD INFORMATION

THIS PARCEL IS CURRENTLY ZONED LOW DENSITY

MADISON CITY BOARD OF ZONING APPEALS
VARIANCE FROM DEVELOPMENT STANDARDS

Application Fee: \$ 35.00
Ad Fee (for Legal Notice) \$ 15.00
Recording Fee \$ 25.00
Total Due \$ 75.00

Madison City Plan Commission
101 W. Main St.
Madison, IN 47250
(812) 265-8324

NOTICE: ALL QUESTIONS MUST BE FILLED OUT COMPLETELY; NARRATIVE AND SITE PLAN ATTACHED

A complete application must be filed at least 28 days prior to meeting.

Owner Information:

Name: Michael Roark
Address: 2205 N Borcharding Rd Madison IN 47250
Phone #: (Work/Home) _____ (cell) 812-571-2349 or 812-701-4113
Email: mtroark15@gmail.com

If Needed - Additional Contact Information Associated with Application:

Name: Kimberly Roark
Address: 2205 N Borcharding Rd Madison IN 47250
Phone #: (Work/Home) _____ (cell) 812-525-9598
Email: kimberly.roark@infarmbureau.com

Property Address: 1035 W Main St Madison IN 47250
Parcel I.D.: 39-08-34-334-068.000-007
Zoning Classification: 8

Description of Existing Use: in-habitable residence

Description of Proposed Use:
Remodel residence to use as an airbnb or on market to be sold. To be determined

Type of Variance requested: ☐ Parking ☒ Setbacks ☒ Other (Explain) _____

For new construction submit plans and specifications

(Required application attachments outlined on back.)

If you plan to make any changes in the following items, please circle and give detailed description below;
Include available materials, pictures, drawings, etc.

☒ Roof ☒ Porches ☐ Outbuilding(s) ☒ Walks ☐ Driveways ☒ Removal or Demolition ☐ Addition to existing building(s) ☐ Other

Approximate cost of work to be done, if any: \$80,000

Description of work to be done:

Remove & replace existing windows, doors, siding to house & garage, remove & replace front & back porches; Make structural repairs to exterior brick.

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 and mailing stubs along with green certified receipts shall be presented to the Plan Commission office at least one (1) working day prior to hearing.

4/11/2021

(Date)

Michael & Kimberly Roark

(Signature of Applicant)

City of Madison Zoning Ordinance

Variance definition – A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance and regulations would result in unnecessary and undue hardship.

A narrative/explanation addressing each of the seven (7) items in Section 11.35 MUST be submitted with this application.

Section 11.35 -

The Board of Zoning Appeals shall approve or deny variances from the development standards of the zoning ordinance. A variance may be approved under this section only upon a determination that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*
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If requesting a setback variance, a site plan showing setbacks from all four (4) property lines for new structure and all existing structures MUST be included with application!!!

Section 11.36 – APPLICATION FOR VARIANCES FROM DEVELOPMENT STANDARDS

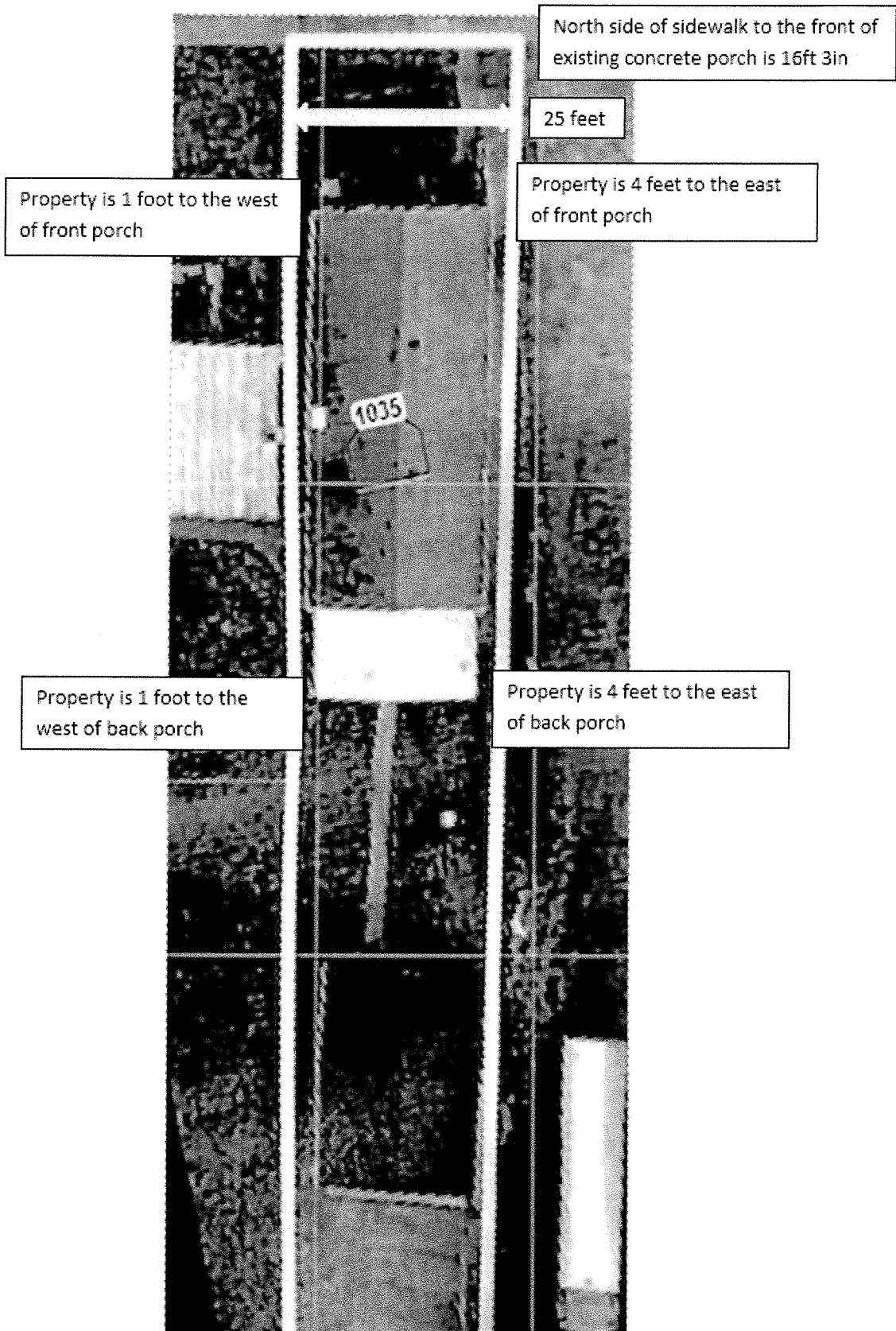
A variance from development standards of the Zoning Ordinance shall not be granted by the Board of Zoning Appeals unless and until written application for a variance from development standards is submitted to the Building Inspector and the Board of Zoning Appeals

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Explanations for Section 11.35 of Variance From Development Standards

1. By adding front & rear porches it will not pose any health or safety for the community however will be safer due to the deterioration of the existing concrete being replaced.
2. By doing a full renovation to the exterior of this home it will improve the value & appearance to the adjacent properties which also include new porches, concrete & landscaping.
3. Due to the strict zoning ordinance in this area we need an approval on the variance to complete the additions of new porches & concrete work because property lines are closer than the ordinance allows without a variation.
4. Our porch will replicate the neighbor's porch to the East of our home approved by Madison Historic District Board on 2/22/2021.
5. The concrete & porches that we will be installing/building will not be any larger than the existing pads. We will not be doing anything to the peculiar to the property.
6. We are working with an existing property where lines have already been established & we have no plans to go any larger than existing structure & staying within guidelines established by Historic Board.
7. Beautification to our community by improving the outside appearance of our home as well as the neighbors & West end of the city of Madison.



North side of sidewalk to the front of existing concrete porch is 16ft 3in

25 feet

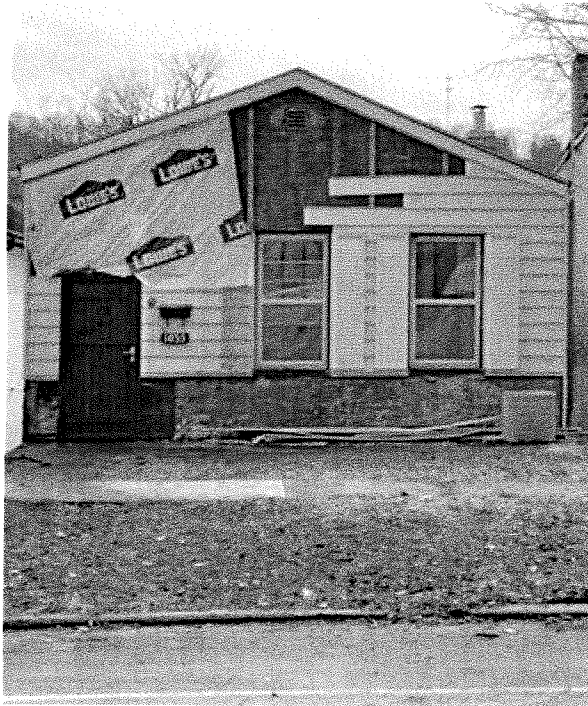
Property is 1 foot to the west of front porch

Property is 4 feet to the east of front porch

Property is 1 foot to the west of back porch

Property is 4 feet to the east of back porch

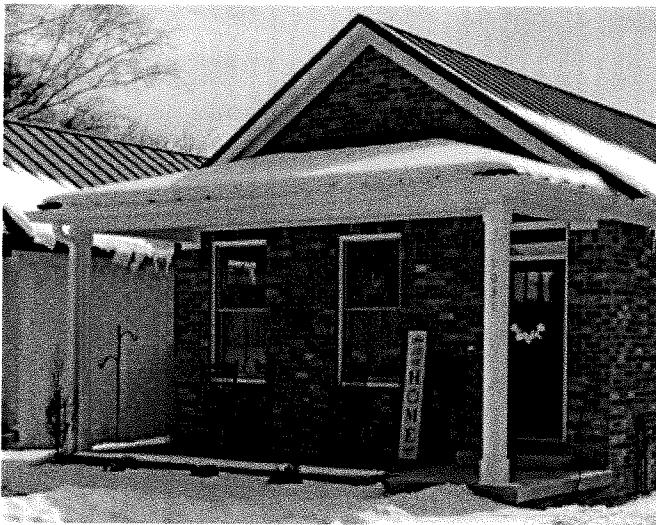
Front of house



Back of house



Example of how we want the front porch to look



MADISON CITY BOARD OF ZONING APPEALS
VARIANCE FROM DEVELOPMENT STANDARDS

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Madison, IN 47250
(812) 265-8324

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Owner Information:

Name: Tom & Barbara McPherson
Address: 2529 Coral Way W. Daytona Beach, FL
Phone #: (Work/Home) 812-756-8862 (cell) _____
Email: _____

If Needed - Additional Contact Information Associated with Application:

Name: Rodney Pettit - Pettit Group
Address: 3818 N. Papermill Rd
Phone #: (Work/Home) 812-701-8785 (cell) _____
Email: rodney@pettitcontracting.com

Property Address: 901 W 1st St Madison, IN 47250
Parcel I.D.: 39-1303124001000007
Zoning Classification: Historic district Residential

Description of Existing Use: deck for egress from front + back door + sitting on

Description of Proposed Use: deck for egress from front + back door + sitting on

Type of Variance requested: ☐ Parking ☒ Setbacks ☐ Other (Explain) _____

For new construction submit plans and specifications

(Required application attachments outlined on back.)

If you plan to make any changes in the following items, please circle and give detailed description below;
Include available materials, pictures, drawings, etc.

Roof Porch(es) Outbuilding(s) Walks Driveways Removal or Demolition Addition to existing building(s) Other

Approximate cost of work to be done, if any: \$24,000

Description of work to be done:

Existing deck in poor condition. We would like to rebuild deck and increase size to end of house on front & back (0') to property line

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 and mailing stubs along with green certified receipts shall be presented to the Plan Commission office at least one (1) working day prior to hearing.

4-12-21

(Date)



(Signature of Applicant)

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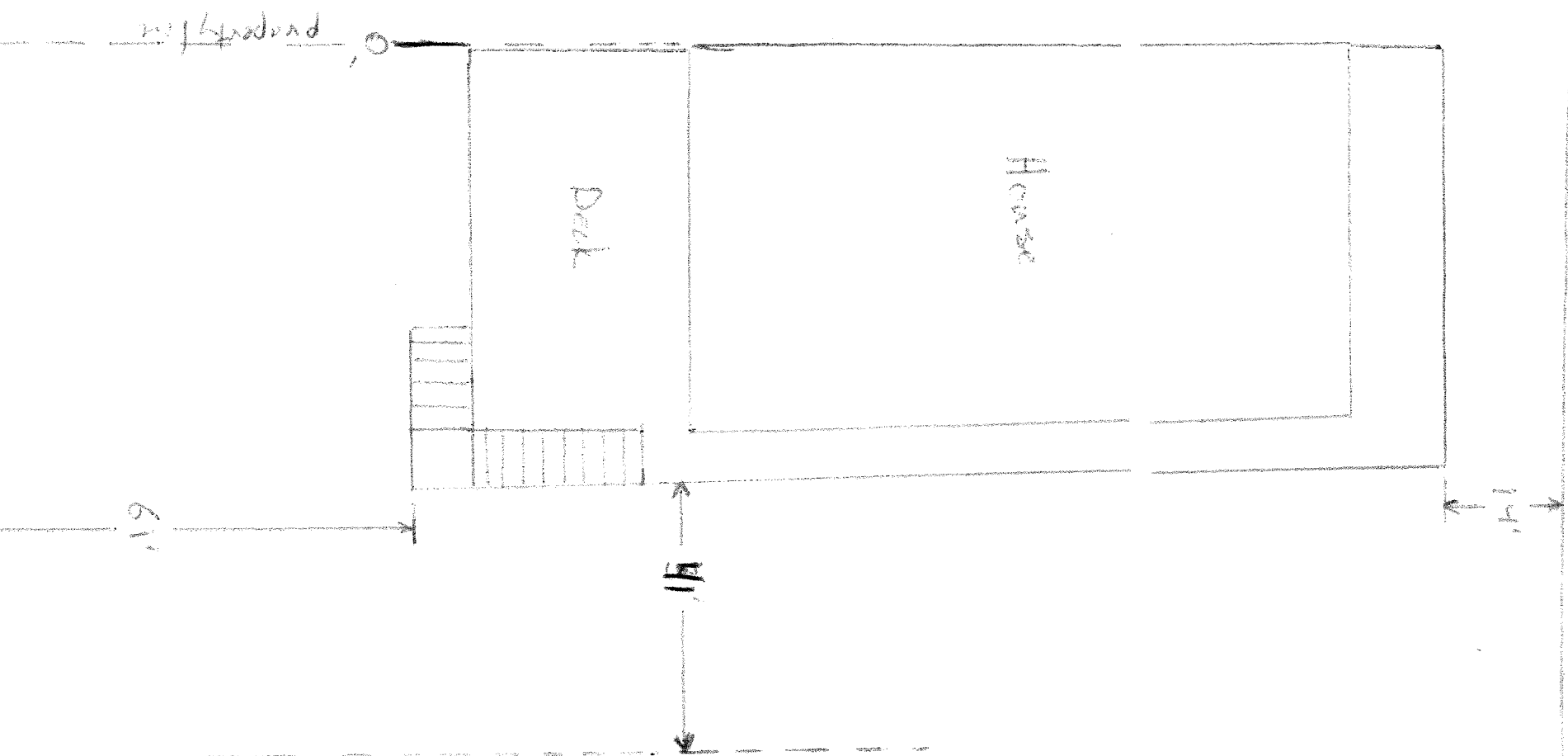
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Zoning Board Variance Questions

- 1) No, approval will not adversely affect community.
- 2) No, the use of adjacent property will not be affected. Condition of existing deck is in poor condition and replacement of deck will improve property value + appearance.
- 3) Yes, if variance is not approved owner will not have full use of their deck + property as current neighbors do. They have porch to property line or near O' property.
- 4) Deck project replacing existing deck will improve appearance from street, property value improvement + safety of property.
- 5) House structure is attached to neighboring house as many houses are. A customer (owner) would like to utilize property full width of house in front + rear.
- 6) No.
- 7) Owner will not be able to utilize property for intended purpose if variance not permitted + deck.

6



~~Site~~ Center Road

Tanner-Baerborn M. Pl. Inc.
901 W. First St
Deck Rebuild Proj
Dlms. #112 4-1-12



MADISON CITY BOARD OF ZONING APPEALS
VARIANCE FROM DEVELOPMENT STANDARDS

Application Fee: \$ 35.00
Ad Fee (for Legal Notice) \$ 15.00
Recording Fee \$ 25.00
Total Due \$ 75.00

Madison City Plan Commission
101 W. Main St.
Madison, IN 47250
(812) 265-8324

NOTICE: ALL QUESTIONS MUST BE FILLED OUT COMPLETELY; NARRATIVE AND SITE PLAN ATTACHED

A complete application must be filed at least 28 days prior to meeting.

Owner Information:

Name: Todd Boone
Address: 421 Indian Cave Rd. Madison, IN 47250
Phone #: (Work/Home) (cell) 502-558-2179
Email: ctbmadison@gmail.com

If Needed - Additional Contact Information Associated with Application:

Name: Catherine Sallie Evans
Address: 523 E Third St. Madison, IN 47250
Phone #: (Work/Home) (cell) 574-242-2712
Email: salliessmallbatch@yahoo.com

Property Address: 107 E Second St. Madison IN 47250
Parcel I.D.: 39-13-02-242-003.000-007
Zoning Classification: Central Business District

Description of Existing Use: Empty lot with loading dock. No existing use.

Description of Proposed Use: To put a retail business in the open space lot west of building. Asking for variance to construct a privacy wall extending up from existing concrete wall along west side of property; on the zero lot line.

Type of Variance requested: ☐ Parking ☐ Setbacks ☒ Other (Explain) Zero lot line

For new construction submit plans and specifications

(Required application attachments outlined on back.)

If you plan to make any changes in the following items, please circle and give detailed description below;
Include available materials, pictures, drawings, etc.

Roof Porches Outbuilding(s) Walks Driveways Removal or Demolition Addition to existing
building(s) Other ☒

Approximate cost of work to be done, if any: \$5,000 - \$10,000

Description of work to be done: To construct a privacy wall extending up from the existing concrete wall along the west side of property; on the zero lot line.

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 and mailing stubs along with green certified receipts shall be presented to the Plan Commission office at least one (1) working day prior to hearing.

4/11/21

(Date)



(Signature of Applicant)

City of Madison Zoning Ordinance

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3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.*
4. *How will not be contrary to public interest*
5. *Conditions peculiar to the property*
6. *The peculiarities to the property are not the result of the applicant.*
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Brian Martin

From: Catherine Sallie Evans <salliessmallbatch@yahoo.com>
Sent: Monday, April 12, 2021 1:58 PM
To: Brian Martin
Subject: Fw: BZA PRIVACY WALL 7 Answers

----- Forwarded Message -----

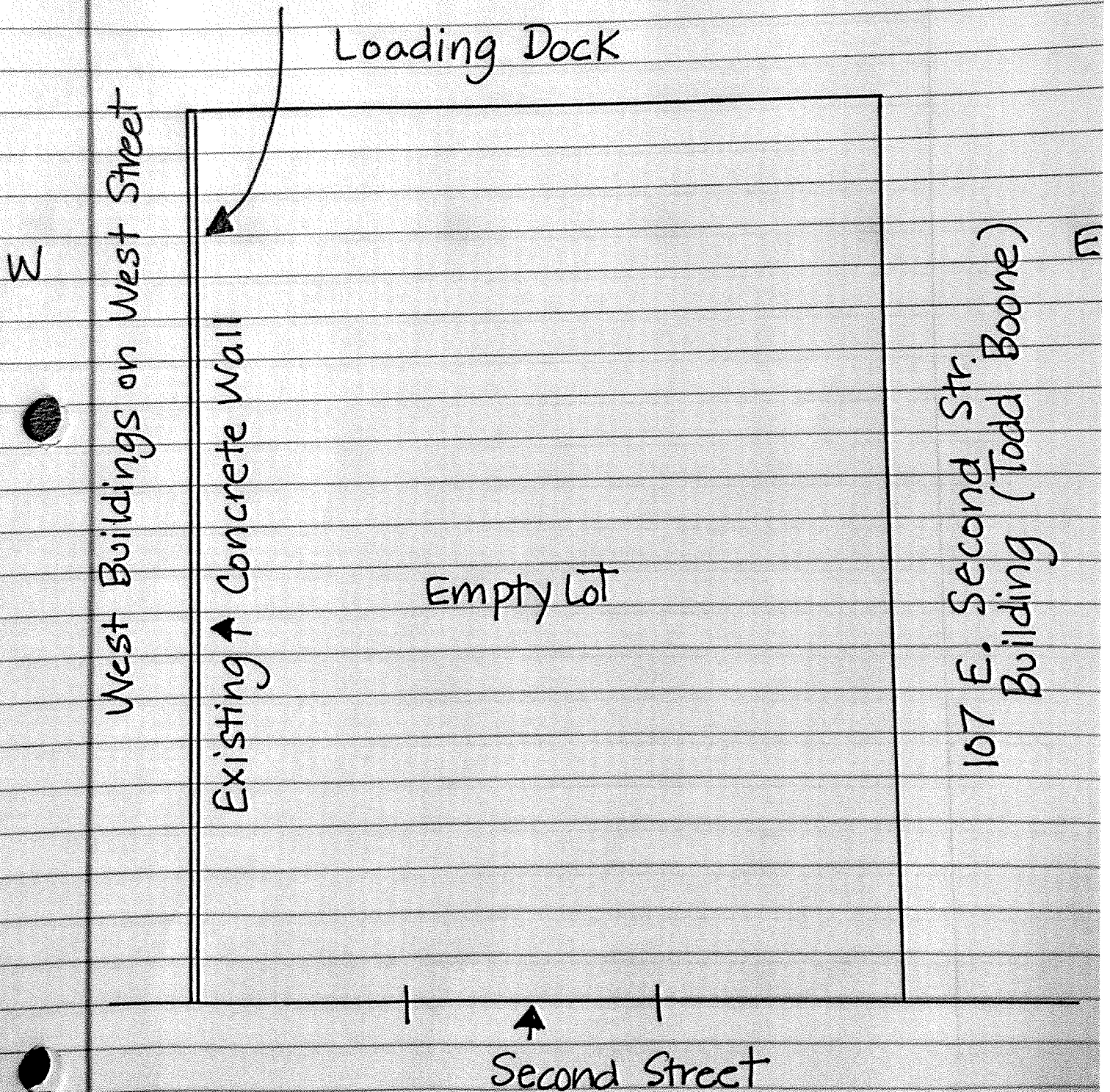
From: Catherine Sallie Evans <salliessmallbatch@yahoo.com>
To: madisonpc@madison-in.gov <madisonpc@madison-in.gov>
Cc: bmartin@madison.in.gov <bmartin@madison.in.gov>
Sent: Monday, April 12, 2021, 01:45:07 PM EDT
Subject: Fw: BZA PRIVACY WALL

Section 11.35

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The privacy wall will be built to code and per requirements given.
2. The use and value of the area adjacent to the property included in the variance will not be affected in an adverse manner. The privacy wall will be constructed to code and have aesthetic appeal.
3. No practical difficulties will result from the construction of the privacy wall. Safety and code regulations will be followed for all purposes.
4. The privacy wall will not be contrary to public interest. It will help achieve the family based goals and aesthetics of the retail business operating on the lot.
5. The peculiarities to the property are not the result of the applicant. The privacy wall is being constructed to enhance the visual appeal of the property along the west perimeter exterior of West Street Buildings.
7. The project is necessary for the retail business to operate and achieve an aesthetically pleasing, safe, and family friendly environment for their customers. The project will cause no undue hardship on property owner or adjoining properties.

Submitted by
Todd Boone

Asking for variance to
construct a privacy wall
extending up from existing
concrete wall. (Height TBD based on allowance/code.)



MADISON CITY BOARD OF ZONING APPEALS
CONDITIONAL USE PERMIT APPLICATION

Conditional Use Permit \$ 35.00
Ad Fee (for Legal Notice) \$ 15.00
Recording Fee \$ 25.00
Total Due \$ 75.00

Madison City Plan Commission
101 W. Main St.
Madison, IN 47250
812-265-8324

NOTICE: ALL QUESTIONS AND NARRATIVE MUST BE COMPLETED AT TIME OF FILING APPLICATION

This application must be filed at least 28 days prior to Board of Zoning Appeals meeting.

Owner Information:

Name: Gene ARMEL GTG Investments LLC
Address: 4230 N St Rd 62 MADISON IN 47250
Phone #: 812-525-3154 (Work/Home) (cell)
Email: garmel1946@gmail.com

If Needed - Additional Contact Information Associated with Application:

Name: _____
Address: _____
Phone #: _____ (Work/Home) _____ (cell)
Email: _____

Address or Legal Description of Property: 3680 W Long Way MADISON, IN 47250
Parcel I.D. #: 39-08-30-000-049-000-000

Description of Existing Use: Empty Lot

Zoning Classification: _____

Description of Proposed Use: Setting 2001 MH Double Wide pictures Already submitted

As applicable to this application - Official Schedule of District Regulations Category # _____

If locating mobile home, provide site plan and advise if mobile home will be serviced with sewer or septic.

Description of all proposed additions and/or changes to the property: _____

Approximate cost of work to be done, if any: _____

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 and mailing stubs along with green certified receipts shall be presented to the Plan Commission office at least one (1) working day before hearing.

4/12/21
(Date)

[Signature]
(Signature of Applicant)

In accordance with the Madison City Zoning Ordinance, Official Schedule of District Regulations, category #112 - Mobile Manufactured Home is an approved use in Residential Agriculture (RA) contingent upon receiving a Conditional Use permit from the Madison City Plan Commission.

- #1
- #2 Yes, this M. H. will be in accordance with all zoning.
- #3 Yes, will be maintained + designed + appearance will be harmonious with existing vicinity.
- #4 M. H. will be used for residence ~~and~~ no hazardous or disturbing issues to neighbors
- #5 will be served by Madison Water & Sewer + Jefferson County Sheriff + Madison Fire Dept.
- #6 No. already serving several residences now
- #7 used for normal residence + not detrimental to anyone or property.
- #8 Will have proper driveway to ~~for~~ Residence -
- #9 Will not result in any destruction, loss or damage to any scenic or historic property

MADISON CITY BOARD OF ZONING APPEALS
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Owner Information:

Name: Gene Armel GTG Investments LLC
Address: 4230 N. ST. RD. 62 MADISON IN. 47250
Phone #: (Work/Home) _____ (cell) 812-525-3150
Email: garmel1946@gmail.com

If Needed - Additional Contact Information Associated with Application:

Name: _____
Address: _____
Phone #: (Work/Home) _____ (cell) _____
Email: _____

Property Address: 3680 W. Long Way MADISON, IN 47250
Parcel I.D.: 39-08-30-000-049/000-006
Zoning Classification: _____

Description of Existing Use: Empty Lot.

Description of Proposed Use: Selling 2001 Double Wide Mobile Home.
PICTURES Already SUBMITTED

Type of Variance requested: ☐ Parking ☐ Setbacks ☒ Other (Explain) 2001 MH

For new construction submit plans and specifications

(Required application attachments outlined on back.)

If you plan to make any changes in the following items, please circle and give detailed description below;
Include available materials, pictures, drawings, etc.

Roof Porches Outbuilding(s) Walks Driveways Removal or Demolition Addition to existing
building(s) Other

Approximate cost of work to be done, if any: \$36,000

Description of work to be done:

clear lot & sit m. H.

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 and mailing stubs along with green certified receipts shall be presented to the Plan Commission office at least one (1) working day prior to hearing.

4/12/21
(Date)

[Signature]
(Signature of Applicant)

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Section 11.35

- #1 NO, a Residential structure will not be
- #2. NO, ^{Injuries} - due to good condition will not detract
- #3. No. practical difficulty.
- #4 Will be a Resident to Live IN
- #5. NONE -
- #6 NO.
- #7 not able to provide a rental for a family

Louann Waller

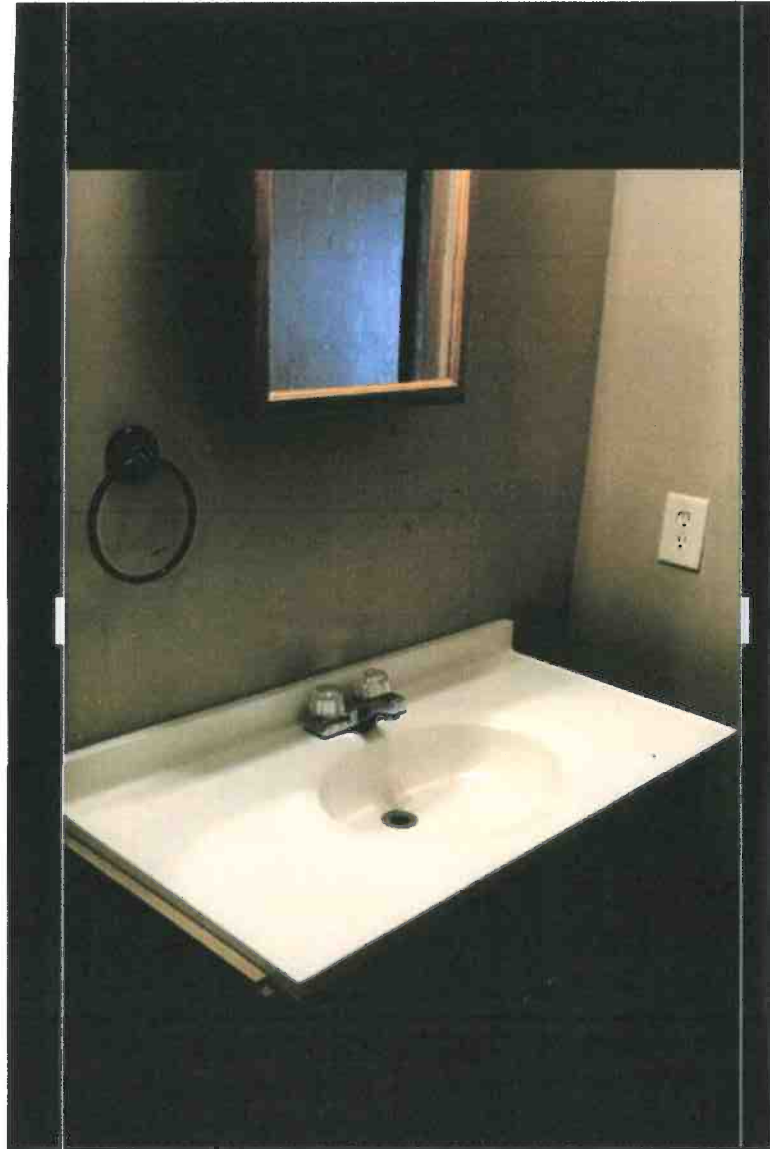
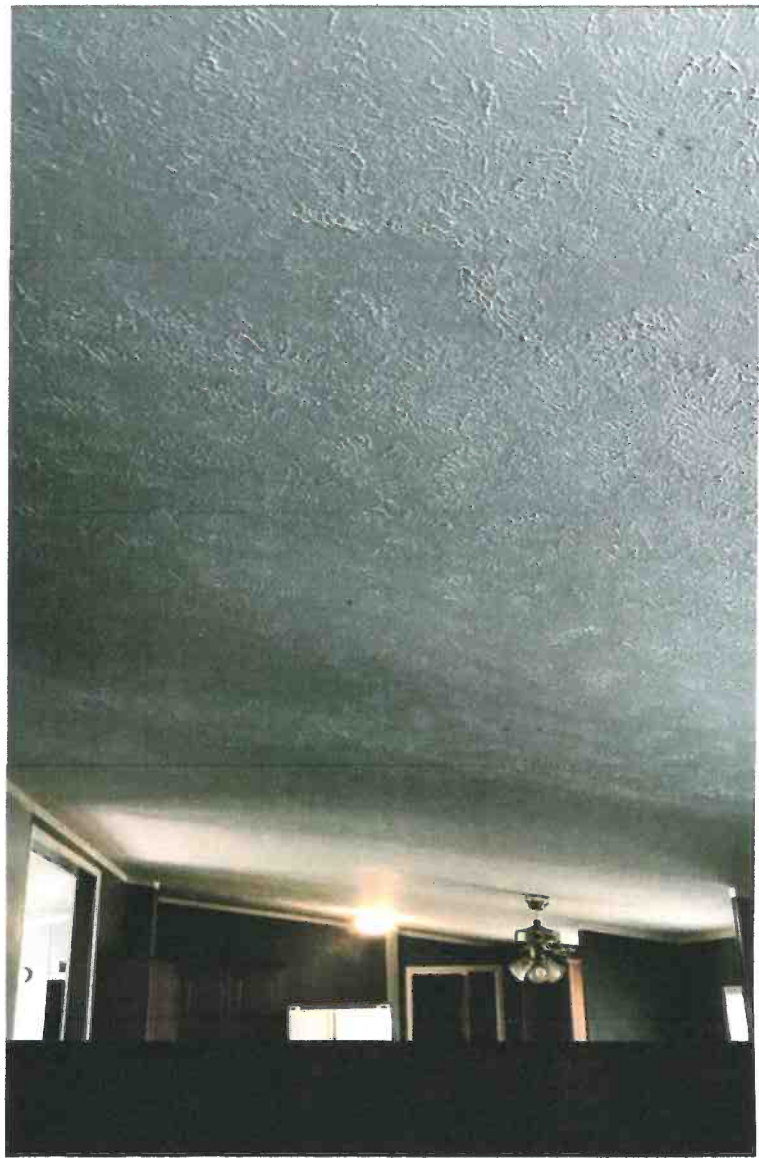
From: Gene Armel <garmel1946@gmail.com>
Sent: Tuesday, July 28, 2020 12:40 PM
To: Louann Waller

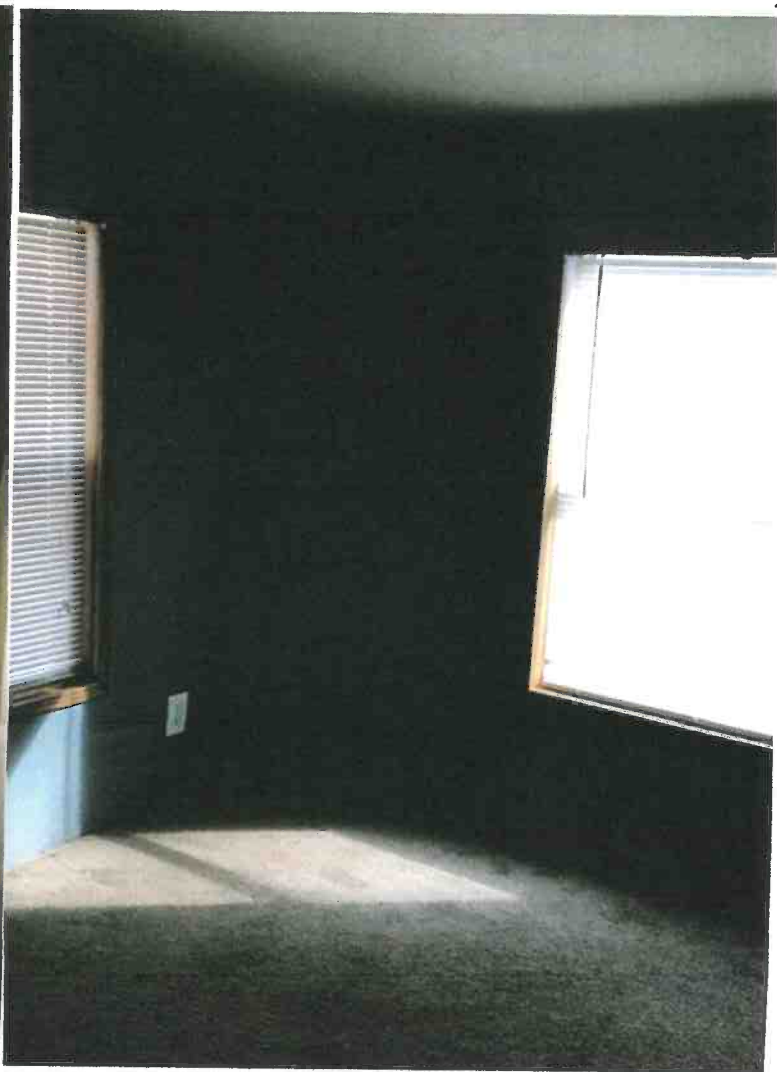
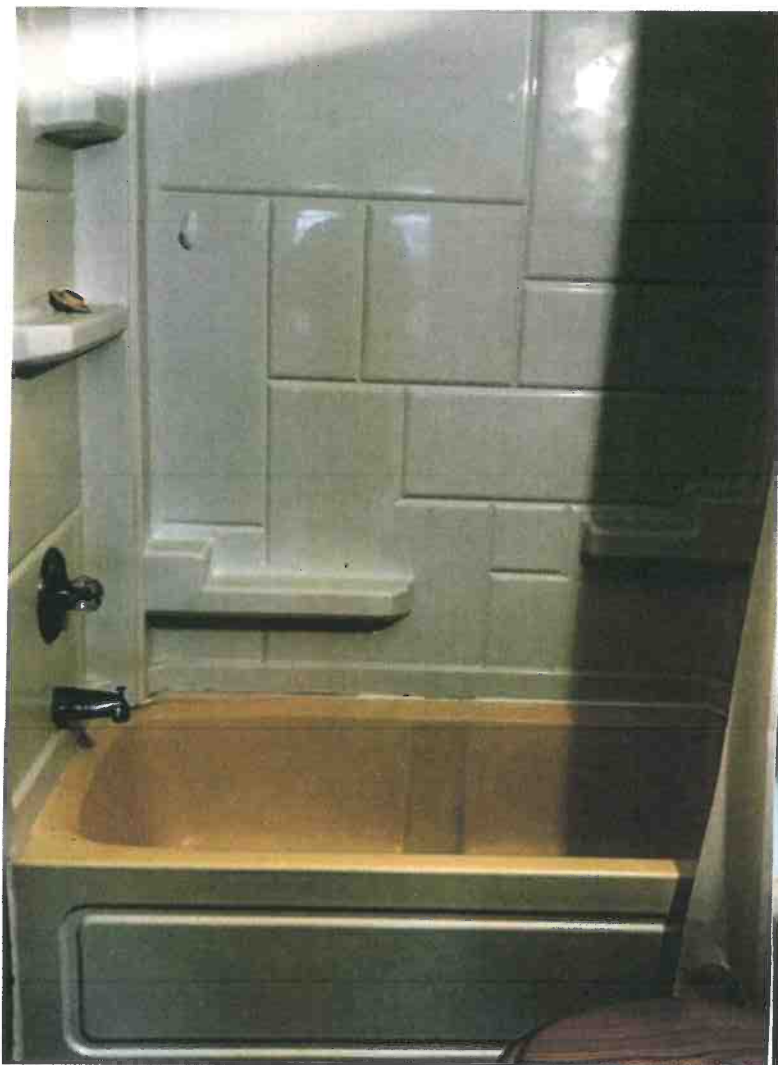


Sent from my iPhone















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Recording Fee \$ 25.00
Total Due \$ 75.00

Madison City Plan Commission
101 W. Main St.
Madison, IN 47250
(812) 265-8324

NOTICE: ALL QUESTIONS MUST BE FILLED OUT COMPLETELY; NARRATIVE AND SITE PLAN ATTACHED

A complete application must be filed at least 28 days prior to meeting.

Owner Information:

Name: Rich & Sallie Ploss
Address: 811 W. 1st St. Madison, IN 47250
Phone #: (Work/Home) _____ (cell) 502-210-1193
Email: sallieploss@gmail.com

If Needed - Additional Contact Information Associated with Application:

Name: _____
Address: _____
Phone #: (Work/Home) _____ (cell) _____
Email: _____

Property Address: _____
Parcel I.D.: 39-13-03-113-024-005-007
Zoning Classification: HDR

Description of Existing Use: Currently a multi-family unit with zero lot lines on east & west.

Description of Proposed Use: Zero lot line variance on east side.

Type of Variance requested: ☐ Parking ☒ Setbacks ☐ Other (Explain) _____

For new construction submit plans and specifications

(Required application attachments outlined on back.)

If you plan to make any changes in the following items, please circle and give detailed description below;
Include available materials, pictures, drawings, etc.

☒ Roof ☒ Porches ☐ Outbuilding(s) ☐ Walks ☐ Driveways ☐ Removal or Demolition ☐ Addition to existing building(s) ☐ Other

Approximate cost of work to be done, if any: _____

Narrative Responses

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

We believe that the proposed project will be very much in keeping with the existing style, usage, construction, and safety of the existing condos. The new construction against the shared wall will meet or exceed the fire ratings used for the existing construction. The drainage (gutters and downspouts) will follow a similar pattern to the existing drainage, and will not direct any water toward either of the neighbors. We propose to replace the existing shared downspout with a new color-matched single downspout for the neighbor.

- 2) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and*

The areas adjacent to the property and project should not see any adverse effects, and if anything should see their property values increase. Concerns have been raised regarding privacy and sight-line issues with the proposed extension of the deck. While we want to be sensitive to this, it is our belief that nothing will be substantially changed with the proposed construction. One of the adjacent neighbors has already extended their deck approximately 10" beyond the supporting wall, and the buildings to the east and west have decks that extend even farther. The current configuration makes it possible to see into the neighboring homes from the decks – the extension of the deck doesn't present a new scenario. We believe this is part of being in a close, tightly spaced community, and that it simply requires common courtesy.

- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.*

The property should not suffer any detriment at all in terms of practical difficulties. The entry and egress routes to the home remain the same, and this project simply expands the available living space.

- 4) *How will not be contrary to the public interest*

Similar to question #2, we do not believe this project presents any new difficulties or undue hardships on the neighbors. The sightlines from the road will remain largely unchanged, and the construction will fit nicely with the existing structure, and as such should present no issues to the general public.

- 5) *Conditions peculiar to the property*

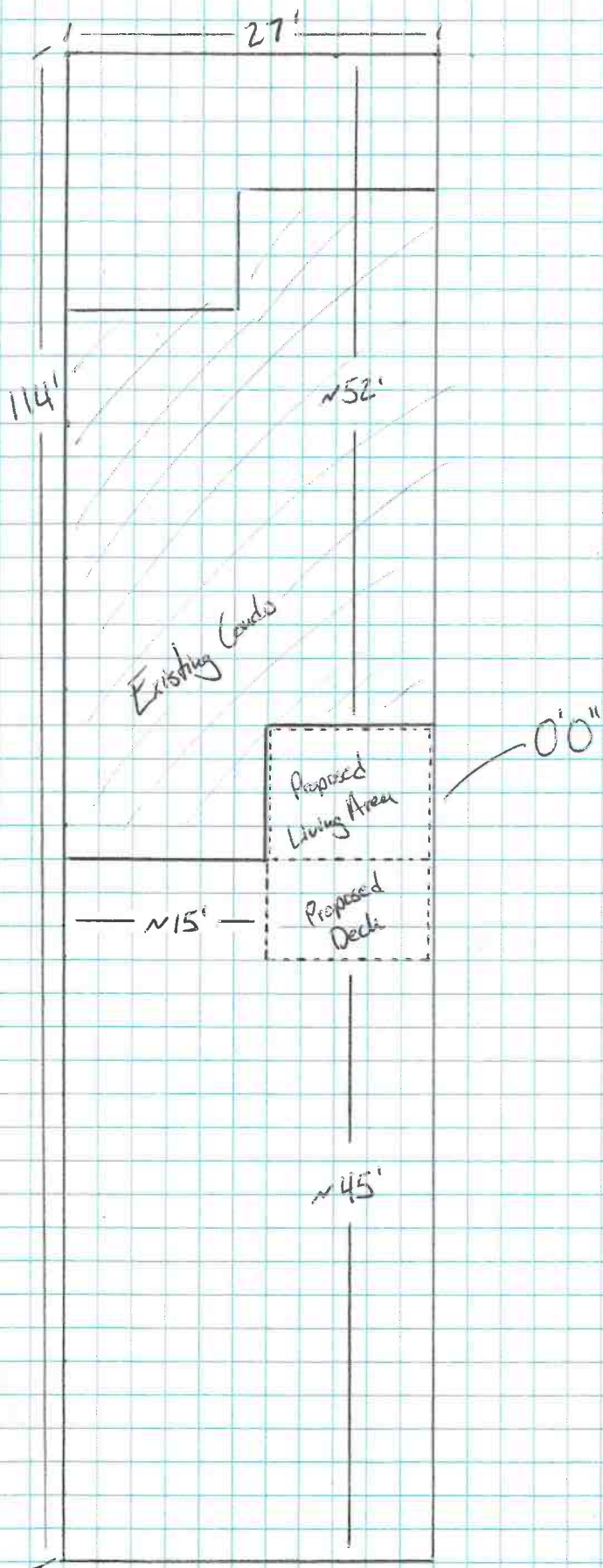
The property is the middle unit of a 3-unit condo. All units have zero lot-lines/shared walls.

- 6) *The peculiarities to the property are not the result of the applicant.*

The condos were built in 2005 by a builder other than the current occupants. The floorplans are largely original.

- 7) *The unnecessary and undue hardship.*

We don't believe there will be any hardships to the neighbors, city, public, etc. No changes will be made to traffic patterns, entry/egress, utilities, etc.



RULES AND PROCEDURES
FOR THE BOARD OF ZONING APPEALS
FOR THE
CITY OF MADISON, INDIANA

WHEREAS, the City of Madison, Indiana Board of Zoning Appeals (“Board”) is authorized and required by I.C. 36-7-4-900 Series to supervise and make rules for: the filing of appeals; the application for variances and conditional uses; the giving of notice; the conduct of hearings; and the determination of whether a variance application is for a variance of use or for a variance from the developmental standards (such as height, location, bulk, or area); and the creation, form, recording, modification, enforcement, and termination of commitments; and

WHEREAS, the City of Madison, Indiana Board of Zoning Board Appeals is authorized and required to implement Rules and Procedures in accordance with City of Madison Zoning Ordinance 2016-19 Section 11.13 – Rules of Procedure

WHEREAS, The City of Madison Board of Zoning Board Appeals determines that its rules should be printed and be made readily available to all applicants and other interested persons.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY OF MADISON, INDIANA BOARD OF ZONING APPEALS, THAT THE FOLLOWING RULES BE ADOPTED.

ARTICLE I – AUTHORITY

Board Jurisdiction – The jurisdiction of the Board shall be in accordance with The City of Madison Zoning Ordinance, Section 1.10 – Provisions of Ordinance Declared to Be Minimum Requirements. – “Within the City and the area of Jefferson County within two (2) miles of the corporate boundary.”

Section 1. Duties:

The Duties of the Board shall be those set forth in IC 36-7-4-918.1 through 918.5

Section 2. Membership:

The Board shall consist of five (5) voting members, appointed in accordance with IC 36-7-4-902, IC 36-7-4-903 and Section 11.11 of the Madison City Zoning Ordinance.

Section 3. Adoption of Rules:

Board of Zoning Appeals may:

1. Adopt rules governing the creation, form, recording, modification, enforcement, and termination of commitments.
2. Adopt rules designating which specially affect persons and classes of specially affected persons are entitled to enforce commitments.

ARTICLE II – OFFICERS AND STAFF

Section 1. Board Officers:

At its first regular meeting of each year, the Board shall elect from its members a Chairman, Vice Chairman and ~~if so desired~~ a Secretary.

Section 2. Duties of Board Officers:

- A. Chairman – The Chairman shall preside over Board meetings and on behalf of the Board and shall exercise general supervision over the affairs of the Board, including the execution of contracts and agreements, the appointment of committees and representatives (except as otherwise provided by statute, ordinance, or these rules), the determination of points of order and procedure, and the signing of all official documents.
- B. Vice Chairman – The Vice Chairman shall have authority to act as Chairman of the Board during the absence or disability of the Chairman.

- C. Secretary – The Secretary shall keep a complete and accurate record of all proceedings and votes of the Board, have custody and preservation of all papers and documents of the Board, and shall prepare, publish and distribute reports, ordinances and other material relating to Board activities. Accurate record of all hearings and official actions of the Board, and the minutes representing such record shall be available within a reasonable time after such hearing or action to all members of the Board. Approved minutes shall be made available for inspection by the public.
- D. Should the situation arise in which neither the chairman nor vice-chairman are in attendance, yet there is a quorum, said attending board members shall elect a temporary chairman to preside over said meeting.

Section 3. Board Staff:

The Building Inspector or his/her assignee shall provide technical and analytical assistance to the Board. The Inspector shall conduct a complete and thorough investigation of all matters that come before the Board and may enlist at his/her discretion, technical and professional assistance from engineers, architects and other consultants as required.

ARTICLE III – PUBLIC RECORDS

The records and files for the Board shall be made available to the public under the provisions of IC 5-14-3, the Indiana Access to Public Records Law, and any amendments thereto.

The staff shall prepare a schedule for the filing of deadlines each year for the ensuing year which shall be in accordance with the Zoning Ordinance. Additionally, so as to allow adequate review time by all city departments which may have an interest in said applications the application and associated documents shall be provided to the board staff a minimum of ten (10) days prior to filing deadline. Applications and required documentation which is incomplete at the time of the filing deadline shall not be docketed. Board staff shall be responsible for providing meeting agendas to the Madison Courier with publication as outlined in the Zoning Ordinance.

ARTICLE IV - MEETINGS

All meetings of the Board shall be conducted in accordance with IC 5-14-1.5, the Indiana Open Door Law, and any amendments thereto. All meetings and hearings of the Board, except executive sessions, shall be open to the public and petition(s), remonstrator(s) and other persons desiring to be heard shall have the right to be heard, in accordance with these rules. Onsite inspections of property involved in petitions before the Board shall not be considered meetings.

Section 1. Meeting Notification:

Meeting notification shall be in accordance with the Madison City Zoning Ordinance Section 11.38, 11.39, 11.40, and with Indiana Code **5-14-1.5-5**.

Section 2. Defective Notice:

If proper notice has not been given, the application may be continued until a later date to allow time for those not notified to be advised of said application. Personal appearance at the meeting shall waive any defect in notice.

Section 3. Regular Meetings:

The Board shall conduct regular meetings on the second Monday of each month at 6:30 p.m. (Time subject to change). If it is not possible to conduct the meeting at that time or place, the Chairman may set an alternative date, time or place for the regular meeting. Rescheduled meetings shall be advertised in accordance to the Zoning Ordinance requirements. A schedule of all regular meetings shall be published each year by the secretary of the Board. Location of all regular meetings and special meetings shall be held in Madison City Hall at the times designated on the schedule of meetings, unless otherwise designated by the Board.

Section 4. Special Meetings:

Special meetings of the Board may be called at any time by the Chairman or by two (2) members upon request to the Board's staff. The staff shall notify Board members of such special meeting at least three (3) days in advance of such meeting. Written notice to Board members of a special meeting shall not be required if the time and place of the special meeting has been fixed in a regular meeting of the Board, provided that all members of the Board are present at the regular meeting. Special meetings shall be provided to the news media in accordance with the Zoning Ordinance.

Section 5. Executive Session:

The Board may meet in Executive Session pursuant to I.C. 5-14-1.5-6.1.

Section 6. Quorum:

Three (3) members of the Board shall constitute a quorum. No business may be transacted and no public hearing may be opened at any meeting of the Board unless a quorum is in attendance. Majority – In accordance with IC 36-7-4-911, no action of the Board is official unless it is authorized at a regular or special meeting by a majority of the entire membership of the Board.

Section 7. Absenteeism:

As provided by I.C. 36-7-4-907, any regular member who misses three (3) or more consecutive regular meetings of the Board may be treated as if the member has resigned. It will be at the discretion of the appointment body to appoint a replacement member.

Section 8. Meeting Cancellation:

Whenever there is a lack of business for Board consideration, the Chairman may dispense with a regular meeting. In such cases, the Board staff shall give notice to all members, and the news media shall be

notified of such cancellation. Whenever it is determined that a quorum is not available for a regular or special meeting, the Chairman of the Board shall dispense with such meeting, and all business scheduled for such meeting will be automatically continued to the next regular or special meeting. In such cases, the Board staff shall give written or oral notice to the Board members, those having business before the Board, and to the news media. The Chairman of the Board also may dispense with a scheduled, regular, or special meeting in the event of a natural disaster, snow emergency, or similar causes. In such cases, the Board staff shall give written or oral notice to the Board members and those having business before the Board, and if possible the staff shall notify the news media of the cancellation. In the event of cancellation for any reason, the Chairman may require re-notification to interested parties, with such notice to be paid for by the **applicant** or by the Board as the Chairman deems appropriate.

ARTICLE V - ELIGIBILITY

The owner(s) of the property shall be the applicant. In the case of property which is being purchased under a land contract, the signatures of both the contract purchaser(s) and the contract sellers or their duly authorized agents shall be required.

ARTICLE VI - FILING AND PROCEDURES

Section 1. Application:

Each petition to the Board shall be on application forms prescribed by the staff and shall be accompanied by such information and exhibits as specified on such forms and as required by applicable ordinances. Any communication purporting to be a petition not on the prescribed forms or not containing the information required shall be considered incomplete and shall not be docketed.

Section 2. Amendments:

- A. Increased density or intensity - No petition may be amended in a manner which increases the intensity of use (e.g., adds additional uses or land) after the filing deadline. Such amendment will result in continuing the petition for one month or until the next regular scheduled Board of Zoning Appeals meeting. The application as amended shall be re-advertised and new notice given to interested parties. The **applicant** shall be required to pay the costs of such re-advertising and renotification.
- B. Decreased density or intensity - It shall be within the discretion of the Board to approve **an applicant's** request to amend the petition in a manner which decreases the intensity of such (e.g., removes land or uses). The Board may require such amended petition to be continued and may require re-advertising and re-notification in the interest of providing a fair and adequate hearing.

Section 3. Filing Deadlines:

In order to ensure ample time for review, filing is requested twenty-eight (28)) days prior to filing deadline. The filing deadline is specific to the application as required in the Zoning Ordinance.

ARTICLE VII - NOTICE REQUIREMENTS

Section 1. Certified Mailing Meeting Notification:

- A. Method of Notice - Notice shall be given to owners of all adjoining property and those across streets, corners or alleys, and others that may have a substantial interest in the case. Notification shall be by certified mail/return receipt not less than ten (10) days prior to the hearing. Certified mailing is the responsibility of the applicant(s).
- B. Determination of owners - Unless the applicable ordinance states otherwise, the names of property owners to be notified may be determined through Jefferson County GIS which has been synchronized within a timely manner. Names and addresses shall be deemed to be the true names and address of the persons entitled to notice. For the purpose of determining adjoining parcels of land, the land described in said petition shall be deemed to include any adjoining land owner by the applicant, provided, however, such ownership shall not be deemed to include the entire length of a right-of-way of a street, rail way, or similar feature, but shall be limited to the particular parcel involved. Land separated from petitioned property streets, railways, easements and the like shall be deemed to be land adjoining the petitioned land.
- C. Notification shall include:
 - 1. Name of the person or agency initiating the matter to be heard.
 - 2. Location of the parcel by at least one of the following two options:
 - A. Assigned street address of the parcel which is the subject of the petition (required option if street address has been assigned).
 - B. Parcel identification number of the subject parcel and general location.
Description of the parcel as provided by the Plan Commission office.
 - 3. Time, date, and place of hearing.
 - 4. Information so as to inform recipient of application request.
 - 5. Any other information which may be required by law to be contained in such notice.

Section 2. Evidence of Notice:

Certified mailing stubs, signed certified cards showing proof of service, and returned/undeliverable letters shall be provided to the Plan Commission office staff at least one (1) working day prior to the hearing.

Section 3. Publication:

- A. Notice of publication containing all necessary information shall be given by the Plan Commission office in a newspaper of general circulation at least fifteen (15) calendar days before the hearing. The *applicant* shall assume the cost of said publication.
- B. Any other information which may be required by law to be contained in such notice.

ARTICLE VIII – EX PARTE COMMUNICATION

1. *Definition:*

Ex parte contact means when an individual (whether an applicant, supporter, objector, or average citizen) engages in communication (conversation or correspondence) regarding a pending application with a member of the decision-making body outside of the public hearing.

2. *The reason:*

The reason such contact is not legal nor ethical is because:

- 1) it allows an individual to "influence a judge";*
- 2) it provides information to a single decision-maker instead of the "whole jury"; and*
- 3) it does not allow for parties to hear or disagree with statements made "off the record", thus, subverting the fair and impartial public hearing process.*

Therefore, please do not approach decision-makers regarding pending applications.

When ex-parte contact occurs:

- at best, a decision-maker may disclose he/she was approached inappropriately and restate for the record what comments occurred outside of the public hearing.;*
- at worst, the decision-maker may not be able to vote.*

3. *When does ex parte apply?*

- zoning action - conditional use applications*
- zoning action - variance applications*

4. *When does ex parte not apply?*

- discussion with staff (who are not decision-makers)*
- zoning action – text or map amendments (which are legislative acts)*

ARTICLE IV – MEETING AGENDA

Section 1. Agenda:

The agenda shall list all applications to be considered by the Board at the regular or special meeting.

The applications shall be listed on the agenda in the order in which the petition was filed with the staff.

New or Old Business may be added to the agenda by board members or staff following the applications.

Section 2. Order of Business:

Regular Meetings -

The order of business of regular meetings shall be as listed below, except that said order of business may be changed by the Chairman upon the consenting vote of a majority of those members.

- Call meeting to order
- Roll call of members
- **Presentation** of Minutes
- Hearing of tabled applications
- Hearing of new applications

- New Business
- Old Business
- Reports and Recommendations
- Adjournment

Special Meetings -

The order of business of special Meeting shall be as listed below.

- Call meeting to order
- Roll call of members
- The business for which the special meeting was called
- Adjournment

Closing the meeting - After all public comments have been heard under the rules of this section, the Chairman shall declare the hearing closed and shall call for a motion. Additional public comment shall not be permitted after the close of the hearing. Any motion which has been made and seconded is open for discussion by the Board members, but such motion is closed to discussion by the public, unless the Chairman specifically allows such discussion. The Chairman shall have the authority to limit such discussion by the public or the Board members.

ARTICLE X - DISPOSITION OF PETITIONS

Section 1. Representation:

- A. Representation - The *applicant* shall appear in person, by agent, or attorney, and present any supporting witnesses, evidence, statements, and arguments in favor of the request. Remonstrators and persons in favor of the request may appear by agent or by attorney and present witnesses, evidence, statements, and arguments. A written remonstrance filed with the Board before the hearing may be considered by the Board and be made a part of the record of the hearing.
- B. Board participation - The Board members shall be provided adequate opportunity to examine witnesses and question any evidence, statements and arguments in the interest of a fair hearing.
- C. Identification - Any persons wishing to be heard on any matter in a public hearing must stand before the Board and provide their name and address for the record.
- D. Commentary addressed to Board - All commentary at a public hearing shall be addressed to the Board through its Chairman. Such commentary shall not be permitted between opposing parties without the consent of said officer.
- E. Authority of Chairman - The Chairman shall have the authority to prohibit repetitious and irrelevant testimony and shall have the authority to limit the length of testimony by each speaker deemed appropriate to a fair public hearing.
- F. Orderly conduct - Every person appearing before the Board shall abide by the

order and direction of the Chairman. Discourteous, disorderly, or contemptuous conduct shall not be tolerated, and the Chairman may take such action as is deemed necessary to prevent such conduct.

Section 2. Presentations:

- A. The **applicant** shall present facts relating to the case ***in no more than five (5) minutes being available for the presentation. This shall include initial and follow up comments.*** The burden to supply all information necessary for a clear understanding of the case shall be upon the **applicant**.
- B. Each remonstrating party shall have the opportunity to present facts relating to the case ***with up to approximately five (5) minutes total being available for their presentations.***
- C. ***The Board shall then recognize nonparties allowing up to approximately five (5) minutes in which to present rebuttal.***
- D. The staff may present a staff report setting forth any opinions relating to the petition.
- E. The Chairman shall call for a discussion by members, which may include directing any further questions to any speakers.
- F. ***Findings of Fact shall be completed for each application. Failure of response by a board member shall be considered a "no".***
- G. The Chairman shall call for a motion.

Section 3. Motions:

The final **disposition** of any petition duly filed and brought before the Board shall be in the form of a motion, properly adopted, specifically setting forth such disposition. ***Final disposition shall be in accordance with Robert's Rules of Order.***

- A. Motion by Board - Automatic - In the event that the Board does not achieve the required three (3) votes to approve or deny a petition, the petition shall be automatically continued, re-docketed, and heard at the next regularly scheduled meeting.
- B. Improper - If proper notice under applicable laws and these rules has not been given, the Board may continue the petition to allow time for proper notice to be given or dismiss the petition.
- C. ***A motion to approve a petition may be conditional upon an applicants compliance with a requirement or requirements imposed by the Board. Such condition(s) of approval shall be specifically stated and recited to the applicant. The Board may impose a time limit upon the fulfillment of any such requirement(s). In the event any condition of the decision has not been fulfilled or the time for compliance has expired, the decision shall be revoked and rescinded.***

Section 4. Voting:

- A. Each motion on a matter requiring a public hearing shall be voted on. The vote of each member shall become a part of the record on the petition, and the vote of each member shall be disclosed by any Board officer or the staff to anyone requesting such information.
- B. In accordance with IC 36-7-4-223, a Board member may not participate in a hearing or decision concerning a matter in which he/she has direct or indirect financial interest. A member shall declare his/her known conflict of interest. Questions as to whether such conflict exists may be determined by the Chairman. When there is uncertainty as to the applicability of this section, the member shall be disqualified. The Board shall enter in its records the fact that its member has a disqualification. Members are expected to disclose any personal, non-financial interest in any matter before the Board, and shall abstain from participation and voting on such matter. A member who has a conflict of interest may remain at the Board table but shall refrain from discussion. Such member may join the audience but may not give testimony on the matter before the Board. If the case should arrive where a quorum is needed for a hearing, an alternate member to the Board shall enter into its record the fact a regular member has such a disqualification; name of the alternate member, if any, who participates in the hearing or decision in place of the regular member. Nothing in this section shall prevent a member of the Board from presenting a petition on his/her own behalf, but members shall not appear before the Board on behalf of others.
- C. All Board members present, excepting those with a conflict of interest, shall vote on each matter for which a public hearing is held. An abstention for any other reason shall have the same effect as a negative vote.
- D. Absentee or proxy voting shall not be permitted. Members must be present for the public hearing in order to be eligible to vote on any matter. In the event that a member is absent for part of a public hearing, such member's eligibility to vote on the matter shall be at the discretion of the Chairman.
- E. An alternate member may be assigned pursuant to IC 36-7-4-907(a) and Madison City Zoning Ordinance Section 11.11. The appointing authority may appoint an alternate member to participate with the Board in any hearing or decision if the regular member it has appointed has a disqualification under IC 36-7-4-909 or is unavailable to participate in the hearing or decision. An alternate member shall have all of the powers and duties of a regular member while participating in the hearing or decision.

Section 4. INDECISIVE VOTE:

When a vote of the Board does not result in an official action of the Board, the petition may be re-docketed and heard at the next regularly scheduled meeting or applicant may withdraw said petition.

Section 5. Disapproval:

- A. The Board shall disapprove any petition for which the **applicant** fails to show to the Board's satisfaction that the required criteria for approval has been met. The Board shall make written findings on each of the criteria.
- B. Refiling - No petition which has been denied or dismissed by the Board shall again be placed on the docket for hearing within a period of **one hundred eighty (180)** calendar days from the date of such disapproval, except upon a motion duly adopted by a majority of the membership of the Board to permit such re-docketing.

Section 6. Dismissals:

- A. The Board may dismiss a petition if the **applicant** or **authorized representative** does not appear to present and speak in favor of such petition or if such petition has been improperly filed as determined by the Board.
- B. The Board shall dismiss a petition if it finds it has no jurisdiction over such matter.

Section 7. Withdrawals and Continuance:

- A. Any petition may be withdrawn without prejudice provided a written request for withdrawal signed by the **applicant** or an authorized representative is received by the Board's staff at least seven (7) calendar days before the scheduled hearing.**
- B. A petition withdrawn less than seven (7) days before the scheduled hearing which may be withdrawn by the petitioner at any time before the close of the public hearing, by oral request at the scheduled meeting or in writing. Any petition which is withdrawn less than seven (7) calendar days before the scheduled hearing shall not again be placed on the docket for a hearing within a period of sixty (60) calendar days from the date of the originally scheduled hearing, except upon a motion duly adopted by a majority of the members of the Board to permit such re-docketing.**
- C. No petition may be withdrawn after a motion has been made and seconded and a vote has been ordered by the Chairman.
- D. The Board or the Board's staff may request a continuance not to exceed sixty (60) days in which to review the petition or to allow the investigation or review of issues not raised in the original petition or new matters. Any membership of the Board may at any time move to continue the hearing of any petition. Such a motion duly seconded and adopted shall continue the hearing to the time specified in the motion. The Board may include in the motion specific instructions for re-advertising and/or re-notification of interested parties.
- E. An applicant may request to table application not to exceed sixty (60) days. Such request shall be in writing and filed with the Board designee no later than the required filing

deadline preceding scheduled hearing. The Board or its designee will determine ¹whether the table request will be granted. Request to table shall not be unreasonably denied.

- F. No request to table shall be granted at the hearing to the **applicant (s)** or remonstrator(s) except for good cause shown. In determining good cause, consideration will be given to the person(s) present at the hearing, whether or not the cause could or should have been foreseen and whether the requesting party had the opportunity to request tabling in advance of the hearing.
- G. If the **applicant** fails to appear at a hearing on the petition, either in person or by counsel, without sufficient reason, the petition may be dismissed or the matter may be continued. Petitions will be dismissed after ninety (90) days of inaction unless good cause is shown.
- H. **The board may elect to continue a meeting if the order of business has not completed by a reasonable time.**

ARTICLE XI – DEFINITIONS

Section 1. Variance:

A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance and regulations would result in unnecessary and undue hardship.

Section 2. Variance of Use:

A variance of Use is an administrative exception to land use regulations. The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. ***This should be avoided as in certain cases this may be considered spot zoning.***

Section 3. Variance from Developmental Standards:

A granting of variance from a development standard (e.g., height, bulk, area, etc.) as set forth in the Zoning Ordinance. This definition shall be construed liberally to include all variance requests except those which are clearly for variance of use.

It can be requested by a builder or landowner when an odd configuration of the land, or sometimes the physical improvements (structures) on the land, requires a relaxation of the applicable regulations to avoid denying the landowner the same rights and use of the property enjoyed by owners of neighboring properties. Example: House built on an oddly-shaped lot. If the odd shape of the lot makes it impossible for the landowner to comply with the standard building setbacks specified in the Zoning Ordinance, a variance could be requested to allow a reduced setback. Typically a variance request arises from some condition peculiar to the property involved.

The variance request is justified only if special conditions exist on the lot that create a hardship making it too difficult to comply with the Zoning Code normal requirements. Likewise, a request for a variance on a normal lot with no special conditions could judiciously be denied. The special conditions or hardship typically must arise from some physical configuration of the lot or its structures. The financial or personal situation of the applicant normally cannot be taken into consideration. Under most codes governing variances, approval of the variance must not result in a public health or safety hazard and must not grant special privilege to the property owner. In other words, when a variance is granted, any other property owner with similar site conditions should be able to obtain a similar variance; this criterion is often addressed by citing precedence.

Section 4. Conditional Use Permit:

A use of property that is allowed by the Official Schedule of District Regulations with specified conditions, something that needs to be considered on a site specific basis.

New types of uses with characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. Conditional Uses shall be in accordance with Zoning Ordinance, Section 7.00.

ARTICLE XII – STANDARDS

Section 1. Variance of Use Standards:

Application shall include and meet all requirements as outlined in the Madison City Zoning Ordinance, Section 11.34 – Application for Variances of Use

The Board shall approve or deny variances of use from the terms of the Madison City Zoning Ordinance as outlined in Madison City Zoning Ordinance Section 11.33 – Variances of Uses

The Board may approve a request for a Variance of Use application only upon a determination in writing that all of the requirements of the Madison City Zoning Ordinance and the following criteria have been satisfied:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially manner.
3. Strict application of the terms of the Zoning Ordinance will not result in practical difficulties in the use of the property.
4. Request will not be contrary to public interest.

5. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure, or buildings in the same district.
6. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.
7. Special conditions and circumstances do not result from the actions of the applicant.

Section 2. Variance from Development Standards:

Application shall include and meet all requirements as outlined in the Madison City Zoning Ordinance, Section 11.36 – Application for Variances from Development Standards.

The Board shall approve or deny variances of development standards from the terms of the Madison City Zoning Ordinance as outlined in Madison City Zoning Ordinance Section 11.35 – Variances from Development Standards.

Development standards granted by the Zoning Board of Appeals shall run with the land. The Board may approve or deny variances from the development standards of the Zoning Ordinance. A variance from Development Standards may be approved only upon a determination that:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially manner.
3. Strict application of the terms of the Zoning Ordinance will not result in practical difficulties in the use of the property.
4. Request will not be contrary to public interest.
5. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure, or buildings in the same district.
6. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.
7. Special conditions and circumstances do not result from the actions of the applicant

8. Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structure, or buildings.

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 imposed by the Zoning Ordinance have been met by the applicant.

The board shall also comply with Madison City Zoning Ordinance, Section 11.37 – Supplementary Conditions and Safeguards.

Section 3. Conditional Use:

Conditional uses shall conform to the procedures and requirements of the Madison City Zoning Ordinance Sections 11.71 – 11.78.

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use of the proposed location:

1. Is in fact a conditional use as established under the provisions of Article V of the City of Madison Zoning Ordinance and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved.
2. Will 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 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 not be hazardous or disturbing to existing or future neighboring uses.
5. 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.
6. 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.
7. 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.
8. Will 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 not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

Section 4. NON TRANSFERABLE

A conditional use permit shall be deemed to authorize only one (1) particular use and said permit shall automatically expire if, for any reason, the use has not commenced within one (1) year. A conditional use permit is granted to the property owner who makes the original application and does not transfer to the new owner if the property changes ownership. The new owner must apply to the Board of Zoning Appeals for a new permit in order to continue the use that was conditionally allowed.

The above paragraph is per ordinance, however, there are instances in which there may be two (2) or more uses per property requiring a CUP.

ARTICLE XIII - COMMITMENTS

~~A. As a condition to the adoption of a rezoning proposal or approval of a petition or an application for a:~~

- ~~1. Conditional use~~
- ~~2. Variance~~

~~The owner of a parcel of property may be required or allowed to make a written commitment to the Plan Commission or the Board of Zoning Appeals, as applicable, concerning the use or development of that parcel.~~

- A. Commitments shall be recorded in the office of the County Recorder and take effect upon the approval of the ~~rezoning proposal, exception,~~ **Conditional** use or variance. Unless modified or terminated by the Plan commission or Board of Zoning Appeals, as applicable, may be a commitment is binding on:
 1. The owner of the parcel.
 2. A subsequent owner of the parcel (variance)
 3. A person who acquires an interest in the parcel (variance)
- B. A commitment is binding on the owner of the parcel even if it is unrecorded. However, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment. A commitment may be modified or terminated only by a decision of the Plan Commission or Board of Zoning Appeals made at a public hearing after notice as provided by rule.

- C. This section does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.

ARTICLE XIV - APPEALS

Section 1. Administrative Appeals:

- A. A grant of relief from the decision of the Director of the Plan Commission as outlined in Section 11.30, 11.31, and 11.32 of the Zoning Ordinance. The Board has appellate jurisdiction relative to appeals and variances.
- B. Upon appeal, the Board may reverse, affirm, or modify any order, requirements, decision, or determination so appealed. For this purpose, the Board has all the powers of the official, officer, board, or body from which the appeal was taken.
- C. In considering an appeal, the Board shall hear testimony of the official, officer, board, or body from which the appeal was taken as to the reasons for the order, requirement, decision, or determination under appeal. It also shall hear testimony of the appellant as to the grounds for the appeal. The Board may hear such additional testimony as it considers relevant to the decision.
- D. In deciding an appeal, the Board shall consider the intent and purposes of the Zoning Ordinance and shall make a decision which upholds such intent and purposes. A majority vote of the entire membership of the Board is required to overturn a decision of the code enforcement officer. Failure to achieve such majority shall result in affirmation of the decision so appealed.
- E. Refiling - Once the Board has decided an appeal, the same appeal shall not again be placed on the docket for hearing within a period of one hundred eighty (180) calendar days from the date of the original decision, except upon a motion duly adopted by a majority of the membership of the Board to permit such re-docketing.

F. Review by Certiorari

In accordance with I.C. 36-7-4-1 002, each decision of the Board of Zoning Appeals is subject to review by certiorari. Each person aggrieved by a decision of the Board may present, to the Circuit court of Jefferson County, a verified petition setting forth that the decision is illegal as a whole or in part and specifying the grounds of the illegality. Any such petition which are to be review by a certiorari must be submitted to the court within thirty (3) days from the date of the decision of the Board.

ARTICLE XV - AMENDMENTS

Amendments to the Rules of Procedure may be made by the Board at any regular or special meeting upon the affirmative vote of a majority of the membership of the Board, provided however, that the

proposed amendment shall have been presented in writing at a previous regular meeting of the Board.

ARTICLE XVI - SEVARABILITY

If any section, clause, provision, or portion of these rules shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provisions, or portion of these rules.

All portions of the City of Madison Board of Zoning Appeals shall be in full and complete compliance with the City of Madison Zoning Ordinance 2016-19.

Upon adoption of the Board of Zoning Appeals Rules of Procedure, they shall be made available to all applicants and any interested parties. Additionally, said Rules of Procedure should also be used by the staff and BZA

ARTICLE XVII - CERTIFICATE OF ADOPTION

The foregoing Rules of Procedure of the City of Madison Zoning Board of Appeals are hereby adopted ***and goes into effect*** by the affirmative vote of the Board this _____ day of _____, 201__.

Scott Baldwin, Chairman

A signature line for each board members

ATTEST:

Darien Vernon, Office Assistant

Jason Goley
1962 E. Howard Ln.
Madison, IN 47250



7020 2450 0000 8800 0686



1000



47250

U.S. POSTAGE PAID
FCM LETTER
MADISON, IN
47250
APR 21, 21
AMOUNT
\$7.20
R2305K135607-09

Brian Martin
City of Madison Young Bond/Plan Commission
101 W. Main St.
Madison, IN 47250

4-18-2021

Subject: Zoning Violation Complaint

bmartin@madison-in.gov / City of Madison Office of Building and Design:

cc: David.thomas@jeffersoncounty.in.gov

I am writing with concern of a zoning violation that has occurred and is scheduled to reoccur at 2357 North K Road Madison, Indiana. This is a public, commercial event with hundreds of attendees. It has been advertised on social media as a "swap meet" as well as a "flea market" under the group name "Madison Indiana Flea Market," currently with 1800 group members on Facebook. The next event is scheduled for April 24, 2021.

The contact information given on Facebook for this flea market is Brett Clark: 812-344-9167 and TJ Stewart: 812-801-6773. Jefferson County GIS website shows the owner of this property as Keller Walter G and Helen & Reed Susan.

This area is zoned agricultural/residential. The flea market appears to be a commercial enterprise with outside vendors coming in and making profit, as well as the venue collecting fees for parking. One vendor at the event is charging \$5 for a petting zoo and pony rides. K road is very narrow and cannot handle the excessive traffic that is being incurred with this commercial activity. I am also not aware of any emergency management plans. As of 2019, emergency response personnel (fire, ambulance) refused to enter the 2357 North K Road property without a police escort due to previous conflicts with occupants and emergency response personnel. As an immediate neighbor, I find it concerning that I have not been formally or informally notified of this event by the City of Madison (buffer zone) Zoning, the event managers, or property owner; therefore, I assume that no variance has been requested and the City is unaware of these activities.

With the additional traffic observed on previous event days, there is no reasonable or safe way for me to move my farm equipment on the road. This additional traffic during these types of events effectively eliminates my ability to operate my farm, which is the very reason that the agricultural zoning designation is in place.

I implore you to enforce the standing zoning regulations and ensure this flea market is relocated to a location appropriate for commercial activities.

Please see (5) attached screenshots for documentation of concerns.

Respectfully,

Jason Goley

1962 E. Armand Lane

Madison, IN 47250

MADISON INDIANA ANIMAL
SWAP & FLEA MARKET



THE FARM
2357 NORTH K ROAD
MADISON, INDIANA 47250
BRETT CLARK 1-812-344-9167
TJ STEWART 1-812-801-5773
JOIN US ON FACEBOOK
SWAP, MADISON, INDIANA





Tj Stewart

Moderator • 1d •

...

Everyone Please share lets get the word out.



\$2.00 Parking. Free to set up.
Hoboken Eddie will be there with
great food and his world
renowned sauces.

McKay's Family Farm Petting Zoo
L.L.C. will be there for the kids with
pony rides.

Jayden's Exotics will also be there
with some of their exotic critters.

Few things you will find

Chickens
Chicks
Goats
Cattle
Sheep
Horses
Pigs
Rabbits
Ducks
Quail
Guineas
Peafowl
Exotic animals
Reptiles
Plants
Hay/Straw
Produce
Fish
Animal supplies
Tools
Black Smith items
Antiques
Jams & Jellies
Home made items
Flea market booths
And much more..

No Sales of Firearms

Madison Indiana Animal Swap

Swap Location
2357 North K Road
Madison, IN 47250

Swap starts at 9am till the last
swapper leaves. Best time to be
there is from 9am to 12pm



2021 Swap Dates

March 27th

April 24th

May 22nd

June 26th & 27th

July 24th

August 28th

September 25th & 26th

October 23rd

We will be having 2 weekend Swaps
this year. It will be a Saturday and
Sunday.

March, April, May, and October
are weather permitting.

Please call if you have any questions.



We will be doing raffles and
chicken poop Bingo on the weekend
swaps. There will be a little fun for
everyone.



Contact Information

Tj. Stewart (812)-801-6773




Brett Clark (812)-344-9167

or message one of us on Facebook.



Madison Indiana Flea Market >

 Public group · **1.8K** members

  invited you
up to post and
ent. Your invite expires 
days.

[Join Group](#)

[Delete Invite](#)

About

[See All](#)

This group is where we will cover our schedule for our Madison Indiana Flea Market. Answer questions, help members with

Animal Swap

2357 N K Rd, Madison, IN 47250-8400, Unit...



Interested



Going



Share ▼



More



3 going · 19 interested · 4 shares



Event by McKay Family Farms LLC



**2357 N K Rd, Madison, IN 47250-8400,
United States**



Price: Free · Duration: 4 hr



Public · Anyone on or off Facebook

[About](#)

[Discussion](#)

Details

Madison animal swap

\$2 parking goes to the farm for putting on the event

We will be there from start of the day til everyone leaves



Madison Indiana Flea...



Tj Stewart



• 8h •



Ok everyone knows we needed more room at our swap well we have a BIG surprise for everyone. We are moving the Swap to the back of the farm and we will have plenty of room for everyone this is the map of it. Its on the same property we have the Swap.



47

27 Comments • 8 Shares

