

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with Chairman John Simmermon presiding.

Members Present: John Simmermon, Curt Stephenson, Jerry Stamm, Kelly Salyer and Lindsay Brown

Members Absent:

Staff Present: Larry Strange - Director, Stacey Hinton - Secretary, and Jeff Graham County Attorney



CURRENT BUSINESS

1. Prayer – John Simmermon
2. Pledge of Allegiance
3. Roll Call – All Present
4. Approval of the May 23rd, June 27th and July 27th, 2023 board minutes

Chairman Simmermon stated that we had 2 board minutes to approve. The May 23rd and June 27th. The July minutes will be voted on at the September meeting.

Member Stamm made a motion to approve the May 23rd board minutes. Seconded by Member Brown. Voice call vote taken, 4- yes, 1 – abstained (Curt Stephenson). **Motion Approved**

Member Stamm made a motion to approve the June 27th board minutes. Seconded by Member Stephenson. Voice call vote taken and was unanimous. **Motion Approved**

4. Memorandum of the June 27th

Member Brown made a motion to adopt the June 27th Memorandum. Seconded by Member Salyer. Voice call vote taken and was unanimous. **Motion Approved**



Director Strange had a couple agenda items before getting started. He stated that most people were here for the very last petition (Humble) and suggested that petition be heard first after the old business. There would need to be an amendment to the agenda to do this. He also stated he has a couple of continuances that will need voted on as well.

Petition:	2023-SU-007
Address:	2128 South Rangeline Road, Anderson
Location:	Union Township, District 1 Commissioner
Petitioner:	Jon Carnahan
Landowners:	Carnahan Holdings, LLC
Zoning:	GI
Request:	A Special Use to bring into compliance and allow a workshop in the General Industrial (GI) Zone District.

Member Brown made a motion to continue 2023-SU-007. Seconded by Member Stamm. Voice Call vote taken and was unanimous. **Motion Approved**

Petition: 2023-V-019
Address: 9423 West Fall Creek Drive, Pendleton
Location: Green Township, District 1 Commissioner
Petitioner: Steven Randolph
Landowners: Steven Randolph
Zoning: CR
Request: A Variance for front yard setback relief [from 140' to 60'] in the Conservation Residential (CR) Zone District

Member Brown made a motion to continue 2023-V-019. Seconded by Member Stamm. Voice Call vote taken and was unanimous. **Motion Approved**

Petition: 2023-V-023
Address: 2320 Windmire Way, Anderson
Location: Union Township, District 1 Commissioner
Petitioner: Alexandr Voronin
Landowners: Alexandr Voronin Maria Vasilyeuh
Zoning: R1
Request: A Variance to allow a fence to be taller than 3 ft within the front yard setback in the Single-Family Residential (R1) Zone District

Member Brown made a motion to continue 2023-V-023. Seconded by Member Stamm. Voice Call vote taken and was unanimous. **Motion Approved**



Secretary Hinton indicated to Director Strange that a member of the audience needs to ask a question. Mrs. Mejeur stated that her husband has a scheduled surgery and would like to know if it would be possible to be moved first.

Discussion was had regarding rearranging the agenda. Old business would still be heard.

Member Brown made a motion to amend the agenda where 2023-V-020 will be number one. Second on the agenda would be 2023-V-022, as the number two. Number three will be 2023-SU-006 and number four will be 2023-V-021. Seconded by Member Stamm. Voice call vote taken and was unanimous. **Motion Approved**



Old Business

1. Petition: 2023-V-015
Address: 1702 East US Highway 36, Markleville
Location: Adams Township, District 1 Commissioner
Petitioner: John & Rebecca Bynum
Landowners: John & Rebecca Bynum
Zoning: CR
Request: A Variance to allow a storage container in the in the Conservation Residential (CR) Zone District

Director Strange stated this is a variance from development standards to allow a storage container on property. Staff recommends denial. Petitioner was present along with their attorney Tom Beeman and both spoke. No remonstrators were present.

After discussion was had among board members, Petitioner, Petitioners attorney Tom Beeman, Director Strange and Attorney Graham, Member Brown made a motion to deny petition 2023-V-015 stating that we should not make a precedence to allow shipping containers and to protect the integrity of the county along with the Findings of Fact. Seconded by Member Stephenson. Roll call vote taken. 3 – yes (Lindsay Brown, Jerry Stamm and Curt Stephenson) and 2 – No (Kelly Salyer and John Simmermon) **Motion Approved to Deny Petition 2023-V-015**

FINDINGS of FACT for VARIANCE

- 1. ***WILL the approval be injurious to the public health, safety, morals, and general welfare of the community?*** No. The proposed use as presented should not negatively impact the public health, safety, morals, and general welfare of the community.
- 2. ***Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?*** Storage trailers contribute to a negative overall property appearance and could lead to reduction of adjacent property values.
- 3. ***Will the strict application of the terms of the zoning ordinance result in a practical difficulty in the use of the property.*** No, there are feasible alternatives to trailers for accessory structures.

New Business



- 1. Petition: 2023-V-020
 Address: 1615 East 1000 South, Pendleton
 Location: Adams Township, District 1 Commissioner
 Petitioner: Russell & Anne Mejeur
 Landowners: Russell & Anne Mejeur
 Zoning: AG
 Request: A Variance to build between the primary structure and the main road in the Agriculture (AG) Zone District

Director Strange indicated that this is a variance from development standards to allow an accessory structure to be placed in front of the primary structure. Staffs recommendation is to approve. Petitioner was present and spoke to board members. No remonstrators were present.

After discussion was had among board members and Director Strange, Member Stamm made a motion to approve Petition 2023-V-020 along with the Findings of Fact. Seconded by Member Stephenson. Roll call vote taken and was unanimous. **Motion Approved**

FINDINGS of FACT for VARIANCE

- 1. ***WILL the approval be injurious to the public health, safety, morals, and general welfare of the community?*** No. The proposed use as presented should not negatively impact the public health, safety, morals, and general welfare of the community.
- 2. ***Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?*** No, there should be no such impact. As presented, the existing improvements on the property meet the standards of the Madison County Land Use Development Code. All future improvements will be subject to the applicable development standards.

- 3. ***Will the strict application of the terms of the zoning ordinance result in a practical difficulty in the use of the property.*** Yes. The woods in the back of the home, which the property owner wishes to preserve, prevent the building of the barn.



2 Petition: 2023-V-022
 Address: 1033 Gray Squirrel Drive, Pendleton
 Location: Fall Creek Township, District 1 Commissioner
 Petitioner: Jeffrey Humble
 Landowners: Jeffrey Humble
 Zoning: R2
 Request: A Variance for side yard setback relief [of 6'] in the Single-Family Residential (R2) Zone District

Director Strange indicated this is a variance from development standards to allow the petitioner a setback relief from 20' to 14' from the west (rear) property line. Staff recommends approval. Petitioner was present and spoke. Remonstrators were present and spoke as well.

After discussion was had among board members, Director Strange, Attorney Graham, and Petitioner, Member Stamm made a motion to approve Petition 2023-V-022 along with Findings of Fact. Seconded by Member Simmermon. Roll Call vote taken. 3 – Yes (Kelly Salyer, Jerry Stamm and John Simmermon) and 2 – No (Lindsay Brown and Curt Stephenson). **Motion Approved**

FINDINGS of FACT for VARIANCE

- 1. ***WILL the approval be injurious to the public health, safety, morals, and general welfare of the community?*** No, there should be no impact in these areas. Based on evidence provided, the location of the accessory structure will not adversely affect the public health safety, morals and general welfare of the surrounding community, for as long as the petitioner does not use said structure for anything beyond personal use. The structure will not be prominent in the neighborhood and thus adversely affect surrounding areas.
- 2. ***Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?*** Staff does not envision devaluation of the neighborhood based on the construction of this accessory structure. There are many accessory structures throughout the neighborhood.
- 3. ***Will the strict application of the terms of the zoning ordinance result in a practical difficulty in the use of the property.*** The property owner could not build the type of structure needed for his purposes. The layout of the petitioner's home makes building an accessory structure in compliance with district guidelines financially impracticable.



3. Petition: 2023-SU-006
 Address: 8037 North State Road 9, Alexandria
 Location: Monroe Township, District 3 Commissioner
 Petitioner: Dianne Wylie
 Landowners: Dianne Wylie
 Zoning: GC
 Request: A Special Use to operate a recreational vehicle sales business in the General Commercial (GC) Zone District

Director Strange indicated this is special use to allow a business selling recreational vehicles, car haulers, utility trailers, ATV's and side by side (similar to ATV). Staffs recommendation is to approve along with conditions. Petitioner was present and spoke. No Remonstrators were present.

After discussion was had, Member Brown made a motion to approve 2023-SU-006 with Staff Findings of Fact and Conditions with the removal of condition number one. Seconded by Member Stamm. Roll call vote taken and was unanimous. **Motion Approved with amended conditions.**

FINDINGS of FACT for SPECIAL USE

- 1. ***Would the approval be injurious to the public health, safety, morals, and general welfare of the community?***

No. The operation is such that there should be no negative impact on the general welfare of the community.

- 2. ***Will the requirements and development standards set forth in the district for such exception be met?***

Yes. As presented, the existing improvements on the property meet the standards of the Madison County Land Use Development Code. All future improvements will be subject to the applicable development standards.

- 3. ***Will the proposed use subvert and permanently injure other property or uses in the same district and vicinity?***

No. As presented, and assuming that the conditions detailed herein are met, no injury will occur to surrounding properties in the same district and vicinity.

- 4. ***Will the proposed use be consistent with the character of the zoning district and the Comprehensive (Comp) Plan?***

Yes. As presented, the conditions and the nature of the proposed business are consistent with the zoning code and comprehensive plan.

Conditions:

- 1. If approved, file for variance within 90 days of date of approval for operating a business on well and septic in the General Commercial zoning district.
- 2. Proof of a commercial design release (CDR) or proof in letter/email format that a CDR is not needed for the building on the site if it is to be used as an office with employees and the public using the space.



- 4. Petition: 2023-V-021
Address: 8800 South State Road 109, Markleville
Location: Adams Township, District 1 Commissioner
Petitioner: Jerry Martz
Landowners: Jerry Martz
Zoning: AG
Request: A Variance for maximum lot coverage to build an accessory structure in the Agricultural (AG) Zone District

Director Strange indicated this is a variance of development standards to allow petitioner to build a building which will exceed maximum lot coverage requirements. Staffs recommendation is to approve. Petitioner was present and spoke. No remonstrators were present.

After discussion was had, Member Brown made a motion to approve petition 2023-V-021 along with Staff Findings of Fact. Seconded by Member Stamm. Roll call vote taken and was unanimous. **Motion Approved**

FINDINGS of FACT for VARIANCE

1. ***WILL the approval be injurious to the public health, safety, morals, and general welfare of the community?*** No. The proposed use as presented should not negatively impact the public health, safety, morals, and general welfare of the community.
2. ***Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?*** No, there should be no such impact. The proposed project will not be out of character with other residential properties along the highway.
3. ***Will the strict application of the terms of the zoning ordinance result in a practical difficulty in the use of the property.*** Yes. The owner has a collection of classic cars that need this size garage in which to keep them.



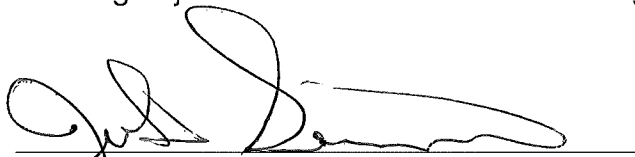
Miscellaneous

Attorney Graham indicated that there was an executive session schedule for this morning but it had to be rescheduled to do scheduling conflicts. It's been tentatively rescheduled for September 26th.



Adjournment

Member Brown made a motion to adjourn the meeting seconded by Member Stamm. Meeting adjourned at 10:49:58 a.m. **Meeting Adjourned**



John Simmermon, Chairman



Stacey Hinton, Board Secretary