

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

Members Present: Chairman – John Simmermon, Vice Chairman – Curt Stephenson, Jerry Stamm, and Cory Bohlander

Members Absent: Lisa Hobbs

Staff Present: Rachel Christenson- Interim Director, Stacey Hinton and Jeff Graham

CURRENT BUSINESS

1. Prayer – John Simmermon
2. Pledge of Allegiance
3. Roll Call – 4 present, 1 absent (Lisa Hobbs)
4. April 26th, 2022 Minutes – Member Stamm made a motion to accept the April 26th, 2022 minutes. Seconded by Member Bohlander. Voice call vote taken and was unanimous - **Minutes approved.**

May 24th, 2022 Minutes - Member Stamm made a motion to accept the Mary 24th, 2022 minutes. Seconded by Member Stephenson. Voice call vote taken and was unanimous. **Minutes Approved**

NEW BUSINESS

1. Petition: 2022-V-012
Address: 7532 Sprague Street, Anderson
Location: Adams Township, District 1 Commissioner
Petitioner: Fred & Mary Spitz
Landowners: Fred & Mary Spitz
Zoning: CR
Request: A Variance to allow maximum lot coverage to exceed the 30% lot coverage in the Conservation Residential (CR) Zone District

Interim Director Christenson presented the staff report with a recommendation for denial. Request is to allow the maximum lot coverage to exceed 30 % of the lot coverage. The petitioner did file a variance a few months ago for setback approval and was approved. Petitioner currently has 32% lot coverage and adding the structure would put them at 38% percent. One of the concerns is storm water runoff. Petitioner was present and spoke to board members. No remonstrators were present.

After discussion was had among board members, Interim Dir Christenson and petitioner, Member Stephenson made a motion to deny Petition 2022-V-012 per Staff Findings of Fact. Seconded by Member Stamm. Roll Call vote taken and was unanimous. **Petition 2022-V-012 Denied.**

FINDINGS of FACT for VARIANCE

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

Yes. An increased lot coverage and impervious surface area could potentially cause issues with stormwater runoff and negatively impact drainage, which could adversely affect 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?*

Yes. An increase lot coverage and impervious surface area would negatively impact the adjacent properties with potential drainage issues.

3. *Will the strict application of the terms of the zoning ordinance result in a practical difficulty in the permitted use of the property?*

No. The existing garage and impervious surface is appropriate for the size of the lot and allows adequate use of the site.

2. *Petition: 2022-V-013
Address: 1359 E Zell Road, Summitville
Location: Van Buren Township, District 3 Commissioner
Petitioner: Terry Delong
Landowners: Terry Delong
Zoning: R2
Request: A Variance for side yard setback relief in the Single-Family Residential (R2) Zone District*

Interim Director Christenson indicated to the board that Mr. Delong has asked to be continued until the July meeting. Board approved.

3. *Petition: 2022-SU-009
Address: 2639 North 300 East, Anderson
Location: Lafayette Township, District 3 Commissioner
Petitioner: Kay Lorenzoni
Landowners: Kay Lorenzoni
Zoning: CR
Request: A Special Use to run a grooming business out of her home in the Conservation Residential (CR) Zone District*

Interim Director Christenson presented the staff report with a favorable recommendation. Request is to allow a Home Occupation Type II – pet grooming business in the Conservation Residential Zone District. Interim Director Christenson stated the Petitioner has submitted a very thorough business plan to the Planning Commission. Petitioner was present with her husband and answered questions the board had for her.

After discussion was had among board members, petitioner and Interim Director Christenson, Member Stamm made a motion to approve Petition 2022-SU-009 along with the submitted business plan and Staff Findings of Fact. Seconded by Member Stephenson. Roll Call vote taken and was unanimous. **Petition 2022-SU-009 Approved with Business Plan submitted and Staff Findings of Fact**

FINDINGS of FACT for SPECIAL USE

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

No. The proposed Type II home occupation will not negatively impact the public health, safety, morals, and general welfare of the community, and will be in harmony with surrounding properties.

- 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 present, 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 condition, and the nature of the proposed business are in line with the County's comprehensive plan.

Old Business

- 4. Petition: 2019-SU-005
Address: N/A
Location: Multiple locations between West 1150 North and West 1300 North (north to south and North 350 West and North 550 West (east to west) – please see the Site Plan for precise locations
Petitioner: Lone Oak Solar, LLC, c/o Katya Samoteskul
Landowners: Multiple Landowners
Zoning: AG
Request: A Special Use to modify Condition #19 regarding completion and operational date to "The Project shall be complete and operational on or before December 31, 2025" in the Agriculture (AG) Zone District

Interim Director Christenson indicated that the petition 2019-SU-005 is a petition filed by Lone Oak Solar. This is a modification of the Condition #19 on the 2019-SU-005 case and it would be replaced with the words "The Project shall be complete and operational on or before December 31, 2025. Interim Director Christenson gave a brief history of the petition to refresh boards member and explained how the petition modification would be heard and along with public comments.

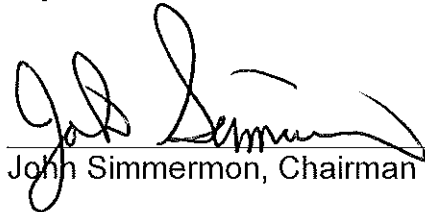
Petitioner, Lone Oak Solar's representative Attorney Mary Solada, was present and spoke to board members along with Hannah Pavolcyk who is the Indiana Development Manager for Invenergy. Hannah Pavolcyk stated to board members they will not and do not plan to pursue a tax abatement for Lone Oak Solar. It is not necessary for the project anymore given the current market. Remonstrators were present and spoke as well.

After discussion was had among board members, Interim Dir Christenson and Petitioner, Member Stephenson made a motion to Deny the modification of Petition 2019-SU-005. Seconded by Member Bohlander. Roll Call vote taken, 3 – Yes and 1- No (Jerry Stamm). **Petition 2019-SU-005 Modification, Denied**

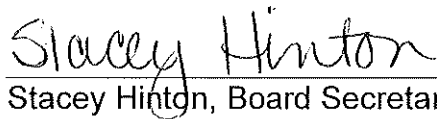
Miscellaneous

Adjournment

Member Stephenson made a motion adjourn. Seconded by Member Stamm. Meeting adjourned at 10:29:54 am. **Meeting Adjourned**



John Simmermon, Chairman



Stacey Hinton, Board Secretary