

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

Members Present: Vice Chairman – Curt Stephenson, Jerry Stamm, and Lisa Hobbs

Members Absent: Chairman – John Simmermon and Cory Bohlander

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

CURRENT BUSINESS

1. Prayer – Curt Stephenson
2. Pledge of Allegiance
3. Roll Call – 3 present, 2 absent (Chairman – John Simmermon and Cory Bohlander)
4. April 26th , 2022 Minutes– Member Stamm made a motion to accept the April 26th,2022 minutes. Motion was seconded by Member Hobbs with the correction. Voice call vote taken. 2 – Yes and 1 - Abstain - **Minutes carried over to June for approval. Not enough votes.**

NEW BUSINESS

1. Petition: 2022-SU-006
Address: 115 West State Road 38, Pendleton
Location: Fall Creek Township, District 1 Commissioner
Petitioner: Terri L Moore, Trustee
Landowners: The Paul R. and Terri L. Moore Trust
Zoning: AG
Request: A Special Use to run a Horse Boarding Facility in the Agriculture (AG) Zone District

Interim Director Christenson presented the staff report with a recommendation for approval. Request is to run a horse boarding facility. Petitioner was present along with her Attorney Jonathon Cook and her daughter Amanda Witham who both spoke to board members and answered questions from the board. Interim Director Christenson did indicate she had received a remonstration from a neighbor and address their issues. Remonstrators were present and also spoke. There was discussion regarding the driveway and Attorney Cook suggested that a driveway agreement be drafted that is very clear what all the parties rights and what their obligations are.

After discussion was had among board members, Interim Dir Christenson, Petitioner, Mr. Cook and Mrs. Witham, Member Hobbs made a motion to approve Petition 2022-SU-006

per Staff Findings of Fact and Conditions that the Petitioner prove the ownership of the road, the agreement stated by Mr. Cook and the new road to be put in within one year. Seconded by Member Stamm. Roll Call vote taken and was unanimous. **Petition 2022-SU-006 Approved.**

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 approval will not adversely affect the elements in any way.

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

Yes. The requirements and development standards for the requested special use as prescriber by the Ordinance will be met.

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

No. Granting of the Special use will not subvert the general purposes served by the Ordinance and will not permanently injure other property or uses in the same district .

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

Yes. The proposed use will be consistent with the character of the zoning district in which it is located and the Madison County Comprehensive plan.

- 2. Petition: 2022-V-011
- Address: 4220 West 200 North, Anderson
- Location: Lafayette Township, District 3 Commissioner
- Petitioner: Belinda Ice Flickinger
- Landowners: Belinda Ice Flickinger
- Zoning: AG
- Request: A Variance for Side Yard Setback Relief in the Agriculture (AG) Zone District

Interim Director Christenson presented the staff report with a recommendation for denial. Request is for a variance for a side yard setback relief. Petitioner pulled a permit to construct a barn a few years ago. During the review process of issuing the permit, the contractor was told that he would need to move the barn in order to meet the zoning setback requirements. Contractor signed off on the plans stating it would meet the 25-foot setback. Petitioner then hired a surveyor, and it was determined that the barn has been built over the 25-foot setback requirement. Petitioner and their Surveyor Lee Wood was present and spoke to board members. No remonstrators were present.

After discussion was had among board members, petitioner, surveyor and Interim Dir Christenson, Member Hobbs made a motion to Approved Petition 2022-V-011 per adopted Staff Findings of Fact and Conditions that the current barn cannot built on to and

any future buildings must abide by all setback rules. Seconded by Member Stamm. Roll Call vote taken and was unanimous. **Petition 2022-V-011 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, it will not. Based on the information submitted it would not.

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. The adjacent property would not be affected in a substantial adverse manner.

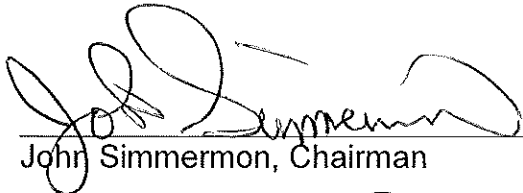
3. *Will the strict application of the terms of the zoning ordinance result in a practical difficulty in the permitted use of the property?*

No. Based on evidence that was presented, it would not.

Miscellaneous

Adjournment

Vice Chairman made a motion adjourn. Seconded by Member Stamm. Meeting adjourned at 10:17:38 am. **Meeting Adjourned**



John Simmermon, Chairman



Stacey Hinton, Board Secretary

