

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, Cory Bohlander, and Lisa Hobbs

Members Absent:

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

**CURRENT BUSINESS**

1. Prayer – John Simmermon
2. Pledge of Allegiance
3. Roll Call – All Present
4. August 23<sup>rd</sup>, 2022 Board Minutes – Member Stamm made a motion to accept the August 23<sup>rd</sup>, 2022 board minutes. Seconded by Member Stephenson. Voice call vote taken and was unanimous - **Minutes approved.**

**OLD BUSINESS**

Director Strange indicated to board members that petitioner Terry Delong has requested a continuance to the November Meeting. Mr. Delong is in the process of getting his survey for his property. He also indicated that Rodrigo Rangel was also asking for a continuance for his Special Use request and that he had discussion with Mr. Rangel regarding is request.

1. Petition: 2022-V-013 - *Tabled from June, July & August*  
Address: 1359 E Zell Road, Summitville  
Location: Van Buren, District 3 Commissioner  
Petitioner: Terry Delong  
Landowners: Terry Delong  
Zoning: R2  
Request: A Variance for Rear Yard Setback Relief in the Single-Family Residential (R2) Zone District
  
- Petition 2022-V-018 – *Tabled from July & August*  
Request: A Variance for an Accessory Structure in front of a Primary Structure in the Single-Family Residential (R2) Zone District
  
- Petition 2022-V-019 – *Tabled from July & August*  
Request: A Variance to allow for a second drive in the Single-Family Residential (R2) Zone District

*Petitioner Request Continuance to November*

- 2. Petition: 2022-SU-014  
Address: 228 West 300 North  
Location: Lafayette Township, District 3 Commissioner  
Petitioner: Rodrigo Rodriguez Rangel  
Landowners: Rodrigo Rodriguez Rangel  
Zoning: GI  
Request: A Special Use to allow a landscaping business and to bring into compliance in the General Industrial (GI) Zone District

*Petitioner requested a continuance to November*

Director Strange also indicated that on the agenda under miscellaneous, they would need to talk about the Fee and Fine schedule and that it was something that he would like the BZA to be involved in.

Chairman Simmermon welcomed Larry Strange as the new Director.

Attorney Graham indicated that the board would need to make a motion to accept the continuance requests, as stated by Director Strange, until the meeting on the 22nd of November.

Member Hobbs made a motion for the continue as requested by Director Strange. Seconded by Member Stamm. Voice call taken and was unanimous. **Motion Approved.**

- 3. Petition: 2022-SU-009 - *Tabled from August*  
Address: 0 North State Road 9, Anderson  
Location: Lafayette Township, District 3 Commissioner  
Petitioner: Mervat Fakhoury  
Landowners: Ibrahim Fakhoury  
Zoning: GC  
Request: A Special Use to run a car lot and auto repair in the General Commercial (GC) Zone District

Director Strange indicated to board members the next item is Mervat Fakhoury. This petition came before the board last month and following the board meeting there was a request for a more detailed site development plan that presented information on what he was going to do and correspondence from INDOT indicating the driveway cut is appropriate and information what they require to get the driveway cut into compliance. The Surveyor's office informed the Planning Department that before the project can move forward, a drainage report would need to be done. Petitioner was present and spoke to board members. Anjie Cox from the drainage board also was present and spoke about the ditch that runs beside Mr. Fakhoury's property. Discussion was had among board members, Director Strange and petitioner. Director Strange indicated that the petitioner would need to supply a site plan but not an engineer site plan that way the board can get a better handle on what's going on. Remonstrators were present and spoke.

After discussion was had among board members, Director Strange, and petitioner, Member Hobbs made a motion to table Petition 2022-SU-009 to the October meeting with an updated site plan to come into compliance with our County Ordinance. Seconded by Member Bohlander.

**Petition 2022-SU-009 Tabled to October**

**New Business**

1. Petition: 2022-SU-012  
 Address: 6997 South 200 East, Markleville  
 Location: Adams, District 1 Commissioner  
 Petitioner: Noah Grubbs  
 Landowners: Equityield, LLC  
 Zoning: GC  
 Request: A Special Use to allow auto sales on site in the General Commercial (GC) Zone District

Director Strange presented the staff report with a recommendation for approval with Conditions. Request is a special use to allow auto sales on site. The intent is to use the land facility to offer 20 or 30 used automobiles for sale to the public. Petitioners and landowner were present and spoke to board members. Petitioner will be required to put in a buffer yard which is required by our ordinance along with filing for a variance for that buffer yard.

After discussion was had among board members, Director Strange and Petitioners, Member Stephenson made a motion to approve Petition 2022-SU-012 along with Staff Findings of Fact and Staff Conditions. Seconded by Member Stamm. Roll Call vote taken and was unanimous.  
**Petition 2022-SU-012 Approved with Conditions**

**Findings of Fact**

1. ***Would the approval be injurious to the public health, safety, morals, and general welfare of the community?*** No. The proposed use 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 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 in line with the County's Comprehensive Plan.

**CONDITIONS**

1. Provide within 30 days a site plan that addresses the layout of the property showing generally how cars will be stored and arranged and the code requirements cited below.
2. Install buffer yard requirements as cited in Section 6.7 of the Madison County code or seek a variance from the requirements. (See buffer yard requirements below.)
3. Ensure site meets maximum lot coverage standards (70%) as cited in Section 3.24. or seek a variance.
4. Ensure site meets sight visibility standards as cited in Section 6.14.
5. Ensure site meets lighting standards as cited in Section 6.29.
6. Comply with signage requirements as cited in Article 7 (PS-05, page 154 of Madison County Code) or seek variance. (Minimal requirements are that the sign be no more than 15 feet high and not exceed 75 square feet in sign area and be placed no closer than ten feet from the public right-of-way. Also, all signs are to be removed from abandoned property within 30 days so, in effect, the sign should not be there – 7.3:D.)
7. Other conditions as specified by the BZA.

*Type 3 buffer yard has the following standards:*

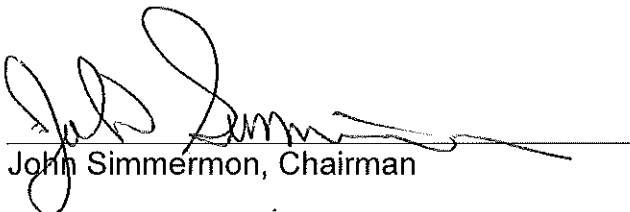
- *Minimum setback of 25 feet in addition to the setback.*
- *This lot has two front yard setbacks (US 36 and CR 200 E). The setback on US 36 is 50' and the setback on CR 200 is 40'.*
- *In the buffer yard, there should be*
  - o *A row of deciduous canopy trees (1 tree every 20 feet)*
  - o *A 5' tall opaque wooden fence, 5' tall undulating mound planted with shrubs, or row of evergreen trees*

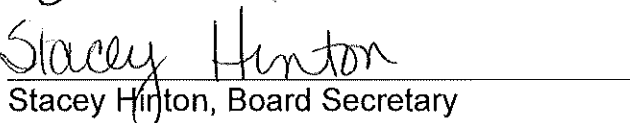
**Miscellaneous**

Director Strange went over with the board members the new fee schedule that he plans to present to the Planning Commission. He went over how he would like to handle fines for violations and that it would involve the BZA. Board was in agreement.

**Adjournment**

Member Simmermon adjourned the meeting at 10:16:05 am. **Meeting Adjourned**

  
John Simmermon, Chairman

  
Stacey Hinton, Board Secretary