

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, Kelly Salyer and Lindsay Brown

Members Absent: none

Staff Present: Larry Strange - Director, Nikki Wood – Board Secretary, and Jeff Graham County Attorney

CURRENT BUSINESS


1. Prayer – John Simmermon
2. Pledge of Allegiance
3. Roll Call – 4 present, 1 absent - Lindsay Brown
4. Elections: Vice Chairman Stephenson nominated John Simmermon as Chairman. No other nominations. Voice call was unanimous. John Simmermon serves as Chair of BZA. Member Salyer nominated Curt Stephenson as Vice Chairman. No other nominations. Voice call was unanimous. Curt Stephenson serves as Vice Chair of the BZA. Chairman Simmermon nominated Nikki Wood as Secretary of the BZA. No other nominations. Voice call was unanimous. Nikki Wood serves as Secretary of the BZA.
5. Retention of Special Appellate Counsel for the Lone Oak Case. Already approved by the Board of Commission.

Member Brown entered the meeting at 9:04:22 a.m.

 Attorney Graham summarized the dealings with Lone Oak Solar Farm and the IURC (Indiana Utility Regulatory Commission). Today BZA needs to authorize Kevin Koons and his firm to represent Madison County on all appellate matters involving the IURC and Lone Oak. Member Brown made a motion to approve Kevin Koons as special counsel, seconded by Stamm. Voice call was unanimously approved. **Motion Approved**

6. Member Stamm made a motion to approve the November 28, 2023 Board Minutes, seconded by Member Stephenson. Voice call was unanimously approved. **Motion Approved**

New Business

1.  Petition: 2023-SU - 011
Address: 7427 San Marco Drive
Location: Green Township
Petitioner: Kyle Keith & Jessica Roberts
Landowners: Kyle Keith & Jessica Roberts
Zoning: AG
Request: Operate a tree service business

Director Strange presented the staff report with a favorable recommendation. Member Brown questioned the flood zone for the property. No issues with the floodplain. There was discussion between members and petitioner regarding trucks coming/going and parking. Motion made by Member Stamm to approve petition 2023-SU-011, seconded by Member Brown. Roll call vote taken and was unanimous. **Motion Approved**

FINDINGS of FACT for SPECIAL USE 2023-SU-011

1. **Would the approval be injurious to the public health, safety, morals, and general welfare of the community?** No. The project 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 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 petition are consistent with the zoning code.

Miscellaneous




1. Code enforcement update on storage PODS/shipping containers was given by Director Strange. Potential changes to the ordinance to be presented to the MCPC are keeping as is which you cannot have PODS or shipping containers to be used as accessory structures or come up with solution where the container is shielded. There was discussion about shipping containers between Director Strange and the board members. Director Strange is working on a plan to present to the MCPC.

Adjournment

Chairman Simmermon made a motion to adjourn at 09:29:40 a.m.

Meeting Adjourned



John Simmermon, Chairman



Nikki Wood, Board Secretary