

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

Members Present: Mary Jane Baker, Bill Hobbs, Rick Durham, John Simmermon, and John Orick.

Also Present: Ken Ellis, Planning Director, and Elizabeth Bruns, Board Secretary.

CURRENT BUSINESS

1. Pledge of Allegiance
2. Prayer – Member Durham
3. Roll call taken with all members present.
4. The minutes for the January 24, 2012 meeting were mailed to each member prior to this meeting. Member Hobbs made a motion to approve the minutes as presented. Member Orick seconded the motion, all in favor. **January Minutes Approved**

NEW BUSINESS

1. **Petition:** Special Use #2012-SU-002
Address: 17367 North State Road 13 Elwood
Location: Approximately 5 miles north of Elwood
Petitioner: Shawn L. Townsend
Owner: Shawn L. Townsend
Zoning: AG
Request: Operate a Type II Home Occupation (auto repair)

Director Ellis presented his staff report and recommendations to the Board.

Findings of Fact:

A. *The proposal will not be injurious to the public health, safety, morals, and general welfare of the community.* The petitioner proposes to operate a permissible auto repair business as a Type II Home Occupation in an (AG) agriculture zoning district. Type II Home Occupation is permissible as a special use. The proposed use will not impair the intent and purpose of the AG zone or zoning ordinance. Any valid complaint, concern, or failure to cooperate will trigger a revocation hearing.

B. *The requirements and development standards for the requested special use as prescribed by the ordinance will be met.* Auto, vehicle, and equipment repair is a needed service in agriculture districts. The granting will result in a benefit to the community.

- C. Granting 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 and vicinity.** Staff does not anticipate an undesirable change in the essential rural character of the neighborhood or a detriment to the general public. If operated professionally and with restrictions, there should be no public concerns. No traffic will be generated by the business than would normally be expected in this AG district.
- D. The proposed use will be consistent with the character of the zoning district in which it is located and the Madison County Comprehensive Plan.** There are certain commercial and industrial uses that as necessary to support the neighborhood and the agriculture economy. Home based business where permissible are also necessary to support the local economy. Auto/vehicle/equipment repair is compatible with the character of the AG zone district as encouraged by the comprehensive plan.

Staff recommends: Motion to Approve and Adopt Findings with the following Conditions: No other business activities shall be conducted upon the site. Keep repair service and inoperable autos, vehicles or equipment enclosed. No more than two additional parking spaces be added to the lot(s) and outside customer parking over 72 hours shall be prohibited. Keep property free of trash/debris. No outside storage shall be fenced or screened. No wrecker service. After, (1) one year, Director's review for permit compliance.

Shawn Townsend expressed his wishes for opening up his own car repair business at his home.

After Board Member discussion, Member Hobbs made a motion to approve Petition 2012-SU-002 based on Staffs Findings of Facts and opinions as they are written. Member Orick seconded the motion. Vote was unanimous in favor of the motion.

Petition 2012-SU-002 Approved.

- 2. Petition:** 2012-V-002 Development Standard Variance
Address: 4722 E 500 N
Location: North side of 500 N, approximately 1/4 mile west of 500 East
Petitioner: Walter Haynes
Owner: Peggy Kruse
Zoning: AG
Request: Variance to install a manufactured home behind an accessory structure.

Director Ellis presented his staff report and recommendations to the Board.

Staff Opinion/Background: The petitioner intends to meet the 1500 SF living area for a new dwelling. They propose to install a new 1502 SF doublewide manufactured home. After meeting with the Health Department and an independent septic installer, it was determined the location of the existing leech field is the optimum location for the new home. To install the new manufactured home in the same location as the existing creates a front yard setback encroachment and covers portions of the existing leech

field. They intend to occupy the existing manufactured home until the new one is installed. They will remove the old manufactured home sixty days from the time the new home receives a certificate of occupancy.

Findings of Fact:

1. *Would the approval be injurious to the public health, safety, morals, and general welfare of the community?* The location of the proposed structure would not pose a threat to the safety or welfare of the general community.
2. *Would the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?* Similar or like variances have been granted with no known impact. Staff does not anticipate the granting to change the rural character of the neighborhood or a detriment to general vicinity.
3. *Would the strict application of the terms of the zoning ordinance result in a practical difficulty in the permitted use of the property?* To install the new manufactured home in the same location as the existing manufactured home creates a front yard setback encroachment and covers portions of the existing leech field.

Staff Recommendation: Adopt findings with Conditional Approval based upon the following recorded commitments. There will not be two homes on one lot. The existing manufactured home will not be used for storage or as a rental. The existing manufactured home shall be removed within sixty days from the date the new manufactured home receives a certificate of occupancy.

Walter Haynes explained to the Board the reasons for seeking this variance.

After Board Member discussion, Member Orick made a motion to approve Petition 2012-V-002 in concurrence with Staff Recommendations and all Findings. Member Simmermon seconded the motion. Vote was unanimous in favor of the motion.

Petition 2012-V-002 Approved per Staff Recommendations and Conditions.

MISCELLANEOUS

Jerry Shine, BZA Attorney, commented on having commitments recorded after a Petition is approved. He commends Ken for having the commitment prepared by our meeting and obviously our motions are always subject to the written commitments being signed and recorded by the parties of record.

Chairman Baker presented a letter of appreciation that is going to Bill Maxwell, and asked that all Board Members sign.

mcbza

Madison County
Board of Zoning Appeals

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LETTER OF APPRECIATION

Date: February 28, 2012

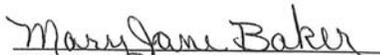
To: Bill Maxwell

From: Madison County Board of Zoning Appeals

Re: Tenure

We would like to officially thank you for your devoted service of 22 years to Madison County. Many times you have been called upon, to perform as a member, an officer or act as interim planning director. In these appointed capacities, you have done so with enthusiastic commitment and total loyalty.

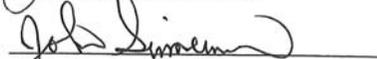
Most notably, your real concern and commitment has been for and to the people of Madison County. This is reflected in your even-handed decision making that balanced common sense planning and zoning decisions with the rights of the individuals and businesses that came before you. As a valuable community asset, you will be sorely missed. Your resignation was a loss for Madison County.


BZA Chairperson Mary Jane Baker


BZA Vice Chairperson William Hobbs


BZA Member Rick Durham


BZA Member John Orick


BZA Member John Simmermon

ADJOURNMENT

Member Durham moved for adjournment. Chairman Baker adjourned the meeting.

Adjournment: 9:29:50 A.M.

Mary Jane Baker, Chairman

Elizabeth Bruns, Board Secretary