

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, and John Orick.

Members Absent: John Simmermon

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 one member, John Simmermon, being absent.
4. The minutes for the March 27, 2012 meeting were mailed to each member prior to this meeting. Member Hobbs made a motion to approve the minutes as presented. Member Durham seconded the motion; vote was unanimous in favor of the motion.  
**March Minutes Approved**

### **NEW BUSINESS**

1. **Petition:** 2012-V-003 Development Standard Variance  
**Address:** Not assigned  
**Location:** West side of 300 E approximately ¼ mile north of US Hwy-36  
**Petitioner:** Richard Ward Surveyor on behalf of Levon & Ora Lee Jack  
**Owner:** Levon & Ora Lee Jack  
**Zoning:** AG  
**Request:** Relief from 50-foot Road Frontage Access

**This Petition was continued at our February meeting.**

Director Ellis refreshed the Board Members on this petition stating that we have received a recorded copy of the additional 10' ingress/egress easement as requested.

Richard Ward, Surveyor is representing the Petitioner's.

Gerald Shine, Board Attorney, stated that for future reference keep in mind that this has to be useable area, not a ravine or something that can't be used at any given point as ingress/egress access.

Member Hobbs made a motion to approve Petition 2012-V-003 per Staffs Recommendations, and this is not to be further subdivided.

**Staff Recommendations and Findings of Fact:** Approval to include a plat restriction stating that there will be no future land division and a shared driveway maintenance agreement is required per the plat.

*Would the approval be injurious to the public health, safety, morals, and general welfare of the community?* The granting of the variance neither harms the public nor undermines the purposes of The Codes. Setbacks will not be an issue. The rural character of the neighborhood would not be changed or threatened. Since the situation already exists, the health, safety and welfare of the community should be unaffected.

*Would the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?* The proposal is reasonably compatible with the rural area. The variance preserves open space. There are physical land constraints that prohibit major or minor subdivision. The granting will not affect adjoining property values in a substantially adverse manner.

*Would the strict application of the terms of the zoning ordinance result in a practical difficulty in the permitted use of the property?* Road frontage access for Lot 1 & 2 is dictated by the physical limitation of ownership. Abutters are unwilling to sell additional ground for frontage. Given the size and location of the existing drive, and the inability to acquire more road frontage there are no other alternatives to access Lot 1 & 2. The standards for approval have been met.

Member Durham seconded the motion; vote was unanimous in favor of the motion.  
**Petition 2012-V-003 Approved.**

### **ADJOURNMENT**

Member Durham made a motion to adjourn the meeting, seconded by Member Orick.

Adjournment: 9:09:48 A.M.

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Mary Jane Baker, Chairman

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Elizabeth Bruns, Board Secretary