

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, and Rick Durham

Members Absent: John Orick and 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 two members John Orick, and John Simmermon being absent.
4. The minutes for the May 22, 2012, meeting were mailed to each member prior to this meeting. Member Durham made a motion to approve the minutes as presented. Member Hobbs seconded the motion; vote was unanimous in favor of the motion.
May Minutes Approved.

NEW BUSINESS

1. **Petition:** 2012-V-007
Address: 2456 E. SR 38, Markleville IN
Location: NW corner of SR 38 and CR 250 E
Petitioner: David & Brenda Smith
Owner: David & Brenda Smith
Zoning: AG
Request: To legally establish an accessory structure encroachment into a required front building line setback with an accessory structure in front of the primary structure.

Director Ellis presented his Staff Report to the Board Members with a favorable recommendation.

Dave Smith, 2456 East SR 38. My intention is to build a structure for garage purposes and make it accessible from the front driveway.

Member Hobbs made a motion to approve 2012-V-007, concurrent with staff recommendations and findings.

1. *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. No easement or right-of-way is encroached. The variance will not impact the existing well and septic. Location to the legal drain is not an issue. The

character of the neighborhood would not be changed or threatened. The proposed garage does not affect the health, safety and welfare of the 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?* The proposal is compatible with the area and existing homes along SR 38. The granting will not affect adjoining property values in a substantially adverse manner because the variance will not be noticeable. The proposed accessory structure will improve the property.
3. *Would the strict application of the terms of the zoning ordinance result in a practical difficulty in the permitted use of the property?* The granting is reasonable since the existing home encroaches the entire 150-foot front building line setback and is a legal nonconforming structure. Given the location of setbacks, right-of-way, and the legal drain leaves no feasible alternative location.

Member Durham seconded the motion. Vote was unanimous in favor of the motion.
Petition 2012-V-007 Approved.

2. **Petition:** 2012-V-008
Address: 5727 S. 300 East, Anderson IN
Location: West side of 300 E approximately ¼ mile North of 600 S
Petitioner: Herman and Tiffany Felger
Owner: Herman and Tiffany Felger
Zoning: AG
Request: To allow the construction of a 60'x 80' pole barn to be built closer than 10 feet between another accessory structure and in front of the primary structure.

Director Ellis presented his Staff Report to the Board Members with a favorable recommendation, with one condition that they be charged a double permit fee for starting construction prior to a permit being issued.

Tiffany Felger, 5727 South 300 East. I apologize for starting construction without a building permit, our contractor indicated that we did not need one and we ignorantly believed him. We now have a new contractor and our intent is to build an indoor arena so that I can practice my barrel racing and have a place to park my dog and horse trailers.

Member Durham asked if her husband has a Veterinary business at the home.

Mrs. Felger stated that his service is a mobile service only. The only horses that he takes care of at our home is our own horses.

Member Durham moved to approve Petition 2012-V-008, I do not believe that it would be injurious to the public health and safety. I do not believe it will distract or take away from the value of the adjacent property owners, and I would like to put a condition on this that they need to pay double fees per Ken's recommendations.

Member Hobbs seconded the motion. Vote was unanimous in favor of the motion.
Petition 2012-V-008 Approved with one condition that they pay double permit fees.

Attorney Shine asked Director Ellis if any letters have gone out to the contractors letting them know that building permits are required.

Director Ellis stated that we have contractors that also work in other Counties where permits are not required for barns. We try to tell the farmers that come in and hope that word of mouth gets out to people.

MISCELLANEOUS

Director Ellis reminded the Board of Attorney Solada's report and legal opinion on high impact land uses presented to them in January. At that time, she recommended a separate zoning district for high impact land uses such as sanitary landfills; separate and apart from all of the other districts. After committee meetings and public hearing, the proposed high impact land uses ordinance was given a favorable recommendation by the Planning Commission on June 12th, and forwarded to the Board of Commissioners on June 19th at which time they adopted this code. The High Impact Use District is established for the development of land uses that may be by their nature objectionable. The ordinance also enhances special use review by adding more criteria to findings of fact.

ADJOURNMENT

Member Baker adjourned the meeting

Adjournment: 9:41:37 A.M.

Mary Jane Baker, Chairman

Elizabeth Bruns, Board Secretary