

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, John Randall, Jr., Chairman, presiding.

Members Present: Bill Maxwell, John Randall, Jr., Mary Jane Baker, and Shirley Aubrey.

Members Absent: Bill Hobbs.

Also Present: Cory Wilson, Executive Director, Judy King, Plan Reviewer, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken with Bill Hobbs absent.
2. The minutes of the previous meeting was distributed to each member prior to the meeting. Member Maxwell made a motion to approve the minutes as presented. Member Baker seconded the motion. The vote was unanimous in favor of the motion.

CURRENT BUSINESS

1. Petition #549 of Duane Reavis, landowner and petitioner, for Special Use to conduct mineral extraction in a flood plain. The property is zoned “AG” and is located on the east side of County Road 200W, approximately 1/8 mile south of County Road 1100N in Monroe Township, with no physical address being assigned. Tabled on the following dates: July 24, 2007, September 25, 2007, November 27, 2007 and January 22, 2008.

Director Wilson stated that an addendum for this petition was sent to the board. He believes it is important that each member receives a copy of the staff report every time there is a hearing, whether a petition has been continued or not. This will help to reacquaint the members with the request as well as provide them with the latest information regarding the petition.

Staff has received all requested and necessary permits. Since staff presented the petition last month, staff did not find it necessary to review the comments. However, the floor was open for discussion and questions. Duane Reavis informed that he had nothing new to add. He did receive a copy of the staff report.

Duane Reavis informed the board that he had nothing new to add. I did receive a copy of the staff report and I have all ready addressed those issues.

Director Wilson stated that after further investigation staff is now recommending approval of the request. Initially staff recommended denial, based on the previous directors’ comments. However, that was based on the fact that the county hadn’t received the necessary permits.

There were no remonstrators present.

Member Aubrey motioned to approve Petition #549 for Special Use to conduct mineral extraction in a flood plain and per Findings of Fact.

1. The approval would not be injurious to the public health, safety or general welfare of the community.
2. The permits were received from IDEM, IDNR and SWCD.
3. Approval would not injure any other property or uses in the vicinity.
4. The proposed use is consistent with the character of the zoning district and our Comprehensive Plan.
5. The proposal does meet the requirements set forth in State Law and our ordinance.
6. Any local approvals or permits must be met through the Planning Department (pond, etc.).

Member Maxwell seconded the motion.

The vote was unanimous in favor of the motion. **Petition #549 of Duane Reavis, landowner and petitioner, for Special Use to conduct mineral extraction in a flood plain was granted.**

2. Petition #570 of Jon & Teresa Frakes, landowners and Hallmark Homes, petitioners, for a Variance of the required 25' side yard setback to be reduced to 19'. The property is zoned "AG" and is located on the north side of County Road 1100S, between County Road 400E and County Road 500E, with the physical address being 4098 East 1100S, Markleville. This petition was tabled at the January 22, meeting.

Director Wilson explained that this was a situation where a house was improperly staked. On a large property like this, after time it is difficult to determine exactly where staking is required. Once a structure is completed additional survey work is required. It was then that this problem was identified. Therefore we have a request for a variance of the Development Standards from the 25 foot required set back to be reduced to 19. This is only a six-foot difference. This house sits considerably back from the road. Staff considers six feet a minor deviation.

This petition was continued due to the fact there was insufficient notification. It was brought to our attention that the property owner to the immediate east did not receive proper notification. Therefore, it was required that additional notification be sent to the all the adjoining property owners.

Staff does recommend approval of this request.

Lilly Wilson, 433 E 53rd Street was present representing Hallmark Homes.

Ms. Wilson stated she had nothing new to add.

Leroy Heath, 4186 E 1100S was present.

Mr. Heath stated, we are directly due east of this property. We are planning on putting a fence up and we just wanted to make sure there wouldn't be an issue within the fence being 20 feet from their house.

There were no remonstrators present.

Member Aubrey stated I move to approve Petition #570 for a variance of the Development Standards from the Land Use and Development Code for a side set back and per Findings of Fact.

1. Approval would not be injurious to public health, safety and general welfare of the community.
2. Approval would not injure adjacent property in an adverse way.
2. Strict application of the terms of the zoning ordinance will not result in difficulty in the permitted use of the property.
4. The proposal is consistent with the development pattern of the surrounding area.

Member Baker seconded the motion.

The vote was unanimous in favor of the motion. **Petition #570 of Jon & Teresa Frakes, landowners and Hallmark Homes, petitioners, for a Variance of the required 25' side yard setback to be reduced to 19' was granted.**

3. Miscellaneous - Nothing was presented.

Member Aubrey made a motion, seconded by Member Baker to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 9:13:56 A.M.

John Randall, Jr., Chairman

Beverly Guignet, Secretary