

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 Maxwell, Rick Durham, Albert Stewart and Bill Hobbs.

Members Absent: None.

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

CURRENT BUSINESS

1. Roll call was taken with all members being present.
2. The minutes of the preceding meetings were distributed to each member prior to the meeting. Member Durham made a motion to approve the minutes with the corrections as stated. Member Stewart seconded the motion. The vote was unanimous in favor of the motion.

Continued Petitions

1. **Petition:** 2009-V-002 Variance Zoning: AG
Address: 6723 West Fall Creek Drive
Location: South side of Fall Creek Drive, west of CR 650 West.
Petitioner: Ferge, James & Viola
Request: Lot #3 - A variance of the development standards to provide for the construction of a single-family dwelling in a lot without road frontage (200' road frontage is req).
Lot #2 - A variance of development standards to legally establish an accessory structure 17' from the east property line (minimum 25' side setback required) without a primary structure (residential lots required to be improved with a dwelling).
Lot #1– A variance of development standards to legally establish a swimming pool located zero feet from east property line (minimum 25' side setback required).

Director Wilson reminded the Board members this was first before the Board on March 21 and at that time staff recommended denial of the variance request however, stated they would support the creation of two lots. This would negate the need for variances on Lots A and B with only the need for a road frontage variance on Lot C. This was continued until the April 28 meeting and at that meeting there were a number of questions about the original request. Staff again states they would support the request for only one additional lot with a 50 foot wide drive to the second lot.

Petitioner has submitted two sets of plans. One showing two lots and one showing three. Staff continues to recommend denial on the original request. On May 26th, the petitioner had requested

an addition 30 days continuance which brings us to today. The petitioner has provided staff secondary drawing showing two lots and therefore staff does support that request.

James Ferge, 6723 W Fall Creek Drive.

Mr. Ferge told the Board they still intend to build their home on the back lot but at this time he doesn't know when they will get started as his wife has still not settled on final plans.

Tom Walker, 6657 W Fall Creek Drive.

Mr. Walker lives adjacent to Mr. Ferge on the east side.

Mr. Walker stated they had an issue with Mr. Ferge's proposed driveway. He built a driveway and a wall that is elevated along our property which leaves no way to maintain it. We sold him a strip so he could maintain the wall. We are against this request and feel the way he has handled things in the past does not bode well for how things will be handled in the future.

Member Maxwell moved to approve Petition 2009-V-002 per the Findings of Fact and staff recommendation. The variance on Lot 2 frontage from 200 feet to 128 feet; Accessory structure prior to a primary structure and a five foot setback for the pool.

It will not be injurious to the health, welfare of the community. It will not affect the surrounding property values. It is consistent with the zoning and the development of the community.

Member Stewart seconded the motion.

The vote was four yes; Maxwell, Baker, Stewart and Durham. On no; Hobbs. The motion carried. **Petition #2009-V-002 was approved.**

2. **Petition:** **2009-V-004 Variance Zoning: AG**
Address: 3982 West CR 950 South, Pendleton
Location: North side of CR 950 South, west of CR 300 West
Petitioner: Taylor, Daniel
Request: Variance of Development Standards to provide for the construction of a 2,560 square foot accessory structure located within 9 feet of the side property line. County Ordinance requires all accessory structures to be placed no less than 25 feet from the side property line in an AG zoned district.

Director Wilson stated this was tabled at the May 26 meeting as the Board wanted something showing where the laterals were located and to submit some maps showing the contour of the land as there were drainage issues raised.

The contour maps were not submitted until the day of the meeting and therefore never considered in formulating the recommendation. The Planning Board has yet to receive any information from

the petitioner regarding the laterals and therefore staff continues to recommend denial of this request. There is no hardship on this property. If the petitioner could present photos of standing water and can prove the area cannot be elevated for construction, staff would reconsider it's recommendation.

Daniel Taylor, 3982 W 950S.

Mr. Taylor told the Board he did get the contour maps but, had not brought them in to the staff as he thought he was to bring them before the Board at today's meeting. Although Mr. Taylor presented the Board with pictures of some trenches he dug they did not show where his laterals were located.

Patrick Manship, County Surveyor, 1054 S 600S, Anderson.

Mr. Manship informed the Board in his opinion a map he has shows there is a legal drain and Mr. Taylor should show on his property where the easement is before a permit is issued.

Director Wilson again stated he felt this was not a hardship and staff would still recommends that this petition be denied. We still do not have all the information that the Board had asked for. At the last meeting.

Member Durham stated without the location of the septic system, the building would need to be moved over 16 feet then we wouldn't have the issue that we have today. The location of the legal drain needs to be located and that 75 foot easement needs to be put on the drawing.

Richard Likenbaugh, 4982 E St. Rd. 234.

Mr. Likenbaugh told the Board he owns property to the west of Mr. Taylor and he sees nothing wrong with Mr. Taylor's proposed building site.

There were no remonstrators present.

Member Maxwell moved to table Petition #2009-V-004 until the July meeting to find out the location of the lateral system and the location of the 75 foot easement from the legal drain.

Member Durham seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2009-V-004 has been tabled until the July meeting.**

Mr. Taylor was informed the information requested by the Board must be submitted to the Plan Commission staff at least ten days prior to the July meeting.

New Business

Board member Rick Durham left the meeting, 9:45:57 A.M.

1. **Petition:** **2009-V-005 Variance Zoning: R-2**
Address: East side of CR 600 West, ¼ mile south of SR 128
Location: East side of CR 600 West, ¼ mile south of SR 128
Petitioner: Stapleton, Frank & Parthena
Request: Variance of Development Standards to provide for the construction of a barn to house livestock and implement storage. (R-2 zoned districts require a residential dwelling on a lot prior to an accessory structure.)

Petition 2009-V-005 and 2009SU-006 will be together.

Director Wilson stated staff is recommending this be continued. The site has never been platted. It has to go before the Plat Committee before any recommendations concerning this petition maybe formulated. The petitioner constructed a building without obtaining an Improvement Location Permit. Because this is R-2 zoning it needs platted.

Had the petitioner inquired to the Planning Commission initially he would have been notified of the platting requirement as well as the need to have the primary structure on the lot. Staff would recommend the platting happen first before any recommendation is given.

Frank Stapleton, 1202 E Sigler, Frankton.

Mr. Stapleton told the Board he understands he has to get it platted. He purchased the property and felt he did not need a building permit as the building is portable. It is being farmed and he does plan on having some livestock on the ground.

Jason Lawrence, 3770 900N, Alexandria.

Mr. Lawrence stated he owns the nine acres to the north. Currently this is a hayfield. The Lawrence's came before the Board and had an Administrative Plat done as they had intended to construct their house. A waiver was also obtained in order to have a septic. They did end up building in a different location. He just wanted the Board to know that even though the land in this area is zoned R-2 most of it is currently being farmed and there is a subdivision located in the area.

Vivian Baker, 5942 W North Drive.

Mrs. Baker told the Board she is concerned with the number of animals that would potentially allowed and where the waste will go.

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No remonstrators were present.

Member Stewart moved to continue Petition #2009-V-005 until the platting is completed and staff is to receive all information ten days before the hearing is set.

Member Hobbs seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2009-V-005 has been tabled.**

2. **Petition: 2009-SU-006 Special Use Zoning: R-2**
Address: East side of CR 600 West, ¼ mile south of SR 128
Location: East side of CR 600 West, ¼ mile south of SR 128
Petitioner: Stapleton, Frank & Parthena
Request: Special Use to provide for an R-2 zoned parcel to be used for pasture and agriculture purposes.

No remonstrators were present.

As this goes along with the above petition Member Stewart moved to continue Petition #2009-SU- 006 until the platting is completed and staff is to receive all information ten days before the hearing is set.

Member Hobbs seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2009-SU- 006 has been tabled.**

3. **Petition: 2009-V-006**
Address: 110 East CR 300 North, Anderson
Location: Intersection of CR 300 North and Scatterfield Road
Petitioner: Independent Federal Credit Union – Bret Barclay
Request: Relief of required side setback for placement of an ATM Machine 5 feet from side property line. (Commercial zoned parcels are required to have a minimum side setback of 25 feet.)

Director Wilson informed the Board no notification was given on this petition so at this time the petition should not be heard.

No remonstrators were present.

Member Hobbs made a motion, seconded by Member Maxwell to continue Petition 2009-V-006 until the July meeting.

The vote was unanimous in favor of the motion. **Petition #2009-V-006 has been tabled until the July meeting.**

4. Miscellaneous – Nothing was presented.

It was the consensus of the Board to adjourn.

Adjournment: 10:16:56 A.M.

Mary Jane Baker, Chairman

Beverly Guignet, Secretary