

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 John Simmermon

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

Members Absent: Purdue Extension Agent and Council Appointed Citizen

CURRENT BUSINESS

1. Pledge of Allegiance
2. Prayer – Member Hobbs
3. Roll call taken with 2 vacant positions on the Board.
4. Election of Officers

Member Hobbs nominated Mary Jane Baker for Chairman of the Board, seconded by Member Simmermon. The vote was unanimous in favor of the motion. Mary Jane Baker is Chairman of the Board for 2013.

Chairman Baker asked for nominations for Vice Chairman.

Member Simmermon nominated Bill Hobbs for Vice Chairman, seconded by Member Hobbs. The vote was unanimous in favor of the motion. Member Hobbs is Vice Chairman of the Board for 2013

5. Member Simmermon made a motion to approve the minutes of the October 23, 2012 meeting. Chairman Baker seconded the motion. **October 23, 2012 Minutes Approved.**
6. Member Simmermon made a motion to approve the 2013 BZA Calendar as presented. Member Hobbs seconded the motion. **2013 Calendar Approved.**

NEW BUSINESS

1. **Petition:** 2012-V-020 (Public Hearing)
Address: 1830 N State Road 13
Location: E side of SR 13 approximately ½ mile S of 8th Street
Petitioner: Pamela F. Benefiel
Owners: Pamela F. Benefiel
Zoning: (AG)
Request: To construct a new home slightly behind the existing barn
Section 6.6 D (d) states that all accessory structures shall only be located to the rear of the primary structure.

Director Ellis presented his Staff Report for Petitions 2012-V-020 and 2012-V-021 with a favorable recommendation with a condition of a recorded commitment to remove the existing home upon completion of the new home.

Petitioner, Pamela Benefiel, stated that she lives at 1830 North SR 13, Anderson. We are wanting to construct the new home slightly behind the existing barn.

Member Hobbs made a motion to approve 2012-V-020 concurrent with Staff Recommendations and the commitment of having the old home removed upon the completion of the new house. Vote was unanimous in favor of the motion. **Petition 2012-V-020 Approved.**

- 2. Petition:** 2012-V-021 (Public Hearing)
Address: 1830 N State Road 13
Location: E side of SR 13 approximately ½ mile S of 8th Street
Petitioner: Pamela F. Benefiel
Owners: Pamela F. Benefiel
Zoning: (AG)
Request: To live in the existing home while the new home is being constructed; Section 3.4 of The Madison County Land Use and Development Code states that the maximum primary structure per Lot is one (1).

Member Simmermon made a motion to approve 2012-V-021 as stated by the Staff Findings. Member Hobbs seconded the motion. Vote was unanimous in favor of the motion. **2012-V-021 Approved.**

Staff Recommendation: In the absence of information that may be presented during public hearing, staff recommends approval as presented, and included in the minutes, a recorded commitment the petitioner will remove the old home thirty days from the time the new home receives a certificate of occupancy.

Findings of Fact 2012-V-020 & 2012-V-021

1. *Would the approval be injurious to the public health, safety, morals, and general welfare of the community?* The proposed new home would not pose a threat to the safety or welfare of the general community because it will meet all local and state codes for new construction. With a commitment to remove the existing home once the new home is certified for occupancy, there should be no negative impact on the immediate neighborhood if the petitioner lives in the existing mobile home while constructing the new one.
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 proposed dwelling is compatible with the surroundings, and similar in character with other homes in the area. New construction will improve the value of the property. The affected properties will not be impacted during construction.

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 character of the neighborhood would not be changed or threatened while the new home is constructed and the petitioners live in their existing home. The character of the neighborhood would not be changed or threatened if the barn slightly protrudes past the plane of the front elevation. It does not appear out of place (shouldn't be noticeable to untrained eye). Without the ability to live in the existing home while the new home is being constructed would be an undue financial burden. Practical difficulty has been demonstrated. The county is protected by a recorded commitment to remove the old home once the new home is certified for occupancy.

3. **Petition:** 2012-SU-007 (Public Hearing)
Address: 17404 State Road 9 North
Location: SR 9 North to the SE corner of CR 1750 N & SR 9
Petitioner: Kent & Beth Phillippe
Owners: Kent & Beth Phillippe
Zoning: (AG)
Request: A landscape business as a special use on the subject parcel. Section 3.3 of the Madison County Land Use and Development Code states, a landscape business is a special use exception in an Agriculture (AG) zone district.

Director Ellis presented his Staff Report and a favorable recommendation.

Petitioner, Kent Phillippe, stated his address is 17404 SR 9 North, Alexandria. I'm requesting a Special Use for this property to use it for my landscape business, the main use for this building is to maintain and upkeep of my equipment.

Chairperson Baker asked the Petitioner about his letter stating they may use the five acres as personal use also.

Mr. Phillippe stated that they may put their daughter in 4-H and use the livestock building for a horse, cow, sheep or possibly goat in the future.

Member Hobbs made a motion to approve 2012-SU-007 concurrent with Staff Findings. Member Simmermon seconded the motion. Vote was unanimous in favor of the motion.
2012-SU-007 Approved.

MISCELLANEOUS

Chairperson Baker presented the resignation letter of John Orick.



PURDUE UNIVERSITY COOPERATIVE EXTENSION SERVICE
Madison County

December 18, 2012

Ms. Mary Jane Baker, Chairman
Madison County Board of Zoning Appeals
Madison County Government Center
16 E. 9th Street
Anderson, IN 46016

Dear Mary Jane,

I am writing to inform you, that after much thought, family discussion, and prayer, I have decided to accept an offer to serve as Purdue Master Gardener State Coordinator in the Department of Horticulture and Landscape Architecture at Purdue University, West Lafayette, IN. I am slated to begin this new appointment on February 4, 2013. My last day of work in the Purdue Extension Office in Madison County will be February 1, 2013.

My nearly 16 years of working in Madison County was a wonderful experience and I will truly miss my colleagues, volunteers, and the extension clientele that I have had the privilege of working with over these past years. I have grown personally and professionally during my time working and living in Madison County and am thankful for the experiences and friendships built during this season of my life. However, I also look forward to walking through this new "open door" for me and my family.

Therefore, I am informing you of my resignation from the Madison County Board of Zoning Appeals effective December 31, 2012.

Sincerely,

A handwritten signature in cursive script that reads "John C. Orick".

John C. Orick
Extension Educator, ANR
Madison County

Cc: Ken Ellis, Director
Gerrit Sfrinc, Attorney

ADJOURNMENT

Chairperson Baker adjourned the meeting.

Adjournment: 9:23:20 A.M.

Mary Jane Baker, Chairman

Elizabeth Bruns, Board Secretary