

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, John Simmermon, and John Orick.

Members Absent: None

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 all members present.
4. The minutes for the April 24, 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.  
**April Minutes Approved.**

### **NEW BUSINESS**

1. **Petition:** 2012-V-006  
**Address:** 2856 North SR 13, Anderson  
**Location:** East side of SR 13, north of CR 280 North approximately ¼ mile.  
**Petitioner:** Richard Gentry Jr.  
**Owner:** Richard Gentry Jr.  
**Zoning:** AG  
**Request:** To legally establish a required front building line setback encroachment.

Director Ellis presented his Staff Report to the Board Members.

Richard Gentry 2856 North SR 13 explained that he would like to add porches onto the front and rear of the house and the required setback has changed since the time that he was approved for the placement of his home.

There were no remonstrators present.

Member Hobbs made a motion to approve Petition 2012-V-006 per Staffs Findings of Fact.

**Staff Recommendation:** staff recommends approval. The request meets the development standards as outlined in the staff report.

**Findings of Fact:** 2012-V-006

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. Drainage is not an issue. The rural character of the neighborhood would not be changed or threatened. Installation of the front and rear porches 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 no closer to the road than the existing homes along SR 13. The granting will not affect adjoining property values in a substantially adverse manner because the variance will not be noticeable. The installation of front and rear porches 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. There is no feasible alternative.

Member Orick seconded the motion; vote was unanimous in favor of the motion.

**Petition 2012-V-006 Approved.**

### **MISCELLANEOUS**

Jerry Shine, Board Attorney stated that he had a recorded copy of the Levon Jack ingress/egress easement that we required be recorded at the last meeting.

Mr. Shine informed the Board that we have a hearing Thursday on the Wyant violation in Lapel.

### **ADJOURNMENT**

Member Baker adjourned the meeting

Adjournment: 9:10:46 A.M.

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Mary Jane Baker, Chairman

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Elizabeth Bruns, Board Secretary