

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, John Simmermon, and Amanda Bousman.

Members Absent: Bill Hobbs, Rick Durham

Also Present: Tim Westerfield, Jeff Graham and Elizabeth Bruns.

CURRENT BUSINESS

1. Pledge of Allegiance
2. Prayer – Member Simmermon
3. Roll call taken with two Members absent.
4. Chairman Baker asked for any corrections in the minutes of the July 28, 2015 meeting. No response received. Member Simmermon made a motion, seconded by Member Bousman to approve the minutes as presented. The vote was unanimous in favor of the motion.

Minutes Approved.

BUSINESS

1. Petition: 2015-SU-004
Address: 8130 W 400 North
Location: North side of 400 North, west of 800 West.
Petitioner: Nick & Tonia Nance
Land Owners: Nick & Tonia Nance
Zoning: AG
Request: Approval for a recreational fishing facility with bait shop.

Tim Westerfield, Assistant Planner presented the Staff Report with a favorable recommendation.

The Board discussed the bait shop and the distance from the neighbors house, privacy for the neighbors, off road vehicles, number of fishers and campers, and possible conditions.

Tonia Nance 8130 W 400 North, there is a berm on the property from when it was a gravel extraction site in the past which is between the neighbors and the pond and we are also going to have a fence around the entire area. We will not allow off road vehicles, or any swimming and we intend to have surveillance cameras so we can view the site from home. We will have liability insurance and will drive by the property every few hours.

Member Simmermon made a motion to approve Petition 2015-SU-004 and adopt the Findings of Fact with the following conditions: Any changes from the business plan that the Planning Commission office is notified, any visits from the sheriff's department with problems that the Planning Commission Office also be notified, no motor vehicles of any kind (bikes, road bikes, scooters and all of the off road vehicles) are not accepted, the final rules for the pay lake are sent

to the Planning Commission Office and there are signs posted on the property at all times. (See letter of intent attached to the end of the September minutes)

Member Bousman seconded the motion. Roll call taken vote was unanimous in favor of the motion. **Petition 2015-SU-004 Approved with Conditions.**

FINDINGS OF FACT (Petition 2015-SU-004)

- 1. *Would the approval be injurious to the public health, safety, morals, and general welfare of the community?*
No. The request is permitted with a special use approval. As long as the petitioner conducts business as described in the business plan submitted, no negative impact will be placed on the surrounding area.
- 2. *Will the requirements and development standards set forth in the district for such exception be met?*
Yes. The applicant has agreed to adhere to the requirements of the Ordinance as exhibited by the submitted letter of intent.
- 3. *Will the proposed use subvert and permanently injure other property or uses in the same district and vicinity?*
No. The subject site is surrounded by natural buffers.
- 4. *Will the proposed use be consistent with the character of the zoning district and the Comprehensive (Comp) Plan?*
Yes. The Comp Plan does provide for the operation of a recreational use (large scale) so long as a Special Use is granted.

- 2. Petition: 2015-V-003
Address: 209 S 500 West
Location: West side of 500 West, south of SR 32.
Petitioner: Tamra Rigdon
Land Owners: Tamra Rigdon
Zoning: AG
Request: 4 foot encroachment on a minimum 25 foot side yard setback.

Tim Westerfield, Assistant Planner presented the Staff Report.

Tamra Rigdon 209 S 500 West, the reasoning for the shared driveway is because my son is a double amputee and needs us to be close to care for him.

Attorney Graham suggested that she get an easement recorded for the driveway so that there will not be any issues in the future.

Remonstrators Present: Mark Wage expressed his concerns with the grading taking place on her property that can cause drainage problems for me.

Attorney Graham stated that the only evidence we can hear today is how your property is being affected by the reduced side yard setback.

Bill Sears expressed concerns with drainage in the area and stated that the property has been raised approximately a foot and a half. I'm not complaining about the setback for this home, but I am complaining about all of the variances that have been issued by your office.

After a short discussion, Attorney Graham stated that we are not here to discuss drainage issues today. We have no authority to discuss any drainage issues. Drainage issues would have to be discussed with the Drainage Board and Pat Manship, the County Surveyor.

Member Bousman made a motion to approve Petition 2015-V-003 per Findings of Fact. Member Simmermon seconded the motion. Roll call taken with a unanimous vote. **Petition 2015-V-003 Approved.**

FINDINGS OF FACT (Petition 2015-V-003)

1. *Would the approval be injurious to the public health, safety, morals, and general welfare of the community?*
No. The request to reduce the set back from 25 ft to 20.94 ft will be insignificant to the overall impact of the general area.
2. *Will the requirements and development standards set forth in the district for such exception be met?*
Yes. All other setbacks and building requirements have been met.
3. *Will the proposed use subvert and permanently injure other property or uses in the same district and vicinity?*
No. The requested side yard setback will not hinder the adjacent properties from future development.
4. *Will the proposed use be consistent with the character of the zoning district and the Comprehensive (Comp) Plan?*
Yes. The Comp Plan does provide for reduction of building setbacks with the approved variance

2015-SU-004 Attachments

To whom it may concern.

This letter is to go with an application for a special use permit for a parcel of land we have that has an approx. ~~1.5~~^{1.5} to 2 acre lake on our property. Our intent for this property is to put it to use as a pay fishing lake, It has just been setting growing up in weeds and brush. We would like to offer the community a place to take their kids and families for a great day of fishing or camping.

We would also like to offer camping with electric hookups for campers, And primitive camping, We would like to also like to operate a bait and tackle shop/snack shop and would like to venture into some desired fishing tournaments for people who enjoy this type of thing later on in the future.

At this current time we are looking to only have electricity for lighting and a bait house snack shop, until we can get electric post connected for campers, we do not look to have camping with electric until sometime in 2016 we will not have any permanent structures at this time just a barn shed 10 x10 for bait and tackle and snacks.

We only will have port o pot for now as well for restroom use we would like to at some point to have a permanent bait and tackle shop/snack shop with restroom facilities on the backside of building but that is an idea for down the road.

Our hours of operation will be mainly be weekends Friday SAM to Sunday 12PM but if someone is wanting to fish during the week we will allow and will open gate for them

. We would eventually be open fulltime as soon as we can get a form of surveillance cameras added to property so we have direct sight of property when no one is wanting to fish property gate will be locked. The lake is back off of the road that has a drive down to it. There is plenty of room to drive completely around the lake and plenty of room for parking.

We would eventually like to add lighting down the drive and throughout the property for walking paths there will be no swimming or anything of that nature on premises. Fishing Only.

We are requesting this permit to also create an extra income for us and to have the funds to offset the cost of property taxes and insurance.

Sincerely,
Tonia Nance

PS. Changed average size of lake to Richard Ward.
GIS Plans on Computer. Approx. 1 1/2 - 2.

- Tonia Nance

Sycamore Pay Fishing Lake

Introduction

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Requesting a special use permit to open pay fishing lake and 10 primitive tent camping spots

I am requesting a special use permit to open and operate a pay fishing lake and bait shop/snack shop with the option of having 10 tent camp sites for overnight weekend fishers if requested.

Having a lake roughly 2 acres on private property I would like to open up the lake and stock it with game fish to offer the public a nice place to enjoy a relaxing place to go fishing and unwind in the country with this request.

1. I would also like to request 10 camp spots for tent camping on the weekend if requested by customer.
2. I would also like to have a small bait shop/ snack shop for the customers to purchase their bait and snacks and drinks.
3. This request at the present time is for a small business we can accommodate 10 to 15 fishers at one time for there to be plenty of space for fishing.
4. I would like to open the bait shop/snack shop to request that the customers fishing at our lake purchase their bait at our shop for reasons of disease control to our fishing lake. We plan to use a 10 x 12 prebuilt shed for the bait shop/snack shop.
5. I also plan to place lighting at the bait shop a dusk to dawn light and also plan to have lighting at the entrance coming into lake and plan to put lighting around the lake area to clearly light the drive area around the lake.
6. Our customers can drive and park their cars anywhere around the Lake Site and fish as it is all gravel completely around the lake.
7. We plan on most of our business being on weekends as most only fish on weekends but we also have decided to place a sign up on gate with our number and if someone would like to fish they can contact us to do so.

Our main hours of operation will be 6AM to 12 PM Monday thru Thursday and weekend Friday, Saturday, and Sunday hours being 24 hours. But the weekday fishing will be by request only at this time

with fishing hours between 6AM to 12PM The lake will be monitored by myself or my husband doing a grounds check every 2 hours through the night and one of us will be present during the day hours. And there will be a locked gate at entrance of property that will be locked at all times during off hours of operation.

8. Once we can get electricity connected we plan to have 24 hour surveillance cameras in order to monitor the property during all hours.

9. We would also like to request an address to this property to be able to get electricity connected at this site.

Offices I have contacted to cover all areas and to check on additional permits that would possibly be needed at this present time.

1. I have spoken with DNR biologist Rhett Wisener in regards to disease and how they are spread from pond to pond through bait such as minnows he explained in order to not have that worry its best if customers purchase bait at our business brought in from fisheries that are governed by the DNR. To prevent this problem of diseases.

2. I have spoken to Madison County Health Department (Brandon) regarding two things, the first thing offering restroom facilities to customers. He said port o pots were fine as they are cleaned and waste hauled out by the company rented from and the restrooms are cleaned and waste emptied weekly.

3. The second thing about the option of a snack shop he directed me to (Stephanie Cain) the food division Supervisor she advised as long as the things being sold were prepackaged there was no need for a food establishment permit.

4. I was directed to the State Board of Health (Steve Yeary) through Madison County Health Department concerning camping and the regulations associated with camping and restrooms and he advised me that 10 was the limit before the State would need to be involved.

5. I have contacted the DNR concerning a fish stocking permit and Licensing and was advised that because our lake is not connected to any state waterway there is no need for any type of permit and that people fishing at our lake are not required to have a fishing license because our lake is not connected to any state waterway and is private property.

I would also like to add that it is my hopes that as the fishing lake becomes well known and business grows to expand the business by adding restrooms, water station, and a dump station, and some more recreation choices for customers and to expand the business by adding more tent camping spots and campers with electricity and water hookups, and to possibly add a bigger pond area for some game fishing tournaments and at that time to come back to the board for further approval of expansion of our business.

Chairman Baker adjourned the Meeting: 10:00:10

Mary Jane Baker, Madam Chairman

Elizabeth Bruns, Board Secretary