

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, John Orick, John Simmermon, and Rick Durham

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 being present.
4. The minutes for the July 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.
July Minutes Approved.

NEW BUSINESS

1. **Petition:** 2012-V-014
Address: 2288 S 600 W, Anderson, IN
Location: East side of 600 W approximately ¼ mile North of 250 S
Petitioner: Todd A. Sears
Owner: Todd A. Sears
Zoning: AG
Request: To legally establish a front building setback encroachment of 20 feet for the construction of a new home and setback encroachment of 9 feet for the existing garage

Director Ellis presented his Staff Report to the Board Members with a favorable recommendation.

Todd Sears stated the reason for purchasing this property is because it adjoins my Grandfathers 40 acres that have been in the family since 1939. The foundation on this house is beyond repair. We are hoping to utilize the 3 car garage with a little bit of work, and am hoping to get a few cattle for 4-H. The current setback requirements would make our new home very close to the barn.

Member Simmermon made a motion to approve 2012-V-014, in accordance with Staff's Findings of Fact. Member Hobbs seconded the motion. Vote was unanimous in favor of the motion. **2012-V-014 Approved.**

- 2. Petition:** 2012-SU-003
Address: 5982 W, State Road 32, Anderson, IN
Location: Northeast corner of SR 32 & 600 W
Petitioner: Earl Berkebile
Owner: Anthony H. Weeks
Zoning: GC
Request: To legally establish an auto sales & service business as a special use in the subject GC (General Commercial) zone.

Director Ellis presented his Staff Report to the Board Members with a favorable recommendation. He stated that Mr. Weeks informed him that they would be in the lane up against the building and out of the right of way.

Dr. Ellis also stated that the only condition he would set with this is there would be no used car sales on the vacant (east) lot without coming back and modifying his special use permit.

Earl Berkebile, I live at 4874 West 200 North. I am going to be Mr. Week's partner. The Weeks family has been in business here for 30 years or more. They have been an asset to the neighborhood. We are wanting to do something small just 3 or 4 cars at a time.

Jim Weeks I live at 5982 West SR 32. I plan on leveling the vacant lot off and planting grass out there and trees around the border. There is an approach there that I would like to use to make my lot bigger, which is about 20 feet, enable for me to drive my wreckers through.

Board Attorney Shine asked for clarification on the acreage.

Director Ellis stated that on the west side it is .7298 acres, this would encompass the building and the car sales parking lot.

Board Members had discussion on use of vacant lot, driveway cut on vacant lot, what acreage would we be approving, and where the gas tanks are on the property.

Mr. Weeks stated that the gas tanks were going to be removed.

Gary Baker, 808 Westgate Drive: my brother and I own property to the south of their property and we are opposed to the lot being used for storage or sales. There are traffic problems in that area and we feel that will create more traffic.

Rod Barker, I live in the first house east (right beside the vacant lot) 5922 SR 32 West: My objection is with the vacant lot and how it will change the value of my property as his business moves my way. The house between us has been removed, so I no longer have a buffer between us. The traffic is not a problem with me, but the water drainage does. I also have a letter that five other people around my house have signed against this Petition.

2012-SU-003

I AM AGAINST REVOKING PETROW
2012-SU-003 by Anthony H Weeks

Signed
V. K. Stephens
Pete Bennett
Michelle Dejeu
Clyde G. Lindworth
Drew Kelly

Chairwoman Baker asked Mr. Weeks about the planting of trees to make a buffer, and Mr. Weeks said yes he intends on planting trees.

Director Ellis stated that the property owner is now on notice before any improvements, aside from landscaping, trees and grass; you would have to come back to the County and go through the Improvement Location process depending upon what is taking place here.

Member Hobbs made a motion to approve 2012-SU-003, concurrent with Staff Findings given to us by the Madison County Planning Commission, and I want to add a stipulation that some landscaping be developed on the east side of the vacant property as a buffer for the current landowner and we restrict this to the eight parking spaces.

Board Attorney Shine questioned the drive on the vacant lot.

Member Hobbs added that the current access road off of SR 32 can be connected to his property to the west and it needs to be asphalt upon filing of the improvement location permit.

Member Orick seconded the motion. Vote was unanimous in favor of the motion. Vote was unanimous in favor of the motion. **2012-SU-003 Approved.**

- 3. Petition:** 2012-SU-004
Address: 956 N 400 E., Anderson, IN
Location: East side of 400 E approximately ½ mile South of 150 N
Petitioner: Michael P. Jackson
Owner: Michael P. Jackson & Peggy D. Jackson
Zoning: R1
Request: To keep livestock (horses) as a special use in the R1 zone district.

Director Ellis presented his Staff Report to the Board Members with a favorable recommendation.

Member Simmermon asked the size of the pasture to which Director Ellis stated five acres. The Petition would be for the entire 13 acres.

Mike Jackson stated that he didn't realize in the County that we needed any kind of a special use permit. Our neighbors have horses and cattle.

Director Ellis presented 2 letters received regarding this petition.

Member Simmermon made a motion to approve 2012-SU-004, in accordance with the Findings of Fact.

Member Hobbs seconded the motion. Vote was unanimous in favor of the motion. **2012-SU-004 Approved.**

Kenneth E. Ellis

From: Bruce Roberts [bruceroberts45@comcast.net]
Sent: Wednesday, September 19, 2012 8:24 PM
To: Kenneth E. Ellis
Subject: Zoning Hearing Sept 25

Hello Ken,

This note is in regard to a special use hearing regarding Mike Jackson's property at 956N CR 400E, on Sept 25.

I am supporting his request for allowing horses on his R1 zoned property.

His land is perfect for having horses and neighbors co-exist. I feel he has enough land for as many as 5-10 horses. I'd also support any future request to build a barn for his horses.

The homes and farms on his side of 400E have had horses and animals in the last several years, and this area has historically been used in this way.

Thank you for registering my comments.

Sincerely,
Bruce Roberts
1212N 400E
Anderson, IN 46012
bruceroberts45@comcast.net

Kenneth E. Ellis

From: Bruce Roberts [bruceroberts45@comcast.net]
Sent: Thursday, September 20, 2012 5:06 PM
To: Kenneth E. Ellis
Subject: Zoning Hearing on 956 CR 400E

Hello Ken,

In regards to the zoning hearing Sept 25 regarding Mike Jackson's request to allow horses on his property:

I am in favor of the special use for horses of his property which is in an R1 zoning district. Horses have been on several properties on his side of the road in the past several years. This is consistent with the history of the land.

His horses are quite far from any neighbors. I could see his having as many as 5-10 horses on his property given the acreage he has.

I would also be in favor of his building a barn for the horses, should that be requested in the future.

Thank you,
Bruce Roberts
1212N 400E
Anderson, IN 46012
bruceroberts45@comcast.net

MISCELLANEOUS - None Presented

ADJOURNMENT

Chairwoman Baker adjourned the meeting. Adjournment: 9:57:38 A.M.

Mary Jane Baker, Chairman

Elizabeth Bruns, Board Secretary