MINUTES
BOARD OF ZONING APPEALS
November 6, 2019 at 5:00 o'clock P.M.
Jefferson County Courthouse
Annex Bldg., Surveyor's Office
315 Jefferson St., Madison, IN 47250

MEMBERS PRESENT:	ROBERT J. JACOBSON, Chairman, JERRY YANCEY, VIRGINIA FRANKS, and DARRELL GINN
VISITORS PRESENT:	JAMES MURPHY, SHELLY LOVATO, MICHAEL DOWELL, KEITH GRAY, JOHN MUESSEL, and another guest in attendance but can't read name on sign in sheet
STAFF PRESENT:	PAT MAGRATH, Attorney, JIM DIERDORF, Building Inspector/Zoning Enforcement Officer, and LYNETTE ANDERSON, Secretary

Chairman Robert Jacobson called the meeting to order. A quorum was present with Mike Shelton absent. Darrell Ginn made a motion to approve minutes from October 1, 2019. Jerry Yancey seconded the motion. Motion passed unanimously. There were no communications. There was one continued item of business; it was heard after new business.

New business as follows:

- **James Murphy-** 7056 W Dogwood Lane, Madison, IN, Republican Township, made application and requested a variance from developmental standards from setback from ninety (90) feet setback from center of road to seventy-five (75) feet setback due to drainage lines and septic system. Property is zoned AG. All certified mail return receipt requested cards, proof of mailings and two returned letters were turned in. There were no objections. Virginia Franks moved for a motion to approve this application. Darrell Ginn seconded the motion. Motion passed unanimously. **Findings of Fact-**1. The approval *will not* be injurious to the public health, safety, morals and general welfare of the community because *the road is straight and visual access not a problem.* 2. The use and value of the area adjacent to the property included in the variance *will not* be affected in a substantially adverse manner because *the improvement will be an enhancement.* 3. The strict application of the terms of the zoning ordinance *will* result in practical difficulties in the use of the property because *the ordinance calls for ninety (90) feet.* **Decision-** The Jefferson County Board of Zoning Appeals voted to *approve* the application for a variance from developmental standards in this matter with members voting as follows: *unanimously approved.* Conditions of Variance from developmental standards are as follows: *None.*

Continued business as follows:

- **Sam & Angela Simons-** (This agenda item was tabled from the October 1, 2019 meeting),

property located at 4004 N Old SR 62, Madison, IN, Madison Township, made application and requested a conditional use for other recreation including camping and picnic areas, for public assembly and miscellaneous purposes, for medical and other health services in order to place up to nine (9) cabins and/or campsites on property. A single-family residence will also be built on property. Sam & Angela Simons arrived at the meeting at 5:23 p.m.; they thought the meeting started at 5:30 p.m. Michael Dowell operates Cozy Acres Golf Course. He stated his concern with ATV use. Bob said he spoke to Sam Simons about this and he is going to monitor the property and the people staying at the cabins; he understands he has a responsibility. Bob Jacobson mentioned signage would help. Mr. Dowell mentioned about golf balls from the driving range landing on the Simons property. Right now, Mr. Dowell picks up the golf balls and mows the grass (Simons' property) without charging Mr. Simons. Bob Jacobson encouraged Mr. Dowell to work with Mr. Simons; everyone try to be good neighbors. John Muessel expressed concern of Mr. Simons not being good neighbor because so far he has not reached out to the neighbors, that noise from wedding receptions would cause a problem, and that the application should be for one particular use not for multiple uses, (Sam & Angela Simons just arrived). Bob Jacobson addressed that Mr. Simons has agreed from the previous meeting that he would be willing to withdraw the ATVs from his application and Bob Jacobson said it is Sam Simons' responsibility to keep a handle on the noise-that is being a good neighbor. Mr. Simons asked if he and his family can use his own personal ATV and the board said yes, just no campers can bring in their ATVs. Mr. Muessel stated he doesn't think this application is a good idea and it is going to change the complexion of that area. Mr. Simons addressed the board and the crowd. He gave an overview and said the sole access to the property is one hundred feet, there will be a check-in process, someone will be there 24/7; this is a very controlled access. Mr. Simons said basically he is taking an uninhabited property and putting a very controlled situation on it. He and his wife plan to live there, make this their retirement and he does not want any issues or problems. Mr. Simons said he will be very mindful and respectful of property rights. Mr. Simons said he wants everyone to know, especially his neighbors, he does not want anyone on their property that is going to cause problems with their neighbors' properties. Mr. Simons is willing to put up signage. At this point in time, there are no issues with the stray golf balls from the driving range landing on the Simons' property. If there becomes an issue in the future, it will be brought to the board for discussion. Mr. Muessel again stated his objections—it changes the lay of the land, and he believes a conditional use permit is for one purpose and this application is for multiple purposes. Pat Magrath explained the ordinance, how the board reviews a conditional use application, how findings still have to be made on each individual use, and that each individual use that is approved is technically its own separate conditional use permit and therefore for legal purposes, they all stand or fall individually not together. Jim Dierdorf asked where the venue would sit. Mr. Simons showed on the large exhibit of the property where people could have family reunions, gatherings, set up outside canopies, etc. Mr. Simons pointed out where some trails would be/might be; it depends on how steep the land is as to where a trail will be. He does not know yet where all the trails will be. Jerry Yancey asked about the utilities. Mr. Simons answered there are already water and electric back there. He is working with an engineering firm and the board of health on the sewage; it will be on septic. Jim Dierdorf reminded Mr. Simons that each individual building will need its own building permit and he also reminded him of state approvals he will need to get. Bob

Jacobson told Mr. Simons that he will need ADA access. The board requires a copy of the ADA plan to be put in its file. John Muessel asked for a condition to be put on the application that a fence be put up on the property. Mr. Simons passed out the Indiana Code on Partition Fences and asked for it to be of record. In short, a fencing issue must be brought before the Township Trustee not the Board of Zoning Appeals. Mr. Muessel asked for a condition that the application to be up for renewal every year or every two or three years. There was much discussion about this. **Findings of Fact-** 1. Is in fact a conditional use as established under the provisions of Article V and appears on the Official Schedule of Uses adopted by Section 7.00 for the zoning district involved: *Yes.* 2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan and/or the Zoning Ordinance: *Yes it is.* 3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area: *Yes.* 4. Will not be hazardous or disturbing to existing or future neighboring uses: *Okay.* 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services: *Okay.* 6. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community: *Okay.* 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors: *See Conditions.* 8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares: *already established.* 9. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance: *Okay no problem.* **Decision-** The Jefferson County Board of Zoning Appeals voted to *approve* the application for a conditional use in this matter with members voting as follows: *unanimously approved.* Conditions of the conditional use are as follows: *Commercial interior travel to golf carts. If property is sold or changes hands the new owners would have to come before the board for approval. For Conditional Use Item #723-Limit activity of gatherings to weekends and Holidays (Friday through Sunday ending at 11:00 P.M. and Holidays).* Darrell Ginn moved for a motion to approve this application with conditions. Jerry Yancey seconded the motion. Motion passed unanimously.

Other business/misc items not on agenda as follows:

- Nothing to report

Chairman Robert Jacobson asked if there is anything else that needs to be mentioned or discussed. There was nothing further. Virginia Franks moved for a motion to adjourn the meeting. Jerry Yancey seconded the motion. Motion passed unanimously. The meeting was adjourned.

Minutes prepared by: Lynette Anderson
Lynette Anderson, Secretary

APPROVED THIS 7 DAY OF January, ~~2019.~~ 2020

JEFFERSON COUNTY BOARD OF ZONING APPEALS

BY: Mike Shelton
~~ROBERT J. JACOBSON, Chairman~~
Mike Shelton - Vice Chairman