

MINUTES
BOARD OF ZONING APPEALS

March 7, 2023 at 5:00 o'clock P.M.

Held at the Jefferson County Surveyor's Office, 315 Jefferson St.,
Annex Bldg., Madison, IN 47250

MEMBERS PRESENT: DAVID FERGUSON, JENNY BEVERLY, JIM KLEOPFER and DARRELL GINN

VISITORS PRESENT: ROBERT GRANT and KEITH BROWN of Pike Legal Group, GLEN KATZ of Realty Solutions, JONATHON SNIDER from SBA, MICHAEL FRAZIER, DREW FRAZIER, BOB DEMAREE and A.J. BRAMMES

STAFF PRESENT: MIKE PITTMAN, County Surveyor, JOSH CLINE, Building Inspector, LYNETTE ANDERSON, Secretary, and PAT MAGRATH, Attorney

President David Ferguson called the meeting to order. A quorum was present with Kellen Cronen absent. Darrell Ginn made a motion to approve regular meeting minutes February 7, 2023. Jenny Beverly seconded the motion. Motion passed unanimously.

New business as follows:

- **Pike Legal Group for AT&T**, Robert Grant, representative, and property owner Mike and Drew Frazier, property located at 7386 N SR 7, Madison, Indiana, Lancaster Township, requested a variance from developmental standards from front setback. Green cards and proofs of mailing were turned in. Robert Grant told the board his firm does not believe it is a correct reading of the ordinance that applies to the tower-that this tower is not a building. They are filing the application under protest with reservation of rights on appeal. He presented the board with a print out of a power point presentation. He asked that these documents be of record as well as all the conditional use materials that were heard at the February 7, 2023 BZA meeting. The board admitted those materials of record. Mr. Grant went through the power point presentation. Jonathon Snider, representing SBA in opposition to the new proposed cell tower responded. Mr. Snider urged the board not to grant the variance, they disagree with the interpretation of the ordinance, the guy wire does encroach on the setback, and they do not see why the tower could not be moved north a few feet and no variance would be required, why can't AT&T build a lattice tower-they are sturdier and have less of a footprint, and they could decrease the tower height which would decrease the radius of the guy wires and anchors. **Findings of Fact** -1. The approval will not be injurious to the public health, safety, morals and general welfare of the community *4-0 True*. 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 *4-0 True*. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property *4-0 True*. **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: *4-0 approved*. **Conditions of Variance** from developmental standards are as follows: *None*. Darrell Ginn made a motion to approve the application. Jim Kleopfer seconded the motion. Motion passed unanimously.
- Other business as follows:
 - **Next Meeting: Tuesday, April 4, 2023, at 5:00 o'clock P.M. at the Jefferson County Surveyor's Office, 315 Jefferson St., Annex Bldg., Madison, IN**

Jim Kleopfer moved for a motion to adjourn the meeting. Jenny Beverly seconded the motion. The motion passed unanimously. The meeting was adjourned.

Minutes prepared:

BY: Lynette Anderson
Lynette Anderson, Secretary

APPROVED THIS 4 DAY OF April, 2023.
JEFFERSON COUNTY BOARD OF ZONING APPEALS

BY: David B Ferguson
DAVID FERGUSON, President