

STAFF REPORT (REVISED – 8-18-26)

MADISON COUNTY BOARD OF ZONING APPEALS

August 25, 2026

Petition Number: 2026-V-014
Location: 1906 South R St, Elwood, IN 46036 (SP# 48-04-22-200-094.000.026)
Petitioner: Matthew Duncan
Property Owner: Matthew Duncan
Zoning District: GC
Request: Variance from buffer yard standards
History: Property was rezoned to general commercial in February 2026.

This hearing was continued. The board requested that the petitioner get the number of cars to 25 or below within two weeks. Based on site review, that was accomplished. Photos will be taken of the site prior to the upcoming meeting.

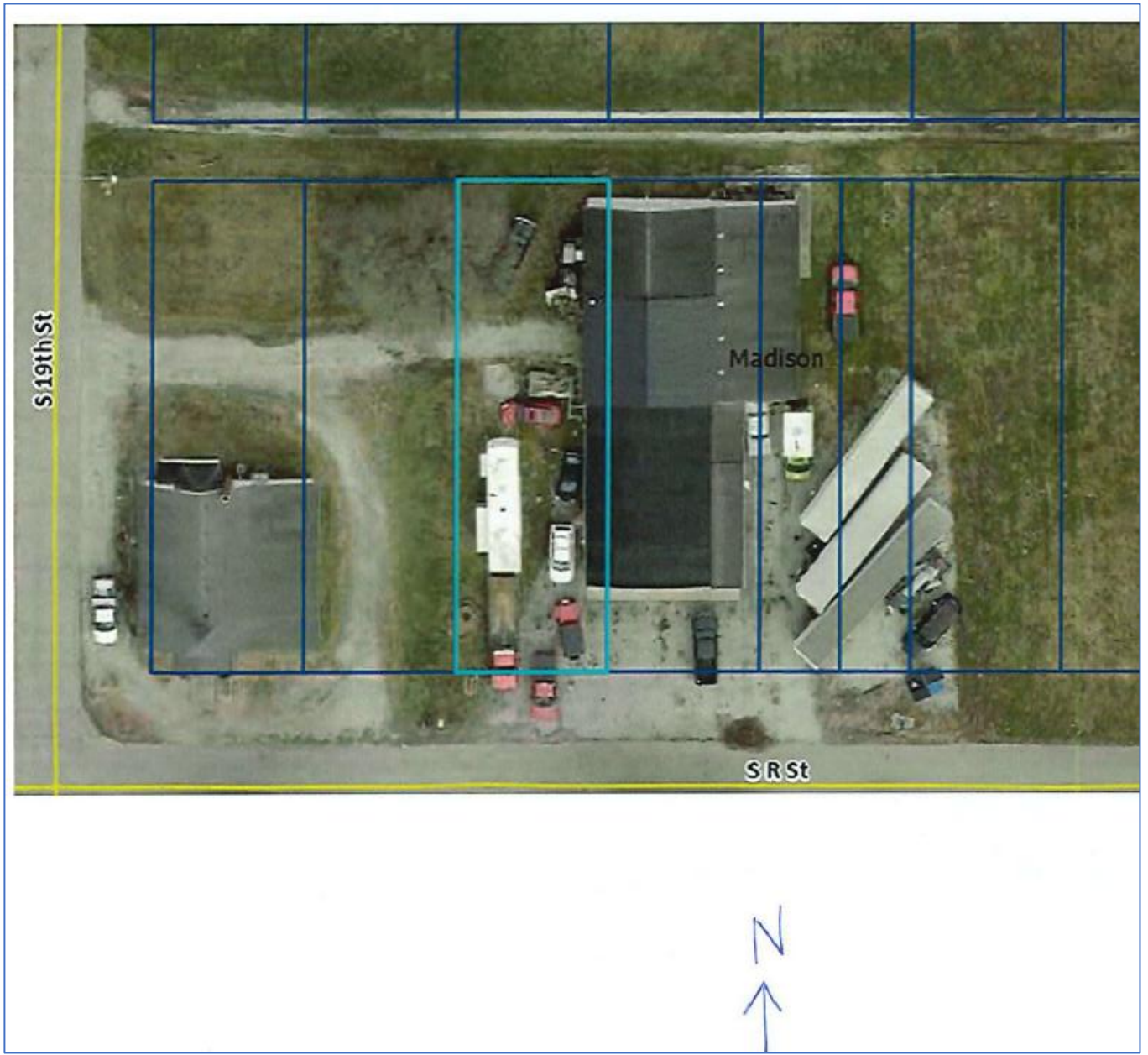
STATEMENT OF INTENT

Letter:

It is in our intent to use plot 094 of 1906 south R st, Elwood, IN, 46036 plots to use as a buffer zone for the GC zoning used for the building and subsequent east lots. This plot will be used as a driveway to the west entrance of the building at 1906 south R st. There is intent to place a privacy fence along the edge of the property. We had discussed vegetation instead of a fence. The existing gravel and asphalt will be kept to gravel for the driveway use.

Signed,

Matthew David Duncan



Site Plan

ZONING REQUIREMENTS

Buffer Yard Standards (BY)

6.7 Buffer Yard Standards (BY)

BY-01: This Buffer Yard Standards section applies to the following districts:



- A. The general purpose of a buffer yard is to soften the potential conflicts between the potential uses in one zoning district and the potential uses in another adjacent district by using setbacks and landscaping. The potential degree (or intensity) of conflict (or potential conflict) between two zoning districts determines the extent of buffer yard required.
- B. The following matrix determines the type of buffer yard which shall be installed by the subject development entirely on the subject property:

Buffer Yard Requirements															
The Buffer Yard type indicated on the table below shall be provided on the subject property when...															
...the zoning district for the subject property is...	...and adjoining property is zoned:														
	AP	AG	CR	R1	R2	R3	MR	MH	PR	IS	LC	GC	HC	LI	GI
AP															
AG															
CR															
R1	2	1													
R2	3	2													
R3	3	2	1												
MR	3	3	3	2	2	2									
MH	3	3	3	3	3	3	2		2	1	1	1	1	1	1
PR															
IS	3	3	2	2	2	2	2	2	1						
LC	3	3	3	3	3	3	3	2	2						
GC	3	3	3	3	3	3	3	3	2	2	1				
HC	3	3	3	3	3	3	3	3	2	2	2				
LI	2	2	3	3	3	3	3	3	3	2	2				
GI	2	2	3	3	3	3	3	3	3	3	3	2	2	1	

- C. The following general buffer yard standards will apply to all buffer yards.
- The buffer yard standards only apply along the property lines where the two conflicting zoning districts meet.
 - The developer or owner of the subject property is responsible for installing the buffer yard. The adjacent property owner shall not have to participate in installing the buffer yard.
 - No buffer yard or required landscape materials shall be placed within any easement, right-of-way, or septic field.
 - All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by this Ordinance.
 - All required buffer yard trees shall be irregularly spaced and designed to provide the appearance of a natural landscape unless otherwise specified by this Ordinance. However, no 2 trees shall be placed within 10 feet of one another.
 - All deciduous trees must have at least a 2-1/2 inch caliper measured by American Nursery Institute standards at 6 inches above the rootball, and all needled evergreen must be 6 feet in height measured by American Nursery Institute Standards from the bottom of the rootball when planted.
 - All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass or other ground covering vegetation.
 - No landscaping required by this section may be used to satisfy the minimum requirements of any other provisions of this Ordinance.

Buffer Yard Standards (BY)

(continued)

- i. All landscape materials must be properly maintained, and kept in a neat and orderly appearance, free from all debris and refuse.
 - 1. All unhealthy or dead plant material shall be replaced by the end of the next planting season.
 - 2. Landscape materials are intended to grow, spread and mature over time. Pruning, limbing-up, topping and other growth inhibiting measures may only be used to ensure the public safety.
- D. The required buffer yards shall meet the following minimum requirements:
 - a. Buffer Yard Type 1: Buffer yard type 1 shall include a minimum setback of 10 feet in addition to the yard setback otherwise required by this Ordinance. In addition, 1 deciduous canopy tree must be planted in the buffer yard for every 30 feet of contiguous boundary between the subject and adjoining properties.
 - b. Buffer Yard Type 2: Buffer yard type 2 shall include a minimum setback of 20 feet in addition to the yard setback otherwise required by this Ordinance. In addition, 1 deciduous canopy tree and 2 evergreen trees shall be planted in the buffer yard for every 25 feet of contiguous boundary between the subject and adjoining properties.
 - c. Buffer Yard Type 3: Buffer yard type 3 shall include a minimum setback of 25 feet in addition to the yard setback otherwise required by this Ordinance. In addition, a row of deciduous canopy trees shall be planted parallel to the property line within the buffer yard with 1 tree placed every 20 feet along the boundary between the subject and adjoining properties. Also, a 5 foot tall opaque wooden fence or brick or stone wall, a 5 foot tall undulating mound planted with shrubs, or a row of evergreen trees shall be placed parallel to the property line within 10 feet of the row of canopy trees along the boundary between the subject and adjoining properties.
 - 1. If an undulating mound is used to fulfill the requirements, one shrub for every 10 feet of continuous boundary shall be planted on the mound. All required shrubs shall measure 18 inches in height measured from grade at the time of planting.
 - 2. If a row of evergreen trees is used to meet the requirements, one tree shall be placed every 10 feet along the property boundary.

STAFF FINDINGS

This petition is for a variance from the buffer yard standards. The intent is/has been to allow the petitioner to orderly store the vehicles. However, current review of the site indicates that the site has 37 vehicles on it (as of Monday 7/20). Therefore, the site continues to not follow the requirements from the rezoning of the property.

RECOMMENDATION

Staff recommends approval of the variance with a definite date by which the conditions of the special use will be met. Those conditions were:

*Member Alexander made a motion for a favorable recommendation to rezone Lots 13, 14, 15, and 16 with commitments of: 1) a maximum of 25 vehicle units held within the fenced-in area, 2) fence is to be built around lots 13-16 within 6 months and, 3) lot 13 only used as a driveway and not another area to store cars. Seconded by Member Pelsor. Roll call was unanimous. **Motion approved to forward with a favorable recommendation***

If the conditions identified above are not met by the date specified by the board the special use should be denied. That would put the property in violation.

FINDINGS of FACT for VARIANCE To be completed

1. ***Will the approval be injurious to the public health, safety, morals, and general welfare of the community?***
2. ***Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?***
3. ***Will the strict application of the terms of the zoning ordinance result in practical difficulty in the use of the property.***

Site Photos



View from site looking north



View from site looking east



View from site looking south



View from site looking west

UPDATED PHOTOS 8/14/26



