

STAFF REPORT

MADISON COUNTY BOARD OF ZONING APPEALS

October 27, 2026

Petition Number: 2026-SU-011
Location: 5736 W 300 S, Anderson, IN 46011
Petitioner: Andrew Jace Harry
Owner: Matt and Jana Banker
Zoning District: Agriculture
Request: Special use to live in home while new home is being built

Special Uses may be approved by the BZA only upon determination that the petition meets all the legal required criteria:

- The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- The requirements and development standards for the requested special use as prescribed by the Ordinance will be met.
- Granting of the Special Use will not subvert the general purposes served by the Ordinance and will not permanently injure other property or uses in the same district and vicinity.
- The proposed use will be consistent with the character of the zoning district in which it is located and the Madison County Comprehensive Plan.

The Board may examine the following items as they relate to the proposed use:

1. Topography and other natural site features;
2. Zoning of the site and surrounding properties;
3. Driveway locations, street access, and vehicular and pedestrian traffic;
4. Parking amount, location, and design;
5. Landscaping, screening, and buffering;
6. Open space and other site amenities;
7. Noise production and hours of operation;
8. Design, placement, architecture, and building materials of the structure;
9. Placement, design, intensity, height, and shielding of lighting;
10. Traffic generation;
11. General site layout as it relates to its surroundings.

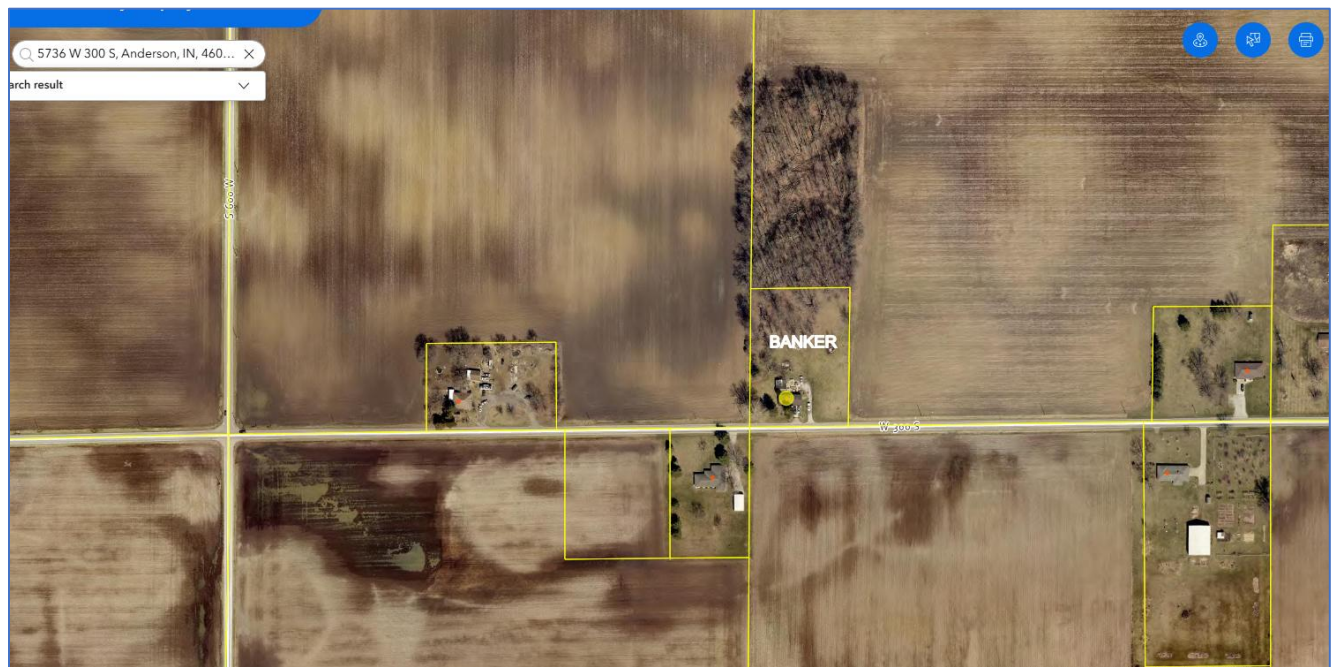
SITE INFORMATION

1. The area is zoned AG and is 2 acres.
2. The parcel is not located within a floodplain and there are no regulated drains.
3. Land use is residential
4. The site fronts on CR 300 S, a minor arterial road in the county thoroughfare plan.

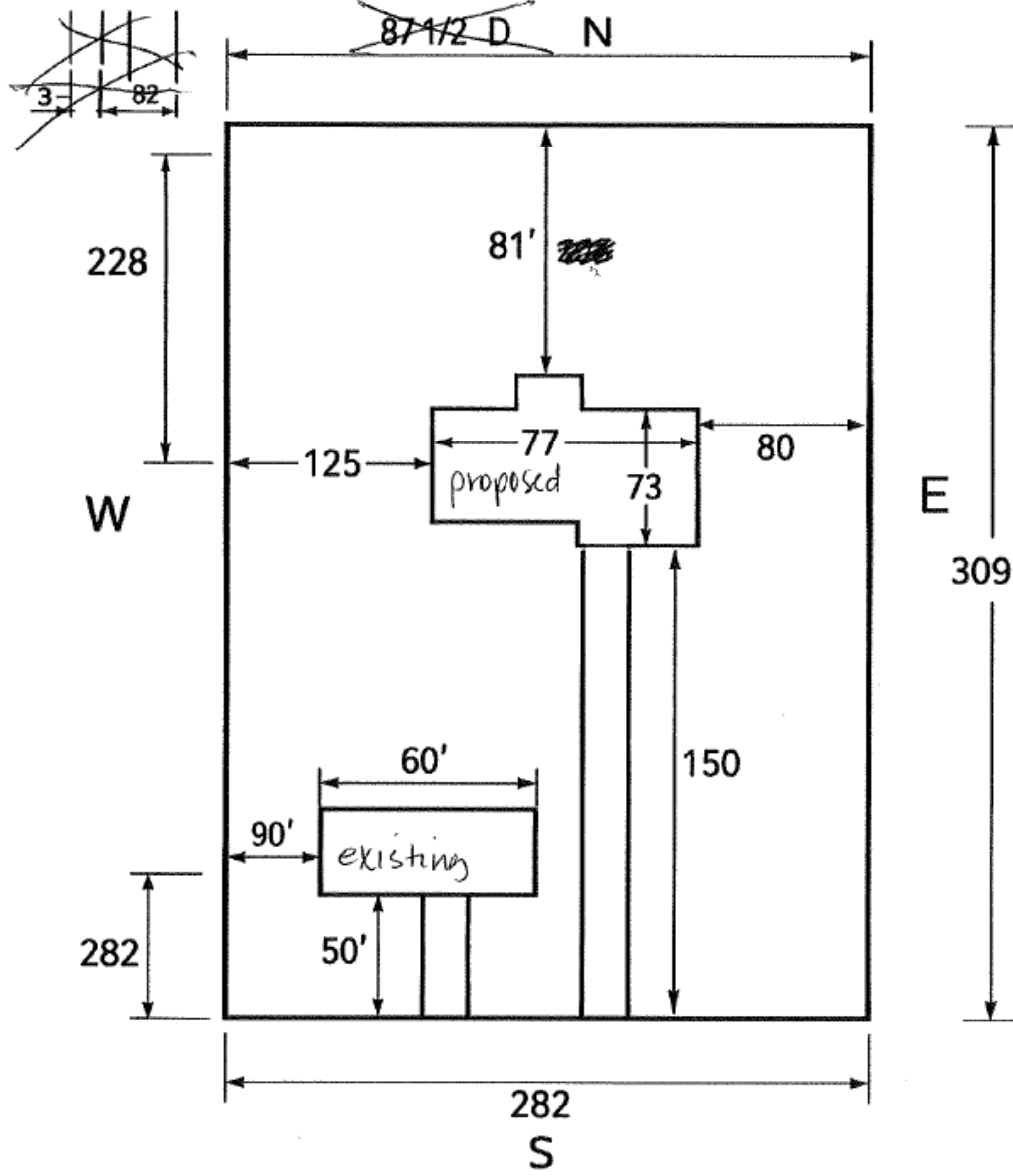
STATEMENT OF INTENT

Letter of Intent

We are requesting to allow the petitioners to live in the existing home on the property of 5736 West 300 South, Anderson, IN 46011 while a secondary home is being constructed. After the new home is built, with your approval, the original modular on the property would then be removed also. Thank you for your time, consideration, and service to Madison County. I look forward to presenting this petition at the upcoming public hearing.



Vicinity



Petitioner Site Plan

ZONING REQUIREMENTS

The current (July 15, 2002) permits secondary (or accessory dwellings) as a special use. In addition, Because of the restriction on having two principal structures on the same property, special uses are required of people who want to live in their home while the new home is being built.

AG - Agriculture District		
3.3 "AG" District Intent, Permitted Uses, and Special Uses		
District Intent	Permitted Uses	Special Uses
The "AG" District is intended to provide a land use category for agricultural activities. The provisions that regulate this land use district should protect, promote and maintain areas in Madison County primarily for farming operations. Madison County's Plan Commission and Board of Zoning Appeals should strive to protect this district from conflicting land uses, non-agriculture oriented businesses, and any use that may inflict significant environmental impacts or be injurious to the agriculture community.	Agricultural Uses • grazing and pasture land • livestock • agricultural crop production • retail sales (of crops produced on-site) • agriculture crop processing (of materials produced on-site) • agriculture crop storage (of materials produced on-site) • agricultural products (seeds, fertilizer, etc.) sales, distribution, and storage • farm implement storage (operable implements used in the farming operation - not for sale) Residential Uses • dwelling, single-family • manufactured home (type I) • manufactured home (type II) • residential facility for developmentally disabled/mentally ill • child day-care home • home occupation (type I) Institutional/Public Uses	Agricultural Uses • confined feeding operation • animal boarding • livestock auction/sale facility • commercial greenhouse • farmer's market (for products grown off-site) • farm implement sales and service • seasonal farm worker housing Residential Uses • dwelling, single family (Accessory, as an additional dwelling) • home occupation (type II) • bed and breakfast facility • boarding house • private air strip Institutional/Public Uses • police, fire, or rescue station • government office/facility Communication/Utilities • sewage treatment plant • wireless telecommunications facility/tower

STAFF FINDINGS

There seem to be no additional issues with this petition. The proposed house that will be built meets all county development requirements. The former residence should be removed within six months of receipt of the certificate of occupancy on the new dwelling.

RECOMMENDATION

Staff recommends approval of the special use with following condition:

- Demolition permit and former house removed within 90 days of issuance of the C of O

FINDINGS of FACT for SPECIAL USE

1. ***Would the approval be injurious to the public health, safety, morals, and general welfare of the community?*** No. The petition (live in old house while new one is built) is such that there should be no negative impact on the general welfare of the community.

2. ***Will the requirements and development standards set forth in the district for such exception be met?*** Yes. as presented, they will meet with the standards.
3. ***Will the proposed use subvert and permanently injure other property or uses in the same district and vicinity?*** No. As presented, no injury will occur to surrounding properties in the same district and vicinity. In fact, the project may increase local property values because they are replacing an aging structure with a new one.
4. ***Will the proposed use be consistent with the character of the zoning district and the Comprehensive (Comp) Plan?*** Yes. As presented, the conditions and the nature of the proposed petition are consistent with the zoning code and comprehensive plan.

Site Photos



View from site looking north



View from site looking east



View from site looking south



View from site looking west