STAFF REPORT

MADISON COUNTY BOARD OF ZONING APPEALS
November 24, 2026

Petition Number:	**2026-V-038/039**
Location:	**7344 W Fall Creek Drive, Pendleton, IN 46064**
Petitioner:	**Gregory and Danielle Heaston**
Property Owner:	**Same**
Zoning District:	**AG**
Request:	**Side and rear yard setback relief – 9 feet rather than the required 25- and 30-feet setbacks**

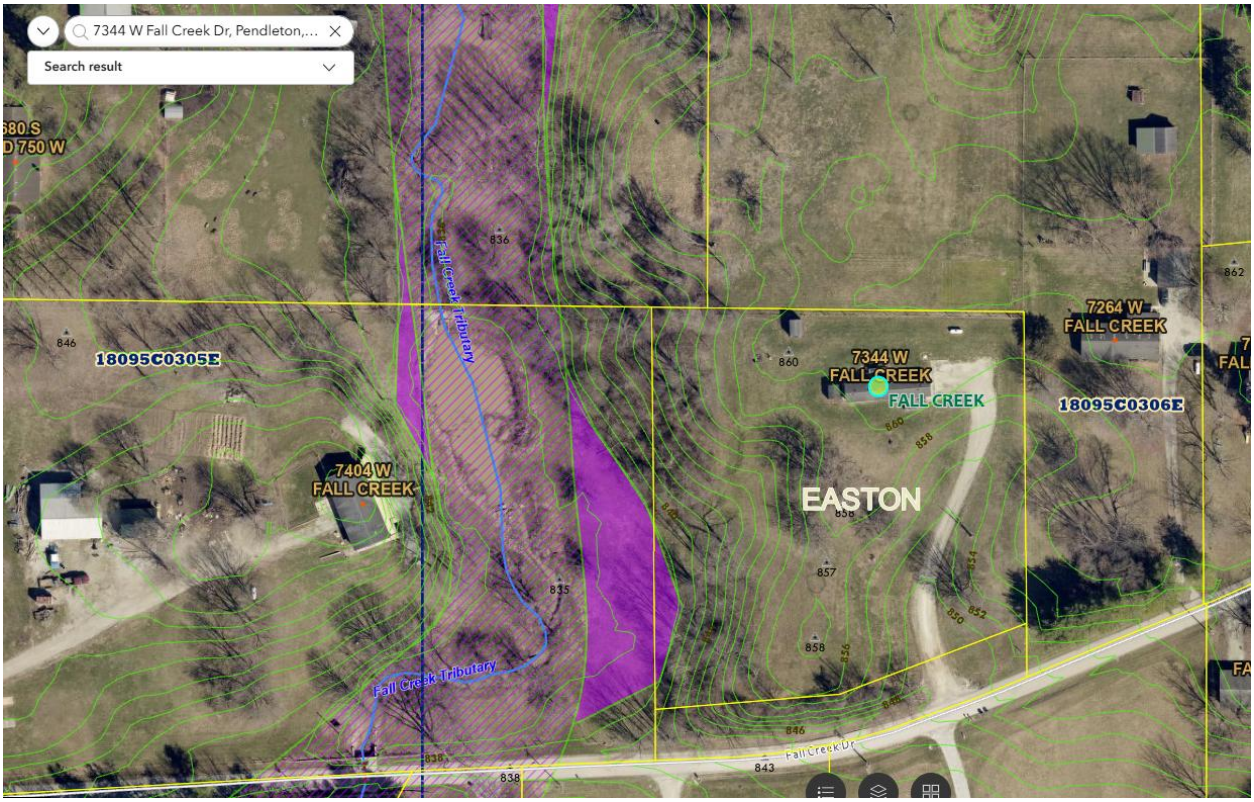
STATEMENT OF INTENT

Letter of Intent 10/9/2026

To whom it may concern,

My family and I need a variance on two sides to build a garage. We need this to maintain our land and due to the topography of the land this is the only feasable location. We need this garge to house a lawn mower, snow removal, tools and equipment for my business. This would help us maintain the land. We have discussed and gotten the OK from our adjoining neighbor. We would greatly appriciate approval of this variance.

Thank you,
Danielle Heaston



Site

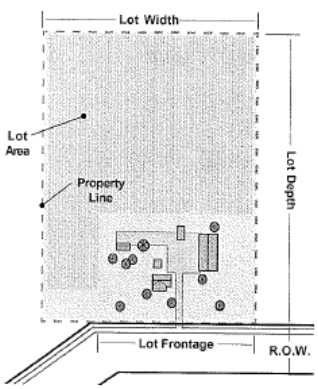


Site Plan

ZONING REQUIREMENTS

AP - Agriculture Protection District

3.2 "AP" District Standards



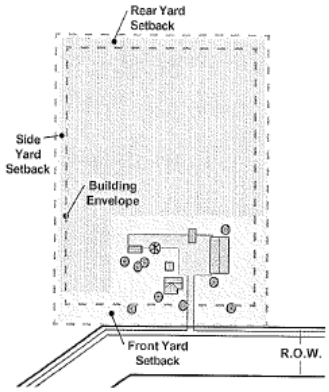
Minimum Lot Area:
- 40 acres

Minimum Lot Width:
- 100 feet

Minimum Lot Frontage:
- 50 feet (consistent with the requirements of the Subdivision Control Ordinance)

Maximum Lot Depth:
- none

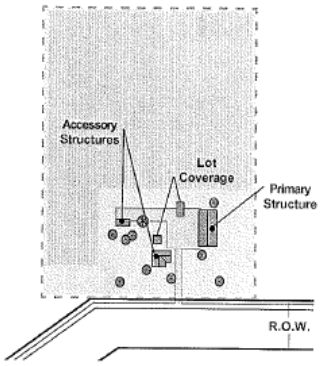
Sewer and Water:
- May use public water and sewer or private well and septic systems



Minimum Front Yard Setback:
- 150 feet when adjacent to an Arterial Road
- 100 feet when adjacent to a Collector Road
- 35 feet when adjacent to a Local Road

Minimum Side Yard Setback:
- 25 feet

Minimum Rear Yard Setback:
- 30 feet



Maximum Lot Coverage:
- square footage of all primary and accessory structures, and impervious surface cannot exceed 10% of the Lot Area

Minimum Living Area:
- 1,000 square feet

Minimum Ground Floor Area:
- 40% of the total living area

Maximum Residential Structures per Lot:
- 1

2026-V-038 – Side Setback Relief

STAFF FINDINGS

This petition is for a variance to allow the construction of a pole barn that will be closer than the required side yard setback. The request is for 9 feet rather than the required 25 feet. (Note, in the new ordinance the setback would be 10 feet and this petition may be eligible for administrative judgment). The practical difficulty is the elevation and lay of the land. The barn will be used for vehicle and yard equipment storage.

RECOMMENDATION

Staff recommends approval.

FINDINGS of FACT for VARIANCE

1. ***Will the approval be injurious to the public health, safety, morals, and general welfare of the community?*** No. The proposed use as presented should not negatively impact on 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?*** There should be no negative impacts on property value.

3. ***Will the strict application of the terms of the zoning ordinance result in practical difficulty in the use of the property.*** Yes, the terms of the ordinance would prevent the owner from doing the desired project.

2026-V-039 – Rear Setback Relief

STAFF FINDINGS

This petition is for a variance to allow the construction of a pole barn that will be closer than the required side yard setback. The request is for 9 feet rather than the required 30 feet. (Note, in the new ordinance the setback would be 20 feet). The practical difficulty is the elevation and lay of the land. The barn will be used for vehicle and yard equipment storage.

RECOMMENDATION

Staff recommends approval.

FINDINGS of FACT for VARIANCE

1. ***Will the approval be injurious to the public health, safety, morals, and general welfare of the community?*** No. The proposed use as presented should not negatively impact on 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?*** There should be no negative impacts on property value.

3. ***Will the strict application of the terms of the zoning ordinance result in practical difficulty in the use of the property.*** Yes, the terms of the ordinance would prevent the owner from doing the desired project.

Site Photos



View from site looking north



View from site looking east



View from site looking south



View from site looking west