

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, Mary Jane Baker, Chairman, presiding.

Members Present: Mary Jane Baker, Rick Durham, and Amanda Bousman

Also Present: Tim Westerfield, Planner, and Elizabeth Bruns, Board Secretary.

Members Absent: Bill Hobbs, John Simmermon, and Director Newman

CURRENT BUSINESS

1. Pledge of Allegiance
2. Prayer – Member Durham
3. Roll call taken with two Members absent.

NEW BUSINESS

1. **Petition:** 2015-SU-001
Address: 00 North State Road 13
Location: E side of SR 13 approximately .27 miles north of CR 280 North.
Petitioner: Sylvanus Investments, LLC & Likens Holdings, LLC
Owners: Sylvanus Investments, LLC & Likens Holdings, LLC
Zoning: (AG)
Request: Special Use to allow for the expansion of their existing mineral extraction operation to encompass their contiguous lots.

Tim Westerfield presented the Staff Report for Petition 2015-SU-001 with a favorable recommendation.

Steve Hardin with Faegre Baker Daniels, 600 E 96th Street Indianapolis - I am pleased to be representing US Aggregates. Mr. Hardin introduced his team and the other people who are here representing the Petitioner. Mr. Hardin also stated that Mr. George Likens was also present.

Mr. Hardin explained the process of the plant and the mineral extraction. They have had relatively few complaints over the years. Mr. Eperley expressed a concern with dust, particularly last year, and as I understand it U S Aggregates was very diligent in responding to that concern. If there are particularly dry or windy time there may be a dust problem. They now have a water truck and they pay close attention and wet it down. They will have an 8-10 foot mound that should buffer the sight and sound from the neighbors. Marty Maan – Landwater Group Engineering gave a brief overview of the drainage plan and is aware that they need to go in front of the Drainage Board as well as receive IDEM approval.

Chairman Baker asked if anyone in the audience would like to speak.

Pat Manship, County Surveyor. I reside at 1054 E 600 South. I have a concern with this being approved today prior to the Drainage Board. Let's get together as Government Officials.

Kathy Moreland 2924 N SR 13 - I am the daughter of Kenneth Eperley and I currently live with him since my mother passed away. We are located on the east side of 13, the first home south of the subject property.

Ms. Moreland presented the Board with twelve photos attached as Exhibit 1 to these minutes and expressed her concerns with the dust and her fathers breathing problems, the noise of the trucks beeping and the flooding that occurs in her yard.

Kenneth Eperley – stated that this was shoved down our throats when they started this. They said they were approved to do it and that was that they told us in a meeting at the church.

Marty Mann stated that the new pond should improve the water problem in the area.

Member Durham stated that he feels we should put conditions on this approval concerning the dust. I am not sure how we can alleviate the noise problem. I would really like to see the dust addressed a little more. We as the Board of Zoning Appeals do not deal with drainage and flooding issues. That will have to go to the Drainage Board.

Pat Manship expresses his desire to have this Petition continued until we hear from the Drainage Board.

Steve Hardin stated, Mr. Clemens is here from US Aggregates and we can walk thru a dust plan today if we need to.

Ed Clemens with U S Aggregates - Every aggregate mining operation is issued a permit by IDEM and part of that permit is a dust control plan. Our particular dust control plan here is that we have a water truck on site that we use when it gets dusty based on a judgment call, we have a sprinkler system around the scale house that is running when it's hot and dusty, and then we have a spray bar on our crusher on the processing system and the material that we mine is wet because it's below the water table and it's when we are digging.

Board Attorney Graham asked Mr. Clemens if the dust were an issue could IDEM shut you down.

Mr. Clemens replied, yes they could.

Kathy Moreland took the stand and said if the dust was taken care of how did I get those pictures.

Mr. Westerfield stated that Director Newman said that this was approved originally by the State and it did not have to come before the BZA Board.

Chairman Baker stated that it did in fact come before the BZA Board.

Mr. Westerfield stated that is bazaar, we cannot find anything in the office to back that up.

Board Attorney Graham said he finds it hard to believe that this did not go in front of the BZA Board.

Steve Hardin came to the stand and stated that Indiana State Statute provides that the local Counties, Cities and Towns do not have Zoning authority over mineral extraction when it is in a non-urban area. An Urban Area is defined as an area where you have eight or more residences within a ¼ square mile. Therefore, the original operation was deemed to not fall within that urban area so it did not require any local approvals.

Steve Hardin requests that their Petition be continued to the next meeting and if there is anything else you would like for us to address we would appreciate hearing that as well.

Member Durham made a motion to continue Petition 2015-SU-001, seconded by Member Bousman. Vote was unanimous in favor of the motion. **Petition 2015-SU-001 Continued.**

Mr. Hardin indicated that he would get in contact with Mr. Westerfield regarding the issues brought before us today.

MISCELLANEOUS

1. Election of Officers

Member Durham nominated Mary Jane Baker for Chairman of the Board, seconded by Member Bousman. The vote was unanimous in favor of the motion. Mary Jane Baker is Chairman of the Board for 2015.

Chairman Baker asked for nominations for Vice Chairman. Member Durham nominated Bill Hobbs for Vice Chairman, seconded by Member Bousman. The vote was unanimous in favor of the motion. Member Hobbs is Vice Chairman of the Board for 2015

Chairman Baker asked for nominations for Board Attorney. Member Durham nominated Jeff Graham for Board Attorney, seconded by Member Bousman. The vote was unanimous in favor of the motion. Jeff Graham will retain his position as Board Attorney for 2015.

Chairman Baker asked for nominations for Planning Director. Member Durham nominated Brad Newman. Member Bousman seconded the motion. The vote was unanimous in favor of the motion. Brad Newman will retain his position as Planning Director for 2015.

Chairman Baker asked for nominations for Board Secretary. Member Durham nominated Elizabeth Bruns. Member Bousman seconded the motion. The vote was unanimous in favor of the motion. Elizabeth Bruns will retain her position as the Board Secretary for 2015

2. Member Durham made a motion to approve the minutes of the December 23, 2014 meeting. Member Bousman seconded the motion. **December 23, 2014 Minutes Approved.**

3. Member Durham made a motion to approve the 2015 BZA Calendar as presented. Member Bousman seconded the motion. **Vote was unanimous in favor of the motion the 2015 calendar is approved.**

Exhibits attached on pages 1006-1013

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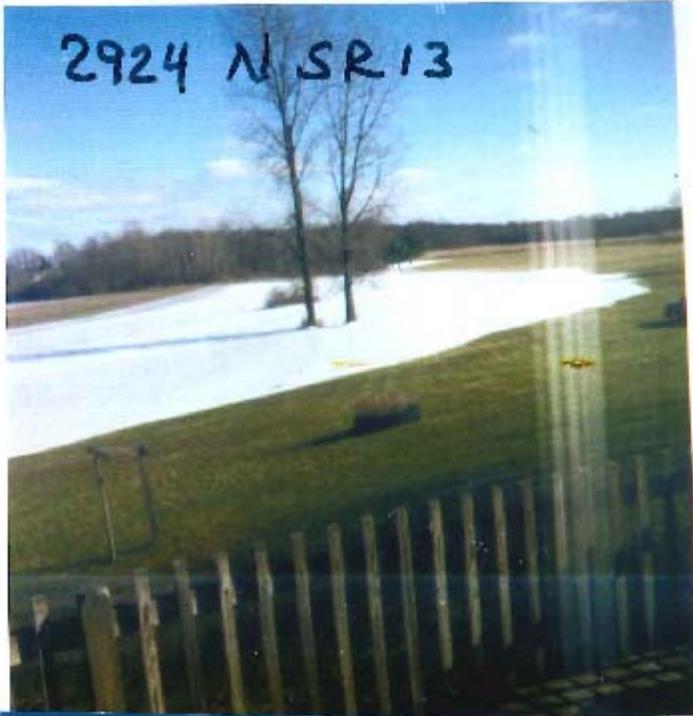


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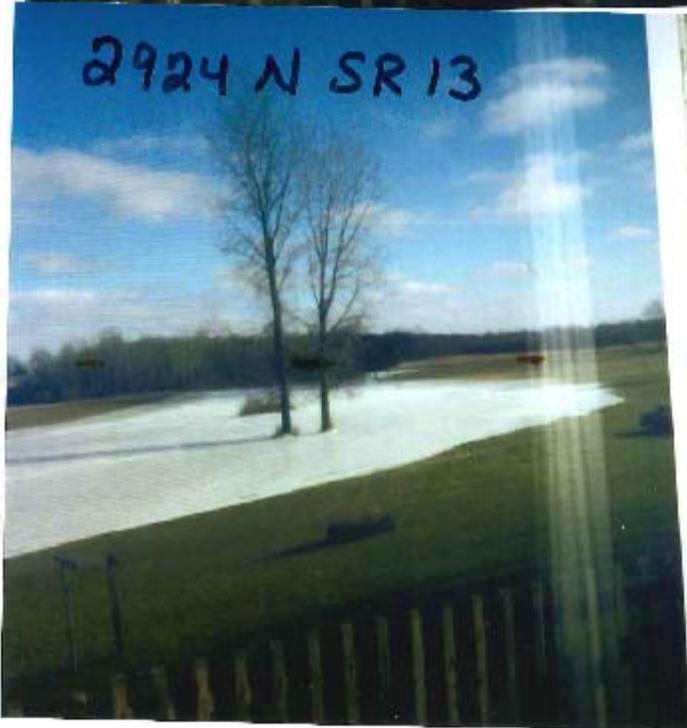


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2924 N SR 13

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Chairman Baker made a motion to adjourn.

Adjournment: 10:00:51 A.M.

Mary Jane Baker, Chairwoman

Elizabeth Bruns, Board Secretary