

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, John Randall, Jr., Chairman, presiding.

Members Present: Bill Maxwell, John Randall, Jr., Mary Jane Baker, Shirley Aubrey and Bill Hobbs.

Members Absent: None.

Also Present: Cory Wilson, Executive Director, Elizabeth Bruns, Office Coordinator, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken with all members present.
2. The minutes of the preceding meetings were distributed to each member prior to the meeting. It was the consensus of the board to approve the minutes as presented.

Petitions Continued From April BZA Meeting

1. **Petition: #585 Variance**
Address: 8650 West 1050S, Fortville
Location: Green Township
Petitioner: Allen J. & Tyresa S. Kremp
Request: Variance of development standards to provide for the construction of an accessory structure prior to the construction of a dwelling.

Director Wilson stated this was before the board at their April meeting and at that time a number of issues was outlined. The Kremp's were asked to bring in construction plans of the house and a report from Fall Creek Regional Waste District (F.C.R.W.D) stating they have paid their tap fees. The staff has received copies of the construction but nothing on the tap fees. A letter was received from Fall Creek Regional Waste District stating sewer is available in the area.

Director Wilson told the board at this point staff recommendation remains the same. If receipts for payment of the tap fees had been received the recommendation would have changed.

Allen and Tyresa Kremp, 8650 W 1050S were present representing this request.

Mr. Kremp stated the plans are to build the pole barn first then the house in two years. We live in the house adjacent to this on the west side. They felt when the sewer was available that would be the time to start on the construction of the house. We have obtained preliminary plans for the house and the barn. We also submitted a letter from the Board of Health stating they could not issue a septic permit because of the seasonal high water table. A sewer permit from F.C.R.W.D. was submitted showing \$570 was paid for the sewer permit and it had been obtained. Another driveway permit has also been obtained.

(Not approved by BZA)

The board was informed staff did receive a receipt showing the application fee had been paid but that is not the same as a tap fee. This has been a policy of the office since the early 90's prior to Director Wilson's arrival. It is felt that if the tap fee has been paid that tells the staff the intentions are established that a house will be built.

Mr. Shine stated he had just talked to F.C.R.W.D. and the petitioner has paid their preliminary fee. There is a tap fee and that tap fee will have to be paid when he attaches to the sewer. However, they do authorize and allow tap fees to be paid in advance and once that tap fee is paid then any increase in tap fees would not be chargeable to this property. The tap fee in this case has not been paid. However, the permit has been obtained and once the fee is paid and connection made, they will authorize sewer usage.

Mr. Kremp told the board he would be storing his motor home and large boat in the barn. It will not be used for business purposes.

Member Baker stated that Mr. Kremp has done everything the board had requested of him.

The board was informed Mr. Kremp has never signed the covenant.

Member Hobbs stated he felt there needed to be a policy for the office. From what has been stated the tap fee had to be paid in the past as a requirement before a variance of this nature could be approved. There needs to be a set policy in the office and I think bringing them back every two years would be appropriate.

Director Wilson informed the board that next month he would have something written up that would explain the policy that could be created or amended by this board.

There were no remonstrators present.

Member Aubrey stated she moved to approve Petition #585 for an accessory structure prior to the construction of a dwelling as he has met the requirements the Zoning Board has asked for, which was;

- 1) Plans for home to be built.
- 2) Application to Fall Creek Waste was applied and paid for. Tap fee will be paid when ready to hook up.

Conditions to be in place;

- 1) Approval is good for only two years.
- 2) There will be no habitation in the pole barn.
- 3) There will be no business done in the pole barn.

Plus the Finding of Facts;

- 1) Approval will not be injurious to public health, safety and well fare.
- 2) Requires and development standards will be met.
- 3) Approval will not injurious to other property values.
- 4) Proposed petition is in character with the zoning district and Comprehensive Plan.

Member Hobbs seconded the motion.

The vote was unanimous in favor of the motion. **Petition #585 Variance was approved.**

2. **Petition:** **#584 Special Use**
Address: SW corner of CR 500S & New Columbus Road
Location: Adams Township
Petitioner: Donald Bancroft
Request: To provide for mineral extraction (timber removal and sales) on a CR-zoned property located within an urban area (special use grant required for mineral extraction within an urban area).

Director Wilson informed the board Donald Bancroft has submitted a letter of withdrawal for this request.

There were no remonstrators present.

Member Hobbs made a motion, seconded by Member Baker to accept the letter of withdrawal. The vote was unanimous in favor of the motion. **Petition #584 Special Use was withdrawn.**

New Business

1. **Petition:** **#446 Special Use Request – Gypsum Recycling Facility**
Address: 3863 North 300 West, Anderson
Location: Lafayette Township
Petitioner: Randy & Karen Scott, d/b/a/ Roy's Recycling Inc.
Request: Requesting the Probationary special use exemption for a gypsum recycling facility be made permanent.

Randy Scott, 7784 N 275W, Alexandria, IN was present representing this petition.

Mr. Scott told the board the property he is here on today is located at 3863 N 300W, Anderson, IN.

Mr. Scott stated because of the economy things have been going a little slow with the business. The only pole barn being used is the one furthest to the south. All material is stored inside. The mulch that is there is going on the trees that were planted. If the time ever comes he would like to add on to the front of the building to make it look nicer for the neighbors. He also expressed relocating the loading docks to the front.

We have had no negative feedback from any of the neighbors.

(Not approved by BZA)

The following is a picture submitted by Mr. Scott: (picture also on file in the Plan Commission office).



- ◇ Director Wilson stated the subject site is a 61.9-acre parcel located on the southwest corner of CR-400 North and CR-300 West. The property is zoned AG (agriculture) and the Comprehensive Plan recommends agriculture development for this site. This request would allow for the continued operation of Roy's Recycling, a gypsum recycling facility that received initial approval in May 2006. At that time, the special use grant was for a one-year time period so that the Board/Staff would have the opportunity to gauge the effect this operation might have on the surrounding property owners as well as give the petitioner time to complete the approved commitments.
- ◇ On May 22, 2007, the petitioner returned to the BZA. At that meeting, the commitments associated with the initial grant were discussed as some of them had yet to be completed. Some of the commitments were not easily enforced by Staff, and therefore difficult to determine compliance. However, it appears as if the only outstanding issue was related to landscaping and buffering. The Board did grant the special use request for another one-year time period, with the applicant being required to return to the Board in June 2008. As of this

(Not approved by BZA)

writing, it appears as if the petitioner is in compliance with the commitments. Since the grant of this request, staff has received no complaints about this facility.

BUSINESS OPERATION

- ◇ The Indiana Department of Environmental Management (IDEM) issued a permit for industrial waste products distribution (dry wall grinding) at this site. The petitioner has indicated that the initial drywall is temporarily stored in one of the four hoop buildings while the other three are used to grind and then store the final product. The ground wallboard (gypsum) is sold to farmers for application to their fields.
- ◇ IDEM monitors the recycled wallboard through an analysis process based upon marketing and/or distribution activities for a 90-day period. The frequency of this analysis is based on an estimated annual production of 1500 dry tons of recycled gypsum. If the annual production exceeds 1653 dry tons of recycled gypsum per year, the petitioner is required to increase the monitoring frequency to one sample for every 60-day time period. For each 365-day period that recycled gypsum is marketed and/or distributed, a composite sample of the recycled material must be collected and analyzed for PCB's. The resulting analyses must be reported on both a wet and dry weight basis.
- ◇ The petitioner is operating Roy's Recycling as per agreement of commitments recorded upon approval from the Board of Zoning Appeals (BZA) on May 18, 2006. Based upon the 2008 report Petitioner has created and maintained the required landscape plantings.

Staff has reviewed all information in the file and continues to recommend approval. It is felt the petitioner would not need to come back before this board any further as they have come back twice and have continued to meet all the requirements.

Mr. Scott informed the board he sends the samples to IDEM and they return a copy of the results back to him. No samples have been turned in for this year. A record is kept of all samples that are sent in and one is due to be sent in.

Greg Crider, 4122 N 300W.

Mr. Crider wanted to know the hours of operation because he has heard the grinder running past 10 P.M...

Mr. Scott replied that he tries to run it during the day or when it's raining because that helps keep the noise and dust down.

Mr. Crider told the board he is also concerned with the dust and he has seen dry wall along the road.

Mr. Scott stated they have sprinkler systems over the doors and are waiting on this to be permanent and then get a dust collector. Tarps are required to cover the trucks to keep stuff from falling out.

Mr. Crider informed the board he was not here in opposition to this but had some questions.

Director Wilson stated staff would have concern with having the grinder going at ten o'clock at night.

Dan Nugent, 1705 Vanbuskrik Road, Anderson.

Mr. Nugent stated he owned the property directly east across the road. He was concerned this might be changed to encumber the whole 61 acres for this business and that at this point noise was not being a factor to him.

Mr. Nugent was told only 2.5 acres is what can be used out of the 61 acres and this is per the signed commitments.

There were no remonstrators present.

Member Aubrey stated she moved to approve Petition #446 to be permanent as a gypsum recycling facility as no complaints have been received in the two-year probation period and all the Boards conditions have been met. We would like you to be aware of the noise so it does not become a nuisance to others.

Member Maxwell seconded the motion.

The vote was unanimous in favor of the motion. **Petition #446 Special Use Request – Gypsum Recycling Facility was approved.**

Mr. Shine stated at the last meeting he had made a comment that the presentation should be pursuant to State Statute. That's in our ordinance, Section 5.11. Our ordinance gets our authority from the State Statute. The meeting is called to order, you call the matter, you state what it is and the notice has been or has not been given. Then the petitioner is required to give their presentation. Cory can make a recommendation and then anybody in the audience can speak.

Miscellaneous: Nothing was presented

Member Aubrey made a motion, seconded by Member Baker to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 10:35:03 A.M.

John Randall, Jr., Chairman

Beverly Guignet, Secretary