

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, Bill Hobbs, Rick Durham, John Simmermon, and John Orick.

Also Present: Ken Ellis, Planning Director, and Elizabeth Bruns, Board Secretary.

### **CURRENT BUSINESS**

1. Pledge of Allegiance
2. Prayer – Member Durham
3. Roll call taken with all members present.
4. The minutes for the December 27, 2011 meeting were mailed to each member prior to this meeting. Member Hobbs made a motion to approve the minutes as presented. Member Durham seconded the motion, all in favor. **Minutes Approved.**
5. Election of Officers

Member Simmermon nominated Mary Jane Baker for Chairman of the Board, seconded by Member Durham. The vote was unanimous in favor of the motion. Mary Jane Baker is Chairman of the Board for 2012.

Chairman Baker asked for nominations for Vice Chairman.

Member Durham nominated Bill Hobbs for Vice Chairman, seconded by Member Orick. The vote was unanimous in favor of the motion. Member Hobbs is Vice Chairman of the Board for 2012.

Member Simmermon made a motion to approve the Proposed 2012 Calendar as presented. Member Durham seconded the motion. The vote was unanimous in favor of the motion. **The 2012 BZA Calendar was approved as presented.**

### **OLD BUSINESS**

1. **Petition:** 2011-V-010 Variance  
**Zoning:** 10.807 acres zoned AG  
**Address:** 8672 W. Fall Creek Drive, Pendleton, IN 46064  
**Location:** North side of Fall Creek Dr., approx. ¼ mile east of SR 13  
**Petitioner:** Peggy Packard on behalf of Rex & Shannon Mollenkopf  
**Request:** Lot Depth Variance

Richard Ward with Richard Ward & Associates is representing the Petitioner. Mr. Ward explained the reason for this request.

Director Ellis presented his Staff Report and a favorable recommendation with conditions.

Member Durham made a motion to approve 2012-V-010. I do not think it will be injurious to the public health and safety, morals and general welfare of the community. I don't think the use and the value of the adjacent properties included in the variance would have any substantial adverse effect on the surrounding properties, I think that the application in terms of the zoning ordinance would result in practical difficulty if it was not approved for the use of the property. There shall not be any further land divisions to this property, and this motion is in concurrence with the staff findings and facts. Member Simmermon seconded the motion. Roll call taken, vote was unanimous in favor of the motion. **Petition 2011-V-010 approved with conditions.**

- 2. Petition: 2011-V-011** Variance  
**Zoning:** 11.116 acres zoned AG  
**Address:** 8842 W. Fall Creek Drive, Pendleton, IN 46064  
**Location:** North side of Fall Creek Dr. approx. ¼ mile east of SR 13  
**Petitioner:** Peggy Packard on behalf of Arthur & Lana Mollenkopf  
**Request:** Lot Depth Variance

Director Ellis presented his Staff Report and a favorable recommendation, with the same restrictions as the previous petition.

Richard Ward with Richard Ward & Associates is representing the Petitioner. Mr. Ward explained the reason for this request.

Member Durham made a motion to approve 2012-V-010; this project would not be injurious to the public health and safety, morals and general welfare of the community. This would be the best use and value of the area adjacent to the property, and that the application and the terms of the zoning ordinance would result in practical difficulty if this is not approved and that no further division of the property shall be allowed, and that this concurs with staff recommendations. Member Hobbs seconded the motion. Roll call taken, vote was unanimous in favor of the motion. **Petition 2011-V-011 approved with conditions.**

### **NEW BUSINESS**

- 1. Petition:** 2012-SU-001 Special Use (exception)  
**Zoning:** The property contains 7.1 acres and is zoned AG/Agricultural.  
**Address:** 10832 S. 250 E., Markleville, IN  
**Location:** East side of 250E, approximately 1/8 mile north of 1100S in Adams Township, Section 4.  
**Petitioner:** Property owners, Dr. Keith Hollendonner and Stacey Hollendonner  
**Request:** To allow for a home based veterinary office and equine exam/surgery room with recovery stalls.

Director Ellis stated the reasons for the Special Use and Variance that Dr. Hollendonner is requesting. Staff Report was presented to the Board with a favorable recommendation. The Board of Commissioners has determined by ordinance that it is in the public interest for type II operations that animal boarding be viewed as a special use and approved as an exception. We are calling this a home based veterinary service with animal boarding. It is of a low impact special use in this agricultural district. The existing building will be renovated to conform to all applicable laws. He states that there will be no more than 9 horses serviced on the property at any one time.

Dr. Hollendonner gave a brief description of his business plans and offered to answer any questions that the Board has. There will be no sign identifying the place. This will not be a facility where there is going to be someone there 24 hours a day. We are not open to just walk in off the street.

Member Simmermon made a motion to approve 2012-SU-001, I believe according to the findings of facts that the proposal will not be injurious to the public health, the requirement of developments standards for the requested special use is described and the ordinance will be met. Granting a special use will not subvert to the general purposes of the ordinance, and will not permanently injure other properties or the use of the same in the vicinity, and that the proposed use will be consistent with the character of the zoning district in which it is located in Madison County. I would like to add the conditions of a maximum of 7 client horses serviced at the facility at any one time, and concurring with staff recommendations. Member Hobbs seconded the motion. Roll call taken, vote was unanimous in favor of the motion. **2012-SU-001 Approved with conditions.**

- 2. Petition:** 2012-V-001 Variance  
**Zoning:** The property contains 7.1 acres and is zoned AG/Agricultural.  
**Address:** 10832 S 250E  
**Location:** East side of 250E, approximately 1/8 mile north of 1100S in Adams Township, Section 4.  
**Petitioner:** Property owners, Dr. Keith Hollendonner and Stacey Hollendonner  
**Request:** To allow the expansion and alteration of a nonconforming accessory structure located in front of the primary residence, for a home based veterinary medicine office and exam rooms.

Member Simmermon asked Dr. Hollendonner what the distance is from the road for the house and barn. He also asked if there would be a separate septic system for the barn.

Dr. Hollendonner stated that the barn is almost 500' off of the road, and the house is almost 700' off the road, and also stated that he needs to discuss the septic system with the Health Department after being granted approval from the Board.

Member Simmermon moved to approve Petition 2012-V-001, that this variance would not be injurious to the public health, morals or general welfare of the community. I believe that the use and the value of the adjacent area of the property including the variance would not be affected by any matter, that the application of the terms of the zoning ordinance results in the practical difficulty if not permitted, and that I concur with

staff findings. Member Orick seconded the motion. Roll call was taken; vote was unanimous in favor of the motion. **2012-V-001 Approved.**

### **MISCELLANEOUS**

1. **2009-SU-004** Horse boarding and training facility [permit status] Leigh Ann Richwine.

Director Ellis stated that Ms. Richwine is now in compliance and a certificate of occupancy was issued.

Leigh Ann Richwine, 5255 North 350 East. I believe that we are in compliance with all of the stipulations. I'm hoping that at some point we would be able to conclude the issue.

Board discussion held on the reasons for requiring the waste to be removed from the property.

Director Ellis stated that as far as the complaints from the neighbor, we don't announce when we are coming and I've seen no evidence that there are stockpiles of manure on the property. Each and every time I've been there, and I was there Monday, they were loading a truck up with the waste. I asked what he was doing and was told that he was hauling it off of the property. It appears that we have an issue between neighbors.

Mr. Shine stated, did we not say it was not a condition however that the manure be removed by a waste disposal company.

Director Ellis stated that the initial condition did state that it be removed by a waste disposal company.

Mr. Shine said, and further that it not be spread on the property there.

Director Ellis stated that is correct.

Mr. Shine stated that those are the current allegations, now if those conditions are to be modified; I think they should be modified by the Board.

Member Simmermon moved to make an amendment to the conditions placed on Special Use Petition 2009-SU-004, first of all that it not be required that the manure be hauled away by a waste disposal company, and secondly that we add that the manure can be applied on their ground when it is fit to do so and the manure has to be hauled away when it is not fit to do so, (i.e. where there is standing water on the ground, saturated soils or frozen ground), so that there are no manure piles on the property at all. Member Orick seconded the motion. Roll call taken, vote was unanimous in favor of the motion. **Petition 2009-SU-004 approved with revised conditions.**

2. Update on Landfill

BZA Attorney, Jerry Shine, introduced Mary Solada, the Attorney representing Madison County regarding the Landfill and KCCA/JM Corporation matters. Ms. Solada updated the Board regarding the status of the case and discussed alternate zoning techniques in dealing with landfills (high impact uses).

Mr. Shine informed the Board that the County Commissioners passed a resolution thanking Bill for his time and services, and I just feel that the BZA needs to thank Bill for the time and efforts for what he has done as a member of the Board of Zoning Appeals and as our Acting Director.

Member Orick moved to officially record utmost appreciation for the many years of fine service that Bill Maxwell has given to Madison County, to the Board of Zoning Appeals, to the Planning Commission, and to the Planning Department as Acting Director several time and for your continued service and concern for the citizens of Madison County. Member Hobbs seconded the motion.

Chairman Baker asked if this should be in a certificate.

Member Orick stated that it should be an official letter from the Board of Zoning Appeals, signed by all of the members officially congratulating him and thanking him for his service.

### **ADJOURNMENT**

Member Durham moved for adjournment. Chairman Baker adjourned the meeting.

Adjournment: 10:40:29 A.M.

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Mary Jane Baker, Chairman

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Elizabeth Bruns, Board Secretary