

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, John Simmermon, Bill Maxwell, and Rick Durham.

Members Absent: Bill Hobbs

Also Present: Ken Ellis, Planning Director, Gerald Shine, Jr., Attorney, and Elizabeth Bruns, Board Secretary.

### **CURRENT BUSINESS**

1. Pledge of Allegiance
2. Prayer – Member Durham
3. Roll call taken with one member, Bill Hobbs, being absent.
4. The minutes for July 26, 2011, were mailed to each member prior to this meeting. Member Maxwell made a motion, seconded by Member Simmermon, to approve the minutes as presented. Vote was unanimous in favor of the motion.

### **NEW BUSINESS**

No new Petitions were filed.

### **MISCELLANEOUS**

- 1. Review of Petition 2009-SU-004, Horse Breeding Facility and Training Center, Petitioner: Leigh Ann Richwine. This property is located at 5255 North 350 East.**

Director Ellis stated that he and the Building Inspector visited the subject property yesterday. There were eight conditions originally placed on this approval, at the last meeting the concerns were with the manure management and the status of the home. It looks like the manure management, on that day, was well under control, and I don't believe we've received any complaints recently on the manure. The main focus yesterday was the house.

Mr. Shine stated that this Petition was approved back in April of 2009, and there were eight (8) conditions placed on this petition at that time.

Director Ellis stated that at the last meeting, the Board was concerned with the manure management and the status of the home.

Building Inspector, Rick Alkove presented pictures of the plumbing and electric work that has been installed since August 4th in the residence, and he stated that the building is nearly

complete on the rough-in stage. There are a few more plumbing issues and the service to the house was not put in yesterday when we were out there, but will be done very soon.

The septic system has been installed, inspected, and approved. The well is also completed.

Director Ellis stated that the building permit expires on the 3<sup>rd</sup> of September.

Leigh Ann Richwine: I am the owner of this property; I live at 406 Stoner Drive. This is a boarding facility not a training facility. We do not live in the barn, but as I have said before, we do have an area where we can stay and observe these horses, someone is always with them. There is no manure on the ground at this point, and we built a ramp that goes right into the back of a dump truck so weather is not an issue and the truck is dumped almost daily. I checked with Hoosier Park and they laughed at me. We have a local farmer that uses our manure. I have looked into several different companies, I've yet to find anyone that is reasonable, we seem to benefit as well as the farmer benefits from the amount of manure that we are able to bring out of the barn.

Member Maxwell made a comment that the manure is not that big of an issue to him as long as it is off the property.

Director Ellis stated that it's his understanding that the permits were issued at the same time, and our Inspector was not aware of the issue of the residence having to be completed first. This is our fault, and what we are requesting today is that we extend the permit for the residence to give her time to complete the construction.

Mr. Shine stated that he just has a discussion with Ms. Richwine and she said that she fully believes that she could have the house completed by June 1<sup>st</sup> of next year.

Member Maxwell made a motion to review this at our January BZA meeting, to see the progress, and agree to extend the building permit until the January 2012 meeting.

Member Durham seconded the motion. Roll call taken, vote was unanimous in favor of the motion. **Petition 2009-SU-004 to be reviewed in January 2012, and the Building Permit to be extended until January 2012.**

**2. Review of Petition 2010-V-005, Greenhouse, Petitioner: Bucklew Properties, LLC by Keith Bucklew. This property is located at 8577 Old Fort Road.**

Mr. Shine stated that this was approved August 24, 2010; the request was to provide for the construction of a 2,300 square foot building to be located on a single family dwelling lot. There were various conditions placed on this approval.

Director Ellis showed the Board pictures of some of the other properties coming in on Old Fort Road, and stated that he found various sizes of plantings in the neighbor's front yards.

When we went out on August 4<sup>th</sup> and took pictures, all of the conditions had not be met, so we then returned on the 22<sup>nd</sup> of August to take photos of the progress made to meet the conditions.

The entrance of the driveway was measured at 27' and the gravel turnaround is 48'. I measured the building and it is 60'.

Keith Bucklew, 8577 Old Fort Road, we purchased the property back in 2009. Initially we put the plant boxes in the front yard, because some of the plants required shade and when the greenhouse was constructed we moved the plants there. The majority of the front of the property is clear at this time. We have now met the conditions that were placed on this approval.

My name is Patricia Smith; I live at 8578 West Old Fort Road. He waited until Sunday night to clean up the front yard, at the expense of sleep for all the neighbors. My grandchildren were trying to sleep and he was running heavy equipment until after 10 p.m.

My name is Debra Dile, 8549 West Old Fort Road. He has taken stakes and put them down on the property line. I have five grandchildren, and if one of them would fall down on the stake, it would kill them.

My name is Penny Benge; we live at 8554 West Old Fort Road. His wife brought our puppy back one day and asked that we keep the puppy at home, so we installed an invisible fence. My concern is this is a business and not a hobby. They have more weeds than plants and they are as tall as me.

Member Durham, addressed the conditions that were placed on the approval at which time Mr. Bucklew stated that he has met all of these conditions.

Member Durham left the meeting at 10:00 a.m.

Chairman Baker read the letter that Mr. Bucklew placed in the mailboxes of all neighbors last year.

Mr. Shine stated that the Special Use Petition was for a commercial greenhouse; however we can control safety issues.

Discussion held by Board Members on the necessity of a fence.

Keith Bucklew stated that they purchased chain link fence 6' high. We have the fencing purchased, just don't have all of the poles. The stakes were there to see how far off the property line the planting boxes were. We would put the privacy slats probably on the first 150' to 200' but not the whole 600'. We don't have a plan to put any fence on the front yard or the west side.

Member Simmermon made a motion to approve the permanent greenhouse at 60' with the condition that a fence be erected along the east property line. This fence is to be in place by the November BZA meeting. Privacy slats need to be added to the chain link fence, but will not be required to be placed in the fence by the November 22<sup>nd</sup> meeting.

Member Maxwell seconded the motion. Roll call taken, vote was unanimous in favor of the motion. **Permanent approval of the existing greenhouse is to be granted if the fence condition is met by the November BZA meeting.**

If the fence is erected by the deadline in November, there will not be a need for the Petitioner to come before the BZA Board at the November meeting.

Chairman Baker moved to adjourn the meeting.

Adjournment: 10:32:24 A.M.

---

Mary Jane Baker, Chairman

---

Elizabeth Bruns, Board Secretary