

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

Members Present: Mary Jane Baker, John Simmermon, Bill Hobbs, Rick Durham, and Amanda Bousman.

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

Absent: Director Newman

CURRENT BUSINESS

1. Prayer – Rick Durham
2. Pledge of Allegiance
3. Roll call taken with all members present
4. Chairman Baker stated that the minutes of the August 26, 2014 meeting have not been completed and we will present those next month for approval.

NEW BUSINESS

1. Petition: 2014-V-008
Address: 13557 North 100 West, Alexandria
Location: W side of 100 West, approximately .38 of a mile s of 1400 North
Petitioner: Gary & Debra Allen
Land Owners: Gary & Debra Allen
Zoning: AG
Request: Variances for 2 residential wind towers to exceed the maximum structure height.

Mr. Westerfield, Planner, stated that this Petition was continued at the August 26, 2014 meeting. Mr. Hayes is here today representing the Petitioner. This Variance is to allow two wind turbines on Mr. Allen's residence to produce power for his pool and all other buildings on his farm.

Discussion held on where these towers are being placed and the proximity to the buildings. Mr. Hayes stated that they are close enough to fall on the buildings, but if the wind exceeds 120 mph more than likely there are going to be larger problems than if the tower falls on the building.

Mr. Hayes stated that any power generated by his turbines that the Petitioner does not use creates a credit on his account and the power would feed on down the line to the next home requesting power.

There were no remonstrators present.

Member Simmermon made a motion, seconded by Member Hobbs, to approve Petition 2014-V-008 per Staff's Finding of Facts. Vote was unanimous in favor of the motion.

Petition 2014-V-008 approved.

MISCELLANEOUS:

Member Simmermon requested Mr. Westerfield to give an update on the CAFO Ordinance, and the discussion that was held at the last Planning Commission meeting. Mr. Westerfield stated that we had met Farm Bureau at their request on some items that we currently have in our CAFO Ordinance that are not necessary as the State Chemist and IDEM are in charge of monitoring. We are looking to remove these items from the Ordinance and will then present it to the Planning Commission Board and then the Commissioners for approval.

Attorney Graham said that The Planning Commission has authorized me to draft an Ordinance that is to be reviewed at the next Planning Commission meeting, which will eliminate our oversight of CAFOs. What happened in the meantime is jurisdiction for these CAFOS was transferred to the Office of the State Chemist at which point our oversight became superfluous. Farm Bureaus fear is that it might retard the development of CAFOS in this County. They not only think they have to answer to the State but also the County on these CAFOS. We are simply going to remove these from our Ordinance because it is not something that we have the manpower or the expertise to monitor. Everything is being monitored by IDEM and the Office of the State Chemist.

Member Simmermon stated that IDEM and the State Chemist do work together, and come out about every other year to monitor all of your records and buildings. Obviously they would come out immediately if you had a spill. There was a lot of overlap with the inspections and this is something that IDEM and the State Chemist are overseeing. I just wanted to bring this up because in the past the CAFOS have come before this Board for approval.

Attorney Graham stated that this would be heard at the next Planning Commission Public Hearing and then at the Commissioner's meeting a few days later. Mr. Graham also stated that Farm Bureau was very complimentary of our Ordinance and said that a lot of other Counties have copied our Ordinance.

ADJOURNMENT: 9:20:38 a.m. by Chairman Baker

Mary Jane Baker, Chairman

Elizabeth Bruns, Board Secretary