

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, and Bill Hobbs.

Members Absent: Shirley Aubrey.

Also Present: Michael Hershman, Executive Director, Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken and one member, Shirley Aubrey was absent.
2. The minutes of the November 22, 2005 meeting was distributed to each member prior to the meeting. Mr. Maxwell made a motion to approve the minutes. Ms. Baker seconded the motion. The vote was unanimous in favor of the motion. There was no meeting in December 2005.

New Business

1. Petition #444 of Keith and Stacey Hollendonner for a variance to build an accessory building in front of the primary building. This property is zoned AG and is located on the east side of Co. Rd. 250E approx. 1/8 mile north of Co. Rd. 1100S in Adams Twp. and containing 7.125 acres, more or less.

The board was informed the following Petition #445 is also connected to this and they would be heard at the same time but voted on separately.

Stacey Hollendonner, 10832 S 250E, Markleville.

Mr. Hershman said, on the east side of 250E, houses characterize the area. The west side of 250E is a field. The site is a house, with the existing pole barn. The applicant has already started work on the pole barn. There appears to be either a ditch or wetlands area next to the new pole barn. The applicant is going to use the proposed building for storage.

The applicant is also applying for a variance for side setback relief. There is an existing accessory structure in front of the residence. The applicant is going to use the proposed building for storage. The existing pole barn is closer to the road than the proposed barn. The proposed barn will meet front yard setback requirement.

The applicant is also applying for a variance to allow an additional accessory structure to be placed in front the residence. The applicant is making the request in order to set the structure 5 feet from the side property line. The required setback is 25 feet from the side. The applicant is going to use the proposed building for storage.

Mrs. Hollendonner told the board they have the support of their neighbors for the project.

Mrs. Hollendonner said, their home is about 700 feet off of the road so building in front of the house is really the only logical place because that is where the driveway is. The septic field is in back and to the side of the barn there is a wetland that cannot be built in.

When we came in to apply for the building permit we learned we needed to file for a variance first. We had already obtained the material and the people to help us build so we needed to get started and that's why the structure was started.

Mrs. Hollendonner was informed they should not have proceeded with the construction until this hearing had taken place.

There were no remonstrators present.

After some discussion by the board, Mr. Maxwell said, I would move to approve Petition #444 of Keith and Stacey Hollendonner for a variance to build an accessory building in front of the primary building. They already have a barn in front of the residence. The home is pretty well back. Mr. Hershman said the husband said there was septic in the back that would create a problem putting the barn back there. And as far back off the road as it is --- there are a lot of places in the county that has their buildings out front like this with the layout. I don't think it will be injurious to the public health, safety, morals and the general welfare of the community. It is not going to affect the adjacent property in value with the building being in front. With the fencing they already have I can understand why they chose this place. I am just really concerned about the procedure that was taken building before the legal part was done.

Ms. Baker seconded the motion. The vote was unanimous in favor of the motion. **Petition #444 of Keith and Stacey Hollendonner for a variance to build an accessory building in front of the primary building was approved.**

Mr. Randall said, I would like to point out, it was an illegal procedure. It should have been all approved and a building permit obtained, including the variances to get a building permit before anything was ever started. I don't think this should be in any way construed as an approval of this board for any others that come before us. In this particular one case due to the circumstances we are approving it. But we do not like it.

2. Petition #445 of Keith and Stacey Hollendonner for a variance for side setback relief.

This property is zoned AG and is located on the east side of Co. Rd. 250E approx. 1/8 mile north of Co. Rd. 1100S in Adams Twp. and containing 7.125 acres, more or less.

Stacey Hollendonner was present representing this petition.

There were no remonstrators present.

Mr. Maxwell said, I would move to approve Petition #445 of Keith and Stacey Hollendonner for a variance for side setback relief. I don't think it would be injurious to the public health, safety, morals and welfare of the community. It will not affect the value of the adjoining property owners. The barn appears to be next to a property line that is unusable for the neighbors as far as building on it. I still am not pleased with the procedure that took place.

Ms. Baker said, I would like to amend the motion to say, this should not set precedence in any way and even though I don't like it I will second the motion. The vote was three yes; Baker, Maxwell and Randall. One no; Hobbs. The motion carried. **Petition #445 of Keith and Stacey Hollendonner for a variance for side setback relief was approved.**

3. Petition #446 of Randy and Karen Scott, owner, and Roy's Recycling, Inc., petitioner, for a special use for a gypsum recycling center. This property is zoned AG and is located on the southwest corner of Co. Rd. 400N and Co. Rd. 300W in Lafayette Twp. and containing 61.9 acres, more or less.

Mr. Hershman said, along 400N, houses characterize the area. A mixture of fields and houses characterizes the rest of the surrounding area. The site is a farmstead with a house, several barns, and silos. There was a pile of debris located behind the barns. Further, one of fields was covered with a white substance.

On January 17, 2006, staff received a complaint about drywall being dumped on the property. On January 19, 2006, staff confirmed that 2 piles of drywall had been dumped south of and in front of the barns.

According to the applicant, they have applied for, but not received approval from the Indiana Department of Environmental Management (IDEM). The permit was applied for in December and takes 90 days for review. It should be noted that part of Randy Scott's business, who is the property owner, involves removing scrap and unused drywall from job sites. This is at least part of the scrap drywall that is to be used in the gypsum recycling. Up to this point, the business had been dumping the scrap drywall in landfills. Further, it appears that the ground up drywall has been spread on part of the property. During Mr. Scott's conversations with staff, he mentioned a business contact in Muncie that was interested in buying the gypsum. One of the concerns that staff has is whether other people/businesses will be bringing this scrap and unused drywall to the site. According to the applicant's representative, there is a possibility of others bringing scrap drywall onto the property in the future. Another concern is where the drywall/gypsum is to be stored before processing. Again, according to the applicant's representative, the drywall will be stored in the hoop buildings.

From reading through the submitted information, it appears that farmers and other interested parties would be coming to the site to buy and/or pick up the gypsum. An additional question that staff has is where would these people park and/or load the gypsum? Currently, a single lane, gravel driveway is serving the property. According to the applicant's representative, the customers will use the existing driveway.

Randy Scott, Jesse Pullman, Land Planner and Max Skelton, Attorney were present representing this petition.

Mr. Pullman said, Mr. Scott wants to recycle gypsum. Mr. Scott owns Roy's Recycling. The property is approximately 60 acres in size. Mr. Scott only wants to use approximately six acres for the use. Mr. Scott intends to sell the processed gypsum to local farmers.

The way gypsum is recycled is, you collect the scrape wallboard from new construction sites and then you reduce that from the wallboard form into a processed powder and then the powder is applied to the fields. There are other uses of the gypsum also.

There will be a four to five foot tall mounding around the proposed area. There will also be landscaping around the mound.

IDEM has to provide a permit that would allow Mr. Scott to be able to recycle gypsum on his property. Mr. Scott has applied for this permit.

The purpose is consistent and it compliments the surrounding agricultural community. It benefits the soil.

There is a large farmer in Delaware County that is interested in this product.

The following are the remonstrators and their concerns:

Jason Quinnbe, 3214 W 400N.

Mr. Quinnbe told the board he lives just northwest of the property. Right across the road.

Mr. Quinnbe presented the board with pictures of the ground in question.

Mr. Quinnbe said, his concerns are, the product that is there is not ground up, paper is blowing everywhere, traffic, smell, dust, etc.

Jason Green, 4224 N 300W.

Mr. Green said, my concerns are, dust, water, traffic, load weight, etc.

David Robinson, 3335 W 400N.

Mr. Robinson said, the roads that are there are in very bad shape as it is. What kind of traffic will be on this road and their load weight?

Carol Hall, 2384 W 375N.

Mrs. Hall said, I agree with everything that has been said before me. I am also concerned that this has been going on for three or four months. It is breaking apart and all the debris is blowing our way and into our field. How can we stop this now?

Dave Sprong, 12811 N Walnut Street, Muncie, IN.

Mr. Sprong said, I am the client of Mr. Scott. I buy gypsum now. I spread it as fertilizer. I buy up to 800 tons a year. It is used more right now in northern Indiana. It is a valuable fertilizer. I would like to see Mr. Scott obtain this exception. I farm approximately 3400 acres. I due have the equipment to come and purchase the gypsum and transport it back to my farm.

So, I am very much in favor of this operation.

Hanzel O'Neil Hendricks, 4018 N 300W.

Mr. Hendricks informed the board this is northeast of this location.

Mr. Hendricks said, my concern is, the depreciation of my land value.

Barbara Davis, 4985 N 300W.

Mrs. Davis said, this is at the intersection of 500N and 300W.

Mrs. Davis said, what would happen if his business increases? This will increase the traffic in the area.

Mr. Skelton replied, there would be only two truck trips per day. The product will be stored inside the building as it is not good for it to get wet. This will stop the blowing of the product. There will be no outside storage. There is no hazardous material that would be brought to the property. IDEM only allows 1500 tons to be hauled. It would be no more than the loads farmers would transport.

Mr. Pullman said, we would like a continuance for 60 days in order for us to address the issues.

Mr. Hobbs said, I move to deny Petition #446. I do believe it has the potential to injurious, harmful to the safety, and morals and general welfare of the area. I do think, it does tend to injure other properties in the vicinity. It is not consistent with the character of the zoning district.

This motion died for lack of a second.

Ms. Baker said, I would like more information concerning the permit from IDEM, a detailed site plan, the City of Anderson Water Division will be notified and there shall be no more dumping until this is resolved.

After some discussion by the board, Ms. Baker said, I would move to table Petition #446 until our March 28, 2006 meeting.

Mr. Maxwell seconded the motion. The vote was three yes; Baker, Maxwell and Randall. One no; Hobbs. The motion carried. **Petition #446 of Randy and Karen Scott, owner, and Roy's Recycling, Inc., petitioner, for a special use for a gypsum recycling center is tabled until the March meeting.**

Mr. Shine informed the board he has filed on the Wyant property down by Lapel again.

4. Miscellaneous

Election of Officers: Mr. Maxwell made a motion, seconded by Mr. Hobbs to table election of officers, as there is a member absent. The vote was unanimous in favor of the motion.

It was the consensus of the board to adjourn.

Adjournment: 11:18:44 A.M.

John Randall, Jr., Chairman

Beverly Guignet, Secretary