

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: Bill Maxwell, Mary Jane Baker, Shirley Aubrey and Bill Hobbs.

Members Absent: John Randall, Jr.

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

CURRENT BUSINESS

1. Roll call was taken and one member, John Randall, Jr. was absent.
2. The minutes of the preceding meeting will be acted on at the next BZA meeting.
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. This Petition was tabled at the January 24, and the March 28, 2006 Board of Zoning Appeals meeting.

Steve Hardin, Attorney was present representing the petitioners.

The board took a few minutes to look over the commitments that were submitted this morning.

As board member, John Randall was not present today, Mr. Hershman read his views on the commitment that were presented today by the petitioners. (Commitments are on file in the Plan Commission office). Mr. Randall had some changes that he wished to be made and that the commitments are recorded.

Mr. Shine said, I feel we should do the recording but at the expense of the petitioner and that way we know it gets recorded.

Mr. Hardin informed the board they have spoken to the city about the water issue that was brought up at the January meeting and everything is fine.

We tried to get everything in the commitment letter that the board had wanted.

This operation will have a review in one year if approved.

Mr. Hobbs said, I would like to see it limited to the amount that can go on his fields.

Sue Morgan, Township Assessor, 4248 N 150W, Anderson, IN was present representing some of the neighbors in the area.

Mrs. Morgan said, most of the people that were here in January are working people and couldn't be here today. So, I am here today speaking for them.

I have gone out and measured the barn and it has increased in size. Two gentlemen had wondered if Mr. Scott was grinding now because the lights are at night in the barn and dust was flying. When I was out there, there was a lot of dust on the ground.

We are also concerned about the wells. I think there needs to be a chemist or someone to answer some of the peoples concerns.

Mr. Hobbs replied, the concentration that they would put down could take at least two hundred years to ever make any kind of an impact.

Mr. Hobbs said, I make a motion to approve Petition #446 of Randy and Karen Scott, owner, and Roy's Recycling, Inc., petitioner, for a special use for a gypsum recycling center with the changes in the commitments. These commitments shall run with the land and be binding on the owner of the real estate only. Maximum 1,500 tons of gypsum shall be processed annually. There shall be no employees of the gypsum recycling used outside immediate family. All storage of unprocessed wallboard shall be confined to an enclosed permanent structure. Four to five foot wall, tall mounding shall be installed by December 1 of 2006 and maintained along the perimeter of the yard as shown on the attached site plan. Landscape planting shall be installed by December 1, 2006 and maintained on and around the mounding to include a mix of evergreen and deciduous trees. No more than two tons per acre of processed gypsum may be applied to the 61-acre real estate during a three-year period. In addition, any land application of the processed gypsum to the real estate, shall be further limited to no more than is recommended by a reputable agronomist based up on soil testing. I would like for our attorney to reword that so that the two tons per acre in three years takes precedence over anything that the agronomist might come up with.

At the May 2007 Board of Zoning Appeals meeting the owners agreed to provide a detailed update regarding the gypsum recycling use to allow the board to review and confirm that all commitments are being met. The owner agrees too notify the public of this hearing pursuant to the boards rules. If the board reasonably determines that the commitments are not being met then the board may revoke the approved gypsum recycling use as per Petition #446 or extend the review period for an additional year. The owner shall only operate the gypsum recycling use as per his commitments and in compliance with any applicable State regulations or laws including but not limited to a current and valid Indiana Department of Environmental Management permit allowing such use.

Mrs. Aubrey seconded the motion.

The vote was two yes; Aubrey and Hobbs. Two no's; Baker and Maxwell. The motion died.

Mr. Hobbs made a motion to table Petition #446 until next month. The motion died for lack of a second.

Mr. Hardin asked what else they could do to satisfy the board.

Ms Baker said, I was with the understanding that this operation was not going to start at all until we had gone through the process of the variance. I did not get a straight answer to that from Mr. Scott to whether he was or was not operating this equipment. That is the main reason for my vote.

Mr. Maxwell said, as I stated at the very first meeting the biggest issue I had was the dust affect the neighbors, the City well across the street still bothers me as well as the neighbors adjoining this property. I am really also concerned that we can't police them. I think the 1500 hundred tons per year would not hurt.

After some discussion by the board Mr. Hobbs again made a motion to approve Petition #446.

Mrs. Aubrey seconded the motion.

The vote was three yes; Maxwell, Aubrey and Hobbs. One no; Baker. 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 was approved.

New Business

1. Miscellaneous: Mr. Shine said, I had a discussion with the attorney for KCCA and also for the Anderson Community Schools. He has received authority to dismiss their pending litigation on behalf of the KCCA and on behalf Mr. Wilkinson. He also represents the school corporation and he has not received any permission from them. They are in discussions at this time.

Mrs. Aubrey made a motion, seconded by Mr. Maxwell to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 10:27:28 A.M.

Mary Jane Baker, Chairman

Beverly Guignet, Secretary

