

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, John Randall, Jr., Mary Jane Baker, Shirley Aubrey and Bill Hobbs.

Members Absent: None.

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

CURRENT BUSINESS

1. Roll call was taken and all members were present.
2. The minutes of the preceding meetings were distributed to each member prior to the meeting. Mr. Hobbs made a motion to approve the minutes. Mr. Maxwell seconded the motion. The vote was unanimous in favor of the motion.

New Business

1. **Petition #479 of George Likens, landowner, and Willemsen Dairy, petitioner, for a special use for a confined feeding operation.** This property is zoned “AG” and is located on the south side of Co. Rd. 500N approx. ½ mile west of 600W in Jackson Twp. and containing 55.105 acres, more or less.

Mr. Hershman said, informed the board there is a letter from Gordon Buyers, Attorney for the petitioners. (Copy of letter on file in the Plan Commission office).

Mr. Hershman informed the board the petitioners are asking for a continuance until they can provide the IDEM perm and accompanying documents.

Mr. Shine said, as one of our requirements in our rules and regulations are, they have to have all State permits. The State permit has not been granted.

Mr. Hershman then presented each board member revised site plans and the IDEM permit application.

Mr. and Mrs. Willemsen, Gordon Buyer, Attorney and two consultants were present representing this request.

Mr. Buyer said, I am here representing Willemsen Dairy, LLC.

We consulted with the Plan Director and Mr. Shine and we all came to the same conclusion that we would need the IDEM permit to be completed before going further.

IDEM may be completed in a 90-day time frame. That would perhaps put us into the November meeting. It could be sooner but could also be later.

We will keep your staff posted on the progress and with the documents.

Mr. Randall said, I think the ideally thing to do would be just continue it at this point but considering the number of people out here in the audience who have probably taken time off from work to be here. If they have comments I think it would be a hardship for them to come back another time we might hear those people and then if there are changes in things that are presented by IDEM that would make them want to comment later we could.

Mr. Maxwell said, I have mixed feelings about hearing things today and hearing things when the meeting is final. One is, people are here that might not be able to make it next time but until any petitioner presents their stuff to the board, to the public, that will bring up new comments by the public and by the board --- if we table this today at the next meeting we will have questions and the public will have questions so we will be hearing twice the same thing. So, I --- although they are here and I would like to hear what they have to say I still think it would be a rerun the next time. So, I would be in favor of just waiting till it's heard.

Mr. Randall said, I think to really follow our rules and regulations we should just continue it at this time.

After some discussion by the board the petitioner had said 90 days was a reasonable time for this to be continued.

Mr. Maxwell said, I make a motion to accept the Petitioners request to table Petition 479 for 90 days, which would be the 4th Tuesday in November.

Mr. Hobbs seconded the motion.

The vote was unanimous in favor of the motion. **Petition #479 of George Likens, landowner, and Willemsen Dairy, petitioner, for a special use for a confined feeding operation has been tabled until the November meeting.**

2. Petition #478 of Gary & Pamela Glass for a variance to place an accessory building in front of the primary building. This property is zoned "AG" and is located on the east side of Co. Rd. 300W approx. ¼ mile north of SR 28 in Monroe Twp. and containing 12 acres, more or less.

Gary and Pamela Glass were present representing this request.

Mr. Hershman said, fields and scattered houses characterize the surrounding area. The site is a house lot. Construction of the barn has already been started.

Staff has received proof of proper notification. Staff has received reports that the Glasses ran a machine shop from the property they were living in prior to this one.

The property is a replatted mini plat lot, which accounts for the location of the house. The property does slope toward the rear. The applicant has applied for a building permit for the structure. The proposed structure does meet the side and rear setback requirements.

Mr. Hershman informed the proper notification was given.

Mrs. Glass informed the board they live at 12516 N 300W, Alexandria.

Mrs. Glass said, the building that we are in the process of putting up is currently in plans for personal needs. If we do plan to place our machine shop on this property we will ask for a variance or a rezoning which would be the proper paper work to go through.

We are in the process of looking at another location for our machine shop. But if that doesn't work we will do something.

Mrs. Aubrey asked if they were going to have water in that building and where would the run off go.

Mr. Glass replied, they will have water to the building but had not thought that far about the run off. We are just wanting to get a structure up so we can get some of our stuff moved out and organized.

There is no sewer at this location.

Mr. Hershman said, the petitioner has been made aware that if they try to rezone the property to allow for a machine shop they would need public water and sewer to the site or seek a waiver or a variance to these requirements.

Mrs. Glass said, this will be a 40' x 75' all steel building that at this point we want to store our lawn equipment, we have a trailer, an older vehicle that we want to refurbish, just different personal things that we need that for.

Mr. Hershman informed the Glass's they would have to comply with the applicable inspections, meet the applicable zoning and building codes on this building.

Cliff Berry, 12503 N 300W was present.

Mr. Berry informed the board he lives just south of the Glass property.

Mr. Berry said, my wife's main concern was if he's building the building to house his machinery in, our main concern was the traffic, and the noise. After talking with the Glass's it has minimum our concerns. If what he is telling us is true then I don't have a problem with it.

Mr. Maxwell said, at our last months meeting the machine shop was not mentioned as part of this. It was suppose to be for personal storage so they could get out of their other home. I think that was a little misleading to us. I think all along their intentions were for a machine shop.

Mr. Hershman said, the staff had concerns about potential in the fact that they would put a machine shop in there without approval we would have to engage the violation process which could potential wind them up in court.

There were no remonstrators present.

Mr. Randall said, I would move that Petition 478 be approved as a personal building not as a business building and it shall not be used as living quarters or as a business unless they go through and get the proper rezonings or variances in order to accomplish that.

It is not going to be injurious to the public health, safety or general welfare. I think it would not affect the adjacent properties. Strict applicant of the Zoning Ordinance present a real practical difficulty in that the house is built on the back end of the property along the creek. There is nowhere you could put something that would not be in front of the house. This was approval for personal use and any other use would have to get permission.

Mr. Maxwell seconded the motion.

The vote was three yes; Maxwell, Aubrey and Randall. Two no's; Hobbs and Baker. The motion carried. **Petition #478 of Gary & Pamela Glass for a variance to place an accessory building in front of the primary building was approved.**

2. Miscellaneous: Nothing was presented.

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

Adjournment: 9:31:31 A.M.

Mary Jane Baker, Chairman

Beverly Guignet, Secretary