

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, Judy King, Plan Reviewer, 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. Maxwell made a motion to approve the minutes. Mrs. Aubrey seconded the motion. The vote was unanimous in favor of the motion.

New Business

Mr. Hershman said, there has been a request by the Collins to go first.

Mr. Simmermon the first petition scheduled to be heard informed the board he did not mind if the Collins wished to be heard first.

2. **Petition #482 of Tony E. and Tracey D. Collins for a special use to expand a legal non-conforming use.** This property is zoned “AG” and is located on the northwest corner of Co. Rd. 900N and Co. Rd. 100W in Monroe Twp. and containing 5.53 acres, more or less.

Mr. Hershman informed the board there has been a problem with the notification.

Mike Dauss, Architect was present representing the petitioners.

Mike Dauss, 227 Historic West 11th Street, Anderson, IN.

Mr. Dauss informed the board members that the notice was given to the newspaper in plenty of time for the advertisement to run but the paper called and said they forgot to run it.

Mr. Dauss said, under Indiana Law I understand this cannot be heard unless advertised in the proper manner.

There were no remonstrators present.

Mr. Maxwell said, I would move to accept the petitioner’s request to continue Petition #482 until the regularly scheduled meeting in October and that certified letters to the surrounding property owners does not have to be resent.

Mr. Hobbs seconded the motion.

The vote was unanimous in favor of the motion. **Petition #482 of Tony E. and Tracey D. Collins for a special use to expand a legal non-conforming use has been continued until the October meeting.**

1. **Petition #480 of Simmermon Farms, Inc. for a special use for a confined feeding operation.** This property is zoned “AG” and is located on the south side of Co. Rd. 300N between Co. Rd. 600W and Co. Rd. 700W in Jackson Twp. and containing 366.5 acres, more or less.

Mr. and Mrs. Simmermon were present representing this petition.

Mr. Hershman said, fields characterize the surrounding area. The site is a house, with structures related to the existing swine operation on the property.

Staff has received proof of proper notification

The proposal amounts to an expansion of an existing facility. The applicant will be adding a new building and 56 sows/boars. The facility will be used for gestation/boars. The applicant does have Indiana Department of Environmental Management NDPES permit.

It should be noted that like Willemsen, since the proposal is an expansion of an existing operation, the Board should consider the entire operation. Staff does have a questions regarding how much water will be used by the facility.

John Simmermon, 9538 W St. Rd. 32, Lapel.

Mr. Simmermon said, the first thing I would like to say is, this is not a CAFO. This is a CFO.

Mr. Simmermon presented a document showing the difference between the CAFO and the CFO. (Document on file in the Plan Commission Office).

Mr. Simmermon told the board he has also sent two letters to his neighbors, the school and has received only good feedback.

Mr. Simmermon told the board he is replacing an old building with a 20' x 180' building.

Mr. Simmermon said, we have a permit number ID-2389 that was issued August 21, 2006.

We will have a total off 860 head, 108 sows and litters beside the 860 and then 2,125 nursery pigs.

We had a soil scientist out and he said the soil is mainly clay and will drain well. IDEM is recommending that we put out a 300-foot soil berm around the lowest part of that area.

We will also spread the manure on our property and some local farmers have said they would also like to have manure spread on their property.

I would like to state that we would agree to abide by all the staff recommendations. Also, in the staff recommendations on the setbacks of 500 feet we are asking that maybe you could come up with a new set of rules. We would also like protection just as much as somebody building a new house would. If you are putting in there that you want the farm to be 500 feet away from the house we want to be sure they can't build a new house within 500 feet of a hog building.

There were no remonstrators present.

Mr. Hobbs said, I make a motion that we approve Petition #480 with Finding of Facts that this would not be injurious to the public health, safety, morals, and general welfare of the community. It is an operation that already exist. As long as conditions are established regarding manure application the wells and the public should not be affected. The requirements and development standards will be met. The use is located on more than 40 acres. The purposed building will be setback more than 100 feet. This use is more that 1,300-foot from a residential zone. Surrounding area is agricultural in character. It meets the current CFO's with the Special Use District. Further the proposal does go with the agricultural use and the applicant has agreed to the Findings of Fact which 14 Finding of Facts that have been submitted to him already.

Mrs. Aubrey seconded the motion.

The vote was unanimous in favor of the motion. **Petition #480 of Simmermon Farms, Inc. for a special use for a confined feeding operation was approved.**

3. Miscellaneous – Mr. Hershman informed the board there is a meeting in Alexandria, at the 4-H building at 6:30 P.M. on September 28. IDEM will there and will be a joint meeting of all three.

Mr. Hershman said, the Fair Oaks filed trip, I have contacted them and we need to set a date for that.

Fair Oaks is a dairy, CAFO operation in Rennsselaer.

Mr. Bolander, 8264 W 1300N, Elwood.

Ms. Baker asked Mr. Bolander if he new anyone that he knows that has this same lagoon system that Williamsen is planning to put in?

Mr. Bolander said, I do know that Fair Oaks Dairy does have a lagoon system. This does not remove all of the odor. The three-stage lagoon system is designed to minimize the odors and by the third stage you have virtually odorless water. No matter it's still going to smell like a dairy operation. That's the nature of livestock operations.

The lagoon system is managed in a way so that it does minimize the odor.

Ms. Baker said, it would be the lagoon system that the board would most interested in in getting more information on.

Mr. Bolander replied that he would see if he could locate one with the three-lagoon system and then get back with the board members so they could look it over.

After some discussion by the board it was decided to have a Special Meeting by the BZA for the ethanol plant, Tuesday, October 10, 2006 at 1:00 P.M. in the Commissioners Court, Room 110.

Mr. Hershman told the board the ethanol plant is requesting eight variances.

Mr. Shine said, Mr. Jarrett has filed a petition for reconsideration on his Findings of Fact. Copies of that have been provided to the board members. That was filed back on August 24. Pursuant to your instructions we have been waiting until our Planning Commission Subcommittee would make a recommendation to the to the Planning Commission.

That subcommittee has made a recommendation to the Planning Commission subject to Thursday's nights hearing when we will have IDEM here.

I have had a phone call from Mr. King who is representing the remonstrators and also from Mr. Jarrett's attorney wanting to know what the BZA wants to do. Have a hearing to reconsider this or what.

I would recommend that we would have a hearing and when we set that that would be up to the board.

Mr. Jarrett said, the regular schedule meeting of October 24 would be fine with him.

Mr. Hobbs said, I would move to hear Mr. Jarrett's request to reconsider the Findings of Fact at the BZA scheduled meeting of October 24.

Mr. Maxwell seconded the motion.

The vote was unanimous in favor of the motion.

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

Adjournment: 9:41:38 A.M.

Mary Jane Baker, Chairman

Beverly Guignet, Secretary