

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., Shirley Aubrey, Mary Jane Baker, 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 with the corrections as stated. Mr. Randall seconded the motion. The vote was unanimous in favor of the motion.
3. **Petition #517 of John Eicks, landowner and David Eicks, petitioner, is for Special Use to construct a garage for personal use.** The property is zoned "GI" and is located on the East side of Rangeline Rd. (200E) just North of 100S (Mounds Rd.) in Union Township, with the physical address being 2308 S. Rangeline Rd.

No one was present representing this petition.

Mr. Hershman informed the board there has still been no word from the Division of Water so,

Mr. Eicks would like for this to be continued, as this can some times be a lengthy process.

Mr. Eicks will be informed that he needs to submit a letter by next meeting.

There were no remonstrators present.

Mr. Maxwell made a motion, seconded by Mr. Hobbs to table Petition #517. The vote was unanimous in favor of the motion. **Petition #517 of John Eicks, landowner and David Eicks, petitioner, is for Special Use to construct a garage for personal use has been tabled.**

4. **Petition #518 of David & Cathy Grollimund, landowners and petitioners, Variance from setback requirements on 650S for the purpose of expanding grain handling/storage system.** The property is zoned "CR" and is located on the south side of 650S, east of 50W in Fall Creek Township, with the physical address being 335 West 650S, Pendleton.

Mr. Hershman informed the board this was tabled at the last meeting as there was not a quorum and they could not get the required votes needed.

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David Grollimund, 103 Ladino Lane, Pendleton.

Mr. Grollimund said, basically what we are looking for is a variance on the setback requirements along 650S. We would like to be able to build an additional one or two grain bins between the present grain bins and the road. The normal set back requirements is 60 feet and the right of way is 30 feet from the center of the road. We would like a variance of 22 feet from the normal 60-foot set back requirement. That would still leave us an eight-foot clearance from our building site to the right of way. There would still be 38 feet of set back.

This is not different that what the house on the corner to the west of us is. It wouldn't really change the clearance along the side of that road.

The board was informed a new site plan had been submitted and was included in their packet.

Mr. Grollimund said, we actually brought a drive in off the road directly to the dump pit. We don't have a drive around the west side and after rethinking that we probably would not put in a drive around the west side of the bins.

We will be just above ground to empty the bins and will continue to fill them overhead. The dump pit is where will fill them and use the leg to get up to it.

The smaller bin at some time will probably come out in the next several years. Then we plan on putting in a larger one.

There were no remonstrators present.

Mr. Randall said, I would, in view of that fact that this is an expansion of an existing operation and that around it are agricultural activities, on east of it and across the road from it. And that it would not interfere with any of those. And that just to the west of it, immediately to the west there is a private shop where they work on cars and then the house on the corner is part of that. So, this cannot interfere with anything that's going on in that area. And as such I would move that we approve it as presented to us in here for these two bins.

Mrs. Aubrey seconded the motion.

The vote was unanimous in favor of the motion. **Petition #518 of David & Cathy Grollimund, landowners and petitioners, Variance from setback requirements on 650S for the purpose of expanding grain handling/storage system was approved.**

**5. Petition #520 of Pilot Travel Centers, LLC, landowner and petitioner, variance from the requirement of connecting to public water service.** This property is zoned "GC" and is located on the NW corner of I-69 and SR 13 in Green Township, with the physical address being 7455 South SR 13, Pendleton.

Board member, Bill Hobbs rescued his self from Petition #520.

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Mr. Hershman said, this was tabled from the last meeting because they were supposed to meet with the attorney and also provide some additional information for us. This was regarding having some funding to run the public water lines. Since their staff has received a report from the Division of Water. They denied the request for construction in a floodway. Copies are on file in the Plan Commission office.

I have also talked to IDEM and if the new building employees 25 more people they would have to go to a non-transient, non-community permit.

Tim Ocks, Attorney, Indianapolis, IN.

Mr. Ocks is the attorney for Pilot Travel Centers, LLC.

Brad Alsup, Project Manager, 5508 Lonas road, Knoxville, TN was also present.

Mr. Alsup told the board the reason the petition from IDEM was denied was the application was incomplete. They asked for additional information and because of their statute they had to issue a denial. That information has been resubmitted and we are back on track with the DNR as far as their review goes. We anticipate no problems in getting the permit.

Mr. Hershman said, they have no other choice. We won't issue anything until the floodway issue is resolved.

Mr. Alsup said, I met on site with the IDEM Building Inspector and we walked through the site. Their thoughts were we have no problem with the construction. There were a couple of minor upgrades they wanted to the well and I agreed to those.

Mr. Ocks said, we have talked with Mr. Shine and that has been handed off and we are now in discussions with Jim Wilson, Attorney for the county.

We are looking at two possible options here in terms, hopefully, of county assistance. Madison County has an add on to their income tax for economic development and we could get an appropriation directly out of that. They are also looking at T.I.F. funds. This is a classic T.I.F. fund situation. The only hold up on that is just taxing and financing. The hold up on that was the extension of a 10,000-foot water line. It will be about 400,000 dollars. The administrative cost could be around \$50,000 to do that.

If we can do the T.I.F. fund we would reimburse the county for up to \$50,000 worth of the expenses. We would make that a written commitment. This would be a temporary variance because I think that most people that I have dealt with at the county level view this as a matter of time situation. And again we would agree to a written commitment that in lieu of the \$50,000 from the T.I.F. district we would tap in and also agree that if water was ever extended to within a quarter of a mile of this site that at that point in time we would agree to immediately take the steps necessary to extend the additional quarter of a mile and tap in to it at that point and time.

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This is a private company and if this is approved you're looking at an additional 400 to 500 thousand dollars of payroll, which would generate more taxes for Madison County. You are looking at doubling the assessed value of the premises, which generates additional real estate taxes for the county. They are not in the business of being a utility company. If this is not approved it is a deal killer. Four hundred thousand dollars to extend water kills this project.

It is not injurious to the public health. IDEM requirements make sure of that. It's not going to devalue property in the area. This is a true practical difficulty. Without this this project is not going to go.

I don't see any concern that this would set precedence. Each variance that comes before you is decided on it's own merits. This is a doorway to the county.

Dick Donnelly was present.

Mr. Donnelly said, it cost approximately \$25,000 to run the water line from 800S to the Ricker property.

Mr. Ocks said, we would pay our fair share.

Mr. Hershman said, Kleenco to the north had to hook up and pay.

Mr. Ocks said, if the well went bad we would be allowed to put in a new well. The well would be further away from the new construction.

Neal McKee, South Madison Utilities.

Mr. McKee said, the Indiana Regulatory Commission drove by April 25 for reimbursement. Developers have to do this every day. No one wants to be the first one to extend it. It is the most costly to get it to their site. That's why we have the Rule 25 so they can recoup their money. The time period on that could go between 10 and 15 years to their money back. So, there is an opportunity for them to get their money back. Rule 25 governs where the main extension goes and how far they extend. The extension would have to go to the farthest point on their property. It would have to go all the way across the front of the property.

I understand it is a lot of money but they will have the opportunity to get their money back. If a new developer comes in they would be required to hook up.

Dick Donnelly again said, you were all here when the Comprehensive Plan was done and the ordinances written. The purpose of the utility requirement was to keep people from building in the middle of a farm field or in the middle of nowhere. The Comprehensive Plan talks about growth at interchanges and around places like this. With growth it's a matter of timing. We all believe this interchange is going to develop. Unfortunately it is a contract that keeps Ingalls from extending their water line north of the Interstate. That's a contract between South Madison and Ingalls water company. For Shepherds Crossing, Jeff Hollon extended the water line from

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Rickers and the Waffle House and to the other two or three lots, for a cost in the neighborhood of \$35,000, which is reasonable in the terms of development.

I don't think the ordinance intended to prohibit reconstruction expansion of a site that is working. If this was a bare field I could understand the argument that Michael makes.

Madison County wants growth. We want quality development and by approving the development variance that you have you have said this is the type of growth that Madison County wants. I don't see how you can turn this down. If it wasn't an existing development that would be one thing but they are asking to invest in this community millions of dollars and I hope we can look at ways to accommodate them.

There were no remonstrators present.

Mr. Randall said, we have approved all the other variances that were requested for this reconstruction due to the fact that it does not interfere with anything else in the area, it is in an area that is zoned for this activity. And I think that we have discussed all this thoroughly with the other variances and I would move that we grant this variance to use the existing well and the current time to get the construction done and the business under way and then when ever water does become available within the quarter mile they would hook on to the water. I would move to approve Petition #520.

Mrs. Aubrey seconded the motion.

The vote was three yes; Baker, Randall, and Aubrey. One no; Maxwell. The motion carried.  
**Petition #520 of Pilot Travel Centers, LLC, landowner and petitioner, variance from the requirement of connecting to public water service was approved.**

Bill Hobbs rejoined the board.

### **New Business**

1. **Petition #534 of Tim & Karen Thomas, landowner and Dan Johnson, petitioner, for Variance to construct a garage in front of residence.** The property is zoned "AG" and is located on the south side of 650 South, west of CR 25E in Adams Township, with the physical address being 27 East 650 South, Pendleton.

Mr. Hershman said, scattered houses and fields characterize the surrounding area. This is a garage/residence and an outbuilding.

The garage already exists. The Department issued a permit for the garage in 1994. Staff became aware of the problem during the 1<sup>st</sup> inspection for the house. The inspection also revealed that the property owners were living in the garage.

Staff has received proof of proper notification.

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Tom Thomas and Dan Johnson were present representing this petition.

Dan Johnson, 8454 S St. Rd. 67, Pendleton, IN.

Mr. Johnson said, I am the general contractor for the Thomas's.

There is an existing garage that the Thomas's do occupy as their home. This was inspected twice. The reason for the variance is, on the northwest corner of the property the road makes a sharp turn and with that that makes this property have two frontages.

That will make the garage in front the dwelling on the west side. If your looking from the road down south the house will be in front of the garage. If you're looking from the road coming in the garage will be in front. It's just because of how the house is positioned.

Mr. Hershman said, the fact of the way the road runs there is no way to put house in front of the garage. It's the layout of the property and the road.

Mr. Thomas said, the site plan shows another garage but that will be several years down the road. The existing garage they are using as a residence, they will agree to have inspections done after the house is completed to make it a non-dwelling. There will be a bathroom in there for people who are in the garage and a tub to wash their hands and things of that nature. The cooking facility and all will be gone. There will be no business either. They would like to add on a laundry room at a later date. It would be 8' x 16'. We are ready to go on the new home.

Mr. Hershman said, we would hold occupancy on the house until we verify the garage is no longer live able.

Mr. Thomas said, I want to change the existing building in to a workshop for myself. This will be for my own personal use and not as a business. I will work on my own vehicles. We will attach a new garage to the new house.

There were no remonstrators present.

Mrs. Aubrey said, I move to approve Petition #534. It will not be harmful to public health, safety or general welfare. It will not affect the adjacent properties. It does met the standards set forth state and per the ordinances. However, I will stipulate no businesses at any time shall be done in that second garage and the existing garage shall not be used as living quarters.

Mr. Maxwell seconded the motion.

The vote was unanimous in favor of the motion. **Petition #534 of Tim & Karen Thomas, landowner and Dan Johnson, petitioner, for Variance to construct a garage in front of residence was approved.**

**2. Petition #532 of Fall Creek Christian Church, landowner and petitioner, for Special Use to construct an addition to the church's present facility.** The property is zoned "R-2"

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and is located on the north side of 700 South between 100W and 200W in Fall Creek Township, with the physical address being 1102 W. 700 South, Pendleton.

Mr. Hershman said, houses in subdivisions characterize the surrounding area. The site is a church.

The applicant is proposing a 1,800 square foot expansion to the church. Churches are only permitted with a special use in the R-2 zoning district. Currently the church is nonconforming. Since the applicant is expanding the church, the nonconformity is lost. The special use will bring the church into compliance with the Ordinance.

This is the second step in the process. The applicant will have to obtain approval of the site plan from the Technical Review Committee. The project does have public sewer and water available.

Staff has received proof of proper notification.

Jim Dauss, Architect, 227 W 11, Anderson was present representing the petitioners.

Mr. Dauss said, the project is comprised of two parts. One is, to great a larger gathering room for people prior to worship. Second is to construct a structure to be used as a drive through so people can get out of the weather to get out of their cars.

There will be no new restrooms being planned so this will not affect sewer and water in any way.

There were no remonstrators present.

Mr. Maxwell said, I move to approve Petition #532. It will not be injurious to public health, safety, morals and general welfare of the community. It will not affect the value of the property surrounding because it already exist. It is an existing building that's been there. They are not increasing the number or anything or where anything else comes in to place. And according to the site plan. So, for those reasons I move to approve.

Mr. Randall seconded the motion.

The vote was unanimous in favor of the motion. **Petition #532 of Fall Creek Christian Church, landowner and petitioner, for Special Use to construct an addition to the church's present facility was approved.**

**3. Petition #533 of Simmermon Farms, landowner and John Simmermon, petitioner, for Special Use to have a confined feeding operation for 1,800 head finishing swine barn.** The property is zoned "AG" and is located on the west side of 925 West in Stony Creek Township, with the physical address being 1237 S. 925 West, Lapel.

Mr. Hershman said, the Planning Commission rezoned the property AG/Agricultural during the September 12, 2006 hearing. The applicant is proposing a 1,800 head-finishing barn for pigs. Applicant does have the Indiana Department of Environmental Management permit.

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Staff has received proof of proper notification.

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

Mr. Simmermon said, we are proposing to add an 1800 head building to the site. We already have buildings across the road on the east side. We also have hog buildings on the west side close to the proposed site. There are also hog buildings along 13.

Mr. Simmermon presented pictures to the board, which are on file in the Plan Commission office.

Mr. Simmermon said, the new building would be to the north of the existing 27' x 100' shed. This is not a CAFO it is a CFO. It's 900 feet off the road. It's kind of shielded by all the other grain and feed buildings.

I have a letter from the school that they are fine with it. We have our State C of O permit. IDEM is fine with this.

We have an existing well that we are going to use but we might go a head and put in another well as kind of a back up. There will be two monitoring wells. The building is 2113' x 80".

We truck a lot of the manure away and some of it we keep there. We do it on a three-year rotation.

There were no remonstrators present.

Mr. Hobbs said, I make a motion that we approve Petition #533 based on the Findings of Fact that as long as the IDEM permit is followed the impact will not be injurious to the public health, safety and welfare as long as the county ordinance is followed as well. The application does meet the ordinance requirements that were in effect at the time of the original application. The surrounding areas is intensive agricultural in nature. The application proposal is in character with the surrounding area. The agi. zone district allows this type of use as a Special Use.

Mr. Randall seconded the motion.

The vote was unanimous in favor of the motion. Petition #533 of Simmermon Farms, landowner and John Simmermon, petitioner, for Special Use to have a confined feeding operation for 1,800 head finishing swine barn was approved.

**4. Petition #535 of David & Kay Mares, landowner and David Mares petitioner, for Variance to construct a pole barn in front of their residence.** The property is zoned "AG" and is located on the east side of 825 West in Stony Creek Township, with the physical address being 1038 South 825 West, Lapel.

Fields characterize the surrounding area. The site is a house with barns and paddocks.

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Applicant is making the request in order to build a barn for storage and horse riding. The Ordinance requires accessory structures to be located behind the primary structure. The property is partially in the floodplain and there are septic lateral lines toward the back of the house.

Staff has received proof of proper notification.

David Mares, 1038 S 825W, Lapel.

Mr. Mares said, we have a small farm with horses. Our kids are heavily involved in Madison County 4-H. As are four other children that wouldn't have an opportunity to ride horses or participate without our involvement.

We have also taken in rescued horses that needed some assistance. We have investigated the possibility of building an indoor riding arena and a horse barn else where on our property and found out that was in a flood plane area so, changed our plans and built a barn to house our horses on the north end of our property that is the second barn back from the road. Because of space constraints was not able to allow space for a riding facility.

Currently to the south of that, just behind the house, is the grassy area that includes our septic lateral bed and thus would not be a candidate for a building site. The majority of the field has a flood plane in it.

Our proposal includes a 65' set back from the center of the road and a greater than 30 foot set back from the north end of the property and it would be just in front of the house but on the opposite side of the driveway. It's an area that is landscaped by trees to the north, and trees to the west, which is in front of the barn to the road.

I have spoken to all our neighbors and sent the proper notification and our neighbors have given us verbal approval and stated this would not bother them in any way.

There were no remonstrators present.

Mrs. Aubrey said, I will move to approve Petition #535 for an accessory structure and from the residence requirements per Findings of Fact. The approval would not be injurious to public health, safety and general welfare. The proposal will not affect adjacent property in an adverse way. The purposed structure cannot be built to meet the ordinance due to the fact paddocks and other buildings limiting where the barn could be. The proposal does meet requirements set forth by the State law and the ordinance.

Mr. Maxwell seconded the motion.

The vote was unanimous in favor of the motion. **Petition #535 of David & Kay Mares, landowner and David Mares petitioner, for Variance to construct a pole barn in front of their residence was approved.**

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5. **Petition #536 of Stephen & Diane Case, landowners and Stephen Case petitioner, for Variance to construct a barn in front of residence.** The property is zoned "AG" and is located on the south side of 600 South in Adams Township, with the physical address being 2619 East 600 South, Anderson.

Mr. Hershman said, fields with scattered houses characterize the surrounding area. The site is a field with a house and barn sitting in the back.

Applicant is making the request in order to build a barn for storage. The Ordinance requires accessory structures to be located behind the primary structure. According to the applicant, the property slopes to the river behind the house. This property is next to Wendling property. The Board granted Mr. Wendling a variance for a similar request at the March hearing.

Staff has received proof of proper notification.

Steve Case, 2619 E 600S, Anderson.

Mr. Case said, we purchased the property last fall. The barn that's on there now is a cow hay mount barn. Because of the slope behind our house the barn is built on two levels. The lower level is the crop shed and the upper is a hay mount. I need a building to house my equipment. I've got a tractor a motor home and I just purchased a stock trailer. It will be a 40' x 80' barn.

There were no remonstrators present.

Mr. Maxwell said, I make a motion to approve Petition #536. It will not be injurious to the public health, safety, morals and general welfare of the community. It will not affect the value of the adjacent property. It's a farm and I realize behind the house is not a place that you could not build on so this is the only flat ground that he has.

Mrs. Aubrey seconded the motion.

The vote was unanimous in favor of the motion. **Petition #536 of Stephen & Diane Case, landowners and Stephen Case petitioner, for Variance to construct a barn in front of residence was approved.**

6. **Petition #446 of Randy and Karen Scott, DBA Roy's Recycling, Inc., petitioner, for renewal of a special use for a gypsum-recycling center.** The petition was approved by the Board at April 2006 hearing. The property is zoned "AG" and is located on the southwest corner of CR 400N and CR 300W in Lafayette Township and contains 61.9 acres, more or less.

Mr. Hershman said, Roy's Recycling is requesting a renewal for a gypsum-recycling center. The board approved this subject to a series of commitments by the applicant. These commitments were accepted and incorporate into the motion for approval. Results of the site inspection are next to the commitment/condition. These commitments include:

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- A. The gypsum recycling use shall be restricted to the two and one half (2 ½) acres shown on the Site Plan attached hereto as Exhibit "A" The applicant is meeting this requirement.
- B. *A maximum of fifteen hundred (1500) tons of gypsum shall be processed annually;* Staff could not tell.
- C. *There shall be no employees of the gypsum recycling use outside of the property owner's immediate family;* Staff could not tell.
- D. *All storage of unprocessed wallboard shall be confined to an enclosed permanent structure;* Applicant is meeting this requirement.
- E. *All storage of processed wallboard shall be confined to an enclosed permanent structure;* Applicant is not meeting this requirement. Staff saw the processed drywall next to one of the barns.
- F. *All processing of the wallboard shall be confined to an enclosed permanent structure;* Applicant is meeting this requirement.
- G. *Four to five foot (4'-5') tall mounding shall be installed by December 1, 2006 and maintained along the perimeter of the yard as shown on the attached Site Plan;* Applicant is not meeting this requirement.
- H. *Landscape plantings shall be installed by December 1, 2006 and maintained on and around the mounding to include a mix of shrubs, evergreens, and deciduous trees;* Applicant is not meeting this requirement. However, as per the letter, the applicant does plan on installing the trees.
- I. *No more than two (2) tons per acre of processed gypsum may be applied to the Real Estate during a three (3) year period. In addition, any land application of processed gypsum to the Real Estate shall be further limited to no more than is recommended by a reputable agronomist based on soil testing; however in no case shall the maximum application exceed two (2) tons per acre during a three (3) year period.* Staff could not tell.
- J. At the May 2007 Board of Zoning Appeals public hearing, the Owner agrees to provide the Board 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 to notify the public of this hearing, pursuant to the Board's rules. If the Board reasonably determines that the commitments have not been met, then the Board may revoke the approved gypsum recycling use as per Petition #446 to extend the review period for an additional year;
- K. The Owner shall only operate the gypsum recycling use as per these 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 (IDEM) permit allowing such use.

Randy Scott, 7784 N 275W, Alexandria.

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Mr. Scott said, I have some additional information that was not available to me until this morning. I have some pictures of maps that I mentioned in the report that we had to come up with a better plan for buffering the recycling area from the neighborhood. (Pictures on file in Plan Commission office).

We had some trouble getting the mounding done last year because of the weather. This new plan would better suite the neighborhood and do a better job of shielding the operation as well.

I would later like to add on the building to load the trucks in side and then there would be no need for the ramp outside. I would like to eventually come back before you in the next few years and get approval for adding on to the building for that purpose. It would be more appealing.

The 1500 that I am permitted for, I am so far below that, right now I am below 158 tons. I am nowhere near the limit and probably won't be near that for several years.

I can't meet the demands right now. I am only right now processing my own material. I never really intended for that. I would like to have that option of having the public dump at that location but right now as short as that building is, that's another reason to come back in a year or two and ask just for a dump location. Just an area where it will be tolerant for someone to dump their truck and for me to load the trucks out. Just like a 40' x 30, just something big enough to get a truck in there to load.

I am trying to do everything I can think of to be responsible and not be injurious to the neighborhood.

We have been grinding in the rain so there is no chance of outside contamination. Just by using a little common sense you can avoid situations where you could cause problems for your neighbors. The comments that we have had from neighbor are, we can't even tell that you are doing anything.

There will be no outside storage. The only thing outside is the loading ramp, which I will get rid of when I build the new addition on and can store everything in side. What is near the ramp is spillage, which has been cleaned up.

I will still do mounding if you so desire but I think from what I have given you this will be much prettier for the neighbors to look at. It's wider so it will give them a wider buffer and it also is more environmental friendly. The mounding is done on the north side of the property, the side to the neighbors. I found out about this program and I researched the program and started the wheels in motion to get going. It is a wildlife habitat. There will be a 60-foot wide buffer around the entire property on the outside. In addition another 60 foot buffer around the brim area, the housing, the recycling area. So, it is a total of 120 wildlife habitat buffers. Not only will they pay, it's 90% of the installation they area also paying on the acreage.

In addition to the mounding or in place of the mounding the buffer is just, I think it's friendlier to the neighbors and it's prettier to look at than a hill would be. It's more than adequate to buffer

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the recycling. This will be considered a wildlife habitat, with trees and shrubs and indigenous grassy areas. I have planted over 400 hundred trees already.

I think that we have proven that we will be responsible and will be a good neighbor and not be injurious to any neighbor.

We have used none of the material that we have processed on my property. I have sold what I have processed. I am using less than half an acre to do this processing now. I won't be using the whole 61.9 acres. I keep records now of the amount I have sold. I go through Redman Fox to verify the weight.

The only employees that I have are family. I have three sons and a daughter. This operation is seasonal. I only sell material in the fall and spring. That's the only time that you are going to apply it. Dust is very minimal. The sound has not been an issue either.

The board was informed there have been no complaints filed on this property.

Sue Morgan, Township Assessor was present.

Mrs. Morgan said, I have been by the site and it looks pretty good. I was concerned about the stuff falling out from the ramp. But I see that has been discussed and will be taken care of. I have no complaints from the neighbors.

There were no remonstrators present.

Mrs. Aubrey said, I move to approve Petition #446 for a special use for gypsum recycling facility per staff comments. The gypsum use shall be restricted too two and half acres. The maximum of 1500 tons of gypsum shall be processed a year no more. There shall be no other employees outside property owners and immediate family. All storage of unprocessed wallboard shall be confined to an enclosed permanent structure. All storage of processed wallboard shall be confined to enclosed structures. All processing of the wallboard shall be confined to an enclosed structure. A wildlife program will surround property according to the ISDA and to be completed by the year 2007. No more than two tons per acre of processed gypsum may be applied to the land during a three-year period. In addition of processed gypsum to the land shall be further limited to no more than as recommended by a reputable agronomist based on soil testing. At the May 2008 Board of Zoning Appeals public hearing the owner shall provide the board a detail update and all of the above restrictions and conditions to his gypsum business and sell receipts or weight showing totals sold.

Mr. Randall seconded the motion.

The vote was unanimous in favor of the motion. **Petition #446 of Randy and Karen Scott, DBA Roy's Recycling, Inc., petitioner, for renewal of a special use for a gypsum-recycling center was approved per conditions and restrictions,**

7. Miscellaneous: Nothing was presented

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

Adjournment: 11:28:40 A.M.

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Mary Jane Baker, Chairman

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Beverly Guignet, Secretary