

BZA MINUTES

FEBRUARY 18, 2025

Members present: Jason Allen, Bill Davis, Jim Hufford, Drew Cleveland, Jason Hawley, and Don Calhoun

Members absent: Jon Peacock

Legal Representation: Jason Welch

Staff present: Kristi Halloran, Recording Secretary

Others present: Ed Thornburg, Robert Cook, Michael Peden, James Botkin, Brian Smith, Mark Bergman, Marc Mote, Bob Tillman, Bruce Culy, Mike Adams, Linda Adams, Tracey Fulton, Jane McGill

Chairman Hawley: Ladies and Gentlemen. Today is February 18, 2025. This is the Randolph County Board of Zoning Appeals. First order of business, I would like to call the meeting to order. For the record, I would like each member to state their name for the record, so we have that. My name is Jason Hawley, Bill Davis, Jim Hufford, Don Calhoun, Drew Cleveland, Jason Allen and absent tonight is Mr. Jon Peacock. Next, I'd like to have the approval of the minutes from January 21, 2025. Has everyone had a chance to look over those and find them satisfactory?

D. Cleveland: I move we approve the minutes.

J. Hufford: I'll second it.

Chairman Hawley: All in favor of approving the minutes as presented?

All: Aye

Chairman Hawley: Those opposed? Motion is carried. As we get started tonight I would like to review the rules for the meeting tonight. Petitioners will have fifteen minutes to present their petition. During this time there will be no interruptions or questions. After the petition the Board may ask questions. Anyone wanting to speak for or against will have three minutes each. And then the petitioner will have an additional five minutes to respond to the comments. With that out of the way, I'd like to call our first bit up to the table today. BZA2025-5-SP. Marc Mote and Maria Stein Grain. Please approach the table. State your name and address for the record, please.

M. Mote: My name is Marc Mote. 6332 N 500 E, Union City, Indiana.

M. Bergman: My name is Mark Bergman from Maria Stein Grain. 8115 Industrial Drive, Maria Stein, Ohio.

Chairman Hawley: Have you sent out notice of certified mail and returned all receipts to Area Planning Office?

M. Mote: Yes.

Chairman Hawley: Have you received Article V Conduct of Hearing?

M. Mote: Yes.

Chairman Hawley: Why don't you tell us what you do tonight, gentlemen?

M. Mote: We're looking to set up a retail store front for chemical and fertilizer to service the local farmers in the area.

Chairman Hawley: So just so I'm on board, make sure that I got all this. It looks like one of the old buildings will be torn down and will have two cold storage buildings.

M. Mote: That was the tentative plan that I submitted to you guys. We're going to keep that current building that says tore down on there right now. We're just going to use that for cold storage. If you can see the fertilizer storage on there. That dike has been condemned by the state so we cannot use that. So Plan B is the sixty by eighty pole building you're looking at there. We're going to dike that and have an underroof storage there for liquid fertilizer. The state came out and inspected that two weeks ago on the dike and he said we could fix it but he said I prefer you not use that. So that's why we went to the next plan. The capacity of it would not be sufficient for what we're looking for.

Chairman Hawley: That doesn't necessarily change the petition, does it by chance?

J. Welch: No.

Chairman Hawley: OK. I'm just making sure. Are there any other questions that the board may have tonight?

J. Allen: What is the current property being used as?

M. Mote: It was for Bob and Dave Tillman. It is where they ran their farm operation out of.

Chairman Hawley: Any other questions?

B. Davis: I'll just make a comment. It looks like it's in an isolated area there. It's not going to affect too many people.

D. Calhoun: I think it's a great idea. Appreciate the use of these buildings.

M. Mote: The one neighbor at the front of the road. I don't know if you can see from there. We went and talked to them already and we're putting in a separate drive, so it'll bypass their property and we have to plant some grass between the two drives as a good neighbor policy. And they are on board with it.

Chairman Hawley: Having a lot of questions from the board. Thank you very much. Is there anyone here that would like to speak for or against the proposal this evening? If you would step back, we

have some people who would like to speak. If you please come up and state your name and address for the record please.

J. McGill: Jane McGill. 1769 N 700 E. My concern is that traffic on the road. We already have an overabundance of traffic to the sawmill. And then you add all these chemicals, trucks and semis and fertilizer and everything. And then I'm also concerned about they use thousands and thousands of gallons of water a day. So what happens to my water at my house? If it gets into the same water table. Plus, I really don't feel that we need five fertilizer plants in Randolph County. That road is so heavily traveled. It's getting a big hump in the middle now.

Chairman Hawley: And again. I always defer any of my water table questions over to Mr. Thornburg.

E. Thornburg: Far as surface water refuse is concerned, they're not making enough changes to warrant a separate plan at this point. She's referring to underground water. While I don't drill wells for a living, I hang out with someone who does. This area is well served waterwise. The chances of her running short. Where are you--half a mile, three-quarters of a mile north? It would be hard for me to imagine. I'm not saying it's impossible, but real hard to imagine.

J. McGill: That's all I have.

Chairman Hawley: Thank you very much. Gentlemen, would you like to come up and address the questions and issues that she might have proposed?

M. Mote: As for the water use capacity, we're going to have Wiley Well Systems test the well and make sure it's adequate for what we're doing in. Our peak demand is only from about the farming season and springtime, which consists of May through basically middle of July. After that the water usage we have is minimal.

Chairman Hawley: And you have had state come in and test and verify all of your plans to this point?

M. Mote: Yes, sir. IDEM or Indiana State Chemists. They will regulate us. They are out there regularly to make sure we're doing everything up to code. And as far as traffic, there will be increased traffic. We're not going to hide from that, but most of that will be coming off of US 32 into our place.

J. Hufford: It might be pointed out this is agriculture intensive so.

M. Mote: Right.

D. Calhoun: You mentioned about the five fertilizer plants already in the county. Four of those are owned by one company. If I'm right, and the other ones is by itself. This is going to give the opportunity to farmers to have some competition.

J. Allen: How far off the road are you?

M. Mote: It's roughly 1,100 feet.

J. Allen: And I'm just looking at her house compared to where your farming location, those barns are. There's a substantial distance from you, from 700 E before you get there. Just to kind of clarify the well situation. The barns to her house, that's a pretty big length of distance as far as water table goes. I mean I don't know where the drainage is going to be. What's draining off of there? How much water you think you guys are going to need?

M. Mote: Peak capacity, I would say maybe 60,000 gallons a day. That would be at corn planting time, soybean planting. That's when you go through the most of it. After that it kind of drops off.

J. Hufford: You brought up a good question about the drainage there. We've had a lot of problems with run off into the small creek runs down through there that goes down through to the Mississinewa River. Our city, we paid thirty-two million dollars to clean that up and we're still paying to fix that.

M. Mote: I completely understand. We want to be good stewards of that too. So contamination issues as far as the liquid fertilizer, that will all be contained under the building. That building will be diked so the chance of a spill is minimal. I'm not saying the hazard can't happen at some point in time but it is very minimal and from the dry facility standpoint that is swept up and cleaned up every day. That's a no-no by the state. If they catch you not cleaning the dry up, you have a problem.

Chairman Hawley: Do we have any other questions or concerns or comments from the board? Is there anyone else in the audience who would like to speak for against the proposal tonight? Seeing none, I motion we have a vote.

Vice Chairman Davis: Second.

K. Halloran: Jim Hufford, Yes. Jason Hawley, Yes. Bill Davis, Yes. Jason Allen, Yes. Drew Cleveland, Yes. Don Calhoun, Yes.

Chairman Hawley: Congratulations. Thank you very much, Sir. Gentlemen, sorry. Next on our docket tonight we have BZA2025-6-V. Brian Smith. Again, if you'd like to please state your names and addresses for the record.

B. Smith: Brian Smith, 6777 S Arba Pike, Lynn, Indiana.

R. Cook: Robert Cook, 116 E Washington Street, Winchester.

Chairman Hawley: Have you sent out notices of certified mail and return receipts to Area Planning office?

R. Cook: Yes.

Chairman Hawley: Have you received Article V, Conduct of Hearing?

R. Cook: Yes

Chairman Hawley: Gentlemen, why don't you tell us what you'd like to do?

R. Cook: Brian is wanting to construct an accessory structure on real estate without a primary structure or residence in a residential zone. So according to the zoning ordinance, we need to ask for a variance to build that structure.

Chairman Hawley: I'm just trying to. So there's no primary structure there currently?

R. Cook: No, his residence is immediately west of these two lots that he wants to build a structure on. It's divided by an alley. He owns property immediately to the west with the residence. Immediately to the east there are two lots that he owns. And north of those two lots is another two lots that he owns. Immediately north of the two lots for the accessory structure is going to be constructed is owned by the Spartanburg Cemetery Association.

J. Welch: Bob, has he considered vacating those alleys or asking for that?

R. Cook: In future, yes. We're going to be filing a vacation. But we needed to get this done.

J. Welch: Makes sense.

D. Cleveland: Just so I'm clear, what does it mean to vacate.

J. Welch: To vacate the alley would be. If you look on the map you can see where there's a platted alley, and that's what separates the two lots there. It's just a platted alley. So vacation would be, generally that would be split either divided between the two lots beside it, or joined to one lot on either side, but it looks like he owns both sides. So if that got vacated, that would join those two lots and it would actually be on the same lot as the primary structure.

Chairman Hawley: That's what I was thinking too. I just didn't know the phraseology for it. So the plan is to combine.

R. Cook: Also, the plan is to combine two lots where the structure is going to be constructed on to get rid of the boundary line. In all other respects, the structure will meet the zoning ordinance. Also will be removing an old barn on this property. Once he gets this constructed and a mobile home that's currently on the lot.

Chairman Hawley: Are there any other questions from the board this evening? Seeing none, are there any questions or comments from anyone in the audience this evening? Seeing none, I motion that we have a roll call vote.

D. Cleveland: Second.

K. Halloran: Jason Hawley, Yes. Bill Davis, Yes. Jason Allen, Yes. Drew Cleveland, Yes. Don Calhoun, Yes. Jim Hufford, Yes. Motion passes.

Chairman Hawley: Congratulations.

R. Cook: Do you want to use my purposed Findings of Fact Jason?

J. Welch: Sure.

K. Halloran: Yes, I have several copies. Can we get those filled out and get them back to you?

R. Cook: Yeah, thank you.

B. Smith: Thank you.

Chairman Hawley: Next on our docket, we have BZA2025-7-V. Michael Peden. If you would please state your name and address for the record, Sir.

M. Peden: My name is Michael Peden. I live at 520 Madison Avenue, Union City, Indiana in the Parkview Subdivision.

Chairman Hawley: Have you sent out notice and certified mail and returned all receipts to Area Planning?

M. Peden: Yes I have.

Chairman Hawley: Did you receive an Article V Conduct of Hearing?

M. Peden: Yes.

Chairman Hawley: Why don't you tell us this evening what you'd like to see done, Sir.

M. Peden: OK, I want to build a storage building, a pole barn, garage—whatever you'd like to call it. And from what I understand, this is basically the west end of my house and it's fifteen feet tall. But this building would be approximately nineteen feet tall. So that's the variance, I guess I'm looking for. This is not to scale, but it's kind of what it would look like in my backyard basically. And I know you've got some drawings, but this is a little bit bigger and if I just would like to see that we pass around.

J. Welch: I think it's the same as.

M. Peden: This is just a little more. You know, it shows the stone all the way around. Some of them so. But that's pretty much it.

Chairman Hawley: So I guess I'll ask the question. I assume that I know why, but why are you looking to build it so tall?

M. Peden: I have a travel trailer that I like to store inside. My truck would be in there and the golf cart and the travel trailer and so on.

Chairman Hawley: Are there any questions from the board this evening?

J. Allen: The only question I would have, where the proposed building is going to sit, are their plans obviously to add a drive separate from the current drive to that?

M. Peden: Yes. It would have its own concrete drive. Now this it's necessarily to scale, but this is basically my house with a cement driveway. This would sit here with its own cement driveway.

D. Calhoun: Is there a building you're going to tear down?

M. Peden: I do have a storage shed. It's a twelve by twenty. And I haven't decided if I'm going to keep it or if I might try to sell it or something, but yeah. It would basically sit right at the corner of that.

Chairman Hawley: Is there any other questions that we have this evening? Is there anyone else here that would like to speak for or against the proposal? Seeing none, I motion for a roll call vote.

J. Allen: Second.

K. Halloran: Bill Davis, Yes. Jason Allen, Yes. Drew Cleveland, Yes. Don Calhoun, Yes. Jim Hufford, Yes. Jason Hawley, Yes.

Chairman Hawley: Congratulations, Sir.

M. Peden: Thank you.

Chairman Hawley: Next on our docket, we have BZA2025-8-V. Looks like Bruce Culy. Sir, would you please state your name and address for the record.

B. Culy: Bruce Culy. 2026 N 100 W, Winchester, Indiana.

Chairman Hawley: Have you sent out notice and certified mail and returned receipts to Area Planning?

B. Culy: Yes.

Chairman Hawley: Have you received Article V Conduct of Hearing?

B. Culy: Yes.

Chairman Hawley: Why don't you tell us what you're trying to do tonight, Sir.

B. Culy: Looking to put a, it's like a garage shed south of my house. The variance would be for the offsets and the distance from the easement. Basically asking to be closer to the property line then I guess is allowed. When I looked on GIS, just to give you an idea. So my house is completely surrounded by woods and then the south side is a hay field. So, like, there's literally no neighbors beside me or anything. I went on GIS and where my property line is like Kenny Beshears owns the hay field. His fence like actually comes in to my property. So there's already some of that I feel like

I could get closer to that property line anyway. GIS is accurate I'm assuming. It's going to butt right up to my.

E. Thornburg: Do you want the disclaimer?

B. Culy: I'm trying to use it in my favor right now. But anyway it would butt right up to an existing concrete drive that I have so it would really fit nicely there. That's pretty much it. I've got pictures if you need to see anything.

D. Cleveland: So the fence is on the property line?

B. Culy: Well, according to GIS, it's actually on my property about seven or eight feet actually. So that's what I was saying if I could encroach towards that fence. I feel like it's already my property anyway that's encroached on. I wouldn't be right up against the fence, obviously. There would be a gap. The variance would allow me, I guess, an extra five feet maybe versus what's there.

Chairman Hawley: Yeah, because I was getting nervous about getting a mower and whatnot through there.

B. Culy: I would have room for a mower and everything. There's a tree line back there. I'm going to clear out some of those. It all be cleared so I can mow, maintain around it. Yeah, pretty much it.

Chairman Hawley: And is this the area next to the hay field or next to the tree line?

B. Culy: So I don't know what image you have. That pretty much where that white square is will be the shed. So there's trees up against the fence there. I just need to clear them out. That's pretty much it. Nothing crazy.

Chairman Hawley: I don't want you to have to worry about like a harvester or anything going through there.

B. Culy: No, I mean it's like brush pretty much. It's small trees.

Chairman Hawley: I gotcha. Are there any other questions that the board may have this evening?

D. Cleveland: I don't want to cause problems, but you might talk to Kenny. If that fence has been there a long time, I'd get it put where it needs to be. If you don't dispute it, that could be his property.

B. Culy: I guess I'm not too concerned as long as the variance goes through. I mean, I really don't intend to take the property back. I don't have an issue with that. I just want to put my shed there really. I see what you're saying. But I really don't have an issue with the fence, honestly. That's pretty much it.

Chairman Hawley: Any other questions this evening? Is there anyone else in attendance that would like to speak for or against the proposal this evening? Seeing none I motion for a roll call vote.

D. Cleveland: Second.

K. Halloran: Jason Allen, Yes. Drew Cleveland, Yes. Don Calhoun, Yes. Jim Hufford, Yes. Jason Hawley, Yes. Bill Davis, Yes.

Chairman Hawley: Motion passes. Congratulations, Sir.

B. Culy: Thank you.

Chairman Hawley: Next on the docket. Do we have any old business that needs to be discussed? Seeing none, moving on, do we have any new business?

K. Halloran: I do believe we have a meeting next month.

Chairman Hawley: We were doing so good, Kristi.

K. Halloran: I jinxed it today by saying we don't have any. Then one came in the door.

Chairman Hawley: Reports of officers, committee, and staff. Seeing none, I motion to adjourn.

J. Allen: Second.

Chairman Hawley: Thank you very much.

Chairman, Jason Hawley

Kristi Halloran, Recording Secretary

Vice Chairman, Bill Davis