

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with Chairman John Simmermon presiding.

Members Present: John Simmermon, Curt Stephenson, Jerry Stamm, Kelly Salyer and Lindsay Brown

Members Absent:

Staff Present: Larry Strange - Director, Stacey Hinton - Secretary, and Jeff Graham County Attorney (via Teams Viewer)

CURRENT BUSINESS



1. Prayer – John Simmermon
2. Pledge of Allegiance

Chairman Simmermon indicated that Jeff Graham, our attorney, will be attending the meeting via zoom and his voice will be on his (John Simmermon) phone and hopefully everyone will be able to hear him.

3. Roll Call – All present
4. Board Minutes - postpone approval of minutes until next month (August)



New Business

1. Petition: 2023-SU-005
Address: 705 East School Street, Anderson
Location: Richland Township, District 3 Commissioner
Petitioner: Drews Parts
Landowners: Kelly Drews
Zoning: GI
Request: A Special Use to bring into compliance and to operate a junk yard/scrape metal yard in the General Industrial (GI) Zone District

Director Strange stated this is petition 2023-SU-004. Petitioner is Drews Parts, and the request is a special use to bring into compliance and to operate a junk yard/scrap metal yard in the General Industrial zone district. Director Strange indicated that he had received some information very recently, last night and this morning, one is a letter to the board which they should have in their copy from Kyle Pierce, State Presentative in opposition. He read this letter to board members and wanted it in the record. Kelly Drews attorney, Mr. Sipes, forwarded several amendments to him this morning and stated to Chairman Simmermon that it would be appropriate to brief the board on those so things are clear.

Chairman Simmermon indicated that we have two different numbers (for the petition). He wants to know which number is right. Secretary Hinton stated that it was 05.



Discussion was had among board members, Director Strange and Attorney Graham regarding IDEM reports, and this petition being heard today. Mr. Sipes, the petitioner's attorney, was present and spoke to board members regarding the amendments he sent to Director Strange regarding application amendment and recusal of Member Brown. Member Brown stated he would not recuse himself. Discussion was had among board members, Director Strange and Attorney Graham.



Chairman Simmermon open it up public comments. Petitioner was present with his attorney Mr. Sipes and spoke to board members. Discussion was had among board members, Petitioner and Petitioners attorney.



Remonstrators were present and spoke.



Chairman Simmermon called for a 10 minute recess.



Chairman Simmermon resumed the BZA Meeting. After all public comments were made, Chairman Simmermon closed the public comment portion of the meeting.



After much discussion was had among board members, and Attorney Graham, Member Brown made a motion to deny Petition 2023-SU-005 along with adopted Findings of Fact. Seconded by Member Stephenson. Roll Call vote taken and was unanimous. **Petition 2023-SU-005 Denied**

FINDINGS of FACT for SPECIAL USE

1. ***Would the approval be injurious to the public health, safety, morals, and general welfare of the community?*** Yes. Due the potential of hazardous chemicals that could be put into the waterway that could affect the citizens of Anderson and Madison County. Evidence was provided by remonstrators and the City of Anderson that the proposed use significantly heightens the possibility of environmental contamination, as well as other forms of pollution which impairs the health, safety, and general welfare of the surrounding community.
2. ***Will the requirements and development standards set forth in the district for such exception be met?*** No. Based on evidence presented, requirements and development standards have not been met by the petitioner. The very close proximity of a relatively densely populated residential neighborhood is incompatible with the proposed use.
3. ***Will the proposed use subvert and permanently injure other property or uses in the same district and vicinity?*** Yes. Based upon evidence that has been presented, property values will be affected as well as the quiet enjoyment of the residential properties on neighboring parcels.
4. ***Will the proposed use be consistent with the character of the zoning district and the Comprehensive (Comp) Plan?*** No. The proposed special use (junkyard) is not compatible with the charter of the zoning district (residential) or to the comprehensive plan. A residential neighborhood abuts the subject parcel, and the proposed use would be in direct conflict with the comprehensive plan's description of such a neighborhood.



- 2. Petition: 2023-V-015
Address: 1702 East US Highway 36, Markleville
Location: Adams Township, District 1 Commissioner
Petitioner: John & Rebecca Bynum
Landowners: John & Rebecca Bynum
Zoning: AG
Request: A Variance to allow a storage container in the in the Agriculture (AG) Zone District

Director Strange indicated that petition 2023-V-015, the petitioner has requested a continuation until August due to fact that they have retained an attorney and they want their attorney to be at the meeting since they could not be at today's meeting.

Member Brown made a motion to accept the continuation until August 22nd for 2023-V-015, Seconded by Member Stamm. Voice Call vote taken and was unanimous. **Petition 2023-V-015 Continued until the August 22nd, 2023.**



- 3. Petition: 2023-V-016
Address: 7481 West 900 North, Elwood
Location: Green Township, District 2 Commissioner
Petitioner: Sherri Carr
Landowners: James & Sherri Carr
Zoning: AG
Request: A Variance for a front yard setback relief of 10 feet in the Agriculture (AG) Zone District

Director Strange stated the next petition is 2023-V-016 Sherry Carr. It's a variance from development standards to allow front setback relief. Petitioner was present. No remonstrators were present.

After discussion was had, Member Brown made a motion to approve 2023-V-015 along with the Staff Report and Findings of Fact. Seconded by Member Stamm. Roll Call vote taken and was unanimous. **Petition 2023-V-016 Approved.**



- 4. Petition: 2023-V-017
Address: 1187 East 1150 North, Alexandria
Location: Monroe Township, District 3 Commissioner
Petitioner: Kevin Heflin
Landowners: Kevin Heflin
Zoning: AG
Request: A Variance allow a second drive in the Agriculture (AG) Zone District

- 5. Petition: 2023-V-018
Address: 1187 East 1150 North, Alexandria
Location: Monroe Township, District 3 Commissioner
Petitioner: Kevin Heflin
Landowners: Kevin Heflin
Zoning: AG
Request: A Variance to allow a second drive closer than 200 feet from a primary drive in the Agriculture (AG) Zone District

Director Strange indicated this is petitions 2023-V-017 and 018 are variances to allow a second that closer than 200 feet from another intersecting drive on either side of the road and to allow for a driveway to be constructed within 200 feet of another drive. Petitioner was present. No remonstrators were present for either petition.

After discussion was had, Member Brown made a motion to approve 2023-V-018, a variance to allow a second drive closer than 200 ft from a primary driveway along with staff recommendations and grant the 2nd drive to be 60 feet from primary drive. Seconded by Member Salyer. Roll call vote taken and was unanimous. **Motion Approved**

Member Brown made a motion to approve 2023-V-017, a variance to allow a second drive in the Agriculture (AG) zone district, along with staff recommendations. Seconded by Member Stamm. Roll call vote take and was unanimous. **Motion Approved**



Miscellaneous

Withdraw of petition 2022-SU-007

- Petition: 2022-SU-007
Address: 2806 East 100 North, Alexandria
Location: Monroe Township, District 3 Commissioner
Petitioner: Parallel Infrastructure / AT & T / Agent – Tony Phillips
Landowners: Danny Johnson
Zoning: AG
Request: A Special Use to allow a New Unmanned Multi-Carrier Wireless Telcom Facility in the Agriculture (AG) Zone District

Director Strange stated that he received and email from Attorney Graham regarding Petitioner Parallel Infrastructure. Petitioner has indicated that they have withdraw the special use application for the property at 2806 East 100 North, Alexandria.

Member Stamm made a motion to grant the withdraw of 2022-SU-007. Seconded by Member Brown. Roll call vote take and was unanimous. **Motion Approved**



Adjournment

Member Brown made a motion to adjourn. Seconded by Member Salyer. Meeting adjourned at 12:22 p.m. **Meeting Adjourned**

A handwritten signature in black ink, appearing to read "John Simmermon". The signature is written over a horizontal line.

John Simmermon, Chairman

A handwritten signature in black ink, appearing to read "Stacey Hinton". The signature is written over a horizontal line.

Stacey Hinton, Board Secretary