

A meeting of the Jasper County Board of Zoning Appeals was held Monday, June 27, 2016 at 7:00pm. in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Jim Martin, John Korniak, Chris Healey, Lance Strange and Scott Walstra. Also present: Todd Sammons, Randle and Sammons, Administrative Attorney; Kelli Standish, Secretary. Absent was: Mary Scheurich.

Meeting was called to order by President Chris Healey. The first order of business was the call for approval of the May 2016 minutes.

Scott Walstra made the motion to approve the May 2016 minutes. Motion was seconded by John Korniak and carried unanimously.

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Variance

Cause#BZA-1-16

Applicant: Rose Acre Farms, Inc. – Arthur & Beatrice Brinkman Trust  
Location: Sec.31-30-7 – Newton Twp. – St.Rd. 14 W. of 1100N. S-side  
Use: Variance for set-back requirements

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Public hearing held pursuant to notice published June 1, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Chris Healey stated to Attorney Shelmon since she was not present at the last meeting and we have a new board member Lance Strange if he could briefly go over the application again for them.

Attorney Shelmon representing the applicant stated that Rose Acre Farms is intending on purchasing the property from Arthur & Beatrice Brinkman Trust in order to put a Confined Feeding Operation in. Subject to the zoning of the property which they did obtain approval for and subject to the variances and IDEM approval. There is a set-back requirement of 1320 ft. from all property lines. They are asking for a front yard, East and West side set-back variance. The front yard they are requesting to be 600ft., the east property line will be 105ft. and the west side property line they are asking to be 700ft. The facility will include 4 chicken houses which they will be 45ft. by 524ft. This is a new design that has not been done as of yet. The proposed building will have a constant flow of air going through it that will take care of the odor. The manure is automatically collected and taken to the end of the facilities. The manure is then placed in containers and those containers will be moved out every other day. The manure will be taken to one of their other farms. They are proposing to have an egg washing building where they show how the eggs are collected and people can view this area as well. They will show how the eggs are processed and they will have a cooler located in the building. The water that will be used to wash the eggs has to be stored as waste water. South of the property is where the egg wash holding pond will be located. The chickens will be able to be outside in a fenced in area. This operation will be affiliated with the Fair Oaks Dairy Adventure and they will be able to tour the proposed operation. They are proposing to have 15-25 employees at the facility. The

proposed Confined Feeding Operation will have 320,000 chickens and the threshold that is allowed for this type of zoning is 399,999. They are asking for the variance for the facility because they feel this will be accessible to the public and the tour busses.

Chris Healey asked if anyone present had any opposition to the application. There was none.

Attorney Ned Tonner, representing Mr. & Mrs. Brinkman Trust stated that they are in favor of the proposed application. He feels the variance is a good thing since it would allow the buses to get around easier, isn't that correct. It would make the traffic flow better.

Attorney Shelmon replied affirmatively.

Attorney Shelmon then read the proposed Findings of Facts that he has provided to the board members.

- i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.

RESPONSE: The variance will allow the public to be educated in organic egg production, as the facility will be built in a location that is readily accessible for public tours which are planned for the facility.

- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

RESPONSE: The land adjoining the site is farmland and it will not be adversely affected if this project and variance is approved. In fact, the development of the site as proposed may encourage development of not only adjoining but other land in the immediate surrounding area.

- iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

RESPONSE: The real estate would not be marketable as anything other than farmland if the project is not permitted, especially since any frontage that may be developed in the future would prevent any development of the remaining areas.

Scott Walstra made the motion to grant approval for the variance with the findings of facts as presented by the applicant. Motion was seconded by John Korniak and carried unanimously.

Attorney Sammons stated that there is a motion to approve the application, and the board must consider the findings in Article 9, Variance 9.19 (7)(a)(i) through (iii).

Chris Healey then read these to the Board:

- i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.

The board unanimously voted that the applicant met the requirements of (i).

- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The board unanimously voted that the applicant met the requirements of (ii).

- iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

Motion was carried with a vote of 4 members in favor and Jim Martin opposed.

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Special Exception

Cause#BZA-3-16

Applicant: RES America's – Bernhard Farms

Location: Sec.16-3-5 – Gillam Twp. – 225N. & 250E. SW Corner

Use: Construction of a meteorological (Met) Tower for wind speed study

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Public hearing held pursuant to notice published May 17, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Matt Boys was present and stated that he is representing RES Americas they are requesting a Special Exception to construct a meteorological Tower. The proposed tower is to study the wind speeds in the area. What is unique about our company is they do both the development and the construction side of the project. The proposed tower is allowed within the county but requires a special exception approval. The tower will be approximately 262ft. tall and with the lightning rod it will be 270. There will be 3 guy wire and it meets all the required setbacks.

He then read the Findings of Facts:

1. The proposed Special Exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan:

Response: Yes, the special exception to install a meteorological tower for study of wind speeds is within the Jasper County Zoning Ordinance, WECS Siting Regulations under Section 150.2.19 (E)(52) and will be installed consistent with the WECS Siting Regulations.

2. The proposed Special Exception will not be injurious to the public health, safety, morals and general welfare of the community (consider whether the special exception will hurt or potentially cause harm to the county).

Response: Meteorological towers are not known to be injurious and are common practice throughout the county, state, and broader U.S. Best practice safety procedures will be followed during installation. The tower and each guy wire anchor will be enclosed by a 6 foot fence and the tower itself will have a 15 foot vertical anti-climb device. The tower will be lighted in accordance with the FAA Obstruction Lighting Standards and will be powered with a solar power package. Each guy wire will have a 7 foot high visibility sleeve, two on the top guy wire, and two orange aviation marker balls spaced equidistant on the outermost guy wire.

3. The proposed Special Exception is in harmony with all adjacent land uses.

Response: Yes, the special exception does not affect adjacent land use. Adjacent land use is agricultural, which will be able to continue unimpeded, the only effected property will be the land within the site boundary

4. The proposed Special Exception will not alter the character of the district.

Response: Correct, the proposed meteorological tower will not substantially alter the character of the district. Similar meteorological towers and cellular towers exist within the county and have not materially altered the districts where they are currently installed.

5. The proposed Special Exception will not substantially impact property value in an adverse manner (consider whether neighboring property will suffer any major negative impacts).

Response: Correct, the proposed meteorological tower will not substantially impact property value in an adverse manner. The agricultural land use for adjacent properties shall remain intact and unaffected. The tower will be visible from adjacent properties but there is not substantial evidence a meteorological tower negatively or substantially impacts the property value of agricultural use land.

6. No appreciable environmental harm will result from the use allowed by the special exception or if such harms could result, such resulting harms are eliminated or reasonable mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

Response: Correct, the proposed meteorological tower will not result in substantial environmental harm.

Chris Healey asked if anyone present had any opposition to the application. There was none.

Scott Walstra asked how long you propose the met tower to be up.

Matt Boys replied that typically they are up for one year to get all the data they need. The towers usually don't come down during successful completion of a wind project and those can anywhere from 20-30 years.

Scott Walstra stated that in our code book it requires you to come back every 18 months for approval for the proposed tower.

Matt Boys replied that that would not be a problem with them.

John Korniak made the motion to grant approval for the special exception along stated in his presentation in Article 9, Special Exception 9.14 (7)(a)(i) through (vi) . Motion was seconded by Jim Martin and carried unanimously.

Chris Healey then read the Findings of Facts from Article 9, Special Exception 9.14 (7)(a)(i) through (vi) to the Board:

- i. The proposed special exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan;

The board unanimously voted that the applicant met the requirements of (i).

- ii. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community;

The board unanimously voted that the applicant met the requirements of (ii).

- iii. The proposed special exception is in harmony with all adjacent land uses;

The board unanimously voted that the applicant met the requirements of (iii).

- iv. The proposed special exception will not alter the character of the district;

The board unanimously voted that the applicant met the requirements of (iv).

- v. The proposed special exception will not substantially impact property value in and adverse manner; and

The motion passes with a vote of 4 members in favor and Lance Strange opposed.

- vi. No appreciable environmental harm will result from the use allowed by the special exception, or, if such harms could result, such resulting harms are eliminated or reasonably mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

The board unanimously voted that the applicant met the requirements of (vi).

Scott Walstra made the motion to grant approval for the Findings of Facts that have been stated by the Applicant. Motion was seconded by Jim Martin and carried with a vote of 4 members in favor and Lance Strange opposed.

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Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

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Chris Healey, President