

# **BZA MEETING**

## **January 16, 2020**

**The White County Area Board of Zoning Appeals met Thursday, January 16, 2020, at 6:00 p.m. in the Commissioners Meeting Room, Second Floor, White County Government Center, Monticello, Indiana.**

**Present: Dennis Sterrett, Abbey Gross, Stan Minnick and Jeff Guingrich**

**Absent: Randy Conwell**

**Also attending were Executive Director Joseph W. Rogers, Board Secretary Erika Martinez, Office Administrator Annette Sipkema, and Area Plan Attorney Makenzie Martin.**

**Visitors attending were: Chad James, Amanda Alberts, Justin Alberts, Lisa Furrer, Tony Furrer, Anne Felton, Randy Mitchell, Mike Mitzel, Brice Travis, Chris Youngren and Al McCarty**

**The meeting was called to order by Chairman Dennis Sterrett at 6:00 p.m.**

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**Note: Director Rogers informed the applicants, before the start of the meeting, that the Board is a five-member Board and there are only four-members scheduled for attendance. Each petitioner must obtain 3 votes in favor in order for the petitioner's request to pass. The applicants have the right, since there is not a full Board, to be continued to next month in hopes for a full Board.**

### **Reorganization:**

**Dennis Sterrett nominated Abbey Gross for Chair, seconded by Jeff Guingrich. Motion carried unanimously and Abbey Gross was elected as Chair**

**Stan Minnick nominated Dennis Sterrett for Vice Chair, seconded by Jeff Guingrich. Motion carried unanimously and Dennis Sterrett was elected Vice Chair.**

**Dennis Sterrett nominated Erika Martinez for Board Secretary, seconded by Jeff Guingrich. Motion carried unanimously and Erika Martinez was elected as Board Secretary.**

**Minutes:**

There was a motion by Vice Chair Dennis Sterrett and a second by Stan Minnick to approve the meeting minutes and finding of facts dated November 21, 2019 as written. Motion carried unanimously.

**Special Exception Use #3009 update:**

Vice Chair Dennis Sterrett asked Director Rogers if Liberty Landfill had combined all the parcels covered by the re-approval.

Director Rogers stated that the 90 days Liberty Landfill has to meet the conditions has not passed. Director Rogers stated he has received the paperwork with the deed changes and he expects the process to be complete by the end of the week.

**Note: At the introduction of each case hearing, Director Rogers entered all documents provided to the Board in their pre-meeting packets, the Staff Report and all other file documents into the official record of the meeting. All documents entered into the record along with all hearing testimony and completed ballots will be used in establishing the Findings of Fact for each hearing.**

**Variance #3005**

Chair Abbey Gross asked the applicant representing the request, Anne Felton, if she would like to be heard since there is not a full Board present. Anne Felton requested to be heard.

Executive Director Rogers stated CIMC Trailer Inc. is requesting a variance from White County Indiana Zoning Control Ordinance Section 8.6.2.B which limits the number of driveways of 30' or more in width to one, as measured at the right of way line, and stated that no driveway which crosses a public right of way shall exceed 30' in width except in cases where an entrance and two exit lanes are needed for traffic management or truck ingress and egress, than up to 40' is allowed. The applicant requests two driveways; one driveway would be utilized for employee access and is shown with a proposed width of 30' at the right of way line and the other driveway would be used for truck ingress/egress and is proposed at 74' width at the right of way line. Director Rogers stated that in the opinion of the Staff, the number of driveways allowed for the subject site is a minimal departure from the ordinance provisions. He added that it is not uncommon for industrial sites within White County to have separate ingress/egress points for passenger vehicles and semi-trailers in order to manage traffic flow. The applicant is requesting a 74' driveway width opening at the right of way line to accommodate the anticipated semi-truck use and to assist in preventing opposing lane encroachment when moving in and out of the facilities property.

Director Rogers emphasized to the Board, that safety of the traffic flow is the most prominent issue to the Staff and that the Staff does not feel the requests are excessive if that is what is needed to help assure a safe entrance and exit to the coming facility.

Director Rogers stated that the site abuts Quarry Rd. Quarry Rd is the only ingress/egress route to the site and is constructed with approximately 22' of paved surface with no posted speed limits, which means vehicles can legally travel as speeds

up to 55 mph along the route. Although the Board does not have the authority to establish speed limits for roadways, it does seem to Director Rogers that the Board should consider making a speed limit recommendation to the County Commissioners based on the Board's judgement of traffic intensity levels and type. If the Board chooses to do so, their recommendation would be given to the County Commissioners by the Staff.

Director Rogers then displayed for the Board and the audience a series of photos he had taken at the site showing both the area of the site as well as the surrounding area to the property.

Anne Felton, applicant, stepped to the podium to represent the current request. Ms. Felton wanted to reiterate that the driveway widths of 74' and 30' at the right of way line will not extend the whole length of the driveways. The 74' driveway at the right of row tapers down to a 30' driveway and the 30' driveway at the right of way tapers to 25'. Vice Chair Dennis Sterrett asked Anne Felton if she had a visual drawing of a semi-trailer showing the path that will be used at the driveway. Anne Felton stated that the visual drawing that was presented to the Board in the pre-meeting packets show the wheel path of a semi-trailer exiting the site and turning west on to Quarry Rd. The centerline of the road is labeled and the drawing shows that the semi remains in one lane and does not cross the center line and that the back wheels will not jump the curb when they swing out.

There being no citizens in the audience to speak in favor or against the request, Attorney Martin passed out the ballots.

**After tabulating the ballots, Chair Abbey Gross read the following results into the record:**

**Variance #3005 – 4 votes cast; 4 to grant; 0 to deny;**

**Petition GRANTED**

There was a motion by Jeff Guingrich and a second by Stan Minnick to make a recommendation to the County Commissioners to lower the speed limit to 40 mph and add signage warning vehicles of the truck and automobile traffic spilling out from the facility on to Quarry Rd. Motion carried unanimously.

**Variance # 3010**

Chair Abbey Gross asked the applicant representing the request, Chad James, if he would like to be heard since there is not a full Board present. Chad James requested to be heard.

Executive Director Rogers stated Spyglass Indiana LLC has multiple variances that are being asked for and the requests will be considered together on a single ballot. The applicant is requesting the following variances;

- To allow loading docks on the north side of the building vs the rear or side;
- A driveway width of 51.2' (east drive) vs 30';
- A driveway width of 40.2' (northeast) vs 30';

- A driveway width of 42' (northwest) vs 30';
- An allowance for three driveways vs one driveway of 40' max or two driveways under 30';
- A reduction in the parking space requirement from 112 to 35 spaces (33 standards plus 2 ADA spaces);
- Allow accessory structures in a front yard vs rear or side requirement;
- A waiver from the landscaping requirement of Table 9.1.

Director Rogers stated that the subject site is located within the Mid America Commerce Park which is designed to consist of I-3 zoning districts subjecting property owners not only to general zoning ordinance standards but also to standards and regulations particular to I-3 zoning. Director Rogers stated that when the zoning maps were developed the maps started with A-1 as the base line zoning for the entire county and encompassed all property in the county including all rights-of-ways (roads & railroads) as well as areas occupied by the lakes and waterways. A zoning designation does not change unless it is specifically requested or authorized by a legislative body. Director Rogers stated that the subject site abuts the Santa Fe Railroad, which is still zoned A-1 from the baseline zoning. The zoning ordinance requires a landscaping buffer when an I-3 district abuts an A-1 district. The Staff does not believe that it is practical to require a landscaping buffer because the subject site is designed to have access to the railroad and such would interfere with the use of the site. Also, he considers this zoning an aberration of the means by which the zoning maps were constructed.

When the Mid America Commerce Park was envisioned all sites were intended to face US Hwy 24. To avoid creating a hard-industrial look with docks facing US Hwy 24, the docks were required to be placed in a side or rear yard only. This would obscure the visibility of the docks from US Highway 24. At that time there were no interior roads planned and the area was all vacant land. Now there is a service road (MAC PARK DR) that creates a buffer between the subject site and US Highway 24. Any future development on the north side of Mac Park Dr. will increase the obscurity of sites to the south of MAC Park Drive.

In the opinion of the Staff, the additional width requested for the driveways, in all three circumstances, is the minimum allowance necessary to provide safe vehicular maneuvering. On the north side of the building, the Staff has no issue on the number, width or the location of the driveways due to the fact that the driveways will be accessed from MAC Park Dr., which is intended for access to only the facilities located in MAC Park. The driveway on the east is more critical because the road which will be intersected by the driveway, 1100 W, is a community traveled road. The width request of 51.2' for the east driveway is to accommodate semi-truck access and to assist in preventing opposing lane encroachment when moving in and out of the property.

Director Rogers stated that with the creation of MAC Park Dr, the subject site has two fronts, a side and a rear. Therefore, the applicant does not have many options to place an accessory structure to be useful and efficient. The south side is boarded by the railroad tracks and the west side would not be a practical location for the operation of the facility. The proposed accessory structures will be placed on the east side of the

facility near the building facing 1100 W. The Staff sees no visibility impairment and no issue with the location of the accessory structures.

The applicant requests a reduction in parking requirements to be compatible with the proposed facility employee level. Director Rogers stated that when the parking requirements were established for industrial complexes it was a very generic standard because the office could not predict what type of facilities would go in a particular location, or if the facilities would be labor intensive or not labor intensive. The generic standards were developed to be a worst-case scenario because the Staff does not want to create facilities, whether commercial or industrial, that have inadequate parking for employees. The applicant stated that the proposed facility, Sweetener Supply, will require about 30 employees at full capacity and that those employees would be spread out over multiple shifts. The Staff feels the parking is adequate for the facility as it's going to be launched. In the future if Sweetener Supply wants to add or expand the facility that could trigger additional parking requirements at that time.

Director Rogers then displayed for the Board and the audience a series of photos he had taken at the site showing the area subject to the request along with the surrounding area of the subject property.

Vice Chair Dennis Sterrett asked about the letters from the County Commissioners that were included in the Board Packet. Director Rogers answered that in the ordinance an I-3 district has to have County Commissioners approval to have outside storage before the request is presented to the Board. One letter is the official authorization that references the ordinance, which was created by the Area Plan office and signed by John Heimlich. The other letter is to Sweetener Supply from the County Commissioners making the commitment to Sweetener Supply that the County Commissioners would support the outside storage at this facility.

Chad James stepped to the podium to represent the current requests. Mr. James stated that Spyglass has already submitted their driveway plans to the Highway Department and the Highway Department has given approval for the number and location of driveways.

Vice Chair Dennis Sterrett asked about how often the storage would be used and if a lot of traffic would be in and out of the storage building. Chris Youngren stepped to the podium to answer Dennis Sterrett's question. Mr. Youngren stated that use of the silos will be minimal.

Jeff Guingrich asked if an issue will occur with cars and trucks using the same driveway and questioned what the purpose is for the circle drive located on the west side of the building. Chad James answered that the purpose of the two driveways are so trucks and cars will enter on the northeast driveway and only cars will exit out the northeast driveway and then trucks will only exit out the northwest driveway. Mr. James also stated that the circle drive is the fire access lane that was required to be put in by the Town of Wolcott.

There being no citizens in the audience to speak in favor or against the request, Attorney Martin passed out the ballots.

**After tabulating the ballots, Chair Abbey Gross read the following results into the record:**

**Variance #3010 – 4 votes cast; 4 to grant; 0 to deny;**

**Petition GRANTED**

There was a motion by Jeff Guingrich and a second by Stan Minnick to make a recommendation to the County Commissioners to have the speed limit reduced to 40 mph and add signage warning vehicles of the truck and automobile traffic spilling out from the facility onto 1100 W. Motion carried unanimously.

**By-Law Replacement:**

Director Rogers provided revised Board By-Laws for their consideration. Director Rogers stated that he removed the Chair term limit because, historically, there was never a term limit for the Chair. The term limit was added at the request of a previous Chairman who did not want to hold the position for more than two years. The Board decided to add the two-year term limit. Director Rogers recommended that the two-year term limit be dropped from the BZA By-Laws and provided his rationale for such.

There was a motion by Jeff Guingrich and a second by Dennis Sterrett to approved the changes made to the BZA By-Laws. Motion carried unanimously.

**Annual Report:**

Director Rogers stated that in area plan law the Area Plan Commission is the administrative body and the Board of Zoning Appeals is the judicial body. The Area Plan Commission is entitled to receive an annual report from the Area Plan Office every year to discuss activities, what's happened and what will happen in the office. The office chooses to share the annual report with not only the Area Plan Commission, who is entitled by right, but to the Board of Zoning Appeals, County Commissioners, County Council and other entities that are relevant and have an interest in knowing what is going on with the Area Plan Office. Director Rogers informed the Board that the Office has asked the Area Plan Commission to consider allowing the Staff to be more proactive specifically in the area of parking lot development & maintenance. Director Rogers informed the Board that if the Area Plan Commission allows the office to be more proactive it could result in increased issues this Board will have to handle. If the office takes an enforcement action that someone believes is inappropriate or a misinterpretation of ordinance, that person can appeal the decision and that appeal would come in front of the Board of Zoning Appels.

Director Rogers also provided general commentary related to the Annual Report.

There being no further business, Vice Chair Dennis Sterrett motioned to adjourn the meeting, with a second from Jeff Guingrich. Motion was passed and meeting adjourned at 7:02 p.m.

Respectfully submitted,

  
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Joseph W. Rogers, Executive Director  
White County Area Plan Commission

  
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Prepared by: Erika Martinez, Secretary

Document Prepared By: White County Area Plan Executive Director Joseph W. Rogers,  
"I AFFIRM, UNDER THE PENALTIES FOR PERJURY THAT I HAVE TAKEN  
REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS  
DOCUMENT, UNLESS REQUIRED BY LAW."