

## **PUTNAM COUNTY BOARD OF ZONING APPEALS MINUTES**

The Putnam County Board of Zoning Appeals met for its regular monthly meeting on December 13, 2021, at 7:00 p.m. in the Commissioner's Room of the Putnam County Courthouse, 1 Courthouse Square, Greencastle, IN 46135. Kevin Scobee called the meeting to order at 7:00 p.m. Lisa Zeiner took a roll call to determine a quorum. The following members were present: Kevin Scobee, Randy Bee, Ron Sutherlin, and Lora Scott. Raymond McCloud was not present at the meeting. Also, present were Jim Ensley, County Attorney; and Lisa Zeiner, Plan Director. Also present was the Audience; see attached sign in sheet.

### **REVIEW OF MINUTES:**

Kevin Scobee asked if there were any corrections or additions to the October 8, 2021, meeting minutes.

Lora Scott made a motion to approve the October 8, 2021, meeting minutes as presented.

Randy Bee seconded the motion. The October 8, 2021, minutes were approved with all in favor.

### **REVIEW AND APPROVAL OF 2022 MEETING DATES**

Mr. Scobee asked if there was any discussion on the meeting dates.

Lisa Zeiner stated that the dates follow the Rules of Procedures. Mrs. Zeiner explained that the only date that was different is the October meeting. Mrs. Zeiner stated that the second Monday in October falls on a holiday so the meeting will be on the second Tuesday.

Mrs. Scott made a motion to approve the 2022 meeting dates as presented.

Ron Sutherlin seconded the motion. The 2022 meeting dates were approved as present with all in favor.

### **OLD BUSINESS:**

**CELL TOWER AT US 40:** Steve Robertson (1441 E US 40) discuss drainage concerns of new tower; Warren Township; 11/13N/4W (1431 E US 40)

Steve Robertson approached the board. Mr. Robertson presented emails sent to Verizon and from their attorney. Mr. Robertson explained that he had asked five questions, his response did not answer most of the questions. Mr. Robertson stated that per the email the project was to be completed by the end of December. Mr. Robertson explained that this day, December thirteenth, nothing has been done on the property. Mr. Robertson stated that he had contacted the people who had built the new tower about landscaping, fencing, and drainage. Mr. Robertson explained he did not get any answers to the drainage problems. Mr. Robertson stated that bushes would not be done until spring. Mr. Robertson explained that he asked about the fence on a Monday, the fence was built on Saturday. Mr. Robertson stated that the four and a half acres that the cell tower owns, cannot be walked through, it is full of scrub trees. Mr. Robertson asked if someone could get some straight answers and a timeline.

Mr. Scobee asked for an update.

Mrs. Zeiner stated that the only information was the email from Mr. Russell stating that the work would be completed by the end of the year. Mrs. Zeiner explained that no one had reached out to her office from the cell tower company. Mrs. Zeiner stated that the permit was good for one year, no timeline has been given.

Jim Ensley stated that the board could request a timeline, they have a year to do the work. Mr. Ensley explained that this project does not get inspections like a dwelling would.

Mr. Sutherlin asked about the demolition permit.

Mrs. Zeiner stated that a demolition permit has not been requested at this time.

Mr. Scobee asked if a demolition permit was required.

Mrs. Zeiner stated that they should. Mrs. Zeiner explained that there has not been a tower removed in Putnam County. Mrs. Zeiner stated that if it was a dwelling a demolition permit would be required. Mrs. Zeiner explained that for a dwelling a pre-demo inspection would be done to make sure all utilities have been disconnected and to make sure the dwelling could be demolished safely. Mrs. Zeiner stated that there would also be a post-demo inspection to verify that the dwelling had been removed properly and that the site had been restored/cleaned up. Mrs. Zeiner explained that a cell tower decommissioning was new territory.

Mr. Scobee asked if the new tower was in operation.

Mr. Robertson stated that it was.

Mrs. Zeiner stated that the email states that there had been a delaying in transition of equipment from the old tower to the new tower for the other carriers, she wasn't sure if the new tower was in operation.

Mr. Robertson explained that Mr. Crawley sold the property to Verizon, and he cannot get information on where the north property line is located. Mr. Robertson stated that the tower went up within one week and is operational. Mr. Robertson explained that the other carriers that are on the old tower have to be moved to the new tower.

Mrs. Zeiner stated that both towers are in operation at this time.

Mrs. Scott asked if the complaint was drainage problems.

Mr. Robertson stated that he has fought this tower for fifteen years, it has killed property values, and water washes his driveway out. Mr. Robertson explained that he has installed three waterways since the original tower was built. Mr. Robertson stated that he has water washing out driveway. Mr. Robertson explained that the water comes from the east/west across his southeast property line. Mr. Robertson stated that the waterway was flagged out and he was told it would be done once the tower was constructed. Mr. Robertson explained that once the tower went up the flags were pulled and no one has been back since.

Mr. Scobee stated that this has been going on for a long time.

Mr. Ensley stated that the hearing was in December of 2020 but was tabled until January 2021.

Mr. Robertson stated that the new tower has been ongoing for ten or eleven months.

Mr. Scobee asked if there was any way this could be expedited.

Mr. Ensley stated that the tower company came in front of the board as a courtesy since this is more stated and federal.

Mr. Robertson asked if there was any reason why they could put in a water way in the winter.

Mr. Ensley stated that he could talk with Verizon's attorney about the water way. Mr. Ensley explained that he may not be able to make them do anything.

Mr. Sutherlin asked if we could control whether or not they tear down the old tower.

Mrs. Zeiner stated that the old tower would have to be decommissioned. Mrs. Zeiner explained that it was in the minutes that it would be torn down as soon as the new tower was in operation. Mrs. Zeiner stated that she was not sure about construction of a waterway would be able to be completed in the winter, based solely on the fact that grading of dwellings cannot be done in the winter. Mrs. Zeiner explained that the next step would be to go to the drainage board, which is the County Commissioners to discuss the drainage concerns.

Mr. Ensley stated that he would start by calling the attorney to see if he can push a bit.

**2021-BZA-37: MIKE SULLIVAN – SPECIAL EXCEPTION:** To an RV Resort in an Agricultural District; Zoned A1; Cloverdale Township; 5/12N/4W (1391 W CR 1050 S Cloverdale).

Mrs. Zeiner stated that she had spoken with Roger Azar, the engineer, and a continuance was requested until the January meeting.

Mr. Scobee stated that if anyone was present for this case, it would not be heard.

Mrs. Scott stated that the audience was welcome to stay for the rest of the meeting.

**NEW BUSINESS:**

**2021-BZA-45: DAMON COX – DEVELOPMENT STANDARDS VARIANCE:** to allow two primary dwellings on the same parcel; Zoned A1; Cloverdale Township; 33/13N/3W (5304 E CR 900 S Cloverdale)

Damon Cox, petitioner approached the board.

Mrs. Zeiner stated that the public notice had not been published in the local paper, property owner letters were sent out.

Mr. Scobee stated that this case should be continued to the January meeting.

Mr. Ensley stated that in the past they had allowed the petitioner to present the case, however there was an issue with one case when the publication was not completed. Mr. Ensley explained that it would be best to be continued but the landowner letters would not have to be sent out.

Mrs. Scott made a motion to continue **2021-BZA-45: Damon Cox Development Standard Variance** until the January meeting due to lack of public notice.

Mr. Sutherlin seconded the motion.

**2021-BZA-45: Damon Cox Development Standard Variance** was continued until January 10, 2022, to allow the petitioner time to place a public notice in the local paper.

**2021-BZA-47: MICHAEL CRANDALL – DEVELOPMENT STANDARDS VARIANCE:** to allow a secondary dwelling on one parcel; Zoned A1; Washington Township; 12/13N/5W (3148 W CR 550 S Greencastle)

Mr. Crandall was not present at the meeting.

Mrs. Zeiner stated that the petitioner did not call to request a continuance or to let anyone know they would not be present at the meeting.

Mr. Ensley stated that if someone went through the effort to file a petition, they would be present.

Mr. Scobee asked if maybe the petitioner got the meeting date wrong.

Mrs. Zeiner stated that the letters that were sent out had the correct date on them and the audience members present are here for this case. Mrs. Zeiner explained that she had told the petitioner that he had to be present at the meeting.

Mr. Sutherlin asked what the rules of procedures say when something like this happens.

Mr. Ensley stated that there are different things the board could do.

Mrs. Zeiner stated that per the rules of procedures, the petitioner or petitioner's agent must appear in person or by counsel present a petition or remonstrance to the board and for the board to consider the petition. If no person appears on behalf of the petition, the petition is tabled until the following meeting or dismissed under Section Two of this article. Mrs. Zeiner stated that Section Two states The Board's Secretary or staff must be informed prior to the meeting if the petitioner requests a time extension. The chairperson will determine whether the petitioner's reasons warrant an extension. If the petitioner or the petitioner's agent fail to appear at the meeting for which the extension was given without sufficient reason, the petition may be dismissed.

Mr. Scobee stated that the board could either table it or dismiss it.

Mrs. Scott stated that in the past, the board has tabled petitions when the petitioner was not present.

Mr. Scobee stated that the board does not know what the circumstances for the petitioner not showing is, there could have been a death or illness.

A member of the audience stated that he just texted the petitioner and the reply back was that he was going to attend the meeting but was called in to work.

Mr. Scobee asked if the board wanted to table it or dismiss it.

Mr. Bee stated that he was in favor of dismissal.

Chris Latham, 5420 S CR 300 W, asked how this petition could even get to this point.

Rita Latham, 5420 S CR 300 W, stated that they are the original owners of their property. Mrs. Latham explained that per the covenants on these properties, no second dwelling or subdividing of the tract is allowed.

Mrs. Scott asked if the Crandall's purchased the home from the Latham's.

Mrs. Latham stated that the Crandall's did not purchase the dwelling from them. Mrs. Latham explained that when her and her husband bought the property, they were the original owners after the farm was split up. Mrs. Latham stated that the property, where the Crandall's now live, has been owned by several other people over the years. Mrs. Latham explained that the covenants are still in place.

Mr. Ensley stated that if it is a covenant that runs with the land, it is a civil matter. Mr. Ensley explained that a building permit has to be issued based on the county rules, but if it is against the covenants, it is on the adjoining property owners to file something to stop it. Mr. Ensley stated it is an action between two private parties.

Mr. Scobee asked about the size of the parcels.

Mr. Latham stated the properties were five acres.

John Harlan, 3305 W CR 550 S, stated that the parcels were sold that way on purpose and if you have one guy do that the next thing you know you have five or twelve. Mr. Harlan explained that he did not want this to be approved.

Mr. Scobee stated that the Crandall's cannot issue a building permit.

Mr. Ensley stated that is why they are requesting a variance.

Mrs. Zeiner stated that since there is an existing house on the property, they cannot automatically get a building permit for a dwelling unless the board approves it.

Mr. Ensley asked Mrs. Latham if on the deed it specifies the conditions of the covenants.

Mrs. Latham stated that she did not have a copy of the deed.

Mr. Ensley stated that we could pull the deed as the purchase agreement states that these conditions will be in the deed.

Mrs. Scott stated that the case should be tabled.

Mr. Ensley stated that the building department is in charge of building standards and if those standards are met a building permit can be issued. Mr. Ensley explained that if it is against the covenants, then someone has to file a private action to force that.

Mrs. Zeiner stated that the conditions were not on the Crandall's deed when he purchased the property in 2020.

Mr. Harlan asked why the petition was filed if you cannot stop or start it.

Mr. Scobee stated that the petitioner is asking the board to grant an exception to be able to place the second dwelling. Mr. Scobee explained that the property is only 5.47 acres, therefore a building permit cannot be issued unless this board granted his request.

Mrs. Scott stated that the board also goes by precedent where everyone has the opportunity to present their case. Mrs. Scott explained that this was not the public hearing, everyone is due the courtesy of presenting their case.

Mr. Scobee explained that the board needs to decide how to proceed. Mr. Scobee stated that he was in favor of dismissing the case.

Mrs. Scott stated that the case should be tabled to allow the petitioner the opportunity to present his case.

Mr. Sutherlin stated that he was in favor of tabling the case. Mr. Sutherlin asked why the other board members wanted to dismiss the case.

Mr. Scobee stated that the petitioner knew about the meeting and did not show or call stating he would not be at the meeting.

Mrs. Zeiner stated that if the petitioner just got called into work, that could have happened after the office closed and there could be a voice message stating that he would not be at the meeting.

Mr. Sutherlin stated that if it happens again in thirty days, he was in favor of dismissing the case.

Mrs. Scott stated that if there was a no show in January, then the case should be dismissed.

Mr. Latham stated he was okay with tabling it until January.

Mrs. Scott made a motion to table **2021-BZA-47: Michael Crandall – Development Standards Variance** based on his absence until the January Meeting.

Mrs. Zeiner stated that the audience would have the opportunity to voice concerns and ask questions at the next meeting.

Mr. Scobee called the meeting back to order after an audience member disrupted the meeting.

Mr. Bee asked if there were other family members that could have come.

Mrs. Latham stated that they did, someone could have been here.

Mrs. Scott explained that in a normal case the petitioner presents their case, then anyone who is in support get to present, then those opposed get to present, the petitioner then offers rebuttals. Mrs. Scott stated that all presentations are made to the board not the petitioner and all discussion is done in an orderly manner. Mrs. Scott explained that there would not any back and forth and if people speak out continuously, they would be asked to leave. Mrs. Scott stated that once the public portion is over it becomes a deliberation of the board.

Mr. Ensley stated that it is in the rules that allows for tabling a petition when the petitioner is not present.

Mr. Sutherlin seconded the motion to table the meeting.

Mrs. Scott and Mr. Sutherlin voted in favor of tabling the petition, Mr. Scobee and Mr. Bee voted against tabling the petition.

Mr. Ensley stated that per the rules of procedures, in the event that a majority of the vote cannot be achieved, the case would be rescheduled to the next regular meeting.

**2021-BZA-47: Michael Crandall – Development Standards Variance** was continued to the January meeting due to lack of a majority of a favorable vote.

Mr. Sutherlin stated that no additional notice will be given.

Mrs. Zeiner stated that the next meeting would be January tenth.

### **RULES OF PROCEDURES**

Mr. Scobee asked if there was anything that needed to be discussed.

Mrs. Zeiner stated that it could be changed to Rules of Procedures 2022 if the board approves to make the rules effective January first.

Mrs. Scott stated that she some questions. Mrs. Scott stated that on page seven under item two, it states upon a form acceptable to the Board, the applicant shall provide additional written notice buy registered, certified, or first-class mail. Mrs. Scott explained that she thought it had to be registered or certified.

Mrs. Zeiner stated that by Indiana Code the petition is only required to place a notice in the paper, certified letters are a courtesy so as long as they have proof that they were sent out and provide that information to our office. Mrs. Zeiner explained that it is better to have a way to track them, but some petitioners do send them first class with labels provided by the post office showing the date they were mailed.

Mrs. Scott stated that on page nine under conduct item 'A' courtesy is spelled wrong. Mrs. Scott asked who the director of the board as shown on page eleven under continuance.

Mrs. Zeiner stated that director of the board needs to be changed to plan director. Mrs. Zeiner explained that various other counties rules of procedures were used to develop these rules and some of the verbiage may not have been changed accordingly.

Mrs. Scott stated that she appreciated that a hearing limit was added to the rules as shown on page thirteen.

Mr. Scobee stated that under dismissal on page fifteen, the board may dismiss a case for lack of representation or lack of jurisdiction when an applicant fails to appear at two consecutive meetings.

Mrs. Scott stated she was good with that.

Mrs. Zeiner stated that a motion for approval is required at some point.

Mrs. Scott stated that she would like to get it approved to get this in place by January first.

Mr. Ensley stated that he would review and make sure all codes referenced are still in effect and it can be amended at any time.

Mr. Sutherlin made a motion to approve the Rules of Procedures for 2022 with corrections as discussed.

Mrs. Scott seconded the motion.

**2022 Rules of Procedures** passed contingent on corrections be made with all in favor.

Mr. Ensley stated that people who live in subdivision try to get us involved with covenants, if it meets our requirements there is nothing that prevents a building permit from being issued. Mr.

Ensley explained that if the covenants are stricter than the county rules, a civil action would have to be filed.

Mrs. Zeiner explained that this property is not in a subdivision and the deed for Mr. Crandall's property that was recorded in 2020 does not say anything about not being able to split or build a second dwelling. Mrs. Zeiner stated that the property cannot be split because it does not have the road frontage requirements or the acreage requirements.

Mr. Ensley stated that if a change of title is done it should still show as a restriction of the property, even if it isn't on the deed. Mr. Ensley explained that covenants run with the property regardless of what the deed shows.

Mr. Scobee asked if there was any advantage to know this information prior to the next meeting.

Mrs. Zeiner stated that it could show that the covenants was not disclosed to him and the time he purchased the property.

Mrs. Scott asked if approval on the reports was needed.

Mrs. Zeiner stated that the reports were just for the board's information.

Mrs. Scott asked Mr. Scobee and Mr. Bee about the Plan Commission last week about the discussion on the development standards and acreage.

Mrs. Zeiner stated that Mr. Williams asked the Plan Commission to consider revising the A1 zoning district to allow for smaller lots than five acres and for less road frontage than 350 feet.

Mr. Scobee explained that it was discussed that about lower the lot size and road frontage. Mr. Scobee stated that the conclusion was to have Mrs. Zeiner look into surrounding counties and find out what they had. Mr. Scobee explained that fifty foot right of way was also discussed.

Mr. Sutherlin asked where the discussion was lending.

Mr. Scobee stated that there is momentum to do something.

Mr. Bee stated that momentum was to lower the acreage requirement more than the road frontage requirement.

Mrs. Scott asked about the discussion about address the actual zones to create zones where development standards are changed.

Mr. Bee stated that changes would be patchworking. Mr. Bee explained that the money that was promised had gone by the wayside because of COVID money.

Mr. Ensley stated that there is a strong advocate that this would not go away anytime soon. Mr. Ensley explained that grants were looking at for paying for the revisions. Mr. Ensley stated that EDIT money would be going down, which would be a logical choice to pay for this.

Mr. Bee asked if it would be advantageous to go before the council.

Mr. Ensley stated that the council controls the budget.

Mr. Scobee asked who controls the money that Planning, and Zoning brings in.



Mr. Ensley stated that the department works with the council. Mr. Ensley explained that the money has been changed in what it is used for.

Mrs. Zeiner stated that a year ago there was a plan director/building inspector, a full-time office person and a part time office person; now there is a director, two inspectors, and a full-time office person so that there are two people in the office the majority of the time.

Mr. Ensley stated that the two building inspectors was supported by the money that is brought in.

Mr. Scobee asked if the Planning Department takes in enough money that after the budget money is taken out would there be money left over to pay for revising the ordinances.

Mrs. Zeiner stated that was a possibility. Mrs. Zeiner explained that she would have to look at everything and determine what there is. Mrs. Zeiner asked why this could not be done in house as opposed to being sourced out.

Mr. Ensley stated that for the Comprehensive Plan to be updated, it would have to be sourced out because of all the meetings and required focus groups. Mr. Ensley explained that the zoning ordinance could possibly done in house, but a third-party contractor does not have their own agenda or political ties.

Mrs. Scott stated that one of the things that came out during the interviews two years ago was having people respond via internet or remote meetings, which is what those consultants have the setup to do. Mrs. Scott requested that Mrs. Zeiner see if there are any excess funds in the planning and zoning account to be set aside for ordinance amendments.

Mr. Ensley stated that the EDIT money is to be approved in January. Mr. Ensley explained that he had given the commissioners a draft plan of what they have, who has asked for what, and what was given last year.

Mr. Scobee asked if there was any money left.

Mr. Ensley stated that there was money available still.

Mr. Scobee asked how much money had been directed to an annex.

Mr. Ensley stated about two million. Mr. Ensley explained that the EDIT fund is 1.1 million. Mr. Ensley stated that there is a bond that has to be paid for roads in Edgelea that is paid yearly. Mr. Ensley explained that the EDIT money the commissioners have is \$1,170,981.00; last year West Central Economic Development was given \$15,000; Economic Development for the county was given 50,000; the Senior Center was given \$20,000; Edgelea pavement last year was \$27,000, this year it is \$29,000; debt contingency of \$10,000; Rural Transit \$10,000; Beyond Homeless \$15,000; Food Pantry \$15,000; People Pathways \$20,000; Courthouse Annex \$150,000; \$250,000 in War Chest for emergencies; and the Highway Department \$500,000.

Mrs. Scott stated that the EDIT funds are done at their first meeting.

Mr. Ensley stated that he would like for that to be the case.

Mr. Sutherlin asked if it was too late to get the Plan Commission on the list.

Mr. Ensley stated it was not too late.

Mr. Bee asked how we request money.

Mr. Ensley stated that Mrs. Zeiner could do it.

Mrs. Scott stated that she would be at the meeting.

Mrs. Zeiner stated that just from the collection period for September seventeenth through November seventeenth, the year-to-date collection total is \$255,483.36, subtracting out the budget of approximately \$219,000 there is leaves \$36,483.36.

Mr. Sutherlin asked if that was supposed to be in the demolition budget.

Mrs. Zeiner stated that the is \$25,000 in the demolition budget, which is included in the \$219,000.

Mr. Bee stated that those fees were kept in the budget.

Mrs. Zeiner stated that there is a budgeted item just for that.

Mr. Scobee asked how much it would be to redo the comprehensive plan.

Mr. Ensley stated \$150,000 approximately.

Mrs. Scott requested doing a war chest request.

Mr. Ensley stated that Mayor Dory had requested that the Commissioners put money into the war chest for things like this. Mr. Ensley explained that the EDIT may not be that high.

Mrs. Zeiner stated that she would look at everything and see where the money that the office brings in that is left after budget goes and see if it would be possible to utilize that money for these amendments and upgrades.

Mr. Ensley said the commissioners only deal with the EDIT money, the council deals with the rest of the money.

Mrs. Scott stated that she would be at the meeting to show support of the request.

Mrs. Zeiner stated that there were several items that needed to be signed, but with Raymond not being at the meeting if those items could still be signed.

Mr. Ensley stated that Kevin could sign them.

Mr. Scobee asked if there was any additional agenda items or comments. There being none, Mr. Bee made a motion to adjourn.

Mrs. Scott seconded the motion.

Meeting adjourned at 8:23 p.m.

Minutes approved on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.



Kevin Scobee, Vice-President

PUTNAM COUNTY BOARD OF ZONING APPEALS

December 13, 2021

SIGN IN SHEET

PLEASE PRINT CLEARLY

NAME	ADDRESS
Chris Catham	5420 S. CR 300 West
Rita Catham	5420 S. CR 300 West
DAVID BLANTON	3190 W 550 S
DIANA BLANTON	"
BOREE BEDWELL	1264 W CR 1050 S CLOVERDALE IN
Doug Bedwell	1264 W. CR 1050 S. Cloverdale, IN
Damon B. Cox	5304 E. CG Rd. 900. South 46120 Cloverdale IN
STEPHEN ROBERTSON	1441 E VS 40 CLOVERDALE, IN 46120
John Harlan - (Mark son)	3305 W 6th Rd 550 S Brun

Castle  
IN  
46135

**PUTNAM COUNTY BOARD OF ZONING APPEALS**  
**1 Courthouse Square Room 46**  
**GREENCASTLE, IN 46135**  
**(765) 301-9108**

**DATE:** December 13, 2021  
**TIME:** 7:00 P.M.  
**PLACE:** PUTNAM COUNTY COMMISSIONER'S ROOM  
**NEXT MEETING DATE:** January 10, 2022

**AGENDA**

- 1) **CALL TO ORDER**
- 2) **ROLL CALL DETERMINATION OF QUORUM**
- 3) **REVIEW OF MINUTES – October 8, 2021**
- 4) **REVIEW AND APPROVAL OF 2022 MEETING DATES**
- 5) **OLD BUSINESS**
  - a. **Cell Tower at US 40:** Steve Robertson (1441 E US 40) discuss drainage concerns of new tower; Warren Township; 11/13N/4W (1431 E US 40) – **TABLED UNTIL THE DECEMBER 13<sup>TH</sup> MEETING.**
  - b. **2021-BZA-37: Mike Sullivan – SPECIAL EXCEPTION:** to allow an RV Resort in an Agricultural District; Cloverdale Township; 5/12N/4W (1391 W CR 1050 S Cloverdale)
- 6) **NEW BUSINESS**
  - a. **2021-BZA-45: Damon Cox – Development Standards Variance:** to allow two primary dwellings on the same parcel; Zoned A1; Cloverdale Township; 33/13N/3W (5304 E CR 900 S Cloverdale)
  - b. **2021-BZA-47: Michael Crandall – Development Standards Variance:** to allow a secondary dwelling on one parcel; Zoned A1; Washington Township; 12/13N/5W (3148 W CR 550 S Greencastle)
  - c. **RULES OF PROCEDURES**
- 7) **REPORT**
- 8) **ADJOURNMENT**



**RE: Verizon Tower Project Promises**

Russell Brown &lt;rbrown@clarkquinnlaw.com&gt;

Fri 12/3/2021 11:07 AM

To: Stephen Robertson <sabirds@yahoo.com>; Lisa Zeiner <director@pcplan.us>; rondamchugh@gmail.com <rondamchugh@gmail.com>

**Mr. Robertson:**

I apologize for the delay in the response here.

The matter which has been delaying the transition of equipment from the old tower to the new tower was a supply chain issue for the carriers OTHER than Verizon Wireless. I was informed today that the necessary materials were received this week and the transfer of equipment for the other carriers will be completed in the next several weeks. Once that transfer is completed the old tower will be decommissioned. Once the old tower is decommissioned the site will be ready for landscaping, and my understanding is that the work related to run-off will be able to be completed as well. So, barring unforeseen weather events, the old tower should be down by the end of this calendar year.

Thank you.

**Russell Brown**

320 N. Meridian Street, Suite 1100

Indianapolis, IN 46204

317.637.1321 Phone 315 Extension 317.687.2344 Fax

rbrown@clarkquinnlaw.com

[www.clarkquinnlaw.com](http://www.clarkquinnlaw.com) [Clark, Quinn, Moses, Scott & Grahn, LLP](#)

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**From:** Stephen Robertson <sabirds@yahoo.com>**Sent:** Monday, November 15, 2021 3:18 PM**To:** Russell Brown <rbrown@clarkquinnlaw.com>; director@PCPlan.us; rondamchugh@gmail.com**Subject:** Verizon Tower Project Promises**Mr. Brown,**

I am writing to request several pieces of information regarding the Verizon cellular tower; located on US 40 just west of 231. Since the completion of the tower in July, several promised and planned facets have not been completed.

1. What is the timeline for tearing down the old tower? Start date and completion date? The last communication we received was that Verizon was waiting for other carriers to get their equipment off of the tower. What is the criteria or timeline for the other carriers to remove their equipment? Who will be the contractor that will handle the tear down of the old tower?
2. What is the plan and timeline for the landscaping that was promised? Start date and completion date? To date, none of the landscaping has been started despite several months of excellent weather. Who will be the contractor to install the landscaping? I have attached below the proposed landscaping plan for the tower site for reference.
3. Who will maintain the entire lot where the tower is located, not just the guide wires of the tower? The lot has not been properly maintained since Verizon purchased the 4 1/2 acres. There are trees, weeds, and thistle that have been allowed to

reach overgrowth, which negatively impacts our residential neighborhood.

4. What is the timeline for addressing the need for a waterway to keep the runoff from ruining my driveway after every significant rain? The lack of the promised waterway allows my driveway to be washed out, which, in turn, costs me money to repeatedly repair. Who will be the contractor for the waterway? When will this be started and completed?

5. I am requesting the plat for the north boundary line of the tower lot where it meets Mr. Crawley's and my property line.

I look forward to receiving your response.

Sincerely,

Steve Robertson  
(765) 516-0357

To: Lisa Zeiner and the BZA of Putnam County.

From: Doug Bedwell, 1264 W. CR 1050 So.

December 10, 2021

Ms. Zeiner, BZA,

I would like to respond to several statements made by Mr. Sullivan, regarding his application for a special zoning exception at 1391 W CR 1050 So, in Putnam County. Quotes below in **Bold Face** are taken directly from the BZA Minutes of the October 2021 meeting, with my comments following.

**"Mr. Sullivan explained that he purchased the property with having his type of service in mind."**

It should be noted that at the time he purchased the property in question, Mr. Sullivan purchased it with its existing zoning already in place. He could instead have purchased property already zoned commercial, and/or in a more suitable and easily accessible location along a state highway. Or alternately, he could have filed for a special exception on the property at that time, and required that special exception being granted as a condition of his purchase. He did not do so.

Mr. Sullivan's bad planning and lack of foresight regarding the existing zoning of the property does not necessitate or justify inconvenience or financial harm to his neighbors.

**"Mr. Sullivan explained that he had an economic study had been prepared for the fourth year if the RV park was at 40% capacity. Mr. Sullivan stated that it would be about twenty-eight million for the community."**

This claim is so outrageous that I scarcely know where to begin in addressing it. Mr. Sullivan's plan, according to the most recent information he has provided, indicates 86 campsites, and 13 cabins, at \$60 a night and \$189 a night respectively. He has indicated that three of those cabins would be occupied by his family members, leaving only 10 unoccupied cabins for rental.

If, on any given day, every single proposed site and cabin are rented, that would result in \$7050 in revenue for that day, i.e.  $\$60 \times 86$  plus  $\$189 \times 10$ .

Extended out to a full year, that would result in \$2,573,250 in revenue, which is less than 10% of Mr. Sullivan's claimed "\$28 million". That is assuming every single site was rented, every single day, seven days a week, weekdays and weekends, 365 days a year.

But Mr. Sullivan also stated that the \$28 million dollar figure was based on "40% capacity." At 40% of capacity, site and cabin rentals would amount to just over \$1 million dollars of revenue per year, but even that number is wildly implausible. Not only would that figure necessitate high levels of traffic on weekdays as well as weekends, and also during the cold winter months of the off-season, it would also require an absolutely massive influx of new tourist traffic to the area throughout the entire course of the year. There is no reason to expect *any* significant increase in local tourist traffic in this part of rural Putnam County, as I will discuss below.

**"Mr. Sullivan stated that this was not a campground, but an RV resort."**

**"Mr. Sullivan explained that the RV's that he will be attracting are not two-thousand-dollar RV's; they are half a million-dollar RV's. Mr. Sullivan stated that they are retirees who want quiet."**

First, I want to make it clear that I am not speaking merely from personal assumption. My grandparents, Dorothy and Rene Dumas, built and ran the Blackhawk Campground, and I was directly involved in its operation every single summer for over twenty years. I know as well as anyone what it is to run a campground in this part of Putnam County, Indiana.

There is a very important question to be raised about the clientele Mr. Sullivan intends to attract to his proposed RV Resort, and that question is "Where are they?" The answer to that question is "Not here." The sort of wealthy, free-spending travellers that Mr. Sullivan describes above do not frequent this corner of rural Putnam County.

It may seem obvious to state that tourists go where there are tourist attractions. The sort of high-dollar tourists described above do exist, but they do not exist **HERE**, at least not in any significant numbers. Those tourists go to major amusement parks like Disney World. They go to Branson, MO, or Las Vegas, NV, where they can see famous entertainers performing at dozens of different venues. They go to Hilton Head, NC, or Augusta, GA, where they can play on multiple PGA-Tour quality golf courses. They go to Yellowstone, or Yosemite, or the Grand Canyon, or Niagara Falls -- Major National Parks with spectacular scenery of international prominence.

RV Parks such as the one Mr. Sullivan is proposing can flourish on the outskirts of major attractions of that sort, because the travellers there are just looking for a place to park their RV while they visit those attractions. The RV park itself is not the attraction. It is not what brings the tourists to those sites. It is simply a place to park an RV overnight.

The only significant tourist attraction in our immediate area is the Lieber State Park, and it does not have national prominence. It does not have regional prominence. It is not even particularly noteworthy among the State Parks of Indiana. It's a very nice park, but its appeal is strictly local, and by "local" I mean within a 45 mile radius.



The Lieber State Park appeals to working-class families, primarily from Indianapolis and the Indianapolis suburbs. That's it. That's who comes here. Not millionaires. And the primary attraction here for those families is the Cataract Lake. It's a nice lake for boating or fishing or swimming, and the woods are a nice place to get out of the noise and the crowds and the pollution of the city.

And those working class families are very price conscious, and very few of them are going to be interested in paying premium prices for campsites, particularly not for campsites that are packed in shoulder to shoulder, with little to no privacy from other campers.

There is nothing in Mr. Sullivan's proposal that would draw additional tourists, from a significantly different financial demographic, to this area. Simple facilities like a camp store and fishing ponds can be found at most campgrounds nationwide. People are not going to drive across the country for pickleball courts or a swimming pool. His plan does not even provide hiking trails. Luxury resorts have concierges, entertainment venues, day spas, fine dining, and guided tours. None of these high-end amenities can be found in Mr. Sullivan's proposal.

So regardless of how he chooses to characterize the project, Mr. Sullivan's proposed RV park is not, in itself, a tourist attraction. It's not even likely to be, by the standards of the local market, even a particularly nice campground, as the campsites will be crowded together with little to no privacy. There is no reason to expect that it will attract significant levels of additional tourism. It will inevitably find itself in direct competition for the already existing tourist population, pitted against cheaper, more spacious, and already established campgrounds in the area, including the campsites available at the Lieber State Park itself.

**"Mr. Sullivan stated that most of the time it would be one-night stays. Mr. Sullivan explained that that it would be sixty-five to seventy percent one night stays."**

There are multiple problems with this claim.

The first is in relation to the point raised above, about the current tourism in this area. To achieve 40% capacity, that would mean approximately 40 renters every single night. If 65%-70% of those are single-night stays, that would mean 25 or more large vehicles coming in, and 25 or more large vehicles going out, every single day. If we add to that the renters coming for 2 days or longer, that would be approximately 30 unique RVs arriving every single day, 365 days a year.

As illustrated above, this is simply not plausible.

Additionally to the points above, competing for overnight campers means competing not just locally, but with every campground along the interstate. A camper driving on I-70

can easily just continue on to the next exit, and at seventy miles an hour, St. Louis is only three hours away.

Long-distance travellers are not eager to exit the freeway if they can't see a good assortment of services there. This is why the Putnamville exit from I-70 does not generate a large amount of commercial traffic. Travellers are far more likely to stop at Cloverdale, where they can easily see many places to eat, multiple gas stations, and other amenities. The Campground there is an easy on-off, very close to the interstate.

Drivers who come to the Putnamville exit see only a single gas station, and no restaurants. If they choose to exit there anyway, chances are they will be headed for the State Park, and that will always be their first choice destination. A State Park is certain to meet minimum standards, at an affordable price, and campers can get there directly, without having to make a blind turn off of Hwy 243 onto a narrow and uncertain country road.

Overnight travellers prefer reliable, easily accessible, readily-visible options. Mr. Sullivan's proposed resort would have none of these advantages.

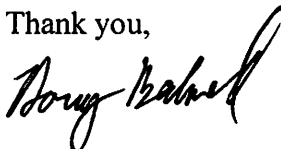
But even if we accept the unlikely claim that this project would attract large numbers of overnight visitors, then that would mean an enormous increase in the traffic load on CR 1050 South, with thirty or more large vehicles coming in, and another thirty large vehicles leaving, every single day, 365 days a year. And that's not counting any additional trips made with passenger cars, or delivery vehicles, and so on. As I and my neighbors have asserted, CR 1050 So. is not structurally adequate to support such additional volume of that sort of traffic.

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In conclusion, Mr. Sullivan's claims regarding the potential financial impact of this proposed resort are not plausible, and do not withstand even minimal scrutiny. And whether his project fails outright, as seems likely, or if it were to eventually succeed as a competitor to the many campgrounds which are already established in the area, it will be to the detriment of his neighbors, our property values, and the essential character and well-being of our immediate community.

Once again, I urge the board to deny this special exception.

Thank you,



Doug Bedwell  
1264 W CR 1050 So.  
Cloverdale, IN 46120

# CATARACT LAKE WATER CORPORATION

PO Box 624

Cloverdale, IN 46120

OFFICE: (765) 795-3288/ FAX: 9765) 795-3298

December 3, 2021

Mike Sullivan  
1391 W. 1050 South  
Cloverdale, IN 46120

Re: New Potential Campground Water needs

Dear Mr. Sullivan,

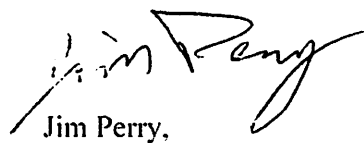
This letter is in reference to your recent inquiry regarding the possibility of Cataract Lake Water Corporation providing water service to a campground you would like to establish.

We contacted our corporate engineer regarding the needs or capacity of water this type of endeavor would require. He feels there would be ***NO ISSUES for Cataract Lake Water Corporation*** to provide the needed pressure and capacity of water (4K per day) you will need. He also added, this ***additional demand flow would have no impact*** on our existing water service customers.

Please let us know as soon as reasonably possible when you know if the campground idea is approved and the approximate date you will need the water service. There will be easements and permits or course to obtain and material to be ordered before we can implement this project.

If you have any questions or comments regarding this letter, you may reach me @: (765) 795-3288.

Sincerely,



Jim Perry,  
- CLWC Plant Manager

cc: Cataract Lake Water Board



**Putnam County**  
**Building & Planning Department**  
1 Courthouse Square 4<sup>th</sup> Floor Room 46  
Greencastle, IN 46135  
(765) 301-9108

**BOARD OF ZONING APPEALS 2022 CALENDAR**

<b>MEETING DATE</b>	<b>APPLICATION DEADLINE</b>	<b>NOTIFICATION DEADLINE</b>
01/10/2022	12/10/2022	12/31/2021
02/14/2022	01/14/2022	02/04/2022
03/14/2022	02/14/2022	03/04/2022
04/11/2022	03/11/2022	04/01/2022
05/9/2022	04/08/2022	04/29/2022
06/13/2022	05/13/2022	06/03/2022
07/11/2022	06/10/2022	07/01/2022
08/08/2022	07/08/2022	07/29/2022
09/12/2022	08/12/2022	09/02/2022
10/11/2022*	09/12/2022	10/01/2022
11/14/2022	10/14/2022	11/04/2022
12/12/2022	11/14/2022	12/02/2022

**\*Meeting date adjusted due to holiday falling on date of original meeting**

**All required forms must be typed and completed (forms are available in the Plan Commission Office)**

**Every petitioner must comply with all deadlines**

**The petitioner and/or agent needs to be in attendance at the scheduled meeting date**

**BZA meetings are at 7:00 p.m. in the Commissioner's Room of the Putnam County Courthouse**