

PUTNAM COUNTY BOARD OF ZONING APPEALS MINUTES

The Putnam County Board of Zoning Appeals met for its regular monthly meeting on October 12, 2021, at 7:00 p.m. in the Commissioner's Room of the Putnam County Courthouse, 1 Courthouse Square, Greencastle, IN 46135. Raymond McCloud 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: Raymond McCloud, Kevin Scobee, Randy Bee, Ron Sutherlin, and Lora Scott. Also, present were Lisa Zeiner, Plan Director. Jim Ensley, County Attorney was not present at the meeting. Also present was the Audience; see attached sign in sheet.

REVIEW OF MINUTES:

Raymond McCloud asked if there were any corrections or additions to the July 12, 2021, or the August 9, 2021, meeting minutes. Mr. McCloud stated that the September 13, 2021, meeting was cancelled due to a lack of a quorum.

Lora Scott made a motion to approve the July 12, 2021, meeting minutes and the August 9, 2021, meeting minutes as presented.

Ron Sutherlin seconded the motion. The July 12, 2021, minutes and September 13, 2021, minutes were approved with all in favor.

OLD BUSINESS:

2021-BZA-35: HERITAGE LAKES STORAGE & GARDEN - DEVELOPMENT

STANDARDS VARIANCE: to allow a reduction of the side setback requirements; Zoned CG; Floyd Township; 11/15N/3W (7225 E CR 600 N Bainbridge)

Robert Radez, Petitioner, approached the Board. Mr. Radez stated that his plan was to build a storage unit on an existing concrete pad. Mr. Radez explained that the concrete pad had been used to storage mulch bins and was located near the corn field. Mr. Radez stated that the side setback requirement was forty feet, but he was requesting a reduction to fifteen feet. Mr. Radez explained that he had originally planned to place the new storage unit on this site, however, since the September meeting had been cancelled, he found a different location that met the setback requirements. Mr. Radez stated that he the area where the concrete pad is located is the only other viable place for a storage unit. Mr. Radez explained that this request is for future development of the parcel. Mr. Radez stated that there were no other buildings in the area, other than the former Pizza Den that was to the east.

Randy Bee asked how far from the property line would the structure be located.

Mr. Radez stated that the structure would be at most thirty feet from the property line. Mr. Radez explained that the building would be thirty-four feet on the concrete and twelve to thirteen feet from the property line on the existing slab. Mr. Radez explained that he would like to be able to access the area behind the building.

Mr. Bee asked if the proposed building would be a smaller building and would be thirty feet from the property line.

Mr. Radez stated that was correct.

Mr. McCloud asked if there was anyone in the audience who wished to speak in favor or opposition to this petition. No one came forward. Mr. McCloud closed the public hearing portion for this petition.

Ron Sutherlin asked if the petitioner was asking for a setback of ten feet or thirty feet.

Mr. Radez stated that he was asking for ten feet, however, the building could be further from the fence line. Mr. Radez explained that twenty feet would be sufficient.

Mrs. Scott made a motion to approve the development standards request for 2021-BZA-35 Heritage Lakes Storage and Garden with the minimum setback of 20 feet from the property line.

Mr. Bee seconded the motion.

2021-BZA-35 development standards was approved for a side setback of 20 feet with all in favor.

2021-BZA-36: BRYAN TYLER – DEVELOPMENT STANDARDS VARIANCE: to allow a reduction of the side setback requirements; Zoned A1; Jefferson Township; 21/13N/3W (5970 E CR 700 S Greencastle – Tyler Subdivision)

Bryan Tyler, petitioner, approached the Board. Mr. Tyler presented a revised version of the proposal with a pole barn of forty feet by forty feet. Mr. Tyler explained that the hardship for this property is the septic system is located on the north side of the dwelling and the existing dwelling is thirty feet from the rear property line. Mr. Tyler stated that there had been an above ground pool on the property in the past. Mr. Tyler explained that even though the proposed pole barn would be larger than what was originally submitted the setback request of sixteen feet from the rear property line would remain. Mr. Tyler stated that the barn would be a bit closer to the existing dwelling.

Mr. McCloud asked if there was anyone in the audience who wished to speak in favor or opposition to this petition.

A member of the audience stated that she was Mr. Tyler's grandmother, and she was in favor of the petition.

Mr. Tyler explained that he was running out of room in the existing two-car garage as he owns a painting company. Mr. Tyler stated that the pole barn and pool with deck would be for personal use.

No one else came forward. Mr. McCloud closed the public hearing portion for this petition.

Kevin Scobee made a motion to approve 2021-BZA-36 Bryan Tyler as presented with the condition that the pole barn be no larger than forty feet by forty feet.

Mr. McCloud seconded the motion.

Mrs. Scott asked how far the dwelling was from the property line.

Mr. Tyler stated the dwelling was thirty feet from the property line. Mr. Tyler explained that a variance was obtained in 1994.

2021-BZA-36 development standards was approved for a rear setback of sixteen feet and the pole barn not to exceed forty feet by forty feet with all in favor.

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

Steve Robertson approached the Board. Mr. Robertson stated that there are drainage issues at this cell tower site. Mr. Robertson explained that he has built three waterways across his driveway that keep getting washed out by the runoff from the tower site. Mr. Robertson stated that a big pad had been installed after the tower had been approved. Mr. Robertson explained that he had spoken with the site manager to discuss the drainage issues and stakes had been placed where the water would be diverted to the west then north to a ravine. Mr. Robertson stated that the new tower is now up, but the landscaping and drainage has not been addressed. Mr. Robertson explained that water was running across his driveway.

Mr. McCloud asked what was discussed at the last meeting when this was approved.

Lisa Zeiner stated that the drainage was discussed, but it was not part of the motion. Mrs. Zeiner explained that she had reached out Russell Brown, the attorney that presented the original petition before the board. Mrs. Zeiner explained that Mr. Brown had been told that Verizon's contractor would be out to complete the various tasks on this site; those being moving of existing equipment, decommissioning old tower, landscape installation, and drainage infrastructure; in the next four to six weeks. Mrs. Zeiner stated that Mr. Brown had an onsite meeting with the contractor on Monday September 27, 2021.

Mr. Robertson stated that there was not an onsite meeting as he can see the property from his living room.

Mr. Scobee stated that at the conclusion of the original meeting it was discussed that the representative for Verizon would get together with someone about the drainage.

Mrs. Zeiner stated that Mr. Brown was to get with Mr. Robertson daughter Rhonda McHugh.

Mr. Scobee explained that contact was to be made.

Mrs. Zeiner stated that according to the minutes Mr. Brown stated that if an issue exists the drainage issue will be added to the configuration of the new tower and that engineers were looking at the issue as it relates to the new area. Mrs. Zeiner explained that Mr. Brown had stated that he would leave his card with Mrs. McHugh and get her contact information to give to the engineers.

Mr. Robertson stated that no one has contacted anyone in his family.

Mr. McCloud asked if this was something that Jim Ensley needed to follow up with.

Mrs. Scott said yes.

Mrs. Zeiner stated that she would work with Jim on this issue.

Mrs. Scott made a motion to table the discussion until the December meeting to give Verizon time to address the issues per discussions with Mr. Brown.

Mr. Robertson stated that one of the questions he would like answered is when will the old tower be removed.

Mrs. Scott recommended that Mr. Robertson write a letter, either through an email or an attorney, that way you have a record of what was given to them and if they got back to you.

Mr. McCloud suggested sending it certified.

Mr. Sutherlin seconded the motion.

Cell Tower at US 40 discussion was tabled until December 13, 2021, with all in favor.

NEW BUSINESS:

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).

Roger Azar, with Deckard Engineering, approached the board on behalf of the petitioner. Mr. Azar stated that this request is for an RV park currently in an agricultural protection zone, A1. Mr. Azar explained that an RV park is an allowable use in an A1 district with a special exception. Mr. Azar stated that they were looking at it as an R2 district. Mr. Azar explained that the property is currently on 34 acres with two retention ponds. Mr. Azar stated that the ponds would be verified by design to make sure that they accommodate the drainage required from the park. Mr. Azar explained that the proposal is for ninety RV spaces. Mr. Azar stated that the RV park would be a high end park with a clubhouse, pool, thirteen 1 to 2 bedroom cabins, main house, five bathhouses, and five pickleball courts. Mr. Azar explained that the setbacks on the rear and sides will be thirty feet, the front setback will be fifty feet. Mr. Azar stated that the park will have direct access to County Road 1050 South and the park will be designed so that all drainage flows into the existing ponds. Mr. Azar explained that the park does not exceed 15 recreational vehicles for each acre of gross site area, the RV spaces are forty feet wide approximately twenty feet of separation (ten feet each side of the space), all minimum setback requirements per the zoning ordinance will be adhered to as well as residential separation of at least twenty-five feet. Mr. Azar stated that with all the proposed amenities, the recreation area will be greater than eight percent of the gross park area. Mr. Azar explained that at this time the petitioner is not planning on having any shops. Mr. Azar stated that for wastewater disposal they are looking at two options, one being a self-sufficient treatment facility onsite that is an aerobic treatment system called Bio-Pure as plan 'b,' the preferable option is connecting to the Town of Cloverdale's sewer system. Mr. Azar explained that there is municipal water onsite. Mr. Azar stated that all entrances would be submitted to the County Highway Department for approval. Mr. Azar explained that the plan is to have between twenty- and fifty-foot radii coming into the property. Mr. Azar stated that approval from the Indiana Department of Homeland Security and the State Department of Health as required. Mr. Azar explained that the proposal is conceptual design.

Mrs. Zeiner stated that she had received an email from Jason Hartman, Town Manager of Cloverdale that stated The Town of Cloverdale is currently working with HWC Engineering and the Indiana Department of Natural Resources to provide wastewater services to Lieber State Recreation Area. Engineering of this project has not yet been started, but I suspect that the new forced wastewater main that will connect Lieber with the town will come very close (1,400 ft) to Mr. Sullivan's property. This e-mail is no guarantee that wastewater services will/can be provided to this property, but I did want to make the Commission aware of this possibility.

Mr. Azar stated that should that main go into effect and this property can tie into it, the design would include backflow preventors so that the main is not impacted.

Mr. McCloud opened the public hearing.

Virginia Belton, 1564 W CR 1050 S, approached the board. Mrs. Belton stated concerns with the difficulty coming onto County Road 1050 South from State Road 243. Mrs. Belton explained that there are no markings on the road to indicate a two-car road. Mrs. Belton stated that it is treacherous at times when passing vehicles, especially motor homes. Mrs. Belton explained that the road is a county road that needs repair. Mrs. Belton stated that there are several campgrounds in the area, a new campground is not needed. Mrs. Belton explained that she has an issue with the amount of traffic that will be contributed to the county road. Mrs. Belton stated that a trailer park/campground is not needed as it will not be good for the community or property values.

Mr. McCloud asked if County Road 1050 South was a paved road or gravel road.

Mrs. Belton stated that the county has cleaned out the ditches and modified the ditches; but it is still treacherous.

Mr. McCloud stated that speeches will need to be limited to get through everyone who wants to speak and the other items on the agenda.

Mrs. Zeiner stated that it was chip and sealed at least, but not a gravel road.

Mr. Scobee asked if the County Highway had any input on the county road.

Mrs. Zeiner stated that she had not received anything back from the highway department.

Doug Bedwell, 1264 W CR 1050 S, approached the Board. Mr. Bedwell stated that he is opposed to the special exception. Mr. Bedwell presented pictures of the county road and some written information (see attached exhibits). Mr. Bedwell explained that the foundation of the road is adequate for the traffic that it carries now. Mr. Bedwell stated adding more traffic and large vehicles on it would make it worse. Mr. Bedwell explained that this project would have direct harm to himself and other property owners. Mr. Bedwell stated that his home is the only asset that he has. Mr. Bedwell explained that the area are small agricultural plots in the country. Mr. Bedwell stated that the area is a nice place for someone to retire. Mr. Bedwell explained that there are no commercial properties in the adjacent area. Mr. Bedwell stated that he did not want more traffic on 1050 south or smoke in his woods every weekend or live across the road from what will be a small city with a population density of approximately four times as high as the city of Indianapolis. Mr. Bedwell further stated that there are better areas along State Road 243 for campgrounds.

Cindy Anderson, 1219 W CR 1050 S, approached the Board. Mrs. Anderson stated that the road in front of her dwelling had washed out and taken six days to repair. Mrs. Anderson explained that there is a blind corner at 243 and CR 1050 South. Mrs. Anderson stated concerns with traffic, noise, trespassing, and trash. Mrs. Anderson explained that she did not want ninety new neighbors.

Betty Wilson, 1271 W CR 1050 S, approached the Board. Mrs. Wilson stated that she was concerned about not being able to have windows open with all the potential smoke.

Kevin Wilson, 1271 W CR 1050 S, approached the Board. Mr. Wilson stated he was opposed to the special exception.

Steve Earnest, 1081 W CR 1050 S, approached the Board. Mr. Earnest explained that his driveway is the first driveway to the right that is hidden. Mr. Earnest stated that the road was not capable of support the volume of traffic or the weight. Mr. Earnest explained that the road was chip and seal

with a lot of cold patches. Mr. Earnest stated that he was concerned with the traffic, privacy, and property values being reduced.

Isis Earnest, 1081 W CR 1050 S, approached the Board. Mrs. Earnest stated that she did not want businesses in the area. Mrs. Earnest explained that they were trying to get the town to install sewers in the area but has not been done yet. Mrs. Earnest stated concerns with all RV's to Leiber and Black Hawk as well as emergency vehicles coming down the road.

Mike Sims, 1673 W CR 1050 S, approached the Board. Mr. Sims stated he was against the proposal. Mr. Simms explained that he lives close to Black Hawk campground. Mr. Sims stated concerns with noise, RV's turning around in his driveway, the road not able to handle the traffic, and property values. Mr. Sims stated that he enjoys the agricultural zoning with cattle.

Tom Gibson, 1569 W CR 1050 S, approached the Board. Mr. Gibson stated concerns with too much smoke, traffic, noise, and lower property values.

Mrs. Belton approached the Board. Mrs. Belton explained that the ditch was three feet deep. Mrs. Belton stated that emergency vehicles have increased.

Mike Sullivan, petitioner, approached the Board. Mr. Sullivan stated that he was trying to be a good neighbor. Mr. Sullivan explained that he purchased the property with having his type of service in mind. Mr. Sullivan stated that this was not a campground, but an RV resort. Mr. Sullivan explained that it would be good for the community. Mr. Sullivan stated that it is being designed with the care of the 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. 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. Mr. Sullivan explained that he would have curfews in place, the property will be gated and have security in place so that not just anyone could come in. Mr. Sullivan stated that the road is nineteen feet to twenty feet in width.

Mrs. Scott stated that the opposition does have the opportunity for rebuttal, per the rules of procedures.

Mr. Sims approached the Board. Mr. Sims explained that he had been RV'ing for forty years. Mr. Sims stated that motor homes are eight foot wide. Mr. Sims further stated that if someone comes up to the gate, regardless of the type of RV/camper they have, if there is a vacancy they will still be allowed to stay. Mr. Sims voiced disagreement with Mr. Sullivan's statement of only allowing certain RVs into the campground.

Mr. Bedwell approached the Board. Mr. Bedwell stated that it is one thing to say, "we are going to attract half-million-dollar RVs", it is another to get them. Mr. Bedwell explained that someone who can afford a half-million-dollar RV wants to live someplace quiet, they are not going to want to park at a resort where they are packed in elbow to elbow. Mr. Bedwell stated that people come out here to go to the Lieber State Park to go boating. Mr. Bedwell explained that traffic is already being served by other campgrounds.

Mrs. Belton approached the Board. Mrs. Belton stated that if a half-million-dollar RV was coming down the road, an accident would happen because they are too wide for the road when meeting another vehicle. Mrs. Belton asked if the county would be improving the road.

Mrs. Earnest approached the Board. Mrs. Earnest stated that the intentions are good, but the safety of the area cannot be guaranteed.

Mr. Sullivan stated that this project would be good for the community, and the whole town.

Mr. McCloud asked if anyone else wished to speak on this project. No one came forward. Mr. McCloud closed the public hearing portion of the meeting.

Mrs. Scott asked how this project/petitioner would comply with the Indiana Code for Campgrounds.

Mr. Azar stated that the proper permits would be obtained.

Mrs. Scott stated that the Indiana Code 410 ICA 671 that governs campgrounds. Mrs. Scott explained that this code deals with environmental, refuse, water, waste, and electrical requirements.

Mr. Azar explained that this proposal is conceptual not an actual design. Mr. Azar stated that once the design is completed it will be submitted to the county so the county can submit it to their engineers for review.

Mrs. Scott stated that with special exceptions the Board can require conditions, and one of the conditions that you meet Indiana Code. Mrs. Scott asked how long the RVs would be parked at the property. Mrs. Scott explained that the assumption is they are staying a night, weekend or maybe a week.

Mr. Sullivan stated he would not have yearly campers. Mr. Sullivan explained that the stay would be controlled by the cost.

Mrs. Scott asked about the anticipation of the length of stay.

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. Mr. Sullivan stated that weekly stays would be fifteen percent.

Mrs. Scott asked about the cost of the stay for a weekend.

Mr. Sullivan stated that it would be about two hundred and ten dollars.

Mr. McCloud asked what the operation would be, six months, a year.

Mr. Sullivan stated that he would like to put in place a year, but that he probably would not be full in the wintertime. Mr. Sullivan explained that some of the cabins would be privately owned and would not be rented out.

Mr. McCloud stated that there could be people there year-round.

Mr. Sullivan stated that there would not be. Mr. Sullivan stated that his mother and son would be living on the property. Mr. Sullivan explained that the existing dwelling would be torn down to allow for the entrance. Mr. Sullivan stated that he would be living in one of the cabins.

Mrs. Scott asked if most of the RVs pull a car or vehicle behind them.

Mr. Sullivan stated that they could. Mr. Sullivan explained that some of the RVs have an area under them.

Mrs. Scott asked that with ninety spaces, where would the vehicles be parked.

Mr. Sullivan stated that the vehicle could be parked on the pads.

Mr. Azar stated that the pads were eighty feet in length.

Mrs. Scott asked if the water supply would come from Cataract Water.

Mr. Sullivan stated that it would. Mr. Sullivan explained that water is currently onsite.

Mrs. Scott asked if the water was adequate.

Mr. Sullivan stated that he had spoken with Cataract and was told it would be adequate, but he did not have a letter.

Mrs. Scott stated that a letter would be required. Mrs. Scott asked how noise and smoke be controlled operationally.

Mr. Sullivan stated that if people are causing havoc they would be required to leave. Mr. Sullivan explained that curfew would be 10 p.m. Mr. Sullivan stated that he did not think campfires would be an issue. Mr. Sullivan explained that he would have strict enforcement on people who stay.

Ron Sutherlin stated that it appears that most of the acres would be utilized, with ninety pads that is a lot of concrete. Mr. Sutherlin asked about water retention and where the runoff would go in relation to the neighbors.

Someone from the audience started to speak about the drainage.

Mr. McCloud reminded the audience that the public comment portion of the meeting was over.

Mr. Azar stated that computer modeling for post and predevelopment would be completed. Mr. Azar explained that the retention of runoff would be at or better than the predevelopment runoff is at post development. Mr. Azar stated that orifices would be installed to control how the pond discharges water. Mr. Azar explained that the ponds are in place to collect all the water coming off the concrete. Mr. Azar stated that the outlet that creates the design so that the same amount of water goes out of the pond that is at or less than what is currently discharging from the ponds.

Mr. Sutherlin asked if there were two ponds on the property.

Mr. Sullivan stated that was correct.

Mr. Sutherlin asked if property was laid so that all the water goes to the ponds.

Mr. Azar stated that he is still working on the topography of the property to determine how the water flows.

Mr. Sullivan stated that there is a stream that runs along the property. Mr. Sullivan showed the stream being on the west side of the property.

Mrs. Scott asked if the ponds would be used only as drainage and not for swimming or fishing.

Mr. Sullivan stated that the ponds would be used for irrigation and fishing only.

Mrs. Scott asked if the ponds would be excavated to make them deeper than they are.

Mr. Sullivan stated no.

Mr. Azar stated that the northern pond does not have an outlet so an outlet would be designed. Mr. Azar explained that there could be some modifications to the ponds.

Mr. Sullivan stated that the southern pond would drain out into a ravine.

Mr. Scobee asked if connection to Cloverdale sewer is not done, how would a septic system be installed.

Mr. Sullivan showed the proposed location of the septic system.

Mr. Azar stated that the proposed septic system is a bio-aerobic system.

Mr. Sullivan stated that the system that is proposed would handle 10,000 gallons per day. Mr. Sullivan explained that this system is designed for RV parks.

Mr. Scobee stated that the septic is a concern and a letter would need to be provided by the State Board of Health showing that the proposed system is approved for this use. Mr. Scobee explained that he would also want to review the drainage plan. Mr. Scobee stated that he would like the County Highway Superintendent to be at the meeting to discuss the road.

Someone from the audience asked about security.

Mr. McCloud reminded the audience again that the public hearing portion of the meeting was closed.

Mr. Scobee asked if the security would be private.

Mr. Sullivan stated that it would be private.

Mr. Bee asked how patrons would be handled for the half million-dollar RVs. Mr. Bee stated that a lot of the RVs could be 30-foot motor homes.

Mr. Sullivan stated that there could be. Mr. Sullivan explained that he was targeting the higher end RVs. Mr. Sullivan stated that he would not turn away anyone. Mr. Sullivan explained that all guests would have to follow the park rules.

Mr. Azar stated that if the per night cost was \$105, the smaller RVs would not be staying. Mr. Azar explained that the per night price would dictate the guests.

Mr. Bee asked about the financing of the park when the motor homes do not come in as planned.

Mr. Sullivan stated that the RV park would be constructed in stages.

Mrs. Scott stated that details were needed. Mrs. Scott explained that she would not vote to approve anything without knowing the details. Mrs. Scott stated that the details need to be in writing, including details of operations. Mrs. Scott explained that her biggest concern was creating permanent changes to the property. Mrs. Scott stated that the best of intentions now, but down the road, in the future is what the board needs to think about including the long-term impact of the surrounding area this project will have. Mrs. Scott explained that the establishment of the special exception will be consistent with the character of the district particularly that area immediately adjacent to the special exception and the permitted land uses. Mrs. Scott stated that the special exception would not affect

the use and value of the property in the immediate area in a substantially adverse manner. Mrs. Scott explained that the board needs to understand the proposal and the details.

Mr. McCloud made a motion to table 2021-BZA-37 until the November 8, 2021, meeting.

Mr. Azar asked if a list of concerns would be provided so that all concerns could be addressed.

Mrs. Scott stated that the board could put those conditions in place as part of the motion. Mrs. Scott explained that the board may impose conditions as part of the approval to protect the public health and for reasons of safety, comfort, and convenience. Mrs. Scott stated that sometimes those conditions could be one or two, or more.

Mr. Azar requested a list of concerns. Mr. Azar stated that if they could not complete the items then he would get with Mrs. Zeiner to continue the meeting to December.

Mr. Bee asked about the phases.

Mr. Sullivan stated that by building in phases money could start coming in to be able to continue the project.

Mr. Bee asked what phase is first, second, etc.

Mr. McCloud asked if the plan submitted was the final plan.

Mr. Sullivan stated it was.

Mr. Azar stated that the design would be complete for all the phases. Mr. Azar explained that the design would show the phases.

Mr. Bee asked how long would it take to complete each phase.

Mr. Azar stated that it would depend on the bookings.

Mr. Sutherlin stated that he would like to see the details of the cabins, sizes and which ones would be family dwelling places.

Mr. Azar stated that an architect was being obtained.

Mrs. Scott stated that any documents that are submitted to the board become public record. Mrs. Scott explained that the audience could request the documents from the Planning Office. Mrs. Scott stated that the meetings are on the second Monday of every month at 7:00 p.m.

Mr. McCloud restated his motion to table 2021-BZA-37 to the November meeting content on the petitioner getting all required information submitted.

Mrs. Scott seconded the motion.

2021-BZA-37: MIKE SULLIVAN – SPECIAL EXCEPTION was tabled to the November meeting will all in favor.

2021-BZA-38: ROGER & DEBBIE CLONCS – SPECIAL EXCEPTION: to add square footage to a winery that was approved December 2019; Zoned A1; Floyd Township; 13/15N/4W (5985 N CR 275 E Greencastle).

Roger Cloncs, petitioner, approached the board. Mr. Cloncs stated that in December of 2019 the proposal was to build a 64-foot by 72-foot building. Mr. Cloncs explained that it was designed to not build that large of a building because of what homeland security was asking for.

Mr. Sutherlin requested that the audience for the previous case go outside to visit so the board could continue with the agenda.

Mr. Cloncs stated that the building was designed to be smaller than what was approved. Mr. Cloncs explained that they wanted to add a wrap around porch which put the building over the square footage that was previously approved. Mr. Cloncs stated that the cement pad, including the porch, would be 64-feet by 84-feet, making the total square footage 768 square feet larger.

Mr. McCloud asked if the porch would be enclosed or open.

Mr. Cloncs stated it would be open.

Mr. McCloud asked if the board had any questions.

Mr. Scobee made a motion to approve 2012-BZA-38 as presented.

Mrs. Zeiner reminded the board that this case needs to be open for a public hearing.

Mr. McCloud asked if there was anyone in the audience who was against or in favor of this petition. No one came forward. Mr. McCloud closed the public hearing portion of the meeting.

Mr. Bee seconded the motion.

2021-BZA-38: ROGER & DEBBIE CLONCS – SPECIAL EXCEPTION was approved with all in favor.

2021-BZA-39: MARLENE WERHMAN – DEVELOPMENT STANDARDS VARIANCE: to allow reduction of the road frontage from 200 feet to 160 feet; Zoned A1; Jackson Township; 23/16N/3W (7261 E CR 1000 N Roachdale).

Greg Williams, with ASA Land Surveying, approached the board on behalf of the petitioner. Mr. Williams stated the petitioner has seventy-two acres and was wanting to divide off the house with three acres. Mr. Williams explained that the issue was the road frontage.

Mrs. Scott stated that the road makes a curve and there really isn't a choice because of the road.

Mr. Williams stated that the only other option was to take tillable ground.

Mrs. Scott stated that she was not in favor of removing tillable ground.

Mr. Williams showed where the proposed split would be on the map. Mr. Williams stated that the curve is the only road frontage for the existing dwelling.

Mr. McCloud asked if anyone had any questions or concerns. No one came forward.

Mr. Sutherlin made a motion to approve 2021-BZA-39 development standards variance as presented.

Mrs. Scott seconded the motion.

2021-BZA-39: MARLENE WERHMAN – DEVELOPMENT STANDARDS VARIANCE was approved with all in favor.

2021-BZA-41: JAMES & CATHY MANDLECO, III – DEVELOPMENT STANDARDS

VARIANCE: to allow for the reduction of rear and side setbacks from 30 feet to a rear setback of 7 feet and a side setback of 8 feet; Zoned A1; Greencastle Township; 31/14N/4W (2933 W CR 450 S – outside of 2-mile fringe area).

James Mandleco, petitioner, approached the board. Mr. Mandleco stated that he would like to make the existing 2-car garage at the back of the house a storage area and add a 3-car garage. Mr. Mandleco explained that the house was built in 1955 at the rear of the property, close to the property line.

Mrs. Scott stated that the existing dwelling is against the property line.

Mr. McCloud asked if the board had any questions.

Mrs. Scott asked where the building would be located.

Mr. Mandleco showed the board the proposed plot plan.

Mrs. Scott asked if it would be the same distance from the property boundary as the existing dwelling.

Mr. Mandleco stated that it would be.

Mrs. Scott asked what the distance would be from the north property line.

Mr. Mandleco stated it would be about ten feet from the north line and seven feet from the west line.

Mr. McCloud asked about the adjoining properties.

Mr. Mandleco stated that open field and a few residences and in front of Antioch church.

Mr. McCloud asked if anyone had any questions or concerns.

Mrs. Scott asked if there was anyway to place the garage on the other end.

Mr. Mandleco showed the location of the existing driveway and explained that the dwelling was on a bit of a slope. Mr. Mandleco showed the location of the septic system.

Mr. McCloud asked if the existing drive would be used.

Mr. Mandleco stated it would be.

Mr. Scobee made a motion to approve 2021-BZA-41 as presented.

Mr. McCloud seconded the motion.

2021-BZA-41: JAMES & CATHY MANDLECO, III – DEVELOPMENT STANDARDS

VARIANCE was approved with all in favor.

RULES OF PROCEDURES – Discussion Only

Mrs. Scott asked if this needed to be discussed tonight.

Mrs. Zeiner stated that it could be continued to the November meeting.

The board agree to continue the discussion on the Rules of Procedures until the November meeting.

Mrs. Zeiner stated that she needed clarification on a property located in Russellville. Mrs. Zeiner showed the board a map showing the property at the northeast corner of Public Street and County Road 1300 North. Mrs. Zeiner explained that the zoning map shows the area as being zoned mineral extraction. Mrs. Zeiner stated that this property is where he lives and farms. Mrs. Zeiner explained that the owner was wanted to add on to the dwelling, but since dwellings are not allowed in this zoning district, we are trying to figure out what to do. Mrs. Zeiner stated that this is a nonconforming use.

Mrs. Scobee asked what Mr. Ensley thought.

Mrs. Zeiner stated that Mr. Ensley suggested asking the board.

Mrs. Scott asked how much spaces until it comes to the quarry.

Mr. McCloud stated that it was a 20-acre farm.

Mrs. Scott stated that it would need to be rezoned.

Mrs. Zeiner asked if that would be at the county's expense and not the owner.

Mrs. Scott stated that it should be at the county's expense.

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

Mr. Bee seconded the motion.

Meeting adjourned at 8:54p.m.

Minutes approved on the _____ day of _____ 2021.



Raymond McCloud, President

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

DATE: OCTOBER 12, 2021

TIME: 7:00 P.M.

PLACE: PUTNAM COUNTY COMMISSIONER'S ROOM

NEXT MEETING DATE: NOVEMBER 8, 2021

AGENDA

- 1) **CALL TO ORDER**
- 2) **ROLL CALL DETERMINATION OF QUORUM**
- 3) **REVIEW OF MINUTES** – July 12, 2021, Meeting AND August 9, 2021, Meeting (September 13, 2021 meeting canceled lack of quorum)
- 4) **OLD BUSINESS**
 - a. **2021-BZA-35: Heritage Lakes Storage & Garden – DEVELOPMENT STANDARDS VARIANCE:** to allow a reduction of the side setback requirements; Zoned CG; Floyd Township; 11/15N/3W (7225 E CR 600 N Bainbridge)
 - b. **2021-BZA-36: Bryan Tyler – DEVELOPMENT STANDARDS VARIANCE:** to allow a reduction of the side setback requirements; Zoned A1; Jefferson Township; 21/13N/3W (5970 E CR 700 S Greencastle – Tyler Subdivision)
 - c. **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)
- 5) **NEW BUSINESS**
 - a. **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)
 - b. **2021-BZA-38: Roger & Debbie Cloncs – SPECIAL EXCEPTION:** to add square footage to a winery that was approved December 2019; Zoned A1; Floyd Township; 13/15N/4W (5985 N CR 275 E Greencastle)
 - c. **2021-BZA-39: Marlene Wehman – DEVLEOPMENT STANDARDS VARIANCE:** to allow for the reduction of the road frontage from 200 feet to 160 feet; Zoned A1; Jackson Township; 23/16N/3W; (7261 E CR 1000 N Roachdale)
 - d. **2021-BZA-41: James & Cathy Mandleco, III – DEVELOPMENT STANDARDS VARIANCE:** to allow for the reduction of rear and side setbacks from 30 feet to a rear setback of 7 feet and a side setback of 8 feet; Zoned A1; Greencastle Township; 31/14N/4W (2933 W CR 450 S – Outside of 2-mile fringe area)
 - e. **RULES OF PROCEDURES**
- 6) **REPORT**
- 7) **ADJOURNMENT**

PUTNAM COUNTY BOARD OF ZONING APPEALS

October 12, 2021

SIGN IN SHEET

PLEASE PRINT CLEARLY

NAME	ADDRESS
STEVE ROBERTSON	1441 E USHO CLOVERDALE TN 4620
Doug Badwell	1264 W. CR 1050 SO. Cloverdale, 4620
DOREE BEDWELL	SAME "
Barbara Fini	5042 S 4th E Greencastle
Debbie Clones	1888 E CR 450 N Greencastle
Roger Clones	1888 E CR 450 N Greencastle
Cindy & Gary C Anderson	1219 W Co Rd 1050 south Cloverdale IN 46120
Jim & Cathy Maddico	2933 W County Road 400 S. Greencastle IN 46135
Ken & Betty Wilson	1277 1050 S CLOVERDALE IN 46120

PUTNAM COUNTY BOARD OF ZONING APPEALS

October 12, 2021

SIGN IN SHEET

PLEASE PRINT CLEARLY

Greg Williams	ASA Land Surveying
George & Virginia Belton	1564 W Co. Rd. 1050 South Cloverdale, ^{On} 46120
Tom Dineen	1569 W Co. Rd 1050 South Cloverdale
STEVE & ISIS EARNEST	1081 W Co Rd 1050 S CLOVERDALE 46120
Mike & Debbie Sim	1673 W. CR. 1050 S. Cloverdale
ROGER AZAR	DES
MIKE SULLIVAN	1391 W. CR 1050 S. CLOVERDALE



Bio-Pure[®] Differentiators

- 50+ year successful track record
- Effluent meets drinking water and ecological standards
- Small to large sizes available for any application
- Containerized, modularized, mobile
- NSF certified
- Low maintenance
- Easy to operate
- Flexible designs to accommodate site-specific needs

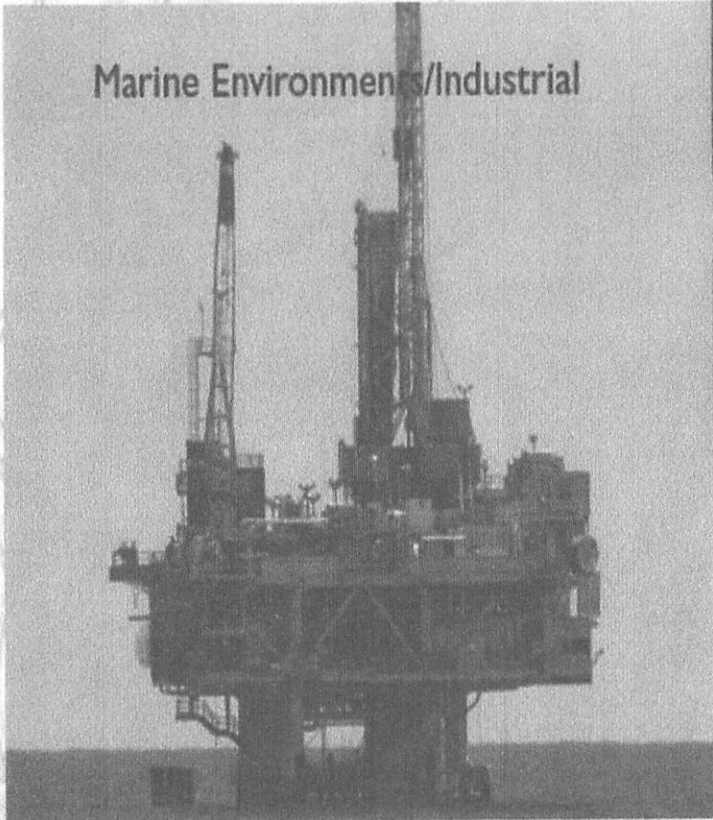
Installations and Operations

- **Installations designed to meet site-specific needs:**
 - Mobile or stationary
 - Containerized
 - Modularized
 - Above or below ground
- **Tank materials:**
 - <10,000 gpd = plastic, steel or blown-short fiberglass
 - >10,000 gpd = filament-wound fiberglass
- **Works equally well with:**
 - Even or uneven flows
 - Same process efficiency at 10% of capacity as 100% of capacity
- **Operations:**
 - <50,000 gpd – no on-site operator required
 - CPU runs the system automatically 24/7
 - Alarm system installed to alert remote operator of any problems

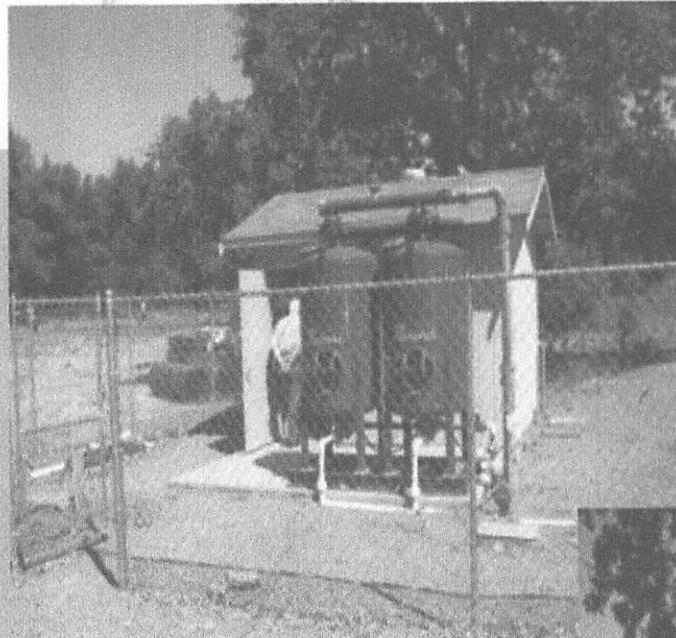
EXAMPLES OF BIO-PURE SYSTEMS

Service a range of applications
in almost any environment

Marine Environments/Industrial



600 gpd Drilling Rig System

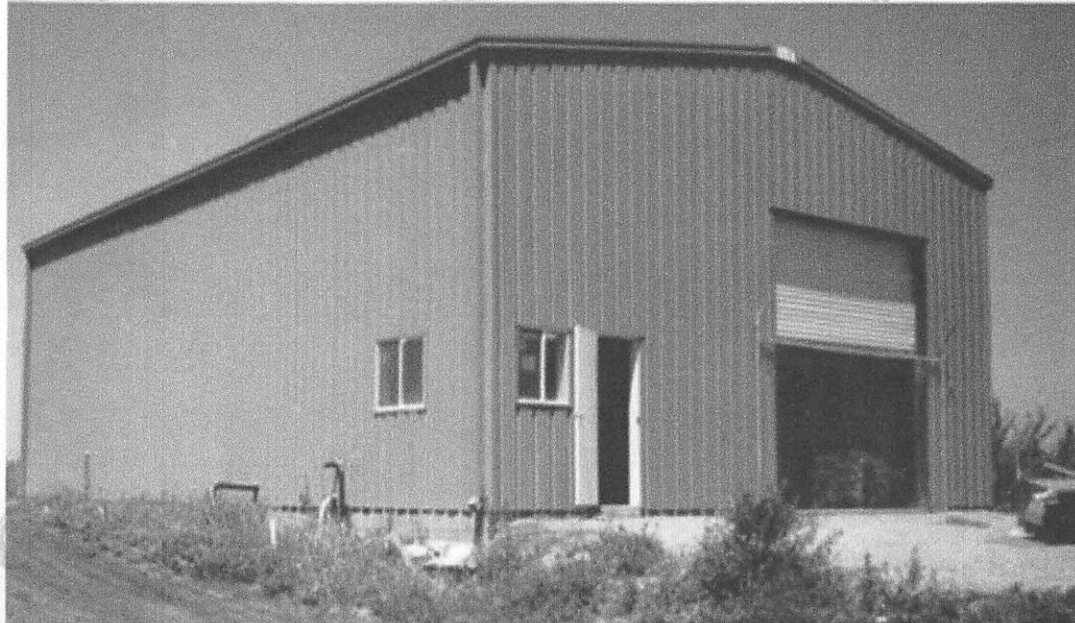


3,000 gpd Pacific Campground

10,000 gpd Idaho Subdivision



EXAMPLES OF BIO-PURE SYSTEMS



Requires 50% less land than
traditional flow-through systems

Agriculture/Recreation

50,000 gpd,
French Camp Golf & RV Park, California



Water Quality of Bio-Pure® Effluent

Summary of effluent water quality collected over a 3-year period on 5 operating Bio-Pure® systems ranging in size from 10,000 gpd to 50,000 gpd without MBR filtration units on the backend.

Parameter	Influent	Effluent	California Title 22 Standards
BOD ₅	Avg. 456 mg/L	Avg. 5.4 mg/L	10 mg/L
Total Suspended Solids (TSS)	Avg. 223 mg/L	Avg. 5.2 mg/L	10 mg/L
Coliform count		<2 MPN/100 mL	2.2 MPN/100 mL
Turbidity		Avg. 2.3 NTU	2 NTU
Total N		Avg. 1.7 mg/L	2.26 mg/L

**Objections to Rezoning the Property at
1391 W CR 1050 So, Cloverdale, IN, 46120
In Putnam County, IN**

1. The intersection of Hwy 243 and 1050 S can be hazardous, even for drivers familiar with that corner. (Photos 1 & 2, attached)

For drivers turning off 1050 S onto Hwy 243, visibility to the left (North) at the corner is very poor. Hwy 243 curves as it approaches 1050 S from the North, obstructing visibility for drivers on both roads. Drivers coming south on 243 come upon the turn to 1050 S quite suddenly, and many drivers do not even realize there is a road there. Even being as familiar with that corner as I am, I've had a quite a few near misses, as cars will suddenly appear, coming around that corner. Most locals have learned that to make that left turn, you actually need to angle to the right, in order to get a vehicle fully across the southbound lane of 243 safely. Drivers unfamiliar with that corner rarely make this adjustment when making that turn, and if a vehicle is towing a trailer, that trailer can block the southbound lane for a considerable amount of time and distance. This is a recipe for an accident, even in good weather conditions at legal speeds. In poor conditions that corner is even more hazardous.

2. CR 1050 S is not structurally adequate to support the traffic that it carries already. (Photos 3-6, attached)

More traffic will only worsen the situation. The road is narrow, particularly at culverts, with no shoulder. Even passenger vehicles meeting on the road need to slow down, and in some cases one vehicle will need to stop completely to let the other car safely past. This problem is only worsened when large vehicles are on the road, like logging trucks, or when a vehicle is towing a camper or trailer. The culverts between Hwy 243 and the property in question are frequently in need of repair and shoring up, as the edges of the road will wash out after storm damage even from typical spring and summer rainfall. The roadbed itself needs constant maintenance, and potholes and rough patches reappear, sometimes within days of being repaired. Any additional traffic will inevitably worsen these problems.

3. Another campground is not needed in the area.

I have seen no indication that the need for campsites in the area is not already being met by existing businesses. The chief tourism draw here is the Richard Lieber State Park. People come here to go to the park. A new campground is not going to be a tourist destination in and of itself, or generate additional tourism. If it survives, it will survive on the tourist overflow from the park, as the Blackhawk Campground and the campground at Cunot already do. Any business this proposed new campground might

receive would likely only be business drawn away from those already established campgrounds in other locations around the State Park, resulting in no net economic gain to the area.

4. The adjacent properties are agricultural, not commercial.

The zoning guidelines (as shown on the form provided) indicate that any application for rezoning should consider the character of other properties nearby, and "particularly that area immediately adjacent to the special exception." There are other campgrounds, in various locations around Richard Lieber State Park, as noted above. But none of the properties adjacent to, or even within a half mile of the applicant's property in question are campgrounds. All of those adjacent properties are family residences, and are directly or indirectly agricultural in nature. We have a small apple orchard. Many of our neighbors have livestock, including cattle, goats, alpacas, and horses. NONE of the immediately adjacent properties (or even the properties adjacent to those properties) are high traffic commercial operations, which is what this proposed development would be.

5. The applicant's claim that "this property will be used with dedication to all health, safety, morals, and general welfare of the community with up most care" does not withstand scrutiny. (Photos 7 & 8, attached)

On April 5 of this year, the woods in our vicinity were unseasonably dry, and there was a very large wildfire, which began on state land to the south of our property. I work from home, and by noon, I could smell the fires. I thought at first it was a neighbor burning brush, but by 2:00 the woods behind my house were absolutely shrouded in smoke, and it was clear this was a much larger fire. Traffic was disrupted on Hwy 243. I got off work at 3:30, at which time a sheriff's deputy came down my driveway with lights flashing to ask if I could "see flames" from my house. Over the next few hours, my mother and I shuttled back and forth from the woods to the road, bringing what information we could to the firefighters and law enforcement trying to coordinate the efforts to fight the fire. I was told by the deputy that the fire was "huge" and that it was "over a mile wide" mostly on the ground but also "up in the trees."

The fire burned quite a bit of ground on our property, but did not burn any of our standing timber or get particularly close to our buildings, though it easily could have. It threatened some of our neighbors' buildings to the west of us, and I was told by deputies that it burned all around one neighbor's swimming pool. Several fire departments were called in. The fire was finally contained in the early evening, and by nightfall it had finally been extinguished.

On that very evening, just after 8:00 pm, not two hours after the fire was extinguished, the applicants decided to have a bonfire. A BONFIRE. This was not a campfire; not a weenie roast. It was a bonfire, with flames reaching higher than the roof of their house, and clearly visible from my driveway and the rear sliding door of my mother's home,

which stands near the road. Less than two hours after a dangerous, uncontrolled wildfire had threatened neighboring property, livestock, and homes, the applicants saw fit to have a bonfire. This was sheer recklessness, with total disregard for public safety and basic common sense.

So when the applicants claim that they will take every precaution to protect the safety and general welfare of the surrounding residences, those claims are not credible. As the applicants have not demonstrated adequate care in regard to fire safety in managing their own activities, they cannot credibly be expected to appropriately police the activities of a large and ever-changing population of non-resident campers.

6. Smoke from the applicants' property is already a nuisance.

The bonfire described above was not an isolated incident. The applicants have a lot of bonfires, and when the air is heavy, the smoke from those fires settles down into the woods and sits there. On a number of occasions, ash from their fires has fallen in my orchard, on my mother's lawn, and on the roof of her house. On many otherwise pleasant evenings, my mother has to close up her windows and doors to keep the smoke out. On some nights, I have to stay inside because the smoke is so bad that it's unpleasant just breathing, even going for a walk up my own driveway. These existing issues will only worsen with potentially dozens of clustered campfires burning every weekend.

7. Waste and Drainage from the proposed development will inevitably flow through our property.

Even with ideal management, this development would result in considerable human waste, litter, and other pollutants. Consider that this proposed development, as illustrated in the submitted blueprint, could have as many as 400-500 occupants at peak capacity. Given the stated area of 34.13 acres, the proposed development could have a peak population density of 12-15 persons per acre. That would be four times as high as the population density of the *city of Indianapolis* (roughly 3.7 persons/acre in 2018).

Our property at 1264 W CR 1050 S includes all the natural drainage that flows south (downhill) from the property in question, from CR 1050 S all the way to the state property surrounding Cataract Lake. Even assuming careful management, (which I do not take as a given) waste water and effluents from the proposed development would inevitably degrade that creek, and as a result substantially devalue our property.

8. There is nearby property listed for sale which is already zoned commercial.

There is commercial acreage along Hwy 243 near I-70 listed for sale, which has been on the market for a very long time, both undeveloped and partially developed. Those

locations would provide better visibility to tourist traffic, more direct (and safer) access to Hwy 243, and other advantages. There should be no need to rezone agricultural property when there is existing commercial acreage in the area that is not even being utilized, and which has remained vacant and available on the market for so long.

Thank you for your time and trouble in evaluating this situation. I hope you will take these objections into consideration in making your decision.

Sincerely,

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

dougbedwell@gmail.com



- 1 This is the view from Hwy 243, approaching 1050 S. The road curves to the right, obscuring the view of vehicles turning onto the highway. The road 1050 S (just ahead to the right) is not even visible from this point.**



This is the view from 1050 S, looking left (N) at Hwy 243. Visibility is limited, even with the weeds mowed (they are here, but often are not). Cars coming from the left appear suddenly, and the curve in the road makes the left turn especially tricky.

2



This is 1050 S, looking W, between 243 and the applicant's property. The white cargo van on the left is a delivery truck, pulled all the way to the side, with its flashers on. Note the difficulty even small vehicles have when meeting each other, and how hills in the road seriously limit forward visibility.

3



This is 1050 S, looking W. The same delivery truck, heading the opposite way. Notice how narrow the road is, particularly at the culverts, and how visibility (including my driveway ahead on the left) is obscured by hills. Culverts and ditching frequently need repair. This portion of the road was rebuilt earlier this year, and is already in poor condition again.

4



This is 1050 S, still between 243 and the applicant's property. This photo shows a different culvert, just east of the one shown in the other photos. Note the poor road condition, and the crumbling edge with no shoulder

5



This is 1050 S, still between 243 and the applicant's property. This photo shows the culvert repair the county did, and the depth of the roadside ditching. Even ordinary summer storms can destabilize the road surface and especially the edges can wash out.

6



7 This is smoke in my woods, in the afternoon of April 5, 2021, during the large wildfire that began on the State Forest. This photo is standing at the rear corner of my barn. Fortunately, the flames did not get all the way to this point.



8 Further back in our woods on April 5, 2021, during the wildfire. Flames can be seen on the far ridge. This photo looks across the drainage below the applicant's property, which runs south through our woods, all the way to the state forest. The fire threatened property all along the south side of 1050 S.