

**BZA MINUTES**

**April 17, 2017**

Members present: Phil DeHaven, Jim Hufford, Bill Davis, Jason Hawley, Eli Jones, Christy Starbuck and Myron Cougill

Absent: none

Legal Representation: Jason Welch

Staff present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Gary Friend, Aaron Chalfant, Jeff Moreland, Ed Thornburg, Adam Chalfant, Judy Miles, Matt Dirksen

Chairman Davis: Welcome everyone to the BZA Meeting tonight, it is April 17, 2017. First thing I would like to do tonight is to approve the minutes from March 20, 2017. Do I hear a motion? We have a motion and a second, all in favor, opposed? Minutes are passed. First item on the agenda tonight is BZA2017-9-V. Adam Chalfant. If you would come up here please. For the record, please state your name and address because this is a recorded meeting.

A. Chalfant: I'm Adam Chalfant, 5324 W 700 N, Ridgeville.

Chairman Davis: Adam, did you receive Article V, Conduct of Hearings?

A. Chalfant: Yes I did.

Chairman Davis: Thank you. And everything you are giving us stays with us. Alright, proceed and tell us just what you plan to do.

A. Chalfant: What we plan to do is ask for a variance to move this barn 25 feet north. It's going to encroach upon that 100' setback from a property line. But, in doing this we will be able to put this barn north and south instead of east and west, and by doing that it will have less impact on our neighbor.

Aaron Chalfant: If I might add, Aaron Chalfant, 6616 N 500 W, Winchester, Indiana. So, Dr. Al Heber up at Purdue has created an emissions study and we plugged that in, and it showed that Gary Friend, our neighbor to the north, is the number one impact and so what we tried to do is, the wind is predominately out of the west, so you want a hog barn to be east of you. So, if we can get that variance to the property line for Jonathan and Marie Edwards, down to 75 feet, then that will maintain the 1000' setback for a one quad sight, to Jim and Judy Miles, which is the neighbor to the southwest, then I think that will be a better fit for all parties that are in the immediate area.

Chairman Davis: Does the board have any questions or comments? I will take that as a no at this time.

Aaron Chalfant: Has everybody been able to drive by the site and check it out?

P. DeHaven: We have maps and a lot of information.

Chairman Davis: Debra does a good job getting us info, thank you. Is there anybody out in the audience who would like to speak?

G. Friend: I'm Gary Friend, 7508 N 450 W, Ridgeville, Indiana and as Adam and Aaron has said, I am the one most affected by the wind direction. I have asked them to do this because they don't have to, they have the room to do this barn by going east and west. If they go east and west it's due south outside my back door and due north to the Miles. If they put the barn north and south it moves it just east of my dwelling, and by being just east of my dwelling, the wind drift is going to push it...there will be smell, they are agriculture barns, there are a few out there today and they are not a nuisance, but this would just be helping me personally and the other neighbors. For the Chalfants to take the time and to come here when they didn't have to, they are trying to help the neighbors. They are trying to help me too, and I personally asked them to do it. The wind drift will push it off to Matt Dirksen's pasture field and a large open field that's more than a half a mile, or right at a half a mile before it reaches any other dwelling. And from living out there a half a mile away from one of these buildings is a really big deal and just everything lays down. The other barns that they have out there are a half to three quarters of a mile away. I guess that the board would entertain the possibility of them doing this, so they can help me as a neighbor, and them taking the time to do this for me. This is an agriculture issue here, it's not a setback to a home, just to ag land. Thank you.

Chairman Davis: Thank you. Anyone else like to speak? Please come forward. Please state your name for the record.

J. Miles: Judy Miles, 4637 W 700 N, Ridgeville. My husband has health issues, he has cancer. Blood cancer. This was started all through gases. Salamander gases, hog barn gases, anything like this. They didn't really come up with this until after he got so deathly ill and was in the hospital and they started doing a lot of tests which they finally arrived at this. He's had this for several years and he keeps getting worse and worse. As far as the hog barns I live within a mile and a half of seven of them. I am not happy. There will be seven barns when they build that one, around me. My value of the property is going to go down. The smell, I live on a hill, I get the smell tremendously. There's times you have to shut the air conditioning down when it gets extremely hot the smell comes in so bad. It just overtakes your whole house. And food? You don't want to eat when that smell is there I can tell you. Because it smells just like hogs. And I'm not just really happy with it. I know Aaron, and I know Adam, they're relation. And I appreciate what they've tried to do any everything, but how much do you have to take? Once they get these hog barns all in they are a grandfather to these hog barns and they can build all they want. They'll be in the grandfather clause. They're going to have seven of them. Who owns this land?

Chairman Davis: Anything else you need to add?

J. Miles: Do they own it? Does Aaron, Adam, do they own that land there? No, their mom and dad owns it. The state you've got to have 200 acres for a hog barn, correct? You've got to own, you've got to have somewhere for that manure to go, you just can't shove it out the road.

C. Starbuck: I don't think you have to own it, do you? You can put it on anybody's ground that's willing to let you dispose of it as fertilizer. So if they've got other farms that they are cooperative with they can put that on their fields as long as it's tilled in within a certain amount of time. So, you don't personally have to own that amount of ground.

A. Chalfant: You don't, we have neighbors who have actually put up 300 of his acres for fertilizer.

J. Miles: But that ground is right next to my house and not more than two years ago that hog manure was spread within 50 feet of my well. 50 feet of my water well. We don't even drink our water. We're afraid to drink our water. Since then it has a horrible, horrible smell to it. We won't drink it. I can't, with my husband sick. And they are not the only ones around me with hog barns. There's Anderson's with hog barns, Dick Lavy, Beshears, and we have all these turkey barns around us.

Chairman Davis: Correct me if I'm wrong here, but he's asking for a request for 25 feet. He has the room and he can build this anywhere he wants to. All he's asking for is a variance. So, where we approve this or not, he's going to build it regardless.

J. Miles: Oh, I know, but you guys aren't sitting there smelling this. Be honest, how many of you live right next to a hog barn?

C. Starbuck: I live right next to cows and fairly close to hogs. That's part of being in the country.

J. Miles: You don't even know what it's like. Come and live at my place for the summer. I invite you to come and live for whole summer. You won't appreciate it. You can't have food on the table without smelling it, our neighbors and families that we have associated with at church for years won't hardly come over anymore because of the smell. It's something to think about. Seven hog barns and here I sit in the middle of them. Gary's over there by a little woods. Well, that smell is going to go over there and hover right in that woods.

C. Starbuck: We just want to make sure you know that whether we grant this variance or not he just has to turn the building the other way.

J. Miles: Oh, I know that.

C. Starbuck: Ok.

J. Miles: I'm just telling you how I feel about it.

C. Starbuck: I understand how you feel.

J. Hufford: You live in an agricultural intensive area, so there's really separate rules set up for those areas. And as long as they are within what the ordinance says our hands are tied.

J. Miles: I'm not saying no more, you just come out and spend the summer at my house. That's all I ask, you just come out and spend the summer at my house. You'll see what it's like.

J. Hufford: I know what it's like.

J. Miles: You can't run the air conditioner in the summer when it gets really, really hot—you have to shut it off because the hog smell goes through the house.

Chairman Davis: Anything else you need to add?

J. Miles: No, thank you.

Chairman Davis: Ok, thank you, anybody else? I will take that as a no, so I will entertain a motion for action. Motion has been made and seconded for a roll call vote, Debra.

D. Jhonting: Jim Hufford, yes, Phil DeHaven, yes, Jason Hawley, yes, Bill Davis, yes, Elijah Jones, yes, Christy Starbuck, yes and Myron Cougill, yes. Motion approved.

Chairman Davis: Next on the agenda is BZA2017-10-V for Matthew Dirksen please. Please state your name and address for the record.

M. Dirksen: Matt Dirksen, 1864 W 300 N, Winchester, Indiana.

Chairman Davis: And did you receive Article V, Conduct of Hearings?

M. Dirksen: I'm sure I did, yes.

Chairman Davis: Ok, please tell us in your own words what you would like to do?

M. Dirksen: We built a milking parlor in an existing barn we owned down the road last summer and I also have a family dairy at my address and we're wanting to build a heifer facility in between both dairies and we want to raise heifers, or small animals for each dairy. This site already had a house and a barn on it and it was used to some extent for livestock, not a lot and it was an older barn. So, we had to make a decision whether to restore it and make it work or tear it down and put up a new facility that we thought would actually raise a better heifer. So, what we're wanting to do it actually put it on the same site where the barn was. It's actually on the site where the house was that burnt down about three years ago. I'd like to put it there because since there was a barn there it would be hard to put it back to agriculture production, in a good way, so we'd like to put the barn there at that site. And I applied for a variance to be closer to the road because the power lines are on the opposite side of the road so there's no danger with the power lines. I figured if we went the full 100 feet there's just more grass to mow and you're not going to be able to farm that little spot in between there, so we thought if we could put it a little bit closer, and we just thought it would be a better fit. It would be wasted land if we put it back the full hundred feet. I guess I am a bit ill prepared, I assume you have a picture of the site.

Chairman Davis: Yes, we have several photos.

J. Hufford: So it will be 713 feet from the residence?

M. Dirksen: From that one residence, yes. I think there was only one residence, and if you put any value on prevailing winds, that residence is directly south and this barn will be directly north of them and any smell would have to come from a direct north wind. And there's not another house within probably close to a mile. The house directly to the east would be my own.

R. Abel: And there will be a lagoon.

M. Dirksen: Yes, it will be east of the barn.

Chairman Davis: Any further questions from the board? Anyone in the audience who would like to speak for or against this variance? Or anyone who wants to speak at all on this? Ok, if no one has anything to say I will entertain a motion for a roll call vote. A motion has been made and seconded for a roll call vote, Debra.

D. Johnting: Jim Hufford, yes, Phil DeHaven, yes, Jason Hawley, yes, Bill Davis, yes, Elijah Jones, yes, Christy Starbuck, yes and Myron Cougill, yes. Motion approved.

Chairman Davis: For the board, is there any old business we need to discuss? Since Lee's gone and I am taking his place, we need to nominate a Vice-Chairman. Phil if I nominate you would you accept it?

P. DeHaven: No.

Chairman Davis: Christy, would you be willing to do it?

C. Starbuck: Yes, my term expires at the end of the year, but I will do it.

Chairman Davis: Ok, all in favor say aye, Christy will be Vice-Chairman. And with that I will take a motion for adjournment. A motion has been made and seconded for adjournment. We are adjourned.

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Bill Davis, Chairman

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Christy Starbuck, Vice-Chairman

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Debra Johnting, Recording Secretary