

Minutes of the April 13, 2004
Regular Meeting of the
Marshall County Board of Zoning Appeals
Second Floor Commissioner's Meeting Room, #203
Marshall County Building
112 West Jefferson Street
Plymouth, IN 46563

MINUTES

Chairman Foster Davenport called to order the April 13, 2004, meeting of the Marshall County Board of Zoning Appeals at 7:30 p.m. Present were Board Members Foster Davenport, Don Ecker, Sr., Robert Flora, Wayne Neidlinger, Zoning Administrator, Troy Kiefer, Planning Assistant, David Rockaway, and interested parties. Board member Harold Van Vactor was absent.

The first item of business was review of the minutes of the March 9, 2004, meeting. Mr. Ecker moved and Mr. Flora seconded a motion to approve the minutes as written. The motion carried unanimously by voice vote.

The second item of business, case 04-BZA-11, Starke County Farm Bureau Co-Op. A request for a Variance of Use to permit a liquid propane storage facility at the southwest intersection of 19th and Linden Roads, in an A-1, Agricultural District, Section 27 of Green Township. Mr. Kenneth Wagner, department manager of Starke County Co-Op, was present to represent the request. Mr. Kiefer reviewed the details of the request and presented the Findings of Fact. According to state statute there are five findings to review before acceptance. Mr. Kiefer read these five findings for the board.

Mr. Wagner stated that it would be great advantage to come to this area because they have a large customer base here. He also stated that all state and federal codes would be put into place. They would also give an emergency response plan to the fire department. Mr. Wagner further stated that this move would be beneficial to their customers in this area.

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Mr. Davenport asked how far this site is from their existing facility. Mr. Wagner replied that the distance was 25 miles and they would probably be using this facility mainly during the months of October and November for grain drying. Mr. Wagner went on to state that all the equipment on this site will be new.

Mr. Davenport asked if they were choosing this site because it was available. Mr. Wagner said that they had done research and this was the most feasible place they had found.

Mr. Ecker asked if the Co-Op has a place in Rochester, Indiana, also. Mr. Wagner answered they were not affiliated with that Co-Op. They are just the Starke County Co-Op.

Mr. Neidlinger asked if Marshall – Fulton Co-Op had LP gas and Mr. Wagner answered that they did not. He stated Starke County Co-Op has been talking with Fulton C-Op about going together in the LP gas business but so far nothing has developed. Mr. Wagner is still hoping this will take place sometime.

Mr. Flora asked if the merger should take place in the future, will they still need this location. Mr. Wagner said he could not give a true answer because it is just speculation right now. Mr. Flora asked if the facility would be for Ag use only or would they service residential also. Mr. Wagner stated yes they would be servicing residential customers occasionally. Mr. Flora asked if Mr. Wagner had been in contact with any of the neighbors in the area. Mr. Wagner stated that there is a house across corner from the property and that was the only immediate neighbor and he had not been in contact with them.

Mr. Davenport questioned if any other fuels would be stored on the property. Mr. Wanter replied no.

Mr. Davenport moved to open the Public Hearing and Mr. Neidlinger seconded. The motion passed by voice vote.

Mr. Sam Golden, Jr. 10908 19th Road, stated he is the neighbor that is across the corner from the proposed site and that he was in opposition. Mr. Golden was concerned about the value of land and if there was any possibility of contamination of the ditch at the site. He was also concerned about a security light and the brightness to the area.

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Mr. Sam Golden, Sr., 11621 18B Road, the owner east across the road from the facility spoke in opposition. Mr. Golden, Sr. stated that he was concerned about any leaks that could get into the ditch. He also voiced his concern about traffic. He asked why the use was in Marshall County instead of using ground in Starke County. Mr. Flora asked Mr. Golden, Sr. about the exact location of his property. When asked if there was anyone else present to oppose, Mr. Golden Sr., said that he had talked to Mr. Bill Harrell and he is in opposition also.

Mr. Davenport asked if there were any present who would like to speak in favor of the Starke Co-Op.

Mr. Doug Middleton, Argos Fire Department asked to speak. He stated he was not there to voice favor or opposition but just to get information for the fire department. He stated they are interested in what was going into the site. He asked if tanks would be full year around and safety measures being put into place. Mr. Flora asked the distance from the site to the Argos Fire Department. Mr. Middleton responded approximately 5 miles. He stated that fire department needs to have numbers of people to contact in case of emergency and also what safety measures are going to be in effect.

Mr. Don Ecker made a motion to close the Public Hearing and Wayne Neidlinger seconded. The motion carried by voice vote.

Mr. Wagner was asked if he would like to respond to some of the comments. In response to the security light Mr. Wagner replied that would be an optional thing. The Board voiced concerns of safety as to leaking. Mr. Wagner explained that if there was a leak, it would dissipate into the air. Also, all federal and state safety measures would have to be conformed to. The area is being used for storage only and therefore, would not be manned. A fence would be in place because of state regulations and for insurance purposes.

The Board members held more discussion with Mr. Wagner about location and safety factors.

Mr. Davenport asked if the Board approved the variance, could there be a stipulation that a review would be made by the Board in designated period of time. Mr. Kiefer answered that could be a possibility.

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Mr. Wagner further stated that they have not bought the land yet. They are waiting to see if the Zoning Board approved and the state, also, approved before continuing with their plans.

Mr. Flora asked Mr. Golden, Jr. and Mr. Golden, Sr. if they were more comfortable about the tank placement because of the strict regulations in effect. Mr. Golden, Jr. voiced his concern about the visual effects.

Mr. Wayne Neidlinger made a motion to approve the variance stipulating that all state and federal requirements be put into place. The motion was seconded by Mr. Bob Flora. The motion passed 3-1 with Mr. Flora, Mr. Neidlinger, and Mr. Davenport voting in favor and Mr. Ecker voting in opposition.

Mr. Wagner told Mr. Troy Kiefer he would furnish the Board with copies of documents from the state when it is approve. Mr. Kiefer replied that he didn't know of any local permits other then electrical. Mr. Wagner also confirmed with Mr. Middleton from Argos Fire Department, that he would get with the department to map out an Emergency Response Plan.

Mr. Troy Kiefer gave the Violation Report. The good news is that some violations have been resolved. Mr. Kiefer gave a list of the violations that are pending. He asked to pay attention to property owned by Ron Plummer, 3780 Nutmeg Road. There is an old mobile home on the property and has been asked to remove it. If this violation is not answered in a short period of time, he is asking to contact Mr. Ken Lukenbill, to proceed with legal action. Mr. Foster Davenport made a motion to permit Mr. Kiefer to continue with course. Mr. Don Ecker, seconded and the motion was passed by voice vote.

The second party is Jerry and Debra Fink, 18933 Elm Road. He also asked to have Mr. Lukenbill proceed with legal action, if there is not a response to a violation of having an old mobile home on property removed. There also appears to be a violation of dog numbers on the property. Mr. Don Ecker made a motion to permit Mr. Kiefer to continue with this course. Mr. Foster Davenport seconded and the motion was passed by voice vote.

The Board also asked for update on past violation.

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A motion was made to adjourn and seconded. The motion passed by voice vote.

Respectfully submitted,

Harold Van Vactor
Secretary