

MIAMI COUNTY BOARD OF ZONING/BUILDING APPEALS
25 NORTH BROADWAY
PERU, IN 46970

The Miami County Board of Zoning Appeals met in regular session on January 9, 2019 in the G A R Room.

Jason Bowman, President
Brad Fruth, Vice President, Absent
Bryce Runkle, Secretary
Jamie Hopper
Heidi Miller

Miami County Attorney, Stephen Downs
Miami County Inspector, Bill Gornto

Jason Bowman called the meeting to order at 8:25 p.m.

Roll call. Brad Fruth, Absent.

Jason Bowman asked for the reading of the minutes. Jamie Hopper motioned to suspend the reading, Heidi Miller 2nd.

All ayes.

Jason Bowman said we need to elect a new president, vice-president, and secretary.

Bryce Runkle stated that in the minutes, there was a lot more said then what is in the minutes. Mary Kay McKinney said that in doing the minutes, that listening to the recording, and with having multiply people talking, it is hard to know who is talking, and what are they are saying. People are also in the audience talking, and she was not at the meeting taking notes, the notes did not say who was speaking. It was brought up that maybe we could hook up to the microphones in the G A R room. That someone should ask Mary Brown, Auditor about the taping system.

Jason Bowman said we need to elect a new president, vice-president, and secretary. Mr. Bowman asked if there was any nominations for president. Jamie Hopper asked if this needed to be done tonight, as he was waiting on the Council to decide on his reinstatement to his position.

Bryce Runkle nominated Jason Bowman for president, Jamie Hopper 2nd.

All ayes.

Jason Bowman nominated Brad Fruth for vice president, Bryce Runkle 2nd.

All ayes.

Bryce Runkle nominated Jamie Hopper for Secretary, Heidi Miller 2nd.

All ayes.

Var. # 0119, Dustin M. Wilder, 3576 North Mexico Road, Peru. Relief on north side setback from 10 feet to 4 feet, for a garage addition to 12 X 16 to be built.

Jamie Hopper tabled, Bryce Runkle 2nd.

Mr. Wilder stated that he was adding on to his garage. Jason Bowman asked if the Board had any questions. This Variance was in process, and the Building/Planning had no information on this. Mr. Wilder stated that it would be 36 ft. from his neighbors. So if the Variance is granted he would have 4 ft. from his property and an addition 22 ft. on the neighbor's property.

Bill Gornto stated that it met state regulations.

Staff Report done by Bill Gornto.

Dustin Wilder said he did not realize that the Variance paper given to him was wrong and only said 10 X 16. Which would give him 6 ft. and not 4 ft. Which he would change, but would like the 12 x 16.

The paper work for the variance was inaccurate, and yet the original paperwork was done correctly.

Jason Bowman asked if there were any more questions for the Board.

No remonstrators.

Heidi Miller asked if we know it was put in the paper. Mary Kay McKinney responded that it was. There is a copy of the paper in the file. Also, there was no one that responded to the adjoining land owners. One returned, which is in the file also.

Finding of facts.

Bryce Runkle questioned why the Finding of Facts used to be 5, and required by statute. Bill Gornto explained that for an Area Variance is only 3, and a Usage Variance is 5.

Passed 4-0

Roll call.

Scott Wolf, 14541 N 100 E Macy, had received a letter about the previous month variance. Mr. Wolf said that the letter was date 12.26.19 for the meeting 12.12.18. He felt he was not able to voice his concerns and find out more information on the variance, and it wasn't right.

Mary Kay McKinney explained that Mr. Wolf came into the Building/Planning Office and talked to her about this. That Ms. McKinney called Jason Bowman, President of BZA on how to handle. Mr. Bowman was not available. Ms. McKinney then called Larry West on how to handle this. Mr. West told Ms. McKinney, since it was done and over with that the outcome would not change.

Jason Bowman said he had a couple questions, though it still would not affect the outcome. Mr. Bowman asked Scott Wolf if his property was adjacent to the property of Jack Winegardners. Mr. Wolf said that he thought there was a property between them. Mary Kay McKinney stated that Mr. Wolf's property was actually across the street. Mr. Wolf confirmed this. Mr. Bowman stated that Mr. Wolf could of came in and spoke given the opportunity. Heidi Miller showed the BZA, a map, where Mr. Wolfs property was located. Mr. Bowman stated that he felt bad that Mr. Wolf was misinformed, but it would not change anything.

Bryce Runkle stated that per statue that all adjoining landowners needed to be notified, and if not perfect, then its void. Jason Bowman said this just affects the adjoining land owner, and he isn't one. A discussion on if Mr. Wolf needed to be notified. Adjourning means next to whether across the street or side by side. Jamie Hopper stated that Mr. Wolf was across the street, but down the road. Mr. Wolf's property was not side by side with Mr. Winegardners.

Mary Kay McKinney stated that in the first place, the variance should not have happen, as variances do not expire in Miami County.

Bryce Runkle then said, well if the Variance never expired, this doesn't matter.

Jason Bowman asked Stephen Downs, Attorney for Miami County, what his input on this was. Mr. Downs stated that if the Variance did not expire, it probably would have passed anyway.

Heidi Miller stated that no matter what, the BZA was sorry that he never had a chance to speak.

Scott Wolf said that he knew it wouldn't make a difference, but he wanted a chance to speak. And that Jack Winegardner had started this before he ever got a permit.

Mary Kay McKinney stated that she was told by Jack Winegardner and by Bill Gornto, Inspector for MC, that the previous Administrator gave Mr. Winegardner permission to go again on the building project. Ms. McKinney stated that she called Mr. Winegardner that he needed to get a permit by 12.21.18 or she would put a Stop Work Order on his building. Mr. Winegardner did not come in, and Ms. McKinney issued a Stop Work Order. Mr. Winegardner came in on

12.26.18 and got a permit. The Stop Work Order was taken down, and Ms. McKinney called Mr. Wolf to let him know that Mr. Winegardner had gotten a permit.

Scott Wolf said he had concern about where the waste is going to go. Jason Bowman assured Mr. Wolf that IDEM was involved and that would be taken care of. Mr. Wolf asked about an odor smell, if there was going to be one, property values going down, and quality of life. Mr. Wolf said he could go on and on. He knows he can't stop him

Bryce Runkle said that if Jack Winegardner was not properly approved that would be a possibility. That the Building Commission would have the authority to put a Stop Work Order on it. Whether they want to do that or not, I don't know. But depends if it comes before the BZA. Which was two (2) years ago.

Jason Bowman spoke that even so, it has passed two (2) times. Mr. Bowman said that Scott Wolf still should have had the opportunity to speak, and these are the steps that the BZA is trying to correct. Things are improving and getting better, and he is truly sorry for the circumstances' Mr. Wolf has dealt with. Unfortunately, there is nothing this Board can do.

Scott Wolf said he didn't really like the answer of the Board, but will accept it for the moment.

Elaine Anderson wants the BZA to be aware that there is an Amish man who uses his backhoe, to get back and forth from what he's building to his come. It's on a track and doesn't clean the mud off when he leaves the facility and is dropping big clumps of mud on the road. The lady who does down that road, said these chucks are bigger than your head. And Kerry Kerl from the Highway Department was there and they were talking about the safety of driving down the road, particularly as everything is freezing now. And when you hit a chuck of ice that big, it will damage your vehicle and Kerry was saying what people out there have to do is call the Sheriff and get it stopped. Mrs. Anderson said she can go out today and ask them to clean off the road, but it happens every day. So the lady that lives on that road has to drive on the wrong side of the road to get home.

Jason Bowman said that this is something that this Board has no control over.

Elaine Anderson said, she just wanted the Board to be aware of it. This is the kind of problems that people have when people are building these things. They don't care about their neighbors. Mrs. Andersons she is a farmer, and these folks are farmers. Somebody has to control these things.

Jason Bowman said that calling the local Sheriff and making complaints to them. Again this is nothing that this Board has control over. This is the way of life when planting season comes also.

Chris Arrick, 6110 S 700 E, said that is not a way of life. That it has never been like that until the last 10 or 15 years. Since there is these hugh equipment. Everyone in this county has neighbors. We all have to use the same road.

Jason Bowman reinstated that there is nothing this Board can do.

Bryce Runkle said that maybe an infraction for leaving the mud on the highway. The highway department may not routinely enforce, but could enforce if they wanted to. He wasn't 100% sure.

Jason Bowman stated, we are off track here. This is the BZA.

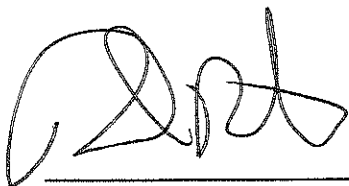
Bonnie Arrick, 6110 S 700 E, spoke up and said that she wanted to make sure what happened to Scott Wolf, didn't happen to them. That she is probably jumping the gun, but I am oppose a building that is going to be built down a mile down the road. She didn't think they have applied for a permit yet, she hasn't seen anything in the paper. They haven't started building them yet, but they have been opposing them on the state level. There is a group of about 40 people in the south of the county. Oppose the impact on their water, air quality (more than smell), there is toxic chemicals that are issued in the air.

Heidi Miller asked Jason Bowman if this is something they have control over. Jason Bowman said there isn't. That he is letting Bonnie Arrick vent, but there is nothing we can do about it. Jason Bowman said when the time comes, they will be notified. Or Mrs. Arrick can check the Agenda on the web site and it will be on the Agenda. Mrs. Arrick said she can check with a neighbor also.

Jamie Hopper motion to adjourn meeting, 2nd by Heidi Miller

Jamie Hopper motioned to adjourn and Heidi Miller 2nd.

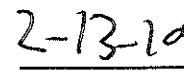
All ayes.



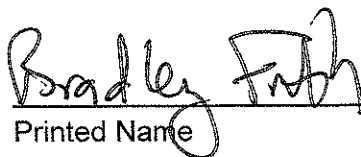
Representative of Miami County BZA



Title



Date



Printed Name