

A meeting of the Jasper County Board of Zoning Appeals was held Monday, August 19, 2024 at 7:00pm. at the Annex Meeting Room at 910S. Sparling Avenue, Rensselaer, Indiana. Members present: Kent Korniak, Scott Walstra, Dave Webb, Mark Jordan and Matt Sheafer. Also present: William T. Sammons, Law Offices of William T. Sammons P.C.; Mary Scheurich, Director and Kelli Standish, Secretary. Absent was: none.

Meeting was called to order by Chairman Scott Walstra. The Pledge of Allegiance was recited. The first order of business was the call for approval of the June 2024 minutes.

Kent Korniak made the motion to approve the June 2024 minutes. Motion was seconded by Matt Sheafer and carried unanimously.

Use Variance

Cause#BZA-6-24

Applicant: Jeff Armstrong

Location: Sec.10-31-6 – Walker Twp. – 900N. W. of 200W. N-side

Use: Sand Mining

Public hearing held pursuant to notice published July 18, 2024 in the Rensselaer Republican, a newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners. All as shown by the affidavit of Janet Echlin, Clerk of the Rensselaer Republican.

Jeff Armstrong was present and stated that he is digging a 1 acre pond and wants to sell the sand. He will put some landscaping around the South and West side of the pond to hide it from the road. There will be a berm all the way around the pond.

Mark Jordan asked what is the timeline from now until you are done digging the pond.

Jeff Armstrong replied that he would like to be done digging the pond by this time next year.

Kent Korniak asked how far back will the pond be from the road.

Jeff Armstrong replied that he will be 132ft. from the pond to the road.

Dave Webb asked if this will be a continuance business for the applicant.

Jeff Armstrong replied in the negative. Once the 1 acre is dug, he will not be digging anymore. There will not be any septic or well on this property and he is not aware of any field tiles.

Scott Walstra asked if anyone present had any opposition to the application.

Robin Armstrong was present and stated that he is an adjoining landowner and asked if Jeff Armstrong obtains approval for the Use Variance will there be any restrictions or can he continue to dig as much as he wants? He would like to have some type of buffer between his fence and the pond so there can't be equipment going by all the time. He is concerned about the

hours of excavating, if there can be restrictions on that.

Scott Walstra replied that the set-backs for a pond is 40ft., so he would need to be at least 40ft. away from Robin Armstrong's property.

Matt Sheafer asked if there is a limit as to how big he can dig his pond.

Mary Scheurich replied that any pond over an acre in size will then need an erosion control and Rule 5 from IDEM.

Mark Jordan stated that our Design Standards says that anything over 10,000sq ft. needs Drainage Board Approval. It also states the slope should be 4 to 1 ratio, he will need to meet that requirement.

Mary Scheurich replied that the Board can request him to obtain Drainage Board Approval but they have not been requiring that. The Drainage Board has made it known that they want to be involved when they are over an acre in size, but not when it's an acre or under.

Scott Walstra stated that if he goes over an acre then he needs to come back before the board for approval.

Mary Scheurich replied affirmatively.

Kent Korniak made a motion to grant approval of the Use Variance with the stipulations that the pond is not larger than 1 acre and the hour of operations for the mining be from dawn to dusk. Motion was seconded by Matt Sheafer and carried unanimously.

Jeff Armstrong then read the Findings of Facts.

- (i) The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community. (Consider whether the variance will hurt or potentially cause harm to the County.)

Response: It is on fenced private property, approximately 1 acre in size, therefore it will not cause harm to the County.

- (ii) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. (Consider whether neighboring property will suffer any major negative impacts.)

Response: Neighboring property will not suffer and negative impacts. I believe it will improve the area property values.

- (iii) That the need for the use variance arises from some condition peculiar to the property involved.

Response: The sand is there. It is good sand for building sites. It has value to the owner. It is marginal agriculture ground.

- (iv) The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. (Consider what difficulties the owner would have developing he property according to the zoning ordinance standards.)

Response: As owner of the property I do not want to develop the land any further. Simple mining of the sand is a good and appropriate use of this agricultural land.

- (v) The approval does not interfere substantially with the Jasper County Comprehensive Plan.

Response: It is very marginal agricultural land and the end result is a recreational pond.

Scott Walstra stated that there is a motion to approve the application, and the board must consider the findings in Article 9, Variance 20.90.190 (7)(b)(i) through (iii). He then read the Findings of Facts.

- (i) The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community. (Consider whether the variance will hurt or potentially cause harm to the County.)

The board unanimously voted that the applicant met the requirements of (i).

- (ii) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. (Consider whether neighboring property will suffer any major negative impacts.)

The board unanimously voted that the applicant met the requirements of (ii).

- (iii) That the need for the use variance arises from some condition peculiar to the property involved.

The board unanimously voted that the applicant met the requirements of (iii).

- (iv) The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. (Consider what difficulties the owner would have developing he property according to the zoning ordinance standards.)

The board unanimously voted that the applicant met the requirements of (iv).

- (v) The approval does not interfere substantially with the Jasper County Comprehensive Plan.

The board unanimously voted that the applicant met the requirements of (v).

Matt Sheaffer made the motion to adopt the proposed Findings of Facts as presented by the Applicant. Motion was seconded by Dave Webb and carried unanimously.

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

Scott Walstra, Chairman