

HENRY COUNTY PLANNING COMMISSION
1201 RACE STREET, SUITE 214
NEW CASTLE, INDIANA 47362

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The Henry County Board of Zoning Appeals held a public hearing in the Old Circuit Courtroom of the Henry County Courthouse, 101 S. Main Street, New Castle, IN 47362 on Thursday, January 19, 2017 at 7:37 pm.

Board members present were: Randy Jones, Carol Goodwin, and Dan Roach. Also present was Darrin Jacobs, Zoning Administrator, Katie Langer, Planning Commission Staff, and Sean Row, attorney. Board members Steve Hernly and Cathy Hamilton were absent.

Previous Minutes

The Board reviewed the minutes from the November 10, 2016 meeting. Dan Roach moved to approve, Carol Goodwin seconded, and the motion carried 3-0.

Officer Election

The Board held elections for the 2017 calendar year.

Carol Goodwin nominated Randy Jones for Chair. The nomination was seconded by Dan Roach. The nomination passed 3-0.

Dan Roach nominated Carol Goodwin for Vice Chair. The nomination was seconded by Randy Jones. The nomination passed 3-0.

Carol Goodwin nominated Dan Roach for Secretary. The nomination was seconded by Randy Jones. The nomination passed 3-0.

Case C: 2308

An appeal has been filed by Micronutrients USA LLC, represented by Barnes & Thornburg LLP, 11 South Meridian St., Indianapolis, IN 46204 requesting a variance to construct a manufacturing facility with a maximum height of up to one hundred fifteen feet (115'). The maximum building height under this parcel's current zoning is seventy-five feet (75'). The property is owned the Henry County Redevelopment Commission, 100 S Main St Suite 203, New Castle, IN 47362. The property parcel number is: #004-00223-00 and is near 125 E Co Rd 400 S in Franklin Township.

Carol Goodwin announced to the BZA and the public that she is the wife of Maurie Goodwin, who is a member of the Henry County Redevelopment Commission and wanted to disclose that fact. Mrs. Goodwin stated she spoke with the BZA attorney, Sean Row, prior to the start of the meeting to verify that there was no conflict of interest for her to be a part of the hearing. Mr. Row stated that because the Goodwin's have no financial benefit from this project, it is not a conflict of interest for Mrs. Goodwin to participate and vote.

Chair Randy Jones read the request and called for representative for Micronutrients USA LLC. Attorney Joseph D. Calderon of Barnes & Thornburg stepped to the podium.

Mr. Calderon stated his client Micronutrients is requesting a variance to construct a manufacturing facility with a maximum height of up to one hundred fifteen feet (115'). The maximum building height under this parcel's current zoning of I1 is seventy-five feet (75') and his client, Micronutrients wants to retain current zoning. Mr. Calderon stated the height variance is vital to their process. Mr. Calderon presented a copy of an email from Boars Head stating that they had no concerns with Micronutrients' process. Mr. Calderon and his clients are pleased to have Boars Head's support.

Randy Jones asked for a better understanding for the need of the extra 40 feet. Theodore Moore, of Micronutrients USA LLC, stated that the height is needed for the gravity drying unit. The unit is necessary to their process to achieve the required moisture level in their end product.

Carol Goodwin asked what percentage of the building would be 115ft. Mr. Moore stated that approximately 15% of the building would need to be at that height for the drying units only.

Randy Jones asked for an explanation of how the hydrochloric acid is used and what safety measures are in place. Mr. Moore explained that the hydrochloric acid is food grade HCl. Mr. Moore also explained that Micronutrients has protection systems in place and that employees are trained on how to safely handle hydrochloric acid.

Randy Jones asked for any Comments in Support.

Corey Murphy spoke on behalf of the EDC and the RDC asking the Board to grant approval, adding that it was a nice fit for the industrial park.

Shannon Thom on behalf of REMC recommended approval and reminded the Board that the Planning Commission had previously approved a 190 foot tall telecommunication tower in the industrial park.

Randy Jones asked for any Comments in Opposition, there were none.

Randy Jones asked for any Comments from Government entities.

Mayor Greg York spoke in support of the variance stating that continued expansion of the industrial park is vital to the City of New Castle.

After the public comment portion of the hearing was over several citizens raised questions that did not pertain to height variance question before the Board.

Questions were raised and answered about smell, noise, the process being closed, and hooking to the sewer system. All questions were answered to the satisfaction of the Board.

The Findings of Fact were as follows:

Question A... 3 Yes 0 No

Question B... 3 Yes 0 No

Question C... 3 Yes 0 No

Question D... 3 Yes 0 No

Question E... 3 Yes 0 No

Variance approved

Unfinished Business

None

New Business

None

Dan Roach Moved to adjourn, Carol Goodwin seconded, and the motion passed 3-0.