

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

*Darrin Jacobs  
Zoning Administrator*

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The Henry County Planning Commission held a Regular Meeting in the Old Circuit Courtroom of the Henry County Courthouse, 101 S. Main Street, New Castle, IN 47362 on Thursday, December 20<sup>th</sup>, 2018.

The meeting was called to order at 5:00 pm by President Steve Rust.

Roll was called. Board members present were: Robin Fleming, Olene Veach, Daniel Roach, Steve Rust, Larry Brayton, Ed Yanos, Rachel Clark, Justin Curley and Dale Cole. Also present were Darrin Jacobs, Zoning Administrator and Sean Row, Attorney.

**Previous Minutes**

The Board read and approved the October 18th minutes with a vote 9-0. The motion to approve was made by Dan Roach and seconded by Dale Cole.

**2019 action items**

A motion was made by Dale Cole and seconded by Ed Yanos to approve the following documents for the following year: the 2019 Calendar, the Rules of Procedure, conference and training approval letters, the fee schedule and attorney contract. Motion passed 9-0.

**Case B: 2224**

Nona Edwards of 7600 E US Highway 40, Cambridge City, IN 47327 requesting a Commission Approved Use (CAU) for Recreational Development on a parcel zoned (A1) Agricultural. Specifically an outdoor and indoor events venue for weddings, reunions, and similar gatherings. Also for rural and agritourism related events, such as barn and farm tours, farmers markets, craft and makers fairs, antique fairs, and bazaars. The property is owned by the Bruce G and Nona J Edwards Living Trust and is located on Parcel #002-02908-00, at 7600 E US Highway 40, Cambridge City, IN 47327 and in Dudley Township.

President Steve Rust opened the public hearing and asked if anyone was present to represent the applicant. Nona Edwards stepped to the podium to address the Commission.

Mrs. Edwards gave some background on the family farm and the process she has gone through to try and make her idea of an events venue a reality. Mrs. Edwards stated that she would like to make the old barn useful again and that the venue could be a supplemental income for the farm.

Steve Rust asked if Mrs. Edwards had received all variances and approvals that she needed from the State of Indiana. Mrs. Edwards stated that she had received a variance from the sprinkler requirement from the State Fire Marshal and that the State had accepted her structural engineer's report and she had received her construction design release. The Zoning Administrator confirmed Mrs. Edwards's statements and stated that all of those documents have been provided to the Planning Commission Members in their case packet.

Larry Brayton asked if there were any letters of objection or support sent to the Planning Commission. The Zoning Administrator stated that they have received no correspondence or phone calls about this case.

Steve Rust asked if anyone wished to speak in support. There were none.

Steve Rust asked if anyone wanted to speak in opposition. There were none.

Steve Rust asked if there were any government entities that wished to speak. There were none.

With no other questions the President asked the Zoning Administrator to call the three questions.

Board Member	Question 1	Question 2	Question 3
Ed Yanos	YES	YES	YES
Dale Cole	YES	YES	YES
Rachel Clark	YES	YES	YES
Dan Roach	YES	YES	YES
Steve Rust	YES	YES	YES
Olene Veach	YES	YES	YES
Justin Curley	YES	YES	YES
Larry Brayton	YES	YES	YES
Robin Fleming	YES	YES	YES

The request was APPROVED.

**Case B: 2225**

Eric and Diana Swim of the Keystone Trust, 149 Fairway Dr. New Castle, IN 47362 requesting to vacate the Warner Estates Subdivision and rezone the approximately 2.55 acres back to (A1) Agricultural. The property is owned by Eric and Diana Swim of the Keystone Trust and is located on Parcel #012-02653-00, on the south east corner of E Mercer St. and S Spiceland Rd. and near 213 E Mercer St., Spiceland, IN 47385 and in Spiceland Township.

President Steve Rust asked if anyone was present to represent the applicant. Mike Mckown of F.C. Tucker Real Estate, representing Eric and Diana Swim, stepped to the podium to address the Commission.

Mr. Mckown, stated that the property had been for sale for a while, but no one had been willing to develop the property into three individual home sites as platted and that the restrictive covenants have made it difficult for anyone to buy it and use the entire property for just one home site. Mr. Mckown stated that the restrictive covenants requires approvals from the subdivision developer for construction of any homes and the developer has passed away without naming who that approval now passes to. Mr. Mckown stated that there are potential buyers of the property who wish to build a single post frame constructed dwelling and raise some small livestock such as goats and chickens on a mini farm.

Steve Rust asked if there were goats being raised on the property south of this one. Mr. Mckown stated that there are goats and other livestock on the property directly south.

Steve Rust asked if there were any letters of objection or support sent to the Planning Commission. The Zoning Administrator stated that they have received no correspondence about this case. The Zoning Administrator stated that he had received 2 phone calls seeking more information on the case, but that the callers had not expressed an opinion one way or the other about the proposed change.

Steve Rust asked if anyone wished to speak in support. There were none.

Steve Rust asked if anyone wanted to speak in opposition. There were none.

Steve Rust asked if there were any government entities that wished to speak. There were none

Dan Roach moved to vacate the subdivision and recommend the zoning change to the County Commissioners, Justin Curley seconded. Motion Passed 9-0.

Justin Curley moved to close the public hearing, Rachel Clark seconded. Motion carried 9-0.

(The County Commissioners approved the rezone on January 9<sup>th</sup> 2019)

## **Other Business**

### **Review of Matt Hill's Improvement Location Permit Application.**

The Zoning Administrator, Darrin Jacobs, gave a report on why he had asked the Planning Commission to review this particular ILP. Mr. Jacobs stated that he had previously denied the application based on the fact that he felt it was incomplete and that the proposed use was not an allowable use under the parcel's zoning. Mr. Jacobs stated that Mr. Hill reapplied for an ILP and that for transparency sake he wanted the full Planning Commission to review the application and make a final determination on Mr. Hill's request.

Olene Veach stated that she felt the building plans that were submitted were incomplete and insufficient to determine if Mr. Hill's proposed structure would meet all State and Local codes.

Dale Cole asked if the property was zoned residential and if the neighbors and the Town Council was aware of Mr. Hill's intention to operate a business out of this structure. Mr. Jacobs stated that the property was zoned for single family residential and that a commercial wood shop would not be an acceptable use under the current zoning. Mr. Jacobs also stated that they had received several letters from the neighbors opposed to Mr. Hill's structure and use, and that the Town Council had also passed a resolution in opposition to Mr. Hill's proposed structure and business. Mr. Jacobs stated for the record that he is also the President of the Spiceland Town Council, but that he had abstained from the vote on the Council's resolution in opposition to Mr. Hill's application.

Dale Cole moved to deny Matt Hill's application for an Improvement Location Permit. Justin Curley seconded the motion. Motion passed 9-0

### **Discussion of complaint on 2456 N State Road 3**

The Planning Commission reviewed a staff report about a complaint of open dumping and storage of refuse at 2456 N State Road 3. They also spoke with Mr. Chaney the property owner. During the course of the discussion it was discovered that there was a civil lawsuit in progress over the same issue that is scheduled for a hearing prior to the February Planning Commission meeting. The Planning Commission Attorney, Sean Row, advised the Commission to table the matter until the February meeting to discuss their options after the civil hearing.

Justin Curley moved to table the matter. Rachel Clark seconded. Motion to table passed 9-0

### **New Business**

President Steve Rust read a statement letting the Planning Commission know that as of Dec 31<sup>st</sup>, 2018 he will be stepping down from his position on the Planning Commission and will be appointing Tom Green as the Surveyor's designee on the Commission. Mr. Rust stated his admiration for the Commission Members and they in turn thanked him for his service to the County and the Commission.

Ed Yanos moved to adjourn the meeting. Robin Fleming seconded and the motion carried 9-0.

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President

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Secretary