Kris Johnson, Chairman of the Board: The official meeting of the Hamilton County North Board of Zoning Appeals is called to order. The time is 7:04.

The north board is going to recess for a half an hour to allow the south board to hear one petitioner which shouldn’t take very long, and we thought it would be most fair to do that since we feel this meeting will go pretty late tonight. So we will recess right now and the south board can come up. 7:35 we will reconvene the north board.

The official meeting of the Hamilton County North Board of Zoning Appeals is reconvening and the time is 7:35. We apologize for that delay. Once we say a time that we’re going to reconvene then we have to stick with it. So we apologize for that.

Roll call – board members present this evening: Ron Hall, Gerald Kirby, Frank Habig, Tim Clark, and myself, Kristin Johnson. There are enough members to declare a quorum.

Are there any communications or reports?

Chuck Kiphart, Plan Commission Director: No.

Mrs. Johnson: Next on the agenda is approval of the minutes from January 23, 2019.

Gerald Kirby, Vice Chairman of the Board: I move to approve as mailed.

Frank Habig, BZA member: Second.

Mrs. Johnson: All in favor signify by saying “aye.” (Secretary acknowledges 5 yes votes… 0 no votes.) The minutes are approved.

For new business this evening out of respect for the third person on the agenda and the expected length of the first two things on the agenda we’re going to move to item C which is NBZA-R.V.-0004-03-2019 a requirement variance concerning allowing the construction of a 7,200 sq. ft. that be a 120 ft. by 60 ft. accessory building for storage of personal items. The zoning ordinance allows for a maximum sized accessory building of 5,000 sq. ft. The property location is 277 State Road 13 North, Anderson, Indiana, White River Township, Hamilton County. The zoning is A-2. Property size is 3.84 acres and the owners are Daniel N. Junior and Teri R. McClintick. Would the petitioner please come forward, state your name and address for the record, and explain your petition, please?

Teri McClintick, Petitioner: Hi. I’m Teri McClintick.

Daniel McClintick, Petitioner: Daniel McClintick. 277 North State Road 13, Anderson, Indiana.
Mrs. McClintick:  46011

Mrs. Johnson:   Tell us about your petition.

Mr. McClintick:   We’re wantin to build a 7,200 sq. ft. building for personal storage.  I’ve included pictures.  I assume you guys have all seen those.  We’ve got a lot of stuff over the years.  I’d like to try to get everything home.

Mrs. McClintick:   Everything right now is probably at our in-laws.  We have like… They have a barn and we store a lot of stuff there and Daniel also has a friend that has a garage that has probably half of his garage full of our belongings.  So we would like to bring all of our stuff home including an antique tractor, vehicles, four-wheelers, everything like that.

Mrs. Johnson:   Questions from the board for Mr. & Mrs. McClintick?

Mr. Habig:   Is this for personal use?   No commercial?

Mr. McClintick:   Yes, sir.

Ron Hall, BZA member:   When you have this building completed… do you anticipate outside storage at that point?   (2) When do you anticipate that this would be completed?   This project.   (3) So, is it reasonable to say that within a year you would have the building completed and the property all the items stored inside?   (4) Okay.   And any removal of other items done by then?   (5) Your material said that you were going to be removing a shed.   And we saw pictures of a mobile home that was also used for storage.   Is that mobile home going to be removed?   (6) After you build the building will you be able to remove the mobile home?   (7) So within a year it would be gone?   (8) Would you have any problem committing to a year from now that mobile home being gone?

Mr. McClintick:   No.   (2) Hopefully we can start mid-April and I would say by the end of April the building should be done.   Would probably have some final grading and seeding to do.   (3) Yes.   (4) Yes.   (5) Eventually we would like to get rid of that but we are using it for storage right now.   (6) Yes.   (7) I would hope so, yeah.   That’s what I’m shootin for.   (8) Not at all.

Mrs. McClintick:   (8) No.   It will be gone.

Mr. Kirby:   I think Ron’s covered it pretty well.

Mrs. Johnson:   I think so too.   Thank you.   We’ll now open the floor for public comment.   Anyone that would like to come forward and speak for or against the petition can do so at this time.

Secretary’s note:   The time is 7:39 p.m. and with on one stepping forward to address the board:

Mrs. Johnson:   We’ll close the public portion of the hearing at 7:40.   Do I have a motion?

Mr. Hall:   I move that we approve the petition conditioned upon the fact that there be no
outside storage, that there be no commercial use of the property, that the mobile home be removed, and that all the conditions be met within on year.

Tim Clark, BZA member: I second.

Mrs. Johnson: Any discussion or comments?

Mr. Habig: It is pretty straight forward.

Mrs. Johnson: It is, absolutely. Are you ready for a vote? Motion has been made and seconded for NBZA-R.V.-004-03-2019. All in favor signify by saying “aye.” (Secretary acknowledges 5 yes votes… 0 no votes.) Your requirement variance is approved. Thank you.

(Discussion followed among the board members regarding their verbiage for the conditions as they prepared their findings of fact.)

Mrs. Johnson: Next on the agenda NBZA-L.U.V.-0002-02-2019 a Land Use Variance. The public hearing was postponed until this month at the petitioners’ request. It is concerning allowing a commercial use of an A-2 zone property including offices, a training facility, and a public events facility. One new commercial building is proposed. The property location is 213 East 276th Street, Atlanta, Indiana, Adams Township, Hamilton County. Zone A-2 / FPD. Property size is 80.37 acres. And the owners are Beth and Terry Henderson. Would the petitioner come forward and state your name and address for the record, please?

Doug Church, attorney representing the Hendersons. Thank you. My name is Doug Church. I am the attorney for Terry & Beth Henerson who started to come up to address your question, Madam Chair. I’m a partner in the law firm of Church, Church, Hittle & Antrim. Our offices are located here in Noblesville at Two North Ninth Street. Sometimes I say I’m a senior partner which only indicates that I’m older than anybody else. And the last time I say Ron Hall his hair and my hair were a slightly different color. I’m here this evening representing Mr. & Mrs. Henderson in connection with a request for a variance of use to permit them to erect a barn and conduct a business within that barn on property that they own. To help you to orient to the location of the property this first photograph, aerial photograph identifies the location of the property approximately one mile east or west of U.S. 31 on 276th Street. It consists of a parcel outlined in red of approximately 80 acres which is adjacent to another parcel (7:48:36 inaudible) which the Hendersons have their home. For additional orientation approximately one mile east of this intersection is Beck’s Hybrids. On the southwest corner of this intersection is Reynolds Farm Equipment. To the northeast is where the armory site is to be located and as you may have read the interchange at 276th Street and U.S. 31 is to be enhanced in the future at some point. I can’t tell you precisely when. On further west, north of 276th Street is the Blackhawk Winery and as you can see from this aerial near it is by and large agriculture and sparsely populated with residential homes. This picture gives you a little bit closer view of the subject site. The Hendersons’ home is located here. And where that little yellow dot is located here is where the barn would be constructed. You can see the location of our neighbors. The Eglers immediately to the east of us. The Thompsons to the west. There are a number of parcels of real estate in this area that are owned by Becks for their seed purposes one of which is immediately to our west.
This survey identifies the property in more specific detail. The parcel that is on the east side of the… I call this a square for lack of a better way to describe it… is the initial property purchased by the Henderson in 2005 and on which they constructed their home. The property to the west which surrounds it at least on the west and south sides consisting of a slightly more than 80 acres is the property on which they propose to erect the barn. It was at one time operated as a commercial gravel pit and now that constitutes a lake which covers the portion of the southeast corner of this property.

Beth and Terry Henderson have been involved with the operation of a business known as Achieva for a number of years and it’s that business which they propose to operate inside a structure which is to not only look like a barn, but it is a barn. The lower level of the barn as you can see from the materials in the brochure which you have in front of you would consist of the offices, training, and meeting space associated with their business and the upstairs contains stalls for horses as well as for additional meeting space.

The barn was designed by Tom Treinen, architect. And the site landscaping has been designed by Dave Lybrook and Lybrook Landscaping. The intent of the construction of the barn appearance is to be consistent with an agricultural character and the landscaping has been set-out in order to shield as much of the barn from neighboring uses and the road as possible while enhancing the overall landscaping effect.

I want to tell you a little bit about Achieva. When I first got involved with project which was after the filing and after the matter had appeared before the plan commission and I started my investigation, I referred myself to the ordinance which describes the characteristics of an A-2 zoning. And, as you all are far more familiar than I, the purpose of A-2 Zoning it says is to permit the full range of agricultural activities as well as certain planned large lot residential development with development standards which protect full range of agricultural uses as determined by the plan commission and other uses customarily conducted in agricultural areas.

I question to myself at that point was… does Achieva meet the standards premised upon the purpose of an A-2 District? And, I think, Mr. Kiphart and the staff, and Mr. Culp in providing guidance on this to… Hendersons recognize that it’s a stretch beyond what you would normally think of in an A-2 District and therefore the use variance was the appropriate way to address the use that they have in mind. But the fact is… and it is important to underscore this that Achieva is a unique business that deals with agriculture, agricultural technology and science in a way that brings manufacturers and end-users together to be educated on the appropriate means and mechanisms for applying and making use of agricultural products.

Since its inception Achieva has conducted over 500,000 individual seminars dealing with literally thousands of customers not only in this country but around the world. It is recognized as an ag science business. Some of its customers are far away and some are close to home including Beck’s Hybrids Seed which is a client-customer and uses their educational opportunities through Achieva as well as major international corporations.

This construction will have a variety of positive impacts both for the business and, we believe, for the surrounding community. For the business it gives the Hendersons and Achieva a chance to move to another level of operation. In addition to their off-sight seminars and educational
opportunities this will give them a chance to conduct on-site seminars and educational programming consistent with what they have been doing all along. Class sizes typically range from 10 to 20 and involve people who would come from near and far to gain the information and the knowledge that they impart. They have been recognized as worthy by the Indiana Economic Development Corporation for training grants premised upon the fact that as they expect growth to occur that an additional 12 persons beyond the three permanent employees that they currently have could be located at this facility and that those persons are entitled to receive training grant credits through the IEDC. In addition, as you will find in the materials under Tab 10 the Hamilton County Convention and Visitors Bureau, Brenda Myers the CEO of that organization, recognized that it has been an objective of Hamilton County Tourism, working with local extension and business officials, to position the community as a destination for small group learning in the ag tech space over the past two years and this particular type of use fits within that designation.

Ag. science and ag tech seems to me in looking at the reality on the ground to have found a spot along 276th Street. It would be, I think, hard to argue the fact that what Becks has done certainly has national implications both in terms of genetic research and science as well as the business they do in developing and selling hybrid seed corn as well as other products. Reynolds certainly has achieved a deserved reputation on a regional basis for providing the kind of agricultural products and I don’t think it is a stretch to say that a winery is an ag tech business as well. I don’t know how to make wine. I know how to drink it occasionally but it’s nice to know that we have somebody who’s found another way to take advantage of this science and technology of agriculture to produce a product in this location.

With the development of an interchange that will facilitate traffic along 276th Street as well as for nearby and related business uses. It seems a natural to understand that the potential for the growth for the ag tech businesses in this region and in this particular area along this intersection are pregnant with potential.

I got a lot of pieces of paper and I’ll fumble here for a second while I find the right one. In your materials the brochure that I’ve provided you as you will see from the index we have provided you with a number of things which for your record I’d like to identify. Under Tab 1 is an executive summary which address the nature of the business of Achieva and what the intended use of the property would be should the variance be approved. Tab 2 is a little more detailed information about Achieva and I think under Tab 1 in loose form we also provided you biographies of both Beth and Terry Henderson. Tab 3 are the application forms which we tendered together with the findings of fact. Under Tab 4 we’ve excerpted a portion of the A-2 Zoning. Under Tab 5 we’ve provided you with a site plan. Under Tab 6 as well as the architectural plans. Tab 7 copies which are hard to read of the aerial maps that I provided you. Under Tab 8 Tab 9 the zoning maps. Excuse me. And, under Tab 10 a number of letters of support. Tab 11 contains a number of photographs of the… excuse me… gravel pit. An operation which existed historically on the neighboring lake.

And when the Hendersons bought the property the residue of that operation was still in place and they spent a good number of years cleaning up the 80 acres and around the lake from abandoned equipment as well as fences. I think they told me they found a car in the lake and some other things to beautify the area.
It is important to understand that historically from the time they purchased the property and built their home and moved there that literally everything they have done has been to enhance their property and enhance the neighborhood. Among things that are being done in connection with the development of Achieva’s business opportunity at this location which will benefit the neighborhood is the extension of fiber optic cable which is coming across from Beck’s Hybrids and will be extended through the efforts and industry of Mr. Henderson. On along to the west on 276th Street ultimately providing opportunities for connection of high speed internet for all of his neighbors who have access.

The controversy which the Hendersons found themselves in the midst of following the time of the plan commission, I think it’s fair to say, centered around anticipated uses of the barn for events other than the conduct of their business.

I’ll try to get rid of this cough. Bare with me.

In the course of their meeting with the planning staff and at the time they were… before the plan commission they tendered a number of commitments which you will find at the back of Tab 1. And those commitments were directly intended to address concerns of the neighbors about uses of the property that would be characterized as event oriented – event by character weddings, corporate outings or picnics. I’m not sure what all. With the staff’s guidance the commitments that they tendered them and which they stand now included limiting the variance to these petitioners only; providing that there be no amplified music outdoors after 9:00 p.m.; that events to the extent they occurred there would end no later than 10:00 and the premises vacated by 11:00; in the event there were 65 or more persons present they would engage professional off-duty police to provide traffic and security; that they would not have food preparation on-site and they would make sure that anything brought in was catered; and that outdoor lighting during event times would be limited to the farm / barn dusk to dawn security lighting as opposed to….

Linda has saved me. (water was provided to ease coughing)

Subsequent to that meeting and in consultation with your counsel, Mr. Culp, we have tendered and provided him with executed copies this evening of the what the newer packets identified as a supplemental commitment. The supplemental commitment reads that the undersigned or the fee owners of the real estate described in the building applications shall not permit any for-profit and/or rental use of the real estate under the current zoning as modified by the variances sought and obtained if that happens from this board. The commitment shall not prevent them from use of the real estate for their ag business as described – Achieva – or for charitable or personal purposes so long as 1) they make no charge for the use of the premises; and 2) they comply with the voluntary commitments they previously tendered.

To the extent that there have been characterizations of the facility, the barn for uses that are unrelated to Achieva what this commitment means is that we’re not going to rent this out for parties, for events, weddings, or whatever it might be from the simplest terms I can give you. Just like anybody in this room has a right to have family and friends come visit their… certainly not limiting themselves right to do that and they accept and will continue to be bound by the covenants and commitments that they made to the plan commission which are before you this evening together with the supplemental commitment. It’s our hope that to the extent that there has been concern
about large, boisterous crowds of people who are coming into a party barn atmosphere that that will be put to rest. It’s never been, certainly is not now, and by this commitment would be improper if not illegal to conduct those kinds of activities on the property. The core purpose of this business and the core purpose of the petition before you is to be able to erect a fitting structure on a farm that will give the clients and business associates of Achieva the chance to come, learn in an educational setting about the proper uses of products and materials that are applied in agricultural uses and to have the opportunity to expand the business, core business of Achieva through that use.

There have been a number of letters of support written in connection which you’ll find under Tab 10. I don’t try to overstate the significance of that. I think people have their opinions but we wanted to give you a sense of the community view from some people who we think are fairly important and for some of the reasons that are important. The Hendersons have had an opportunity to meet with the superintendents of both Sheridan Schools and Hamilton Heights Schools to discuss the ways and means of engaging students who have an interest in ag science in their programming whether it’s done at their facility or done off-site through the personnel of Achieva. And those letters of support, I think, are indications of the interest and desirability of that opportunity for those students who have that interest.

The other use which is part and parcel of the vision that the Hendersons have created for this use is not really the subject of the variance but it’s important to understand what that consists of. They have livestock, and as I learned recently you may hear more about it, Kevin Bacon showed up on their property. Kevin Bacon you’ll hear more about, I think, in a minute from Mrs. Henderson.

A registered nurse by training and a person who has been dedicated to finding the ways and means of providing therapy for persons who can benefit from having contact with animals and that has consisted of people who’ve come and ridden their horses, petted the farm animals, been around the farm environment, and have found that of use and benefit in helping deal with some of the concerns whether they arise from a level of a disability or just a psychological need. And she intends to keep doing that.

And part of the structure is designed to allow for the stabling of animals in the barn which is certainly permitted and expected as part of what you’d think a barn would do and to give her the chance to continue the operation of her therapy activities as she has done in the past.

I asked Beth and Terry both to be prepared to make a few comments this evening so that you get a chance to hear directly from them. And, I’ll call upon them to do that now and when they complete their comments I’ll have a few more and then we’ll be prepared to answer your questions. First I’d like for you to have a chance to hear from Beth Henderson.

**Mrs. Johnson:** Thank you.

**Beth Henderson, pettioiner:** Good evening. My name is Beth Henderson and I live with my husband, Terry Henderson, at 283 East 276th Street, Atlanta, Indiana. I love to talk about my animals and share what having the animals has done for me and so many others - adults, children, seniors, mentally and physically disabled people as well. I have so many exciting plans for future programs using animals for therapy and using the Eagle’s Aerie barn to host these community outreach programs but first I have to tell you a funny story. I use social media to inspire, uplift,
and support positive things and I absolutely love humor. A few years ago I put a post on my Facebook page about someone very special coming to stay with us, Kevin Bacon. I did not include a picture and I gave no further information. Well, my neighbor, Tammy, saw my post and was very excited about a celebrity coming to our house. The next day, knowing that Kevin Bacon would be arriving, she decided to get dressed up and just drop by so maybe she could get a picture with Kevin Bacon. So that morning I updated my Facebook post and announced that Kevin Bacon had arrived and I included a picture of this big hunk, Kevin Bacon, the pig. Needless to say, my neighbor, Tammy, checked on Facebook prior to leaving her house and much to her disappointment it wasn’t Kevin Bacon she was expecting. She did send her granddaughter over and she loved Kevin. I told you this story because animals can be used for entertainment, therapy, and companionship. I’ve hosted groups from all walks of life to come to the farm, to enjoy the scenery, take a horse drawn wagon ride, spot the soaring bald eagles, and learn about the animals on the farm. It is always such an amazing experience to see the reactions of the kids and adults. They always leave with a smile and ask when can they come back.

One last story, on Christmas Eve day just this last year Terry dressed up as Santa and our little miniature horse, Rosie, hitched up to the cart and dressed up like a reindeer. Terry drove Rosie up to the corner of 276 and 31. He had a pocket full of candy canes for anyone who might stop by to see Santa. I followed in the ATV so I could help out. Several cars with families stopped and asked to sit in the cart next to Santa, get a picture, and pet the pony. It was heartwarming. But there was one lady in particular that stopped and got out of the car. She was alone. She came running over and asked if she could please get a picture with Santa and the pony. She said, “you all have made my Christmas. I was diagnosed with cancer a few days ago and I didn’t think I’d find anything to smile about. Thank you for making me smile.” She gave us hugs and waved good-bye. I will always remember her and how grateful she was for just a small gesture. This is why I love animals and what we can do to help others cope with whatever they’re dealing with.

Eagle’s Aerie barn will be primarily used to house Achieva, an agriculture technical training business but will also be an agriculture landmark Hamilton County and our neighbors can be proud of. It will be a place of learning, discovery, and opportunity. Thank you.

Mr. Church: Terry.

Terry Henderson, petitioner: Good evening. I certainly can’t top that but I will tell you a little bit about my background in company, Achieva. We moved here in 1990 and that was because Dow Agri-Sciences, at that time Dow, Dow Ag Products, was doing a merger with Eli Lilly Ag Products. And so we came here with a company called Dow Lanco. I then spent five years with that agriculture company. And upon that point then took my experiences, knowledge, and expertise and started a company called Achieva – an agriculture technology training company.

We’re currently located in Carmel and when you know the type of clients that we work with they are basically farm kids like myself. That there are a lot of farm kids and ag business kids that for one reason or another as we’re seeing the farms get larger a lot… there wasn’t necessarily room for them to continue to be on the on the farm so they’ve gone into agri to work for agriculture companies business organizations.

My company, Achieva, is essentially responsible for and works… we’re a national leader in on-
line training. On-line training talking about bringing a product with the science and the background of that product and understanding the responsible application and training both the dealer, the distributor, from the manufacturer, all the way down to the farmer. So that’s the loop that we complete and we’re very proud of that fact. And you heard him talk earlier that we literally done thousands of training programs on-line and in-person. And, we’re actually trained hundreds of thousands, successfully trained hundreds of thousands of agriculture business people, farmers, dealers, applicators across the U.S. as well as internationally.

So when we started looking at moving our office which right now we’re in Carmel on West Main it doesn’t make a lot of, it really doesn’t turn anybody’s trigger to come talk to an ag business about farm products in the Art District of Carmel. It’s a nice area but it’s really not prone for our company.

So as we started looking at moving our company and we really gained an aspiration and an inspiration for the very property that we live on. We looked at a lot of different properties and looked at a lot of different ways that we might construct a building. And we came to the conclusion that there is no better place than the prairie land that we own and live on.

People come to our property and when they do they always admire that this feels like and I’ll quote Joni Ernst, the U.S. Senator from Iowa. She was there speaking at a, an agriculture function that we had and she said “I always thought that Heaven was in Iowa”... she goes... “but this is truly a small slice of Heaven right here and this is the American dream.” Well, I appreciate those kind of comments but what we really want to do with this facility is we want to share a bit of the agriculture heritage and we need to continue that heritage because as farms get larger and the farm connection becomes lessened because we’ve got more of our population living in urban American, living in suburban America but what we want to do is provide an opportunity through our business for people to be able to come, enjoy, understand and at the same time learn about agriculture products. And when we talked about agriculture products we’re talking about seeds, we’re talking about fertilizer, we’re talking about herbicides and other agriculture technologies. I’ve got my background… actually my degree in animal science but I’ve been involved in the agriculture sciences my entire career.

There is also this question about, “hey, is this really an ag company?” Well, 100 % of our customers, 100 % of what we do is all about agriculture. It’s all about farming. It’s all about using agriculture technologies and products in the most responsible way so we can feed, clothe, and shelter our growing global population. We’re very proud of that. We’re also very proud of the very area that we live in. With one of the very best farm equipment dealers in the nation with Reynolds Farm Equipment. And then you go on down the street and you’ve got the number one, the number one independently owned seed company in the, in the country. The largest independently owned seed company in this country is Becks. And we’re very proud of that. We also are very proud to have in our, in our neighborhood, not in a direct neighborhood but in northern Indianapolis area is Corteva. And, they’re another one of our major clients. So, if you look at our client list it’s all agriculture companies. We deal with all on-farm technologies and products like I said earlier which includes seeds, fertilizer, herbicides, and other crop protection inputs.

I hope that gives you a little bit of insight. I would also tell you that when people make claims that I’m not really in farming or our business really isn’t in farming one of my greatest things that I like
to share with people other than being national 4-H president I also like to share the fact that in the early 90s I had the opportunity to chair the committee that brought national FFA to Indianapolis. And that’s been a huge economic boom for Indiana, for Indiana agriculture, and it’s really worked out well for national agriculture as well. So it’s one of the things that I’m most proud of but I’m also most proud of the fact that we started Achieva from the ground up. We didn’t buy the company. We didn’t inherit the company. We started from the ground up. And so with Beth’s help, and the help of my family, and the gracious blessing of our customers, and our employees we’ve been fortunate enough to grow to the point where we now want to build this facility so we can continue the growth and expansion of our company. Thank you.

Mr. Church: Thank you, Terry.

For those of you who have an interest in the clock I told Terry he had two minutes. So I hope we didn’t take more than two minutes. We want to conclude with just a couple of thoughts. We are happy to answer any questions that you have this evening. We hope we’ve addressed most of what you might have on your mind but knowing that there will be other questions and comments from others I’d like to reserve a little time at the end to respond to any comments that may be made by others this evening. And we look forward to your questions as well.

Mrs. Johnson: Questions from the board?

Mr. Habig: You may have said this right at the start… approximately what is the distance off of U.S. 31?

Mr. Church: Just slightly more than a mile to where the entrance drive would be cut west of U.S. 31. And if you think about where Becks is, they’re about a mile east. So kind of give you a sense of perspective and I know you can see that from the aerial but that’s the distance.

Mr. Henderson: Becks, Doug, Becks from 31… they’re about four miles east of 31.

Mr. Church: Four miles east.

Mr. Henderson: undistinguishable.

Mr. Clark: I’m sorry. I was writing notes and questions as he was speaking. Towards the end then he said… that his company is an “all ag business?” Totally ag. Totally agriculture?

Mr. Church: Yes, sir.

Mr. Clark: That surprises me. I have a question that’s bothered me. If you look at his website prior to this there was no mention. It was not the word “agriculture” anywhere. It sounded like it was video production and promotion. Can you explain why there’s no word “agriculture?”

Mr. Church: I, I can’t. And I didn’t, I didn’t design that website. But I think we’re talking about the difference between process and substance. The substance of what they are doing is educating people through a variety of means and, as Terry explained, they use video, they use online learning opportunities, as well as on-site learning opportunities. So I think what you’re
addressing from the website is how it’s done, what’s done is, as Terry described, an agricultural business connecting manufacturers, distributors, and end-users to product information and training about safe applications.

Mr. Henderson: The real reason that you don’t find any or you didn’t find necessarily an abundance of mention of agriculture and farming is because all of our clients and anybody who goes to that website knows that its all agriculture and all farm products training. So that’s the only reason. And, so, here is a list of our, of our customers and our clients and they are all agriculture clients.

Mr. Kirby: They are ag, ag related but you are not actually an ag company. The companies you deal with are ag related. Is that correct?

Mr. Henderson: Well.

Mr. Church: Hang on. Yea. This is a semantics issue. I don’t want to necessarily get into a debate with you. There are a lot of things that are ag that don’t necessarily involve planting seeds in the ground. But to your point… it is ag related in the context we’ve described. It is

Mr. Kirby: But he’s not actually ag related. He’s teaching ag companies. Training ag companies. He’s not ag related himself.

Mr. Church: Ah, we’d debate that quite a long time. I think he thinks he is… and I think he’s ag.

Mr. Kirby: Well, sure you do. Ya know, I’ve been, I’ve farmed my whole lift. And I’ve never heard of the company before. For chemical training, seed training, anything… er anything. My fertilizer companies have meetings. I mean… why haven’t I ever heard of this before? I’ve farmed my whole life.

Mr. Church: I can’t answer your question.

Mr. Kirby: Ok. I was just wondering.

Mr. Hall: I have a couple of questions and I’ll try to be real brief here. The list of commitments that you have in the folder tonight is that… have you seen the document that was prepared after the plan commission meeting and is this, these conditions synthesized from that document?

Mr. Church: The commitments that are in the materials this evening are the same commitments that were presented to the plan commission plus the supplemental commitment that you were provided in lose form this evening that deals with the no for-profit, no rent limitations. What’s contained in the draft from the plan commission contains suggested, I think, commitments or covenants that were not offered by us and are not necessarily acceptable to us and I think we’re driven to a certain extent by the concerns expressed about the for-profit or the party barn uses.

Mr. Hall: But you had seen this and after reviewing this, this is what you came up with that you’d offer for…
Mr. Church: That is correct.

Mr. Hall: Ok. And the current use of the property is?

Mr. Church: Right now the farm… it’s 80 acres of ground, residence associated adjacent to it and to the extent there’s any use beyond that it’s farm related but it’s not being farmed and it’s not being used for the Achieva as we’ve described that this evening.

Mr. Hall: So I’m wondering it is pasture? Or is it crop on it?

Mr. Church: Yes.

Mr. Hall: Ok. Achieve, from all you’ve presented and the Hendersons’ presentation is obviously a very well managed company and I presume you’ve considered long-term size of your company, long-term what… what do you expect… How long do you expect this facility to be able to accommodate your property? Your business?

Mr. Church: Good question.

Mr. Henderson: That’s the reason we’re building it the size that it is. It should accommodate our needs for the rest of my life anyway and the rest of my career and I…

Mr. Hall: So in other words you would not, you would not anticipate any expansion of the, of the property that you’re going to be building. Of the building you’re going to be having for this property? And did I see a… the suggested condition that the commercial use of the property would only pertain to your ownership? Would not survive your ownership? Is that condition still present?

Mr. Church: Yup.

Mr. Hall: Ok.

Mr. Church: Ron, to be clear on the record… you asked earlier about the uses. I was listening in one ear and hearing you… pasture, and farmland, and with Achieva’s establishment there that would continue to be the use. It’d be an opportunity for clients coming for an educational purpose to actually go out and see an application on the ground as part of the training (inaudible) to the farming activities that currently exist there.

Mr. Hall: Did you know, Mr. Henderson, when you bought this property that it was just ag and residential zoned?

Mr. Henderson: I didn’t pay all that attention to that.

Mr. Hall: A lot of people don’t. Ok.

Mr. Clark: I think I read somewhere there’d be no chemicals in the barn, on the… in the
building.

Mr. Church: That’s right.

Mr. Clark: And occasionally you’ll see places don’t charge anything, but they do take contributions, donations… and we ruled that out also.

Mr. Church: Well. I’m not entirely sure how to answer that question. For example, in… tonight one of the persons who may speak to you is the executive director of Janus Developmental Services. I’d be hard pressed to say it won’t be part of an ask, but if an event associated with Janus was there or if Janus clients were there for… to help do something and somebody said “hey how do I write a check to Janus?” I don’t think we’d say “don’t do that.” And that may not be your point, but it’s not our intent and the intent of the covenant that we provided you is to not solicit or accept fees associated with use of the property.

Mr. Clark: I don’t have a problem with that… a contribution to them. I’m thinking more of people kind of circumvent what they agreed to are the laws like taking donations and then they don’t, then they’re not classified for certain areas where they have to…

Mr. Church: No. Definitely not gonna do anything close to that.

Mr. Habig: Clarification once again. Are you saying that 100% of your clients are ag related?

Mr. Henderson: Yes.

Mr. Clark: I think one of the problems Gerald had maybe was with his questioning in more in the marketing than, I believe, in the production. I remember reading “to help make your product look like the best product out there and the highest quality” and all that, I think, maybe, that was the problem Gerald was having. It isn’t the actual production of the product.

Mr. Church: I didn’t go over a dictionary definition so don’t want to debate the point with Mr. Kirby. I understand his…

Mr. Kirby: Well, I just don’t think you’re an ag company myself.

Mr. Church: Yup. We understand that.

Mrs. Johnson: You possibly addressed this already. Do you plan on any signage?

Mr. Church: I think if there’s going to be anything it might be something on the barn that says “Eagle’s Aerie.” If it’s anything beyond that it’d be directional. It’ll comply with your ordinances.

Mrs. Johnson: Thank you.

Mr. Clark: How long have you been doing classes for, excuse my pronunciation, Dicamba, I believe… the chemical which you need to be state certified with? Have they been doing that class for several years or several months?
**Mr. Church:** My hearing is bad. I’m sorry. Can you repeat the question for me?

**Mr. Clark:** I was wondering how long they’ve been doing classes for the chemical, Dicamba? I don’t know if I am pronouncing it correctly.

**Mr. Church:** How long?

**Mr. Henderson:** We’ve been doing training classes for different products, herbicides – of course Dicamba is a herbicide, as well as fungicides, fumigants as well. In fact, in fact if you apply or you’re an applicator in the U.S. and if you are to apply a sole fumigant you’d be required to complete a sole fumigant training that we manage. We developed it, we manage it, we oversee it, we report certification back to the EPA and also the states that are involved. So, that’s how we do our certification.

**Mr. Church:** The question was how long have you been doing that?

**Mr. Henderson:** Oh, I’m sorry. And the answer is… our company’s been in place now for 21 plus years. And we’ve been doing training of that type for the past 16 plus years.

**Mr. Clark:** And, can you tell me how many times Janus has been out to your property?

**Female voice:** Once.

**Mr. Hall:** My final question, Mr. Church, is we’ve heard a lot about this very nice company. And I hand it to them with being very well managed, good company. But the crux of what we have to do tonight is not to decide whether they’re a good company or not, we have to decide whether or not this request that they have to change the use of this property whether it has any injurious effects on the health and welfare and morals of the community and we haven’t heard anything about that so far. We also have to find whether or not this improvement will have an impact on the neighboring property values, and we haven’t heard that yet. I don’t know how to make that decision. Also, what is unique about this property that requires a variance at this point for use and I haven’t heard anything about that. Nor have I heard anything about what the hardship is if this isn’t applied. So I think the real… we’ve enjoyed the last hour but we don’t have anything yet to make a decision on.

**Mr. Church:** If you’ll look under Tab 4 in the materials those are the written variance criteria responses that were filed along with the application. And I can go through them but let me summarize, Mr. Hall, and try to be as clear as I can cause I agree with you the underlying basis for this is something unique about the application of the zoning ordinance that (inaudible) and they own it. So, this isn’t a question of somebody who’s got a condition to purchase.

As I told you at the very beginning when I read through the A-2 criteria not withstanding the disagreement with Mr. Kirby and I had about whether this is an ag business or ag related business it seemed to me that a fair even though broad definition of the purpose would include something like this. It’s a barn. He has a right to build a barn on that property. There wouldn’t be any dispute about that. What goes on inside that barn to the extent that it’s an… in that broad definition...
of purpose and it says… intended to be applied broadly… is ag related in our view. And you can distinguish all kinds of ways to talk about what an ag related business is but we think this is one and that the clients and customers who take advantage of Achieva are those who are using it. So, my, this is the lawyerly argument, my view of the hardship and the unique application is that because there is something more about Achieva than one would typically associate with an ag related business, a variance is required and that’s the hardship implicit in being able to do with their property what they want to do. We could hit all marks but if somebody says “Wait a minute. You’ve got people coming out there taking classes on ag related and we think that’s not quite that expanded view of an agriculture use.” Then we’re not going to be able to beat that argument absent permission from this board through the variance procedure. That’s what we believe is the answer. The rest of the questions that you raised I think are addressed in use variance criteria.

*Mr. Hall:* I would like for you to expand just a moment because what I thought I heard you say was that the hardship is that he couldn’t do what he wanted with his property. Did I not hear that correctly? Cause everybody has that problem.

*Mr. Church:* Yea, I understand. He can use his property, in my view, under your ordinance for about 99% of what the ordinance allows. And it’s when you be with your staff, and they try to understand what the ordinance means, we try to understand it… that you say… wait a minute this one more thing which may be people attending a class inside a building that’s a barn maybe is a step beyond that. So we think that is directly the hardship associated with our use of our property in a unique way. We can build a barn, we can have the animals, we can have friends and family there, we can have pasture and grain crops, we can have people come in to understand how to, in our view, how to apply things properly and safely, and that’s the nexus right there. That’s were absent the variance your staff is not gonna issue a building permit for this purpose.

*Mr. Hall:* But, but also isn’t it building a studio, creating videos, putting together training programs, inviting people in to do that for a profit? Aren’t those all commercial activities?

*Mr. Church:* Well, I could make the same argument about somebody who assembles a front-end loader or a corn picker. I mean, there are a lot of ways to define “commercial” associated with the operation of an agricultural business. It’s commercial.

*Mr. Hall:* Is your, is your concern with the fact that you’re really disagreeing with the staff’s opinion that this is a commercial property, commercial use?

*Mr. Church:* It, it, it would not be fair for me to say that we have a disagreement on anything other than the fact that I read this ordinance that gives you, which I quoted the words to you, “broad application of agricultural related uses.” And I think this qualifies but I also understand that if I were the staff and you’re dealing with something that is somewhat unique in the context we’re talking about it’s, it’s, it’s not corn, beans, and it’s not livestock, it’s not selling John Deere tractors, it’s not producing seed corn, it’s a “feature” of the ag business that is (inaudible 8:39:33) that the safe harbor would be to sad to think we need to go through a variance procedure. So we tendered the information that we think addresses the questions you’ve raised. There is in our view and this is a view that we think is a fair view… the only thing that’s (inaudible 8:39:52) to the property since 2005 and 2009 when the Hendersons acquired this is they’ve improved it. They’ve improved it in every way you can describe the improvements. They’ve removed trash, they’ve gotten rid of
old junk equipment, they’ve enhanced the surroundings, and this structure and the uses will not deter [detour] that. If anything, it will enhance it along with what we think is happening at the intersection of 276th Street and U.S. 31 broadly.

Mr. Hall: Thank you. I appreciate that.

Mr. Kirby: For a Special Exemption there are areas that you can make Special Exemptions. Some things go in certain, certain areas for Special Exemptions. Under A-2 an auditorium, community centers, stadium, armory, gymnasium, public building, other similar places for public events is not allowed in an A-2 under even number, Special Exemptions. So, why, why should (inaudible 8:41:07) that they didn’t allow it?

Mr. Church: And that’s the reason the variance application was filed. I think to the extent that the staff had concerns similar to what you’re raising. The way you then address that question is by seeking a variance from the strict application of the terms of the ordinance.

Mr. Kirby: But our strict applications are to be under Article 15. Go to the uses permitted by, as Special Exemptions and it’s not an exemption for a class A-2.

Mr. Church: I’m not sure I follow the reasoning but if you’re saying we needed to file for a Special Exception vs a variance I’d leave that determination to your staff.

Mr. Kirby: You’re already filing for a Special Exemption.

Mr. Church: No. We filed for variances.

Mr. Kirby: For a Special Exemption.

Mr. Church: No. For a variance of use.

Mr. Hall: You may be confused, Gerald, because we got some information about Special Exemptions and they are not applying for that. I don’t know why we got that in our packet.

Mr. Kirby: Ok. Some of the packet takes about Special Exemptions.

Aaron Culp, BZA attorney: Right. But they are not seeking a Special Exemption. This is just a variance.

Mr. Kirby: Ok.

Mr. Hall: But we did get information in our packet about that.

Mrs. Johnson: We did.

Mr. Kirby: We got so much paperwork here it’s hard to figure out what’s right and what’s wrong, ya know. Another thing like Ron said, I don’t think you’ve met all of the findings of facts that we’re supposed to… you really haven’t talked about them. One of the main concerns I’m thinking
about is about the safety of the community. This road is ah… ya know, you got Reynolds there at 31, you got Becks on the other side of 31. This road is traveled every day by huge farm equipment. Three-fourths of the distance to this property is bordered by a creek that’s right alongside the road. And once you off the side of the road your down in the creek. Every year you hear about wrecks where people run into the back end of farm equipment. There is always a wreck every year where people from out of the community comes here. They don’t realize the equipment is as big as it is and so is this a safety issue. It think it is. When you got three-fourths of this distance that you cannot pass. If you’ve got a big combine going down the road you cannot pass a vehicle. That is a concern that I am really concerned with.

Mr. Church: I understand.

Mr. Kirby: Can you address that?

Mr. Church: Sure.

Mr. Kirby: How, how, how would you be able to, ya know, fix that problem?

Mr. Church: I don’t know that I can fix the problem you suggested exists. I certainly agree with you that, that agricultural areas being respectful of the farmers need to move big equipment around is something a lot a people don’t pay attention to and they should. There are going to be five to seven people who come on and off this property during a business day either because family members are going to town or one of the three employees is coming to work in and out. That contribution of traffic on 276th Street is deminimis. It’s just…

Mr. Kirby: That’s on the day to day thing. Now when they have their other meeting and everything there is going to be a lot more vehicles. We’ve got enough traffic in the community right now.

Mr. Church: Well. It’s an abstract proposition. I don’t know what’s too much or too little. I know that traffic is a concern. And, we’ve addressed to a certain extent the issue of providing for traffic and private security in the event she had groups of up to 65 people or more. It’s not our intent and not our expectation that you’re going to have traffic issues that are uniquely generated through the use of this property particularly on the day to day business basis.

Mrs. Johnson: You may or may not know the answer to this question but you mentioned a little bit about the changes that would happen at 276th and 31… does that new road travel to the west as well as to the east?

Mr. Church: All I’ve seen what I’ve… have any idea… is what I’ve seen in the newspapers. So far I’ve not asked INDOT to give me a description. Staff may know better than I do. The typical profile would indicate they’re gonna to come off that interchange to some extent but not certainly not a mile. Whether or not the county has some expectations about improving 276th Street beyond the end of the INDOT perimeters for that intersection improvement… I just don’t know. I know that there are advocates to the east in particular for improving 276th Street because of the significant traffic that comes off and goes back and forth to Becks. Clearly the significant traffic that’s coming on and off to Reynolds. So… Ya know, there are a lot of ways to think about this that I guess
that could implicate this particular piece of property. One of them is understanding that in the
event somebody comes along at some point in the future and says “we need to widen this from
(inaudible 8:47:11) county road” will the Hendersons contribute additional right-of-way on the
south side of that road across their property…. sure they will. And to the extent that needs to be a
commitment… here it is. Because that’s a sensible thing to do to be part of improving the road.
But today… the amount of traffic that’s going to be contributed by this project – day to day – is not
going to impact it significantly and hopefully with the things that are going on around 276 and U.S.
31 that intersection improvement is gonna be a major… it going to have major implications for the
entire area. There are only so many of those. They’re only in certain locations. And you can
drive up and down 31 and see what happens when you have a nice improved interchange. So the
potential is there for other things to happen around that intersection. Would… Being a reasonable
person and think road improvement ought to be made at some point. I hope that answers your
question.

Mrs. Johnson: It did. Thank you.

Mr. Church: Thank you.

Mr. Clark: You keep qualifying by saying “day to day traffic” that’s with consideration to the
offer they made to not do anything for-profit and with eliminate our 90 people a day unless they
have a personal wedding or something.

Mr. Church: That isn’t gonna to happen. If we have a seminar and a group comes in for seminar
10 to 20 people for half a day that would be probably the major, that would be the biggest traffic
generator absent some kind of a family event that’s a not for-profit, non-rental, personal type of
event.

Mr. Clark: That’s not for-profit? Less… The lessons aren’t for-profit?

Mr. Church: Oh, of course they are. That’s why we accepted that. The business of Achieva is
intended to be a business. It is a business. It’s an ag related business in our opinion.

Mr. Clark: It seems like it could be done anywhere with virtual reality googles and you’re aware
the googles show you are…

Mr. Church: Sure. And that’s true in certain areas already that that’s happening. Having the
ability to take the next step in the development of Achieva so the people can have hands-on
experience on a real farm and an environment where they can not only learn about it in a classroom
setting but also go out and see it applied on a field is a huge part of the vision for what is being
proposed here.

Mr. Clark: There doesn’t seem to be any actual, other than what you’ve mentioned on the job

Male voice: training

Mr. Clark: training, there’s no chemical in the building; it’s a pasture around the place; there’s a
large lake on the place; I don’t see where there is any on-site physical training.
Mr. Church:  Yea, well, I, I think there will be and how that will be accomplished I’m not close to be expert enough to explain to you and if that’s a significant issue I’m happy to have Mr. Henderson come up and try to tell you how that’s done.  But having the ability to take people out into a farm setting and explain what it is you’re teaching them in a classroom setting has real value to them.

Mr. Clark:  But he’s made it 21 years in downtown Carmel.

Mr. Church:  They’ve been at it for 21 years.  They haven’t been in downtown Carmel for 21 years.  And the press of business is what has led them to consider an expansion.

Mr. Clark:  I also worry other companies will be certified by the state to get technical support and lessons on Dicamba.  And could a (inaudible 8:50:50) center give lessons on Dicamba and become, become certified to be out in the country?  Ya know, I just worry we’re opening a can of worms for just about any company that would like to move out there.

Mr. Church:  I, I don’t think that’s fair.  The reality is that it takes the kind of background that Mr. Henderson has to be able to conduct the training.  Having a location, having the ability to house a classroom setting, to have people have the ability to access real estate and see how it’s done, I think those are aspects of this property and the characteristics of this property that are important to understand but it’s not gonna to be something, I suppose that if somebody, someplace else gets the training and the experience and has the qualifications, sure they could conduct it elsewhere.  But that’s not gonna be the character of what’s being done here.

Mr. Clark:  Thank you.

Mr. Kirby:  Do these training seminars that you do with Dicamba, do they qualify for PARP? Do you even know what PARP is?

Mr. Henderson:  The training that we do qualifies for certified crop advisor credits.  Many of… you had mentioned earlier about the products such as Nutrina (unable to verify spelling) which used to be Crop Production Services which is one of the larger companies that uses our modules for, for training purposes.  We, we do certification for, I’m assuming that PARP is the pest…

Mr. Kirby:  What do you… do, does a person if they go to your training thing, do they get credit for PARP?

Mr. Henderson:  They get certification credit depending upon the product that they’re…

Mr. Kirby:  (inaudible 8:52:51)

Mr. Henderson:  that they’re utilizing.  It’s important to note currently we’re not doing the Dicamba training.

Mr. Kirby:  Ok.  Ok.  That’s all I need to know.

Mr. Henderson:  Ok. Cause…
Mr. Kirby: That’s enough. Thank…

Mr. Henderson: Cause we’re doing the training for the other products.

Mr. Kirby: That’s enough.

Mr. Henderson: But we’re not currently doing the Dicamba training because the ah, that training was, was determined to be done in-house by Monsanto and Bayer.

Mr. Kirby: By a chemical company.

Mr. Henderson: Right. Rather than having us do it. Longer term I think you’re gonna find that we’ll probably be doing it because we do have the, we have the accreditation…

Mr. Kirby: But all, all chemical companies do it now. I mean, fertilizer places they do it now so… you answered my question. Thank you.

Mr. Henderson: For many of the products though… like when you get into fumigants…

Mr. Kirby: You’ve already answered my question.

Mr. Henderson: Ok.

Mrs. Johnson: Any other questions?

Mr. Habig: Not at this time.

Mrs. Johnson: Thank you, Mr. Church. We will now open the floor for public comment. Anyone may come forward to speak for or against the petition. Just come to the podium to speak and state your name and address for the record, please. (8:54:02)

Neal Thompson: Good evening. My name’s Neal Thompson. I live at 45 East 276th Street. Just right west of the Henderson’s property. Just a little clarification on the… he was talking about the certification and stuff. For your information…. I called the state chemist at Purdue and from the (inaudible 8:54:57) of what I learned from them was that the chemical company such as Corteva, BASF “come in” to a facility and put the training on because the chemical companies from what they said at Purdue was they’re the only ones that can certify you. The training that the Hendersons put on or Achieva puts on you can get some of the training through their modules and that gives you points for your applicators license. But the chemical company themselves BASF, Corteva, all the others, they’re the ones that come in and actually put the program on and certify you. That’s what they said.

Ok. As a part of the variance package written and signed by the petitioners, the petitioners and, I’ve learned a little bit more so some of this might be repeating, but, whatever, but finding that there would be 10 to 12 large events which now we’ve learned they’ve pulled the events apparently off with 90 or more people a year. At the February meeting of the planning commission when asked…
what would be the largest crowd that would accommodate in the building the petitioner stated “it was built to accommodate up to 90 people. If we’re gonna to have more than 90 we would bring in tents and port-a-potties. Then said later on that they didn’t want to bring in tents and then later again they said they would bring in tents if there was gonna to be more than 90. So which is it? Yes, they will have more than the building can accommodate? Or, no they won’t have more than the building accommodate?

And when asked how many large events… the petitioners stated we can commit that we won’t have more than 15. But then, even then they say 12 weddings, no more than 12 weddings a year for the first two years. What about the years after the first two years? That’s not a compromise.

How many large events are they planning on having after two years? I can’t even begin to keep track of all the discrepancies in attendance in the amount of training sessions. Is it 50? Ten to 50 people? Twenty to 30 people? Fifteen to 90 people? Two, six times a month? Or every week? We don’t know.

If there’d been any kind of these changes in only two months, how can any of this be policed? If they’re making money from the event that that building that makes it a public event venue which is a commercial business and is not a part of the comprehensive plan for rural Hamilton County. If he is making money from just the chemical companies for the use of their building, certification sanctions, schools for education, (inaudible 8:58:03) soon would that also be commercial event?

I’m not saying that the petitioner shouldn’t have his business. I feel that the commercial business should be in a commercial zone. The U.S. corridor just down the road is already zoned commercial. The business would be a better location or this would be a better location for this commercial business.

On the building… why does it have to be three stories, 9,000 feet? Specially since we now cut out the special events. It doesn’t need to be that big just to house the training sessions.

What they’ve already done… they’re talking about having the kids and stuff out, they’ve already done that at the build, the barn that they’ve already got up. They’ve already had the special occasions back there. They’ve already had campaign fundraisers or whatever for some of the party that he belongs to. And they’ve had over 170 people in that barn. Why do they need a bigger barn?

Concerning the sight lines… regardless of the sight lines my house is closer to this commercial building than the petitioners. I have talked to three different realtors in the last few days and the consensus is that this building will definitely affect the property values of the surrounding neighbors and maybe more importantly being able to sell your property not in a good way. People don’t move out to the country to live next or near to a public event venue as one of the planning commission board members said at their February 20th meeting. When you buy a property you know what the zoning for that is, and most people who move to the country do so because they want peace and quiet in a rural setting.

When a question was asked… “Is this what you want to live next to?” The petitioner said… “the answer from us would be yes.”
My house is less than 850 ft. from this building. The petitioners’ house is more than 1,300 ft. away. Shouldn’t their commercial business be closer to their house? Or do they not really want the commercial business that close to their house?

It is strongly recommended by the Hamilton County Commissioners that the petitioners talk to the neighbors about the project in plenty of time before the planning commission meeting. Last summer the petitioner casually mentioned to me that he was going, going to build a small barn to house their offices. Nothing more said about it after that. On February 1st of this year I received a package in the mail showing a picture of a barn and a variance application for said barn. The picture in the package showed, as you can see, a three story, 9,000 sq. ft. barn and now suddenly it is going to house not only their offices, their entire business – weddings, political rallies, other community events. When the word got out about this several of the neighbors called Commissioner Heirbrandt to voice their opinion of opposition. After these calls were made or emails sent, less than an hour later, these same neighbors got a phone call or a visit from the petitioner. Then the petitioner decided to have a neighborhood meeting two days before the planning commission.

The petitioner only decided to talk to the neighbors after the fire was lit and stoked the bonfire. So they had gone from a “small barn” to “housing their offices, to moving into an entire business here,” “to having a huge barn to hold several large events.”

A three story, 9,000 sq. ft. commercial building does “not” fit in the area. We’ve driven around all the neighborhood and beyond, and the closest building in size and looks to this one is Lindley Farmstead at Chatham Hills eight miles away.

How many people here tonight oppose this project? (Just over half the people present stood up.) Please stand. Thank you. Plus we have over five dozen signatures of people opposing this project.

Had the petitioner done their due diligence as strongly recommended by the Hamilton County Commissioners things might have turned out differently. We’ll never know.

One of the big concerns of the neighbors is that once the building is built they can have any type of event they want… without any of the people… with any amount of people they want. And as many events as they want because there will be no way to police the terms or limitations unless the building isn’t there.

I urge you to vote no on this variance tonight. Thank you.

Mrs. Johnson: Thank you. We’re going to take a five minute recess.

Mr. Culp: Announce the time.

Mrs. Johnson: Reconvene at 9:08.

(Recording was allowed to run rather than stopping and running the risk of not getting it turned back on. Multiple voices talking.)
Mrs. Johnson: Let’s continue with our public comments.

Mr. Kirby: Bang the gavel.

Mr. Clark: Bang louder.

Mrs. Johnson: Please state your name and address for the record.

Amanda Egler: My name is Amanda Egler. I live at 5228 East 225th Street, Noblesville, Indiana. It may sound like a stretch. I’m from Noblesville. Why I am I worried about this project? I’m a fourth generation family farmer in this neighborhood immediately next door. I operate in the fall a granary next door to run in 100,000 bushels of corn. It’s a 100 semis up and down that road. Up and down our driveway. Pull grain in in the spring, in the summer do it again; bring it back out. That’s a fair amount of traffic on a very narrow road. I have personally been run into the ditch while pulling wagons with a tractor. I have been hit on that road. There… the traffic concerns are real. The safety concerns are real.

I won’t argue the agricultural nature of the business. I don’t, I don’t think it meets those requirements, but I don’t think it needs to to understand that we don’t need commercial development in our ag district.

Farming is difficult these days. There’s a lot of pressure. Pressure from the markets, pressure from (inaudible 9:11:17) prices, pressure from commercial development. Help, please help reserve what little ag land we have left in the county. Preserve it for farming. Not for commercial development.

Earlier, ya know, I heard the size the company mentioned from, ya know, three to five normal employees yet this evening we were told that there were up to a dozen grant funded positions to be added. Well (inaudible 9:11:41), now we’re up to 15 a day in and out. That’s a considerably different traffic pattern than what we, what we have right now.

I’m concerned that adding, adding that level of, of impact will have a negative affect on our farming and make it harder for me to do my job in the zoned agricultural district that, that we are in.

I think… another concern is the, the size of, of meetings going on and the, the, the training events. I, I think it’s, it’s going to get dangerously close up to levels where it’s not longer a private facility dealing with their well and their septic. And I have concerns about the size of that on a day to day basis being adequate for the commercial development that it is. And the safety of our water supply next door. And my dad’s well next door. With having a septic system that’s servicing multiple people every day and making sure… I’d like to make sure if it’s approved that it’s designed to handle the kind of load that they’re, that they’re anticipating. And future… because obviously what’s approved today may not be the use five or 10 years down the road.

I think removing the events, the public events is a step in the right direction but I think preventing the building would be a better one. Thank you.

Mr. Habig: Can I ask you a question?
Ms. Egler: Yes.

Mr. Habig: Do you believe education is a big part of agriculture?

Ms. Egler: I believe that education is a big part of agriculture. But as has been mentioned before… and, and I don’t have a problem with what, what they’re trying to do… I think they’re trying to do it in the wrong place. I think… ya know, find a commercial area and, and, and ya know… revitalize some buildings in downtown Sheridan. Do something that needs it rather than trying to put that in the middle of, of our, of our farming operation.

Mr. Habig: Do you get a lot of your education by working on a farm?

Ms. Egler: I… My education came from Purdue University biology and chemistry.

Mr. Habig: None from working on the farm?

Ms. Egler: I spent 16 years working the water quality field for the federal government. I returned back to the farm two years ago to, to be a part of that. And I hope to (inaudible 9:13:54) continue this farm for generations to come for my daughter and grandson to be able to be a part of it. Ya know, have a fifth and sixth generation on the road. The pressure that we, that we receive from the commercial development makes it harder and harder to do that.

Mr. Habig: Thank you.

Mrs. Johnson: Thank you.

Ben Cox: Hi. My name is Ben Cox, and I live at 28028 North Arthur Baker Road. So, I’ll, I’ll be brief. I really have two main points tonight. And the first one is about the Hamilton County Comprehensive Plan. It specifically shows, as you well know, the rural areas of primarily in agricultural use. Also, I’d like to point out in light of what we’ve been discussing tonight is that the… in I think it’s in Article 2 of the zoning ordinance it has interpretation and it has agricultural use, agriculture, and agriculture related commercial enterprise… all three have in common that they’re similar in the ordinance listed raising, keeping, or selling crops or animals – just ta, just to paraphrase. (inaudible 9:15:08) the comprehensive plan – one of the mission statements on the plan on the land use map says that … “the citizens of Hamilton County and their elected officials are committed to carry through with the recommendations of this comprehensive plan.”

So, when I moved to Hamilton County in 2013 – before I moved here, I looked at the comprehensive plan and I didn’t want to live more than a mile, within a mile of commercial development. So, that’s a… I just wonder if we should stop and re-visit the comprehensive plan, if that should be adjusted or updated. There’s also talk about this 276 interchange and these are a lot of differences with conflicting things for what the plan shows.

Ok. For my second point, this is where I have the, this is where I have the flow chart. So, does the board have a copy? Or would like a copy of this? It’s just a visual to help provide what I’m trying to say when I walk through the ordinance.
Mrs. Johnson: You can bring it forward.

Mr. Cox: Ok.

Mr. Kirby: While he’s bringing these up here… Linda – did you, is there any way you can turn the volume up in the back of the room?

Linda Burdett, board secretary: I don’t have any way that I’m aware of.

Mr. Kirby: I had a couple of people…

Mrs. Burdett: I’ve got volumes on the control, but I don’t have any way. If you do come to the microphone please talk loudly because there are people that are having trouble hearing. Thank you.

Mr. Hall: We already have copies anyway.

Mr. Cox: Ok. Ok, great. Ok. So, as I was looking through the zoning ordinance I guess we’ll start on the first bubble, the circle on the far left on the top that says “Land Use Variance request Special Use of A-2.” And from there, also, on the application it says Article 3-A, Section 2-b so that it the most information I could find on what this variance actually was. And so let’s go to Article 3-A. Section 2-b is called permitted uses and there are 15 items on that, in that, under b there. Number 13 is the one that says “uses approved as Special Uses as provided in Article 15.”

So that’s, that’s where from there that I move over to Article 15 and that’s where the meat is. And also I just wanted to point out before I go any further just that I don’t mean to insult the board in any way. I know that they know the ordinance better than I do. I just have… I’ve recently read it and studied it and I just wanted to make sure we’re on the same page. That’s why I provided the excerpts and this map just to show where, where I’m headed here.

So under Article 15 as it referenced in, in Article 3 we go to Special Uses and under B it says “Uses Classified as Special Uses.” And I want to read this first paragraph…

Mr. Hall: Excuse, me. I, I really hate to interrupt you and I really take your work seriously, but this is not a Special Use we’re considering tonight.

Mr. Cox: The application says 3-A, 2-b. Right?

Mr. Hall: But we are not doing a Special Exception.

Mr. Kirby: Some of the information (inaudible 9:18:30) Special Exemption. I was wrong earlier also. But it’s a variance.

Mr. Cox: The actual…

Mr. Hall: The thing, the things from Article 15 don’t even apply.
Mr. Cox: But do you agree that in Article, in Article 3 or… do you first… let’s just get a baseline. On the actual application it says “Land Use Variance concerning Article 3-A, Section 2-b.” Can we agree with that?

Mr. Hall: And that’s the part that we are, the variance is what we’re talking about. The reference to the Article 15 Special Use is not being discussed tonight. It’s not even petitioned tonight.

Mr. Cox: So the petition is for 3-A, Section 2-b?

Mr. Hall: Yes

Mr. Cox: Right?

Mr. Hall: Correct. And a variance from that section.

Mr. Cox: So in that section is says Permitted Uses and then there’s 15 items. So which item are we looking at? Do you want to see which one… the Article? I printed it right off the county’s website. Can I show it to you?

Mr. Hall: Ok. Go ahead and continue I was, I was….

Mr. Cox: It’s just highlighted there. This is Article 3

Mr. Hall: This is what we’re asking for, their asking for exemptions from. This does not apply tonight. This part down here under number 13.

Mr. Cox: So which permitted use applies?

Mr. Hall: They want to have a commercial use of agricultural zone.

Mr. Cox: But that’s not listed on here.

Mrs. Johnson: It is not a permitted use. That’s why they’re here for a variance.

Mr. Cox: So isn’t, isn’t the variance though a Special Use?

Mr. Hall: No.

Mr. Culp: No.

Mr. Cox: Because…

Mr. Clark: (inaudible 9:20:05)

Mr. Cox: Ok. Ok. So it a wrong…
Mr. Clark: It’s confusing.

Mrs. Johnson: It is confusing.

Mr. Kirby: They applied for a Special Use to start with.

Mr. Culp: No.

Mr. Kirby: They didn’t?

Mr. Hall: No, they didn’t. It’s not on the table anywhere.

Mr. Kirby: Anyway. We got paperwork on a Special Use. Because….

Mr. Culp: He submitted it.

Mr. Hall: Ok. Alright.

Mrs. Johnson: Oh. Ok.

Mr. Cox: Ok. Forgive me for that. It appears I was wrong which happens very often. In light of that we will skip this section and go on forward to what Ron mentioned earlier and this is the final part of my second point. Which is… and I’ll make sure this still applies since I was off here but in Article 15, Section 1 Procedure and it states “upon hearing in order for a Special Use to be granted the board must find in writing that and it has a, b, and c, right? And that’s what I heard you reference earlier.

Mr. Hall: It’s a difference section that you are talking about. Not that one. They are similar, but we’re not talking about that section tonight.

Mr. Cox: The one in Article 15? Yeah. I know. I’m not… this is Article, this is Article… well… well you referenced the injurious to public health and safety, right? I mean…

Mr. Hall: There are three sections there that are very similar. One applies to a Special Use, one applies to the Use Variance, and one applies to a Development Standards Variance. We’re talking about the Use Variance tonight.

Mr. Cox: Ok. Use Variance. Alright. Ok. So can you reiterate what that last, can I… to make sure I’ve said that correctly. Ok. So you’re saying the approval will not be injurious to the public health, safety, morals, and the general welfare of the community.

Mr. Hall: That’s one, that’s one of the conditions they need to meet, yes.

Mr. Cox: I’d like to comment on the condition for second. I think that this use will be injurious to the public morals. And morals is not defined in the ordinance as far as I could tell but I think a standard definition is just morals as a standard or, or a set of beliefs concerning what is acceptable or not and I believe the morals stated in the Hamilton County Planning Department, Department in
their comprehensive plan and the zoning does not deem this project to be acceptable and I think we can see that the morals in the citizens surrounding area agree. I also think that the establishment and operation of this Special Use are injurious to the general welfare of the community because it removes agricultural land in an agriculture area and sets a precedent for more commercial development. The second item on here was the use and value of area adjacent to the property included in the variance will not be affected in a substantially adverse manner. I actually think that this use will directly affect the use of other property in the immediate area in a substantially adverse manner because as was mentioned the realtor’s assessments of reducing the neighboring property value, residential property value. I think also it causes the surrounding property to be targeted for other commercial development which changes the area disposition from agricultural to commercial and I think it is adverse. It prevents the success of farmers and residents living in rural areas. Three was the need for a variance arises from some peculiar property. Don’t want to comment on that one. Strict application of the terms of zoning ordinance would constitute an unnecessary hardship. (Inaudible 9:23:33) comment there. Five was the approval would not interfere substantially with the county comprehensive plan. I think I have already touched on that. I also want to say I don’t think that from a design standpoint... you look at the barns in the surrounding area and I don’t think you’ll find any with gambrel style roofs that were originally built with the intent of being commercial office. So I think it doesn’t fit in the area from that standpoint. Ok. That’s all I have to say. I’m sorry for my confusing or mis-understanding earlier but I hope the board will consider my arguments in light of those three items and consider... and cause the plan director to reject the application. Thank you.

Mr. Habig: Mr. Cox, I’d like to make a comment

Mr. Cox: Yes.

Mr. Habig: on your first one about the comprehensive plan.

Mr. Cox: Ok. Yeah.

Mr. Habig: The comprehensive plan is set only as a guideline and somewhat of a blueprint of how we want Hamilton County to be developed. It does change. It’s only kind of a blueprint to kind of go on. Now, with the more limited access that 31 becomes with our different interchanges which I think originally was proposed at 266th and now it’s at 276th. The growth for commercial property around that interchange especially if U.S. 31 becomes a limited access where those will only be points that people will be able to go on and off of U.S. 31 would definitely change the landscape and how those areas could be zoned.

Mr. Cox: Right. Is, is that so that the

Mr. Habig: The comprehensive plan is not set in stone.

Mr. Cox: Right. And the one we have now is from 2006, right?

Mr. Habig: Ah, I… is it 2006?

Mr. Habig, Mr. Kiphart, Mr. Cox all talking at the same time.
Mr. Cox:  Around there. So if that’s, if that’s ya know, 2006 maybe that was the idea at that time but from then on what do I look to in regards to what’s coming? If there… is there no quick list over here on the side that has “these are the things that are not in the plan, but these are what’s being considered. This is what the influential people in the county want.” Ya know, I didn’t see that. I don’t know where to go for that.

Mr. Habig:  Chuck, what would you say on that. That would be a hard one to go on because when you re-do a comprehensive plan it involves a lot of money.

Mr. Kiphart:  Public input. A lot of public meetings. Yeah. There is nothing written that goes beyond what the comprehensive plan says. And, ya know, it’s, it’s up to the plan commission or the county commissioners to start that process and the council to fund it. So. We will be, I will be talking to them about that.

Mr. Habig:  Thank you.

Mr. Cox:  Ok. Thank you.

Mr. Clark:  Normally a company looks for infrastructure, good traffic patterns, water, things like that but in this case obviously that doesn’t fit.

Tom Colvin:  Hi, I’m Tom Colvin. I’m with ReMax Ability Plus. Have been for about 20 years. I was a former high school teacher - Sheridan High School. I’ve been around this region for 30 years. I own a house that’s on the map there. Um, I do have a little bit of feeling about someone owning their land and doing things on their land but more importantly I feel like agriculture and ag science is a 50 billion dollar industry in Indiana. Ag science is one of the fastest growing areas and education is paramount in my opinion. I do know this that I recently met the Hendersons within the last few weeks. Terry and Beth and actually toured their property. Very impressive property. I don’t know if you fellows and folks have gone by. I appreciate what you guys are doing trying to balance between progress and tradition. It is an impossible task that you guys have and this falls right in the middle of that. Right between progress and tradition. And, after meeting with the Hendersons and touring their property it became evident quickly to me that any property around their property at this point has been valued higher because of the improvements they have made to this property. It’s insanely done. Very top notch. This barn… is first time I’ve seen it today. It’s going to be done with top quality. If it’s any indication of what I toured within the last week to 10 days. This is a good project. I understand that the traffic because I live there. I went down 276 every day so I understand the traffic. We’re accustomed to that. We’re accustomed to the combines and the increased traffic will be a problem. I don’t see it as going to be any different for me. I no longer live at that property, but I was very accustomed to it. I just think this’s a good project. And I don’t have anything in the game. It doesn’t really matter to me although as a RE/MAX [ReMax] agent… I can’t speak of value going down. I recently read a letter that’s going around – unless you’re an appraiser – shouldn’t be doing evaluations unless you’re listing the property. But I do feel like seeing the quality of construction I’ve seen that I personally toured would only increase values in the neighborhood. You can take that for what it’s worth. Good luck. Appreciate it.

Mrs. Johnson:  Thank you.
Two people heading for the podium at the same time. Conversation between the two of them. One will be quick the other will turn into a pumpkin.

Keith Kohlmann: Hello, hello, hello. My name is Keith Kohlman. I reside at 16422 Oak Manner Drive, Westfield, Indiana. And by the way... Kohlmann is with a “K” Kohlmann instead of the camper line of products and things like that. Um, I’ve retired from Dow Agri Science. Spent 32 years of career in that. Have also retired from Grow Mart which is distributor. So, Dow Agri Science Putella is a basic manufacturer. Gets to the distributor. Gets to the farmer. That’s kind of the channel. So I bring that perspective and if you have questions from the channel I might be able to answer them cause I was the targeted training by the basic manufacturer so when I went to work for Grow Mart I covered Indiana, Ohio, and Michigan. I called on the Kohl Alliances in north central Co-ops and Series Solutions. My whole objective was to train the employees of those member companies or those companies so that they could go out and do the jobs with the growers making sure that everything went correctly. The main thing that I did annually which was part of my job, I brought 20 to 30 crop specialists from those three states in for one week of what we call boot camp training. Went through fungicides, insecticides, herbicides, fertilizers, biologicals, all those kinds of things. The benefit for Hamilton County would be a company like Grow Mart would probably do that one week of training again and I would take those people and put them up in rooms, hotel rooms, and then take them out for dinner. So, there are side benefits as well. But really, my main objective is if you have any questions from the channel perspective, I would be more than happy to ask or answer them. I know Diacamba was a question earlier so very familiar with that technology. Also, I have a family farm back in Illinois and the thing that’s unique about that is I don’t know if you’ve driven down a lot of roads out in the county but more barns are falling down than going up. And, I’m taking a barn down now in Illinois and I cry over it when I think about it. But that’s what’s going on in the country. So, and I understand everybody’s concerns. We all have them. If you want to know what traffic pattern change is go to Oak Manner Drive in Westfield. That’s real traffic pattern change so. That’s all I have. If you have any questions I’d be more than happy to answer them.

Mr. Habig: Education pretty critical these days in the ag world?

Mr. Kohlmann: Au, very critical.

Mr. Habig: More so than what it was 10 years ago?

Mr. Kohlmann: More so than 10 years ago and main reasons are with Diacamba is a perfect example. Diacambe’s not new chemistry. It’s been out there for over 20 years, 30 year probably. And today we have a new use pattern because of seed technology. The, the use of Diacamba which they’re not going to be using, ok, they’re not going to be using any of the chemistries. They’re only going to be training the crop specialists on how to prevent problems which with Diacamba it moves through, off-target. And so now we’re talking about endangered species of plants. We’re talking about other people’s crops that are sensitive. So it’s very critical that we not only train the crop specialists, which by the way, I was a crop specialist my first year out of college after growing up on a farm, but we also train the applicators because that applicator is the first step to resolving an issue out on the farm. If he screws up... that’s a problem so we gotta to make sure that we train those applicators in addition. Now, when I was at Grow Mart, I’m retired now right, I would sit at
my computer desk and I would get from Corteva, Monsano, Bear what we call tutorials that Achieva
developed. I’d get on-line, take a 20 minute overview of the product, have a 10 question quiz, and
that’s how I got my CCA credit. Certified Crop Applicator credit. You need those points. You
need that training. And, the only time I could take a vacation was August because the rest of the
year you’re doin something. And to get people to come out for one week a year for on, what we
call boot camp training, you only had one week in July to do it. So you’re not gonna have hundreds
and hundreds of people in caravans coming out. I just don’t foresee that. But anyway, that’s,
that’s my comments. That’s the reality. Thank you.

Mrs. Johnson: Thank you.

Danielle Cary Tolan: Like I told him... I’m going to turn into a pumpkin soon. So, I’m
Danielle Cary Tolan. I live at 787 West 216th Street, Sheridan, Indiana. I have a history of
agriculture and agricultural event planning and I’m coming to you to describe to you the economic
impact that this business will have here in Hamilton County. Just recently last month the North
American Farmers direct marketing association had a conference, small meeting conference here
in Noblesville which brought in almost $300,000.00 dollars of economic impact to Hamilton
County. This is a small marketing company that was here. There are global marketing
companies. So think about that as you guys are making these decisions. I also want to talk about
the Indiana Agricultural Strategic Plan that was developed by our Governor Holcomb. The plan
is from 2017 to 2027 so it’s a 10 year plan. One of the major things that they talk about in this
plan is support, encourage opportunities for collaborative research and education. That’s exactly
what they’re doing. They’re swat analysis that they did, I’m just going to pin-point just one in
every area, so a swat analysis is your strength, your weakness, your opportunities, and your threats.
A strength that Indiana has is several global agri-businesses headquarters right here in Indiana.
Many people don’t know that here in Indiana we have the three largest seed companies in the world.
Two of them here in Hamilton County as we know. Indiana is the national leader in agri-bio
sciences and research and development. And one of those businesses is here in Hamilton County.
With a, one of the weaknesses is more education on the benefits of economic development in
agriculture. That is a weakness that we are having here in Indiana. An opportunity is inclusion
of non-traditional ag. As we’ve heard today, yes, is this non-traditional ag? Yes. But it is still
an agricultural business. And we can define agricultural business in many different substances.
A threat - nothing against you - cause I used to be on a planning commission as well, are local
zoning ordinances and changes is a huge threat that Governor Holcomb sees for agricultural
community. So if we can see beyond the traditions this is a benefit to our community. A benefit
to our county. So I just encourage you guys to think outside the boxes and consider this project.
Thank you. Any questions?

Mrs. Johnson: Thank you.

Richard Egler: Good evening, board. My name is Richard Egler. I live at 65 East 276th
Street, Atlanta, Indiana. I own a home and a farm immediately to the east of the subject property.
And I’m here in opposition of the petition. We’ve got a very close-nit community out here. We
enjoy the rural life and we just seek to preserve it. It was eluded there had been the private events
that, that the Hendersons have held. They’ve been good neighbors to me. And the events, the
private events that I’ve never had a problem with them or what they do. But I do oppose moving
a business there on that location. And I will say that… my opposition has tempered somewhat by
the additional restrictions that they’ve agreed to. That there be no commercial ventures on-site and only training but I would still rather see the business located in a more favorable area maybe closer to an urban area. That’s all I have. Thank you.

Mrs. Johnson: Thank you.

Pam Carlisle: My name is Pam Carlisle. I’m losing my voice. I’ll try to do brief here. I live at 28220 Lamong Road, Sheridan. I just got a couple different points to bring up here. First of all she said she, the ag business is going to bring money in for the county. At, what I understand, his business is already in the county if I’m correct say that he’s in Carmel. So it is already bringing the money into the county. I also heard his wife say that she wanted to have the special needs come to their farm and show them the animals and stuff. My understanding from the first meeting that she was already doing that. They were already coming and seeing the animals. I’m not sure why we need another barn if she’s already showing the special needs her animals now. The other thing I have a concern about is they do have that’s eagles nest and I know that a lot of people aren’t nature lovers but I’m a nature lover. That eagles’ nest is up there. And yes they have the people come and watch it and that’s fine. But you put a barn in there and you put people in there it’s going to bring noise and everything that I know about eagles is they will move away when there’s too much noise. And right now there’s a nest up there with a baby in it. It’s wonderful to have eagles here. And the other thing I want to about a family community. We are a family community. Everybody knows each other. We love each other. I work in a small town. We did get bought out... our hospital got bought out by a big business. It has now become business orientated. There is only maybe a hundred employees in that hospital but it has become “big business.” It’s no longer a family institution like it used to be. And I hate to see us lose that family and that closeness we’ve had with our community.

Mrs. Johnson: Thank you.

Carlie Dickerson: My name is Carlie Dickerson. I grow up and still live at 27821 North Arthur Baker Road which is right around the corner from the petitioners. The area where my community is is sewn in agriculture as you know, and the board last month told us that change is coming but it doesn’t have to. And I can’t prevent it but you can. An example of why this variance should not be approved is just three miles away. The Blackhawk Winery attracts people who don’t stop at stop signs and drive so fast that I’m afraid to walk or ride my bike when their hosting an event. Their neighbors have been almost hit by cars exiting onto the road and have prevented from driving, been prevented from driving on the road when the winery has security there. The winery has threatened to have their neighbor’s animals euthanatize if they find them on winery property. Were the animals there first or was the winery? As I said, that’s just three miles away and it affects us. What will it be like when it’s a quarter of a mile away? In an event like a wedding with hundreds of people, twenty events a year as the petitioners have previously stated is every single weekend from June through October. At the plan commission meeting last month the petitioner spoke a lot about community. I’d like to speak a little about my community. It’s a place you can walk or ride your bike and maybe not see a car the whole time you’re out. It’s a place where when you’re driving and you pass a car, you wave at the other driver. And a place for when you need something you know your neighbors will be there. A place where when my sister is bouncing her basketball the neighbor’s dog comes over to play with her. It’s a place where you can see the stars and satellites at night, and it’s so peaceful and quiet. In fact, when people visit
those are the things that people comment on. Neal and Rebecca Thompson are my neighbors. Their daughter rode the bus with me, and my mom babysat for her when she was little. Neal has been friends with my grandma his whole life. Danny and Linda Cummings their son was my mom’s best friend in kindergarten. My sisters and I loved it when Denny was our bus driver. Mrs. Billingsley her family farms the field next to my grandparents house and when my mom was little she used to plan in the yard just so she could wave at Harold every time he came by the house. Josh and Amanda Egler, my mom and her brother and sisters used to play with them. And as adults they farm land all around my house. Ronnie and Linda Delph are my neighbors and distant relatives but are more like an extra set of grandparents. The Crails live just across the field and their son was in my class and their daughter played sports with my sister. The Durs live down the road. I see them in church on Sundays and my sister enjoys have their son as a coach. The Barkers live at, at the end of my road. Their house is where I fell in love with horses when I was little and I still talk to the horses and donkeys when I walk or ride my bike past their house. My mother said if this many of her neighbors were against something she wanted to do that she wouldn’t be able to go through with it. Now I think that’s what community is.

Applause heard.

Mrs. Johnson: Thank you.

Chris Sorenson: Good evening. My name is Chris Sorenson. And I am… I live at 10323 East 206th Street in Noblesville. But I am here tonight as the President CEO of Janus Developmental Services. Earlier someone had mentioned that we brought a group of our clients over to Beth and Terry Henderson’s farm. What was really special about that day was that we got to provide horse-drawn wagon rides to our clients. They were treated to hot cider and doughnuts and most of all they were treated with respect and dignity. They were not treated as somebody who’s different. They were treated as “guests.” They enjoyed meeting the animals. They got to see Kevin Bacon who you probably met earlier. And llamas. They got to lead miniature horses around. And they got to see the eagle flying over the property. As we were getting ready to leave some of them commented this is the best field trip we have ever taken. And then one person in particular said “I would love to volunteer here. How much will you pay me?” So you know, it’s like we have these things and earlier somebody had said too… “Ya know, how many times did you go there?” We went one time. But I will tell you… it’s the start of something because we had tried to plan this event for a number of days but you know how weather can be in Indiana at times. It’s not always pleasant and to bring people out who have special needs and stuff you have to make sure the weather facilitates that. Now, as I said, this is the start of something. After that visit we received a gift of a bunny rabbit from the farm. And now, you might think “well, big deal. You get a little pet rabbit.” But you know, it leads to something else. So we have our clients who are learning “what does it mean to care for an animal?” “What does it mean to make sure that their pen is clean?” And then to grow even further… we have a professional artist who just comes and volunteers time and teaches our clients how to create art work. She made a very special painting of this rabbit and together with a group of our clients. Janus’s mission is to provide individuals with disabilities the opportunity to participate and contribute within the community. And so, Hamilton County is like such a wonderful place for us to be because we have different types of partners. We have partnered with the Master Gardeners for a number of years so our clients can learn how to grow plants. One thing that we are looking at is initiating a hydroponics growing thing because we think it would be a great opportunity for our clients to have another earning
opportunity. The chance to earn some revenue. We’re actually working with a group of Purdue engineering students to like build a really great hydroponics unit and this is like our second time we’re working with a group. So we see this as a real good opportunity to kind of present different opportunities for our clients because a lot of the people that we serve actually do come from a rural background so I think that’s really kind of an honor of that. I just wanted to show you that these are like some little steps that are taken but it keeps leading onto further things. And I really do see a strong future with Janus like being able to bring our clients over to the Henderson’s property and Eagle’s Aerie will be just a great opportunity for them to learn more things, to be exposed to other opportunities. So I just wanted to give my voice of support to that. Can I answer any questions for anyone? Thank you very much.

Mrs. Johnson: Thank you.

Rick Hall: Good evening. My name is Rick Hall. I live at 27401 North Dunbar Road. I live basically halfway between Reynolds and the property that we’re talking about here. I’ve lived on that property for 33 years. We keep calling this a “barn.” Ok. It’s not a barn. I mean… by definition of a barn… a barn is a structure that houses livestock including cattle and horses as well as equipment and fodder and often grain. The premises that we’re talking about here… the most of the square footage here is not dedicated to the housing of livestock and cattle. It’s not a barn. It looks like a barn. It’s built to look like a barn. And my house might be built to look like a castle, it doesn’t make it a castle. I’m a C.P.A. All of my clients are farmers. That doesn’t make me an “ag business” because all of my clients happen to be farmers. Education – very, very important. But that doesn’t make it an agricultural business associated with a proper zoning in an A-2 area. And I think we need to adhere to the community, the zoning requirements, and the type of lifestyle that others here have expressed. And there is plenty of property available, even very, very near their home that is appropriately zoned. So we don’t need to re-zone the property that’s there. Ya know, it talked about some concessions. How do we make concessions that would make it more palatable to me is no weekend and nothing post 6:00 p.m. Make it truly, ya know, such as Reynolds. The hours that Reynolds operates. He’s, he is asking for a change to the very nature of the area as many of the other people here have said. We are going to bring a commercial establishment into what is a rural and agricultural environment. And to call it something other than a commercial business is just flawed. Like I said, I don’t count (inaudible 9:52:02). He is building an office building. It just looks like a barn. Thank you.

Mrs. Johnson: Thank you.

Bill Root: My name is Bill Root. And I have property at 27808 Ditch Road and also property at 21810 Dunbar Road. From that perspective, I’ve had a chance to go through and look at the plans that Terry and Beth have and I know their property very well but from my perspective - looking at my property and looking at that property – my view from that perspective is I think that they’re, what they’re doing is going to increase the value of my land and I think it’s, it’s gonna be something that’s gonna nice to the area. Secondly, I worked 37 years for Dow Agri-Sciences. Started off with in the cotton industry down south for a company called Helena and after three years went to work for [of] Elanco. Moved up here after a number of different moves in the industry but had a chance to get to know Terry and had a chance to have worked with his company in many different capacities overall. And I know we’ve been debating whether or not they’re in ag / out of ag… all I know is they’ve got a lot of agricultural expertise. We’re an agricultural
company. Dow Agri-Sciences was. And we would rely on people like them to help us translate in many different facets of our organization. You heard some very good discussion a few minutes ago by Keith Kohlmann and how they were working with, within the industry. I’ve got a lot of examples where he was helping and I was using his expertise and working the same way in the area of biotechnology where they were using their expertise to help us translate technology that we had in order to sell it to other companies like Pfizer [Physer] and people like that. So we would go to people like him to help make a pitch, and take information, and make it very presentable, easy to understand, a nice professional presentation, and a lot of times we have to use a third party like them in order to do that with a company like a Pfizer [Physer] or somebody else. So we’d go to people like that. So they have agricultural expertise because of the people they hired. The third theory that I’m very pleased to associate with them is I’ve spent close to forty years of my life involve in 4-H, FFA, as Terry has. I’m currently on the extension board here in Hamilton County. Been involved on the extension board for the last 20 years, president of the extension board. We just had an ag day about three weeks ago where we brought every third grader from Hamilton County into the fairgrounds and helped them understand what agriculture is. It is very important to teach, train, educate that next generation where our food is coming from. Also, generate some interest in STEM activities cause we’ve got to have scientists in the future. We need people who are interested in STEM activities in order to get people interested in helping us discover technology for the future. Beth and Terry both have, are always very supportive of those type of activities. You’ve heard other people talk about that. All I can say is that whenever I go out on their farm they’re always doing something to help support and bring other people out there. They’re always taking animals to the school to demonstrate something. They’re doing an awful lot to the community, for the community in order to educate and help educate about agriculture which is going to help the communities. Everything they’re doing I think is enriching our area. I think they’re adding value in our area. And I’m glad to have them in our area. And I think they’re adding value to my property. And that’s all I have really to say. Thank you.

Mrs. Johnson: Thank you.

Jackie Cain: Hi. I’m Jackie Cain. I live at 27810 North Dunbar Road. And I live within one mile of the venture. My husband and I only found out about this because a neighbor, Neal, came and told us about this. We didn’t receive anything. We didn’t know anything about it. When we originally found our property, it took us three years to find our property. We had lived in a small town in Hancock County. We looked for a long time. We picked our, to where we live now because it is agricultural. We don’t really have neighbors. I mean, we do, but not right on top of us which is exactly what we were looking for. We’ve done a lot to our property in the 20 years since we have lived there. Our barn was falling down. It is no longer falling down. We’ve spent a lot of sweat, a lot of money improving our property and our big concern is that our property value’s gonna go down. We’re really concerned about who might be in the area. Ya know, we just really don’t want the agricultural to change. Like I said… that’s the main reason we moved there. I’m kind of surprised that it’s made it this far to be honest with you. I didn’t think that anybody would even consider switching from agricultural to commercial out where we live. I do understand that 31 is going to put the interchange there at 276th Street but because of the creek I really don’t think there’s gonna be a lot of commercial that’s gonna be coming west. I think that creek is gonna make a big difference. The ditch along 276th Street is a hazard as you’ve heard other people here say. And also, I don’t understand. I’ve heard all different things. When they first started talking tonight I was really confused cause it’s totally different from what I heard last
month. Last month they were saying that there was going to be up to 90 people. That’s kind of changed tonight but it keeps going different. I’ve heard 30. I heard 60. I don’t really know how many is coming. But you guys, please just consider this. Ya know, there’s, like I said there’s nothing – the street alone won’t be able to handle it. Ya know, in here, I don’t understand the 9,000 square feet. I do think the eagles will leave. I think all the wild animals will be gone by the time all this happens. And umm, they had said last time, I believe it was Mrs. Henderson that said it, that they had to do the weddings and the events to pay for it. So if that’s the case then now they’re talking about not doing them. I’m not really sure what’s going on. Ya know, I’d think that we might be not understanding what’s going on and I’m with a couple of people here who already said this… who’s going to police this? I mean, who’s gonna make sure that what they’re saying happens. So ya, what I’m asking is please consider all of this. Please think about the rural area. Please preserve it. Thank you.

Mrs. Johnson: Thank you.

Joe Hilfiker: Joe Hilfiker. 24 East 266th Street. I live on the pond the Hendersons, we share it. I’ve got a lot to lose by coming up here. It’s going to decrease the value of the property. I’m sure what they want to do would be beautiful. They’ve a beautiful place. I’ve got 30 acres of wetlands. I don’t have a mowed pasture so it’s a little different than their side of the pond. I did not know and I’ve asked for examples. How many people have put businesses in ag A-2 whatever zone? Ya know and, is it gonna be for somebody else able to come and buy 15 acres, plant 100 trees, say they’re a landscaper, and put a commercial building in there? Nobody polices them. That’s my question. Can anybody answer it?

Mr. Habig: Wasn’t there a big landscaping place there on 266th?

Mr. Hilfiker: Yea. K & S.

Mr. Habig: So what were you saying about policing a landscaper?

Mr. Hilfiker: Or anybody. Look it, they could say they’re gonna be a landscaper and open a business doing whatever they want.

Mr. Habig: I believe that would be allowed in an A-2. Wouldn’t it, Chuck?

Mr. Kiphart: As long as they

Mr. Hilfiker: In doing landscaping. I’m saying they could do that and they could rent two or three offices to somebody. That is what K & S building is doing now. Whoever bought it… the lady’s a politician. I’m a painting contractor. I had a guy say “hey, I’m gonna do a remodel down there for something, something” but yeah they’re putting another business in there now. So that’s, that’s my concern.

Mr. Habig: There isn’t a “zoning police.”

Mr. Hilfiker: Right.
Mr. Habig:  You kind of…

Mr. Hilfiker:  So does this open the door for people to do that?  It is.  I mean, how many other people have done this in our area?  Say within a 10 mile radius.

Mr. Habig:  That have started a business?

Mr. Hilfiker:  A business.  I know K & S.  The winery - which there’s a lot of complaints about that business.

Mr. Habig:  Are you talking about a business that was started without coming to the plan commission for a permit?

Mr. Hilfiker:  No.  They’re gonna to get the permit.  But after this, how many businesses have you granted that can do this?  I mean, will do this?  It’s, it’s how many have done it previously, I guess, is my question?  Ag businesses, I’m not gonna argue that with ‘em.  I don’t think it is but I don’t know.  That’s up to you guys to decide.  And I, I just ya, it’s, it’s ya know.  They got nice property.  They, they ya know, their pasture is nicer looking than my yard but ya know… I just, I don’t think it’s good for the area.  So, my concern, are you relat in to it?  I think education is good.  I’m not educated but it is good.  But there’s, I just don’t feel it should be done here.  But I don’t think anybody can answer my question, can ya?  I mean how many businesses are in the radius of that area that have gone through this?  K & S is really the only one that I’m aware of.  Ya got, ya know up on 31 but that’s four businesses.  Am I, am I wrong in wondering that?

Mr. Habig:  It would be Blackhawk Winery.  There was K & S Landscaping.

Mr. Hilfiker:  Who?

Mr. Habig:  K & S Landscaping.

Mr. Hilfiker:  Which is gone and now another company’s moving in there.  So, that’s my point.

Christi Crail:  Hi.  My name is Christi Crail.  I live at 680 East 271st Street.  Our property is adjacent to the Hendersons.  Ya know, there’s a lot of talk about them beautifying their property and preserving wildlife.  Well, that’s exactly what my husband and Joe Hilfiker has done.  We preserve wildlife out there.  We’re very selective.  We have numerous people that who come over.  They want to hunt the deer.  They want to hunt the squirrel and the rabbit.  We don’t let ’em.  Ya know, my husband lets one person hunt our property, and that’s a relative.  Ya know, so we do our job preserving the wildlife.  Ya know, we have eagles in our yard.  We have cranes that fly over us all the time.  We have everything that they have.  The only thing is different is our property looks like it belongs in the country.  We have a country home.  Kind of emotional right now.  So forgive my emotions.  Ya know, it’s no different.  I’m a country girl.  I love chickens.  Love chickens, love free-ranging’em.  Love the eggs.  I get great eggs because of the woods that we have.  Lots of great food for them to eat.  If I moved to the Villages of West Clay and say I pick up and want to move my family to the Villages of West Clay somewhere in Carmel, around Bridgewater, Geist Reservoir – I’m startin to miss my chickens.  I’m like ok… I think I’m gonna get 50 chickens to put in my back yard.  Do you think that’s going to happen?  Do you think that
the board of zoning appeals is gonna approve that? And if you, don’t you think you’re gonna put stipulations on how many animals I can have? Yea, you are. They have a nice property. Nice home. Nobody’s denying the fact that they have a business. Most of the people that live in our area were business owners. We don’t have a problem with that. I have a problem with housing 30 people in a 9,000 square foot building. I can invite 30 people of my friends over, 30 people co-workers over. They can fit in my house - 1,800 sq. ft., 2,000 ya know. Ya know, at first, I believe Mr. Church brought up the fact that ya know, ok, they’re gonna only have 65 people. Ya know, when they have 65 people on the property they were going to have police security out there. Ok. Why do they need security for 65 people? They’ve had Janus out there one time. And, there’s just not enough right-of-way there along 276th Street. It’s ditch on both sides, big ditch, big ravine, ya know. Or maybe just on the south side. And, ya know, education is important but how many students are they going to get from Sheridan community. I feel like they want to go to all these other communities – Hamilton County, Westfield, yea – those are important but let’s put something back into our community – Sheridan. I’m not from Sheridan but we have planted our roots here. We have raised our family. We built our home in a rural setting. We bought our family’s property, my husband’s family property. We want to maintain our lifestyle. And I don’t want to ride our bikes, take a walk, or whatever and have to deal with extra traffic. I mean, most of you know or are familiar – Chip, you live on 246th Street, ya know, the road’s not that great there but 276th Street is even worse. It’s hard enough to pass a sing, a small car along there too let alone [along] having 30, 40, 60 people. There’s not a defined number, ya know. And I just, ya know, when last time they were here he was saying when I do things I do’em right for his septic system. Why do you need a septic system that’s twice of what you really need for your facility? Don’t really want to see a 9,000 square foot building. Why don’t you scale it down to what’s reasonable? I’ve seen that 7,000 square foot homes, 9,000 square foot homes and that’s what this is gonna be. It’s gonna be ten times bigger than my house, ya know. But, that’s all I have to say. I mean, consider the neighbors. I felt like when we went to the plan commission, I felt the commissioners they really didn’t have any regard to how we felt. I felt like that Mr. Highburger, or Mr. Heirbrandt, ya know, he even made mention that he had been to their property. Ok, you’re on the board and you’ve gone to their property? I think that’s a conflict of interest. I mean, wouldn’t you agree?

Have you been to their house, Mr. Kirby?

Mr. Kirby: Nope.

Mrs. Crail: Have you been invited?

Mr. Kirby: Nope.

Mrs. Crail: How about you, Mr. Habig? Have you been invited to their home?

Mr. Hall: We need to move on.

Mrs. Crail: To

Mr. Habig: I don’t personally know Hendersons. But I don’t think you can get on Mr. Heirbrandt for attending a party at their house.
Mrs. Crail: I’m not getting onto Mr. Heirbrandt. But don’t you think
Mr. Hall: Can, can we move on?

Mrs. Crail: that is a conflict of interest?

Mr. Hall: I think we need

Mrs. Johnson: We need to move on

Mr. Hall: Yea.

Mrs. Johnson: in the interest of time. Thank you.

Mrs. Crail: That’s fine.

Mr. Culp: And just, just for the record… legally speaking no it’s not a conflict that he knows or has ever been to that property.

Mrs. Crail: Ok. So why is it

Mr. Culp: I mean… that’s the law.

Mrs. Crail: Ok. Ok. Yes, I do have a problem with that. My hus

Mr. Culp: We’re not going to debate that.

Mrs. Crail: No. I, can I make my point, please? This is the public’s time to speak. My husband went around talking to several people within the community. He went to see Mr. Rick Hall’s neighbor. She’s on the BZA. She said “I can’t talk to you because it is a conflict of interest.” So you’re telling me it’s not a conflict of interest for him to talk to the Hendersons?

Mr. Culp: Yes, I am.


Mr. Culp: The plan commission and the BZA are different bodies. It’s not my choice. It’s Indiana law.

Mrs. Crail: Ok. That’s fine.

Mr. Culp: They’re two separate entities with separate purveys and separate roles.

Mrs. Crail: Well, whatever. It’s still not right.

Mrs. Johnson: Thank you.

Mr. Culp: He was also present before any petition was ever pending. That’s another important
distinction.

Mrs. Crail: Are you wanting to agitate me or do you want to argue?

Mr. Culp: No. I’m answering a question. You called into doubt the creditability of something and you’ve done it incorrectly.

Mrs. Johnson: Would anyone else like to come forward and speak for or against the petition?

Mr. Clark: We might point out the plan commissions’ recommendation to us doesn’t really hold us to any obligation. We don’t have to follow it. It might ease some of her worries and concerns.

Mr. Cox: This is Ben Cox again. I just wanted to ask what the land cause the legal notice I have from the board of zoning appeals says a Land Use Variance concerning Article 3-A, Section 2-b of the Hamilton County Zoning Ordinance. I just want to ask, is that correct? Is that the right article that it’s concerning? And then can I also ask… which… cause under 3-A, Section 2-b it says Permitted Uses and there’s 15. It’s a, it’s a numbered list of 15 items. Which one is under consideration?

Mr. Culp: They, those are two separate things. Under the zoning code you have permitted uses. Uses that can be done without any zoning modification. You also have uses that are permissible as a Special Exception.

Mr. Cox: Right.

Mr. Culp: Then outside of that list you have a variance. Where you can get a variance to do something that is outside, above and beyond that list. And so we are here under a variance. It was nothing to do with what was on that list.

Mr. Cox: So, but the legal notice says a Land Use Variance concerning Article 3-A, Section 2-b. So is it not concerning that article?

Mr. Culp: It is concerning that but that article doesn’t just list the things for the variance. It also talks about Special Exceptions.

Mr. Cox: Right.

Mr. Culp: and other things that go in that district. But we’re not going under the Special Exception. They’re proceeding under a variance.

Mr. Cox: But you are going under 3-A, Section 2-b

Mr. Culp: Right.

Mr. Cox: which says Permitted Uses.

Mr. Culp: And if something’s not a permitted use you need a variance.
Mr. Cox:  Right.

Mr. Culp:  If it was a permitted use they wouldn’t be here. They could just build their barn and start their business.

Mr. Cox:  Right.  Ok.  So this “concerning Article” was just written because that’s what you do when you don’t want a Special Use but you want to get a variance that’s kinda like a Special Use? I mean it’s not but…

Mr. Culp:  If something is a permitted use from the get-go you don’t need any special sign-off for it.

Mr. Cox:  Right.

Mr. Culp:  Now if there is some… I’m sorry… if something is a permitted use… if something is a Special Use those are ones that when they drafted the ordinance they thought it made sense in that area but they wanted to be able to put conditions on it. They didn’t just want’em to be able to come in without some form of review. And that’s why there are three criteria they have to fill. A variance is something that is not normally permitted that they need to come in and ask for special permission to do and get an exception made. That is why there are five criteria and they’re more stringent.

Mr. Cox:  Ok.  So I’m just, I guess my confusion is just that says concerning that article and that particular section and then there is a list there but I’m just not

Mr. Culp:  If it’s not a permitted use then it requires a variance. The fact that it’s not on that list of permitted uses is why they’re coming in for a variance.

Mr. Cox:  Right.  Ok.  So it is just simpler than I made it.  Ok.  Thank you.

Mrs. Johnson:  Would anyone else like to come forward and speak for or against the petition? Ok.  We’ll close the public portion of the hearing

Mr. Hall:  Mr. Church wanted the opportunity to

Mrs. Johnson:  Oh, I’m sorry.  I’m sorry, yes.

Mr. Church:  I’ll not belabor too many points here but a couple of places as a matter of clarification. I appreciate the confusion that has been expressed by a number of people who attended the plan commission meeting and Mr. Culp and I exchanging drafts of the supplemental commitment. I acknowledge the fact that there wasn’t gonna be a good way to get that information circulated to people before this meeting this evening. If there had been a way we would have done that but this is something that was not possible. So I appreciate that confusion but there should be
no confusion on the part of the board that this is the whole discussion on special events which occurred at the plan commission is no longer on the table. The covenants and commitments that were associated with that that were part of this package are still before you because that’s what the plan commission voted on and approved and we’re standing by those things but the material commitment I think is the one that’s been tendered to you this evening to try to, to eliminate the question about the special event, the rental of a party barn approach. Mr. Cox… I understand his confusion about the variance and it’s not uncommon for people to not fully understand all of the jargon that goes along. But he did make a point that I think is worth keeping in mind and that is that the comprehensive plan, the zoning ordinance if I could think back to what Hamilton County was like in was it 2006 – 2007 when those things were drafted, we’re a long way from there today. And the reality may be that a comprehensive plan review ought to be undertaken and however that’s triggered or initiated new realities are gonna to lead to new changes and so be a little careful of what you wish for. When you’ve put an intersection at 276th Street and U.S. 31 it makes the question about what the character in a comprehensive plan review that intersection is going to be. What the underlining zoning ought to be to facilitate development of real estate within that area, just an observation. Mr. Hall, a couple points just to kind of take into speck our conversation. I believe the evidence before you is not in conflict. We have a broker who has said that the letter that was circulated was inappropriate. It’s not an appraisal. And we’ve had at least two property owners, three property owners who have said this will enhance their property values. The issues of security as it relates to the use of the property, I think there’s the only evidence at this point is that there is no way to abstractly create a traffic issue out of what may be five people making trips in and out per day or even 20 people making trips in and out per day. I’ve frequently heard the argument made in connection with much larger developments than anything associated with this, large apartment projects, well this is going to stop traffic in it’s, in it’s tracks because you can’t have a 600 unit apartments and they’re just going to clog the road. And the reality is, we have those kinds of projects around Hamilton County. People do get in an out. Certainly traffic will be increased in some incremental amount but to the extent that it’s going to impose a condition that’s not safe or not appropriate I think that’s (undecipherable 10:19:30) at this point based upon the evidence that’s before you. Two other points and I’ll shut up. The Hendersons have a genuine interest in the environment. That is expressed in reality. What they’ve done with their property to create a sanctuary and appropriate environment for eagles to nest is really pretty astonishing. And people can say what they want. The Hendersons will do anything and everything possible to protect the eagles. That’s why they’ve named this particular barn the Eagle’s Aerie. It’s, it’s a signature feature of their property and there’s not a thing in the world they would do to try to diminish the opportunity for the eagles that are nesting there and to continue to perpetuate their species. Last thing, in the world of criminal law we talk about proof beyond reasonable doubt. In civil law we talk about preponderance of the evidence. I’m not sure how you approach your standards here this evening exactly but I believe that there is evidence on all of the critical elements. I didn’t go through every (undecipherable 10:20) specifically on all the things that were expressed under Tab 5 but they’re there and they were put there to order to meet the requirements that are imposed on this board to make findings. And I believe that they are fair recitals of facts and if… my mother always used to say… “no matter how thin the pancake there’s always two sides” and she is absolutely right, and I appreciate that, and I understand people can have very wide opinions on what the future reality will be when something like this comes along. It’s change. It’s threatening to some people. But I believe that there is a condition unique as it applies under the strict application in terms of the ordinance. It makes no sense to me to say that we are going to resolve the question of whether or not this is an ag business, and whether under the terms of A-2 it
fits into that language that talks about the broad range of uses associated with ag that are permitted in A-2. That shouldn’t mean a lawsuit. That’s why we have variances. That’s why you have an opportunity to make a judgment based upon the fact that in our view and I think a fair reading of the evidence before you that there is a hardship that is unique to this property because of the application of those terms of that ordinance that preclude what our clients believe fairly is an ag business \textit{(undecipherable 10:22)} on their property, their property which they should have a right to pursue. So, we earnestly hope that you’ll approve the variances so that this project can move ahead and we appreciate the time and the courtesy and the attention you’ve shown all of us here this evening. Thank you very much.

\textbf{Mrs. Johnson:} Thank you.

\textbf{John Miller:} \textit{I’m John Miller. 28153 Ditch Road.} I’m… One of the issues I’ve not heard brought up yet is why this is not being pursued in terms of A-4 for zoning. We’ve already established this is a commercial agricultural business and this is, we’re looking to do a re-zone, or sorry, a variance on A-2. If you look at the other businesses in the area – K&S Farms, the infamous winery, these are already A-4 for doing commercial agricultural businesses. And without other regards to the merit and impact to the neighbors I just don’t understand why this is not being pursued or considered?

\textbf{Mr. Culp:} That is an option that’s open. But that’s a different process. And that is something a decision that the property owner ultimately makes. A re-zone would not come to this board. It would actually go to the county commissioners because that is a change in the actual zoning ordinance. Where as this process is saying you want to keep the underlying zoning, we just want an exception for this use.

\textbf{Mr. Miller:} Would this also not be just a slippery slope of other A-2 owners of property in the area then coming forward in the next several years wanting to convert their barns into wedding venues or other host other events there? I mean, this is, this is \textit{(indecipherable 10:24)} slippery slope I think is, is a concern. Ya know, for a, for a business like this is, is establish a, this, it really should be in an A-4.

\textbf{Mrs. Johnson:} Thank you. Anyone else like to come forward and speak for or against the petition? Ok. We’ll close the public portion of the hearing at 10:24. Motion?

\textbf{Mr. Habig:} Clarification, Chuck. On the Blackhawk Winery that wasn’t re-zone to an A-4 was it? Didn’t it remain an A-2? It’s an A-4? What about when K & S came in front of us?

\textbf{Mr. Kiphart:} Their’s is A-4 right?

\textbf{Mrs. Burdett:} I don’t remember K & S that was before me.

\textbf{Mr. Kiphart:} I think it is.

\textbf{Unidentified voice:} A-4

\textbf{Mr. Clark:} I’d like to explain something that was in our writing. Somebody was upset because
it already had an address. I don’t know if he used his own address or not, but the post office will assign an address

Mr. Kiphart: No.

Mrs. Burdett: We do.

Mr. Kiphart: We assign addresses.

Mr. Hall: Chuck does.

Mrs. Johnson: Chuck does.

Mr. Clark: Oh. I’m sorry.

Mr. Kiphart: I assign addresses.

Mr. Clark: I’m sorry. We assign addresses for location purposes. I guess we could go by GPS location maybe or something but it upset somebody that there was an actual address to it.

Mr. Kiphart: There’s a system set up for issuing addresses.

Mr. Clark: They thought everything was already settled and done and that’s not the case at all. It’s for location. It was in one of our protest letters. So I just wanted to clarify it.

Mr. Culp: Can I explain the procedure?

Mrs. Johnson: Yes, please.

Mr. Culp: Just so everyone is aware of the procedure, as most of you know this had to go to the planning commission first. The planning commission is purely an advisory body. They give a recommendation. This is a quasi-judicial body. And so they have to proceed more like judges. They only take information that is provided to them either through official submissions or here in a public hearing and they have to render their decision that way. All motions made are in the affirmative. And so that means even if the person making the motion intends to vote against approving it it will be… I moved that we approve so and so… excuse me… with any conditions they may want to put on it. And so just cause you hear a motion phrased a certain way does not indicate that that’s how anyone’s going to vote or is bound to vote. The vote will be, will be final when it’s taken. Now, I did want to address, cause Mr. Kirby had brought up that he had a lot of information to process, the BZA does have the ability to adjourn or recess this meeting and come back if you want to review this information. You can’t review it as a group. You can read through that material on your own. You could come back via tomorrow, or in a week, or whatever if you feel that’s necessary.

Mr. Kirby: Well, I read through quite a bit of it but for some reason where it got on to the, cause I was thinking it was a Special Exception which there was, material in here about that and, that was the only, but then I understand… everything else I understood
Mr. Culp: Ok.

Mr. Kirby: once I figured out it was just a variance.

Mr. Culp: Ok. So, so what’s gonna happen is there will be a motion and a second and then they will start a discussion on it. And, ultimately that motion may be withdrawn and remade or modified after that discussion and then before a final decision is reached.

Mr. Habig: Can I ask you a question?

Mr. Culp: Sure.

Mr. Habig: Would I be correct in saying that under Ag-2 that land use within that zoning district are intended to be single family residential and agricultural in nature including the cultivation of crops, the raising of animals for market or private uses, and the commercial agricultural purposes?

Mr. Culp: That’s what’s stated in our ordinances.

Mr. Habig: Ok. Do we have a definition of commercial agricultural purposes?

Mr. Kiphart: There are some definitions. Agricultural accessory buildings, agricultural use, agriculture, agriculture confined feeding operations, agricultural related commercial enterprises, and these are on page 13 and 14 of the zoning ordinance.

Mr. Habig: So agricultural related commercial enterprises - an operation or use inherent to or closely associated with a farm or agriculture, such as the buying, selling or distribution of livestock or farm or agricultural products or products essential to farm operation; but not including commercial industrial grain elevators, industrial mills, I don’t know that one, commercial hatcheries and animal or poultry processing plants, the manufacture of commercial fertilizers and similar enterprises which are of a commercial or industrial nature.

Mr. Kiphart: Yes.

Mrs. Johnson: Does anyone on the board feel like we need to recess? Get more information? Ready to move ahead? Are you ready to make a motion?

Mr. Hall: I move we approve the petition as it was presented with the conditions that are contained in their petition.

Mr. Kirby: I second.

Mrs. Johnson: Discussion.

Mr. Habig: That would include the signing of the statement that they would not as far as the

Mr. Hall: Yes. That, yes.

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Mr. Habig: Ok.

Mrs. Johnson: Do you want to include all of this?

Mr. Hall: Yes. Everything that they’ve presented to us.

Mrs. Johnson: Everything presented.

Mr. Clark: I think it is a lot better now that they’ve, they’ve made those concessions.

Mr. Hall: I

Mr. Clark: We’ve gotten rid of all the, most of the traffic – really reduced it down. And I think the new intersection going there and Reynolds Farm Equipment being there I think it’s kind of a nucleus something maybe we didn’t really want to start at the time but we like to control the growth and keep it closer to the rest of commercial growth, closer to the, I guess, Noblesville and the other cities that

Mr. Hall: My concern though is… we’re not controlling it. You say we need to control but if we allow the other forces of people who from one spot to another spot want to do something with this property then, then the planning documents aren’t controlling the development. And I think that’s, that’s what’s critical here. I think there’s a lot of conflicting things in this. This is a very difficult, as difficult a one we’ve had in a long time. I do appreciate everybody’s concern. And, I also appreciate how we’ve so, we’ve been very, all sides have been very interested in making sure that this is a, is a viable project if it happens but… the issue to me is we’ve talked an awful lot this evening about how nice this project is. And I do believe this is a nice project. I honestly wish the Hendersons were my neighbors. They seem like fantastic people. They seem like they are great stewards of the, of the real estate, the property. They’ve got a great business. Everything is, about it is positive except the location. The location of the business not the location to the other things that they do there. Those are, those are all great to me. I look at the things that we’ve talked about and it has to boil down to the issues that I quest, I questioned Mr. Church on there at the end. Despite all the things we’ve all talked about it boils down to us and we have to make five decis, five decisions. And that is on whether or not this change in use of the property will have a negative impact on or not meet the health and morals and safety of the community and these things you’ve heard us talk about. And I don’t believe, I believe that’s, I believe it is not going to impact the, negative with the morals of the community. I don’t believe that it is going to have a negative on the necessa, on the property values based upon what has been said here this evening. And I do have a problem though with is there something condi, something about this property that makes it not usable for the way it’s zoned… which is A-2. And the other one, which is even connected with it, even more critical, what is the hardship in using this property as an A-2 property? And I did ask the petitioners – they’re using it as an A-2 property. The fact that they are using it in compliance with the ordinance right now to me indicates there is no hardship in complying with the ordinance. The petitioners’ material here that Mr. Church pointed out to me talks about with respect to hardship it talks about their being “a technology training business that is agriculture that is ideally suited, suited for the agricultural area” but then it goes on to say that “Hamilton County’s ordinance doesn’t permit this use in an agricultural area” and that being the hardship. But our
ordinance does have zones that this would be permitted in. So I don’t think we’re making a hardship on these people and the business that they’re doing. I cannot for the life of me, as much as I tried and as much as I think this business could be a nice asset to the community, the rules of the ordinance as far as I’m concerned don’t let us approve it because of the fact that it is not a hardship. There’s nothing with respect to that nature of that property that will prevent it from being used according to the way it’s been zoned. And a lot said about the comprehensive plan. I don’t think it, as our comprehensive plan exists, I don’t believe that it is compatible with the comprehensive plan. I think the petitioners have tried their best to do that by the architecture and including the other ag related things, but the bottom line is it is a media technology training communications company as per their own documents. And it is not an ag company. Our ag rules talk about the production of agricultural products and this is not the production of an agricultural product. I was particular attentive to the accountant, I think, that said that his accounts maybe all agricultural but that doesn’t put, that doesn’t allow his business in this area. It might be convenient but I, I don’t feel that the petitioners can get over, get over that hump. Perhaps they need to ask for a re-zone. I would hate to see a re-zone because that would be “spot zoning.” I think we need to look at what is happening in that area and push on towards that but that doesn’t solve the petitioner’s problem at this point. At least it doesn’t solve the problem I have with the petitioners’ issue here. So I would and unless you guys want to give me some other things that I haven’t considered yet I would have to vote no on this.

Mr. Habig: I just, I look at it and I think it does fall within our parameters of an A-2. That’s, that’s my problem with it. I really think it does fall

Mr. Hall: Yea.

Mr. Habig: with what they want to do. I believe an educational facility especially on the farm would be a lot more conducive. I think it is a gem for Adams Township. I hate to see it go. I look at what we would be able to allow there and I think with something like this, they may not be growing crop, but they’re growing minds. And that’s kind of a tribute especially environmentally to be able to use a lot of these chemicals the way that they should be used. So, that’s why I feel it does fall within that parameter.

Mr. Kirby: But they can do that in a place where it’s already approved.

Mr. Habig: They can. But, they can also do it there.

Mr. Kirby: Well, if we, if we approve it.

Mr. Clark: I think, as I said before, I think Bec, er a Reynolds being there… they told us at seminar don’t put a, don’t put a sewer line two miles out of town to take care of an addition two miles out of town because the whole two miles will be filled up within, ya know, if you didn’t want that area also to become residential. It will be filled up because of sewer lines there and it gives them access. I think Reynolds Farm Equipment there is kind of like the nucleus and we’re gonna have problems even in the future.

Mr. Hall: But Reynolds didn’t ask for a variance. They asked for a sign variance.
Mr. Kirby: They’re on the, they’re on commercial property.

Mr. Clark: Yea. They’re, they’re production which I think is one of our stumbling blocks. I think we think of it, well, and that’s the way I took the ordinance to read too. Production, I don’t think… and it’s so far from everything else. I think it should be… that’s what we’re, we’re about controlling locations of things and preserving, preserving farmland.

Mr. Hall: That’s what A-2 is about.

Mr. Clark: Yea. I just don’t think that… well, our [are] job is to protect it and follow it and I don’t think that it conforms. I don’t think it fits.

Mr. Hall: And I believe that the existing property owners have, have the right to rely on that ordinance. Rely on the protections of the ordinance.

Mr. Clark: Yea. And I don’t, I can’t say it would hurt your property values but I would think if you were east of that, well, you would have been, if you were east of the project you would have thinking it would you, you would be thinking it would definitely hurt your property values with that much traffic but they were generous and nice enough to submit that they would reduce down the commercial project or commercial events and everything. It’s reducing the amount of traffic that would be on the roads with the farm equipment. October is a big festival time. If they were doing commercial festivals there in October it’s also harvest time. That would really make it rough for the farmers. If they did agree to, to get rid of the commercial part of it. I just don’t think it fits. I’m like you.

Mr. Kirby: Farm equipment goes up and down this road every day going to Reynolds and Becks.

Mr. Clark: Yea, but especially October during harvest.

Mr. Kirby: It’s one of the heavier used roads in this area for farm equipment. What’s your thoughts, Kris?

Mrs. Johnson: I, I agree with both sides. I think it’s such a great project and I think the education is so important, but I do agree with Ron that I don’t think it, it necessarily fits that particular property. I don’t think we’re going to be able to stop development for very much longer. And maybe, maybe that needs to be addressed on a county-wide basis but today it doesn’t seem like it is.

Mr. Habig: Well, I don’t think we’ll every stop it but it’s like Ron said… that’s why we have our ordinances to control it as it goes.

Mrs. Johnson: Yes.

Mr. Hall: And so we shouldn’t be doing it piece-meal as we think it fits in a particular or doesn’t fit in a particular location. And even, if I didn’t have a problem with three of these issues we have to decide that’d be great but the issue comes down for me is that this property can be used just as the ordinance says it needs to be used and that the way that the comprehensive plan says we should
be guided.

**Mr. Habig:** They could build that barn and grow five acres of sweet corn and they could sell it in that barn and it would be ok.

**Mr. Hall:** Or they can, they can keep their draft horses in there.

**Mrs. Johnson:** Because that in agriculture.

**Mr. Hall:** And that’s fine.

**Mrs. Johnson:** Yea.

**Mr. Habig:** But they can’t bring people out to educate.

**Mr. Clark:** So much of their work is confusing.

**Mr. Kirby:** It’s commercial business.

**Mr. Clark:** the video now and virtual reality goggles and stuff. It just seems, seems like so much of it isn’t necessary to be in that area now. Even if they, even if they could reserve maybe Walnut Grove Community Center or something for, for their actually instructor where they actually need an instructor on-site or something like that or if they have a meeting with 30 people or something. That would even make it easier and they’d still be close to, still be near the farm. They could still continue to go out to the farm after the meeting, whatever but it’s

**Mr. Hall:** I do think this is a great idea. And with Reynolds and Becks and the other things that are going on there it probably makes perfect sense, but our job is not to say, to approve a good idea or not a good idea. Our job is to follow what we said, what the ordinance tells us to do, and I cannot find a hardship here.

**Mrs. Johnson:** And we have to follow the ordinance.

**Mr. Hall:** And I can’t find anything particular to that property that says it can’t be used for an agricultural purpose, for an A-2 purpose. So… no denigration at all, at, with the, at the project itself or the people or what they’re doing.

**Mr. Habig:** But we could put a public school there.

**Mr. Kirby:** I think

**Mr. Hall:** We could put a public school there. Yes, that’s permitted.

**Mr. Kirby:** That’s permitted.

**Mr. Clark:** 40 acres. You have to have 40 acres.
Mr. Kirby: I think the field that it is proposed to be in was in soybeans last year. I think, I mean, it’s been in crops. So it’s used as it’s permitted.

Mr. Clark: I tell people there’s are a lot of things we can do but there are certain things we just can’t do. Just, there’s are just a few things, but we can’t do them. I don’t know if people understand that. All things don’t fit. All things aren’t right or wrong or all fields aren’t square. We have pointed fields that farmers can’t plow because of the point rows and that’s why you have a committee to help hash out the things that don’t fit that well.

Mrs. Johnson: You ready for a vote? Ok. A motion has been made and seconded on NBZA-L.U.V.-0002-02-2019 a Land Use Variance. All in favor signify by saying aye. Opposed. Your variance has not been approved.

Secretary’s note: Mr. Habig voted for the motion. Mrs. Johnson, Mr. Kirby, Mr. Hall, and Mr. Clark voted against the motion. Applause and thanks expressed by some of the remonstrators present.

Mr. Culp: Mr. Church, in light of the decision on the first one do you want to proceed you’re your second variance?

Secretary’s note: Unable to detect response. Multiple voices heard.

Mr. Kiphart: Linda, shut that thing off.

Mr. Culp: We haven’t adjourned the meeting.

Mr. Kiphart: Let’s adjourn. Let’s adjourn.

Unidentified male voice: The meeting is still going.

Mrs. Burdett: Ok, everybody who’s still in here… we still have a meeting to finish so we’re going to get started on that.

Unidentified male voice: Speak up.

Mrs. Johnson: I’m sorry. You put no for all of them? You have to put yes for all of them. I just put no for the ones that I didn’t think that… they have to do all five.

Mr. Kiphart: Thanks for reminding me.

Mr. Habig: Yea. I don’t know. I do the way I voted.

Mrs. Burdett: Ok.

Mrs. Johnson: Do the way you voted.

Mrs. Burdett: We can go. Ok. Do we need to have official comment about them withdrawing.
the second petition?

Mr. Culp: Yes. Per Mr., Mr. Church, attorney for the petitioners, they are withdrawing their second petition because in light of the decision on the first one it is no longer a, it’s moot.

Mrs. Burdett: Thank you.

Mrs. Johnson: Did you put something in that space?

Mr. Hall: What I wrote is… the property is currently being compliance with A-2.

Mrs. Burdett: Oh. I know why we weren’t doing anything. Never mind. Go ahead. You guys can finish that. They’re still filling out their paperwork. That’s why we haven’t started.

Mrs. Johnson: My agenda. My agenda is in this pile of papers somewhere.

Mr. Hall: (undecipherable 10:51)

Mrs. Johnson: (undecipherable 10:52) that’s all I need is to go through the end.

Mr. Habig: (undecipherable 10:52) be yours.

Mrs. Johnson: Scooping up papers.

Mr. Habig: My

Mr. Clark: 3/27/2019

Mr. Hall: (undecipherable 10:52)

Mr. Clark: Forty-seven, forty-seven years of marriage today.

Mr. Hall: Oh, well.

Mrs. Burdett: Oh, you’re here on your anniversary?

Mr. Hall: And you came here?

Mr. Clark: Yeah.

Mr. Hall: Boy are you in trouble when you get home.

Mr. Clark: Yeah.

Mr. Habig: Ron, he made about the same sacrifice you did.

Mr. Hall: Did he tell you why I’m here tonight?
Mrs. Johnson: No.

Mr. Clark: What happened?

Mrs. Johnson: What happened?

Mrs. Burdett: Ok. No, no. Let’s finish the meeting.

Secretary’s note: Several voices talking.

Mrs. Johnson: Director’s report.

Mr. Kiphart: None.

Mrs. Johnson: Legal counsel report.

Mr. Culp: None.

Mrs. Johnson: Our next BZA meeting is Wednesday, April 24th.

Mrs. Burdett: You will have a meeting.

Mrs. Johnson: Ok.

Mrs. Burdett: And your illustrious secretary will not be here.

Multiple “ooooooos” heard.

Mrs. Johnson: May I have a motion to adjourn, please.

Mr. Habig: I make a motion to adjourn.

Mr. Kirby: I second.

Mrs. Johnson: All in favor signify by saying aye.

Secretary’s note: Multiple ayes heard.

Mrs. Burdett: And

End of recording.

______________________________
Kristin Johnson, Chairman
Date: ________________________
Secretary’s note: I am not a transcriptionist. There may be a few words missed. I did miss some double words or repeat portions of statements. I did not include duhs, ummmms, mmmmhs, or other none verbal sounds. Some of the inaudibles were actually undecipherable words. Didn’t think closely enough about the terminology when I first start transcribing. Also, it was until much later that I decided to add in the area of the recording where I wasn’t sure of the words in case someone wanted to review it in the future. These were not done as minutes as there was a threat of lawsuit made either during or immediately after the meeting and I didn’t want to have to do this a second time.