

**AMENDED  
MINUTES**  
**BROWN COUNTY BOARD OF ZONING APPEALS**  
**COUNTY OFFICE BUILDING**  
**JANUARY 29, 2020**  
**WEDNESDAY 6:00 P.M.**

**ROLL CALL:** President John Dillberger called the hearing to order at 6:00 pm. Members present were Darla Brown, John Dillberger, Jane Gore, Debbie Bartes, and Buzz King. Also present were Director Christine Ritzmann, Attorney David Schilling, and Secretary Kayla Robertson.

**APPROVAL OF MINUTES:** Mr. Dillberger requested that a mistake on the minutes from December 18, 2019 be corrected before approval. The vote to approve the revised minutes will occur at the February 26, 2020 meeting.

**ELECTION OF OFFICERS FOR 2020**

Ms. Brown nominated John Dillberger for President of the Board of Zoning Appeals for 2020. Ms. Gore seconded the nomination. All were in favor.

Mr. Dillberger nominated Darla Brown for Vice President of the Board of Zoning Appeals for 2020. Ms. Bartes seconded the nomination. All were in favor.

Mr. Dillberger moved to retain David Schilling as Attorney for the Board of Zoning Appeals. Ms. Brown seconded the motion. All were in favor.

Mr. Dillberger moved to retain Kayla Robertson as the Secretary for the Board of Zoning Appeals. Ms. Brown seconded the motion. All were in favor.

**OLD BUSINESS:** There was no old business.

**NEW BUSINESS:**

**1.) 20-SE-01 BRIAN & ALISON FAULKNER, PETITIONERS**

The petitioners requested an amendment to The Wilds Private Recreation Development. The property is located at 6483 East Kent Road in Washington Township.

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Ms. Ritzmann read the staff report.

Ms. Gore inquired as to the number of green cards received. Ms. Ritzmann answered that 3 of 6 were returned.

The petitioner Brian Faulkner explained that the storage shed would not be open to the guests and was necessary for storage. He stated that the covered patio would be beneficial to guests in case of inclement weather.

There were no speakers in favor or opposition of the petition.

Ms. Gore moved to approve Docket#: 20-SE-01. Mr. King seconded the motion.

John Dillberger – yes	Jane Gore – yes
Debbie Bartes – yes	Buzz King – yes
Darla Brown – yes	

The petition was approved unanimously.

**2.) 20-VAR-01 G. MICHAEL & DAWN WITTE, PETITIONERS**

The petitioners requested approval to allow a front setback Variance. The property is located at 6309 Grouse Drive in Hamblen Township.

Ms. Ritzmann read the staff report.

Ms. Gore inquired about the number of cards received. Ms. Ritzmann answered that 14 of 21 were returned.

The petitioner Michael Witte explained to the Board that the photos that were submitted are to indicate where the property lines are located and that his proposed project should not impede on any sight lines.

There were no speakers in favor or opposition of the petition.

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Ms. Gore questioned if the proposed garage would be the same height as the existing. Mr. Witte answered that it would be 5 feet taller than the current structure.

Ms. Brown moved to approve Docket#: 20-VAR-01. Ms. Gore seconded the motion.

John Dillberger – yes  
Debbie Bartes – yes  
Darla Brown – yes

Jane Gore – yes  
Buzz King – yes

The petition was approved unanimously.

**3.) 20-VAR-02 MATT & KIMBERLY ROOP, PETITIONERS**

The petitioners requested approval to allow a rear setback Variance. The property is located at 8273 Sweetwater Drive in Hamblen Township.

Ms. Ritzmann read the staff report.

Ms. Gore inquired about the number of green cards returned. Ms. Ritzmann answered that 10 of 16 were returned.

The petitioner Matt Roop explained that he would like additional shaded areas and more space for his children and that the grade prevents him from meeting the setbacks requirements.

Mr. Dillberger stated that the Board had received one written comment in favor of the petition and two written comments in opposition of the petition.

Ms. Bartes asked if the dock would extend over the water more than it does currently. Mr. Roop said that the proposed dock would wrap around the point of the property.

Mr. Dillberger questioned if the property has a steep slope and hardship. Ms. Ritzmann conveyed that most of the properties in that vicinity share the same steep slope and hardship.

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Ms. Bartes moved to approve Docket#: 20-VAR-02. Ms. Brown seconded the motion.

John Dillberger – yes	Jane Gore – yes
Debbie Bartes – yes	Buzz King – yes
Darla Brown – yes	

The petition was approved unanimously.

**4.) 20-VAR-03 LLOYD & CRYSTAL WAGLER, PETITIONERS**

The petitioners requested approval to allow a Variance for an undersized lot. The property is located at 5141 Sweetwater Trail in Hamblen Township.

Ms. Ritzmann read the staff report.

Ms. Ritzmann stated that 6 of 10 green cards were returned.

Ms. Brown questioned why the farm area would be separated. The petitioner Lloyd Wagler would like to take his farming equipment around the property and house without having to drive them on the county road.

Meleah Ablitar, a nearby property owner spoke in favor of the petition by saying that she appreciates the Waglers' efforts to keep the heavy farm equipment off the roads.

There were no speakers in opposition to the petition.

Ms. Brown questioned if there were special circumstances regarding the property that the petitioner would be unable to meet the minimum requirements.

Ms. Bartes voiced concerns that if the septic were to fail then it would be difficult to replace due to the small size of the proposed property.

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Chuck Braden suggested that the petitioner should change his request to 1 acre to meet the minimum requirements.

Mr. Dillberger stated that he was reluctant to ignore the minimum requirements.

Ms. Bartes moved to deny Docket# 20-VAR-04. Ms. Gore seconded the motion.

John Dillberger – yes	Jane Gore – yes
Debbie Bartes – yes	Buzz King – yes
Darla Brown – yes	

The petition was denied unanimously.

#### **5.) 20-SE-02 CHRISTINA BUCCOS, PETITIONER**

Dillberger: Alright. OK the last item of new business tonight is Docket Number 20-SE-02 which is a request for a special exception for a general industrial use in a residential area. Chris?

Ritzmann: Staff Report for Christina Buccos General Industrial Use Special Exception Docket Number 20-SE-02. The Petitioner is Christina Buccos. The owner is Christina Buccos. The request is a special exception for general industrial use. The location is 7735 Gartner Drive, Morgantown, Indiana. The property is located on the east side of Gartner Drive – Gartner Drive - approximately 1100 feet north of the intersection of West Robertson Road in Jackson Township. Zoning and Current Land Use – the proposed three acre parcel has a mainly graveled surface and outbuildings exist at the site. The zoning is Forest Reserve. General Findings – the surrounding areas is zoned Forest Reserve and is used for residential, agricultural, and recreational purposes. Two, Gartner Drive is a private road. Three, a vacant 193 acre tract of land to the southwest belongs to the State of Indiana Forestry Division. Four, the Petitioner owns 137 acres surrounding the property on the north, east, and south sides

while a family member owns the property nearest to the east. Mr. and Mrs. Buccos live on a separate tract. Five, a complaint was brought to staffs' attention during the Autumn of 2019 regarding the use of West Robertson Road for logging trucks. The property owner was asked to meet with staff to discuss the use. The Petitioner explained that a logging yard was operated continuously since Mr. Gartner, now deceased, began it which was prior to the adoption of the Zoning Ordinance. However, it is difficult to establish where the log yard was located originally and if any period of six months had elapsed during the intervening years. It seemed that no designated building was included during the early years, therefore as an open use it would have expired five years after adoption of the County Ordinance. The family company formed Shady Oaks Logging LLC six years ago. Six, a neighbor has requested that the County Commissioners reduce the speed limit on West Robertson Road. That request is currently under consideration. Seven, Gartner Drive is a private road and it serves only Christina Buccos and Robert A. Gartner Jr., properties. Eight, according to the ordinance logging operation means the harvesting and/or removal of logs from a forest over a County highway by a logging or trucking operator. Nine, the Ordinance does not define the term logging yard specifically however the use may be described by the definition of general industrial use provided by the Ordinance. General Industrial use means manufacturing, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products, or wastes in which some operations other than transportation are performed in open areas. Ten, general industrial uses are authorized in Forest Reserve Districts with a special exception. Eleven, Duke Energy provides service to the property. Twelve, Shady Oaks Logging, LLC, which was incorporated in 2003, I should say 2013, provides employment for three family members. Findings of Fact. Findings. General industrial uses are authorized in Forest Reserve Districts with a special exception. Findings. The setback for the barn meets and exceeds the minimum rear yard depth of 15 feet for an industrial use. The structure meets and exceeds the 30 feet minimum side yard setback requirements for an industrial use adjoining a residence district. There is adequate space for parking beyond the required 50 foot front yard area. The loading area is gravel surface and exceeds the minimum area of requirement. So, the red line is the proposed

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lot. This is as you come up Gartner Drive looking toward the north. The, um, where the logs are that's included in that area and then where that retaining wall is, is also part of it. And this is where Gartner Drive meets West Robertson. These are signs on the road – on West Robertson Road. This is a picture that was provided by the Petitioner. And this one as well. That concludes the staff report.

Dillberger: Thank you Chris.

Ritzmann: You're welcome.

Dillberger: So I get to ask this time. Cards?

Ritzmann: 1 of 1.

Dillberger: OK, thanks. Any other questions for Chris? If not, is the Petitioner here tonight? Yes ma'am. Would you like to add anything to Chris's report?

C. Buccos: She did a good job. Although my . . . my father is still alive.

Ritzmann: Oh, he is?

Dillberger: Oh, OK.

(laughter, inaudible comments)

Dillberger: Alright.

Ritzmann: I beg your pardon. I am so sorry.

Gore: Oh well.

Dillberger: Don't tell him that we said. . . Well, is there anyone in the audience who wishes to speak in favor of this petition? Yes ma'am. Would you identify yourself please and tell us what you have to say.

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S. Pool: Yeah, I'm Sandra Pool and I live actually on Pool Road just to the east of Highway 135 across from Robertson Road. I've been a school bus driver in this County for 20 years – 14 of those years have been on this road. Um, never had a problem meeting log trucks. My biggest concern was the UPS man. He was a little crazy. Um, that road is one of the better maintained roads that we have in this County. It's in better shape than a lot of the roads we drive on in this County. And, I am all over at this point with my new position. So, I can attest to how other conditions are. So, this road is in really good shape.

Dillberger: OK, thank you.

Pool: You're welcome.

Dillberger: Is there anybody else who wants to speak in favor of the Petition? Ah, is there anyone who wishes to speak against this petition? Yes ma'am, if you'd identify yourself please.

(inaudible conversations)

Ritzmann: Can I have one for the, may I have one for the record?

S. Mitchell: Oh, I guess Chris.

Ritzmann: I mean, unless this, unless this is the same one you . . . OK.

S. Mitchell: Hi, good evening. My name is Sherrie Mitchell. I live at 971 West Robertson Road. I actually am the one who filed the complaint, um, for this hearing. On the very first page, the very first paragraph in the body of the Brown County, Indiana, Zoning Ordinance, it reads: Chapter 1 Terminology, Section 1.1, Short Title and Purpose: A. This Ordinance may be cited as the Brown County Zoning Ordinance. B. These regulations have been adopted in order to: 1. Promote the orderly, responsible, and beneficial development and use of land within the County jurisdiction area. 2. Promote the public health, safety, comfort, convenience and general welfare of the residents and guests to the County. 3. To protect the

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character and stability of residential, business, and natural areas. West Robertson Road is a dead end County Road. It is zoned exclusively as an R2 District and is roughly one mile long. There are 45 residential homes, 25 to 30 weekend or summer rentals, and 4 dead-end County or private roads that join into West Robertson Road. Many young families with children live on this County road. There are pedestrians, joggers, dog walkers, mothers with strollers and toddlers in tow, and children on bicycles that utilize this County road. It is a friendly and warm residential neighborhood. I like to call it a Brown County subdivision. To grant 80,000 pound log trucks and semi-trailers an industrial location at the end of West Robertson Road is detrimental to the character of this residential neighborhood. These loaded log trucks are currently subverting the general purpose served by this ordinance by endangering public safety, comfort, convenience, and general welfare of the residents and guests to the County. Which is exactly why I brought this complaint to the Planning Commission. While driving on West Robertson Road on September 30<sup>th</sup>, 2019, I was forced into my neighbor's yard by an 80,000 pound loaded log truck. And, when I say that, I don't mean that two of my tires went into the yard, I mean half of my car went into that road. Because I came to the first hill – we have several blind hills on that road, almost all of them are blind hills actually, there's about 7 or 8 – when I came to the very last blind hill, I didn't see a log truck and it was in the middle of that road. And when I confronted the driver, he said that he did not have enough time to get into his own lane once he turned off of 135.

C. Buccos: Wait!

T. Buccos: One second there.

S. Mitchell: Please, please, please . . .

Dillberger: Ah, sir. Please sit down. Please sit down. Thank you. Go ahead.

S. Mitchell: Thank you. Um, so when I say that, like I said that, I didn't have two tires off the road, half of my car. That car was in the middle of

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that hill when I got there. Um, and I was very angry and extremely frightened that that happened. But I was also grateful that it didn't happen someplace else on West Robertson Road as I may have ended up upside down in a deep ravine. Commercial tractor trailers on West Robertson Road put the public safety, welfare, and comfort at risk. I respectfully ask that the Board vote against this request for industrial zoning inside of this Brown County subdivision. To protect and promote the public health, safety, comfort, convenience, and general welfare of the residents and guests to the County on West Robertson Road. Last thing, I would like to leave you with a quote from Randy Jones who is a board member for the APC. In last week's paper he was quoted as saying, "Residential areas shouldn't have to deal with businesses. There are areas in the County already zoned for business, industry, commercial light and heavy." Thank you for your time. Um, I do have pictures, ah, that I sent to, um, the Planning Commission. I had to call Rick today. I have a video too but I don't, I don't know that it would be appropriate to, to show it. I had to ask permission. But if you want to see it, I can.

Ritzmann: We did not get any pictures.

S. Mitchell: I just sent them to you a little bit ago. Um, so I do have those if you'd like to see them. I have a 1 minute 45 second video, um, of me driving down West Robertson Road yesterday and you can see every blind hill. And some of them are pretty steep. In fact, I passed a car, um, when I was videotaping this, and that car was all the way over on their side of the road. That's how narrow the road is. Um, I was on my side. They were on their side. So, if, and I'm just a small SUV. So you can imagine that it's going to force the tires off of the road. And, I sent you all a letter that I gave to the neighbors that we measured four different places on that road and it was between 16 and 17 foot wide. A log truck is 8 1/2 foot wide. So, and normal pickup trucks are 7 1/2 foot wide. I mean the math, it just doesn't work. Its way, way, way too thin – narrow I guess is a better word. Do you have any questions?

Dillberger: I don't think so. No. Um, I know what you mean about blind hills. I drive . . .

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S. Mitchell: There's about 7 of them I think on that road.

Dillberger: Anybody else have any questions?

King: No. No.

Dillberger: Alright. Thank you for that.

S. Mitchell: Thank you John.

Dillberger: Um, ah, is there anybody else who wishes to speak against this Petition? Alright, um, if you'd identify yourself at the microphone and speak. We'll get back to you, I take it you are not wishing to speak against the petition? OK, we'll get back to you.

M. Schrader: Hi, everybody, I moved down here about 2 years ago.

Dillberger: Would you identify yourself just for the minutes.

M. Schrader: I'm sorry, I was going to do that next.

Dillberger: OK.

M. Schrader: OK, my name is Mary Ann Schrader. It's nice to meet all of you. Ah, been very happy that we, I moved, ah, down this road and my little street is called Thunder Ridge Road. So, um, this lady's right, when you're driving down that road, you really, there is a little sign that says like, move over. And, you'd better move over. Because you can't tell what's coming up over those hills. You're gonna get hit. It is a very narrow road. It's very well maintained. Um, I have a couple questions. Can I, am I OK? Um, how long ago was that road paved and how long is the road going to continue to look this nice with those logging trucks that are extremely heavy. Are they going to tear the road up? Could happen. Could happen. Um, at, it was one day, it was during the winter, but we had one of those really nice, nice summer, it was like a summer day during the winter. This beautiful family. This woman, and she had four beautiful children. I

stopped. And she was walking on one side of the road, she was walking with her babies, and a little stroller. And, I said "Isn't this a beautiful day?" She said, "Isn't it?" Now let's think about that. Do you have children? Do you have grandchildren? It's a beautiful day. And, you're like, I just gotta get out of the house. I'm gonna take the kids for a walk. And, then a logging truck comes down. And then another truck comes down. Are you going to be worrying about those babies? Of course you are. So, I'm not for this at all. I'm against it.

Dillberger: OK.

M. Schrader: Thank you. Thank you so much for listening.

Dillberger: Yep. Thanks for that. Anybody else who wishes to speak against? Yes sir. If you'd come to the microphone and identify yourself for the minutes.

B. Herring: Ah, my name is Barry Herring. Um, I actually own two homes at the end of Richardson Drive, which is basically if you take Robertson Road to its dead end. I have, I own two homes and 50 acres all the way at the end of Richardson Drive so the only way to access my properties is through Robertson Road. Um, I did want to say some nice things about the Buccos family. Ah, I've known them for years and I've found them to be extremely kind neighbors. Um, I've never had a problem. When the County basically didn't have the funds to take care of Richardson Drive snow removal, on their own, they did it for us. There have been several times I would have been stranded in my home without them. Ah, however, what concerns me the most about this, and again it's not, it's not the family, when you allow this it's basically a change to the zoning it opens it up to all future generations and not necessarily this family. I really think if you sit down with this family, you could work out something. I think they are reasonable people. But I think if you adopt and say yes, you take it out of the hands of this family. If they, in two or three generations, or in other generations decide to sell the land, you take that personal care out of the equation, and you allow anyone they sell it to enjoy the benefits of the change of zoning of which your gonna allow. So, I too have come across

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the logging trucks. But, I also know that, ah, I don't think knowing them personally, that they would put anybody on purpose in jeopardy. But, my biggest concern is that if they're not around, and I think if you vote yes, that's my biggest concern is that if not them, who? Someone else in the future could take over that property and it could be even worse. So that's why. Thank you.

Dillberger: Thank you very much. Anyone else want to speak against the Petition? Alright. Um, you two gentlemen, uh, one at a time you want to come to the microphone and let us hear what you have to say.

T. Buccos: I'm Thomas Buccos. I'm co-owner of Shady Oaks Logging. Ah, our family has owned this farm since the 50s. Um, my grandpa actually helped build this road for the County. Um, he ah, it's, it's funny because, ah, we've lived there that long. My grandpa owned, he's owned a construction company the whole time he's been there. So he's still running in and out of that road with semis and dump trucks. That's the reason why they cut the road down the way it is. Ah, Sherrie and them, they had just moved in here – how many years you been there – she's been there for 5 years, six years. I know, ah, the gentleman there, I always forget you name but, um, you know they moved here. We were farming their field when they moved in. I mean, Great people. Um, but it's, there's, it's no different than it has been. I mean, my grandpa had, when they would, when it'd rain they'd run and get stone and stuff. They'd pile stone up there. Their still running dump trucks in and out. I know Waglers do work on our road all the time. They're running their semis. They actually park their stuff at our log yard. So that way they're not congesting the road up with their dump trucks and semis. So, I mean I'm sorry this is, you know, affecting people. But, its, its, hasn't changed any. I mean our combine is 14 feet wide. It goes in and out of that road. Our tractors are that wide. They go in and out of that road. Um, I mean it's, I'm, I'm, I am concerned about children, but as far as I can remember back, when I was little, if we were caught on that road, we got our butts whipped all the way back to the house. You don't play in a road. I mean, I'm, people do walk it. But all our truck drivers run less than 30 miles an hour because of the way those hills are. And, it is a, the road is a straight line. So, I mean it's, you can see

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people cresting the hills. Um, in Sherrie's case, my brother was the truck driver. And, he come down through there and she did not run off the road. He just turned on West Robertson Road 4<sup>th</sup> gear, so he was probably running 15 - 20 miles an hour when he crested the first hill is when he met her. It's just, it's just escalated from there. So, I'm sorry this is causing problems for everybody.

Dillberger: Alright. Thank you. Did you, ah, want to add anything to that?

Ch. Buccos: I just want to add that . . .

Dillberger: Would you give your name . . .

Ch. Buccos: I am Christopher Buccos. I am the semi driver. And, those words didn't come out of my mouth saying that I didn't have time to get back in my lane. But my sister-in-law, his wife, Shannon Buccos, she was behind me, directly behind me in her car. And she had enough time when I crested over the hill. She squeezed in between me and my sister-in-law. So, I mean it, she couldn't of been in a ditch or in a position to where she was at harm because she squeeze in between me and my sister. So, I just, I wanted to add that and, I mean, that's just. And, the 80,000 pound part, mind you, Waglers do, do a lot of work on our road. And, when they're hauling their 220 excavator which would put them at almost at a hundred thousand pounds. Yes, they do have permits and everything, everything is fine, but they're still over my weight. And, nothing is being said to them. So, that's . . .

T. Buccos: School buses actually weigh more per axel than the semi does.

C. Buccos: And on top of it all, a dually pickup truck, a dually pickup truck, if they're gonna knock out the semis, then everybody's gonna have to get rid of their dualies. Because they're what, 8 foot?

Ch. Buccos: Yeah, my, we've got two pickups that are 8 foot wide. And they are pickups. And then there is a neighbor, two houses down, that's got a white Ford dually that's the same width. And then there's, there's a

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couple of the campers. They all have duallies cause they pull campers. I mean they are all the same width. I mean it's not . . .

Dillberger: I understand.

T. Buccos: (inaudible) cut the timber on the State.

Ch. Buccos: We cut the Yellowwood that's up against our property. We cut it probably 6 years ago. And that's their only access in there is off of our property to cut that timber – unless they go across the creek which, that's a big no-no. They're not wanting to do that. And then, if they come off of our property, they don't have to cross no creeks, don't have to ruin anything, everything's fine and dandy. But, to log that they had to come down West Robertson Road. I mean, it's . . .

T. Buccos: That road has been paved. That's, it's new blacktop as soon as we finished cutting the timber.

Ch. Buccos: Yeah. Right.

Dillberger: OK.

T. Buccos: So it's been that long the road is fine just the way it is.

Dillberger: OK. Alright.

T. Buccos: (inaudible) a load of trucks coming in (inaudible). You know they're not running up and down the road constantly.

Dillberger: Alright. Well, thank you all for that information. It's helpful. Is there anybody else who wishes to speak against this Petition? Yes, ma'am.

S. Mitchell: One thing I forgot to mention, I'm sorry, um . . .

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Dillberger: Oh, would you identify yourself just so the recording knows who you are.

S. Mitchell: Yes John. Thank you for reminding me. My name is Sherrie Mitchell. I live on West Robertson Road. Um, I had a Facebook conversation and I did send a, uh, screenshot of that conversation I had with Christine on the internet. And in that conversation, we're talking about how one of the neighbors had their, the neighbor said that the mirror was ripped off the side of their truck. Um, Chris says that it was a scratch. Neither, it doesn't matter what the damage was, the fact remains that those two vehicles touched on that road.

Dillberger: OK. Alright. That's, no, I don't think there is anything more for us to get that's going to be helpful for you guys, debating this. Thank you. Is that, is that everybody who wishes to speak against we've heard from? OK. Well, I think I'll bring it back to the Board then for a discussion and if you have any questions for the Petitioner or anybody else who's given us comment, that's fine too.

Brown: This has been going on for years, apparently, so.

Dillberger: Yes, this is not a, this is not a new fact of life having a logging operation at the end of one of the side roads off Robertson Road. That's not new.

Gore: What's the speed limit on that road now?

Ritzmann: 40. 40. It is on all County roads.

Bartes: Same as on all County roads unless it is posted otherwise.

Brown: The request before the Commissioners is to reduce it to what?

Ritzmann: 30 I believe. Is that right Sherrie?

S. Mitchell: Yeah, but they haven't done anything.

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Brown: So, is there a vote on the agenda any time soon?

Ritzmann: It's in process. The Highway Department, the Superintendent actually has to deal with the State on getting permission to reduce it. But it does seem to be in the works. The will is there. The Commissioners are willing to do that, to have it done. But it has to be done through the Highway Department.

Dillberger: OK. That would take care of the dump trucks and the heavy equipment and, ah, school buses and, ah, the duallies and everybody would be down to 30 if they abide by it.

Ritzmann: If they abide by it. Yeah.

Dillberger: Got it. So, it might happen.

Bartes: So, full disclosure. I live on Richardson Drive.

Dillberger: We heard about that.

Bartes: So you knew that. And so, I'm one of the neighbors.

Dillberger: Right.

Bartes: So, my feelings are, are a lot like Barry Herring's. I've never had any issues with these guys. They're really great neighbors. And, they've plowed my driveway and I would have been stuck too, had they not. And, they, my husband has not been well and they came a cut a couple of trees for us. And I had to chase them down a couple times to try to give them money for helping us out. I only, the only thing I would say though is it seems like the business has grown and that there are, is a lot more industrial traffic. And it's a one, it's a dead end road. It's like, there is only one way in and one way out.

Dillberger: Right.

Bartes: And there is a lot of residents there. And I have met kids on bikes, personally. You know. And a lady that's, pushes her stroller and she's got two kids running behind her. And there is not really room on the road you could see to get over. And there is dog walkers. And, that. So, I, you know, I've never had any incident where they've run me off the road or. And I have met the log trucks, and they stop and I go by. Um, so I have to say that, you know, my personal encounters have been they're very respectful but I do worry about, it is a neighborhood. It's a neighborhood. And we're, and if we say, you know, give 'em the green light to do lots of trucks what does that do to the, to the neighborhood?

Dillberger: OK. Alright. Makes sense. Thanks for sharing that.

Gore: I have an issue changing the zoning because once we do that it is forever, no matter who owns that property. I know they've owned it for a long time. But, ah, once we change the zoning, that doesn't go with the owner. It goes with property.

Ritzmann: Right. It's not really a zoning change though. It's just a special exception.

Gore: Well.

Ritzmann: But it does stay with the property.

Gore: Yeah, same way.

Dillberger: And, well, let me, let me see if, Buzz, do you have anything you want to add?

King: No. I am really torn between the two issues so we'll see how it ends up.

Dillberger: Well, I, I too am torn. I mean, I, like Jane I, you know, the Zoning Ordinance including the special exception provisions in it is a really blunt instrument to address something like this. Um, my concern would be

not so much the continued operation of the current business or even whether it would, you know, the traffic would reduce or increase some because of the seasonality or the year to year changes in the business. But, if we were to grant a special exception for general business is it possible for us to limit it to a specific sort of business?

Ritzmann: You can attach conditions. Yes.

Schilling: Yeah. I believe that the application is for a specific type of business and it's site-plan specific. So, if they wanted to increase any structures or anything like that that are used in that, they would need to come back and get an amended special exception.

Dillberger: OK.

King: I have a question for the lawyer. Several years ago, I was on the Board, maybe 20 or 30 years ago. Seems to me we can make a motion that includes a recommendation to the County to lower a speed limit for instance or to do this or that. Is that our prerogative? Can we suggest? We can't require but we can make a request?

Schilling: Well, I, I guess the BZA, um, that, that doesn't seem like something the BZA could do. Any member could . . .

King: So it's the Plan Commission? I know we've done it some way before but not, maybe not the BZA. Maybe it was the Plan Commission. OK.

Dillberger: OK. So, Dave, just so I'm clear, you're saying that in your mind you believe that the request is for a special exception with a particular site plan doing a particular sort of industrial use.

Schilling: Right. That is what the application is for. And, and the Chapter 6 that talks about special exceptions says you're supposed to show all the structures and that's, that's the site plan approval. And, and, you, you're required to make findings based on what is presented to you. So, they couldn't change it to some other use which would involve criteria, or other

factors or characteristics that weren't presented to you. Because, your decision, if you say we're going to approve it your decision would be saying as presented it doesn't create harm. But if something changed, that, that might be different. So, that's why I believe it is further limited to what's presented to you.

Dillberger: Alright.

Bartes: Should I abstain from voting on this?

Schilling: Um, Debbie, if you are typically if you are have received a green card, then we would encourage you to do that. But . . .

Bartes: Yeah. No.

Schilling: OK. Just, I mean, just having knowledge of the neighborhood and the County is, is one of the reasons why you are on the Board. So, it's just a personal, pecuniary or financial interest. So, if it were going to harm the value of your particular property then . . .

Bartes: Yeah.

Dillberger: Alright. I guess my personal feeling is that we are being asked to, ah, bring an existing business that's been in operation for a while into compliance with our Zoning Ordinance. Um, I understand that the business involves bringing a lot of heavy trucks up and down this road. But it is not the only thing that brings heavy trucks up and down this road. I don't think this road is any better or worse than the rest of the County. Um, maybe better than many. Um, I don't know. I, I am inclined to approve it. But, that's where I am.

Brown: I am inclined to approve it as well.

Gore: If we don't allow it, they continue to operate out of compliance the way I see it.

Dillberger: That's the way I see it too.

Gore: And, and we're not in the business of putting people out of business.

Dillberger: No.

Bartes: I have one question for the Petitioners. Can I do that?

Gore: I wasn't really finished.

Gore: I wasn't really finished. So, um, I . . . you made me lose my train of thought . . .

Bartes: I'm Sorry.

Gore: So I, um, you know as much as I feel for the neighbors, and I mean if there was some way, we could, we could encourage the Commissioners to also allow the reduction in the speed limit it would help the situation. Because I really think that's necessary in this case. But, um, so I, as I said we are not in the business of putting people out of business. And, so I guess that's my . . .

Ritzmann: If I may clarify. I spoke with Commissioner Biddle and she assured me that the Commissioners are behind changing the speed limit, reducing the speed limit to 30. But that it, the procedure has to go through the Highway Superintendent and he is talking to the State about doing that. But the State has to approve that. I guess West Robertson Road is on the State inventory.

Dillberger: Ah, I wondered about that. OK. Alright. Well, I still like Buzz's idea of our going on the record as encouraging the Commissioners to pursue this. I don't see anything wrong with that. I don't think that needs to be part of this special exception. That can just be a separate business item that we take up here.

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Bartes: I, you just blew my mind. Did you just say West Robertson Road is on the State inventory? It's not a County road?

Ritzmann: It's a County road, but the State supports County roads with funds and so then it's on their inventory.

Bartes: Oh. OK. Alright. Thank you.

Schilling: There is, there is, there is a presumption that, that, ah, county, the speed limit on a county road is going to be – I thought it was 55 – unless there were special conditions that justified lowering it. And, those have to be based on engineering and so forth. So . . .

King: No, I think it's 40, it's 40. It's not 55.

Bartes: 40.

Ritzmann: It is in Brown County. But yeah.

Schilling: OK.

Bartes: May I ask the Petitioners a question?

Dillberger: Yes.

Bartes: OK. It, it, do you, do you guys have any property that would be on the highway that you could stage logs.

T. Buccos: No.

C. Buccos: They don't bring them home all the time. It's only when they cut timber and there's no yard there.

T. Buccos: There is no room to stack 'em and sell 'em at the, at the site.

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C. Buccos: So they bring them home to the yard and then they mark 'em out.

T. Buccos: So, there's, I mean one week there may be one truck, and then, you know, another week there may be 5 trucks in one day. But then we can go months with nothing. It just, it just depends on the job and the weather.

Ch. Buccos: Especially in the summertime, we don't like bringing our logs back to the yard when it's that hot because they, they get stained, and they're pretty much ruined. So if we can keep the logs where we're working as much as we can. So that way they're in the shade and they don't get. I mean, it, it can make a big difference if they get stained. I mean that's, that's the worst part about it. And, up there, there is no shade. Up there at the shop where we lay everything out. So, it's just. We try to do what we can.

Dillberger: OK. Does anybody want to make a motion?

Brown: I make a motion that we approve docket number 20-SE-02 for a special exception for indus, general industrial use.

Dillberger: Um, OK. And Dave's already opined that, ah, general industrial use means the specific industrial use that is existing on the property and that has been described to us tonight. Do I have a second?

Gore: I'll, I'll second.

Dillberger: OK. I have a motion to approve that's been seconded. Ah, may I have a roll-call vote please?

Robertson: John Dillberger?

Dillberger: Yes.

Robertson: Debbie Bartes?

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Bartes: I'm gonna abstain.

Robertson: Darla Brown?

Brown: Yes.

Robertson: Jane Gore?

Gore: Yes.

Robertson: Buzz King?

King: Yes.

Dillberger: Alright. Your request for special exception's been granted.

C. Buccos: Thank you.

Dillberger: That, ah, that takes care of what was on our agenda tonight. Um . . .

Ritzmann: It does.

Brown: I have a small discussion item.

Ritzmann: Yes.

Brown: When we're voting, can we have Kayla just shake up the order that we're voting in so that Buzz isn't always voting last?

Dillberger: And I am not always voting first.

Brown: Yeah, because if it is a split vote, the poor guy that votes last is in the hot seat. So just change the order.

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Ritzmann: That's why we made you sit there Buzz.

King: It's a, It's a terrible burden.

Dillberger: If you'd ah, yeah, if you'd just.

King: Yes. Well, in years past, we always made the Chairman last.

Ritzmann: Yeah.

Dillberger: While I've got everybody here, would you like to, ah, to a make a motion that we ask Chris or Kayla to draft a letter. Just a short letter to the Commissioners expressing our support for the . . .

Gore: Yeah, great idea.

King: Well, and a copy of the minutes would help.

Dillberger: Yep.

Brown: So moved.

King: All in favor. Aye.

Brown: Aye.

Gore: Aye.

Bartes: Aye.

Dillberger: Yes. Tell them we think it is a good idea and here's the minutes.

King: 40 is pretty fast for a logging truck.

Dillberger: Yeah. It's pretty fast for a school bus.

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King: Well, it's interesting, that in front of my house in town they have to take the combines down my street to get to Tilton fields. And, ah, sometimes I have to go out and move my cars. It's so wide. It's just, it's just part of living here.

Dillberger: It is. Ah, is there any other discussion items tonight? Nope. Alright. Ah, I'd entertain a motion to adjourn.

King: So moved.

Dillberger: All those in favor:

All: Aye.

King: I thank you all.

Dillberger: Adjourned.

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John Dillberger, President

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Kayla Robertson, Secretary