

MINUTES
CHURUBUSCO BOARD OF ZONING APPEALS
REGULAR MEETING
THURSDAY, JUNE 20, 2019
7:30 P.M.

CHURUBUSCO TOWN HALL
215 Home Avenue, Churubusco

MEMBERS PRESENT

Paula Grawcock, Vice Chairman
David Crabill
Brenda Saggars

STAFF

Amanda Thompson

MEMBER ABSENT

Alan Malcolm
Miles Wilson

VISITORS

Seventeen visitors signed the Guest List at the June 20, 2019, Churubusco Board of Zoning Appeals meeting. A Guest List is included with the minutes of this meeting.

CALL TO ORDER

Ms. Grawcock called the meeting to order at 7:30 p.m.

ROLL CALL

Ms. Thompson read the roll with those members present and absent listed above.

ELECTION OF 2019 BOARD OF ZONING APPEALS OFFICERS

Mr. Crabill made a motion nominating Ms. Grawcock as Chairman. Ms. Saggars gave the second. Ms. Saggars nominated Mr. Crabill as Vice Chairman, and Ms. Grawcock gave the second. The members voted unanimously to approve both motions. The 2019 officers are: Paula Grawcock, Chairman, and David Crabill, Vice Chairman.

CONSIDERATION AND ADOPTION OF THE DECEMBER 20, 2018, REGULAR MEETING MINUTES

Ms. Thompson informed the Board that the December minutes were not yet available and would be considered at the next meeting.

ADMINISTRATION OF THE OATH TO WITNESSES

Ms. Thompson administered the Oath to potential witnesses.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Ms. Grawcock announced that the first three petitions would be considered together.

1. 19-CH-SE-1

H & W Property Management, LLC, requested a Special Exception to allow assembly in the GB, General Business District at 116 S. Main Street, Churubusco.

2. 19-CH-SE-2

H & W Property Management, LLC, requested a Special Exception to allow manufacturing and assembly in the GB, General Business District at 121 S. Mulberry Street, Churubusco.

3. 19-CH-SE-3

H & W Property Management, LLC, requested a Special Exception to allow wood finishing in the GB, General Business District at 120 S. Main Street, Churubusco.

Ms. Thompson referred to the Staff Report and summarized the Review Criteria and Suggested Conditions of Approval. She recommended that the Board make a separate motion for each case, despite hearing the cases together. With no questions for Ms. Thompson, the Board invited the petitioner to speak. Wayne Gibson of H & W Property Management was present. Mr. Gibson introduced the tenant for 116 S. Main Street, John Smithson, whose business (Magnum Professional Imaging, LLC) rebuilds medical device machines such as x-rays and MRIs. Mr. Gibson said 120 S. Main Street is currently his personal office space, but he has plans for a woodworking business to become established at this location. He explained his goal to create log furniture and other specialty wood items. As for 121 S. Mulberry Street, Mr. Gibson was not sure exactly what use he would have for this property. He said the building currently houses a machine that treats wood trim, but he will likely secure another tenant. Mr. Gibson stated that he had done a lot of work on the outside of the buildings to make them look more appealing, and he was disappointed in the Staff Report's comment that no external changes were noted.

Roger Allman, a neighbor, testified that he had no complaints about sound or anything else with the businesses so far. Mr. Crabill voiced that he had no doubt Mr. Gibson would keep the properties and businesses well maintained. There was no one else who wished to speak, so the public portion of the meeting was closed. Mr. Crabill made a motion to accept 19-CH-SE-1 as presented and with the conditions stated in the Staff Report. Ms. Grawcock gave the second, and the members voted unanimously to carry the motion. Mr. Crabill made a motion to accept 19-CH-SE-2 as presented and with the conditions stated in the Staff Report. Ms. Saggars gave the second, and the members voted unanimously in favor of the motion. Mr. Crabill made a motion to accept 19-CH-SE-3 as presented and

with the conditions stated in the Staff Report. Ms. Saggars gave the second, and the members voted unanimously to carry the motion.

4. 19-CH-VAR-1

H & W Property Management, LLC, requested a Variance of the Parking Code at 116, 118, & 120 S. Main Street and 110, 115, & 121 S. Mulberry Street. Ms. Thompson explained that because the properties were contiguous and owned by the same entity, Staff felt it appropriate to consider the area as a single development. She referenced the Staff Report and described that by the Code's calculation, 118 off-street parking spaces would be required while only 41 spaces were available. Ms. Thompson pointed out that the requirement seemed excessive when considering the number of employees at each location and the fact that few of the businesses would have customers on-site. The members considered the Review Criteria and requested to hear from the petitioner.

Mr. Crabill asked the public if anyone had any concerns about increased traffic or traffic related noise. Ms. Thompson witnessed several people in the audience indicate and voice that they had no such complaints. Mr. Gibson asked those present if they had any issues finding places to park in the area. Several individuals stated they had no issues. Mr. Gibson explained that he and his tenants were concerned about some traffic travelling between his buildings on the non-public alley. For the safety of the employees, he said he may place a barricade of some sort to deter drivers. He added that if a need for additional parking would arise, he may consider creating spaces on his property at 115 W. Whitley Street, which is currently vacant. No one else present wished to speak, so Ms. Grawcock closed the public portion of the meeting. After a brief discussion, Ms. Saggars made a motion to approve the petition as presented. Mr. Crabill gave the second, and the Board voted unanimously to carry the motion.

5. 19-CH-VAR-2

Stahlhut Yarde, LLC, requested a modification of the conditions of their previous Variance approval (17-CH-VAR-1) at 3640 & 3660 N. US 33. Ms. Thompson referenced the Staff Report and described that the slaughterhouse and meat market had been operational since the end of 2018. She explained that the petitioner had discovered that two of the conditions of their previous approval were causing a hardship to their business. They requested modifications to the conditions regarding the number of hours that live animals could be kept on-site, the number of times that animals would be permitted on-site overnight, and their hours of operation. Ms. Thompson directed the Board's attention to the Review Criteria and the suggested conditions of approval. She noted that Staff recommended the Board make separate motions for the petition request and the findings of fact.

The Board invited the petitioner to speak. Terry Yarde, co-owner of Stahlhut Yarde, was present. He explained that customers who work during the day had communicated a hardship of being able to deliver animals within the business' allowed time frame. To accommodate the needs of these customers, Mr. Yarde requested extending the hours of operation 2 hours, from 6:00 p.m. to 8:00 p.m. and allowing more overnight holding of animals to account for the late drop-offs. He stated they would not be changing the

slaughtering hours or the way they do business, but only allowing extra time to schedule drop-offs and manage animals. Mr. Yarde added that more overnight holding would also help his business by creating work for his employees at the start of their shifts whereas currently, they often arrive and find they have no deliveries to process. He also stated that evening drop-offs are preferred by customers, especially in the winter, when early morning loading and drop-off is more hazardous due to the lack of sunlight. Mr. Yarde referenced photos he had provided to demonstrate the security of the animals and cleanliness of the business. He commented that he provided these images in hopes of addressing some of the concerns the public had expressed at the hearing of 17-CH-VAR-1.

Roger Stahlhut, co-owner of Stahlhut Yarde, was also present. He added that the current hours of operation have their schedule backed up 4-5 months because so many customers have requested the latest drop-off time slots, and those animals have to be held overnight, which is currently limited to occurring just once each month. Rob Schuman, a customer of the establishment, spoke on behalf of the petition and testified that the business was a tremendous benefit to the Town and County. Gabe Hancock, another customer, agreed with Mr. Schuman and explained to the Board how the current limitations negatively affect his ability to do business. He added that this slaughterhouse is the best operation he's interacted with.

Aaron Mathieu addressed the Board and stated that he did not feel the business had respected the health and well-being of the community. He presented cards to attest that his children were diagnosed with hereditary hemorrhagic telangiectasia (HHT), and he testified that their condition is affected by their environment. Mr. Mathieu said the noise from the slaughterhouse's air conditioning units prevents his children from sleeping through the night. Maritza Mathieu commented that the business is not a benefit to the community. She said it was unfair that the Board allowed this use when a majority of the neighbors spoke against the request. Mr. Mathieu spoke against extending the hours of operation and stated that his kids already hear noises from the business when they get up for school. He said this type of use should not exist adjacent to a residential area.

Brenda Johnson told the Board that from her deck, she could see the "gut truck" being dumped. She said this was because the Board had turned down a request for the property to have a 10' fence. She added that the lights from the slaughterhouse prevent her from being able to see the stars at night. Ms. Johnson supported Mr. Mathieu's concerns about the noise from the air conditioning unit. Jim Johnson agreed and said the Board should not consider allowing an unwelcome business to expand. Mr. Stahlhut mentioned that the lights on the building were all existing when they took ownership of the property. Ms. Johnson said the lights were blocked by a building that has since been demolished.

Nancy Wright told the Board that the slaughterhouse's staff usually doesn't arrive until 7:30 or 8:00 a.m. She said no one is there at 6:00 a.m. waiting to work. Mr. Yarde replied that there is no reason to arrive at 6:00 a.m. when there are no animals there. He said he brings a work crew with him when he arrives at 7:00 a.m. every day.

Mr. Pankop voiced that he had not heard any comments regarding the request for extended drop-off time and overnight holding. Mr. Johnson explained that the neighbors were asking for the Board to be considerate of their concerns. The public further described what they can see of the business operations from their properties, which mainly referenced the “gut truck.” Wendy Stahlhut requested that the discussion be directed to the matter at hand. Ms. Johnson requested that the lights be dimmed. Mr. Yarde said he would look into putting the lights on motion sensors. He invited the neighbors to discuss concerns with him on the property.

Bob Pankop spoke and reminded those present that the slaughterhouse and processing operations in Columbia City have existed in residential areas for many years. He said the slaughterhouse is open 24 hours a day. Mr. Yarde said of all the slaughterhouses he spoke with, his is the only one that has restrictions on overnight animals.

Mr. Crabill said his concern was regarding regulation. He asked how the Board could ensure the business was following the conditions. Mr. Yarde agreed that because the operation is enclosed and because the building holds in sound, it would be difficult for anyone to monitor. Mr. Crabill asked if anyone present had heard any animals. Several members of the public stated that they occasionally hear the animals being unloaded, but otherwise, there are no animal noises. Ms. Thompson responded to Mr. Crabill’s question about regulation. She described that if anyone felt the conditions were not being upheld, they should discuss the issues with the Planning Department, and the Department would investigate. Mr. Mathieu stated that he had expressed concern about the air conditioning units, and Mr. Bilger did come out but didn’t hear the noise. Mr. Mathieu said there was other loud noise from industrial equipment in the area at the time. He told Mr. Bilger to visit at a different time of day, but he did not return. Mr. Mathieu said the highway traffic is much quieter than the A/C units. Mr. Johnson stated he could hear the units at his house as well. Mr. Mathieu added that he had decimal readings he would present to the Department. There were no additional comments, so Ms. Grawcock closed the public portion of the meeting.

Mr. Crabill stressed that the Board wanted a good situation for everyone. Ms. Saggars noted that the petitioner filed for this modification request when they probably could have made the changes without anyone knowing; it seemed they wanted to do the right thing. After a brief discussion, Mr. Crabill made a motion to accept the petition as presented and with the conditions stated in the Staff Report. Ms. Saggars gave the second, and the members voted unanimously to carry the motion. Mr. Crabill made a motion to approve the Findings of Fact as presented. Ms. Grawcock gave the second, and the members voted unanimously in favor of the motion.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

There being no further discussion, Ms. Grawcock made a motion to adjourn, Ms. Saggars gave the second, and with a unanimous vote, the meeting was adjourned at 8:34 p.m.

GUEST LIST

1. Aaron Mathieu ----- 9250 E. 375 North, Churubusco
2. Maritza Mathieu ----- 9250 E. 375 North, Churubusco
3. Gary Hoffman ----- 5375 E. Chapine Road, Columbia City
4. Rob Schuman ----- 3345 N. 350 East, Columbia City
5. Roger Stahlhut ----- 9626 W. Washington Center Road, Fort Wayne
6. Terry Yarde ----- 0523 CR 54, Garrett
7. Gabe Pankop ----- 3568 E. 500 South, Churubusco
8. Nancy Wright ----- 3599 N. US 33, Churubusco
9. Bob Pankop ----- 8090 Anderson Road, Churubusco
10. Carol Allman ----- 124 S. Mulberry Street, Churubusco
11. Roger Allman ----- 124 S. Mulberry Street, Churubusco
12. Wayne Gibson ----- 120 S. Mulberry Street, Churubusco
13. Sue Arnold ----- 109 W. Whitley Street, Churubusco
14. Jim Johnson ----- 9304 E. 375 North, Churubusco
15. Brenda Johnson ----- 9304 E. 375 North, Churubusco
16. Herb Anderson ----- 4268 S. 50 West, Albion
17. Nelson Arnold ----- 109 S. Whitley Street, Churubusco

DID NOT SIGN

18. John Smithson (Magnum Professional Imaging, LLC)
19. Wendy Stahlhut