

**Decatur County Board of Zoning Appeals Minutes**  
**Decatur County Courthouse**  
**150 Courthouse Square**  
**Meeting Room**

The regular scheduled meeting of the Decatur County Board of Zoning Appeals was convened at 7:03 p.m. on Wednesday, February 5, 2020 at the Decatur County Courthouse. The meeting was called to order by Jay Hatton. There were 4 board members were present, absent was Paul Stone. Also attending the meeting was Krista Duvall – Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

Jay Hatton called the meeting to order and read the following; *to comply with Title VI of the Civil Rights Act of 1964, Decatur County requests that participants in this meeting complete a voluntary, anonymous survey that is available on the table in the back of the room.*

The minutes of the December 4, 2019 regularly scheduled BZA monthly meeting were approved as mailed.

**\* Election of Officers for 2020**

Krista Duvall opened the floor for nominations of the following:

President: Jay Hatton nominated Paul Stone; Joyce Brindley seconded

Vice-President: Janey Livingston nominated Jay Hatton; Joyce Brindley seconded

Secretary: Jay Hatton nominated Gary Fischer; Janey Livingston seconded

With no other nominations from the floor a vote was taken for each office and all members present voted unanimously in favor of the nominations. The elections of officers was then closed.

**\* BZA Petition 2018-10 – Vacuum Services of Indiana/William Corya** is requesting a **“Special Exception”** as provided in the Decatur County Zoning Ordinance Section # **1206** for fuel storage and agricultural chemical storage on this property. The property is owned the petitioner and is located at County Road 866 S CR 350 W, Greensburg in **Washington Township**.

Bill Corya stated that they had rezoned the 14 acres of the property to industrial. We currently operate our vacuum truck business out of there which also has a large agricultural component. As part of the zoning, I was not aware that it required a special exception to store fuel on your property, as we use a large amount of diesel, approx. 70,000 gallons a year in our trucking business we intend to store diesel and be able to fuel there at night. That is the request, we will store both on and off road diesel.

**Jay**; what size tanks are you thinking about putting on this property? **Bill**; most likely 10,000 gallon tanks that seems to be the cutoff point to be able to buy a tanker load and what you can afford as far as a tank. **Jay**; how many fuel tanks total? **Bill**; at this point I don't have an exact plan but what I am contemplating currently is 2 tanks, one for on road and one for off road. **Jay**;

is there a standard for you to follow on this property because of the zoning as to how close those tanks can be to your buildings? **Bill**; I have not researched that because I didn't have permission to store the tanks yet, I would have to follow whatever the state standard is for industrial property. **Jay**; and will that be a dike structure? **Bill**; I think we will have the option of double wall or dike, we would definitely install a fueling pad when we put fuel into the trucks. **Jay**; the agricultural chemical storage, what does that look like? **Bill**; that is really just anticipating..... we are fairly integrated with my parents ag business, now that we have a new facility I see that blending back and forth with them, it will likely be storage of their chemicals as needed, there is no permanent storage contemplated, it will just be seasonal usage storage. **Jay**; so would that be in a dike structure as well? **Bill**; it would just be the totes, not dike structure. Just a typically agriculture use. **Jay**; is the storage tanks are over 25,000 gallons they would have to be diked as well. **Bill**; I don't have any intention of that, it's just a matter of getting in a shipment and it would be easier to unload it at my facility versus at my parents farm. I have no intention of putting tank storage in of ag chemicals. **Jay**; I understand. At one time you were talking about storage tanks for commodities that you were hauling in your tanker trucks..... **Bill**; we previously, we are not currently doing it, but as part of our business we react to a lot of things, one thing being trucking liquid cattle feed, when that becomes available it becomes available in very large quantities so when you go get it and you store it and then you distribute it. Right now we don't have that activity, I wish we did because it is fairly lucrative. We don't have any current plan to install tanks for that purpose. **Jay**; will this permitting that we are hearing Krista, will it cover all of his needs? Will he have to come back? Krista; it will be IDEM permitting. **Jay**; so it will be IDEM regulated at that time? **Krista**; yes and that's just for the chemical storage and the fuel storage. **Jay**; this is agriculture chemicals, what if he is storing industrial chemicals?

**Joyce**; if you double your fleet, will you just go through IDEM? **Bill**; I think that that is what Krista said. **Janey**; initially you said that you thought about 70,000 gallon and now you are saying two 10,000 gallon tanks, that is 20,000. **Bill**; I was kind of put on the spot to react and I didn't..... realistically you are buying a tanker load, you need enough room to get it in and you don't want to be totally empty so I can't imagine that we would have 4 or 5 of these tanks. **Joyce**; not all will be put in there if you are out you may have to buy some on the road. **Bill**; we buy a lot at fuel stations on the road. **Jay**; you are buying throughout the year, when your tank gets low you have to order. You never want to be out, you need a 30 day window to get your fuel in. **Bill**; I don't know when.... this may be a question for Krista, but approvals strictly based off of the number of tanks or the size, we have opportunities where people may just give us a tank, they may say that they just want their tank gone and that could happen to be a 15,000 gallon tank, it wouldn't be what we would buy if we bought it new. **Jay**; I'm not trying to pin you to anything I'm just trying to gather more information since we record these meetings and if we have to reflect back or someone asks a question we can refer back to our minutes versus just saying that we have no questions. **Gary**; you say agriculture chemical storage, is there a difference between ag chemical storage and dispensing that, kind of like if you go to your local co-op or Crop Production Services, they have totes that they are metering out into their spray rigs and things. **Bill**; for me really the whole thing was if we would maybe just receive chemicals for my parents farming business. I don't want to do what KOVA does and don't have the ability to do what they do. As I read what was required I decided that I don't want to get myself hung up on technicalities, someone sees a flatbed or box truck unloading something that says Round-up on it, I wanted to make sure I was clear on what I could conceivably do. **Krista**; the special exception the ordinance calls out fuel storage and agricultural chemicals. **Jay**; so as a possibility of special exceptions..... (read Section 1206 of the Ordinance). So we are approving a general term that we are approving him is to have fuel storage and other storage. The county has no way

to regulate that other than to grant the special exception and then count on IDEM and other State authorities to certify the diking and so forth. **Krista**; if he is going to get into processing fertilizer or doing some manufacturing of these chemicals then that moves him into I-2 or I-3 zoning, right now his zoning of I-1 with some fuel and chemical storage that he is using there with IDEM's oversight. **Jay**; I can see where he can be an asset to a farm, say if I have a chemical spill, my trailer turned over and I dump round-up out he has a vacuum service that would come and clean that out so he will have some containers of this that they.....is that right? **Bill**; that is a good example because we clean tanks for Kova and put them in totes, generally it stays there to be hauled away but occasionally the shipping just works better if it lands at our facility briefly, it is not permanent storage, it's just something that we collected for the. **Jay**; so with the size of your facility and the drainage that will all be taken care of through the state regulations as far as how that will take care of itself.

Gary Fischer made a motion to vote on APC 2018-10; Joyce Brindley seconded the motion with all 4 members present voting yes. **Jay**; you are approved with your petition, keep us informed of what is going on out there.

With no other business to be brought before the board the meeting was adjourned at 7:21 p.m.

Decatur County Board of Zoning Appeal

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Secretary, Gary Fischer

Decatur County Area Plan Commission

ATTEST:

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Paul Stone, President     Decatur County Board of Zoning Appeals