

MINUTES OF THE HOWARD COUNTY BOARD OF ZONING APPEALS MEETING HELD
TUESDAY, JUNE 23, 2020 AT THE KOKOMO EVENT AND CONFERENCE CENTER

MEMBERS PRESENT

Richard Byrum
Mike Imbler
Frank Faulkner
Greg Sullivan
Jeff Miller

MEMBERS ABSENT

OTHERS PRESENT

Greg Sheline, Executive
Director
Alan Wilson, Attorney
Dianne Trobaugh, Secretary

The meeting was called to order at 7:00 p.m. by Mr. Imbler.

The first item on the agenda was the approval of the minutes from the meeting held February 25, 2020. Mr. Faulkner moved to approve the minutes as presented, Mr. Byrum seconded, and the motion carried unanimously.

Case 2-CS-20: The public hearing of **Valley of Grace** requesting a **Special Exception Permit in order to establish a 90 day addiction recovery center (HCZO Sec. 2.23) in an IS (Institutional Uses) zone**, on property described as Part of the Southwest Quarter of Section 1, Township 24 North, Range 4 East, Howard Township, Kokomo, Howard County, Indiana, at **5254 N 500 E**.

Mr. Joey Bennett, 4604 Mayfield Dr., Kokomo, was present in the audience and addressed the members on behalf of Valley of Grace. Mr. Bennett said that their organization wishes to operate a 90-day non-medicated addiction recovery facility.

Mr. Bennett told the members that he and his wife felt called to start such a facility in Howard County and that they have been ministering to the community since 2017. Mr. Bennett said that Valley of Grace is registered as a 501(3)(C) organization and that Home of Grace, an addiction recovery facility in Vancleave, MS is their model. Mr. Bennett stated that Valley of Grace has given 60 scholarships to Home of Grace and that they have sent a total of 90 people from Howard County to Mississippi for treatment.

Mr. Bennett said that the program is faith-based, voluntary, and non-medicated and that participants are detoxed at a medical facility and have passed background checks prior to being accepted into the program.

Mr. Bennett stated that residents undergo regular drug tests and are not permitted to receive or make phone calls until six to nine weeks into the program. Mr. Bennett said that the facility will

have a zero tolerance dismissal policy and that there will be full-time paid staff and security.

Mr. Bennett said that because participation is voluntary, should a resident wish to leave the program the staff will assist them with transportation to Kokomo.

Mr. Bennett told the members that the property is situated a quarter of a mile off the road in a rural setting. Mr. Bennett advised that they will have to install wiring and electricity to the house but they will not change the setting.

Mr. Bennett stated that they will install security cameras and an alarm system for the safety of their clients. Mr. Bennett advised that the Home of Grace in Mississippi houses 127 men and there have been 81 EMS and sheriff's department calls over the past 27 months. Mr. Bennett clarified that Valley of Grace will have only 10 residents for some years to come, and stated his view that the facility will have minimal impact on the surrounding area.

Mr. Bennett said they wish to locate their facility in a rural setting rather than an urban area because being away from the noise and distractions of the city helps produce a sense of safety and security for their residents.

Mr. Bennet advised that Shawn Haus, chief deputy coroner for Howard County, told him that deaths from drug overdoses in 2020 year to date are on track to surpass those in 2017, which until now was the all-time high. Mr. Bennett stated his view that the need for facilities such as this is obvious and that the only disagreement is on where they should be located.

Mr. Bennett said that there are three churches and a Mennonite school within three miles of the proposed location.

Mr. Faulkner said that he has known Mr. Bennett for a while and that he has heard about Valley of Grace. Mr. Faulkner asked Mr. Bennett if he believes that the proposed facility will be viable if they have only 10 clients.

Mr. Bennett said that the minimum number required for viability is 10 to 12 clients and that they will need to expand eventually but that such an expansion is years down the road.

Mr. Faulkner asked whether the septic system at the site is adequate for 10 clients plus the staff. Mr. Bennett advised that the septic system is fairly new and that he has verified with the Howard County Health Department that it is adequate for 12

residents. Mr. Bennett clarified that when they expand beyond that number they will install a Presby system and follow all county and state requirements for large scale septic systems.

Mr. Faulkner asked Mr. Bennett what Valley of Grace would do if a prospective client said that he could only commit to 30 days rather than 90. Mr. Bennett stated that he would tell such a person that this is not the program for him.

Mr. Miller asked Mr. Bennett if his understanding from the June 16th Plan Commission meeting that there will be only one staff member present at night. Mr. Bennett said that that was not correct and that there will two or three staff members present evenings and weekends.

Mr. Miller expressed his concern about whether expanding the facility to house 60 men is realistic. Mr. Bennett said that that number is years in the future, and he clarified that they do not wish to expand until they are certain that they can serve 12 men well.

Mr. Miller asked whether Valley of Grace will come back before the Board prior to expanding, and Mr. Bennett said that they will.

Mr. Imbler expressed his own reservations about expanding to 60 men, and Mr. Bennett reiterated that such an expansion is years down the road.

Mr. Miller said that he drove by to view the property, and he said that it is quite a distance from the road. Mr. Miller asked Mr. Bennett how many clients walk away from Home of Grace. Mr. Bennett said that there are very few.

Mr. Imbler asked how often they plan to do a roll call or bed check. Mr. Bennett advised that they will do them morning and night and will call everyone's names at meals.

Mr. Miller stated his preference that the special exception permit, if granted, specify the number of clients the facility may house at one time.

Mr. Imbler expressed his opinion that security is never 100 percent unless the clients are locked up, and he said that even then some may escape.

Mr. Sullivan said that he read that it costs taxpayers \$24,000 per year to incarcerate someone, while facilities such as the one being proposed cost taxpayers nothing. Mr. Sullivan asked Mr.

Bennet what their process is for someone who really wants to leave the program but has no local family support. Mr. Bennett advised that they would refer the person to Turning Point or to the Housing Authority. Mr. Bennett clarified that part of their plan for their clients' aftercare is to help them join a church and establish new lives.

Mr. Sullivan asked Mr. Bennett what will happen if a person wishes to quit the program but has nowhere to go. Mr. Bennett said that they partner with the Rescue Mission, Coordinated Area Ministries (CAM), and other such facilities.

Mr. Imbler asked Mr. Bennett if their zero tolerance policy applies to sex addicts. Mr. Bennett stated that they will not admit sex offenders or violent offenders of any kind. Mr. Bennett said that there are eight registered sex offenders currently living in Howard Township.

Mr. Sheline advised that before Valley of Grace can expand they will have to go before the Howard County Plan Commission to get site plan, drainage, and septic system expansion approvals.

Mr. Sheline stated that if the Board of Zoning Appeals grants the special exception to Valley of Grace, the burden of proof that the facility is being run the way they said it will is on the petitioner. Mr. Sheline clarified that if the special exception is granted it can also be revoked if the Board so chooses.

Mr. Faulkner asked Mr. Bennett how easy or difficult it is for clients to self-eliminate themselves and walk away. Mr. Bennet said that they do not want people to quit the program and that they do their best to encourage them to stay.

Mr. Faulkner asked how Valley of Grace would handle someone who replaces an addiction to alcohol or drugs with an addiction to running six miles per day. Mr. Bennett said that nobody will run to the Kokomo Airport but instead will do six laps around the pasture.

Mr. Bennett read the petitioners' findings of fact, which are as follows:

Petitioner's findings of fact

- a. The proposal will not be injurious to the public health, safety, morals, and general welfare of the community.
 - *The valley of Grace will create a positive impact to the surrounding area by promoting healthy and responsible living. We believe that addition is not*

discriminatory and is prevalent everywhere. Therefore we will promote a safe and secluded environment for those in the program as well as those in the surrounding area.

- b. The requirements and development standards for the requested use as prescribed by this Zoning Ordinance will be met.
 - Our facility will be compatible with the land structure. We will accommodate accordingly to satisfy the required standards when we prepare to establish our facility.
- c. The granting of the exception will not subvert the general purposes served by this Zoning Ordinance and will not permanently injure other property or uses in the same district and vicinity.
 - Our facility will not affect the area. Due to the rural setting this property will be secluded and will not create any harm or disturbance to the neighbors or the property in and of itself. The Valley of Grace intends to maintain privacy in this isolated environment.
- d. The proposed use will be consistent with the character of the district therein, the spirit and intent of this Zoning Ordinance, and the Howard County Comprehensive Plan.
 - We have chosen this rural setting to maintain the privacy and seclusion to fit the area that already exists. We will be mindful and respectful to the neighbors as well as to the area involved. We want to provide an, "off the grid," status so that we can better serve our clients.

Mr. Sheline read the staff findings of fact, which are as follows:

Staff findings of fact

- a. The proposal will not be injurious to the public health, safety, morals, and general welfare of the community.
 - The proposed use of a drug/alcohol rehabilitation clinic has caused some concern amongst the community in regards to their safety and morals. However, the petitioners have taken precautions and crafted a faith based plan to mitigate any fears the public may have, and keep the facility, the participants, the staff, and the surrounding community safe. The facility will start by housing 10-12 men at a time, with the eventual goal of housing up to 60, and only accept men who willingly enter the program. These men are required to be fully detoxed and will have regular drug tests. While the facility will have a full volunteer medical staff of doctors, registered nurses, licensed faith based counselors, and nurse practitioners, participants will not be administered any type of drug. The participants are vetted, and those who have committed any type of violent crime (armed robbery, assault, sexual assault, etc.) will NOT be accepted for the safety of the participants, the staff, and the rest of the community. There will also be security cameras and security personnel in use on the property. Participants are not allowed to leave the property unaccompanied for any reason, and are expelled if they attempt to do so. The petitioners plan to

maintain an “off the grid” style center for the 90-day program. Howard County, along with the entire state of Indiana and most of the country, is struggling with a 21st century epidemic. The State of Indiana is currently in the midst of a Hepatitis outbreak that began in 2017; those most at risk include illicit drug users. According to The National Institute on Drug Abuse, a single intravenous drug user with the virus is likely to infect about 20 other people. As of March 6, 2020, 2374 cases of Hepatitis A have been reported in Indiana; 56% of these cases have resulted in hospitalization and 4 have resulted in death. The proposed use of a drug/alcohol rehabilitation center will work to improve the quality of life for those who choose to take advantage of its services and will create an opportunity to stop participants from engaging in behaviors that continuously endanger the health of themselves, and potentially other citizens. This proposal was crafted to serve a serious and pressing need in our community.

- b. The requirements and development standards for the requested use as prescribed by this Zoning Ordinance will be met. The buildings meet the minimum requirements for front and side setback requirements on this zoning district.
- The petitioners plan for the facility to meet all zoning requirements. The Howard County Zoning Ordinance states in Section 2.23 “district intent” that an IS zone is intended for “multiple primary structures per lot”. The petitioners plan to use the existing house and structures, with the goal of eventually building a few cabins along the tree line in the future. The petitioners also wish to build a chapel for their private worship services. All setbacks will be met and the campus buildings will not encroach on any recorded easements or property lines. Participants are not allowed to have vehicles while staying on campus. With a small staff and few visitors, they will need very little parking and will be able to keep paved areas to a minimum.
- c. The granting of the exception will not subvert the general purposes served by this Zoning Ordinance and will not permanently injure other property or uses in the same district and vicinity.
- The proposed addition of this faith-based drug and alcohol rehabilitation center should have little or no tangible impact on surrounding property owners; the petitioners plan to keep entirely to themselves in order to maintain the solitary and unplugged benefits of their program. This will also allow the petitioners to keep the rural aesthetic of the property in order to remain consistent with other nearby properties.
- d. The proposed use will be consistent with the character of the district therein, the spirit and intent of this Zoning Ordinance, and the Kokomo Comprehensive Plan.
- Development standards for the IS district per Section 2.23 of the Howard County Zoning Ordinance charge the Board of Zoning Appeals with the duty to “allow special exception use only when it clearly is a benefit to the surrounding areas and when traffic generation will not reduce quality of life for nearby residential areas”. This facility will clearly be beneficial in our community; addiction is no longer a private issue, but an issue of public health and wellness due to the spread of disease

associated with illicit drug use. According to the National Institute on Drug Abuse, persons in treatment over extended periods who stay in treatment are able to stop using drugs, decreasing criminal activity. One year of imprisonment may cost taxpayers around \$24,000 per year, whereas treatment at this facility costs \$3000 and is paid privately. Resolution No. BCC-2005-26, the adoption of the Howard County Comprehensive Plan, states "Howard County seeks promoting the public health, safety, morals, convenience, order, and the general welfare and for sake of efficiency and economy in the development process by preparing a Comprehensive Plan". On page 34 of the Comprehensive Plan, specific recommendations for Institutional land use include "encouraging accessibility to public services and institutional uses". There are currently no operating rehab facilities of this type in Howard County, making these necessary programs and services inaccessible to those who are unable to leave the area to seek treatment. This Special Exception is supported by the Howard County Zoning Ordinance and the Howard County Comprehensive Plan; as such, the Planning Commission Staff supports granting this special exception for a drug/alcohol rehabilitation center. The special exception will apply to the Valley of Grace ONLY and will only include use for the rehabilitation center. Should this program become a nuisance, the Planning Director holds the right to bring the petitioners before the Board to reevaluate the use of the property.

Mr. Imbler addressed the audience and said that it is not necessary to repeat what the last person said and that speaking time will be limited to two minutes per person

Ms. Josena Miller, 5269 N 500 E, Kokomo, addressed the members and said that she owns the property at 5210 N 500 E. Ms. Miller stated her concern about the petition. Ms. Miller said that while she did not deny the need for such a facility she stated her opinion that it should be located in Kokomo instead of on the farm in question. Ms. Miller said that there are no sewers or municipal water supply there, and she expressed her concern about waste disposal. Ms. Miller said that her property drains to the north onto the subject property, and she stated her opinion that agricultural land should be for agriculture.

Mr. Imbler said that before the facility expands beyond 10 to 12 clients it will have to obtain Drainage Board and Health Department approvals.

Mr. Mark Harrell, 5517 N 900 E, Greentown, asked whose law enforcement agency will be called in case of a walk-off. Mr. Harrell said that the site is nine miles from Kokomo and nine miles to Greentown.

Ms. Rachel Boyer, 6340 E 300 N, Greentown, said that although she acknowledges the need for the facility being proposed she doubts

Mr. Bennett's statistics on sheriff's department calls in Mississippi extrapolating to projected calls in Howard County, IN. Ms. Boyer expressed her doubt as to whether any medical professions needed can be volunteers, and she stated her view that balancing schedules is difficult. Ms. Boyer said that there have been three federal grants for rehab facilities in rural settings, one each in Vermont, Kentucky, and New York.

Mr. Dan Taflinger, 2979 N 500 E, Kokomo, asked whether there would be armed guards to keep the clients there. Mr. Taflinger said that a sprinkler system cannot operate from a well, and he stated his opinion that the facility would not be permitted to build a water tower in an airport zone.

Mr. Bennett said that those issues will be regulated by the Howard County Health Department.

Mr. Steve Taylor, 11312 Bunker Ct., Kokomo, said that he has discussed the septic system with the Health Department and that they said that if the current system fails they will have to install a commercial system. Mr. Taylor said that they have met with septic engineers and septic installers to find out what will be required.

Mr. Mike Weekly, 5179 E 500 N, Kokomo, addressed the members and said that he owns the property directly south of the site. Mr. Weekly advised that he went through rehab 30 years ago, and he stated his view that he was surrounded by people who were much more troubled than he was. Mr. Weekly expressed his opinion that the facility will disturb the peace and tranquility of the area.

Ms. Caroline Bousum, 5514 E 500 N, Kokomo, addressed the members and said that she lives next door to the facility. Ms. Bousum gave the members an aerial map of the area and said that there are many homes in the area. Ms. Bousum said that she has lived there for 18 years and that she loves the tranquility. Ms. Bousum stated her concern that because voices travel she could not imagine 60 people at the proposed location. Ms. Bousum said that she has a family and that as a Christian she recognizes the need for such facilities, but that she does not want it next to her property. Ms. Bousum expressed her concern about light pollution.

Mr. Imbler advised that the facility will have to comply with the requirements for lighting contained in the Howard County Zoning Ordinance.

Ms. Bousum stated her opinion that security involves video cameras and lighting and her concern is about 60 people, not 12. Ms.

Bousum stated her view that there would be no benefit to Agricultural zoning by the granting of a special exception in Institutional zoning. Ms. Bousum said that the Howard County Zoning Ordinance requires that a special exception use in IS zoning requires that the Board be sensitive to surrounding residents. Ms. Bousum said that the petitioners' findings of fact states that their facility will not affect the neighbors. Ms. Bousum stated that she does not agree, and she expressed her opinion that their being a quarter of a mile off the road is not far enough.

Mr. Sheline clarified that IS zoning is compatible with all of the surrounding zonings.

Ms. Elyse Mann, 5413 E 500 N, Kokomo, asked whether the facility will treat sex addicts and pedophiles. Mr. Bennett clarified that sex addicts are not the same thing as sex offenders. Mr. Bennett stated that Valley of Grace does not admit sex offenders into their program.

Ms. Mann said that most of her neighbors are heavily armed.

Ms. Rhonda Wagner, 3383 N 650 W, Kokomo, said that she does not believe that the proposed use is suitable. Ms. Wagner asked who stands to gain in their property values. Ms. Wagner stated that at the June 16th Plan Commission meeting someone read the permitted uses in Agricultural (AG) zoning and that a rehab facility was not among them.

Mr. Sheline clarified that the property is being rezoned to Institutional (IS).

Ms. Wagner asked why the use should be changed from AG to IS, and she stated her opinion that because farming is a risky business farmers need to maintain control over their property. Ms. Wagner expressed her concerns about the Covid-19 pandemic and the current political unrest. Ms. Wagner asked why residents should have to pay more in taxes because Valley of Grace will not pay any.

Ms. Wagner stated her opinion that a case such as this sets precedents, and she asked how it could be deemed fair for Howard Township to pay for such a project.

Mr. Imbler stated that the residents of Howard Township will not be paying for it. Mr. Imbler clarified that the subject of tonight's meeting is the Special Exception permit only, and he thanked Ms. Wagner for her comments.

Mr. Gary Guest, 3404 E 1400 S, Kokomo, addressed the members and said that the proposed site is near the Howard Miami Mennonite Church. Mr. Guest said that he retired from law enforcement in 1999 and currently serves on the Drug Court panel. Mr. Guest told the members that he never encountered addiction in his family until June 4th of this year when his 45-year-old son died from a drug overdose. Mr. Guest said that his son was not a criminal and that he had a very high IQ. Mr. Guest stated that he tried to find his son some help and that although he wanted help they were unable to find a place for him to get that help.

Mr. Guest expressed his view that although some addicts are thugs and criminals, others such as his son are professionals. Mr. Guest stated his concern that crime and drugs are all around us already, and he said that sadly everyone wants treatment facilities located somewhere else.

Dr. Joseph Varnau of Franciscan Health Center, 1710 Lafayette Rd., Crawfordsville, addressed the members and said that he lost his brother to an overdose early in June. Dr. Varnau stated his concern that as an attending physician he is shocked at the number of opioid users that they see. Dr. Varnau said that medicine has tried for 50 years to find treatment methods for addiction that work better than the Alcoholics Anonymous (AA) approach, but they have been unable to find anything more effective than a faith-based approach.

Mr. Delbert Hostetler of Amboy said that he has had two men work for him who went through the program at Home of Grace, and Mr. Hostetler expressed his opinion that they both have turned their lives around. Mr. Hostetler stated his view that addiction is already here and that the community will be blessed to have Valley of Grace here.

Mr. Kevin Sprinkle, 400 N. Main St., Kokomo, said that people are afraid of having addicts nearby, and he stated his view that addicts are already nearby but people do not know it. Mr. Sprinkle stated that the people of Valley of Grace admit it and want to get help. Mr. Sprinkle said that everyone deserves a chance to recover.

Mr. Brian Collins, 3463 Cinnamon Trace, Kokomo, said that of the top 10 addiction facilities in the country, four of them are in rural settings. Mr. Collins expressed his opinion that something that is of benefit to the community does not mean that it must be of benefit only to the neighbors close by. Mr. Collins told the members that sex addicts have comprised only six percent of the clients at Home of Grace in all their more than 50 years of

operation. Mr. Collins said that Valley of Grace's security will have steps in place to safeguard both the clients and the neighbors.

Mr. Marvin Otto, 4511 N 600 E, Kokomo, said that an article in the Kokomo Perspective stated that the Valley of Grace has received strong support from the Amish community. Mr. Otto expressed his doubt as to whether that is true.

Pastor Jeannie Winter of Kokomo Zion United Methodist Church, 5051 E 400 N, Kokomo, addressed the members and said that there has been a church at that location since 1865. Pastor Winter stated that they are an institution in a farming community and have had to go through planning and zoning in order to grow.

Pastor Winter advised that they have had to install a security system as a result of several burglaries, and she stated her view that most burglaries are committed by people looking for money to buy drugs. Pastor Winter said that her congregation supports doing what they can to change that.

Mr. Paul Wyman, 1533 W. Lincoln Rd., Kokomo, said that every community faces challenges and that ours is challenged by addiction in our midst. Mr. Wyman stated his view that nobody wakes up saying, "I want to be a heroin addict," or, "I want to destroy my family." Mr. Wyman said that none of Valley of Grace's clients are court-ordered and that all of them have been through detox before they are accepted. Mr. Wyman said that he has worked with Turning Point for some time, and he expressed his view that the value and the dignity of their clients are worth no less than ours.

Mr. Brian Harrell, 5113 N 500 E, Kokomo, addressed the members and said that he moved to the country to escape city challenges. Mr. Harrell stated his opinion that nobody wants 60 men, all of them addicts, in the neighborhood.

Ms. Cammi Winger, 7490 E 500 N, Kokomo, said that she is a taxpayer and property owner in Liberty Township, and she stated her opinion that she now is being told that she has to accept this. Ms. Winger said that she did not know about the Valley of Grace petition until just before tonight's meeting.

Ms. Winger told the members that she has had no outside visitors and follows Covid-19 guidelines, and she stated her concern that the county now wants to bring in a halfway house. Ms. Winger said that she is in favor of such facilities but not at this location.

Ms. Winger said that Valley of Grace tried to buy a parcel of land on the west side of Howard County last year but withdrew their petition. Ms. Winger asked why such a facility would now be located on the east side.

Mr. Sheline stated that the Covid-19 pandemic had nothing to do with how notifications of the Valley of Grace petitions were advertised and mailed to adjoining property owners. Mr. Sheline said that all state statutes regarding notifications have been followed.

Mr. Imbler moved to approve case 2-CS-20, Mr. Byrum seconded, and the motion carried by a vote of 3 to 2. Messrs. Imbler, Byrum, and Sullivan voted aye, and Messrs. Faulkner and Miller voted no.

Mr. Imbler said that the motion is passed.

Mr. Imbler thanked everyone for their attendance at tonight's meeting.

Other Business: None.

There being no further business before the Howard County Board of Zoning Appeals, the meeting was adjourned at 8:55 p.m.

Michael Imbler, Chairman
Howard County Board of Zoning Appeals

Greg Sheline
Howard County Board of Zoning Appeals