

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 6:30 p.m. on Wednesday, April 4, 2017, at the Decatur County Courthouse. The meeting was called to order by Albert Armand. Jay Hatton, Roger Krzyzanowski and Joyce Brindley were in attendance. Also attending the meeting was Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant, Kenny Buening – Decatur County Building Commissioner, and Melissa Scholl, Attorney for the BZA and APC boards.

A copy of the meeting agenda and registrar of attendance is attached to these minutes and incorporated by reference. With no additions or corrections the board unanimously approved the March 1, 2017 minutes as mailed. Melissa School, Attorney for the BZA & APC Boards swore in the audience.

BZA Petition 2017-6 – Thomas Krieger requesting a “variance” to the side and rear setback of the property to build a pole barn.

Thomas stated that he wanted to build a 72’x120’ pole barn and place it 10’ from the side and rear property lines. When asked why he couldn’t move it to come closer to the 30’ setback he stated that it would impede the driveway to the south and also create a problem with accessing the drive to my house. I will have two doors, one facing the driveway and one toward the rear. Will access through the door facing the driveway. **Board**; if you sell that property in the future, the new owner will not be able to access that building on the back side. Moving it further to the west is not possible? **Thomas**; my second location for the septic is to the west of that about 120’. I have approval from the board of health to move my secondary septic location farther to the west, which is where he said the best place would be. The current septic field is east of the house. To the south of the house is a big ditch and it lays wetter. My perimeter drain runs to the creek on the south side. **Board**; I would personally like to see you bring it to the south so it lines up more with your door and I think you can make accommodations to get it still through your driveway. Another 5’-10’ in each direction would really help to make it closer to our required setbacks. A 10’ setback gives you barely enough room to get around the building with a pickup. Can you give us another 5’ on both sides? **Board**; with that size of a building it would be nice to have room to take a tractor around it. If for some reason this property or the surrounding property sells, then with a 10’ setback the east door is blocked, 15’ would at least give room for a pickup to get in and out the east door. A little extra space will be helpful. **Thomas**; would 15’ be good? **Board**; for me I would like to see him widen his drive toward his house just slightly and the building can come over and that would be a minimal amount of gravel compared to what he is getting ready to do. I’ll ask you for 20’ on both property lines. **Thomas**; I don’t think it’s

going to work. That would be a lot of gravel. **Audience;** I'm Jean Krieger and am his mother. I own all around him, if I sell him another .5 acre to make it work will that be ok? I can deed it to him. **Board;** the problem is, you would have to have a survey to make it all work out with us. That extra space would work but you would have to get a survey to add to his and make it one parcel. **Missy;** we can table this and they can withdraw this petition if they get the survey and meet the setbacks. **Board;** you can table this, get the property transferred to him, survey the property to change the parcel lines and then you won't need to come back before the board if you meet the required setbacks. It will also need to be surveyed to layout his secondary septic site. **Jean Krieger;** I'm just looking for a way to get him more land so he can do this, it will cost a lot of money for the survey. **Thomas;** I can do the 15'.

To allow Mr. Krieger the opportunity to weigh his option of obtaining more land and getting a survey which would negate needing a variance. The petition was tabled until the May 3, 2017 meeting.

BZA Petition 2017-7 – Craig & Holly Koors are requesting a “permanent special exception” to build a pond on their property.

Craig stated his desire to build a pond on his property, approximately $\frac{3}{4}$ of an acre. **Board;** do you know if there are any existing tile lines? **Craig;** I'm not sure of that. **Board;** if there are any tile lines our drainage ordinance requires you to make accommodations to keep them active. You cannot block them, flood them or destruct them. Is there any intention of putting a house on this pond? Do you have any objections to making the conditional approval for the pond with no additional houses being built by the pond? **Craig;** we are building a house just south of the proposed pond area.

Jay Hatton made a motion to vote on BZA Petition 2017-7; Joyce Brindley seconded. All members present voted yes.

BZA Petition 2017-8 – Gerald and Constance Kinker are requesting a ‘variance’ to the rear setback on their property from 30' to 10' to build a pole barn.

Gerald stated that he wants to put a pole barn up, actually a three sided shed. The west side will be open. The whole one acre there is sloped a lot. I would put it back south farther but I plan on adding more flight pens. **Board;** I notice the existing barn already sits on the line there, is there some kind of story with how this came to be divided that way with the barn? Gerald stated that he owns the property to the south and shares the property to the west. When asked when it was split he stated 1986. The property was divided because I purchased 4.5 acres from my dad. At the time of the purchase in 1986 there were no setback requirements. I purchased the south property around 2001 and built the barn in 2002. **Board;** is there a reason why you are keeping these two properties separate? **Gerald;** I don't know why they are. **Audience/ Greg Fields;** I

have a right of way use of the driveway to the east of the property and my objection is that there is a septic issue. There is supposed to be a perimeter drain coming out of the house. I now have water from Napoleon water so we have to cross that septic line. I have had no communication. **Gerald;** the septic is out in front of the house. **Greg;** I can't cut through that line, I have pursued this with Gerald for two years and have not gotten a response. I have not turned my water on for that reason. **Board;** if those are active tile lines, for septic lines or not you have to make accommodations to keep them flowing. That doesn't mean you can't put a line under them but you have to maintain a tile line. **Greg;** I was not about to cut right through his lines without letting him know. There has to be a line of communication between he and I. **Board;** regardless, you still have to maintain those lines. **Greg;** I have to maintain his lines? **Board;** you cannot block or cut. **Greg;** in order to cross my right away he has to have my permission. **Board;** where is your right of way? **Greg;** to the right, the lane to the right, to the east. **Board;** he's not proposing to do anything on that property. **Greg;** that is correct but that issue has to be resolved before he puts another building on there. **Board;** is there a remaining septic tank there? **Gerald;** in the back? No. **Greg;** I'm talking in the front of the house. That has to be resolved. I realize that the building in the back is 100' away from what we are talking about but I am saying that there are issues to resolving the from before he puts another building up. **Board;** what issues does this building present that our board needs to deal with tonight? **Greg;** What's he going to put in the building? **Board;** that's what we are trying to figure out now. **Greg;** ok, I objected too soon then. **Gerald;** I will put a tractor, bushhog, etc. that's all.

It was determined that no septic system or lines will be going in there and it was pointed out where the septic is. With the parcel in question and since he owns the parcel to the south if they were both encompassed into one parcel then there would be no need for setbacks. This can be accomplished by having it surveyed and get it into one deed. The county does require a survey when two parcels are joined into one. If the aforementioned is done, he would not need any variance for changing setbacks. The current barn does set on the property line, not sure why it was allowed to be built there, it was probably out of compliance at that time. Without having the ordinance right in front of the board, it could not be stated as fact. The ideal solution is to go in and get the two parcels combined into one. Another audience comment concerning his property to the east was about water runoff and his property values being lowered in case he decides to sell. A board member noted that as far as the size of the building the water runoff would be minimal and the flight pens are allowed in and A-1 zoning classification, it is considered farming and he can fill the lot with cattle. Until there is a complaint to IDEM about any pollution, he is within his rights to have the flight pens. It was also noted about the birds and any disease that they might carry and does he need to have them checked. Gerald stated that he has them checked and tested annually. The state Board of Animal Health can be contacted for any concerns over the birds, and Mr. Kinker is not classified as a CAFO. The fear is that there is a stream down there and there is concern that we have cattle drinking from the creek. If there is pollution from manure in the stream the adjoining landowners can contact IDEM. It was decided to table the petition while Mr. Kinker checks into getting the parcels put into one.

With no other business to be brought before the board the meeting was adjourned at 7:10 p.m.

Respectfully submitted by Debbie Martin.

Decatur County Board of Zoning Appeal

Secretary, Roger Krzyzanowski

Decatur County Area Plan Commission

ATTEST:

President, Albert Armand

Decatur County Board of Zoning Appeals