

**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, 2018, at the Decatur County Courthouse. The meeting was called to order by Paul Stone. There were 4 board members present, Joyce Brindley was absent. Also attending the meeting was Melissa Scholl - BZA & APC Attorney, Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant and Rick Nobbe, County Commissioner.

President Paul Stone called the meeting to order at 6:30 p.m. 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 March 7, 2018 regularly scheduled BZA monthly meeting were approved as mailed.

Attorney Melissa Scholl swore in the audience.

\* **BZA Petition 2018-5 – Brad Johannigman** is requesting a “**Variance**” to the required side setback of 30’ to 5’ to for construction of a 30’ x 40’ detached garage. This request falls under Decatur County Ordinance # **945(5)**. The property is owned by the petitioner and is located at 8671 S CR 210 SE, Greensburg, in **Marion Township**.

Brad stated that he would like to build a 30’ x 40’ garage, where it is drawn out there I have moved it a little bit closer to the north parcel because of that pond in he ever has issues with that pond. I rotated it 90 degrees and it will be basically sitting over the parcel line on the north side. I’m getting it resurveyed to do away with those lines. That will be all one big lot. I want to move it away from the pond, there is a little valley there, if he would ever have dam rupture my building would be up out of the way. It will be halfway in the hillside, the back side of that garage will be maybe 6’ in the ground. **Paul;** about how far will that put it away from the house? **Brad;** about 30’. I can’t go much further back than that because behind it I have electric running underground to feed my house, I know roughly where that line is buried. **Paul;** with the changes you have made what kind of setback are you looking at? Do you know exactly where that line is at and how far the building would be from it? **Brad;** I would like 7’, no less. I was asking for 5’ but when I turned it and pushed it back as far as I feel comfortable with it and with the electric running through there, I can get by with 7’ pretty easy without having to do too much major with my driveway.

**Melissa;** with what Brad is saying, that’s placing it on a different parcel, we did not advertise that parcel so I think what we are going to have to do with this is:

- get it surveyed and put it into one parcel
- we will advertise that parcel

- locate the electric lines, as part of the survey he can get exact measurements.

He may not need a variance, I don't know but we cannot proceed if he has moved it off of the parcel that we advertised. **Brad**; it's not off the parcel, it's going to be more like right on that line. **Melissa**; but if it's in the other parcel we can't proceed. **Paul**; what happens there Brad is that other property owners would receive a letter where he wouldn't have received on this time around. **Brad**; it's still on that parcel. **Melissa**; but it's on another parcel too. **Brad**; the back of the garage will be right on that line. **Roger**; will this touch or cross this line? **Brad**; I don't think so. **Roger**; but you don't know. **Brad**; I'm not 100% sure. **Melissa**; so then if we also have the issue about access I think it just all needs to be cleared up and advertised correctly because there are just way too many things going on. **Paul**; a point of discussion, what is going on here in the area of your driveway? **Brad**; the surveyor told me that it is a public access. There is a 40' right of way between my properties. I have blueprints here that I can show you. (Brad shared the blueprints with the board and Melissa and there was discussion). It was noted that the survey that Brad shared is possibly not recorded. **Melissa**; This will need to be a retracement survey and recorded, it should clear up a lot of this. The big thing will be where the building will sit and on what parcel. If you are putting them both together we will advertise on the new description and parcel. Then we can decide, based on where you will sit the building on whether or not you will need a petition for a variance. **Brad**; I'm almost positive that the garage will be all on this lot. **Jay**; we cannot go forward with an assumption of where it will be. It would be in your best interest to find where the electric line is so you will know what you can and cannot do. **Brad**; I can't really go much further back this way because that hill is tall, I would be pulling up a hill into my garage. **Roger**; what about moving it to the west? **Brad**; that would put the front point of that garage sitting on my driveway. **Roger**; and? **Brad**; if I bring it much more west it would be blocking my driveway. **Paul**; so the edge of the driveway toward the west is steep? **Ed Johannigman**; we can mow it and that's pretty much it. **Roger**; based on our discussions, when you are 5' away from the property line, if the neighbor ever has to do anything with the dam that 5' is not going to be acceptable, you need to work getting it established of where everything is at. **Paul**; if he builds a fence right on the property line at some point you can't put a ladder up. **Brad**; but his property line is.... **Jay**; we don't know that do we. **Paul**; let's say that it is not for a second, let's say that it is true and it's a road, at that point you cannot build on the edge of the road, right? If you are going to go off of the idea that that is still a public right of way and that's the defense you are taking, you can't build 5' off of the edge of a road either. **Brad**; what are the setbacks if I was in town, 5' is all the more setbacks you need in town, right? **Paul**; no, it's not 5' is it. Both of my neighbors can build 5' from me, like Mr. Zapfe up there. **Jay**; those lot sizes are different sizes which is a different setback requirement. **Roger**; those lots were established at the time. **Jay**; if you could find out a lot more facts I think it will help us all go forward and get your survey completed. We will do our best to help you with this, you can lean on the office staff for assistance and advice in this. We are not asking you to go this alone. **Brad**; what are you thinking about 10' or 20'? **Jay**; how tall is the building? **Brad**; 15' to the peak and the side closest to the property line will be 8' tall.

**Roger**; a 30' setback is what we require now, we're not going to give you a minimum or maximum here, we want you to work within the 30' and try to establish as close as you possibly can. **Brad**; if it's 15' I can't get nothing close to 15', I can maybe get closer to 10', if you guys are going to say that I need to stay 20' away I can't because that will put my garage right in the middle of my driveway. **Ed**; he is looking at \$2000 to have a survey done, if he doesn't have a chance on this tell him now before he spends that money. **Roger**; by rights if he doesn't have a correct survey on it, he should have it anyhow. **Ed**; he doesn't need to get rid of that line if he

can't build there. **Jay**; we are not in that business, we don't know what that costs but it seems to be high from the last numbers I have heard. **Paul**; I can't tell you what we will or will not vote for. I can tell you that historically, as long as I have been on the board, that less than 10' has been a very, very rare situation. I can't say what will happen but 15' is the closest I've seen. **Jay**; we understand that situations are different but usually when people go to maintain their buildings we ask that they can drive around it and stay on their property and be able to get ladders out and be able to maintain on your property. As the building goes up we will be more strict on pushing it further away, but you need to be reasonable on what you can do on your property with your building and we have to not be hard on you, we are looking down the line with the next neighbors. We try to hold as true and put out steady results so that we treat everyone fairly. If we start drifting back then our setbacks are worthless. **Brad**; I will see what I can come up with. **Paul**; at this time we will table this request, you get the survey complete, locate your electric lines and re-evaluate.

With no other business to be brought before the board the meeting was adjourned at 6:55 p.m.

Decatur County Board of Zoning Appeal

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Secretary, Joyce Brindley

Decatur County Area Plan Commission

ATTEST:

Paul Stone

Decatur County Board of Zoning Appeals