

**Decatur County Area Plan Commission**  
**April Minutes 2018**  
**1<sup>st</sup> Floor Meeting Room of Decatur County Courthouse**

The regular scheduled meeting for the Decatur County Area Plan Commission was called to order by Jay Hatton at 7:00 p.m. on Wednesday, April 4, 2018. All board members were present. Also attending was Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant, Rick Nobbe – County Commissioner and Kevin Fleetwood – City of Greensburg Planning Board.

Jay Hatton 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.*

A copy of the meeting agenda and the attendance registrar is attached to these minutes and incorporated by reference. By consensus, the APC Board approved the minutes for the meeting on February 7, 2018 as written and mailed.

\* **APC Petition 2017-15 – Timothy Gauck** is petitioning to “**Rezone**” 1.5-2.0 acres out of 6.102 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling. This request falls under the Decatur County Ordinance Section **915**. The property is owned by the petitioner and is located at 158 S CR 700 E, Greensburg in **Salt Creek Township**.

Tim Gauck stated that he has 6 acres, my wife and I built a new home and I’d like to get her name on the property that the house is on. He has had some interest in people wanting to rent his other home on the parcel so I decided I would like to keep it if I can get it rezoned.

**Jay;** the new home has met our county requirements of having a primary and secondary septic system located on it? **Tim;** yes. **Jay;** and the old home, was that required to have a secondary site? **Krista;** no. **Jay;** will you be using the same driveway? **Tim;** yes. **Jay;** do you have the driveway easement in the new property survey? The survey for the new home and to separate it from the old home. **Krista;** we have to get the second septic site laid out and the rezoned area marked, that is what the survey will do if he is approved tonight. **Paul;** these will be 2 separate parcels? **Krista;** yes. **Paul;** how will that line fall on the map. **Tim;** it will be on the south side. **Krista;** we will pretty much rezone 2 acres on the south side of the current parcel, square it off. **Jay;** the survey, when it is recorded, will give an easement to the original property and that will all be squared up? **Krista;** right. **Jay;** does the new home have the property setbacks to this property size? **Krista;** yes. **Jay;** rural water or Napoleon water? **Tim;** yes, I have Napoleon water.

Paul Stone made a motion to vote on APC 2017-15; Bill Dieckman seconded with all members voting yes.

**Jay;** stay in touch with Krista and she will walk you through the rest of this.

\* **APC Petition 2018-4 – Brad & Susanne Fox** is petitioning to “**Rezone**” **2.99 acres out of 3.368 acres** from A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling. This request falls under the Decatur County Ordinance **Section 920(7)**. The property is owned by Nicholas Obermeyer and is located at just east of 1850 E CR 500 S, Greensburg in **Marion Township**.

Brad stated that they intend to purchase this property contingent upon getting rezoning approval to build a home.

**Jay**; how big of a home are you planning? **Brad**; 2300 square feet, single floor plan. **Jay**; is there water in the area? **Brad**; there is not, I will have to drill a well. **Paul**; is there a pretty good area here to put a driveway, is it pretty flat? **Brad**; the driveway will be over toward the west boundary line. **Paul**; where will the septic field lay? **Brad**; in front of the house with the secondary site being back along the tree line in the center.

Paul Stone made a motion to vote on APC 2018-4; Jeff Hermes seconded the motion with all present voting yes. **Jay**; stay in contact with the office and get the rest of the process going.

\* **APC Petition 2018-5 – The Area Plan Office** is petitioning to correct the zoning classification from an I-1 to A-1 to more accurately reflect the property use. There is no change to the current use of the property. This request falls under the Decatur County Ordinance **Section 510 & Article 9 & Article 12**. The property is owned by Marion Washburn and is located at 569 N CR 800 W, Greensburg in **Clay Township**.

Krista stated that we are requesting to rezone 2 parcels owned by Marion Washburn from an I-1 zoning classification back to an A-1. The Washburns came before the board about 15 years ago and requested for these properties to be changed to I-1 because they were planning on doing some manufacturing piece work. They were approved, however very shortly after the rezoning it kind of fell apart, the manufacturing business never started. The northern most property is vacant and the property to the south has a single wide mobile home on it which is a residence. I believe that we should change it back to A-1 to fit the area, this is outside of Milford, there are no I zoning in the area.

**Jay**; I-1 can't have a residence so in order to keep that trailer it will be necessary to do something with the zoning. **Krista**; correct, it's definitely non-conforming and there is just nothing about it that is right, I believe that we need to fix it. **Jay**; for that reason alone it makes sense to me. **Todd**; I think I've seen a note where you talked to the property owner about it and they were fine with that? **Krista**; yes. They didn't realize it was still an I zoning classification.

Paul Stone made a motion to vote on APC 2018-5; Ryan Kennelly seconded the motion with all members present voting yes.

\* **APC Petition 2018-6 – The Area Plan Office** is petitioning to correct the zoning classification from an I-1 to A-1 to more accurately reflect the property use. There is no change to the current use of the property. This request falls under the Decatur County Ordinance **Section 510 & Article 9 & Article 12**. The property is owned by Steven Bennett and is located at 7962 S St. Rd. 3, Greensburg in **Sand Creek Township**.

Krista stated that the zoning classification on the Bennett property needs corrected as well. Years ago there was some type of chicken farm or business. These properties were split and sold off, whatever business they had has ceased. This is an I-1 zoning classification, a little over 3 acres with a dwelling and pole barn. It does not fit the comp plan or the area and is incorrect for the properties use. I request to zone back to an A-1, which it should have been back when the property was split.

**Jay**; it looks like a residence and sure behaves like that. **Andy**; just for clarification the map shows I-2 but the paperwork says I-1, let the record show that it is an I-2 zoning classification. **Rick Nobbe**; should the zoning be an A-2? **Krista**; no, it grandfathers in as an A-1.

Todd Mauer made a motion to vote on APC 2018-6; Jeff Hermes seconded the motion with all members present voting yes.

\* **APC Petition 2018-7 – The Area Plan Office** is petitioning to correct the zoning classification from a B-2 and A-2 to A-1 to more accurately reflect the property use. There is no change to the current use of the property. This request falls under the Decatur County Ordinance **Section 510 & Article 9 & Article 11**. The property is owned by Jennie Bare and is located at 7278 S CR 320 W, Greensburg in **Sand Creek Township**.

Krista stated that this petition is a little bit different. The two previous petitions we found were I-1 zoning classifications where I could find proof that they were re-zoned. This one is owned by Jennie Bare, it's about 8.5 acres. There is a small section less than 1.5 acres in the southwest corner that is an A-2 zoning, I found a petition but the survey was never recorded and the area is less than the 1.5 that we require so I'm not sure how or why or when the A-2 got here. The rest of the parcel is zoned B-2 and I cannot find any paperwork where someone came before the board for that request. So I believe, after a lot of research, that these are incorrect, I can find no recorded surveys where either of these things happened so I think that we need to fix this. I'm petitioning to have this corrected and changed back to an A-1.

**Jay**; and there is a residence on this one as well? And they are OK with this? **Krista**; yes, I talked to Jennie Bare and she came in, had concern about the pros and cons of the change but she did agree that she couldn't understand why it was zoned like that. **Paul**; how long has she been the property owner. **Krista**; she has not owned very long. **Andy** can you help me out. **Andy**; she bought it, I did a retracement survey for it and I too did not find any records of this being zoned B-2 or A-2. Jennie bought this in April of 2016 according to her deed so she has not had it that long. It was a Sheriff's sale. When we did the survey, she wanted to fix this house up as a rental property. **Jay**; so there is only one house on this property? **Krista**; yes. **Andy**; the residence sits in the area that is zoned B-2. **Jay**; and the house is old enough to be grandfathered into an A-2? **Krista**; yes. **Jay**; I do believe that you have done a lot of good work there in trying

to straighten up some messes that no one is really to blame for, they just happened somehow. As long as it fits the area and the comp plan, I think we are doing a good thing. If the parcel is ever subdivided or changes hands it will make it a lot cleaner issue to go forward. **Rick Nobbe**; I have a question on procedure. I agree with you, thanks for doing all of this effort, it's good to clean this up but has there been any documentation that the landowner has actually signed off, allowing the Area Plan Office to bring this before the board? **Krista**; no, I don't have any. **Rick**; should maybe that be looked at from a legal prospective? **Krista**; I talked to the American Planning Association and a Code Specialist and she said technically if these issues arise, we can change them, but I thought since we were changing things that by sending the certified letters to the adjoining property owner and the letters to the property owner and calling the owners that it covered us. **Rick**; you have done that then? You have copies of the certified letters? **Krista**; yes and the Code Specialist said we didn't really have to do that, we could just change it. I didn't think that we should do it that way. **Jay**; good comment, it's always nice to be thinking about the paper trail. **Andy**; I discussed the same thing with Krista earlier today about a paper trail.

Paul Stone made a motion to vote on APC 2018-7; Todd Mauer seconded the motion will all members voting yes.

**Jay**; good job Krista, I'm sure that took a little bit of effort to get that put together. **Paul**; do you think that those three are unique or did you just pick three to address, will there be more to come. **Krista**; yes, I have a big problem in St. Paul. The business district was never identified in GIS, I have some maps from the beginning of mapping that shows the business district that shows where it should be but some of it isn't business right now and some of it is. I need to talk to the town of St. Paul and see how they want to proceed with that and identify the parcels that need to be business and those that do not. That is the next step. There are areas around but not a lot. They do every once in a while pop up that makes us wonder how it got there. **Jay**; it was just some general shading put on the map and then that was called business. It does not really match the parcels and it doesn't match anything that goes on there. **Melissa**; the way that happened and is common in these unincorporated areas is they would go in when they lay it out and at some point would be an ordinance that would do a blanket zone. Where my office sits in Dearborn County and they blanket zoned everything through there like B-1, B-2. It can also carry a dual zone, so it was a Residential/Business dual zone along the main thoroughfare, and then that way it made it easy for people on those parcels to develop the businesses that they were trying to create. And so sometimes there is one ordinance that blanket zones a section, sometimes it not really clear. Back then there was not GIS. Sometimes you just have to go back and try to figure it out. **Jay**; there is never going be a perfect time but if you have time to conquer these battles I think it's a great thing. **Krista**; those three were staring me in the face and I jumped on those first. St. Paul will be the next to be corrected.

With no other business before the board the meeting was adjourned at 7:31 p.m.

ATTEST

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Secretary, Andy Scholle

Decatur County Area Plan Commission

President, Jay Hatton

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