

**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 6, 2016, at the Decatur County Courthouse. The meeting for the Decatur County Board of Zoning Appeals was called to order by Albert Armand. Also present was Krista Duvall--Decatur County Area Plan Director, Kenny Buening – Decatur County Building Commissioner, Debbie Martin – Administrative Assistant and Melissa S. Scholl, attorney for the APC & BZA 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 2, 2016 minutes as mailed.

Jay Hatton stated that he likes the format of the minutes, they look thorough and good and it's nice to see the questions we ask and what the answers were.

***BZA Petition 2015-9—Leroy Kemp, Jr.** is requesting a **“Conditional Use”** in an A-1 zoning classification to own and operate a dog grooming business for a period of 5 years. This request would fall under Decatur County Zoning Ordinance Section Number 935 (2--a & b). The property is owned by the petitioner and is located at 2824 W. Co. Rd. 600 N., Greensburg, In. 47240 in Adams Township. This petition was tabled at the July 1, August 5, September 2, October, 7, November 4, December 2, 2015, January 6, February 3, March 2, and the April 4, 2016 meetings. Mr. Kemp is working with the State of Indiana for his commercial septic system.

***BZA Petition 2016-7 – Kevin & Angela Gay** is requesting a **“Variance” from 30’ side setback to 3’** in an A-2 zoning classification to build a detached garage. This request falls under the Decatur County Zoning Ordinance Number 945 (5). The property is owned by the petitioner and is located at 7872 W CR 550 N, Greensburg, IN in Adams Township.

Angela Gay stated that they would like to install a permanent workshop, 24’ x 32’ which will set it the same spot. It is the best spot on our land because everything else slopes and may be wet. We would like it to be 3’ from the tree line if we can. We had a surveyor check that and it is our line. The trees have been there for a long time and are not in anyone’s way. We want to store some of our things in this new building.

Board questions and comments;

- Is it a 24’ x 32’ building? Yes. And this is just used for overflow? Yes, tractor, equipment
- Who owns the trees? I’m not real sure, they seem to be on both sides.
- One thing to bring up, the trees are nice and nice for shade but also being that close it may present a problem. Who will clean up mess if they fall on the property, who will be responsible for the damage? Maintenance of the trees also could possess a little bit of a problem. Even after you build and they are not your trees, 3’ would not give you enough room to maintain your building.

Second; is there a reason you can move closer to the existing garage or home? We would like to keep our area clear so we can access the backyard via the concrete pad. Kevin maintains the trees.

- That's great that he maintains the trees but it will present a problem if they are not your trees, not to mention when you put the footer in you could damage the roots of the trees which could tend to make them more susceptible to falling onto your building or someone else's.
- The building is currently 5' but you are asking for 3'? If we could have the 3' we would like that.
- Is this permanent or can you move? Yes permanent structure, will set on concrete pad
- What is furthest away that it would still work for your property? I'm not sure but I think 7'
- It looks like there is a basketball goal, they are measuring from the goal to the far side of the shed which is 24'. Does the stake with the red tape on it represent the property line? Yes. So then the adjacent property owner owns all of those trees. Do you understand what we are trying to ask you to consider. Yes
- Would it help any at all to turn the building sideways? We are turning it, it will be facing North/South. So then would there be more clearance? It's a 24' x 32' and the 24' would be from the basketball goal to the 5' line or whatever you guys give us.
- If the property owner decides to remove the trees and farm close there, your building would be 3' away from that activity. From where the field is it's a big slope up which would prevent farming anyway.
- You have 2.99 acres in an A-2? Yes, we have 5 acres all together. Have you thought about the option of moving the garage further to the back of the house? There is a slope in the back. What about putting it closer to the garage and using the access to the backyard along the tree edge? We are hoping to keep access on the concrete pad, I see what you are saying. From the basketball goal to house, what is that number? It looks to be substantial. Do you mean have the workshop closer to the house? Move your building 10' closer to your house. This is where we would like to have it. One of the reasons is we are all on this board is to prevent problems in the future. If there is a property line that we would have to deal with, both property owners have to be able to maintain whatever property they have and with it being so close it would not give sufficient room to maintain your building with a 3' setback. The future adjoining property owner may not be here later down the road and it may cause problems down the road.
- From the questions we have asked I'm going to ask is there any way you can give us more of a setback? What would you allow? 30' is the ordinance, how much can you give? Our house is 30' off the property line.
- Missy stated that she could ask the board to table the petition to allow her more time to get some definitive measurements and to discuss with her husband. With 30' being the ordinance the board won't tell you what they want, you need to come back and request a different variance.
- Please understand what we are trying to do – this will affect future landowners.

Angela then requested the petition be tabled until the May 4, 2016 BZA Meeting; request was granted.

***BZA Petition 2016-8 – Charles & Eileen Fisse** are requesting a **“Variance” of a front setback from 70' to 59' and a “Variance” of the side setback from 30' to 5'** in an A-1 zoning classification for the addition of a detached garage. This request falls under the Decatur County Zoning Ordinance Section Number 945 (5). The property is owned by the petitioner and is located at 1715 N CR 850 E, Greensburg, IN in Fugit Township.

Charles addressed the board stating that he would like to build a detached garage. A 5' side set back variance is requested. We own all of the properties surrounding our parcel in question.

Board questions and comments;

- The reason it is parceled separately is why? There are township lines which are there for property tax purposes.
- At some point in the past these properties have been owned by other folks and then put together. They have never been reconciled on the records, which would be my assumption. Missy stated that they would have to take all of the descriptions into one deed and have them put into one parcel number. It's basically a paper situation that needs to be cleaned up.
- Is the pond parcel ever going to be sold? No, our son will inherit the property.
- A concern regarding the request of a 1' side variance or a 5' side variance. Krista stated that Mr. Fisse thought that his property line was at the fence but it is believed to be more like 5'. There is a fence line between the proposed building and the property, correct? Yes. The 1' would be to the fence.
- Would it have not been easier to have this straightened up into one deed instead of coming to the BZA? They would have to be here at some point to change the front variance. The yellow line barrier is a township
- Would that entail a survey? No, they could get it into one parcel; Parcel 1, 2, 3, etc. into one deed. A survey would be needed to make it all one property.
- If we approve it as is and in the future someone decides to sell a parcel, the property line being 1' or 5' from the building would be a concern. Mr. Fisse stated that his son would inherit it all.
- Can we make it a condition to approve this conditionally with the two parcels staying together or if the parcels are ever divided off they would have to move the property line. Missy stated it would be hard to enforce.
- Mr. Fisse asked if he could put all of the parcels together. Missy asked when the land contract would be finalized with their son. Mr. Fisse stated that it would be when he inherits the land. We can just make a reminder that they get all of these parcels lumped into one deed.

Roger Krzyzanowski made a motion to vote on BZA Petition 2016-8 and make note in there that when the contract gets transferred to your son to have the lines changed to have all of this reconciled; Jay Hatton seconded the motion. All 5 members present voted yes.

With no other business to discuss the meeting was adjourned at 7:00 p.m.

Respectfully submitted by Debbie Martin, Administrative Assistant.

Decatur County Board of Zoning Appeal

Secretary, Roger Krzyzanowski
Decatur County Area Plan Commission

ATTEST:

President, Albert Armand
Decatur County Board of Zoning Appeals