

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, 2022 at the Decatur County Courthouse. The meeting was called to order by Brad Schutte. All 5 board members were present with one being on zoom. Also attending the meeting was Krista Duvall – Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

Brad Schutte 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.*

***Approval of minutes: October 6, 2021;** Joyce Brindley made a motion to accept as mailed; Rick Hoeing seconded the motion with all presenting voting yes.

*** Election of 2022 Officers**

Krista Duvall opened the floor for nominations of the following:

President: Gary Fischer nominated Brad Schutte; Janey Livingston seconded.

Vice-President: Joyce Brindley nominated Gary Fischer; Brad Schutte seconded.

Secretary: Joyce Brindley nominated Janey Livingston; Brad Schutte seconded.

With no other nominations from the floor a vote was taken for each office and all members present voted unanimously in favor of the nominations. The elections of officers were then closed.

Brad Schutte then ran the meeting.

***Approval of minutes: October 6, 2021;** with a motion from Joyce Brindley and a second from Rick Hoeing the minutes stand approved as mailed.

*** BZA Petition 2022-1 – Kurt Comer for Nutrien** is requesting a “**Variance**” in an I-1 zoning classification from the provisions of the Decatur County Zoning Ordinance #1244 & 1210; a) side setback from the required 60’ to 15’ b) rear setback from the required 60’ to 38’ c) nearest residence from the required 600’ to approx. 275’. The property is currently owned by Nutrien Ag and is located at 531 S County Rd 350 W, Greensburg in **Washington Township**.

This petition was Tabled!

*** BZA Petition 2022-2 – Richard Feldman** is requesting a “**Conditional Use**” in a B-3 zoning classification to place an Electronically Changeable Message Board sign. The property is currently owned by the petitioner and is located at 1528 N Carver St, Greensburg in **Washington Township**.

Richard Feldman: I’m proposing to put an electronically changing sign. We made some improvements and rebranded, have all new signage. We just really are trying to make our business better. Somewhere about here (referencing overhead map) is where we are proposing to put the sign. I have had a few companies come out, they have all said that I have an ideal location here to

put up a sign. We have Kova across the road and they have quite a large sign, I don't think it will cause any problems. It will make things look better and hopefully will drive business to us. **Brad;** do you have an idea on size this sign will be? **Richard;** yes, we approximate it will be, the LED part will be approx. 5' tall and 10' wide, that is what we are anticipating. There will be just one post holding it up. The bottom of the sign will be about 20' up. **Joyce;** have you satisfied the easements? **Richard;** I own all of this plus I own another acre back here. I talked to Andy Scholle and he will survey this whole plot and get rid of all these lines. **Joyce;** so the light from the sign will not affect people in their residence? **Richard;** I don't see how. **Janey;** will there be parking underneath of it? **Richard;** no there will not, the prospect is to build on to this (referencing overhead map). **Brad;** does INDOT have any restrictions on where the sign is? I'm not 100% certain, because INDOT controls all of the signage along their highways and there are certain restrictions. I guess that is my only thought here, you need to stay within their parameters, I don't know what that setback is. **Richard;** we can find out what the answer is but I'm sure we can accommodate, we have room. **Krista;** in the past they are concerned about their right of way, INDOT's, especially with us having either a 30' setback from the right of way, not from the road. **Brad;** you will meet that, I would advise you to look into that to be on the safe side because across the road that sign sets back a pretty decent distance from the right of way. That is just a thought that I have. **Gary;** Krista, why does he need a conditional use? **Krista;** because he is putting and electronic changing message board on the sign, this is a unique situation because it is right within Greensburg. In the county we feel that electronically changing message boards would be a hinderance to farming, to traffic and property owners with the lighting and the flashing, so in the county, anytime you put up this type board you must have a conditional use. We want to make sure that it is in a place that is appropriate. The landscaping put one in but there were no houses in the area, it will not distract traffic, those are the things we want to look at in the county. **Rick;** you are familiar with the limitations that can be on that sign, some of the scrolling **Richard;** we are not going to have like flashing stuff, we want the sign to work, we want the message to be read. **Rick;** it will be messages pertaining to the business? **Richard;** yes.

Joyce Brindley made a motion to vote on BZA 2022-2; Gary Fischer second the motion with all members present voting yes. **Brad;** your petition has been approved.

* **BZA Petition 2022-3 – Jeffrey Krekeler** is requesting a “**Conditional Use**” in an A-2 zoning classification to run a mechanic's shop on the premises. This request falls under Decatur County **Ordinance #935**. The property is currently owned by William & Patricia Krekeler and is located at 7657 E CR 200 S, Greensburg in **Salt Creek Township**.

Brad; you were granted a 6 month with the stipulations, gave you time to get those done. We need a report on what measures you have taken. **Jeff Krekeler;** one of the things was the shop floor drain, I could not get a definite answer from anyone on that so I sealed it off, about two weeks after the meeting. Another thing was to clean us everything in the driveway, we have done that and hauled all the scrap out of there. Lined up the cars as best we could and keeping it down to the maximum that you wanted there. I could not do anything with the trees, which you wanted planted along the north and south side of the driveway. The property lays pretty wet right there, I have to do something with that, either push some dirt there so that what I plant won't die off. **Brad;** it was a bad time of the year. **Joyce;** what are you doing with the runoff from the oil and stuff? **Jeff;** I don't have any runoff, I really don't do anything that causes any use of the drains. We might have a little spill or something and if we do we wipe it up with a rag. **Joyce;** when you change the oil, do you have used oil? **Jeff;** yes, I do have. I take that to a friend of mine who has an oil furnace. **Joyce;** is anything getting into the ditch from your property? **Jeff;** no. **Joyce;** are you selling and buying vehicles? **Jeff;** no, just working on them. **Janey;** you had shipping containers... **Jeff;** inaudible.. **Janey;** and they are still there? **Jeff;** yes. **Janey;** and do you still have the boats and

other things? **Jeff**; inaudible. **Janey**; do we have updated pictures? **Jeff**; I did not take any. **Janey**; I recall that this didn't look very tidy in the last photos. **Joyce**; how many people are living there? **Jeff**; there are 7 of us. **Joyce**; and how many cars? **Jeff**; we have 7 vehicles of our own.

Audience: Bob Morton; my wife and I live south of where they built the house. When I look out front, I am seeing everything going on at Jeff's place. It doesn't have any of the containers in that picture (referencing overhead map). **Krista**; that is a few years old and GIS has not been updated. **Bob**; the last meeting we had it was mentioned about doing the trees and the water he is talking about sitting there, the excess runs across my driveway and on down to the creek, the runoff goes on my property and washes my driveway out. **Joyce**; isn't that his driveway that goes between the two houses? **Bob**; yes, and it also goes all the way to the left as wide as the building is, almost to the tree line. He has added a lot of tailings and stuff, he has another pile there now to spread out, as they keep adding that there is more and more runoff. The driveway is as big as the building or bigger. He was supposed to put trees from this little building (referencing overhead map) between us and him. I understand that he hasn't done it yet. He parks all his personal vehicle here including a couple of trailers, the other six are here (referencing overhead map) and since he put the stone in it, there is more that runs across my..... **Brad**; do you have a culvert pipe in your driveway? **Bob**; yes, I put four pieces there (referencing overhead map) so I am going to put another layer all the way out so that it will be lever. I did dig down and put pipes going out so that his runoff will run under that and hopefully won't wash it. When they put all this in it runs down here (referencing overhead map) and then it runs back on my property here and washes out my culvert there. It runs down the street and then back on mine, from all of this running off because he has such a big driveway. Since they added all this stone now it has the same effect running across here on me (referencing overhead map). It was suggested strongly that the two containers be painted to match the house so they would look so bad, one is red and one is blue. The noise, he has no noise. As far as excess traffic, he took care of that. It was mentioned also at the last meeting, since so many people lived in the house about an air exchange system from the car exhaust so that the people in the house can be safe, I'm sure it is in the minutes there, so we haven't addressed anything about that. I am also questioning hazardous waste removal since he is putting it in a barrel. He has antifreeze, oil and all kinds of stuff. He also has dust from grinding. My question is, if I can't go in there and check, he says he unhooked the drain, who is checking that? Who is going to verify that he did in fact do that? He has 7 cars and 3 for the business which makes 10, other than the parking he has out front there, all of the other parking there – how much parking is he allowed for the business that he has? How big of a parking lot does he need, the pile of tailings that he has there now, where is that going to go and how much more runoff is that going to go and how much (referencing overhead map) down on me? I'm also curious as to whether or not he can add any more structures. 935, is that the (referencing overhead map) it says something in there also about it shouldn't be detrimental to property values. If you live where I do and he puts this up and runs a business there and that was your house, what do you think your property value is not. The next person buying or whoever finds out that there is a business out front. **Joyce**; do you know how far you are away from that building? **Bob**; no, I'm not sure. **Joyce**; do you know how far away you are from that driveway to the building in front of you? **Bob**; where he has the parking out by my driveway, there is not 20 feet to it. **Joyce**; do the neighbors to the north of him have complaints? **Bob**; he brought in a list of people that thought it was fine, 300 people I'm the only person that was names to come in because of how he has that positioned inside his dad's property. Now they do have the list that the lawyer had, I know for a fact that different places that he does business with and I can get a list if put a note pad out there and had every customer sign it. The other people don't have to put up with and see what I do, they don't have my runoff or nothing else. And yes, they want somebody close that they can get their car worked on. **Brad**; Jeff, if you would like to come back up and give us a rebuttal for those concerns, please. **Jeff**; as far as painting the containers, the weather has been bad, it needs to warm up. As far as the runoff from my driveway through and

washing out his driveway, I don't understand how that is because there is a slight incline and there is a fence row there, (inaudible) rises higher than what my actual driveway is so unless there is a torrential rain, I'm not sure how that is causing a problem for him. **Brad**; the drain was a concern. **Krista**, is that something that we can have Kenny go look at? **Krista**; absolutely. **Brad**; that can be checked. **Jeff**; just have him give me a call and a time for when I am there. **Bob**; can I be notified also when he comes? **Krista**; yes. **Bob**; I would like to be present if he is checking it out. I have pictures here of the water standing back there, what I am talking about. **Brad**; on his side? **Bob**; yes. **Brad**; so it's standing and not running? **Bob**; where he is talking about where it is low to plant his trees and everything, it drains down a certain amount and then it sets there after it runs across mine. Mine is wet all the time. If you cover it with gravel, it will not soak into the gravel, it will run off the edges. It has to go somewhere. **Janey**; so the drive, has more parking places been added since you were granted the conditional use? **Jeff**; no. **Janey**; it's all the same as it was. **Jeff**; the asphalt millings that are sitting there, the neighbor in front and to the left, he asked if he can pile them there, he is going to use them on his driveway, I said that was fine, he didn't have room. **Joyce**; are you planning on still putting trees in? **Jeff**; yes, I need to do something there, because like I said I want to block it so he can't see me and I can't see him. Until I can financially afford it and figure out what to put there without them dying. **Brad**; you previously had a 6-month conditional use, our normal time period is 5 years but I don't think we want to go to that extent. I'm just making a proposal here, in order to give you time to get everything done in a proper fashion, that we look at a conditional use for.... **Janey**; one of my concerns is, initially you said weren't going to do the trees because it is wet and now you are saying financially, so **Jeff**; you want me to put 100 trees across there, they are about 30 bucks a piece, then you have to have someone come in and do it.... **Janey**; that is my concern, if we give him another 6 months or whatever and it dries up, you are still not going to get your trees, it doesn't sound like. **Brad**; so you will actually only need about 30 trees, to cover that area. Depends on if you double stack them or not. **Bob**; recommend triple. **Brad**; you would look at 30-60 trees, that is my take on that. I think that solution is fairly simple. If you have drainage problems there, those would need to be addressed in some fashion or your trees are going to die. **Gary**; if we got drains that is running off of his place, (inaudible) a farmer putting a tile in and not connecting it (inaudible). **Brad**; no because this is surface drainage that previously existed. In other words that's the natural lay of the land, the water always ran towards Bob. The change in surface, that is the problem, we went from a grass surface to a gravel surface. **Gary**; who was there first? **Brad**; when you go from a highly permeable surface to a much less permeable surface, that is where that complain lies. The fact that you are retaining the water is better for his situation. It is metering out. If you filled that in it would make his situation worse. **Jeff**; so what do I do? **Brad**; can you move the tree line further to the south to get into a better drained area? **Jeff**; it lays pretty wet in that whole section right there. **Rick**; are there other barriers considered beyond a tree line? A berm? **Jeff**; that was brought up too, I can do a berm and plant trees on top of the berm. **Brad**; but the berm is going to create, you have to be careful in how you direct the water. A fence is another option. **Jeff**; inaudible... **Rick**; it was mentioned about the waste product, oil, antifreeze and what be it. Are you doing any repair work outside or is it all inside the building? **Jeff**; all inside. **Rick**; all of those materials are captured and put inside steel barrels? **Jeff**; yes. **Rick**; Brad, I tend to agree with you, some of the requests that were made where it would be pretty tough to accomplish during the winter time, I think at a minimum he needs six months he needs to get an opportunity to address those concerns, I don't believe that he hasn't had adequate time and conditions to do that. **Joyce**; I agree. **Gary**; I agree. **Janey**; as long as something happens. **Brad**; we have started, he has addressed some of these issues and we have gone through winter, I don't want to pull the rug out from under you. If that is the case then that is a motion that I will need. Rick Hoeing made a motion to continue with a 6-month conditional use; Joyce seconded the motion. **Brad**; so that will be a 6-month time, everything that we addressed, and some sort of a privacy barrier and then we re-address the entire situation then and see where we have come. 4 members present voted yes and 1 member voting no.

Brad; Jeff you have 6 months to correct the situation. Kenny Buening will be in touch with you Jeff and Bob on the drain inspection and we will look forward to seeing you in 6 months.

Emilie Redelman – Redelman’s Deals on Wheels LLC

Emilie Redelman stated why she is here. After some discussion it was determined that since the Commissioners have sent a letter concerning her operation, since they are addressing this, it is out of our hands, until they have resolved their letter that they sent. Brad advised her to go to the Commissioner meeting to discuss.

Joyce Brindley made a motion to adjourn the meeting at 7:13 p.m.; (inaudible) seconded the motion.

Decatur County Board of Zoning Appeal

Secretary, Janey Livingston

Decatur County Area Plan Commission

ATTEST:

Brad Schutte, President Decatur County Board of Zoning Appeals