

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, August 2, 2017, at the Decatur County Courthouse. The meeting was called to order by Albert Armand. All board members were present. 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.

President Albert Armand called the meeting to order 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.*

* Minutes: 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 minutes were approved as mailed.

* Election of Officers

Melissa Scholl opened the floor for nominations for officers;

- Joyce Brindley nominated Albert Armand for President
- Joyce Brindley nominated Roger Krzyzanowski for Vice-President, he declined.
- Roger Krzyzanowski nominated Paul Stone for Vice-President
- Albert Armand nominated Joyce Brindley for Secretary

With no other nominations from the floor, the nominations were closed and all members present voted in favor of the officers.

Melissa Scholl, BZA Attorney swore in the audience.

* **BZA Petition 2017-16 – Andy Scholle, for Robert & Connie Cathey** is requesting a “**Variance**”, in an A-1 zoning classification, to the side setback requirement of 30’ to 13’ to subdivide between a pump house and shed, and from 30’ to 21’ from a grain bin. This request falls under Decatur County Ordinance #**945(5)**. The property is currently owned by Robert & Connie Cathey and is located at 1970 W Co Rd 1080 S, Westport in **Sand Creek Township**.

On behalf of the Cathey’s, Andy Scholle stated that they are asking for a variance to put a new property line between the pump house and the other shed, there is a grain bin behind the shed. The 1.5 acres where the shed and grain bin is will stay with the house. There is a gas well on the NE corner of the shed that they would like to keep with the house. The water well and pump house supplies water to the livestock and they wish to keep this with the farm. This survey is

necessary as they have the farm sold and they are looking to sell the house to another buyer. There is rural water on this road and have indicated that they have signed up to tap onto it.

Roger; the pump house does not serve any purpose to your homestead itself, correct? **Connie**; it does right now. We get our water there for the house. We did sign up for rural water when they came through and so it is ready, all we have to do is hook it up. **Roger**; so the gas well will not serve anything but your house? **Connie**; yes. **Andy**; they thought it was more feasible to keep the water well with the farm for the livestock. **Roger**; is the septic system next to the wells or anything that gives you a problem? **Connie**; no, it's far away. **Roger**; how will they be filling the grain bin or access to fill bin with an auger? **Andy**; there is a separate driveway there that is staying with the farm. The house has a separate paved driveway. **Albert**; is there any livestock facility next to property lines? **Andy**; the large pole barn to the left is where they store their livestock. It is staying with the farm. **Paul**; do you have prospective buyers? **Connie**; for the farm ground, not the house. We have had a real estate agent to try to sell the house. **Paul**; are there plans to continue the livestock operation? **Connie**; we don't but the person who is interested does.

Roger Krzyzanowski made a motion to vote on BZA Petition 2017-16; Joyce Brindley seconded with all members present voting yes.

* **BZA Petition 2017-17 – Andy Kendall is requesting a “Permanent Special Exception”, in an A-1 zoning classification to build a pond. This request falls under Decatur County Ordinance #2530. The property is currently owned by David & Anita Kendall and is located Southwest of 7357 S Co Rd 250 E., Greensburg in Marion Township.**

Andy state that they wish to have a Permanent Special Exception to build a pond, about 2.5-3 acres. That is a valley area that has had a tendency to wash out, the dam will be on the south end and about 18' high. We are aware that we need to be 30' from the property line, the closest is about 32'-35' from the existing property line. There is about 20 acres of drainage into the pond. As far as we know there are not tiles there. No plans to be a residence on it.

Albert; you have answered all the questions to start with. **Roger**; and if you do discover tile, you will have to maintain that and make sure that it continues on as it is. **Roger**; was this pasture ground? **David Kendall**; yes, it's a hay field right now. **Paul**; who is doing your excavating? **Andy**; we haven't fully decided, we are working on estimates right now, possibly Jerry Wells. **Paul**; he will do a fine job for you, that's a real big dam and be sure you account for a 100 year flood, just so it can accept a flood pretty easily. **Albert**; how big do you think the pond is going to be? **Andy**; 2.5-3 acres. **Albert**; you worked with Soil and Water Conservation District? **Andy**; yes.

Roger Krzyzanowski made a motion to vote on BZA 2017-17; Paul Stone seconded the motion with all 5 members present voting yes.

Krista:

Recently attended a seminar called The Nitty Gritty of Planning. I have some general information about what Board of Zoning Appeals duties are. Also, we should be doing a

Findings of Fact, more in depth than we do it now. I want to give each of you a copy of what the criteria is that we should be using when granting petitions. It is spelled out in our ordinances, there is nothing new. Basically this is a refresher.

With no other business to be brought before the board the meeting was adjourned at 6:52 p.m.

Respectfully submitted by Debbie Martin, Administrative Assistant.

Decatur County Board of Zoning Appeal

Secretary, Joyce Brindley

Decatur County Area Plan Commission

ATTEST:

President, Albert Armand

Decatur County Board of Zoning Appeals