

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 6:32 P.M. on Wednesday, August 3, 2016, at the Decatur County Courthouse. The meeting for the Decatur County Board of Zoning Appeals was called to order by Albert Armand. Roger Krzyzanowski was absent leaving 4 board members present. Also attending the meeting was Krista Duvall--Decatur County Area Plan Director, Kenny Buening – Decatur County Building Commissioner, Debbie Martin – Administrative Assistant and Melissa Scholl, Attorney for BZA and APC 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 July 6, 2016 minutes as mailed. Melissa Scholl, Attorney for BZA and APC Boards swore in the audience.

***BZA Petition 2016-22 – Flat Rock YMCA Camp / Don Sheppard** is requesting a **“Permanent Special Exception”** as provided in the Decatur County Zoning Ordinance Number 925 (10) to build and operate a “Shooting Range” in an A-1 zoning classification. The property is owned by YMCA of Greater Indianapolis and is located **East of 6710 W CR 650 N, St. Paul, In, Adams Township.**

Don Sheppard stated that they would like to build an open air pavilion to teach the kids who attend the camp how to properly shoot firearms. We use air rifles, 22 and 17. We plan to have this shooting clinic one day per week during the summer. We have some designs on the building and it is laid out in such a way that safety is our real concern. It will benefit the kids with a program progression and be an activity that the kids will enjoy.

Board questions and comments:

Board; You have had someone layout the plans with elevations? **Don;** I have **Board;** Are these the same ones that we have in our packet? **Don;** Yes I believe so. **Board;** Have you ever had or currently have a shooting range in the past? **Don;** yes we operate a rifle program for 22’s, it’s on a different range on the facility. We do a shotgun program with one thrower in a field. This pavilion will allow us to have a structure with added safety. **Board;** is that in the same field that you are currently shooting? **Don;** yes, it is a mobile unit that we take down there (he pointed out the field). **Audience;** Is it skeet or traps? **Don;** it is a 5 stand with trap thrower which you can aim different ways. **Audience;** You’re not shooting skeets? **Don;** Right, it will not have the skeet towers. **Audience;** Your map just shows the location, haven’t seen your plans of where it goes. **Don;** The diagram shows in that field about half way in and the ground is marked on the map on the overhead projector. **Board;** So the little black mark on the overhead map is the approximate location of where you would like to put the structure, is that correct? **Don;** Right. **Board;** And will you be shooting away from the stream? **Don;** Correct, so we will be shooting away from the river back into the field which has a wooded area behind it. **Board;** How far away from the camp is the proposed pavilion going to be? **Don;** You can see it on the map that it is located just west of our main camp and there is this 40 acre field between the camp and proposed new shooting pavilion (Don pointed out the property on the overhead projector). **Audience;** Is that the area called the outpost? **Don;** Yes it is. **Audience;** Is there hills all around that? And are you shooting into a hill downrange? **Don;** we have to go up a hill to get back to the road and we are shooting into a hill. With a shotgun the spray doesn’t go out that far. **Board;** There will be no rifle shooting on this property, will you use your 22’s? **Don;** This will be shotgun exclusive, mostly 20 gauge when working with youth, some 12 gauge. The NRA has guidelines on these ranges and how far the spray should go and that is how we have designed this. **Audience;** Was there any information on the echo up and down the river? **Don;** We did not do that recently for

this, have in the past two summers but there has been no feedback from our neighbors that they are hearing this or this was a challenge or anything else. **Audience;** The problem I have is that I live right on the corner. I hear shooting from the Sheriff Dept. and City Police shooting at the Flatrock Pump Station and I hear this all the time. Now you are going to put another shooting range on the other side of me, I live in the country not to hear like a war zone. I have horses in a pasture (right on the river at the corner) right where he is talking about. I try to get along with the camp over the years. I have had stuff I could complain about and I haven't but is it fair for me to listen to this on both sides of my property? What good is it to live in the country if I have to listen to this? I have to worry about bullets ricocheting and coming up by my horse pasture. Horses get spooked, dogs get spooked, and we walk in the woods. My property just barely misses where he can put this, my house is right there. That's my complaint. **Audience;** How many adults will be out there shooting or will it be children at all times? **Don;** Primarily we run all youth programs for 9 weeks, with a 45 minute to an hour a day. It will be constrictive for when we operate it for those kids for the 9 weeks. Then the rest of the season would be if we book a group who would want to have that we would run it during the day. **Board;** This is only in the summer time that you will do this? **Don;** I said during the year round if we have a group that books with us and we have the qualified staff to oversee it, we would then run that activity. Would again be a 45 minutes to an hour session. **Audience;** Your staff will supervise that? **Don;** Correct, we have to, in order to run this range or any other range, have the qualified supervision. This wouldn't be open for just anyone to come and shoot when they want, it would be only for groups who book from us who are having a retreat, or team building type outing. **Board;** What time of day do you do these types of events, are they night sessions or are they just during the day? **Don;** All of our events for summer camp happen between 9:30-4:30. They would never happen over the lunch hours. When we book with outside groups we still try to stick with those hours. **Board;** Is this a 7 day a week deal or only during regular business day? **Don;** so for summer camp we operate this activity Mon-Fri. With the outside groups it would depend on when they are staying with us. It could be a weekend. **Board;** Is there a roof over this structure? **Don;** Yes, it's a pavilion and will have a metal roof. **Board;** I think this adds a lot of safety in my mind, having individuals in rooms where the chances of dangers is confined to that one person. There are walls between you and the others. I like the fact that it's going to be done in a safer way, with onlookers standing behind or at the side of the shooter, I feel this is a big improvement. **Don;** safety is our first and foremost concern, so it does give us some advantages on safety too, we have a lot of protocol too. **Audience;** from the looks of your elevations on your structure it's wide open. There is nothing between the shooters. **Don;** what he is talking about is it creates a box between the shooters. **Board;** I'm just saying that the person to the left or right has now got some protection by having the stalls. **Audience;** it doesn't show a stall, just an open area. **Board;** We have a more detailed building plan. **Board;** so from what I understand is, you already do similar activities, you are just adding the pavilion to make it more comfortable for everyone and safer, right? **Don;** Yes, a better user experience and safer. **Audience;** I farm at 6730 and 6700 on the map. We are concerned with the noise, that could be a problem at times. We're still liking to say that we live in the country and something like this is going to inhibit that just a little bit. I am concerned when you bring your groups down in the fall on weekends that could be a real tough thing, I can see that growing that could cause us a lot more problems than just the children. My son has a grandson now and he is concerned that if he is back there farming someday what could happen. We farm right between the main camp and this structure. Let me say that we have gotten along with the camp very well for many years. We appreciate what the camp does, we are just concerned with what it might do to the value of my property and some of the noise. **Audience;** if this doesn't pass tonight, you will still be doing the same kind of shooting tomorrow that you would do with the building there, am I correct? **Don;** It would be similar in that we would still have a trap activity. But would lose a lot of value of what it could be by having the shelter and more trap activities. Unless someone was trying to approach upon the property from somewhere else, the safety is really locked down with how we have it aimed and the protocols and how we close off the areas. The shotgun spray would not travel as far as a stray bullet would from other weapons. I just want to emphasize that the safety aspect would be very strong. **Audience;** So we are assured that you would not be shooting any high caliber weapons? **Don;** Correct. **Audience;** what keeps it from growing, won't you be improving and enlarging this? **Don;** I think that one, in terms of the high caliber, it does not fit the program, the mission of what we are trying to do. I don't think we

would ever switch caliber. In terms of improving we always want to improve everything we do, this would put us at the high end, I don't see us progressing beyond that, primarily with the age group we work with. This is what I think would give us the upper echelon. **Board;** The other thing is that we have the power up here to say that it could only be used for shotguns. **Audience;** Can you write that on the permit? **Board;** Yes, it will be on the record. Only shotguns. We could potentially have the power to say that it could only be a certain size. **Audience;** the only thing about it is that I have to listen to this, and that's the thing on both sides of me. Would you want to live there and have to worry about your grandkids getting hit? **Board;** there is a permitted gun range on the other side of you? **Audience;** Yes. The city police and the sheriff's department are right on the other side of me. I have this on both sides of my house. Is that fair to listen to this all the time, I have to turn my stereo up so I don't have to hear the shooting, I have grandkids, I worry that they will get hit or my horses. **Board;** Is the city shooting here? (points to the overhead map). **Audience;** they are shooting at the bottom of Flatrock right by the bridge. It sounds like a canon going off. You want to live in the country and this is not living like country. It's not fair. I too have gotten along with them over the years but this is very upsetting. **Audience;** I love it that the youth can learn how to handle a gun properly. **Board;** Is there another place on the property that you could put that where it won't be noisy? **Don;** our idea with this field is that it is remote, if we move it there is possibly another neighbor that would be affected. If people are having issues with noise, this is the first I am hearing of it. **Audience;** I have not said anything in the past but when I got this letter it upset me. Why live in the country if it is going to sound like Syria. I'm sorry to say but what is this going to do to the nature? **Don;** We are a very conservation oriented program, relative to nature. We have neighbors that hunt and shoot that we hear at different times, regardless of whether it is a structured activity or not. Our program is safety oriented and will be trained by qualified personnel. **Board;** does your building design promote percussion of the noise emitted. Will it dampen, lessen it or enhance it with them shooting from those stations where the noise is more confined to the building versus transmitted or is there any stats on that? **Don;** I just have to say I don't know if it would impact it one way or another, I can look into it.

With no other comments from the board or the audience Jay Hatton moved to vote on BZA 2016-22 and add the provisions; Shotguns only, daytime shooting only, and try to really be conscience of their neighbors at all times when possible; Steven Dudley seconded the motion. The motion passed with 3 yes and 1 no vote.

***BZA Petition 2016-23 – William Pardue** is requesting a **“Variance”** from provisions in the Decatur County Zoning Ordinance Number **945 (5)** to the rear setback from 30 feet to 16 feet in an A-1 zoning classification to subdivide 4.0 acres out of 15.94 acres and use the existing fence as the rear parcel line. The property is owned by the petitioner and is located at **4232 N CR 420 W, Greensburg, IN, Adams Township.**

William Pardue stated to the board that he would like to sell the 4 acre parcel with the house, barn and garage and make the fence line his new parcel line. To do this I would need a 16 foot rear setback. I will still own the parcel on the other side.

Board questions and comments:

Board; Do we have an idea of how far the buildings and house are from the road? **William;** The house is probably close to the 30 foot boundary, the barn is 40 foot and the garage is 50-60 feet. **Board;** I was just wondering if it would open it up to all buildable lots down through there or does it make everyone who wants to build at some time in the future come in and get a variance for setbacks. **Board;** What is the lot depth from the road to your fence? **William;** probably 150 feet. **Board;** probably, but you don't know for sure. Do you see what the potential is for building lots on there? If the fence isn't back and we don't make you set it back now, the next lot closest to 421 if that would be petitioned off and they want to sell and build a lot there and it's not deep enough for the setbacks, then every lot through there would have to come before the board for a variance. **William;** What is the variance depth? **Krista;** the setback is 70 feet from center of road. **Board;** so there can

only be one more house put on that lot because of the number of acres that are there. A 4 acre parcel can be split to build one more house. **Audience;** A few years ago I had a plat laid out and the line was closer than 30 foot to the building, I own both parcels, I had to have it re-surveyed and have the line be 30 feet from the building. If I get a variance can I straighten that line out? **Board;** you can always come and apply for a variance. **Audience:** I did. **Board;** And you were turned down? After a bit more discussion it was noted to the gentleman that he should come into the office and meet with Krista do discuss his situation. **Board;** The barn is the closed structure to 421, is it 30 feet from the fence line? **William;** It is like 40 feet. **Board;** So we are only talking about one building? **William;** The garage is sticking back there and the only thing I'd have to do if you don't give me this is to come out in the middle of my field and make it a box. I just hate to do that. **Board;** You just heard from a man who had to do the same thing.

Just moments before the vote Joyce Brindley had to leave the meeting leaving 3 members present for the vote.

Steven Dudley moved to vote on BZA Petition 2016-23; Jay Hatton seconded the motion. With a vote of 2 yes and 1 no the petition failed to pass.

With no other business to discuss the meeting was adjourned at 7:08 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