

**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 7, 2019, at the Decatur County Courthouse. The meeting was called to order by Paul Stone. All board members were present. Also attending the meeting was Melissa Scholl – BZA Attorney, Krista Duvall – Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

President Paul Stone 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.*

With no additions or corrections the minutes of the June 5, 2019 regularly scheduled BZA monthly meeting were approved as mailed.

\* **BZA Petition 2019-5 – David Corya/Andy Scholle** is requesting a “**Variance**” to the required setbacks to put a property line closer to the structures than required by ordinance. This request falls under Decatur County Ordinance #945(5). **1. From 30’ to 19.5’ from the dwelling 2. From 30’ to 5’ from the “office” building 3. From 30’ to 11.5’ from the “office” building 4. From 30’ to 5’ from a building.** The property is owned by Susan Corya and is located at 1226 N CR 500 W, Greensburg, in **Clay Township**.

Andy Scholle stated that the reason for the variance is to divide the residential dwelling from the office and the rest of the farm. More of this is for insurance and liability purposes, it is unfortunate that the office was positioned so close to the residential structure. Andy reviewed the overhead map explaining the reason for each variance. There are 3 property lines but there are 4 different areas of buildings and structures that do not meet the current 30’ setback. They want to keep the house in the residential name and the other buildings into the corporation.

**Joyce;** the office building is ajar from the line? **Andy;** yes we tried to just keep the line straight. Keep the lines parallel and perpendicular to the county road to keep things squared up. **Paul;** is the aerial image the actual image as opposed to the drawing Krista? The computer was adjusted to show a better image. **Paul;** so this line would jog around these buildings, the other option would be to bring the line straight down and those would remain with the house? **Andy;** right, this is the current office building for the Corya farm system. They are trying to keep the office with the farm and corporation. **David Corya;** I’m here on behalf of my parents. Everything that Andy said is accurate, I would just like to add a few. If you look at the existing property line, it cuts things up, all of that stuff is on mom and dad’s personal property. As the years have gone by we get more truck traffic, deliveries, foot traffic and we are concerned about liability. We are trying to resolve that by splitting out the personal assets from the business assets. In this case the owners on all sides are either my dad or myself in a trust, the intent is to keep this an ag production site forever. **Andy;** pointed out referencing the overhead map what David was talking about. **Jay;** you still haven’t done anything about the lines that go through those buildings and the lp tank, is there intent to correct that? **David;** there are several small parcels that make up the back side of that property, the business side. Those are all owned by P & S

Farm, over the years my grandfather would give pieces of the property to my parents or they earned it. The intent would be to continue to simplify and improve the business parcel to modernize it and bring it into compliance. **Jay;** this would allow you to take the remaining part of this parcel if these lines are accepted as presented tonight, and then what is remaining of the parcel will stay with the farm, correct? **David;** yes. **Paul;** the closest structure to the house is the office, what does the second building house? **Andy;** that is just a barn. **Paul;** These two outbuildings, basically the farm utilizes the office daily for doing business and the other..... **David;** machine storage. The little brick building is an old pump house, had old gas well stuff in it. We have been talking about maybe tearing down, don't expect it to be there forever. **Jay;** Our concern is accepting 5' setback and we challenge all who come before us who request a 5' setback, there is concern over how you would maintain the building with only 5'. I see Andy has done everything possible here. This is a concern just in case there would be separate ownership down the road. **David;** I understand that. **Paul;** a potential scenario would be the generation after you with the home and the business. **David;** we have added language to the homeowners site here that has a restrictive ag covenant on the deed which will protect the commercial operation long term. It would be understood by a buyer of the personal residence.

With no additional comments or questions from the board or audience the motions were as follow:

1. Joyce Brindley made a motion to vote on BZA 2019-5 #1 with the required 30' setback to 19.5' from the dwelling; (see NOTE below), after the change Joyce Brindley modified her motion to accept the change from the requested 5' setback Jay Hatton seconded the motion for part 1 with all 5 members present voting yes.
2. Jay Hatton made a motion to vote on BZA 2019-5 #2 with the required 30' setback to a 15' setback; Janey Livingston seconded the motion with all 5 members present voting yes.
3. Janey Livingston made a motion to vote on BZA 2019-5 #3 with a change in the requested setback from 11.5' to 19'; Gary Fischer seconded the motion with all 5 members present voting yes.
4. Paul asked if David Corya was willing to state that he would remove the little brick building within one year to eliminate a 5' concern. David Corya agreed but stated that the gas lines may not be. Joyce Brindley made a motion to vote on BZA 2019-5 #4 with the requested 5' setback with the condition that the building would be removed within 1 year; Paul Stone seconded the motion with all 5 members present voting yes.

**NOTE:** Jay Hatton requested to ask another question to Andy about changing the setback on the second request of the requested 5' to a 15' setback, is reluctant to vote on this and is not wanting to set a future precedence. After discussing with David Corya, they agreed to a setback of 15'. This would change the setback of #2 to the requested 5' to 15' and of #3 from the requested 11.5' to 19'.

**Paul;** thank you David and Andy for being willing to work with us on this.

\* **BZA Petition 2019-6 – J. Kyle Bell** is requesting a “**Conditional Use**” to operate a specialty auto parts fabrication business in a detached structure on the property. This request falls under Decatur County Ordinance #935(2)(b), and a “**Special Exception**” to place a sign on his property. This request falls under Decatur County Ordinance #935 (2)(b)(iii). The property is owned by the petitioner and is located at 2946 W State Rd 46, Greensburg, in **Washington Township**.

J Kyle Bell stated that he wished to add a building (which has not been built yet) to operate an automotive fabrication business consisting of exhaust manifolds, turbo kits and things like that. There is no one in the area that does this type of work that I am aware of, there are bigger shops in Indianapolis and Cincinnati, and I’m trying to bring some of that work to this area.

**Paul;** will this be retail or wholesale type things, do you anticipate vehicles in and out on a daily basis, what is your expectation of how that will look? **Kyle;** most fabrication is time consuming so it wouldn’t be a lot of traffic, maybe 4-5 cars a day or less. It is hard to judge how the business will go at this point. **Jay;** how many cars are you looking at having on your property at one time? **Kyle;** the building will be a 40’ x 50’, most will be inside the building, maybe 10 or less with the exception of 5-6 being in the building. I do have another structure already on the property that I can store vehicles in. **Paul;** I think that is one of the things that we try to mitigate on a conditional use is that it is not a large disruption to what the property would look like if it did not have an operation going on, we don’t want it to turn into a lot of outside type activity that would not normally be there. **Jay;** will there be cars on the property disabled outside that would look like they would be parted out? **Kyle;** no I can manage to keep everything inside that would be taken apart. Everything outside can be a fully assembled car. **Janey;** will you have any employees? **Kyle;** no. **Jay;** how large is your sign that you are asking for? **Kyle;** I added that in for future needs, I would want to start the business first to see if it works out. I know there are a lot of mandates for the sign. **Jay;** we run into signs quite a bit and now electronic signs are a big thing, we would want more definition on what this sign looks like before I would be able to feel comfortable with saying to just wing it. **Kyle;** at this time it would be more like a fabricated type sign and put on the building, the name, no lit sign and nothing away from the building. **Joyce;** would you be comfortable to us limiting that to an un-lit sign? **Kyle;** yes. **Jay;** Melissa, he can put that on the building right? **Krista;** any sign, a sign is a sign. **Melissa;** we can limit the size, lighting and digital qualities. **Gary;** Mr. Bell, is the red square on the overhead map the proposed new building? **Kyle;** yes. **Gary;** does that meet the setback requirements from the other buildings that are there? **Kyle;** yes, it should. The building would still have to gain approval before it goes up. **Joyce;** will you have to go before the zoning board to get this rezoned? **Melissa;** there does not need to be a zoning change, he would just need a building permit. **Jay;** what is the term on a conditional use, 3 or 5 years? **Paul;** would have a 5 year life cycle and he would have to come and revisit us. **Jay;** I want to have a definition of what it will look like, if it will be digital, have lights shining on it or its approximate size. I would like for you to state and for us to have in our records what your vision of a sign is so that we can vote on this. **Kyle;** I was going to weld lettering together out of bent tubing, I had the assumption that there were rules as to how big the letters can be on the building, no lights. **Krista;** so no lights, no electronically changeable message board of any kind and less than 32 square feet. **Jay;** is that

acceptable? **Kyle;** yes. **Paul;** that would be a 4' x 8' which would be fine. **Jay;** I just want us to have clarity if we are going to vote on this.

Janey Livingston made a motion to vote BZA 2019-6 for the conditional use; Joyce Brindley seconded the motion with all 5 members present voted yes.

Jay Hatton made a motion to vote on BZA 2019-6 for the special exception with the stipulation of no electronically changeable message board, no lighting and maximum of 32 square feet; Joyce Brindley seconded the motion with all 5 members present voting yes.

Paul; please stay in touch with the office with your building permit as you move forward.

With no other business to be brought before the board the meeting was adjourned at 7:09 p.m.

Decatur County Board of Zoning Appeal

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Secretary, Joyce Brindley

Decatur County Area Plan Commission

ATTEST:

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Paul Stone, President      Decatur County Board of Zoning Appeals