

**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, December 4, 2024, at the Decatur County Courthouse. The meeting was called to order by Rick Hoeing. There were 4 board members present with Paul Stone absent. Also attending the meeting was Melissa Scholl – BZA Attorney, Tim Ortman – Interim Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

Rick Hoeing opened the meeting 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.*

\* **BZA 2024-11 – Jeff Blanford** is requesting a “Conditional Use” in an R-2 zoning classification as provided in the Decatur County Ordinance article 10, Section 1030 to operate a Retail “Vapes & Scents” business in a 30’x16’ existing building. The property is currently owned by the petitioner and is located at 508 N Jackson Street, St. Paul in **Adams Township**.

**Dawn Blanford**; We would like to open a Vapes & Scents business. Would include candles, candle melts, incense, incense burners, homemade soaps, lip balm, body type products. **Rick Hoeing**; So, it wasn’t really clear on the picture which building. **Jeff**; It’s the one with the star. For references there is St Paul School gym. **Dawn**; We live at 5506 North Jason so that is basically our barn lot that was there. It’s an existing pole barn there were sections of it sectioned off some who lived there before us were thinking about doing a business there. So, we didn’t really have to do any building. Existing electric was all there. **Rick**; How big is that lot? **Jeff**; Probably about an acre. We have 2 acres so it’s about an acre. **Joyce Brinley**; Do your neighbors know what you are wanting to do? **Jeff**; Absolutely. Most of our neighbors are in the cemetery. **Rick**; So, what kind of traffic do you expect? **Dawn**; Hopefully a lot. We would like to do this to retire. We want to make it big enough and enticing enough that the people of St. Paul will feel comfortable to come in to buy their candles, etc. for Christmas gifts. Decent enough to let the business thrive on its own. **Jeff**; Hopefully more than just vapes. The vapes are a big part of it now is a growing business but hoping to provide the community with any type of request that we might be able to provide so that they don’t always have to leave town. Waldron being the same way, so we are hoping that we get ideas Hope to get away from vapes. We don’t always want to depend on vapes. **Joyce**; There is a big market for what she is selling. Especially if it’s handmade. **Jeff**; It’s all hand made and all natural. The lip balm is all natural. **Dawn**; I have pictures of candles too. And candle melts. The candles do well. Theres 3 or 4 slides there, the homemade soaps and the shower steamers on the top shelf. People really like the shower steamers you put in your shower and it clears your sinuses up. Hoping to get into body scrubs and aromatic things you can put in your home like essential oils, diffusers. It’s really popular now. It’s something kind of small that we can do for our community. I grew up in St Paul with parents that owned their own business in St. Paul. Riley & Jeanette Lemons. **Janey Livingston**; I think it would be great for St. Paul. My only concern is where it’s located, on that curve and where your lot is located and the access it is I’m with you 100% anything doing good for St. Paul. We need to build up St. Paul. That gives me just a little bit of a pause because if your business thrives and you get much traffic going in and out of there. People are idiots that come around that corner. But that is my concern. **Dawn**; I can say that we visited some vape shops and what I observed is it’s very quick in and out. They know what they want. They come in and say what they want and get it and get out. It’s not a huge amount of traffic at one time. We wanted to visit larger cities and smaller cities to observe. **Joyce**; I would think too that if you had any

problems, you could put a sign up to slow down. **Rick;** I know part of the reason you get a driveway approval. Tim (Ortman) since you are here do you have any idea of what distances are? **Tim;** (Inaudible) Ours hopefully they look at resident and get down to 30 miles to 25 miles an hour. So, you know I mean 25 it's enforceable. Write a couple tickets and it don't take long for people...**Jeff;** The driveway it can be seen but it wasn't seen as well as we like also put reflectors up, so it was more visible. **Janey;** What were your hours going to be? **Jeff;** Right now, it's part-time so I can sustain a full-time job. Hours 3:30-7 during the week, weekend 12-5 or 6, it wouldn't be late. And then if the business sustains hopefully I can jump out of my job. So, I'm hoping to make this my retirement. **Rick;** Do you have adequate parking there? **Jeff;** Yes, you could probably park 7-8 cars there. We are hoping to pave it next year. Right now, it's gravel. **Rick;** Is there enough room to turn around? **Dawn;** Yes, it's pretty huge. It used to be a round lot. **Rick;** Do you have adequate restroom facilities? **Dawn;** Yes, within walking distance, 500 feet for employees. **Rick;** Any recommendations from you (Janey) as a St Paul resident. **Janey;** Is there a speed limit sign posted there? **Jeff;** Yes. **Janey;** I don't want to hold back a business trying to grow and help the area. **Dawn;** I think there is one right there as you come around the corner on the right. I'm sure there's one right there. **Rick;** So, Missy brought to our attention to ensure that section 10-30 does have several criteria for running a business from your home and to make sure that those are followed and that you are aware of those. Have you read those or are you aware of those? Section 10-30, it's in our ordinance **Dawn;** probably not unless it was from Homeland Security. They gave us a long list and we complied with those. **Rick;** so just a few things, the operation is operated by family and resides on the premises and not more than 2 non-family members. No signs or advertising displayed unless approved by the BZA. Does not require storage materials outside of the structure. So, there are a handful of things that need to be followed. **Janey;** Do you have lighting? Close to the road? **Jeff;** Yes, we even added more lighting. We have security lights on our barn that light up the whole barn yard when you get about halfway in. **Rick;** So conditional use that you are asking for does have a time limit. It can exceed no longer than 5 years and at that time you have to come back for additional time. We can shorten that time frame. That's at our discretion. Are there neighbors any communication from the public? Seeing none I'll entertain a motion. Scott Smith made a motion to vote on Petition 2024-11, Joyce Brindley Seconded it with all members present voting yes.

\* **BZA 2024-12 – Anita Scheidler** is requesting a "Variance" in an A-1 zoning classification as provided in the Decatur County Ordinance Article 3, Section 330, (2) to build a single family detached dwelling 130' from a pond rather than the required 150' setback. The property is currently owned by the petitioner and is located at 3610 E CR 400 S, Greensburg in **Marion Township**.

**Mr. Scheidler;** The star reference about where the house would set. We weren't aware of the 150 ft from the existing pond so the house obviously we've got to stay at least 30 ft off the East property line, correct? So, actually 130 would probably be the maximum we could get. I would rather see it be 120. Is it the house or the porch that the distance it's measured from? **Rick Hoeing;** The foundation would be my assumption. **Missy Scholls;** It would be the foundation. Are you having walls on your walkout. **Mr. Scheidler;** That would be the west side which would have the basement so there would be wing walls on the basement. Do the wing walls count as the house? **Missy;** It would be the foundation. The wing walls would be similar; however, we can't reduce it down another 10 ft. because we didn't advertise it. We can go up but can't go down. **Mr. Scheidler;** So, you're saying that at this point it's got to be 130'. **Rick;** It needs to be 130' based as what's on the petition application. We can table this and then have that changed and advertise that as the distance, correct, Missy? **Missy;** Correct. **Mr. Scheidler;** Ok so for the 130 would be for the actual foundation that I have. If the porch doesn't count, then that helps us obviously. **Rick;** Does the porch count as part of the foundation? **Missy;** Describe what this porch looks like. **Mr. Scheidler;** So, there would be a basement porch. The porch would be...**Anita Scheidler;** It's going

to be a wrap around porch so it will be on 3 sides and then the foundation. **Missy;** Is it a 1 or 2 story home?

**Mr. Scheidler;** 2 Story with a basement. **Missy;** 3 levels then? **Anita;** Yes Missy; and on the side of the structure that is the closest distance to the pond, is that where it slopes down, and you will have your walkout and will open to the pond. And then you are going to have wing walls and a poured patio? **Mr. Scheidler;** There would be a walkout and a slab. But again, the actual

foundation, the footer, the basement. **Missy;** So, is the porch going to be then elevated so it's the roof of the walkout? **Mr. Scheidler;** Correct. **Missy;** So, it would be the footers for the basement, not the wing walls not the slab patio between the wing walls and not the elevated decking. **Rick;** The foundation would basically be the footer? **Missy;** Correct. **Mr. Scheidler;** So that being said, that makes things better so the 130' would be better. So that being said then we would be good.

**Rick;** That would maintain the 30' from property line? **Mr. Scheidler;** Yes. **Missy;** Tim (Ortman) do you have any concerns. **Tim Ortman;** The only thing I flag is on the assess footprint assess the structure? **Missy;** Inaudible so that's what I'm thinking he's going to be taxed on the assessed value of the house **Missy;** Right **Missy;** And how long is your porch or your overhang? **Mr.**

**Scheidler;** well the porch will be somewhere 8-10 ft. **Rick;** and that would be on 3 sides? **Mr.**

**Scheidler;** South, West and North sides. **Tim;** So, would 130 work for that 8-10 ft? **Anita;** Yes, as long as we go off the foundation. **Tim;** So, the edge of your porch from there would 130' catch it?

**Mr. Scheidler;** I was hoping to come more than 30' off the property line just to have a little bit of **Anita;** But we can move it closer to the property line. **Mr. Scheidler;** We'd have to put it right at the 30'. I just thought it would be nice to have just a little more space because that's the only way

you are going to get through there because there will be no room. By the time you get the porch and of course there is going to be a walk out basement to the west as you're looking at the pond there would probably be no way of getting around back. But 30' will work. **Missy;** When you say 30' that would be 130'?

**Mr. Scheidler;** Yes, so that would give us 30' to the east side. 30' off the set back but 130' off the pond. **Missy;** Yes, 30' off the setback but 130' off of the pond. **Mr.**

**Scheidler;** Yes, and of course that's the right water mark of the pond. Correct. **Rick;** What kind of an elevation drop do you have from the walkout point to the pond? **Mr. Scheidler;** From the

walkout to the pond, it would be right at 2.5'. **Scott;** Is that pretty flat from the home's site to the pond, would you say? **Mr. Scheidler;** It falls off towards the pond. Okay I shot with a transit from

about right at say the high spot pretty actually pretty flat where the house would go, and it was 8' 4". Let's say at the low spot of the it's kind of a dry day there so from the low spot to the basically

where the house is, 8' 4" and they we are going to put the foundation will be about around 2'. **Rick;** You'll maintain those woods there? **Mr. Scheidler;** Everything should stay just as it is. Could be a

few tree removal. **Rick;** Clean up the woods but not remove it? **Mr. Scheidler;** The fence line has a few trees to be cleaned out. Where the walkout basement would be there will be a few trees. Of

course, the driveway would go, and the driveway can go right up to the fence. It will go right down the fence line. And then the garage area would be on the west side. **Missy;** Is the fence line the

property line? **Mr. Scheidler;** Yes. **Rick;** Keep in mind we are voting on the variance. This is still contingent on the approval of the rezone with the APC. While we can pass the variance, it's still up

to the APC to approve the project. **Scott;** Why do we have 150', just curious. **Missy;** That was just determined (inaudible) **Joyce;** is this your pond? **Mr. Scheidler;** Yes, and it would remain our

pond. **Joyce;** Do the drains and things in the pond work? **Mr. Scheidler;** It's got an overflow and then there's also on the west side there's a drain and spillway so as far as it really can because of the

spillway so yeah that's just kind of an insurance policy. It was put in in '92 so you know the spillway is bulletproof. **Janey;** What is the red line? **Anita;** We're going to divide our property off

and that's going to be all his, all the way. **Missy;** And so, the pond is going to remain on your property, but you are going to deed a parcel to your son that's going to build a home? **Mr.**

**Scheidler;** Yes, that will be all his. He doesn't get the pond. **Rick;** Anything further, board? Any comments from the public. **Jim Moore;** I just had a question, what happens down the road after you

guys pass on and your son has that property, this property gets sold what will happen with the pond in relationship with the house? **Anita;** The pond will go with the house. **Mr. Scheidler;** We thought

that if that ever happens, I didn't just want to do a right away with a lane where we kept all the farmland so if we sell the house, he's got everything in front of the house or someone could come in and build a house right on top of him. But we hied to think of scenarios that would have a bad outcome. **Rick**; anything else from the public.

Janey Livingston made a motion to vote on Petion 2024-11, Joycey Brindley Seconded it with all members present voting yes.

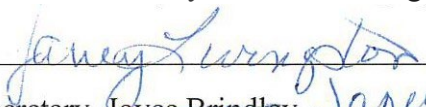

**\* BZA Petition 2024-8 - Geenex Solar / Cobia Solar**

**Continued to the January 8, 2025 Meeting**

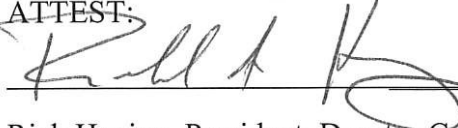
Next Item 2024-8, Cobia Solar any discussion there will be continued to the Jan 8 meeting. That is all we have on the agenda for tonight.

Scott Smith made a motion to adjourn the meeting at 7:20 p.m. with a second from Janey Livingston, all members present signified by saying aye.

Decatur County Board of Zoning Appeal

  
Secretary, Joyce Brindley 

ATTEST:

  
Rick Hoeing, President, Decatur Co