

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 5, 2018, 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.*

The minutes of the November 7, 2018 regularly scheduled BZA monthly meeting were approved as mailed.

* **BZA Petition 2018-23 – Steve Pavey with L & P LLC** is requesting a **“Variance”** as provided in the Decatur County Ordinance # **1155(1)** to the required front setback of 70’ from the State Highway right of way to 25’ for placement of an ATM Kiosk. The property is owned by the petitioner and is located at **106 N State Road 3, Westport, in Sand Creek Township.**

Steve Pavey stated that he runs the Mini Mart in Westport and has 2 ATM machines inside and we were wanting to put an outside ATM in front of the Motel property. The normal set back is like 110’ and so that would put me up against the building itself so I want to set it on the highway side of the driveway.

Paul; putting it on the building side of this driveway would I assume cause some headaches?
Steve; it would go up against the building itself which has a 4’ overhang, I also had a speed lift there to unload semis. **Paul;** so then you will trench electric over to the ATM? **Steve;** correct.
Jay; is the ATM going to be used mostly for people that are going to your convenient store or the hotel? **Steve;** there is nothing in the hotel, it’s vacant, we use it for storage so it would be used by anyone in a vehicle. **Roger;** so it is a drive through ATM, how large is the ATM?
Steve; it’s about 4’ by 4’ and just sits on a cement pad and anchored into the pad. **Roger;** how high is it? **Steve;** 7’ to 7 ½’ tall. **Roger;** will it have lights? **Steve;** yes, the unit itself has lights.
Janey; is that lit up also? **Steve;** yes. **Paul;** one of the concerns I have with these lighted signs, I assume this won’t have any neon lights? **Steve;** the lights shine directly on the ATM. **Paul;** lit signs can be a little bit alarming as you are coming on from traffic. There are no lights that shine towards the north or south bound lanes? **Roger;** everything that is going to be up above will be diffused downward, it will be muted so if it’s an LED it won’t be a bright light. **Steve;** it’s an older unit so it will not be LED. **Joyce;** will a bank manage this? **Steve;** I will manage it.
Joyce; I do know that as a member of the Westport Board we had signed off on this and was in favor of you doing this. There is no other place at this time for our community to get money without going into town. **Steve;** I talked to Napoleon State Bank this week and they were looking to open in early March. When I got here this evening I received a text from my employees that both of our ATM’s in the store are out of money. **Joyce;** I appreciate you

making this available for our community. **Jay**; I see the importance and the need for this in the community and support that, I'm just questioning if you have searched or thought about other possible locations to place this that might free it up to be away from the highway a few more feet but would be more convenient to run electric to it. ** There was several conversations about placing the ATM in a couple of other locations and the pros and cons of doing so along with projected increased traffic flow and entering and exiting onto the highway. There is concern over the increase in traffic and the entrance and exiting the ATM. It was even considered to place it across the road on another parcel of ground owned by the petitioner. If it is placed there we would have to come back next month as the petition was advertised as being on the current parcel.

Melissa; if he wants the board to move forward on the pending petition, then he needs to let us know, if it is his choice to move it across the road, then we will table or vacate this petition and he would have to file a new petition, and it would first have to be a re-zone of the property and then a variance of any setbacks that could not be met. **Steve**; I would like to ask you to vote and if it is voted down then I would have to look at another option. **Paul**; so would you like us then to take a vote Mr. Pavey on the proposed location as it is drawn on the map. **Melissa**; do you want it a present proposed location or down at the end? **Steve**; I would say where it is at the present. **Roger**; so we are not proposing to move it, it will stay at the 25' variance and no closer? **Paul**; that is correct. As the overhead map indicates. **Audience (Gary Fischer)** I think either location along the drive of the building is best for safety and security. **Roger**; if everything seems that it is equal on where we set it, I would like to get as close to our setbacks as possible. The location closer to the building looks to be more optimum. **Steve**; in that case I will go with the location closest to the building.

Jay Hatton made a motion to vote on BZA 2018-23; Joyce Brindley seconded the motion with 3 yes votes and 2 no votes. Petition passed.

With no other business to be brought before the board the meeting was adjourned at 7:25 p.m.

Decatur County Board of Zoning Appeal

Secretary, Joyce Brindley

Decatur County Area Plan Commission

ATTEST:

Paul Stone, President Decatur County Board of Zoning Appeals