

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 6, 2017, at the Decatur County Courthouse. The meeting was called to order by Albert Armand. All board members present. Also attending the meeting was Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant, Melissa Scholl, Attorney for the BZA and APC boards and Kenny Buening – Building Commissioner/Inspector.

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.*

The minutes of the November 1, 2017 regularly scheduled BZA monthly meeting was approved as mailed.

The minutes of the November 1, 2017 regularly scheduled BZA monthly meeting.

Melissa Scholl swore in the audience.

* **BZA Petition 2017-26 – Micah Lohrum** is requesting a “**Conditional Use**”, in an A-1 zoning classification, to operate an Electrical business. This request falls under Decatur County Ordinance #935 (2A) and a “**Variance**” from the West side setback from 30’ to 15’ and to the rear setback from 30’ to 15’ from provisions of the Decatur County Zoning Ordinance Section Number, specifically **Section 945 (5)**. The property is owned by the petitioner and is located at 1938 & 1964 E Base Road, Greensburg, in **Washington Township**.

Micah stated that he runs an electrical business and recently purchased the home next to his. His business is sustaining itself and he would like to build a pole barn. He will tear down the house and will build his pole barn at that location, with the pole barn being just a little bit bigger. He wants to keep the building back as far as possible. He intends to combine the three parcels that he owns, rezone and then build.

Joyce; the 15’ variance that you want to the north, is the variance request after you purchase the property? **Micah**; yes. **Albert**; the side setback will put the pole barn 6” farther away from the property line than the current house. You are also asking for a conditional use for this business, will you require parking, will there be customers coming there or will this be more or less a base of operation? **Micah**; yes. We install a lot of generators and solar panels and I need storage to put it in as well as some equipment. On occasion someone will drive by and see the solar panels and stop. **Albert**; have you thought about signage there? And you are aware of our signage requirements? **Micah**; I have and I am not having a big sign, I have a trailer that is a rolling billboard. **Albert**; just make sure you stay within our ordinance and come back if needed. **Roger**; so that setback on the backside is now 15’? **Micah**; yes. **Paul**; sounds like it’s not a

heavy foot traffic point of sale, as long as it's not heavy retail on site I think this is logic to me. **Micah**; my retail consist of me going to the customers home. **Audience; Marie Wolter**; I think 15' is too close. What will be on the west side, grass, driveway or what? **Micah**; grass only. The 15', the house is the same distance away. I cannot fit my building within the 30' setback. **Marie**; drainage is a concern too. **Albert**; our County Ordinance requires that he maintain the current drainage, if any tile lines or surface drainage that he changes, that will put him out of compliance with our current drainage ordinance. If a tile line runs to yours or off of your property, he is required to maintain that or take steps to make sure that he doesn't slow that down or stop it in any way. **Marie**; if a new tile is necessary, whose expense is that? **Albert**; if a new tile is necessary, it depends on what causes the tile to need to be replaced. If he damages a tile or plugs it through this process he is required to fix it. If you are wanting to put new tiles across your property, he is not required to put new tile across his, any more than anyone else would be. **Roger**; as the drainage laws do apply, if you do increase the drainage to existing tiles downward then it is between the two landowners to decide who is going to pay the extra cost to increase that tile. You would have to have quite a bit of an increase. **Norm Wolter**; currently the house downspout appears to be draining into the ground, one of the downspouts is not on so it would be running on top and then there is a septic tank on the west side of that house. **Roger**; on the west side of the house, Micah are you going to utilize that septic tank? **Micah**; it will be capped off, once I build the building, if a post goes where that septic tank is then I will have to have it pumped out and filled in. **Norm**; is the drain coming off of that septic, as old as they are comes across the property, they will have to be capped off. **Micah**; my current septic tile is solid clay. **Roger**; are you planning on putting a restroom in the pole barn or a sink? **Micah**; no. **Joyce**; so you are basically getting rid of the house that's got a lot of refuse coming out of it and putting up a building? **Micah**; yes. **Roger**; most septic tanks, if not removed, have a product that you can pump into it and it will cap off the lines. **Norm**; the only difference I see is on the map is the GPS doesn't show it accurate. **Micah**; until we get the surveyor out there we won't know. **Norm**; another thing, he is a young entrepreneur, he will probably grow his business, there will really be no room after that. **Micah**; if I grow it would get to be commercial and there is not enough room here to do that. **Marie**; I still think 15' is too close, we would be willing to give on that but he may not own it forever. **Roger**; currently the building that does sit there is actually 15' from the property line. He is not going to change that distance whatsoever, we do deviated from the setbacks but do make concessions from time to time so that it makes someone's ability to do their job as long as it's not impeding upon each other. Do you currently think, from your standpoint would be a problem on the side or back side? What 15' are you really concerned about? **Marie**; the west side. Farm machinery doesn't get any smaller. **Roger**; you also can't cross that 15'. **Roger**; I understand but that is progress. **Marie**; personally I would like to see that at 20', I'm willing to give. 15' is not very much. **Joyce**; have you ever had any trouble with the house that is already there being too close to you? **Marie**; no we have not, but you know it was people living there, wasn't traffic or a business, it was a family dwelling. **Norm**; inaudible. The tree that is there now is dying and one is regrowing, it will take up moisture. I think he is going to want to remove those anyway. **Paul**; if he is going to go through the effort of removing the trees and getting rid of part of the shade and moisture issue does that feel like that is of some value to you all to maintain the distance if there is already a current structure? Does that sound like a reasonable enough approach? **Norm**; for myself the water issue is still the biggest concern to me. **Albert**; and he is required to do that, he cannot change that. The chances of him planting more trees there are less if they are closer to his building because there is more potential damage to his property as well as damage to your field. **Norm**; we have had issues with people that are 100's of feet away and still have ground on top of our property and we just went through one last

summer where there was another building being built and wanted 10' and ended up settling on 22' or so. **Albert**; when you have neighbors you are going to have issues from time to time. **Marie**; I wish him well and you aren't going to make a driveway on the west side and not just grass are you? **Micah**; I can't tell you yes or no, anything is possible but let's say I parked a trailer there, it is portable and I don't know of any trailer that is 15' wide but my plans are not to do anything on that side of the building. **Norm**; we measured it out and it appears to me where the fence is, the house is actually just almost 20' away, not 15'. **Albert**; if we compromise and say that the new building will not be any closer than the old house, you would be agreeable to that? **Micah**; yes sir. But do I still need a number in there for legality? **Roger**; for one thing we have not determined where the boundaries are so at this point in time, so if there is the option to go to the 20' then by all means go that route. If we put 15' is all he can use, he will not go any closer than the boundary of that house where it sits now, would that be agreeable?

With no other comments from the floor Albert Armand accepted a motion for BZA 2017-26 with advice from the Attorney to do two separate motions; one for the "Conditional Use and one for the "Variance". Jay Hatton suggested that the Conditional Use be for a period of 5 years so there would be a checks and balance system. Albert stated that that is how it is in our ordinance, a 5 year period.

Joyce Brindley made a motion to vote on BZA 2017-26; pertaining to the "Conditional Use", Part A, to operate as a business, seconded by Paul Stone. All board members present voted yes.

Roger Krzyzanowski made a motion to vote on BZA 2017-26; Part B pertaining to the "Variance" request of 15' side setback stipulating no less than 15' and it needs to be no closer the West property line than the house currently is; Janey Livingston seconded. All board members present voted yes.

* **BZA Petition 2017-27 – James & Jada Ogle** is requesting a "**Variance**" to the required front setback of 70' to 50' for construction of a single family detached dwelling. This request falls under Decatur County Ordinance #945 (4). The property is owned by the petitioner and is located at 1832 S CR 400 E, Greensburg in **Washington Township**.

Jada explained that the septic system could not be placed as originally planned due to the layout of the land. To correct the septic location, the house would need to be changed. With that change the 70' required from setback could not be met.

Albert; is that close to where the old house sat? **Jada**; it sets a little farther back. **Paul**; your piece of property line, does it follow a current fence or something? **Jada**; it slopes off into a ravine that feeds into a pond. **Paul**; that's pretty well a set line that won't be easily moved to the East away from the road I assume. **Jada**; correct. The topography doesn't allow for us to move it any further back. **Paul**; as far as the driveway, is there an opportunity to construct the driveway in such a manner that allows you to pull out onto the road vs. backing out for safety reasons? **Jada**; yes, we have a landscape architect working on that, a definite backup space just in case we cannot put a circle drive in.

Roger Krzyzanowski made a motion to vote on BZA Petition 2017-27; Paul Stone seconded the motion with all members present voting yes.

Albert Armand stated that this may or may not be his last meeting serving on the BZA Board. My term is up for renewal and I have not been officially informed one way or the other. I came to this board shortly before Honda came to Greensburg. I think I have done a good job, came here with the idea that I would be here as long as the Commissioners appointed me and I felt I still had a positive influence. I hope that I have. It doesn't make everyone happy regardless of how we vote on any given night.

With no other business to be brought before the board the meeting was adjourned at 7:10 p.m.

Decatur County Board of Zoning Appeal

Secretary, Joyce Brindley

Decatur County Area Plan Commission

ATTEST:

Vice-President, Paul Stone

Decatur County Board of Zoning Appeals