

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, July 5, 2017, at the Decatur County Courthouse. The meeting was called to order by Albert Armand. Roger Krzyzanowski, Joyce Brindley, Paul Stone and Janey Livingston were in attendance. Also attending the meeting was Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant, Kenny Buening – Decatur County Building Commissioner, and Melissa Scholl, Attorney for the BZA and APC boards.

A copy of the meeting agenda and registrar of attendance is attached to these minutes and incorporated by reference. With corrections made on the number of votes needed to pass from 2-3 on the voting for the Matthew Slaven petition, the board unanimously approved the May 3, 2017 minutes as mailed. Melissa School, Attorney for the BZA & APC Boards swore in the audience.

* **BZA Petition 2017-12 – Dennis Dickman** is requesting a **“Permanent Special Exception”** from provisions of the Decatur County Zoning Ordinance Section Number, specifically **2530** to build a pond. The property is owned by the petitioner and is located just north of 2700 W CR 250 S, Greensburg in **Washington Township**.

Dennis Dickman stated that his pond will be about 1.1 acres for recreational use. There are dry dams on both slopes where the surface water comes in. I have CRP ground to the west with very little crop ground around it.

Board; do you have plans to put a house on the pond? **Dennis;** no, there would be no access. **Board;** is that your property to the west of the proposed pond? **Dennis;** yes. **Board;** and is most of the drainage coming from that direction? **Dennis;** all of it. There is a drainage tile from a neighboring field that will drain into the pond but no surface water. **Board;** will you impede the tile, it won't back up into their tile? **Dennis;** no, the water level will be 6” under the tile. Do you say that I can never build a house around it? **Board;** never is a long time. **Dennis;** I have some grandchildren and someday they might want to build someday. I'll never say never. **Board;** we ask because we find that some ponds are placed in the middle of a nice flat open fields. Then the ground becomes somewhat untillable at that point and then they start to develop the area around the pond. **Board;** it looks like a good project, rough rolling ground, too steep to crop and back of the road.

Joyce Brindley made a motion to vote on BZA Petition 2017-12, Roger Krzyzanowski seconded with all 5 members present voting yes.

* **BZA Petition 2017-13 – Randy & Barbara O’Dell** is requesting a **“Permanent Special Exception”** from provisions of the Decatur County Zoning Ordinance Section Number, specifically **2530** to build a pond. The property is owned by the petitioner and is located just southwest of 8260 E CR 150 N, Greensburg in **Fugit Township**.

Randy & Barbara O’Dell stated that the land is not tillable, sits on 20 acres with the pond being a little less than 1 acre. There is a natural fed spring to it. Something for the grandkids to enjoy.

Board; are there plans for a house around the pond? **Barbara**; there is no flat ground there that would support a house. No plan for a house. **Board**; tile drains in the area? **Barbara**; no. **Board**; you know we have to keep them open, if you hit one you have to repair it. **Board**; what is the minimum setback requirement from the property line for this? **Krista**; 30’. **Randy**; it is 35’ from the Berkemeiers and 200’ or so from the other property. **Board**; the 35’ would that be on the pond dam or on the side? **Randy**; the side. **Board**; looks like a nice place for a pond.

Roger Krzyzanowski made a motion to vote on BZA Petition 2017-13; Joyce Brindley seconded the motion with all 5 members present voting yes.

* **BZA Petition 2017-14 – Charles Lecher** is requesting a **“Variance”** to the required front setback of 70 feet to 45 feet from provisions of the Decatur County Zoning Ordinance Section Number, specifically **945 (4)** for construction of a pole barn. The property is owned by the petitioner and is located just east of 749 N CR 225 E, Greensburg in **Washington Township**.

Charles’ son stated that the reason they are requesting the 45’ is because of the slope. If we placed it 70’ there is about a 6’ slope that we would have to deal with. The property is on the end of a dead end road. My father owns the property on both sides of the road.

Board; how big is the pole barn? **Lecher**; 30’ x 48’. **Board**; you don’t have the option to turn it? **Lecher**; no, that will make it worse. There are also two existing building on that dead end lane that are 40’ and 45’ from the center of road. **Board**; and the furthest you can get away is the 45’? **Lecher**; yes, if we move it back we would have to have a 6’ wall and backfill. **Board**; the slope of that is what? **Lecher**; I have a picture that shows where it drops off. **Board**; would this be looking north? **Lecher**; yes, north. If we put it down in the bottom past the dead end road it would be down in the holler, would be wet. **Board**; is this just a shop? **Lecher**; yes, just a cold storage for truck and tractor. **Board**; he owns both sides of the road all the way to the interstate? **Lecher**; yes. **Board**; There is not a concern about someone running off of the road and striking the building because the building will run parallel with the road. **Board**; you did say that there were already two building on that road that were only 45’ from the road? **Lecher**; yes, they are all the way up by NE 80, not on our property.

Roger Krzyzanowski made a motion to vote on BZA 2017-14; Paul Stone seconded the motion with all 5 members present voting yes.

* **BZA Petition 2017-15** – **Gary Gahimer** is requesting a **“Variance”** to the required side setback from 30 feet to 21 feet from provisions of the Decatur County Zoning Ordinance Section Number, specifically **945 (5)** for construction of a pole barn. The property is owned by the petitioner and is located at 5597 W CR 650 N, St. Paul, IN **Fugit Township**.

Gary stated that he has a two car garage that needs repaired. I wish to place a 32’ x 60’ building, toward the front of the property we are up against the geo thermal line.

Board; What is the distance between the house and the proposed building? **Gary;** 45’. **Board;** what if you were to move it in the back of the house? **Gary;** our septic system is there. If we were to move it back a little it would be closer to the house as the property gets narrower there. **Board;** is it to put your equipment in, are you running your business out of the proposed building? **Gary;** no, it’s just to replace my garage.

Roger Krzyzanowski made a motion to vote on BZA 2017-15; Joyce Brindley seconded the motion with all 5 members present voting yes.

With no other business to be brought before the board the meeting was adjourned at 6:52 p.m.

Respectfully submitted by Debbie Martin.

Decatur County Board of Zoning Appeal

Secretary, Roger Krzyzanowski

Decatur County Area Plan Commission

ATTEST:

President, Albert Armand

Decatur County Board of Zoning Appeals