

Decatur County Area Plan Commission
Minutes July 5, 2017
1st Floor Meeting Room of Decatur County Courthouse

The regular scheduled meeting for the Decatur County Area Plan Commission was called to order by Albert Armand at 7:00 p.m. on Wednesday, July 5, 2017. There were 6 voting Board members present with Jay Hatton, Andy Scholle and Jay Schoettmer absent. Also attending was Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant, Kenny Buening – Decatur County Building Commissioner and Rick Nobbe, Decatur County Commissioner.

Vice-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.*

A copy of the meeting agenda and the attendance registrar is attached to these minutes and incorporated by reference. By consensus, the APC Board approved the minutes for the meeting on June 7, 2017 as written and mailed.

* **APC Petition 2017-14 – Brian S. Chandler** is requesting to “**Rezone**” **1.64** acres from an A-1 Zoning Classification to an A-2 Zoning Classification for construction of a single family detached dwelling. This request falls under the Decatur County Subdivision Control Ordinance Section 915. The property is owned by the petitioner and is located just west of 6366 S CR 100 W, Greensburg, IN, **Marion Township**.

Brian stated that he wants to build a roughly 1800 square foot house with a two car garage.

Board; do you have a pond next door? **Brian**; yes, different property but I own it too. **Board**; setbacks from a pond are what? There is a setback from the pond since this is a different property. You will have to meet the setback requirements from the pond. **Krista**; the setback is 30’ from a property line but at no time shall be closer than 150’ from an existing residence. **Board**; so if it’s 150’ from an existing residence a new residence would need to be 150’ from an existing pond. **Board**; approximately do you estimate the structure to be from the pond, is that an issue at all? **Brian**; I’m probably going to be about 50’, maybe 60’. **Board**; is the property line at the water’s edge? **Brian**; it is probably 15-20 feet from it. **Board**; would that be considered the side property line? Those requirements are if you are building a new pond. **Board**; right, we have always interpreted that to be two ways, if you can’t build a pond closer than X to a house, then you can’t build a house closer than X to the pond. **Board**; is this for preventing a sand vein from seeping into the basement or is it for the safety of children? **Board**; it’s for the safety of children from one property to the next, that is the reasoning when we wrote that in there. So if it is your own house and your own pond then it is up to you. But when it’s your pond and someone else’s house and vice versa – two separate properties, that’s what we are dealing with here. **Brian**; I own them both. **Board**; yes but they are different parcel numbers. **Melissa**; is there a reason why you couldn’t combine the two parcels? **Brian**; I have no problem

with it. **Melissa**; if you just go and re-deed those two into one parcel number then you are fine. **Brian**; it was originally like that when I bought it. **Board**; if it was all one parcel then the setback from the pond is not an issue, but if separate parcels then it is an issue. **Melissa**; so you can go have a deed prepared and merge the two parcels into one parcel. **Brian**; where do I get that done? **Melissa**; any of the title companies here in town. You may not have to have it re-surveyed, you can possibly use the two legal descriptions. **Board**; even at that, we are making you aware of this issue. It is not an issue to rezone this property, it's only an issue when you start building the house in order to get the building permit. We can go ahead and grant the re-zone tonight. **Brian**; but when I get my building permit I'll have to comply? **Board**; yes. **Board**; it makes sense in that if you sell the parcel and you have a child move into this home that you will build at some point that the adjoining property owners pond could pose a safety hazard for small children if it were not fenced or protected in some way. Obviously in your situation you own both parcels, that's not currently a problem but at some point it could be. **Board**; so be aware of that when getting your permit. Looking at the evaluation sheet it scores well.

Paul Stone made a motion to vote on APC 2017-14; Bill Dieckman seconded the motion with all 6 members present voting yes.

Other Business

* Krista passed out a list of ordinances that she would like everyone to look at. Just a list of things that are areas of concern or needing more clarification. I was hoping you all could look at it and give me some feedback at some point.

Board; I know that you have been working on this list from day one. When something new comes through that is just a little different we find things that could be improved a little. **Krista**; at times it just a matter of improving a definition or clarification. **Board**; I think that this last petition is one I will add to the list because this is just not very clear on these ponds. **Board**; would it be wise to reach out to our neighboring counties on some of these things and not re-create the wheel so to speak if other counties have come up with some good, well versed ordinances, I'm sure there are some other people crossing some of these same paths. **Krista**; Shelby and Rush counties have both recently worked on some updating of their ordinances and I've talked to Shelby County. I have not talked to anyone at Rush County. **Krista**; Jennings County has a couple of pretty good ordinances. **Board**; I think that would be a pretty good source, I have a feeling that maybe Johnson or Shelby County would have some solar panel ordinances and such.

Albert asked everyone to look at the list, everyone who reads them is going to see something a little different, going to see it a little different. You can email Krista at the office or write it down and bring it to the next meeting, whatever works best for you. **Board**; this seems like a short list, I have not read them all yet. **Krista**; they are pretty good, they just need a little better definitions. Some situations have changed, we went from Wind Energy and now we are into Solar Energy. It just needs some updating. **Board**; even for this last petition, I don't think it says enough to me that he needs to be 150' from the water. It says that you cannot build within 30' from a property line. Every case is different. **Albert**; just take a look, after a while we find that there are things that need to be adjusted in it, the more you use an ordinance you realize that there may be things we would like to change. This is Krista's list, things that we use on a regular

basis, but look through the other ordinances in the book and if you see problems, by all means brings suggestions. This is just the list that is currently on the front burners.

With no other business to come before the board the meeting was adjourned at 7:20 p.m.

Respectfully submitted by Debbie Martin, Administrative Assistant.

ATTEST

Secretary, Andy Scholle

Decatur County Area Plan Commission

President, Jay Hatton

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