

**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 6, 2016, at the Decatur County Courthouse. The meeting for the Decatur County Board of Zoning Appeals was called to order by Albert Armand. Also attending the meeting was Krista Duvall--Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

A copy of the meeting agenda and registrar of attendance is attached to these minutes and incorporated by reference. With no additions or corrections the board unanimously approved the May 4, 2016 minutes as mailed. Krista Duvall did the swearing in of the audience.

**\*BZA Petition 2016-21 – Lawrence Sparks** requesting a **“Conditional Use”** as provided in the Decatur County Zoning Ordinance Number 935 to operate an “Automobile Repair Shop” in a detached garage on their property. The property is owned by Larry & Palma Sparks and is located at 5330 E CR 400 N, Greensburg in **Fugit Township.**

Lawrence Sparks stated to the board that he has had a retail/wholesale/mechanical business for the past 4 years and he would like to put a body shop/mechanical shop at the home place. The first thing I have to do is be legal. It won't be a big operation, it will be a small operation, a paint booth and lift. Mainly for my own cars. I own some older cars, 1970 and later and don't like to have them sitting in town at my other business when no one is there, if I want to put 2-3 out there, nothing like Acra, I want to be able to place them for sale.

**Board;** Are you adding an addition for this? **Lawrence;** We have already added on to a current building. The shop in town on Main Street is not big enough. **Board;** Where is the lot in town? **Lawrence;** On Main Street across from Premier Ag, the address is 777 West Main Street. **Board;** How many acres do you have here? **Lawrence;** I think there is 5 acres. **Board;** So you've got the yellow line designating what? **Lawrence;** According to the State you have to have 2 separate drives, whether you sell out of your yard or barn, you cannot use the same for a business as you do your home. You are also supposed to have a sign, and I have spoken to a gentleman about that. **Krista;** his parents own all three lots. He bought a little extra land hoping that he could add a garage. **Board;** What about the parcel in yellow, he cannot go into the other parcel to do this. So your father has purchase 3 separate parcels? **Lawrence;** yes **Board;** does the building meet the setback from the parcel line. **Krista;** I don't know when that took place. **Board;** what about the addition, does it meet setbacks? **Krista;** Yes **Board;** How big of a building is that? **Lawrence;** I don't know the exact size but I know it is 60' long. **Board;** It matches up with the current building that you are showing us there? **Lawrence;** yes, I have a lean to with 6 bays. **Board;** You want to sell some cars there? **Lawrence;** it won't be a car lot but I don't know if the State or you will allow this. **Board;** How many cars do you anticipate having at this location? **Lawrence;** Well I'm going to keep the lot in town. **Board;** How many cars do you anticipate having at this place in the yard with a for sale sign in it. **Lawrence;** I won't have many, maybe 3-4 at a time. **Board;** The cars that you will be working on, where will you store them, how will you handle those? **Lawrence;** Well they will be in the body shop until they are done. **Board;** So you will have room for all cars you are working on in the body shop, there will be no cars sitting for outside storage **Lawrence;** It can't be a salvage looking yard by no means, but I would like to block the back off to be able to prevent people from seeing them from the road. **Board;** So you want to build a fence behind that building to hide other stuff. **Lawrence;** Yes, I kind of would attach it to the barn and go over and back with it so you won't see as much. If I want to park a car back there I don't want anyone to see it. **Board;** Do you have an estimate on how many cars you will have setting and visible or are you anticipating putting up a fence up to screen that off right away. **Lawrence;** I would put up a

fence right away. The cars it would be a couple at a time. The place looks good now so I don't want it to look like a salvage yard. **Board;** So do you mean 4 cars, 3 cars?

**Lawrence;** I would guess somewhere around there. **Board;** you stated exactly what our worries are and that it is become a salvage yard and a place to store parts. If you are going to bring in other vehicles and you work on older cars, you have other cars to pull parts off of, that is not exactly what we are agreeing upon. **Board;** So you say that there will be no more than 3 cars for sale out front? **Lawrence;** yes **Board;** Not over 4 cars to be worked on visible from the road? **Lawrence;** Not unless they are my cars. **Board;** And other cars would be screened by a fence. **Lawrence;** Right, the ones that I will not want people seeing from the road or coming up the driveway. **Board;** Looks like plenty of parking. **Board;** So do you have to make more gravel parking by the road, are you going to take up more sod? **Lawrence;** Probably not, I don't really know how I will arrange it yet, it's mainly my old cars that I don't want sitting in town. At night I might even pull them back up to the garage. I might make a little patch of gravel to park them on to make them nice and neat. **Board;** You are not going to impede on the next parcel of ground with any cars? **Lawrence;** No **Board;** With any cars?

**Lawrence;** No **Board;** Because what we are talking about is the parcel that you presented to us. **Lawrence;** I think it would probably look better with the open field there but I don't have a problem keeping them in the presented parcel. **Board;** I'm really just having a hard time wondering how we are ever going to be able to check on it to see that it is the way it was presented. Then Krista will look like the bad person because she has to come out there and make corrections. I'm having a hard time with this. Is there single phase or three phase electric running through there that you can tap onto to get into your shop. **Lawrence;** I'm not real sure but I can find out. **Board;** Now, you won't have any public out there other than people to buy cars. **Lawrence;** Correct or current customers dropping off a car to be fixed. **Board;** And the current septic, is it in the current building? **Lawrence;** Yes, there is air and water also. **Board;** Now is the permitted septic system? **Lawrence;** Yes **Board;** It just looks like this other driveway is going to circle around and involve that whole area next to it. **Lawrence** No, I know what you are saying and I know what you don't want. **Board;** Well, it will give you that nice big horseshoe driveway that you are looking for. **Lawrence;** I don't know what dad is planning for that. My plan is to keep it by the attached garage. There is gravel running over to the garage. **Board;** We don't have any measurements on what this garage size is currently and what you are working in? **Lawrence;** The length is 60' I don't know the width **Board;** did you put the garage on? **Lawrence;** No, dad did all of that. William Wickey built it. **Board;** So you don't know how far off the parcel line that the addition is? **Lawrence;** It is not close to the line or over the line, even the parking area is not. **Board;** I think its one thing Albert to have cars being repaired out there and another to have a car lot in the middle of the country. **Lawrence;** Well the car lot stays in Greensburg. It's not going anywhere but Greensburg. I have to get with the State and then they will come down and inspect it also. I needed to do this first. **Board;** so the signage is only on the building, no signage by the road. **Lawrence;** No, I don't want a sign by the road. Just one on the garage, over the door, not big. **Board;** Do you have your own wrecker? **Lawrence;** Yes **Board;** Do you have your own car carrier? **Lawrence;** No, I was hooked up with the police department, but that was mainly during the winter. I'm not that big and I don't want to get that big. **Board;** What's to stop you from making your own impound lot out there then? **Lawrence;** First off my dad would not allow it. Second it is an eye sore. I would have already started one here in town if I wanted an impound lot. I'm not into the salvage, selling parts kind of vehicles. **Board;** The conditional use goes with the property, doesn't it? So it's not just about what you have in mind. If someone comes by in a few years and you decide you want to move on, it come into play what the new owner can do at the location. And that's why we are going to put several conditions on this if it is approved. **Krista;** Stated that you can put any conditions or time restraints, limits, etc. **Board;** Like not more than 3 cars for sale and not more than 4 to be visible from the road and not more than 4 others behind the building, not visible from the road, things like that. **Board;** What do you think Jay? **Jay;** I think that if it comes we have to be the police department and I don't think that what I'm hearing is enough to convince me that, I just think we are putting a lot of pressure on our director to make this thing stretch and work. **Board;** for the first thing you are coming in for a conditional use to run an automobile repair shop. **Lawrence;** And retail. **Board;** Well it doesn't say anything about retail or wholesale here. **Lawrence;** That's what my business is, you have to know that that is what it's going to be. **Board;** So you want us now to state that it's going to be retail or wholesale? Where does

the state come in? **Lawrence;** With three cars out there the state sees it as retail. Buying and selling. **Board;** You are going to retail from both locations then? **Lawrence;** The main retail is in town and is going to stay in town. **Board;** Should that have been stated that way if the conditional use or is this application in error? **Krista;** Probably my mistake in how it was written. We did discuss selling a car of two out by the road. **Board;** Is this a well traveled road that this will be on? **Board;** It is the main route to Lake Santee. Joey Roberts pulled up the Google Earth map and showed the board the view of the lien to. **Board;** They have done a good job of updating that house, it used to be in disrepair. It's a really nice piece of property. Albert asked if there were any questions from the board or if anyone in the audience had anything. **Board;** As Jay is and the rest of the board is concerned that this can get out of hand, does this conditional use have to transfer? **Krista;** No. **Board;** So the name of your business will be what? **Lawrence;** Spark's Auto Sales. **Board;** Both Spark's Auto Sales or Auto Repair? **Lawrence;** Spark's Auto Sales. **Board;** So the sales will be in both the Greensburg and this location? **Lawrence;** Yes **Board;** So your phone will be a cell phone or what? **Lawrence;** I have a cell phone and a business line phone. **Board;** So you would be alright with this being for a 5 year period and that it would not be transferrable to anyone else and that not over 3 cars for sale in the front, not over 4 cars visible to be worked on visible from the road and not for storage or salvage parts. Not over 5 vehicles behind the building not visible from the road. You would be good with that? **Lawrence;** Yes. **Board;** Jay, what do you think on that? **Jay;** I'm OK with it being a repair shop, I'm not ok with it being a car sales lot. So the conditional use would still be a time frame, still the same number of cars in the back. I just see this growing and growing and not all cars are able to be towed. If he has a successful business in town and he moves this forward that we are starting a problem that can quickly get out of hand. That's just what I feel like. I hope I'm wrong. **Board;** So limited to the parcel that is indicated to us. Only on that parcel. We don't have anything identifying what size that parcel that is. **Board;** If there was a way that we could prove that what Jay referred to wouldn't happen then I guess it would be ok. But we don't and this gentleman has come here on good faith and tried to let us see what he's going to do. I would want to be able to say what they have done there by fixing up the home and area is a plus I don't see why they would want to make it look like a salvage yard. We could give the 5 years and then we can see where it stands at the end of the 5 year period. **Board;** Any other questions? **Board;** I'm fine with that, "trust but verify".

With no other comments from the board or audience Roger Krzyzanowski made a motion to vote on BZA Petition 2016-21, a Conditional Use for a period of 5 years inspection and renewal, not more than 3 cars for sale at any given time, non-transferrable to anyone if Spark's Auto Sales is to close, limited to the parcel indicated to us on the application and not more than 5 vehicles present other than the three that we mentioned earlier; Joyce Brindley seconded the motion. A vote was taken with 3 members voting yes and 2 members voting no. The petition passed.

### **Krista Duvall, Area Plan Director**

Krista received an email from Rockies Express Pipeline; they will be preparing to tap into the line, they will shut down the line for one week and work 24 hours a day. There will be more noise and traffic than normal. REX has sent out letters to adjoining property owners to make them aware and will attempt to do the loudest work during the workday and the less noisy work in middle of night. There will be traffic. They want us to know so that if we get phone call that we are prepared to answer them. B July 19-25<sup>th</sup>, so the tie in will be completed

With no other business to discuss the meeting was adjourned at 7:40 p.m.

Respectfully submitted by Debbie Martin, Administrative Assistant.

---

Secretary, Roger Krzyzanowski  
Decatur County Area Plan Commission

ATTEST:

President, Albert Armand     Decatur County Board of Zoning Appeals