

**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 6:37 P.M. on Wednesday, June 1, 2016, at the Decatur County Courthouse. The meeting for the Decatur County Board of Zoning Appeals was called to order by Jay Hatton. Albert Armand and Roger Krzyzanowski were absent leaving 3 board members present as well as Krista Duvall--Decatur County Area Plan Director, Kenny Buening – Decatur County Building Commissioner, Debbie Martin – Administrative Assistant and Melissa Scholl – Attorney for BZA and APC Boards.

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. Attorney Melissa Scholl did the swearing in of the audience.

* **BZA Petition 2016-15 - Matt Peters & Dana Watler** are requesting a **“Variance”** from provisions of the Decatur County Zoning Ordinance Section Number 945 (5) to the side setback from 30’ to 10’ in an A-1 zoning classification for a 54’x30’ pole barn. The property is owned by the petitioners and is located at 639 N CR 650 E, Greensburg, IN in **Salt Creek Township**.

Matt Peters stated his request for a 54’x30’ detached garage. Due to the topography of the land this is the best place unless he cleared the wood, which he does not want to do.

Board questions and comments: **Board;** Will you use the existing driveway? Yes. **Board;** Is the terrain too uneven to stay within our county ordinance? **Matt-**there is a 20% slope and it probably drops 20’.
Board; So you are going to clean out a little piece of the woods for the building? **Matt-**just a little bit.
Board; How much elevation will you be dealing with at the proposed site? **Matt-**There is about 3’ across and 30’ wide. **Board;** What will you do with the open grassy area? **Matt-**My septic is there and I will keep it mowed. I want to stay somewhat close to my house for utilities. **Board;** The 10’ side between the building and the property line will be cleaned up? There will not be any existing trees there? **Matt-**no trees will remain there. Maybe some grass or landscape. May even move the building closer to the road.
Board; We want you to know that our setbacks are to protect future owners of either property. Not knowing who will own it in the future. **Matt-**I understand that. **Audience;** Will you have erosion?
Matt- I am not at the peak so there will not be a drainage issue. **Board;** Have you played with the numbers and considered a 15’ setback? **Matt-** The further south I go the steeper it gets. About 40’ from the north boundary line it changes. **Board;** On the 54’ side of the building will it be facing the neighbor’s property? **Matt-**The doors will be facing the south, so no doors will face the neighbor’s property.
Board; It looks as if on a 10 acre lot that you would be able to place the building somewhere else. **Matt-**The house was built years ago and should have been built further south that would have allowed for a pole barn. **Board;** What is the distance from the house to the building? **Matt-** 60’-75’. **Board;** That’s a highpoint back there and no other place for it.

With no other questions from the board or the audience Joyce Brindley made a motion to vote on BZA Petition 2016-16 with a 10' side setback variance instead of 30'; Steven Dudley seconded the motion. A vote was taken with all 3 board members present voting yes.

* **BZA Petition 2016-16 – Isaac & Elissa Larrison** are requesting a **“Conditional Use”** as provided in the Decatur County Zoning Ordinance Section Number 935. Petitioner would like to operate a “Resale/Vintage/Antique” shop in an A-1 zoning classification. The property is owned by the petitioners and is located at 7965 N Old US Hwy 421, St. Paul, IN in **Adams Township**.

Elisa Larrison stated to the board that she has owned the property for 1 years and operated it as a duplex. She would now like to venture out and open up a “Resale/Vintage/Antique” type shop. She intends it on being an upscale business and will open up booth space for other individuals to rent and sell. She will keep the items offered as more upscale and not have the traditional flea market items. Plans are to have a monthly DIY night in the future. The exterior of the building will be painted, natural wood shutters, update the parking area and possibly some landscaping.

Board questions and comments;

Board; Will the breakroom be for your own use and not for sales to the public? **Elissa-** Yes, for employees only. **Board;** The building has a lot of history and it will be good to see something like this go in that area. **Board;** How many parking spots will you have? **Elissa-** We are not sure what the requirements are but feel that we can meet them. **Board;** So you will be renting other spaces? **Elissa-**Yes and they would be required to have a retail merchant’s sales certificate and we would keep out the electronics and flea market type stuff. We don’t want empty spaces. **Board;** But you will not be doing a flea market? **Elissa-** No, I want to keep it as antiques. **Board;** What about signage? Krista what will she need to do? **Krista;** She will need to get a sign permit. **Board;** Is there a lot of in and out traffic there with the truck stop, it’s very busy there. You are right at the on/off ramp so I’m just curious how much traffic would be coming into your business and back out. **Elissa-** There is and the reason I want to open it up there. Would like to see the area grow and develop. I cannot evaluate the projected business. Since the traffic is stopped at the stop sign anyway people generally let folks out and be on their way. **Board;** Well it is a slower speed there. I think that it is a positive for the area because there is a lot of out of town people that stop there. It will be nice to have it fixed up. I wish you all the luck in the world.

Steven Dudley made a motion to vote on BZA Petition 2016 for a 5 year “Conditional Use” to operate a “Resale/Vintage/Antique” shop; Joyce Brindley seconded the motion. A vote was taken with all 3 board members present voting yes. Elissa was instructed to see Krista with any sign comments or questions.

* **BZA Petition 2016-17 – Westport Baptist Church, Inc./Richard Young** are requesting a **“Conditional Use”** as provided in the Decatur County Zoning Ordinance Section Number 2080. Petitioner would like to place an “Electronically Changeable Message Board” Sign in a B-1 zoning classification. The property is owned by the Westport Baptist Church, Inc. and is located at 202 E Main Street, Westport, IN in **Sand Creek Township**.

Richard Young stated the request to the board. Comments and questions; **Board;** What type of messages will be in the sign? **Richard-** They will be quite appropriate. Our setbacks have been met, the only issue is the changeable message. **Board;** Krista, does it meet our sign ordinance? **Krista;** yes, the electronic changing part will need to be no more that 50% of the entire sign. **Board;** I have looked over this and they came to the Westport Board and they have signed off on this. **Bryan Gatewood;** I am on the Westport Board and we support this sign.

Steven Dudley made a motion to vote on BZA Petition 2016-17 with 50% or less of the overall size of the sign be electronically changing; Joyce Brindley seconded the motion. A vote was taken with all 3 members present voting yes.

* **BZA Petition 2016-18 – Stephen & Kathryn Woodruff** are requesting a **“Variance”** from provisions in the Decatur County Zoning Ordinance Section Number 1060. Petitioner is requesting a variance to the rear setback from 20’ to 6’ in an R-4 zoning classification to build a 24’x22’ pole barn. The property is owned by the petitioners and is located at 1072 S Country Club Drive, Greensburg, IN in **Washington Township.**

Steve stated that he currently has a small shed in the location where he wants to place a 24’x22’ pole barn. He is running out of room in the smaller one and needs to have more room for storage for my garden tools, wagons, boat, etc. Plan to build something nice looking. Current zoning is 6’ side and 20’ rear, I would like to go 6’ rear. There are already some trees and I will place some more trees to make it look good. **Board;** We always hate the idea of crowding the property lines because we set a precedence and it leaves our ordinances out there all over the place. **Steve;** I currently have a building on skids that has an overhead. It currently sits 6’ from the line now. If I move it forward it will not look as attractive and symmetrical as the old one. **Board;** Other than the looks of it you could possibly move it in closer to the setbacks? **Steve-** Yes. **Board;** You currently meet our side setback. So other than that is there a drainage problem, a topographical problem to where you could not move it to meet our setbacks? **Steve-** no. **Board;** I have a concern with this, the people that live next door when they pull in the driveway they will get a nice view of your barn. **Steve-** they get a view now of my current building that sits there. I have discussed this with her and she was ok with it. **Board;** What you are asking us to consider, we can vote on it, if it passes that’s ok but if it doesn’t then you would have to wait one year and then re-apply. I just want you to know this in case you want to change your setbacks a little more than 6’. **Steve-** What about 10’ **Board;** You tell us and then we can vote on it. We cannot tell you what we will say yes or no to. **Audience;** My name is Mel Fox and I have talked to other neighbors and they don’t have a problem with this building and where he wants to put it. We already have others in the neighborhood who have those types of buildings. **Audience;** Mrs. Woods stated that they are in the process of selling their home and they don’t want this building and its location to affect a possible sell. We are not opposed to it, we just want it moved farther from the line. **Board;** The variance requests that we receive we try come to a happy medium. When someone has a lot that is permissible and easy to move the building forward, it seems reckless to some degree to allow a variance on a building like that. There may be a couple of trees that you are willing to replace, it seems like an easier solution to that. You have a couple of neighbors who agree and a couple who don’t. We feel like it’s too close to the property line. I’m going to ask you to consider increasing your setback up and see if it will work or not. **Steve-** If I move it back to the 20’ then there was really no reason to be here tonight. **Board;** That’s right. **Steve-** Asked the Woods’ if 10’-12’ would be ok. From your house with the trees you can barely see the building. She stated that that is true. After some back and forth discussion with the Woods’ Steve compromised on at rear setback of

15' instead of the original 6' rear setback. **Board;** Having the 15' setback would give you plenty of room in case you had to work on the back side of the building.

Steven Dudley made a motion to vote of BZA Petition 2016-18 for a variance to rear set back from 20' to 15' in an R-4 zoning classification; Joyce Brindley seconded the motion. A vote was taken with all 3 members present voting yes.

***BZA Petition 2016-19 – VFI Indiana, LLC / Daniel Vollmer** are requesting a “**Permanent Special Exception**” as provided in the Decatur County Zoning Ordinance Section Number 2530 to build a pond on their property. The property is owned by the petitioners and is located at 9638 E CR 150 N, Greensburg, IN in **Fugit Township**.

Daniel Vollmer stated that they wish to build a pond for recreational use for their family. This property is owned by my family. We would like to construct a dam which will be on the southern end of the area.

Board questions and comments:

Board; The drainage acreage is 30 acres? **Daniel-**yes, it gives us a 5:1 ration, we have been working with an engineer firm to help us design this. **Board;** Are there field tiles that drain into that area now?

Daniel-no. **Board;** But there will be runoff from that area and that will be your water generating source. It looks like minimal amount of cropland will be impacted by this. Your graphs look awesome. How will you access this area of the property? **Daniel-** There is a current grass driveway that leads to this, we will not be putting a permanent access. We will access through the yard. **Board;** Are there plans to build any other homes on this property in the future? **Daniel-**Not at this time but I wouldn't rule out many years from now. **Board;** And the distance is adequate from the home to the pond, I don't see it printed out here. **Daniel-** the distance is 530' to the road. **Audience;** is there a culvert that goes under the road? So it won't flood the road? **Daniel-** yes, close to where the driveway meets the road.

Steven Dudley made a motion to vote on BZA Petition 2016-19; Joyce Brindley seconded the motion. All 3 members present voted yes.

Other Business

Steven Dudley thanked the board and members and people of the community for their support during the passing of his father.

Krista Duvall updated the Board on the visit to the Bell property. We toured the shop, the barn. He is building guns in the shop on the property in the barn that he said. Jay then asked Steven Dudley and Joyce Brindley if they were aware of the Joseph and Jerry Bell property situation. Krista then gave them some insight as to what has been going on. Stated that Joseph had been granted per the BZA. Also stated that there is a 600 yard shooting range on a different parcel of land adjacent to the property. **Board;** Is the public paying to use the shooting range? **Krista;** I don't have any proof of that. I plan to start the research over because there are so many different things that have come to light recently. I'm going to table everything. I will try to find out if indeed they are charging people to use this range. Mr. Bell stated that it is for his family and friends only, they go out have a good time and he stated that it is safe. The

State Police have been out there and Matt said it couldn't be safer, they are shooting from a tower down at targets. My concern is that our ordinance does not have clear definitions. I know the neighbors are concerned that he is shooting the guns on someone else's property and I don't know what we can do about that. If he has permission to be on those properties, then there is nothing that we can do about it. If he doesn't have proof then I feel it is a law enforcement issue. Joyce agreed. Another concern is the hunting fence that he put up around the property; some say he has too much area, I have been told that he had to have a minimum of 80 acres. I'm being told now by someone who has talked to DNR that that is not the case, the agreement was 80 acres. I need to research it. **Board;** Andy Haggerty from DNR has that information. **Krista;** I will get right on that. My concern is that DNR doesn't regulate it, the Indiana Board of Animal Health has all control over these hunting preserves. I will try to come up with something within the next couple of weeks. If he is shooting on someone else's property and unless I can prove that he is charging others to use the range then I don't believe that there is anything we can do. I am asking for everyone's help, tell me what you think. I have provided some information with the packet that I just gave you. **Board;** Is there an address? **Krista;** Yes and Debbie stated that she would email the address to Steven and Joyce. **Jay;** Gave a brief overview of the initial meeting in April when Jeff Whitaker came to the APC meeting to make an official complaint. He also briefed them on what has transpired up to this date. Jay stated that one of the major concern that he is hearing is public safety. **Board;** Is there such a thing as noise pollution control? **Krista;** No, and I just don't have hard evidence. No one has shown me the trees, when I talked to the neighbors they were wishy washy on whether or not they were going to complain. **Board;** Are they afraid of them? **Krista;** They are Amish. **Jay;** There is an Amish School. **Krista:** I went to the Amish School and the lady told me that sometimes she is concerned when she puts the kids on the buggy, especially in deer season but she said that she would have that anywhere, not just because this is a game preserve. **Board;** So that fact is they were granted to make gun parts and a 20 yard test range, they were not granted a 600 yard shooting range. **Krista;** yes but the part that he petitioned is exactly what they are using it for. The range is a different parcel. **Board;** There is a lot of clouded sky there. **Board;** I have had friends and co-workers say that there is a shooting range somewhere, but do not know if this is the same. **Board;** It feels as if they are stretching the rubber band tight. **Krista:** I don't have any evidence in my hands. **Board;** It's a BZA matter and not an APC matter. That's why I'm trying to catch you up to day. This is where it started 4.5 years ago. It will expire in December 2016. What we do for public safety from now until then is a matter of the facts that we collect.

Comprehensive Plan Meeting

The controversial Agriculture Land Use Map was thrown in the trash. There was a lot of controversy over how to implement that. There were 2 classifications; Production Ag and General Ag. It would be difficult to let someone in the prime land build a home ever, even family, and then anyone in general ag could build a home for any reason whenever or wherever. The consensus was that this was not in the best interest in the county so we are going back to General Ag. Will be similar to what we have now but will have room to grow and change. **Board;** So pay attention to what you see and hear about this Comprehensive Plan because we are wanting to get everything compiled and put it together. Have been working on this for 8-10 months. **Krista;** this is what we live by in our office, we need to understand it, not necessarily agree but we do need to understand. We need to be able to enforce it. **Board;** So you are saying that there will be nothing called prime farm ground, it will just be called General Ag. **Board;** It all starts out as A-1 and then depending on the city, industry or businesses then they will subdivide to be either A-1, A-2, R-1, R-2, Business, Industrial, etc. The APC typically does single family dwelling and rezones from A-1 to A-2 so one could build. There are a lot of soil type maps out there but not necessarily accurate because there is continuous runoff and flooding which changes the soils.

The next meeting will focus on set backs for CFO's and whether we should allow housing or someone to build a home through a conditional use. They meet the criteria; they build it. Or do we need to stick with our re-zoning. It appears that everyone is a 50/50 split, so it will be hard to write and get everyone on the same page. It's a good thing.

Board; What is this Petition BZA 2016-20? **Board;** That petition was pulled, they will have to re-apply.

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

Respectfully submitted by Debbie Martin, Administrative Assistant.

Decatur County Board of Zoning Appeal

Secretary, Roger Krzyzanowski
Decatur County Area Plan Commission

ATTEST:

President, Albert Armand
Decatur County Board of Zoning Appeals