

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, June 5, 2019, at the Decatur County Courthouse. The meeting was called to order by Paul Stone. All board members were present. Also attending the meeting was Melissa Scholl – BZA Attorney, Krista Duvall – Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

President Paul Stone 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 April 3, 2019 regularly scheduled BZA monthly meeting were approved as mailed.

* **BZA Petition 2019-2 – Billy Wilmer** is requesting:

1. **“Permanent Special Exception”** as provided in the Decatur County Ordinance #2530 to build a pond.
2. **“Variance”** from provisions of the Decatur County Zoning Ordinance Section Number **945(5)** to the required side setback of 30’ to 12’ to put a survey line closer to the structure.

The property is owned by Gelfius Land LLC and is located just south of 4013 S CR 850 W, Greensburg, in **Clay Township**.

Billy Wilmer stated that he is requesting a variance to place the survey line closer to the building. Mr. Gelfius wishes to continue to pull his equipment in and out of that drive. I will put the property line 12’ or so off of the small white building (referring the overhead map).

Jay; what is the distance between the buildings? **Billy**; probably 100’, the building is 25’ x 50’ so that will give you an idea of the distance. **Paul**; so you are wanting to move the line a little farther to the south? **Billy**; yes, that property line is off, it would be like 12’ on the north side of that building. I will give him an easement all the way up to the building so he can bring his equipment through. There is an existing drive there already. **Paul**; are they currently using the drive? **Billy**; not on the larger building, they come right through there where the south building is to access the field. **Jay**; are you buying the property off of Gelfius? **Billy**; yes. **Jay**; the black line is exactly in the middle of both buildings. **Billy**; the black line is not in the right place. Mr. Gelfius and I agreed to place the property line so that we can both have our own driveways. **Krista**; our line in the drawing is off a bit, there will be 2 driveways. **Jay**; is the current driveway wide enough for his equipment? You don’t want to get an easement from Mr. Gelfius to use the same driveway? **Billy**; I would like to have my own so I can spray it and maintain it. **Paul**; the white building to the north, do you plan on keeping it? **Billy**; yes, I will fix it up a little so I can utilize it. **Jay**; will they put a permeant property line, will you put posts up? Will you have something that Mr. Gelfius cannot cross that line? **Billy**; we really don’t want to put posts

in, he has access to it. I will put my drive in next to his and the property line would be right in the middle of the two driveways. **Joyce**; I see you signed off of the pond, the last one you did not initial about contacting the local fire department..... **Billy**; there is already a pond there, I was going to contact the Burney VFD and let them know that they can use what they need from it. **Joyce**; so there won't be any draft basin? **Jay**; typically some of the fire departments would like for you to voluntarily put a draft basin which would have a permanent pipe in place for them to hook on to. **Jay**; how did you come up with the 12' variance request if you don't know the distance between the building? **Krista**; and he is trying to leave Mr. Gelfius 50 feet of road frontage. **Jay**; did you look at it? **Krista**; yes, halfway would not have given enough road frontage, this way it will allow Mr. Gelfius to access the building and still have his road frontage. **Paul**; it does come out to about approx. 12'. **Jay**; you would need all of that 50' to turn a semi into the driveway off of the county road. I can understand the separate driveways and him needing 50' to get in and out of that location, I wish you had more clarity on the dimensions between the buildings. I think that the way it sounds he has adequate room above and beyond what he needs. Will that building be adequate for you? **Billy**; I will put a lean to on the south side. **Jay**; what type of building is it? **Billy**; its block and post frame. **Paul**; will you maintain the existing pond? **Billy**; yes. **Paul**; the closest distance to any property line off of the new pond will be what? **Billy**; the water to the line will be 30'. He has 2 field tiles to dump into that. **Jay**; what kind of acreage drains into the pond? **Billy**; the ASCS office said about 30 acres. **Paul**; the spillway will come southeast? **Billy**; yes. **Jay**; do you feel like you can maintain the little building with the 12' setback? **Billy**; I will probably be the one mowing that area anyway. **Jay**; we have to consider the next owners of the property, we typically like as much setback of the 30' but we would like it to be at least the height of the building. **Billy**; I understand your concern.

Joyce Brindley made a motion to vote on BZA 2019-2 for the variance; Gary Fischer seconded the motion with all 5 members voting yes.

Janey Livingston made a motion to vote on BZA 2019-2 for the permanent special exception for a pond; Jay Hatton seconded the motion with all 5 members present voting yes. **Paul**; keep in touch with the office and they will keep you going in the right direction.

* **BZA Petition 2019-3 – James Meal** is requesting a “**Conditional Use**” as provided in the Decatur County Ordinance #935 (1) for his son to build and live in a pole barn on the property to care for elderly grandmother. The property is owned by the petitioner and is located at 7024 N CR 800 W, Greensburg, in **Adams Township**.

James stated that his mother is 93 years old, my son wants to build a pole barn with temporary living quarters so he can live in it and take care of his grandmother. He will inherit the home and wishes to remodel it when the time comes before he moves his family in.

Paul; I understand that there are some fire codes that you will need to adhere to between the living quarters and the rest of the pole barn. **James**; the living space will be torn out but we would like to leave the kitchen and bathroom. **Janey**; where will the living quarters be Jim, will it be upstairs? **James**; it will be on the south end, we have another drawing that shows where the septic system will be. **Paul**; so you are putting an all new septic system in and will size it adequately for the home as well? **James**; yes, it will be a Presby system. **Jay**; we have done some of these in the past and we have put a condition on the that it not be rented out in the future and not be an apartment, we try to be compassionate to the family's needs at the time but want to

be sure we don't end up with 2 residences on that lot. I would like to see us put some wording in our motion that it cannot be rented out after your son moves out. James; we intent to tear it out other than wanting to keep the kitchen and bathroom. **Gary;** what is the distance between the existing buildings to the left (referencing the overhead map). Paul; 20'.

Jay Hatton made a motion to vote on BZA 2019-3 with the stipulation that it is for the son only and not to be rented out; Joyce Brindley seconded the motion with all members present voting yes. **Paul;** thank you Jim, stay in touch with the office and they will guide you through the process.

* **BZA Petition 2019-4 – Dan Schwering** is requesting a “**Permanent Special Exception**” as provided in the Decatur County Ordinance #1206 to operate his sawmill business, Schwering Sawmill and Hardwood, LLC. The property is owned by Steve & Jane Hockaden and is located at 1092 S CR 600 E Greensburg, in **Salt Creek Township**.

Dan Schwering stated that he currently operates a sawmill on county road 400 S, the last 4-5 years we have outgrown our sawmill, have logistical problems with trucks and we have some dilapidated buildings. We are reluctant to re-invest in our current buildings because we had planned on moving. We did go to the APC meeting last month to get the property rezoned and now we are requesting a permanent special exception to operate a sawmill. **Paul;** at last month's APC meeting there was some discussion of the actual sawmill and the operation of it but it is my understanding from last month that the actual sawing process will occur inside the existing structure. **Dan;** that is correct. The actual breakdown of the logs into lumber will happen inside the current building which is a 48' x 130', we are using a thin curve, low power mill. If you have been east of 46, you are probably familiar with Woodmizer, that is what we use. **Paul;** the dust or by products.... **Dan;** the sawdust will be blown directly into a truck or a contained building, we will load out a truck from there. The slab and edgings during the interim we will haul those out. We are talking to several companies about taking that off of our hands. Eventually we would like to put in an end line chipper and take care of it directly as it comes off of the mill. **Paul;** the outlined area, referencing the map, can you give an explanation of what this is? **Dan;** in order to feed our mill we will have to a stock of logs, which will range in length from 8'-16', we also sell some logs and veneer grade logs. That is approximately around 2 acres on the gravel lot that we will store and sort the logs on. **Paul;** the existing gravel lot in front of the shop be used for, what will be out in front of the building? **Dan;** likely employee parking and a truck or two, but it looks like probably 1 semi-truck in front. **Jay;** what is the largest number of trucks that will be parked at this location? **Dan;** I currently own 3 semis and a straight truck, plus maybe 1 other from another company. **Jay;** the chances of having 20 trucks there? **Dan;** it will never happen. **Jay;** will you have any piles of anything that would be visible, such as an eyesore? **Dan;** we do generate slab wood and log cut offs, our hopes are to try to expedite those out of there. Our goal is to try to make a concrete pad with stackable blocks to make a box east of the main building so it's not visible. **Janey;** so that building on there is what? **Dan;** a shop, concrete floor, overhead doors, fully insulated. There is currently a bathroom, breakroom and office. **Joyce;** can you see this from the interstate? **Dan;** yes. **Jay;** there was a fair amount of discussion on this last month at the APC meeting. **Janey;** it would be in your best interest to get rid of all of the bi-product. **Dan;** generally low profit if any. **Gary;** talk about the catch basin and how that works. **Dan;** there are two 8" tiles that run from the shop, that drains southeast towards the property line in the corner and then goes across the interstate. **Jay;** did I hear this 2 acres for the log yard and the 2-3 currently there, the balance

will be kept in ag use? **Dan;** yes. **Jay;** so you will minimize your footprint of that 12 acres and keep it condensed? **Dan;** yes, the balance is about 8 acres that would be farmed. **Gary;** Melissa, how much bite does the law allow us to have in his operation, can we review it, is he running it properly, how does that work as an I-1 zoning classification with a sawmill. If he starts doing things outside of what he should, where is the bite? **Melissa;** I'm not sure what you are saying is a violation? **Gary;** what is a violation, we know what he plans to do but what could he do that would be a violation? **Melissa;** if he operated anything not permitted in an I-1, a use greater than I-1 would be a violation that was not within the approved special exception, that business would have to stop or he would have to get approval to upgrade the property to the proper zoning class, once zoned I-1 it can operate an I-1 business or any other used below that. The property can be zoned down or up, it depends on what you are asking, its a broad question to be able to say what all the things are but you can operate what is permitted in the zoning class at the time or when you change the usage you need to see what the current zoning ordinance says or what you need to do to get yourself into compliance. Example; if I have a residential property and then make it a salvage yard, that would be a violation, you cannot do that. If he was in violation he would be given notice and an opportunity to get compliant. **Gary;** thank you.

Audience: Ruth Ann Hessler; I would just like to comment that Beacon has the new survey lines drawn in. **Mr. Wallpe;** I think it's ok, it all goes back to after he gets established and he commits to keeping it nice, I'm all for it. There are enough eye sores already in the area. From what I hear about Dan, he will do his best to keep it nice. **Gary;** that would be the point of my question, if he was to have rotting lumber or logs and they begin to smell, is there something there to say he is operating correctly? **Melissa;** most of the industrial zones have noise, lighting and visibility of storage material requirements as well as setbacks from residential zones. Obviously if there was something that caused an environmental issue IDEM would probably get involved or another agency might be relevant based on what is happening. **Paul;** is it fair to say that you are in the business to buy and sell logs, there is not much value in you allowing logs to decay. So the dust will go into a semi or a trailer to be contained? **Dan;** that is correct, we are closely regulated with our insurance company, their main concern is fire, anything sitting around be it sawdust, logs, lumber, it is highly frowned upon and we are audited several times a year. They are the ones that we have to please more so than anyone in the county. We have had the same insurance company for about 7 years and we have gotten a green light on every audit. **Paul;** to appease the concern, how out of line would this be if we ask that the slab wood or edgings either be out of the site line or if they could be behind the shop building that there be a bunker for the slab edging, is that a thing that would be relatively easy to adhere to? **Dan;** it's a little bit of our goal, actually directly behind the building is where our septic field is, if there is any visibility it will probably be an ongoing process of loading a truck and trailer to get it out of there and that may be a week to two week long process before the truck is full, and there may be a trailer dropped off that we are loading. There probably will be some visible slabs or edgings. **Paul;** I don't think there will be a problem with something that is a short term in the mode of transportation, I think it would be to not become a small mountain that continues to grow as opposed to being on its way off of the property. **Dan;** we are meeting with a couple of people next week and hope to get something nailed down with our by-product. Again, while we are setting up hopefully we can put something in the line where it blows it directly into a truck. **Jay;** I just want to make one last comment, I'd like to say that I appreciate all of the comment that the public has had, I have been to your current facility and I think that everything that I am hearing and seeing is that this will be light years ahead of where you are at and what you are doing. As long as I have been here there has not been one complaint about you, the roads are way too narrow where you are now and still no complaints. I think it is just going to be better for our

community, roads and you. In respect to how you keep the place, I think it would be a nice comment to hear you say that you could do a line of trees, or evergreens to make it as nice looking as it can be. I think the public eye will be watching you and us and I think you could be a great representative for us if you keep the eye appeal to its best level. **Dan;** there is an older house there that we will tear down, we will probably be putting in some nice signage and may a tree line or fencing. All I can do is promise you that I will keep it maintained and keep is as aesthetically pleasing as I can. Gary; the property is zoned I-1 but the surrounding property is still ag, correct? **Jay;** yes, that is correct.

Joyce Brindley made a motion to vote on BZA 2019-4; Janey Livingston seconded the motion with all members present voting yes.

With no other business to be brought before the board the meeting was adjourned at 7:29 p.m.

Decatur County Board of Zoning Appeal

Secretary, Joyce Brindley

Decatur County Area Plan Commission

ATTEST:

Paul Stone, President Decatur County Board of Zoning Appeals