

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, March 1, 2017, at the Decatur County Courthouse. The meeting was called to order by Albert Armand. Jay Hatton and Joyce Brindley 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 no additions or corrections the board unanimously approved the December 7, 2016 minutes as mailed. Melissa School, Attorney for the BZA & APC Boards swore in the audience.

Albert Armand stated to the petitioners prior to them being heard that since there were only 3 board members present that it took all to vote yes for approval and said that if the petitioners chose to do so that they could table the petition so that it could be presented before a full board.

***BZA Petition 2017-3 – Kevin & Mollie Fry** is requesting a **“Variance”** to the required rear setback from 30’ to 15’ from provisions in the Decatur County Zoning Ordinance Number **945 (5)** for construction of a single family detached dwelling. The property is owned by Donald & Jeanne Fry and is located at 6236 S CR 300 E, **Greensburg, IN, Marion Township.**

Kevin stated that they wish to build a home in place of the house shown on the overhead projector. We are requesting a variance of 15’. The plan for the new home is laid out and in order to stay away from the well and the building on the east side we would like to scoot the house a little south and still allow for us to use a similar footprint as the current home has.

Board; so the 44.5’ building there will stay there correct? **Kevin;** yes. **Board;** how far are you from the well where you have that drawn in? **Kevin;** there is a buried well that is 9’ from the current well and the buried well will be 18’ from the new house plans. It is roughly 25’ from the house now. **Board;** is there any part of the old home that you are going to keep, is there a particular reason you are going over the footprint? **Kevin;** we will be trying to build a ranch style home with a full basement, the current home does not have a basement so we would need to move the home to allow for the digging and to stay far enough away from the buried well. There is a natural valley that goes from the north towards the tillable ground, towards the road...**Board;** are you talking about the lighter green area? **Kevin;** yes. **Board;** and you are trying to stay out of that. **Kevin;** we are trying to stay away from the waterway that goes through that valley, there is also tile line through there. **Board;** Krista, I noticed under this 44.5’

(referring to the map) there is a building and it appears that it may be sitting with the property line running through it, is this property line all official? **Krista**; it's not exactly accurate, that is just a representation, but those are existing lines. **Board**; and I'm going to make the assumption that they were put in there before our ordinance called for. So there is a drainage area that runs down there so you can't move the house closer to the road on account of that and you have a well between the proposed house and one tool shed with another tool shed behind the house. **Board**; is that where you are going to use to park a car? **Kevin**; the north building is a three car garage. **Board**; is there a reason why you particularly have it at an angle? **Kevin**; the lay of the land is currently set to that angle. **Board**; they have themselves in a tight spot. **Board**; it's about the only way they can set it in there. **Kenny Buening**; where is the septic located? **Kevin**; the south east portion. (pointed out on the map). **Board**; and the septic is approved? **Kevin**; yes. The soil samples have come back. **Board**; now since they are building a new home they have to have a secondary site? **Krista**; no, since it is an existing.

Jay Hatton made a motion to vote on BZA Petition 2017-03; Joyce Brindley seconded the motion. All 3 board members present voted yes.

***BZA Petition 2017-4 – Stanley & Carol Schoettmer** is requesting a **“Variance”** to the required rear setback from 30' to 7' from provisions in the Decatur County Zoning Ordinance Number **945 (5)** for construction of a detached garage. The property is owned by the petitioner and is located at 4505 N State Road 3, **Greensburg, IN, Clinton Township.**

Stanley stated that he has plans to put up a tool shed in that area for storage and the reason I have to go close to the property line is that behind the tool shed which would be to the west is where my septic system is. I don't want it going back into the field. If I move it close to the existing garage I won't be able to get around it. The building would be 14' wide and 40' long with the entrance right of the edge of the blacktop.

Board; so you are going to put it here (references overhead map), and there is not room here? **Stanley**; there would be if my septic system wasn't there. **Board**; and not room for it here? (reference map). **Stanley**; not really, no. **Board**; what is behind that barn? **Stanley**; a garden area. The ground behind that when it rains gets really soft. There is a tile ditch that runs to the east of that line that goes through the field there. It angles to the northwest. My driveway is 7' from the property line now and that's where I would like to put the shed, right even with the blacktop. **Board**; what happens if you lop it over to the other side, closer to your barn so that the corner of the barns are closer together? **Stanley**; I would still like to have some room to get between the two barns. **Board**; you would be able to go around on the property line side. **Stanley**; the only thing is I want to move it back so I can get through there maybe 10', then the building would be setting out in the field also. **Board**; but you can go on the property line side around the barn, instead of going between the barns you would go around the south side. **Stanley**; yes, but then it will take away from part of the farm ground too, it would be sticking out

in the field. **Board**; but the way you've got it, what your petition calls for is there won't be room to drive a pickup between the building and the property line. **Stanley**; no. **Board**; that's a problem. **Stanley**; the only concern the neighbor had was can I get a lawnmower through it and it is only 5' wide. I plan on going between the two buildings to get back there, I will have 14' there. **Board**; so you would like it right at the end of the driveway so you can just back into it? **Stanley**; yes. **Board**; I understand you wanting that but I'm seeing other places you might be able to put that and keep with the rules. **Stanley**; if I go out into the field I'm going to have to really raise that land up and put a lot of fill in there. My septic system runs 10' from the side of the tool shed and then every 10'. So the light green area is all septic system from about 20' from the north property line, I think it might go just a tick past the south end of the barn. **Albert**; so you think there is 14' between proposed shed and the existing shed? **Stanley**; yes, right at 13'6", 14'. **Albert**; and there is about 7' between the proposed shed and the property line? **Stanley**; yes. **Albert**; and that would give you about 21', if you shove the building back 5' it would only take about 10' out of the corner of that crop ground behind you, then you would have 21' between the building and the property line? **Stanley**; no, there's only about 14'. **Albert**; if you have 14' between the existing building and the proposed building, and you have 7' between the proposed building and the property line, if you move the proposed building over to where it kind of corners with the existing building and shoves it back about 5'-6' you can get your mower through there, and 21' between the proposed building and the property line. You are only going to use up about 6'-8' at the corner of the crop ground. **Jay**; so what is your proposal or what did you ask him? Just to clarify. **Albert**; so that would give you 21' other than losing 5'-6' out of the corner of the crop ground you would be a lot closer to being in compliance with our ordinance. **Stanley**; how close can I put it to my finger system? **Joyce**; can you show him on the map how it would look? **Albert**; move the proposed building up to there and back, if your finger system doesn't come past the corner of the existing shed. You could be 21' off the line, if moving it back another 5' you could get a lawn mower between the two buildings. **Stanley**; how close can I put it to my finger system, it's going to be right at it or up under the very edge of it. **Albert**; I don't think you can put a building on top of the finger system but I don't think there is a problem other than that, as long as you don't disturb the finger system, is that true? **Krista**; you can't disturb it. **Stanley**; would it make the ground wetter to make the inside of the building wetter with the moisture coming up through the gravel. It's one of my concerns. **Albert**; I'm just providing a proposal, and alternative. **Stanley**; the driveway is already within the 7' from the property line. **Jay**; what if we would come, 7' we think is too close for maintenance for the building, doesn't leave a lot of space, can't drive a pickup through there. What if we would take and shift the building 4'-5' to the north and that would give him 10' between the two buildings and 11' from the new building to the property line. That is a compromise. He could actually go all the way around the building with his pickup at that distance. What do you think about that Stanley? **Stanley**; so the building would be 11' from the property line? **Jay**; yes. **Stanley**; I suppose that would probably work. **Jay**; when we get into these situations we typically like to see some compromise but also want to make sure that you can stay on your property line when you are doing maintenance and construction of your building. **Stanley**; I can probably live with

that. So we are only moving it 3'? **Jay**; 4' to the north and that would give us 11' to the south property line and 10' between your existing building and the new building. You can still get your gas tank filled, you stay away from your septic system, where your footers don't get into your septic field. **Stanley**; I can live with that, yes. It still wouldn't go out into the field and I can drive behind it. **Stanley**; I would like to have it right in with the blacktop but, yes, I could live with 11' there.

With no additional questions or comments from the board (Albert reminded Stanley that it would take all three votes yes and he has the option to table and wait for the full board to be here) or audience Joyce Brindley made a motion to vote on BZA 2017-4 and changing the side setback from the requested 7' to 11'; Jay Hatton seconded the motion. All members present voted yes.

***BZA Petition 2017-5 – Donald & Mary Wilson** is requesting a **“Variance”** to the required rear and side setback from 30' to 10' from provisions in the Decatur County Zoning Ordinance Number **945 (5)** for construction of a pole barn. The property is owned by the petitioners and is located at 1824 E State Road 46, **Greensburg, IN, Washington Township**.

Don stated that he wanted to build a pole barn on the back side of the house and the reason why we need the setbacks changed is because our house is so far back on the property. I want to be able to pull a vehicle in between the barn and the house and be able to go all the way around. It's really not 10', on the back side of the building, the east corner would be 17' off the line and the west corner would be 14' off the line, but then on the east side instead of 10' it would really be closer to 15' the way ... inaudible. It's just how they set the building I wanted to ask for 10' to square the building up with the house.

Albert; so you really think it will be farther than the 10' from the property line? **Don**; yes. Actually the backside is like 17'. **Jay**; then why does our map show 10"? **Don**; that's just what I told them I was going to ask for. The way the property line runs across the back it would be a little different. On the east side of the property line the setback is really 15' instead of 10', I said 10' so we can line the building up with the drive coming along the side of the house. **Albert**; so you have been out and re-measured and staked it off and you are pretty confident that the 14' on the back side and 15' on the side would be as close as you need? **Don**; yes. **Joyce**; is there more buildings out there where you want to build? **Don**; just a little shed that we are going to move to the other side in the back. **Joyce**; what would be the reason why you are building it long ways instead of the same direction as your house? **Don**; I don't want it close...inaudible. **Albert**; what size building are you building? **Don**; 30' x 40'. **Albert**; it would be 40' long along the property line on the east side and 30' as the road would run? **Don**; yes. **Jay**; what's the distance between your new building and your house? **Don**; about 30', there is a well right at the north east corner of the house. **Jay**; how far will the building be from the well? **Don**; about 30'. **Jay**; and the reason you don't want it closer to your house is? **Don**; I wanted to turn in in front of the

building. The finger system is on the west side of the house. Jay; so what I am hearing is you're opposed to bringing the building closer to the house, this is your well (pointing to map) and you are 30' between the two and you have 14' here and 17' here, I know you want to have access in there which is fine but 30' is big enough for a school bus. **Don**; there is a porch there too. I can move the building up a few feet but it couldn't come up a lot. **Jay**; maybe to where the minimum will be 20'? **Don**; on the long side. **Jay**; so you are going to give me 3'? **Don**; yes. I have 80' from the house to the property line on the short side from the corner of the house. If I move it up closer 4' to the house that would only give me about 20' between the house and the building. **Jay**; but that would give us 18'. **Joyce**; is your driveway back to there? **Don**; not yet. I want to align the doors straight up with the drive. I don't want the building out in front of the house and I cannot put it on the other side. **Audience/Mark Wolter**; we have concerns over the drainage and shading of the crop ground, shading the sunlight during the day and also if there would be any type of security light that would affect the crop as well. That's our main concerns, just making sure it's not going to be an issue with our crops. **Jay**; will there be a security light? **Donald**; no, there is a security light at the corner of the house. **Jay**; if the minimum Mark is 18' and the maximum would be 21' what do you think about that, is that something that would work? **Mark**; it's certainly better, the 10' is too close. **Jay**; so right now we are at 18' on the closest and 21' on the furthest. **Mark**; as long as we feel that the dirt work won't cause an issue, the fact that the building is the direction that it is is better because there is a chance of runoff. **Jay**; are there going to be gutters on your building? **Donald**; yes, the runoff will be going to the front of the property, towards 46. **Jay**; so your perimeter drain is tied into sub-drainage? **Donald**; yes, it is wet back there. **Mark**; I think at that distance we won't have any issue with the shading, no security light and as long as the drainage is taken care of. **Mark**; can we ask what the building will be used for? **Donald**; for my golf cart and truck, basically another garage. **Audience/John Davies**; I am the property owner just to the east of them. I agree with Mr. Wolter, I don't have a problem. **Lisa Davies**; I saw that they are saying that they are going to be 15' away, we have privacy down through there and I think it gives them enough room to work on the backside of the building. If they sell and we get neighbors that we wouldn't get along with we will have enough room to put up a fence.

With no additional comments from the board or audience Jay Hatton moved that we vote on BZA Petition 2017-5 with the change to the side setback at 15' and the minimum closest to the north property line would be 18'; Joyce Brindley seconded the motion. All members present voted yes.

With no other business to be brought before the board the meeting was adjourned at 7:07 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