

**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 6:33 P.M. on Wednesday, March 2, 2016, at the Decatur County Courthouse. The meeting for the Decatur County Board of Zoning Appeals was called to order by Albert Armand. Roger Krzyzanowski was absent giving us 4 members present. Also present was Krista Duvall--Decatur County Area Plan Director, Kenny Buening – Decatur County Building Commissioner, Debbie Martin – Administrative Assistant and Melissa S. Scholl, attorney for the APC & BZA Boards.

A copy of the meeting agenda and registrar of attendance is attached to these minutes and incorporated by reference. With the following correction (Joyce Brindley nominated Albert Armand as President seconded by Roger Krzyzanowski) the minutes of the February 3, 2016 BZA meeting were approved.

***BZA Petition 2015-9—Leroy Kemp, Jr.** is requesting a **“Conditional Use”** in an A-1 zoning classification to own and operate a dog grooming business for a period of 5 years. This request would fall under Decatur County Zoning Ordinance Section Number 935 (2--a & b). The property is owned by the petitioner and is located at 2824 W. Co. Rd. 600 N., Greensburg, In. 47240 in Adams Township. This petition was tabled at the July 1, August 5, September 2, October, 7, November 4, 2015, December 2, 2015, January 6, 2016, February 3, 2016 and the March 2, 2016 meetings. Mr. Kemp is working with the State of Indiana for his commercial septic system.

***BZA Petition 2016-3 – Lori Pike** is requesting a **“Conditional Use”** in an A-1 zoning classification to operate a Wholesale Bakery in a detached garage on their property. This request falls under the Decatur County Zoning Ordinance Number 935. The property is owned by the petitioner and is located at 4300 W CR 750 N, Greensburg, IN in Adams Township.

Lori Pike addressed the board with her proposal. Stated that she sells her product at the Shelby County Farmers Market. She would like to be able to sell commercially.

- Will there be any retail sales at the property? No
- Any employees on site? No
- Will there be traffic in and out? No, I usually deliver everything.
- Will you branch out in this county too? I would like to, I will be going to the Greensburg Farmers Market and check into Harvest Market.
- What is going on with the local department of health and the state department of health? I have been in constant contact with Sean and Jordan with the state. Have met 3 weeks ago to be sure we are on target with everything and they said we are. They know that we will be done about the end of March.
- And the local fire department, do they have to sign off on this? We don't have to have them sign off on anything because we will not be frying anything.
- It is detached from your house? Yes

With no other comments/questions from the board or the audience, Jay Hatton made a motion to vote on BZA 2016-3 with the exception that it is signed off with our local and state Board of Health; Steven Dudley seconded the motion. The petition was granted with all members present voting yes.

***BZA Petition 2016-4 – Richard and Liza Kramer** are requesting a **“Variance”** from provisions of the Decatur County Zoning Ordinance Section Number 945 (5). A variance to the **side setback from 30 feet to 5 feet** in an A-1 zoning classification for the addition of an attached garage. The property is owned by the petitioner and is located at 3495 E CR 100 S, Greensburg, IN in Washington Township.

Rick Kramer spoke to the board on his intentions of adding on a garage onto his home and the problems he has with meeting the required setbacks. He stated that he is limited based on logistics of the home, septic, electric lines and geothermal. He stated that his parent live next door and are supportive of his petition. There is a small building located on his parent’s property and is very old and he believes that after he adds on his garage that it will be torn down but cannot say with 100% certainty. The main reason is that it works best with the house design to put the garage where proposed.

A few questions and statements from the board included:

- Jay Hatton stated that he had been out there and from what I can see it looks like it would fit the best there, I hate the crowding there though.
- We would like to have more than 5’, we would like to see at least 10’ between the property line and the building.
- How long has the property line been there, it looks like it is setting right up on the garage? 30 years ago it was all one lot and we purchased the property to build our home 10 years ago. We split it the best we could to separate the farm field and my dad’s house.
- A board member stated that we know we don’t like it but it fits the best with what he is planning.
- Is there any way to get more space than the 5’? I have it designed with the 9’ doors, I could go 8’ but with the bigger vehicles I really need the room.
- I know we don’t like it but it fits the property the best and the driveway too.
- Can you move the garage behind the house? No, our septic tank is located there.
- And they would remove the small building located on your dad’s property? It’s not mine to say but yes that is the plan.
- There are concerns that when you get building that close that if there is a fire occurs you will have extra time for your volunteer fire department to arrive.

With no other comments/questions from the board or the audience Steven Dudley made a motion to vote on BZA Petition 2016-4; Jay Hatton seconded the motion. A vote was taken with 3 members voting yes and 1 member voting no.

***BZA Petition 2016-5 – David and Susan Owens** are requesting a **“Variance”** from provisions of the Decatur County Zoning Ordinance Section Number 945 (5). A variance to the **side and rear setback from 30 feet to 5 feet** in an A-1 zoning classification to build a garage. The property is owned by the petitioner and is located at 2444 S CR 60 E, Greensburg, IN in Washington Township.

Dave Owens presented his request to the board. The property line is a little deceiving, there is a 12’-16’ grass area along the driveway all around the property line so that building wouldn’t be located right next

to the driveway. He stated that if he goes by the required setbacks that his garage would be in his finger system for his septic. Mr. Mozingo, an adjoining property owner, maintains the driveway which supports 3-4 residential homes in the same area. I had Mr. Scholle come out to be sure all of the property line pins were correct. I don't want to get on anyone else's property. A few questions and statements from the board included:

- Melissa Scholl asked Andy Scholle if there was a recorded easement on the property? Andy stated that he was almost positive that it is.
- Does this driveway go to a house? There are several homes back there.
- Is this for your car or for your business? Basically for my trucks, I have a tractor and a few tools. I have 3 storage units so I need a place to put my stuff.
- Is there any place that you would consider on the property that might fit close to that? No
- Can you squeeze a few more feet out of that or is 5' as good as it gets? If I went 10' it would be tight, 6'-8' would be better.
- How much grass do you have between your property and the driveway? Dave stated that he has approximately 16', it varies from 12'-16' all around the driveway.
- So it would be 20' out to the gravel? Yes
- What size garage could you put behind your current garage? I couldn't get to it if I put it there, would be too tight of an area.
- If you add behind your current garage you might have room? Dave stated that he eventually wants to build a home where the current mobile home is. The mobile home is 30 years old.
- According to your drawing you should have room? It's not drawn exactly to scale.

With no other question/comments from the board or the audience Joyce Brindley made a motion to vote on BZA Petition 2015-5; Steven Dudley seconded the motion. A board member wanted to clarify if there would be a bathroom in the garage and Mr. Owens said no. A vote was taken with 3 members voting yes and 1 member voting no.

***BZA Petition 2016-6 – Dennis & Kimberly Tyger** are requesting a **“Conditional Use”** as provided in the Decatur County Zoning Ordinance Section Number 935 to operate an automobile repair shop in a detached garage on their property. The property is owned by the petitioner and is located at 5129 W CR 500 S, Greensburg, IN in Sand Creek Township.

Dennis Tyger presented his request to the board. A few questions/statements from the board included:

- It's in an existing building that is already there? Yes The building is separate from the house.
- How many vehicles at a time will be there? On average there are 3-4, I try to keep everything inside.
- Anything we need from the health department? The local volunteer fire department is meeting with me tomorrow.
- Are you going to paint vehicles too? Yes
- Will there be restroom facilities: No
- This will be subject to approval of fire department.
- Is the ventilation system approved for the booth? It is vented outside and has a row of filters that it must go through.
- Do you have any signage? No, the only sign is my name on the side of the building, it does not say Auto Body, just my last name.

- You will not have a sign on State Road 3? No

With no other questions/comments from the board or the audience Steven Dudley made a motion to vote on BZA Petition 2016-6 subject to the local fire department signing off on the building; Jay Hatton seconded the motion. A vote was taken with all members present voting yes.

With no other business to discuss the meeting was adjourned at 7:07 p.m.

Respectfully submitted by Debbie Martin, Administrative Assistant.

Decatur County Board of Zoning Appeal

Secretary, Jay Hatton
Decatur County Area Plan Commission

ATTEST:

President, Albert Armand
Decatur County Board of Zoning Appeals