

**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, May 3, 2023 at the Decatur County Courthouse. The meeting was called to order by Brad Schutte. There were 5 board members present, also attending the meeting was Melissa Scholl – BZA Attorney, Krista Duvall – Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

Brad Schutte opened the meeting 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.*

**\*Approval of Minutes: April 5, 2023:** Joyce Brindley made a motion to accept the minutes as mailed, Janey Livingston seconded the motion with all members present signifying aye.

**\* BZA Petition 2023-4 – Jeffrey Krekeler** is requesting a “**Conditional Use**” in an A-2 zoning classification to run a mechanic’s shop on the premises. This request falls under Decatur County **Ordinance #935**. The property is currently owned by William & Patricia Krekeler and is located at 7657 E CR 200 S, Greensburg in **Salt Creek Township**.

**Jeff Krekeler:** the last time we met we were discussing the fence that you all decided that it didn’t work as well so we planted trees. I believe they are called persian green giants, they should grow anywhere from 5-7 feet per year as soon as they are established, we planted 48. **Janey;** when were those planted? **Jeff;** maybe 2-3 weeks after our last meeting that I was here. **Janey;** are they all doing well? **Jeff;** yes. **Brad;** to date we have we have under discussion here is going to be the conditional use, to this date we have done 6-month intervals, just so that you guys are clear on that. **Joyce;** I appreciate that you are trying to work with us. I think you have gone above and beyond in putting these in.

**Audience: Bob Morton:** when you bring it up for a vote, what are the parameters as far as operation, hours and how many employees and so forth. **Joyce;** I think we have the parameters here but we don’t have any answers.... **Bob;** there were things brought up such as number of cars and things like that. I want to make sure that is all included and that I understand what they are. At first there was not much willingness to comply. **Joyce;** we got it to where they would do no more butchering, trying to hide their property from yours, they complied with trying to get things cleaned up the way that we asked them to. **Bob;** I understand that but there were hours or operation, how many employees and such. I need to know the parameters that he is operating on. How do you report any violations? **Brad;** to the Area Plan office. **Jeff;** I will have a total of 10 vehicles, including mine. Hours of operation was 7 a.m.-6 p.m. through the week. I will try not to work on the weekends. **Bob;** no weekends? **Joyce;** he is going to try to stay away from weekends. **Janey;** will you have employees? **Jeff;** no, I have a friend who comes over and sweeps the floor and watches what I do to try to learn but that is it, he is not an employee. **Gary;** do you see going to that at some point and time? **Jeff;** hiring an employee? No, just trying to keep it just me. **Brad;** in order to contain some parameters, we need a time frame. What is a normal time? **Krista;** 5 years. **Brad;** I need some thoughts. **Joyce;** I would think that he says been her so much to ask for this and has done what we have asked, that we give him 5 years. **Marsha Morton:** I would caution 5 years because it took you 1.5-2 years to get him to comply with what you guys requested in the first

meeting and he did not even come back the first time without you guys telling him to. He is very reluctant on doing stuff and at the end of his driveway where he has the trees on both sides, if you go down our driveway there is a 30-foot stretch that we look down at all of his junk that is sitting there. That was not there. **Joyce;** what kind of junk? **Marsha;** he has all of these old cars, a pontoon and regular boat, six trailers, some junk sitting there. We see this every time we go in and out of our driveway. I just caution the 5 years because I do not trust him. **Brad;** regardless if we shorten it, and we can, any violation would need to be reported. **Janey;** if a violation is reported and found to be true... **Brad;** then we can request that they come back and we can review the conditional use again. **Janey;** based on that I think the 5 years is acceptable. If he violates, then he will be back at us anyway. **Brad;** if we set it for 2 years there could still be a violation, which you would really need to report. It just saves the repeated coming back, if you are going to have an issue it will be within 2 years, or 5 or 1. **Joyce;** I agree with that, I think that sometimes people get into trouble because what some people call junk other people call it their business. This is hard also. I appreciate the compliance that he has done now, whether it has taken him a year and a half or two years. It's an expensive operation and it looks like he has tried to comply with what we have asked for. **Rick;** I would agree with that, everything we have asked from the drain to the fence to trees, he has accomplished that over a period of time. Sometimes weather doesn't allow things to happen quicker. I think we are already setting limitations on the number of vehicles that can be there, limitations on hours that he can do business. I would probably argue that there should possibly be some weekend options open to that, I don't like limiting a man's ability to earn a living. There needs to be some limitation but I would probably recommend 5 years. **Krista;** Brad, do we need to put in the limitations on not just the number of vehicles but maybe scrap, parts, parts sales, I'm just concerned because of issues that we already have everywhere else. **Joyce;** am I right in thinking that these trailers are holding some of your parts and things? **Jeff;** I have a utility trailer back there that I throw my scrap in. I don't want it on the ground. I have my car trailer and a couple of other trailers, a pontoon and a boat. **Krista;** as long as those things are operable and everything, as long as they don't become scrap and hidden behind the fence. **Gary;** Jeff, was there freight containers there before? **Jeff;** yes and they are still there. One of the requests was that I paint those to match the building and that has been done. **Gary;** what purpose do you use those? **Jeff;** we have my mother-in-laws belongings in one and I have some other stuff in the other one. My personal storage. **Brad;** we can add the language of operable equipment, no more than 10 motor vehicles, maintain the trees and the fence. **Krista;** so the stipulations are no more than 10 vehicles on the property at one time, no inoperable equipment stored on site, 7 a.m. – 6 p.m. Mon-Fri. **Jeff;** what if my kids have friends over or something like that, or family comes to visit? **Brad;** that is for days. **Rick;** related to the business. Is there interest in adding weekend hours of operation. **Jeff;** if we could, I don't work every weekend but if I need to finish something up on Saturday morning, I would appreciate it. No later than 3-4 on Saturday. **Rick;** no longer than 8-2 or 8-3 on a Saturday, I think that those are very reasonable business hours. **Krista;** hours of operation M-F 7 a.m.–6 p.m. and 8 a.m.-3 p.m. on Saturday.

Joyce Brindley made a motion to vote on BZA 2023-4; with stipulations of no more than 10 vehicles on the property at one time, no inoperable equipment stored on site, 7 a.m.–6 p.m. Monday – Friday and 8 a.m.-3 p.m. on Saturday; Gary Fischer seconded the motion with all members present voting yes. **Brad;** your variance passes and it will be up to you guys (The Morton's) to monitor if there is an issue, let us know.

\* **BZA Petition 2023- 5 – Jeffrey Moore** is requesting the following:

1. A **“Special Exception”** as provided in Decatur County Zoning Ordinance #1920 to

operate a dog kennel business on the property

2. A **“Variance”** as provided in Decatur County Zoning Ordinance #1930 from the required 150’ setback from an adjoining property line to approx. 20’ from an adjoining property line.

The property is owned by the petitioner and is located at 9012 W CR 1400 S, Westport, in **Jackson Township**.

**Jeffrey Moore:** I am interested in moving from Hebron Kentucky. We have dog shelters there and want to move them here. I am more than 150 feet from all property lines except the one on the right, which is a vacant field. There is not another house on that side of the road for another mile.

**Brad;** your dog kennel business, explain that a little bit. **Jeffrey;** we sent some pictures, we raise labs and we have about 12 females that we breed. **Brad;** and you would be just looking at a similar set up? **Jeffrey;** it would be that exact same set up, we are moving those here. **Janey;** so you are not boarding dogs, you are breeding and raising and selling? **Jeffrey;** (inaudible) we exercise all of our own dogs. **Joyce;** how many do you usually have at one time? **Jeffrey;** 12. **Joyce;** no more and no less? **Jeffrey;** no. **Joyce;** and you are setting up the space for 12 dogs? **Jeffrey;** yes, there is a nursery, it is a separate building. **Joyce;** what do you say about the land next to you? **Jeffrey;** I have asked the property owner, that is a vacant field. **Joyce;** what did he tell you? **Jeffrey;** he said it was fine. **Janey;** will you have any signage? How do you market your dogs? **Jeffrey;** no, we have a website and that is how most of our clientele comes to us. **Janey;** so you have buildings in Hebron that you are going to move? **Jeffrey;** yes. **Joyce;** there is no way you can meet the 150’? **Jeffrey;** no, because I have almost got like, can’t remember exactly the width, and the woods drops. **Janey;** so you will have to pour concrete pads, right? **Jeffrey;** yes. **Joyce;** and you will have the kennels so they can run? **Jeffrey;** yes, all of the kennels, runs into a sewage pit. **Gary;** say that again. **Jeffrey;** what we do it to pour a wall that is above where our concrete pads are, there is a sump pump pit and that runs out and it pumps into the sewer. **Joyce;** are you on Westport sewer? **Jeffrey;** no we have our own septic. **Rick;** so you say it pumps into your septic field? **Jeffrey;** yes. **Joyce;** do you belong to kennel clubs? Do they come and check you? **Jeffrey;** yes, all of our dogs are AKC, and they can show up any moment to check us. **Audience: Kenneth Hayes;** I live right behind him and I have no problem with it.

Joyce Brindley made a motion to vote on BZA 2023-5; Janey Livingston seconded the motion with all members present voting yes. **Brad;** your petition passes. **Jeffrey;** was that for both? **Brad;** yes, it is the entire petition.

\* **BZA Petition 2023-6 – Donnie Barber** is requesting a **“Variance”** as provided in Decatur County Zoning Ordinance #945 from the required 70’ front setback to a 40’ front setback to build a garage on their property is owned by the petitioner and is located just north of 2621 N CR 860 E, Greensburg in **Fugit Township**.

**Donnie Barber;** we are building a garage, that property itself sits on top of a hill, the flat spot is where we want to put the garage. It won’t work well if we have to move it back 70 feet. **Janey;** is there a bit of a dip in the ground behind it? **Donnie;** yes, it drops 5-10 degrees, if we were at the 70 feet, we would be hanging over by 2-3 feet. **Janey;** how will you enter and exit, will you hook into your current driveway? **Donnie;** yes. **Brad;** how far will you be off the edge of that road? **Donnie;** I have talked to a builder, it is going to be 40-50 feet. **Brad;** so you will be 40-50 off of the edge of the road? **Krista;** it will be off the center. **Brad;** so you will be 40-50 feet off of the road. **Janey;** did you say that is a dead-end road? **Donnie;** yes. **Joyce;** have you talked to the neighbors? **Donnie,** yes. **Gary;** so that is on a separate piece of property from your home, is that correct? **Donnie;** yes. **Brad;** so you own that? **Donnie;** yes. **Brad;** so what is your distance from that

property line? **Donnie**; 30 feet I believe. **Brad**; so that would actually be our closest property line. **Krista**; our setback is 15 feet. **Brad**; I guess you would want to be sure you maintain that. **Janey**; where is your septic? **Donnie**; (referencing the overhead map pointed out the septic). **Gary**; so you own both properties but they are two different properties? **Donnie**; yes, that are all combined. **Gary**; is that an issue with crossing the property line? **Krista**; they are not crossing any lines with the building. That building is on a separate parcel. It is just a garage and not a dwelling. **Janey**; so is this a single story? **Donnie**; yes. **Janey**; no bathroom or anything like that? **Donnie**; no.

Joyce Brindley made a motion to vote on BZA 2023-6; Rick Hoeing seconded the motion with all members present voting yes. **Brad**; your petition is approved, good luck.

\* **BZA Petition 2023-7 – Roy Saylor** is requesting the following variances to develop a twenty-one (21) lot subdivision west of 207 W Kentucky Ave, Westport in **Sand Creek Township**.

1. A **“Variance”** from provisions of the Decatur County Subdivision Control Ordinance #305 (R) to **not** require sidewalks
2. A **“Variance”** from provisions of the Decatur County Subdivision Control Ordinance #305 (W) to **not** require curb & gutters along Kentucky Ave
3. A **“Variance”** from provisions of the Decatur County Ordinance #1060 to the 75’ minimum lot width specifically, Lot #7 and Lot #8 from 75’ to a width of 71.73’, and Lot #9 and Lot #10 from 75’ to a width 70.78’.

**Brad**; tell us about the reason for your request. **Jeanie Saylor**; which variance? **Brad**; let’s start with the first variance on the sidewalks. **Jeanie**; I believe that was already addressed, my husband was supposed to be here last minute and (inaudible). **Krista**; the issue would be is they took this to Westport last month and asked about the sidewalks, Westport denied it because they felt like they were pushing towards sidewalks in the community and this would go against what they were working toward for the future. Then, Roy talked to a couple members of the board again and they decided to pull back that un-favorable recommendation and look at it again at their next meeting. **Joyce**; we have also looked at the rest of the town and the new developments that we have there, we have never required that before. Now we will in the future because we are going to re-do Main Street first and then we are going to work out. In the future if more are added you will have to have a sidewalk. You do have a retention pond now, don’t you? **Jeanie**; yes. **Brad**; so for variance #2... **Krista**; so on variance #1, are we going to vote on that? **Brad**; no, not yet. This is to require curbs and gutters, is this just along Kentucky Avenue or throughout the subdivision? **Krista**; I think it is just Kentucky Avenue. **Brad**; so the rest of the subdivision... **Krista**; I don’t know, I wrote down what he told me. **Joyce**; I think this also will have to come in from of the Westport Town Board because we have an ordinance now, you have to have gutters and you have to have them pointed out towards the retention pond and not put out on the ground. We were having a lot of flooding from that area and the people that lived behind the new restaurant, they used to have deep ditches. Now they’ve filled up and there are properties in the division, before they put on the new division, they have all been checked to make sure they are not putting their wastewater off of their roof into this sewer system. That has got to be stopped because we haven’t gotten the newer sewer system yet and it takes a long time to get things done. I don’t know, I think that I would feel better if I had the rest of my town board here to say whether you need gutters on them or not. We meet on Monday. **Brad**; has this been through technical review? **Krista**; no, we were going to check the variances first. **Melissa**; I would think, regarding the curbs and the gutters, with the water study in the process, we would definitely need the results of that before any determination (inaudible) on that. **Joyce**; I had a water study done from Purdue, we have the results of that. **Brad**; well it would be done with the plans regardless. We would really need that one. **Melissa**; water is already and

issue and the study and the case with the curbs and gutters are all a part of the remediation process for the development, and that answers that question. **Brad**; yes, they would have to approve the curb and gutter and then you would have to prove the drainage was proper. **Joyce**; that is all we worry about, is not making the problem for the people who already live in the other development. It's a good idea to do this, I think you have a good idea but it really does have to be done right. **Brad**; we can discuss the last variance, basically you are just, probably because of the size constraints you are looking to make those lots smaller, which the Technical Review Committee (TRC) could give a recommendation on that and the Town of Westport as well. **Gary**; do we have the cart before the horse? **Brad**; yes, that's exactly what I am seeing here is this really needs to be tabled because there's not much for us to vote on here until it gets through the proper channels. **Joyce**; we are not saying no. **Brad**; we are just tabling it until you get the rest of your legwork done to prove that these are needed and if they are necessary. We need a drainage study first regardless. All of this might change. **Gary**; I think it is good to see houses to be built within the county, to have people here. I think this is a good thing, we just need to do it the right way. **Jeanie**; absolutely, we want to be able to grow the town, the businesses and help the schools. I appreciate the suggestions. **Brad**; it would be my recommendation that the TRC can go ahead and look this over, probably before they even come back before variance. I think that would be the route to go here because depending on drainage it may change their need for variances, drastically. Is there a plan incoming from them? **Krista**; yes, they are working on the subdivision control, he is still working on it, they have a lot of it done, it's still in the works. These are things that will get addressed because he cannot come to the APC for subdivision control until... **Brad**; I think the proper things need to be proven before we can even get that far, proper retention, all the drainage. I think that is going to be your first hurdle. **Melissa**; when they require other things that might consume and take some lots out (inaudible) to require variances on the width and all of that so it (inaudible). **Brad**; it's a long way by the time they design in the hydraulics of the property. **Krista**; I think the architect has already drawn it in. Roy was just concerned about the price and the fact that there were no sidewalks all the way through the initial subdivision. I don't know if that would be an issue for me but you have to start somewhere. Curbs and gutters I think .... **Brad**; and this property has not been rezoned, correct? **Krista**; no, this is the first step, he can't go until this is resolved. **Brad**; I would rather see it rezoned first, I would think. **Krista**; we can't approve a plat. **Brad**; you can approve a plan and then they can come back and ask for the variances off of the approved plan. **Krista**; ok. **Brad**; that would be my thought because we can't approve variances on something that isn't even zoned. **Melissa**; it would be conditional on the rezone. It is kind of one way or the other. **Brad**; I think they would want to get through TRC first, because that could change the plans. **Melissa**; it may change the variances that are being requested. **Gary**; I make a motion that we table BZA 2023-7; Janey Livingston seconded the motion with all present signifying by saying aye. **Brad**; keep in touch with the office with questions and with all the plans.

Gary Fisher made a motion to adjourn the meeting at 6:56 p.m.; all members present signified by saying aye.

Decatur County Board of Zoning Appeal

---

Secretary, Rick Hoeing

Decatur County Area Plan Commission

ATTEST:

---

Brad Schutte, President      Decatur County Board of Zoning Appeals