

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 4, 2022 at the Decatur County Courthouse. The meeting was called to order by Brad Schutte. There were 4 board members were present with one being on zoom and Rick Hoeing was absent. Also attending the meeting was Melissa Scholl – BZA Attorney, Krista Duvall – Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

Brad Schutte 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: December 1, 2021 and April 6, 2022;** Joyce Brindley made a motion to accept as mailed; Janey Livingston seconded the motion with all presenting voting yes.

TABLED * BZA Petition 2022-1 – Kurt Comer for Nutrien is requesting a “**Variance**” in an I-1 zoning classification from the provisions of the Decatur County Zoning Ordinance #1244 & 1210; a) side setback from the required 60’ to 15’ b) rear setback from the required 60’ to 38’ c) nearest residence from the required 600’ to approx. 275’. The property is currently owned by Nutrien Ag and is located at 531 S County Rd 350 W, Greensburg in **Washington Township**.

*** BZA Petition 2022-4 – Troy Emery** – is requesting a “**Variance**” in a R-2 zoning classification from the required rear setback of 15’ to a rear setback of 2’ and a “**Variance**” to the required side setback of 8’ to a side setback of 4’ to build a garage. The property is currently owned by the petitioner and is located at 905 N State Rd 3, Westport in **Sand Creek Township**.

Troy Emery: In the top left-hand corner (referencing overhead map) there is currently a smaller two car garage where I am wanting to building the larger garage. I got in touch with the Town of Westport, the current garage that is there sets about 4 feet off of the property line and in order to put the garage the way I want to build it, I need to be about another 2 foot back, it’s still ample room away from the alley. I’ve had 811 come out and check utilities, all of that is good to go. Someone from the Town of Westport came out and said they are fine with it. I have talked to my neighbors and no one seems to have any issues with it. In order to get it built the way I want, there is a 15-foot setback and that is putting the hammer on things. One thing I did want to mention too, I know that 2 feet is short but there will be no doors on the back of it, they will be on the front towards my driveway. The only thing that will be between the back of the barn and the alley is 2 feet of gravel that is already there. **Brad;** and you will have doors then facing east? **Troy;** yes. **Joyce;** I don’t remember you coming to the board, I’m on the board in Westport... **Troy;** I think it was last November. **Joyce;** I know where you are speaking of, I know your neighbors. I understand what you are wanting. I don’t think, as a board member of Westport, that this is going to be any problem at all for us, but we will have to decide here whether that is going to be enough for us. I know your neighbors, I wish you could have more feet, but I understand ... **Troy;** basically where the gravel meets the path on the north side, I will be 4 feet away. **Joyce;** the people on the other side doesn’t mind? **Troy;** no, and Kova Fertilizer.... **Joyce;** I can see that it won’t be a problem. Is there a fence behind that shed? **Troy;** no. **Gary;** is this from the eaves that will be on

the vertical line? **Troy;** yes, it will have a 16” overhang and then drop down two feet from the property line.

Joyce Brindley made a motion to vote on BZA 2022-4; Janey Livingston seconded the motion with all members present voting yes. **Brad;** your variance is accepted, thank you!

*** BZA Petition 2022-5 – Nipro Glass / Lauren w/ Green Sign Co. – is requesting a “Conditional Use”** in a I-1 zoning classification to place an Electronically Changeable Message Board sign. The property is currently owned by Nipro Glass Americas Inc and is located at 1108 N State Rd 3, Westport in **Sand Creek Township.**

Lauren Obendorf: I am here representing our customer and we are wanting to install an electronic message center to the existing sign at Nipro. The sign will be a similar product that is at South Decatur High School. This one would be significantly smaller. **Brad;** looks like 41” tall and 75” wide. About how far will that be off of the ground? **Lauren;** 6 feet. **Brad;** do we have any restriction on what can be on it, it can’t flash, how rapidly.... **Krista;** it is in the ordinance and that would be their responsibility to see that it doesn’t.

Joyce Brindley made a motion to vote on BZA 2022-5; Janey Livingston seconded the motion with all members present voting yes.

Janey Livingston made a motion to adjourn the meeting at 6:42 p.m.; Joyce Brindley seconded the motion.

Decatur County Board of Zoning Appeal

Secretary, Janey Livingston

Decatur County Area Plan Commission

ATTEST:

Brad Schutte, President Decatur County Board of Zoning Appeals