

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, November 1, 2017, at the Decatur County Courthouse. The meeting was called to order by Albert Armand. All board members present. Also attending the meeting was Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant and Melissa Scholl, Attorney for the BZA and APC boards.

President Albert Armand 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 October 4, 2017 regularly scheduled BZA monthly meeting was approved as mailed.

Melissa Scholl swore in the audience.

*** BZA Petition 2017-23 – Kenneth Harrison / H4 Hydrographics LLC** is requesting a “**Conditional Use**”, in an A-1 zoning classification, to operate a Water Transfer Printing business. This request falls under Decatur County Ordinance #935. The property is owned by the petitioner and is located at 2840 W Taylor Court, Greensburg, in **Washington Township**.

Kenny Harrison stated that he had started the water transfer printing about 1 ½ years ago as a hobby but it is now turning into more than a hobby when he began to get requests from others to do work for them. He has had request to cover firearms as well and is in the process of getting his Federal Firearms License.

Albert; are you operating out of your house or garage? **Ken;** I bought a small building, 12’ x 34’, set it in the side yard and I operate from there. I don’t sell anything, I just do what someone wants completed. As requested Kenny described the process of how the water transfer printing works and passed around pictures of items that he has covered. **Roger;** does this generate waste or fumes? **Ken;** no, product that I use to activate the film, I have not used yet 1 gallon in the last 1 ½ years. **Roger;** when you drain that water is there something in the water that is potentially harmful? **Ken;** not to my knowledge, it’s just what film has dissolved, it turns into a powdery slimy stuff on the sides of the tank. I will have a trap at the drain where I can wipe all the solid stuff off. **Roger;** you are not operating with a septic system? **Ken;** no. **Roger;** you say you will be handling firearms... **Ken;** I’ve applied for a Gun Smith license. In one of those pictures I have covered my own slide but I’m not a gun smith. But according to the ATF, without a Federal Firearms License I cannot possess someone else’s firearms. **Roger;** so are you going to be a gun smith or are you just going to be transferring this material onto the gun? **Ken;** no I will not be a gun smith, just transferring. The activation is completed by the heat, then the transfer liquefies in the water, you then paint hydrographic paint on the item that you will be placing the transfer on. Then when the two meet it bonds, the water forces that transfer to wrap around the item you are covering. **Roger;** so it’s almost like transposing on glass a film to darken the

windows which uses warm air and you are using a water base system. **Ken**; yes. I had the Greensburg Fire Department come out and inspect the building and they recommended a fire extinguisher. **Albert**; are you going to require additional parking for this? **Ken**; no, I will work with a local gun smith, he will take the firearm apart and I will pick it up. **Joyce**; will you be firing any of the firearms? **Ken**; no, I will never handle a complete weapon. **Albert**; what about signage? **Ken**; no sign, I only anticipate that if the business grows I will have to move. Right now it's just a hobby level, if the interest grows, that will be great. **Janey**; how much of this space in the building does the tank take up? **Ken**; the tank is 4' x 8'. **Albert**; the building itself is a portable building, sets on runners, temporary electric. Any special rules Krista that he needs to be aware on that? **Krista**; no. **Ken**; building is on runners. **Roger**; I don't know what is in the waste water because I don't know what is in the transfer material but if you are dumping it, you probably need to look into it. **Ken**; right now it drains under the building. I change it every two weeks, I have been at this now for 12-18 months and I have not even used a gallon of material yet. **Janey**; does the activator have anything on it that says it is toxic? **Ken**; I buy the eco-friendly kind. **Paul**; it sounds like you have a goal that if this turns into something that constant traffic becomes a nuisance for neighbors that you keep that in mind that you are in a neighborhood and not a business district. **Ken**; if that happens I will look to move to a different location.

Paul Stone made a motion to vote on BZA Petition 2017-23; Roger Krzyzanowski seconded the motion with all 5 members present voting yes.

* **BZA Petition 2017-24 – Eric Peters** is requesting a “**Variance**” to the required side setback of 30' to 8' to construct a garage on his the property. This request falls under Decatur County Ordinance #945 (5). The property is owned by the petitioner and is located at 726 N CR 660 E, Greensburg in **Salt Creek Township**.

Eric stated that he is needing to build a garage and the variance request is 8' but it is actually closer to 23'. I have a statement from a survey technician and I have a picture of the area. This shows the property line going right up my driveway. The line is actually considerably north than that. My building spot is on an old foundation, the remainder of my property on that plot is all low land or generally wet area that is heavily shaded and with the septic where it is I wanted to rebuild on the old foundation.

Joyce; and you are 23' instead of 8'? **Eric**; yes, and that is from the corner of the garage that is closest to the property line. **Roger**; who stated the 8'? **Krista**; we did, that's what we have on Beacon and GIS. **Roger**; that was not a measured statement because you didn't know the actual boundaries? **Krista**; that is correct. He stated that it was further than 8' so we asked him to get a surveyor to find his pins and verify the line. **Roger**; obviously construction is already going on before this meeting, did you not know the ordinance? **Eric**; I was building on the existing foundation and I exceeded the time limit. **Roger**; did your contractor not know? **Eric**; I actually started the construction myself, I was testing the foundation and putting some boards down. It was only a few days of construction. **Roger**; that was your garage that burned or prior to you owning the property? **Eric**; I wasn't living there at the time of the fire but yes, I did own it. That would have been around February 2003. **Roger**; so that building foundation has been sitting there since 2003? **Eric**; yes. **Roger**; there wouldn't have been a time frame on that anyways. **Albert**; did you get a permit before you started this? **Eric**; no. **Joyce**; may we ask why? **Eric**; my ignorance of the law I guess, I was rebuilding on a set foundation where I had a building and

I kind of put the cart before the horse of building. **Joyce**; I think a lot of people don't realize that you have to have a permit even if something burns down. **Eric**; I do know now. **Roger**; so you just have the frame work done now, do you know the depth of the concrete? **Eric**; yes, it was 18". That is 18" foundation and then a 4" pour on top of that. **Roger**; so you have a footer around the outside edges and you can confirm that? **Eric**; yes. **Roger**; obviously it's a two story building so there is going to be quite a bit of weight on it. **Eric**; I helped the original builder of that and it can hold a brick house. This is just going to be wood frame, metal siding. **Krista**; the footer should be 24" below final grade per code. **Roger**; this type of situation needs to be addressed, fines should be imposed and not brought to this meeting. **Albert**; we don't see a lot of them but we do see way too many. When you start construction before you have a permit there is just a whole lot of problems that can arise. **Roger**; at the time that you did construction or begin did you know what the depth of the footer was? **Eric**; yes, from what I remember this would have been early 80's and I was young but it was a cousin of mine that did the original digging. **Paul**; the idea of this board is to protect some future buyer that may purchase this under the understanding that it is a solid building and then 2 years later something happens that could cause safety concerns and things like that. If the foundation were to give, it sounds like in this case you have some personal knowledge of the history of the foundation, now whether it is or isn't code, there may be some dispute about that but some unsuspecting buyer comes along and has this building collapse, that is what we are trying to prevent. **Eric**; is there something I can do proof wise to fulfill the obligation, is the foundation in question? **Paul**; two things, you mentioned a couple of times that you are only a few days into this but I don't know if it was your plan to come and get a permit at some point, but if you didn't, which I suspect if you hadn't yet that you probably would not have. Would there have been any kind of inspections on the electrical? **Eric**; yes, that is a different story. I didn't realize this was outside of the law to start framing before I had a permit but the electrical has to be inspected, I've been in maintenance a long time. **Krista**; and if this is approved he will have to get a building permit, Kenny will have to inspect the foundation prior to any other construction taking place. **Joyce**; what are you going to use this building for? **Eric**; I have two teenage daughters in the house, I need space. It's storage, parking two cars.... **Joyce**; is there someone going to be living in this space? **Eric**; no, it's just outside my house. Storage for mowers, vehicle. The upper will be all storage and just more space. The house is crowded. **Roger**; you are not going to put any type of septic system in? **Eric**; no. **Roger**; will you put water? **Eric**; no, I have a hydrant just outside my back door probably 40'. **Roger**; will it be insulated and heated? **Eric**; I'm going to put insulation in the upper portion and I have space for maybe a workshop. It will not be anything to maintain year round. **Albert**; about how big is this building? **Eric**; 24' x 36'. **Roger**; and the building prior to this construction was what? **Eric**; it was the exact same dimensions except the second floor only had a loft area, about a 12' x 24' area. **Roger**; and what was it used for underneath, was it enclosed? **Eric**; it was a full garage. Steel frame construction and OSB siding. **Albert**; so there is no living quarters and no intention of having anyone stay in any part of that garage? **Eric**; not living quarters, it's going to be usable space for the family to use for whatever but as far as living... **Paul**; have you spoken with Kevin Barnes, he is OK with this. So your closest neighbor if we are in some kind of proximity concern here they are ok with this? **Eric**; yes. They did receive letters about this. **Roger**; if this is approved when the building inspection is done that Mr. Buening is notified that he does need to inspect that concrete to be sure that if there are any visible stresses or cracks that could cause a problem in the future, I want that noted and if at that time we still can have the opportunity to say NO, we don't want to build this building. **Krista**; and if there were to be a motion it would have to be changed from the 8' setback to 23'

setback and also put there will be no living quarters. **Melissa;** and that it is not utilized for living quarters and it will meet all building code requirements.

Roger Krzyzanowski made a motion to vote on BZA Petition 2017-24 with the stipulation that there will be NO living quarters and that we are changing the setback from 8' to 23' and that all inspections will continue and that he is required to get a building permit; Joyce Brindley seconded the motion with all board members present voting yes.

*** BZA Petition 2017-25 – Leon Boggs / The Sign Exchange** is requesting a **“Permanent Special Exception” (petitioning the APC for Rezone to B-3)** to operate a sign business. This request falls under Decatur County Ordinance Number **#1150**. The property is owned by Tim Myer and is located at 3242 S US HWY 421, Greensburg in **Marion Township**.

Leon Boggs stated that his company is in the process of buying the old Signs by Myer. As it sits it is zoned A-2 with a Conditional Use for a business but we are requesting a Permanent Special Exception in a B3 zoning classification, provided that I get a favorable vote at the next meeting to rezone.

Albert; are there any immediate changes, going to be doing the same thing? **Leon;** yes. **Albert;** will parking be the same? **Leon;** yes. **Albert;** still have a sign? **Leon;** yes. **Albert;** this is just to make us right with what has been going on there. **Krista;** the Myers had a Conditional Use and it has expired. Leon is requesting at the next meeting to rezone to B3. This business is allowed as a Permanent Special Exception in a B3 zoning classification. We are kind of putting the cart before the horse, so if he is approved at the APC he would have to have this so we are making a special exception so he can get the property purchased. **Albert;** this will be approved on the condition that he gets the rezone. **Albert;** we have had no complaints out of the past business and no real changes will be happening.

Joyce Brindley made a motion to vote on BZA Petition 2017-25 with the condition that the rezone at the APC meeting receives a favorable vote; Janey Livingston seconded the motion with all 5 members present voting yes.

With no other business to be brought before the board the meeting was adjourned at 7:04 p.m.

Decatur County Board of Zoning Appeal

Secretary, Joyce Brindley

Decatur County Area Plan Commission

ATTEST:

President, Albert Armand

Decatur County Board of Zoning Appeals