

Decatur County Area Plan Commission
November Minutes 2017
1st Floor Meeting Room of Decatur County Courthouse

The regular scheduled meeting for the Decatur County Area Plan Commission was called to order by Jay Hatton at 7:08 p.m. on Wednesday, November 1, 2017. There were 7 board members present. Absent was Jeff Hermes and Tom Hunter. Also attending was Melissa Scholl - BZA & APC Attorney, Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant and Kevin Fleetwood – City of Greensburg APC President.

Jay Hatton 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.*

A copy of the meeting agenda and the attendance registrar is attached to these minutes and incorporated by reference. By consensus, the APC Board approved the minutes for the meeting on September 6, 2017 as written and mailed.

*** APC Petition 2017-16 – Robert West** is petitioning to “**Rezone**” from R-2 zoning classification to an R-4 zoning classification to allow an apartment in an existing unattached garage on his lot. This request falls under the Decatur County Ordinance **Section 1045(3)**. The property is owned by the petitioner and is located at 8431 E CR 200 S, Greensburg, IN, **Salt Creek Township**.

Robert stated that he built the garage several years ago, at the time there was a different one there and he built a new one. I put an apartment upstairs, at the time I did it for my son when he was in college he would have a place to stay when he came home. I rented it out to one boy for about 3 – 3 1/2 years. About 2 years ago I had a lady ask about moving in and she did. I ended up getting a letter stating I had to rezone to make it legal.

Jay; have you been in contact with the New Point Town Council? **Robert**; yes, I went to a meeting. **Jay**; it has city sewer to the garage? **Robert**; yes, city water and sewer. **Jay**; the sewer is all pumped to Batesville from that point. **Robert**; yes, I have a paper from them saying that they were ok. **Jay**; you have city water in there, is it New Point water? **Robert**; the water is from Napoleon. **Jay**; we don’t see a lot of this, apartments like this. **Robert**; I rent it because the lady was not able to pay a whole lot and I charge her \$480 a month and I pay the utilities, it gave her a helping hand. **Albert**; is the bottom of that still used as a garage? **Robert**; storage, no cars. Sometimes I park riding mowers in there. **Ryan**; does it meet codes to be livable? **Robert**; it has a little kitchenette, bathroom, bedroom, smoke detectors and two exits. **Ryan**; if you have a garage below do you have a fire barrier between the lower level and upper level. **Robert**; yes. **Melissa**; according to county records there are no inspections on file that shows that this was approved as a residential structure. **Ryan**; so we are not even aware of it? **Krista**; we have a permit for a garage. **Ryan**; how do you handle that, do you do an inspection and then bring it back, I’m looking for advice. **Krista**; if it were approved he would have to get a building permit and it would have to be verified that it was to code because we have no record of

it going from a garage to living quarters. **Ryan**; is that how you go about doing this? **Krista**; this is an R2 zone and an apartment is not allowed in an unattached garage. That is why he is asking to rezone to R4 because that zoning allows for it. **Melissa**; none of that corrects the fact that the building sits half way in the middle of the property line, it's not meeting any setbacks and it sits in the right of way in a county road. **Ryan**; well I know as far as building that all of these need to be one piece of property. **Krista**; there was a permit in 1994 for the garage. This is a replacement garage from one that was there before. **Robert**; I actually built the same size on the foundation. **Ryan**; they ok'd it as a garage but the property line is still an issue and that was never permitted and inspected as a residence is an issue. **Krista**; yes. **Ryan**; so is that an issue to this board or is it just about zoning? **Krista**; that is not necessarily an issue to this board. This board is concerned about zoning I believe and the fact that this is not allowed in the zone that it is in. This is on the county road, the original plat of New Point has that road as a 16.5' alley but in the late 80's, early 90's or by 1993 this was a road. Was old Mill Street, then when the county went to 911 addresses it became 845. **Albert**; so at the time the original garage was built, that was an alley and it was not frowned upon to build right on the edge of the alley, more than likely. **Andy**; any idea of when the original garage was built, usually they list something on the assessors sheet and I don't see anything. **Robert**; I think the house is over 100 years old. **Krista**; I didn't have any record of the original one. **Andy**; when was it rebuilt? **Krista**; 1994. **Andy**; I was also kind of looking at some of the other zoning in the area and I don't know if I see any in New Point that is zoned R4. There are a couple of different parcels zoned business. **Paul**; I have a concern with it not matching any of the area matching the zoning, part of the idea of this board is to keep like zoning to surrounding properties and it opens a can of worms for every other property owner in town to put an apartment inside of a garage. **Robert**; it has been like that for quite a few years and I didn't know anything about it until I got the letter. **Paul**; the reason that there haven't been other ones is because it is not allowed, it requires a different zoning and inspections. Yours is a unique situation because it is not common practice. **Audience-Freda Kegley**; I am the Town Council President of New Point. She stated all of the concerns that the town council had. In summation we hope that you don't rezone this because I think it would be a mistake. **Jeff Shouse**; stated his concerns about the zoning. **Gary Wolford**; stated his concern not only as a resident but also as a safety concern with the New Point Fire Department. (Full recording of all of these statements are on file). **Robert** was given the opportunity to address these comments. He stated that some of his personal information is of no business to anyone. **Jay**; lets address the sewage and water issue, is it tied into your house? **Robert**; yes, I pay for all the water I use and the sewage. **Jay**; and is there any other residence on this property, within this parcel? **Robert**; no. **Albert**; we have a letter from the Town Council President, I just want to ask, does that represent the feelings of the Town Council at large, was there some sort of vote taken on this at a council meeting, or is this the views of the Town Council President, because I have seen such things happen. **Freda Kegley**; I did not know that this was an item that I need to bring up to the council, we spoke up about it's in the meeting with Mr. West present, he came forward and asked that we give this letter. That was our only responsibility, as far as discussing it, we discussed among ourselves and when I called Mr. Jobst in Batesville and he said that the sewage was available for residential, I felt that I could write the letter and sign my own name, even though we had discussed it. It wasn't anything that we needed to vote on. **Albert**; (read the letter in full), does the Town Council reject to this rezone as a whole? **Freda**; yes, you would have preferred that they all sign this letter? **Albert**; I just want to make sure that that is the views of the Town Council as a whole and not the views of one person. **Freda**; yes sir. And I can speak to that because Ms. Duvall was at that meeting and she did hear the discussion. Our concern in the letter was only to tell you that there was availability

of water and sewage as we understood it. **Jay**; what Albert is trying to say is need to know is that your Town Council unanimously agreed that you object to that. That is our point, to be sure that it was the council's decision and not the president's decision, the whole body to say that. Freda; we discussed as a whole body, we didn't vote on it but it was the consensus.

Jay asked Mr. West if there were any other comments that he wishes to make, that we could vote on this petition. Mr. West stated that a vote was ok.

Albert Armand made a motion to vote on APC Petition 2017-16; Bill Dieckman seconded the motion with all 7 members present voting no.

***APC Petition 2017-17 – Eric & Mercedes Bare** is petitioning to “**Rezone**” 2.99 acres out of 4.895 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling. This request falls under the Decatur County Ordinance **Section 920(7)**. The property is owned by the petitioners and is located just south of 1276 S CR 1050 W Greensburg in **Clay Township**.

Eric stated that he would like to build a home. Krista made a correction to the address, we were notified yesterday that his address should be a Hope address.

Albert; is the current building the only one on the property? **Eric**; yes. **Jay**; where is your driveway entrance? **Eric**; I will use the existing drive. **Jay**; I want to remind you that after the meeting if this passes that you do need to come back to the office to get the rest of your paperwork in line. **Albert**; looks like it scores pretty decent.

With no other questions or comments Paul Stone made a motion to vote on APC Petition 2017-17, Albert Armand seconded the motion with all board members present voting yes.

***APC Petition 2017-18 – Leon Boggs / The Sign Exchange** is petitioning to “**Rezone**” 2.0 acres out from an A-2 zoning classification to a B-3 zoning classification to operate a sign business on the property. This request falls under the Decatur County Ordinance **Section 1150**. The property is owned by Tim Myers and is located just at 3242 S US HWY 421, Greensburg in **Marion Township**.

Leon stated that he is buying Signs by Myer, a turnkey purchase. Wish to rezone to a B3 to run a sign business.

Jay; this was lived in by the Myers', it is my understanding that there will no longer be a residence upstairs. It will be functioning as a straight up business now and that's the reason for the rezone. **Leon**; we haven't decided what we are going to do with the upstairs. It may be office space or expansion. **Jay**; it will not be rented out apartments? **Leon**; no. **Jay**; this will clean up the A-2 zoning with a Conditional Use and going to a B-3, he has been to the BZA meeting prior to this and if we approve this petition he has prior approval for a Permanent Special Exception. I know the Myers have done a great job out there, not aware of any complaints and I know that the business has functioned well out there on that highway. Good visibility there. **Andy**; so by going to the B-3 district there is no chance that someone can put an apartment there, that's all gone, the A-2 is gone, and they can't rent it out as an apartment. No one can come back and ask? **Krista**; we should put that in the motion. **Andy**; there was already

living quarters in that building and maybe if you sell this the next owner can request to rent out an apartment upstairs. **Jay**; I see where that was handy for the Myers' but I think that cleaning it up to a straight B-3 without the residence is the right way to go about this. **Paul**; that doesn't cause concern for you Leon does it? **Leon**; no, not at all. **Ryan**; and the entire property is going B-3, you are not saving any of that to maybe change. **Leon**; no, the way the septic is laid out there would be no room and I haven't thought about it, it's only 2 acres. **Jay**; if you were to build a home there is land beside it that could be available. **Leon**; and that is a future possibility.

With no other comments or questions Paul Stone made a motion to vote on APC Petition 2017-18; Bill Dieckman seconded, with the property not being permitted to have a residence above the business, no living space. All members present voted yes.

With no other business before the board the meeting was adjourned at 7:42 p.m.

ATTEST

Secretary, Andy Scholle

Decatur County Area Plan Commission

President, Jay Hatton

Decatur County Area Plan Commission