

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 6:31 p.m. on Wednesday, November 6, 2019, at the Decatur County Courthouse. The meeting was called to order by Paul Stone. All board members were present. Also attending the meeting was Melissa Scholl – BZA Attorney, Krista Duvall – Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

President Paul Stone 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.*

* Approval of minutes: With no additions or corrections the minutes of the October 2, 2019 regularly scheduled BZA monthly meeting were approved as mailed.

* **BZA Petition 2019-12 - Emilie Redelman** is requesting a

- **“Permanent Special Exception”** to operate a Salvage Yard. This request falls under the Decatur County Ordinance #1228.
- a **“Variance”** to the required minimum lot size of 5 acres to approximately 3 acres.
- a **“Variance”** to the required distance to the nearest dwelling of 1000’ to approx. 460’, 200’, & 281’ to dwellings.
- a **“Variance”** to the required 100’ side setback to 20’ from an existing structure.
- a **“Variance”** to the required 250’ front setback to 50’.

The property is currently owned by Redelman Heritage and is located at 5131 S US Hwy 421, Greensburg, in **Marion Township**.

Emilie Redelman I own 3 car lots, also have a shop in New Point. I serve the tri-county area providing affordable cars for people in need, the lower to middle class. We get a lot of trade ins that are beyond repair, we need a place to store them and so we can utilize the parts. We have a very hard time getting the parts, Burkhardt’s very rarely have what we need, we need to go out of town or sometimes out of state to get parts. I am requesting these variances because the zoning board requires it. This is a very special situation, we are not going to sell parts to the public, this is just for my business use. It would be myself pulling the parts and my employee picking up a part or two. The area that I am requesting to be rezoned is only 3 acres, I am a farmer’s daughter so I refuse to take any more than that, we are using just the non-tillable area. 3 acres will be more than enough to do what I need to do. I also need a fence 360 degrees around it and will be 7’ tall with 1 foot of barbed wire with green or black sheathing so you cannot see the cars. The area is about 400’ away from my dad’s house, he does approve the project. We won’t be creating any dust or any noise. The loudest noise will be from my diesel truck or tow truck. No work done before 8 a.m. or after 8 p.m. The cars will not be viewable from the neighbor’s house, if you are driving down 421 you won’t be able to see the cars, from the county road you

will just see a fence and cornfield. All hazardous material will be contained properly and disposed of properly. It is very important that you guys understand that this is a very special situation, I don't want a salvage yard, my business needs a salvage yard so we can continue doing business and continue what we are doing very successfully. I could buy cars all day long and I have a huge customer base, a high demand for these cars. I have the customers and cars but without the parts I have nothing, and Decatur County has nothing. I don't know where my customers would be without me, these people need me and they really need the affordable, lower end cars. I feel like I am the future of Decatur County in my own way, I'm working really hard to get where you guys are at. I probably will never sell you guys a car but my customers work at the gas stations that you go to everyday and the factories like Valeo and Honda. When you guys go out Saturday night with your family my customers serve you food. They have to have a car to get to work. Without me I feel like those people wouldn't have jobs. That is why I am here asking for this variance.

Paul; what is the number of vehicles that you plan will be in this area? One of the obvious concerns is, is that if we would make this change tonight, that is something that has the possibility of being there forever, so if something would happen and something would change, what kind of a situation could we expect to find, if you change plans or move, what would be left there inside of this fence? **Emilie;** that's a good question, I guess the number of cars starting out, I just have 10 or 20. The cars are not supposed to be at my shop in New Point, I'm hoping to move them and utilize the parts there. As far as the number of cars, I can't give a definite answer, but probably no more than 200, there is a way to not have cars there but still have the parts. As far as beyond me it is my family's property, I would never sell it, it would go to my kids if I ever have any. **Janey;** so what happens to these cars after you have pulled off what you need? **Emilie;** we take them to the scrap yard. **Joyce;** so within the 3 acres you can put 200 cars in it. **Emilie;** yes, based on the square footage. **Joyce;** that is a lot, I appreciate what you are doing. We never had a new car in my life until I worked hard to get one. That doesn't seem like a lot of cars in that area. **Emilie;** that is just my estimate based on the square footage. **Joyce;** is there a way to make that bigger? **Emilie;** I don't want to take up any tillage land. If I can't fit 200 cars there, there won't be 200 cars there, I'm not going to stack them on top of each other. **Joyce;** so you are saying that if we put a limit on the number of cars there that you would comply? **Emilie;** absolutely. **Jay;** you are one of the hardest working individual and are filling a void that someone in Decatur County is missing. Good for you for doing all the things you do. I applaud you for what you do and your work ethic. When we permit I-1 zoning, it stays with that property way past you and we try to keep those in an area where Decatur County intends industrial zoning to be. I think this is an extremely big reach to come out into this farming sector, and I understand your need and I feel you will be successful regardless of how this goes, you are asking for four different variances from our ordinance in an I zoning, this board has to be very careful, we have to allow everyone the same kind of leniency and when we grant down to 281 feet when our ordinance is clearly at 1000 feet,. This board has to be very careful and when we grant, one of our rules that the board has to take into consideration is property values. By making you happy and keeping your business alive, we destroy those people across the road in their ability, they did not build there, I bet you, in order to have an industrial park across the road. They built there to be in the country and to live their dreams out, just like everyone is allowed to do. So I'm sitting here and I applaud you and will keep applauding you but I really struggle with the fact of moving I zoning to 281 feet. I'm just making it plain as day, you will have to convince me on why 281 feet will be ok, I believe that you are doing the right thing and are helping a lot of people, I don't this to impact your business but we can't, I can't, I have to look at this and be able to walk away from here and be able to support that idea that I made your

business very successful but I ruined two other property owners in doing that, that is a real tough thing for me to set here and do for that. I know you are trying your very best, I just wished that there was a place where you could find a location that we can work with more so than being out in the country where it's all ag zoning. I know Burkhart's is out there too but that started a long time ago. How hard have you looked for other property, I know your place in New Point that is growing in cars and you know that's not what we are looking for there at all and I think you are trying to bend a little bit until you see how this is going to go for you but I would be very cautious on how much more you would continue putting there because that is not how that is zoned either. **Emilie;** it is zoned B3 so I am allowed to work on the cars..... **Jay;** but it looks like a salvage yard. **Emilie;** and how can I prevent that? **Jay;** not have those cars on that property, other than the ones that you are working on. Those cars that are down there are not operable, they don't look like they are in the repair line, they look like they are to go into this impound lot or this..... and I get it and I think we haven't said too much to you, I think you have been addressed about it. I will listen some more but we are just destroying the II standards that we are here to set. I know we have worked on some of them before but we are just fragmenting this ordinance. **Melissa;** Jay, maybe you can elaborate on the Comprehensive Plan. **Jay;** our Comprehensive Plan has a land usage map that show where I zoning is, in the New Point area there is some I zoned property there already. We would be spot zoning at best to put this there, plus 4 variances. I'm just being up front with you, that is not an ideal location for that, I know it is ideal for you. **Gary;** I was here at the APC meeting last month when you elaborated more about your business plan, can you go back and explain a little bit more, when they asked on the zoning area, how does that affect your cost base, for your fixed cost for your business? That property will be more expensive than what you have here, can you go over the general theory on how that is going to work for you or not work for you? **Emilie;** I'm saving money by not disposing of my cars and reusing my parts. If I can't get them in town then I have to go out of town. One part at a time it saves money. **Gary;** if you went to a property that was already zoned how would that cost be prohibitive to not allowing you to do this? **Emilie;** to be honest with you I don't know what the property taxes are on an I zone. **Gary;** if you were to buy an I-2 zoned property, have you explored those possibilities? **Emilie;** I have not. May I ask why it needs to be 1000 feet from a residence, what is the reason? **Jay;** in an I-2 zoning, that stays with that land forever, something happens that we cannot predict, but that zone will stay there. So it opens that property to other endless possibilities of businesses. We would be creating hardship at 281 feet away from this. It is not that you are going to make noise or hurt those people, it is what is possible after you are done with that lot, that is what we have to protect against. **Melissa;** just to elaborate a little more as you go to the business and industrial zones the distances become greater because of sensory things that happen, noise, smell, lighting, traffic and shift work. The distance is there to protect the housing structures to protect them from these things that would affect your normal everyday living. **Jay;** again, I don't want this need to be personal to you, you are an excellent workaholic, I'm still listening. **Emilie;** I guess I have nothing else to say. **Paul;** the 1000 foot would protect.... I think that you are currently blessed with good neighbors now but there will be many people that would choose not to have 300 salvage vehicles across the road from them, the 1000 feet setback would provide some buffer to a person that lived there first. **Jay;** have you checked with the people across the road and they are good with this? **Emilie;** yes, they are my family. My grandmother purchased both of those houses. **Jay;** ok. **Gary;** where are the general I-2 zoning at, along Hwy 46? **Krista;** along 46 and over by New Point. **Gary;** west of town? **Krista;** I don't think there is much I zoning west of town. We don't have a lot of I zoning. **Jay;** there is some back behind Crosby's old place. **Joyce;** are there still 2 salvage yards out by Downeyville? If not it might be something for her to look into. **Jay;** I don't know if that is operating. **Joyce;** if not that is something she can look into. **Jay;** the board might have

a better chance of working with you if you expand a little bit of search to see what you can find. Krista will be happy to help in the office as well. I just said my opinion, the board can still vote and we can continue on. **Paul;** I want to find a way for you to continue operating your business and continue functioning. One of the problems that I see with it is the size, if it were ½ acres of vehicles that were critical to support your business but the concern that I have is that 3 acres becomes something that is nearly on the brink of outside of management should something happen to you. 3 acres worth of salvage automobiles, and I understand that there is a process in place for chemical recovery and thing like that but it can become a bit of a situation should something happen to your operation. You can choose that we vote on this now or we can table this if you want to alter your area that you are searching or alter the design of this, but the fashion that it is right now, I'm with Jay and everyone probably has their concerns about any certain topic that comes up here but I personally have a problem with it being potential 200 wrecked automobiles within the proximity of three homes. That's where I'm at with it. **Emilie;** I will choose to table this. **Jay;** we appreciate your effort and working this hard, stay in touch with Krista and see what she can help you with. **Joyce;** find out about the one that is closed, good luck.

BZA Petition 2019-13 – Anthony Kroger is requesting a “**Permanent Special Exception**” to build a pond. This request falls under the Decatur County Ordinance #2530. The property is currently owned by the petitioner and is located at 11492 S CR 950 W, Westport, in **Jackson Township**.

Tony stated that he would like to put a pond for recreation and additional water supply on his property. **Paul;** the closest property lines? **Tony;** I own the 80 acres that it will be on and the adjoining property. There is a parcel line dividing the two. When I applied for my permit the drawing there is probably not too much, it goes up further. I have added a dry dam north of that and a field tile in my field and those will drain into the pond. It will help me a lot with some flood control. I have put pipe in already behind the barn to dry that area for my pasture. If approved I will connect the overflow pipe to that. **Paul;** and we are 30' or so from the parcel line? **Anthony;** yes. **Jay;** so you complied with section #2530, you have met all of those requirements and read all of that? **Anthony;** yes sir. **Jay;** how deep will the pond be? **Anthony;** 12'. **Janey;** is there road access to that area? Just access off of your property? **Anthony;** no, all the water that will go in or out of the pond will be on my property. **Jay;** did you have it surveyed as to how many acres will go into the pond? **Anthony;** Scott at the FSA office looked at it, I think 15-17 acres. **Paul;** how big is it going to be? **Anthony;** I think between $\frac{3}{4}$ to 1 acre.

Joyce Brindley made a motion to vote on BZA 2019-13; Janey Livingston seconded the motion with all members present voting yes. Paul; your petition passes, thanks for coming in and following the procedure.

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

