

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 6:33 p.m. on Wednesday, October 3, 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, Debbie Martin – Administrative Assistant and Rick Nobbe, Decatur County Commissioner.

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.*

With no additions or corrections the minutes of the September 4, 2019 regularly scheduled BZA monthly meeting were approved as mailed.

* **BZA Petition 2019-9 – Dan Thackery** is requesting a “**variance**” to the required side setback of 30’ to 12’ to place a property line between an existing structure and existing dwelling as provided in the Decatur County Zoning Ordinance Section Number, specifically: #945. The property is owned by the Wendall Thackery and is located at 5279 E CR 800 N, Rushville in **Fugit Township**.

Wendall Thackery stated that he needs the variance to split the property close to the barn.

Paul; the proposed line will be 30’ on the one structure there, is that right? **Wendall;** yes. **Paul;** with the line going down the driveway, will you maintain ownership of the farm yard and he will own the house? **Wendall;** yes. **Paul;** you will have an agreement to maintain the driveway? **Wendall;** yes. **Jay;** how sound is that little structure that you are asking the variance for, is it a good structure, will it be there for a while yet? **Wendall;** it’s just the original old barn, I may take it down someday but right now no. It’s an old pin barn. **Jay;** it probably helps putting in all of those quonsets in, you are probably doing a lot of good. **Joyce;** you will split the property line right down the middle of the driveway? **Wendall;** yes. **Melissa;** will there be an access easement as far as the survey? **Wendall;** the only place that needs an easement is on that (inaudible), the rest of it I have no problem with. **Jay;** what if something were to happen later with the driveway... **Wendall;** I could move mine, actually I will probably move it. **Janey;** the line looks like it is going between the old barn and the building by the house, what is that? **Wendall;** that is just a little shed that he added onto the garage, he stores his mower in there. **Paul;** I assume it is not considered a permanent structure if we are not requiring a variance for it? **Jay;** it must be far enough away from the line. **Wendall;** that little building should be 30’. **Jay;** with that property line you will be able to perform maintenance on that shed, will that be adequate for you? **Wendall;** yes, the one hoop barn we will move the end out of it and move it to the north. **Gary;** how will you get across this part (referencing overhead map) to get to the barn? **Wendall;** there is a drive between the hoop and that little barn. I can access it between the little barn and the hoop to the northwest.

Jay Hatton made a motion to vote on BZA 2019-9; Joyce Brindley seconded the motion with all 5 members present voting yes.

* **BZA Petition 2019-10 – Ruth Widau** is requesting a “**variance**” to the required setback of 30’ to place a property line through the pond as provided in the Decatur County Zoning Ordinance Section Number, specifically: #2530(2). The property is owned by the petitioner and is located at 2926 E Base Road, Greensburg in **Washington Township**.

Ruth Widau stated they are wanting to sell approx. 4 acres of land to an adjoining landowner. The property has a barn that is too close to the water so it is impossible to put a line on the south side because it violates the setback from a pond so putting the line where the map indicates we will be 30’. The pond was built in 1987 and since the 1990’s it has had two ownerships. We now share the pond with John & Rhonda Hogg, they own the part on the east and we own the rest. We are asking permission to put the line where it is proposed and at that point there will be 3 owners from the pond. We have included a letter from John & Rhonda and they have no objection to share this pond.

Janey; so the barn on the 4 acres, you are selling? **Ruth;** yes. **Gary;** how do you access the barn? **Ruth;** he will have to put a new drive in. **Paul;** is your plan Jeff to build another home over there or just to own the property adjacent? **Jeff Burns;** at this point and time we have no desire to build anything, just an investment. **Jay;** does it work out currently with the maintenance of the pond? **Ruth;** it has for 27 years. **Jeff;** we own 1/4” of the pond behind us too. **Paul;** are there any agreements with the ownership as far as maintenance, how are costs shared if something comes up or how does that work? **Jeff;** Brian Brewsaugh & Chris Bruns take care of the pond and we pay them. There has never been a question or argument. **Paul;** nothing written or no formal agreements? **Jeff;** not that I know of. **Ruth;** we have an agreement when we sold that they had to share in the maintenance and when we sell this the owners will have to share as well. **Paul;** it is probably good to have some structure up front so it doesn’t lead to some misunderstandings in the future. **Jay;** we have not seen a lot of these group ownership of ponds come across this board and we typically view them as a structure but in this case since there are some already established and if it works, it works. **Paul;** is it adjusted in the agreement that you have, if you were to treat the pond and the proposed sectioning off by surface area would be much less, is it adjusted by the area of the pond, let’s say it needed dredged and it would cost \$10,000, would that price be adjusted? **Ruth;** it is equal shares.

Joyce Brindley made a motion to vote on BZA 2019-10; Janey Livingston seconded the motion with all 5 members present voting yes.

* **BZA Petition 2019-11 – Lisa Davies / J & L Davies Minutemaids, Inc.** is requesting a “**conditional use**” to “**continue**” to operate a business at their residence as provided in the Decatur County Zoning Ordinance Section Number, specifically: #935(2)(a). The property is owned by the petitioner and is located at 1904 E State Road 46, Greensburg in **Washington Township**.

Lisa Davies stated that she has been operating the business at her property for 15 years. We run a cleaning company, we have 1 secretary in the office that does payroll, takes phone calls, etc.

We have been here in the county for 30 years. We have UPS occasionally come in to deliver supplies.

Paul; what kind of vehicles are in and out through the week? **Lisa;** we do carpet cleaning, so we have the carpet cleaning van, a sweeping van and a trailer. When we bought the property we were interested because the garage is climate controlled. My vehicle in and out and the secretary. Every two weeks we pay and they employees come in on payday. Because we live there we like to keep the traffic load low. **Jay;** how much has changed since the last time you have been back? **Lisa;** when we started we were about 17 employees and right now we are about 30. We have not added another business or building. **Jay;** I just remember that the last time there were no complaints and it seems like you are doing a top notch job out there. **Barb Schasney;** I'm a neighbor and I live to the east and there have never been an issue or problem. **Jay;** we love for these situations to go in harmony. **Lisa;** we want to keep the property up and the value up.

Gary Fischer made a motion to vote on BZA 2019-11; Jay Hatton 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 6:53 p.m.

Decatur County Board of Zoning Appeal

Secretary, Joyce Brindley

Decatur County Area Plan Commission

ATTEST:

Paul Stone, President Decatur County Board of Zoning Appeals