

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, October 5, 2022 at the Decatur County Courthouse. The meeting was called to order by Brad Schutte. There were 5 board members were present with Joyce Brindley being absent. Also attending the meeting was Melissa Scholl – BZA Attorney, Krista Duvall – Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

*** Approval of Minutes: September 7, 2022:** Rick Hoeing made a motion to approve the minutes as mailed; Janey Livingston seconded the motion with all members present voting yes.

*** BZA Petition 2022-11 – Don Kramer – A “Variance”** as provided in Decatur County Ordinance #945 (4) & (5) petitioner requests a variance to the required side setback of 15’ to a side setback of approx. 5’ from each structure to place a property line between the two existing structures (garage & old milk house). The property is owned by the petitioner and is located at 2669 N CR 880 E, Greensburg in **Fugit Township**.

Don Kramer: My son Kyle is wanting to buy the house and a few acres. It’s a family farm, been in the family for over 100 years. The way the farm sets we would have to do all of the buildings and need a variance for the setback. Want to put the line in between the milk house and the garage. **Brad;** are those buildings used for much now? **Don;** the garage is used and the milk house has straw stored in it. **Janey;** on the photo in the top is where the house is and the garage with it, right? **Don;** yes. **Kyle Kramer;** it is about 2 acres, but we will be into the field so that the septic will fit in. **Gary;** is that a silo to the left of the milk house? **Don;** yes, right by the milk house. **Rick;** the 5 feet would be from which structure? **Don;** between the garage and the milk house. There is 10 foot now. **Brad;** and your access to the milk house is on this side? **Don;** through the barn lot area. **Brad;** is there a lane between those buildings now that would cross the property line? **Don;** the house going into the garage is the driveway right here (referencing overhead map), of course for the barn we would come in right here. **Janey;** how tall are the buildings? **Kyle;** probably 22 or more (inaudible). **Janey;** the garage and the milk house, the two will be 10 feet apart, are they tall or short structures? **Don;** the garage doors are 10 feet tall, the milk house is probably 15-20 feet, it has a loft in the top of it. **Gary;** I think one of the things that Jay schooled us on is that we need to have a property line at least as far back as the eave’s heights were. That is the kind of thing we did when we put a building next to a property line. **Unknown:** they don’t really have that option here. **Brad;** which we have worked around that before with existing structures when people (inaudible) off, because often times the old barns, they don’t want to take them down right away. **Don;** like I said, it is a family farm and hopefully it will go to the family and be put back together at some point. We want to keep the house in the family. **Brad;** I don’t really see that much of an issue with it the way the split is. It is almost impossible to do it any other way. **Rick;** and the fact that there are two separate entrances to the property helps. **Don;** Kyle may be tearing that garage down, down the road and adding the garage to the house. **Brad;** seems like a lot of times when we do these splits, the buildings are old buildings that likely have a pretty short life span anyhow. **Gary;** where is the potential back line going to be? **Don;** (referencing overhead map) right about here. **Gary;** so out in the field we are 60, 70, 80 feet? **Kyle;** yes, we had a guy come out and make sure because of the septic. **Don;** it has geothermal, I have a map here I can show you. (the board members looked at the map).

Rick Hoeing made a motion to vote on BZA 2022-11; Janey Livingston seconded the motion with all members present voting yes. **Brad**; your variance passes, thank you for your time and effort.

* **BZA Petition 2022-12 – Jeffrey Krekeler** is requesting a “**Conditional Use**” in an A-2 zoning classification to run a mechanic’s shop on the premises. This request falls under Decatur County **Ordinance #935**. The property is currently owned by William & Patricia Krekeler and is located at 7657 E CR 200 S, Greensburg in **Salt Creek Township**.

Jeff Krekeler: The containers on the property have been painted, I put up a 5’ privacy fence from the shed at the corner of the driveway over to the where the fence borders the neighbor’s property, we did run out of 8’ fence so we had to use lattice work on the end of it. We planted morning glories there to grow through the lattice. The pictures also show the drain is sealed off. **Brad**; the tree line that you have in this picture, is that located just to the south of... **Jeff**; the tree line is right here (referencing overhead map). That was a picture taken from the fence looking back towards the other way. **Janey**; have you planted the trees yet? **Jeff**; no, it was too wet in this area right here (referencing overhead map) to plant trees, not right now, when it does rain this area over here stays wet. That is why we put up the 8-foot privacy fence. **Janey**; I have to say that I am not impressed with the fence, visually. If I had to look at that I wouldn’t be satisfied. I try to put myself in the place of the neighbor. I wouldn’t want much to look at that. **Jeff**; the last meeting when we talked about it, it was either going to be trees or fence. It lays wet there, winter spring and sometimes summer, that is why we went with the fence instead of the trees. I didn’t want to put trees and have 13 dead ones and 3 live ones. **Gary**; this picture is the view from **Jeff**; that is from the tree line towards the property. **Gary**; that is what the neighbors would see? **Jeff**; right. **Rick**; do you have a projected timeline of when you will have more 8-foot panels? **Jeff**; no one can give me an answer, I have called Menards and Lowes and nobody can seem to give me an answer on that. **Janey**; so those are new panels? **Jeff**; they were not new, no. **Brad**; are those not cedar panels? **Jeff**; they are cedar but they are not new. **Brad**; looking back at the minutes to that meeting, and basically that is how we discussed it, to give a visual barrier. **Janey**; explain to me, where is this in the picture? **Brad**; the fence goes right here. **Janey**; that is the area that we were proposing the trees is just blocking that (referencing the handouts) because that doesn’t appear to be blocking the garage. **Brad**; (referencing the handouts) this is the garage and this is the open gravel area, if you look here, this is what we were trying to block off. **Janey**; that is where all the boats and all were. Thank you.

Audience: **Bob Morton**; in the very first meeting Paul Stone was here and they came up with the idea, that I considered a requirement, of a line of trees from the one shed over to the fence line, it was even discussed of the size of trunks and they would be staggered, will grow to be 30 feet high. I still don’t see a tree. The subsequent meeting was more and more talk, can’t do it because of this, can’t do it because of that and all this kind of stuff. I still don’t see any trees and I don’t see how they were mentioned to be a sound deadener and a sight field, that fence is not that. Where the fence is, they dug up to the north of the fence a little bit, (inaudible) berm along the left side there where it comes against my driveway. Then he put the fence up and took the tailings that he said were for the neighbor, now they did spread some out and they went ahead and extended the driveway right up to the fence, they made the driveway a little bigger with just more water runoff. At this point it just appears to be a compliance issue. I know the very first meeting that we had, I believe Paul Stone was here, he mentioned trees be so big and that this was a logical solution, that you could stagger them and it would form a shield from them and we wouldn’t have to worry about it. I have 3 dormers that face, so all I have to do is go upstairs and can look over the fence and see the painted containers and all the other stuff. I don’t see where we are making any headway (inaudible). I would also like to know what exactly does a mechanic shop entail, what all can you work or have in your driveway with a mechanic shop. That all can you work on. What kinds of noise can you make, I’m looking for down the road

because compliance seems to be an issue. The other issue I have, once you pass it and give him a year or two years or whatever it is, how do we address whatever doesn't happen after you guys are done with it and I am living with it. We have 2 containers, 7 cars for family members, you gave them so many vehicles to have there. I am bringing up these questions because I have an issue with compliance. Will there be or can there be additional buildings? Is there specifications that there can't be any? **Brad;** they would require a building permit. Trees don't require a permit. **Bob;** was that a requirement or not? **Brad;** no, that was not a requirement... **Bob;** back at the very first... **Brad;** he has options and things that he could attempt to do. We requested a fence or trees, that was at the last meeting.. **Bob;** that was at the last, somebody was going to come out and survey the thing and talk to him. I requested to be talked to also so that we could see how it was going to work, and now we are at a fence. I have a 2-story house and have had it before he was there. All I have to do is to look out my dormers and I'm seeing this, the only thing he did was (inaudible) and we're still (inaudible). **Marcia Morton;** we have over \$300,000 in our home, we built this as a retirement home and for our inheritance to our children. We are trying to keep it as clean and nice. If anybody came down that driveway and saw this mess, they would turn around and go back. We would have to put our house up for sale for \$350,000. We are not your normal New Point home, its bigger and better than most are. We are just trying to protect the value of our home. The fence is used and old. He just put this up a couple of weeks ago, as like, oops I have to hurry up and get this taken care of because I am under the gun. When he put the fence in, he backed it closer to ours, which is fine, but then he filled it in with more gravel, so that driveway that goes out towards our fence, our driveway is now wider, a good three car widths wider than what it was. When he started building, I put up 8 big pine trees in front of our home to try to block the view, then he moved it over, I put another 8 more trees to try to block the view. Not trying to get into it with our neighbors or anything else, we try to get along and let life go on but now he has pushed it out again and you can see the mess that is there. We are just trying to protect the value of our home. In that provision, it does state that it does not depreciate the value of homes adjacent to this property. **Janey;** I have to admit that I don't recall that we had said that just a fence would do, my personal opinion is still that it needs to be something better than that considering what the neighbors are having to look at. I understand that it is a business and I hate not allowing someone to run their own business, but there is a place for it and this one is just not setting with me. **Brad;** what is your suggestion? **Janey;** trees all the way along, instead of the 8-foot fence, get some real blockage in there, I was here at that time, he is correct, there was talk about the trees and that they be staggered. In the last meeting he said it was too wet, we said OK surely it would dry out. **Gary;** has he met the requirements that we set last time? **Brad;** that is what I am looking at. **Janey;** in my memory I don't think so. I may be wrong. **Brad;** we talked about a lot of stuff, that is why I had those minutes sent back out so that you guys could review them. **Janey;** I read them and I don't recall that is saying that we would allow just a fence. **Brad;** regardless, that doesn't matter if that is what you were thinking, and if that is what the consensus would be then that would be the requirement that we could stipulate. **Gary;** we can change if we so desire? **Brad;** yes. **Rick;** I will tend to agree, the aesthetics of this fence is... two separate materials is maybe not acceptable. An 8-foot privacy fence, you are right, some people actually like this weathered cedar look. It is not for everyone. At a very minimum I would like to see that fence, and not two weeks from the next meeting, I would like to see that fence in one material. **Brad;** I don't have a problem with the trees, I think that would be a good solution. **Rick;** I don't have a problem with the trees either. **Janey;** I think that would be good faith for the neighbor. **Brad;** you could run them right behind the fence, you will be dry enough there that they will make it. I don't think you need 100 trees. We are not asking for the world as far as that goes. We talked last time, one of the options was to put 30 trees through there. **Jeff;** are we allowed to use bamboo? **Brad;** I would say anything that would grow to a height of... you are looking at 20 feet for the bamboo. That would get there a lot faster than anything else you are going to plant. If you plant anything besides that you are not going to be 20 feet for 10-15 years. **Marcia;** I kind of oppose bamboo, is that what he is saying? **Janey;** bamboo is invasive. It spreads like crazy. It does get tall quick, I lived in Texas and bamboo is rampant. They don't allow it in most subdivisions because of

that. **Rick;** does it have to be a tree? Can there be some type of rapid growing shrub or... **Brad;** the height they are looking for. **Jeff;** are we looking for height or are we looking for looks? **Brad;** we are needing more than 8 feet. **Jeff;** the problem is the price, \$200. **Brad;** if you are going to do the big trees, yes. **William Krekeler;** and he doesn't have it. **Rick;** there is already an existing row of trees, right? **Audience;** yes, they were mine. **Rick;** adding more trees, is that going to solve the problem? If there was zero tree, there is already an existing buffer of trees there that will meet the height of what we are talking about, I'm not saying that there doesn't need to be a second row but we are not looking at an open distance between a house and building. There is an existing barrier there, maybe a second to thicken up to help, but there is a barrier there. **Brad;** but the problem is, that is not on his parcel. **Rick;** understand. Everything I have heard today is aesthetics, property value, the fact that they can look out their house and see this. There is barrier here, we can't overlook that, not saying that we don't need to add more, to require more but there is also... **Brad;** I know, we got existing tree line here. **Gary;** show me the picture again, the house we are talking about is where? (referencing picture). **Bob;** till the fall comes. **Marcia;** then we see the whole thing. **Brad;** we understand that. **Marcia;** but if it is evergreens.. **Brad;** you won't have 20-foot evergreens for a lot of years. **Bob;** you could have had a years' worth of growth on there. **Brad;** yes, but you are still not going to be satisfied with what is there, that is the dilemma. **Marcia;** ours is almost 20 feet that I planted about 10 years ago, that I put in the front to try to block it off when they started building. **Bob;** we understand that it is not going to happen overnight, but it was also for the noise barrier and everything between, for privacy, totally privacy. As long as they are staggered, they get fat enough and tall enough... I went through after the first meeting, I was looking at everything and you are talking 30 trees, you can get some 3-4 foot and they are nothing, like \$200 apiece. I realize it will not be 8-10 foot the first year, at least you have a start. **Brad;** we need to figure out a compromise here, if aesthetics is what we are after, ideally, if you were to plant a row of trees south of that fence, leave the fence as another noise barrier and do a row of trees, a staggered row behind it. **Janey;** that would be better. **Gary;** what area are we looking at, where would we put them in the yard? (referencing picture) **Janey;** right here, right along the fence. **Bob;** on our side of the fence? **Brad;** yes. **Bob;** we still get to see everything when we go in and out of the driveway. **Brad;** I think that would be the effort that you guys are looking for. **Gary;** I think it is just (inaudible) tree project. **Brad;** what type of a stipulation, we need to set a parameter on a count and the spacing that we can utilize. **Janey;** well, fall is a good time to plant trees. **Gary;** can we specify the type of tree, an evergreen that would reach a height of (inaudible). **Brad;** well, more that likely the most economical one is going to grow like that, typically that is the case, which is what you would want to do, find your most economical pine, evergreen. You have approximately 108 feet there, give or take, 110 feet, if you did a staggered double row.. **Bob;** on the internet they recommend how to do that. **Brad;** yes, but you wouldn't want the 30 feet because these are going to grow to fill the space, you would go more like 10 feet. You would be looking at 20-30 trees, is what we keep coming back to. **Jeff;** you are talking on his side of the privacy fence? **Brad;** yes, and I personally think you should leave the fence that way it is just because that is adding another barrier and it is adding another sound barrier, and it is there now. **Gary;** with our conversation earlier, we can't add another building in there, he would have to come back and ask permission. He can't put up the trees and put up another building in, for the neighbors to look at another building. **Brad;** yes, there couldn't be another building, because we are already under a conditional use so that would have to be reviewed if anything is going to be built. That addresses that concern. So now a timeframe? **Janey;** 6 months, my suggestion. We keep dragging our feet here and nothing is going to get done. It is fall and a great time for planting.

Janey Livingston made a motion to give a 6-month conditional use with the double row, 10-foot spacing trees, which would require 20-30 fast growing evergreen trees; Gary Fischer seconded the motion. **Bob;** how big are you starting off with? **Marcia;** they were 3 inches in diameter is what was originally. **Brad;** pretty much anything that you are going to go by will be a 3-inch, 2-3 inch, that is the smallest. The 2-3-inch trunk is what they will sell you, you are not going to get anything smaller

than that. **Jeff;** you are wanting a 2–3-inch round trunk? **Brad;** no, diameter, on the trunk at the base, if you talk to a nursery that is what they are going to direct you to. That is the smallest tree that they will likely sell, that they know will survive. **Krista;** you said double row, fast growing evergreen trees, 10 feet apart, staggered, double row? **Brad;** 2–3-inch caliber. **Gary;** Bob, does that meet your requirements? **Bob;** the 10 foot is each row, right? So every 5 foot there is a tree? **Brad;** yes. **Bob;** and the fence remains? **Brad;** yes, the fence remains. **Krista;** and that is for 6 months? **Brad;** yes. **Jeff;** if I put the trees in does that put me into compliance? **Brad;** yes. **Jeff;** so this is the last step that we need to go through? **Brad;** if they are there at the 6 months, you will be back, but if they are there and as far as I'm concerned, you are going to have 1 or 2 die, but if they are there and everything continues the way you have been doing then we will go for the longer term. A vote was taken with all members present voting yes.

Gary Fischer made a motion to adjourn with a second from Janey Livingston, meeting was adjourned at 7:10 p.m.

Decatur County Board of Zoning Appeal

Secretary, Janey Livingston

Decatur County Area Plan Commission

ATTEST:

Brad Schutte, President Decatur County Board of Zoning Appeals