

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, September 1, 2021 at the Decatur County Courthouse. The meeting was called to order by Brad Schutte. There were 4 board members were present with one being on zoom. Absent was Jay Hatton. Also attending the meeting was Melissa Scholl – BZA Attorney, Krista Duvall – Decatur County Area Plan Director and Debbie Martin – Administrative Assistant.

Brad Schutte 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: August 4, 2021;** approved as mailed.

*** BZA Petition 2021-8 (REV) - Jeffrey Krekeler** is requesting a “**Conditional Use**” in an A-2 zoning classification to run a ~~small machine shop~~ mechanic’s shop on the property. This request falls under Decatur County **Ordinance #935**. The property is currently owned by the petitioner and is located at 7657 E CR 200 S, Greensburg in Salt Creek Township.

Curtis Johnson, Attorney: I am here on behalf of Mr. Krekeler, again he is requesting a conditional use for the small mechanic shop out of his garage. I will try to be brief, essentially the building itself is a pole barn, it is 5000 square feet, about one half of it is living space and the other half is garage. After he built the structure, he had spoken to the Town of New Point to see if there was anything he had to do, at that point he was employed outside his home, to do this and they said no. He mistakenly took that to mean that he didn’t have to do anything, period, and that wasn’t the case so we filed this petition. 7 people live at the home, between them they own 6 automobiles, they are all plated, insured and drivable. Additionally he has a boat and trailer on the premises, it’s a small business. He has no employees, his dad is here, helps him from time to time. I should say too that his parents own the property that surrounds it on 3 sides. There is no signage, there is limited traffic, Jeff intends to work no sooner than 8 a.m. and no later than 6 p.m. He does all of his work inside which limits the noise and odors that might impact the neighbors. I did a rough drawing on GIS and it looks like the nearest neighboring home was about 200’, roughly. In preparation for this hearing I asked Jeff to get a statement of support for you, should you wish. (Mr. Johnson passed out copies to the board. It’s just a statement of support saying that they do not object. Here this evening, I know that Bob and Marcia Morton are here, I have spoken to them, I think a lot of it is reasonable, but they can speak for themselves on what their concerns are. Typically at any one-time Jeff has roughly 2-3 cars that he is working on, they are parked inside the garage. The only time a client vehicle will be outside is when it would have been dropped off or work is completed and it is ready to be picked up. I spoke to Jeff and he is crystal clear of the probationary nature of the conditional use, and so I think from that perspective having the Morton’s with their concerns, you sort of have a “citizen attorney general” if you will, that would be able to monitor and be able to make sure he complies with whatever restrictions you folks deem appropriate. **Brad;** and this is just Mr. Krekeler himself working on the cars? **Curtis;** true, his father helps him from time to time, he lives just north of his parcel. He is not an employee. With

that, I would entertain any questions or concerns. **Joyce;** I personally am impressed with how many people you got to sign this saying that it is ok with them, I know that sometimes we get to thinking about, wow, there is a lot of people living in this house and you are going to be doing cars right next to it. I have no question about if you are putting the cars in there to work on but if you have them running you will have to have those doors open, you can't let those cars run inside there. I think that a limit should be set on how many cars should be setting outside besides the ones that you own. I wouldn't want to see that driveway lined up with cars, but if your neighbors don't care and you don't live in town, that would be my concern. The biggest one being that don't endanger your family with the door closed if you have a car running.

Audience: We are Bob & Marcia Morton. We live adjacent to the property in the petition. Our home is situated directly south of the parking and storage lot depicted in the picture. 16+ years ago we purchased 12.5 acres adjacent to Bill & Patricia Krekeler. It started to the west of their property for about 500 ft. off of 200 S and then tucked around behind it to the east and south. We chose to build our house tucked in south of the Krekeler's and back off of 200 S where it was private, quiet and serene, even in the fall and winter when the leaves fell. We were lucky enough to get Mark Hellmich to build our custom 4800 square foot gambrel roof style home and life was great. We had the house of our dreams situated away from everyone in a peaceful, quiet setting in the middle of nature. However, after a few short years to our dismay, Jeff Krekeler started building a large house and garage in between us and Bill and Patricia. When I asked him about the extremely large size he said it was so that his dad could park his over the road truck inside to work on it. There was no mention of a business at that time. There went the buffer zone we thought we had preserved by building so far off the road. Trying to make the best of the situation we planted some small pine trees and put up a few sections of privacy fence, but as the size of everything up front grew, it wouldn't hide much. There was more and more traffic. More cars, trucks and trailers, then expanding the parking and a red shipping container. As the driveways and parking grew, so did the amount of runoff onto our property and down the street washing out the stone in our driveway. Then another expansion of the parking on two sides saw the arrival of a second blue shipping container. Now we are really worried about how big this is going to get. What all is Jeff going to store here? Where is our property value going when this is what we see looking out the front door, or and upstairs window, or driving out the driveway? Finally about 2 or 3 months ago we noticed that some of the vehicles were going away. The radio wasn't on as loud or as much. We didn't hear the compressor running or the car lift going up or the air guns going as much. Jeff had started closing the garage doors some. We figured that someone must have finally complained about his business. When we received our notice for the petition hearing, then we knew why the abrupt change in noise and appearance. He had to cool it for a while. After the postponed hearing last month, we had some conversation with Curt, Jeff's lawyer, about arriving at some possible remedies that would maybe make this petition more palatable, but he said that we would not be able to say anything to the board. We did not reach an agreement. We have asked several realtors about how the scene out our front window and a business operating there would impact our property value, and it was unanimously negative to varying degrees. We are the only ones at this meeting because of the way that Jeff's business/home is situated withing his dad's property. WE are the only people who are adjacent. But there are at least 13 other property owners who are at least within eyesight, if not earshot of the traffic, storage container, trailers, pallets, boats, cars and trucks at Jeff's business/home. We have already lost our peaceful, quiet little dream home as you can tell by looking at the pictures. Please don't make it worse by agreeing to this petition. Question to the board: Should you grant this petition, who monitors compliance? We allowed Jeff to run his roof drain out to our property, being nice neighbors, and he hooked up the drain in his shop and ran blood out on our property when he slaughtered 12 hogs in his shop for his family. **Joyce;**

referencing the map, is that your gray house in there? **Bob;** no, you would have to look at the overhead. **Audience;** if you notice there are 20 cars there, that is usually the norm, he just cleaned it up. **Bob;** these are really tall trees, in the winter when it is bare, all of this is what is in front of our house (referencing pictures). Everything has expanded, water runs off and also washes out our driveway, down the road and washes out our culvert here. **Brad;** so I have a couple more questions, a couple of the dilemmas that we will run into here is 1) the surface drain and the underground drain. If there is a drain in that shop, that is a bad deal. That is not going to work, our ordinance may not spell it our real clear but there is a lot of things you can do to contain that waste. Most people actually do not have a drain for that reason. There are bio reactors, every shop will be different for what you are sending down that drain. That is kind of a big deal, especially when it is running onto another person's property. That is something that I have slight issue with, I'm assuming there is a floor drain in that shop..... **Curtis;** in the anticipation of this, Jeff to his credit, he has reached out to the commission and then I followed up on what the requirements were to get a tank. That is something that he appreciates needs to happen, he has been taking remedial measures but at this point we need to get a tank in there. The folks today contacted me and gave me the site to the Indiana plumbing code, essentially setting forth what we need to do, and so, I think it is reasonable to impose that as a condition, and like I said he was going to do it anyways. Essential that the tank would comply with the plumbing code and any local ordinance. **Janey;** what are the shipping containers for? **Curtis;** Jeff stores personal property in there. **Jeff;** when we moved my mother-in-law in, I needed someplace to store her household belongings. **Janey;** that would not be a pleasant site to look at out your window, I fully understand their complaint there because if I had bought that property and ended up with that, I would have some concerns too. **Curtis;** the only thing I would know, I get that, he has talked to me about trying to pretty them up with paint, but they are not used for business purposes. **Joyce;** there are no parts stored in there? **Curtis;** no. **Janey;** but it is on the business property, which makes it part of the eyesore and there are rental places that you can store items, I don't know that it is a necessity to have them on the property. **Curtis;** I can't dispute that it is not a necessity, that is what he has done and we are willing to undertake whatever reasonable accommodations. I understand, I think, the Morton's concern, we spoke quite a bit, what really is going on is he is trying to make a living for his family. If you folks, whatever reasonable conditions, he is willing to comply. **Joyce;** there is simple fix, would you possibly think of putting up a privacy fence so the Morton's would not have to look at all of that? **Jeff;** we discussed options there, I know Bob has suggested putting a couple rows of trees, but he wanted them like 15' from the fence line that is currently there, which I can't plan on because that is not my property. My parents (inaudible), what I suggested is if I put the trees up at the south side from my white and green shed over to the fence line, which would be directly in front of Bob's house. **Curtis;** I think that would actually provide more cover, from their prospective. **Jeff;** as the trees grow up it will block everything. It looks better from his point of view and keeps **Joyce;** and that shipping container would look a lot better if they were the same color and side by side instead of..... **Jeff;** I did that so I can get into the one. **Brad;** I guess typically a conditional use is for how long? **Krista;** 5 years. **Brad;** so here is my thought that I am going to throw out, because I appreciate what you are trying to do and I also appreciate what the Morton's are trying to do. More or less look at this as a one year and we revisit the situation to see what kind of progress you are making and if we are working on the drain, working on some type of a block between the two properties that will handle Mr. Morton's concerns and give you actually some privacy as well. **Krista;** the reason this is here is that I had complaints from some residents of the town about the number of vehicles parked there, the traffic in and out, it wasn't any of the neighbors, it was other people. When I contacted Mr. Krekeler, that is when he said that he wanted to work on cars there, so that is how we got here. I would like to make sure that that is addressed. **Brad;** that needs to be on the minutes as a concern and something that you would want to work on.... **Janey;** how can

there be a lot of traffic if you are only working on 2-3 cars at a time, I don't understand the increase in traffic. **Joyce;** how many cars belong to your family? **Jeff;** we own 6. **Joyce;** plus a boat. **Bob;** how many trailers now, there are 6 trailers there. **Joyce;** you mean semi-trailers? **Bob;** no, various different trailers. (inaudible...) **Audience;** that was not there before, he is starting a storage type place. **Joyce;** are you starting a storage? **Jeff;** no. **Melissa;** from the board's standpoint, if my ability to enforce what you vote on, I would like the board to think about a time frame that the drain has to be mitigated and keep it from out letting onto the neighboring property. I would like you to think about the number of trees, the type, the size of the trees that would have to go in because we don't want trees that aren't going to mature for 20 years. I would also like to think about a defined number of vehicles, including trailers, boats, vehicles that they own and vehicles that they are working on. That way we can count and we can enforce. **Brad;** I think the trees are simple, they have to be evergreen of some sort. **Melissa;** we just don't want the size of a pencil. **Brad;** they would have to be a 3' minimum diameter tree. You just have to plant nursery trees to start with. As far as the drain goes, we need a short time frame on that. That remediation, and obviously it takes some time, you are going to have to figure out what you have to do there, what will pass code, and honestly that is my biggest concern for you because I think that you will be shocked at what the cost of this is going to be, to actually get some sort of a **Janey;** is that a tank in the ground? **Brad;** yes, but it is not just that. The waste that is coming out of there has to be handled differently. You are looking at an IDEM situation there, and just to get through their permitting will take you 6 months at the best. It is a different ballgame when you have a shop like this, especially if you are commercial. That is what you are now. **Janey;** you cannot put a one-month time frame on the drain if it's going to take 6 months to get..... **Brad;** I think you are a month in finding out what you even need, honestly. **Melissa;** I know that we have done a dog grooming business and their water collection system was very expensive and then the cost for the service that came in to remove that, so here you will have a heightened situation because there is probably petroleum, oils and different things that aren't in a dog grooming business.... **Brad;** it's a very similar expense. **Melissa;** the individuals that did that, I know it was cost prohibitive. **Curtis;** if I may, what I might suggest is that in 6 months that Mr. Krekeler, as a condition be ordered to, essentially report on the status, progress of this and then 3 months thereafter with the idea... that way it is monitored. We will have a big lead time so I don't think having to report every three months, but I thought with the 6-month time frame he should be able to report and let you know where he is at. **Janey;** that would just be on the drain though, right? **Curtis;** yes, that is what I am suggesting. **Joyce;** I do know that if a gas station has a garage, you are able to pump that into a tank and then call the EPA guys and they will come in a haul it away for you. **Janey;** that is one other thing that you don't want is another tank sitting on the property. **Brad;** it would be below ground. **Joyce;** I know that is what gas stations have to do in the middle of town, please don't butcher any more animals in there and let that blood out. **Brad;** I don't think if we revisit in 6 months, that's what we need to do the conditional use as, regardless. Essentially, we need to review everything. My thought would be: 1) establish the length of a planted tree line. Referencing the **map;** you are looking at approximately 130 feet. You will be able to work with a nursery on spacing and size of tree, obviously you want to space it out so that when they do mature that they are full. There will actually be a gap for a year when they grow in. We are going to need a tight enough space so that within a years' time they are shutting the door. **Krista;** Brad, is that one row or two staggered rows? **Brad;** as long as you are closing the gap, it could be either. They will recommend an alternating row, I'm sure just because you need space around each plant for them to grow. I'm sure that is what you are going to end up with. 2) as far as a vehicle count, with the amount of people you have living there I want to look at the amount that you have as personal vehicles, I almost want to look more or less at vehicles that are not yours and how many will sit outside on the property at a time. **Melissa;** lets just establish a maximum, if he wants to have them all as his personal then he just won't have any space to work on them or is he

wants to reduce the personal to allow..... **Joyce;** this is what I was thinking, if he has 6 vehicles, not counting boats and things, then let's give him 10 vehicles at one time. That would give him 4 that he would be working on, that is sitting outside. **Janey;** but that doesn't include the trailers? **Joyce;** no. **Janey;** I'm talking about, he says he has trailers, not containers. Like you would put a boat or car on. **Joyce;** get them in a row, get them to looking nice. Just clean it up somewhat. **Brad;** truthfully, I would recommend you take that tree line around the corner to the north. **Jeff;** I don't really have much room there to put anything, I can try. **Brad;** is there a row or trees there now? **Jeff;** there is a fence row that runs there. **Brad;** you have got, from the edge of your existing asphalt drive to the property line, there is 25' right now. **Jeff;** which is pretty overgrown in that fence row. **Brad;** but you probably have mature trees in there. **Jeff;** yes, they are not evergreens. **Brad;** I'm just throwing it out there that this will probably solve a lot of your problems, even a 5-foot evergreen in there fairly thick will give you that barrier. **Janey;** will that help with the noise, the lift, the compressor? **Brad;** that is still going to be, you will just have to be mindful of that. **Janey;** do you just work Monday through Friday or all weekend also? **Jeff;** Monday through Friday from 8-6 p.m. **Joyce;** so you have a set time? **Jeff;** yes. **Brad;** Melissa, does' that give you the numbers necessary ... **Melissa;** yes, it is mainly to set some criteria that we can monitor and evaluate. **Brad;** I think if we do grant this conditional use that it just be a 6 month and then we revisit it in 6 months. If you have taken the proper steps, we can do in baby steps to be sure we are not just letting things go. **Janey;** how many trailers do you have right now? **Jeff;** I have 4 trailers and 2 boats. **Janey;** are the boats on trailers also? **Jeff;** currently one is off the trailer. **Joyce;** is there a reason why you have so many trailers? **Jeff;** just some yard trailers, livestock trailer, utility trailer to haul scrap metal off with. **Janey;** I think to their point, they don't want to see more trailers. **Jeff;** the plan is to eliminate a couple of the trailers. I was actually out there this morning cleaning stuff up and trying to get rid of the pallets sitting there and trying to make it more presentable. **Joyce;** I understand that you would have to have a trailer is someone called for you to pick up, but I don't understand why you would have to have so many. I know the boats are on a trailer. Do you raise livestock too? **Jeff;** no. **Joyce;** so what do you use the livestock trailer for? **Jeff;** it was given to me. We do a lot of our own butchering, currently we are not doing any more butchering at our house, we moved that to another location for that. But we use that trailer if we get a free or cheap pig, we haul it in that. **Brad;** Gary (on zoom) do you have any questions? **Gary;** I think that we have some good conditions here to help protect everyone.

Joyce Brindley made a motion to vote on BZA 2021-8 (REV) for a period of 6 months with the conditions of 1) minimum 3" diameter evergreen tree(s) planted as recommended by a nursery for a minimum of 130 feet on south side, our recommendation is to go around the corner as well for the other 60 feet, 2) a maximum of 10 motor vehicles on lot (personal and customer), 3) mitigate the drain so it does not outlet onto neighbors property and complies with plumbing code for an auto shop; Janey Livingston seconded the motion with 4 members present voting yes.

Brad; your conditional use passes for 6 months; the office will be in touch with you to come back.

* **BZA Petition 2021-10 - Kimberly Livingston** is requesting a "Conditional Use" in an R-2 zoning classification to operate "Massage and Bodywork by Kim, LLC" in the residence. This request falls under Decatur County **Ordinance #1030**. The property is currently owned by the petitioner and is located at 306 E Washington St, St Paul, in Adams Township.

Janey Livingston abstained from hearing this petition and left the room.

Kimberly Livingston: I am looking to do some massage therapy, I recently graduated and am licensed and insured. One client at a time, would not be solid people in and out, probably no more than 2-3 in a day. **Joyce;** is it only daytime work? **Kimberly;** it could be come evenings also, nothing very late, for people that work during the day. Possibly some Saturday morning also. I have signatures from the Town of St. Paul Board, it was suggested that I go before them also. I know the neighbors have gotten certified letters and no one has come over to say anything.

Joyce Brindley made a motion to vote on BZA 2021-10; Gary Fischer seconded the motion with 3 members voting yes and 1 abstaining.

***Redelman’s Deal on Wheels, LLC** – Emilie discussed what she has gotten completed on the property. And after discussion and some individuals saying that it was looking better and hope it stays that way and keep moving forward. **Brad;** we want to make sure that you keep making progress, it will be made known to us quickly if you don’t keep moving forward. We might want to look at any further complaints that we receive, the office will notify you. You want to continue to make it look nicer, the gravel made a world of difference. You need to continue to get all of the vehicles on gravel. **Melissa;** a B-2 defines it as 50 but, in this situation, you have to look at the configuration of the property, it is not going to support that. It is a very restricted property. I would say that whatever is there now would probably be the maximum.

Brad; if we receive complaints and if it is warranted, we need to pass them on to you so that you fully understand. If things fall into disarray again, at that point, we may not call you in, it will be to a point that we have to take some action.

The meeting was adjourned at 7:33 p.m.

Decatur County Board of Zoning Appeal

Secretary, Joyce Brindley

Decatur County Area Plan Commission

ATTEST:

Brad Schutte, President Decatur County Board of Zoning Appeals