

Decatur County Area Plan Commission
September Minutes 2018
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 7:30 p.m. on Wednesday, September 5, 2018. There were 7 board members present with Andy Scholle & Jeff Hermes absent. Also attending was Melissa Scholl – APC Attorney, Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant and Kevin Fleetwood, City of Greensburg APC.

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 July 4, 2018 as written and mailed.

* **APC Petition 2018-11 – Larry & Janice Wilson** is petitioning to “**Rezone**” 2.99 acres out of 5.608 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 915 & 920(7)**. The property is owned by Larry & Janice Wilson and is located just West of 3537 E Base Road, Greensburg in **Washington Township**.

Janice Wilson stated that she and Larry wish to zone the property to a building site so that they can market it as a buildable lot. If it sells, fine, if I doesn’t we will consider building ourselves. If we build we will go through the proper procedures to get all the permitting.

Jay; that explains why there is no indication on the map as to where the house will be. **Janice**; because whoever buys it, they can decide where to put the home. They are limited to where the septic bores were taken, unless they want to re-do those. **Jay**; tell me about access to this property. **Janice**; it used to be a county road, there is still a partial blacktop there, when we bought the property and had it surveyed he had allowed for a cul-de-sac to be put in there, if one were to get the proper approval. **Ryan**; so the easement that is written up is the old paved road? **Janice**; yes. **Jay**; it looks like people can go back there to maintain the cemetery, it appears to be as far as they go and travel. **Janice**; but Ryan is right, that road that you see there used to go across where the interstate is now. **Jay**; that ground had never been farmed, has been a grass lot as far as I can remember. **Janice**; I don’t ever remember it being farmed. **Paul**; the surveyor had it drawn for the cul-de-sac, east of the cemetery? **Janice**; I’m not sure exactly where it would be, it is on the survey that we recorded but I don’t have that with me. But I believe it was where the old road makes a circle right there. **Ryan**; are your soil borings on the west side of the cemetery? **Janice**; there is one on the west side and the east side. **Jay**; do you know if the black line is the right of way marker for the interstate? **Krista**; yes. **Paul**; just by looking at that it almost looks like the distance you would have between the corner of that cemetery would be awful close to that right of way. **Jay**; the road looks like it is on the right of way. **Paul**; do we need proof from the state to put in a road or drive there? **Krista**; the state gave it back to the

county but we cannot find any paperwork on it. **Paul;** I just don't want it to become a situation after they build. **Krista;** after that was built and completed the state gave that back to the county. We have a letter from Mark Mohr stating that if and when they ever want to put a different driveway in, they have approval. (Discussion was had about the exact line of right of way that also leads over onto the neighboring property). **Paul;** my overall concern is that is should the interstate need to be widened, could the state come and take additional room that would interfere with getting past the edge of the cemetery. That is where I am going with my question. It would have to grow quite a bit to the south for it to ever be a problem. **Jay;** do you know the width of these front lots on the west side of the cemetery and back up toward the neighbors barn? **Janice;** it is when you consider the right of way but it's definitely the 2.99 or better. **Jay;** in the front of the whole thing, the whole thing. **Jay;** but as far as the lot size is it possible to construct with side setbacks in this front quarter? **Krista;** I don't remember what the width is. **Janice;** when we had the septic installer lay it out he did consider that, but I don't remember what the measurements are. **Krista;** we looked at it on both east and west sides of the cemetery and there was plenty of room. **Ryan;** it appears to be about 185' on GIS. **Jay;** thank you Ryan.

With no other questions or comments Ryan Kennelly made a motion to vote on APC 2018-11; Bill Dieckman seconded the motion with all members present voting yes.

Jay; if you have any other questions after this meeting make sure you get in contact with Krista.

* **APC Petition 2018-12 – Kenneth Atchison** is petitioning to “**Rezone**” 2.99 acres out of 4.58 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 915 & 920(7)**. The property is owned by Jonathan Orr and is located just West of 3262 W CR 1280 S, Westport in **Sand Creek Township**.

Kenneth stated that he and his wife wishes to buy the property and build a home. **Jay;** what size of a home? **Kenneth;** 1200'-1500' square feet. **Ryan;** does the pink line (referencing the overhead map) represent the easement to have access to the property? **Kenneth;** yes. **Ryan;** can you drive through there? **Kenneth;** yes. **Jay;** you will have to move some trees and do some land clearing. **Ryan;** are you thinking the house will sit in the clearing? **Kenneth;** yes. **Jay;** tell me the definition of these two lines? Is this two lots? **Kenneth;** yes, it is two lots. **Krista;** he will have a survey done to combine the two lots. **Kenneth;** the survey will be done tomorrow. **Jay;** so the lots will be combined. So the front area will be rezoned? **Krista;** the front half will be the 2.99 acres. **Jay;** is this property going to be yours? **Krista;** that is Jonathan Orr. **Paul;** what is Jonathans parcel look like? Does it come to the road and go around? **Jonathan Orr;** the lines in yellow are what I own, to the left is owned by someone else. **Jay;** an easement will allow it to not be land locked? **Jonathan;** correct. **Krista;** that was done originally when the lots were laid out. **Paul;** shared driveways can lead to a lot of dispute down the road, is it structured how the cost of maintenance and construction of that drive will be handled? **Jonathan;** honestly I don't know that he will ever build there with the lay of the land, not even sure that he will ever be able to with the pitch of the ground. **Jay;** Melissa, what kind of wording, or anything necessary that we need to consider with this easement in there? **Melissa;** the easement has already been recorded, I don't know what is all in it, it has already been recorded. **Jay;** but maintenance of that easement, is it something that we should be concerned

with, with others using the easement to get to the far property? **Melissa**; I don't think it will override what the easement already is. It may have maintenance provisions in it, depending upon where the driveway would take off, he is significantly a far piece back, then the other property owner would be responsible for getting it back farther. He is already bearing a greater burden just getting to his own lot. **Paul**; the issue you understand as of today, but should Mr. Toler on the west decide to sell you could potentially have someone driving in front of your house at their convenience. **Kenneth**; I'm not worried about that, Ken and I are just fine and if he sells it I'm sure it will be to me. **Paul**; I understand that but three days from now once you put that road in, someone can use it at their will. **Kenneth**; its private property, I don't understand how they can do that. **Paul**; if you put \$30,000 to put in the driveway and then all of a sudden the owner back there can now use your driveway to access that property. **Jay**; and you understand that you need to make this wide enough for emergency vehicles to make this an all-weather condition to be able to get to your home. **Krista** can help you with the minimum width. It has to be effort put forth to make the driveway a good surface for emergency personnel. **Ryan**; that other lot is only 175' wide. **Kenneth**; it's in a ditch, I don't see anyone ever wanting to put anything down there. **Jay**; we try to bring up different circumstances that we have come across, we have seen a lot of things in the past so we try to make you aware of some of those things. **Paul**; as long as you understand that this is an easement and is on your property but an easement overrides that there is more that can use the drive. We just don't want you to be surprised. **Melissa**; he can always discuss with that gentleman as well that if it is sold prior to him building, they could create maintenance language. **Paul**; it might be worth your time to get a first right of refusal if he sells. **Ryan**; you would want to be sure that if someone builds that they easement language says that they have to share in the cost. **Jay**; what is the water source? **Kenneth**; we haven't decided yet, we may be able to get city water in there or water off his pond. We may just put a cistern.

With no other questions or comments Paul Stone made a motion to vote on APC 2018-12; Todd Mauer seconded the motion with all members present voting yes.

Jay; your petition passed, be sure that you get all of the surveying work completed and stay in contact with Krista at the office and she will direct you through the process. This is not your last step, it's just permission to proceed.

* **APC Petition 2018-13 – Baron & Anna Deck** is petitioning to “**Rezone**” 2.99 acres out of 4.0 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 915 & 920(7)**. The property is owned by David Riedeman and is located at 1374 W CR 200 S, Greensburg in **Washington Township**.

Baron stated that he and his wife wish to build a single family detached dwelling roughly where the mark is (referring to the overhead map) in the pasture ground.

Jay; do you have good water? **Baron**; yes, rural water. **Jay**; how big of a home? **Baron**; 1700' square feet. **Jay**; a little bit of it is tillable but it's a small piece. Has that been hay or pasture? **Baron**; cattle pasture. **Jay**; so you can come off the road right before it crosses the creek? **Baron**; no, on the far west of the creek, there has been a drive there. **Paul**; do you plan on a pole barn in the future, bear in mind and lay that out so you meet the setbacks. **Baron**; we are

purchasing all the way back, that line is a section line. **Jay**; we see that a lot of times when someone builds a home and then they want to build a pole barn and it doesn't work out. Think as broad and big as you can so that you can get it all placed in there correctly. **Todd**; you've had septic borings and everything is good? **Baron**; yes. **Jay**; will the tillable acres behind your house stay tillable? **Baron**; yes.

With no other questions or comments Ryan Kennelly made a motion to vote on APC 2018-13; Bill Dieckman seconded the motion with all members present voting yes. **Jay**; stay in contact with the office.

* **APC Petition 2018-14 – Newton & Lisa Shackelford** is petitioning to “**Rezone**” 2.4 acres out of 8.11 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 915 & 920(7)**. The property is owned by Anthony & Missy Porter and is located at 3355 S CR 60 SW, Greensburg in **Marion Township**.

Lisa Shackelford stated that they wish to build a single family detached dwelling, about 1200' square feet at ground level with a full basement and a pole barn.

Jay; so our updated map shows a driveway entrance coming off of SW 60 and traveling parallel to the property line and then turning up to the house. Is this a home only with the drawing? **Lisa**; it will be an attached pole barn. **Jay**; what is your water source? **Lisa**; rural water. **Ryan**; is there an easement for where the driveway is drawn in or is it on the property that is proposed? **Tony Porter**; their driveway will be all on their property. **Jay**; your driveway, **Tony**, is coming off of SW 60 on your property to the north. **Tony**; there will be a survey next week. **Ryan**; once it is surveyed, the driveway stays all on the property that she is purchasing. **Tony**; it is. **Krista**; I'll make sure it does. **Ryan**; we want to be sure that you buy the property and put in a driveway in and not have access to your property. **Jay**; so the red line is not a current survey? **Tony**; the red line is what Newt drew to outline what he is purchasing. **Jay**; that is the proposed line, but it will be moved in order to encompass the driveway. **Paul**; looks like it scores well. **Jay**; the property lines and markings always make good neighbors, it's always good to have that defined and how you are going to do that. Why does the line have the jog in it and then takes back off to the south. **Tony**; the building in the corner needs to be 30' setback. **Jay**; why wouldn't that line just go straight? **Tony**; it follows the contour of the ground. **Jay**; so you are following a ravine? **Tony**; yes.

With no other comments or questions Paul Stone made a motion to vote on APC 2018-14; Tom Hunter seconded the motion with all members present voting yes. **Jay**; stay in contact with Krista, if you change anything or are not going to do something that you said you would do, let her know.

With no other business before the board the meeting was adjourned at 7:43 p.m.

ATTEST

Secretary, Andy Scholle

Decatur County Area Plan Commission

President, Jay Hatton

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