

BOARD OF ZONING APPEALS
OF THE CITY OF DECATUR/MINUTES

January 18, 2022

A meeting of the Board of Zoning Appeals of the City of Decatur, Indiana was called to order by Steve Hakes on Tuesday, January 18, 2022 at 4:30 PM at City Hall, 172 N 2nd St, Decatur, IN 46733.

Present at the meeting were: Steve Hakes, Dave Schnitz, Kevin McIntire, and Shane Cauble. Also, in attendance were: Anne Razo, City Attorney; Curt Witte, Superintendent of Building/Zoning; Josh Zimmerman, City Infrastructure Manager; Tony Lothridge, City Fire Marshal; and Erin Heyerly, Office Administrator.

Upon motion by Schnitz, seconded by Cauble, the minutes of the previous meeting were approved as presented. Motion carried, 3-0.

Upon motion by McIntire, seconded by Cauble, the Proof of Publication was approved as presented. Motion carried, 3-0.

Upon motion by McIntire, seconded by Schnitz, the Affidavits of Notice to Adjoining Property Owners for both applicants was made a matter of record. Motion carried, 3-0.

Two letters were received speaking of the applications before the board. Upon motion by Schnitz, seconded by Cauble, the letters were made a matter of record. Motion carried, 3-0.

The first order of business for the board was the annual organization and election of officers for the Board of Zoning Appeals. Hakes asked for a motion to appoint an attorney for the board. Cauble made a motion to appoint Anne Razo as the board's attorney. Seconded by Schnitz. Motion carried, 3-0.

Hakes turned the meeting over to Razo for the election of officers. Razo stated that currently the chair was Steve Hakes, the vice-chair was Dave Schnitz, and the secretary was Erin Heyerly. Cauble made a motion to keep all officers as they were in 2021 for 2022. Motion was seconded by McIntire. Motion carried, 4-0.

Razo turned the meeting back over to the board.

The first application before the board was Robert Miller, 424 W Compromise St, Berne, IN 46711 requesting a special exception for residential development plan in a C-1 zoning district at 1130 Dayton St, Decatur, IN 46733. Miller explained that he was wanting to turn this building into a duplex. He plans to have his one son, with a disability live in the side that currently has a wheelchair ramp and then rent out the other side to someone else. He said that the apartments would be 1-2 bedroom, bath, kitchen and living area.

Cauble asked for the timeline from start to finish on this project. Miller said that he wants to start right away and have at least one side done within the next three months. He explained that he plans to redo the whole building inside and out. He will finish the inside and then hopes to have the whole thing completed within the next three years. Miller said that he will complete before the three

years is up if he is able to get the funds to do so before, but his focus is to get the inside completed and get both rented out first.

Hakes asked if they needed to have both side completed prior to being able to occupy a part of the building. Witte explained that since there will be two dwellings in one building there will have to be a fire wall between the two units. If the wall was finished and in place they could occupy one side while they were working on the other.

There were no further comments or questions,

Hakes read the finding of facts.

Special Exception was granted without restrictions.

The second applicant in from of the board was Justin Miller of 6780 E 500 N, Craigville, IN 46731 is requesting a variance of use in a C-1 zoned area at 706 N 11th St, Decatur, IN 46733. Miller explained that he wants to be able to pull motors and transmissions and do more major work or body work at this property. Currently he is just recycling auto parts, but later may want to grow his business in to recycling whole vehicles. Right now everything there has its own container or pallet and he plans to keep it that way in the future. He explained that he separates all parts and fluids and they are stored in bins, buckets, or on pallets and then disposed of properly or sold as cores. He does not plan to have anything outside of the building at this time. If he does decide to do the whole vehicle, he may have a whole vehicle sitting outside for a day or two at a time. In the event that he goes that way he is planning to put up a fence and park the vehicles inside of the fence. He has no plans to keep vehicles onsite for any period of time nor does he plan to start a scrap yard. He also plans to do all work inside the building. He stated he usually works between the hours of 8:30 AM and 7:00 PM.

Razo asked Miller what his estimated timeline would be start to finish (brought onto property to taking it away to be disposed of) if he were to bring a car in to part it out. Miller said that he would like to get it in, take the parts off that can be sold as cores, and taken to be disposed of right away because the parts he will be disposing of still hold a salvage value. He estimated no more than two to three days.

Hakes opened for further comments or questions.

Brad Kortenber of 104 Northbrook Ct, Decatur approached the board and stated that he owns property in that area and was concerned for his tenants. He would just like to see that it stays neat and clean and also keep the noise at a minimum for the surrounding neighbors.

Schnitz asked if he planned to have wrecked or salvaged vehicles and if so how long they would be stored on site. Miller said that all parts would be inside and if he brought vehicles in, it would only be complete vehicles outside and they would not be there long.

Robert Miller approached the board and spoke in favor of his son being able to do this business. He stated that he owned the 1130 Dayton St location and his brother would be occupying one of the apartments inside his building. He said that he knew his son would take pride in property ownership by keeping it clean, neat, and organized, as well as by being a good neighbor to those properties around him.

Razo asked what percentage of his business would be heavier mechanic work. Miller explained that he was trying to grow his business financially and that he has found an outlet for

transmission and engines. He will bring a car in, take the core parts off of it, and dispose of it. He will palletize the parts taken off or put them in a trailer which will be stored inside until the parts are sold.

Hakes opened for further questions.

Miller asked the board if his variance would be approved if he would be able to pull his large totes (on pallets) outside during his working hours and then pull them all back in at the close of business each day.

Witte commented stating that he did not feel this would be an issue as long as they were not left outside overnight.

There being no further questions or comments, Hakes read the finding of facts.

Variance was granted by the board with the stipulations that no work could be done Monday through Saturday before 8 am or after 6 pm and only office work and cleaning could be done on Sunday.

Old Business – Nothing, at this time.

New Business – Nothing at this time.

There being no further business to come before the board, upon motion by McIntire, and seconded by Cauble, the meeting was adjourned at 5:17 PM. Motion carried 3-0.

Respectfully Submitted

Erin Heyerly, Recording Secretary