

BOARD OF ZONING APPEALS
OF THE CITY OF DECATUR
MINUTES

November 17, 2015

A meeting of the Board of Zoning Appeals of the City of Decatur, Indiana was called to order by Vice-Chairman Hakes on Tuesday, November 17, 2015 at 4:30 pm at City Hall, 172 N 2nd St, Decatur IN 46733.

Present at the meeting were: Stephen Hakes, David Haggard, Bill Lynch, and Bill Stuckey. Also in attendance were: Tim Baker, legal counsel for the City of Decatur, Roger Gage -- Superintendent Building / Zoning and Sharon Braun / Assistant. Absent was Greg Kitson.

Upon motion by Stuckey, seconded by Lynch, the minutes for the October 6, 2015 meeting were approved as presented. Motion carried, 3-0.

Upon motion by Stuckey, seconded by Lynch, the Proof of Publication for the November 17, 2015 meeting was approved as presented. Motion carried, 3-0.

Upon motion by Lynch, seconded by Stuckey, the Affidavit of Notice to Adjoining Property Owners for the Gambill petition was made a matter of record. Motion carried, 3-0.

The first application before the Board was the request by Mark Gambill, 839 N 10th St, Decatur IN 46733, for a special exception to operate a home occupation at his property of 833 N 10th Street, which is adjacent to his residence.

Gage explained the previous owner, Ben Daniels, had received BZA approval to build an accessory structure prior to the primary on the vacant lot of 833 N 10th St. Daniels subsequently sold the property to Earl and Dolly Gambill who constructed the garage for personal storage in 2002. Over the years, Gambill's son Mark "grew into" the hobby turned business.

Baker explained the primary purpose of the meeting was to address --

- unauthorized use of the property for home occupation
- complaints about parking congestion, noise, business hours
- bring Gambill into compliance through Special Exception (for home occupation) and Variance (of the home occupation requirements) with possible restriction to address complaints
- stressed resolution of issues through cooperation

In reference to the applicant's petition, Baker explained --

- Gambill is requesting permission to operate a home occupation within the residential zoning through special exception; the zoning of the property will not change
- to actually change the zoning classification from residential to commercial is not in line with the city's comprehensive plan, which discourages "spot zoning" (ie, one lot zoned commercial that would be surrounded by lots zoned residential)
- the neighborhood as a group would need to petition to change the zoning

Discussion between the applicant and the Board continued with comments as follows --

- Gambill's personal vehicles include three trucks, three cars, fork lift, trailer

- his large family has frequent visitors (family and friends)
- vehicles (personal, family, friends) parked in the street are plated and insured
- Gambill is in the process of purchasing the house and 2 vacant lots to the south of his business, which he can use for additional parking
- Gambill has no parts storage, parts are purchased as needed
- Gambill uses approximately 600 square feet of his shop for business, maximum space allowed is 500 without variance of the requirements
- typically three or four cars waiting to be worked on, parked in the driveway at the shop
- Board members expressed concern to resolve issues with neighbors through cooperation and courtesy while not prohibiting Gambill's livelihood
- Gambill stated the business may move at some point in the future

Vice-Chairman Hakes asked for comments from the audience as follows --

- (1) Leah Thomas, 845 N 10th St, Decatur IN 46733
 - wants cars parked nicer, get his property organized
 - looks like junkyard
 - currently Gambill parks in street, in front of her property
 - wants restriction on how many cars he can park
 - doesn't want Gambill to park in the street
 - realizes Gambill makes a living out of his garage
 - doesn't have problem with noise
- (2) Keith Gerber, Hoosier Pattern, 906 N 10th St, Decatur IN 46733
 - problem with congestion for trucks making delivery to his facility
 - noise is disruptive to residential neighborhood
 - move business out of residential neighborhood
- (3) Cindy Keen, 828 N 11th St, Decatur IN 46733
 - concerned about parking on vacant lots

The Board discussed the issues raised, as follows --

- congestion is main concern
- Gage, parking is permitted on both sides of the street, if vehicle are plated and insured, can legally park
- Baker, city desires to work with people, not force people into compliance, find a balance towards a solution
- Gambill agreed to limit the number of cars brought in early for repair
- Gambill agreed to limit noise to occur only during normal business hours, no evenings
- Gage, suggested the board table their decision and restrictions to give Gambill an opportunity to show his voluntary cooperation

Baker explained to Gambill that today's hearing will give Gambill an opportunity to address the issues raised. A balance needs to be met to allow his business operation without any inconvenience to the neighbors. Violations would result in a subsequent hearing for non-compliance, with possible court action.

Upon motion by Lynch, seconded by Stuckey, Gambill's petition will be tabled until January 19, 2016. Motion carried, 3-0.

Vice-Chairman Hakes called for old business, with no response.

Vice-Chairman Hakes called for new business. Braun reported the next Board of Zoning Appeals meeting is scheduled for Tuesday, December 1, 2015 at 4:30 pm for special exception for use in an industrial zoning for Allied Recreation Group (Fleetwood) at 1236 Patterson St, Decatur IN 46733

There being no further business to come before the board, upon motion by Hakes, seconded by Stuckey, the meeting was adjourned at 5:55 pm. Motion carried, 3-0.

Respectfully submitted,

Sharon Braun
Recording Secretary