

BOARD OF ZONING APPEALS
OF THE CITY OF DECATUR / MINUTES

August 15, 2017

A meeting of the Board of Zoning Appeals of the City of Decatur, Indiana was called to order by Chairman Kitson on Tuesday, August 15, 2017 at 4:30 pm at City Hall, 172 N 2nd St, Decatur IN 46733.

Present at the meeting were: Dave Haggard, Steve Hakes, Greg Kitson, John Schultz, and Bill Stuckey. Also in attendance were Tim Baker, City Attorney; Curt Witte, Superintendent Building/Zoning; and Sharon Braun, Assistant.

Upon motion by Stuckey, seconded by Schultz, the minutes for the previous meeting were approved as presented. Motion carried, 4-0.

Upon motion by Schultz, seconded by Stuckey, the proof of publication for the evening's meeting was approved as presented. Motion carried, 4-0.

Upon motion by Hakes, seconded by Stuckey, the affidavits of notice to adjoining property owners for all applicants were approved as presented. Motion carried, 4-0.

The first application before the board was the request by Ryan Stanley, 928 Marshall, Decatur IN 46733 for variance of the height restrictions for a privacy fence at his residence. Stanley explained that he had recently installed an above-ground pool. The taller fence is requested to act as a safety railing around the pool and provide additional privacy. Stanley stated their property (on the north and east sides) is adjacent to the former General Electric parking lot. A garage is on the west side of their property.

Comments from the board were as follows –

- Six-foot is the maximum allowable fence, Stanley is requesting 9' 6"
- Witte stated inspections were conducted on the fence and the posts do meet code requirement
- Stanley agreed he would cut the fence to the permitted height

Kitson asked for comments from the audience with no response.

Following the Board's discussion, Kitson read the Findings of Facts for the variance of fence requirements, which were unanimously approved with the condition to allow the fence height of 9' 6" on the north property line and also 35 lineal feet on the east property line (from the NE property corner).

The next application before the Board was the request by Brian Weil (petitioner) and Logan Family Properties (owner) for Special Exception for use in the I-1 Industrial Zoning for the building located at 304 N 8th St, Decatur IN 46733. Logans are selling the property to Weil subject to BZA approval of the proposed use.

Weil explained to the Board that he is proposing to operate an auto sales business. He currently details classis cars and would like to use this property for storage and sales.

Comments from the Board were as follows –

- Vehicles will be in operable condition, no "parting-out"
- No employees, just part-time help

Kitson asked for comments from the audience with no response.

Following the Board's discussion, Kitson read the Findings of Facts for the Special Exception for use in the I-1 Zoning, which were unanimously approved with no restrictions. Weil received a copy of the Industrial zoning regulations from Witte, which state any expanded or additional use will require BZA approval.

The next application before the Board was the request by Tyler A. Hirschy (petitioner) and Logan Family Properties (owner) for Special Exception for use in the I-1 Industrial Zoning for the building located at 316 N 8th St, Decatur IN 46733. Logans are selling the property subject to BZA approval of the proposed use.

Brian Weil spoke on behalf of Hirschy, per Hirschy's signed Affidavit. Weil explained Hirschy currently operates an auto sales lot at the SW corner of 13th and Madison Streets. Hirschy proposed to use the building for detailing and indoor storage, with no repairs or body work.

Kitson asked for comments from the audience with no response.

Following the Board's discussion, Kitson read the Findings of Facts for Special Exception for use in the I-1 Zoning, which were unanimously approved with no restrictions. On Hirschy's behalf, Weil received a copy of the zoning regulations from Witte, which state any expanded or additional use will require BZA approval.

The next application before the Board was the request by Jeff Hall (petitioner) and Logan Family Properties (owner) for Special Exception for use in the I-1 Industrial Zoning for the building located at 310 N 8th St, Decatur IN 46733. Logans are selling the property subject to BZA approval of the proposed use.

Hall explained to the Board that he plans to use the building for personal storage, not for business.

Kitson asked for comments from the audience with no response.

Following the Board's discussion, Kitson read the Findings of Facts for Special Exception for use in the I-1 Industrial Zoning, which were unanimously approved with no restrictions. Hall also received a copy of the zoning regulations, which state any expanded or additional use will require BZA approval.

The next application before the Board was the request by Dan Butcher (petitioner) and Logan Family Properties (owner) for Special Exception for use in the I-1 Industrial Zoning for the building located at 320 N 8th St, Decatur IN 46733. Logans are selling the property subject to BZA approval of the proposed use.

Butcher explained to the Board he plans to use the building for personal storage, not for business. Butcher stated there are two buildings on this lot, but he will demolish the old garage.

Kitson asked for comments from the audience with no response.

Following the Board's discussion, Kitson read the Findings of Facts for Special Exception for use in the I-1 Industrial Zoning, which were unanimously approved with no restrictions. Butcher also received a copy of the zoning regulations, which state any expanded or additional use will require BZA approval.

Chairman Kitson asked for any old business with no response.

Chairman Kitson asked for new business.

Braun reported there are two upcoming application to come before the Plan Commission on Tuesday, September 5, 2017 for –

- Proposed parking lot at First and Madison Streets
- Site development plans for the North Adams School expansion at the Belmont Middle School and High School site

The Board will be advised of any new business to come before the Board of Zoning Appeals.

There being no further business to come before the board, upon motion by Stuckey, seconded by Hakes, the meeting was adjourned at 5:45 pm. Motion carried, 4-0.

Respectfully submitted,

Sharon Braun
Recording Secretary