

BOARD OF ZONING APPEALS  
OF THE CITY OF DECATUR/MINUTES

September 21, 2021

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A meeting of the Board of Zoning Appeals of the City of Decatur, Indiana was called to order by Steve Hakes on Tuesday, September 21, 2021 at 4:30 PM at City Hall, 172 N 2<sup>nd</sup> St, Decatur, IN 46733.

Present at the meeting were: Steve Hakes, Dave Schnitz, Shane Cauble, and Kevin McIntire. Also, in attendance were: Tim Baker, City Attorney; Curt Witte, Superintendent of Building/Zoning; 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 Schnitz, seconded by McIntire, the Affidavit of Notice to Adjoining Property Owners for the 1<sup>st</sup> applicant was made a matter of record. Motion carried, 3-0.

The first application before the board was Marshal Zimmerman of Zimmerman Rentals at 269 N Van Buren St, Monroe, IN 46772 requesting a variance to lift the restrictions of used placed on the property at 334 N 12<sup>th</sup> St, Decatur, IN 46733 during a Board of Zoning Appeals meeting on April 21, 1998. Marshal expressed that he was struggling to keep vehicles from being parked outside and the would like to see the hours of operation restrictions lifted as well. He explained that his tenant, Clint Zimmerman and Flatline Auto was selling vehicles and doing light repairs/body work in the facility. With having a dealership, he has to many vehicles to park them all inside.

Cauble asked for clarification that they were now selling vehicles out of this location now and not just repairing them.

Marshal confirmed that they were an active selling dealership with all of the licensing needed through the State of Indiana and they were also doing minor repairs/body work.

Witte made note that during the meeting in 1998 the Board gave restrictions of no work shall be performed on Sundays and Monday through Saturday no work shall be done before 7 AM or after 8 PM, and no vehicle shall be parked outside longer than 24 hours.

Hakes asked what the current hours were.

No answer was given.

Schnitz asked Witte if there were restrictions on other dealerships for hours of operation.

Witte confirmed that there were none he was aware of.

Baker stated that the property owner and tenant need to be aware of the condition the property is kept, such as no vehicle part should be laying around, no inoperable vehicle should remain outside

for long periods of time, trash and debris needs to be kept away, and weeds and vegetation need to be maintained.

Hakes opened for comments or questions from the audience.

Douglas Bower of 328 N 12<sup>th</sup> St, Decatur approached the Board stating that he lived next door to this property and he never really had any issues before Zimmerman moved into the building. His concerns are not the condition of the place really, but the amount of noise late at night. His home is close to their building and his bedroom is on the side of the home closest to their building. He said that he just doesn't want to be woke up at midnight by them working on vehicle anymore. He stated that he would like to see the hours kept at no work before 7 AM or after 8 PM. He stated that they are primarily surrounded by residential properties on the east side of 12<sup>th</sup> St.

Hakes opened for further comments.

Clint Zimmerman, owner of Flatline Auto, located at 334 N 12<sup>th</sup> St approached the Board. He stated that he was operating a car dealership from the building and that they did sell vehicles as well as do minor repairs out of this facility. He stated that he does not doing any sales out of that location on Sunday as he is not able to legally, per state requirements. He said most days, Monday through Saturday they are open 8 AM to 6 PM. He said he would like to be able to go into the building and do office work or cleaning on Sundays but not be open to the public.

Witte also made note that the City would require, as it does for all property owners, the property to be kept neat and orderly free of trash, rubbish, auto parts outside the building, and weeds and vegetation.

Hakes asked if there were any further questions or comments.

Cauble made a motion to allow cleaning and office hours, 7 AM to 8 PM on Sunday and sales and shop work Monday through Saturday 7 AM to 8 PM. He also made a motion to allow vehicles to be parked outside of the building longer than 24 hours. Schnitz seconded the motion. Motion carried, 3-0.

The second applicant before the board was Manny Miller and Candy Ridenour of 109 Brandywine Ln, Decatur, IN 46733 on behalf of Perry D and Joyce Schnitz of 477 N 100 W, Monroe, IN 46772 requesting a special exception of use at 916 Elm St, Decatur, IN 46733 which is in an I-2 zoned area. Candy explained that they are in the process of purchasing the property from Dan and Joyce Schnitz and they are planning to take over his current business at this location as well as add 8 x 10 refurbished storage containers on the lot for residents to rent to store items in.

Hakes asked if these would be on any kind of a foundation.

Miller stated that they had plans to put them all on a slab. He stated that they would all be placed uniformly in rows on the property and would be kept neat and orderly. Ridenour stated that these were all cleaned and painted prior to them purchasing them so they would all look very uniform and be one size and color. Ridenour stated that they understood there were going to be guidelines that they would need to follow to keep within the guidelines of state, local, and fire codes.

Witte stated that we have an ordinance that relates to shipping containers and in that ordinance it states that they need to be made to look like the primary structure on the property if they are brought in with the intent to keep them at the location. He stated that when this ordinance was

written it was written with the residential areas in mind and not the industrial areas. He stated he is a fan of these types of containers as they are sturdy and built well, but in his opinion, if they are going to have a place in Decatur the industrial area is where they belong.

Hakes opened for further questions or comments.

Cauble asked if there was going to be a fence installed around the property.

Miller stated there would be.

Cauble asked what color they were leaning towards, as he felt like it could be an eye sore if they were a bright or obnoxious color.

Miller and Ridenour both stated that the ones they were looking at were mainly a blue or a dark green color. They stated that it would not be anything obnoxious and that they would all be uniform in color.

Cauble asked what the life expectancy of one of these refurbished units was.

Ridenour stated that they were unsure as like with anything if they are maintained they could last a very long time. She said they plan to maintain them as they are using this for income and an investment, so they want them to last and be long-term. Miller stated that if they had one that was showing wear and they were not able to repair it to look nice, they can pull the unit out and replace it with a new one.

Witte stated that he has worked with these units in the past and they are made of a very thick metal and to rust through it would take a long time.

Baker asked if this location is visible from a residential area.

Witte confirmed it was on Elm St on the south side going east.

Baker suggested keeping out of the line of site from the residents with a privacy fence, just to be a courteous neighbor.

Witte asked if they would allow 24-hour access to these units.

Miller stated that most likely that would be the plan. They plan to fashion it like the other storage rental facilities around town. Ridenour stated that they have been doing storage unit rentals for the last couple years at other locations and they are familiar with what the customer wants and expects from them.

Hakes opened for further comments and questions.

There were none.

Upon motion by Cauble, seconded by McIntire, the Affidavit of Notice to Adjoining Property Owners for the 2<sup>nd</sup> applicant was made a matter of record. Motion carried, 3-0.

Baker made it a matter of record that Dave Schnitz recused himself from the hearing of the 2<sup>nd</sup> application before the board as he is directly related to the owner of the property.

Hakes read the findings of facts.

Special exception for use was granted without restrictions.

Old Business – Nothing, at this time.

New Business – There will be a meeting on October 5, 2021 at 4:30 PM. At this meeting Amarak on behalf of Champion Homes requesting to put up a 10' 7000v electric fence 6" inside their existing chain-link fence. We also have an application from Brandon Dyer requesting a variance for rear and side yard setbacks.

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

Respectfully Submitted

Erin Heyerly, Recording Secretary