



Board of Zoning Appeals Public Hearing Minutes

Today is Tuesday, August 6, 2024, and the time being 7:00 pm. The Board of Zoning Appeals Public Hearing is opened by President, Alan Campbell.

Everyone recited the Pledge of Allegiance.

Nick Gauck is seeking a Special Exception to build two duplexes, in a R-2 district, located at 341 W. Forsythe St. & 410 S. Ireland St. He is also seeking a variance for the setbacks of the new primary structures. There were no dissenters. A motion to close the public hearing was made by Rick and seconded by Ken. The public hearing was adjourned by President, Alan Campbell at 7:04 pm.

Larry Colson is seeking a variance for front and side yard setbacks for a new primary structure to be located at 824 E. Washington St.

- Denise Rothfus, 819 E. Washington St., questioned the size of the home. It will be a single-story, 900-1200 sq ft.
- Lawrence Dutcher, 830 E. Washington St., questioned the width and size of the home. The proposed home is 32 ft. wide.
- Dave Moore, 820 E. Washington St., asked if a new survey would be done to determine property lines. No new survey will be conducted.

A motion to close the public hearing was made by Ken and seconded by Dick. The public hearing was adjourned by President, Alan Campbell at 7:13 pm.

Michael Reece is seeking a use variance at 814 E. Washington St. for individuals to board at the residence as a recovery home.

- Chris Tebbe gave background on the property. Since 2017, Oris Reece used the property to assist members of the community giving them a place to stay, live, and work. In July 2019, Oris added Michael to the deed with joint survivorship. Michael took ownership after his father's passing in November 2023 continuing the mission and vision with individuals living in the home. The home is set up for 7 individuals to live comfortably. There are policies and procedures in place as well as a rental agreement which was given to the BZA members before the start of the meeting. Individuals residing in the home are required to be employed, productive citizens, no drugs and alcohol with zero tolerance. There is street and driveway parking which is enough parking to support the residence. Chris presented the board with pictures of the parking around the property (attached for reference.) Chris stated that the criteria for board approval have been met.
- Preston Merritt, 1129 N. Anderson, works for Mr. Reece. He talked about how Mr. Reece has helped him and all the others who live/lived there. He also said without this residence, some of the occupants would be back on the street.
- Dawson Padgett, current occupant since 2017, said Mr. Reece is like a father figure and he has taken him in and given him a place to grow.
- Alexa Yorn, a former resident for 1 year, spoke about Michael's character and how it takes heart to do what he does.
- Zane Stuart, a resident since January, has a 6-year-old daughter with him 50% of the time and brings her to the residence. He said there have been no incidents, his daughter loves it there, and everybody looks after her.



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- Kim Springmeyer, Director of the Decatur County Agape Center, stated without this residence, the occupants would be living on the streets. She also said Michael makes the residents pay their rent without assistance from the Agape Center or the Trustee. Chris Steven asked if the residence was a homeless shelter or a recovery center. Kim was unaware of the recovery part because her involvement has been limited to the homeless aspect stating that if they did not live there, these individuals would be coming to the Agape Center for assistance.
- Michael Reece spoke clarifying that he has never called his residence a recovery center, but an opportunity for someone to have a place to get their life in order. He claimed individuals must have a job and after 6 months of occupancy, must be working toward getting their driver's license. Some occupants stay Monday through Thursday, so they do not have to commute out of town. There have also been individuals who have temporarily separated from their spouses.
- Chris Stephen asked Mr. Reece questions. Are you an organized non-profit organization? No. For 911 purposes, how are individuals identified in the residence? There is no payphone or landline phone on the property, individuals have cell phones. Are the individual rooms identified or numbered? The individual rooms are identified by a letter. How is mail delivered to the residents? There is one mailbox for the building and Mr. Reece slides correspondence in the doors or puts it on the freezer. Other organizations have come before this board, such as the Speranza house, they enforce their rules by drug testing and ensuring there is no alcohol or drugs on the property. Are there any procedures or policies in place at your location? If he suspects anything like that, they are gone. He goes through the house 2-3 times a day, minimum. Is this a co-ed facility? Yes but no. There is one couple that lives there. What is the average stay of residents? 5 yrs, 7yrs, 5 yrs, 4 yrs, he has also taken in short-term occupants.
- David Crawford, a former resident, said without "coach" he would not have gotten away from the people, places, and things he needed to get away from.
- Robert Martin, current resident since January, spoke on behalf of "coach," saying he put him up on a couch and helped him get around to staffing agencies where he got a job at Steel Technologies.
- Emily Jones, 815 E. Washington, spoke regarding parking issues. She also talked about the police being called to the residence for gunshots, fighting, and loud music. An officer informed her that a car had been stolen and the responsible individual's phone was pinging from that location. There is lots of traffic picking up/dropping off and parking in the alley. There is no organization since it is not a recovery home or homeless shelter. Another officer warned them of a registered offender living there and recommended not letting her children outside on the front lawn.
- Leah Kane, 823 E. North St., is currently in the process of selling her home. She is concerned that the Reece property has been zoned inappropriately for 7 years. What events have led and brought this to light recently? Why a variance now? What is the occupancy limit? She is concerned the outcome of this variance could affect the pending sale of her home.
- Chris Stephen answered Mrs. Kane's questions. Some complaints lead to further inspection of the property. It was brought to our attention, we investigated and advised of the necessity of a variance. If the variance is not granted, then there will be swift action to bring the property into compliance with codes and ordinances. It is currently zoned residential and is listed as a residential home.
- Jenny Hamilton represented the buyer of 823 E. North St. Her questions included how many people come and go. Is there any screening? Are there any sex offenders? Is there a program for this recovery? Have there ever been any problems at this location? Jenny secured copies of the police reports for this location. The client she represents is a new homeowner and is considering all this information since she was not aware of the situation before starting the purchase of an adjacent home.



- Dave Moore, owner and landlord of 820 E. Washington St., said the rooms are advertised for \$125 per week with a \$250 deposit and ample street parking. He had a tenant of 20 years move out complaining of the smell of pot, vehicle/foot traffic, and lights shining into her home. Dave also has concerns about the area being a residential area with kids and all the vehicles.
- Sandy Moore, 820 E. Washington St., showed the board a Facebook post where the rooms were advertised for rent for \$125 per week. She spoke of all the vehicles parked on the street and in the alley. She also stressed that rent is to be paid in cash.
- Tom and Carol Schwendenmann, 823 E Washington, have lived at their residence for 45 years. They are not against people helping each other, but they have seen things that make them uncomfortable. They do not feel comfortable having their grandkids out on the front porch due to confrontations and foul language. Oris Reece had previously asked Tom to call him before calling the police if there were any problems. Carol feels like there is a lack of respect for the other residents in the neighborhood. She is convinced there is more going on in the residence than what has been talked about. Tom is also concerned about decreasing home value and being able to sell the home if a buyer knew what was going on across the street.
- Theresa Boyd, 831 E. North St., questioned why it is listed as a recovery center, organization, and expectations. Her other concerns are property values, safety, and the number of young men living together. She questions if new people would be attracted to this residential area and bring their family.
- Barb Boyd, 831 E. North St., stated her house has been in the family for 110 years and she is confused about the situation. There is lots of traffic going through the alley and she is responsible for half of the upkeep. She has never been afraid of living in her home but is getting concerned. She will not go out back to her garage after dark anymore. The noise level is bad. She is against the variance.
- Preston Merritt stated there is 24/7 surveillance all around the property. He installed and maintained surveillance. He claims no neighbors have ever come to them with any issues.
- Emily Jones showed the Board the current sex offender registry. It is reported that an offender lives at 814 E. Washington St.
- Kalynn Doles, 809 E. Washington St., talked about the traffic and some noise. She asked about the stipulations of the living quarters. She has a 14-year-old daughter and does not feel safe for her daughter to be outside.
- Raieghlynn Metz, 809 E. Washington St., is 14 years old and lives with her mother, Kalynn Doles. She does not feel safe walking across the street and is uncomfortable being out in front of their home.
- Lawrence Dutcher, 830 E. Washington St., has been in the neighborhood for over 46 years. He has concerns for neighbors who have children.
- Denise Rothfus, 819 E. Washington St., asked for clarification about the adjoining of the homes and which home is being questioned. Sara Hamer responded, both.
- Bryant Merritt does not live at the residence but frequents the property. He is a 19-year-old kid who does not like labels. He expressed the importance of communication. He has never heard of any issues with the neighbors. He said there are problems everywhere, but you need to communicate and have a conversation. He also said all the guys living there used to be homeless but have now leveled up and are happy with themselves. He spoke about morals being lost and how these guys have come from the dirt and built themselves up to who they are now.



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- Dave Moore commented on the area being residential with kids. He talked about The Arc being secluded and not in a residential area with ample parking.
- Sarah Hamer, Building Commissioner, said in 2020 when she accepted her current position, the home extension was being built. It was approved by the previous administration. Normally, there cannot be two homes on the same parcel, but it was approved since the two homes were to be connected. Oris told Sarah that he and a foster son would live in one home and Michael would be in the new house with his son. More recently, she started receiving complaints of noise, traffic, lights being shined in other homes, loud music, and the police being called. On March 13, 2024, she met with Michael and explained he could not run a business from a residential home. She also let him know the property was not zoned for multi-family, but he could seek a variance. Sarah received a phone call from Mr. Tebbe saying he was representing Michael as legal counsel. When the application was submitted the written statement was to operate a recovery home in a residential district. Sarah has concerns about the size of the bedrooms, no egress, and overall safety issues. Chris Stephen asked Sarah questions. *If this were multi-family zoned, would there be fire regulations associated with the building? Yes. Are any of those applicable to the situation in this building in terms of fire safety, proper lighting, exits, equipment, etc.? In the bedrooms there is no egress, so there is no way to get out in case of a fire. As part of your investigation did you consult with the Police Chief? I did. Have there been calls or complaints at this location? Yes, and I included them in the packet for the board members.*

A motion to close the public hearing was made by Ken and seconded by Philip the public hearing was adjourned by President, Alan Campbell at 8:46 pm.

Board of Zoning Appeals Meeting Minutes

Today is Tuesday, August 6, 2024, and the time being 8:46 pm. The meeting of the Board of Zoning Appeals is called to order by President, Alan Campbell.

Roll Call was taken by Secretary, Amber Coyne.

Members present: Alan Campbell, Philip Deiwert, Ken Dornich, Dick Glaser, and Rick Emsweller

Members absent:

City officials present: Sarah Hamer, Building Commissioner

Also present was City Attorney, Chris Stephen

There were no additions or corrections to the BZA public hearing or meeting minutes from June 4, 2024. Philip made a motion to approve the minutes and Rick seconded. All ayes, no nays, minutes approved as presented.

There was no Old Business.

New Business

- Nick Gauck is requesting a variance for setback relief for the new structures at 341 W. Forsythe St., and 410 S. Ireland St., A motion to approve the variance was made by Ken and seconded by Dick. Voice Vote, 5-0, variance passes. Nick Gauck is also seeking a special exception to build a duplex in an R-2 zoned area. A motion to approve the special exception was made by Dick and seconded by Ken. Voice Vote, 5-0, special exception passes.



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- Larry Colson, 824 E. Washington St. is seeking a variance for front and side yard setbacks for a new home to be built on a 40 ft. wide lot. The side yard setback will be 4 feet, and the front yard setback will be 16 feet. A motion to approve the variance was made by Ken and seconded by Philip. Voice Vote, 5-0, variance passes.

- Michael Reece, 814 E. Washington St. is seeking a use variance to be able to rent out individual rooms for a "recovery home".

- o Philip asked for clarification. The property has two homes on the same parcel adjoined by a breezeway. He also asked if they were a 501c3 or an established organization. Sarah clarified there was no organization and they operate for profit.
- o Alan asked Mr. Reece how many people are living with him. There are 7 people living in the old house and three individuals living in the new house. Alan asked how many rooms he had to rent out. Mr. Reece said he is full.
- o Dick asked Mr. Reece if he lives at the property. Yes.
- o Philip asked Mr. Reece if he was included in the count. Yes.
- o Alan asked if there was a fire alarm. Mr. Reece said there are smoke detectors in every bedroom. There are also carbon monoxide detectors anywhere gas comes in, a fire blanket, and 2 fire extinguishers. There is also a Ring cameras at every entry, exit, and common area. Does every room have a window? He has one room that does not have a window, but it has an escape hatch.
- o Chris Stephens reviewed the criteria for approving a variance.
 - The approval will not be injurious to the public health, safety, morals, and general welfare of the community
 - The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner
 - The strict application of the terms of the zoning ordinance will result in practical difficulties and the use of the property
- o Philip does not feel safe for the guys living there and feels like there has been a negative impact on the neighbors. He stated that the board has approved use variances in the past, specifically two for the Speranza House, but they were a 501c3 with policies and procedures in place.
- o Sarah commented on how the other organizations had gone through the State and proper channels to operate a recovery home. They also undergo fire inspections. She also commented that the women do not pay weekly rent. Their rent is funded through a grant.
- o Ken said you cannot compare this property to the Speranza House. They are short-term, and structured, and there is training passed on from the staff. Ken pointed out that Michael said his property was not a recovery living home, but his application for use variance says otherwise.

- A motion to approve the use variance was made by Dick and seconded by Philip. Voice Vote 0-5, use variance does not pass

A motion to adjourn the meeting was made by Ken. The meeting was adjourned at 9:06 pm.



Chairperson



Secretary









