

MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Monday, February 14, 2022

A Meeting of the DeKalb County Board of Zoning Appeals was called to order at 6:00 p.m. in the Commissioner's Court of the DeKalb County Courthouse by Chairperson, Frank Pulver.

ROLL CALL:

Members present: Frank Pulver, Jason Carnahan, Mary Diehl, and Rory Walker

Members absent: Jeff Barkhaus

Staff Present: BZA Attorney, Andrew Kruse, Director/Zoning Administrator, Chris Gaumer, and Secretary, Alicia Shackelford

Public in Attendance: Billy Zent and Darrell Herron

ELECTION OF OFFICERS:

- Chairman – Frank Pulver
- Vice Chairman – Jeff Barkhaus
- Secretary – Alicia Shackelford

Motion was made by Jason Carnahan and Seconded by Mary Diehl to elect the Officers as shown. Motion carried.

APPROVAL OF MINUTES:

Motion was made by Jason Carnahan and Seconded by Mary Diehl to approve the Minutes of October 11, 2021. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #22-01 Darrell Herron requesting a Development Standards Variance to allow a reduction to the side yard setback for a proposed front porch addition. The property is located at 1724 County Road 60, Garrett, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Frank Pulver asked if there were any questions from the board members, and then asked the Petitioner Darrell Herron to step up to the microphone. Frank Pulver asked the Petitioner questions regarding the porch and house. Rory Walker asked about the new structure possibly blocking the well. Darrell Herron stated they looked into that, and there is no blocking of the well. Frank Pulver asked if there were any further questions from members or public. There were none. Frank Pulver closed the public hearing.

JURISDICTIONAL FINDINGS:

The petitioner has complied with the rules and regulations of the Board of Zoning Appeals in filing appropriate forms and reports.

1. Application completed and filed on **January 10, 2022**
2. Legal notice published in The Star on **February 02, 2022** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **January 24, 2022**
5. Letter from the County Highway Department, dated **January 11, 2022**
6. Letter from the Soil & Water Conservation District, dated **January 11, 2022**
7. Letter from the County Surveyor or Drainage Board, dated **January 11, 2022**
8. Letter from the DeKalb County Airport Authority, **not applicable**.

PROPOSED FINDINGS OF FACT:

*These Findings of Fact proposed by staff are based off the knowledge and understanding of the proposed project. If any one of **your** answers is followed by an asterisk, under State Law (IC 36-7-4-918.5) and Section 9.09 G(3) of the DeKalb County Unified Development Ordinance you must deny the request.*

1. Will the approval of the variance request be injurious to the public health, safety, morals and general welfare of the community? Yes ()* No (X)
The proposed reduction in the side yard setback not be injurious to the public. Also see DeKalb County Board of Health letter & Highway Dept. letter.
2. Will the use and value of the area adjacent to the property included in the variance request be affected in a substantially adverse manner? Yes ()* No (X)
The proposed reduction in the front yard setback not adversely affect the neighboring properties.
3. Will the strict application of the terms of the Unified Development Ordinance result in practical difficulties in the use of the property? Yes (X) No ()*
The porch addition is needed to enclose the electric meter, serve as an extra layer of defense against intruders and balance the homes visual appearance.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:**Conditions of Approval:**

Staff is recommending approval for this Development Standard Variance and recommends the following conditions:

1. The Board retains continuing jurisdiction of this from Development Standards Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. A Variance to allow for a side yard setback of 19 feet is approved.
3. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
4. No offsite drainage crossing over said real estate should be obstructed by any development on this site.
5. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

Commitments of Approval:

Staff is recommending approval. If the Board assigns commitments, they shall be given, signed and recorded with the DeKalb County Recorder's Office.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS DEVELOPMENT STANDARD, VARIANCE, PETITION #22-01 IS HEREBY GRANTED APPROVAL ON THIS 14TH DAY OF FEBRUARY, 2022.

- 3) Will the strict application of the terms of the Unified Development Ordinance result in practical difficulties in the use of the property? Yes (X) No () *
- a. *The proposed reduction in lot frontage is requested so the property owners can subdivide the property into one additional buildable lot. The Unified Development Ordinance requires 120 foot of lot frontage with a minimum lot acreage of 2 acres. The proposed lot would exceed the required lot acreage but not the required lot frontage.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Conditions of Approval:

Staff is recommending approval for this Development Standard Variance and recommends the following conditions:

- 1) The Board retains continuing jurisdiction of this from Development Standards Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
- 2) A Variance to allow this reduction in lot frontage to be 40' wide is approved.
- 3) Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
- 4) No offsite drainage crossing over said real estate should be obstructed by any development on this site.
- 5) No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

Commitments of Approval:

Staff is recommending approval. If the Board assigns commitments, they shall be given, signed and recorded with the DeKalb County Recorder's Office.


IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS DEVELOPMENT STANDARD, VARIANCE, PETITION #22-02 IS HEREBY GRANTED APPROVAL ON THIS 14TH DAY OF FEBRUARY, 2022.

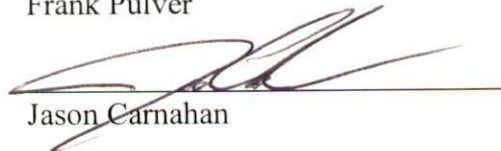
Motion made by Jason Carnahan, Seconded by Rory Walker

Vote tally: Yes: 4 No : 0


Mary Dfehl


Rory Walker


Frank Pulver



Jason Carnahan


Motion made by Rory Walker, Seconded by Jason Carnahan

Vote tally: Yes: 4 No : 0


Mary Diehl


Rory Walker


Frank Pulver


Jason Carnahan

Petition #22-02 Billy J Zent requesting a Development Standards Variance to allow a reduction to the lot frontage for a proposed division of land. The proposed lot frontage is 40' and the required lot frontage is 120'. The property is located at 1229 County Road 16, Corunna, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the Staff Report. Chris Gaumer explained to members what the Petitioner plans to do with the property. Frank Pulver and Rory Walker requested further explanation of what Petitioner has planned. Frank Pulver asked if any further questions. Billy Zent stepped up to the stand, explained reasons for the Variance.

Frank Pulver asked if there were any further questions from members or public. There were none. Frank Pulver closed the public hearing.

JURISDICTIONAL FINDINGS:

The petitioner has complied with the rules and regulations of the Board of Zoning Appeals in filing appropriate forms and reports.

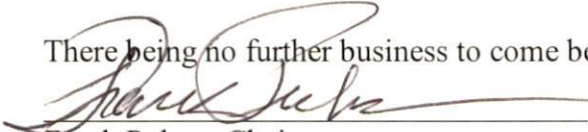
1. Application completed and filed on **November 19, 2021**
2. Legal notice published in The Star on **February 2, 2022** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **November 30, 2021**
5. Letter from the County Highway Department, dated **November 23, 2021**
6. Letter from the Soil & Water Conservation District, dated **November 23, 2021**
7. Letter from the County Surveyor or Drainage Board, dated **November 30, 2021**
8. Letter from the DeKalb County Airport Authority, **not applicable**.

PROPOSED FINDINGS OF FACT:

*These Findings of Fact proposed by staff are based off the knowledge and understanding of the proposed project. If any one of **your** answers is followed by an asterisk, under State Law (IC 36-7-4-918.5) and Section 9.09 G(3) of the DeKalb County Unified Development Ordinance you must deny the request.*

- 1) Will the approval of the variance request be injurious to the public health, safety, morals and general welfare of the community? Yes ()* No (X)
 - a. *The proposed reduction in the lot frontage for the proposed 1 lot Minor Subdivision will not be injurious to the public. The petitioner is requesting enough width for the driveway that will not negatively impact the lot in the future. Also, see DeKalb County Board of Health letter, Highway Dept. letter & County Surveyor letter.*
- 2) Will the use and value of the area adjacent to the property included in the variance request be affected in a substantially adverse manner? Yes ()* No (X)
 - a. *The proposed reduction in lot frontage will not impact the property values negatively.*

There being no further business to come before the board, the meeting was adjourned at 6:25p.m.


Frank Pulver, Chairperson


Alicia Shackelford, Secretary