

# DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

Planning: 260.925.1923 • Building: 260.925.3021 • GIS: 260.927.2356 • Fax: 260.927.4791

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## AGENDA

### DeKalb County Board of Zoning Appeals

Commissioners Court – 2<sup>nd</sup> Floor DeKalb County Court House

**Friday, June 23, 2023**

**8:00 AM**

1. Call to order
2. Roll call
3. Approval of Minutes: April 10, 2023
4. Old Business: None
5. New Business:

Petition #23-04 – Seannan Mettert requesting a Development Standards Variance to allow for the reduction to the side yard setback for an accessory structure. The proposed setback from the east property line will be approximately 20 feet. The required setback is 40 feet. The property is located at 2461 County Road 60, Auburn, Indiana and is zoned AP3, Airport Commercial.

Petition #23-05 – David & Marcee Fisher requesting a Special Exception to allow Dependent Housing for his father in the existing single-family residence on the property. Mr. & Mrs. Fisher will reside in a new single-family residence on the same parcel. The property is located at 3847 County Road 54, Auburn, Indiana and is zoned A2, Agricultural.

Petition #23-06 – Donna Springer requesting a Special Exception to allow Dependent Housing for herself to reside in a mobile home on the property. Mrs. Springer's son will move into the existing single-family residence on the property. The property is located at 3754 County Road 4, Ashley, Indiana and is zoned A2, Agricultural.

6. Reports of Planning Staff, Officers, and/or Committees
7. Comments from Public in attendance
8. Adjournment

Next Meeting: July 10, 2023

**If you cannot attend, please contact Andrea Noll:**

**[Anoll@co.dekalb.in.us](mailto:Anoll@co.dekalb.in.us) | (260) 925-1923**

**\*PLEASE ENTER THROUGH THE NORTH DOOR OF THE  
COURTHOUSE LOCATED ON SEVENTH STREET\***

**\*\*Cellphones, tablets, laptops, & weapons are prohibited\*\***

**MINUTES**  
**DEKALB COUNTY BOARD OF ZONING APPEALS**  
**Monday, April 10, 2023**

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, and Mary Diehl

Members absent: Jeremy Watson, and Rory Walker

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

Public in Attendance: Bridget Ortiz and Dave Hall

**APPROVAL OF MINUTES:**

Motion was made by Jason Carnahan and Seconded by Mary Diehl to approve the Minutes of February 13, 2023 as submitted. Motion carried.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Petition #23-02 – David A. Hall requesting a Development Standards Variance to allow a reduction to the side yard setback for a new accessory structure. The proposed setback from the east property line will be approximately 5 feet. The required setback is 10 feet. The property is located at 6446 County Road 40, Butler, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Andrew Kruse clarified the kind of septic system that is located on the property.

David Hall approached the podium to explain the variance he is requesting.

Frank Pulver asked Mr. Hall if he planned to install a bathroom in the pole building.

He was not. The building was strictly for storage.

Mr. Pulver asked if there were any further questions from members or public. There were none.

Mr. Pulver closed the public hearing.

**JURISDICTIONAL FINDINGS:**

1. Application completed and filed on **March 15, 2023**.
2. Legal notice published in The Star on **March 31, 2023** with the publisher's affidavit and receipt received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 28, 2023**.
5. Letter from the County Highway Department, dated **March 21, 2023**.
6. Letter from the Soil & Water Conservation District, dated **March 21, 2023**.
7. Letter from the County Surveyor or Drainage Board, dated **March 21, 2023**.
8. Letter from the DeKalb County Airport Authority, **not applicable**.

**FINDINGS OF FACT:**

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 will 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 side yard setback will not adversely affect the neighboring properties as the neighboring properties are agricultural and/or single-family homes.*
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 proposed reduction in the side yard setback is needed to allow for the required setback from the septic tanks.*

**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 the side yard setback of 5 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.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS DEVELOPMENT STANDARD VARIANCE, PETITION #23-02 IS HEREBY GRANTED APPROVAL ON THIS 10<sup>TH</sup> DAY OF APRIL, 2023.

Motion made by Jason Carnahan, Seconded by Mary Diehl.

Vote tally: Yes: 3 No: 0

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Frank Pulver

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Mary Diehl

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Jason Carnahan

Petition #23-03 – Bridget & Tony Ortiz requesting a Special Exception to allow Dependent Housing for their son in a one-bedroom apartment in a pole building. The property is located at 1504 County Road 79, Butler, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the Staff Report and indicated that there were 3 letters from the petitioner's son's doctors, which will further explain his situation.

Jason Carnahan asked if this was something they had to revisit every 5 years.

Mr. Gaumer advised that he, as the Zoning Administrator, would look at this petition every 5 years just to confirm that the petitioner's son is still living in their pole barn.

Andrew Kruse articulated that they would need a new doctor's letter every 5 years.

Mr. Gaumer further explained that typically, the BZA approves mobile home-type structures that can be moved off the property when the dependency is no longer needed. Also, it is stated in the Findings that should the dependency no longer be needed, the apartment in the pole barn would not be able to be occupied or rented out for profit.

Bridget Ortiz approached the podium to explain her son's history and why dependent housing would be beneficial.

Frank Pulver verified with Mrs. Ortiz that there is currently no plumbing in the existing pole barn.

Mrs. Ortiz stated that they had Perkins come out to make sure that they will have the proper drop that they need to go from the barn to the septic tank.

Mr. Gaumer included that they had received approval from the Health Department, stating that the Ortiz's septic was designed at the maximum capacity needed for what they are proposing to do.

Mrs. Ortiz clarified that their current home is a 3-bedroom and they went ahead and increased the septic tank size to accommodate a 4-bedroom house, if needed. She also confirmed that their current septic is a mound system.

Mr. Pulver determined there were no further questions or comments from the board or the audience.

Mr. Kruse read the Findings of Fact.

#### **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 **March 27, 2023**.
2. Legal notice published in The Star on **March 31, 2023** and affidavit given to staff and receipt received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 28, 2023**.
5. Letter from the County Highway Department, dated **March 21, 2023**.
6. Letter from the Soil & Water Conservation District, dated **March 21, 2023**.
7. Letter from the County Surveyor or Drainage Board, dated **March 21, 2023**.
8. Letter from the DeKalb County Airport Authority, **not applicable**.

#### **FINDINGS OF FACT:**

1. Is the proposed use consistent with the purpose of the Zoning District and Comprehensive Plan?  
Yes ( X )    No (   )\*  
*The proposal is consistent with the district and Comprehensive Plan. This approval is for Dependent Housing for the petitioner's son. Also, see DeKalb County Board of Health letter, Highway Dept. letter, Soil/Water Conservation District & County Surveyor letter.*

2. Will the approval of this Special Exception request be injurious to the public health, safety, morals and the general welfare of the community? Yes ( ) \* No ( X )  
*The proposal is consistent with the zoning district and Comprehensive Plan and will not be injurious to the surrounding community.*
3. Is the proposed use in harmony with all adjacent land uses? Yes ( X ) No ( ) \*  
*The proposal is harmonious with the surrounding community. The property is residential in use.*
4. Does the proposed use alter the character of the district? Yes ( ) \* No ( X )  
*The proposal is residential in nature which is consistent with the surrounding community.*
5. Does the proposed use substantially impact the property value in an adverse manner?  
Yes ( ) \* No ( X )  
*The proposal is residential in nature and will not impact the property values negatively.*

**Conditions of Approval:**

Staff is recommending approval for dependent child housing for the petitioner's son and recommends the following conditions:

1. The Board retains continuing jurisdiction of this Special Exception to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. No offsite drainage crossing over said real estate should be obstructed by any development on this site.
3. The Special Exception to allow this dependent housing for the petitioner's son is approved.
4. The Special Exception expires in 5 years but may be renewed by the Zoning Administrator as long as all terms of this approval exist.
5. Should there be no additional need for the Dependent Housing, the living quarters can never be rented or occupied for value.
6. Zoning Administrator to determine when conditions have been met.

**Commitments of Approval:**

1. The Special Exception (BZA Case # 23-03) to allow a 1 bedroom living quarters in the Pole Barn is approved by the Board of Zoning Appeals on April 10, 2023. The living quarters can never be rented or occupied for value but may be used for short term stays for family or friends.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS DEVELOPMENT STANDARD VARIANCE, PETITION #23-03 IS HEREBY GRANTED APPROVAL ON THIS 10<sup>TH</sup> DAY OF APRIL, 2023.

Motion made by Mary Diehl, Seconded by Jason Carnahan

Vote tally: Yes: 3 No: 0

\_\_\_\_\_  
Frank Pulver

\_\_\_\_\_  
Mary Diehl

\_\_\_\_\_  
Jason Carnahan

There being no further business to come before the board, the meeting was adjourned at 6:24p.m.

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Frank Pulver, Chairperson

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Andrea Noll, Secretary

DeKalb County Department of Development Services  
Planning, Building & GIS  
301 S. Union St.  
Auburn, IN 46706  
Ph: 260-925-1923  
Fax: 260-927-4791

FOR OFFICE USE ONLY:

File Number: 04/28/2013

Date Application Filed: 23-04

Fee Paid: pd. \$200

CC 6880565

**Application for DEVELOPMENT STANDARDS VARIANCE**  
**(Section 9.09)**

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

**APPLICANT INFORMATION**

Applicant's Name: SEANNAN METTERT  
Address: 2461 County Road 60  
Auburn, IN 46706  
Telephone Number: 260-908-5468 E-Mail: spmettert@gmail.com

**OWNER INFORMATION (if different from applicant information)**

Owner's Name: same as above  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**REPRESENTATIVE INFORMATION (if different from applicant information)**

Representative: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Legal Ad Payment & Public Hearing Notifications: Applicant\_\_\_ Owner\_\_\_ Representative\_\_\_

Zoning Classification of Property: AP3

Overlay District of Property (if applicable): ACS

Address or common description of property:

2461 CR 60  
Auburn, IN 46706

Legal description of property affected (or provide property deed):

See deed

What Development Standard are you seeking a variance for (setback, height, parking, etc.) and how to what extent (acreage, square footage, distance, number of lots, etc) BE SPECIFIC:

Detached Garage Construction 20' from East  
Property line and 93' from Center of  
Road @ front of property



**Standards of Zoning Ordinance requesting Variance from Developmental Standards from  
(Zoning Section Number and/or Specific Section from Article 5):**

AP3 Setbacks

**The Applicant must answer the following questions and be able to establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA.**

- A. Will the approval of this variance request be injurious to the public health, safety, morals, and the general welfare of the community?

Yes ( ) No (☒) Why? Explain below:

GARAGE will be for Personal Storage

- B. Will the use and value of the area adjacent to the property included in the variance request be affected in a substantially adverse manner if the petition is approved?

Yes ( ) No (☒) Why? Explain below:

Improvements will increase neighborhood Values

- C. Will the strict application of the terms of the Unified Development Ordinance result in practical difficulties in the use of the property involved in the petition?

Yes (☒) No ( ) Why? Explain below:

Garage would Be forced onto existing Driveway  
AND Partially against the existing house, If  
Observing required Setbacks.

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct. I also give permission for the Zoning Administrator to enter onto the petitioned property for inspections and take photos for the public hearing.

Applicant's Signature: \_\_\_\_\_

(If signed by representative for applicant, state capacity)



*This Staff Report is prepared by the DeKalb County Department of Development Services to provide information to the Board of Zoning Appeals to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.*

**SUMMARY FACTS:**

**APPLICANT:** Seannan Mettert  
**SUBJECT SITE:** 2461 County Road 60, Auburn  
**REQUEST:** Development Standards Variance  
**PURPOSE:** To allow a reduction to the side yard setback for a new accessory structure  
**EXISTING ZONING:** AP3, Airport Commercial  
**SURROUNDING LAND** North: Single Family Residence (A2)  
**USES AND ZONING:** South: Single Family Residence (AP3)  
East: Single Family Residence (AP3)  
West: Single Family Residence (AP3)

**ANALYSIS:**

*UDO Standards: AP3 Zoning District*

*Minimum Side Yard Setback: 40 feet for primary structures*

- The petitioner is requesting to add a garage to the east side of the property and will be 40 feet long and 24 feet wide.
- The proposed garage will be 20 feet from the side yard property line. Thus, requested a Development Standards Variance for 20 feet.

**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 **April 28, 2023**
2. Legal notice published in The Star on **June 2, 2023** with the publisher's affidavit and receipt received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **May 16, 2023**
5. Letter from the County Highway Department, dated **April 28, 2023**
6. Letter from the Soil & Water Conservation District, dated **April 28, 2023**
7. Letter from the County Surveyor or Drainage Board, dated **May 5, 2023**
8. Letter from the DeKalb County Airport Authority, dated **May 31, 2023**.

**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 & Airport Authority 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 side yard setback not adversely affect the neighboring properties as the neighboring properties are single-family homes.*
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 proposed reduction in the side yard setback is needed due to the existing driveway location.*

**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 the side yard setback of 20 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.







DeKalb County Department of Development Services  
Planning, Building & GIS  
301 S. Union St.  
Auburn, IN 46706  
Ph: 260-925-1923  
Fax: 260-927-4791

FOR OFFICE USE ONLY:  
File Number: 23-05  
Date Application Filed: 5/2/2023  
Fee Paid: 150.00  
4836

### Application for SPECIAL EXCEPTION (Section 9.20)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

#### APPLICANT INFORMATION

Applicant's Name: David + Marcee Fisher  
Address: 3847 CR 54 Auburn IN 46706  
Telephone Number: 260-927-5103 E-Mail: dave4hunting@yahoo.com

#### OWNER INFORMATION (if different from applicant information)

Owner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

#### REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Legal Ad Payment & Public Hearing Notifications: Applicant ☒ Owner ☐ Representative ☐

Zoning Classification of Property: Agricultural

Overlay District of Property (if applicable): \_\_\_\_\_

Address or common description of property:

3847 CR 54 Auburn IN 46706

Legal description of property affected (or provide property deed):

See deed

Describe the Use that you are requesting a Special Exception for:

Elderly parent to move into existing house so care is close  
parent has multiple health issues.

**Please provide the following information to the best of your ability if it pertains to your petition to the BZA.**

**A. Lighting (if any):**

1. Style: \_\_\_\_\_
2. Height: \_\_\_\_\_
3. Location: \_\_\_\_\_

**B. Signage (if any):**

1. Dimensions: \_\_\_\_\_
2. Materials: \_\_\_\_\_
3. Placement: \_\_\_\_\_
4. Lighting: \_\_\_\_\_

**C. Hours of Operation (if any):**

\_\_\_\_\_  
\_\_\_\_\_

**D. Parking/Access (if any):**

\_\_\_\_\_  
\_\_\_\_\_

**Parking Classification (office use only)** \_\_\_\_\_

**E. Landscaping/Buffer yards (if any):**

\_\_\_\_\_  
\_\_\_\_\_

**Bufferyard Classification (office use only)** \_\_\_\_\_

**F. Number of Employees (if any):** \_\_\_\_\_

**The Applicant must address the following questions and be able to establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA.**

- A. Is the proposed use consistent with the purpose of the zoning district and Comprehensive Plan?

Yes (✓) No ( ) Why? Explain below:

Already an existing house

- B. Will the approval of this Special Exception request be injurious to the public health, safety, morals, and the general welfare of the community?

Yes ( ) No (✓) Why? Explain below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- C. Is the proposed use in harmony with all adjacent land uses?

Yes (✓) No ( ) Why? Explain below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



D. Does the proposed use alter the character of the district?

Yes ( ) No (☒) Why? Explain below:

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E. Does the proposed use substantially impact the property value in an adverse manner?

Yes ( ) No (☒) Why? Explain below:

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By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct. I also give permission for the Zoning Administrator to enter onto the petitioned property for inspections and take photos for the public hearing.

Applicant's Signature: David Fisher Marcee M. Fisher

(If signed by representative for applicant, state capacity)

*This staff report is prepared by the DeKalb County Department of Development Services to provide information to the Board of Zoning Appeals to assist them in making a decision on this application. It may also be useful to members of the public interested in this application.*

**SUMMARY FACTS:**

**PETITIONER:** David & Marcee Fisher  
**SUBJECT SITE:** 3847 County Road 54, Auburn  
**REQUEST:** Special Exception  
**PURPOSE:** To allow for dependent housing for father  
**EXISTING ZONING:** A2, Agricultural  
**SURROUNDING LAND** North: Farm ground (A2)  
**USES AND ZONING:** South: Farm ground (A2)  
East: Farm ground (A2)  
West: Farm ground (A2)

**ANALYSIS:**

In the A2, Agricultural Zoning District, Dependent Housing is permitted by Special Exception approval from the Board of Zoning Appeals.

***5.09 DH-01: Dependent Housing; General***

*This Dependent Housing Standards section applies to the following zoning districts or districts approved for Dependent Housing:*

*The following dependent housing standards apply:*

- A. An application for a Special Exception for Dependent Housing, as defined, shall be filed with the DeKalb County Board of Zoning Appeals.*
  - B. A letter addressed to the DeKalb County Board of Zoning Appeals shall be submitted with the Special Exception Application from the doctor of which the dependent housing is for explaining the need for the dependent to live in close proximity to the property owner.*
  - C. Dependent Housing is deemed temporary:*
    - 1. Initial approval shall be given by the Board of Zoning Appeals and shall not exceed five (5) years.*
    - 2. If an extension is needed, it may be approved by the Zoning Administrator. A new doctor's letter for the extension is required. If there is a dispute, it shall be referred to the BZA.*
    - 3. The Zoning Administrator has the right to request information of said dependent at any time for compliance with the UDO. If the dependency no longer exists the Zoning Administrator shall require the property owner to have the dependent residence removed from the real estate.*
  - D. Dependent Housing shall meet all setbacks standards for Primary Structures.*
- This petition is to allow for Dependent Housing for the petitioner's father, Mike Fisher, who needs assistance with everyday duties such as cooking, driving, caring for home and yardwork. See note from Dr. Chapman-Smith, M.D.
  - The proposal is that Mike Fisher, the father, will reside in the existing residence on the parcel and Mr. & Mrs. Fisher will reside in a new single-family residence on the same parcel. The proposed location of the new residence meets all requirements & has received preliminary approval from all applicable County Departments.
  - When the dependent housing is no longer needed, the existing residence will be demolished.



## **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 **May 2, 2023**
2. Legal notice published in The Star on **June 2, 2023** and affidavit given to staff and receipt received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **May 31, 2023**
5. Letter from the County Highway Department, dated **May 2, 2023**
6. Letter from the Soil & Water Conservation District, dated **May 3, 2023**
7. Letter from the County Surveyor or Drainage Board, dated **May 8, 2023**
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. Is the proposed use consistent with the purpose of the Zoning District and Comprehensive Plan?  
Yes ( ☒ ) No ( ☐ )\*  
*The proposal is consistent with the district and Comprehensive Plan. This approval is for Dependent Housing for the petitioner's father. Also, see DeKalb County Board of Health letter, Highway Dept. letter, Soil/Water Conservation District & County Surveyor letter. When the dependent housing is no longer needed, the home will be demolished.*
2. Will the approval of this Special Exception request be injurious to the public health, safety, morals and the general welfare of the community? Yes ( ☐ ) \* No ( ☒ )  
*The proposal is consistent with the zoning district and Comprehensive Plan and will not be injurious to the surrounding community. When the dependent housing is no longer needed, the home will be demolished.*
3. Is the proposed use in harmony with all adjacent land uses? Yes ( ☒ ) No ( ☐ )\*  
*The proposal is harmonious with the surrounding community. The property is residential in use.*
4. Does the proposed use alter the character of the district? Yes ( ☐ ) \* No ( ☒ )  
*The proposal is residential in nature which is consistent with the surrounding community. When the dependent housing is no longer needed, the home will be demolished.*
5. Does the proposed use substantially impact the property value in an adverse manner?  
Yes ( ☐ ) \* No ( ☒ )  
*The proposal is residential in nature and will not impact the property values negatively. When the dependent housing is no longer needed, the home will be demolished.*

## **PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

### **Conditions of Approval:**

Staff is recommending approval for dependent parent housing and recommends the following conditions:

1. The Board retains continuing jurisdiction of this Special Exception to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. No offsite drainage crossing over said real estate should be obstructed by any development on this site.
3. The Special Exception to allow this dependent housing for the petitioner's father is approved.

4. The Special Exception expires in 5 years but may be renewed by the Zoning Administrator as long as all terms of this approval exist.
5. When the dependent housing is no longer needed, the existing home will be demolished.
6. 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 by the petitioner.

The following commitment should be approved and recorded so title companies and appraisers can search for and find the approval of the living quarters.

- The Special Exception (BZA Case # 23-05) to allow the petitioners father, Mike Fisher, to reside in the existing single-family residence on the parcel and Mr. & Mrs. Fisher will reside in a new single-family residence on the same parcel is approved by the Board of Zoning Appeals on June 12, 2023. When the dependent housing is no longer needed, the existing home will be demolished.



: Existing Home to be used for Dependent Housing (Mike Fisher)



: New Home to be used by David & Marcee Fisher (son and daughter-in-law)

DeKalb County Department of Development Services  
Planning, Building & GIS  
301 S. Union St.  
Auburn, IN 46706  
Ph: 260-925-1923  
Fax: 260-927-4791

FOR OFFICE USE ONLY:  
File Number: 23-06  
Date Application Filed: 5/6/2023  
Fee Paid: 150.00  
OK #1205

### Application for SPECIAL EXCEPTION (Section 9.20)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

#### APPLICANT INFORMATION

Applicant's Name: DONNA Springer  
Address: 3754 CO. RD. 4  
ASHLEY, IN. 46705  
Telephone Number: 260-316-9061 E-Mail: STACEY Springer 61@gmail.com

#### OWNER INFORMATION (if different from applicant information)

Owner's Name: Same  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

#### REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Legal Ad Payment & Public Hearing Notifications: Applicant\_\_\_ Owner\_\_\_ Representative\_\_\_

Zoning Classification of Property: A2

Overlay District of Property (if applicable): —

Address or common description of property:

3754 CO. Rd 4  
ASHLEY, IN. 46705

Legal description of property affected (or provide property deed):

NE 1/4 NW 1/4 Section 10 Twp 35 Range 13 Acres 3.25

Describe the Use that you are requesting a Special Exception for:

Temporary housing for elderly on property (mother)



Please provide the following information to the best of your ability if it pertains to your petition to the BZA.

**A. Lighting (if any):**

1. Style: \_\_\_\_\_
2. Height: \_\_\_\_\_
3. Location: \_\_\_\_\_

**B. Signage (if any):**

1. Dimensions: \_\_\_\_\_
2. Materials: \_\_\_\_\_
3. Placement: \_\_\_\_\_
4. Lighting: \_\_\_\_\_

**C. Hours of Operation (if any):**

\_\_\_\_\_

**D. Parking/Access (if any):**

\_\_\_\_\_

**Parking Classification (office use only)** \_\_\_\_\_

**E. Landscaping/Buffer yards (if any):**

\_\_\_\_\_

**Bufferyard Classification (office use only)** \_\_\_\_\_

**F. Number of Employees (if any):** \_\_\_\_\_

The Applicant must address the following questions and be able to establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA.

- A. Is the proposed use consistent with the purpose of the zoning district and Comprehensive Plan?

Yes ( ☒ ) No ( ☐ ) Why? Explain below:

*Allow help with property, mowing, up-keep, day to day actively.*

- B. Will the approval of this Special Exception request be injurious to the public health, safety, morals, and the general welfare of the community?

Yes ( ☐ ) No ( ☒ ) Why? Explain below:

*It will not affect our neighbors or community because of distances*

- C. Is the proposed use in harmony with all adjacent land uses?

Yes ( ☒ ) No ( ☐ ) Why? Explain below:

*It is okay to have owners to other property. They agree with it.*

D. Does the proposed use alter the character of the district?

Yes ( ) No (X) Why? Explain below:

*we are going to put it on concrete already there.*

E. Does the proposed use substantially impact the property value in an adverse manner?

Yes ( ) No (X) Why? Explain below:

*the value of the land is already there,*

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct. I also give permission for the Zoning Administrator to enter onto the petitioned property for inspections and take photos for the public hearing.

Applicant's Signature:

*Ronna Spriggs*

(If signed by representative for applicant, state capacity)

**DEKALB COUNTY BOARD OF ZONING APPEALS CASE NUMBER:****23-06**

*This staff report is prepared by the DeKalb County Department of Development Services to provide information to the Board of Zoning Appeals to assist them in making a decision on this application. It may also be useful to members of the public interested in this application.*

**SUMMARY FACTS:**

**PETITIONER:** Donna Springer  
**SUBJECT SITE:** 3754 County Road 4, Ashley  
**REQUEST:** Special Exception  
**PURPOSE:** To allow for dependent housing for herself  
**EXISTING ZONING:** A2, Agricultural  
**SURROUNDING LAND** North: Farm ground (A2)  
**USES AND ZONING:** South: Farm ground (A2)  
East: Farm ground (A2)  
West: Farm ground (A2)

**ANALYSIS:**

In the A2, Agricultural Zoning District, Dependent Housing is permitted by Special Exception approval from the Board of Zoning Appeals.

***5.09 DH-01: Dependent Housing; General***

*This Dependent Housing Standards section applies to the following zoning districts or districts approved for Dependent Housing:*

*The following dependent housing standards apply:*

- A. An application for a Special Exception for Dependent Housing, as defined, shall be filed with the DeKalb County Board of Zoning Appeals.*
- B. A letter addressed to the DeKalb County Board of Zoning Appeals shall be submitted with the Special Exception Application from the doctor of which the dependent housing is for explaining the need for the dependent to live in close proximity to the property owner.*
- C. Dependent Housing is deemed temporary:*
  - 1. Initial approval shall be given by the Board of Zoning Appeals and shall not exceed five (5) years.*
  - 2. If an extension is needed, it may be approved by the Zoning Administrator. A new doctor's letter for the extension is required. If there is a dispute, it shall be referred to the BZA.*
  - 3. The Zoning Administrator has the right to request information of said dependent at any time for compliance with the UDO. If the dependency no longer exists the Zoning Administrator shall require the property owner to have the dependent residence removed from the real estate.*
- D. Dependent Housing shall meet all setbacks standards for Primary Structures.*

- This petition is to allow for Dependent Housing for the petitioner. Ms. Springer needs assistance maintaining her home, yardwork, etc. See note from Dr. Smith, M.D.
- The proposal is that Ms. Springer will reside in a mobile home to be moved onto the property and her son will reside in the existing residence on the parcel. The proposed location of the new residence meets all requirements & has received preliminary approval from all applicable County Departments.
- When the dependent housing is no longer needed, the mobile home will be removed.



## **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 **May 8, 2023**
2. Legal notice published in The Star on **June 2, 2023** and affidavit given to staff and receipt received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated \_\_\_\_\_
5. Letter from the County Highway Department, dated **May 8, 2023**
6. Letter from the Soil & Water Conservation District, dated **May 8, 2023**
7. Letter from the County Surveyor or Drainage Board, dated **May 8, 2023**
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. Is the proposed use consistent with the purpose of the Zoning District and Comprehensive Plan?  
Yes ( ☒ ) No ( ☐ )\*  
*The proposal is consistent with the district and Comprehensive Plan. This approval is for Dependent Housing for the petitioner. Also, see DeKalb County Board of Health letter, Highway Dept. letter, Soil/Water Conservation District & County Surveyor letter. When the dependent housing is no longer needed, the mobile home will be removed.*
2. Will the approval of this Special Exception request be injurious to the public health, safety, morals and the general welfare of the community? Yes ( ☐ ) \* No ( ☒ )  
*The proposal is consistent with the zoning district and Comprehensive Plan and will not be injurious to the surrounding community. When the dependent housing is no longer needed, the mobile home will be removed.*
3. Is the proposed use in harmony with all adjacent land uses? Yes ( ☒ ) No ( ☐ )\*  
*The proposal is harmonious with the surrounding community. The property is residential in use.*
4. Does the proposed use alter the character of the district? Yes ( ☐ ) \* No ( ☒ )  
*The proposal is residential in nature which is consistent with the surrounding community. When the dependent housing is no longer needed, the mobile home will be removed.*
5. Does the proposed use substantially impact the property value in an adverse manner?  
Yes ( ☐ ) \* No ( ☒ )  
*The proposal is residential in nature and will not impact the property values negatively. When the dependent housing is no longer needed, the mobile home will be removed.*

## **PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

### **Conditions of Approval:**

Staff is recommending approval for dependent parent housing and recommends the following conditions:

1. The Board retains continuing jurisdiction of this Special Exception to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. No offsite drainage crossing over said real estate should be obstructed by any development on this site.
3. The Special Exception to allow this dependent housing for the petitioner is approved.

4. The Special Exception expires in 5 years but may be renewed by the Zoning Administrator as long as all terms of this approval exist.
5. When the dependent housing is no longer needed, the mobile home will be removed.
6. 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 by the petitioner.

The following commitment should be approved and recorded so title companies and appraisers can search for and find the approval of the living quarters.

- The Special Exception (BZA Case # 23-06) to allow the petitioner, Donna Springer, to reside in a mobile home on the parcel and her son will reside in the existing single family residence on the same parcel is approved by the Board of Zoning Appeals on June 12, 2023. When the dependent housing is no longer needed, the mobile home will be removed.



