

MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Friday, June 23, 2023

A Meeting of the DeKalb County Board of Zoning Appeals was called to order at 8:01 a.m. in the Commissioner's Court of the DeKalb County Courthouse by Chairperson, Frank Pulver.

ROLL CALL:

Members present: Frank Pulver, Jason Carnahan, Jeremy Watson, and Rory Walker

Members absent: Mary Diehl

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

Public in Attendance: Donna Springer, Brad & Stacey Springer, David Fisher, and Seannan Mettert

APPROVAL OF MINUTES:

Motion was made by Jason Carnahan and Seconded by Jeremy Watson to approve the Minutes of April 10, 2023 as submitted. None opposed. Motion carried.

OLD BUSINESS:

None

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.

Chris Gaumer read the Staff Report, then asked if there were any questions.

Frank Pulver asked if the petitioner has anything he wanted to add. There was not.

Mr. Pulver asked if there was anyone in the audience who was for or against the petition. There was not. Then, Mr. Pulver inquired about the location and size of the proposed garage.

Mr. Gaumer confirmed the location of the proposed garage was marked on the aerial map in red, and the size will be 24x40 feet.

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

Andrew Kruse went through the Findings with the board.

JURISDICTIONAL FINDINGS:

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**.

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, & 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 will 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.

Conditions of Approval:


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.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS DEVELOPMENT STANDARD VARIANCE, PETITION #23-04, IS HEREBY GRANTED APPROVAL ON THIS 23RD DAY OF JUNE, 2023.

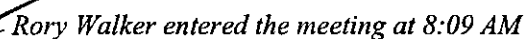
Motion made by Jeremy Watson, Seconded by Jason Carnahan.

Vote tally: Yes: 3 No: 0


Frank Pulver


Jeremy Watson


Jason Carnahan


Rory Walker entered the meeting at 8:09 AM

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.

Chris Gaumer read the Staff Report, then asked if there were any questions.

Frank Pulver inquired about the proposed new residence, where David & Marcee Fisher will reside.

Mr. Gaumer responded that the petitioners are proposing to build a new stick-built house. He added that once the dependent housing is no longer needed, they would demolish the existing house so then it would be brought into compliance with the standards.

Mr. Pulver asked the petitioner if he had anything to add. He did not.

Mr. Pulver asked if the new house would be attached to the existing building.

David Fisher approached the podium and explained that the new home will be attached to the existing detached garage. He also stated that the new residence will be a modular home.

Mr. Gaumer clarified to the board that the new home will be a modular, not a mobile home like we typically do for dependent housing.

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

Andrew Kruse went through the Findings with the board.

JURISDICTIONAL FINDINGS:

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**.

FINDINGS OF FACT:

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 (X)

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.

Conditions of Approval:

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:

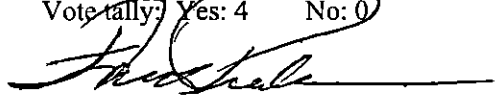
The following commitment should be approved and recorded so title companies and appraisers can search for and find the approval of the living quarters.

1. The Special Exception (BZA Case # 23-05) to allow the petitioner's 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 23, 2023. When the dependent housing is no longer needed, the existing home will be demolished.

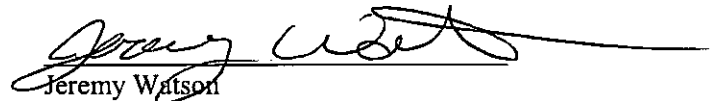
IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS SPECIAL EXCEPTION, PETITION #23-05, IS HEREBY GRANTED APPROVAL ON THIS 23RD DAY OF JUNE, 2023.

Motion made by Jeremy Watson, Seconded by Jason Carnahan


Vote tally: Yes: 4 No: 0



Frank Pulver



Jeremy Watson



Jason Carnahan



Rory Walker

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.

Chris Gaumer read the Staff Report and indicated that there was a letter from the petitioner's doctor.

Mr. Gaumer stated that he received a Conditional Letter of Approval from the Health Department on June 21, 2023 and read it to the board. He added that they did have some difficulty looking for a potential septic site, because of the age of the home and the existing septic.

The petitioner's son, Brad Springer, approached the podium to explain the events on site with Cathy Manuel from the Health Department.

Mr. Gaumer had Mr. Springer clarify that they are hooking the mobile home into the new septic with the existing home.

Mr. Springer stated that Mrs. Manual came out to do the soil samples and finally found a septic site. So, now it's just in their hands, getting the tests back and everything from there.

Mr. Gaumer clarified with Mr. Springer that the purpose for the new septic was to tie in the existing home, as well as the mobile home to be in the same septic system.

Frank Pulver clarified with Mr. Springer, that the new septic will be located somewhere between the existing house and the proposed mobile home.

Mr. Springer advised that he has already talked to the contractor who will be installing the new septic system, and is just waiting on paperwork in order to move forward with it.

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

Andrew Kruse went through the Findings with the board.

JURISDICTIONAL FINDINGS:

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 **June 21, 2023**.
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**.

FINDINGS OF FACT:

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 (X)

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.

Conditions of Approval:

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.
7. The DeKalb County Health Department requires that a solution for the wastewater treatment plan for the existing residence be resolved before any other permit for the temporary housing be issued for the property. All application procedures and minimum requirements must be completed before a permit for an onsite sewage system from the DeKalb County Health Department can be issued.

Commitments of Approval:

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

1. 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 April 10, 2023. When the dependent housing is no longer needed, the mobile home will be removed.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS SPECIAL EXCEPTION, PETITION #23-06, IS HEREBY GRANTED APPROVAL ON THIS 23RD DAY OF JUNE, 2023.

Motion made by Rory Walker, Seconded by Jeremy Watson

Vote tally: Yes: 4 No: 0



Frank Pulver



Jeremy Watson



Jason Carnahan



Rory Walker

There being no further business to come before the board, the meeting was adjourned at 8:30 a.m.



Frank Pulver, Chairperson



Andrea Noll, Secretary