

MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Monday, October 14, 2024

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, Rory Walker, and Andrew Provines.

Members absent: Mary Diehl

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

Public in Attendance: Jeff Morr, Margaret Morr, and Will Spangler.

APPROVAL OF MINUTES:

Motion was made by Jason Carnahan and Seconded by Andrew Provines to approve the Minutes of July 8, 2024 as submitted. None opposed. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

Petition #24-10 – Jeff & Michelle Morr requesting a Special Exception to allow Dependent Housing for herself & her husband to reside in a mobile home on the property with her daughter & son-in-law. The property is located at 4961 County Road 47, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the proposed petition and staff report stating why the proposed special exception for dependent housing is needed. He added that the physician letters are provided in the packet. He stated that if the board has any questions the petitioners are here to answer them.

Andrew Provines asked if the petitioner could approach the podium. He asked at what point would the dependent housing be taken away.

Margaret Morr approached the podium stating that it would be removed as soon as her mother passed away or would need extensive care and must go to a nursing home.

Frank Pulver asked if there were any further questions from the board or for the petitioner. Mr. Pulver asked if there currently was a mobile home located on the property.

Margaret Morr stated that we are currently planning to have the home moved in once we get the okay to do so.

Rory Walker questioned if the Health Department approved the existing septic.

Jeff Morr stated that a new one had to be constructed, and it has been approved. We are just waiting to see if this will be approved to start construction.

Mr. Pulver asked if it will have its own septic system. Mr. Morr said yes.

Mr. Kruse went through the Findings of Fact for this petition with the board.

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 **August 28, 2024**
2. Legal notice published in The Star on **October 3, 2024** 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 **September 25, 2024**
5. Letter from the County Highway Department, dated **August 28, 2024**
6. Letter from the Soil & Water Conservation District, dated **August 29, 2024**
7. Letter from the County Surveyor or Drainage Board, dated **August 28, 2024**
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 (☒)
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:

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.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS SPECIAL EXCEPTION PETITION #24-10 IS HEREBY APPROVED WITH CONDITIONS ON THIS 14TH DAY OF OCTOBER 2024.

Motion made by Andrew Provines, Seconded by Jason Carnahan

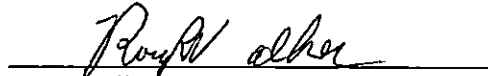
Vote tally: Yes: 4 No: 0



Frank Pulver



Jason Carnahan



Rory Walker



Andrew Provines

Further discussion from Board of Zoning Appeals:

Mr. Provines questioned if finding number five was worded correctly. He stated that it seems like it's stating impact to the property that it's happening on.

Mr. Gaumer stated that these conditions are adopted through the state statute. He stated that findings of fact can be added you just can't remove them.

Mr. Kruse stated that he understood that it doesn't negatively affect the values in the area.

Mr. Pulver stated that he was concerned with a mobile home being located on their property. He addressed that mobile homes are only allowed in a mobile home park in the county. This is why a special exception is needed.

Mr. Provines added that he had spoken with a guy who currently owns a mobile home in the county. He asked if there was a process for him to be able to replace his home.

Mr. Gaumer stated that he would have to approach the BZA and see if this is something to be approved. He would need to prove a practical difficulty as to why a mobile home is needed.

Mr. Pulver stated that we had discussed this before and we can put an age limit on a mobile home that's being built.

Mr. Provines addressed that his reasoning was if we should continue to have these old mobile homes fall apart or have someone put a brand new one in that looks pretty good.

Mr. Gaumer stated that the ordinance currently only allows mobile homes in a designated mobile home park.

REPORTS OF PLANNING STAFF, OFFICERS, OR COMMITTEES

None

COMMENTS FROM PUBLIC IN ATTENDANCE

None

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 6:15 p.m.



Frank Pulver, Chairperson



Meredith Reith, Secretary