

MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Monday January 8, 2018

The Regular 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 Chairman Ruth McNabb.

ROLL CALL:

Members present: Matt Bechdol, Timothy Griffin, Frank Pulver, James Stahl and Ruth McNabb

Members absent: None

Staff Present: BZA Attorney David Kruse, Director/Zoning Administrator Chris Gaumer, Assistant Director Dawn Mason and BZA Secretary Caeli Hixson

Public in Attendance: Rick Gerke, Jody Gerke, Linda Christleb, James Merkel, Virginia Shipe, James D Sowards and Jim Dingman

WELCOME NEW MEMBER: Frank Pulver

ELECTION OF OFFICERS:

- Chairman – Ruth McNabb
- Vice Chairman – James Stahl
- Secretary – Caeli Hixson

Motion was made by Tim Griffin and seconded by Matt Bechdol to elect the Officers as shown. Motion carried.

APPROVAL OF MINUTES:

Motion was made by Matt Bechdol and seconded by Tim Griffin to approve the minutes from November 13, 2017. Motion carried.

OLD BUSINESS:

Rules – Final Vote

Mr. Gaumer stated that the major change were the meeting dates. Having a schedule for monthly BZA meetings instead of every other month unless there is nothing to bring forward but it gives the option, if needed.

Mr. Bechdol asked if there needed to be a schedule or statement that states when the meeting can be cancelled.

Mr. Gaumer said that if there is nothing to bring forward the Secretary will send out a notice that there is no meeting.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT RULES ARE HEREBY GRANTED APPROVAL ON THIS 8TH DAY OF JANUARY, 2018.

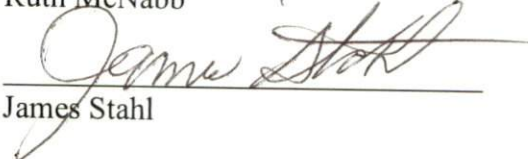
James Stahl made motion to approve the Rules, seconded by Matt Bechdol.

Vote tally: Yes: 5

No:


 Matt Bechdol


 Ruth McNabb


 James Stahl


 Tim Griffin


 Frank Pulver
NEW BUSINESS:

For the information of the members of the public, Chairman Ruth McNabb introduced the members of the Board and Staff and explained the process of the hearings.

A public hearing was conducted pursuant to proper legal notice.

Petition #18-01 - Anthony & Lori Moore - Heidrich requesting a Use Variance to allow for a day retreat/ministry/chapel. The property is located at 5757 County Road 64, Spencerville, Indiana and is zoned A2, Agricultural.

Mrs. McNabb read a letter from Mr. and Mrs. Heidrich requesting a continuance due to hold ups with their septic.


IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT PETITION #18-01 IS HEREBY CONTINUED ON THIS 8TH DAY OF JANUARY, 2018.

Tim Griffin made motion to continue Petition# 18-01, seconded by James Stahl.

Vote tally: Yes: 5

No:


 Matt Bechdol


 Ruth McNabb


 James Stahl


 Tim Griffin


 Frank Pulver

Petition #18-02 – Virginia Shipe requesting a Development Standards Variance to allow for a mobile home to be placed on the property. The property is located at 4710 County Road 64, Spencerville, Indiana and is zoned A2, Agricultural.

Mr. Gaumer stated that the petitioners are requesting to place a mobile home on the property however, mobile homes are only permitted in mobile home parks. There was a mobile home permitted in 1989 but has since been removed. Mr. Gaumer stated that he had a discussion with the Plan Commission about mobile homes being located in the county and the reason that they are not permitted in all Residential Zoning Districts is due to the fact of the ability to track them

for taxing purposes. He asked the Plan Commission if they wanted to revise the UDO to allow them and they did not.

Mr. Gaumer recommends denial.

Virginia Shipe stated that she wanted to replace the mobile home that had been on the property previously but that had burned down. She was unaware that mobile homes were not permitted in the county other than in mobile home parks.

Mr. Kruse asked when the other mobile home burned down.

Mrs. Shipe said it was October 19, 2015.

Mr. Kruse asked who had owned that mobile home.

Mrs. Shipe said her father had owned it and that he also owns the property.

Mr. Kruse asked if he had authorized her to put a new mobile home on the property.

Mr. Gaumer stated that there was a letter consenting for Mrs. Shipe to put the mobile home on the property from her father in the packet.

Mrs. McNabb asked if she owns the mobile home.

Mrs. Shipe said that it is a rent to own.

Mrs. McNabb asked where it was located at now.

Mrs. Shipe said it was in Auburn Mobile Homes Park and that it has been court ordered to be moved.

Mr. Kruse asked why it was court ordered to be moved.

Mrs. Shipe said that the people she is buying it from never sent in an application for them to be in the Park so they had to be evicted.

Mr. Kruse asked if it could be remedied by getting their own lease.

Mrs. Shipe said they tried that and it was denied.

Mr. Griffin asked if the place that burned down was a mobile home or a modular home.

Mrs. Shipe said it was a double-wide.

Mr. Stahl asked if anyone lived in the camper that is shown in one of the pictures provided in the staff report.

Mrs. Shipe said that the camper is for security purposes because there has been vandalism and missing items at the property.

Mr. Kruse stated that he agrees with Mr. Gaumer that a mobile home must be in a mobile home park. There is a zone for mobile homes and that you cannot change a zone district without going through rezoning.

Mr. Gaumer stated that he has a letter from a neighbor to read in.

The letter was in favor of denial for the mobile home.

Mrs. McNabb asked if there were any comments from the audience.

James Merkel stated that he is an adjacent land owner and he does not want a mobile home on the property because it will decrease surrounding property values. He submitted two documents to the Board. One was an aerial photo of the property showing a substantial amount of debris on the property.

Mrs. Mason asked when this picture was taken.

Mr. Merkel said it was taken in September of 2017.

Jim Dingman stated that he does not want a trailer there because it will decrease property values. He said that the rules have been established that there are to be no mobile homes except for in mobile home parks and the rules should be abided by.

Mr. Gerke stated that he is concerned about opening the door to allowing mobile homes out in the county. They do not want the mobile home because it decreases value and because of the junk that is already on the property, they do not want more to accumulate.

Mr. Pulver asked Mrs. Shipe if she investigated before she purchased the mobile home.

Mrs. Shipe said no, she had just been through a house fire and was looking for a new home. She said that she has spent the last year cleaning up the mess on the property.

Mr. Kruse said that Mr. Merkel submitted a list of court cases against Mrs. Shipe's husband, Eric Shipe.

Mrs. Shipe asked what this would have to do with her moving the mobile home.

Mr. Kruse said that these infractions can be considered as to the character of the person who might be maintaining the property.

Mr. Dingman was concerned with the condition of septic and the water well.

Mr. Gaumer said that the septic is handled by the Health Department and that permits would not be issued without the approval from the Health Department first. The well would also need to be addressed through the Health Department.

Mrs. McNabb asked if there were any other questions from the audience.

There were none.

Mrs. McNabb 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 **12/7/17**
2. Legal notice published in The Star on **12/21/17** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff. **YES**
4. Letter from the County Board of Health, dated **12/15/17**
5. Letter from the County Highway Department, dated **12/14/17**
6. Letter from the County Surveyor or Drainage Board, dated **12/22/17**
7. Letter from the County Soil/Water Conservation District, dated **12/15/17**
8. Airport Board report, if applicable **N/A**

FINDINGS OF FACT - UDO REQUIREMENTS:

1. **Will the approval of the variance request be injurious to the public health, safety, morals and general welfare of the community?** Yes (☒) * No (☐)

It would affect the general welfare of the community. Mobile homes are only allowed in mobile home parks and the condition of the property in the past.

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 (☐)

It is not zoned for mobile homes. Variance for a mobile home would substantially affect adjacent property values.

3. **Will the strict application of the terms of the Unified Development Ordinance result in practical difficulties in the use of the property?** Yes (☐) No (☒) *

Self-created conflict due to lack of due diligence. Other remedies exist.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS DEVELOPMENT STANDARDS VARIANCE, PETITION #18-02 IS HEREBY DENIED ON THIS 8TH DAY OF JANUARY, 2018.

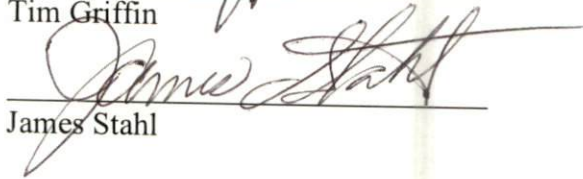
Matt Bechdol made motion to deny Petition #18-02, seconded by James Stahl.

Vote tally: Yes: 5 No:


Matt Bechdol


Tim Griffin


Frank Pulver


James Stahl


Ruth McNabb

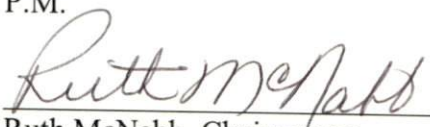
REPORTS OF PLANNING STAFF, OFFICERS AND/OR COMMITTEES:

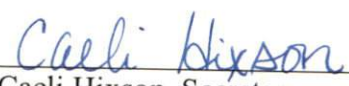
None

COMMUNICATIONS:

None

There being no further business to come before the board, the meeting was adjourned at 6:42 P.M.


Ruth McNabb, Chairperson


Caeli Hixson, Secretary