

MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Monday May 9th, 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, Rory Walker, Mary Diehl

Members absent: None

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

Public in Attendance: Laura Freeze, Greg Freeze

APPROVAL OF MINUTES:

Motion was made by Jason Carnahan and Seconded by Rory Walker to approve the Minutes of April 11th, 2022. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #22-07 Greg Freeze requesting a Development Standards Variance to allow a reduction to the side yard setback for a garage addition. The proposed side yard setback will be 22 feet. The required setback is 30 feet. The property is located at 0926 County Road 52, Garrett, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Greg Freeze took to the podium to explain the purpose of application.

Frank Pulver asked if there were any questions from the board members or audience. 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 **April 19, 2022**
2. Legal notice published in The Star on **April 29, 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 **April 21, 2022**
5. Letter from the County Highway Department, dated **April 19, 2022**
6. Letter from the Soil & Water Conservation District, dated **April 20, 2022**
7. Letter from the County Surveyor or Drainage Board, dated **April 20, 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 side 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 garage and breezeway would not be permitted as proposed due to the setback requirements.

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 22 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 VARIANCE FROM DEVELOPMENTAL STANDARDS, PETITION #22-07 IS HEREBY GRANTED APPROVAL ON THIS 9th DAY OF MAY, 2022

Motion made by Rory Walker, Seconded by Mary Diehl

Vote tally: Yes: 4 No: 0

Frank Pulver

Rory Walker

Jason Carnahan

Mary Diehl

There being no further business to come before the board, the meeting was adjourned at 6:08 p.m.

Frank Pulver, Chairperson

Alicia Shackelford, Secretary