

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

AGENDA

DeKalb County Board of Zoning Appeals
Commissioners Court – 2nd Floor DeKalb County Court House
Monday, April 10, 2023
6:00 PM

1. Call to order
2. Roll call
3. Approval of Minutes: February 13, 2023
4. Old Business: None
5. 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.

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.

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

Next Meeting: May 8, 2023

If you cannot attend, please contact Andrea Noll:

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, February 13, 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, 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: Frank Nester

ELECTION OF OFFICERS:

- Chairman – Frank Pulver
- Vice Chairman – Mary Diehl
- Secretary – Andrea Noll

Motion was made by Rory Walker and Seconded by Jason Carnahan to retain the current officers as shown. Motion carried.

APPROVAL OF MINUTES:

Motion was made by Jason Carnahan and Seconded by Jeremy Watson to approve the Minutes of November 14, 2022 as submitted. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

Petition #23-01 - Dennis Nester requesting a Development Standards Variance to allow a reduction to the front yard setback for a porch and ADA ramp addition. The proposed setback from the centerline of County Road 00W will be approximately 45 feet. The required setback is 80 feet. The property is located at 2411 County Road 00W, Corunna, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report and corrected the petitioner's requested variance footage in the report of 35 to 45 feet.

Mr. Gaumer inquired if there were any questions and then asked petitioner, Frank Nester, to approach the podium and explain his father's situation.

Frank Nester spoke on behalf of his father, Dennis Nester.

A disabled veteran, Dennis Nester was awarded a VA Grant to enable his home to be more accessible. One of the requirements of the grant, is that there has to be a direct exit from the bedroom that cannot cross over the basement. This only gives Mr. Nester one option of the direction of the exit, which is why he is requesting a variance for a front yard setback.

Frank Pulver asked the Petitioner questions regarding the location of the bedroom.

Chris Gaumer clarified the approximate design plan of the proposed porch and ADA ramp. Frank Nester stated that he had provided several photos of the home to Chris Gaumer to share. Andrew Kruse clarified with Mr. Nester, the proximity of the ramp to the trees in front of the house.

Frank Pulver asked if there were any further questions from members or public. There were none. Mr. 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 **January 13, 2023**.
2. Legal notice published in The Star on **February 3, 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 **January 18, 2023**.
5. Letter from the County Highway Department, dated **January 17, 2023**.
6. Letter from the Soil & Water Conservation District, dated **January 17, 2023**.
7. Letter from the County Surveyor or Drainage Board, dated **January 17, 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. 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 front 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 front yard setback 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 front yard setback is needed to allow for safe access to the home with the addition of the three-season room and ADA ramp.

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 front yard setback of 45 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 DEVELOPMENT STANDARD VARIANCE, PETITION #23-01 IS HEREBY GRANTED APPROVAL ON THIS 13TH DAY OF FEBRUARY, 2023.

Motion made by Jeremy Watson, Seconded by Jason Carnahan

Vote tally: Yes: 4 No : 0

Jeremy Watson

Frank Pulver

Rory Walker

Jason Carnahan

There being no further business to come before the board, the meeting was adjourned at 6:14p.m.

Frank Pulver, Chairperson

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: 23-02
Date Application Filed: 3-15-2023
Fee Paid: \$150 pd.
#4149855

**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: DAVID A. HALL
Address: 6446 CR 40
BUTLER IN. 46721
Telephone Number: 419-526-0898 E-Mail: d.hall8207@outlook.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: _____

Zoning Classification of Property: Agricultural (A2)
Overlay District of Property (if applicable): _____

Address or common description of property:
6446 CR 40
BUTLER IN. 46721

Legal description of property affected (or provide property deed):
TOWNSHIP: WILMINGTON
PARCEL: SECTION 26
SUBDIVISION: HEATHSTONE SEC #11
LOT 11

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:
I am seeking to build a 960 sqft. storage building on the east side of my property. I am asking for a 5' variance on the east property line in order to have 10' clearance for the drive way and to be able to enter front of building.

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

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

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

This is simply a storage building at the back of my property and NOT blocking any view or causing any inconvenience to neighboring property.

- 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 (X) Why? Explain below:

The property adjacent to me is a vacant field. If the owner does ever build on the property this building should NOT be of any inconvenience to them.

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

We are simply needing 5' variance to give septic tanks required distance. This building is sitting in the open and does NOT have any other structure near it.

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:

Daniel A. Hill

(If signed by representative for applicant, state capacity)



1:300

DeKalb County, IN

Print Date: 1/12/2023



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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: David Hall

SUBJECT SITE: 6446 County Road 40, Butler

REQUEST: Development Standards Variance

PURPOSE: To allow a reduction to the side yard setback for a new accessory structure

EXISTING ZONING: A2, Agricultural

SURROUNDING LAND USES AND ZONING: North: Single Family Residence (A2)
 South: Single Family Residence (A2)
 East: Vacant Field (A2)
 West: Single Family Residence (A2)

ANALYSIS:

UDO Standards:

2.06 A2 Zoning District: Development Standards

Side Yard Setback: 10 feet for Accessory Structures

- The petitioner is requesting to build a 24’ x 40’ accessory structure on the east side of the property. The setback proposed is 5 feet. Thus, requesting a variance for 5 feet.
- The property owner states that the setback is needed for the required setback from the septic tank for the driveway.

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 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.**

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 front 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 front yard setback 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 front yard setback is needed to allow for the required setback from the septic tanks.

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 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.

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: 23-03
Date Application Filed: 3/27/2023
Fee Paid: 150 pldk
#386

**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: Tony & Bridget Ortiz
Address: 1504 CR 79
Butler, IN 46721
Telephone Number: 260 909 0883 E-Mail: TheOrtizs@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: A1 - Conservation Ag

Overlay District of Property (if applicable): _____

Address or common description of property:
1504 County Road 79 - Butler, IN

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

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

Requesting approval for dependent living space for
son with Traumatic Brain Injury.
This would be in existing barn on property.

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: NA
- 2. Height: ↓
- 3. Location: ↓

B. Signage (if any):

- 1. Dimensions: NA
- 2. Materials: ↓
- 3. Placement: ↓
- 4. Lighting: ↓

C. Hours of Operation (if any):

NA

D. Parking/Access (if any):

NA

Parking Classification (office use only) _____

E. Landscaping/Buffer yards (if any):

NA

Bufferyard Classification (office use only) _____

F. Number of Employees (if any): NA

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:

YES, PROPERTY IS ALREADY RESIDENTIAL. LIVING SPACE WOULD BE INCLUDED IN POLE BARN ALREADY ON PROPERTY.

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:

NO, ITS BEING ADDED TO EXISTING STRUCTURE ON PROPERTY & WILL NOT CHANGE USE OF PROPERTY

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

Yes () No () Why? Explain below:

YES, STILL RESIDENTIAL.

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

Yes () No (✓) Why? Explain below:

Living space would be in 20'x40' of existing pole
barn structure.

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

Yes () No (✓) Why? Explain below:

No, as no new structure is being added. We are
utilizing existing structure

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: Budget Petig
(If signed by representative for applicant, state capacity)




Survey Division Lot

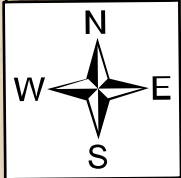
 Lots

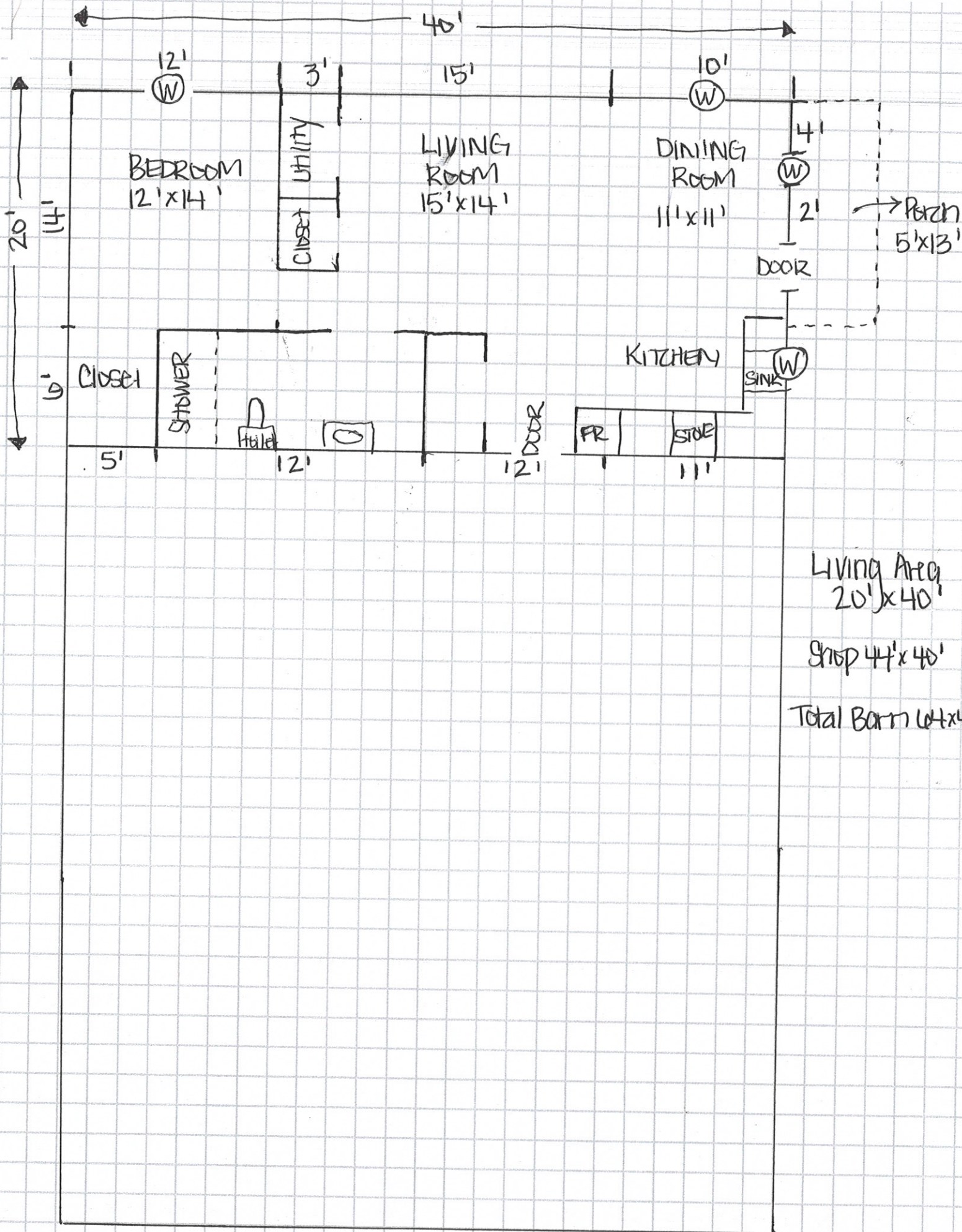
Tax Parcel

 Tax Parcel

 County Limits

 Corporate Limits





Living Area
20' x 40'

Shop 44' x 40'

Total Barn 64' x 40'

March 24, 2023

To Whom It May Concern:

My name is Amy Lonckowski. I am a Case Manager with IPMG. I am Austin Ortiz's Case Manager. I have observed Austin for several years and have found out many things about this amazing young man and his family.

Austin has come a long way since his accident in 2017. Although the accident left Austin with Traumatic Brain Injury (TBI) he is determined to have a "normal" life and to live it to its fullest. Part of this normalcy includes living outside the family home. Austin is willing to work hard to get the life he envisions. However, he does recognize there are roadblocks right now. And he acknowledges he needs help in some areas. His family currently provides Austin with any and all assistance that he needs.

Austin struggles daily with short term memory issues. He has limited mobility in his right arm. Austin can be impulsive and not necessarily make safe and reasonable decisions with regards to personal behaviors. He can be impulsive without thinking about or recognizing possible consequences for personal actions. His family provides a calm, guiding, helpful presence to Austin.

It is my observation that Austin is able to live independently, with limited assistance. Bridget has explained to me the concept they have for Austin to live in an apartment on their property. It sounds like the perfect solution for Austin to have his own living space while also having his parents close for direction. I believe this arrangement will be beneficial and appropriate for his TBI.

Thank you,

Amy Lonczkowski

To whom it may concern:

I am writing concerning construction of a living space for a patient of mine, Austin Ortiz. I am an occupational therapist that has been seeing Austin for rehabilitation for the past several years. Since his brain injury Austin has made large gains toward functional independence. Initially he was unable to dress himself and required assistance for all care, but over the past several years he has progressed significantly and is now able to complete all of his daily care independently. He is also able to complete cooking and home management tasks with supervision. Construction of an independent living space would allow Austin to safely transition to living alone while continuing to have the needed supervision to remain safe and ensure his success. Austin would also gain experience in completion of home management tasks such as bill paying and shopping on his own. This type of living experience would be the next step toward a totally independent living situation where he would live away from his parents longer term.

Dr Angie Reimer OTD, MOT, OTR, CBIST

Respectfully,

Dr Angie Reimer OTD, MOT, OTR, CBIST



PARKVIEW HEALTH

Family Medicine

409 E Washington St
Butler, IN 46721-1175
260-868-5843

March 27, 2023

Patient: **Austin Bailey Ortiz**
Date of Birth: **9/26/1997**
Date of Visit: **3/27/2023**

To Whom It May Concern:

It is my medical opinion that Austin Ortiz would benefit from a dependent living space given his medical history of traumatic brain injury with ongoing complications. A dependent living space would provide him with increased independence while also allowing some supervision and close contacts if he needs assistance.

Please reach out with any further questions or concerns.

Sincerely,



Meghan Renee Neireiter, DO

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: Tony & Bridget Ortiz

SUBJECT SITE: 1504 County Road 79, Butler

REQUEST: Special Exception

PURPOSE: To allow for dependent housing for son

EXISTING ZONING: A1, Conservation Agricultural

SURROUNDING LAND North: Farm ground (A1)

USES AND ZONING: South: Single Family Residential (A1)
 East: Farm ground (A1)
 West: Farm ground (A1)

ANALYSIS:

In the A2, Agricultural Zoning District, Dependent Parent 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 Mr. & Mrs. Ortiz’s son with a traumatic brain injury.
- The proposal is to add a 1 bedroom living quarters in an existing barn on the property. The proposed location meets all requirements & has received approval from all applicable County Departments.

JURISDICTIONAL FINDINGS:

The petitioner has complied with the rules and regulations of the Plan Commission 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**.

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 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 ()
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 () 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. .
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.

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 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:

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.

1. The Special Exception (BZA Case # 23-05) 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.