

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, July 10, 2023

6:00 PM

1. Call to order
2. Roll call
3. Approval of Minutes: June 23, 2023
4. Old Business: None
5. New Business:

Petition #23-07 – Justin Hoover requesting a Development Standards Variance to allow for the reduction to the front yard setback for an accessory structure. The proposed setback from the center of County Road 69 will be approximately 50 feet. The required setback is 80 feet. The property is located at 5140 County Road 69, St. Joe, Indiana and is zoned A2, Agricultural.

Petition #23-08 – Brian & Judith Krockner requesting a Floodplain Standards Variance to allow for the reduction to the flood protection grade for an addition to the primary structure. The Base Flood Elevation (BFE) is 945.3 feet and the proposed addition is at 945.8 feet. The required flood protection grade per the Floodplain Ordinance is 947.3 feet or more. The property is located at 0448 Story Lake Dr., Hudson, Indiana and is zoned R3, Village Residential

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

Next Meeting: August 7, 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
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

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: 23-07
Date Application Filed: 5/24/2023
Fee Paid: \$150
Conf. #5621345

**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: Justin Hoover
Address: 5140 County Road 69 St. Joe, IN 46785
Telephone Number: 260-927-3189 E-Mail: justin.hoov@gmail.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: A2

Overlay District of Property (if applicable): _____

Address or common description of property:

5140 County Road 69 St. Joe, IN 46785

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

Deed provided.

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:

Seeking variance for minimum front yard setback of 80 feet (ft.) from center of the road. Would like to amend setback to 50 ft. for a pole barn to house livestock and farm equipment. The barn would be 40 ft. x 84 ft. with a 12 ft. x 84 ft. lean-to extending from the barn westward on the west side of the proposed barn building location.

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

The Applicant must answer 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:

The proposed reduction in the front yard setback would not be injurious to the public health, safety, morals, and general welfare of the community.

- 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:

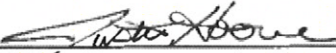
Approving the Variance for the proposed reduction in the front yard setback of 80 ft. from center of the road will not adversely affect the neighboring properties.

- 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?

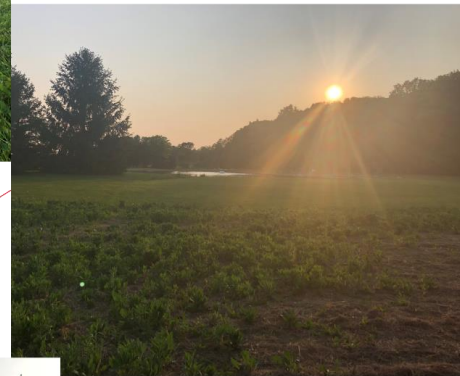
Yes (X) No () Why? Explain below:

The proposed reduction in the front yard set back is needed to be able to build the pole barn. With out it I would not be able to get my farm equipment onto my property; due to the topography & terrain I would have to cut into my pond embankment; and lastly I would not have pasture space for livestock.

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







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:	Justin Hoover
SUBJECT SITE:	5140 County Road 69, St. Joe
REQUEST:	Development Standards Variance
PURPOSE:	To allow for the reduction to the front yard setback for an accessory structure
EXISTING ZONING:	A2, Agricultural
SURROUNDING LAND	North: Single Family Residence (A2)
USES AND ZONING:	South: Farm ground (A2) East: Single Family Residence (A2) West: Single Family Residence (A2)

ANALYSIS:

UDO Standards: A2 Zoning District

Minimum Front Yard Setback: 50 feet

- When determining the front yard setback, we look and review Section 5.43: Setback Standards: B. Minimum Front Yard Setback: The dimension is to be taken from the center of the road. Adding together the right-of-way, as determined by the DeKalb County Thoroughfare Plan, plus the minimum front yard setback per each two-page layout in *Article 02: Zoning Districts*.
- County Road 69 = 60-foot right-of-way (30 feet on each side of the center of the road).
- In this case, the total setback from the center of the road is 80 feet (50-foot building setback + 30-foot ROW = 80 foot from center of road).
- The petitioner is proposing a pole barn to be located 50 feet from the center of County Road 69. Thus, requesting a variance for 30 feet.
- The variance is needed due to the existing pond location and its embankment and the existing topography of the property.

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 **May 24, 2023**
2. Legal notice published in The Star on **June 30, 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 **June 21, 2023**
5. Letter from the County Highway Department, dated **May 24, 2023**
6. Letter from the Soil & Water Conservation District, dated **May 24, 2023**
7. Letter from the County Surveyor or Drainage Board, dated **May 25, 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 & 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 front yard setback 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 pond embankment location and topography of the property.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Conditions of Approval:

Staff is recommending approval and is recommending 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 50 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: 23-08
Date Application Filed: 6/6/23
Fee Paid: \$150 CC

**Application for FLOODPLAIN STANDARDS VARIANCE
(Section 9.12)**

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

APPLICANT INFORMATION

Applicant's Name: Brooks Construction Company, Inc. c/o Justin W. Hoffman
Address: 6525 Ardmore Avenue, Fort Wayne, IN 46809
Telephone Number: 260-478-1990 E-Mail: jwhoffman@brooks1st.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Brian A. & Judith K. Krocker
Address: 448 Story Lake Drive, Hudson, IN 46747
Telephone Number: _____ E-Mail: krocj01@yahoo.com

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____
Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: Applicant X Owner Representative

Zoning Classification of Property: R3 – Village Residential

Overlay District of Property (if applicable): N/A

Address or common description of property:

448 Story Lake Drive, Hudson, IN 46747

Legal description of property affected:

Lot 23 in Perkins Addition at Story Lake

Describe the use that you are requesting a Floodplain Variance for:

Residential building addition to allow for year round use of the residence, with the addition of a washer & dryer, water softener, furnace

Describe what standard(s) you are requesting a Floodplain Variance for:

Construction of a slab-on-grade building addition that is 0.7 feet above the Base Flood Elevation (BFE = 945.3 feet), slab elevation = 946.0, lowest adjacent grade = 945.8

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:

The variance request only affects the subject property.

- B. Will the use and value of the area adjacent to the property included in the Floodplain Standards Variance request be affected in a substantially adverse manner if the petition is approved?

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

The value of the subject property will increase and the adjacent property values may see an increase in value as well.

- 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:

The current residence is used seasonally as it does not provide adequate living space and storage for continued use.

- D. Is the variance the minimum necessary, considering the flood hazard, to afford relief?

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

The variance is the minimum requirement to afford relief. A Conditional Letter of Map Amendment (CLOMA) for the building addition only, has been filed and approved by FEMA. After construction is complete, a Letter of Map Amendment (LOMA) will be filed for the building only.

- E. Does there exist good and sufficient cause for the requested variance?

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

The addition would allow the residence to become a year round living space as opposed to a seasonal living space, while increasing the value of the property.

- F. Does the strict application of the terms of the Ordinance constitute an exceptional hardship to the applicant?

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

The addition would allow the residence to become a year round living space as opposed to a seasonal living space, with accommodations such as a washer, dryer, water softener, furnace, etc.

- G. Will the granting of the requested variance increase flood height, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances?

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

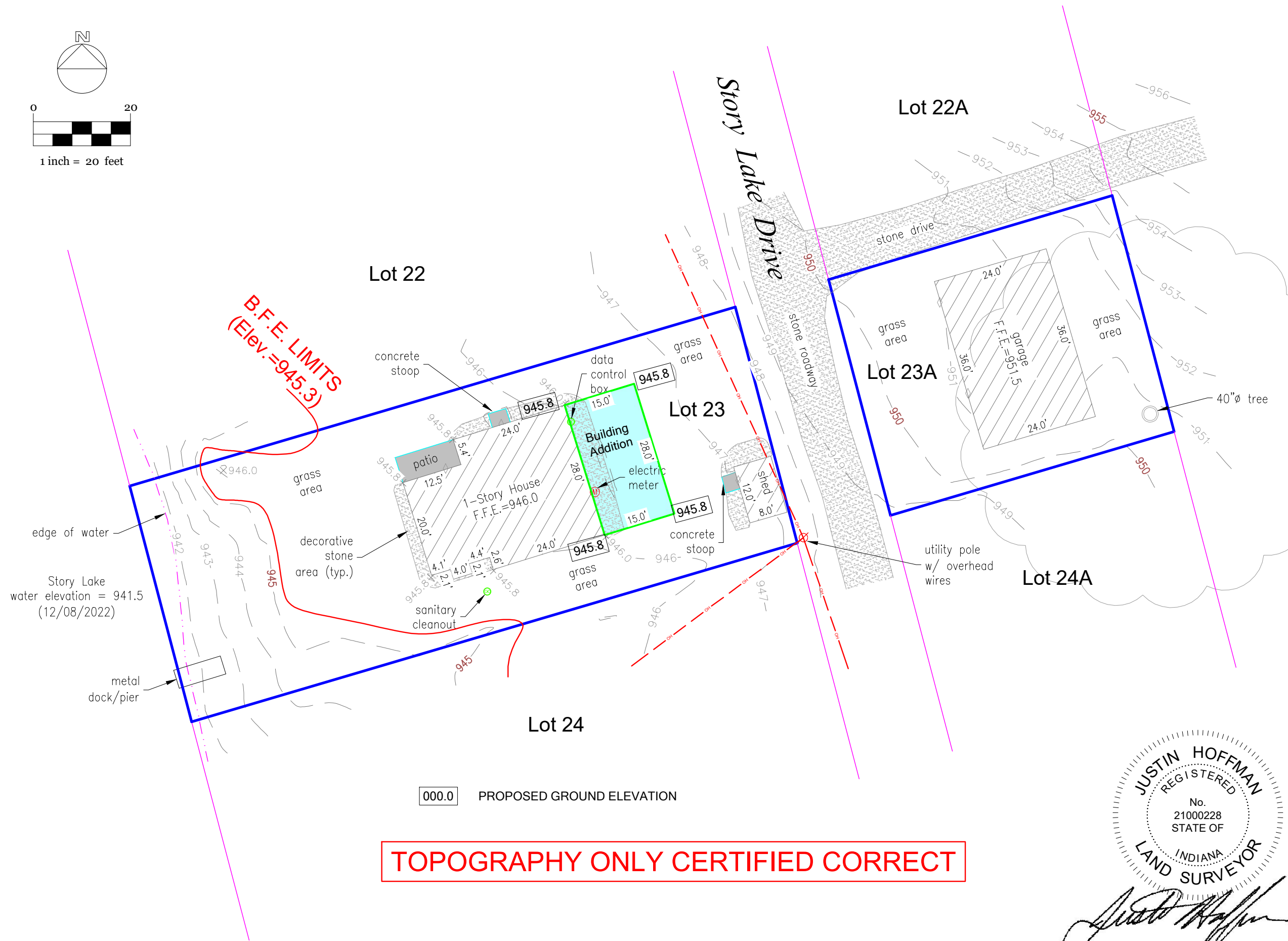
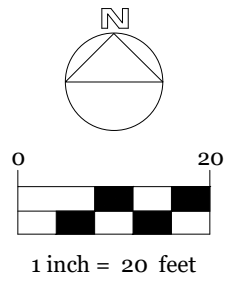
The existing structure and the proposed addition are both above the Base Flood Elevation (BFE = 945.3), which will not invoke the requirement for flood insurance. The proposed addition will match the existing building slab elevation of 946.0, and does not result in the building being closer to the existing body of water, nor closer to the limits of the BFE.

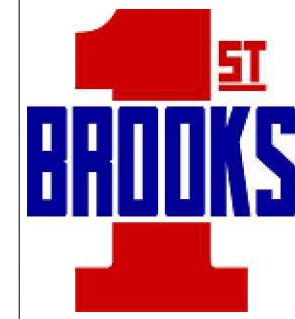
By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct. I also give permission for the Zoning Administrator to enter onto the petitioned property for inspections and take photos for the public hearing.

Applicant's Signature:

(If signed by representative for applicant, state capacity)

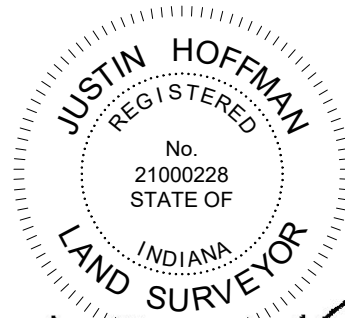
Project Engineer





6525 ARDMORE AVE
FORT WAYNE, IN 46809
(260) 478-1990

CLIENT:	Brian A. & Judith K. Krockner			
PROJECT:	Lot 23 Perkin's Addition topography			
ADDRESS:	448 Story Lake Drive, Hudson, Indiana			
DATE:	01/10/2023			
SHEET:	1 of 1			



This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.



CLIENT:	Brian A. & Judith K. Krocker			
PROJECT:	Lot 23 Perkin's Addition topography			
ADDRESS:	448 Story Lake Drive, Hudson, Indiana			
DATE:	01/10/2023			
SHEET:	1 of 1			

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

JUSTIN HOFFMAN
REGISTERED
No. 21000228
STATE OF INDIANA
LAND SURVEYOR

Justin Hoffman

DEKALB COUNTY BOARD OF ZONING APPEALS CASE NUMBER:**23-08**

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:	Brian & Judith Krocker
SUBJECT SITE:	0448 Story Lake Dr., Hudson
REQUEST:	Floodplain Standards Variance
PURPOSE:	to allow for the reduction to the flood protection grade for an addition to the primary structure
EXISTING ZONING:	R3, Village Residential
SURROUNDING LAND	North: Single Family Residential (R3)
USES AND ZONING:	South: Single Family Residential (R3) East: Single Family Residential/Farm ground (R3 & A2) West: Story Lake (OP)

ANALYSIS:

The Floodplain Ordinance was approved and recorded by the County Commissioners in 2017. The Ordinance is a stand-alone document for the purpose of establishing standards for building in any flood zone.

Section B. Specific Standards:

In all Special Flood Hazard Areas, the following provisions are required:

*(2) **Residential Structures.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the Flood Protection Grade (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4).*

- The petitioner is requesting addition to the residence be below the Flood Protection Grade requirement in the Floodplain Ordinance.
- The Flood Protection Grade is “the elevation of the regulatory flood plus 2 feet...”.
- The Petitioner currently has a Letter of Map Amendment (LOMA) for the existing residence and has received a Conditional Letter of Map Amendment for the proposed new construction and will apply for the official Letter of Map Amendment after construction is complete.
 - A LOMA means that the structure is “out” of the flood zone and does not need to meet the BFE requirement. Receiving a LOMA from FEMA would not require the 2 feet above BFE. But because they have only received a “conditional” LOMA, they have to apply to the BZA and receive approval to begin and finish construction on the addition before they can apply for the official LOMA.
- The site plan shows the Base Flood Elevation (BFE) limits of 945.3 ft and the proposed addition is at 945.8 ft. The requirement, per the Floodplain Ordinance is 947.3 ft or more (2 feet above the BFE). Thus, they are requesting a Variance for 1.5 ft.

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 **June 6, 2023**

2. Legal notice published in The Star on **June 30, 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 **June 6, 2023**
6. Letter from the Soil & Water Conservation District, dated **June 6, 2023**
7. Letter from the County Surveyor or Drainage Board, dated **June 14, 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 this variance request be injurious to the public health, safety, morals, and the general welfare of the community?
Yes () * No (X)
The proposed addition to the single-family residence will not be injurious to the surrounding community. See letter from the Health Dept, Soil/Water District, Surveyor and Conditional Letter of Map Amendment from FEMA.
2. Will the use and value of the area adjacent to the property included in the Floodplain Standards Variance request be affected in a substantially adverse manner if the petition is approved?
Yes () * No (X)
The proposal is consistent with the surrounding residential area and will not substantially affect those properties. See the Conditional Letter of Map Amendment from FEMA.
3. 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 () *
The proposal will allow for the seasonal home to be used year-round with the addition of the living space and storage for continual use.
4. Is the variance the minimum necessary, considering the flood hazard, to afford relief?
Yes (X) No () *
The proposal is the minimum variance necessary for the addition. See the Conditional Letter of Map Amendment from FEMA.
5. Does there exist good and sufficient cause for the requested variance?
Yes (X) No () *
The proposal will allow for year-round living as opposed to seasonal. This Variance is the minimum necessary.
6. Does the strict application of the terms of the Ordinance constitute an exceptional hardship to the applicant?
Yes (X) No () *
The proposal will allow for the addition to have year-round living space with the addition of a furnace, washer/dryer, water softener, etc. See the Conditional Letter of Map Amendment from FEMA.

7. Will the granting of the requested variance increase flood height, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances?

Yes () * No (X)

The proposed addition and the existing structure are at the same Base Flood Elevation and does not require the building to be closer to the existing lake or limits of the Base Flood Elevation. See the Conditional Letter of Map Amendment from FEMA.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Conditions of Approval:

Staff is recommending approval and recommending the following conditions:

1. The Board retains continuing jurisdiction of this Floodplain Standards Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. No offsite drainage crossing over said real estate should be obstructed by any development on this site.
4. The Floodplain Standards Variance to allow for the Flood Protection Grade be 0.65 feet is approved.
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 by the petitioner.