

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, February 12, 2024

6:00 PM

A livestream of the meeting can be found here: <https://tinyurl.com/YouTubeDCPC>

1. Call to order
2. Roll call
3. Approval of Minutes: January 8, 2024
4. Old Business: None
5. New Business:

Petition #24-02 – DeKalb #1 Amish School & Cemetery, Jesse Zehr & Martin Miller requesting a Use Variance to allow for an Amish Parochial School for up to 90 students. The property is located at 4366 County Road 64, Auburn, Indiana and is zoned A2, Agricultural.

Petition #24-03 – Bret & Dinah Miller requesting a Development Standards Variance to allow for a reduction to the required lot acreage for a proposed 1 lot subdivision. The proposed lot will be 1.73 net acres and 2 acres is required. The property is located at 2822 County Road 56, Auburn, Indiana and is zoned A2, Agricultural.

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

Next Meeting: March 11, 2024

**If you cannot attend, please contact Meredith Reith
mreith@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, January 08, 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 Vice Chairperson, Mary Diehl.

ROLL CALL:

Members present: Jason Carnahan, Larry Williams, Mary Diehl, and Rory Walker

Members absent: Frank Pulver

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

Public in Attendance: Tim Christlieb

ELECTION OF OFFICERS:

- Chairman – Frank Pulver
- Vice Chairman – Mary Diehl

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

- Secretary – Meredith Reith

Motion was made by Rory Walker and Seconded by Mary Diehl for Meredith Reith as Secretary. Motion carried.

APPROVAL OF MINUTES:

Motion was made by Jason Carnahan and Seconded by Mary Diehl to approve the Minutes of December 11, 2023 as submitted. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

Petition #24-01 - Tim Christlieb requesting a Development Standards Variance to allow for a reduction to side yard setback. The addition is 19 feet from the east property line. The required setback is 30 feet. The property is located at 5157 County Road 56, Auburn, Indiana and is zoned A2, Agricultural

Chris Gaumer read the Staff Report and corrected the aerial map to 19 feet as requested by the petitioner.

Mary Deihl invited the Petitioner to speak.

Tim Christlieb approached the podium and stated his request to allow for reduction to side yard setback. The use will be used for a garage.

Mrs. Deihl determined there were no further questions from board members or the public, so she closed the public portion of the hearing.

Mr. Kruse went through the Findings 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 **November 22, 2023**
2. Legal notice published in The Star on **December 29, 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 **November 28, 2023**
5. Letter from the County Highway Department, dated **November 27, 2023**
6. Letter from the Soil & Water Conservation District, dated **November 22, 2023**
7. Letter from the County Surveyor or Drainage Board, dated **November 27, 2023**
8. Letter from the DeKalb County Airport Authority, **not applicable**

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 not be injurious to the public. Also see letters from the various county departments without objection.
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 as the neighboring properties are single-family homes and the lots are narrow.
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 and existing parcel width and the septic location hinders where additional building could go.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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 19 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 VARIANCE FROM DEVELOPMENTAL STANDARDS, PETITION #24-01 IS HEREBY GRANTED APPROVAL ON THIS 8th DAY OF JANUARY, 2024.

Motion made by Jason Carnahan, Seconded by Rory Walker

Vote tally: Yes: 4 No: 0

Larry Williams

Mary Diehl

Jason Carnahan

Rory Walker

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 6:19 p.m.

Frank Pulver, Chairperson

Meredith Reith, 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: 24-02
Date Application Filed: 01/05/24
Fee Paid: pd CC

Application for USE VARIANCE
(Section 9.28)

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: DeKalb # 1 Amish School - Cemetery
Address: 4453 County Rd 60
Auburn, IN 46706
Telephone Number: _____ E-Mail: _____

OWNER INFORMATION (if different from applicant information)

~~Owner's Name: _____~~
~~Address: _____~~
~~Telephone Number: _____ E-Mail: _____~~

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Jesse Zehr Martin L. Miller 260-341-5531
Address: 4453 C. Rd. 60 18027 McNabb Rd
Auburn, IN 46706 Spencerville, IN 46788
Telephone Number: 260-627-0171 E-Mail: jessz@zehr-cabinets.com

Legal Ad Payment & Public Hearing Notifications: Applicant _____ Owner _____ Representative ☒

Zoning Classification of Property: A2

Overlay District of Property (if applicable): AC7

Address or common description of property:

4366 C. Rd. 64
Auburn, IN 46706

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

What use(s) are you requesting to have on the property and why:

Amish Parochial School - Max 80 Students

Please provide the following information to the best of your ability if it pertains to your petition to the BZA. All of this information should be located on the site plan as well.

A. Lighting (if any):

1. Style: _____
2. Height: _____
3. Location: _____

B. Signage (if any):

1. Dimensions: 1 Ft. By 3 Ft. On Building
2. Materials: _____
3. Placement: _____
4. Lighting: _____

C. Hours of Operation (if any):

7:30 AM To 3:30 PM

D. Parking/Access (if any):

See Sight Plan

Parking Classification (office use only) _____

E. Landscaping/Buffer yards (if any):

None

Bufferyard Classification (office use only) _____

F. Number of Employees (if any): 4

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. Please answer each question and give reasons for your answer.

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

Yes () No (✓) Why? Explain below:

Cemetery Has Been Approved And Its Typical To Have A Amish School In The Same Property.

- B. Will the use and value of the area adjacent to the property included in the Use Variance request be affected in a substantially adverse manner?

Yes () No (✓) Why? Explain below:

School Runs With Public Schools

- C. Does the need for the Use Variance request arise from some condition peculiar to the property involved?

Yes (✓) No () Why? Explain below:

Cemetery Has Been Approved And Its Typical To Have A Amish School On The Same Property

- D. Will the strict application of the terms of the Unified Development Ordinance result in an unnecessary hardship if applied to the property for which the Use Variance is sought?

Yes (✓) No () Why? Explain below:

Cemetery Has Been Approved And Its Typical To Have A
Amish School On The Same Property And No Other Development
Will Be On This Sight.

- E. Will the approval of this Use Variance request interfere substantially with the Comprehensive Plan?

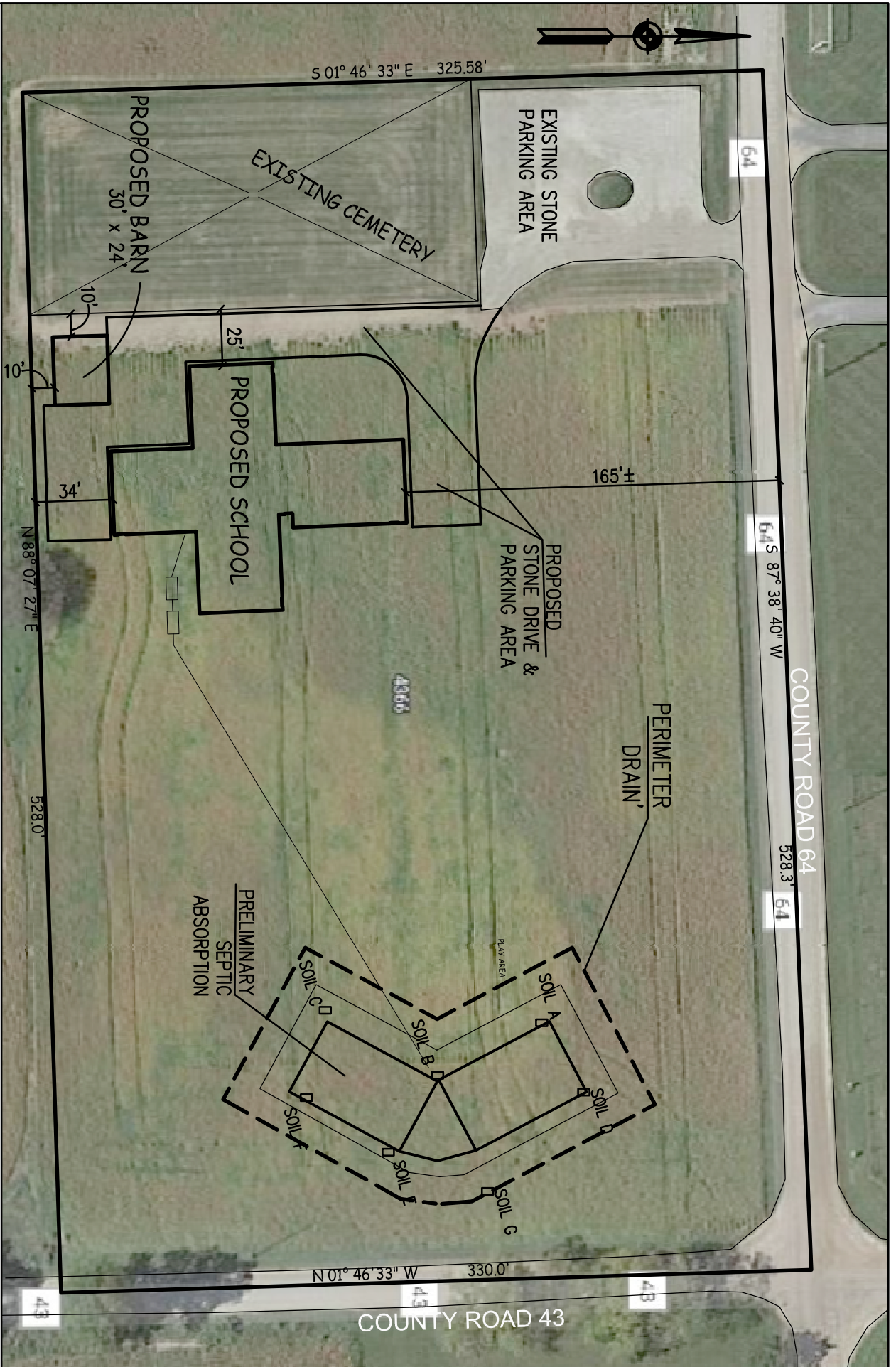
Yes () No (✓) Why? Explain below:

This Project Is Promoting A Compatible Use As Same
Property.

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:

James Zehn 1-5-2024
(If signed by representative for applicant, state capacity)

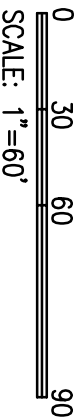


SITE PLAN FOR BZA SUBMITTAL
FOR DEKALB MEADOWS AMISH SCHOOL
PREPARED BY: 1-8-2024






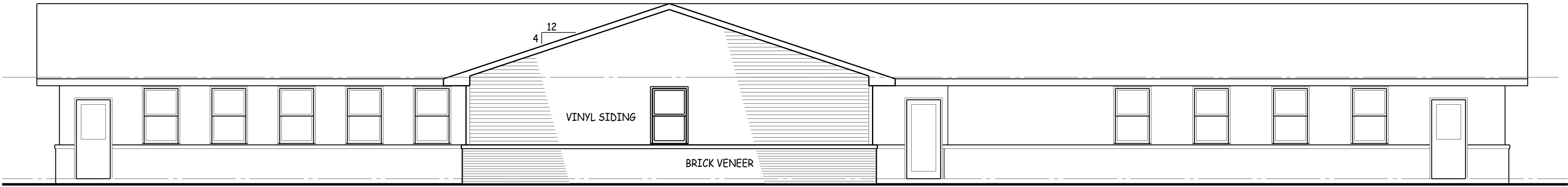
LOUGHEED & ASSOCIATES, INC.
CONSULTING ENVIRONMENTAL & CIVIL ENGINEERS
1009 SOUTH HADLEY ROAD * FORT WAYNE, INDIANA 46804
(260) 432-3665

AERIAL BACKGROUND IS
TAKEN FROM GOOGLE MAPS



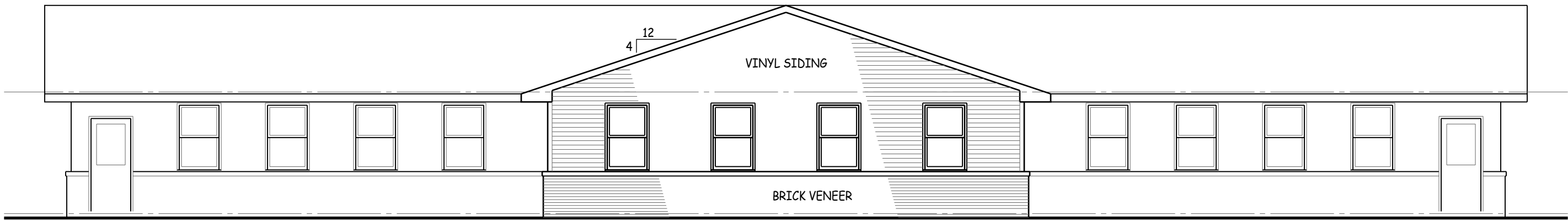
GENERAL NOTES:

- ALL WORK SHALL BE IN STRICT COMPLIANCE WITH THE INDIANA BUILDING CODE (I.B.C.), LATEST EDITION, AND ALL LOCAL CODES AND ORDINANCES HAVING JURISDICTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ALL LOCAL PERMITS REQUIRED FOR HIS WORK AND SCHEDULING ALL REQUIRED LOCAL INSPECTIONS UPON COMPLETION OF PROJECT.
- CONTRACTOR SHALL THOROUGHLY STUDY ALL DRAWINGS AND SPECIFICATIONS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ARE TO BE REPORTED TO CE&M, INC. IMMEDIATELY OR ANY ALTERATIONS SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- ALL DIMENSIONS ARE FROM FACE OF FRAMING, FACE OF MASONRY OR COLUMN CENTERLINES UNLESS OTHERWISE NOTED.
- ALL FRAMING LUMBER IN DIRECT CONTACT WITH CONCRETE, MASONRY OR STEEL SHALL BE PRESSURE TREATED TO RESIST MOISTURE.
- ALL INSULATION MATERIAL SHALL HAVE THE RATED R-VALUE CLEARLY IDENTIFIED BY AND IDENTIFICATION MARK APPLIED BY THE MANUFACTURER TO EACH PIECE OF BUILDING ENVELOPE INSULATION. WHERE THE TYPE OF INSULATION INDICATED DOES NOT ALLOW FOR LABELING, CONTRACTOR SHALL PROVIDE A CERTIFICATE SIGNED AND DATED BY THE INSULATION INSTALLER INDICATING THE TYPE OF INSULATION USED, THE INSULATION MANUFACTURER, THE RATED R-VALUE AND WHERE APPROPRIATE, THE INITIAL INSTALLED THICKNESS, THE SETTLED THICKNESS AND THE COVERAGE AREA.
- INSULATION MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS' RECOMMENDATIONS AND IN SUCH A MANNER AS TO ACHIEVE RATED R-VALUE OF INSULATION. INSULATION SHALL NOT BE COMPRESSED BY RECESSED EQUIPMENT INSTALLATIONS.
- BUILDING INSULATION SHALL BE INSTALLED IN A PERMANENT MANNER IN SUBSTANTIAL CONTACT WITH THE INSIDE SURFACE IN ACCORDANCE WITH MANUFACTURERS' RECOMMENDATIONS FOR THE FRAMING SYSTEM INDICATED. FLEXIBLE BATT INSULATION INSTALLED IN FLOOR CAVITIES SHALL BE SUPPORTED IN A PERMANENT MANNER BY SUPPORTS LOCATED AT NO MORE THAN 24 INCHES CENTER TO CENTER.
- BUILDING SHALL BE ADEQUATELY SEALED AGAINST AIR LEAKAGE BY MEANS OF CAULKING, GASKETING, AND/OR WEATHERSTRIPPING.
- PENESTRATION UNITS SHALL BE CERTIFIED AND LABELED AS MEETING PERFORMANCE REQUIREMENTS. AIR LEAKAGE SHALL BE DETERMINED IN ACCORDANCE WITH NATIONAL PENESTRATION RATING COUNCIL (NFRG 400). AIR LEAKAGE SHALL NOT EXCEED 1.0 CFM/SF FOR GLAZED SWINGING ENTRANCE DOORS AND 0.40 CFM/SF FOR ALL OTHER PRODUCTS.
-  DENOTES DOOR I.D. - REFERENCE DOOR SCHEDULE FOR DOOR SIZE AND DESCRIPTION
-  DENOTES WINDOW I.D. - REFERENCE WINDOW ELEVATIONS FOR WINDOW SIZE, MATERIAL AND GLAZING DESCRIPTION
-  DENOTES ROOM I.D. - REFERENCE ROOM FINISH SCHEDULE FOR FINISHES.



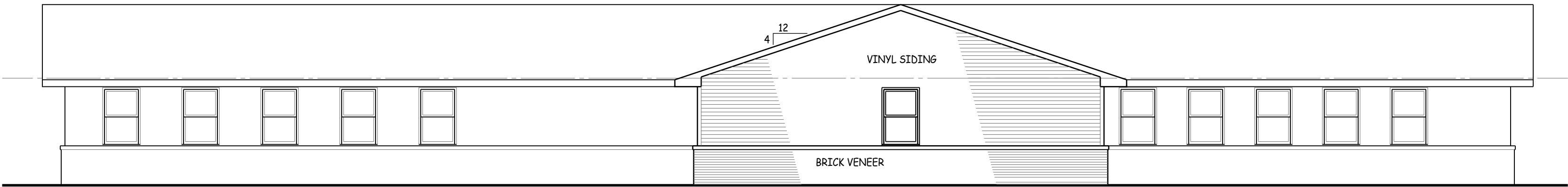
EAST ELEVATION

SCALE: 1/8" = 1'-0"



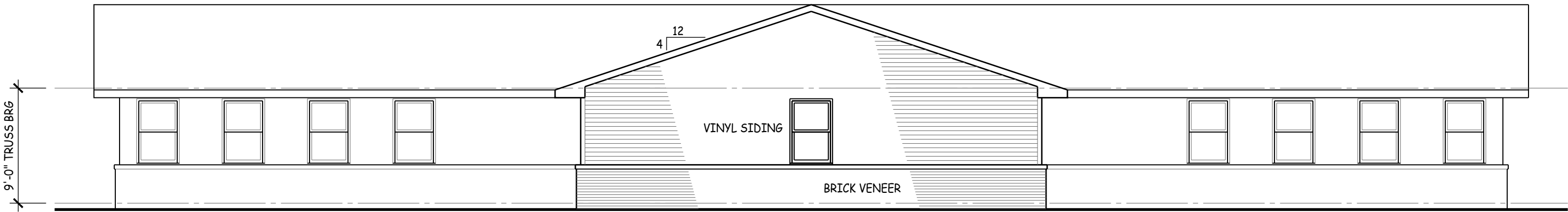
NORTH ELEVATION

SCALE: 1/8" = 1'-0"



WEST ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

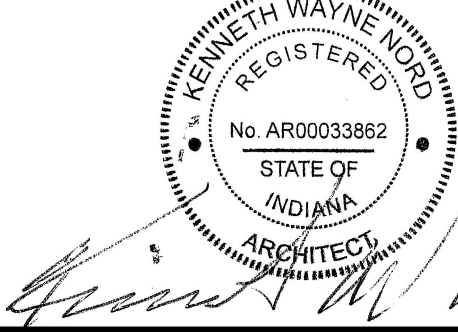
ARCHITECT:

CE&M, Inc.
Architects & Engineers

127 West Berry Street, Suite 1001 · Fort Wayne, Indiana 46802
Telephone: 260/744 2781 · Fax: 260/456 8579
ceminc@cemincorp.com

CONSULTANT:

CERTIFICATION:



The concepts, designs, plans, details, and arrangements shown on this drawing are the sole property of CE&M, Inc. and were developed and presented for use on this project. None of the concepts, designs, plans, details, and arrangements, shall be reproduced or used by any person, firm, or corporation, without the expressed written consent of CE&M, Inc.

A PROPOSED PROJECT FOR:

DEKALB MEADOWS SCHOOL

Co Rd 64 @ Co Rd 43
Auburn, Indiana

SHEET TITLE:

ELEVATIONS

NO.	REVISION:	DATE:	BY:		

SCALE:	1/8" = 1'-0"	DRAWN BY:	K W N
ISSUE DATE:	19 DEC 23	CHECKED BY:	
BASE FILE:	3347A011-8b	COMMISSION NO.	23347
AUXILIARY FILES:			

A1.1

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:

PROPERTY OWNER: DeKalb #1 Amish School & Cemetery
APPLICANT: Jesse Zehr & Martin Miller
SUBJECT SITE: 4366 County Road 64, Auburn
REQUEST: Use Variance
PURPOSE: To allow for an Amish Parochial School
EXISTING ZONING: A2, Agricultural
SURROUNDING LAND USES AND ZONING: North: Single Family Residential/Farmground (A2)
South: Farmground (A2)
East: Single Family Residential/Farmground (A2)
West: Farmground (A2)

ANALYSIS:

In an A2, Agricultural Zoning District, the UDO does not permit or allow a school. Thus, a Use Variance is required.

- The petitioner is requesting a Use Variance to allow for an Amish Parochial School for up to 90 students.
- On March 14, 2022, the Board of Zoning Appeals approved the use of the cemetery that is currently on site in the southwest corner. The board heard from the petitioner that the plan for the property was to get the cemetery approved first, then the school would be applied for in the future.
- The students may be dropped off by a bus or horse and buggy.
- The students would go to school during the same time as the English in terms of hours and school year.
 - The proposed hours of operation are from 7:30 AM – 3:30 PM
- The signage for the school will be minimal – 1 foot by 3 foot.
- Per the site plan there are 3 school rooms, a commons room and an activity room. Totaling approximately 7,200 sq. 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 **January 5, 2024**
2. Legal notice published in The Star on **February 2, 2024** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Health Department, dated **January 16, 2024**
5. Letter from the County Highway Department, dated **January 11, 2024**
6. Letter from the County Surveyor or Drainage Board, dated **January 12, 2024**
7. Letter from the Soil & Water Conservation District, dated **January 11, 2024**
8. Letter from the DeKalb County Airport Authority, if applicable, dated **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 36-7-4-918.4) and Section 9.28 G(3) of the DeKalb County Unified Development Ordinance you must deny the request.*

1. Will the approval be injurious to the public health, safety, morals, and general welfare of the community?
Yes ()* No (X)
The approval of the school should not be injurious to the community. The cemetery was approved in March 2022 and it is typical for an Amish Parochial School and cemetery on the same property. See letters from the county departments.
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? Yes ()* No (X)
The property values adjacent to the property should not be affected negatively. The school year runs similar to English schools. Traffic will be minimal with only 90 students.
3. Does the need arise from some condition peculiar to the property involved? Yes (X) No ()*
The cemetery was approved in March 2022 and it is typical for an Amish Parochial School and cemetery on the same property.
4. Will the strict application of the Unified Development Ordinance result in an unnecessary hardship if applied to the property for which the variance is sought? Yes (X) No ()*
The cemetery was approved in March 2022 and it is typical for an Amish Parochial School and cemetery on the same property. Unless the property would be approved for a Zone Map Amendment, there are no other locations in the County for this use.
5. Will the approval interfere substantially with policies of the Comprehensive Plan?
Yes ()* No (X)
The proposed use should not interfere with the Comprehensive Plan provided the petitioner meets the rules and regulations for the County Health Department and Surveyor. Additionally, the Comprehensive Plan promotes compatible uses be near each other. For the Amish community, it is typical for an Amish Parochial School and cemetery to be located on the same property. See letters from the county departments.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Conditions of Approval:

Staff is recommending approval for this Use Variance and recommends the following conditions:

1. The Board retains continuing jurisdiction of this Use Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. Use Variance is approved for the Amish Parochial School.
3. The petitioner must acquire local permits from the Health Department for a septic system and the County Surveyor or Drainage Board for a drainage plan.
4. No offsite drainage, existing surface water or existing tiled water drainage crossing over said real estate should be obstructed by any development on this site. The Board of Zoning Appeals may enforce these conditions by injunctive relief with attorney fees.
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 there were 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: 24-03
Date Application Filed: 1/10/2023
Fee Paid: pd cc 1/11/24

**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: Angela Wallace
Address: 102 N. Main Street
Auburn, IN 46706
Telephone Number: 260-417-3643 E-Mail: _____

OWNER INFORMATION (if different from applicant information)

Owner's Name: Bret D. & Dinah Miller
Address: 2822 County Road 56
Auburn, IN 46706
Telephone Number: 260-405-6489 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:
2822 County Road 56
Auburn, IN 46706

Legal description of property affected (or provide property deed):
1.73 acres in the NW Quarter of Section 17, T3N, R13E

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:

Acreage for Lot size to be reduced to 1.73 acres based on the wetland area that takes up a large portion of the area to the southeast. Two septic sites have been approved by the DeKalb County within the 1.73 acre site.

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

5.32 LO-01: B Minimum Lot Area: The minimum lot area shall be per each two-page layout in
Article 02: Zoning Districts. A2: Minimum Lot Area: 2 net acres (not including any dedicated
rights-of-way and recorded easements) 1 acre if connected to municipal sanitary sewer.

**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:

No we are just looking to reduce the size of the lot due to a wetland.

- 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:

If approved it could add value to the property since it would become buildable.

- 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?

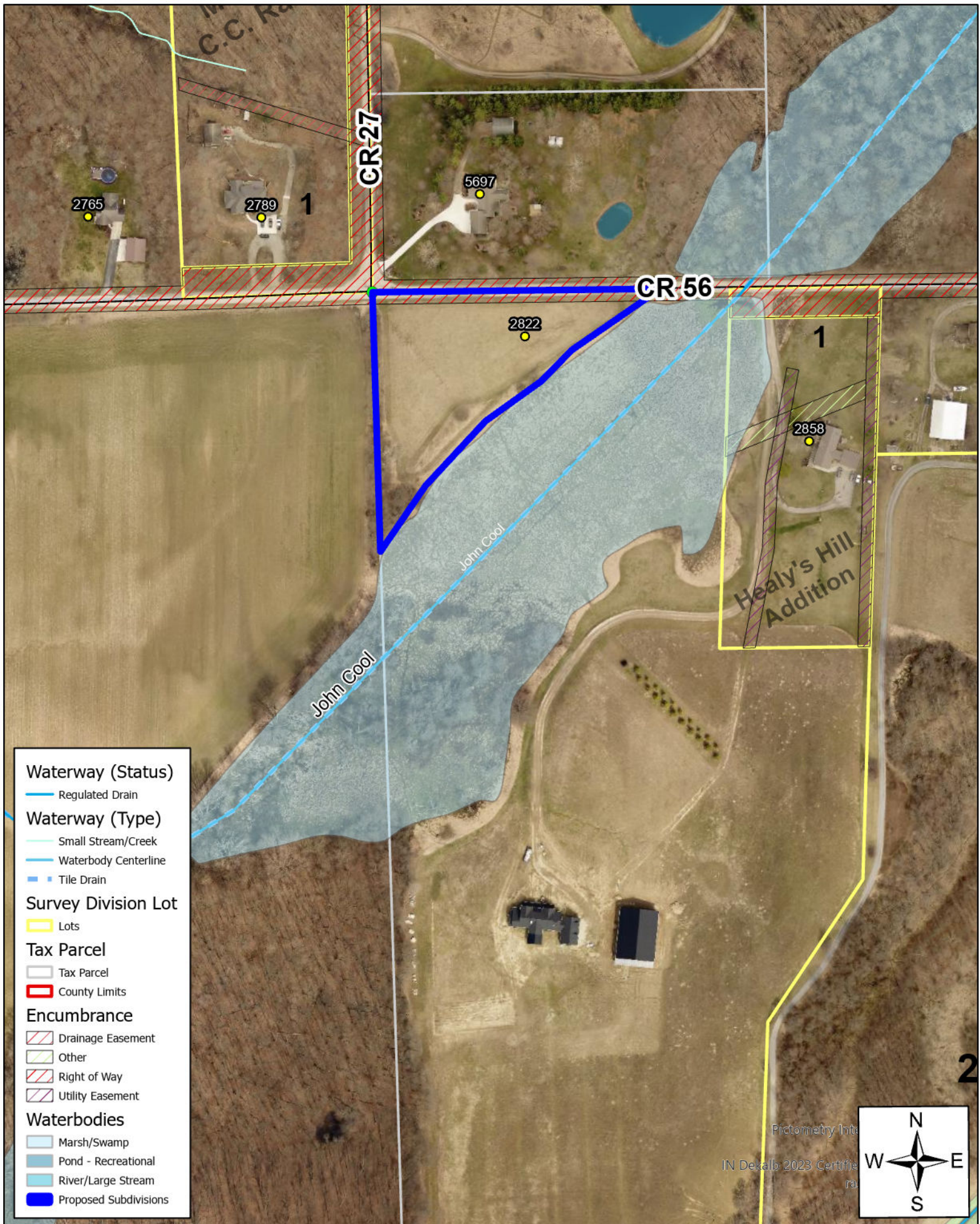
Yes (x) No () Why? Explain below:

We would have to obtain approximately 6.3 acres total to reach the area south of the
wetland to gain the 0.27 acre need to meet the 2.0 acres of buildable site, as the
wetland area is exempt from the 2.0 acres that are needed for the zoning of A2.

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: Angela D. Walker Professional Surveyor 01/10/2024

(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:

PROPERTY OWNER: Bret & Dinah Miller
SUBJECT SITE: 2822 County Road 56, Auburn
REQUEST: Development Standards Variance
PURPOSE: To allow for a reduction to the required lot acreage for a proposed 1 lot subdivision
EXISTING ZONING: A2, Agricultural
SURROUNDING LAND USES AND ZONING: North: Single Family Residential (R1)
South: Single Family Residential/Wooded Lot/Farm ground (A2)
East: Single Family Residential (A2)
West: Farmground (A2)

ANALYSIS:

UDO Standards: A2 Zoning District

2.06 Lot Area (Acreage): 2 net acres (not including any dedicated rights-of-way and recorded easements)

- The property owner is requesting to create a buildable lot. When properties are platted to create a buildable lot, the lot must meet the minimum lot acreage requirement – excluding any dedicated right of way or easements. The petitioner is proposing the lot to be 1.73 acres. Thus, requesting a variance for 0.27 acres.
- The proposed lot will not be going into the delineated wetland or drainage easement. This causes the lot to not meet the 2 net acre requirement.
- The petitioner will be using the property for a new single-family home, which is a permitted use. Additionally, the petitioner has found 2 sites for a septic system and the Health Department is awaiting approval of this Development Standards Variance to move forward with issuing a permit for an on-site residential septic system.

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 10, 2024**
2. Legal notice published in The Star on **February 2, 2024** 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 **January 16, 2024**
5. Letter from the County Highway Department, dated **January 12, 2024**
6. Letter from the Soil & Water Conservation District, dated **January 11, 2024**
7. Letter from the County Surveyor or Drainage Board, dated **January 23, 2024**
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 reduction to the lot acreage to be less than 2 acres is not injurious to the public. The property will be used for a new single-family home and the petitioner has found 2 sites for a septic system per the rules of the Health Department.

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 reduction to the lot acreage may increase the property values in the area but should not have a negative impact on 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 (X) No () *

The reduction to the lot frontage will allow for the construction of a new single-family home to be built. With the lot being out of the delineated wetlands and regulated drain, the net lot acreage cannot meet the 2 acre requirement. The petitioner has found 2 sites for a septic system per the rules of the Health Department.

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 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 the reduction of lot acreage 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.