

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 Diehl 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. Diehl 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

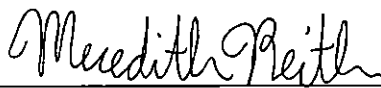
None

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