

MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Monday April 9, 2018

The Regular 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 Chairman Ruth McNabb.

ROLL CALL:

Members present: Matt Bechdol, Timothy Griffin, Frank Pulver, James Stahl and Ruth McNabb

Members absent: None

Staff Present: BZA Attorney David Kruse, Director/Zoning Administrator Chris Gaumer and BZA Secretary Caeli Hixson

Public in Attendance: Dean Sharp, Belinda Sharp, Todd Bauer and Bob Goings

APPROVAL OF MINUTES:

Motion was made by Matt Bechdol and seconded by Frank Pulver to approve the minutes of March 12, 2018. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

For the information of the members of the public, Chairman Ruth McNabb introduced the members of the Board and Staff and explained the process of the hearings.

A public hearing was conducted pursuant to proper legal notice.

Petition #18-04 - James Grimm requesting a Development Standards Variance to allow for a reduction in the minimum lot width of two (2) proposed lot splits. The property is located approximately 900 feet from the intersection of County Road 41 & State Road 8, Auburn, Indiana and is zoned A2, Agricultural.

Director Chris Gaumer read the report.

Todd Bauer stated that the necessity of the request comes from the fact that the current Ordinance requires a much larger lot frontage across the public way and due to the location of the property being back in the woods and wanting to provide two potential building sites for family members, the total of the actual Ordinance requirement of 120 ft per frontage would consume 240 ft of tillable land that is currently being farmed. Therefore they are requesting a variance in an effort to maintain as much farm ground as possible.

Mr. Gaumer said that on page 3 of the staff report there is a visual, not to scale, that shows a comparison of the 240 ft. lot frontage vs. the 80 ft. being requested. He said that they had originally requested a shared driveway but because of issues that have resulted from shared driveways he tried to steer away from that.

Mr. Stahl asked if there would only be 80 ft. total going back.

Mr. Gaumer said that at the lot frontage it is 40 ft. each and then at 170 ft. back it narrows to 25 ft. to try to preserve that agricultural land.

Mr. Pulver asked if each driveway was 25 ft.

Mr. Gaumer said for the most part, yes.

Mr. Bauer said that originally they had proposed two 25 foot driveways directly to County Road 41. As part of the technical review, the Highway Department did come back and request that it be at least a minimum 40 ft. due to culverts, turning radius, etc.

Mr. Kruse asked if since the Ordinance requires 120 ft. wouldn't that also mean that it has to be 120 ft. all the way back.

Mr. Gaumer said that the Ordinance does not indicate that it would have to be 120 ft. all the way back, it could vary.

Mr. Stahl said that he is concerned that there will be problems in the future because there would not be enough frontage for development or if someone wanted to build. He referenced an older case where this was an issue.

There was discussion pertaining to lot frontage and Ordinance requirements as well as pipe stem driveways.

Mr. Kruse asked why they didn't take the 40 ft. all the way back.

Mr. Bauer said that they were trying to keep as much farming ground as possible and they chose the 40 ft. because that is what the Highway Department had requested as minimum.

Mr. Bechdol said that the 40 ft. saves the agricultural land but you can't do anything on 40 ft. with a driveway on it. So, they wouldn't be able to come back and ask for anything within there because it would be denied.

Mr. Gaumer said the reason for the 40 ft. is because you need 30 ft. for the culvert and the Highway Department needed an additional 5 ft. on each side for maintenance.

There was further debate on lot frontage and setback regulations.

Mr. Pulver asked if both the lots were sold.

Mr. Bauer said that they are in the process of creating the plat but there are family members that intend to purchase the lots if it is approved.

There was discussion and decision to allow 40' if it goes all the way to the building site.

Mrs. McNabb asked if there were questions or concerns from the audience.

There were none.

Mr. Gaumer recommends approval.

Mrs. McNabb 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 **2/27/18**
2. Legal notice published in The Star on **3/20/18** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff. **YES**
4. Letter from the County Board of Health, dated **4/2/18**
5. Letter from the County Highway Department, dated **3/9/18**
6. Letter from the County Surveyor or Drainage Board, dated **2/28/18**
7. Letter from the County Soil/Water Conservation District, dated **2/28/18**
8. Airport Board report, if applicable **N/A**

FINDINGS OF FACT - UDO REQUIREMENTS:

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 lot frontage for the 2 lot subdivision will not be injurious to the public. The petitioner is also requesting enough width for the 2 driveways that will not negatively impact the lots in the future. Also, see DeKalb County Board of Health letter, Highway Dept. letter and County Surveyor letter, not opposed.

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 lot frontage will not impact the property values negatively.

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 lot frontage is requested to retain as much farm ground as possible while also to allow for 2 new home sites in the wooded area as shown on the site plan. The 120 ft. frontage is excessive for this development and would disrupt reasonable farm use and eliminate one of the sites. Only wooded lots are involved.

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 this reduction in lot frontage to be 40' wide for each lot is approved. Said 40 ft. to be continuous to the lot building sites.
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 STANDARDS VARIANCE, PETITION #18-04 IS HEREBY GRANTED APPROVAL ON THIS 9 DAY OF APRIL, 2018.

Matt Bechdol made motion to approve Petition #18-04, seconded by Tim Griffin.

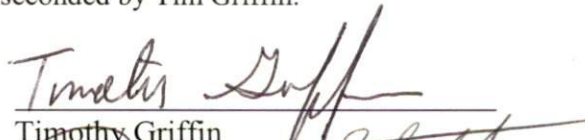
Vote tally: Yes: 5

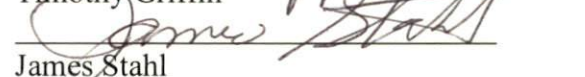
No:


Ruth McNabb


Matt Bechdol


Frank Pulver


Timothy Griffin


James Stahl

Petition #18-05 - Dean & Belinda Sharp requesting a Development Standards Variance to allow for a reduction in the front yard setback for a proposed home addition. The property is located at 6636 State Road 1, Spencerville, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the report. He made an error in stating that they were wishing to build an accessory structure on the staff report, they are not; they are doing a home extension.

Dean Sharp stated that it is an old house and they need more downstairs living space.

Mrs. McNabb asked if there were any questions or concerns from the audience.

There were none.

Mr. Gaumer recommends approval.

Mrs. McNabb 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 3/9/18
2. Legal notice published in The Star on 3/23/18 and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff. YES
4. Letter from the County Board of Health, dated 4/2/18
5. Letter from the County Highway Department, dated 3/12/18
6. Letter from the County Surveyor or Drainage Board, dated 3/13/18
7. Letter from the County Soil/Water Conservation District, dated 3/12/18
8. Airport Board report, if applicable N/A

FINDINGS OF FACT - UDO REQUIREMENTS:

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 will not be injurious to the public as the proposed addition is still 51' – 2" to the edge of the pavement. Also, see DeKalb County Board of Health letter, Highway Dept. letter and County Surveyor letter, are not opposed.

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 of the front yard setback will not impact the property values negatively. No objections were made at the hearing.

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 requested because the proposed location of the expansion is the downstairs living area. No other area of the property could be used without reconfiguring the layout of the home. There is a preexisting structure over 100 years old.

CONDITIONS OF APPROVAL:

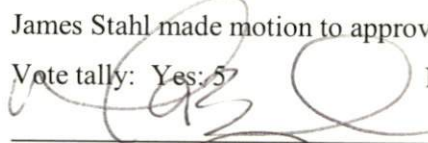
1. The Board retains continuing jurisdiction of this from Development Standards Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. A Variance to allow this reduction in the front yard setback to 34' – 10" is approved.

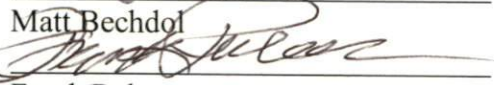
3. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
4. No offsite drainage crossing over said real estate should be obstructed by any development on this site.
5. No Certificate of Occupancy or Certificate of Completion shall 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 #18-05 IS HEREBY GRANTED APPROVAL ON THIS 9TH DAY OF APRIL, 2018.

James Stahl made motion to approve Petition #18-05, seconded by Frank Pulver.

Vote tally: Yes: 5 No:


Matt Bechdol


Frank Pulver


Ruth McNabb


Tim Griffin


James Stahl

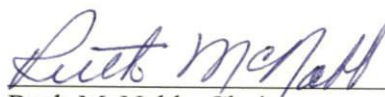
REPORTS OF PLANNING STAFF, OFFICERS AND/OR COMMITTEES:

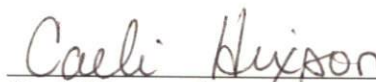
None

COMMUNICATIONS:

None

There being no further business to come before the board, the meeting was adjourned at 7:12 P.M.


Ruth McNabb, Chairperson


Caeli Hixson, Secretary