

MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Monday March 12, 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, Assistant Director Dawn Mason and BZA Secretary Caeli Hixson

Public in Attendance: Rory Walker

APPROVAL OF MINUTES:

Motion was made by Matt Bechdol and seconded by James Stahl to approve the minutes of January 8, 2018. Motion carried.

OLD BUSINESS:

Petition #18-01 – Lori Moore-Heidrich - Withdrawn

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 #18-03 - R & D Walker Farms, LLC. requesting a Development Standards Variance to allow for a reduction in the front yard setback. The property is located across from 4275 County Road 22, Waterloo, Indiana and is zoned A1, Conservation Agricultural.

Mr. Gaumer read the report.

Mrs. McNabb asked if there were any questions from staff.

Mr. Walker stated that there is an existing building that is dilapidated and the roof is no good. He would like to tear it down and rebuild a better, more appealing building using the existing foundation.

Mr. Pulver asked if the new building was going to go on the existing slab. Mr. Walker said yes.

Mr. Pulver asked where the entrance to the building would be. Mr. Walker said that the entrance would be on the West end of the building, not facing the road.

Mr. Griffin asked if there were a lot of traffic on that road.

Mr. Walker said there is more all the time and you never know what the future is going to bring.

Mrs. McNabb asked if there were any further questions for Mr. Walker.

There were none.

There were no audience members present for comment.

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 **1/22/18**
2. Legal notice published in The Star on **2/27/18** 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 **2/2/18**
5. Letter from the County Highway Department, dated **2/20/18**
6. Letter from the County Surveyor or Drainage Board, dated **2/16/18**
7. Letter from the County Soil/Water Conservation District, dated **2/15/18**
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 structure will not be injurious to the public as the structure already exists – just being rebuilt. Also, see DeKalb County Board of Health letter, Highway Dept. letter & County Surveyor letter. Plus, the door is on the West end where it is safer than a front door facing the road.

- 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 pole barn will not impact the property values negatively. Building improvement will enhance the value and the petitioner owns all surrounding lands.

- 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 structure location is requested due to where it currently exists. Unnecessary costs and destruction would result if the variance is denied. It is most reasonable to replace the building on the same foundation slab.

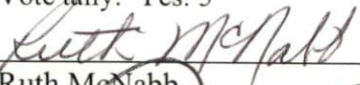
CONDITIONS OF APPROVAL:

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 accessory structure to be 1 foot from the front property line 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 STANDARDS VARIANCE, PETITION #18-03 IS HEREBY GRANTED APPROVAL ON THIS 12 DAY OF MARCH, 2018.

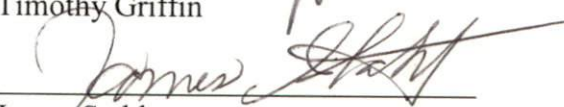
Tim Griffin made motion to approve Petition #18-03, seconded by James Stahl.

Vote tally: Yes: 5 No:


Ruth McNabb


Timothy Griffin


Matt Bechdol


James Stahl


Frank Pulver

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 6:24 P.M.


Ruth McNabb, Chairperson


Caeli Hixson, Secretary