

MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Monday July 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 Vice Chairman James Stahl.

ROLL CALL:

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

Members absent: Ruth McNabb

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

Public in Attendance: Nate Noris, Dan Pfister, Steve Getts, Shalon Getts and Jim Freed

APPROVAL OF MINUTES:

Motion was made by Matt Bechdol and seconded by Tim Griffin to approve the minutes of May 14, 2018. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

For the information of the members of the public, Vice Chairman James Stahl 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 #18-06 - Steve & Shalon Getts requesting an amendment to a previously approved Development Standards Variance to allow for an additional reduction in the front yard setback for a new home. The property is located at 0869 County Road 24, Corunna, Indiana and is zoned A2, Agricultural.

Zoning Administrator Chris Gaumer read the report. He said that the Board previously approved a variance for 41.5 feet from the front yard setback or 81.5 feet from the center of the road on May 14, 2018. Due to the layout of the lot and placement of the septic they will need a variance for an additional 10.5 feet putting the house at 31 feet from the front yard setback or 71 feet from the center of the road.

Mr. Pulver clarified that the first variance was for 81.5 feet and now they wanted a variance for 71 feet.

Mr. Gaumer said that is correct.

Mr. Pulver asked why they didn't ask for the 71 feet initially.

Nate Noris, from MBN Properties and representing the Getts said that there was a miscommunication on the plot plan between him and the septic designer as far as the distance that was needed. The distance right now that they were approved for in May will cut into one of the fingers on the septic system and due to the wetlands on the back of the property they cannot put the septic anywhere else.

Mr. Bechdol asked if there were a statement from the septic designer.

Jim Freed, septic designer, reiterated that because of the wetlands they cannot push the septic system back and with the current distances approved the house will cut into one of the fingers on the septic system.

Mr. Bechdol said that as a future learning lesson there needs to be a practical difficulty, so the words they use matter. There really is no other solution in this situation to move the house or the septic so it is a practical difficulty.

Mr. Stahl asked if there were any questions or concerns from the audience.

There were none.

Mr. Gaumer recommends approval.

Mr. Stahl 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 **6/11/18**
2. Legal notice published in The Star on **6/28/18** 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 **6/20/18**
5. Letter from the County Highway Department, dated **6/20/18**
6. Letter from the County Surveyor or Drainage Board, dated **6/11/18**
7. Letter from the County Soil/Water Conservation District, dated **6/11/18**
8. Airport Board report, if applicable **N/A**
9. See prior decision dated 5/14/2018

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 structure will be 31 feet from the front yard setback (71 feet from the center of road). Also, see DeKalb County Board of Health letter, Highway Dept. letter & County Surveyor 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 of the front yard setback will not impact the property values negatively. In fact, the new structure will likely raise property 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 proposed reduction in the front yard setback is requested because of the septic design and the home must be built closer to the road to avoid interference with the fingers of the septic system. There is no other reasonable alternative given the layout.

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. This Development Standards Variance to allow this reduction in the front yard setback to 31 feet from the property line or 71 feet from the center of the road, 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 AMENDMENT TO DEVELOPMENT STANDARDS VARIANCE, PETITION #18-06 IS HEREBY GRANTED APPROVAL ON THIS 9th DAY OF JULY, 2018.

Tim Griffin made motion to approve Petition #18-06, seconded by Matt Bechdol.

Vote tally: Yes: 4 No:


Matt Bechdol


Frank Pulver


Tim Griffin


James Stahl

Petition #18-09 - Dan & Karen Pfister requesting an extension of a previously approved Special Exception to allow for dependent parent housing. The property is located at 5188 County Road 39, Auburn, Indiana and is zoned A2, Agricultural.

Zoning Administrator Chris Gaumer read the report. He said that this is an extension of a previously approved dependent parent housing. In 1988 the Pfister's came forward for the original approval of Dependent Parent Housing for Karen Pfister's grandmother. It was renewed in 1993. Sometime between 1993 and 2000 Dan Pfister spoke with the Plan Commission office and asked if his son could move in to the Dependent Parent Housing, his son is in a wheelchair and the grandmother had passed away, the Plan Commission said that it was fine and renewed the Dependent Parent Housing for Dan's son in 2000 then again in 2005 and 2010. It is an existing house that meets all the setback requirements.

Mr. Griffin asked if renewal is to be done every 5 years.

Mr. Gaumer said that it is supposed to be done every 5 years and he is fine with it coming back to the Board but he did make a recommendation on the conditions that the Special Exception can be renewed by the Zoning Administrator if all the conditions remain the same.

Mr. Bechdol said that with a similar, recent petition there was quite a bit of debate with 911 so is there anything new put in place in regards to addresses since this Special Exception originated in 1988.

Mr. Gaumer said that both houses on this tract of land have the same address and that it has been that way since 1988. He brought it up to Dan Pfister as a potential concern but he did not speak

to 911. Going forward he thinks that it would be smart to do two different addresses but in this case since it has been this way since the 1980's there isn't a need for the change.

Mrs. Mason said that 911 prefers that there be separate addresses. The biggest concern is response time. In this case, the mobile home is very close to the house so the same address for both homes shouldn't cause delay in response time. However, not just for 911 but for census reasons as well, going forward there needs to always be separate addresses.

Mr. Stahl asked if there were any questions or concerns from the audience.

There were none.

Mr. Gaumer recommends approval.

Mr. Stahl 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 **5/18/18**
2. Legal notice published in The Star on **6/28/18** 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 **6/8/18**
5. Letter from the County Highway Department, dated **5/22/18**
6. Letter from the County Surveyor or Drainage Board, dated **6/11/18**
7. Letter from the County Soil/Water Conservation District, dated **5/21/18**
8. Airport Board report, if applicable **N/A**

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 zone district and Comprehensive Plan. This is a renewal of an existing Dependent Parent Home for the petitioner's son. Also, see DeKalb County Board of Health letter, Highway Dept. letter, Soil/Water Conservation District & County Surveyor letter.

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 zone district and Comprehensive Plan and will not be injurious to the surrounding community. This is a renewal of an existing Dependent Parent Home for the petitioner's son.

3. **Is the proposed use in harmony with all adjacent land uses?** Yes (☒) No (☐)*

The proposal is harmonious with the surrounding community. This is a renewal of an existing Dependent Parent Home for the petitioner's son.

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. This is a renewal of an existing Dependent Parent Home for the petitioner's son.

5. **Does the proposed use substantially impact the property value in an adverse manner?** Yes (☐)* No (☒)

The proposal is residential in nature and will not impact the property values negatively. This is a renewal of an existing Dependent Parent Home for the petitioner's son.

CONDITIONS OF APPROVAL:

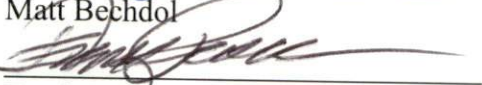
1. The Board retains continuing jurisdiction of this Special Exception to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. No offsite drainage crossing over said real estate should be obstructed by any development on this site.
4. The Special Exception to allow this dependent parent housing for the petitioners child is approved.
5. The Special Exception may be renewed by the Zoning Administrator as long as all terms of this approval continue to exist.
6. Zoning Administrator to determine when conditions have been met.
7. Comply with previously approved special exceptions.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS SPECIAL EXCEPTION, PETITION #18-09 IS HEREBY GRANTED APPROVAL ON THIS 9TH DAY OF JULY, 2018.

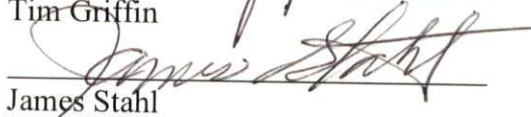
Matt Bechdol made motion to approve Petition #18-09, seconded by Frank Pulver.

Vote tally: Yes: 4 No:


Matt Bechdol


Frank Pulver


Tim Griffin


James Stahl

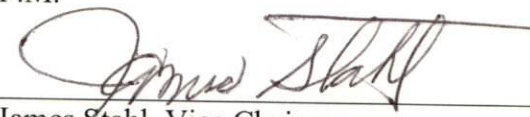
REPORTS OF PLANNING STAFF, OFFICERS AND/OR COMMITTEES:

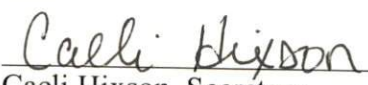
None

COMMUNICATIONS:

None

There being no further business to come before the board, the meeting was adjourned at 6:40 P.M.


James Stahl, Vice Chairperson


Caeli Hixson, Secretary