

**MINUTES**  
**DEKALB COUNTY BOARD OF ZONING APPEALS**  
**Monday April 11<sup>th</sup>, 2022**

A Meeting of the DeKalb County Board of Zoning Appeals was called to order at 5:59 p.m. in the Commissioner's Court of the DeKalb County Courthouse by Chairperson, Frank Pulver.

**ROLL CALL:**

Members present: Frank Pulver, Jason Carnahan, Jeff Barkhaus, Rory Walker, Mary Diehl

Members absent: None

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

Public in Attendance: Aaron Keebler, Troy Smith, Scott Wilson, & Corbin Wilson

**APPROVAL OF MINUTES:**

Motion was made by Jason Carnahan and Seconded by Jeff Barkhaus to approve the Minutes of March 14<sup>th</sup>, 2022. Motion carried.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Petition #22-05 Scott & Misty Wilson requesting a Special Exception to allow Dependent Housing for their disabled son in a 1bedroom apartment in a pole building. The property is located at 6629 County Road 35, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Scott & Corbin Wilson took to the podium to explain the purpose of application.

Frank Pulver asked if there were any questions from the board members or audience. There were none. Frank Pulver closed the public hearing.

**JURISDICTIONAL FINDINGS:**

*The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.*

1. Application completed and filed on **February 22, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **February 23, 2022**
5. Letter from the County Highway Department, dated **February 23, 2022**
6. Letter from the Soil & Water Conservation District, dated **February 23, 2022**
7. Letter from the County Surveyor or Drainage Board, dated **February 23, 2022**
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. Is the proposed use consistent with the purpose of the Zoning District and Comprehensive Plan?

Yes ( X )    No (   )\*

*The proposal is consistent with the district and Comprehensive Plan. This approval is for Dependent Housing 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 ( X )

*The proposal is consistent with the zoning district and Comprehensive Plan and will not be injurious to the surrounding community as much of the area surrounding this land is agricultural.*

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

*The proposal is harmonious with the surrounding community.*

4. Does the proposed use alter the character of the district?    Yes (   )\*    No ( X )

*The proposal is residential in nature which is consistent with the surrounding community. .*

5. Does the proposed use substantially impact the property value in an adverse manner?

Yes (   )\*    No ( X )

*The proposal is residential in nature and will not impact the property values negatively.*

#### **PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

##### **Conditions of Approval:**

Staff is recommending approval for dependent parent housing and recommends the following conditions:

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. No offsite drainage crossing over said real estate should be obstructed by any development on this site.
3. The Special Exception to allow this dependent housing for the petitioner's son is approved.
4. 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 by the petitioner.

The following commitment should be approved and recorded so title companies and appraisers can search for and find the approval of the living quarters.

1. The Special Exception (Case # 22-05) to allow a 1 bedroom living quarters in the Pole Barn is approved by the Board of Zoning Appeals on April 11, 2022. The living quarters can never be rented or occupied for value but may be used for short term stays for family or friends, unless this limitation is prohibited by Indiana Code.



IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS SPECIAL EXCEPTION, PETITION #22-05 IS HEREBY GRANTED APPROVAL ON THIS 11<sup>th</sup> DAY OF APRIL, 2022.

Motion made by Jeff Barkhaus, Seconded by Rory Walker

Vote tally: Yes: 5 No: 0

unavailable  
Jeff Barkhaus

Rory Walker  
Rory Walker

Jason Carnahan  
Jason Carnahan

Frank Pulver  
Frank Pulver

Mary Diehl  
Mary Diehl

Petition #22-06 Heidtman Steel Products, Inc. requesting a Development Standards Variance to allow for an Electronic Message Center sign for directional and safety purposes for trucks on site. The property is located at 4400 County Road 59, Butler, Indiana and is zoned I-3, High Intensity Industrial.

Chris Gaumer read the Staff Report.

Aaron Keebler and Troy Smith took to the podium to explain the use for the electronic sign and address any questions the board members may have.

Frank Pulver asked if there were any questions from the board members or audience. There were none.

Frank Pulver 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 **February 22, 2022**
2. Legal notice published in The Star on **April 1, 2022** 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 **February 28, 2022**
5. Letter from the County Highway Department, dated **February 25, 2022**
6. Letter from the Soil & Water Conservation District, dated **February 25, 2022**
7. Letter from the County Surveyor or Drainage Board, dated **February 28, 2022**
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 proposed electric message sign for directional and safety information will not be injurious to the general public and will improve traffic with the information it will provide to the drivers utilizing the property. Also see DeKalb County Board of Health letter & Highway Dept. 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 electric message center sign not adversely affect the neighboring properties as the neighboring properties are mostly industrial uses. The sign is not intended to be seen by passersby from County Road 59.*

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 electronic message sign is needed for the drivers utilizing the property by providing better directional and safety information.*

#### **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 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 electronic message sign 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 this 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.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS DEVELOPMENT STANDARDS VARIANCE, PETITION #22-06 IS HEREBY GRANTED APPROVAL ON THIS 11<sup>th</sup> DAY OF APRIL, 2022.

Motion made by Jeff Barkhaus, Seconded by Jason Carnahan

Vote tally: Yes: 5 No: 0

unavailable

Jeff Barkhaus

Rory Walker

Rory Walker

Mary Diehl

Mary Diehl

There being no further business to come before the board, the meeting was adjourned at 6:30 p.m.

Frank Pulver

Frank Pulver, Chairperson

Alicia Shackelford

Alicia Shackelford, Secretary

Frank Pulver

Jason Carnahan