# DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

Planning: 260.925.1923 • Building: 260.925.3021 • GIS: 260.927.2356 • Fax: 260.927.4791


**AGENDA**
**DeKalb County Board of Zoning Appeals**
**Commissioners Court – 2nd Floor DeKalb County Court House**
**Monday, August 14, 2023**
**6:00 PM**

1. Call to order
2. Roll call
3. Approval of Minutes: July 10, 2023
4. Old Business: None
5. New Business:

   Petition #23-09 – Lauren Kruse & Brian Dill requesting a Special Exception to allow outdoor storage of recreational vehicles and boats. The property is located at 6128 County Road 427, Auburn, Indiana and is zoned AP3, Airport Commercial.

   Petition #23-10 – DAGCO Real Estate II, LLC requesting a Development Standards Variance to allow for an electronic message sign. The property is located at 6467 Merchants Dr, LaOtto, Indiana and is zoned C2, Neighborhood Commercial.

   Petition #23-11 – DeKalb County Humane Society requesting a Development Standards Variance to allow for 22 inches of ground clearance for a proposed monument sign. The property is located at 5730 County Road 11A, Auburn, Indiana and is zoned C3, General Commercial.

6. Reports from Planning Staff, Officers, and/or Committees
7. Comments from Public in attendance
8. Adjournment

Next Meeting: September 11, 2023

**If you cannot attend, please contact Andrea Noll:**
**Anoll@co.dekalb.in.us | (260) 925-1923**

***PLEASE ENTER THROUGH THE NORTH DOOR OF THE COURTHOUSE LOCATED ON SEVENTH STREET***

****Cellphones, tablets, laptops, & weapons are prohibited****

**MINUTES**
**DEKALB COUNTY BOARD OF ZONING APPEALS**
**Monday, July 10, 2023**

A Meeting of the DeKalb County Board of Zoning Appeals was called to order at 6:01 p.m. in the Commissioner's Court of the DeKalb County Courthouse by Vice-Chairperson, Mary Diehl.

## ROLL CALL:

Members present: Jason Carnahan, Jeremy Watson, and Mary Diehl
Members absent: Frank Pulver and Rory Walker
Staff Present: BZA Attorney, Andrew Kruse, Director/Zoning Administrator, Chris Gaumer, and Secretary, Andrea Noll
Public in Attendance: Justin Hoover, Brian & Judy Krocker, and Justin Hoffman

## APPROVAL OF MINUTES:

Motion was made by Jeremy Watson and Seconded by Jason Carnahan to approve the Minutes of June 23, 2023 as submitted. None opposed. Motion carried.

## OLD BUSINESS:

None

## NEW BUSINESS:

Petition #23-07 – Justin Hoover requesting a Development Standards Variance to allow for the reduction to the front yard setback for an accessory structure. The proposed setback from the center of County Road 69 will be approximately 50 feet. The required setback is 80 feet. The property is located at 5140 County Road 69, St. Joe, Indiana and is zoned A2, Agricultural.

Chris Gaumer shared with the board and audience how the front yard setback is determined and read the Staff Report. Then he explained the proposed plans of the petitioner, using the aerial map.

Mr. Gaumer asked if there were any questions for him, then he added that the petitioner was present.

Mary Diehl inquired about the letters from the Health Department and the Highway Department.

Mr. Gaumer explained that he wanted to make sure the Health Department knew where the proposed location was, just to make sure it wasn't too close to the septic, which was marked on the map. He also stated that he wanted to make sure there weren't any odd sight problems with the Highway Department.

Ms. Diehl asked if the petitioner had anything he wanted to say or if the board had any questions for him.

Petitioner, Justin Hoover, approached the podium and further explained his proposal.

Andrew Kruse asked Mr. Hoover about the drainage arms on the map.

Mr. Hoover stated that currently nothing is going to happen to them, and they will stay put. He explained that those were old clay tiles and had since replaced them.

Mr. Kruse verified with Mr. Hoover that it was not a used tile, under where the proposed barn will be located. Mr. Hoover agreed.

Ms. Diehl asked if there were any further questions from members or public. There were none.

Ms. Diehl closed the public hearing.

Mr. Kruse went through the Findings with the board.

## JURISDICTIONAL FINDINGS:

1. Application completed and filed on **May 24, 2023**.

2. Legal notice published in The Star on **June 30, 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 **June 21, 2023**.
5. Letter from the County Highway Department, dated **May 24, 2023**.
6. Letter from the Soil & Water Conservation District, dated **May 24, 2023**.
7. Letter from the County Surveyor or Drainage Board, dated **May 25, 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 front yard setback will not be injurious to the public. 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 proposed reduction in the front yard setback will not adversely affect the neighboring properties as the neighboring properties are single-family homes.*

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 needed due to the existing pond embankment location and topography of the property.*

**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 for the front yard setback of 50 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.

Mary Diehl asked if the petitioner, Justin Hoover, agrees to abide by these conditions and commitments should the petition be approved. Mr. Hoover confirmed.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS DEVELOPMENT STANDARD VARIANCE, PETITION #23-07, IS HEREBY GRANTED APPROVAL ON THIS 10$^{TH}$ DAY OF JULY, 2023.

Motion made by Jason Carnahan, Seconded by Jeremy Watson.

Vote tally: Yes: 3 No: 0

_____ _____

Mary Diehl Jeremy Watson

_____

Jason Carnahan

Petition #23-08 – Brian & Judith Krocker requesting a Floodplain Standards Variance to allow for the reduction to the flood protection grade for an addition to the primary structure. The Base Flood Elevation (BFE) is 945.3 feet and the proposed addition is at 945.8 feet. The required flood protection grade per the Floodplain Ordinance is 947.3 feet or more. The property is located at 0448 Story Lake Dr., Hudson, Indiana and is zoned R3, Village Residential.

Chris Gaumer briefly explained what a Floodplain Standards Variance consists of, then read the Staff Report.

Mr. Gaumer advised to the board what the petitioners' proposal was and explained a LOMA.

Andrew Kruse clarified with Mr. Gaumer that the petitioners weren't going any lower than the existing structure.

Mary Diehl asked if the petitioner if he had anything to add.

Justin Hoffman, the site engineer, approached the podium to point out that the 945.8 feet elevation is actually the lowest adjacent grade around the house. He added that the finished floor is actually at 946.0, so it doesn't change the need to come before the BZA.

Mr. Gaumer acknowledged the error.

Ms. Diehl asked if there were any further questions from members or public. There were none.

Ms. Diehl closed the public hearing.

Mr. Kruse went through the Findings with the board.

**JURISDICTIONAL FINDINGS:**

1. Application completed and filed on **June 6, 2023**.
2. Legal notice published in The Star on **June 30, 2023** and affidavit given to staff and receipt received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **June 21, 2023**.
5. Letter from the County Highway Department, dated **June 6, 2023**.
6. Letter from the Soil & Water Conservation District, dated **June 6, 2023**.
7. Letter from the County Surveyor or Drainage Board, dated **June 14, 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 addition to the single-family residence will not be injurious to the surrounding community. See letter from the Health Dept., Soil/Water District, Surveyor and Conditional Letter of Map Amendment from FEMA.*

2. Will the use and value of the area adjacent to the property included in the Floodplain Standards Variance request be affected in a substantially adverse manner if the petition is approved?
   Yes (  )*  No ( X )
   *The proposal is consistent with the surrounding residential area and will not substantially affect those properties. See the Conditional Letter of Map Amendment from FEMA.*

3. Will the strict application of the terms of the Unified Development Ordinance result in practical difficulties in the use of the property involved in the petition?
   Yes ( X )  No (  ) *
   *The proposal will allow for the seasonal home to be used year-round with the addition of the living space and storage for continual use.*

4. Is the variance the minimum necessary, considering the flood hazard, to afford relief?
   Yes ( X )  No (  ) *
   *The proposal is the minimum variance necessary for the addition. See the Conditional Letter of Map Amendment from FEMA.*

5. Does there exist good and sufficient cause for the requested variance?
   Yes ( X )  No (  ) *
   *The proposal will allow for year-round living as opposed to seasonal. This Variance is the minimum necessary.*

6. Does the strict application of the terms of the Ordinance constitute an exceptional hardship to the applicant?
   Yes ( X )  No (  ) *
   *The proposal will allow for the addition to have year-round living space with the addition of a furnace, washer/dryer, water softener, etc. See the Conditional Letter of Map Amendment from FEMA.*

7. Will the granting of the requested variance increase flood height, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances?
   Yes (  )*  No ( X )
   *The proposed addition and the existing structure are the same Base Flood Elevation and does not require the building to be closer to the existing lake or limits of the Base Flood Elevation. See the Conditional Letter of Map Amendment from FEMA.*

**Conditions of Approval:**

1. The Board retains continuing jurisdiction of this Floodplain Standards Variance 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 Floodplain Standards Variance to allow for the Flood Protection Grade to be ~~0.65 feet~~ (Andrew Kruse clarified this error with Chris Gaumer) 946.0 feet is approved.

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.

Mary Diehl asked if the petitioner agrees to abide by these conditions and commitments should the petition be approved.

Petitioner, Brian Krocker, approached the podium to introduce himself and confirm that he agrees.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS FLOODPLAIN STANDARDS VARIANCE, PETITION #23-08, IS HEREBY GRANTED APPROVAL ON THIS 10TH DAY OF JULY, 2023.

Motion made by Jeremy Watson, Seconded by Jason Carnahan.

Vote tally: Yes: 3 No: 0

_____ _____

Mary Diehl Jeremy Watson

_____

Jason Carnahan

There being no further business to come before the board, the meeting was adjourned at 6:25 p.m.

_____ _____

Mary Diehl, Vice-Chairperson Andrea Noll, Secretary

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 23-09
Date Application Filed: 7/6/23
Fee Paid: CC-
10684505

# Application for SPECIAL EXCEPTION
## (Section 9.20)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

**APPLICANT INFORMATION**

Applicant's Name: BRIAN DILL
Address: 2325 CR 62
AUBURN IN 46706
Telephone Number: 765-669-0234 E-Mail: BDHAH196@GMAIL.COM

**OWNER INFORMATION (if different from applicant information)**

Owner's Name: LAUREN KRUSE
Address: 2325 CR 62
AUBURN IN 46706
Telephone Number: 260-385-2213 E-Mail:

**REPRESENTATIVE INFORMATION (if different from applicant information)**

Representative:
Address:

Telephone Number: E-Mail:

**Legal Ad Payment & Public Hearing Notifications: Applicant** X **Owner**___ **Representative**___

**Zoning Classification of Property:** AP3

**Overlay District of Property (if applicable):**

**Address or common description of property:**
6128 CR 427 AUBURN IN 46706

**Legal description of property affected (or provide property deed):**

**Describe the Use that you are requesting a Special Exception for:**

BOAT / CAMPER STORAGE (OUTSIDE)

**Please provide the following information to the best of you ability if it pertains to your petition to the BZA.**

**A. Lighting (if any)**:
1. Style: _____
2. Height: _____
3. Location: _____

**B. Signage (if any):**
1. Dimensions: 3'x 6'
2. Materials: METAL
3. Placement: ON EXISTING FENCE
4. Lighting: NONE AT THIS TIME

**C. Hours of Operation (if any)**:
DAYLIGHT ACCESS

**D. Parking/Access (if any)**:

**Parking Classification (office use only)** _____

**E. Landscaping/Buffer yards (if any)**:
N/A

**Bufferyard Classification (office use only)** _____

**F. Number of Employees (if any)**: 1

**The Applicant must address the following questions and be able to establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA.**

A. Is the proposed use consistent with the purpose of the zoning district and Comprehensive Plan?
Yes (X) No ( ) Why? Explain below:

~~APPROVED USE FOR AP3~~ THIS IS ALLOWED SPECIAL EXCEPTION USE FOR AP3 ZONING

B. 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) Why? Explain below:

MAXIMUM AVERAGE HEIGHT OF RV IS 14'

C. Is the proposed use in harmony with all adjacent land uses?
Yes (X) No ( ) Why? Explain below:

~~APPROVED USE FOR AP3~~
THIS IS ALLOWED SPECIAL EXCEPTION USE FOR AP3 ZONING

D. Does the proposed use alter the character of the district?

Yes ( ) No (X) Why? Explain below:

THIS WAS ALREADY A NURSERY PREVIOUSLY WITH HIGH TRAFFIC COUNT. THIS WILL NOT HAVE VERY MUCH ACTIVITY AS THIS IS SEASONAL BUSINESS

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

Yes ( ) No (X) Why? Explain below:

THIS WILL NOT ADVERSELY AFFECT PROPERTY VALUE AS THIS IS AN IMPROVEMENT & SERVICE TO COMMUNITY. PROPERTY WILL BE MAINTAINED

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct. I also give permission for the Zoning Administrator to enter onto the petitioned property for inspections and take photos for the public hearing.

Applicant's Signature: Ben Dill

(If signed by representative for applicant, state capacity)

**DEKALB COUNTY BOARD OF ZONING APPEALS CASE NUMBER: 23-09**

*This staff report is prepared by the DeKalb County Department of Development Services to provide information to the Board of Zoning Appeals to assist them in making a decision on this application. It may also be useful to members of the public interested in this application.*

**SUMMARY FACTS:**

| | |
|---|---|
| **PETITIONER:** | Brian Dill |
| **PROPERTY OWNER:** | Lauren Kruse |
| **SUBJECT SITE:** | 6128 County Road 427, Auburn |
| **REQUEST:** | Special Exception |
| **PURPOSE:** | To allow for the outdoor storage of boats, campers and recreational vehicles |
| **EXISTING ZONING:** | AP3, Airport Business |
| **SURROUNDING LAND USES AND ZONING:** | North: Single Family Residential (A2)<br>South: Non-Profit (AP3)<br>East: DeKalb County Airport (AP2)<br>West: Non-Profit (AP3) |

**ANALYSIS:**

In the AP3, Airport Business Zoning District, Outdoor Storage is permitted by Special Exception only with approval from the Board of Zoning Appeals.

*Definitions: Storage, Outdoor: The outdoor accumulation of goods, motor vehicles, equipment, products, or materials for permanent or temporary holding.*

- This petition is requesting to allow for the outdoor storage of boats, campers and recreational vehicles as the primary use of the property.
- Approximately 30,000 sq. ft. of property area will be used. No improvements to the grounds are proposed. See site plan.
- The only additional item for the property will be the use of a 3' x 6' metal sign to be located on the existing fence.
- This proposed use has been routed through Technical Review, including the DeKalb County Airport Authority. Letters of non-objection have been received from all departments, including the DeKalb County Airport Authority.

**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 **July 6, 2023**
2. Legal notice published in The Star on **August 04, 2023** and affidavit given to staff and receipt received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **July 12, 2023**
5. Letter from the County Highway Department, dated **July 6, 2023**
6. Letter from the Soil & Water Conservation District, dated **July 7, 2023**
7. Letter from the County Surveyor or Drainage Board, dated **July 7, 2023**
8. Letter from the DeKalb County Airport Authority, dated **August 4, 2023.**

**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.*

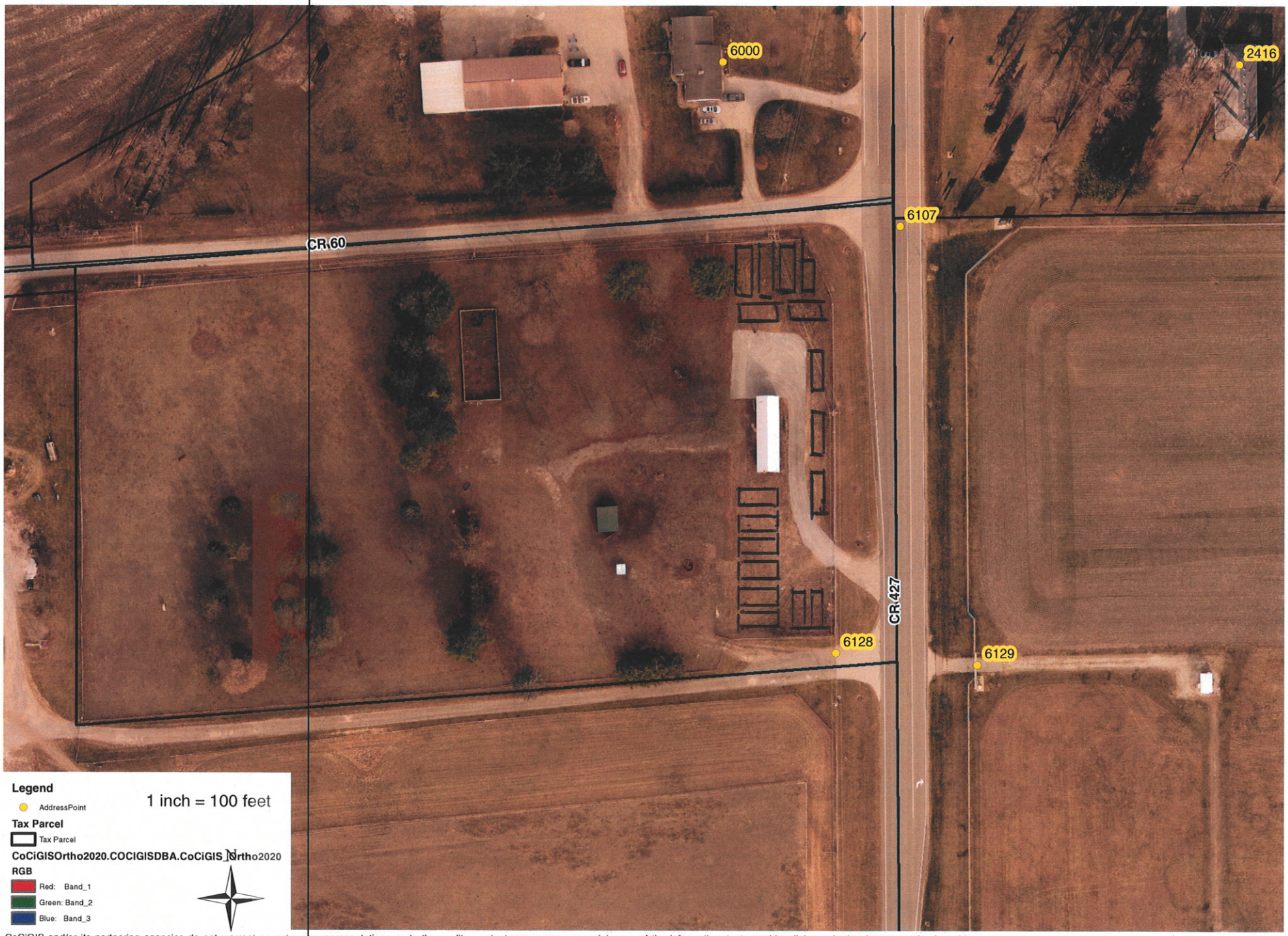
1. Is the proposed use consistent with the purpose of the Zoning District and Comprehensive Plan?
   Yes ( X )  No (  )*
   *The proposal is consistent with the district and Comprehensive Plan. This approval is for outdoor storage of boats, campers and recreational vehicles, which is permitted by Special Exception approval by the Board of Zoning Appeals. Also, see letters from the DeKalb County Board of Health, Highway Dept., Soil/Water Conservation District, County Surveyor and DeKalb County Airport Authority.*
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. This approval is for outdoor storage of boats, campers and recreational vehicles.*
3. Is the proposed use in harmony with all adjacent land uses?  Yes ( X )  No (  )*
   *The proposal is harmonious with the surrounding land uses. Also, see the letter from the DeKalb County Airport Board.*
4. Does the proposed use alter the character of the district?  Yes (  )*  No ( X )
   *The proposed use is for outdoor storage of campers, boats and recreational vehicles. While the use of the property is not residential in nature, which would be similar to the surrounding properties, the use is does not appear to alter the character of the district.*
5. Does the proposed use substantially impact the property value in an adverse manner?
   Yes (  ) *  No ( X )
   *The proposal for outdoor storage of boats, camper and recreational vehicles will not impact the property values negatively.*

**PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

**Conditions of Approval:**
Staff is recommending approval and recommends the following conditions:

1. The Board retains the 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 for the outdoor storage of boats, campers and recreational vehicles is approved.
4. Receive an approval or non-objection letter from the DeKalb County Airport Authority before any items are stored on the property.
5. 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.

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DeKalb ~ Auburn ~ Butler ~ Garrett

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FOR OFFICE USE ONLY:
File Number: 23-10
Date Application Filed: 7/10/2023
Fee Paid: 150 pd. CC.

# Application for DEVELOPMENT STANDARDS VARIANCE (Section 9.09)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

**APPLICANT INFORMATION**

Applicant's Name: Adam Dager
Address: 11736 Leo Road
Fort Wayne, IN 46845
Telephone Number: 260-579-3025 E-Mail: adam@dagcooil.com

**OWNER INFORMATION (if different from applicant information)**

Owner's Name:
Address:
Telephone Number: ---------- E-Mail: ----------

**REPRESENTATIVE INFORMATION (if different from applicant information)**

Representative: The Baldus Company/Andrew Schulenburg
Address: 440 E. Brackenridge Street
Fort Wayne, IN 46802
Telephone Number: 260-424-2366 E-Mail: andrew@balduscompany.com

**Legal Ad Payment & Public Hearing Notifications:** Applicant_ Owner_ Representative

**Zoning Classification of Property:** C2- Commercial

**Overlay District of Property (if applicable):** ----------

**Address or common description of property:**
6467 Merchants Dr. LaOtto, IN 46763

**Legal description of property affected (or provide property deed):**
LaOtto Business Park Replat

**What Development Standard are you seeking a variance for (setback, height, parking, etc.) and how to what extent (acreage, square footage, distance, number of lots, etc) BE SPECIFIC:**
Billboard sign, 12.4' tall x 25.25' wide Electronic Message Center with overall height including structure of 35' to top of the sign.

**Standards of Zoning Ordinance requesting Variance from Developmental Standards from (Zoning Section Number and/or Specific Section from Article 5):**

We are requesting approval for an Electronic Message Center .

**The Applicant must answer the following questions and be able to establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA.**

A. Will the approval of this variance request be injurious to the public health, safety, morals, and the general welfare of the community?
Yes ( ) No (X) Why? Explain below:
The sign will provide additional clear direction of location of business and will not obstruct the line of sight for traffic.

B. Will the use and value of the area adjacent to the property included in the variance request be affected in a substantially adverse manner if the petition is approved?
Yes ( ) No (X) Why? Explain below:
The sign will be set back from the right of way 150'. It will be clear of any buildings or other signage.

C. Will the strict application of the terms of the Unified Development Ordinance result in practical difficulties in the use of the property involved in the petition?
Yes (X) No ( ) Why? Explain below:
Vehicles on SR 3 routinely mis this location due to the setback of the building and the distance of the driveway from the road.

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct. I also give permission for the Zoning Administrator to enter onto the petitioned property for inspections and take photos for the public hearing.

Applicant's Signature: X

(If signed by representative for applicant, state capacity)

**DEKALB COUNTY BOARD OF ZONING APPEALS CASE NUMBER: 23-10**

*This Staff Report is prepared by the DeKalb County Department of Development Services to provide information to the Board of Zoning Appeals to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.*

**SUMMARY FACTS:**

| | |
|---|---|
| **APPLICANT:** | DAGCO Real Estate II, LLC |
| **SUBJECT SITE:** | 6467 Merchants Dr., LaOtto |
| **REQUEST:** | Development Standards Variance |
| **PURPOSE:** | To allow for an electronic message sign |
| **EXISTING ZONING:** | C2, Neighborhood Commercial |
| **SURROUNDING LAND USES AND ZONING:** | North: Single Family Residence (C2)<br>South: Paintball Course (C2)<br>East: Car Detailing (C2)<br>West: Bank (C2) |

**ANALYSIS:**

*UDO Standards:* ***5.49 SI-03: Sign; Non-residential Districts***

*C. Outdoor Advertising Sign:*

*1. An outdoor advertising sign (as defined) is permitted in any zoning district when the sign's location is within 500 feet of I-69, State Road 3, State Road 6, State Road 8, State Road 327, and State Road 427. The following regulations for large signs shall apply:*

*a. Maximum Sign Area: 675 square feet.*

*b. Maximum Sign Height: 35 feet*

*c. Minimum Sign Spacing: 1500 lineal feet between any existing signs and any newly proposed signs when the existing sign is greater than either 35 feet in height, or greater than 350 square feet in sign area. The minimum sign spacing applies to a measurement in any direction from the proposed outdoor advertising sign, regardless if visible or across a right-of-way from one another.*

*d. Placement:*

*i. The sign shall be located at least 100 feet from any right-of-way and not any greater than 500 feet from a right-of-way.*

*ii. The sign shall not be fully or partially located over an existing building.*

*iii. The sign shall not be located within 200 feet of any residential zoning district.*

*iv. The sign shall not be located withing 500 feet of any institutional zoning district.*

*e. Sign Lighting:*

*i. The sign shall not be illuminated with lighting directed upward, above the horizon.*

*ii. Lights that shine downward and that are mounted on the top of the sign, using fixtures that shield the light element from being directly visible from the adjacent interstate or highway are permitted.*

*iii. Signs greater than 200 square feet in area shall not be internally lighted.*

*iv. Signs shall not include video images, changing faces, **electronic messages**, or light emitting diode (LED) or similar images.*

*f. Obstructed View:*

*i. If a conforming outdoor advertising sign is no longer visible or becomes obstructed, or must be moved or removed, due to a noise abatement or safety measure, grade changes, construction, directional sign, highway widening, or aesthetic improvement made by any*

*agency of the state the owner or operator of the outdoor advertising sign, to the extent allowed by federal or state law, may by Special Exception by the Board of Zoning Appeals:*

1. *Elevate the outdoor advertising sign; or*
2. *Relocate the outdoor advertising sign to a point within 500 feet of its prior location, if the outdoor advertising sign complies with Section 5.49 C(c) and is zoned for commercial or industrial purposes.*

ii. *The elevated or relocated outdoor advertising sign shall be the same size as the previous outdoor advertising sign and, to the extent allowed by federal or state law, may be modified to:*

1. *Elevate the sign to make the entire advertising content of the sign visible; and*
2. *An angle to make the entire advertising content of the sign visible.*

iii. *This section does not exempt an owner or operation of the sign from submitting an Improvement Location Permit, Building Permit and fee, required by law.*

***Definitions: Sign, Outdoor Advertising****: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard or off-premise sign.*

- The petitioner is proposing a billboard style sign (outdoor advertising sign) on the east side of the property. The proposed sign meets all of the development standards for Section 5.49 (C) Outdoor Advertising Signs except the following:
  - The setbacks from the north and east property line per Section 5.49 (C)(1)(d)(i):
    - North: 80 feet – requesting variance for 20 feet
      - From the pavement of SR 3, the distance measured is approximately 165 feet.
    - East: 60 feet – requesting variance for 40 feet
      - From the pavement of SR 205, the distance measured is approximately 195 feet.
  - The proposed sign will use electronic message. The use of electronic message is not allowed per Section 5.49 (C)(1)(e)(iv).

**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 **July 10, 2023**
2. Legal notice published in The Star on **August 4, 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 **August 3, 2023**
5. Letter from the County Highway Department, dated **July 11, 2023**
6. Letter from the Soil & Water Conservation District, dated **July 12, 2023**
7. Letter from the County Surveyor or Drainage Board, dated **July 14, 2023**
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 electronic message sign within the outdoor advertising sign and reduction to the setbacks from the north and east property line will not be injurious to the public. The distances to the pavement of each road is a safe distance. Also see 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 proposed electronic message sign within the outdoor advertising sign and reduction to the setbacks from the north and east property line will not adversely affect the neighboring properties as the majority of neighboring properties are commercial use.*

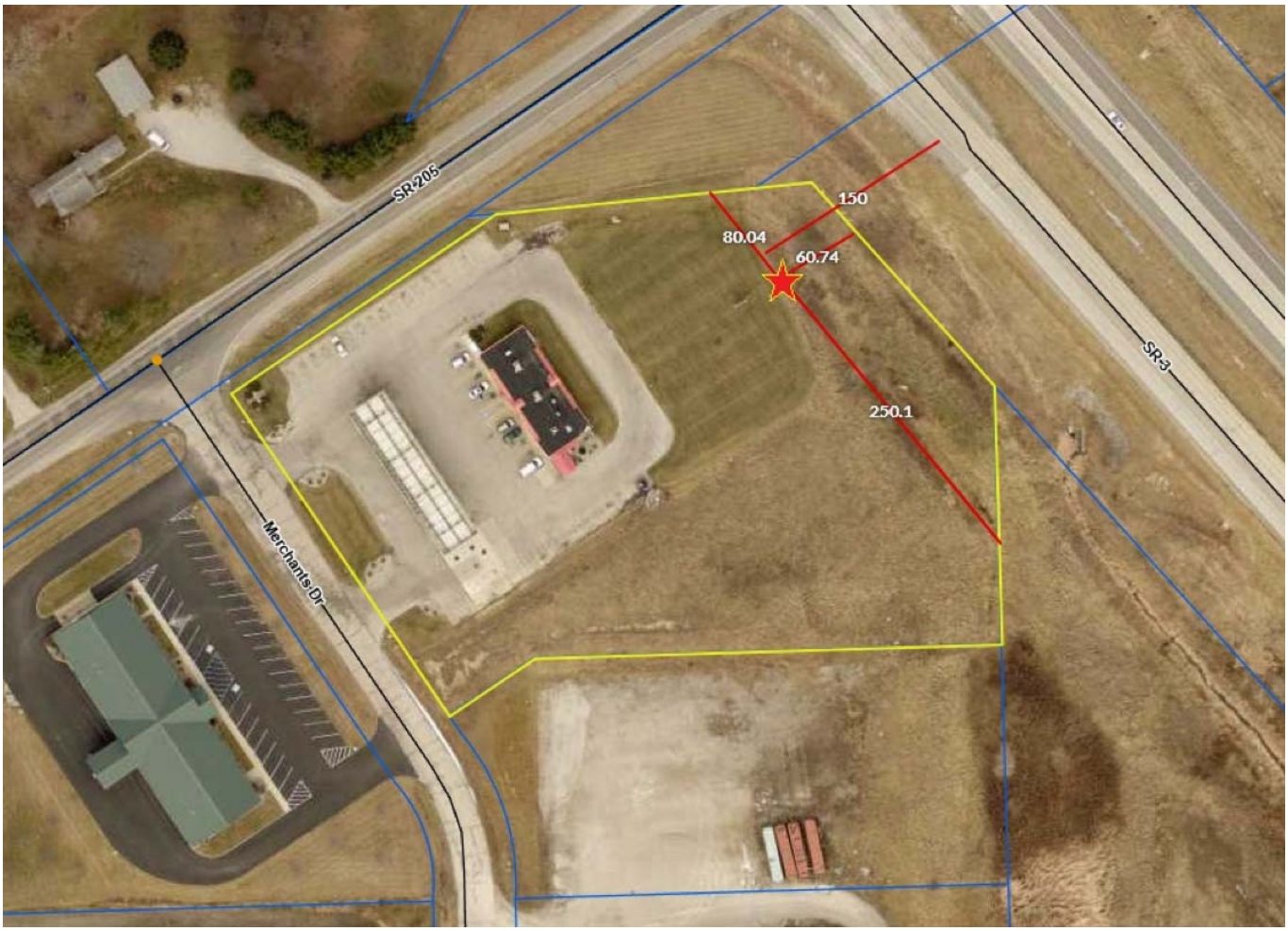
3. Will the strict application of the terms of the Unified Development Ordinance result in practical difficulties in the use of the property? Yes ( X ) No ( ) *
   *The proposed electronic message sign within the outdoor advertising sign and reduction to the setbacks from the north and east property line is needed because the petitioner states that the building location is far from the road thus vehicles often miss this location due to visibility.*

**PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

**Conditions of Approval:**
Staff is recommending approval and is recommending 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 an electronic message sign to be permitted within the outdoor advertising sign (billboard) and the setbacks from the north and east property lines be reduced to 80 feet and 60 feet respectfully.
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.

**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.


SR-205
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BALDUS
SINCE 1950

MEMORIAL
DAY
CedarCreek
Meats
25x12 EMC - 35' Overall Height
BALDUS
SINCE 1950

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 23-11
Date Application Filed: 7/14/2023
Fee Paid: 150 pd cc

# Application for DEVELOPMENT STANDARDS VARIANCE
## (Section 9.09)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

**APPLICANT INFORMATION**

Applicant's Name: COMMERCIAL SIGNS INC
Address: 404 E. HAWTHORNE STREET
FORT WAYNE, IN 46806
Telephone Number: 260-745-2678 E-Mail: diana@commercialsigns1.com

**OWNER INFORMATION (if different from applicant information)**

Owner's Name: DeKalb County Humane Society
Address: 5730 CR 11A
Auburn, IN 46706
Telephone Number: 868-2409 E-Mail: Staff@DeKalbHumaneSociety.org

**REPRESENTATIVE INFORMATION (if different from applicant information)**

Representative: DIANA CHAMBERS
Address: (USE APPLICANT'S ADDRESS INFO)
Telephone Number: 260-433-6635 E-Mail: diana@commercialsigns1.com

**Legal Ad Payment & Public Hearing Notifications: Applicant__ Owner_ Representative ✓**

**Zoning Classification of Property:** C3

**Overlay District of Property (if applicable):**

**Address or common description of property:**
5730 COUNTY ROAD 11A, Auburn, IN 46706

**Legal description of property affected (or provide property deed):**
(DEED W/ LEGAL DESCRIPTION INCLUDED)

**What Development Standard are you seeking a variance for (setback, height, parking, etc.) and how to what extent (acreage, square footage, distance, number of lots, etc) BE SPECIFIC:**

* HEIGHT – TO ALLOW A MONUMENT STYLE SIGN HAVE A 22" CLEARANCE UNDER THE SIGN
* SETBACK – TO ALLOW THE SIGN TO BE CLOSER TO THE ROAD IN THE NORTH PART OF THE PROPERTY

**Standards of Zoning Ordinance requesting Variance from Developmental Standards from (Zoning Section Number and/or Specific Section from Article 5):**

SIGN ORDINANCE

**The Applicant must answer the following questions and be able to establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA.**

A. Will the approval of this variance request be injurious to the public health, safety, morals, and the general welfare of the community?
Yes ( ) No (✓) Why? Explain below:
THE SIGN WILL BE FAR ENOUGH BACK + HIGH ENOUGH THAT IT WILL NOT IMPEDE ANY VIEWS FOR DRIVERS – THE SIGN IS BEING INSTALLED BY A PROFESSIONAL, LICENSED SIGN COMPANY.

B. Will the use and value of the area adjacent to the property included in the variance request be affected in a substantially adverse manner if the petition is approved?
Yes ( ) No (✓) Why? Explain below:
THE SIGN HAS BEEN DESIGNED TO NOT BE SO LARGE + OUT OF PLACE, AS WELL AS USING AESTHETICALLY PLEASING PRODUCTS THAT WILL HOLD UP OVER TIME + LOOK NICE

C. Will the strict application of the terms of the Unified Development Ordinance result in practical difficulties in the use of the property involved in the petition?
Yes (✓) No ( ) Why? Explain below:
THE SETBACK ESPECIALLY AS THERE IS A CURVE THAT HAS A LARGE CHUNK IN THE N/E CORNER THAT IS RIGHT OF WAY BEFORE WE ~~B~~WILL HAVE TO BE ANOTHER 30' BACK FROM THE NORTH + 45' BACK FROM THE EAST. SIGN IS BUILT + READY TO GO

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct. I also give permission for the Zoning Administrator to enter onto the petitioned property for inspections and take photos for the public hearing.

Applicant's Signature: Diana Chambers – COMMERCIAL SIGNS, V.P.
(If signed by representative for applicant, state capacity)

**DEKALB COUNTY BOARD OF ZONING APPEALS CASE NUMBER: 23-11**

*This Staff Report is prepared by the DeKalb County Department of Development Services to provide information to the Board of Zoning Appeals to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.*

**SUMMARY FACTS:**

| | |
|---|---|
| **PROPERTY OWNER:** | DeKalb County Humane Society |
| **APPLICANT/REP:** | Commercial Signs, Inc. |
| **SUBJECT SITE:** | 5730 County Road 11A, Auburn |
| **REQUEST:** | Development Standards Variance |
| **PURPOSE:** | To allow for 22 inches of ground clearance for a proposed monument sign |
| **EXISTING ZONING:** | C3, General Commercial |
| **SURROUNDING LAND USES AND ZONING:** | North: Farm ground (Auburn ETJ)<br>South: Single Family Residence (A2)<br>East: Farm ground (A2)<br>West: Farm ground (A2) |

**ANALYSIS:**

*UDO Standards:* ***5.49 SI-03: Sign; Non-residential Districts***

*B. Permanent Signs:*

*1. The following signs shall be permitted for a structure on a lot:*

*a. One wall sign per tenant space with a maximum size of 10% of the area of the building facade or 200 square feet, whichever is less.*

*b. One ground sign or one pole sign per street frontage meeting the following standards is permitted per lot:*

*i. For developments over three acres, one ground sign up to 60 square feet in size per side not to exceed four feet in height.*

*ii. For developments with three acres or less, one ground sign up to 24 square feet in size per side not to exceed three feet in height.*

*iii. One pole sign up to 100 square feet in size per side not to exceed 25 feet in height.*

***Definitions:***

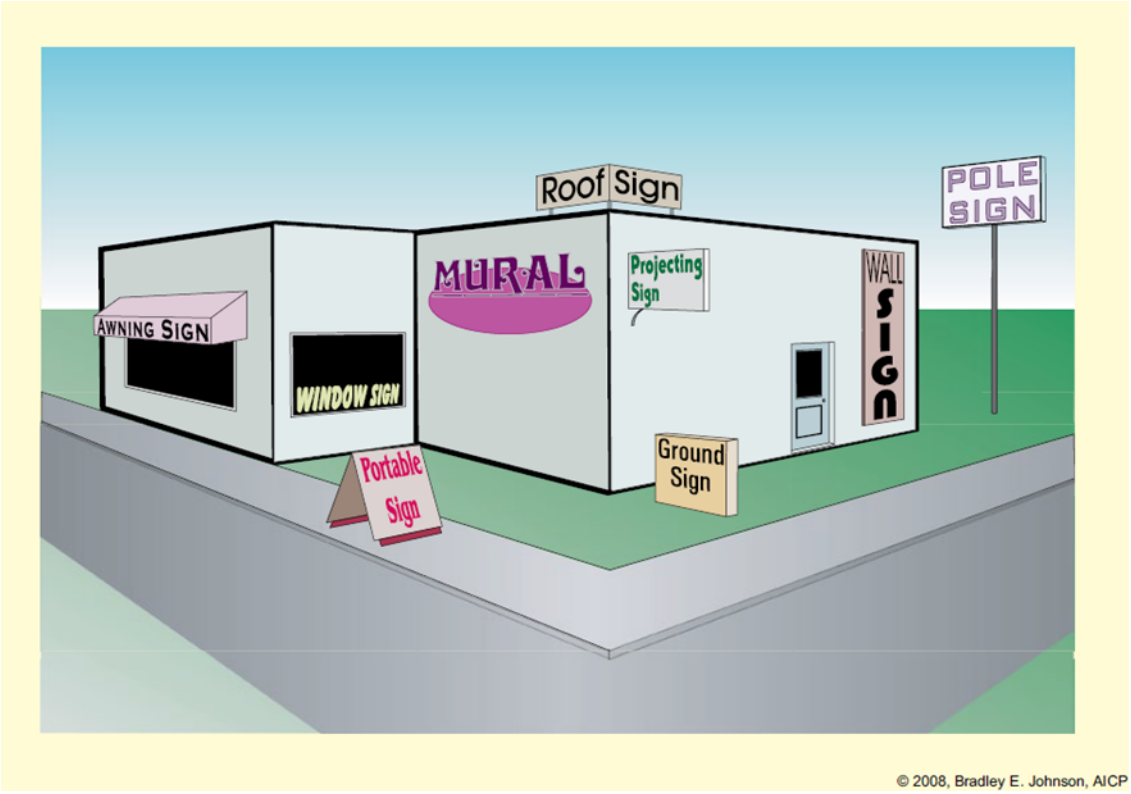
***Sign, Commercial:*** *A sign identifying only the name and location of a particular business enterprise and located on the premises where the sign is displayed.*

***Sign, Ground****: A sign in which the bottom edge of the sign is permanently affixed to the ground. A monument sign is another name for a Ground Sign.*

***Sign, Monument****: A sign permanently attached to the ground, and not attached to any part of a building, which is erected in a manner so that no views are possible underneath the bottom edge of the sign surface.*

***Sign, Pole****: A sign that is supported by one or more poles, posts, or braces upon the ground, not attached to or supported by any building, with a clear space in excess of six feet from the finished grade to the bottom of the sign face.*

***Signs, Types of***: *The graphic below depicts the primary types of signs. Regulations for the type of signs permitted will vary by zoning district.*




- The petitioner is proposing a ground or monument sign on the north side of the property. The proposed sign meets all of the development standards for Section 5.49 (B) Permanent Signs.
- By definition, a Monument Sign does not allow for any clearance or views under the bottom edge of the sign.
- The petitioner is proposing the sign to have 22 inches of clearance from the bottom edge of the sign to the ground, thus requesting the development standards variance.

**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 **July 14, 2023**
2. Legal notice published in The Star on **August 4, 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 **August 3, 2023**
5. Letter from the County Highway Department, dated **July 17, 2023**
6. Letter from the Soil & Water Conservation District, dated **July 14, 2023**
7. Letter from the County Surveyor or Drainage Board, dated **July 14, 2023**
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.*

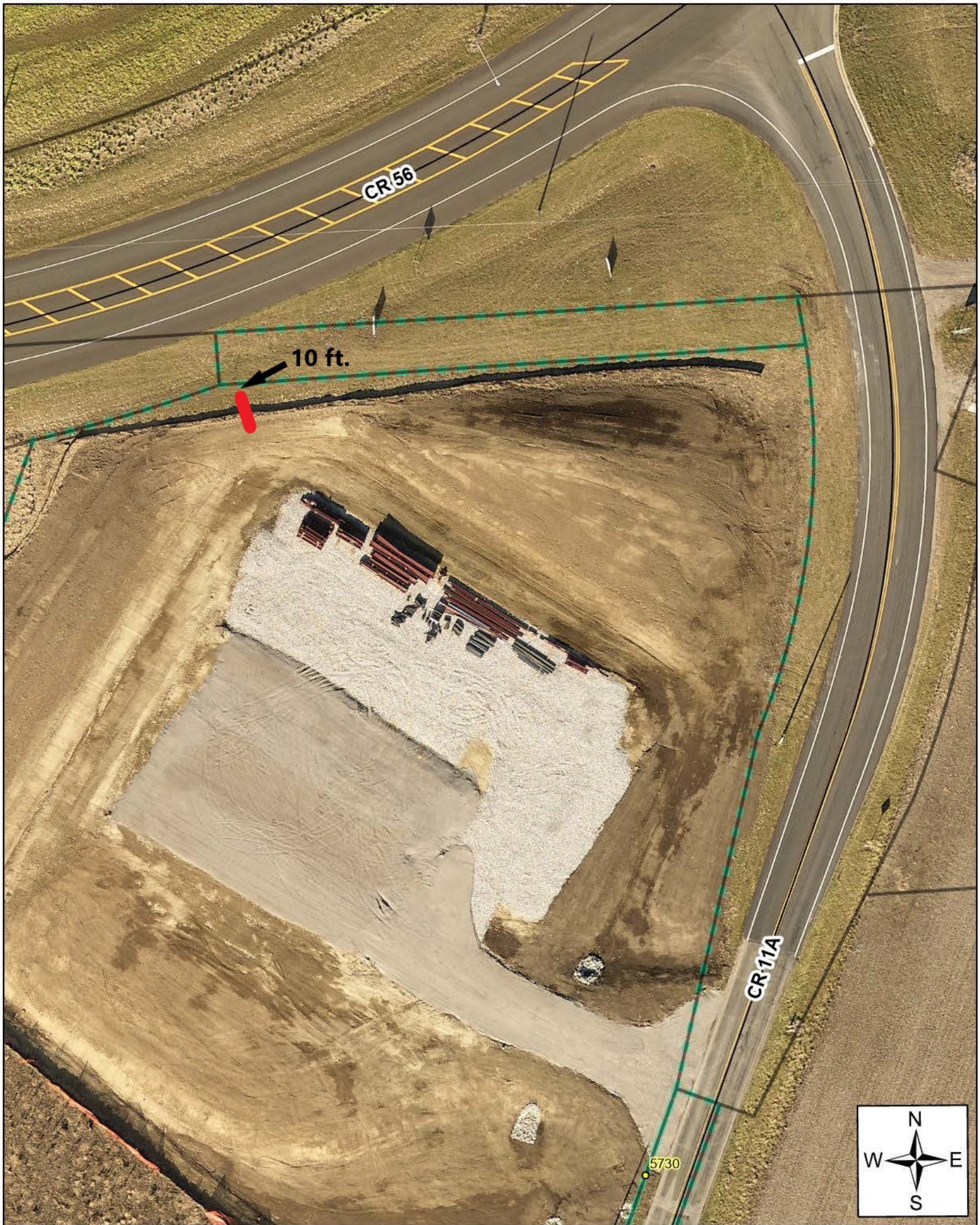
1. Will the approval of the variance request be injurious to the public health, safety, morals and general welfare of the community? Yes ( )* No ( X )
   *The proposed monument sign with 22 inches of clearance will not be injurious to the public. The distances to the pavement of County Road 56 is a safe distance and would not impede any line of sight. Also see 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 proposed monument sign with 22 inches of clearance will not adversely affect the neighboring properties. The Plan Commission and County Commissioners approved the zone map amendment in December 2019 to allow for the development.*
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 monument sign with 22 inches of clearance is needed because the visibility of the sign is needed due to the curve of County Road 56.*

**PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

**Conditions of Approval:**
Staff is recommending approval and is recommending 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 for a monument sign with 22 inches of clearance 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.

**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.




CoCiGIS
DeKalb ~ Auburn ~ Butler ~ Garrett

7/14/2023
1 in = 50 ft

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COMMERCIAL SIGNS
404 East Hawthorne Street • Fort Wayne, IN 46806
Contact Number: 260-745-2678

Client: Dekalb Humane Society - Sign Option 1
Date: March 1, 2023
Address: 5730 County Rd. 11A - Auburn IN 46706
Approval: _____

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VALUE _____