

MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Monday, June 10, 2024

A 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 Chairperson, Frank Pulver.

ROLL CALL:

Members present: Frank Pulver, Mary Diehl, and Rory Walker

Members absent: Jason Carnahan

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

Public in Attendance: Jason Klingenberg, Charles and Linda Swartz, Dave Dekoninck, Andrew Provines, and George Baldus.

APPROVAL OF MINUTES:

Frank Pulver Tabled the Minutes April 8th and May 13th till the next meeting.

OLD BUSINESS: None

NEW BUSINESS:

Petition #24-06 – Steel Dynamics Inc requesting a Development Standards Variance to allow for an electronic message sign for the purpose of providing information to truck drivers within the property and increase the sign square footage from 100 sq. ft. to 144 sq. ft. The property is located at 4500 County Road 59, Butler, Indiana and is zoned I3, High Intensity Industrial.

Chris Gaumer read the proposed petition and staff report. He stated that if the board has any questions the representative is here to answer them.

Frank Pulver asked him to come to the podium.

George Baldus approached the podium stating that his customers at SDI thank you for bringing their petition forward. He stated why a sign was needed. With there being 400 trucks in and out during the day, an electronic sign can assist the drivers in loading and unloading when arriving.

Mr. Pulver asked if there were any further questions from the board. He opened the public portion of the hearing to any comments for or against this petition. Hearing none he closed the public portion of the hearing.

Andrew Kruse went through the Findings of Fact for this petition with the board.

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 **May 10, 2024**
2. Legal notice published in The Star on **May 31, 2024** 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 **May 30, 2024**
5. Letter from the County Highway Department, dated **May 13, 2024**
6. Letter from the Soil & Water Conservation District, dated **May 10, 2024**
7. Letter from the County Surveyor or Drainage Board, dated **May 14, 2024**
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 use of the electronic sign and the increased size should not be injurious to the public and the use will be for truck drivers within the campus of Steel Dynamics.
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 use of the electronic sign and the increased size will not adversely affect the neighboring properties because the sign will be used by the truck drivers within the campus of Steel Dynamics.
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 use of the electronic sign and the increased size is needed for the visibility for the truck drivers and for the employees of Steel Dynamics to quickly change the sign, when needed.

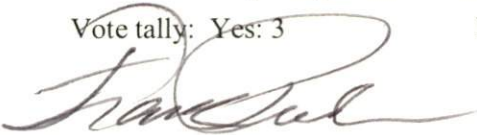
PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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 Development Standards Variance to allow the use of an electronic pole sign and the increased size from 100 sq. ft. to 144 sq. ft. 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 VARIANCE FROM DEVELOPMENTAL STANDARDS, PETITION #24-06 IS HEREBY APPROVED WITH CONDITIONS ON THIS 10TH DAY OF JUNE 2024.

Motion made by Rory Walker, Seconded by Mary Diehl

Vote tally: Yes: 3 No: 0



Frank Pulver



Rory Walker



Mary Diehl

Petition #24-07 – Charles & Linda Swartz requesting a Development Standards Variance to allow for the reduction in the rear yard setback to construct an addition on the rear of the residence. The property is located at 6751 County Road 9A, Garrett, Indiana and is zoned R2, Medium Density Residential.

Mr. Gaumer read the proposed petition and staff report. Stating the purpose for having a rear yard reduction. To construct an addition on the back of their home. The excising deck was not permitted before. Planning to remove the deck and add a sunroom. They received approval from Holiday Lakes board of directors. They are requesting a variance of 4 feet at the closes point. Dave is here to answer any questions that you may have.

Mr. Pulver asked would this sunroom be enclosed or open.

Dave Dekoninck approached the podium to answer his question. There is an existing deck located at the back of the home that will be torn off. I will be adding an enclosed unheated sunroom.

Mr. Pulver asked if there were any other questions or comments from the board. He opened it up to any comments from the public. Seeing None. Closed the public portion of the hearing.

Mr. Kruse went through the Findings of Fact.

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 **May 10, 2024**
2. Legal notice published in The Star on **May 31, 2024** 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 **May 30, 2024**
5. Letter from the County Highway Department, dated **May 13, 2024**
6. Letter from the Soil & Water Conservation District, dated **May 10, 2024**
7. Letter from the County Surveyor or Drainage Board, dated **May 14, 2024**
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 rear yard setback not be injurious to the public. Also see letters from the various county departments without objection.
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 rear yard setback will not adversely affect the neighboring properties. The Homeowners Association approved the addition and no neighbors objected.
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 rear yard setback is needed due to the existing gas lines and well location to the west and the main power source to the east.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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.

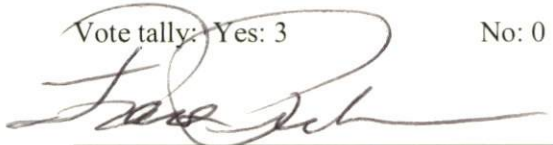
2. A Development Standards Variance to allow the reduction in the rear yard setback to 4 feet to construct an addition on the rear of the residence is approved.
3. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
4. No offsite 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 VARIANCE FROM DEVELOPMENTAL STANDARDS, PETITION #24-07 IS HEREBY APPROVED WITH CONDITIONS ON THIS 10TH DAY OF JUNE 2024.

Motion made by Mary Diehl, Seconded by Rory Walker

Vote tally: Yes: 3

No: 0



Frank Pulver



Rory Walker



Mary Diehl

REPORTS OF PLANNING STAFF, OFFICERS, OR COMMITTEES

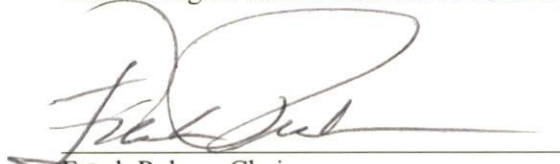
Mr. Gaumer stated that Larry Williams had resigned from the BZA due to personal reasons. Andrew Provines has been appointed in his place by the Commissioner's.

COMMENTS FROM PUBLIC IN ATTENDANCE

None

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 6:19 p.m.



Frank Pulver, Chairperson



Meredith Reith, Secretary