

MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Monday, January 13, 2025

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, Jason Carnahan, and Andrew Provines.

Members absent: Rory Walker

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

Public in Attendance: Ted Hansen, Cindy Hansen, Mark Graber & Family, and Jacob Farver.

Mr. Gaumer announced that Mary Diehl had resigned from the BZA. He stated that he's in the process of finding someone to replace her.

ELECTION OF OFFICERS:

- Chairman – Frank Pulver

Motion was made by Andrew Provines and Seconded by Jason Carnahan for Frank Pulver as Chairman. None opposed. Motion carried.

- Vice Chairman – Jason Carnahan

Motion was made by Andrew Provines and Seconded by Frank Pulver for Jason Carnahan as Vice Chairman. None opposed. Motion carried.

- Secretary – Meredith Reith

Motion was made by Jason Carnahan and Seconded by Frank Pulver for Meredith Reith as Secretary. None opposed. Motion carried.

APPROVAL OF MINUTES:

Motion was made by Andrew Provines and Seconded by Jason Carnahan to approve the Minutes of October 14, 2024 as submitted. None opposed. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

Petition #25-01 – Cedar Creek Sawmill LLC requesting a Use Variance to allow for a sawmill with lumber processing and wood box manufacturing. The property is located on the north side of County Road 56, approximately one-tenth of a mile west of the intersection of County Road 56 & State Road 1, Saint Joe, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the proposed petition and staff report stating why the proposed Use Variance will be needed. He addressed what the proposed sawmill site would look like. The property is part of CCF Place. Before anything can move forward Mr. Graber will need to RePlat his property to include just the sawmill portion. He stated that the board will need to address if a condition is needed to require landscaping. He stated the reasoning as to why this was coming forward as a Use Variance vs a Rezone. You would have to classify this as a warehouse or manufacturing site to come forward as a rezone. In doing this it would be considered spot zoning. With spot zoning it's not avoided by the Plan Commission, it's just not a good practice for planning

Andrew Provines questioned if the sign was within the allowed sign dimensions required with this use.

Mr. Gaumer stated that with a Use Variance they can guide their own development. In an agricultural district it's not allowed but in a higher intensity it would be.

Mr. Provines asked if it would abide by its intended district's regulations.

Frank Pulver stated that he wasn't sure about the 10-foot-tall sign. He asked Mark Garber to approach the podium and address the signage height.

Mark Graber approached the podium stating that his reasoning was to have the sign up out of the way for possible vandalism. He can lower the height of the sign if needed.

Mr. Pulver stated that the size of the sign wasn't really an issue. His concern was the height.

Mr. Graber stated that the purpose of the bushes was to have them there to make little to no disturbance as possible. He stated that this is not something new that we're trying to do with operations taking place to the west of him. We would want this new location to be set up so that it's in favor of the surrounding landowners.

Mr. Pulver stated that the other thing Mr. Graber mentioned was the dust collectors. He asked if he would have a bag house type system.

Mr. Graber stated that we would have a bag house. Back home we have harvest store silos sense being in an agricultural area. He stated that their goal is to auger sawdust into these silos. In putting the sawdust into the silos, it will limit the cause of dust.

Mr. Gaumer stated that when on the sign topic. In the Commercial, Industrial, and Airport districts you can have a pole sign up to 100 sq ft not to exceed 25 feet in height.

Mr. Provines stated that he was good. Just wanted to clarify because he didn't have the chance to look it up. He asked why Mr. Graber chose to have the sawmill located next to Sechler's Pickles.

Mr. Graber stated that with it having good access from SR 1. This will be a suitable area for our community.

Mr. Provines asked if Mr. Graber owned this parcel. He stated that it could have been moved over. He asked if there was any pushback from Sechler's.

Mr. Graber stated that he owns the parcel to the west. He added that the only concern was the drains and how the water naturally goes towards Schler's. Max Troyer from Sechler's has a 12-inch pipe coming out at SR 1 and there appears to be two 8 inches pipes coming out by his property.

Mr. Provines stated that the only reason he asked is that on the topic of dust. Would this be an issue or not for Sechler's. Would they be okay with being on the line. He assumed that each dot listed on the map represents a tree.

Mr. Graber stated that there was a concern about planting the trees. Max Troyer from Sechler's said on account of him he wouldn't need to put evergreens between him and Sechler's. With the trees being fast growing, Max wouldn't want them to branch out over his facility. He added that he wanted to have them there for the comfort of the neighboring properties.

Mr. Provines stated that he would like to see them unless the neighbors wrote off that Mr. Graber didn't need to place any trees.

Mr. Gaumer asked if you would want Sechler's to sign off on something.

Mr. Provines stated that he would like to have the separation considering that it's two businesses. With there being a possibility of dust. He would think that if Secher's said you don't have to have trees between us. There should be a written statement showing they signed off.

Mr. Pulver stated that it's not necessary to make him plant trees. This is primary voluntary.

Mr. Provines stated that if Sechler's gave their approval to not have trees. He wouldn't see why he needs to spend the extra money to do so.

Mr. Pulver asked if on the south side that's the large manufacturing area. There will be a 1200 sq ft staff room.

Mr. Graber stated that the square with that little cutout is an access to the staff room. There will be a driver to pick them up and drop them off there. He stated that primarily his staff are teenage Amish girls. He added that the area around the staff room will be in lawn.

Mr. Provines asked if this would go back for any approvals from the Plan Commission for any type of site plan approval.

Mr. Gaumer stated it would only go back to Plat Committee for the RePlat. Just so that everyone's aware he's planning to build a house on the Lot 1. He's going to be living here and running the business as well.

Mr. Provines stated as far as approving this he's not trying to be restrictive. What if they need to add another building. He stated that he would like to see them come back to the BZA for that expansion.

Mr. Gaumer asked if you would want that to be anything that they would expand. On the production side if they need a shed to store stuff.

Mr. Provines stated that it would be any buildings they would need to add. He addressed that it should come back for approval.

Mr. Pulver stated that if they put up more buildings they should come back anyway for approval.

Mr. Gaumer stated that in our ordinance we allow the zoning administrator to determine if it's sufficient to be reviewed again.

Andrew Kruse stated that if they're building the same size structure that would be sufficient but if it's only like a 200 sq ft building it may not be.

Mr. Gaumer stated that it would be up to the board on what they would want to see him come back for approval.

Mr. Provines stated that if they need more space for storing lumber. He added that he thinks it should come back sense it is a variance to begin with.

Mr. Graber stated that these lumber canopies he's proposing on the west property line are like a three-sided open roof building.

Mr. Pulver asked if he was planning to build on the west side.

Mr. Graber stated that he's planning to go west and north to build. He addressed that his purpose for doing this is to have job opportunities for his children. He would like to see his children stay near home until they can find other opportunities of their own.

Jason Carnahan asked if he doesn't have to put a buffer on the east side and owns on the north and west side. Will there need to be a perimeter. It states that there will be a perimeter. He asked if we should revise this too if will be required.

Mr. Provines stated that the trees should remain along the road. He addressed that the west and north be optional sense its near Mr. Graber, the east side dependent on Sechler's, and the road mandatory.

Mr. Gaumer stated that allegedly Sechler's doesn't care. The other side is quite a distance away from the neighboring landowners. You would still see it but by placing trees it will help with the visual of that corner.

Mr. Carnahan stated that, or we could get a non-objection letter from the neighbors stating that they don't really care if the trees are planted. He doesn't want Mr. Graber having to plant trees that aren't needed.

Mr. Gaumer stated that if you want non-objection letters you can make it a condition of approval that both neighbors sign off that they're okay with not planting trees. If he would rather do them anyways without consent from the neighbors that would still be okay too.

Mr. Pulver asked if there were any further questions or comments from the board. He opened the public portion of the hearing up to any comments for or against this petition.

Ted Hansen approached the podium stating that he has spoken with Mr. Graber and is aware of what he plans to do. His farm is just south of CR 56 and neighbors to Sechler's. He addressed that with the businesses near him. There could be plans to purchase his farm ground in hopes of more business. He questioned if his farm would be rezoned in the future with the Industrial uses around him. Will the property be able to stay agricultural. He added that he wants growth, and it has been great for his area. He addressed that he's aware of the Amish Community being near him.

Mr. Provines asked if Sechler's was considered a spot zone.

Mr. Gaumer stated that it's zoned A4. With it being for a long time, he assumed that it was changed when the new master plan was done. He stated that for a rezone to happen on your property. You would have to bring a proposed rezone forward.

Mr. Provines asked if a spot zone could be explained.

Mr. Gaumer stated that a spot zone would be like the one across the street from Mr. Hansen. It's zoned C1 in the middle of an agricultural district. Typically, you don't want to have spot zoning. Having a zone that's not compatible with the surrounding zoning districts. You want to have zoning that slowing gets more intense. Spot zoning is not illegal, it's just not a good planning practice because it opens other opportunities for more uses.

Mr. Provines stated that this petition is not a rezone it's just asking for an exception on agricultural land. He will not be rezoned too Industrial.

Mr. Gaumer stated that this will be the only other use allowed on this land besides agricultural or a single-family residence.

Mr. Provines stated that a lot would have to change for this area to come Commercial or Industrial because it an area of agricultural.

Mr. Gaumer stated to Mr. Hansen the only way that your land could be rezoned is if you guys brought it forward.

Mr. Hansen asked if there were more than two types of agricultural zoning. Does each one get more intense.

Mr. Gaumer stated that there's four different types of agricultural zoning. Each will get more intense. An A1 and A2 are conservation agricultural and your basic agricultural. The A3 and A4 are the business agricultural districts. They allow for farm implement sales or confined feeding operations relating to anything agriculture.

Mr. Provines stated that when in an A1 area someone can come to the BZA and ask for an A4 activity as an exception but remain A1.

Mr. Hansen asked if the Graber farm and our farm would still be zoned the same.

Mr. Gaumer stated that is correct. If you ever want to go over how planning and zoning works, he would be happy too.

Mr. Pulver asked if there were any further comments or questions from the public. Hearing none. He closed the public portion of the hearing.

Mr. 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 **November 18, 2024**
2. Legal notice published in The Star on **December 24, 2024** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Health Department, dated **November 21, 2024**
5. Letter from the County Highway Department, dated **November 19, 2024**
6. Letter from the County Surveyor, dated **December 17, 2024**
7. Letter from the Soil & Water Conservation District, dated **November 20, 2024**
8. Permit from Indiana Department of Environmental Management, dated **February 21, 2024**
9. Letter from the DeKalb County Airport Authority, if applicable, dated **not applicable**

FINDINGS OF FACT:

1. Will the approval be injurious to the public health, safety, morals, and general welfare of the community? Yes ()* No (X)
The approval of the sawmill with lumber processing and wood box manufacturing, as proposed, should not be injurious to the community. See conditions.
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? Yes ()* No (X)
The property values adjacent to the property should not be affected negatively. The surrounding uses are farm ground and Sechler's pickle factory.
3. Does the need arise from some condition peculiar to the property involved? Yes (X) No ()*
The Use Variance is needed for reasonable use of the property due to the access to State Road 1 and the close proximity to a similar use (approved May 14, 2018) and being adjacent to Sechler's Pickle factory.
4. Will the strict application of the Unified Development Ordinance result in an unnecessary hardship if applied to the property for which the variance is sought? Yes (X) No ()*
The location for the proposed use has been sited adjacent to Sechler's Pickle factory. With the proposed location and proximity to State Road 1.
5. Will the approval interfere substantially with policies of the Comprehensive Plan?
Yes ()* No (X)
The proposed use should not interfere with the Comprehensive Plan provided the petitioner meets the conditions and regulations set forth with this approval.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

1. The Board retains continuing jurisdiction of this Use Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. Use Variance is approved for a sawmill with lumber processing and wood box manufacturing. The proposal will include a wood shop, storage, office space and staff room.
3. A Drainage Plan be submitted to and approved by the DeKalb County Surveyor and Drainage Board prior to any permits being issued for this project.
4. A RePlat of CCF Place be approved and recorded to subdivide the required acreage for the site. This may include the acreage be less than the required 2 acres, if deemed necessary so to conserve the surrounding agricultural land.

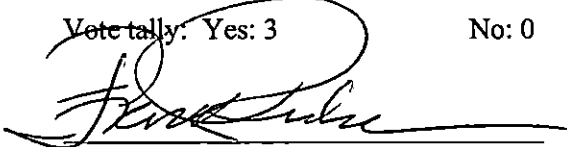
5. No offsite drainage, existing surface water or existing tiled water drainage crossing over said real estate should be obstructed by any development on this site. The Board of Zoning Appeals may enforce these conditions by injunctive relief with attorney fees.
6. No Certificate of Occupancy or Certificate 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 District, or other agency as applicable. File written evidence of compliance with Federal or State agencies that were identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.
7. That the east and west border trees can be left out or have less if the neighbors sign off. Trees along CR 56 are required.
8. That any changes to the operation for additional buildings come back to the BZA for approval.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS USE VARIANCE PETITION #25-01 IS HEREBY APPROVED WITH CONDITIONS ON THIS 13TH DAY OF JANUARY 2025.

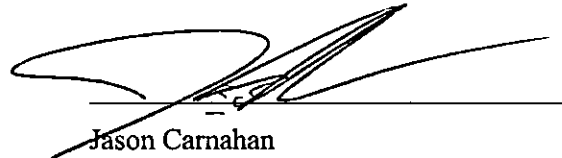
Motion made by Andrew Provines, Seconded by Jason Carnahan

Vote tally: Yes: 3

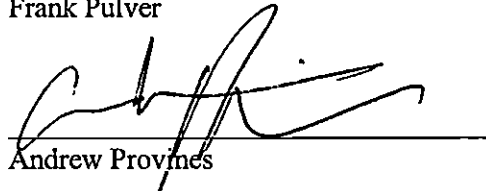
No: 0



Frank Pulver



Jason Carnahan



Andrew Provines

Petition #25-01 – Weld-It, Jacob Farver, requesting a Development Standards Variance to allow for a taller chain-link fence than is allowed by Ordinance. The maximum height of a chain-link fence is 6 feet, and the petitioner wishes to have a 10-foot chain-link fence. The property is located at 1047 US Highway 6, Corunna, Indiana and is zoned I2, Low Intensity Industrial.

Chris Gaumer read the proposed petition and staff report stating why the proposed Development Standards Variance will be needed. He addressed the fence location and what's permitted for industrial fences. He stated that he has no issues with the proposed 10-foot fence. Requesting this to be approved, with it being a chain link, he doesn't foresee any issues.

Mr. Carnahan stated that it makes it harder for people to dump junk on the property or vandalize.

Mr. Provines asked if the chain link fence would have a net on it.

Mr. Gaumer stated that from what he understood that it's a coated chain link fence. He asked Jacob Farver to come up and address this.

Jacob Farver approached the podium stating that the fence is black vinyl coated. It was a tennis court fence.

Mr. Provines asked if the fence would have any slates or netting. He stated that the property has really been cleaned up.

Mr. Farver stated that the fence will not. He added that the property was a mess. I have been doing a lot of work to get it cleaned up. It's pretty much completed besides the piles of dirt to be flattened out. He stated that he hopes the rest can be smoothed out in February.

Mr. Pulver questioned if you have the 10-foot fence, would you believe theft to be an issue.

Mr. Farver stated that he will have bucket trucks and a crane sitting inside the fence. It was just more of a place to have them stored. With them being 9 foot tall he wanted them to be somewhat hidden. He didn't foresee theft being an issue.

Mr. Pulver asked if there would be any gates.

Mr. Farver stated that there will be two gates. The fence would be off the road not seeing any issues. The gates will be located on the west side towards County Road 9 but not directly next to the road. He stated that he has brought the property up about 12 feet and there's not really a place for him to pull in from CR 9. The fence will be at grade and not at a slope to the property.

Mr. Pulver asked what size the existing building is located on the property.

Mr. Farver answered that it is a shipping container on the property an 8*40.

Mr. Pulver asked the board if there were any more questions for Mr. Farver. Mr. Gaumer stated that there's no one else in attendance to open the public comment portion of the hearing.

Mr. 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 **November 20, 2024**
2. Legal notice published in The Star on **December 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 **November 21, 2024**
5. Letter from the County Highway Department, dated **November 21, 2024**
6. Letter from the Soil & Water Conservation District, dated **November 20, 2024**
7. Letter from the County Surveyor or Drainage Board, dated **November 20, 2024**
8. Letter from the DeKalb County Airport Authority is **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 increase to the height of the chain link fence will not be injurious to the public. The added height will add additional security to the materials and equipment stored on site for the business and should not impact neighboring properties. 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 increase to the height of the chain link fence will not adversely affect the neighboring properties. The neighboring properties are vacant land used for farming.
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 increase in the height of the chain link fence is needed for the added security for the materials and equipment stored on site for the business. Without the additional height, the 6 foot or 8 foot permitted height would invite potential vandalism or robbery of materials or equipment.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

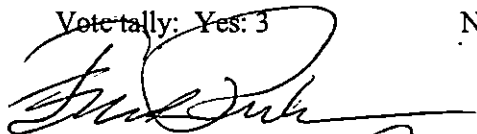
1. The Board retains continuing jurisdiction of this from Development Standards Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. A Development Standards Variance to allow the increase height of the chain-link fence to 10 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 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. 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 #25-02 IS HEREBY APPROVED WITH CONDITIONS ON THIS 13TH DAY OF JANUARY 2025.

Motion made by Jason Carnahan, Seconded by Andrew Provines

Vote tally: Yes: 3

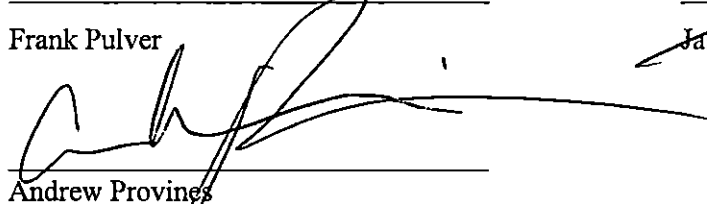
No: 0



Frank Pulver



Jason Carnahan



Andrew Provines

REPORTS OF PLANNING STAFF, OFFICERS, OR COMMITTEES

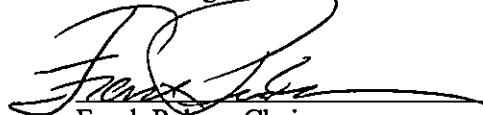
None

COMMENTS FROM PUBLIC IN ATTENDANCE

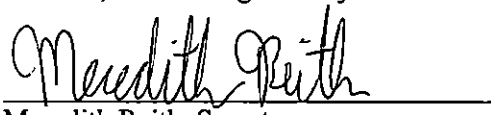
None

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 6:54 p.m.



Frank Pulver, Chairperson



Meredith Reith, Secretary