

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, November 10, 2025

6:00 PM

A livestream of the meeting can be found here: <https://tinyurl.com/YouTubeDCPC>

1. Call to order
2. Roll call
3. Approval of Minutes: October 13, 2025
4. Old Business: None
5. New Business:

Petition #25-11 – Digital One LLC, Brian English requesting a Development Standards Variance to allow for a reduction to the setback for an outdoor advertising sign along State Road 3 and to operate a digital billboard/electronic sign. The property is located on the west side of State Road 3, approximately two-tenths of a mile south of the intersection of State Road 3 and State Road 205, LaOtto, Indiana and is zoned C2, Neighborhood Business.

Petition #25-12 – Misty Vance requesting a Development Standards Variance to allow for a reduction to the side yard setback. The request is due to a structure fire and the owner wishes to build on the existing foundation. The property is located at 2199 County Road 40, Auburn, Indiana and is zoned A2, Agricultural.

Petition #25-13 – Michael & Connie Gerardot requesting a Development Standards Variance to allow for a reduction to the side yard setback. The request is for a proposed garage addition. The property is located at 0710 County Road 45, Waterloo, Indiana and is zoned A2, Agricultural.

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

Next Meeting: December 8, 2025

If you cannot attend, please contact Meredith Reith

mreith@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, October 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, Andrew Provines and Wayne Funk.

Members absent: Rory Walker

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

Public in Attendance: Robert Shuherk

APPROVAL OF MINUTES:

Motion was made by Andrew Provines and Seconded by Jason Carnahan to approve the Minutes of September 8, 2025 as submitted. None opposed. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

Petition #25-10 – Robert J. Shuherk Jr. & Mary L. Shuherk; Trustees of the Shuherk Trust dated 1/20/2016 requesting a Development Standards Variance to allow for a reduction to the setback for a recreational pond. The property is located on the west side of County Road 17, approximately two-tenths of a mile north of the intersection of County Road 17 and US Highway 6, Corunna, Indiana and is zoned A2, Agricultural.

Chris Gaumer reviewed the proposed petition and staff report, which outlined the need for a development standards variance to reduce the side yard setback for a recreational pond. The Plat Committee approved the plat last Tuesday for the split of South Cottage, Lot 3 from the parent parcel. When a parcel is split, it must comply with all standards of the Unified Development Ordinance (UDO). In this case, the only noncompliant element was the setback requirement for the recreational pond. According to the UDO, ponds must be located at least 40 feet from all property lines. However, with the creation of a new property line for South Cottage, Lot 3, the petitioner is requesting a setback of approximately two feet from the property line resulting in a variance request of 38 feet. An existing building is located on the property shown on the aerial map provided. The petitioner also indicated plans to construct a house on the lot, with a driveway to be accessed from CR 17.

Andrew Provines asked so they could have taken the property line closer to the building. Was this so that the building would meet setback lines.

Mr. Gaumer stated that they wanted the building to be fully within this parcel.

Mr. Provines addressed so would the building meet the setbacks. He asked what would happen if they added part of the pond with this new parcel.

Mr. Gaumer stated that the building does meet the accessory setbacks. If the pond was within the parcel, it would require a shared pond agreement.

Andrew Kruse stated that it would complicate it later because it would give rights to use that pond in certain areas to the owner on South Cottage, Lot 3.

Mr. Provines stated that it is not necessary for this application but just a general question.

Frank Pulver stated that these agreements are never good ideas.

Mr. Provines addressed that with there being a dock on this side of the pond would there need to be a agreement to reach the pond.

Mr. Pulver asked if Robert Shuherk could approach the podium and give us an idea of what his plans were.

Robert Shuherk approached the podium and stated that he is the owner of the land currently under discussion. He explained that the purpose of the plat is to allow for the construction of an additional building adjacent to the existing structure, which will be connected and used for storage or as a garage. This new space is intended for his sister, who wishes to return home following the passing of her husband. Mr. Shuherk added that he measured the distance from the pond to the property line during a period of low water levels and confirmed that it is 40 feet from the property line.

Mr. Pulver asked if there were any other questions or comments from the Board for Mr. Shuherk.

Mr. Provines stated that his only question is would it be an agreement for your sister to use the water.

Mr. Shuherk stated that he doesn't have a written agreement, but she can use the water if she wants. He added that his other daughter lives to the east of his property and has access to the pond.

Mr. Provines asked how it would work later if someone else accessed the pond.

Mr. Kruse stated that if the property was sold, they wouldn't have any rights to the pond. Unless they were given an easement or worked out a formal agreement.

Mr. Shuherk stated that his intent is that we will continue to own the property and then our daughters will inherit the property.

Mr. Pulver asked if there were any further questions or comments from the Board. Hearing none. He stated that there was no one else in the audience to open the public portion of the hearing. He asked Mr. Kruse to move to the Findings of Fact.

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 **September 9, 2025**
2. Legal notice published in The Star on **October 2, 2025** 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 **October 6, 2025**
5. Letter from the County Highway Department, dated **September 16, 2025**
6. Letter from the Soil & Water Conservation District, dated **September 16, 2025**
7. Letter from the County Surveyor or Drainage Board, dated **September 16, 2025**
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 setback proposed will not be injurious to the public. Especially seeing that the owner of the original parcel is subdividing this for family.
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 proposal will not be injurious to the surrounding community.

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 property owners wish to have the existing building on the property.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

1. The Board retains continuing jurisdiction of this 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 to the setback for a pond to be 2' from the property line 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 #25-10 IS HEREBY APPROVED WITH CONDITIONS ON THIS 13TH DAY OF OCTOBER 2025.

Motion made by Jason Carnahan, Seconded by Wayne Funk.

Vote tally: Yes: 4

No: 0

Frank Pulver

Jason Carnahan

Wayne Funk

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 6:11 p.m.

Frank Pulver, Chairperson

Meredith Reith, 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: 25-
Date Application Filed: 9/29/2015
Fee Paid: CC 1273635

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: Digital One, LLC ; Brian English
Address: 200 N Washington Square ; Suite 400
Lansing, MI 48933
Telephone Number: 517-372-5561 E-Mail: Brian@200NW.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Donna Griffis
Address: 0151 County Rd 66
Laotto, IN 46763
Telephone Number: E-Mail:

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative:
Address:
Telephone Number: E-Mail:

Legal Ad Payment & Public Hearing Notifications: Applicant ☒ Owner ☐ Representative ☐

Zoning Classification of Property: Commercial

Overlay District of Property (if applicable):

Address or common description of property:
Merchant Drive, Laotto, IN 46763 - Parcel (vacant)
immediately to the NE of the former Paintball Plex
building and immediately west of SR-3

Legal description of property affected (or provide property deed):
Laotto Business Park Replat Block A commercial Area

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:

- ① Variance from the 100ft setback required from the State's row and adjacent property owner's lot line. Variance to 60ft. [5.50 SI-03C1d.i]
② Variance to operate an electric sign. [5.50 SI-03C1e.ii]

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

Requesting approval for an electronic message center and
a reduction in the set back from 100ft to 60ft.

The Applicant must answer the following questions and establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA. Please answer each question and give reasons for your answer.

- 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 not obstruct the line of sight for any traffic
given that it will sit 140ft off the highway. The reduction in the
set back 40ft will still allow for significant set back footage.

- 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 sit 140ft off the highway. The area is to be developed commercially,
and a digital board fits within commercial areas. Set back of 60ft
will have no impact on the value of adjacent property.

- 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 placement of the board will allow the property owner a greater use
of its property, given the location of the board would likely not be buildable for
the construction of a building. Further, the construction of a digital board

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: _____

(If signed by representative for applicant, state capacity)

Brian English

will allow for the owner to generate additional, increased rental, allowing for
the complete development of the parcel. Which, in turn will create a better
tax base for the county. The same reasoning here applies to the set back
reduction from 100ft to 60ft.

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:	Digital One LLC, Brian English
SUBJECT SITE:	west side of State Road 3, approximately two-tenths of a mile south of the intersection of State Road 3 and State Road 205, LaOtto
REQUEST:	Development Standards Variance
PURPOSE:	To allow for a reduction to the setback for an outdoor advertising sign along State Road 3 and to operate a digital billboard/electronic sign
EXISTING ZONING:	C2, Neighborhood Business
SURROUNDING LAND	North: Farm Ground (C2)
USES AND ZONING:	South: Farm Ground (C2)
	East: Farmground (C2)
	West: Warehousing (I2)

ANALYSIS:**5.50 C. Outdoor Advertising Sign:**

A. 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:

- 1. Maximum Sign Area: 675 square feet.*
- 2. Maximum Sign Height: 35 feet*
- 3. 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.*
- 4. Placement:*
 - a. 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.*
 - b. The sign shall not be fully or partially located over an existing building.*
 - c. The sign shall not be located within 200 feet of any residential zoning district.*
 - d. The sign shall not be located within 500 feet of any institutional zoning district.*
- 5. Sign Lighting:*
 - a. The sign shall not be illuminated with lighting directed upward, above the horizon.*
 - b. 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.*
 - c. Signs greater than 200 square feet in area shall not be internally lighted.*
 - d. Signs shall not include video images, changing faces, electronic messages, or light emitting diode (LED) or similar images.*

- The petitioner is requesting an outdoor advertising sign (billboard). The request is for the setback off State Road 3 to be reduced to 60 feet.

- Additionally, the petitioner is requesting that the sign be able to include video images, changing faces, electronic messages or similar.

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 **September 26, 2025**
2. Legal notice published in The Star on **October 31, 2025** 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 **October 23, 2025**
5. Letter from the County Highway Department, dated **October 3, 2025**
6. Letter from the Soil & Water Conservation District, dated **October 3, 2025**
7. Letter from the County Surveyor or Drainage Board, dated **October 13, 2025** – see condition
8. Letter from the DeKalb County Airport Authority is **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 sign and the reduction to the setback along State Road 3 will not be injurious to the public. Also, see letters from the various county departments without objection. See condition of approval for the County Surveyor.
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 electric sign and the reduction to the setback along State Road 3 will not adversely affect the neighboring properties. See condition of approval for the County Surveyor.
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 electric sign and the reduction to the setback along State Road 3 is needed for the property owner to further develop the property.

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 Development Standards Variance to allow for an electric sign and the reduction to the setback along State Road 3 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.

6. Approval of a Regulated Drain Variance from the Drainage Board for the Harvey Guthrie Open Ditch 181-00-0 be approved prior to any permits issued.

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.

N
E
3

147.2

145.5

59.71

120.4

SR-3

01-09-19-300-034

Griffs, Donna M.

Merchants Dr

Acres: 2.77

Value: \$2,000

View: [Report](#) | [EagleView Imagery](#) | [Google Maps](#)

0ft



watchfire 

10' x 36' 19mm

FOR DEMONSTRATION PURPOSES ONLY

© 2025 Watchfire Signs

25' HAGL

HEIGHT ABOVE GROUND LEVEL

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: 25-12
Date Application Filed: 10/31/2025
Fee Paid: 150.00
clerk (200)

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: Misty Vance
Address: 2199 County Rd 40
Auburn IN 46706
Telephone Number: 260-758-0849 E-Mail: Mistytimmyf@gmail.com

OWNER INFORMATION (if different from applicant information)

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

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____
Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: Applicant ☒ Owner ☐ Representative ☐

Zoning Classification of Property: A2 - Agriculture

Overlay District of Property (if applicable): AC-7

Address or common description of property:
2199 County Rd 40 Auburn
1.75 ACRES 3bed 2bath 2car garage
1 detached Building

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

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:

Rebuild Structure on existing foundation
13 ft side setback

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

2.06 - Setbacks

8.05(C)(5) - Non-conforming

The Applicant must answer the following questions and establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA. Please answer each question and give reasons for your answer.

- 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:

Rebuilding on existing basement which is due to house fire on main level

- 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:

Rebuilding home due to house fire but using existing basement foundation to rebuild.

- 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:

30 Foot is Required using existing basement which is 13 feet

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:

Misty Vance

(If signed by representative for applicant, state capacity)

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: Misty Vance
SUBJECT SITE: 2199 County Road 40, Auburn
REQUEST: Development Standards Variance
PURPOSE: To allow a reduction to the side yard setback
EXISTING ZONING: A2, Agricultural
SURROUNDING LAND North: Single Family Residence (A2)
USES AND ZONING: South: Single Family Residence (A2)
East: Farm Ground (A2)
West: Single Family Residence (A2)

ANALYSIS:

UDO Standards: A2 Zoning District

Minimum Side Yard Setback: 30 feet for primary structures

- The petitioner is requesting a reduction to the side yard setback to rebuild the house on the existing foundation. The house was a total loss in a fire.
- The requested setback is 13 feet from the side yard (west) property line. Thus, requested a Development Standards Variance for 17 feet.

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 **October 3, 2025**
2. Legal notice published in The Star on **October 31, 2025** 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 3, 2025**
5. Letter from the County Highway Department, dated **October 3, 2025**
6. Letter from the Soil & Water Conservation District, dated **October 3, 2025**
7. Letter from the County Surveyor or Drainage Board, dated **October 3, 2025**
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 reduction in the side yard setback not be injurious to the public. The structure will be in the same location as it was before the fire. 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 side yard setback 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 side yard setback is needed due to the existing foundation that will be used.

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 the side yard setback to be 13 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.

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.



Site Plan:



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: 25-13
Date Application Filed: 10/14/2025
Fee Paid: pd CC
4321135

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: Michael & Connie Gerardot
Address: 0710 CR 45
Waterloo IN 46703 46793
Telephone Number: 260-570-6656 E-Mail: mikeg@pawpaw-people-inc.com

OWNER INFORMATION (if different from applicant information)

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

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____
Telephone Number: _____ E-Mail: _____

Legal Ad Payment & Public Hearing Notifications: Applicant ☒ Owner ☐ Representative ☐

Zoning Classification of Property: A1

Overlay District of Property (if applicable): _____

Address or common description of property:
0710 CR 45

Legal description of property affected (or provide property deed):
See Attach

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:
Set Back To Be Reduced TO 10.8 Feet

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

The Applicant must answer the following questions and establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA. Please answer each question and give reasons for your answer.

- 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:

BECAUSE WIFE WANTS Attached GARAGE
BETTER ACCESSABLE TO HOUSE

- 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:

IMPROVING PROPERTY

- 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:

SEWER SYSTEM IS ON NORTH SIDE OF HOUSE AND
HOUSE NEED A HANDICAP RAMP TO GET IN THE HOUSE

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:

(If signed by representative for applicant, state capacity)

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: Michael & Connie Gerardot
SUBJECT SITE: 0710 County Road 45, Waterloo
REQUEST: Development Standards Variance
PURPOSE: To allow a reduction to the side yard setback
EXISTING ZONING: A1, Conservation Agricultural
SURROUNDING LAND North: Farm Ground (A1)
USES AND ZONING: South: Farm Ground (A1)
East: Farm Ground (A1)
West: Farm Ground (A1)

ANALYSIS:

UDO Standards: A2 Zoning District

Minimum Side Yard Setback: 30 feet for primary structures

- The petitioner is requesting a reduction to the side yard setback to add an attached garage onto the residence. The existing home is 36.8 feet from the side (south) property line.
- The requested setback is 10.8 feet from the side yard (south) property line. Thus, requesting a Development Standards Variance for 19.2 feet.

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 **October 16, 2025**
2. Legal notice published in The Star on **October 31, 2025** 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 **October 23, 2025**
5. Letter from the County Highway Department, dated **October 20, 2025**
6. Letter from the Soil & Water Conservation District, dated **October 17, 2025**
7. Letter from the County Surveyor or Drainage Board, dated **October 21, 2025**
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 reduction in the side 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 side yard setback not adversely affect the neighboring properties.
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 side yard setback is needed due to the location of the driveway.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Conditions of Approval:

Staff is recommending approval for this Development Standard Variance and recommends the following conditions:

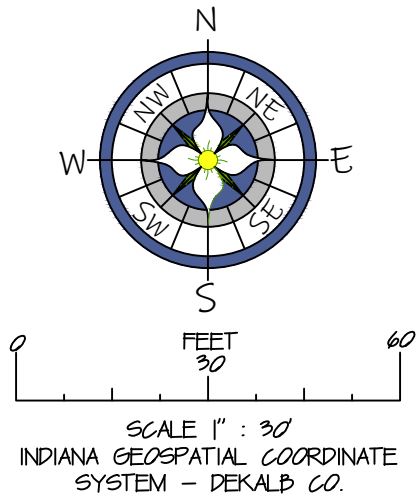
1. The Board retains continuing jurisdiction of this from Development Standards Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. A Variance to allow for the side yard setback to be 10.8 feet is approved.
3. Comply 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.

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.

0710 CR 45 – Gerardot Site Plan





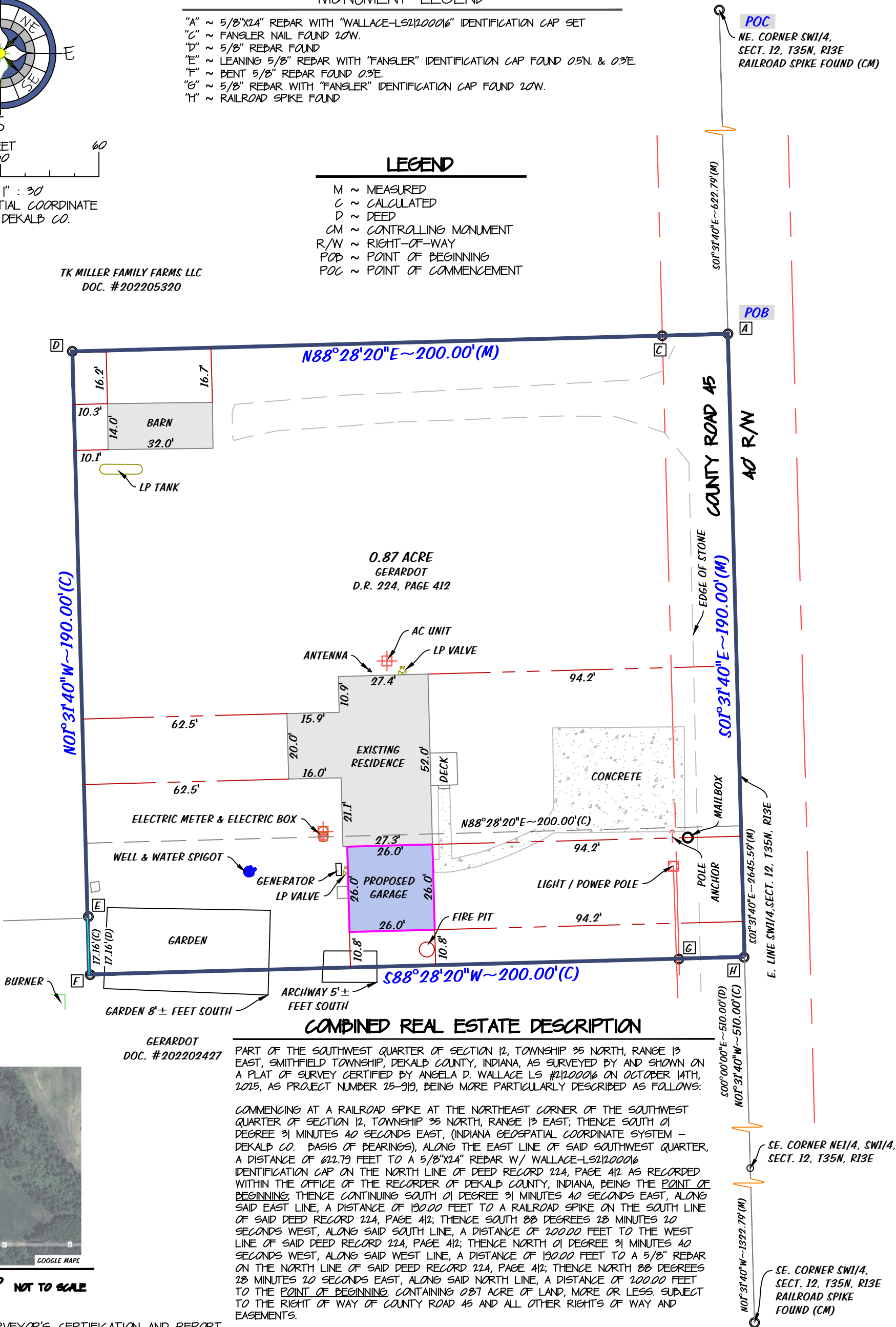
MONUMENT LEGEND

- "A" ~ 5/8"x24" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET
"C" ~ FANSLER NAIL FOUND 20"W.
"D" ~ 5/8" REBAR FOUND
"E" ~ LEANING 5/8" REBAR WITH "FANSLER" IDENTIFICATION CAP FOUND 0.5N. & 0.3E.
"F" ~ BENT 5/8" REBAR FOUND 0.3E.
"G" ~ 5/8" REBAR WITH "FANSLER" IDENTIFICATION CAP FOUND 20"W.
"H" ~ RAILROAD SPIKE FOUND

LEGEND

- M ~ MEASURED
C ~ CALCULATED
D ~ DEED
CM ~ CONTROLLING MONUMENT
R/W ~ RIGHT-OF-WAY
POB ~ POINT OF BEGINNING
POC ~ POINT OF COMMENCEMENT

TK MILLER FAMILY FARMS LLC
DOC. #202205320



COMBINED REAL ESTATE DESCRIPTION

GERARDOT
DOC. #202202427

PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 35 NORTH, RANGE 13 EAST, SMITHFIELD TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON OCTOBER 14TH, 2025, AS PROJECT NUMBER 25-919, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

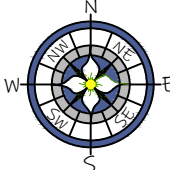
COMMENCING AT A RAILROAD SPIKE AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 35 NORTH, RANGE 13 EAST; THENCE SOUTH 01 DEGREE 31 MINUTES 40 SECONDS EAST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 622.79 FEET TO A 5/8"x24" REBAR W/ WALLACE-LS21200016 IDENTIFICATION CAP ON THE NORTH LINE OF DEED RECORD 224, PAGE 412 AS RECORDED WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA, BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREE 31 MINUTES 40 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 190.00 FEET TO A RAILROAD SPIKE ON THE SOUTH LINE OF SAID DEED RECORD 224, PAGE 412; THENCE SOUTH 88 DEGREES 28 MINUTES 20 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 200.00 FEET TO THE WEST LINE OF SAID DEED RECORD 224, PAGE 412; THENCE NORTH 01 DEGREE 31 MINUTES 40 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 190.00 FEET TO A 5/8" REBAR ON THE NORTH LINE OF SAID DEED RECORD 224, PAGE 412; THENCE NORTH 88 DEGREES 28 MINUTES 20 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.87 ACRE OF LAND, MORE OR LESS. SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 45 AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.



VICINITY MAP NOT TO SCALE

SEE PAGE 2 FOR SURVEYOR'S CERTIFICATION AND REPORT

THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE AND SEAL, FULL PAYMENT OF INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY. THE INFORMATION SHOWN ON THE SURVEY DOCUMENTS IS INTENDED FOR THIS TRANSACTION ONLY AS DATED ON SAID SURVEY DOCUMENTS. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS' SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

B.I.I. PAGE 1 OF 2	DRAWN BY ADW	PROJECT # 25-919	PROJECT: BOUNDARY RETRACEMENT SURVEY	COMPASS LAND SURVEYING		1710 N. MAIN STREET SUITE D AUBURN, IN 46706 260-417-3643 WWW.SURVEYCLS.COM INFO@SURVEYCLS.COM
REV. DATE	REVIEWED BY ADW	DATE 10/14/2025	ADDRESS: THE LANDS OF GERARDOT 0710 COUNTY ROAD 45 WATERLOO, INDIANA 46793			

PROFESSIONAL SURVEYOR'S REPORT

PURPOSE OF SURVEY:

THE PURPOSE OF THIS SURVEY IS TO RETRACE DEED RECORD 224, PAGE 412 AS RECORDED WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA AND COMBINE THE TWO DESCRIPTIONS INTO ONE DESCRIPTION FOR BUILDING A GARAGE.

EQUIPMENT USED FOR SURVEY:

LEICA TS13 AND LEICA GS13 GPS UNIT WAS USED TO COLLECT THE INFORMATION NEEDED FOR THIS SURVEY WHILE UTILIZING THE INDIANA CONTINUOUSLY OPERATING REFERENCE STATION NETWORK (INCORS) WITH INDIANA GEOSPATIAL COORDINATE SYSTEM NETWORK INGCS-DEKALB COUNTY.

GEOD MODEL: INGEOD 12B GRS80, PROJECTION: DEKALB

CLASSIFICATION OF SURVEY AND THE RELATIVE POSITIONAL ACCURACY:

SUBURBAN SURVEYS: 0.13 FEET (40 MILLIMETERS) PLUS 100 PARTS PER MILLION

AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS:

SECTION CORNER MONUMENTS WERE FOUND AT THE NORTHEAST AND SOUTHEAST CORNERS OF THE SOUTHWEST QUARTER OF SECTION 12-35-13. MONUMENTS FOUND ALONG THE PERIMETER CORRELATED WITH THE SUBJECT PARCEL'S DEED DISTANCES AND ADJOINING DEEDS. MONUMENTS WERE FOUND IN GOOD CONDITION, ARE WITHIN 0.2 FEET OF THE SURFACE, AND HAVE NO HISTORY, UNLESS NOTED OTHERWISE.

OCCUPATION OR POSSESSION LINES:

NO SIGNIFICANT INCONSISTENCIES WERE FOUND BETWEEN THE OCCUPATION LINES OR POSSESSION LINES, NOR DID ANY OCCUR AS A RESULT OF THE LINES ESTABLISHED THIS PLAT OF SURVEY. THE GARDEN LIES +/- 8 FEET SOUTH AND THE ARCHWAY LIES +/- 5 FEET SOUTH OF THE SOUTH LINE.

CLARITY OR AMBIGUITY OF THE RECORD DESCRIPTION:

MINOR AMBIGUITIES WERE FOUND IN THE REFERENCE DOCUMENTS USED FOR THIS SURVEY.

THE LANDS OF GERARDOT AS RECORDED IN DEED RECORD 224, PAGE 412, THE LANDS OF TK MILLER FAMILY FARMS LLC AS RECORDED DOCUMENT NUMBER 201205320, AND THE LANDS OF GERARDOT AS RECORDED IN DOCUMENT NUMBER 201202427 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA.

NO TITLE COMMITMENT FOR TITLE INSURANCE WAS PROVIDED AT THE TIME OF THIS REPORT, NOR DID THE SURVEYOR PERFORM A TITLE SEARCH. AN ABSTRACT OR TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THE PROPERTY.

THEORY OF LOCATION:

THE FOLLOWING LINES WERE ESTABLISHED BY THE OPINION OF THIS PROFESSIONAL SURVEYOR BASED UPON THE REFERENCE MONUMENTS FOUND THIS SURVEY AND THE RECORD DESCRIPTIONS. THE AMOUNT OF UNCERTAINTY IN THESE LINES ARE 0.5 FEET.

THE DEED CALLED THE NORTH/SOUTH LINES TO BE PARALLEL WITH THE SECTION LINE AND EQUAL DISTANCES. THE EAST/ WEST LINES WERE ALSO EQUAL DISTANCES ASSUMING THEM ALSO PARALLEL EVEN THOUGH THE DEED DOES NOT CALL THE EAST/WEST TO BE PARALLEL.

THE SOUTH LINE OF THE SUBJECT PARCEL WAS ESTABLISHED BY DEED DISTANCES NORTH OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 12 AND BEING PERPENDICULAR TO THE EAST LINE OF SAID SOUTHWEST QUARTER.

THE WEST LINE OF THE SUBJECT PARCEL WAS ESTABLISHED BY A LINE PARALLEL AND 200 FEET WEST OF THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12.

THE NORTH LINE OF THE SUBJECT PARCEL WAS ESTABLISHED BY DEED DISTANCES NORTH OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 12.

THE EAST LINE OF THE SUBJECT PARCEL WAS ESTABLISHED ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12 AND BEING PERPENDICULAR TO THE EAST LINE OF SAID SOUTHWEST QUARTER.

PROFESSIONAL SURVEYOR'S CERTIFICATION

I, ANGELA D. WALLACE, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE PLAT OF SURVEY AND DESCRIPTION WAS COMPLETED BY ME, OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 865 IAC 1-12-1 THRU 30.

PROJECT NO.: 25-919
PREPARED FOR: GERARDOT
LAST DAY OF FIELDWORK: 10/1/2015

IN WITNESS THEREOF, I HEREUNTO PLACE MY HAND AND SEAL THIS 14TH DAY OF OCTOBER, 2015.

I, ANGELA D. WALLACE, AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.



Angela D. Wallace

THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE AND SEAL, FULL PAYMENT OF INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY. THE INFORMATION SHOWN ON THE SURVEY DOCUMENTS IS INTENDED FOR THIS TRANSACTION ONLY AS DATED ON SAID SURVEY DOCUMENTS. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS' SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

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