

**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:**

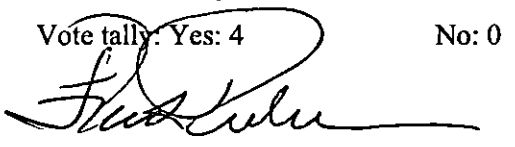
1. The Board retains continuing jurisdiction of this Development Standards Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. A Development Standards Variance to allow the reduction to the setback for a pond to be 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 13<sup>TH</sup> DAY OF OCTOBER 2025.

Motion made by Jason Carnahan, Seconded by Wayne Funk.

Vote tally: Yes: 4

No: 0



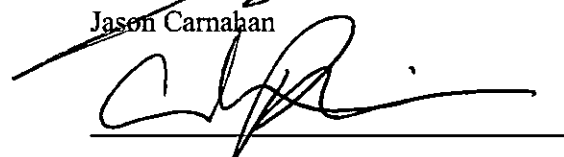
Frank Pulver



Jason Carnahan



Wayne Funk



Andrew Provines

**REPORTS OF PLANNING STAFF, OFFICERS, OR COMMITTEES**

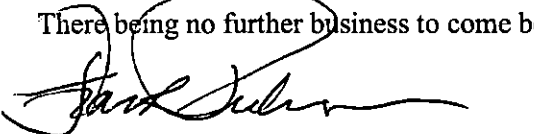
None

**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