MINUTES
DEKALB COUNTY BOARD OF ZONING APPEALS
Monday September 12th, 2022

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, Rory Walker, Mary Diehl, Jeremy Watson
Members absent: None
Staff Present: BZA Attorney, Andrew Kruse, Director/Zoning Administrator, Chris Gaumer, and Secretary, Alicia Shackelford
Public in Attendance: Kari Simpkins, Molly Boeglin, Jeff Schaner

ELECTION OF OFFICERS:

Frank Pulver nominated Mary Diehl for Vice Chairman. Mary accepted with no other nominations. Mr. Pulver closed the nominations and with unanimous approval, Mary Diehl is Vice Chairman.

APPROVAL OF MINUTES:

Motion was made by Jason Carnahan and Seconded by Rory Walker to approve the Minutes of May 9th, 2022 & June 7th,2022. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Chris Gaumer introduced new committee member, Jeremy Watson.

Petition #22-08 A Butler Biogas, LLC requesting a Special Exception to allow an anaerobic digester to capture natural gas from the dairy manure produced on site. The property is located at 1867 County Road 59, Butler, Indiana and is zoned A3, High Intensity Agricultural.

Chris Gaumer read the Staff Report.

Kari Simpkins took to the podium to explain the purpose of application and the proposed digester facility and its workings with Irish Acres Dairy.

Frank Pulver asked if there were any questions from the board members or audience. There were none. Frank Pulver closed the public hearing.

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 **August 11, 2022**
2. Legal notice published in The Star on **September 2, 2022** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **August 29, 2022**
5. Letter from the County Highway Department, dated **August 16, 2022**
6. Letter from the Soil & Water Conservation District, dated **August 16, 2022**
7. Letter from the County Surveyor or Drainage Board, dated **August 26, 2022**
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. Is the proposed use consistent with the purpose of the Zoning District and Comprehensive Plan?
   Yes (X) No ( )*
   The purposed use is compatible with the existing dairy operation. Without it, the proposed use would not be possible. The proposed use is consistent with the Zoning District and goals and objectives of the Comprehensive Plan.
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 will not be injurious to the surrounding community. Local, State and Federal Laws will be followed. See conditions.
3. Is the proposed use in harmony with all adjacent land uses? Yes (X) No ( )*
   The purposed use aligns with the County's plan to promote development in areas that are compatible with one another.
4. Does the proposed use alter the character of the district? Yes ( )* No (X)
   The purposed use will be working in conjunction with the existing Irish Acres Dairy operation without altering the character of the district.
5. Does the proposed use substantially impact the property value in an adverse manner?
   Yes ( )* No (X)
   The purposed project will not substantially impact the property values in the area. The existing and surrounding properties are compatible and permitted properly.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Conditions of Approval:
Staff is recommending approval for the Special Exception and recommends the following conditions:

1. The Board retains 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. 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 Special Exception to allow an anaerobic digester to capture natural gas from the dairy manure produced on site, is approved.
5. The biomass digester facility, as proposed, shall comply with any and all local, state and federal laws and regulations.
6. Approval from the Drainage Board, Health Dept., and Soil Water Conservation District is required prior to the issuance of any local Improvement Location or Building Permits. If approvals are not required, written notice shall be given to the Zoning Administrator.
7. Permits from Indiana Department of Environmental Management shall be provided to the Zoning Administrator prior to the issuance of any local Improvement Location or Building Permits.

8. Zoning Administrator is to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS SPECIAL EXCEPTION, PETITION #22-08 IS HEREBY GRANTED APPROVAL ON THIS 12th DAY OF SEPTEMBER, 2022

Motion made by Rory Walker, Seconded by Jason Carnahan

Vote tally: Yes: 5 No: 0

Frank Pulver

Rory Walker

Jason Carnahan

Mary Diehl

Jeremy Watson

There being no further business to come before the board, the meeting was adjourned at 6:28 p.m.

Frank Pulver, Chairperson

Alicia Shackelford, Secretary