

**MINUTES  
DEKALB COUNTY BOARD OF ZONING APPEALS  
Monday, August 14, 2023**

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: Jason Carnahan, Frank Pulver, Rory Walker and new member, Larry Williams (who replaced Jeremy Watson).

Members absent: Mary Diehl

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

Public in Attendance: Brian Dill, Carolyn Shelton, Bruce Scranage, Beth Flesher, Diana Chambers (Commercial Signs, Inc), Adam Dager and Andrew Schulenburg (The Baldus Co.).

**APPROVAL OF MINUTES:**

Motion was made by Jason Carnahan and Seconded by Rory Walker to approve the Minutes of July 10, 2023 as submitted. None opposed. Motion carried.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Petition #23-09 – Lauren Kruse & Brian Dill requesting a Special Exception to allow outdoor storage of recreational vehicles and boats. The property is located at 6128 County Road 427, Auburn, Indiana and is zoned AP3, Airport Commercial.

Chris Gaumer read the Staff Report, then asked if there were any questions.

Rory Walker inquired about a fence on the property.

Mr. Gaumer replied that there was an existing fence. He wasn't positive on the height of the fence, but that he could ask the petitioner.

Frank Pulver asked if the petitioner had anything he wanted to add.

Brian Dill approached the podium and clarified that the existing fence is 6 feet in height.

Mr. Pulver asked the petitioner if there were multiple accesses available from County Road 427. There was only one.

Andrew Kruse asked if this property is located where the old nursery was. Mr. Dill affirmed it was.

Mr. Pulver verified with Mr. Gaumer that the nearby property owners had received notification of this petition.

Mr. Pulver asked if there was anyone in the audience who was for or against the petition.

Mr. Pulver asked if there were any further questions from members or public. There were none. Mr. Pulver closed the public portion of the hearing.

Andrew Kruse explained to the newest board member, Larry Williams, what the Findings of Fact are and why we do them. Then Mr. Kruse went through the Findings for this petition with the board.

**JURISDICTIONAL FINDINGS:**

1. Application completed and filed on **July 6, 2023**.
2. Legal notice published in The Star on **August 4, 2023** 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 **July 12, 2023**.
5. Letter from the County Highway Department, dated **July 6, 2023**.
6. Letter from the Soil & Water Conservation District, dated **July 7, 2023**.
7. Letter from the County Surveyor or Drainage Board, dated **July 7, 2023**.
8. Letter from the DeKalb County Airport Authority, dated **August 4, 2023**.

**FINDINGS OF FACT:**

1. Is the proposed use consistent with the purpose of the Zoning District and Comprehensive Plan?  
Yes ( ☒ ) \* No ( ☐ ) \*  
*The proposal is consistent with the district and Comprehensive Plan. This approval is for outdoor storage of boats, campers and recreational vehicles, which is permitted by Special Exception approval by the Board of Zoning Appeals. Also, see letters from the DeKalb County Board of Health, Highway Dept., Soil/Water Conservation District, County Surveyor and DeKalb County Airport Authority.*
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 ( ☒ ) \*  
*The proposal is consistent with the zoning district and Comprehensive Plan and will not be injurious to the surrounding community. This approval is for outdoor storage of boats, campers and recreational vehicles.*
3. Is the proposed use in harmony with all adjacent land uses?  
Yes ( ☒ ) \* No ( ☐ ) \*  
*The proposal is harmonious with the surrounding land uses. Also, see the letter from the DeKalb County Airport Board.*
4. Does the proposed use alter the character of the district?  
Yes ( ☐ ) \* No ( ☒ ) \*  
*The proposed use is for outdoor storage of campers, boats and recreational vehicles. While the use of the property is not residential in nature, which would be similar to the surrounding properties, the use does not appear to alter the character of the district.*
5. Does the proposed use substantially impact the property value in an adverse manner?  
Yes ( ☐ ) \* No ( ☒ ) \*  
*The proposal for outdoor storage of boats, camper and recreational vehicles will not impact the property values negatively.*

**Conditions of Approval:**

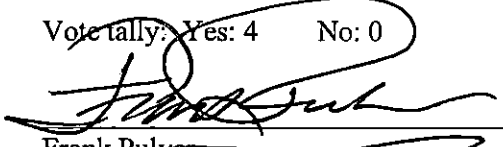
1. The Board retains continuing jurisdiction of this Special Exception to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. No offsite drainage crossing over said real estate should be obstructed by any development on this site.

3. The Special Exception to allow for the outdoor storage of boats, campers and recreational vehicles is approved.
4. ~~Receive an approval or non-objection letter from the DeKalb County Airport Authority before any items are stored on the property.~~ (Andrew Kruse verified with Chris Gaumer that we had already received a non-objection letter from the Airport Authority)
5. Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS SPECIAL EXCEPTION, PETITION #23-09, IS HEREBY GRANTED APPROVAL ON THIS 14<sup>TH</sup> DAY OF AUGUST, 2023.


Motion made by Jason Carnahan, Seconded by Larry Williams.

Vote tally: Yes: 4 No: 0

  
Frank Pulver

  
Jason Carnahan

  
Larry Williams

  
Rory Walker

Petition #23-10 – DAGCO Real Estate II, LLC requesting a Development Standards Variance to allow for an electronic message sign. The property is located at 6467 Merchants Dr., LaOtto, Indiana and is zoned C2, Neighborhood Commercial.

Chris Gaumer read the Staff Report and asked if the board had any questions.

Frank Pulver clarified with Mr. Gaumer the marked location of the sign on the aerial map.

Jason Carnahan clarified with Mr. Gaumer that this was one petition for two variances, combined.

Frank Pulver asked if the petitioner if he wanted to speak.

The representative for this petition, Andrew Schulenburg, approached the podium to address the board.

Rory Walker asked Mr. Gaumer why our ordinance doesn't allow electronic signs.

Mr. Gaumer assumed it was because electronic signs are becoming more common now than they were back in 2009, when the ordinance was created. He added that if there was ever a subdivision created, people wouldn't want a flashing sign shining through their windows.

Mr. Pulver clarified the size of the billboard with Mr. Gaumer.

Mr. Pulver asked if there were any further questions from the audience.

Adam Dager, a neighboring property owner, approached the podium to ask Mr. Gaumer about obtaining more information about creating more billboards along SR 3.

Mr. Kruse explained to Mr. Dager that SR 3 goes up Allen County and cuts across a corner of DeKalb County for a short stretch, then goes into Noble County.

Mr. Gaumer advised that the Plan Commission changed the ordinance to allow billboards in more areas than they did before, but if he wanted electronic billboard signs, then he would have to come through the Board of Zoning Appeals for each sign.

Frank Pulver determined that there were no other comments or questions from the audience, and closed the public hearing.

Mr. Kruse went through the Findings with the board.

**JURISDICTIONAL FINDINGS:**

1. Application completed and filed on **July 10, 2023**.
2. Legal notice published in The Star on **August 4, 2023** and affidavit given to staff and receipt received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **August 3, 2023**.
5. Letter from the County Highway Department, dated **July 11, 2023**.
6. Letter from the Soil & Water Conservation District, dated **July 12, 2023**.
7. Letter from the County Surveyor or Drainage Board, dated **July 14, 2023**.
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 electronic message sign within the outdoor advertising sign and reduction to the setbacks from the north and east property line will not be injurious to the public. The distances to the pavement of each road are a safe distance. Also see Highway Dept. letter.*
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 electronic message sign within the outdoor advertising sign and reduction to the setbacks from the north and east property line will not adversely affect the neighboring properties as the majority of neighboring properties are commercial use.*
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 electronic message sign within the outdoor advertising sign and reduction to the setbacks from the north and east property line is needed because the petitioner states that the building location is far from the road, thus vehicles often miss this location due to visibility.*

**Conditions of Approval:**

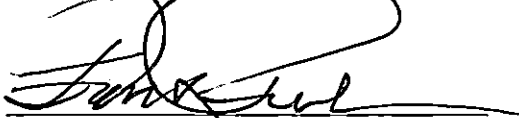
1. The Board retains continuing jurisdiction of this Development Standards Variance to assure compliance with all terms and conditions and/or impose additional conditions deemed necessary for health and safety.
2. A Variance to allow an electronic message sign to be permitted within the outdoor advertising sign (billboard) and the setbacks from the north and east property lines be reduced to 80 feet and 60 feet, respectfully, 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.

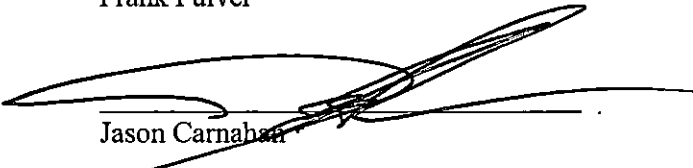
IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS DEVELOPMENT STANDARDS VARIANCE, PETITION #23-10, IS HEREBY GRANTED APPROVAL ON THIS 14<sup>TH</sup> DAY OF AUGUST, 2023.

Motion made by Rory Walker, Seconded by Jason Carnahan.

Vote tally: Yes: 4 No: 0

  
Frank Pulver

  
Larry Williams

  
Jason Carnahan

  
Rory Walker

Petition #23-11 – DeKalb County Humane Society requesting a Development Standards Variance to allow for 22 inches of ground clearance for a proposed monument sign. The property is located at 5730 County Road 11A, Auburn, Indiana and is zoned C3, General Commercial.

Chris Gaumer briefly explained what types of signs are permitted by the ordinance and that he added the definitions and a photo explaining what each type of sign is. Then he read the Staff Report.

Frank Pulver clarified the dimensions of the sign with Mr. Gaumer; 48x96 Feet with 86 ft as the overall height.

Then, Mr. Pulver inquired why the Humane Society didn't submit plans for a proposed sign when they first built their facility back in 2021.

Citing the Staff Report for the Humane Society's Development Plan (October 21, 2020), Mr. Gaumer stated that no signage plans were submitted and a separate sign company will submit plans for any and all signage.

Mr. Pulver asked if the petitioner if they wanted to speak.

Diana Chambers, from Commercial Signs, Inc., approached the podium. Ms. Chambers explained the petitioner's Variance request. She then clarified the exact location of the proposed sign with Mr. Gaumer, also asking if they could move it closer to the road.

After looking into the ownership of that portion of the property, Mr. Gaumer confirmed that it was part of the dedicated right of way and that the sign could not be in that spot.

Mr. Gaumer advised that he could explain the plat to the applicant when he comes in to get his sign permit.

Mr. Pulver clarified the location of the proposed sign with Mr. Gaumer.

Frank Pulver then addressed Diana Chambers to clarify the updated proposed location and that the sign will be angled to match the curve of the road. Mr. Pulver inquired the importance of an extra 6 or 8 feet.

Ms. Chambers explained that the petitioner's proposed sign would gain more visibility.

Mr. Pulver asked if there were any further questions from the audience.

Beth Flesher, a neighboring property owner, approached the podium to express her concerns. Ms. Flesher stated that there was a blind spot where you turn onto County Road 56 and wanted to make sure the proposed sign would not be blocking visibility.

Andrew Kruse went through the Findings with the board.

### **JURISDICTIONAL FINDINGS:**

1. Application completed and filed on **July 14, 2023**.
2. Legal notice published in The Star on **August 4, 2023** and affidavit given to staff and receipt received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **August 3, 2023**.
5. Letter from the County Highway Department, dated **July 17, 2023**.
6. Letter from the Soil & Water Conservation District, dated **July 14, 2023**.
7. Letter from the County Surveyor or Drainage Board, dated **July 14, 2023**.
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 monument sign with 22 inches of clearance will not be injurious to the public. The distances to the pavement of County Road 56 are a safe distance and would not impede any line of sight. Also see Highway Dept. letter.*
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 monument sign with 22 inches of clearance will not adversely affect the neighboring properties. The Plan Commission and County Commissioners approved the zone map amendment in December 2019 to allow for the development.*
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 monument sign with 22 inches of clearance is needed because the visibility of the sign is needed due to the curve of County Road 56.*

### **Conditions of Approval:**

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 Variance for a monument sign with 22 inches of clearance is approved, along with any modified allowable distance.

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.

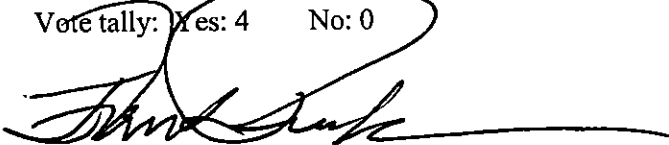
Jason Carnahan clarified that the board is determining the clearance of the proposed sign and if the location of the proposed sign gets modified, it wouldn't have to come before the Board of Zoning Appeals again. Chris Gaumer confirmed, as long as it meets setbacks.


Frank Pulver clarified the modified location of the proposed sign with Mr. Gaumer.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS DEVELOPMENT STANDARDS VARIANCE, PETITION #23-11, IS HEREBY GRANTED APPROVAL ON THIS 14<sup>TH</sup> DAY OF AUGUST, 2023.

Motion made by Rory Walker, Seconded by Jason Carnahan.

Vote tally: Yes: 4 No: 0

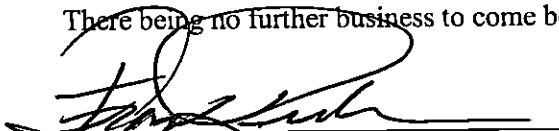
  
 Frank Pulver

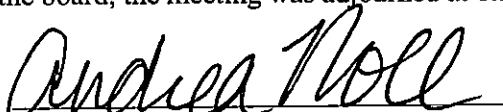
  
 Larry Williams

  
 Jason Carnahan

  
 Rory Walker

There being no further business to come before the board, the meeting was adjourned at 6:50 p.m.

  
 Frank Pulver, Chairperson

  
 Andrea Noll, Secretary