

# DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

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## AGENDA

### DeKalb County Board of Zoning Appeals

Commissioners Court – 2<sup>nd</sup> Floor DeKalb County Court House

**Monday, June 10, 2024**

**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: April 8, 2024 and May 13, 2024
4. Old Business: None
5. New Business:

Petition #24-06 – Steel Dynamics Inc requesting a Development Standards Variance to allow for an electronic message sign for the purpose of providing information to truck drivers within the property and increase the sign square footage from 100 sq. ft. to 144 sq. ft. The property is located at 4500 County Road 59, Butler, Indiana and is zoned I3, high Intensity Industrial.

Petition #24-07 – Charles & Linda Swartz requesting a Development Standards Variance to allow for the reduction in the rear yard setback to construct an addition on the rear of the residence. The property is located at 6751 County Road 9A, Garrett, Indiana and is zoned R2, Medium Density Residential.

6. Reports of Planning Staff, Officers, of Committees
7. Comments from Public in attendance
8. Adjournment

Next Meeting: July 8, 2024

**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, April 8, 2024**

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, Rory Walker, Larry Williams, and Jason Carnahan

Members absent: Mary Diehl

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

Public in Attendance: Kevin Aldrich, Bill Hartman, Jarrod Aldrich, Frank Nester, and Drew Koeppe.

**APPROVAL OF MINUTES:**

Motion was made by Rory Walker and Seconded by Jason Carnahan to approve the Minutes of March 11, 2024 as submitted. Motion carried.

**OLD BUSINESS:** None

**NEW BUSINESS:**

Petition #24-04 – Frank Nester requesting a Use Variance to allow for a dumping site of “slurry”, which is the result or byproduct of removing soil and other debris with pressurized water. The property is located on the east side of County Road 9, approximately one-third of a mile north of the intersection of County Road 9 and US Highway 6, Corunna, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the proposed petition and staff report. Stating how the process works when the slurry is brought to the site to be dumped.

Larry Williams asked will the soil coming in be able to be reused.

Mr. Gaumer answered this would be a question for Frank Nester to answer not knowing what will happen to the dirt when it's separated.

Frank Nester approached the podium stating that the soil will need to be maintained for how many trucks are coming in. After being dried the solids will need to be dipped out and can be sold for fill or whatever is needed. Anticipated as routine maintenance. Mr. Gaumer asked if the basin is meant to drain and not hold water to go to like a pond. Mr. Nester stated that the intention is to not be a pond but a drying basin, so the water evaporates and absorbs. Adding that any water leftover be maintained to the spillway located to the north. The water being filtered, and rock checked before it reaches the spillway located on Mr. Nester's property.

Frank Pulver asked what the capacity of the basin is.

Mr. Nester stated that the approximate capacity of the basin will be constructed to hold up to 450 trucks including the liquids and solids not accounting for absorption or evaporation. Mr. Pulver asked if there were any other drying basins nearby. Mr. Nester stated that there being none in Dekalb County there is a need to have one located in the county. Having others outside the county that aren't as close. Mr. Gaumer added that once the slurry is excavated it can't be used as fill, which is why a basin is needed to dry it to be reused.

Mr. Williams asked how much paperwork will be needed from the trucks arriving at the dump site.

Mr. Gaumer stated that the IDEM told him that its up to the contractor's or sub-contractors to self-report what there digging in.

Mr. Nester stated that this is a non-hazardous site. Any vendor that comes to this site it will be their responsibility to sign paperwork stating there not bring anything hazardous. If there is anything hazardous, they must go to the site in Indianapolis that takes the hazardous materials.

Rory Walker asked what the deepest amount is before it reaches the overflow.

Mr. Nester stated the capacity of the basin is 5ft from the bottom to the top, and what the change will be to the site located on the maps. Stating that the basin needs to be sizeable to account for rain and whatever, to have a goal of not having an overflow going into the wetlands by maintaining the basin regularly.

Mr. Pulver opened the public portion of the hearing to comments for or against the proposed petition.

Kevin Aldridge approached the podium stating that he owns the property adjacent to the proposed basin asking where the adjacent wetland is located. Mr. Gaumer stated that the wetland is north of Mr. Nester's property, located in a wooded area. Mr. Aldridge stated that his property already has flooding problems. The 12-inch county tile located there is not adequate to have any runoff that may come. Having concerns on the spillway if hazardous waste was to enter the tile. And concerns on the condition of the road when additional trucks are on it.

Bill Hartman approached the podium stating that Mr. Nester had bought the ground by contract. The county tile is located one hundred yards south of the proposed site and the spillway will be draining away from the county tile. Being not many sites for dumping like this. He stated what a hydro vac system is and how it works. Mr. Gaumer asked if the road is paved or gravel. Mr. Hartman stated that the road is paved to the cell tower and turns to gravel.

Mr. Gaumer stated that this petition goes through technical review and has been reviewed by the Highway Department for this use. Sometimes Ben Parker will request a designated route for the trucks. Not having any concerns about the need for any upgrades or changes for this project.

Mr. Nester approached and added that the road is not maintained like it should. Knowing there will be more traffic on the road, with there already being a lot of traffic. With doing his diligence to make sure no water comes to the neighboring landowner.

Mr. Walker asked if it was an honor system when the trucks come to dump.

Mr. Nester answered that they fill out a ticket stating where they did the excavation, what day it was on, and then they fill out a ticket. The business would get billed monthly on how many dumps they do, so we can keep track if something doesn't look right and can go back and see who was there.

Mr. Pulver 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 **February 28, 2024**
2. Legal notice published in The Star on **March 29, 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 **March 18, 2024**
5. Letter from the County Highway Department, dated **March 19, 2024**
6. Letter from the County Surveyor or Drainage Board, dated **March 14, 2024, April 2, 2024**

7. Letter from the Soil & Water Conservation District, dated **March 14, 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 dump site and drying basin should not be injurious to the community. The drying basin has been designed and engineered to safely unload the slurry with property overflow if necessary and approved/permitted by Indiana Department of Environmental Management.*
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.*
3. Does the need arise from some condition peculiar to the property involved?  
 Yes ( X ) No ( )\*  
*The drying basin has been designed and engineered to safely unload the slurry with property overflow if necessary and approved/permitted by Indiana Department of Environmental Management. The DeKalb County UDO does not have a use for this type of project, thus, there is no site in the County. The hardship comes with the lack of locations available in the region for this use.*
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 DeKalb County UDO does not have a use for this type of project, thus, no site in the County. The hardship comes with the lack of locations available in the region for this use.*
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 rules and regulations for the Indiana Department of Environmental Management.*

#### **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 dumping site of “slurry”, which is the result or byproduct of removing soil and other debris with pressurized water.
3. That the proper Drainage Plan, if required, be submitted to and approved by the DeKalb County Surveyor and Drainage Board prior to the start of construction for the project.
4. No permanent structures, including trees, will be installed within the John Potts Lateral 2 Spur 3 Branch 1 Regulated Tile Drain No. 39-02-3 75-foot right of way without first getting a variance from the DeKalb County Drainage Board.
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. And further, where 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. An “ingress/egress, maintenance and use easement” be written and recorded that allows the owner of the property with the drying basin to access the northern property for maintenance of the spillway. The easement shall also not allow any structures to be built within the wetland area that IDEM is allowing the spillway to flow into. Should the easement no longer be needed, it shall have written consent from the Zoning Administrator to dissolve the easement.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS USE VARIANCE, PETITION #24-04 IS HEREBY APPROVED WITH CONDITIONS ON THIS 8<sup>TH</sup> DAY OF APRIL 2024.

Motion made by Rory Walker, Seconded by Larry Williams

Vote tally: Yes: 4

No: 0

\_\_\_\_\_  
Frank Pulver

\_\_\_\_\_  
Jason Carnahan

\_\_\_\_\_  
Rory Walker

\_\_\_\_\_  
Larry Williams

**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 6:41 p.m.

\_\_\_\_\_  
Frank Pulver, Chairperson

\_\_\_\_\_  
Meredith Reith, Secretary

**MINUTES**  
**DEKALB COUNTY BOARD OF ZONING APPEALS**  
**Monday, May 13, 2024**

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, Mary Diehl, and Jason Carnahan

Members absent: Rory Walker

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

Public in Attendance: Vince Sutter, Denise Sutter, Steve Hartz, Devon Werder, James Witmer, John Witmer, Ben Schmucker, Ken Herb, Elmer Wickey, Leroy Schmucker, Neil Eicher, Ervin Graber, Marvin Graber, Lavern Steury, and Noah Eicher

**APPROVAL OF MINUTES:**

Motion was made by Jason Carnahan and Seconded by Mary Diehl to table the Minutes till the next meeting. None opposed. Motion carried.

**OLD BUSINESS:** None

**NEW BUSINESS:**

Petition #24-05 – S.E. DeKalb Amish Parochial School, Ben Schmucker & Jesse Zehr requesting a Use Variance to allow for an Amish Parochial School. The property is located on the west side of County Road 75, just south of the intersection of County Road 75 and County Road 68 Spencerville, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the proposed petition and staff report.

Frank Pulver asked where the fence would be located that was stated in the staff report.

Mr. Gaumer stated that the fence will be located only on the south of the property proximity to the neighbors.

Mr. Pulver asked the petitioner to approach the podium.

Ben Schmucker approached the podium thanking the board for accepting and allowing this hearing for the proposed school. He stated his involvement with Amish school movements. Stating the articles of agreement for Amish Parochial Schools. Agreeing to place state and county approved wells and septic tanks. He informed the board that there was a morning and evening meeting with the neighbors prior to the hearing. Adding that on a Friday he had met with Vince Sutter. Being on vacation at the time of the meeting. Again, with questions and concerns. He added that it was recommended by Mr. Vince that he would like to see an 8 ft. fence constructed instead of a 6 ft. If the board would like to consider changing.

Mr. Gaumer stated that his only concerns would be the fence height not following the ordinance. That allows for a height of 6ft for a fence. The BZA through the Use Variance could allow the fence to be eight feet. There would need to be a condition of approval added to state what height the fence can be.

Mary Diehl asked to what extent would the fence be located to the south.

Mr. Schmucker stated that the fence would run east to west along the whole south side of Vince's property and back to the Witmer property line. Mrs. Diehl asked about the schools in Grabill if they were still in operation. Mr. Schmucker stated that all ten schools are still in operation at this point.

Mr. Pulver opened the public portion of the hearing up to any comments or questions for or against the proposed petition.

Ken Herb approached the podium to speak for the school. Seeing this as a great place to have children.

Denise Sutter approached the podium stating that she owns the property to the south of the school. Seeing concerns with the traffic on the road. And will the dust be addressed when more traffic picks up. She had concerns about the fire hazard if there were enough volunteers to cover an area of this size. Stating that there is a neighbor questionable to sustain laughing children and additional movement on our road. Wanting everyone to know this could jeopardize the safety of the school. She also stated her concern about the volume from the generators. Hearing Mr. Witmer's generator all the time.

Devon Werder approached the podium having concerns with the school being within the boundaries of DeKalb and Allen County. Would there be any children coming from outside the county? Having a limit on how many children can attend from the south side. Would they be coming from the north and west side.

Mr. Pulver asked what kind of power source would be used if there was a generator or solar powered system.

Mr. Schmucker stated that the property will use solar with a battery pack. Mr. Kruse asked if there would be any generators on the property. Mr. Schmucker stated that they would add more battery packs or solar panels for power. He added that he has spoken to the neighbors about dust control. He would be willing to apply oil or calcium chloride to control the dust.

Mr. Kruse stated that this BZA can't control the dust on the road. Those with concerns can contact the Highway Department or the County Commissioners.

Mr. Pulver closed the public portion of the hearing. He asked the board if they had any further questions.

Mr. Gaumer asked before the findings were read. What are the boards concerns on the height of the fence? Should it stay 6ft or allow a condition to be added for an 8ft fence.

Mr. Pulver stated that he wouldn't be in favor of having an 8ft fence. They could add shrubs or trees keeping the fence at a 6 ft height.

Jason Carnahan stated that he wasn't concerned about the fence. Since the UDO allows for only a 6ft fence he stated that there would need to be another condition of approval to allow for the 8ft.

Mrs. Diehl added that she would like to see some landscaping done. With a choice of fast-growing trees and shrubs that are more appealing.

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 **April 9, 2024**
2. Legal notice published in The Star on **May 2, 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 **April 26, 2024**
5. Letter from the County Highway Department, dated **April 23, 2024**
6. Letter from the County Surveyor or Drainage Board, dated **April 22, 2024**
7. Letter from the Soil & Water Conservation District, dated **April 23, 2024**
8. 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 school should not be injurious to the community. The neighborhood meeting on April 1, 2024 appears to ease perceived issues of an Amish Parochial School. See letters from the county departments.*
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 school year runs similar to English schools. Traffic will be minimal with only 90 students.*
3. Does the need arise from some condition peculiar to the property involved Yes ( X ) No ( )\*  
*An Amish Parochial School will be needed for the increase of Amish students in DeKalb County and the need for the location to be in close proximity with Amish residents.*
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 ( )\*  
*Unless the property would go through the Zone Map Amendment process, there are no other locations in the County for this use. Especially in the area needed.*
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 rules and regulations for the County Health Department and Surveyor. Additionally, the Comprehensive Plan promotes compatible uses be near each other. The Amish residents are located within the vicinity of the proposed school. Also, see letters from the county departments.*

**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 the Amish Parochial School.
3. The petitioner must acquire local permits from the Health Department for a septic system and the County Surveyor or Drainage Board for a drainage plan.
4. 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.
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 District, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies there were identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.
6. The six-foot privacy fence to be located on the south side of the property with added landscaping.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS USE VARIANCE, PETITION #24-05 IS HEREBY APPROVED WITH CONDITIONS ON THIS 13<sup>TH</sup> DAY OF MAY 2024.



Motion made by Jason Carnahan, Seconded by Mary Diehl

Vote tally: Yes: 3

No: 0

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Frank Pulver

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Jason Carnahan

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Mary Diehl

**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 6:35 p.m.

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Frank Pulver, Chairperson

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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: \_\_\_\_\_  
Date Application Filed: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_

**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: The Baldus Company  
Address: 440 E. Brackenridge Street  
Fort Wayne, IN 46802  
Telephone Number: 260-424-2366 E-Mail: george@balduscompany.com

**OWNER INFORMATION (if different from applicant information)**

Owner's Name: Steel Dynamics, Inc  
Address: 4500 CR 59 Butler, IN 46721  
Telephone Number: 260-868-8321 E-Mail: Jason.Klingenberger@steeldynamics.com

**REPRESENTATIVE INFORMATION (if different from applicant information)**

Representative: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Legal Ad Payment & Public Hearing Notifications:** Applicant X Owner X Representative \_\_\_\_\_

**Zoning Classification of Property:** Industrial Foundries & Heavy Manufacturing

**Overlay District of Property (if applicable):** \_\_\_\_\_

**Address or common description of property:**

4500 County Road 59 Butler, IN  
\_\_\_\_\_  
\_\_\_\_\_

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

Deed attached  
\_\_\_\_\_  
\_\_\_\_\_

**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:**

We are seeking permission to install an Electronic Message Center and to increase the allowable square footage from 100 square feet to 144 square feet.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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**The Applicant must answer the following questions and be able to establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA.**

- 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 Electronic Message Center will be installed on an internal portion of the property in a truck loading area. The sign is to be used to provide information to drivers awaiting instructions on timing for their pick-up/drop-off. There will be no access to the public and is therefore not an issue to the community.
- 
- 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 truck traffic is an ongoing part of the business deliveries and will not affect the adjacent area. This property is incredibly isolated and this is but a minor alteration to a massive property with huge buildings and structures.
- 
- 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 (X ) No ( ) Why? Explain below: Steel Dynamics expects a measurable improvement in their efficiency of truck movements throughout the property as a result of this sign. Strict application of the ordinance will curtail their business growth, increase driver's idle time, add to costs and reduce driver satisfaction.

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.

(If signed by representative for applicant, state capacity)

Applicant's Signature: \_\_\_\_\_

*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:** Steel Dynamics Inc.  
**SUBJECT SITE:** 4500 County Road 59, Butler  
**REQUEST:** Development Standards Variance  
**PURPOSE:** To allow for an electronic message sign for the purpose of providing information to truck drivers within the property and increase the sign square footage from 100 sq. ft. to 144 sq. ft.  
**EXISTING ZONING:** I3, High Intensity Industrial  
**SURROUNDING LAND** North: Industrial (I3)  
**USES AND ZONING:** South: Industrial (I3)  
East: Farm Ground (I2)  
West: Industrial (I3)

**ANALYSIS:**

*UDO Standards: 5.49 SI-03: Sign; Non-residential Districts*

*B. Permanent Signs:*

- 1. The following signs shall be permitted for a structure on a lot:*
    - a. One wall sign per tenant space with a maximum size of 10% of the area of the building facade or 200 square feet, whichever is less.*
    - b. One ground sign or one pole sign per street frontage meeting the following standards is permitted per lot:*
      - i. For developments over three acres, one ground sign up to 60 square feet in size per side not to exceed four feet in height.*
      - ii. For developments with three acres or less, one ground sign up to 24 square feet in size per side not to exceed three feet in height.*
      - iii. One pole sign up to 100 square feet in size per side not to exceed 25 feet in height.*
  - 2. Directional signs are permitted on a lot as follows:*
    - a. Directional signs shall only contain language and icons to guide pedestrians or motor vehicles into, out of, or around a development.*
    - b. Any single directional sign shall not exceed four square feet in area and four feet in height.*
    - c. No more than two directional signs shall be used per curb cut onto a public street.*
- The petitioner is proposing an electronic message sign up to 144 sq. ft. in size. The sign will be used for to notify truck drivers of where they need to travel and other pertinent information.
  - The proposed sign meets all of the development standards for Section 5.49 (B) Permanent Sign except the following:
    - The use of the sign being electronic
    - The size of a pole sign from 100 sq. ft. to 144 sq. ft.

**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 **May 10, 2024**
2. Legal notice published in The Star on **May 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 **May 30, 2024**
5. Letter from the County Highway Department, dated **May 13, 2024**
6. Letter from the Soil & Water Conservation District, dated **May 10, 2024**
7. Letter from the County Surveyor or Drainage Board, dated **May 14, 2024**
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 use of the electronic sign and the increased size should not be injurious to the public and the use will be for truck drivers within the campus of Steel Dynamics.*
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 use of the electronic sign and the increased size will not adversely affect the neighboring properties because the sign will be used by the truck drivers within the campus of Steel Dynamics.*
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 use of the electronic sign and the increased size is needed for the visibility for the truck drivers and for the employees of Steel Dynamics to quickly change the sign, when needed.*

### **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 the use of an electronic pole sign and the increased size from 100 sq. ft. to 144 sq. ft. 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.



18'

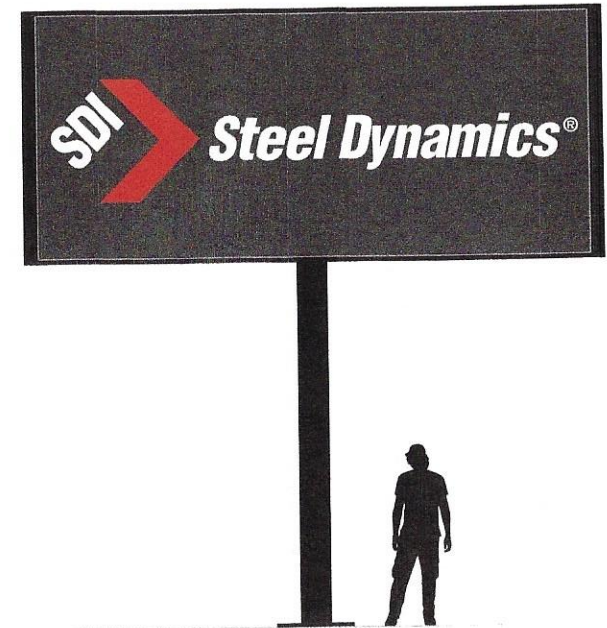
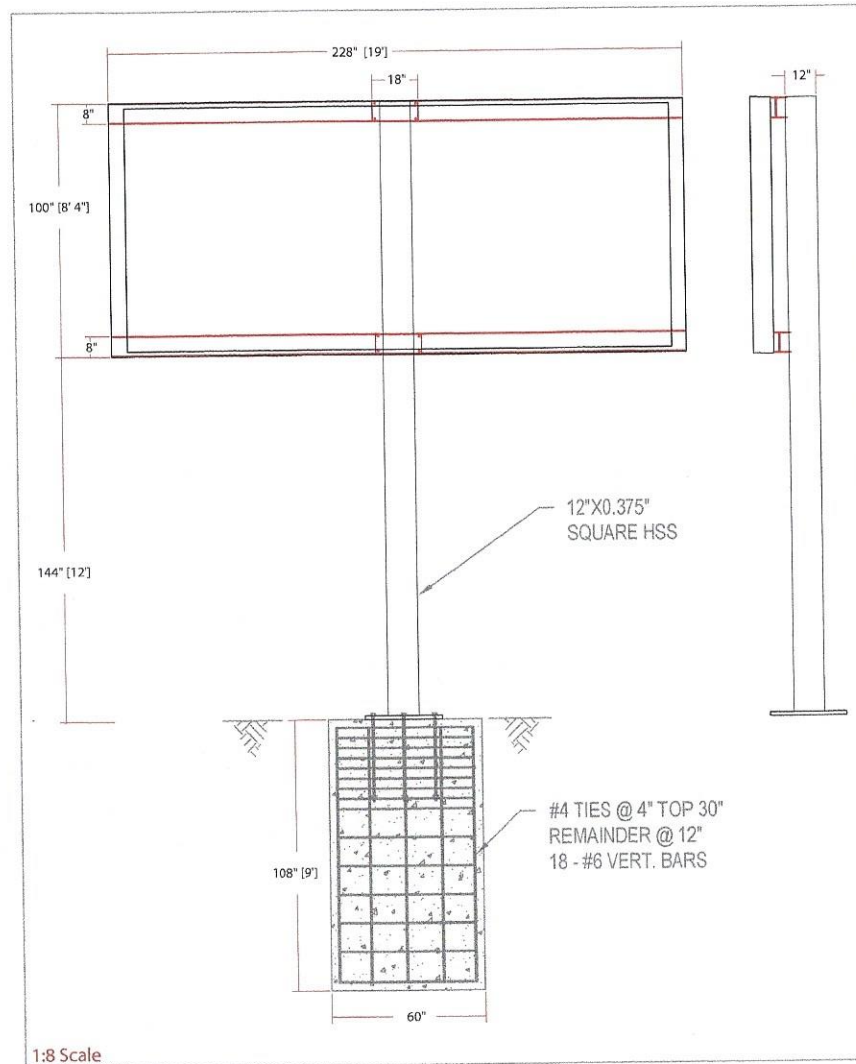
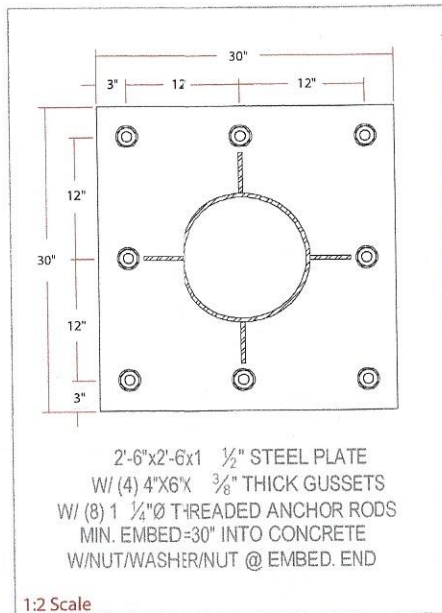
CARRIER	ID#	ETA
Estes	1232	10:07
ODFL	1233	10:14
XPO	1234	10:21
JB Hunt	1235	10:28
R + L	1236	10:35
Werner	1237	10:42

8' 20'

**PLEASE DRIVE SAFELY**



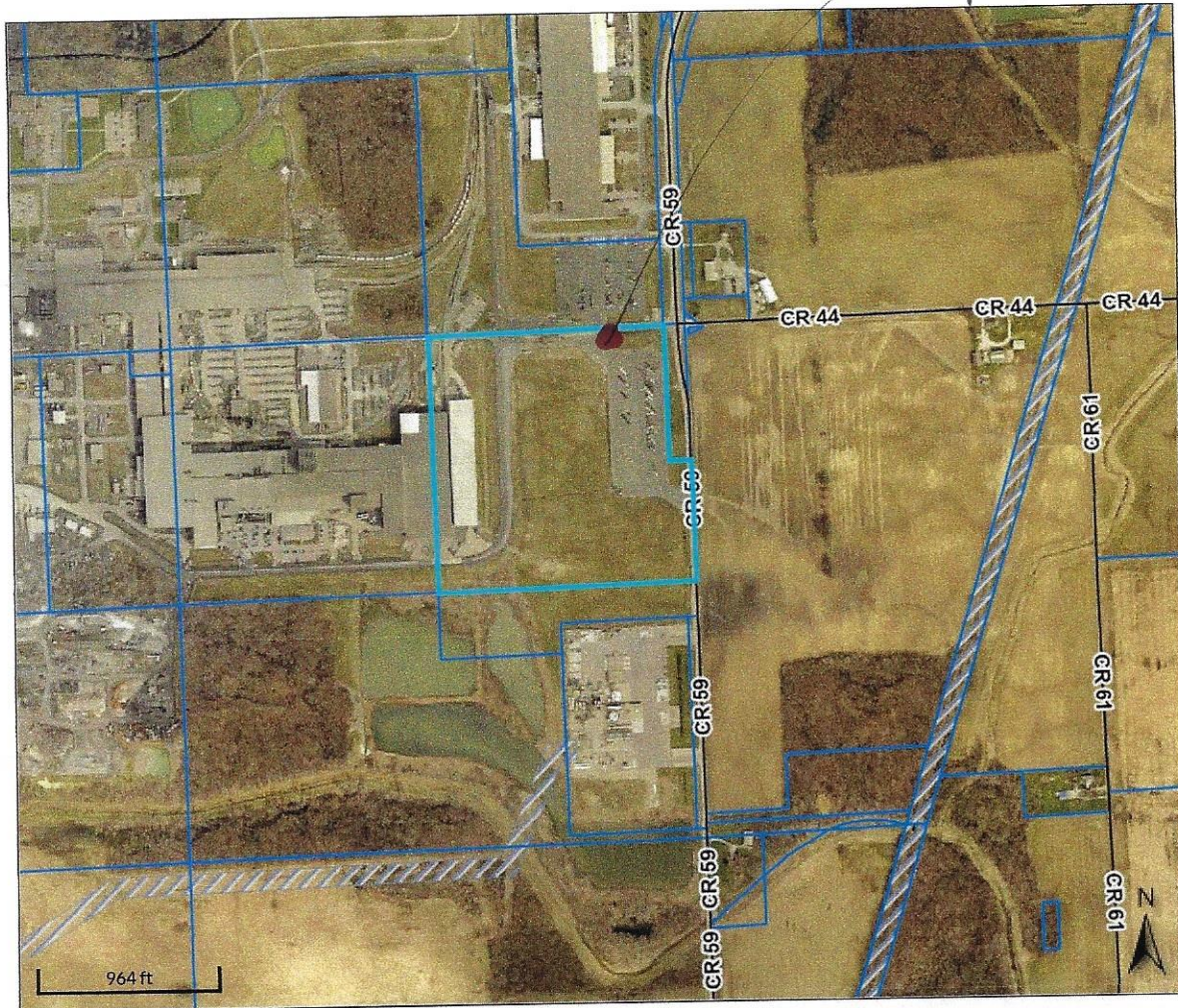








Sign location



Overview



**Legend**

- Address Point
- Tax Parcel Info
- ▨ Easements
- ▨ Right-Of-Way - DefQ
- Street**
  - Alley
  - Street
- Intersections

<b>Parcel ID</b>	15-07-33-200-002	<b>Alternate ID</b>	17-07-33-200-002.000-026
<b>Sec/Twp/Rng</b>	0033-0034-14	<b>Class</b>	INDUSTRIAL FOUNDRIES & HEAVY MANUFACTURING
<b>Property Address</b>	County Road 59 Butler	<b>Acreage</b>	38.209
<b>District</b>	Wilmington 026		
<b>Brief Tax Description</b>	Ne1/4 Ne1/4 & Pt Vac Cr 44		

(Note: Not to be used on legal documents)

**Owner Address**

Steel Dynamics, Inc.  
4500 County Road 59  
Butler, IN 46721

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Date created: 4/29/2024  
Last Data Uploaded: 4/27/2024 1:16:42 AM

Developed by **Schneider**  
GEOSPATIAL

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: 24-07

Date Application Filed: 5/24/2024

Fee Paid: 150 pd ck  
# 11131

**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: Charles & Linda Swartz  
Address: 6751 CR 9-A Garrett, IN 46738  
Telephone Number: 330-282-7437 E-Mail: \_\_\_\_\_

**OWNER INFORMATION (if different from applicant information)**

Owner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**REPRESENTATIVE INFORMATION (if different from applicant information)**

Representative: DDK Construction, Inc Dave DeKoninck  
Address: 6837 CR 19  
Auburn IN 46706  
Telephone Number: 260-570-6802 E-Mail: daveddk18@gmail.com

Legal Ad Payment & Public Hearing Notifications: Applicant \_\_\_\_\_ Owner \_\_\_\_\_ Representative X

Zoning Classification of Property: R2

Overlay District of Property (if applicable): \_\_\_\_\_

Address or common description of property:  
6751 CR 9-A Garrett, IN

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:

Asking for setback variance of 4 feet to  
build an addition of 12' x 22'. An existing  
deck that extends 16 feet from house will be  
removed prior to building addition,



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

Holiday Lakes Association approved plans pursuant  
to Section 3.02 of the amended & restated covenants  
for sections A, B, C and D of Holiday Lakes

**The Applicant must answer the following questions and be able to establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA.**

- 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:

The Holiday Lakes Association has voted to approve  
the plans for the addition to the 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:

The change will not affect the neighbors  
on either side of adjacent properties.

- 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:

A 16 foot deck is being removed to place a 12 foot addition  
To the west of the house are gas lines & a well. To the  
east is the main power source from the house.  
Unable to add on to home anywhere else.

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:

Linda Sexton   
(If signed by representative for applicant, state capacity)

May 15th, 2024

Dear Mr. and Mrs. Swartz,

The Holiday Lakes Association Board of Directors has reviewed your plans for the addition to your house at 6751 County Road 9A, Garrett, IN 46738. Pursuant to Section 3.02 of the AMENDED AND RESTATED COVENANTS, PROTECTIVE RESTRICTIONS, EASEMENTS, and LIMITATIONS FOR SECTIONS "A", "B", "C", AND "D" of HOLIDAY LAKES, the board has voted to approve this improvement. This review was completed with the input of both adjacent neighbors. Neither of these neighbors had any objections and both are members of the board that voted in favor of approving. Please let us know if you have any questions or need anything else from the Board on this matter.

Thank you for submitting your improvement plans for review.

Sincerely,

Ryan Owen

Holiday Lakes Association - President

[ryan.r.owen82@gmail.com](mailto:ryan.r.owen82@gmail.com)

260-226-5884

*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:** Charles & Linda Swartz  
**SUBJECT SITE:** 6751 County Road 9A, Garrett  
**REQUEST:** Development Standards Variance  
**PURPOSE:** To allow for reduction in the rear yard setback to construct an addition on the rear of the residence  
**EXISTING ZONING:** R2, Medium Density Residential  
**SURROUNDING LAND** North: Single Family Residential (R2)  
**USES AND ZONING:** South: Single Family Residential (R2)  
East: Single Family Residential (R2)  
West: Single Family Residential (R2)

**ANALYSIS:**

*UDO Standards: R2 Zoning District*

*Minimum Rear Yard Setback: 20 feet for primary structures*

- The petitioner is proposing to remove an existing deck on the rear of the property and replace with an addition to the residence. The proposed addition will be approximately the same size as the existing deck.
- The addition will be approximately 4 feet from the rear property line, thus requesting a variance for 16 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 **May 24, 2024**
2. Legal notice published in The Star on **May 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 **May 30, 2024**
5. Letter from the County Highway Department, dated **May 28, 2024**
6. Letter from the Soil & Water Conservation District, dated **May 24, 2024**
7. Letter from the County Surveyor or Drainage Board, dated **May 24, 2024**
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 rear 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 rear yard setback will not adversely affect the neighboring properties. The Homeowners Association approved the addition and no neighbors objected.*
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 rear yard setback is needed due to the existing gas lines and well location to the west and the main power source to the east. driveway location and existing parcel width.*

**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 the reduction in the rear yard setback to 4 feet to construct an addition on the rear of the residence 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.





Pictometry International Corp.  
2023-04-28  
IN DeKalb 2023 Certified Ortho Project  
raster digital data