

# DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

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## AGENDA

### DeKalb County Plan Commission

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

Tuesday, June 18, 2024

6:00 PM

7:00 PM public hearing

To view the livestream, click here: <https://tinyurl.com/YouTubeDCPC>

1. Roll call
2. Pledge of Allegiance
3. Prayer
4. Approval of Minutes: April 17, 2024
5. Consideration of Claims: April 2024, May 2024

Payroll	\$55,106.27
Eagle View Imagery	\$56,407.50
Kruse & Kruse 1 <sup>st</sup> Quarter Legal Fees	\$2,112.83
APA Membership	\$358.00
Verizon	\$230.52
Lassus	\$312.06
Consultant Fee – Hometown Initiatives	\$200.00
Inspection truck letters	\$150.00
Mileage- Jhace Sleeper	\$115.00
Amazon – office supplies	\$51.02
WestWood Car Wash	\$12.00
<b>TOTAL:</b>	<b>\$115,055.20</b>

6. Old Business:

7. New Business:

#### UDO Discussion

- Short Term Rental
- Home Based Business Standards

Petition #24-14 – Jacob Farver, Nicholas Gonzalez & William and Nancy Hartman requesting a Zone Map Amendment of approximately 3.25 acres from C1, Village Commercial and R2, Medium Density Residential to I2, Low Intensity Industrial. They are also requesting a Zone Map Amendment of approximately 12.35 acres from C1, Village Commercial and R2, Medium Density Residential to A2, Agricultural. The properties are located at and around 1047 US Highway 6, Corunna, Indiana

8. Reports from Officers, Committees, Staff or Town/City Liaisons
9. Comments from Public in Attendance
10. Adjournment

Next Meeting: July 17, 2024

**If you cannot attend, please contact Meredith Reith**

**[mreith@co.dekalb.in.us](mailto:mreith@co.dekalb.in.us) | (260) 925-1923**

**\*PLEASE ENTER THROUGH THE NORTH DOOR OF  
COURTHOUSE LOCATED ON SEVENTH STREET.**

**\*\*No cellphones, tablets, laptops, or weapons are permitted.**

**MINUTES**  
**DEKALB COUNTY PLAN COMMISSION**  
**Wednesday April 17, 2024**

The Regular Meeting of the DeKalb County Plan Commission was called to order at 7:00 p.m. in the DeKalb County Commissioner's Courtroom by Plan Commission President, Jason Carnahan

**ROLL CALL:**

Members Present: Jason Carnahan, Bill Van Wye, Bill Hartman, Sandy Harrison, Tyler Lanning, Jerry Yoder, Suzanne Davis, Angie Holt, Frank Pulver, and Elysia Rodgers

Members Absent: None

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

Community Representatives Present: None

Public in Attendance: Jared Malcolm, Jon Imhoff, Rachel Imhoff, and Janet Imhoff

**PLEDGE OF ALLEGIANCE:**

Jason Carnahan led The Pledge of Allegiance.

**PRAYER:**

Jerry Yoder led in prayer.

**APPROVAL OF MINUTES:**

Motioned by Sandy Harrison to approve the February 21, 2024 and March 20, 2024 meeting minutes. Seconded by Frank Pulver. None opposed. Motion carried.

**CONSIDERATION OF CLAIMS:**

Jason Carnahan inquired about any comments, questions, or motions to approve March 2024 claims, totaling \$20,819.29.

Suzanne Davis motioned to approve claims seconded by Sandy Harrison. None opposed. Motion carried.

**OLD BUSINESS:**

Rules of Procedure

Chris Gaumer went over the Rules of Procedure. He stated what had been revised since the last meeting. Adding the Indiana Code for the attorney and the word appoint after employ. On page 11 there was a discussion at the last meeting about the fees. Andrew Kruse had suggested what this should say to what he had added. Stating that the fees may be refunded by 50% to the applicant if the submitted application is not deemed complete and/or has been stalled or on hold for more than 6 months. On page 14 written comments must be received by the staff no later than 12:00 noon one business day before the hearing.

Jason Carnahan asked if there was any further discussion on these proposed changes.

Motioned by Angie Holt to approve the Rules of Procedure. Seconded by Bill Hartman. None opposed. Motion carried.

**NEW BUSINESS:**

Petition #24-10 – Janet S Imhoff requesting a Zone Map Amendment of approximately 53 acres from I2, Low Intensity Industrial to A2, Agricultural. The properties are located at County Road 36 & County Road 61, Butler, Indiana.

Mr. Gaumer went over the staff report stating where the rezone will be located. He stated that Janet Imhoff had petitioned the Plan Commission on March 18, 2008 for a Zone Map Amendment from C-I2 to

C-RS. The Plan Commission gave a favorable recommendation to the County Commissioners. On March 31, 2008 the County Commissioners rejected the Plan Commission recommendation and the request was denied. He stated the location on the map and the current zoning had a buffer on CR 61. The property had been split into two zonings on one parcel. On page 6 on the proposed zoning map, he stated that the red island was the property that Mrs. Imhoff didn't own and the other property owner didn't wish to be a part of this petition.

Bill Van Wye asked if these are all one property or are they two separate properties.

Mr. Gaumer stated that these are two separate parcels owned by Mrs. Imhoff done as one petition. The white line shows the current separation of the zoning.

Frank Pulver asked what the explanation for the small red parcel was again.

Mr. Gaumer stated that the property was not owned by Mrs. Imhoff and the other owner didn't wish to participate.

Mr. Van Wye asked if the property's south where still zoned industrial.

Mr. Gaumer stated that the properties to the south are still zoned industrial. But with Mrs. Imhoff's property having an open drain, ditch, and with a pond to the east these properties are just not going to be suitable for industrial use. Would be suitable for a single-family residence to be built.

Jerry Yoder stated that with SDI being a new development with just establishing this industrial corridor. They had envisioned SDI going all the way out to six. Being too early back then to rezone back to residential.

Mr. Gaumer agreed that back then when industrial developments were knocking on the counties' doors to come. It made since to have these properties available being willing to pay top dollar. Now it's just not evident.

Mr. Carnahan asked if there was any more discussion from the board. He opened the public portion of the hearing up to any comments for or against. Seeing none. He closed the public portion of the hearing.

Mr. Kruse went through the Finding of Fact.

#### **JURISDICTIONAL FINDINGS:**

1. Application completed and filed on **March 8, 2024**
2. Legal notice published in The Star on **April 5, 2024** and Publishers Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Non-Objection letter from the County Board of Health, dated **March 18, 2024**
5. Non-Objection letter from the County Highway Department, dated **March 11, 2024**
6. Non-Objection letter from the DeKalb County Soil & Water Conservation District, dated **March 8, 2024**
7. Non-Objection letter from the County Surveyor, dated **March 8, 2024**
8. Letter from the DeKalb County Airport Authority is not required as this property is not within an Airport Zoning District or the Airport Compatibility Overlay District.

#### **UDO & STATUTORY MATTERS TO CONSIDER:**

1. Is the change in zoning paying reasonable regard to the Comprehensive Plan?  
*The subject sites have a Future Land Use (FLU) designation of Industrial. The proposed zoning district is not necessarily compatible with this FLU designation, but the designation does not limit the Zoning Districts that can be located within it.*
2. Is the change in zoning paying reasonable regard to the current conditions and the character of current structures and uses in each district?

*The existing development surrounding the properties are residential and agricultural in use. This change in zoning will be consistent with the surrounding properties' current conditions and character of current structures and land uses.*

- 3. Is the change in zoning paying reasonable regard to the most desirable use for which the land in each district is adapted?

*The proposed zoning district is desirable for this property and the area.*

- 4. Is the change in zoning paying reasonable regard to the conservation of property values throughout the jurisdiction?

*The property values of the area should not be disturbed negatively considering the adjacent uses.*

- 5. Is the change in zoning paying reasonable regard to responsible development and growth?

*In changing the zoning of the properties to A2, Agricultural, the Plan Commission will be promoting the desired use of the land while promoting responsible development and growth.*

**PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

Staff is recommending a favorable recommendation to the County Commissioners for the requested Zone Map Amendment. Should there be any conditions or commitments made by the Plan Commission and adopted by the County Commissioners, they shall be written and recorded in the Office of the DeKalb County Recorder.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS ZONE MAP AMENDMENT, PETITION #24-10, IMHOOF REZONE, HEREBY CERTIFYING A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS ON THIS 17<sup>th</sup> DAY OF APRIL 2024.

Motion made by: Bill Van Wye  
Vote tally: Yes: 8            No: 0

Seconded by: Sandy Harrison

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

\_\_\_\_\_  
Jerry Yoder

\_\_\_\_\_  
Bill Van Wye

\_\_\_\_\_  
Suzanne Davis

\_\_\_\_\_  
Bill Hartman

\_\_\_\_\_  
Angie Holt

\_\_\_\_\_  
Sandy Harrison

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

**REPORTS FROM OFFICERS, COMMITTEES, STAFF OR TOWN/CITY LIAINSONS:**

Mrs. Harrison informed the board about the City of Hamilton, had their meeting March 25<sup>th</sup> they elected officers and talked about container homes. They also looked at Amazon's fold up homes.

Suzanne Davis informed the board that the City of Auburn had their meeting not having much but an hour before the meeting the petitioner tabled their petition again. They talked about updates to their UDO.

Mrs. Holt informed the board about the City of Waterloo having their meeting April 2<sup>nd</sup>. They will be reviewing the scoring committee for their Comprehensive Plan rewrite for the revisions. They will be putting out an RFP having interviews early May. Selecting by May 6<sup>th</sup>.

Mr. Gaumer stated that the consultant selection committee had met for the Comprehensive Plan rewrite. Publishing the RFQ May 1<sup>st</sup> being due June 14<sup>th</sup>. Then June 21<sup>st</sup> week is when we're going to narrow that down to are top 2 or 3. On June 28<sup>th</sup> have interviews with those top 2 or 3. With a goal of having a July Plan Commission meeting to bring that consult that was chosen by the committee for a vote. By that time, we should have an idea of the cost for the rewrite. The contract with the consultant would be something the Commissioners would approve.

Bill Hartman stated that Garrett has a meeting next Tuesday at 4:30 p.m.

**COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:** None

**ADJOURNMENT:**

Jason Carnahan adjourned the meeting at 7:27 p.m.

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President – Jason Carnahan

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Secretary – Meredith Reith

**Definition (Art. 11):**

Short-Term Rental (IC 36-1-24): the rental of a single-family home; a dwelling unit/bedroom in a single-family home; a dwelling unit/bedroom in a two-family or multifamily dwelling; or a dwelling unit/bedroom in a condominium cooperative, or time share for terms of less than thirty (30) days at a time through a short-term rental platform (such as Airbnb). This includes, where permitted, a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single-family residential use. This term does not include property that is used for any non-residential use (IE: commercial or industrial buildings or buildings permitted for storage). This does not include Bed & Breakfast Facility, Hotel or Motel uses.

Short-Term Rental, Owner Occupied: property that is the owner's primary residence and is offered to the public as a short-term rental.

Short-Term Rental, Not Owner Occupied: property that is not the owner's primary residence but is offered to the public as a short-term rental.

**Zoning Districts (Art. 2):** Add Short-Term Rental, Owner Occupied & Short-Term Rental, Not Owner Occupied as a permitted use to A1, A2, RE, R1, R2, R2, M1, M2, MP

**Development Standards (Art. 5):** Short Term Rentals:

- Improvement Location Permit required to operate a short-term rental. The Zoning Administrator may require additional information on the permit that meets the requirements of IC 36-1-24-11.
- Permits renewed yearly? (IC 36-1-24-13)
- May have signage no greater than 20 sq. ft. with the name of the short-term rental
- Shall have property address signage displayed per County Ordinances.

**Rules of Procedure: Permit Fees:**

Short-Term Rental Permit: \$150

### **IC 36-1-24-1 Applicability**

Sec. 1. (a) This chapter does not apply to a unit that has adopted a zoning ordinance or any other ordinance before January 1, 2018, that prohibits, regulates, or restricts short term rentals in any manner.

(b) Any reference in this chapter (except for this section) to a zoning ordinance or other ordinance does not apply to a zoning ordinance or other ordinance of a unit described in subsection (a).

(c) A unit may amend or delete any provision of an ordinance described in subsection (a) after December 31, 2017, without complying with or becoming subject to this chapter.

(d) A unit may repeal an ordinance described in subsection (a). However, in repealing the ordinance, the unit concurrently becomes subject to this chapter.

*As added by P.L.73-2018, SEC.1.*

### **IC 36-1-24-2 "Owner"**

Sec. 2. As used in this chapter, "owner" means a person that has an interest in title or a present possessory interest in property that is offered to the public as a short term rental.

*As added by P.L.73-2018, SEC.1.*

### **IC 36-1-24-3 "Owner occupied short term rental property"**

Sec. 3. As used in this chapter, "owner occupied short term rental property" means property that is the owner's primary residence and is offered to the public as a short term rental.

*As added by P.L.73-2018, SEC.1.*

### **IC 36-1-24-4 "Permit"**

Sec. 4. As used in this chapter, "permit" means a short term rental permit issued by a unit.

*As added by P.L.73-2018, SEC.1.*

### **IC 36-1-24-5 "Permitted property"**

Sec. 5. As used in this chapter, "permitted property" means a property that is subject to a valid, unexpired, unrevoked permit under this chapter. A permitted property may contain one (1) or more dwelling units offered as short term rentals.

*As added by P.L.73-2018, SEC.1.*

### **IC 36-1-24-6 "Short term rental"**

Sec. 6. As used in this chapter, "short term rental" means the rental of:

- (1) a single family home;
- (2) a dwelling unit in a single family home;
- (3) a dwelling unit in a two-family or multifamily dwelling; or
- (4) a dwelling unit in a condominium, cooperative, or time share;

for terms of less than thirty (30) days at a time through a short term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single family residential use. The term does not include property that is used for any nonresidential use.

*As added by P.L.73-2018, SEC.1.*

### **IC 36-1-24-7 "Short term rental platform"**

Sec. 7. As used in this chapter, "short term rental platform" means an entity that:

- (1) provides a platform through which unaffiliated parties offer to rent a short term rental to an occupant; and
- (2) collects consideration for the rental from the occupant.

*As added by P.L.73-2018, SEC.1.*

### **IC 36-1-24-8 Owner occupied short term rental property is a permitted residential use**

Sec. 8. A short term rental of owner occupied short term rental property is a permitted residential use under any applicable zoning ordinance of a unit and may not be disallowed by any zoning ordinance (as defined in [IC 36-7-1-22](#)) in a zoning district or classification of a unit that permits residential use.

*As added by P.L.73-2018, SEC.1.*

**IC 36-1-24-9 Short term rental property that is not an owner occupied short term rental property; special exception; zoning variance**

Sec. 9. (a) This section applies only to a short term rental property that is not an owner occupied short term rental property.

(b) A unit may require a special exception, special use, or zoning variance for the short term rental property that is in a residential zoning district or classification of a unit. However, the unit may not interpret and enforce the unit's zoning regulations for a special exception, special use, or zoning variance in a manner that is intended or has the effect of prohibiting or unreasonably restricting short term rentals of property to which this section applies. Denial of a special exception, special use, or zoning variance for the short term rental property may be appealed in accordance with [IC 36-7-4](#).

*As added by P.L.73-2018, SEC.1.*

**IC 36-1-24-10 Enforcement of laws that regulate, prohibit, or limit short term rentals**

Sec. 10. A unit may enact or enforce a law or plan that regulates, prohibits, or limits short term rentals only for the following primary purposes:

(1) Protection of the public's health and safety related to:

- (A) fire and building safety;
- (B) sanitation;
- (C) transportation;
- (D) traffic control; and
- (E) pollution control;

if enforcement is performed in the same manner as enforcement that applies to similar properties that are not short term rentals.

(2) Residential use and zoning related to:

- (A) noise;
- (B) protection of welfare;
- (C) property maintenance; and
- (D) nuisance issues;

if enforcement is performed in the same manner as enforcement that applies to similar properties that are not short term rentals.

(3) To limit or prohibit use of short term rentals for the following purposes:

- (A) To house sex offenders.
- (B) To operate a structured sober living home.
- (C) To manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity.
- (D) To operate an adult entertainment establishment (as defined in [IC 12-7-2-1.8](#)).

(4) To limit or prohibit short term rentals located within the boundaries of a conservancy district established under [IC 14-33](#).

(5) To provide the unit with an emergency contact for a short term rental.

*As added by P.L.73-2018, SEC.1.*

**IC 36-1-24-11 Permits; application requirements**

Sec. 11. (a) A unit may require an owner to obtain a permit for each property by adopting an ordinance that sets forth only the requirements of this chapter for obtaining a permit. A unit may require only one (1) permit for each single family home, two-family or multifamily dwelling, condominium, cooperative, or time share that an owner rents in whole or in part under this chapter. A permit covers all:

- (1) dwelling units; and
- (2) detached accessory structures;

located on the permitted property that the owner offers to the public as a short term rental.

(b) An owner must submit a permit application for each property for which a permit is sought. The permit application may require the owner to provide only the following information for each property:

- (1) The owner's name, street address, mailing address, electronic mail address (if applicable), and telephone number. If the owner is a corporation or partnership, the application must require the:
  - (A) owner's state of incorporation or organization; and

- (B) names, residence addresses, and telephone numbers of the owner's principal officers or partners.
  - (2) If a property manager is used, the property manager's name, street address, mailing address, electronic mail address (if applicable), and telephone number.
  - (3) A short description of how each of the owner's short term rentals on the property are marketed or advertised, including the following:
    - (A) The advertised occupancy limits of each short term rental.
    - (B) Whether the short term rental is:
      - (i) a single family home;
      - (ii) a dwelling unit in a single family home;
      - (iii) a dwelling unit in a two-family or multifamily dwelling; or
      - (iv) a dwelling unit in a condominium, cooperative, or time share.
    - (c) A permit application must be made by an owner. If the owner is a corporation, partnership, or other legal entity, the permit application must be made by an officer or agent of the owner.
    - (d) Subject to section 16 of this chapter, if an owner submits a permit application under this section that meets the requirements set forth in the ordinance adopted by the unit, the unit shall issue a permit to the owner within thirty (30) days of receipt of the application.
- As added by P.L.73-2018, SEC.1. Amended by P.L.10-2019, SEC.134.*

**IC 36-1-24-12Duty to update permit information**

Sec. 12. If any information provided by an owner to a unit in the permit application changes, the owner shall provide updated information to the unit in writing within thirty (30) business days.

*As added by P.L.73-2018, SEC.1.*

**IC 36-1-24-13Expiration; authorization to charge a permit fee**

Sec. 13. (a) A permit expires one (1) year after the date the permit is issued.

(b) Except as provided in subsection (c), a unit may charge a permit fee, not to exceed one hundred fifty dollars (\$150), for each of the following:

- (1) An initial permit issued to an owner for the permitted property.
- (2) The issuance of a subsequent permit to an owner for the permitted property after the owner's previous permit has been revoked.

(c) A unit may not charge a permit fee for renewing a permit, including renewal of a permit that has expired.

*As added by P.L.73-2018, SEC.1.*

**IC 36-1-24-14Revocation of a permit**

Sec. 14. If three (3) or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the unit may revoke the permit for that permitted property for a period of not more than one (1) year after the date the permit is revoked. The unit shall provide notice and a hearing for revocation in accordance with the unit's ordinance.

*As added by P.L.73-2018, SEC.1.*

**IC 36-1-24-15Notice and hearing procedures for revocation**

Sec. 15. If a unit revokes a permit under this chapter, revocation of the permit shall be conducted under the notice and hearing procedures of the unit for revocation of other permits issued by the unit.

*As added by P.L.73-2018, SEC.1.*

**IC 36-1-24-16Application for permit when previous permit was revoked**

Sec. 16. An owner may apply for a permit for a short term rental for which a previous permit of the owner was revoked by the unit. However, a new permit may not be issued until any outstanding fines are paid for ordinance violation citations issued to the owner with regard to use of the short term rental.

*As added by P.L.73-2018, SEC.1.*

**IC 36-1-24-17Permits; nontransferable to a new owner**

Sec. 17. If an owner sells all or part of a permitted property, the permit may not be transferred to the new owner. The new owner must submit an application for a new permit.

*As added by P.L.73-2018, SEC.1.*

**IC 36-1-24-18Violations; Class C infraction**

Sec. 18. (a) An owner that rents a short term rental without obtaining a valid permit from a unit that adopts an ordinance under this chapter commits a Class C infraction.

(b) Each short term rental transaction that the short term rental provider completes without a short term rental permit constitutes a separate violation of this section.

*As added by P.L.73-2018, SEC.1.*

**IC 36-1-24-19Scope of this chapter**

Sec. 19. This chapter does not affect, prohibit, preempt, or render unenforceable any property or use restrictions contained in properly enacted rules or regulations of a:

- (1) homeowners association;
- (2) condominium association;
- (3) lake owners association; or
- (4) similar property owners association or cooperative.

*As added by P.L.73-2018, SEC.1.*

**IC 36-1-24-20Notice of potential tax liability**

Sec. 20. This section is intended as notice to an owner as defined in section 2 of this chapter. An owner of short term rental property who makes a short term rental in which payments for the room, lodging, or other accommodation are not made through a marketplace facilitator (as defined by [IC 6-2.5-1-21.9](#)) may be liable for collecting and remitting the following taxes on consideration received by the owner for the short term rental:

- (1) State gross retail tax imposed under [IC 6-2.5-4-4](#).
- (2) Innkeeper's tax imposed under [IC 6-9](#).

*As added by P.L.108-2019, SEC.245.*

Definitions:

**Home-Based Business:** A low-intensity business activity conducted on a residential property by a lawful resident of that property and conducted in a manner which is incidental to the use of the property for residential purposes. Home-based businesses shall be categorized as a Home Occupation, a Home Workshop, or a Home Enterprise as appropriate and shall follow the applicable regulations as set forth in Section 5.22: Home Based Business; General.

**Home Occupation:** A business activity conducted completely within a dwelling unit, carried on by any lawful resident of the property, clearly incidental and secondary to the use of the dwelling for residential purposes and conforming to the applicable regulations in Section 5.22: Home Based Business; General.

**Home Workshop:** A business activity conducted completely within a dwelling unit or residential accessory structure, carried on by any lawful resident of the property, clearly incidental and secondary to the use of the property for residential purposes and conforming to the applicable regulations in Section 5.22: Home Based Business; General.

**Home Enterprise:** A business activity conducted completely within a dwelling unit or residential accessory structure, carried on by any lawful resident of the property, clearly incidental and secondary to the use of the property for residential purposes and conforming to the applicable regulations in Section 5.22: Home Based Business; General.

5.22 HO-01: Home Based Business; General

This Home Based Business Standards section applies to the following zoning districts:

A1, A2, A3, A4, RE, R1, R2, R2, Ma, M2, MP, C1

The following home based business standards apply:

A. Home Occupation:

1. Approval Process. ~~No A permit or approval process shall be required to conduct a home based business and however the following standards shall all be met.~~
2. *Use.* The home based business shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
3. *Residency.* ~~No person other than occupants of the dwelling unit shall be employed in the home based business. The home workshop shall be operated by a resident of the property and no more than one on-site employee, associates or partners of which does not reside in the home.~~
4. *Maximum Floor Area.* The area of a home based business shall not exceed 500 square feet. If there is more than one home based business being conducted within the dwelling unit, then all home based businesses cumulatively shall not exceed 500 square feet.
5. *Character.* There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit.
6. *Location.* The home based business shall be conducted entirely within the primary structure or within an accessory structure not to exceed the maximum floor area.
7. *Display and Storage.* Outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.
8. *External Indications.* There shall be no advertising, signs, display, or other indications of a home based business in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit, except for what is permitted below in 13. Signs for one, unlighted mural, wall or window sign attached to the building a maximum of four square feet in size.
9. *Nuisance.* The home based business shall not create any offensive noise, vibration, smoke, dust, odors, heat or glare which would be a nuisance to any neighbor.
10. *Sale of Products.* Articles sold or offered for sale shall be limited to those produced or assembled in the dwelling unit. No retail sales permitted.
11. *Hours of Operation.* The hours of operation of the home based business shall not interfere with the use and enjoyment of adjacent residential properties.
12. *Parking.* Two parking spaces are required for the business profession and one space for each employee.
13. *Signs:*
  - a. *Wall Sign:* One wall sign may be placed on the building with the proper permit.
    - i. The sign shall not exceed six square feet.
    - ii. The sign shall not be illuminated in any manner.
  - b. *Ground Sign.* One ground sign may be placed on the property with the proper permit.
    - i. The sign shall not exceed 10 square feet and three feet in height.
    - ii. The sign shall not be illuminated in any manner.
14. *Types.* A home occupation based business includes, but is not limited to the following:
  - a. artist's studio.
  - b. dressmaking.
  - c. professional office of a medical or osteopathic physician, dentist, podiatrist, chiroprapist, lawyer, engineer, architect or accountant.
  - d. teaching with musical instruction limited to two pupils at a time.
  - e. barbering or hairdressing.
  - f. Other home based businesses deemed appropriate by the Zoning Administrator.

B. Home Workshop:

1. *Approval Process.* The Board of Zoning Appeals shall review and approve a special exception before an occupant may conduct a home workshop. See *Section 9.20: Special Exception.*
2. *Use.* The home workshop use shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
3. *Residency.* The home workshop shall be operated by a resident of the property and no more than ~~four~~ three on-site employees, associates or partners no more than one of which does not reside in the home.
4. *Maximum Floor Area.* The area of a home workshop shall not exceed ~~500~~ 1,000 square feet. No more than one home workshop or home enterprise may be located on a lot.
5. *Character.* There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit.
6. *Location.* The home workshop shall be conducted entirely within the primary structure or within an accessory structure not to exceed the maximum floor area.
7. *Display and Storage.* Outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.
8. *External Indications.* There shall be no advertising, signs, display, or other indications of a home workshop in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit except as permitted in *Section 5.22(B)(13): Signs* below. Variance requests shall not include a request for a sign greater than listed in *Section 5.22(B)(13): Signs* below.
9. *Nuisance.* The home workshop shall not create any offensive noise, vibration, smoke, dust, odors, heat or glare which would be a nuisance to any neighbor.
10. *Sale of Products.* Articles sold or offered for sale shall be limited to those produced or assembled in the dwelling unit or accessory structure.
11. *Hours of Operation.* The hours of operation of the home workshop shall not interfere with the use and enjoyment of adjacent residential properties.
12. *Parking.* Two parking spaces are required for the business profession and one space for each employee.
13. *Signs:*
  - a. *Wall Sign:* One wall sign may be placed on the building with the proper permit.
    - i. The sign shall not exceed six square feet.
    - ii. The sign shall not be illuminated in any manner.
  - b. *Ground Sign.* One ground sign may be placed on the property with the proper permit.
    - i. The sign shall not exceed 15 square feet and ~~three~~ six feet in height.
    - ii. The sign shall not be illuminated in any manner.

C. Home Enterprise:

1. *Approval Process.* The Board of Zoning Appeals shall review and approve a special exception before an occupant may conduct a home enterprise. See *Section 9.20: Special Exception.*
2. *Use.* The home enterprise use shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
3. *Residency.* The home enterprise shall be operated by a resident of the property and no more than five on-site employees, associates or partners, no more than three of which does not reside in the home.
4. *Maximum Floor Area.* The area of a home enterprise shall not exceed 1,500 square feet. No more than one home enterprise or home workshop may be located on a lot.
5. *Character.* There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit.
6. *Location.* The home enterprise shall be conducted entirely within the primary structure or within an accessory structure.
7. *Display and Storage.* Outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.
8. *External Indications.* There shall be no advertising, signs, display, or other indications of a home enterprise in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit except as permitted in *Section 5.22(C)(13): Signs* below.
9. *Nuisance.* The home enterprise shall not create any offensive noise, vibration, smoke, dust, odors, heat or glare which would be a nuisance to any neighbor.
10. *Sale of Products.* Articles sold or offered for sale shall be limited to those produced or assembled in the dwelling unit or accessory structure except for a small percentage of incidental items.
11. *Hours of Operation.* The hours of operation of the home enterprise shall not interfere with the use and enjoyment of adjacent residential properties.
12. *Parking.* Two parking spaces are required for the profession and one space for each employee.
13. *Signs.*
  - a. *Wall Sign.* One wall sign may be placed on the building with the proper permit.
    - i. The sign shall not exceed six square feet.
    - ii. The sign shall not be illuminated in any manner.
  - b. *Ground Sign.* One ground sign may be placed on the property with the proper permit.
    - i. The sign shall not exceed 15 square feet and three six feet in height.
    - ii. The sign shall not be illuminated in any manner.
    - iii. The base of the sign shall be landscaped with evergreen plant materials.

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: May 6, 2024  
Fee Paid: \$300 ck#  
1060

**Application for Amendment to Zone Map (Rezone)  
(Section 9.06)**

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: Jacob Farver  
Address: 1353 RB 19  
Waterloo IN 46793  
Telephone Number: 260-573-5514 E-Mail: Weldit services@gmail.com

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

Owner's Name: Nicholas Gonzalez / Bill & Nancy Hartman  
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

Existing Zoning Classification of Property: C1 + R2

Proposed Zoning Classification of Property: I2 + A2

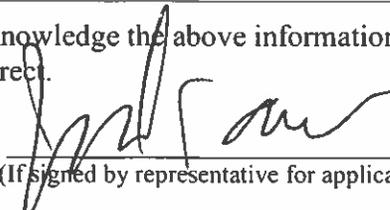
Address or Legal description of property:  
03-01-33-400-001 + 03-01-33-400-001

Percentage of Property Owners Included: 100%

**Statement or reason for the request for a Zone Map Amendment:**

Clean up of zoning on -001 with a proposed welding business on -001 +  
2 additional acres from -001

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: 

(If signed by representative for applicant, state capacity)

PROPERTY OWNER INFORMATION	
Name	William Lexi + Nancy Kay Hartman Trust
Mailing Address	1690 CR 5, Cumma
Phone & Email	
PROJECT LOCATION	
Address or Parcel #	03-01-33-400-001
AUTHORIZED AGENT	
Name	Jacob Farver
Mailing Address	1353 CR 19 Waterloo IN 46793
Phone & Email	Weldit services@gmail.com 260-573-5514
Application Type	<input checked="" type="checkbox"/> PC <input type="checkbox"/> BZA <input type="checkbox"/> Other

**OWNERS CERTIFICATION AND SIGNATURE**

I certify that I am the owner of the property listed above as the property location. The authorized agent listed above is designed to act on my behalf for matters pending before DeKalb County according to the application type check above.

William Lexi Hartman  
 Owner Signature  
William Lexi Hartman  
 Owner Printed Name  
4/24/2024  
 Date

Nancy K. Hartman  
 Owner Signature  
Nancy K. Hartman  
 Owner Printed Name  
4/24/2024  
 Date

**OWNER ACKNOWLEDGEMENT**

State Of Indiana )  
 County Of DeKalb ) SS:

BEFORE ME, the undersigned Notary Public in and for said County and State, this 24 day of April, 2024 personally appeared the within named William + Nancy Hartman herein "Owner"

WITNESS my Hand and Notarial Seal  
 By: Charity L. Wisel  
 Notary Public Signature  
Charity L. Wisel  
 Notary Public Printed Name



PROPERTY OWNER INFORMATION	
Name	Nicholas Gonzalez
Mailing Address	1960 S Lima RD Kendallville IN 46755
Phone & Email	260-541-0270
PROJECT LOCATION	
Address or Parcel #	03-01-33-400-004
AUTHORIZED AGENT	
Name	Jacob Farver
Mailing Address	1393 CR 19 Waterloo IN 46793
Phone & Email	Weldit services@gmail.com
Application Type	<input checked="" type="checkbox"/> PC <input type="checkbox"/> BZA <input type="checkbox"/> Other

**OWNER'S CERTIFICATION AND SIGNATURE**

I certify that I am the owner of the property listed above as the property location. The authorized agent listed above is designed to act on my behalf for matters pending before DeKalb County according to the application type check above.

*Nicholas Gonzalez*  
 Owner Signature  
Nicholas Gonzalez  
 Owner Printed Name  
4-24-2024  
 Date

\_\_\_\_\_  
 Owner Signature  
 \_\_\_\_\_  
 Owner Printed Name  
 \_\_\_\_\_  
 Date

**OWNER ACKNOWLEDGEMENT**

State Of IN )  
 ) SS:  
 County Of Noble )

BEFORE ME, the undersigned Notary Public in and for said County and State, this 24<sup>th</sup> day of April, 2024 personally appeared the within named NICHOLAS GONZALEZ herein "Owner"

WITNESS my Hand and Notarial Seal

By: *Jena Strowmatt*  
 Notary Public Signature

Jena Strowmatt  
 Notary Public Printed Name



JENA STROWMATT, Notary Public  
 Noble County, State of Indiana  
 Commission Number NP0761800  
 My Commission Expires August 21, 2021

*This staff report is prepared by the DeKalb County Department of Development Services to provide information to the Plan Commission 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:**

- PROPERTY OWNERS:** Jacob Farver, Nicholad Gonzalez & William & Nancy Hartman
- SUBJECT SITES:** at and around 1047 US Highway 6, Corunna
- REQUEST:** Zone Map Amendment
- EXISTING ZONING:** C1, Village Commercial and R2, Medium Density Residential
- PROPOSED ZONING:** I2, Low Intensity Industrial and A2, Agricultural
- SURROUNDING LAND USES AND ZONING:**
  - North: Farm Ground (A2)
  - South: Single-Family Residential & Commercial Business (R3, C1 & C2)
  - East: Single-Family Residential & Farm Ground (A2)
  - West: Single-Family Residential & Farm Ground (A2)

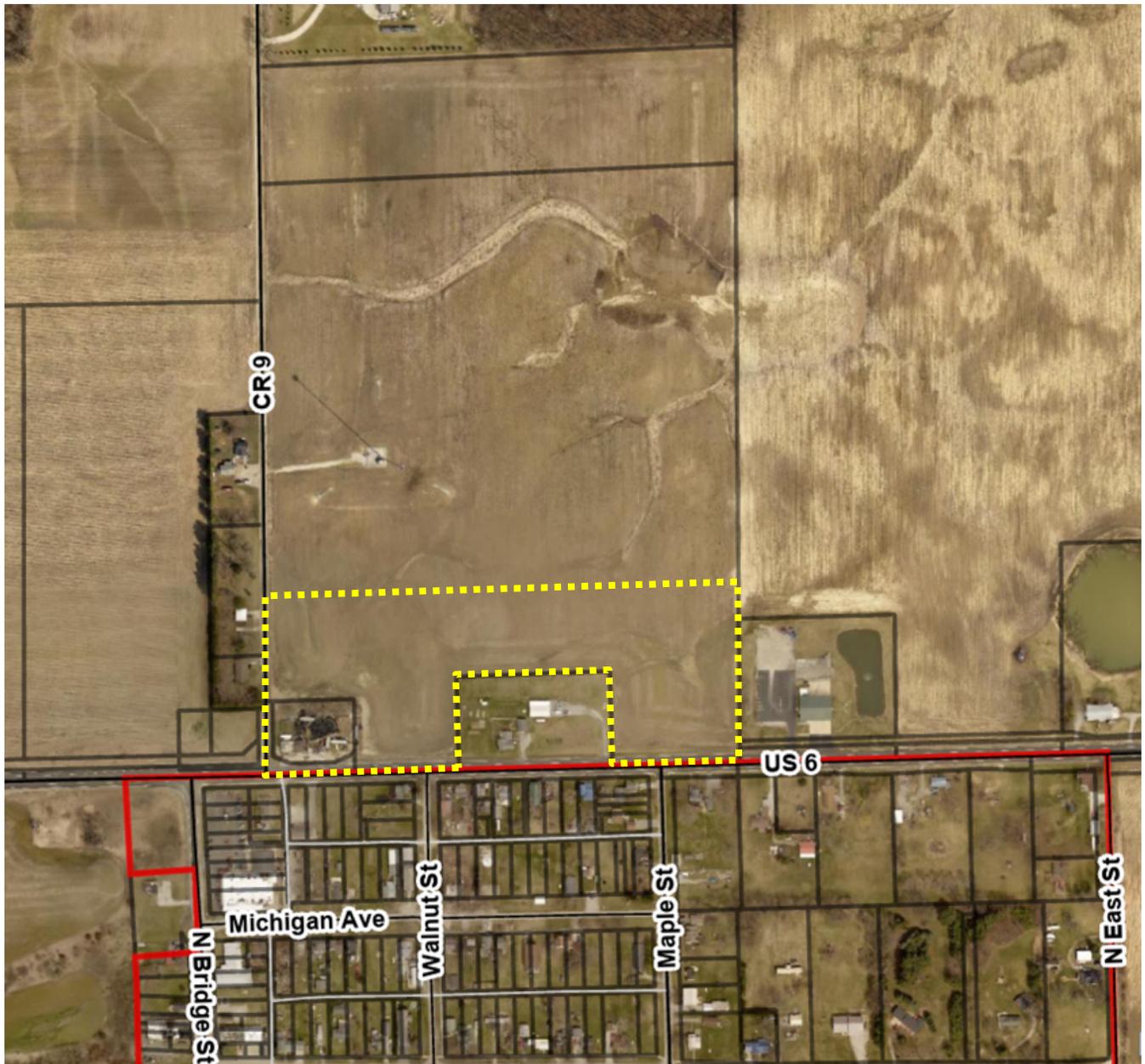
**ANALYSIS:**

The information provided in this staff report has been included for the purpose of reviewing the proposed zone map amendment (rezoning). Since the rezoning process does not require a site plan, there may be additional requirements placed on the property through the Technical Review process to address development regulations, if required.

The request is to rezone approximately 3.25 acres from C1, Village Commercial and R2, Medium Density Residential to I2, Low Intensity Industrial and also approximately 12.35 acres from C1, Village Commercial and R2, Medium Density Residential to A2, Agricultural, Corunna. See Location Map.

The property being rezoned to I2, Low Intensity Industrial will require a Development Plan application to be heard before the Plan Commission in the future for a welding business. The property being rezoned to A2, Agricultural will remain farm ground.

**LOCATION MAP:**

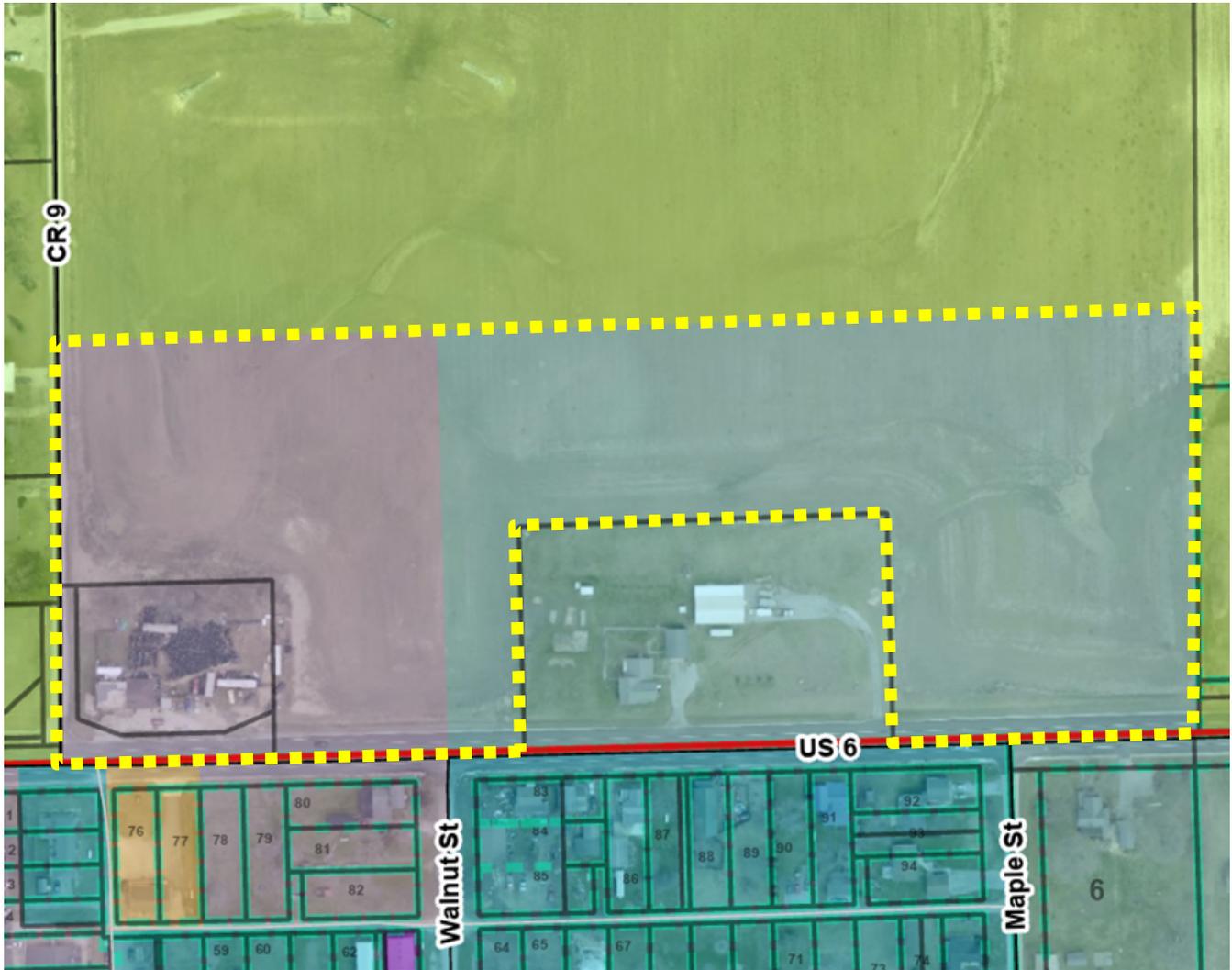


Yellow Outline: Subject Area  
Red Outline: Town of Corunna Municipal Limits



Yellow Outline: Subject Area  
Red Outline: Town of Corunna Municipal Limits

**EXISTING ZONING MAP:**



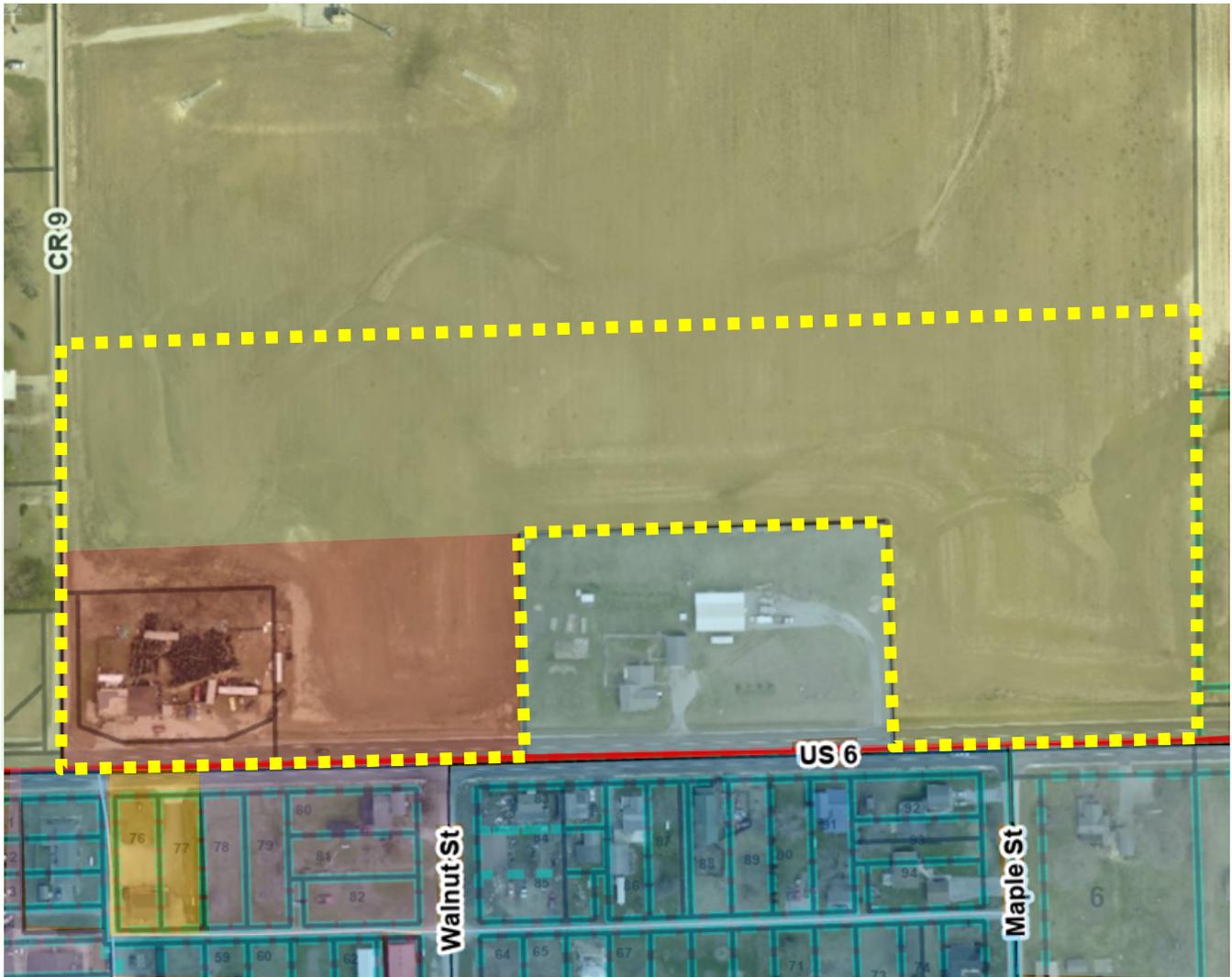
- Green: A2, Agricultural
- Light Purple: C1, Village Commercial
- Orange: C2, Neighborhood Commercial
- Light Blue: R2, Medium Density Residential
- Teal: R3, Village Residential
- Yellow Outline: Subject Area
- Red Outline: Town of Corunna Municipal Limits

**FUTURE LAND USE MAP:**



- Light Blue: Commercial use
- Yellow: Residential Use
- Green: Mixed Agricultural/Rural Residential Use
- Yellow Outline: Subject Area
- Red Outline: Town of Corunna Municipal Limits

**PROPOSED ZONING MAP:**



- Green: A2, Agricultural
- Light Purple: C1, Village Commercial
- Orange: C2, Neighborhood Commercial
- Light Blue: R2, Medium Density Residential
- Teal: R3, Village Residential
- Yellow Outline: Subject Area
- Red Outline: Town of Corunna Municipal Limits

**Differences between C1 (Existing) and R2 (Existing) and A2 (Proposed) and I2 (Proposed) Zoning Districts:**

**R2: Medium Density Residential:** This district is established for single-family detached homes with small to medium sized lots. (page 1-5 of UDO)

**C1: Village Commercial:** This district is established for existing business uses in small unincorporated towns or villages. (page 1-5 of UDO)

**Permitted uses within the R2 zoning district include the following (page 2-16 of the UDO).**

Accessory Permitted Uses

- Home Based Business

Agricultural Permitted Uses

- Agricultural Crop Production

Industrial Permitted Use

- Telecommunication Facility

Institutional Permitted Use

- Park, Public
- Pool, Public

Residential Permitted Uses

- Bed and Breakfast
- Child Care, Home
- Dwelling, Manufactured Home
- Dwelling, Multiple Family (2 or more units)
- Dwelling, Single-Family
- Fair Housing (Small)
- Storage Buildings, Private, Non-Accessory

**Permitted uses within the C1 zoning district include the following (page 2-28 of the UDO).**

Accessory Permitted Uses

- Home Based Business

Agricultural Permitted Uses

- Agricultural Crop Production

Commercial Permitted Uses

- Automobile Gas Station
- Bank Machine/ATM
- Barber/Beauty Shop
- Billiard/Arcade Room
- Coffee Shop
- Coin Laundry
- Delicatessen
- Emergency Medical Care Clinic
- Farmers Market
- Financial Services Office
- Grocery/Supermarket, Small
- Ice Cream Shop
- Law Office
- Low Intensity Retail
- Pet Grooming/Store
- Photographic Studio
- Real Estate Office
- Restaurant
- Show Repair
- Studio Arts
- Tailor/Pressing Shop
- Tanning Salon

Institutional Permitted Uses

- Child Care Institution
- Church, Temple or Mosque
- Community Center
- Government Office
- Government Operation (non-office)
- Jail
- Juvenile Detention Facility
- Library, Public
- Museum
- Park, Public
- Parkin Lot, Public
- Recycling Collection Point
- School (P-12)
- Trade of Business School
- University or College

Industrial Permitted Use

- Telecommunication Facility

Residential Permitted Uses

- Dwelling Unit (upper floors)
- Lodging House

**A2: Agricultural:** This district is established for agricultural areas and buildings associated with agricultural production; also allows for some small infusion of non-agricultural single-family detached homes in areas where impact on agriculture and rural character is minimal. (page 1-5 of UDO)

**I2: Low Intensity Industrial:** This district is established for low intensity industrial uses and light manufacturing facilities. (page 1-5 of UDO)

**Permitted uses within the A2 zoning district include the following (page 2-6 of the UDO).**

Accessory Permitted Uses

- Home Based Business

Agricultural Permitted Uses

- Agricultural Crop Production
- Confined Feeding Operation – up to 2 times  
Indiana Department of Environmental  
Management CAFO numbers
- Orchard
- Raising of Farm Animals
- Storage building, Agricultural
- Storage of Agricultural Product
- Tree Farm

Industrial Permitted Use

- Telecommunication Facility

Institutional Permitted Use

- Police, Fire or Rescue Station

Residential Permitted Uses

- Child Care, Home
- Dwelling, Manufactured Home
- Dwelling, Single-Family
- Fair Housing (Small)
- Farmstead
- Storage Buildings, Private, Non-Accessory

**Permitted uses within the I2 zoning district include the following (page 2-38 of the UDO).**

Agricultural Permitted Uses

- Agricultural Crop Production

Commercial Permitted Uses

- Automobile Gas Station
- Sexually Oriented Business

Industrial Permitted Use

- Assembly
- Distribution Facility
- Flex-Space
- Food Production/Processing
- Manufacturing, Light
- Printing Press Facility
- Radio/TV Station

Industrial Permitted Use (cont'd)

- Research Center
- Sign Painting/Fabrication
- Telecommunication Facility
- Testing Lab
- Tool and Dye Shop
- Utility Facility, Above Ground
- Warehouse
- Water Treatment Plant
- Welding

Institutional Permitted Uses

- Government Operation (non-office)
- Recycling Collection Point

**Unified Development Ordinance Requirements**

When considering a zone map amendment, the DeKalb County Plan Commission and the County Commissioners are obligated — under Section 9.06 G(3) of the DeKalb County Unified Development Ordinance — to pay reasonable regard to the following:

- a. The Comprehensive Plan;
- b. Current conditions and the character of current structures and uses in each district;
- c. The most desirable use for which the land in each district is adapted;
- d. The conservation of property values throughout the jurisdiction; and
- e. Responsible development and growth.

### **JURISDICTIONAL FINDINGS:**

The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on **May 6, 2024**
2. Legal notice published in The Star on **June 7, 2024** and Publishers Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Non-Objection letter from the County Board of Health, dated **May 10, 2024**
5. Non-Objection letter from the County Highway Department, dated **May 6, 2024**
6. Non-Objection letter from the DeKalb County Soil & Water Conservation District, dated **May 8, 2024**
7. Non-Objection letter from the County Surveyor, dated **May 13, 2024**
8. Letter from the DeKalb County Airport Authority is not required as this property is not within an Airport Zoning District or the Airport Compatibility Overlay District.

### **UDO & STATUTORY MATTERS TO CONSIDER:**

1. Is the change in zoning paying reasonable regard to the Comprehensive Plan?  
*The subject area has a Future Land Use (FLU) designation of Commercial. The proposed zoning districts are not necessarily compatible with this FLU designation, but the designation does not limit the Zoning Districts that can be located within it.*
2. Is the change in zoning paying reasonable regard to the current conditions and the character of current structures and uses in each district?  
*The existing development surrounding the properties are residential, commercial and agricultural in use. This change in zoning will be consistent with the surrounding properties' current conditions and character of current structures and land uses.*
3. Is the change in zoning paying reasonable regard to the most desirable use for which the land in each district is adapted?  
*The proposed zoning district is desirable for this property and the area.*
4. Is the change in zoning paying reasonable regard to the conservation of property values throughout the jurisdiction?  
*The property values of the area should not be disturbed negatively considering the adjacent uses.*
5. Is the change in zoning paying reasonable regard to responsible development and growth?  
*In changing the zoning of the properties to I2, Low Intensity Industrial and A2, Agricultural, the Plan Commission will be promoting the desired use of the land while promoting responsible development and growth.*

### **PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

Staff is recommending a favorable recommendation to the County Commissioners for the requested Zone Map Amendment. Should there be any conditions or commitments made by the Plan Commission and adopted by the County Commissioners, they shall be written and recorded in the Office of the DeKalb County Recorder.