

# 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, May 12, 2025**  
**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: March 10, 2025
4. Old Business: None
5. New Business:

Petition #25-07 – Michael & Tammy Beagle requesting a Development Standards Variance to allow for the reduction to the front yard setback for detached garage. The proposed garage will be 69 feet from the center of County Road 8 and the required setback is 80 feet. The property is located at 1875 County Road 8, Ashley, Indiana and is zoned A1, Conservation Agricultural.

6. Reports of Planning Staff, Officers, and/or Committees
7. Comments from Public in Attendance
8. Adjournment

Next Meeting: June 9, 2025

**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 THE  
COURTHOUSE LOCATED ON SEVENTH STREET\***

**\*\*Cellphones, tablets, laptops, & weapons are prohibited\*\***

**MINUTES**  
**DEKALB COUNTY BOARD OF ZONING APPEALS**  
**Monday, March 10, 2025**

A Meeting of the DeKalb County Board of Zoning Appeals was called to order at 6:00 p.m. in the Commissioner's Court of the DeKalb County Courthouse by Chairperson, Frank Pulver.

**ROLL CALL:**

Members present: Frank Pulver, Jason Carnahan, Rory Walker, and Wayne Funk.

Members absent: Andrew Provines

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

Public in Attendance: James Schmucker, Kurt & Katie Tompkins, and Pat Mitchell.

**APPROVAL OF MINUTES:**

Motion was made by Wayne Funk and Seconded by Jason Carnahan to approve the Minutes of February 10, 2025 as submitted. None opposed. Motion carried. Rory abstained due to being absent.

**OLD BUSINESS:** None

**NEW BUSINESS:**

Petition #25-05 – James Schmucker requesting a Use Variance to allow for a plant nursery. The property is located at 4043 County Road 46A, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the proposed petition and staff report stating why the proposed Use Variance is needed. He stated that in the A2 zoning district it doesn't allow for a plant nursery. The shaded area in purple is a flood way and unless you go through the proper channels to flood safe the area a structure can't be built within it. He addressed that where the barn is currently located on the site plan it is outside the flood area. He did have all of this staked two years ago when he built his house and barn. He did get information from DNR, and they don't have any issues with this plant nursery provided you're not building any structures or moving dirt within the floodplain. He stated that this will be a commercial business to sell plants.

Frank Pulver asked James Schmucker to approach the podium and address how many acres it was for the plant nursery. He asked what was currently located there now and are there buildings.

James Schmucker approached the podium and stated that the area would be approximately 2 acres. He stated that it's currently open field where the plant nursery will be located. The buildings are shown on the site plan provided and are all built now.

Rory Walker addressed that he assumed there's a setback on that drain that goes through the proposed nursery.

Mr. Schmucker stated yes, 75 feet both ways.

Mr. Gaumer added that the Surveyor's Office did review his proposal. They had no issues if they could access the drain if needed to be repaired. He can plant inside the 75-foot setback just cannot build any structures within this setback.

Mr. Schmucker stated that most of the fenced area is for his horse. He added that his fence is not near the tile. The plant nursery should be far enough away from the tile. He added that the trees can be moved farther out towards CR 39 if needed.

Mr. Pulver asked if there were any further questions for Mr. Schumucker from the board.

Jason Carnahan asked if the drain was fixed up. He addressed that there were some pretty big holes located in the field.

Mr. Schmucker stated that when he went to build his house, he found the holes. He addressed that they needed to be fixed and the Surveyor's Office. They did come out and repair the tile.

Mr. Pulver asked if the tile was broken.

Mr. Schmucker stated that there was a portion of the bottom still intact, and the top had caved in and washed through.

Mr. Pulver asked if there were any further questions from the board for Mr. Schmucker.

Andrew Kruse asked if there were any comments or questions from the public. Hearing None. The public portion of the hearing was closed.

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 **January 21, 2025**
2. Legal notice published in The Star on **February 28, 2025** with the publisher's affidavit and receipt received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Health Department, dated **February 26, 2025**
5. Letter from the County Highway Department, dated **February 20, 2025**
6. Letter from the County Surveyor, dated **February 18, 2025**
7. Letter from the Soil & Water Conservation District, dated **February 18, 2025**
8. Letter from the DeKalb County Airport Authority, if applicable, dated **not applicable**
9. Letter from the Indiana Department of Natural Resources, dated **February 7, 2025**
10. Letter from the Army Corps of Engineers, dated **February 8, 2025**

### **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 plant nursery, as proposed, should not be injurious to the community. This portion of the land is undevelopable due to the floodplain classification. Letters from the Indiana Dept. of Natural Resources and Army Corps of Engineers approves the use in the floodplain.*
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.*
3. Does the need arise from some condition peculiar to the property involved? Yes ( X ) No ( )\*  
*The Use Variance is needed for reasonable use of the property. This portion of the land is undevelopable due to the floodplain classification. Letters from the Indiana Dept. of Natural Resources and Army Corps of Engineers approves the use in the floodplain.*
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 Use Variance is needed for reasonable use of the property. This portion of the land is undevelopable due to the floodplain classification. Letters from the Indiana Dept. of Natural Resources and Army Corps of Engineers approves the use in the floodplain.*
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 conditions and regulations set forth with this approval.*

**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 plant nursery
3. 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.
4. 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. 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.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS USE VARIANCE PETITION #25-05 IS HEREBY APPROVED WITH CONDITIONS ON THIS 10<sup>TH</sup> DAY OF MARCH 2025.

Motion made by Jason Carnahan, Seconded by Rory Walker.

Vote tally: Yes: 4                      No: 0

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

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

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

\_\_\_\_\_  
Wayne Funk

Petition #25-06 – Kurt & Katie Tompkins requesting a Development Standards Variance to allow for the reduction to the front yard setback for a covered front porch & garage addition. The property is located at 0384 County Road 19, Ashley, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the proposed petition and staff report stating why the proposed Development Standards Variance was needed. He stated that they have proposed demolishing the existing garage and building a new attached garage with a proposed front porch. He addressed that the minimum front yard setback is 80 feet. The proposed porch will be a total of 54 feet from the center of CR 19, with this requesting a 26 feet variance. The home being only 63 feet from the center of the road, the existing home currently doesn't meet the setbacks. It was probably established prior to the UDO. You can ask Kurt & Katie when they come up. A variance will be needed for anything built closer to CR 19.

Mr. Pulver asked Kurt to approach the podium. He asked how old the house is.

Kurt Tompkins approached the podium and stated the house was built in the 1890's.

Mr. Pulver asked so the garage you're proposing to build is quite larger than the other one.

Mr. Tompkins stated yes. The existing garage will be demolished.

Mr. Pulver asked how wide the porch will be.

Mr. Tompkins stated that the porch will be 9 feet by 50 feet long.

Mr. Pulver asked if there were any further questions for Mr. Tompkins.

Wayne Funk asked if there was any historical research done on this house to see if a porch might have been there originally.

Mr. Tompkins stated no.

Mr. Funk stated that from his observation of the structure it looks like that is the case years ago. It may have been remodeled, and the porch was removed.

Mr. Pulver stated that he was thinking the same thing. He couldn't imagine the house not having a porch originally being from the 1890's.

Mr. Funk stated that the entrance is typical of a structure of that era when they put porches on.

Mr. Pulver asked if there were any further questions for Mr. Tompkins.

Mr. Tompkins stated that he does have one question. With the setback I was discussing this with my builder. We were unsure if the eave spout would be included with the setbacks. Where would the setback start?

Mr. Gaumer stated that the setback starts at the wall. The eaves can encroach into the setback.

Mr. Kruse asked if that was a driveway to the north of the proposed garage and drive area.

Mr. Tompkins stated that it is a drive.

Mr. Pulver asked if there was a pole barn located north of the house.

Mr. Tompkins stated that it is his pole barn. The driveway further north goes to a back pole barn.

Mr. Pulver asked if there were any further questions. Hearing None. He asked if there was any public comment. Hearing None. He 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 **January 13, 2025**
2. Legal notice published in The Star on **February 28, 2025** with the publisher's affidavit and receipt received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **January 14, 2025**
5. Letter from the County Highway Department, dated **January 14, 2025**
6. Letter from the Soil & Water Conservation District, dated **January 14, 2025**
7. Letter from the County Surveyor or Drainage Board, dated **January 14, 2025**
8. Letter from the DeKalb County Airport Authority is **not applicable**.

### **FINDINGS OF FACT:**

1. Will the approval of the variance request be injurious to the public health, safety, morals and general welfare of the community? Yes ( )\* No ( X )

*The proposed reduction to the front yard setback will not be injurious to the public. The front porch & garage addition will not impede any line of site for neighboring properties. 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 to the front yard setback will not adversely affect the neighboring properties. The neighboring properties are vacant land used for farming.*

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 to the front yard setback is needed due to the existing home being approximately 63 feet from the center of County Road 19.*

**PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

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 to the front yard setback to 54 feet is approved.
3. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
4. No offsite drainage crossing said real estate should be obstructed by any development on this site.
5. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE BOARD OF ZONING APPEALS THAT THIS DEVELOPMENT STANDARDS VARIANCE PETITION #25-06 IS HEREBY APPROVED WITH CONDITIONS ON THIS 10<sup>TH</sup> DAY OF MARCH 2025.

Motion made by Rory Walker, Seconded by Wayne Funk.

Vote tally: Yes: 4                      No: 0

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

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

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

\_\_\_\_\_  
Wayne Funk

**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 6:20 p.m.

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

\_\_\_\_\_  
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: 25-07  
Date Application Filed: 4/11/2025  
Fee Paid: 9987CK

**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: MICHAEL & TAMMY BEAGLE  
Address: 1875 CR 8 ASHLEY, IN 46705  
Telephone Number: 260-235-9162 E-Mail: redit1967@MAIL.COM

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

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

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

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

Legal Ad Payment & Public Hearing Notifications: Applicant  Owner  Representative

Zoning Classification of Property: A1

Overlay District of Property (if applicable): N/A

Address or common description of property:  
1875 CR 8  
Ashley, IN 46705

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

SETBACK FROM ROAD 69', 24X40X16' Building  
SET BACK FROM EAST LINE 11'



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

50th Backs

The Applicant must answer the following questions and establish reasons for each answer at the public hearing in order to obtain an accurate determination from the BZA. Please answer each question and give reasons for your answer.

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:

It's Just A Garage Building. to be used  
for storage and other items

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:

It's Just A Garage Building used for  
other things and storage.

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:

ENLARGE PREVIOUS DETACHED GARAGE  
FOR STORAGE BECAUSE THERE IS NO OTHER PLACE TO PUT IT.

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

Jimmy Beagle  
(If signed by representative for applicant, state capacity)

*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:** Michael & Tammy Beagle  
**SUBJECT SITE:** 1875 County Road 8, Ashley  
**REQUEST:** Development Standards Variance  
**PURPOSE:** To allow for the reduction to the front yard setback for a detached garage  
**EXISTING ZONING:** A1, Conservation Agricultural  
**SURROUNDING LAND USES AND ZONING:** North: Farm Ground (A1)  
South: Farm Ground (A1)  
East: Single Family Residential (A1)  
West: Single Family Residential (A1)

**ANALYSIS:**

*UDO Standards: Section 2.06: A1 District Development Standards:*

*Minimum Front Yard Setback: 50 feet for primary & Accessory Structures*

*Minimum Side Yard Setback: 30 feet for primary structures & 10 feet for accessory structures*

*Minimum Rear Yard Setback: 30 feet for primary structures & 10 feet for accessory structures*

- When determining the front yard setback, we look at and review Section 5.43: Setback Standards: B. Minimum Front Yard Setback: The dimensions are to be taken from the center of the road. Adding together the right-of-way, as determined by the DeKalb County Thoroughfare Plan, plus the minimum front yard setback per each two-page layout in *Article 02: Zoning Districts*.
- County Road 8 = 60 foot right of way (30 feet on each side of the center of the road)
- In this case, the total setback from the center of the road is 80 feet (50 feet building setback + 30 feet ROW = 80 feet from center of road).
- The petitioner is requesting to build a new detached garage. The detached garage will be approximately 69 feet to the center of County Road 8. Thus, requesting a variance for 11 feet.
- The variance is needed due to the existing home location and lot size. The subdivision was recorded in 1974.

**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 11, 2025**
2. Legal notice published in The Star on **May 1, 2025** with the publisher's affidavit and receipt received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **April 9, 2025**
5. Letter from the County Highway Department, dated **April 3, 2025**
6. Letter from the Soil & Water Conservation District, dated **April 1, 2025**
7. Letter from the County Surveyor or Drainage Board, dated **April 4, 2025**
8. Letter from the DeKalb County Airport Authority is **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 to the front yard setback will not be injurious to the public. The detached garage will not impede any line of site for neighboring properties or impede the overall use of the property. 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 to the front yard setback will not adversely affect the neighboring properties. The neighboring properties are vacant land used for farming or single family residential.*
- 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 to the front yard setback is needed due to the existing home location and lot size.*

**PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

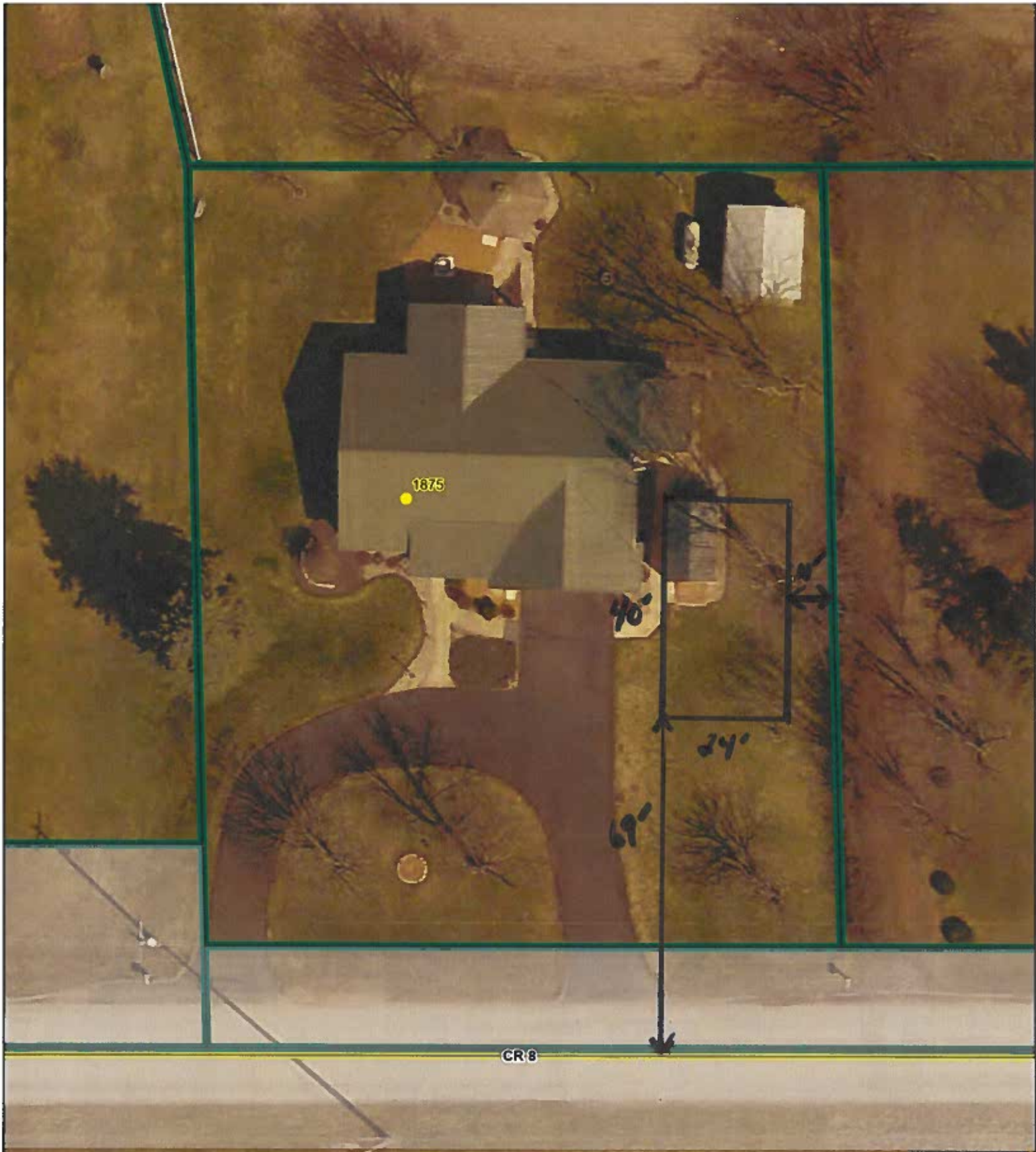
**Conditions of Approval:**

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 to the front yard setback to 69 feet is approved.
- 3. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
- 4. No offsite drainage crossing said real estate should be obstructed by any development on this site.
- 5. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

**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.



CR 8

Postmaster: Not

For Details 2023 Certificate

