

MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday November 20, 2024

The Regular Meeting of the DeKalb County Plan Commission was called to order at 8:00 a.m. in the DeKalb County Commissioner's Courtroom by Plan Commission President, Jason Carnahan

ROLL CALL:

Members Present: Jason Carnahan, William Van Wye, William Hartman, Tyler Lanning, Suzanne Davis, Angie Holt, Sandra Harrison, Jerry Yoder and Frank Pulver

Members Absent: Elysia Rodgers

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

Community Representatives Present: Mike Makarewich

Public in Attendance: Jared Malcolm

PLEDGE OF ALLEGIANCE:

Jason Carnahan led The Pledge of Allegiance.

PRAYER:

Jerry Yoder led in prayer.

APPROVAL OF MINUTES:

Motioned by Jerry Yoder to approve the September 18, 2024 meeting minutes. Seconded by William Hartman. Sandra Harrison abstained due to absence. None opposed. Motion carried.

CONSIDERATION OF CLAIMS:

Jason Carnahan inquired about any comments, questions, or motions to approve August 2024 and October 2024 claims, totaling \$52,014.37.

William Hartman motioned to approve claims seconded by Suzanne Davis. None opposed. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

2024 Attorney Fee Agreement: Jason Carnahan introduced the agreement with Andrew Kruse serving as the Plan Commission & Board of Zoning Appeals attorney for 2025 and the fees associated. Mr. Gaumer stated that there was no change in the fee price from last year. He reminded everyone that the fee per meeting for any extra meetings was updated last year. With no changes for 2025 he recommended a motion for approval.

Sandra Harrison moved to approve the 2025 Attorney Fee Agreement with Andrew Kruse. Seconded by Angie Holt. None opposed. Motion carried.

Petition #24-43 – Text Amendments to the Unified Development Ordinance to include revisions, additions and/or deletions to Article 5: Development Standards and Article 11: Definitions for Home Based Business. And various minor revisions necessary to make these amendments (IE: page numbers, section numbers, etc.)

Chris Gaumer went over the Home-Based Business standards and definitions that were reviewed back in June. The reason for this is to basically add language to help people understand what they can and can't do. For the definitions before they basically just defined additional standards. By removing those and putting them within Article: 5. In Article: 5 itself for standards we discussed adding what shouldn't

qualify as a Home-Based Business. He asked if we should add people that rent dumpsters as something that shall never qualify. When the dumpsters are stored onsite, they can't be stored inside.

Angie Holt addressed that the zoning districts that applied had some typos.

Mr. Gaumer asked if there was any discussion on what should never qualify.

Jerry Yoder asked if Gun or Archery Shops would qualify.

Mr. Gaumer stated that they would be a home business. The State allows people to sell guns from their home. Which is what influences people to get Firearm Licenses.

Suzanne Davis asked with regards to dumpsters for hire if they had them out there. Could there be a condition that they put privacy fences up?

Mr. Gaumer stated that it would need to be in the standards. We could add something like if there's outside storage it would need to be screened by a privacy fence or landscape.

Willam Van Wye asked if the weeds and trash are maintained around the dumpsters.

Mr. Gaumer stated that it was clean without any debris on the property, not seeing any issues with this one.

Mr. Yoder added that this will pick up with Amish having home businesses.

Mr. Gaumer stated that if they meet the standards they can fall under that type. He addressed that most are wanting to split their property and have their business be located on its own parcel.

Mr. Van Wye asked about outdoor Sawmill's.

Mr. Gaumer stated that the one that has been approved was split off from the existing homestead. The one that has been applied for will go through as a Use Variance.

Andrew Kruse stated that he understood that under paragraph seven and eight that nothing is visible basically outside the dwelling unit except maybe a sign. That's where the dumpster would be prohibited since it's an outside visible object and a larger square footage.

Mr. Gaumer stated that the buildings they need have a manufacturing part, office, and three buildings for the sawmill. It's quite large for what they need it for. Do we want for people that have outdoor storage it will be okay as long as it's screened from neighboring properties. He stated that like Andrew Kruse said in paragraph 7 of outdoor display and storage would be prohibited. They wouldn't be allowed to have anything for outdoor storage. This applies to all three Home Based occupations. He addressed what the examples were for each type of occupation.

Mr. Kruse questioned the types listed for a home occupation of what they would include.

Mr. Yoder stated that maybe we need to narrow down what is allowed.

Mr. Gaumer stated that we can change it to just a professional office of a medical or osteopathic physician.

Mrs. Davis questioned how many businesses are out in the county that have trucks and equipment. She never really watched how many homes had a business on their property.

Mr. Gaumer stated that some of these do go to the BZA. A plumbing business went to the BZA to allow it to be located at his home. It had exceeded the standards of a home occupation.

Mrs. Davis stated that people have a lot of acreage and can run a business on their property. What conditions do we need to make sure we have? What if they don't live there? If they have a business out in the county, it would go through as a Commercial or Industrial use.

Mr. Kruse stated that the overall goal usually is to have orderly expansion of businesses from other business-used areas. Not having any spot zoning throughout the county.

Mr. Gaumer stated that the problem is that people go to the BZA and must think big. They need to determine how many employees and the size of the building. He stated that there aren't a lot of places in the county for people to purchase for a bigger business that needs more space. He discussed if everyone would be okay with keeping outdoor storage prohibited. If you're okay with outdoor storage we need to remove it or require it to be screened. If requiring screening, we need to list what that is.

William Hartman stated keeping it as is leaves it open to interpretation of what's acceptable by the neighbor as far as outdoor storage. He added that it needs to be screened or not at all.

Mrs. Holt stated that she likes the fact that we are encouraging entrepreneurship in the county. When we're discussing 500 to 1500 sq. ft., you're just not going to be able to do a whole lot with that. She was open to allowing screening.

Mr. Gaumer stated that we don't have places for people to grow into their home occupation. He is fine with allowing screening. It makes sense and there's probably people out there that have a home occupation that you're just not aware of. We can require the screening be placed if having outdoor storage. The board agreed to add wording to all three home occupations, that outdoor storage be prohibited unless screened by a privacy fence.

Mr. Hartman stated that on number 10 the second sentence seems to contradict the first sentence. He asked what no retail sales permitted means.

Mr. Gaumer stated that it would be like if you had hours when people could come in and purchase something. He stated that would be like a plumber who has space for his business and a space for buying plumbing supplies.

Mr. Kruse asked what is trying to be prohibited.

Mr. Gaumer stated that this was already included before he got here. This is all existing except what has been underlined or scratched out. Not sure what the intent was for no retail sales.

Mr. Hartman stated that to him it means no wholesale retail sales. In other words, you can't buy something and mark it up and retail it.

Mr. Kruse stated that they might be trying to stop someone from buying wholesale and selling it.

Mr. Gaumer added that we could add in there no wholesale retail sales.

Mr. Hartman stated that if that was the intent we can add it.

Mr. Gaumer added that if we can make it clearer now that would be good idea.

Mr. Kruse stated that if you leave what's there and just remove no retail sales permitted it takes out buying wholesale and selling retail.

Mr. Gaumer asked so just remove the no retail sales permitted. The board agreed to have it removed.

Mr. Hartman stated that number 11 seems to be open for interpretation. What's logical for the hours of operation? He asked if hours of operation should be specified. It depends on what the business is. If noise is involved it should be cut off at a certain hour.

Mr. Yoder asked if this should be up to the neighbors.

Mr. Hartman stated that it would cause conflict, and they wouldn't be able to come to an agreement.

Mr. Gaumer specified that they would submit a complaint to him. If it was a home occupation it doesn't need any type of approval besides from him. The others will require BZA approval which will probably be the most intense uses. The other is small scale within the house not making much noise. The BZA does

require the hours of operation to be listed on the application. Typically their hours are 7:30 to 4:30 or 8-5. The other two are the most intense, probably having the most noise. Whether that's truck traffic or machinery having to go through the BZA first. If we got a complaint, they would need to go back to the BZA and review what was allowed before.

Mrs. Holt added that it would be tough to put hours to the home occupation because a lot of these folks would probably come home from their day job and do some work from home. She questioned if we were broadening the type of medical profession office.

Mr. Gaumer stated that we can take off professional office and remove everything except architect, accountant, or similar.

Mr. Kruse stated that above your already saying that it includes but is not limited to the following.

Mrs. Holt was okay with that.

Mrs. Davis asked about letter B on number 14 where it says pet boarding. What about if someone wanted to pick their pet up late at night. Would the hours need to be specified.

Mr. Gaumer stated he didn't see this as being a problem. He asked if anyone had any more questions. He stated that there wasn't much that drastically changed.

Mrs. Holt stated that under Home Enterprise on number 12 for parking. It has the same limit of two parking spaces. She wasn't sure if that would be practical for a larger business. She stated that in the number 12 of parking it listed profession the others had been changed to business. She also added that in number 14 C it listed a small restaurant. She was trying to envision what that looked like.

Mr. Gaumer stated that a small restaurant would be like Dutch Heritage. It wouldn't be like a full restaurant. It would have a few tables. He asked if we wanted to add three or four parking spaces.

Mrs. Holt stated that they could discuss how many with the BZA at that time.

Mr. Van Wye stated that if it's a home business they're going to need three or four parking spaces.

Mr. Gaumer stated that if they do any of these types listed, they are going to have to have more parking spaces than what's there.

Mrs. Davis stated that if your business needs ten spaces you will make them available. She asked if they would be limited by how many spaces.

Mr. Gaumer stated that when they go to the BZA they would request the use and then request variances for going from two parking spaces to ten.

Mr. Kruse stated that two parking spaces are required for the business and one space is required for each employee. So, if they wanted to double that I wouldn't see why it would be limited. He stated that two is required is three okay. It doesn't state that if three will be prohibited.

Mr. Gaumer stated that I don't think we want to limit it. What we're saying is that we don't want people parking in the yard or along the road. He asked if we wanted to remove the for hire dumpster from the following uses shall never qualify as a Home-Based Business.

Mrs. Davis and Mrs. Holt stated that they wouldn't see why it could be removed as long as it's screened.

Mr. Gaumer stated that we will need a recommendation to the County Commissioners on both.

Mike Makarewich asked if pet breeding would need to be addressed. He stated that there has been a nuisance in the city with people breeding their pets.

Mr. Gaumer asked what the board would think of animal breeding. He stated that it's different if you're just doing it as a hobby then doing this full time.

Mrs. Holt suggested maybe that you would set a certain limit to the number of animals involved.

Mr. Gaumer asked if you would like to do this as pet boarding or pet breeding listed in the types of home enterprises.

Mrs. Holt asked if we would exclude livestock.

Mr. Gaumer stated that we would put in their pet boarding and pet breeding. It would have to go to the BZA and specify what they are planning to breed. The board agreed to add pet boarding or pet breeding.

Mr. Carnahan stated that there was no public in attendance for public comment.

Mr. Kruse read the Findings of Fact.

JURISDICTIONAL FINDINGS:

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

1. Legal notice published in The Star on November 08, 2024.

UDO AND STATUTORY MATTERS TO CONSIDER:

1. Is the change in text in harmony with the Comprehensive Plan?

Sandra Harrison answered yes; fits the way the county wants to go as far as the changes.

2. Is the change in text consistent with the current conditions and the character of current structures and uses in each zoning district?

Angie Holt answered yes; it builds on the current standards and makes it more clear in terms of what requirements are needed.

3. Does the change in text help with the most desirable use for which the land in each zoning district is adapted?

Angie Holt answered yes; it takes into consideration the neighbors and the impact on them

4. Will the change in text promote the conservation of property values throughout the jurisdiction?

Suzanne Davis answered yes; some of the additional changes in wording will absolutely help with the conservation of property values.

5. Will the change in text promote responsible growth and development in DeKalb County?

William Van Wye answered yes; it will allow us to know where these businesses are at.

Having more input as a community on what's going on.

Mr. Carnahan then entertained a motion for a favorable, unfavorable, or no recommendation the County Commissioners.


IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS TEXT AMENDMENT, PETITION #24-43, ARTICLE 5: DEVELOPMENT STANDARDS AND ARTICLE 11: DEFINITIONS FOR HOME BASED BUSINESS, IS HEREBY CERTIFYING A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS ON THIS 20th DAY OF NOVEMBER 2024.

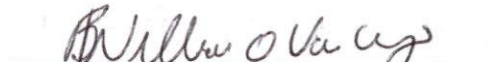
Motion made by: Angie Holt


Seconded by: Sandra Harrison


Vote tally: Yes: 9

No: 0

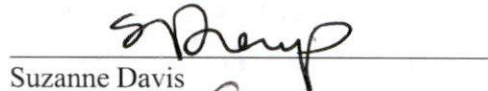

Jason Carnahan


William Van Wye

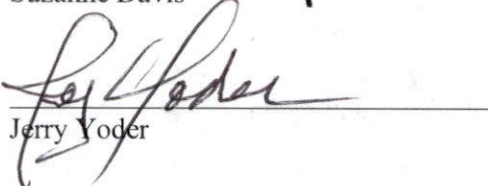

William Hartman

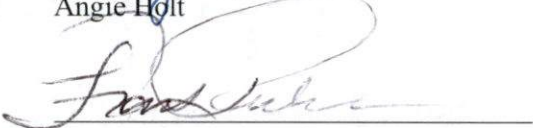

Sandra Harrison


Tyler Lanning


Suzanne Davis


Angie Holt


Jerry Yoder


Frank Pulver

Petition #24-44 – Text Amendments to the Unified Development Ordinance to include revisions, additions and/or deletions to Article 5: Development Standards and Article 11: Definitions for Short Term Rental (Air BNB). And various minor revisions necessary to make these amendments (IE: page numbers, section numbers, etc.)

Mr. Gaumer went over the text amendment stating that this is all new to the UDO. The Indiana Code changed allowing for Short Term Rentals to be in your zoning ordinance. Mr. Kruse added that in other words this can't be prohibited. Mr. Gaumer stated that we need to add this to coincide with what the Indiana Code requires. Addressing that this wording is stated from Indiana Code. When we discussed this in June, we were making sure that we weren't overstepping what the Indiana Code states. Addressing how we would regulate a use like this.

Mr. Kruse stated that the permit fee is capped at \$150 and it's a one-time fee for the life of the rental. If they change ownership of the home, you can charge a new permit fee.

Mr. Gaumer stated that this is for the rental of a single-family home and can be owner occupied or not owner occupied. He read over the staff report stating the definitions and standards associated with rentals.

Mr. Lanning asked how the short-term rental per property works if it's a split house.

Mr. Gaumer stated that if it's split it should fall under the correct zoning like a duplex. A duplex can be in RE or R1 it would fall under those.

Mr. Kruse asked that under the definitions where it says, "this includes, were permitted, a detached guest house". I think what you were saying was that we don't allow guest houses now other than dependent housing. Being there won't be any guest houses.

Mr. Gaumer stated that nothing has changed from what the definition was at the State level. We just won't allow any type of guesthouses.

Mr. Carnahan asked how it would apply if there was a pool house.

Mr. Gaumer stated that it should only be used as a pool house. If it changes into a guest house, then you're an illegal non-conforming use. We would look at what was permitted, if permitted without a living

area. It would need to go to the BZA to become a living area. If the BZA denies it will need to be removed.

Mr. Carnahan asked if there were any further questions. Hearing none. He stated that there was no public in attendance for public comment.

Mr. Kruse read the Findings of Fact.

JURISDICTIONAL FINDINGS:

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

1. Legal notice published in The Star on November 08, 2024.

UDO AND STATUTORY MATTERS TO CONSIDER:

1. Is the change in text in harmony with the Comprehensive Plan?

Angie Holt answered yes; not seeing this much different then Home-Based Business. It defines this type of use.

2. Is the change in text consistent with the current conditions and the character of current structures and uses in each zoning district?

Tyler Lanning answered yes; being only allowed in residential.

3. Does the change in text help with the most desirable use for which the land in each zoning district is adapted?

Sandy Harrison answered yes.

4. Will the change in text promote the conservation of property values throughout the jurisdiction?

Jason Carnahan answered yes; not seeing why the property values would change at all.

5. Will the change in text promote responsible growth and development in DeKalb County?

William Hartman answered yes.

Mr. Carnahan then entertained a motion for a favorable, unfavorable, or no recommendation the County Commissioners.

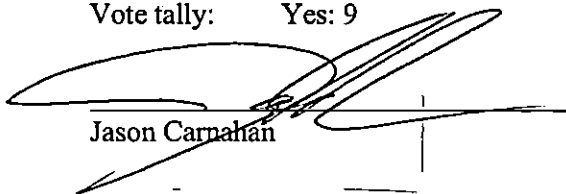
IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION THAT THIS TEXT AMENDMENT, PETITION #24-44, ARTICLE 5: DEVELOPMENT STANDARDS AND ARTICLE 11: DEFINITIONS FOR SHORT TERM RENTAL (AIR BNB), IS HEREBY CERTIFYING A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS ON THIS 20th DAY OF NOVEMBER 2024.

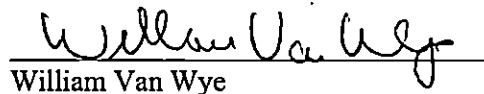
Motion made by: William Hartman

Seconded by: Sandra Harrison


Vote tally: Yes: 9

No: 0


Jason Carnahan

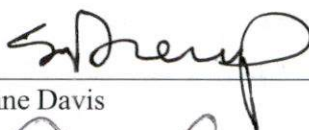

William Van Wye

William Hartman

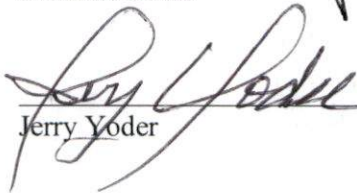


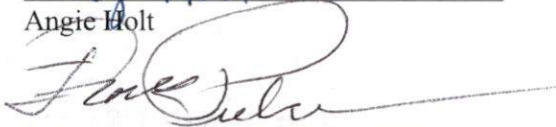

Sandra Harrison


Tyler Lanning


Suzanne Davis


Angie Holt


Jerry Yoder


Frank Pulver

DeKalb 2040 – Comprehensive Plan Update:

Mr. Carnahan stated that he and Chris had a zoom meeting with the consultant and received a update on how things were moving along.

Mr. Gaumer addressed that he wanted everyone to see the schedule that was provided in the packets. He will provide updates to the Plan Commission throughout the process. The steering committee will include Andrew Kruse. He addressed the schedule stating that it has been phased out not starting in December and is intermixed. The Steering Committee has been established and everyone has accepted a position on the committee. The official Kick-off meeting will take place January 8th. He added that a Facebook page has been created to give updates on what's going on. The page can be searched as DeKalb 2040. There's also a website too that will give updates.

Mr. Lanning asked who was on the steering committee and how many.

Mr. Gaumer stated that there's eighteen total with a couple of people that would swipe out. The consultant had suggested 15-20 on the committee. The steering committee will review and promote the Comp Plan coming forward. He stated that there are people from all sections of the community. He addressed who would sit on the committee. He stated that the DeKalb 2040 website and Facebook page are up and running for the community and they can be involved with any updates. We need to be transparent with the community about what is going on. These two sites will be for people to go and find out where we are in the process, get updates, and take surveys. He addressed that there are eight focus group meetings scheduled and can add up to two if needed.

Mr. Yoder asked if the Amish community would be involved.

Mr. Gaumer stated that he has contacted Jesse Zehr, and he will be involved. He is also working with James Schmucker to get him involved. He will be helping him to understand the planning and zoning process to understand the UDO. He added that everyone needs to watch their emails for invitations to focus group meetings. Having this social media site is important. The comments can't be controlled or limited. He wants to see how this goes and see if we should have a Plan Commission/ BZA Facebook page. Just somewhere that the community can get more information on meetings and what is being discussed. The agenda is available on the County Website. It's important to have engagement in the community.

Mr. Hartman asked where the Comp meetings would be held.

Mr. Gaumer stated that the first meeting would be in the White Room of the Annex Building.

Mrs. Davis asked if it would be open to the public.

Mr. Gaumer stated that this would be for the steering committee only. When we have public engagement meetings those are open to the public. He will get the invitation out to everyone. Make sure you follow the Facebook page for more information and updates.

REPORTS FROM OFFICERS, COMMITTEES, STAFF OR TOWN/CITY LIANSONS:

Mrs. Harrison informed the board that the City of Butler had their meeting. Meetings have been changed from Monday to Thursday. The bond site has been put on hold. She stated that Chris has been appointed as the hearing officer for the BZA because he's working with Andrew Provines.

Mr. Gaumer asked if everyone was aware that through the interlocal agreement approved by the County Commissioners, he has been appointed as the hearing officer. The City of Bulter is going a different route. The Mayor was in a Part-Time position and was moved to a Full-Time position. The City Planner was changed to Part-Time. They are consulting with the Dekalb Administrator to help with Plan Commission and BZA cases. With Andrew Provines as City Planner, he can't be the hearing officer too. As their hearing officer he can hear variances of development standards, like if someone needs a rear yard reduction.

Mrs. Holt informed the board that the City of Waterloo had their meeting. The OCRA Planning Grant that was applied for to rewrite the Comp Plan wasn't awarded. She stated that this will be a good opportunity for them to consider others since they didn't get a chance last time. Feeling confident that they can submit again in the first quarter. Hoping to move forward with the Comp Plan review process for Waterloo in 2025.

Mrs. Davis informed the board that the City of Auburn had their meeting. In October they approved Mike's Carwash to go out on the Westside of I-69 where the old Taylor Rental was. At the November meeting they approved a training facility for the Fire Dept. The training will consist of hazardous material safety like train cars.

Mr. Pulver asked if there was any discussion heard about the Auburn Hotel.

Mr. Makarewicz stated that it was discussed being in December's Agenda.

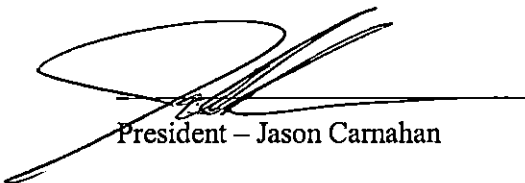
Mr. Pulver informed the City of Garrett had no meeting.

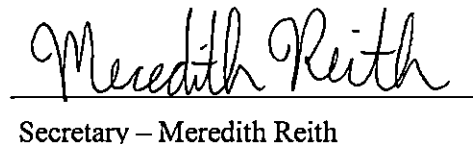
COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

None

ADJOURNMENT:

Jason Carnahan adjourned the meeting at 9:22 a.m.


President – Jason Carnahan


Secretary – Meredith Reith