

**ALLEN COUNTY BOARD OF ZONING APPEALS**  
**Minutes: 18 JANUARY 2023**

*(The following reflects a synopsis of action taken by the Allen County Board of Zoning Appeals. Actual audio recordings of the proceedings before the Board of Zoning Appeals are available upon request.)*

Chairman David Bailey called to order the January public hearing of the Allen County Board of Zoning Appeals at 1:02 p.m. On Wednesday, 18 January 2023. The hearing was held in Room 35, Garden Level of the Citizens Square Building. Attendance of Board members was as follows.

	<b>Appointed By</b>	<b>Present</b>	<b>Absent</b>
Chairman David Bailey	Allen County Plan Commission	X	
Vice Chairman	Allen County Council		X
Member	Allen County Commissioners		X
Member Adam Day	Allen County Commissioners	X	
Member Ron Kohart	Allen County Commissioners	X	

Staff members present were, Patrick D Rew, Deputy Land Use Director, Bryan L. McMillan, AICP, Senior Land Use Planner, Maureen Voors, AICP, CFM Principal Land Use, Beth Morales, Associate Land Use Planner, Gabrielle Herin, Associate Land Use Planner, Kimberly Mack Assistant Front Office and Robert Eherenman, Legal Counsel to the Board.

**OLD BUSINESS:**

**PROPOSAL:** UVAR-2022-0039 - **Rescheduled from November 16, 2022**  
**APPLICANT:** Irving Materials, Inc.  
**REQUEST:** An appeal for a use variance to have a concrete plant in an A1 zoning district.  
**LOCATION:** 5208 Hoagland Road, 1,500 feet northeast of Mill Road (Section 28 of Marion Township)  
**PRESENT ZONING:** A1/Agricultural  
**LAND AREA:** 19.35 acres

Following discussion, Mr. Kohart moved the Board continue UVAR-2022-0056 until the 15 February 2023 business meeting. After a second by Mr. Day, the motion failed 2-1, with Mr. Bailey voting against. No one spoke in support and two spoke in opposition of the proposal.

PROPOSAL: DSV-2022-0123 - **Rescheduled from November 16, 2022**  
APPLICANT: Irving Materials, Inc.  
REQUEST: An appeal for a development standards variance to increase the maximum permitted height of a primary building from 40 feet to 87 feet for a concrete plant in an A1 zoning district.  
LOCATION: 5208 Hoagland Road, 1,500 feet northeast of Mill Road (Section 28 of Marion Township)  
PRESENT ZONING: A1/Agricultural  
LAND AREA: 19.35 acres

Following discussion, Mr. Kohart moved the Board continue DSV-2022-0123 until the 15 February 2023 business meeting. After a second by Mr. Day, the motion failed 2-1, with Mr. Bailey voting against. No one spoke in support and two spoke in opposition of the proposal.

**NEW BUSINESS:**

PROPOSAL: UVAR-2022-0055  
APPLICANT: Thomas L. & Constance M. Meyers  
REQUEST: An appeal for a use variance for two storage structures without a primary structure.  
LOCATION: 13250 & 13270 S. Anthony Boulevard Extended, 5,500 feet north of Lehman Road (Section 18 of Marion Township)  
PRESENT ZONING: A1/Agricultural  
LAND AREA: 1.79 acres

Following discussion, Mr. Kohart moved the Board approve UAVR-2022-0055 based on certain Findings of Fact that are to be made a part of these minutes. After a second by Mr. Day, the motion carried, 3-0. No one spoke in support and no one spoke in opposition of the proposal.

PROPOSAL: DSV-2022-0169  
APPLICANT: Thomas L. & Constance M. Meyers  
REQUEST: An appeal for a development standards variance to reduce the minimum required lot size from 2 acres to 1.79 acres for a lot.  
LOCATION: 13250 & 13270 S. Anthony Boulevard Extended, 5,500 feet north of Lehman Road (Section 18 of Marion Township)  
PRESENT ZONING: A1/Agricultural  
LAND AREA: 1.79 acres

Following discussion, Mr. Kohart moved the Board approve DSV-2022-0169 based on certain Findings of Fact that are to be made a part of these minutes. After a second by Mr. Day, the motion carried, 3-0. No one spoke in support and no one spoke in opposition of the proposal.

PROPOSAL: DSV-2022-0180  
APPLICANT: Thomas L. & Constance M. Meyers  
REQUEST: An appeal for a development standards variance to permit gravel parking material rather than hard surface.  
LOCATION: 13250 & 13270 S. Anthony Boulevard Extended, 5,500 feet north of Lehman Road (Section 18 of Marion Township)  
PRESENT ZONING: A1/Agricultural  
LAND AREA: 1.79 acres

Following discussion, Mr. Kohart moved the Board approve DSV-2022-0180 based on certain Findings of Fact that are to be made a part of these minutes. After a second by Mr. Day, the motion carried, 3-0. No one spoke in support and no one spoke in opposition of the proposal.

PROPOSAL: UVAR-2022-0056  
APPLICANT: Tun Tun  
REQUEST: An appeal for a use variance to construct a garage to store business-related building materials without a primary structure.  
LOCATION: 10976 Old Decatur Road, at the northeast corner of the intersection of I-469 and S US 27 (Section 8 of Marion Township)  
PRESENT ZONING: A1/Agricultural  
LAND AREA: Approx. 2 acres

Following discussion, Mr. Kohart moved the Board approve UVAR-2022-0056 based on certain Findings of Fact that are to be made a part of these minutes. This approval requires a recorded written commitment and is subject to continuous compliance with the conditions listed in the Findings of Fact. After a second by Mr. Day, the motion carried, 3-0. No one spoke in support and no one spoke in opposition of the proposal.

PROPOSAL: UVAR-2022-0057  
APPLICANT: Jonas Eicher Concrete LLC  
REQUEST: An appeal for a use variance to have a concrete plant with material processing outdoors.  
LOCATION: 15914 SR 37, 324 feet northeast of Thimlar Road (Section 32 of Springfield Township)  
PRESENT ZONING: C2/Limited Commercial  
LAND AREA: Approx. 1 acre

Following discussion, Mr. Day moved the Board approve UVAR-2022-0057 based on certain Findings of Fact that are to be made a part of these minutes. After a second by Mr. Kohart, the motion carried, 3-0. No one spoke in support and no one spoke in opposition of the proposal.

PROPOSAL: DSV-2022-0170  
APPLICANT: Jonas Eicher Concrete LLC  
REQUEST: An appeal for a development standards variance to: 1) reduce the rear setback from 25 feet to 0 feet for accessory structure(s), 2) reduce west side setback from 10 feet to 0 feet for outdoor storage, 3) eliminate landscaping and buffer yard requirements.  
LOCATION: 15914 SR 37, 324 feet northeast of Thimlar Road (Section 32 of Springfield Township)  
PRESENT ZONING: C2/Limited Commercial  
LAND AREA: Approx. 1 acre

Following discussion, Mr. Day moved the Board approve DSV-2022-0170 based on certain Findings of Fact that are to be made a part of these minutes. After a second by Mr. Kohart the motion carried, 3-0. No one spoke in support and no one spoke in opposition of the proposal.

**MINUTES:** Following discussion, Mr. Kohart moved the Board approve the minutes and Findings of Fact of the December 2022 meeting. After a second by Mr. Day the motion carried, 3-0.

Mr. Bailey turned the meeting over to Mr. Eherenman.

**ELECTION OF BOARD OF ZONING APPEALS CHAIRMAN FOR 2023.** Mr. Eherenman asked for nomination for Chairman. Mr. Kohart nominated Mr. Bailey for Chairman. after a second by Mr. Day, Mr. Bailey was reelected Chairperson of the Board for 2023.

**ELECTION OF BOARD OF ZONING APPEALS VICE-CHAIRMAN FOR 2023.** Mr. Bailey asked for nominations for Vice Chairman. Following a nomination by Mr. Kohart and a second by Mr. Bailey Mr. Day was elected Vice Chairperson of the Board for 2023.

**ELECTION OF BOARD OF ZONING APPEALS SECRETARY FOR 2023.** Mr. Eherenman asked for nominations for Secretary. Following a nomination by Mr. Kohart and a second by Mr. Day, Mr. Rew was re-elected Secretary of the Board of Zoning Appeals for 2023.

**GOVERNING BOARD APPOINTMENT FOR 2023.** Mr. Eherenman asked for nominations for the Governing Board appointment for 2023. Following a nomination by Mr. Kohart and a second by Mr. Day, Mr. Bailey was appointed to represent the Board and Mr. Day was appointed as an alternate to represent the Board of Zoning Appeals on the Governing Board.

**ADMINISTRATIVE ITEM:** Mr. Ehrenman will present the Annual Conflict of Interest Disclosure Statement at the 16 February public hearing.

There being no further business, the meeting adjourned at 2:10 p.m.

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Patrick D Rew, Deputy Land Use Director,  
Secretary to the Board of Zoning Appeals