

**ALLEN COUNTY BOARD OF ZONING APPEALS**  
**Minutes: 15 FEBRUARY 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 1:00 p.m. On Wednesday, 15 February 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, Adam Day	Allen County Commissioners	X	
Member Ron Kohart	Allen County Commissioners		X
Member Jerry Ehle	Allen County Commissioners	X	
Member Ron Kohart	Allen County Council		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

Mr. Day moved the Board approve UVAR-2022-0039 after a second by Mr. Ehle. The motion failed 1-2, with Mr. Bailey & Mr. Ehle voting against. UVAR-2022-0039 was continued until the 15 March business meeting. No one spoke in support and no one 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

No action taking on DSV-2022-0123. It is continued until the 15 March business meeting. No one spoke in support and no one spoke in opposition of the proposal.

**NEW BUSINESS:**

PROPOSAL: DSV-2023-0008  
APPLICANT: Oakmont Development Company II LLC (Jeff Thomas)  
REQUEST: An appeal for development standards variances to: 1) reduce front setback from 25 feet to 15 feet; 2) reduce required road frontage from 50 feet to 0 feet; 3) reduce minimum lot width at building line from 50 feet to 35 feet; 4) reduce minimum lot area from 6,000 square feet to 3,000 square feet for interior lots; 5) reduce minimum lot area from 8,500 square feet to 6,000 square feet for corner lots; and 6) reduce side yard setback from 5 feet to 0 feet for a 74 lot residential subdivision in a R2 zoning district.  
LOCATION: 2701 Hathaway Road, Huntertown, 2,000 feet west of Lima Road (Section 30 of Perry Township)  
PRESENT ZONING: R2/Two Family Residential  
LAND AREA: 83.78 acres

Following discussion, Mr. Day moved the Board approve DSV-2023-0008 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. Ehle the motion carried, 3-0. No one spoke in support and no one spoke in opposition of the proposal.

PROPOSAL: UVAR-2023-0003  
APPLICANT: Kevin M. DeWald, d.b.a. DeWald Excavating, Inc.  
REQUEST: An appeal for a use variance for an existing excavating business in an A1 zoning district.  
LOCATION: 6926 W. Wallen Road, 800 feet east of Johnson Road (Section 01 of Lake Township)  
PRESENT ZONING: A1/Agricultural  
LAND AREA: 26.44 acres

Following discussion, Mr. Day moved the Board approve UVAR-2023-0003 based on certain Findings of Fact that are to be made a part of these minutes. After a second by Mr. Ehle the motion carried, 3-0. No one spoke in support and no one spoke in opposition of the proposal.

PROPOSAL: DSV-2023-0009  
APPLICANT: Kevin M. DeWald, d.b.a. DeWald Excavating, Inc.

REQUEST: An appeal for a development standards variance of paving requirements to retain the gravel driveways and parking areas for an excavating business in an A1 zoning district.  
LOCATION: 6926 W. Wallen Road, 800 feet east of Johnson Road (Section 01 of Lake Township)  
PRESENT ZONING: A1/Agricultural  
LAND AREA: 26.44 acres

Following discussion, Mr. Day moved the Board approve DSV-2023-0009 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. Ehle, the motion carried, 3-0. No one spoke in support and no one spoke in opposition of the proposal.

PROPOSAL: UVAR-2023-0005  
APPLICANT: XPS Motorsports  
REQUEST: An appeal for a use variance to have a used automobile lot in an A1 zoning district.  
LOCATION: 6021 US 33 (Goshen Road), 1,300 feet northwest of W. Cook Road (Section 07 of Washington Township)  
PRESENT ZONING: A1/Agricultural  
LAND AREA: 2.02 acres

Following discussion, Mr. Day moved the Board approve UVAR-2023-0009 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. Ehle, the motion carried, 3-0. No one spoke in support and no one spoke in opposition of the proposal.

**MINUTES:** Following discussion, Mr. Day moved the Board approve the minutes and Findings of Fact of the January 2023 meeting. After a second by Mr. Ehle the motion carried, 3-0.

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

**ADMINISTRATIVE ITEM:** Mr. Ehrenman presented the Annual Conflict of Interest Disclosure Statement. Following discussion Mr. Bailey motioned for approval and Mr. Ehle second. The motion carried unanimously, 3-0.

There being no further business, the meeting adjourned at 1:48 p.m.

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