

FULTON COUNTY BOARD OF ZONING APPEALS
JANUARY 12TH, 2005

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, JANUARY 12, 2005

**7:00 P.M.
COMMISSIONERS/COUNCIL ROOM**

CALL TO ORDER

ELECTION OF OFFICERS

ADOPTION OF MEETING RESOLUTION

**BOARD OF ZONING APPEALS MINUTES FOR:
December 8, 2004**

OLD BUSINESS

NEW BUSINESS

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
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The Fulton County Board of Zoning Appeals met on Wednesday the 12th day of January 2005, at 7:00 P.M. in the Commissioners/Council Room located at the Fulton County Office Building. Administrative Secretary, Erica Tyler, called the meeting to order at 7:00 P.M. The following members were present: Mark Martens, Dan Walsh, Rex Robison, and Linda Herd. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Attorney, Greg Heller. It is duly noted that the following member was absent: Debbie Barts.

IN RE: ELECTION OF OFFICERS

At the beginning of every year the Board must vote on new officials. Administrative Secretary, Erica Tyler, opened the floor to nominations for Chairperson. Dan Walsh nominated Mark Martens as Chairperson. Linda Herd seconded the nomination. Mark Martens moved to close the nominations for Chairperson. Dan Walsh seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, and Rex Robison being in favor and no one opposing. Mark Martens was elected as Chairperson of the Fulton County Board of Zoning Appeals.

Chairperson, Mark Martens, opened the floor for nominations of Vice Chairperson. Linda Herd nominated Dan Walsh as Vice Chairperson. Rex Robison seconded the nomination. Linda Herd moved to close the nominations for Vice Chairperson. Dan Walsh seconded the motion. Motion carried as follows: Linda Herd, Rex Robison, and Mark Martens being in favor and no one opposing. Dan Walsh was elected as Vice Chairperson of the Fulton County Board of Zoning Appeals.

Mark Martens opened the floor for nominations of Executive Secretary. Dan Walsh nominated Linda Herd as the Executive Secretary. Rex Robison seconded the nomination. Dan Walsh moved to close the nominations for Executive Secretary. Rex Robison seconded the motion. Motion carried as follows: Dan Walsh, Rex Robison, Linda Herd, and Mark Martens being in favor and no one opposing. Linda Herd was elected as Executive Secretary of the Fulton County Board of Zoning Appeals.

Mark opened the floor for the appointment of Administrative Secretary. Dan Walsh moved to appoint Erica Tyler as Administrative Secretary. Linda Herd seconded the nomination. Rex Robison moved to close the appointment of Administrative Secretary. Dan Walsh seconded the motion. Motion carried as follows: Rex Robison, Dan Walsh, Linda Herd, and Mark Martens being in favor and no one opposing. Erica Tyler was appointed as the Administrative Secretary of the Fulton County Board of Zoning Appeals.

IN RE: RESOLUTION 01122005

MEETING DATES & TIMES

Chairperson, Mark Martens, read Resolution 01122005 regarding the meeting dates and times for the Board of Zoning Appeals in 2005. Mark entertained a motion to adopt Resolution 01122005. Dan Walsh moved to adopt Resolution 01122005 for the Board of Zoning Appeals meeting dates and times in 2005. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Rex Robison, and Mark Martens being in favor and no one opposing. Resolution 01122005 reads as follows:

RESOLUTION 01122005

A RESOLUTION OF THE FULTON COUNTY BOARD OF ZONING APPEALS, OF THE COUNTY OF FULTON, INDIANA, ESTABLISHING MEETING TIMES FOR 2005.

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WHEREAS, the Fulton County Board of Zoning Appeals has established that they will meet on the second (2nd) Wednesday each month at 7:00 P.M. in the Commissioners/Council Room at the Fulton County Office Building unless that Wednesday falls on a County observed Holiday, then the meeting will be held on the second (2nd) Thursday at 7:00 P.M. in the Commissioners/Council Room at the Fulton County Office Building.

WHEREAS, the Fulton County Board of Zoning Appeals have established meeting times as set out under Indiana Code 36-2-2-6 et. seq.;

NOW THEREFORE, Be It Resolved by the Fulton County Zoning Board of Appeals that:

1. The Fulton County Board of Zoning Appeals will meet on the second (2nd) Wednesday every month at 7:00 P.M. in the Commissioners/Council Room at the Fulton County Office Building unless that Wednesday falls on a County observed Holiday, then the meeting will be held on the second (2nd) Thursday at 7:00 P.M. in the Commissioners/Council Room at the Fulton County Office Building.
2. Other meetings will be scheduled and a public notice will be given.

Adopted this 12th day of January 2005.

Fulton County Board of Zoning Appeals

Mark Martens
Dan Walsh
Linda Herd

Attest: Erica A. Tyler
Administrative Secretary

IN RE: MINUTES

DECEMBER 8TH, 2004

Chairperson, Mark Martens, asked for any additions, deletions, or corrections to be made to the December 8th, 2004, Fulton County Board of Zoning Appeals minutes. Being none, Linda Herd moved to approve the December 8th, 2004, Fulton County Board of Zoning Appeals minutes as written. Dan Walsh seconded the motion. Motion carried as follows: Linda Herd, Dan Walsh, Rex Robison, and Mark Martens being in favor and no one opposing.

It is duly noted that there was no Old Business reported at this time.

IN RE: NEW BUSINESS

Casi Cramer noted that she had revised the BZA's Rules of Procedure by changing the Administrative Secretary's name to Erica Tyler instead of Erica Ginther and had placed page numbers at the bottom of each page. There was Board discussion regarding the order of business on petitions and/or agendas. Chairperson, Mark Martens stated

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there had been talk in the past about how petitions were placed on the agenda and if they could be moved around according to difficulty. For example, if there is a petition placed on the agenda that the Board knows or feels will take a lot of time can they make that petition the last one they hear that night or do the petitions have to follow in the order they were filed in the Plan Commission Office. After reviewing the Rules of Procedure it was decided if #1 in Section 3 of Article IX Order of Business was deleted then the Board could move the petitions around, as they felt necessary. The Board consensus was to delete #1 in Section 3 of Article IX Order of Business and then renumber the items under Section 3. Mark Martens entertained a motion to accept the revisions to the Rules of Procedure. Dan Walsh moved to approve the revised Rules of Procedure as stated. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Rex Robison, and Mark Martens being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

BZA Attorney, Greg Heller, noted that he had dictated a complaint against William Sullivan for mandatory injunction and enforcement of fines and damages. Greg said he wanted to have the complaint filed with the Superior Court by Wednesday. Mr. Sullivan has received several violation letters from the Plan Commission Office placing him in violation for vehicles, debris, and refuse, but has not responded to the letters. Mr. Sullivan has also refused to pay the fines, which have accrued on his property from these violations. The Fulton County Zoning Ordinance states the following, "If after the time a fine reaches \$2,000, and the property is still not in compliance with the Fulton County Zoning Ordinance and/or if the receipt of the payment of fines is not received, the Fulton County Plan Commission will pursue court action through the court of jurisdiction." Greg Heller explained Mr. Sullivan's fines are now to this point that he can be taken to court to solve the situation.

Casi Cramer gave each Board Member a copy of an Indiana Supreme Court Case that she felt they might find interesting (see Attachment A).

Casi stated there is a Land Use Update – Video Seminar given by Purdue Extension coming up on January 26th, 2005, at 7:00 P.M. The session is free and the closest seminar will be held at the Marshall County Purdue CES, 112 West Jefferson Street, Room 304, Plymouth, IN. The seminar will address the basic roles and duties of the Planning Commission and Board of Zoning Appeal members. It is a good seminar for new members to attend if possible (see Attachment B).

Casi then updated the Board with the annual Year End Report for the Plan Commission Office (See attachment C).

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Mark Martens, entertained a motion to adjourn the January 12th, 2005, Fulton County Board of Zoning Appeals meeting. Dan Walsh moved to adjourn the January 12th, 2005, Fulton County Board of Zoning Appeals meeting at 7:30 P.M. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Rex Robison and Mark Martens being in favor and no one opposing.

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FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Tyler, Administrative Secretary

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, FEBRUARY 9TH, 2005

7:00 P.M.

COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

APPOINTMENT OF LEGAL COUNCIL

BOARD OF ZONING APPEALS MINUTES FOR:

January 12th, 2005

OLD BUSINESS:

Approve Revised Rules of Procedure

Dale Young (Renewal 53-1202)

NEW BUSINESS:

Larry Landis (99-1204)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
FEBRUARY 9TH, 2005

The Fulton County Board of Zoning Appeals met on Wednesday the 9th day of February 2005, at 7:00 P.M. in the Commissioners/Council Room located at the Fulton County Office Building. Vice Chairperson, Dan Walsh, called the meeting to order at 7:02 P.M. The following members were present: Vice Chairperson, Dan Walsh; Executive Secretary, Linda Herd; Debbie Barts and Rex Robison. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Attorney, Greg Heller. It is duly noted that the following member was absent: Chairperson, Mark Martens.

IN RE: APPOINTMENT OF LEGAL COUNCIL

Vice Chairperson, Dan Walsh, opened the floor for the appointment of the Board Attorney. Debbie Barts moved to appoint Burke & Heller Law Office as the Fulton County Board of Zoning Appeals legal council. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Linda Herd, and Dan Walsh being in favor and no one opposing. Greg Heller will be the Fulton County Advisory Plan Commission's representative from Burke & Heller Law Office.

IN RE: MINUTES

JANUARY 12TH, 2005

Vice Chairperson, Dan Walsh, asked for any additions, deletions, or corrections to be made to the January 12th, 2005, Fulton County Board of Zoning Appeals minutes. Being none, Linda Herd moved to approve the January 12th, 2005, Fulton County Board of Zoning Appeals minutes as written. Rex Robison seconded the motion. Motion carried as follows: Linda Herd, Rex Robison, Debbie Barts, and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

REVISED RULES OF PROCEDURE

Dan Walsh noted during the January BZA meeting the Board discussed and voted on revisions within the Rules of Procedure. He explained the Board needed to vote on the revised Rules of Procedure in order for them to take effect. Rex Robison moved to approve the revised Rules of Procedure. Debbie Barts seconded the motion. Motion carried as follows: Rex Robison, Debbie Barts, Linda Herd, and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

DALE YOUNG
SPECIAL EXCEPTION RENEWAL

Dale Young, Docket #BZA 53-1202, Special Exception Renewal. Mr. Young was granted a Special Exception for a temporary second dwelling unit for his mother's use on February 12th, 2003. The dwelling is located on Mr. Young's property at 7681 North 900 West, Culver, IN, which is located in the Agricultural District (AG) (see attachment A). Temporary second dwelling units are listed as Special Exceptions within the AG District standards. This property consists of eighty-two acres (82).

Plan Director, Casi Cramer, explained the Board placed conditions on Mr. Young's petition in February of 2003 which were: 1) Mr. Young is required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department prior to placement of the temporary

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home; 2) the temporary home is never used as a rental unit; 3) the temporary home be utilized as a dwelling for no one except Mrs. Young; 4) the temporary home is removed after Mrs. Young no longer utilizes it as a dwelling; and 5) the temporary home is either removed or a renewal requested, no later than two years from the date of the public hearing. Casi said Mr. Young moved a modular home onto the property for his mother to live in while he demolished the existing farmhouse due to age and deterioration. After the existing farmhouse was demolished Mr. Young moved in another modular home, which he currently resides in. Mr. Young set the first modular home as the temporary home with the understanding that when his mother is no longer utilizing it, he would have to split the home off of the farm in order for it to stay on the property. Casi Cramer stated that Mr. Young's mother had called the Plan Commission Office and stated she would like another renewal for the temporary home.

Vice Chairperson, Dan Walsh, entertained a motion regarding the renewal for the temporary second dwelling. Debbie Barts moved to renew the special exception, on Docket #BZA 53-1202 Dale Young, for another two (2) years with the original conditions that were placed on the actual special exception. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Linda Herd, and Dan Walsh being in favor and no one opposing.

Mr. Young's special exception will have to be renewed again in February of 2007 if his mother still wishes to utilize it as her home.

IN RE: NEW BUSINESS

LARRY LANDIS
2 DEVELOPMENT STANDARD VARIANCES

Larry Landis, Docket #BZA 99-1204, 2 Development Standards Variances. Mr. Landis is requesting a development standards variance of sixteen feet (16') off of the rear yard setback and a development standards variance of four feet (4') off of the side yard setback required within the Agricultural District (AG). These setbacks are for the purpose of building a 40' x 40' pole barn on the property located at 3078 North 200 West, Rochester, IN (see attachment B). The property consists of approximately one acre (1).

Plan Director, Casi Cramer, explained the AG District has a required rear and side yard setback of eighteen feet (18'), due to the fact that the height of the pole barn is 18'. If the variances are approved the pole barn will set two feet (2') off of the rear property line and fourteen feet (14') off of the south side property line. Casi noted Mr. Landis had begun construction prior to obtaining the variances or a Location Improvement Permit therefore he will be charged the Early Bird Fee of \$60.00. The land is surrounded by a woodlot to the south and agricultural fields to the north and west. Casi noted that there was some discrepancy on where Mr. Landis's property lines actually sit. Mr. Landis was informed that unless he acquired a survey completed by a registered surveyor to prove the existing records are incorrect, the Board would have to use the Fulton County Surveyor's records in correlation with his recorded legal description, creating a larger variance amount than the recorded legal description. Mr. Landis's deed does not indicate that he owns to the center of the road but the Surveyor's records do, therefore making a difference in the measurements.

Vice Chairperson, Dan Walsh, asked if there was anything Mr. Landis would like to add to the Plan Director's presentation.

Larry Landis stated he wanted the pole barn to be located in the far southwest due to the fact when the fields are irrigated the water from the irrigator sprays onto the northwest corner of his property.

Dan Walsh, asked for any Board member questions to the staff or the petitioner. Being none, he entertained a motion to open the public hearing.

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Debbie Barts moved to open the public hearing. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Rex Robison, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he asked those opposing the petition to do the same. Being none, Dan entertained a motion to close the public hearing.

Debbie Barts moved to close the public hearing. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Linda Herd, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for any Board discussion.

Rex Robison said he was familiar with the property and knew that the septic system was located just northeast of the existing garage which eliminates that area from being built upon. Rex stated he had also seen the irrigators shooting water onto the property. Being no further discussion, Dan Walsh entertained a motion regarding the petition.

Rex Robison moved to approve, Docket #BZA 99-1204 Larry Landis, requesting a Development Standards Variance of sixteen feet (16') off of the required minimum rear yard setback and a Development Standards Variance of four feet (4') off of the required side yard setback for the purpose of constructing a Pole Barn. Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled C). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Rex Robison	Yea
Debbie Barts	Yea
Linda Herd	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 99-1204 Larry Landis, requesting a Development Standards Variance of sixteen feet (16') off of the required minimum rear yard setback and a Development Standards Variance of four feet (4') off of the required side yard setback for the purpose of constructing a Pole Barn passed with four votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on Dave Smith's Special Exception, Docket #BZA 67-0703, which was originally granted on September 10th, 2003. Mr. Smith came back to the Board on August 11th, 2004, to ask for an extension on splitting the tract of land on which his singlewide mobile home currently sits. The Board granted Mr. Smith a 120-day extension giving him until December 20, 2004, to have the tract of land split for his mobile home. Casi explained Mr. Smith has failed to comply with the Board's deadline and was sent a violation letter. Mr. Smith has been told that there will be no further extensions and the land must be separated from the parent tract or the mobile home removed by February 10th, 2005, or fines will begin to accrue. Mr. Smith has had a completed survey since September/November 2004, but has not had a deed drafted or recorded which would legally transfer the property into his name.

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Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office (see attachment D).

Casi noted that Administrative Secretary, Erica Tyler, had compiled all of the BZA petitions that have occurred within the last four years (see attachments labeled E). Casi explained this was done so that everyone could see where the Ordinances might need some revisions so that the BZA does not have so many petitions during the year. She said most of the BZA petitions were front yard variances and were along State Roadways or Highways. Casi also said that Erica would be compiling the Location Improvement Permits monthly for the Board members so that they can see where the development is happening in the County, as well as, look to see if someone has obtained a permit for a newly created structure they may see.

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the February 9th, 2005, Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the February 9th, 2005, Fulton County Board of Zoning Appeals meeting at 7:45 P.M. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Rex Robison, and Dan Walsh being in favor and no one opposing.

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ATTEST: _____
Erica A. Tyler, Administrative Secretary

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, APRIL 13, 2005

**7:00 P.M.
COMMISSIONERS/COUNCIL ROOM**

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
February 9th, 2005**

OLD BUSINESS:

Roland Sullivan (89-0804)

NEW BUSINESS:

Ronald Powell (100-0105)

Michael Turnpaugh (101-0205)

Don StClair (102-0205)

Jim Walsh (103-0305)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
APRIL 13TH, 2005

The Fulton County Board of Zoning Appeals met on Wednesday the 13th day of April 2005, at 7:00 P.M. in the Commissioners/Council Room located at the Fulton County Office Building. Chairperson, Mark Martens, called the meeting to order at 7:02 P.M. The following members were present: Chairperson, Mark Martens; Rex Robison; and Debbie Barts. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and BZA Attorney, Greg Heller. It is duly noted that the following members were absent: Vice Chairperson, Dan Walsh and Executive Secretary, Linda Herd.

IN RE: MINUTES

FEBRUARY 9TH, 2005

Chairperson, Mark Martens, called for any additions, deletions, or corrections to be made to the February 9th, 2005, Fulton County Board of Zoning Appeals minutes. Being none, Debbie Barts moved to approve the February 9th, 2005, Fulton County Board of Zoning Appeals minutes as written. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, and Mark Martens being in favor and no one opposing.

IN RE: OLD BUSINESS

ROLAND SULLIVAN
ADMINISTRATIVE APPEAL

Roland Sullivan, Docket #BZA 89-0804, Administrative Appeal (Continued). Mr. Sullivan is appealing the administrative decision regarding a fine letter that was issued for an illegal use of land. Mr. Sullivan contends that he has a grandfathered junk/salvage business located at, 3702 East 950 South, Macy, IN, within the Agricultural District (AG) (see attachment A).

Plan Director, Casi Cramer, stated during the September 8th, 2004, BZA meeting the Board tabled Mr. Sullivan's petition for six (6) months allowing him more time to clean his property. After the six-month period Mr. Sullivan was to come back to the Board and his property would then be reviewed to see if a significant amount of the salvage had been removed. The Board decided that photos needed to be taken before the clean up process began as well as during the process. Mr. Sullivan was also asked to keep an inventory list of everything he has removed from his property within the six-month period. Casi noted that Mr. Sullivan has removed the following amount of materials from his property within the last six months: 40,450 lbs of tin; 308,400 lbs of two foot steel; 7,622 lbs of aluminum. Casi then presented the Board with the photos she has taken of Mr. Sullivan's property prior to the clean up process as well as during the process (see attachments labeled B). Casi Cramer explained Mr. Sullivan has removed a significant amount of salvage from the property and the pictures do not give it justice. Casi said to give the property justice you really needed to visit the property prior to the clean up process and revisit the property now to see the mass differences.

Chairperson, Mark Martens, asked if there was any information Mr. Sullivan or his attorney Ted Waggoner would like to add to the Plan Director's presentation.

Ted Waggoner said Mr. Sullivan has significantly cleaned his property as the Board required him to and feels he should be given another six months to continue on with the process.

Mark Martens then entertained comments and questions from the Board members to the petitioner.

Mark stated when the Board last meet there was talk about a commitment being made as to how long the entire cleaning process would take. Ted Waggoner said there was discussion about a commitment and at that time it was two (2) years or eighteen (18) months. Mark Martens questioned if the property could be in compliance within

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eighteen months or two years. Ted Waggoner asked Mr. Sullivan if he could have the property clean and in compliance within a year. Mr. Sullivan replied yes he could have the property in compliance within a year.

Debbie Barts felt that Mr. Sullivan had made a significant improvement on the property and should be given another six months to continue on the process.

Mark Martens shared Debbie's feelings and felt that in six months Mr. Sullivan should come back for another review.

Mark Martens entertained a motion to table the petition. Debbie Barts moved to table, Docket #BZA 89-0804 Roland Sullivan, requesting an Administrative Appeal for the property located at 3702 East 950 South, Macy, IN 46951, within the Agricultural District (AG), for another six months being October 2005; after the six month period the property will be reviewed again to see if there has been a significant amount of salvage removed from the property in question. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, and Mark Martens being in favor and no one opposing.

IN RE: NEW BUSINESS

MICHAEL TURNPAUGH
SPECIAL EXCEPTION

Michael Turnpaugh, Docket #BZA 101-0205, Special Exception. Mr. Turnpaugh is requesting a special exception to operate a welding and fabrication business on his property. The property is located at 6340 N Sunset Boulevard, Macy, IN, in the Lake Residential District (R3). The property consists of 2.33 acres (see attachment C).

Plan Director, Casi Cramer, noted that welding/fabrication businesses are not listed as special exceptions within the R3 District but she wrote this particular one in because of the way Mr. Turnpaugh explained he would be running the business. Casi explained Mr. Turnpaugh would establish his business in his existing 50' x 60' building and may eventually build a newer building which would be 30' x 40' to house the business. Mr. Turnpaugh would like to begin the business with welding, fabrication, and a small amount of sandblasting. Casi noted that Mr. Turnpaugh would eventually like to create wrought iron patio/garden furniture and powder coat small parts. There will be no outside storage and the majority of the traffic would be drop off and pick up situations. There is currently a circle limestone drive with pea gravel extending up to the existing building. Mr. Turnpaugh has stated his intention is to limestone the area in front of the building where the grass has overtaken the pea gravel. Mr. Turnpaugh envisions the business to encompass small parts, metal benches, workshops, farm equipment, lawn mowers, etc. He would like to have a portable welding unit as well to take on-site for large items in need of repair. Mr. Turnpaugh will pick up the majority of the supplies needed for the business, especially in the beginning. Casi said regular deliveries would include 3/8" bar, square, or flat stock and 1" angle iron, which come in 4 to 20 foot lengths. These materials are delivered by flat bed or stake trucks, as shown in attachment D. Casi explained Mr. Turnpaugh has a 10 to 12 foot trailer that he stores on the property and has never had any problem accessing his property. Mr. Turnpaugh has said he will have fire extinguishers, an exhaust hood and filtration systems, as well as a separate welding room inside the building. Mr. Turnpaugh and his son will be the only employees within the welding/fabrication shop. There will also be a designated customer area at the front of the building away from the welding room. Casi Cramer recommended approval of the welding and fabrication shop due to the fact she did not see any intrusions on the existing residential area.

Chairperson, Mark Martens, asked if there was any further information Mr. Turnpaugh would like to add to the Plan Director's presentation. Mr. Turnpaugh said he had nothing to add at this time.

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Chairperson, Mark Martens, asked for any Board member questions to the staff or the petitioner.

Mark questioned how many deliveries there would be on a daily basis. Mr. Turnpaugh said the deliveries would be once a month starting out and may go to once a week if business picks up. He also stated the business would be doing more welding than fabricating when it first opens so steel deliveries would be minimal.

Mark asked for an example of the largest item Mr. Turnpaugh would be creating. Mr. Turnpaugh said the largest item he is planning on creating would be a garden trellis, which at the peak would measure approximately six to six and a half feet (6' – 6.5") tall. He said he would like to make flowerpots, small benches, etc. Mr. Turnpaugh explained if the item in need of repair were too big to be brought into the shop he would do on-site welding. He also said he does not want a bunch of steel or metal products sitting outside of his shop.

Rex Robison asked if there was sufficient electrical service at the site for welding and fabricating. Mr. Turnpaugh stated he currently has a 200-amp service in the existing building and is planning on putting another 200-amp service in for the new building. Mr. Turnpaugh said a 200-amp service was more than plenty for what he and his son will be doing.

Rex questioned how many welders there would be within the business. Mr. Turnpaugh said there would be two welders, an arc welder and a mig welder. Rex asked if there would be cylinders of oxygen and acetylene delivered weekly or if it would be stored on site. Mr. Turnpaugh said he would be picking those up because he only gets one tank at a time and it is too expensive to have just one tank delivered.

Mark Martens asked for any further Board member questions. Being none, he entertained a motion to open the public hearing.

Debbie Barts moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, and Mark Martens being in favor and no one opposing.

Mark Martens then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he asked those opposing the petition to do the same. Being none, Mark entertained a motion to close the public hearing.

Debbie Barts moved to close the public hearing. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, and Mark Martens being in favor and no one opposing. Casi Cramer noted that Mr. Turnpaugh had 63 interested parties to notify regarding this petition and no one called in or submitted a letter of disapproval.

Mark then asked for any further Board discussion. Being none, he entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 101-0205 Michael Turnpaugh, requesting a Special Exception to operate a Welding/Fabrication Shop at 6340 N Sunset Boulevard, Macy, IN, within the Lake Residential District (R3). Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled E). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Rex Robison	Yea
Debbie Barts	Yea
Mark Martens	Yea

The motion to approve, Docket #BZA 101-0205 Michael Turnpaugh, requesting a Special Exception to operate a Welding/Fabrication Shop at 6340 N Sunset Boulevard, Macy, IN, within the Lake Residential District (R3) passed with three votes being in favor and no one opposing.

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IN RE: NEW BUSINESS

RONALD POWELL
SPECIAL EXCEPTION

Ronald Powell, Docket #BZA 100-0105, Special Exception. Mr. Powell is requesting a Special Exception for a Home Occupation #3 which will involve the manufacturing and sale of firearms on his property located at 2566 S 1100 W, Kewanna, IN (see attachment F). The property is located within the Agricultural District (AG) and consists of approximately one and a half acres, which is surrounded by agricultural fields.

Plan Director, Casi Cramer, explained Mr. Powell would like to establish an Indiana Registered Retail Merchant Certificate and a License to Sell Handguns. Casi said the license describes itself as a 01 Dealer in Firearms Other than Destructive Devices along with a Class 2 Endorsement. A 01 Dealer in Firearms Other than Destructive Devices allows someone to sell such items as revolvers, pistols, shotguns, and rifles, but not devices such as “street sweepers”, which is a 12-gauge short barrel shotgun with a rotary magazine. The Class 2 Endorsement is given out by the NFA in Washington DC. To obtain the Class 2 Endorsement a background check must be done on the individual and the approval has to be sent back to the State of Indiana. With a Class 2 Endorsement Mr. Powell will be able to assemble and sell items such as short barrel shotguns and automatic weapons. Casi noted that there is an existing firing range located on the Powell Family’s property, which consists of 300 acres and is located behind or to the west of Mr. Powell’s property. The Powell Family has had this firing range for several years and Mr. Powell will be utilizing it to test the guns after he assembles them. Mr. Powell has participated in this type of business for the past twelve years in the state of Oregon and after his recent move to Rochester was required by the Bureau of Alcohol, Tobacco, and Firearms to ensure that the local Zoning Ordinance allowed this type of business at his place of residence. Mr. Powell has stated that the retail sales of this business will not involve more than five percent of his income and there will be no employees other than Mr. Powell. Casi said there will be minimal traffic coming to and from the residence due to the fact Mr. Powell will order certain firearms for people, by appointment only, which would then be available for pick up at his residence. Mr. Powell has stated that he will not have any type of showroom located in his business or residence. Casi explained Mr. Powell will be starting the business in his existing garage, and in the spring, will be building a shop where the business would be located permanently. Casi Cramer recommended approval of the Special Exception allowing the Home Occupation #3. Casi noted that no one contacted the office in disapproval of the petition.

Chairperson, Mark Martens, asked if there was any further information Mr. Powell would like to add to the Plan Director’s presentation.

Ronald Powell said there would not be a large amount of traffic because he will not be opening his business to the public. His sales will be mainly to law enforcement individuals and by appointment or reference only.

Chairperson, Mark Martens, asked for any Board member questions to the staff or the petitioner.

Mark asked Mr. Powell who would be doing the testing of the firearms after they were assembled. Mr. Powell said he would be doing most of the testing but if someone like a police officer was having a problem with their gun they could come out and shoot their gun so that Mr. Powell can determine if the problem is with the gun or the shooter.

Mark then questioned how long the tests would take. Mr. Powell said the tests would take approximately half an hour and there would be approximately ten rounds shot.

Rex Robison asked if Mr. Powell would be selling sniper rifles. Mr. Powell said yes he would be selling sniper rifles.

Mark Martens asked if clients would be joining Mr. Powell at the firing range. Mr. Powell said the only time the client would be at the firing range would be when there was a problem with a firearm and Mr. Powell was trying to determine if it is the firearm or the operator.

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APRIL 13TH, 2005

Mark Martens asked for any further Board member questions. Being none, he entertained a motion to open the public hearing.

Debbie Barts moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, and Mark Martens being in favor and no one opposing.

Mark Martens then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he asked those opposing the petition to do the same. Being none, Mark entertained a motion to close the public hearing.

Rex Robison moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Rex Robison, Debbie Barts, and Mark Martens being in favor and no one opposing.

Mark then asked for any further Board discussion. Being none, he entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 100-0105 Ronald Powell, requesting a Special Exception to operate a Home Occupation #3 for a Gunsmith Business at 2566 South 1100 West, Kewanna, IN, in the Agricultural District (AG). Rex Robison seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled G). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Debbie Barts	Yea
Rex Robison	Yea
Mark Martens	Yea

The motion to approve, Docket #BZA 100-0105 Ronald Powell, requesting a Special Exception to operate a Home Occupation #3 for a Gunsmith Business at 2566 South 1100 West, Kewanna, IN, in the Agricultural District (AG) passed with three votes being in favor and no one opposing.

IN RE: NEW BUSINESS

JIM WALSH
DEVELOPMENT STANDARDS VARIANCE

Jim Walsh, Docket #BZA 103-0305, Development Standards Variance. Mr. Walsh is requesting a Development Standards Variance of twelve and one half feet (12.5') off of the required front yard setback for a porch. The porch will be built on to the existing home and connected to an existing front porch. The property is located at 3629 W 500 S, Rochester, IN and consists of approximately forty- (40) acres (see attachment H). The property is located within the Agricultural District (AG).

Plan Director, Casi Cramer, explained Mr. Walsh wants to build an eight-foot by twelve and one half foot (8' x 12.5') side porch on his existing home in order to create a wrap around porch with the existing front porch. In the AG District all structures must sit a total of forty feet (40') off of the Right of Way (ROW) of a public road. Casi said County Road 500 South has a total ROW of thirty-three feet (33'), which means all structures would have to sit fifty-six and one half feet (56.5') from the centerline of the road. The existing front porch only sits forty-four feet (44') from the centerline of 500 south or twenty-seven and one half feet (27.5') off the ROW. Casi explained Mr. Walsh does not want to get any closer to the road than the existing front porch; he wants to connect the proposed side porch to the front porch creating a wrap around porch. Casi noted that Mr. Walsh has also received a Location

FULTON COUNTY BOARD OF ZONING APPEALS
APRIL 13TH, 2005

Improvement Permit to build an attached garage and room addition on to the existing home, which both meet the required setbacks within the AG District. Casi Cramer recommended approval of the 12.5' development standards variance for a side porch.

Chairperson, Mark Martens, asked if there was any further information Mr. Walsh would like to add to the Plan Director's presentation. Mr. Walsh said he had nothing to add at this time.

Chairperson, Mark Martens, asked for any Board member questions to the staff or the petitioner. Being no questions from the Board and no public (other than Mr. and Mrs. Walsh) to speak in favor or against the petition, Mark entertained a motion regarding the petition.

Debbie Barts moved to approve, Docket #BZA 103-0305 Jim Walsh, requesting a Development Standards Variance of twelve and one half feet (12.5') off of the required minimum front yard setback to erect a side porch onto the existing home located at 3629 W 500 S, Rochester, IN, in the Agricultural District (AG). Rex Robison seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled I). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Debbie Barts	Yea
Rex Robison	Yea
Mark Martens	Yea

The motion to approve, Docket #BZA 103-0305 Jim Walsh, requesting a Development Standards Variance of twelve and one half feet (12.5') off of the required minimum front yard setback to erect a side porch onto the existing home located at 3629 W 500 S, Rochester, IN, in the Agricultural District (AG) passed with three votes being in favor and no one opposing.

IN RE: NEW BUSINESS

DON STCLAIR
DEVELOPMENT STANDARDS VARIANCE

Don StClair, Docket #BZA 102-0205, Development Standards Variance. Plan Director, Casi Cramer, noted that Mr. StClair was not present. Mr. StClair's petition was to be heard at the March BZA meeting but that meeting was canceled due to the fact the Board did not have a quorum. Casi told the Board that she had not heard from Mr. StClair so he may have forgotten that his petition would be heard tonight at the April BZA meeting. Chairperson, Mark Martens, suggested that the Board table the petition until next month giving Mr. StClair time to come back in and present his petition if he still chooses to do so. Debbie Barts moved to table Docket #BZA 102-0205 Don StClair until next month's BZA meeting, being May 11th, 2005. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, and Mark Martens being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office (see attachment J).

FULTON COUNTY BOARD OF ZONING APPEALS
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It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Mark Martens, entertained a motion to adjourn the April 13th, 2005, Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the April 13th, 2005, Fulton County Board of Zoning Appeals meeting at 8:00 P.M. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
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**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, MAY 11, 2005

**7:00 P.M.
COMMISSIONERS/COUNCIL ROOM**

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
April 13, 2005**

OLD BUSINESS

NEW BUSINESS:
Virgil Burkholder 104-0305
Nelson Shirk 105-0405

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS

MAY 11, 2005

The Fulton County Board of Zoning Appeals met on Wednesday the 11th day of May 2005, at 7:00 P.M. in the Commissioners/Council Room located at the Fulton County Office Building. Chairperson, Mark Martens, called the meeting to order at 7:00 P.M. The following members were present: Chairperson, Mark Martens; Vice Chairperson, Dan Walsh; Rex Robison; and Debbie Barts. Also in attendance were: Plan Director, Casi Cramer; and Administrative Secretary, Erica Tyler. It is duly noted that the following members were absent: Executive Secretary, Linda Herd; and BZA Attorney, Greg Heller.

IN RE: MINUTES

APRIL 13TH, 2005

Chairperson, Mark Martens, asked for any additions, deletions, or corrections to be made to the April 13th, 2005, Board of Zoning Appeals minutes. Being none, Debbie Barts moved to approve the April 13th, 2005, Fulton County Board of Zoning Appeals minutes as written. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Dan Walsh, and Mark Martens being in favor and no one opposing.

IN RE: OLD BUSINESS

DON ST.CLAIR
DEVELOPMENT STANDARDS VARIANCE

Don St.Clair, Docket #BZA 102-0205, Development Standards Variance. Mr. St.Clair is requesting a development standards variance of one hundred and sixty feet (160') off of the required lot width within the Agricultural District (AG). Mr. St.Clair would like to divide a ten-acre (10) tract off to sell along 900 South, just west of 350 West (see attachment A).

Plan Director, Casi Cramer, explained all newly created lots located within the AG District must be at least two hundred feet (200') wide. The depth of the newly created lot may be a maximum of three times the lot width (i.e. if the lot is 200' wide then the maximum depth could be 600'). Attachment A illustrates how the lot would look if it met the requirements listed within the AG District. Casi stated Mr. St.Clair would like to divide off a forty foot strip of land, along with the woodlot setting, along the west side of his forty acre (40) field (see attachment B). Casi said Mr. St.Clair does not want to lose 200' of cultivation area off of his field, therefore he is requesting a 160' variance so he would only lose 40' of the cultivation area. Mr. St.Clair has an interested buyer and that buyer has stated that he would like to purchase the woodlot consisting of 10 acres but he does not want a 200' strip of farmland. Casi explained the soils are mainly Crosier (CrA-deep and poorly drained), which can normally hold a septic, but occasionally a perimeter tile must be installed.

Chairperson, Mark Martens, asked if there was any further information Mr. St.Clair would like to add to the Plan Director's presentation.

Don St.Clair stated the farmland has been very productive over the past several years and he does not want to lose more of the crop area than is necessary. Mr. St.Clair further added that the interested buyer only wants to purchase the woods and a small lane leading back to the woods.

Chairperson, Mark Martens, asked for any Board member questions to the staff or the petitioner. Being none, he entertained a motion to open the public hearing. Dan Walsh moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Rex Robison, and Mark Martens being in favor and no one opposing.

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Mark Martens then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing.

Jane Trausch (2550 E 700 N, Rochester) stated she was in favor of the petition and did not see any problems with Mr. St.Clair's wishes.

Nelson Shirk (1387 E 600 N, Rochester) felt the split was a good idea and did not see any problems with granting the petition.

Mark Martens asked for any further comments in favor of the petition. Being none, he asked for those opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark entertained a motion to close the public hearing. Debbie Barts moved to close the public hearing. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Dan Walsh, and Mark Martens being in favor and no one opposing.

Mark then asked for any further Board discussion.

Dan Walsh said the variance would create a flag lot, which he felt the Zoning Ordinance was strictly against. Dan stated Mr. St.Clair has plenty of land to create a legal conforming lot, other than the fact he would be giving away more of his farmland than what is desired.

Debbie Barts said she thought the reason for not allowing flag lots was due to having too many driveways located along a public roadway. She explained with several driveways being located along a public roadway vision clearance and traffic hazards will be created. Debbie said she did not feel that would be the case with this petition due to the fact there will only be one house located in the woods, creating only one more driveway along the roadway. Debbie stated; even if the lot was split with 200' of road frontage Mr. St.Clair could still farm up to the interested buyer's driveway, as long as he had permission from that buyer to do so. Debbie does not feel creating this lot according to Mr. St.Clair's wishes is not going to create any further hardships than what already exists.

The Board members discussed this situation and decided by approving this particular flag lot they would not be creating any more hardships than what already exists.

Mark Martens asked for any further discussion. Being none, he entertained a motion regarding the petition.

Debbie Barts moved to approve, Docket #BZA 102-0205 Don St.Clair, requesting a Development Standards Variance of one hundred and sixty feet (160') off of the required minimum lot width for a proposed split located in the Agricultural District (AG) on 900 South just west of 350 West. Rex Robison seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled C). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Rex Robison	Yea
Dan Walsh	Yea
Debbie Barts	Yea
Mark Martens	Yea

The motion to approve, Docket #BZA 102-0205 Don St.Clair, requesting a Development Standards Variance of one hundred and sixty feet (160') off of the required minimum lot width for a proposed split located in the Agricultural District (AG) on 900 South just west of 350 West passed with four votes being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS
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IN RE: NEW BUSINESS

VIRGIL BURKHOLDER
SPECIAL EXCEPTION

Virgil Burkholder, Docket #BZA 104-0305, Special Exception. Mr. Burkholder is requesting a Special Exception to operate a Lawnmower & Farm Equipment Service Shop on his property located at 2348 East 700 North, Rochester (see attachment D). Mr. Burkholder's property consists of 16.38 acres and is located within the Agricultural District (AG). If his petition is approved he will be building a 36' x 48' building to house the business.

Plan Director, Casi Cramer, stated Mr. Burkholder's property is located one-tenth (.1) of a mile west of Tiosa in Richland Township. The only structure currently on the property is Mr. Burkholder's home but there are plans to construct a 36' x 48' building for the business. At this time Mr. Burkholder will not have restrooms available for public use. Casi explained if Mr. Burkholder decides to put restrooms in the shop, he will have to obtain a permit from the Fulton County Health Department. Casi said Mr. Burkholder has stated for the first year of operation he will be the only employee but he may eventually have one or two employees other than himself. Casi noted the business would be open Monday through Saturday from 6:00 A.M. to 6:00 P.M. and will be closed on Sundays. Mr. Burkholder will be burning the waste oil in an EPA approved oil burner. All other fluids will be properly disposed of by a company hired by Mr. Burkholder. Casi stated Mr. Burkholder's property consists of Riddles (R1B2) and Sebawa (Se) soils, which are sandy clay loam soils. Casi said she did not foresee an overwhelming effect on the existing roadways if the Special Exception was approved. There is an existing drive located on the property, which Mr. Burkholder is planning on utilizing for the business. Most of the traffic generated by the business would be equipment drop-offs, pick-ups, and supply shipments. Casi noted there would be a designated parking area located in front of the proposed pole building. The proposed pole building will sit more than three hundred feet (300') off of the centerline of County Road 700 North. Casi stated Mr. Burkholder must follow these development standards regarding parking and signs for the business: PK-02, PK-03, PK-05, PK-06 and SI-01.

Chairperson, Mark Martens, asked if there was any further information Mr. Burkholder would like to add to the Plan Director's presentation.

Virgil Burkholder said he had worked in a repair and service shop for a couple of years prior to moving to Fulton County. Mr. Burkholder stated he really enjoys working on lawnmowers and farm equipment and feels this shop would be a good asset to the community.

Chairperson, Mark Martens, asked for any Board member questions to the staff or the petitioner.

Rex Robison asked if Mr. Burkholder would be selling lawnmowers and equipment, as well as, repairing them. Mr. Burkholder said he does not have plans to sell any equipment or lawnmowers at this time but possibly in the future.

Mark Martens asked for any further Board questions. Being none, he entertained a motion to open the public hearing.

Debbie Barts moved to open the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Debbie Barts, Dan Walsh, Rex Robison, and Mark Martens being in favor and no one opposing.

Mark Martens then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing.

Annabelle Hart (2077 E 2nd St, Tiosa) said she lives in Tiosa and is in favor of Mr. Burkholder's business.

Jane Trausch (2550 E 700 N, Rochester) stated she is the adjacent landowner to the east of Mr. Burkholder's property and is in favor of the business.

Nelson Shirk (1387 E 600 N, Rochester) said Mr. Burkholder has already fixed two of his lawnmowers so he is definitely in favor of the petition.

FULTON COUNTY BOARD OF ZONING APPEALS
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Mark Martens asked for any further comments in favor of the petition. Being none, he asked for those opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark entertained a motion to close the public hearing. Dan Walsh moved to close the public hearing. Rex Robison seconded the motion. Motion carried as follows: Dan Walsh, Rex Robison, Debbie Barts, and Mark Martens being in favor and no one opposing.

Mark then asked for any further Board discussion.

Dan Walsh asked to see Casi's recommended conditions. Casi's recommended conditions were that there be proper disposal and storage of fluids, as well as, proper storage of equipment. For example, no outdoor storage, or limited storage, or be sure there is visual screening from any outdoor storage.

Mark Martens asked for any further discussion. Being none, he entertained a motion regarding the petition.

Dan Walsh moved to approve, Docket #BZA 104-0305 Virgil Burkholder, requesting a Special Exception to operate a Lawnmower & Farm Equipment Service Shop on his property located at, 2348 East 700 North, Rochester, in the Agricultural District (AG) with the conditions that there be proper storage and disposal of all fluids and that there be a visual screening of any outdoor storage. Rex Robison seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled E). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Debbie Barts	Yea
Dan Walsh	Yea
Rex Robison	Yea
Mark Martens	Yea

The motion to approve, Docket #BZA 104-0305 Virgil Burkholder, requesting a Special Exception to operate a Lawnmower & Farm Equipment Service Shop on his property located at, 2348 East 700 North, Rochester, in the Agricultural District (AG) with the conditions that there be proper storage and disposal of all fluids and that there be a visual screening of any outdoor storage passed with four votes being in favor and no one opposing.

IN RE: NEW BUSINESS

NELSON SHIRK
SPECIAL EXCEPTION

Nelson Shirk, Docket #BZA 105-0405, Special Exception. Mr. Shirk is requesting a special exception to build a Mennonite School on Elson and Rachel Martin's property located approximately 1.8 miles west of Richland Center on the east side of County Road 325 West (see attachment F). The property consists of approximately twelve (12) acres and is located within the Agricultural District (AG).

Plan Director, Casi Cramer, explained her report to the Board stated that the property was owned by Tom Reed, at the time the petition was first filed in the Plan Commission Office Mr. Reed did own the entire 14.34 acres. Mr. Reed recently split off the proposed 12 acres and sold it to Elson and Rachel Martin (this split took place on April 26th, 2005). Mr. and Mrs. Martin both sit on the Mennonite School Board. Casi noted Mr. Martin has been in the Plan Commission Office several times helping with the process of the petition so she knows that he gives his permission to build the school on his property. Casi stated out of the entire 12 acres there would only be two (2) acres utilized for the school and schoolyard. The remaining ten (10) acres will remain in cultivation. Casi noted there is a slight hill located on the roadway, which could create vision clearance problems. Casi explained she has talked with Mr. Martin, as well as, with Mr. Shirk and stated that they need to have their entrance and exit for the school

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placed at the top of that hill so that there are no vision clearance issues. Both men have stated that was a concern of theirs as well and they had planned on placing the driveway at the top of the hill. The school will have outhouse facilities, which must be approved by the Indiana State Board of Health prior to installation. Mr. Shirk is in the process of obtaining the permits from the State Board of Health as well as the Indiana Department of Fire and Building Services. The school will be a service to approximately sixteen to twenty (16-20) children. Casi recommended that the Board place a condition on the petition stating that the Indiana State Board of Health permit/approval and the Indiana Department of Fire and Building Services permits are given prior to the construction of the school and the special exception fully taking effect.

Chairperson, Mark Martens, asked if there was any further information Mr. Shirk would like to add to the Plan Director's presentation.

Nelson Shirk said Casi did a great job presenting the project and they need a place to educate their future generation.

Chairperson, Mark Martens, asked for any Board member questions to the staff or the petitioner. Being none, he entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Debbie Barts, Dan Walsh, Rex Robison, and Mark Martens being in favor and no one opposing.

Mark Martens then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing.

Jane Trausch (2550 E 700 N, Rochester) feels it is very important for the Mennonite children to have this school. She also feels it is a great location so that they do not have to cross over the bypass, being US 31.

Annabelle Hart (2077 E 2nd St, Tiosa) feels it would be nice for the children to not have to cross the highway. She is in favor of the petition.

Mark Martens asked for any further comments in favor of the petition. Being none, he asked for those opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark entertained a motion to close the public hearing. Dan Walsh moved to close the public hearing. Rex Robison seconded the motion. Motion carried as follows: Dan Walsh, Rex Robison, Debbie Barts, and Mark Martens being in favor and no one opposing.

Mark then asked for any further Board discussion. Being none, he entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 105-0405 Nelson Shirk, requesting a Special Exception to build a Mennonite School on Elson & Rachel Martin's property located just south of 700 North on the east side of 325 West, Rochester, consisting of approximately twelve (12) acres in the Agricultural District (AG). Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled G). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Rex Robison	Yea
Dan Walsh	Yea
Debbie Barts	Yea
Mark Martens	Yea

The motion to approve, Docket #BZA 105-0405 Nelson Shirk, requesting a Special Exception to build a Mennonite School on Elson & Rachel Martin's property located just south of 700 North on the east side of 325

FULTON COUNTY BOARD OF ZONING APPEALS
MAY 11, 2005

West, Rochester, consisting of approximately twelve (12) acres in the Agricultural District (AG) passed with four votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office (see attachment H).

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Mark Martens, entertained a motion to adjourn the May 11th, 2005, Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the May 11th, 2005, Fulton County Board of Zoning Appeals meeting at 7:56 P.M. Dan Walsh seconded the motion. Motion carried as follows: Debbie Barts, Dan Walsh, Rex Robison, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
JULY 13, 2005

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, JULY 13, 2005

**7:00 P.M.
COMMISSIONERS/COUNCIL ROOM**

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
May 11th, 2005**

OLD BUSINESS:
William Russell 61-0503

NEW BUSINESS:
Clifford Reffitt 106-0605
Gayle Bunn 107-0605
Willard Manns 109-0605

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
JULY 13, 2005

The Fulton County Board of Zoning Appeals met on Wednesday the 13th day of July 2005, at 7:00 P.M. in the Commissioners/Council Room located at the Fulton County Office Building. Vice Chairperson, Dan Walsh, called the meeting to order at 7:00 P.M. The following members were present: Vice Chairperson, Dan Walsh; Executive Secretary, Linda Herd; Debbie Barts; and Rex Robison. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Attorney, Greg Heller. It is duly noted that Chairperson, Mark Martens, was absent.

IN RE: MINUTES

MAY 11TH, 2005

Vice Chairperson, Dan Walsh, asked for any additions, deletions, or corrections to be made to the May 11th, 2005 Board of Zoning Appeals minutes. Being none, Debbie Barts moved to approve the May 11th, 2005 Fulton County Board of Zoning Appeals minutes as written. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Linda Herd, and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

WILLIAM RUSSELL
SPECIAL EXCEPTION RENEWAL

William Russell, Docket #BZA 61-0503, Special Exception Renewal. Mr. Russell is requesting a renewal of the special exception he was granted for a temporary second dwelling located on his property on June 11th, 2003. Mr. Russell's property is located within the Agricultural District (AG) at 8077 W 400 N, Rochester, IN (see attachment A).

Plan Director, Casi Cramer, explained Mr. Russell requested the special exception for a temporary second dwelling on June 11th, 2003 so that he could place a 16 x 80 singlewide mobile home on his property for his brother and sister-in-law. His brother and sister-in-law, Anthony and Patricia Plothow are in need of assisted living and Mr. Russell helps take care of them. The Board of Zoning Appeals granted Mr. Russell's request on June 11th, 2003 with the following conditions: 1) Mr. Russell is required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department prior to the placement of the temporary home; 2) the temporary home is never used as rental units; 3) the temporary home be utilized as a dwelling for no one except Mr. Russell's brother and sister-in-law, Mr. Anthony Plothow III and Mrs. Patricia Plothow; 4) the temporary home is removed after Mr. Anthony Plothow III and Mrs. Patricia Plothow no longer utilizes it as a dwelling; and 5) the temporary home is either removed or a renewal requested, no later than two years from the date of the public hearing. Casi noted Mr. Russell has followed all of the conditions placed on his original request. Casi said Mr. and Mrs. Plothow are still in need of assisted living therefore Mr. Russell is requesting a renewal on the special exception due to the two-year time period expiring. Casi recommended approval of the renewal for the temporary second dwelling.

Vice Chairperson, Dan Walsh, asked if there was any further information Mr. Russell would like to add to the Plan Director's presentation.

William Russell said nothing has changed in the last two years and his brother and sister-in-law are in more need of assisted living now than they were two years ago.

Dan Walsh asked for any Board member questions to the petitioner or the staff. Being none, he entertained a motion regarding the petition.

FULTON COUNTY BOARD OF ZONING APPEALS
JULY 13, 2005

Debbie Barts moved to approve the Special Exception renewal on, Docket #BZA 61-0503 William Russell, for another two (2) years with the original conditions that were placed on the actual special exception. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Linda Herd, and Dan Walsh being in favor and no one opposing.

The motion to approve the Special Exception renewal was approved with four votes being in favor and no one opposing. Mr. William Russell will now have until July 13th, 2007 to either remove the temporary second home or request another renewal at that time.

IN RE: NEW BUSINESS

CLIFFORD REFFITT
SPECIAL EXCEPTION

Clifford Reffitt, Docket #BZA 106-0605, Special Exception. Mr. Reffitt is requesting a Special Exception for a temporary second dwelling to be placed on his property. Mr. Reffitt's property is located within the Agricultural District (AG) at 6862 S 200 E, Rochester, IN and consists of 6.9 acres (see attachment B).

Plan Director, Casi Cramer, explained Mr. Reffitt's property currently has one mobile home and one stick-built home located on this tract of land. The two homes have been on the property for several years. Mr. Reffitt's brother, Larry Reffitt, has been occupying the mobile home for a number of years due to illness and Mr. Reffitt and his wife have been taking care of him. Casi said Mr. Reffitt's nephew would like to purchase the property and take care of his uncle, Larry Reffitt. Casi explained Mr. Reffitt's nephew would like to remove the existing stick-built home and replace it with a newer home once he has purchased the property. She further explained even though the two homes are grandfathered as they set now, once one home is removed, no other home may be placed on the property until all of the existing homes are removed and only one home set back on the parcel. Mr. Reffitt would like the Board to grant him a special exception, which would run with the mobile home and its occupant, Larry Reffitt, so that his nephew may replace the existing stick-built home and still care for his uncle. Casi Cramer recommended approval with the following conditions: 1) The temporary home is never used as a rental unit; 2) the temporary home be utilized as a dwelling for no one except Larry Reffitt; 3) the temporary home is removed after Larry Reffitt no longer utilizes it as a dwelling; and 4) the temporary home is either removed or a renewal requested, no later than two years from the date of Mr. Reffitt's public hearing being, July 13th, 2005.

Vice Chairperson, Dan Walsh, asked if there was any further information Mr. Reffitt would like to add to the Plan Director's presentation.

Clifford Reffitt stated his brother Larry Reffitt has lived in the mobile home for years and he does not want to disturb him by moving his home to another location. Mr. Reffitt explained he and his wife have cared for Larry for several years and he is still in need of assisted living. Mr. Reffitt said his nephew would like to take care of Larry now and replace the old stick-built home with a newer home after he purchases the property.

Dan Walsh asked for any Board member questions to the petitioner or the staff. Being none, he entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Linda Herd, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he asked for those opposing the petition to do the same. Being none, Dan entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. Linda Herd

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seconded the motion. Motion carried as follows: Rex Robison, Linda Herd, Debbie Barts, and Dan Walsh being in favor and no one opposing.

Dan Walsh asked for any further Board discussion. Being none, he entertained a motion regarding the petition. Linda Herd moved to approve, Docket #BZA 106-0605 Clifford Reffitt, requesting a Special Exception to have a temporary second dwelling located on his property at 6862 S 200 E, Rochester, IN, within the Agricultural District (AG) with the following conditions: 1) the temporary home is never used as a rental unit; 2) the temporary home be utilized as a dwelling for no one except Larry Reffitt; 3) the temporary home is removed after Larry Reffitt no longer utilizes it as a dwelling; and 4) the temporary home is either removed or a renewal requested, no later than two years from the date of Mr. Reffitt's public hearing being July 13, 2005. Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled C). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Rex Robison	Yea
Debbie Barts	Yea
Linda Herd	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 106-0605 Clifford Reffitt, requesting a Special Exception to have a temporary second dwelling located on his property at 6862 S 200 E, Rochester, IN, within the Agricultural District (AG) with the following conditions: 1) the temporary home is never used as a rental unit; 2) the temporary home be utilized as a dwelling for no one except Larry Reffitt; 3) the temporary home is removed after Larry Reffitt no longer utilizes it as a dwelling; and 4) the temporary home is either removed or a renewal requested, no later than two years from the date of Mr. Reffitt's public hearing being July 13, 2005 passed with four votes being in favor and no one opposing.

Mr. Reffitt will now have until July 13th, 2007 to either remove the temporary second home or request another renewal at that time.

IN RE: NEW BUSINESS

GAYLE BUNN
SPECIAL EXCEPTION

Gayle Bunn, Docket #BZA 107-0605, Special Exception. Mrs. Bunn is requesting a Special Exception for a temporary second dwelling to be placed on her property. Mrs. Bunn's property is located within the Agricultural District (AG) at 83 W 600 S, Rochester, IN and consists of twenty (20) acres (see attachment D).

Plan Director, Casi Cramer, stated Mrs. Bunn's property currently has two mobile homes existing on it and they have been there for approximately twenty-five (25) years. Casi explained due to health problems with Mrs. Bunn's husband, Mr. and Mrs. Bunn need to sell off the fifteen acres of wood located behind the existing homes. In order for the property to be split legally, Mrs. Bunn would have to remove one of the mobile homes due to the fact that there can only be one dwelling per tract of land. Even though the two homes are grandfathered, once they split the land they de-grandfather themselves and would be required to ensure that both of the newly created lots comply with the Zoning Ordinance. Casi said Mrs. Bunn would like to classify the mobile home her daughter, Laura Parsons, lives in as a temporary second dwelling, which would allow both homes to remain on the property after the fifteen acre woodlot is sold. Laura Parsons is disabled and in need of assisted living. The temporary second dwelling

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is a 14 x 70 singlewide mobile home, which meets zoning regulations. Casi Cramer recommended approval of the temporary second dwelling with the following conditions: 1) the temporary home is never used as a rental unit; 2) the temporary home be utilized as a dwelling for no one except Laura Parsons; 3) the temporary home is removed after Laura Parsons no longer utilizes it as a dwelling; and 4) the temporary home is either removed or a renewal requested, no later than two years from the date of Mrs. Bunn's public hearing being July 13, 2005. Casi further noted that both newly created tracts of land would meet the two hundred (200) feet minimum width requirement and would not be any more than three (3) times the width in depth.

Vice Chairperson, Dan Walsh, asked if there was any further information Mrs. Bunn would like to add to the Plan Director's presentation.

Gayle Bunn said she does not want to have to take her daughter and granddaughter out of the home where they are comfortable. Mrs. Bunn stated the mobile home gives her daughter some thought of being independent and she would hate to ruin that for her. Mrs. Bunn explained that she and her husband had no other option but to sell the 15-acre woodlot due to his health issues.

Dan Walsh asked for any Board member questions to the petitioner or the staff. Being none, he entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Rex Robison, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he asked for those opposing the petition to do the same. Being none, Dan entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd, Debbie Barts, and Dan Walsh being in favor and no one opposing.

Dan Walsh asked for any further Board discussion. Being none, he entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 107-0605 Gayle Bunn, requesting a Special Exception to have a temporary second dwelling located on her property at 83 W 600 S, Rochester, IN, within the Agricultural District (AG) with the following conditions: 1) the temporary home is never used as a rental unit; 2) the temporary home be utilized as a dwelling for no one except Laura Parsons; 3) the temporary home is removed after Laura Parsons no longer utilizes it as a dwelling; and 4) the temporary home is either removed or a renewal requested, no later than two years from the date of Mrs. Bunn's public hearing being July 13, 2005. Rex Robison seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled E). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Linda Herd	Yea
Debbie Barts	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 107-0605 Gayle Bunn, requesting a Special Exception to have a temporary second dwelling located on her property at 83 W 600 S, Rochester, IN, within the Agricultural District (AG) with the following conditions: 1) the temporary home is never used as a rental unit; 2) the temporary home be utilized as a dwelling for no one except Laura Parsons; 3) the temporary home is removed after Laura Parsons no longer utilizes it as a dwelling; and 4) the temporary home is either removed or a renewal requested, no later than two years from the date of Mrs. Bunn's public hearing being July 13, 2005 passed with four votes being in favor and no one opposing.

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Mrs. Bunn will now have until July 13th, 2007 to either remove the temporary second home or request another renewal at that time.

IN RE: NEW BUSINESS

WILLARD MANNS
DEVELOPMENT STANDARDS VARIANCE

Willard Manns, Docket #BZA 109-0605, Development Standards Variance. Mr. Manns is requesting a Development Standards Variance for the purpose of dividing a tract of land. Mr. Manns property is located within the Agricultural District (AG) at 496 S State Road 14, Akron, IN and consists of 4.12 acres (see attachment F).

Plan Director, Casi Cramer, explained the AG District requires all newly created lots to be at least two hundred (200) feet wide and the depth may be a maximum of three times the lot width. Mr. Manns would like to divide the existing home off onto its own tract of land and sell it. Casi said the remaining acreage would be left in Mr. and Mrs. Manns name so that if their current plans of building a new home on a different site fell through, they still have that remaining acreage to build upon. Casi explained Mr. Manns' lot only has three hundred and forty (340) feet of road frontage so there is no way for him to split the property making both lots comply to the ordinance. Therefore, Mr. Manns is requesting a sixty (60) foot variance off of the required 200' lot width standard. By doing this he will be creating a one hundred and forty (140) foot wide lot equaling one (1) acre and one 200' wide lot equaling approximately 3.12 acres. Casi Cramer recommended approval of the 60' variance due to the surrounding area being mainly residential.

Vice Chairperson, Dan Walsh, asked if there was any further information Mr. Manns would like to add to the Plan Director's presentation.

Willard Manns said he had nothing further to add at this time.

Dan Walsh asked for any Board member questions to the petitioner or the staff. Being none, he entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Rex Robison, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he asked for those opposing the petition to do the same. Being none, Dan entertained a motion to close the public hearing. Debbie Barts moved to close the public hearing. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Rex Robison, and Dan Walsh being in favor and no one opposing.

Dan Walsh asked for any further Board discussion. Being none, he entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 109-0605 Willard Manns, requesting a Development Standards Variance of sixty feet (60') off of the required minimum lot width standard to create a new tract of land located at 496 S St Rd 14, Akron, IN, in the Agricultural District (AG). Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled G). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Rex Robison	Yea
Debbie Barts	Yea
Linda Herd	Yea
Dan Walsh	Yea

FULTON COUNTY BOARD OF ZONING APPEALS
JULY 13, 2005

The motion to approve, Docket #BZA 109-0605 Willard Manns, requesting a Development Standards Variance of sixty feet (60') off of the required minimum lot width standard to create a new tract of land located at 496 S St Rd 14, Akron, IN, in the Agricultural District (AG) passed with four votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office (see attachment H).

Casi informed the Board that all entities, except Kewanna, involved with the Area Plan Commission have had their third readings and signed the Membership Ordinance. Kewanna will be having the third reading at their meeting in August 2005. Casi stated the first Area Plan Commission meeting might be in September 2005 if everything continues to go smoothly.

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the July 13th, 2005 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the July 13th, 2005 Fulton County Board of Zoning Appeals meeting at 7:40 P.M. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Rex Robison, and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
AUGUST 10, 2005

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, AUGUST 10, 2005

**7:00 P.M.
COMMISSIONERS/COUNCIL ROOM**

**BOARD OF ZONING APPEALS MINUTES FOR:
July 13, 2005**

OLD BUSINESS:
Nyona/South Mud Lake Conservancy District 87-0704

NEW BUSINESS:
Beverly Jackson 110-0705

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
AUGUST 10, 2005

The Fulton County Board of Zoning Appeals met on Wednesday the 10th day of August 2005, at 7:00 P.M. in the Commissioners/Council Room located at the Fulton County Office Building. Chairperson, Mark Martens, called the meeting to order at 7:01 P.M. The following members were present: Chairperson, Mark Martens; Executive Secretary, Linda Herd; and Debbie Barts. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Attorney, Greg Heller. It is duly noted that Vice Chairperson, Dan Walsh, and Rex Robison were absent.

IN RE: MINUTES

JULY 13TH, 2005

Chairperson, Mark Martens, asked for any additions, deletions, or corrections to be made to the July 13th, 2005, Board of Zoning Appeals minutes. Being none, Debbie Barts moved to approve the July 13th, 2005, Fulton County Board of Zoning Appeals minutes as written. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, and Mark Martens being in favor and no one opposing.

IN RE: OLD BUSINESS

NYONA/SOUTH MUD LAKE
CONSERVANCY DISTRICT
SPECIAL EXCEPTION RENEWAL

Nyona/South Mud Lake Conservancy District, Docket #BZA 87-0704, Special Exception Renewal. The Conservancy District is requesting a renewal of the special exception they were granted for the construction of a sewage treatment plant and a government building on September 8th, 2004. The property is located within the Agricultural District (AG) along Knoll Drive in Macy, IN (see attachment A).

Plan Director, Casi Cramer, explained construction of the government building and the mechanical sewage treatment facility has not begun yet. Casi noted the Fulton County Zoning Ordinance states the following under 10.11 F.: A use authorized by special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in these rules for granting a special exception. The Fulton County Zoning Ordinance also states under 10.11 G.: A special exception, granted for a specific use ceases to be authorized and is void if that use is not established within a twelve (12) month period of the date the special exception was granted and all commitments met. Casi stated since the construction has not yet begun on the government building or the sewage facility the Conservancy District must request a renewal or reauthorization from the Board of Zoning Appeals. Casi said the Conservancy District is about to start bid lettings for the construction of the government building and sewage facility. Nyona/South Mud Lake Conservancy District President, Ron Roe, has stated the facility should be up and running within twelve (12) months after construction has begun.

Chairperson, Mark Martens, asked for a motion to reauthorize the special exception for Nyona/South Mud Lake Conservancy District. Debbie Barts moved to reauthorize, Docket #BZA 87-0704 Nyona/South Mud Lake Conservancy District, requesting a Special Exception to place a sewage treatment plant and a government building in an Agricultural District (AG) for twelve (12) months from the date of this hearing, being August 10, 2005. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, and Mark Martens being in favor and no one opposing.

The Nyona/South Mud Lake Conservancy District now has until August 10, 2006, to have the government building and sewage treatment plant established.

FULTON COUNTY BOARD OF ZONING APPEALS
AUGUST 10, 2005

IN RE: NEW BUSINESS

BEVERLY JACKSON
2 DEVELOPMENT STANDARDS VARIANCES

Plan Director, Casi Cramer, noted that Mrs. Jackson did not advertise her public notice in the Rochester Sentinel newspaper and did not send out her notices to her interested parties within the time limit required. Therefore, the Board cannot legally hear Mrs. Jackson's petition tonight. Casi said Mrs. Jackson's petition would be in front of the Board in either September or October, once she notifies her interested parties and publishes the notice in the newspaper as required.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office (see attachment B).

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Mark Martens, entertained a motion to adjourn the August 10th, 2005 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the August 10th, 2005 Fulton County Board of Zoning Appeals meeting at 7:15 P.M. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Tyler, Administrative Secretary

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, SEPTEMBER 14TH, 2005

**7:00 P.M.
COMMISSIONERS/COUNCIL ROOM**

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
August 10th, 2005**

OLD BUSINESS:
Daniel Shriver 47-0802

NEW BUSINESS:
Double-D Auctions 111-0805
David Smook 112-0805

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 14, 2005

The Fulton County Board of Zoning Appeals met on Wednesday the 14th day of September 2005, at 7:00 P.M. in the Commissioners/Council Room located at the Fulton County Office Building. Chairperson, Mark Martens, called the meeting to order at 7:02 P.M. The following members were present: Chairperson, Mark Martens; Vice Chairperson, Dan Walsh; Rex Robison and Debbie Barts. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Attorney, Greg Heller. It is duly noted that Executive Secretary, Linda Herd was absent.

IN RE: MINUTES

AUGUST 10, 2005

Chairperson, Mark Martens, asked for any additions, deletions, or corrections to be made to the August 10, 2005 Board of Zoning Appeals minutes. Being none, Debbie Barts moved to approve the August 10, 2005 Fulton County Board of Zoning Appeals minutes as written. Dan Walsh seconded the motion. Motion carried as follows: Debbie Barts, Dan Walsh, Rex Robison, and Mark Martens being in favor and no one opposing.

IN RE: OLD BUSINESS

DANIEL SHRIVER
SPECIAL EXCEPTION RENEWAL

Daniel Shriver, Docket #BZA 47-0802, Special Exception Renewal. Mr. Shriver is requesting a renewal on the special exception that was granted to him on September 11, 2002 for a temporary second dwelling. The temporary second dwelling is located on Mr. Shriver's father's property, Larry Shriver, at 2138 S Old US 31, Rochester, IN, within the Agricultural District (AG) (see attachment A).

Plan Director, Casi Cramer, explained there is an existing house located on the property. Mr. Shriver's intention was to either remodel the existing house or tear it down and build a new home in its place. The temporary second dwelling was to be utilized by Mr. Shriver until his new home or newly remodeled home was livable and at that time the temporary home would be removed from the property. Casi Cramer noted Mr. Shriver's singlewide mobile home, which he is utilizing as the temporary home, met all the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department. The special exception was approved with the following conditions: 1) Mr. Shriver is required to adhere to all of the County Ordinances pertaining to the placement of the mobile home; and 2) the mobile home is never used as a rental unit; and 3) the mobile home be utilized as a dwelling for no one except Mr. and Mrs. Daniel Shriver; and 4) the mobile home is either removed or a renewal requested, no later than two years from the date of the public hearing. Mr. Shriver received a Location Improvement Permit on February 24, 2003 to tear down the existing home, replace it with a modular home and remove the singlewide mobile home from the property. Casi said the Location Improvement Permit was good for two years, unless extended, which would be February 24, 2005. She explained when someone has an existing home on their property and they are replacing it with a new home, the Plan Commission Office gives that person anywhere from thirty (30) to sixty (60) days to have the new home set and the old home removed. Casi stated the Plan Commission Office missed the fact that the Location Improvement Permit had expired on February 24, 2005 and that the special exception would need to be reviewed if Mr. Shriver's plans had changed. Special Exceptions are good for one year, unless renewed, which means Mr. Shriver's special exception expired on September 11, 2003, except for the fact Mr. Shriver had obtained the Location Improvement Permit. Casi Cramer explained due to the Plan Commission Office's error she contacted Mr. Shriver and asked him if his intentions with the existing home and mobile home had changed. Mr. Shriver said he wanted to go back to his original plan of remodeling the existing home instead of tearing it down. Therefore, Casi Cramer asked Mr. Shriver to come to the September 14, 2005 meeting to discuss a renewal of the special exception that was granted to him on September 11,

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SEPTEMBER 14, 2005

2002. Casi noted that the existing house is an old farmhouse and is structurally sound so the remodeling would involve items like new windows, new insulation, new roof, etc. Casi Cramer stated Mr. Shriver would like a renewal on his original special exception granted on September 11, 2002 to give him time to remodel the existing home and remove the mobile home once the existing home is livable.

Chairperson, Mark Martens, asked if there was any further information Mr. Shriver would like to add to the Plan Director's presentation.

Daniel Shriver said he had nothing to add at this time.

Mark Martens asked for any Board member questions to the petitioner or the staff. Being none, he entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Debbie Barts, Dan Walsh, Rex Robison, and Mark Martens being in favor and no one opposing.

Mark then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he asked for those opposing the petition to do the same. Being none, Mark entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Rex Robison, Debbie Barts, Dan Walsh, and Mark Martens being in favor and no one opposing.

Mark Martens asked for any further Board discussion. Being none, he entertained a motion regarding the renewal. Dan Walsh moved to extend the request for a special exception, on Docket #BZA 47-0802 Daniel Shriver, to place a temporary second dwelling at, 2138 S Old US Hwy 31, Rochester, in the Agricultural District (AG) for two (2) years with the same conditions that were placed on the original request. Rex Robison seconded the motion. Motion carried as follows: Dan Walsh, Rex Robison, Debbie Barts, and Mark Martens being in favor and no one opposing.

Mr. Daniel Shriver now has until September 14, 2006 to remodel the existing home and remove the singlewide mobile home he is utilizing as his temporary second dwelling.

IN RE: NEW BUSINESS

DOUBLE-D AUCTIONS
DEVELOPMENT STANDARDS VARIANCE

Double-D Auctions, Docket #BZA 111-0805, Development Standards Variance. Double-D Auctions is requesting a Development Standards Variance off of the required minimum lot width for the purpose of selling two tracts of land at an auction. The property is owned by Levi and Amanda Borntreger and is located at 7505 E 350 S, Akron, IN, within the Agricultural District (AG) (see attachment B).

Plan Director, Casi Cramer, explained the land to be sold at auction was originally recorded it was recorded as two separate tracts of land (see attachment C). Mr. and Mrs. Borntreger own both tracts of land and therefore built a barn across the existing property lines (refer to attachment C). Double-D Auctions and Mr. Borntreger would like to offer the property in two tracts, however to do that, they need to create a legal description that places the existing house and outbuildings on one tract of land. Casi noted the AG District requires all newly created lots to be at least two hundred feet (200') wide and the depth may be a maximum of three times the lot width. Casi stated a legal description could not be created to place the house and barn on the same tract of land and have the remainder of the ground comply with the AG District lot standards. That is why Double-D Auctions is requesting a variance of one hundred feet (100') off of the required lot width so that they can offer the ground as two separate tracts during the auction. Casi Cramer said it is a possibility that the same person will buy both tracts of land as they currently are

FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 14, 2005

recorded, and in that case, it will just be a land transfer and the variance will not be needed. She explained Double-D Auctions would like to have the variance in case the same person does not want to purchase both existing tracts of land. Casi stated if the variance is granted, the two tracts will now consist of 3.18 acres and 2.82 acres (see attachment D).

Chairperson, Mark Martens, asked if there was any further information Mr. Hibner, owner of Double-D Auctions, would like to add to the Plan Director's presentation.

Don Hibner said he would like to have the variance just in case the same person does not buy both existing tracts. He explained the variance would also help in making the barn that was constructed, over both lot lines, comply with the Zoning Ordinance. Don felt that the newly created 2.82-acre tract would remain as agricultural land but it is hard to say when it comes to auctions. He also noted that he would like to see an adjoining farmer buy the 2.82-acre tract so they would not need the variance but again with auctions you can never predict what will happen.

Mark Martens asked for any Board member questions to the petitioner or the staff. Being none, he entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Debbie Barts, Dan Walsh, Rex Robison, and Mark Martens being in favor and no one opposing.

Mark then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he asked for those opposing the petition to do the same. Being none, Mark entertained a motion to close the public hearing. Debbie Barts moved to close the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Debbie Barts, Dan Walsh, Rex Robison, and Mark Martens being in favor and no one opposing.

Mark Martens asked for any further Board discussion. There was discussion as to whether or not the Board could put a condition on the petition stating that no new homes could be built on the tract with only one hundred (100) feet of road frontage. Attorney, Greg Heller, said the Board could place any condition on the petition that they wanted to within a reasonable manner. The Board then discussed why it would be important to not allow someone to build a home on the tract in question. There was discussion regarding an adjoining property owner purchasing the tract in question and the two existing tracts being sold together as one.

Mark Martens entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 111-0805, requesting a Development Standards Variance of one hundred feet (100') off of the required minimum lot width standard to create two new tracts of land located at 7505 E 350 S, Akron, IN, in the Agricultural District (AG). Dan Walsh seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled E). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Rex Robison	Yea
Debbie Barts	Yea
Dan Walsh	Yea
Mark Martens	Nay

The motion to approve, Docket #BZA 111-0805, requesting a Development Standards Variance of one hundred feet (100') off of the required minimum lot width standard to create two new tracts of land located at 7505 E 350 S, Akron, IN, in the Agricultural District (AG) passed with three votes being in favor and one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 14, 2005

IN RE: NEW BUSINESS

DAVID & DOROTHY SMOOK
DEVELOPMENT STANDARDS VARIANCE

David & Dorothy Smook, Docket #BZA 112-0805, Development Standards Variance. Mr. and Mrs. Smook are requesting a Development Standards Variance off of the required side yard setback for the purpose of building a carport. Their property is located at 4776 W Trails End, Rochester, IN, within the Residential Cluster District (R1) (see attachment F).

Plan Director, Casi Cramer, explained in the R1 District all accessory structures must sit a total of ten (10) feet away from both side property lines. Mr. and Mrs. Smook's property is only fifty (50) feet wide and is situated in such a fashion that backing out onto the road is difficult. Trails End road is approximately ten (10) feet wide. Casi said if the proposed carport met the required side yard setback the existing driveway would have to be moved and again pulling in and out of the carport would be difficult to coordinate (see attachment G). Casi stated by allowing the carport to be as close to the east property line as possible, helps achieve the necessary area for a car to pull in and pull out of the carport so that vehicles would not have to back out onto Trails End road (see attachment H). Casi noted Mr. and Mrs. Smook would like to build a 20' x 24' carport and would like to have a variance of eight (8) feet.

Chairperson, Mark Martens, asked if there was any further information Mr. and Mrs. Smook would like to add to the Plan Director's presentation.

David and Dorothy Smook said they had nothing further to add at this time.

Mark Martens asked for any Board member questions to the petitioner or the staff. Being none, he entertained a motion to open the public hearing. Dan Walsh moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Dan Walsh, Rex Robison, Debbie Barts, and Mark Martens being in favor and no one opposing.

Mark then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he asked for those opposing the petition to do the same. Being none, Mark entertained a motion to close the public hearing. Dan Walsh moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Rex Robison, and Mark Martens being in favor and no one opposing.

Mark Martens asked for any further Board discussion. Being none, he entertained a motion regarding the petition. Dan Walsh moved to approve, Docket #BZA 112-0805 David & Dorothy Smook, requesting a Development Standards Variance of eight feet (8') off of the required minimum side yard setback to build a carport in the Residential Cluster District (R1) at 4776 W Trails End, Rochester, IN. Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled I). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Dan Walsh	Yea
Debbie Barts	Yea
Rex Robison	Yea
Mark Martens	Yea

The motion to approve, Docket #BZA 112-0805 David & Dorothy Smook, requesting a Development Standards Variance of eight feet (8') off of the required minimum side yard setback to build a carport in the Residential Cluster District (R1) at 4776 W Trails End, Rochester, IN, passed with four votes being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 14, 2005

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office (see attachment J).

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Mark Martens, entertained a motion to adjourn the September 14, 2005, Board of Zoning Appeals meeting. Rex Robison moved to adjourn the September 14, 2005, Fulton County Board of Zoning Appeals meeting at 7:50 P.M. Debbie Barts seconded the motion. Motion carried as follows: Rex Robison, Debbie Barts, Dan Walsh, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
OCTOBER 12TH, 2005

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, OCTOBER 12, 2005

**7:00 P.M.
COMMISSIONERS/COUNCIL ROOM**

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
September 14, 2005**

OLD BUSINESS:
Roland Sullivan 89-0804

NEW BUSINESS:
Beverly Jackson 110-0705
Pamela Manns 113-0805
Jerry Sheetz 114-0905

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
OCTOBER 12TH, 2005

The Fulton County Board of Zoning Appeals met on Wednesday the 12th day of October 2005, at 7:00 P.M. in the Commissioners/Council Room located at the Fulton County Office Building. Chairperson, Mark Martens, called the meeting to order at 7:00 P.M. The following members were present: Chairperson, Mark Martens; Vice Chairperson, Dan Walsh; Executive Secretary, Linda Herd and Rex Robison. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Attorney, Greg Heller. It is duly noted that Debbie Barts was absent.

IN RE: MINUTES

SEPTEMBER 14TH, 2005

Chairperson, Mark Martens, asked for any additions, deletions, or corrections to be made to the September 14th, 2005, Board of Zoning Appeals minutes. Being none, Dan Walsh moved to approve the September 14th, 2005, Fulton County Board of Zoning Appeals minutes as written. Rex Robison seconded the motion. Motion carried as follows: Dan Walsh, Rex Robison, Linda Herd, and Mark Martens being in favor and no one opposing.

IN RE: OLD BUSINESS

ROLAND SULLIVAN
ADMINISTRATIVE APPEAL

Roland Sullivan, Docket #BZA 89-0804, Administrative Appeal (Continued). Mr. Sullivan is appealing the administrative decision regarding a fine letter that was issued for an illegal use of land. Mr. Sullivan contends that he has a grandfathered junk/salvage business located at, 3702 East 950 South, Macy, IN, within the Agricultural District (AG) (see attachment A).

Plan Director, Casi Cramer, stated during the April 13th, 2005, BZA meeting the Board tabled Mr. Sullivan's petition for six (6) months allowing him more time to clean his property. After the six-month period Mr. Sullivan was to come back to the Board and his property would then be reviewed to see if a significant amount of the salvage had been removed. The Board decided that photos needed to be taken before the clean up process began as well as during the process. Mr. Sullivan was also asked to keep an inventory list of everything he has removed from his property within the six-month period. Casi noted that Mr. Sullivan has removed the following items from his property: six tons of two foot sections of metal; eleven tons of tin; one thousand five hundred pounds of refrigerator, stove, and metal cases; camper tops; a van; and several various items. Casi displayed pictures of Mr. Sullivan's property (see attachments labeled B) from April 13th, 2005 and from September 29th, 2005 so that everyone present could compare and see the progress he has made in cleaning the property. Casi said Mr. Sullivan is in the process of tearing down one of the mobile homes on the property. Casi stated in April 2005 the north side of the property had materials covering it from the roadway about half way back to the west side property line and now there are just a few items remaining in that particular area. Casi explained Mr. Sullivan has created sorting piles for the materials that he has collected on his property that need to be taken to the salvage yard.

Chairperson, Mark Martens, asked if there was any further information Mr. Sullivan or his Attorney, Ted Waggoner, would like to add to the Plan Director's presentation.

Mr. Sullivan said since Casi Cramer was out on his property in September he has loaded up a majority of the materials he had sorted out in piles and has taken them to the salvage yard. He also noted that most of his trucks that were in inoperable condition have been worked on and fixed for the time being.

FULTON COUNTY BOARD OF ZONING APPEALS
OCTOBER 12TH, 2005

Mark Martens then entertained comments and questions from the Board members to the petitioner.

Mark stated at the April 13th, 2005 Board of Zoning Appeals meeting the Board had discussed with Mr. Sullivan and Mr. Waggoner that this clean-up process would take up to two years or eighteen months to finish. With that being the case, Mark Martens, feels that Mr. Sullivan has done everything he has been instructed to do by the Board and has made a significant change in the property. With there being no further Board comments Mark entertained a motion to table the petition.

Dan Walsh moved to table, Docket #BZA 89-0804 Roland Sullivan, requesting an Administrative Appeal for the property located at 3702 East 950 South, Macy, IN 46951, within the Agricultural District (AG), for six months being April 2006; after the six month period the property will be reviewed again to see if there has been a significant amount of salvage removed from the property in question. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Rex Robison, and Mark Martens being in favor and no one opposing.

IN RE: NEW BUSINESS

BEVERLY JACKSON
2 DEVELOPMENT STANDARDS VARIANCES

Beverly Jackson, Docket #BZA 110-0705, two Development Standards Variances. Mrs. Jackson is requesting a Development Standards Variance off of the required front yard setback and a Development Standards Variance off of the required side yard setback for an illegally built pole barn. The property is located at 1057 N 900 W, Kewanna, IN, and is within the Agricultural District (AG). The property consists of three lots, totaling 1.23 acres (see attachment C).

Plan Director, Casi Cramer, explained a violation letter was sent to Mr. Roy Briney on July 7th, 2005 regarding the construction of this pole barn prior to the issuance of a Location Improvement Permit. The violation letter was sent to Mr. Briney because Mrs. Jackson is in the process of purchasing the property from him on contract. Casi noted the AG District requires any newly created structures to set forty feet (40') off of the right-of-way of the road and a distance equal to the height of the structure away from all side and rear property lines. The illegally constructed pole building is forty feet (40') by sixty feet (60') and the height is twenty-six feet (26') to the peak. Casi stated the road right-of-way on County Road 900 West is thirty feet (30') total; therefore all newly created structures must sit a total of fifty-five feet (55') from the centerline of County Road 900 West. The pole barn only sits twenty-six feet (26') off of the centerline of County Road 900 West meaning the pole barn only sits eleven feet (11') off of the road right-of-way. Mrs. Jackson would need a variance of twenty-nine feet (29') off of the required front yard setback. The pole barn is only eighteen feet (18') off of the north side property line; therefore Mrs. Jackson would need a variance of eight feet (8') off of the required side yard setback. Casi noted construction on the pole barn was stopped as soon as Mrs. Jackson had notice that she was in violation, so the pole barn is not completely finished. Casi added Mrs. Jackson indicated that there was a buried electrical line on the east side or back end of the property near the trees.

Chairperson, Mark Martens, asked if there was any further information Mrs. Jackson would like to add to the Plan Director's presentation.

Beverly Jackson said she needs a variance because of the height of the pole barn and the required setbacks.

Mark Martens asked for any Board member questions to the petitioner or the staff.

Rex Robison asked in there would be any entry doors located on the west side of the building, which faces County Road 900 West. Mrs. Jackson said all of the entry doors would be located on the south and east sides of the building.

FULTON COUNTY BOARD OF ZONING APPEALS
OCTOBER 12TH, 2005

Mark Martens asked if Mrs. Jackson's sons were the people in charge of construction this pole barn and what the reasoning was for not obtaining a Location Improvement Permit prior to construction. Mrs. Jackson

stated her sons are the ones responsible for construction of the pole barn. She further added that she is the one responsible for not obtaining a Location Improvement Permit because she did not know a permit was needed for this type of construction in this particular area.

Rex Robison questioned why the pole barn was constructed so close to County Road 900 West. Mrs. Jackson said it was due to the buried electrical lines located on the east side of the property, as well as, easier access to the road. She also indicated by having the pole barn closer to the road they would not have to bring in as much gravel for the entrance to the property and barn.

Linda Herd asked what type of buried utilities Mrs. Jackson had on the property. Mrs. Jackson said they are electrical lines and they wanted to stay as far away from those lines as possible.

Rex Robison asked what the pole barn would be utilized for. Mrs. Jackson stated it would be utilized as storage for her husband and sons equipment.

Linda Herd asked if Mrs. Jackson's husband and sons were in the excavating business. Mrs. Jackson said they are in the excavating and demolition business.

Mark Martens asked for any further questions to the petitioner or staff. Being none, he entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Rex Robison, Dan Walsh, Linda Herd, and Mark Martens being in favor and no one opposing.

Mark then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he asked for those opposing the petition to do the same.

Harold Chapman, 8977 W 100 N Rochester, said the Jackson Family has lived in this area for over twenty-five years so he feels they were aware of the fact they needed to obtain a permit. Mr. Chapman also feels that the property in question is not big enough to build a forty-foot by sixty-foot (40' x 60') pole barn on.

Mary Maynard, 8977 W 100 N Rochester, questioned whether this pole barn would be utilized for storage of equipment or if it would be utilized as a garage for the Jacksons' to work on their equipment.

Mark Martens asked for any further comments from the public. Being none, he asked Mrs. Jackson if she had any rebuttal.

Beverly Jackson said her property consists of approximately two acres so she feels that the property is big enough for this particular size of pole barn. Mrs. Jackson further noted that zoning has not been in effect for twenty-five years. Mr. Chapman stated zoning has been here for at least the last five years. Mrs. Jackson stated the pole barn would be utilized as storage only.

With there being no further comments from the public, Mark Martens entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. Linda Herd seconded the motion. The motion carried as follows: Rex Robison, Linda Herd, Dan Walsh, and Mark Martens being in favor and no one opposing.

Mark Martens asked for any further Board discussion.

There was much discussion regarding why a permit was not obtained for this particular project when the Jackson boys had obtained permits for projects they have conducted in the past. The Board felt that there was ample room on the property for the pole barn to be set and meet all setbacks. There was discussion regarding how close the pole barn currently sets from County Road 900 West and how it does not seem to be a vision clearance hazard but could be dangerous if entrances were located on the side of the pole barn facing the roadway. The Board talked about if someone was injured in a car accident or personal injury accident due to the pole barn sitting too close to the road would the county be responsible because they approved the variances. The Board felt the pole barn should be utilized for storage purposes only if allowed to stay where it currently sets. The Board consensus was that there would need to be a number of conditions placed on this petition if granted the variances.

FULTON COUNTY BOARD OF ZONING APPEALS
OCTOBER 12TH, 2005

Mark Martens entertained a motion regarding the petition. Dan Walsh moved to approve, Docket #BZA 110-0705 Beverly Jackson, requesting a Development Standards Variance of eight feet (8') off of the required minimum side yard setback and twenty nine feet (29') off of the required front yard setback for a pole barn in the Agricultural District (AG) at 1057 N 900 W, Kewanna, IN with the following conditions: 1) The entrance on the south side of the pole barn must be a minimum of ten feet (10') from the southwest corner of the building; 2) the property owner indemnify and hold the county harmless for any damage that may occur to the pole barn as result of it being located in close proximity to County Road 900 West and for any accidents including personal injury claims that may occur because of the location of the pole barn in close proximity to County Road 900 West; 3) there shall be no entrances located on the north and west sides of the pole barn; 4) the pole barn may only be used for storage purposes; and 5) Mrs. Jackson is responsible for recording the variance and conditions within thirty (30) days of today's hearing. Linda Herd seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled D). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Rex Robison	Nay
Linda Herd	Yea
Dan Walsh	Yea
Mark Martens	Nay

The motion to approve, Docket #BZA 110-0705 Beverly Jackson, requesting a Development Standards Variance of eight feet (8') off of the required minimum side yard setback and twenty nine feet (29') off of the required front yard setback for a pole barn in the Agricultural District (AG) at 1057 N 900 W, Kewanna, IN with the following conditions: 1) The entrance on the south side of the pole barn must be a minimum of ten feet (10') from the southwest corner of the building; 2) the property owner indemnify and hold the county harmless for any damage that may occur to the pole barn as result of it being located in close proximity to County Road 900 West and for any accidents including personal injury claims that may occur because of the location of the pole barn in close proximity to County Road 900 West; 3) there shall be no entrances located on the north and west sides of the pole barn; 4) the pole barn may only be used for storage purposes; and 5) Mrs. Jackson is responsible for recording the variance and conditions within thirty (30) days of today's hearing failed due to lack of majority vote with two votes being in favor and two votes being in opposition.

Mrs. Jackson was informed that she could advertise her notice in the Rochester Sentinel again for the November 9th, 2005 Board of Zoning Appeals meeting due to the fact not all Board members were present at today's hearing. Mrs. Jackson was also informed that if she wanted to be on the November agenda she would have to let the Plan Commission Office know by October 19th, 2005.

IN RE: NEW BUSINESS

PAMELA MANNS
DEVELOPMENT STANDARDS VARIANCE

Pamela Manns, Docket #BZA 113-0805, Development Standards Variance. Mrs. Manns is requesting a Development Standards Variance off of the required minimum lot width for the purpose of creating a new tract of land for a home. The property is located at 6529 N 900 W, Culver, IN, and is located within the Agricultural District (AG). The property currently consists of 1.67 acres (see attachment E).

FULTON COUNTY BOARD OF ZONING APPEALS
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Plan Director, Casi Cramer, explained the property in question is owned by Mrs. Manns sister, Emily Scarborough. Mrs. Scarborough has signed an Owner Verification Form stating she is aware of this request. Casi stated when anyone creates a new lot in the AG District the newly created lot must be at least an acre, at least two hundred feet (200') wide, and the depth cannot be more than three times the width (200' x 3=600'). The current property exists of 1.67 acres and is three hundred and thirty feet wide by two hundred and twenty feet deep (330' x 220'). Mrs. Manns would like to split Mrs. Scarborough's property into two lots one being two hundred feet wide by two hundred and twenty feet deep (200' x 220') equaling approximately 1.01 acre containing the existing house and a barn and one being one hundred and thirty feet by two hundred feet deep (130' x 200') equaling approximately .66 acre containing a barn and being the future home-site. Casi said Mrs. Manns would need a variance of seventy feet (70') off of the required minimum lot width and .35 of one acre from the minimum lot area. Casi noted the property in question was originally 6.92 acres and was split in November 2003. Mr. and Mrs. Scarborough purchased 1.67 acres and Mr. Todd Cline purchased the remaining acreage as an adjoining lot split to be utilized for farming purposes. Casi said Mrs. Manns was informed about the temporary second dwelling option available in the AG District but said she did not want to explore that option.

Chairperson, Mark Martens, asked if there was any further information Mrs. Manns would like to add to the Plan Director's presentation.

Pamela Manns said she had nothing further to add at this time.

Mark Martens asked for any Board member questions to the petitioner or the staff.

Dan Walsh questioned if there was a medical reason as to why the Mrs. Manns wants to live that close to her sister, Mrs. Scarborough. Pamela Manns said she and her sister are both recently divorced and would like to live close to each other. Mrs. Manns currently lives in Illinois.

Rex Robison asked how many outbuildings were located on the property. The aerial photo shows three outbuildings. Mrs. Manns said the big barn located on the .66-acre tract would be torn down and that is where her new home would sit. She added the small shed to the north of that big barn has already been torn down and removed from the property. If the variance is passed there will be no outbuildings located on the .66-acre tract and one barn located on the 1.01 acre tract.

Rex Robison questioned if Mrs. Manns had checked with the Health Department to see if a septic system could be placed on the .66-acre tract. Mrs. Manns said they had not done anything with the septic system as of yet. Rex expressed concern about having enough area for a home and a septic system.

Mark Martens asked what type of home would be placed on the .66-acre tract. Mrs. Manns said her intention was to place a modular home on the property.

Mark Martens asked for any further questions to the petitioner or staff. Being none, he entertained a motion to suspend the rules regarding the public hearing portion of the petition due to there being no public to comment. Dan Walsh moved to suspend the rules for the public hearing portion of the petition. Rex Robison seconded the motion. Motion carried as follows: Dan Walsh, Rex Robison, Linda Herd, and Mark Martens being in favor and no one opposing.

Mark Martens asked for any further Board discussion. Being none, he entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 113-0805 Pamela Manns, requesting a Development Standards Variance of seventy feet (70') off of the required minimum lot width standard, varying thirty five hundredths (.35) of one acre off of the required minimum lot area, to create a new tract of land located at 6529 N 900 W, Culver, IN, in the Agricultural District (AG). Dan Walsh seconded the motion.

FULTON COUNTY BOARD OF ZONING APPEALS
OCTOBER 12TH, 2005

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled F). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Dan Walsh	Yea
Linda Herd	Yea
Rex Robison	Yea
Mark Martens	Yea

The motion to approve, Docket #BZA 113-0805 Pamela Manns, requesting a Development Standards Variance of seventy feet (70') off of the required minimum lot width standard, varying thirty five hundredths (.35) of one acre off of the required minimum lot area, to create a new tract of land located at 6529 N 900 W, Culver, IN, in the Agricultural District (AG) passed with four votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office (see attachment G).

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Mark Martens, entertained a motion to adjourn the October 12th, 2005, Board of Zoning Appeals meeting. Dan Walsh moved to adjourn the October 12th, 2005, Fulton County Board of Zoning Appeals meeting at 8:30 P.M. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Rex Robison and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
NOVEMBER 9, 2005

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, NOVEMBER 9, 2005

**7:00 P.M.
COMMISSIONERS/COUNCIL ROOM**

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
October 12, 2005**

OLD BUSINESS

NEW BUSINESS:

Jerry Sheetz #114-0905
Irving Materials Inc (IMI) #115-1005

PLAN DIRECTOR REPORT:

Ion Ramer

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
NOVEMBER 9, 2005

The Fulton County Board of Zoning Appeals met on Wednesday the 9th day of November 2005, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson, Mark Martens, called the meeting to order at 7:00 P.M. The following members were present: Chairperson, Mark Martens; Vice-Chairperson, Dan Walsh; Executive Secretary, Linda Herd; Debbie Barts; and Rex Robison. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Attorney, Greg Heller.

IN RE: MINUTES

OCTOBER 12, 2005

Chairperson, Mark Martens, asked for any additions, deletions, or corrections to be made to the October 12, 2005 Board of Zoning Appeals minutes. Being none, Linda Herd moved to approve the October 12, 2005 Fulton County Board of Zoning Appeals minutes. Dan Walsh seconded the motion. Motion carried as follows: Linda Herd, Dan Walsh, Debbie Barts, Rex Robison, and Mark Martens being in favor and no one opposing.

It is duly noted that there was no Old Business to report at this time.

IN RE: NEW BUSINESS

JERRY SHEETZ
ADMINISTRATIVE APPEAL

Jerry Sheetz, Docket #BZA 114-0905, Administrative Appeal. Mr. Sheetz is requesting an Administrative Appeal for an Administrative Decision made by Casi Cramer regarding the placement of an illegal structure. The illegal structure is a singlewide mobile home, which was placed on his mother's (Janet Sheetz) property at 5053 West 725 South, Kewanna, IN. This structure was placed prior to obtaining any permits and is located within a Residential Cluster District (R1). The property consists of approximately one (1) acre (see Attachment A).

Plan Director, Casi Cramer, explained prior to setting or building a new dwelling in the county the proper permits must be obtained, those permits are a Septic Permit from the Health Department, a Location Improvement Permit from the Plan Commission Office and a Building Permit from the Plan Commission Office. Mr. Sheetz did not obtain any of these permits prior to setting his home on his mother's property. Casi stated singlewide mobile homes are not allowed in the R1 District. She explained the mobile homes that were placed in the R1 District prior to zoning (November 2000) are grandfathered and may stay, but no new mobile homes may be brought into the area. For example, if a mobile home was set prior to November 2000 it may remain but it can never be replaced with another mobile home, it would have to be replaced with a stick built home or some type of manufactured home like a modular or doublewide. The third issue is that the Zoning Ordinance states there may only be one dwelling per tract of land and there are now two dwellings on this particular tract of land. Mr. Sheetz's mother has an existing mobile home that sets on the property, which was set prior to zoning. Casi said she has created a timeline in which this event occurred and a previous event from 2003 involving the same property. On November 6, 2003 a letter was sent to Mr. Larry Sheetz in regards to a mobile home his son had placed on his property, 5053 W 725 S, Kewanna, IN. The letter was sent because the mobile home was not removed within a reasonable time frame like had been discussed with the son at an earlier date. Larry Sheetz was sent a fifty dollar (\$50) fine on December 5, 2003 for noncompliance. On January 8, 2004 a one hundred and fifty dollar (\$150) fine was sent to Mr. Larry and Mrs. Janet Sheetz, husband and wife, for noncompliance. The mobile home was eventually torn down, but the fines were never paid. During this process Mr. Larry Sheetz passed away. Therefore on March 15, 2004 the matter was turned over to Plan Commission Attorney, Greg Heller, who sent Mr. and Mrs. Sheetz a letter requesting that the fine be

FULTON COUNTY BOARD OF ZONING APPEALS
NOVEMBER 9, 2005

paid to avoid the accrual of further fines. The fine was never paid and it was our attorney's advice to drop the matter due to the death of one of the property owners. Casi then went on to say during the first or second week of September 2005 the Plan Commission Office received a complaint about a twelve foot by fifty foot (12' x 50') mobile home being moved onto Mrs. Sheetz's property at 5053 W 725 S, Kewanna, IN. This mobile home was moved onto the property by Mr. Jerry Sheetz, Mrs. Sheetz's other son. The property remains in both Larry and Janet Sheetz's name, however Mr. Sheetz is deceased. Mr. Jerry Sheetz is now appealing the decision Casi Cramer made placing him in violation. Mr. Sheetz was informed that he would not receive any extensions due to the fact that his family is well aware the county has zoning and that setting an additional mobile home on this property was not allowed. Casi said she visited the property on September 6, 2005 to take pictures of the illegal structure and then again on October 3, 2005 to make sure no further construction had been done to the mobile home. She found at that time that Mr. Jerry Sheetz had skirted the mobile home, as well as, built a deck connecting his mother's existing home to his illegally placed home. Casi stated she discussed with Mr. Jerry Sheetz the fact that if he would like to live on this property, his mother would have to split the property into two lots, of which both must comply with the ordinance. He was also told that the singlewide mobile home would have to be removed and replaced with a doublewide/manufactured home or a stick built home and placed on its own lot. Mr. Jerry Sheetz has stated that his family has a number of medical issues that requires them to have this home placed near his mother so she can help him take of his family when needed. Casi had also discussed the fact that Mrs. Janet Sheetz could add onto her existing singlewide mobile home to accommodate Mr. Jerry Sheetz's family but she did not want to do that. Casi further noted that the Health Department is involved with this matter as well due to some septic issues that have arisen from the two mobile homes utilizing the same septic system. Casi stated if the appeal is denied she would recommend that the Board give Mr. Sheetz fifteen (15) business days to remove the mobile home from the property, that date being December 5, 2005. Fifteen business days only includes the days that the Plan Commission Office is open.

Chairperson, Mark Martens, asked if there was any further information Mr. Jerry Sheetz would like to add to the Plan Director's presentation.

Jerry Sheetz said his wife is disabled and he needs someone near her at all times to help take care of her. She has kidney failure and goes into seizures due to her being a diabetic. Mr. Sheetz said if he could afford a new home he would have purchased a new home but they have a lot of medical expenses that will not allow for that. Mr. Sheetz stated he placed the mobile home there because it was convenient. He explained they had been living with his mother in her existing mobile home but it was not working because the doors open different ways and it is not easy for his wife to move around and get out of his mother's home. Mr. Sheetz explained the mobile home he moved in is built more for a disabled person and is easier for his wife to get out of if she wants to go outside. Mr. Sheetz said he did not know the property was zoned as an R1 District that did not allow mobile homes. He thought it was zoned agricultural. He stated he did not know anything about his brother placing a mobile home on the same property in November 2003.

Janet Sheetz explained the mobile home her son moved onto her property in November 2003 was placed there for the purpose of dismantling it and utilizing the parts removed from it to fix her existing mobile home.

Mark Martens asked for any Board member questions to the petitioner or the staff.

Mark asked Mrs. Sheetz if she recalled receiving letters from Casi Cramer. Mrs. Sheetz said she did recall receiving the letters. Mark asked her if she felt like there was any part of those letters that she did not understand. Mrs. Sheetz stated she did not understand why they were being pushed so fast to get the mobile home (from November 2003) off of the property because it was never meant to be a residential home. Mark Martens asked if she understood that her property was zoned as an R1 District and mobile homes are not allowed in that area anymore. Mrs. Sheetz said that part was never explained to her. Mark asked if she understood there could not be two dwellings located on the same piece of property. Mrs. Sheetz said she was never told that there could not be two homes located on her property. Mark asked if Casi Cramer had copies of the letters notifying Mrs. Sheetz that she could not have two dwellings on one tract of land. Casi Cramer stated she, as well as, all of the Board members

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had copies of the letters she sent Mrs. Sheetz stating there could only be one dwelling per tract of land and that mobile homes were not allowed in the R1 District. Mrs. Sheetz said the letters told her all of that information but she did not know anything about the rules and regulations prior to receiving the letters from Casi Cramer. Mark stated after receiving the letters from Casi Cramer, Mrs. Sheetz, then understood why she was in violation and what needed to be done to comply. Mrs. Sheetz stated she was also told that exceptions were made in cases with disabled people. Mark Martens asked how Mrs. Sheetz was informed there were exceptions made for people with disabilities. Mrs. Sheetz said she found out from a friend of hers through the disabled act.

Linda Herd questioned why the skirting and deck were built after the letter placing them in violation was sent. Mr. Jerry Sheetz said he put the skirting on the mobile home because the wind gets fierce in that area and he was afraid the wind would blow the mobile home over. Mark Martens asked if the skirting was part of the anchoring system for the mobile home. Mr. Sheetz said no it is not part of the anchoring system; the skirting helps block the wind underneath the home. Mrs. Janet Sheetz explained the skirting helps keep the mobile home warm inside.

Debbie Barts asked if Mr. Jerry Sheetz was aware of the first illegal mobile home that his brother moved onto the property back in 2003. Mr. Sheetz said he did not know anything about his brother placing a mobile home on the property in 2003. Debbie Barts questioned if Mrs. Sheetz was aware of the placement of the mobile home in 2003. Mrs. Sheetz said yes she was aware the mobile home was there. Debbie Barts asked why they did not contact the Plan Commission Office to find out the exact rules and regulations. Mr. Sheetz stated he figured the area was zoned, as Agricultural and you did not need to get permits or permission to place a mobile home on the property. Mrs. Sheetz said they understand they should have got permission or checked with the Plan Commission Office now, but they did not realize it when they first placed Jerry's home on the property.

Debbie Barts asked Plan Director, Casi Cramer, to explain what the issue is regarding the septic system located on this property. Casi said the Health Department is involved and if the homes are allowed to remain on this property a new septic system will have to be installed. Casi explained prior to Mr. Sheetz building the ramp and placing the skirting on the mobile home she discussed other options with him. She told Mr. Sheetz he could add onto the existing mobile home (Janet Sheetz's home) and it was decided that that was not an option his mother wanted to take, so they placed the second mobile home on the property. Casi also told Mr. Sheetz the property could be split so that each home would have it's own tract of land but he still would have to remove the mobile home due to the regulation that mobiles are not allowed in the R1 District. Therefore, if the property were split Mr. Sheetz would have to have a stick built home or some type of manufactured home, like a modular or doublewide. Mr. Sheetz did not want to explore this option either. Casi explained in 2003 she talked to Jerry Sheetz's brother about placing a mobile home on Janet's property for the purpose of tearing it down and utilizing the extra parts for Janet's mobile home. The brother was told that he could place the mobile home on the property to tear it down but that all materials from that mobile would have to be completely removed from the property within thirty (30) days. Casi noted that is when the series of letters began in 2003.

Mark Martens asked for any further Board member questions to the staff or petitioner. Being none, he entertained a motion to open the public hearing. Dan Walsh moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Linda Herd, Rex Robison, and Mark Martens being in favor and no one opposing.

Mark then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he asked for those opposing the petition to do the same. Being none, he entertained a motion to close the public hearing. Debbie Barts moved to close the public hearing. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Linda Herd, Dan Walsh, and Mark Martens being in favor and no one opposing.

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Mark Martens asked for any further Board discussion.

The Board discussed the fact that even if the property was split in two separate tracts, one tract for each home, there would still be an issue because mobile homes are not allowed in the R1 District. Dan Walsh questioned what would need to be done if they decided to add onto the existing mobile home. Casi Cramer explained they would need to meet the required setbacks which are thirty feet (30') off the Right of Way of the road and ten feet (10') off of both side and rear property lines. As long as they meet the required setbacks and have release from the Health Department regarding the septic system they could obtain a Location Improvement Permit to build the addition for twenty dollars (\$20). Dan Walsh asked if the addition would have to be stick built. Casi explained the addition would have to be stick built or it would have to be an actual manufactured addition or tip out that would come from a factory. She stated that the two mobile homes could not be joined together and a roof built over the top of both of them. The Board members questioned how long it would take Mr. Sheetz to build an addition onto his mother's existing mobile home. Mr. Sheetz said at least three months but now we are coming into the winter months, so it may be longer. There was much Board discussion regarding giving an extension to allow time to remove the mobile home from the property and place it within the Agricultural District (AG) or Manufactured Home Park District (MP) or to remove the mobile home after the addition to the existing home was built. Casi Cramer suggested if the Board allows a time extension on the removal of the mobile home and Mr. Sheetz decides to add onto his mother's home that they require him to have the footers dug and poured prior to any major snowfall. Mark Martens asked Board Attorney, Greg Heller, how they should go about the motion due to the fact that they agree with Casi that there is a violation, but they would like to grant a time extension. Greg Heller said the Board needed to state that they were modifying the order to give Mr. Sheetz six months to have the mobile home removed and the addition built and schedule the petition to be heard again during the May 2006 meeting.

Mark Martens entertained a motion regarding the petition. Dan Walsh moved to agree with the Administrative Decision and the singlewide mobile home must be completely removed from the property by May 1, 2006. Debbie Barts seconded the motion.

Greg Heller told the Board members just to do a hand vote for this petition until new findings of fact forms were created. Mark instructed everyone who was in favor to raise their hand, all five members raised their hands in favor of the motion and no one opposed.

IN RE: NEW BUSINESS

IRVING MATERIALS INC
TWO SPECIAL EXCEPTIONS

Irving Materials Inc (IMI), Docket #BZA 115-1005A & BZA 115-1005B, two Special Exceptions. Mr. Troy Cowles is a representative for Irving Materials Inc. and will speaking on their behalf. IMI is requesting a special exception to operate a gravel pit on property equaling approximately 28.86 acres. The property in question is located within the Agricultural District (AG) and is situated approximately a third of a mile south of the intersection of County Road 100 South and County Road 600 West, on the east side of County Road 600 West (see attachment B).

Plan Director, Casi Cramer, explained IMI currently owns and operates the gravel pit located along County Road 600 West just south of State Road 14, which was formerly known as Cowles Gravel Pit. IMI is requesting the special exception for sand and gravel mining to extend the existing operation to the south. The existing gravel pits are zoned as General Commercial (GC). Casi noted any expansion of a gravel pit is dictated by the direction of the sand and gravel vein. She indicated that this particular vein runs to the south. Casi stated the IMI Gravel Pit services a number of the surrounding counties, as well as, the Fulton County Highway and the Rochester City Street

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Departments. Casi added the past and present owners of the gravel pit have aided in the cost of the road infrastructure maintenance to sustain the existing mining operations. IMI will not be creating any additional drive/road cuts to access the new pit and will gain access through the existing entrances located on County Road 100 South. The expanded operation will utilize the existing ponds located in the north pit for drainage and they will not be creating any more discharge points into the Hudkins Ditch. Casi explained all of the water would be discharged through the existing outlet located in the northeast corner of the north pit. Mr. Cowles has stated the required Indiana Department of Environmental Management (IDEM) air and water permits have been filed and approved for the entire mining operation. Casi noted that IMI did not need to reapply for an additional IDEM permit for the requested expansion, due to the fact the existing permits issued for the gravel pit cover existing and expanded operations. Casi explained these permits are updated on approximately a quarterly basis. Mr. Cowles submitted information to Casi and the Board regarding the Rule 5 erosion and sediment control permit from the Soil and Water Conservation District. Casi noted there was one letter submitted by an interested party (someone who owns property within seven hundred feet or two property depths, whichever is greater, of the property in question) stating that they did not have any objections to the plans for expanding the existing mining operation. Casi said she did not foresee any overwhelming effect taking place on the existing infrastructures. Casi recommended that the special exception for the expansion of the existing gravel pit be approved with the following conditions: 1) The County Surveyor receives copies, and approves of all projected drainage plans including any additional use of the county tiles or ditches prior to operation and 2) copies of the required permits are submitted to the Plan Commission Office to be kept on file.

Chairperson, Mark Martens, asked if there was any further information Mr. Troy Cowles would like to add to the Plan Director's presentation.

Troy Cowles stated IMI needs to follow the gravel vein and it happens to be going south to this property. He explained that there would be fifty-foot (50') setbacks from the ditches. On the east side they will have a lower silt fence on the ditch bank and will be putting dirt back in the hole created there so that there are no erosion problems.

Mark Martens asked for any Board member questions to the petitioner or the staff. Being none, Mark entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Rex Robison, Debbie Barts, Linda Herd, Dan Walsh, and Mark Martens being in favor and no one opposing.

Mark then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing.

Scott Tilden, 9824 E 350 S, stated that he is the Fulton County Highway Superintendent. Scott said geographically the location of the gravel pit is a major asset to Fulton County. He added the gravel pit produces high quality aggregate, which the Fulton County Highway and Rochester City Street Departments utilize. Scott said both departments would be sad to see the gravel pit close because then they would all have to utilize other gravel pits not within the county.

Don Cowles, 1980 S US Hwy 31, said he and his wife ran Cowles Gravel Pit for twenty some years. He explained gravel pits have to follow the sand and gravel vein to keep in business. Don further stated the sand and gravel vein in that area has been running south for several years.

Mark Martens asked for any further comments in favor of the petition. Being none, he asked for those in opposition of the petition to please rise and state their name, address and reason for attending the public hearing. Being none, Mark entertained a motion to close the public hearing. Debbie Barts moved to close the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Debbie Barts, Dan Walsh, Linda Herd, Rex Robison, and Mark Martens being in favor and no one opposing.

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Mark Martens asked for any further Board discussion. Being none, he entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 115-1005A Irving Materials Inc, requesting a Special Exception to operate a gravel pit on approximately 28.86 acres, within the Agricultural District (AG) situated approximately a third of a mile south of the intersection of County Road 100 South and County Road 600 West, on the east side of County Road 600 West with the following conditions: 1) The County Surveyor receives copies, and approves of all projected drainage plans including any additional use of the county tiles or ditches prior to operation and 2) copies of the required permits are submitted to the Plan Commission Office to be kept on file. Dan Walsh seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled C). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Debbie Barts	Yea
Dan Walsh	Yea
Linda Herd	Yea
Rex Robison	Yea
Mark Martens	Yea

The motion to approve, Docket #BZA 115-1005A Irving Materials Inc, requesting a Special Exception to operate a gravel pit on approximately 28.86 acres, within the Agricultural District (AG) situated approximately a third of a mile south of the intersection of County Road 100 South and County Road 600 West, on the east side of County Road 600 West with the following conditions: 1) The County Surveyor receives copies, and approves of all projected drainage plans including any additional use of the county tiles or ditches prior to operation and 2) copies of the required permits are submitted to the Plan Commission Office to be kept on file passed with five votes in favor and no one opposing.

Irving Materials Inc (IMI) is also requesting a Special Exception to operate an asphalt plant on property equaling approximately 29.10 acres. The property is located within the Agricultural District (AG) and is situated approximately a half of a mile south of the intersection of County Road 600 West and State Road 14, on the west side of County Road 600 West, directly south and east of Collins Ditch Arm #2. This property is also located just north of an existing pit (see attachment D).

Plan Director, Casi Cramer, explained asphalt facilities are not listed as special exceptions in the AG District, but she had contacted a number of the Plan Commission members and asked if it could be written in with the sand and gravel mining. The majority of the opinion was that in this particular situation it would fit as a special exception in the AG District. Casi stated IMI owns the property in question but E & B Paving will be the actual owner of the asphalt plant. Most of the materials used for the production of the asphalt will come from the IMI mining operation on-site. Casi said E & B Paving is currently looking at a temporary or portable asphalt facility, which is pulled on site and remains on the portable chassis during operation. Casi added Mr. Cowles has stated depending on the demand for asphalt in the area, E & B Paving may in the future remove the portable facility and replace it with a permanent facility. Casi explained E& B Paving has indicated that they will keep the facility contained and may do so by tapering the land to create a natural sloping barrier to contain any accidental spills. Casi also mentioned that the County Surveyor has seventy-five foot (75') easements beginning at the bank of the ditch and extending seventy-five feet (75') out on each side of the ditch. According to Mr. Cowles there has been mining activities, as well as, various asphalt plants located at the gravel pit site since the 1940's. Casi stated the most recent asphalt plant was a portable facility which, when on-site, was located on the southeast corner of County Road 600 West and County Road 100 South. Casi added that this particular area has an address, which is 10124 S 600 W,

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Rochester, and within the comments section of the address layer it states that this is a Paving Plant. Casi called the 911 Director, Steve Reese, to see when the address was issued and he indicated that they had been created on October 19, 1995. Casi recommended the special exception for an asphalt plant be approved with the following conditions: 1) The facility be located in a containment area to maintain surface runoff and any accidental spills that may occur; 2) the County Surveyor receives copies, and approves of all construction plans including any additional use required by the operation of the county tiles or ditches prior to operation; and 3) copies of the required permits are submitted to the Plan Commission Office to be kept on file.

Chairperson, Mark Martens, asked if there was any further information Mr. Troy Cowles would like to add to the Plan Director's presentation.

Troy Cowles stated the old asphalt plant is still permitted, but he would like to put the new plant on the property located just north of County Road 100 South on the west side of County Road 600 West. Troy said one of the reasons for the new placement of the asphalt plant is due to high gas prices. He explained if the site is placed on the property in question the tri-axle trucks will not have to travel all the way down County Road 600 West, which will help lessen the amount of traffic in the area. Troy said with both the gravel operation and the asphalt plant sitting on the same piece of property they will have better access to all the materials they will be utilizing. Troy explained he would have to get all of the required permits through IDEM once the Board approves the asphalt plant and IDEM will control and regulate what the asphalt plant can or cannot do.

Mark Martens asked for any Board member questions to the petitioner or the staff. Being none, Mark entertained a motion to open the public hearing. Being none, he entertained a motion to open the public hearing. Dan Walsh moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Linda Herd, Rex Robison, and Mark Martens being in favor and no one opposing.

Mark then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing.

Maxine Cowles, 1980 S US Hwy 31, said moving the asphalt plant to the west side of County Road 600 West just south of State Road 14 would be great for safety reasons. She explained when the asphalt plant was located on the corner of County Road 600 West and County Road 100 South all vehicles, including asphalt trucks, would travel very fast down 600 West and would not stop at the stop sign located at the intersection of 600 West and 100 South. Maxine believes moving the asphalt plant will be a great move towards safety.

Scott Tilden, 9824 E 350 S, stated that he is the Fulton County Highway Superintendent. Scott explained currently the Fulton County Highway and Rochester City Street Departments have to haul their asphalt from Peru or Plymouth, which can be costly due to higher gas rates. Scott believes the asphalt plant would be a great asset for Fulton County.

Don Cowles, 1980 S US Hwy 31, stated there was definitely an asphalt plant located on the corner of County Road 600 West and County Road 100 South in 1995, which sat there for approximately ten years. Don feels the moving the asphalt plant would be very smart due to the traffic and safety concerns.

Mark Martens asked for any further comments in favor of the petition. Being none, he asked for those in opposition of the petition to please rise and state their name, address and reason for attending the public hearing.

Fred Zellers, 1166 Prairiewood Dr, said he and his wife own property across the road from where this proposed asphalt plant would be placed. He is concerned with it only being seven hundred feet (700') away from his property and with the accidental spills, which may occur. Fred explained that he and his wife may want to sell a piece of their farm property for someone to build a home on in the future, but they are almost sure it will be very difficult to sell with the asphalt plant across the road. Fred stated as far as safety on the roadways is concerned it may be safer than the intersection of County Road 600 West and County Road 100 South, but what about at the intersection of County Road 600 West and State Road 14. He also advised the Board members to look into the top management of the company.

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Mary Jane Zellers, 1166 Prairiewood Dr, stated she is very concerned about the pollution problems this asphalt plant may cause.

Mark Martens asked for any further comments in opposition of the petition. Being none, he asked if there was any rebuttal from Mr. Cowles.

Troy Cowles said as far as the upper management is concerned that is not what they are here to represent to the Board today. He said E & B Paving is a sister company. Troy explained IDEM has rules and regulations that they must follow to help prevent pollution problems. He added there are only three houses near this particular area and one of three houses is his own. Troy stated he has talked to the other two homeowners and neither one has a problem with the plant being located in the proposed area. He added one of those two homeowners wrote a letter saying she was in favor of the gravel pit and the asphalt plant.

Jim Sonntag, Area Manager for E & B Paving, said in 2002 asphalt facilities was taken off of the EPA's list of major pollutant operations. He explained with the new technology there is an actual area, which works like a vacuum system to capture the dust created from the asphalt plant so that it is not submitted into the air.

Mark Martens then entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd, Dan Walsh, Debbie Barts, and Mark Martens being in favor and no one opposing.

Mark Martens asked for any further Board discussion.

Dan Walsh questioned if E & B Paving or IMI would have to come back to the Board and go through another public hearing when they switch the asphalt facility from temporary to permanent. Casi Cramer said that is something the Board members need to decide on tonight. She explained the Board can make a motion to approve the special exception for an asphalt plant and leave out whether it is temporary or permanent or they can make a motion to approve a temporary asphalt plant which would mean IMI would have to come back for a permanent facility.

Mark Martens asked how much oil is typically stored in a portable asphalt plant. Jim Sonntag said the oil makes up approximately five percent (5%) of the asphalt mix. Mr. Sonntag stated anywhere from eighty to one-hundred plus ton. He was unsure of the actual gallons of oil the facility needs. He said he would figure approximately two tanks with five to six thousand gallons of oil. Mark asked how many tanks or gallons of oil there would be if the facility were a permanent asphalt plant. Jim Sonntag said he would guess that there would be three tanks so approximately fifteen thousand to eighteen thousand gallons of oil all together. Mr. Sonntag stated he could get the exact numbers if the Board wanted him to. The Board said it was not that necessary.

Mark Martens asked for any further Board discussion. Being none, he entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 115-1005B Irving Materials Inc, requesting a Special Exception to operate an asphalt plant on approximately 29.10 acres, within the Agricultural District (AG) situated approximately a half of a mile south of the intersection of County Road 600 West and State Road 14, on the west side of County Road 600 West, directly south and east of Collins Ditch Arm #2 and north of an existing pit with the following conditions: 1) The facility be located in a containment area to maintain surface runoff and any accidental spills that may occur; 2) the County Surveyor receives copies, and approves of all construction plans including any additional use required by the operation of the county tiles or ditches prior to operation; and 3) copies of the required permits are submitted to the Plan Commission Office to be kept on file. Dan Walsh seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled E). The Administrative Secretary, Erica Tyler, conducted a roll call vote:

Rex Robison	Yea
Linda Herd	Yea

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Dan Walsh Yea
Debbie Barts Yea
Mark Martens Yea

The motion to approve, Docket #BZA 115-1005B Irving Materials Inc, requesting a Special Exception to operate an asphalt plant on approximately 29.10 acres, within the Agricultural District (AG) situated approximately a half of a mile south of the intersection of County Road 600 West and State Road 14, on the west side of County Road 600 West, directly south and east of Collins Ditch Arm #2 and north of an existing pit with the following conditions: 1) The facility be located in a containment area to maintain surface runoff and any accidental spills that may occur; 2) the County Surveyor receives copies, and approves of all construction plans including any additional use required by the operation of the county tiles or ditches prior to operation; and 3) copies of the required permits are submitted to the Plan Commission Office to be kept on file passed with five votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer explained on April 14, 2004, Mr. Ion Ramer was granted a special exception to operate a Farm Equipment Sales, Service and Machine Shop on his property located at 5744 N 675 E, Rochester, IN. Mr. Ramer had called the Plan Commission Office shortly after the special exception was granted and had asked if he could repair sewing machines and sell a few of them. Casi had the impression that this would be more like a hobby activity rather than an actual business so she told him it would be fine to repair and sell a few sewing machines. Casi stated the Shoppers Guide recently ran an advertisement indicating that Mr. Ramer would be conducting complete servicing to sewing machines including sharpening the scissors, as well as, selling sewing machines, cabinets, chairs, irons, sewing machine needles, accessories, top quality threads, embroidery supplies, fat quarters, notions, and embroidery design collections (see attachment F). Casi said since Mr. Ramer's special exception did not include these various items and it is not a Home Occupation, she asked him to be present at this meeting to ask if he would need to file for a separate special exception in order to sell these various items. The Board consensus was that a Farm Equipment Sales, Service and Machine Shop was significantly different from a Sewing Machine Sales and Service business. The Board decided that Mr. Ramer should ask for a separate special exception for the Sewing Machine Sales and Service business.

Casi told the Board members that there would be an Area Plan Commission Training Session held on Saturday, November 19, 2005 at 9:00 A.M. Casi said the training session will be held at the Fulton County Office Building in the Commissioners/Council Room. Casi explained at this session the members will meet each other and will try to set up a schedule for the upcoming meetings they will be having.

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office (see attachment G).

It is duly noted that there were no Public Comments or Board Comments given at this time.

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Being no further business to come in front of the Board of Zoning Appeals, Mark Martens, entertained a motion to adjourn the November 9, 2005, Board of Zoning Appeals meeting. Rex Robison moved to adjourn the November 9, 2005, Fulton County Board of Zoning Appeals meeting at 8:37 P.M. Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd, Dan Walsh, Debbie Barts and Mark Martens being in favor and no one opposing.

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ATTEST: _____
Erica A. Tyler, Administrative Secretary