

THE FULTON COUNTY BOARD OF ZONING APPEALS  
JANUARY 8, 2003

FULTON COUNTY BOARD OF ZONING APPEALS

WEDNESDAY, JANUARY 8, 2003

7:00 P.M.

COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

ELECTION OF OFFICERS

ADOPTION OF RESOLUTION

BOARD OF ZONING APPEALS MINUTES FOR:

*December 11, 2002*

OLD BUSINESS

NEW BUSINESS

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT



THE FULTON COUNTY BOARD OF ZONING APPEALS  
JANUARY 8, 2003

RESOLUTION 01082003

A RESOLUTION OF THE FULTON COUNTY BOARD OF ZONING APPEALS, OF THE COUNTY OF FULTON, INDIANA, ESTABLISHING MEETING TIMES FOR 2003.

WHEREAS, the Fulton County Board of Zoning Appeals has established that they will meet on the second (2<sup>nd</sup>) Wednesday each month 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 Board of Zoning Appeals that:

1. The Fulton County Board of Zoning Appeals will meet on the second (2<sup>nd</sup>) Wednesday of each month 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 8<sup>th</sup> day of January 2003.

FULTON COUNTY BOARD OF ZONING APPEALS

Mark Martens  
Dan Walsh  
Linda Herd

ATTEST Erica A. Ginther  
Administrative Secretary

IN RE: MINUTES

DECEMBER 11, 2002

Chair, Mark Martens, asked for any additions or corrections to be made to the December 11, 2002 Board of Zoning Appeals minutes. Being none, Dan Walsh moved to approve the December 11, 2002 Board of Zoning Appeals minutes. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, and Mark Martens being in favor and no one opposing.

It is duly noted that there was no Old Business or New Business reported.

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IN RE: PLAN DIRECTOR REPORT

Casi Cramer presented the Board with a Year End Report from the Plan Commission Office (see attachment A). Casi thoroughly explained the report to the Board members and asked for any questions.

Casi told the Board that the Plan Commission Office was working on creating a brochure to send to all of the interested parties of a petition. She explained that the office currently sends a letter with the Public Hearing Notices to help explain why they are being notified of a certain petition. Casi stated that these proposed brochures would help explain the situation in more "layman" terms so that the people may understand it more. Also included in the brochure will be the Board's Rules of Procedure, how the meeting will be run, when it is appropriate for the people to speak, etc.

It is duly noted that there were no Public Comments or Board Comments presented.

Being no further business to come before the Board of Zoning Appeals, Mark Martens entertained a motion to adjourn the meeting. Dan Walsh moved to adjourn the January 8, 2003 Board of Zoning Appeals meeting at 7:27 P.M. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

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Mark Martens, Chair

ATTEST: \_\_\_\_\_  
Erica A. Ginther, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS  
FEBRUARY 12, 2003

FULTON COUNTY BOARD OF ZONING APPEALS

WEDNESDAY, FEBRUARY 12, 2003

7:00 P.M.

COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

*January 8, 2003*

OLD BUSINESS

NEW BUSINESS:

*53-1202 Dale Young*

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS  
FEBRUARY 12, 2003

The Fulton County Board of Zoning Appeals met on Wednesday the 12<sup>th</sup> day of February 2003, 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 7:03 P.M. The following members were present: Chairperson, Mark Martens; Vice Chairperson, Dan Walsh; and Debbie Barts. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Ginther; and Attorney, Greg Heller. It is duly noted that Secretary, Linda Herd and Joe Wegner were absent.

IN RE: MINUTES

JANUARY 8, 2003

Chairperson, Mark Martens, called for any additions, deletions, or corrections to be made to the January 8, 2003 Board of Zoning Appeals minutes. Being none, Dan Walsh moved to approve the January 8, 2003 Board of Zoning Appeals minutes. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, 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

DALE YOUNG  
SPECIAL EXCEPTION

Dale Young, Docket #BZA 53-1202, Special Exception. Dale Young is requesting a special exception for a temporary second dwelling unit to be placed on his property located at, 7681 N 900 W, Culver, IN. This property is located within an Agricultural (AG) District. The temporary dwelling unit will be utilized for Mr. Young's mother. His request originates from the family's care and concern for his mother's health and comfort. Dale Young's tract of land consists of eighty-two (82) acres (see attachment A). Plan Director, Casi Cramer, explained that the temporary home would be required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department. Casi noted that there is an existing septic located in the area where the temporary home will be set (see attachments labeled B), but Mr. Young will still be required to obtain Health Department approval prior to being issued any zoning or building permit.

It is the Plan Director's recommendation that Dale Young be granted his request upon these conditions:

- 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 the placement of the temporary home; and
- 2) the temporary home is never used as a rental unit; and
- 3) the temporary home be utilized as a dwelling for no one except Mrs. Young; and
- 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.

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Dale Young stated that he is in the process of buying this property from his mother and is doing so in order to give his mother full living rights. Dale explained that his mother currently lives in the existing house located on the property. He said he would be moving his mother out of the existing house and into the temporary house. It is Mr. Young's intention to remove the existing home within the next year, so he may build a new home on the property. Dale explained that he has an agreement with his mother in which he has to provide her with a place to live for one year from the time she would leave the property and possibly go into a nursing home. Once his mother has been gone from the property for one year, then he is not obligated to keep a home for her to live in on the property. He stated this agreement was included in his contract. Mark Martens asked if Mr. Young had anything further he would like to add. Dale Young stated not at this time.

Mark Martens then asked for any Board Member questions to Mr. Young or the Plan Director.

Dan Walsh questioned if Mr. Young would be living in the existing dwelling while his mother resided in the temporary dwelling. Dale Young said his mother would be living in the temporary dwelling, because he wants to tear down the existing home and rebuild; but he was thinking of buying a modular home as the temporary dwelling. Casi Cramer explained if in the future Mr. Young decided he did not want to remove the temporary home; he would need to split off at least an acre of that land with the temporary home in order to keep it on the property. Dale Young explained one of his children may want the temporary home later, but if they do not then the modular home can still be removed since it will be placed on a pillar based foundation and not a permanent foundation. Dale further explained that if in the future the temporary home became permanent, he would pour a permanent foundation underneath of it.

Dan Walsh questioned if there would be problems with Mr. Young splitting that piece of land off in the future. Casi Cramer said she had spoken to Mr. Young about splitting that particular piece of property off and there were no problems in doing so. Mark Martens asked for any further Board comments or questions.

Mark Martens felt there was no need to open the petition up to the Public, due to the fact that the only Public present was Mr. Young. Therefore, no one stood and spoke in favor of or in opposition of the petition. Mark then asked for any Board discussion regarding the petition. Being none, he entertained a motion regarding the petition.

Dan Walsh moved to approve the request for a special exception on Docket #BZA 53-1202, Dale Young, to place a temporary second dwelling on his property located at, 7681 N 900 W, Culver, IN, in the Agricultural (AG) District with the following conditions: 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 the placement of the temporary home; and 2) the temporary home is never used as a rental unit; and 3) the temporary home be utilized as a dwelling for no one except Mrs. Young; and 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. Debbie Barts seconded the motion.

There was some discussion regarding the condition #4: the temporary home is removed, after Mrs. Young no longer utilizes it as a dwelling. Dan Walsh felt that #4 needed to be changed to say: the temporary home is removed one year (366 days) after Mrs. Young no longer utilizes it as a dwelling. By doing this Dan felt it would be clear that Mr. Young was meeting the requirements described by

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his agreement with his mother. The Board thoroughly discussed the situation and decided to amend the motion.

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

Debbie Barts	Yea
Dan Walsh	Yea
Mark Martens	Yea

The motion to approve the request for a special exception on Docket #BZA 53-1202, Dale Young, to place a temporary second dwelling on his property located at, 7681 N 900 W, Culver, IN, in the Agricultural (AG) District with the following conditions: 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 the placement of the temporary home; and 2) the temporary home is never used as a rental unit; and 3) the temporary home be utilized as a dwelling for no one except Mrs. Young; and 4) the temporary home is removed one year (366 days) 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 passed with three votes in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer stated that she did not have a Plan Director's Report completed for January, but she would prepare one and send it along with the Member Packets.

Casi showed the Board Members on the LCD Projector the ThinkMap Program in which herself and Erica have been working on. The ThinkMap Program now shows all of the Location Improvement Permits, Splits, etc. that have been obtained in the County. The ThinkMap also displays the Zone Map so whenever you type in an address, the map will show what district it is located in as well.

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

IN RE: BOARD COMMENTS

Mark Martens made mention that there was no business to come before the Board at their March 12, 2003 meeting. The Board thoroughly discussed this situation and decided there was no need for them to meet in March. Debbie Barts moved to cancel the March 12, 2003 Board of Zoning

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Appeals meeting due to there being no business. Dan Walsh seconded the motion. Motion carried as follows: Debbie Barts, Dan Walsh, and Mark Martens being in favor and no one opposing.

Being no further business to come before the Board of Zoning Appeals, Mark Martens entertained a motion to adjourn the meeting. Dan Walsh moved to adjourn the February 12, 2003 Board of Zoning Appeals meeting at 7:41 P.M. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

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Mark Martens, Chairperson

ATTEST: \_\_\_\_\_  
Erica A. Ginther, Administrative Secretary

THE FULTON COUNTY BOARD OF  
ZONING APPEALS WILL NOT BE  
MEETING ON MARCH 12, 2003 DUE TO  
THERE BEING NO BUSINESS

THE BOARD OF ZONING APPEALS  
WILL MEET AGAIN ON APRIL 9, 2003 AS  
SCHEDULED

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

WEDNESDAY, APRIL 9, 2003

7:00 P.M.  
COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:  
*February 12, 2003*

OLD BUSINESS

NEW BUSINESS:

*Lyntech Engineering Inc. 54-0103 & 57-0103*  
*Donald & Maxine Coules 55-0303*  
*Genex Center 56-0303*

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS

APRIL 9, 2003

The Fulton County Board of Zoning Appeals met on Wednesday the 9<sup>th</sup> day of April 2003, 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; Secretary, Linda Herd; and Joe Wegner. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Ginther; and Board of Zoning Appeals Attorney, Greg Heller. It is duly noted that board member Debbie Barts was absent.

IN RE: MINUTES

FEBRUARY 12, 2003

Chairperson, Mark Martens, noted that there were no minutes to approve from March, because the board did not adjourn in March. Mark then called for any additions, deletions, or corrections to be made to the February 12, 2003 Board of Zoning Appeals minutes. Being none, Dan Walsh moved to approve the February 12, 2003 Fulton County Board of Zoning Appeals minutes. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Linda Herd, and Mark Martens being in favor and no one opposing.

It is duly noted there was no Old Business to report.

IN RE: NEW BUSINESS

LYNTECH ENGINEERING INC  
SPECIAL EXCEPTION

Lyntech Engineering Inc, Docket #BZA 54-0103, Special Exception. The owners of Lyntech Engineering Inc are Jason and Amanda Hudkins. They are requesting a special exception for 1.77 acres located on 6310 State Road 14, Athens, IN. This property has already been through the Zone Map Amendment procedure and was approved to be rezoned from a Residential Cluster District (R1) to a Village Commercial District (VC) to operate a machine shop business on the property, contingent upon the approval of a special exception from the Board of Zoning Appeals.

Plan Director, Casi Cramer, displayed an aerial photo of the proposed property and the area surrounding (see attachment A). Casi noted Lyntech's current location is off the corner of State Road 14 and State Road 25 behind Shepherd's Chevrolet car lot in Rochester, IN (see attachment B). Casi displayed another aerial photo of the proposed location in Athens, IN, which was taken in the Spring of 2000 (see attachment C). The proposed property is located on the corner of Athens Road (County Road 650 East) and State Road 14 in Henry Township. There is an existing building located on the property, which is approximately 3,925 square feet. At one point in time, the proposed site had a mobile home sitting on it, which was used as an office for another business. It is assumed that there was a working septic and well on the proposed site for the office use. The Fulton County Health Department does not have any records showing the location or capacity of a septic. She explained the VC District has several permitted uses listed within it; as well as special exception uses. For example, listed within the VC District special exception uses is light manufacturing, but it does not list machine shop. Casi asked the Plan Commission Board whether the machine shop could be written in as a special exception use under the Ordinance regulation (Article Two General Zoning Districts, Section 2.3 Unlisted or Questionable Land Uses) which states, "Any use not listed as a Permitted Use or Special Exception is considered Non-Permitted unless the Plan Commission or Zoning Administrator makes a determination otherwise. The Plan Commission or Zoning Administrator may determine into which category any questionable use be placed if not specifically listed and is similar to another use that is Permitted or a Special Exception. This determination may be appealed to the Board of Zoning Appeals." The Plan Commission felt a machine shop business would be similar to a light manufacturing business, if not less harmful

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than a manufacturing business. Casi noted the VC District does not have any setback requirements other than ten feet (10') off of the rear property line but it does have buffer yard standards that must be met. These buffer yard standards state that an additional ten feet (10') of setback shall be required in addition to the normal setback on the yard(s) abutting the other zoning district. Casi displayed a photo of the proposed property as it lies in the plat books, which also shows the right of ways located on County Road 650 East and State Road 14 (see attachment D). The photo also shows the side and front buffer yards that would be required. Note that the rear buffer yard is not included, since Lyntech will have to ask for a variance regarding that buffer. Casi noted that this particular property also has the Buckeye Pipeline running throughout it, which also has a right of way of twenty-five feet (25') on both sides of the pipeline. Casi stated the speed limit on State Road 14 changes inside the Athens town limits. The speed limit outside of the town limits is 55 mph, then changes to 45 mph just inside the town limits and finally drops to 35 mph through the middle of town (see attachments labeled E). Casi explained parking for the business would be in front of the existing building, off of the right of way of State Road 14 and in the fenced in area to the side of the building. Casi stated that this particular property has been used for several different businesses in the past, such as an Agricultural Chemical Companies, the Omnisource Corporation, and a truck terminal. There are already existing access drives on the property along State Road 14, as well as County Road 650 East. Casi displayed a photo of the rear of the existing building where you can see the existing loading dock, which Lyntech plans to utilize for their business (see attachment F). There are approximately fifty-five homes located within a half-mile radius of the proposed site and the site is approximately two miles east of the Rochester City Limits. If approved, Lyntech Engineering Inc will be operating a machine shop within the existing building. Lyntech was established in July 2002 and has begun to expand beyond the capacity of their existing building located within the Rochester City Limits. Lyntech designs and builds machines for clients for the purpose of accomplishing specific tasks. Lyntech predominantly contracts with the automotive industry, but not exclusively. Lyntech also designs and creates specific parts for machines on a limited basis. There are currently nine employees working for Lyntech, including the owners. Lyntech has personal delivery trucks, which will be kept, inside the fenced in area when not in use. There will not be any type of mass quantity parts being produced from this business, it will strictly be a machine shop business.

Chairperson, Mark Martens, explained how the rest of the public hearing would be run. Mark opened the floor for Lyntech Engineering Inc owner, Jason Hudkins, to explain or add information to the Plan Director's report. Jason Hudkins explained his business has expanded beyond the capacity of their current location. They are looking at expanding their business on the proposed property. Jason stated his business is not a production shop, so there will be no mass production at the site. Jason said Lyntech Engineering Inc thrives on appearance and they take pride in what they do. He stated that he plans on cleaning the property and making it an improvement to the community, compared to the types of businesses that have been previously located on the property.

Mark Martens asked for any Board Member questions to the petitioner.

Joe Wegner asked how many people would be employed at the business. Jason Hudkins stated Lyntech currently has ten people employed and does not foresee employing anymore than fifteen people at one time.

Joe Wegner questioned if there would be any noise coming from the building created by the equipment used to make the parts or machines. Jason explained that most of their parts and machines are made by utilizing tool and dye equipment, which does not create much noise outside of the building.

Joe Wegner voiced concern about parking. Jason said, for the most part; people would be parking on the large apron located in front of the building. In the winter months, they would be parking inside the fenced in area. Jason explained he has not tested entering the property through the existing entrance on State Road 14, nor exiting onto State Road 14 to know whether it will pose a problem or not.

Mark Martens asked what kind of truck traffic the business would be anticipating on a daily basis. Jason said there would be UPS deliveries made daily, two to three times a week. There would also be a small flatbed truck with steel deliveries as well as their own personal pick-up trucks making deliveries everyday. Jason explained that the

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flatbed trucks would only be on the property for approximately fifteen minutes, at the most, every time they come to the business.

Mark Martens questioned how big the machines would be. Jason Hudkins stated most of their machines are small enough to fit in the back of a pick-up truck. Jason noted that he has a sixteen-foot flatbed trailer that he utilizes to haul machines, which he can fit six machines on at one time. Jason said his business does not have any hydraulic trucks, because they do not do any mass quantity production. Mark asked for any further Board Member questions. Being none he entertained a motion to open the public hearing.

Joe Wegner moved to open the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Linda Herd, 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.

Harriet Swartz, 6122 E St Rd 14, questioned whether or not it would raise the taxes in that area. Caci Cramer explained that the property taxes in the area would not be affected by the zoning classification of Lyntech's property.

Ben Severns, 6234 E A St, voiced concern about having the side doors to the existing building open (facing State Road 14) when they are welding parts. Ben felt that those doors should remain closed so that it is not a distraction to those driving by on State Road 14. Jason Hudkins explained that the building would be climate controlled so there would be no need to have those doors open. Ben also voiced concern about another industry coming into the property once Lyntech is done utilizing it. Mark Martens explained if the industry wishing to locate to the property is not within the permitted uses listed in the Village Commercial District (VC), then they would have to go through a public hearing procedure just like Lyntech Engineering Inc. Ben Severns voiced concern about the entrances and exits on the property. He felt there should be some type of open driveway where the trucks could pull in and out very easily.

Cora Bowers, 6238 St Rd 14, stated most of the people she has talked to are in favor of this petition, but they have concerns about run off created by the business which would contaminate their water sources. Jason Hudkins explained that their business uses water and biodegradable coolants along with cutting oils. As far as Jason knows none of these items are harmful. They will not be dumping anything down drains or out back behind the buildings, so there should not be any concern for water contamination of any sort. Jason said if the business ever did have to use some type of chemical, they would store the excess in barrels and have a safety cleaner come pick them up and dispose of them properly.

Mark Martens asked for any further comments in favor of the petition. Being none, he asked for any comments opposing the petition. Being none, he entertained a motion to close the public hearing. Joe Wegner moved to close the public hearing. Linda Herd seconded the motion. Motion carried as follows: Joe Wegner, Linda Herd, Dan Walsh, and Mark Martens being in favor and no one opposing.

Mark Martens asked Jason Hudkins what they did with their excess cutting oils when done utilizing them. Jason explained when using cutting oils they normally apply it with a brush, so very little is used; what excess is left normally falls to the ground and is swept up along with the metal shavings which are then thrown into a dumpster. Jason noted that all of the cutting oils utilized by his business are biodegradable and soluble. He further stated if his business ever needed to utilize harmful chemicals they would store the excess in barrels, which would be kept inside the building in a blocked off area, and a company such as Safety Clean would come once a week to pick up the barrels to dispose of them properly.

Joe Wegner asked if EPA had contacted Lyntech Engineering Inc. Jason Hudkins stated EPA had not contacted his business. Joe Wegner questioned if EPA considered Lyntech a low risk business. Jason said he was not aware of what EPA labeled his business as, but since they have not contacted him, he would assume they considered Lyntech a low risk business.

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Mark Martens asked if there was anything further that Jason or Amanda Hudkins would like to add regarding the petition. Jason Hudkins explained on the north side of the building, or backside, there is an existing loading dock, which they had planned on utilizing. Jason stated he is open for suggestions on how to have his trucks enter and exit the property. Amanda Hudkins added that they had planned to have the trucks would pull off State Road 14, entering through their front gate, and pull straight back to the loading dock. The trucks would not be backing into the property, which would cause them to block the road. Jason said there is enough room behind the building for a truck to pull in and turn around; leaving the same way they entered. Casi Cramer explained, since there are existing entrances on the property, the Fulton County Ordinance regulations on entrances do not apply. However, if Lyntech were to ever create a new entrance onto the property, then they would have to comply with the Fulton County Ordinance standards on entrances and driveways. They would also need to contact the State regarding their regulations on entrances off of State Roads. Being no further questions or comments; Mark Martens entertained a motion regarding the petition.

Joe Wegner moved to approve the request for a special exception on Docket #BZA 54-0103, Lyntech Engineering Inc, to operate a machine shop business at, 6310 East State Rd 14, Athens, IN, in the Village Commercial District (VC). Dan Walsh seconded the motion.

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

Joe Wegner	Yea
Linda Herd	Yea
Dan Walsh	Yea
Mark Martens	Yea

The motion to approve the request for a special exception on Docket #BZA 54-0103, Lyntech Engineering Inc, to operate a machine shop business at, 6310 East State Rd 14, Athens, IN, in the Village Commercial District (VC) passed with four votes in favor and no one opposing.

IN RE: NEW BUSINESS

LYNTECH ENGINEERING INC  
DEVELOPMENT STANDARDS VARIANCE

Lyntech Engineering Inc, Docket #BZA 57-0103, Development Standards Variance. The owners of Lyntech Engineering Inc are Jason and Amanda Hudkins. Lyntech Engineering Inc is requesting a development standards variance of twenty feet off of the rear yard and rear buffer yard requirements for 1.77 acres located at 6310 State Road 14, Athens, IN. Buckeye Pipeline currently has four pipes buried on this property, only one of which is active. The pipeline has a twenty-five foot easement on both sides of the pipes (see attachment H) upon which nothing can be built. Lyntech purchased the property with the intention of adding on to the existing building and only found out about the pipeline easement after the property had been closed upon. The fence located at the back of the property sits approximately seven feet off of the actual rear property line.

Plan Director, Casi Cramer, stated when she had spoken to Jason and Amanda Hudkins about this situation, they had decided to add on to the existing building, but have it offset from the existing building (see attachment I). Casi explained the building area of this property is diminished considerably when the zoning setbacks and buffer yards are taken into account with the existing easement of the pipeline. The Village Commercial District (VC) requires a

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ten-foot setback on the rear property line. The VC District has buffer yard requirements, which state, "If a property in a VC District is adjacent to GC, PR, IN, IU, AG, RR, R1, R2, R3, or MP, an additional ten (10) feet of setback shall be required in addition to the normal setback on the yard(s) abutting the other zoning district." In this situation, all structures must sit at least twenty feet off of the rear property line, which only leaves approximately 24.5 feet between the existing building and the rear property line that is buildable. Buckeye Pipeline has been to the site and marked where the actual lines lie under the property. It is unknown how much property is buildable to the west of the building, due to the pipeline easement curving from the southeast corner of the property to the northwest corner. Casi said she would recommend the Board approve the request for the development standards variance, due to the practical difficulty of the existing pipeline easements.

Mark Martens asked Lyntech Engineering Inc owner, Jason Hudkins, for any further comments regarding his petition. Jason Hudkins stated the drawing Casi Cramer had shown was just an example of where they could place the addition in relation to the pipeline easements. Jason explained that they are unsure of what the new dimensions would be on the addition and how it would exactly sit but they know it would have to be within the open area, as Casi's drawing shows, because of the pipelines.

Mark Martens asked for any Board Member questions to the petitioner.

Dan Walsh questioned if the development standards variance was granted, if that meant that Lyntech Engineering Inc could build all the way up to their back property line. Casi Cramer stated that they could build to their back property line if the variance was granted. Dan Walsh then questioned if the trucks would be backing out of the property from State Road 14 if Lyntech kept their existing loading dock and were granted the variance. Jason Hudkins said that appears to be what would have to happen. Jason explained if the addition was built the way Casi had shown, then they would change their loading dock location to the new addition, and have the trucks pull in off of State Road 14 through the large gate into their lot. He further stated, there is still quite a bit of the lot that they cannot build on, that must stay clear of junk, so trucks could have enough room to pull in and turn around on the lot. This preventing anyone from having to back out onto State Road 14. Mark asked for any further Board Member questions. Being none he entertained a motion to open the public hearing.

Dan Walsh moved to open the public hearing. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Linda Herd, 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.

Terry Weiss, 2167 W State Road 14, stated there are two homes located on the corner of County Road 650 East and C Street (directly behind the proposed property) in Athens, which are boarded up. Terry said no one was currently living in these homes and he thought they were in the process of being condemned.

Ben Severns, 2634 E A St, questioned if there was more room to build the proposed addition to the north of the pipelines than there was to the south of the pipelines. Casi Cramer stated there is more room to the north than there is to the south.

Mark Martens asked for any further comments in favor of the petition. Being none, he asked for any comments opposing the petition. Being none, he entertained a motion to close the public hearing. Joe Wegner moved to close the public hearing. Linda Herd seconded the motion. Motion carried as follows: Joe Wegner, Linda Herd, Dan Walsh, and Mark Martens being in favor and no one opposing.

Dan Walsh voiced concern about granting a Development Standards Variance on this proposed property if the owners were unsure of when and where they were going to build the addition. Casi Cramer explained when Jason and Amanda Hudkins first purchased the property they were unaware of the Buckeye Pipelines, which run through their property. Jason and Amanda found out about the pipelines only after they had already purchased the

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property, therefore, changing their plans on how they were going to add on to the existing building. Casi noted it causes less confusion on the interested parties that have to be notified, if the Zone Map Amendment, Special Exception, and Development Standards Variance are requested within the same time period. Casi stated if Jason and Amanda Hudkins decide not to build the addition in the area represented or if they do not build the addition within the next year, then they will have to come in front of the Board and go through the whole public hearing procedure again. Casi further noted that the BZA does not have to grant the entire twenty-foot (20') variance; they can grant any variance they feel is necessary. The variance was advertised for the entire setback and buffer yard to give the Board the flexibility of reducing the variance amount however they saw fit. Once a variance is advertised, the Board can only reduce the amount, no increase it.

Jason Hudkins explained they bought the property through an auction and were never given an actual survey of the property. Jason said they were not aware of the Buckeye Pipeline until after they had closed on the property. He stated as materials were being delivered to the property a representative from Buckeye Pipeline stopped to do a check on the property. After telling inquiring about what the new owners intentions were, the gentleman explained that the addition could not be built where it was planned because of the pipeline running easements. Amanda Hudkins explained that she and her husband stopped all work on the building once they found out about the pipelines. Jason said they did not want to do anymore work on the property until they found out what their options were.

Mark Martens asked if it was fair to say then that Lyntech Engineering Inc would be building the addition within the next year. Jason Hudkins replied as long as business continues to expand as it is now. Mark questioned if Jason had contacted Buckeye to see if they would grant him some type of variance allowing him to intrude onto their easement. Jason explained he has contacted Buckeye on that situation, but if he had his choice he would rather not intrude on Buckeye's easement for fear of what runs through the pipes everyday. Being no further questions or comments; Mark Martens entertained a motion regarding the petition.

Dan Walsh moved to approve the request for a Development Standards Variance on Docket #BZA 57-0103, Lyntech Engineering Inc, of twenty feet (20') off of the rear yard and rear buffer yard requirements for their proposed machine shop business located at, 6310 East State Rd 14, Athens, IN, in the Village Commercial District (VC). Joe Wegner seconded the motion.

The Board members then proceeded to fill out their Findings of Fact forms (see attachments labeled J). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Dan Walsh	Yea
Linda Herd	Yea
Joe Wegner	Yea
Mark Martens	Yea

The motion to approve the request for a Development Standards Variance on Docket #BZA 57-0103, Lyntech Engineering Inc, of twenty feet (20') off of the rear yard and rear buffer yard requirements for their proposed machine shop business located at, 6310 East State Rd 14, Athens, IN, in the Village Commercial District (VC), passed with four votes being in favor and no one opposing.

IN RE: NEW BUSINESS

DONALD & MAXINE COWLES  
SPECIAL EXCEPTION

Donald & Maxine Cowles, Docket #BZA 55-0303, Special Exception. Mr. and Mrs. Cowles are requesting a special exception for the operation of a gravel pit on property, equaling approximately 75.91 acres, located in the

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Agricultural District (AG). This proposed property is located approximately a half mile south of State Road 14 on the east side of County Road 600 West (see attachment K).

Plan Director, Casi Cramer, explained Mr. and Mrs. Cowles are the owners of Cowles Sand and Gravel and are requesting the special exception as an extension of their existing operation (see attachment L). The existing gravel pits adjacent to this area are zoned General Commercial (GC), limiting the amount and type of neighbors to the operation. Casi stated the nearest houses (not within the GC District) are approximately a half mile away from the northern property line of the petition site. One home is approximately a third of a mile from the southern property line of the petition site. Casi said the expansion of a gravel pit is at the mercy of the direction of the sand and gravel vein. This particular vein only flows to the north and east of the existing gravel pits. Casi noted that sand/gravel/mining is listed as a special exception in the AG District. She explained according to the Fulton County Zoning Ordinance there is no regulation stating there has to be buffer yards surrounding the proposed area but the State does have regulations that the gravel pit must follow. Casi does not foresee an overwhelming effect on the existing infrastructure, due to the fact the expansion will be located adjacent to the existing operation. Casi further noted that Cowles Sand and Gravel services a number of the surrounding counties, as well as the Fulton County Highway and Rochester City Street Departments. There are also a number of businesses within Fulton County such as E&B Paving, which patronize Cowles Sand and Gravel.

Donald Cowles stated Cowles Sand and Gravel needs more land to expand their business and continue to serve the community. Mark Martens asked for Board Member questions to the petitioner.

Casi Cramer noted the surrounding area is either zoned as General Commercial (GC) or Agricultural (AG). She explained the proposed property is not required to be rezoned as a General Commercial (GC) District, due to gravel/sand/mining being listed as a special exception in the Agricultural (AG) District.

Joe Wegner asked if this expansion would increase the amount of business Cowles Sand and Gravel currently has. Donald Cowles stated the amount of business would generally be the same as it is now.

Joe Wegner drove down County Road 600 West and noticed a lot of ruts in the road. He travels that road often and there are times when it gets fairly damaged. Joe questioned if Cowles Sand and Gravel works with the Fulton County Highway Department fixing those ruts and if not, who will be fixing them. Donald Cowles explained Cowles Sand and Gravel donates all the gravel that is needed for the County to re-asphalt the road. Joe asked if the ruts would be getting any worse, due to increased traffic. Donald Cowles stated the ruts should not become any worse. Mark Martens asked for any further Board Member questions to the petitioner. Being none he entertained a motion to open the public hearing.

Dan Walsh moved to open the public hearing. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Joe Wegner, and Mark Martens being in favor and no one opposing. Mark Martens asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing.

Terry Weiss, 2167 W State Road 14, stated his office R.E. Daake & Associates, takes care of Cowles Sand and Gravel's State permits. This proposed property will pass State requirements, as long as the special exception is granted.

Mary Linda Leasure, 6380 W 100 S, said the Cowles' are good neighbors and try to keep their land nice by planting trees, etc. on the property. Mary said she appreciates the Cowles' hard work on making the environment work.

Scott Tilden, Fulton County Highway Superintendent, explained Cowles Sand and Gravel is a very valuable asset to the Fulton County Highway Department. Scott stated Cowles Sand and Gravel is in an ideal location geographically in the County. He noted that the Highway Department receives all of their sand and snow removal materials from Cowles. They also receive 30% - 40% of their coarse aggregates from Cowles Sand and Gravel. Scott

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is in support of the expansion of Cowles Sand and Gravel for the future of the Fulton County Highway Department.

Robert Jones, Executive Director of the Indiana Metal Aggregate Associates in Carmel IN, stated Cowles Sand and Gravel has been an active member of their association for several years. He noted that Cowles has won many awards from their association within the last several years and are also active in the association's Environmental Stewardship Council.

David Heyde, E&B Paving, explained his company does have an asphalt setup on Cowles Sand and Gravel current location. He feels that Cowles is a great asset to his company, as well as to Fulton County and the surrounding communities. David stated if Cowles Sand and Gravel did not exist, his company as well as the Fulton County Highway Department would have to haul aggregates into the County from other counties, which would be costly. David Heyde is in support of the expansion of Cowles Sand and Gravel.

David Smith, 5729 W St Rd 14, said the Cowles are great people and he is in support of a family operated business being allowed to expand.

Roy McClellan, 1421 N 400 W, stated he used to be a foreman for McMahan's and E&B Paving. Roy knows the Cowles fairly well and feels the special exception should be granted.

Troy Cowles, 725 S 650 W, explained he works with his father at Cowles Sand and Gravel. He is also in the Pheasants Forever group. Pheasants Forever conduct all of the plantings around the gravel pit to encourage wildlife and help to save what environment is left.

Marvin Rich, Member of the Environmental Stewardship Council in Fort Wayne IN, stated that the proposed property meets all required State setbacks and regulations, as well as, the requirements for the Environmental Stewardship Council. Marvin said the Cowles' are good people and he feels the special exception should be approved.

Mark Martens asked for any further comments in favor of the petition. Being none, he asked for any comments opposing the petition. Being none, he entertained a motion to close the public hearing. Joe Wegner moved to close the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Linda Herd, and Mark Martens being in favor and no one opposing. Being no further questions or comments; Mark Martens entertained a motion regarding the petition.

Dan Walsh moved to approve the request for a Special Exception on Docket #BZA 55-0303, Donald and Maxine Cowles, to operate a gravel pit one-half of a mile South of State Road 14 on the East side of County Road 600 West in Union Township, Kewanna, IN, in the Agricultural District (AG) consisting of 75.91 acres. Linda Herd seconded the motion.

The Board members then proceeded to fill out their Findings of Fact forms (see attachments labeled M). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Joe Wegner	Yea
Linda Herd	Yea
Dan Walsh	Yea
Mark Martens	Yea

The motion to approve the request for a Special Exception on Docket #BZA 55-0303, Donald and Maxine Cowles, to operate a gravel pit one-half of a mile South of State Road 14 on the East side of County Road 600 West in Union Township, Kewanna, IN, in the Agricultural District (AG) consisting of 75.91 acres passed with four votes being in favor and no one opposing.

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IN RE: NEW BUSINESS

GENEVA CENTER  
SPECIAL EXCEPTION

Geneva Center, Docket #BZA 56-0303, Special Exception. The Geneva Center is requesting a special exception for two Retreat Residence Quarters and a pavilion on the property located in the Park (PR) District. The property is located at 5282 Old US 31, Rochester, IN 46975. The Retreat Residence Quarters will be utilized for the Geneva Center's conference activities.

Plan Director, Casi Cramer, noted neither Retreat Residence Quarters nor Pavilion are listed in the PR District, but were written in as Special Exceptions. She explained the definition of Retreat Residence Quarters was shaped after the definition of seasonal cabins. The definition of Seasonal Cabin was included in the PR District Special Exceptions for areas like the Geneva Center. Casi stated at the time the Seasonal Cabin definition was crafted, the Plan Commission was unaware of the size of cabins and amenities the Geneva Center intended. Casi explained the following definition was crafted for Retreat Residence Quarters by a couple of the Plan Commission members and herself while talking about how the ordinance should reflect such uses: *Living quarters designed for occasional use by retreat residents are allowed in the Park District as a Special Exception. These buildings must be a minimum of 625 square feet and not used for more than 180 days per calendar year. The structure may include sleeping quarters, kitchen and restroom facilities. Uses are expected to be in conjunction with religious or educational retreats. Student dormitory housing is not permitted.* Casi displayed two site plans provided by Geneva Center showing where the proposed Retreat Residence Quarters (cabins) and Pavilion would be placed on the property (see attachments labeled N). The Retreat Residence Quarters placed upon the property are still required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department. Attachments O and P show what the actual Retreat Residence Quarters and Pavilion will look like from the outside, as well as a floor plan of the inside. Casi explained the site plans show four Retreat Residence Quarters (cabins), however only two of the quarters will be built within the next two years along with the pavilion. When the Geneva Center prepares to build the remaining quarters, they will then request a special exception for those buildings at that time. Casi Cramer explained the special exceptions are only good for the petitioners asking for them. If someone bought the proposed property, they would have to return to the Board of Zoning Appeals to ask for their own special exceptions.

Mark Martens asked if there was anything the petitioner would like to add. Paul Fogg, Geneva Center, said he could not think of anything further that needed to be added. Mark asked for Board Member questions to the petitioner.

Dan Walsh questioned what the size of the buildings were proposed to be. Paul Fogg stated that the buildings were 1,600 square feet.

Mark Martens asked how many people could be housed in the Retreat Residence Quarters. Paul Fogg said approximately sixteen people in each.

Due to there being no public present to speak, Mark Martens felt it unnecessary to open the public hearing. Being no further questions or comments; Mark Martens entertained a motion regarding the petition.

Linda Herd moved to approve the request for a Special Exception on Docket #BZA 56-0303, Geneva Center, to place two retreat quarters and a pavilion at 5282 Old US 31, Rochester, IN which is located in the Park District (PR). Joe Wegner seconded the motion.

The Board members then proceeded to fill out their Findings of Fact forms (see attachments labeled Q). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Dan Walsh                      Yea

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Linda Herd	Yea
Joe Wegner	Yea
Mark Martens	Yea

The motion to approve the request for a Special Exception on Docket #BZA 56-0303, Geneva Center, to place two retreat quarters and a pavilion at 5282 Old US 31, Rochester, IN which is located in the Park District (PR) passes with four votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer presented the Board with an update of permits, applications, violations, and complaints that have occurred in the Plan Commission Office (see attachment R).

It is duly noted there were no Public Comments or Board Comments presented.

Being no further business to come in front of the Board of Zoning Appeals, Mark Martens entertained a motion to adjourn the April 9, 2003 Board of Zoning Appeals meeting. Dan Walsh moved to adjourn the April 9, 2003 Board of Zoning Appeals meeting. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Linda Herd, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

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Mark Martens, Chairperson

ATTEST: \_\_\_\_\_  
Erica A. Ginther, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS  
MAY 14, 2003

**FULTON COUNTY BOARD OF ZONING APPEALS**

**WEDNESDAY, MAY 14, 2003**

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

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**  
*April 9, 2003*

**OLD BUSINESS**

**NEW BUSINESS:**

*Maria Evers 58-0403*

*Lyle Smith 59-0403*

*David Dare Jr. 60-0403*

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

FULTON COUNTY BOARD OF ZONING APPEALS

MAY 14, 2003

The Fulton County Board of Zoning Appeals met on Wednesday the 14<sup>th</sup> day of May 2003 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; Secretary, Linda Herd; Debbie Barts and Joe Wegner. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Ginther; and Board of Zoning Appeals Attorney, Greg Heller

IN RE: MINUTES

APRIL 9, 2003

Chairperson, Mark Martens, asked for any additions, deletions, or corrections to be made to the April 9, 2003 Board of Zoning Appeals minutes. Being none, Dan Walsh moved to approve the April 9, 2003 Board of Zoning Appeals minutes. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Joe Wegner, Debbie Barts, and Mark Martens being in favor and no one opposing.

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

IN RE: NEW BUSINESS

MARIA EVERS  
DEVELOPMENT STANDARDS VARIANCE

Maria Evers, Docket #BZA 58-0403, Development Standards Variance. Maria Evers and her husband David Evers are requesting a development standards variance of ten (10) feet for the purpose of adding a nineteen by twenty foot addition to the south side of the existing garage. The property involved is located at 488 South 700 West, Rochester, IN which is listed in the Agricultural District (AG) and consists of one acre (see attachments labeled A). Plan Director, Casi Cramer, explained the existing garage currently sits within twenty-five (25) feet of the side property line. To be in compliance with the Fulton County Zoning Ordinance the addition must be built a total of fifteen (15) feet from the side property line. Therefore, Maria Evers needs a ten (10) foot variance to be able to build her addition within five (5) feet of the side property line. Casi noted that the addition would be built flush with the existing garage. Casi stated an added buffer, if the variance is approved, is the fact that Mr. Evers' parents own a twenty-five (25) foot strip of ground that runs parallel with the south side of Mr. and Mrs. Evers' property. Casi said the addition would meet all other required setbacks and zoning regulations.

It is the Plan Director's recommendation that the Board approve the requested variance of ten (10) feet for the purpose of building a nineteen by twenty foot addition onto the south side of the existing garage.

Chairperson, Mark Martens, asked if there was anything Mr. and Mrs. Evers' wanted to add to Casi's presentation. Mr. and Mrs. Evers' stated they had nothing further to add.

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Mark Martens then entertained a motion to open the public hearing. Dan Walsh moved to open the public hearing. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Linda Herd, Debbie Barts, 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 for those opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he entertained a motion to close the public hearing.

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

Mark Martens asked for any further Board Member comments or questions. Being none, he entertained a motion regarding the petition.

Dan Walsh moved to approve the request for a Development Standards Variance on Docket #BZA 58-0403, Maria Evers, of ten feet for the purpose of adding a nineteen by twenty foot addition to the south side of the existing garage located at 488 South 700 West, Rochester. Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact forms (see attachments labeled B). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Joe Wegner	Yea
Debbie Barts	Yea
Dan Walsh	Yea
Linda Herd	Yea
Mark Martens	Yea

The motion to approve the request for a Development Standards Variance on Docket #BZA 58-0403, Maria Evers, of ten feet for the purpose of adding a nineteen by twenty foot addition to the south side of the existing garage located at 488 South 700 West, Rochester passed with five votes being in favor and no one opposing.

It is duly noted that the petition of Lyle Smith, Docket #BZA 59-0403, Use Variance will be tabled until the next regularly scheduled meeting.

FULTON COUNTY BOARD OF ZONING APPEALS

MAY 14, 2003

IN RE: NEW BUSINESS

DAVID DARE JR.  
DEVELOPMENT STANDARDS VARIANCE

David Dare Jr., Docket #BZA 60-0403, Development Standards Variance. David Dare Jr. is requesting a development standards variance of ten (10) feet for the purpose of building a thirty by twenty foot addition to the north side of the existing house. The existing house is located within an Agricultural District (AG) at 5570 North 900 West (Old State Road 17), Delong, IN. The property consists of one acre. Plan Director, Casi Cramer, explained the existing house currently sits on an angle with County Road 900 West (Old State Road 17) and measures between fifty and sixty feet from the centerline of County Road 900 West (see attachments labeled C). To be in compliance with the Fulton County Zoning Ordinance David Dare Jr. must build his addition sixty feet from the center of County Road 900 West. Casi explained the new addition, if the variance is granted, at it's closest point would sit within fifty (50) feet of the center of County Road 900 West. The addition will be built flush with the existing house. Casi Cramer noted the only concern that was voiced about David Dare Jr.'s addition was whether or not he would be encroaching on a platted alleyway. Casi researched the situation and found that David would not be encroaching on the existing platted alleyway.

It is the Plan Director's recommendation that the Board approve the requested variance of ten (10) feet for the purpose of building an addition onto the north side of the existing home.

Chairperson, Mark Martens, asked if there was anything Mr. Dare Jr. would like to add to Casi's presentation. Mr. Dare Jr. responded not at this time.

Mark Martens asked for any Board Member comments or questions.

Dan Walsh questioned if David Dare Jr. had already started on the addition. Casi Cramer explained David had already removed the existing siding and dug the hole for the foundation when he visited the Plan Commission Office to obtain a Location Improvement Permit. It was at this time he realized he would need a variance to build the addition the way he had planned. Once David found he needed a variance, he stopped all work immediately.

Mark Martens entertained a motion to open the public hearing. Joe Wegner moved to open the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Debbie Barts, Linda Herd, 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.

David Dare Sr., 2895 S Lart Lane Knox IN, said he thought the septic system ran along the west side of the home, which means the only area available for David Dare Jr. to build is to the north of the existing house. David Dare Sr. stated his son has made a lot of improvements to the inside of the home and now wants to improve the outside.

Mark asked for any further comments in favor of the petition. Being none, he asked for any comments opposing the petition. Being none, he asked for any further Board Member comments or questions. With no further comments Mark entertained a motion to close the public hearing.

FULTON COUNTY BOARD OF ZONING APPEALS

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

Mark Martens then entertained a motion regarding the petition.

Joe Wegner moved to approve the request for a Development Standards Variance on Docket #BZA 60-0403, David Dare Jr., of ten feet for the purpose of building a thirty by twenty foot addition to the north side of the existing house located at 5570 North 900 West, Delong. Dan Walsh seconded the motion.

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

Linda Herd	Yea
Dan Walsh	Yea
Debbie Barts	Yea
Joe Wegner	Yea
Mark Martens	Yea

The motion to approve the request for a Development Standards Variance on Docket #BZA 60-0403, David Dare Jr., of ten feet for the purpose of building a thirty by twenty foot addition to the north side of the existing house located at 5570 North 900 West, Delong passed with five votes in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer presented the Board with an update of permits, applications, violations, and complaints that have occurred in the Plan Commission Office. (See attachment E)

Casi presented the Board with a copy of what will appear on the official website for the Fulton County Advisory Plan Commission Office. Casi explained it is still under construction but should be finished soon. Board members may visit the website if they have access to the Internet to view any progress made. The website will provide items such as; BZA Members, Plan Commission Members, Office Staff, Minutes from past meetings, Meeting dates and times, etc. (See attachment F)

Casi stated all members should have received a copy of an article titled "A Nose for NIMBYs". NIMBY stands for 'Not In My Back Yard'. This article explains what a NIMBY is and how to handle them when they arise during public hearings. This article states "With a good nose, you will be able to tell when people cease making legitimate points and slide into NIMBYism." Casi felt this was an educational article that the Board members may like to read and refer to when hearing petitions. (See attachment G)

It is duly noted there were no Public Comments or Board Comments presented.

FULTON COUNTY BOARD OF ZONING APPEALS  
MAY 14, 2003

Being no further business to come in front of the Board of Zoning Appeals, Mark Martens entertained a motion to adjourn the May 14, 2003 Board of Zoning Appeals meeting. Dan Walsh moved to adjourn the May 14, 2003 Board of Zoning Appeals meeting at 7:40 P.M. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Joe Wegner, Linda Herd, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

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Mark Martens, Chairperson

ATTEST: \_\_\_\_\_  
Erica A. Ginther, Administrative Secretary

**FULTON COUNTY BOARD OF ZONING APPEALS**

**WEDNESDAY, JUNE 11, 2003**

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

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**  
*May 14, 2003*

**OLD BUSINESS:**  
*Lyle Smith 59-0403*

**NEW BUSINESS:**  
*William Russell 61-0503*

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

THE FULTON COUNTY BOARD OF ZONING APPEALS  
JUNE 11, 2003

The Fulton County Board of Zoning Appeals met on Wednesday the 11<sup>th</sup> day of June 2003, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Vice-Chairperson, Dan Walsh, called the meeting to order at 7:05 P.M. The following members were present: Vice-Chairperson, Dan Walsh; Secretary, Linda Herd; Debbie Barts; and Joe Wegner. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Ginther; and BZA Attorney, Greg Heller. It is duly noted that Chairperson, Mark Martens was absent.

IN RE: MINUTES

MAY 14, 2003

Vice-Chairperson, Dan Walsh, asked for any additions, corrections, or deletions to be made to the May 14, 2003 Board of Zoning Appeals minutes. Being none, Joe Wegner, moved to approve the May 14, 2003 Board of Zoning Appeals minutes. Debbie Barts seconded the motion. Motion carried as follows: Joe Wegner, Debbie Barts, Linda Herd, and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

LYLE SMITH  
USE VARIANCE

Lyle Smith, Docket #BZA 59-0403, Use Variance. Plan Director, Casi Cramer, explained Mr. Smith is still in the process of obtaining approval from the Department of Natural Resources to replace his existing home, which lies within the floodway. Casi noted Mr. Smith wanted another extension on his petition.

Joe Wegner moved to extend the petition of Lyle Smith, Docket #BZA 59-0403, Use Variance, until the July 9, 2003 meeting. Debbie Barts seconded the motion. Motion carried as follows: Joe Wegner, Debbie Barts, Linda Herd, and Dan Walsh being in favor and no one opposing.

IN RE: NEW BUSINESS

WILLIAM RUSSELL  
SPECIAL EXCEPTION

William Russell, Docket #BZA 61-0503, Special Exception. Mr. Russell is requesting a special exception for a temporary second dwelling unit on his property located in the Agricultural District (AG). Mr. Russell's property is located at 8077 West 400 North, Rochester, IN 46975. The temporary dwelling unit is a 16 x 80 singlewide mobile home. Mr. Russell's brother and sister-in-law, Mr. Anthony Plothow III and Mrs. Patricia Plothow, will utilize the dwelling. The proposed tract of land totals thirteen and four tenths acres.

Plan Director, Casi Cramer, stated Mr. Russell's request originates from the family's care and concern for his brother and sister-in-law's health and comfort. Mr. Plothow III has recently had a stroke and Mrs. Plothow has had a nervous breakdown, therefore they are in need of assisted living. Casi explained the temporary home would be placed in the northeast corner of Mr. Russell's property and will be required to meet the regulations stipulated by the Fulton County Zoning

THE FULTON COUNTY BOARD OF ZONING APPEALS  
JUNE 11, 2003

Ordinance, the Fulton County Building Code, and the Fulton County Health Department. Casi noted the temporary home must sit fifty-eight feet (58') from the centerline of County Road 400 North and fifteen feet (15') off of the closest side property line (see attachment A & B). Casi stated Mr. Russell had spoken to the Fulton County Health Department and received preliminary approval for the installation of a new septic for the mobile home. Prior to the Location Improvement Permit and Building Permit being issued, Mr. Russell will need to have the approved septic permit. Casi Cramer recommended approval of the special exception 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; and 2) the temporary home is never used as a rental unit; and 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; and 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.

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

Vice-Chairperson, Dan Walsh, asked Mr. Russell if he had anything further to add to the Plan Director's Report. Mr. Russell said he has completely followed the regulations according to the Zoning Ordinance. He explained that the temporary home would be a 16 x 80 singlewide mobile home which will have it's own septic system. Mr. Russell stated his brother-in-law is 72 years old and has had two major strokes; his sister-in-law is 64 years old and has had a nervous breakdown, which she needed to see a psychiatrist for. He explained it is his wife's sister and he has no desire to utilize the property as a rental unit.

Dan Walsh asked for any questions from the Board Members to the Plan Director or Mr. Russell. Being none, he 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 opposed to the petition to do the same. Still being none, Dan entertained a motion to close the public hearing.

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

Dan Walsh entertained a motion regarding the petition. Joe Wegner commented for the record that condition #5 was referring to the public hearing on Docket #BZA 61-0503 and moved to approve the request for a Special Exception on, Docket #BZA 61-0503 William Russell, to place a temporary second dwelling at, 8077W 400 N, Rochester, in the Agricultural District (AG) 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; and 2) the temporary home is never used as a rental unit; and 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; and 4) the temporary home is removed after Mr. Anthony Plothow III and Mrs. Patricia Plothow no longer utilizes it as a dwelling;

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and 5) the temporary home is either removed or a renewal requested, no later than two years from the date of the public hearing. Linda Herd seconded the motion.

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

Joe Wegner	Yea
Linda Herd	Yea
Debbie Barts	Yea
Dan Walsh	Yea

The motion to approve the request for a Special Exception on, Docket #BZA 61-0503 William Russell, to place a temporary second dwelling at, 8077W 400 N, Rochester, in the Agricultural District (AG) 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; and 2) the temporary home is never used as a rental unit; and 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; and 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 of Docket #BZA 61-0503, passed with four votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer presented the Board with an update of permits, applications, violations, and complaints that have occurred in the Plan Commission Office. (See attachment D)

It is duly noted there were no Public Comments or Board Comments presented.

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh entertained a motion to adjourn the June 11, 2003 Board of Zoning Appeals meeting. Joe Wegner moved to adjourn the June 11, 2003 Board of Zoning Appeals meeting at 7:27 P.M. Debbie Barts seconded the motion. Motion carried as follows: Joe Wegner, Debbie Barts, Linda Herd, and Dan Walsh being in favor and no one opposing.

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FULTON COUNTY BOARD OF ZONING APPEALS

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Dan Walsh, Vice-Chairperson

ATTEST: \_\_\_\_\_  
Erica A. Ginther, Administrative Secretary

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**FULTON COUNTY BOARD OF ZONING APPEALS**

**WEDNESDAY, JULY 9, 2003**

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

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**  
*June 11, 2003*

**OLD BUSINESS:**  
*Lyle Smith 59-0403*

**NEW BUSINESS:**  
*Bill Morris 62-0503*  
*John Iliff 63-0603*

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

THE FULTON COUNTY BOARD OF ZONING APPEALS  
JULY 9, 2003

The Fulton County Board of Zoning Appeals met on Wednesday, July 9, 2003, 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 7:06 p.m. The following members were present: Chairperson, Mark Martens; Vice-Chairperson, Dan Walsh; Secretary, Linda Herd and Joe Wegner. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Ginther (Tyler); and BZA Attorney, Greg Heller. It is duly noted that Debbie Barts was absent.

IN RE: MINUTES

JUNE 11, 2003

Chairperson, Mark Martens, asked for any additions, deletions, or corrections to be made to the June 11, 2003 Fulton County Board of Zoning Appeals minutes. Being none, Dan Walsh moved to approve the June 11, 2003 Fulton County Board of Zoning Appeals minutes. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Joe Wegner, and Mark Martens being in favor and no one opposing.

IN RE: OLD BUSINESS

LYLE SMITH  
USE VARIANCE

Lyle Smith, Docket #BZA 59-0403, Use Variance. Plan Director, Casi Cramer, explained Mr. Smith is still in the process of obtaining approval from the Department of Natural Resources to replace his existing home, which lies within the floodway.

Lyle Smith explained that he has been working with the Department of Natural Resources over the last few weeks, but does not have an answer as of yet. Lyle is trying to replace a 14 x 70 singlewide mobile home with a 16 x 80 singlewide mobile home. The DNR told Mr. Smith this process could take up to six months before they give him a definite answer, as to whether the existing home can be replaced with the new home. Lyle Smith asked the Board if he could have an extension on his petition until he receives an answer from the Department of Natural Resources.

Chairperson, Mark Martens entertained a motion regarding the petition. Dan Walsh moved to indefinitely table the request for a Use Variance, Docket #BZA 59-0403 Lyle Smith, for the purpose of placing a singlewide mobile home within the Residential Cluster District (R1) located at 9936 River Drive, Rochester. Linda Herd seconded the motion.

A hand vote was conducted among the Board members. The motion to indefinitely table the request for a Use Variance, Docket #BZA 59-0403 Lyle Smith, for the purpose of placing a singlewide mobile home within the Residential Cluster District (R1) located at 9936 River Drive, Rochester passed with four votes in favor and no one opposing.

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JULY 9, 2003

IN RE: NEW BUSINESS

BILL MORRIS  
SPECIAL EXCEPTION

Bill Morris, Docket #BZA 62-0503, Special Exception. Mr. Morris is requesting a special exception for four Seasonal Cabins on his property located in the Agricultural District (AG). His property is located at 7497 N 475 E, Rochester, consisting of fifty acres. Mr. Morris also owns the 42.7-acre tract, adjoining the fifty-acre tract to the south. These cabins are intended to be utilized for Mr. Morris' private use and will not be open to the public. Seasonal Cabins are listed as a Special Exception in the AG District.

Plan Director, Casi Cramer, explained Mr. Morris would allow friends, family and business colleagues to utilize his cabins on a weekly/weekend basis. Mr. Morris may charge a week/weekend rental to associates, but will also allow family and friends to utilize the cabins free of charge, as he has in the past with the two existing cabins. This property will not be utilized as a campground. There will not be any signs announcing the property, nor will there be any kind of advertisement for the rental of these cabins. Casi Cramer stated that there would be no hunting allowed on the premises. The basic activities allowed on the grounds would be fishing in the ponds located around the property, as well as the use of the walking trails currently in existence. Mr. Morris has had this property listed in the National Forest Preserve for the past five years and has a variety of trails running through it (mowed pathways). The ground is no longer in the Forest Preserve. Casi noted Mr. Morris' initial plan is to build the cabins over a span of four years. Casi displayed a map of Mr. Morris' property with "x"s indicating where the proposed cabins would be placed (see attachment A). The location of these proposed cabins might change based on location of septic and well facilities. Each cabin will have its own septic system and will be utilized for no more than 180 days per year. Each cabin will be no smaller than 250 square feet and no larger than 625 square feet. Casi displayed pictures of Mr. Morris' existing cabins, which are grandfathered because they were in existence at the time the Zoning Ordinance was implemented. Attachments labeled B show the construction of each cabin and what they would look like when they are finished. Casi noted that Mr. Morris has cleaned out the scrub trees from most of the ponds located on his property and has stocked the ponds with fish. Mr. Morris is in the process of digging out existing low areas to create more or expanded pond areas. Casi stated originally there was the question of whether or not Mr. Morris was creating a campground and would therefore need to rezone this tract to a Park District (PR). Casi consulted with the BZA and Plan Commission Attorney, as well as a few of the Plan Commission members to interpret the ordinance. Casi did not feel the definitions of seasonal cabins, or campgrounds were specific enough; regarding Mr. Morris' intended use. Casi does not believe a Zone Map Amendment would be required. The interpretation was that the definition of seasonal cabins is specific to cabin structures, but does not limit the number of cabins that can be placed upon one tract of land. The definition of a seasonal cabin was placed within the ordinance for the use of facilities such as the Geneva Center and campgrounds, but also for the use of hunting cabins in the AG District. Casi explained Seasonal Cabins are still required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department. Each cabin will need to have approval from the Fulton County Health Department regarding its septic facilities, prior to the issuance of a Location Improvement Permit.

Plan Director, Casi Cramer, recommends that Mr. Morris be granted a special exception for the placement of four Seasonal Cabins on his property located at 7497 N 475 E, Rochester, IN.

THE FULTON COUNTY BOARD OF ZONING APPEALS  
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Chairperson, Mark Martens, asked Mr. Morris if he had anything further to add to the Plan Director's Report. Bill Morris stated Casi did a great job of explaining it and he had nothing further to add at this time.

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

Dan Walsh questioned whether Mr. Morris would be supplying water to the guests staying in the cabins or not. Bill Morris stated that he would provide the guests with water by hauling water in a tank, which he attaches to the back of his vehicle, which is like a golf cart but a little larger.

Linda Herd asked if the access road leading back to the cabins would be gated at all times or if people would be allowed to drive their vehicles back to the cabins. Bill Morris explained that there would be no vehicle traffic permitted to the cabins. Bill said he would be taking the guests back to the cabins by his vehicle or they have to walk.

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

Joe Wegner moved to open the public hearing. Dan Walsh seconded the motion. Motion carried as follow: Joe Wegner, Dan Walsh, Linda Herd, 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 for those opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he entertained a motion to close the public hearing.

Dan Walsh moved to close the public hearing. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Linda Herd, and Mark Martens being in favor and no one opposing.

Mark Martens asked for any further Board Member comments or questions. Being none, he entertained a motion regarding the petition.

Dan Walsh moved to approve the request for a Special Exception on, Docket #BZA 62-0503 Bill Morris, to place four seasonal cabins at, 7497 N 475 E, Rochester, in the Agricultural District (AG). Linda Herd seconded the motion.

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

Joe Wegner	Yea
Linda Herd	Yea
Dan Walsh	Yea
Mark Martens	Yea

The motion to approve the request for a Special Exception on, Docket #BZA 62-0503 Bill Morris, to place four seasonal cabins at, 7497 N 475 E, Rochester, in the Agricultural District (AG) passed with four votes being in favor and no one opposing.

THE FULTON COUNTY BOARD OF ZONING APPEALS  
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IN RE: NEW BUSINESS

JOHN ILIFF  
SPECIAL EXCEPTION

John Iliff, Docket #BZA 63-0603, Special Exception. Mr. Iliff is requesting a special exception for a Home Occupation #3 on his property. Mr. Iliff's property is located at 11640 W 900 S, Royal Center, in the Agricultural District (AG). The Home Occupation will involve the sale of firearms. Mr. Iliff has a Registered Retail Merchant Certificate and a License to Sell Handguns. The license describes itself as an 01 Dealer in Firearms Other than Destructive Devices, which means Mr. Iliff may sell revolvers, pistols, shotguns, and rifles, but not devices such as "street sweepers", which is a 12-gauge, short barrel shotgun with a rotary magazine. Mr. Iliff has the ability to sell semi-automatic weapons up to a certain magazine capacity, but NOT fully automatic weapons. The ability to sell semi-automatic weapons with a certain magazine capacity is specified by federal law.

Plan Director, Casi Cramer, stated Mr. Iliff's residence is located in the AG District. His closest neighbors live a third of a mile away. His property consists of fifteen and one tenth acres (15.1), which is all wooded except the home site (see attachments labeled D). Mr. Iliff has participated in this type of business for the past twenty years. He was initially living in Peru, Indiana; but has recently moved to Rochester. Because of his relocation, Mr. Iliff 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. Iliff has stated that the retail sales will not involve more than five percent of his income. He will not have any employees and will have minimal traffic coming to and from the residence. Casi explained Mr. Iliff has the ability to order certain firearms for people, who would then pick them up at Mr. Iliff's home upon delivery. Mr. Iliff has also stated that there will not be any type of firing range located at his home, nor does he have any type of showroom displaying the firearms. Attachment E is a copy of Mr. Iliff's license to sell handguns from the Bureau of Alcohol, Tobacco, and Firearms.

Plan Director, Casi Cramer, recommends that Mr. Iliff be granted his request for a special exception to operate a Home Occupation #3 at his residence located at 11640 W 900 S, Royal Center, IN.

Chairperson, Mark Martens, asked Mr. Iliff if he had anything further to add to the Plan Director's Report. Mr. Iliff said Casi pretty much covered everything and he assured the Board that there would not be a shooting range located on his property.

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

Linda Herd asked if Mr. Iliff would be just taking orders from customers and once the firearm is delivered if the customer would then pay for the firearm, pick it up, and leave. Mr. Iliff said that is correct. He explained that he would not have any type of display case. Mr. Iliff explained everyone he sells a firearm to has to have a permit to purchase a handgun or approval from the Indiana State Police. He also noted that he has been selling firearms since 1983 and within those twenty years he has only sold a total of 155 guns.

Joe Wegner voiced concern regarding whether Mr. Iliff would allow his customers to shoot their firearms on his property, once they had purchased them. Mr. Iliff explained when you purchase a firearm; you cannot shoot it right away. The firearm must be cleaned before the first bullet is ever fired. Mr. Iliff does not clean the firearms; he leaves that responsibility up to the customer. Mr. Iliff stated he shoots firearms on his property every once in a while, but that is his right as a citizen to do so. He explained he would not have a shooting range on his property, but if he sells a firearm to a

THE FULTON COUNTY BOARD OF ZONING APPEALS  
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friend or family member and they take the firearm home and clean it and want to return to his property to shoot it he might allow them to do so. Joe Wegner was very concerned with this fact and did not like the idea that Mr. Iliff would allow some of his customers to return to his property to shoot their firearms. Joe said he would like to see some kind of condition placed on the petition to keep this from happening.

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

Dan Walsh moved to open the public hearing. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Linda Herd, 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.

Bill Morris, 7497 N 475 E Rochester, stated he has firearms of his own and hunts frequently. Bill felt there should be no problems with Mr. Iliff selling firearms out of his home and stated he was in favor of the petition.

Mark Martens asked for any further comments in favor of the petition. Being none, he asked for those comments opposing the petition.

Steve Rouch, 7877 N 1200 W Royal Center, voiced concern about Mr. Iliff allowing customers to fire their weapons on the property and whether this business would involve commercial sales. Steve noted that he is Mr. Iliff's closest neighbor, being just through the woods located on Mr. Iliff's property.

Mark Martens asked for any further comments in opposition of the petition. Being none, he entertained a motion to close the public hearing.

Joe Wegner moved to close the public hearing. Linda Herd seconded the motion. Motion carried as follows: Joe Wegner, Linda Herd, Dan Walsh, and Mark Martens being in favor and no one opposing.

Mark Martens asked for any further Board Member comments or questions.

Joe Wegner once again voiced concern with allowing customers to return to Mr. Iliff's property to shoot their firearms, once they had purchased them. Joe was strongly against this and asked to have some kind of condition placed on the petition regarding this situation.

After much Board discussion, Mark Martens entertained a motion regarding the petition.

Dan Walsh moved to approve the request for a Special Exception on, Docket #BZA 63-0603 John Iliff, to operate a Home Occupation #3 for the retail sales of firearms at, 11640 W 900 S, Royal Center, IN, in the Agricultural District (AG) with the condition that no firing range or test firing of weapons will be associated with Home Occupation #3. Linda Herd seconded the motion.

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

Dan Walsh                      Yea

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Linda Herd	Yea
Joe Wegner	Nay
Mark Martens	Yea

The motion to approve the request for a Special Exception on, Docket #BZA 63-0603 John Iliff, to operate a Home Occupation #3 for the retail sales of firearms at, 11640 W 900 S, Royal Center, IN, in the Agricultural District (AG) with the condition that no firing range or test firing of weapons will be associated with Home Occupation #3 passed with three votes being in favor and one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer presented the Board with an update of permits, applications, violations, and complaints that have occurred in the Plan Commission Office. (See attachment G)

It is duly noted there were no Public Comments or Board Comments presented.

Being no further business to come in front of the Board of Zoning Appeals, Mark Martens entertained a motion to adjourn the July 9, 2003 Board of Zoning Appeals meeting. Dan Walsh moved to adjourn the July 9, 2003 Board of Zoning Appeals meeting at 8:12 p.m. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Joe Wegner, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

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Mark Martens, Chairperson

ATTEST: \_\_\_\_\_  
Erica A. Ginther (Tyler), Administrative Secretary

**FULTON COUNTY BOARD OF ZONING APPEALS**

**WEDNESDAY, AUGUST 13, 2003**

**7:00 P.M.**

**COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**

*July 9, 2003*

**OLD BUSINESS**

**NEW BUSINESS:**

*Andre' Lewis 64-0603*

*Henrietta Patton 65-0603*

*Sharon Glasson 66-0703*

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

FULTON COUNTY BOARD OF ZONING APPEALS

AUGUST 13, 2003

The Fulton County Board of Zoning Appeals met on Wednesday the 13<sup>th</sup> day of August 2003, 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 7:02 P.M. The following members were present: Chairperson, Mark Martens; Vice Chairperson, Dan Walsh; Executive Secretary, Linda Herd; Joe Wegner; and Debbie Barts. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and BZA Attorney, Greg Heller.

IN RE: MINUTES

JULY 9, 2003

Chairperson, Mark Martens, asked for any additions, deletions, or corrections to be made to the July 9, 2003 Fulton County Board of Zoning Appeals minutes. Being none, Dan Walsh moved to approve the July 9, 2003 Fulton County Board of Zoning Appeals minutes. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Debbie Barts, Joe Wegner, and Mark Martens being in favor and no one opposing.

IN RE: OLD BUSINESS

Chairperson, Mark Martens, questioned where the Board stood, regarding Lyle Smith, Docket #BZA 59-0403, Use Variance. Casi Cramer, Plan Director, explained Mr. Smith was in the process of obtaining a letter from the Department of Natural Resources stating he could add on to his existing single wide mobile home but could not replace it with a new one. If Mr. Smith receives this letter from the DNR then he will have to ask for a Development Standards Variance instead of a Use Variance. Due to the fact Mr. Smith's addition will not meet the required front yard setback prescribed by the Fulton County Zoning Ordinance he will be required to go through the whole public hearing procedure again. Casi said she would keep the Board updated on this situation.

IN RE: NEW BUSINESS

ANDRE LEWIS  
SPECIAL EXCEPTION

Andre Lewis, Docket #BZA 64-0603, Special Exception. Mr. Lewis is requesting a special exception within the Agricultural District (AG) to operate a Remote Control Vehicle (RCV) racetrack and hobby shop on property owned by his stepfather. Mr. Lewis's stepfather is John Cappadora. Mr. Lewis is a minor and has told the Plan Commission Office that this business would be a partnership between Mr. Cappadora, his stepfather, and himself. The proposed property is located at 138 N 1100 W, Kewanna, IN 46939. The tract of land consists of approximately 2.857 acres.

Plan Director, Casi Cramer, noted there are two dwellings located on the proposed property. The larger home is where Mr. Cappadora and his family reside. The smaller of the two homes would be utilized as the hobby shop. Casi's understanding is that this would be a family oriented business, which would cater to the general public. The proposed property is located approximately a tenth of a mile (.10) north of State Road 14 on County Road 1100 West, just south of Lake Bruce. Farm fields generally surround the property. Casi said there is a dwelling located one tenth of a mile to the north of the property, but it has been abandoned for a significant amount of time. There is an occupied dwelling located to the south and east of the proposed property which is also one tenth of a mile (.10) away. Casi explained the dwelling Mr. Lewis and

FULTON COUNTY BOARD OF ZONING APPEALS

AUGUST 13, 2003

Mr. Cappadora would like to utilize for the hobby shop was previously used as a dwelling. This particular house has its own septic system, which would be utilized by customers for restroom needs. Casi stated the Fulton County Health Department had created a letter detailing the fact that this septic system may not be adequate for a commercial use. The Indiana State Board of Health has to make the determination of whether or not the system is sufficient for commercial use. Casi noted within the hobby shop Mr. Lewis and Mr. Cappadora may sell parts and new/used RCV's. There is also the possibility that the hobby shop may be involved with some repair type activities. If approved, Mr. Lewis and Mr. Cappadora would have to conform to the Parking Standard (PK-02) which states that places of assembly must be paved with asphalt, concrete, or other dust free and durable material. Casi has been told by Mr. Lewis that there will only be one racetrack located on the property and it will be in the pasture just south of the hobby shop (see attachment A). Casi stated she had been contacted with many concerns regarding the entrance drive into this facility. The project site is located off of County Road 1100 West, which is one of the main entrances to Lake Bruce. The entrance drive to this property is located at the crest of a hill. The hill itself has poor visibility. County Road 1100 West has pavement approximately 20 feet wide with a Right-of-Way of 34 feet total. Casi explained the speed limit is posted as 45 mile-per-hour directly before and after this property. Mr. Lewis has indicated that he would like to run the hobby shop and racetrack Monday through Saturday, 10 a.m. to 6 p.m. Casi's assumption is that these hours will be through the summer months only, while Mr. Lewis is not in school.

It was the Plan Director's recommendation that the following considerations be taken into account if the petition is approved: 1) Business may only open between certain months of the year (i.e. May until October); 2) No races are held/ran after 6 p.m.; 3) No parking along C.R. 1100 West, all parking must be completely enclosed within Mr. Cappadora's property – not on the road Right-of-Way and along/within any of the surrounding farm ground; 4) There must be some type of public restroom facility located on site, at all times, during business operations; and 5) The State Board of Health and the Fulton County Health Department must give their approval of any public restroom facility – prior to the operation of any kind of business.

Chairperson, Mark Martens, asked if there was any further information Mr. Lewis or Mr. Cappadora would like to add to Casi's presentation. They both stated they had nothing further to add at this time. Mark Martens then asked for any Board member questions to the staff or petitioner.

Dan Walsh questioned approximately how many cars could fit in the designated parking area next to the hobby shop. Casi Cramer stated approximately five at one time in the first parking area and several in the overflow parking area.

There was also a question about the parking lot itself and whether it would be left as grass or if a different material would be put down on top of the grass. Casi Cramer explained if approved Mr. Lewis and Mr. Cappadora would have to comply with the PK-02 standards listed in the Fulton County Zoning Ordinance. By those standards they will have to replace the grass with some type of dustless and durable material for the parking area.

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

Joe Wegner moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Joe Wegner, Debbie Barts, Dan Walsh, Linda Herd, 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 for those opposing the petition to please rise and state their name, address, and reason for attending the public hearing.

Rita Foust; 1312 N Lakeshore Dr, Lake Bruce; voiced concern about the location of the entrance drive and about increasing traffic. Mrs. Foust stated people do not obey the 45 mph speed limit signs on C.R. 1100 West and she is afraid someone will be badly injured in an accident at this point if the petition is approved.

FULTON COUNTY BOARD OF ZONING APPEALS

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Mark Martens asked for any further comments opposing the petition. Being none, he entertained a motion to close the public hearing.

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

Chairperson, Mark Martens, then asked for any further Board comments or discussion.

Joe Wegner questioned who the actual owner of the property was. John Cappadora stated he was the owner of the property and Andre is his stepson.

Debbie Barts voiced concern about the parking area next to the hobby shop. Debbie explained her concern would be that people are going to try to back out onto County Road 1100 West. She felt there should be a way to keep people from backing out onto the road so there might not be as great of a risk of an accident occurring at that spot.

There was much Board discussion regarding the Remote Control Racetrack and the Hobby Shop. After much discussion among the Board members they came to the conclusion that if they voted on this petition tonight they would more than likely not have a favorable vote. The Board members agreed they would need the following information to be able to approve the petition: 1) What kind of dustless and durable material would be used for the parking area; 2) How would they prevent people from backing out onto the road; 3) There would need to be no on street parking; 4) What the restroom facility plans are; 5) How they would confine the RCV's in the pasture and pit area; 6) Would there be a spectator protection area; 7) What would the business hours/months of operation be with both the track and the hobby shop; and 8) How would they handle fuel spills, would they sell fuel in the hobby shop, and how would it be contained.

Chairperson, Mark Martens, stated the Board could vote on the petition tonight or Mr. Cappadora and Mr. Lewis could ask for the petition to be tabled until they can come back with more details of how this business will be set up. Mr. Cappadora and Mr. Lewis both agreed that they would rather have the petition tabled and brought back at a later time with more details. The Board members also asked Plan Director, Casi Cramer, to get pictures and exact measurements of the alternative parking area, as well as, finding out what restrictions there would be if they wish to sell fuel in the hobby shop. With that being said Mark Martens then entertained a motion to table the petition.

Dan Walsh moved to table the request for a Special Exception on, Docket #BZA 64-0603 Andre Lewis, until the Board is contacted with more information regarding the petition. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Joe Wegner, Linda Herd, and Mark Martens being in favor and no one opposing.

IN RE: NEW BUSINESS

HENRIETTA PATTON  
DEVELOPMENT STANDARDS VARIANCE

Henrietta Patton, Docket #BZA 65-0603, Development Standards Variance. Mrs. Patton is requesting a development standards variance of ten and a half (10.5) feet for the purpose of erecting a ten by twelve foot (10' x 12') deck on to the north side of her existing home. The home is located at 7281 W 775 N, Culver, IN, and is within an Agricultural District (AG). Mrs. Patton's tract of land consists of approximately twenty (20) acres.

Plan Director, Casi Cramer, explained the Agricultural District (AG) has a required front yard setback of forty feet (40') off of the Right of Way of the road. County Road 775 North has a total Right of Way of thirty feet

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(30"); therefore Mrs. Patton must stay a total of fifty-five feet (55') away from the centerline of County Road 775 North. Casi noted Mrs. Patton's existing home was built before Zoning took effect and currently sits approximately fifty four and a half feet (54.5') from the centerline of County Road 775 North. There are currently concrete steps on the front of Mrs. Patton's home, which have started to crumble and break. Casi stated Mrs. Patton would like to replace the concrete steps with a ten by twelve foot (10' x 12') deck. In order to build this deck Mrs. Patton must request a ten and a half foot (10.5') variance off her required front yard setback, making the structure sit approximately forty four and a half feet (44.5') away from the centerline of County Road 775 North and twenty nine and a half feet (29.5') off of the Right of Way (see attachment B).

It was the Plan Director's recommendation that the Board approve the requested variance of ten and a half feet (10.5') for the purpose of erecting a ten by twelve foot (10' x 12') deck on the north side of the existing house.

Chairperson, Mark Martens, asked if there was anything further Mrs. Patton would like to add to Casi's presentation. Mrs. Patton said she wanted to replace the concrete steps with a deck so she felt safer walking out of her home.

Mark Martens then asked for any Board member questions to the staff or petitioner. Being none, Mark entertained a motion to open the public hearing. Joe Wegner moved to open the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Linda Herd, Debbie Barts, 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 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.

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

Chairperson, Mark Martens, then asked for any further Board comments or discussion. Being none, Mark entertained a motion regarding the petition.

Dan Walsh moved to approve the request for a Development Standards Variance on, Docket #BZA 65-0603 Henrietta Patton, of ten and a half feet (10 1/2') off of the front yard setback to erect a front porch onto her existing home located at 7281 W 775 N, Culver, IN. Debbie Barts seconded the motion.

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

Joe Wegner	Yea
Debbie Barts	Yea
Dan Walsh	Yea
Linda Herd	Yea
Mark Martens	Yea

The motion to approve the request for a Development Standards Variance on, Docket #BZA 65-0603 Henrietta Patton, of ten and a half feet (10 1/2') off of the front yard setback to erect a front porch onto her existing home located at 7281 W 775 N, Culver, IN passed with five votes being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS  
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IN RE: NEW BUSINESS

SHARON GLASSON  
DEVELOPMENT STANDARDS VARIANCE

Sharon Glasson, Docket #BZA 66-0703, Development Standards Variance. Mrs. Glasson is requesting a development standards variance of four (4) feet off of her required side yard setback for the purpose of keeping a newly constructed four by seventeen foot (4' x 17') addition onto her existing deck. The property is located at 1378 W Lakeshore Dr, Lake Bruce and lies within the Lake Residential District (R3).

Plan Director, Casi Cramer, explained the Lake Residential District (R3) has a required side yard setback of six feet (6') for any new construction. Mrs. Glasson's existing home was built before Zoning took effect and currently sits approximately six feet from the side property line. Casi noted Mrs. Glasson recently built a deck on the rear, or west, side of the house, and would like to now keep a newly constructed addition that connects the new deck to an existing doorway located on the south side of the home (see attachment D). In order to keep the newly constructed addition to the deck, Mrs. Glasson must request a four foot (4') variance off of her required side yard setback. Thus making the structure sit approximately two feet (2') away from the south side property line (see attachments labeled E).

It was the Plan Director's recommendation that the Board approve the requested variance of four feet (4') off of the side yard setback for the purpose of keeping a newly constructed four by seventeen foot (4' x 17') addition onto the existing deck located at 1378 W Lakeshore Dr, Lake Bruce.

Chairperson, Mark Martens, asked if there was anything further Mrs. Glasson would like to add to Casi's presentation. Mrs. Glasson stated her husband Brad Glasson was also asking for the variance but his name was not put on the petition.

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

Joe Wegner questioned when the property was last surveyed. Mrs. Glasson said her neighbor to the North recently had a survey conducted and she used his stakes to indicate where the property lines were. Joe suggested that the Glassons have their own personal survey conducted so that they can be absolutely sure where their lines lay.

Mark Martens asked for any further questions from the Board to the staff or 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, Linda Herd, Debbie Barts, 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.

Melvin Brogdon; 1448 N Lakeshore Dr, Lake Bruce; said he approves of the new addition and he feels it really dresses the place up. He stated the Glassons' have done a lot of work to their place to make it look better and they are great people.

Mark Martens asked for any other 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. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Linda Herd, Joe Wegner, and Mark Martens being in favor and no one opposing.

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Chairperson, Mark Martens, then asked for any further Board comments or discussion. Being none, Mark entertained a motion regarding the petition.

Linda Herd moved to approve the request for a Development Standards Variance on, Docket #BZA 66-0703 Sharon Glasson, of four feet (4') off of the required side yard setback for the newly created addition to the existing deck located at 1378 W Lakeshore Dr, Lake Bruce. Debbie Barts seconded the motion.

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

Linda Herd	Yea
Dan Walsh	Yea
Debbie Barts	Yea
Joe Wegner	Yea
Mark Martens	Yea

The motion to approve the request for a Development Standards Variance on, Docket #BZA 66-0703 Sharon Glasson, of four feet (4') off of the required side yard setback for the newly created addition to the existing deck located at 1378 W Lakeshore Dr, Lake Bruce passed with five votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer presented the Board with an update of 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 August 13, 2003 Fulton County Board of Zoning Appeals meeting. Joe Wegner moved to adjourn the August 13, 2003 Fulton County Board of Zoning Appeals meeting at 8:30 P.M. Debbie Barts seconded the motion. Motion carried as follows: Joe Wegner, Debbie Barts, Dan Walsh, Linda Herd, and Mark Martens being in favor and no one opposing.

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Mark Martens, Chairperson

ATTEST: \_\_\_\_\_  
Erica A. Tyler, Administrative Secretary

**FULTON COUNTY BOARD OF ZONING APPEALS**

**WEDNESDAY, SEPTEMBER 10, 2003**

**7:00 P.M.**

**COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**

*August 13, 2003*

**OLD BUSINESS:**

*Lyle Smith 54-0403*

*Andre Lewis 64-0603*

**NEW BUSINESS:**

*Dave Smith 67-0703*

*Charles Moore 68-0803*

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

FULTON COUNTY BOARD OF ZONING APPEALS

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Fulton County Board of Zoning Appeals met on Wednesday the 10<sup>th</sup> day of September 2003 at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairman, Mark Martens, called the meeting to order at 7:05 P.M. The following members were present: Chairman, Mark Martens; Vice-Chairman, Dan Walsh; Executive Secretary, Debbie Barts; Linda Herd; and Joe Wegner. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and BZA Attorney, Greg Heller.

IN RE: MINUTES

AUGUST 13, 2003

Chairman, Mark Martens, called for any additions, deletions, or corrections to be made to the August 13, 2003 Board of Zoning Appeals minutes. Dan Walsh stated on page four (4) on the conditions for the motion, number three (#3) states "There would need to be no off street parking;" and it should state "There would need to be no **on** street parking." Mark Martens asked for any further additions, deletions, or corrections to be made to the minutes. Being none, he entertained a motion regarding the August 13, 2003 Board of Zoning Appeals minutes. Dan Walsh moved to approve the August 13, 2003 Board of Zoning Appeals minutes as corrected. Joe Wegner seconded the motion. Motion approved as follows: Dan Walsh, Joe Wegner, Linda Herd, Debbie Barts, and Mark Martens being in favor and no one opposing.

IN RE: OLD BUSINESS

ANDRE LEWIS  
SPECIAL EXCEPTION

Andre Lewis, Docket #BZA 64-0603, Special Exception. Chairperson, Mark Martens, explained that the Board had some Old Business to attend to. Mark went to the Andre Lewis petition first so that if there was anyone in the public wanting to speak in favor of or opposing the petition they would not have to wait through the first Old Business petition.

Chairperson, Mark Martens, stated Andre Lewis had requested for his petition to be tabled until next month due to some unforeseen circumstances that arose. Mark said it is very important for the petitioner to be present so that the Board can have meaningful discussion regarding the petition.

Mark Martens then entertained a motion to table the petition of Andre Lewis. Joe Wegner moved to table the request for a Special Exception on, Docket #BZA 64-0603 Andre Lewis, until the next regularly scheduled meeting being October 8, 2003. Debbie Barts seconded the motion. Motion carried as follows: Joe Wegner, Debbie Barts, Dan Walsh, Linda Herd, and Mark Martens being in favor and no one opposing.

Chuck Sheeringa questioned if any of the Board Members had driven past the Cappadora's property. Chairperson, Mark Martens, said speaking for himself yes he has been past the property. Chuck Sheeringa said that this is a troublesome area because they constantly park their vehicles up against the highway on that hill. He said he could not foresee a business going operating in that area.

Caroline Johnson wanted to know if the Cappadoras' and Andre Lewis not showing for the public hearing was some kind of ploy to get the neighbors to not come to the next meeting. Chairperson, Mark Martens, stated he did not want to discuss the reasons for their absence but he could say it was very much unforeseen. Mark explained if he felt that the Cappadoras' or Andre were doing this

FULTON COUNTY BOARD OF ZONING APPEALS

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intentionally to make the neighbors make an unnecessary visit he would not allow the petition to be tabled. Caroline Johnson said she was worried about some people not being able to voice their opinion on the petition next month because they would be on vacation or busy taking care of their own business. Mark Martens explained that anyone unable to attend the October 8, 2003 Board of Zoning Appeals meeting could write their concerns in a letter and send it to the Fulton County Plan Commission Office; 125 E 9<sup>th</sup> Street, Rochester, IN 46975.

IN RE: OLD BUSINESS

LYLE SMITH  
USE VARIANCE

Lyle Smith, Docket #BZA 54-0403, Use Variance. Plan Director, Casi Cramer, explained the Department of Natural Resources sent Gary Madlem, Floodplain/Building Inspector, the same letter that was sent to Mr. Smith dated in 1994(see attachment A). This letter states, "If you are not sure if a property is in or out of the floodplain, you must rely on the base flood elevation." Therefore, Gary Madlem said he would go by that letter dated in 1994 and required Mr. Smith to obtain a Certified Sea-Level Elevation Survey. Casi told Mr. Smith once the Certified Sea-Level Elevation Survey is complete she and Gary will go to the property, conduct the measurements, and find where Mr. Smith needs to place his new home/addition according to the Zoning Ordinance.

Casi Cramer thought Mr. Smith had changed his plans from setting a new singlewide mobile home to building an addition onto his existing singlewide mobile home. Mr. Smith told Casi that he was still planning on replacing his existing singlewide mobile home with a newer 16 x 80 singlewide mobile home as long as the Certified Sea-Level Elevation Survey showed he was out of the floodplain. Casi explained Mr. Smith would probably have to ask for a Development Standard Variance because he will have to pull his new singlewide mobile home closer to the road than the existing singlewide mobile home. This would bring him out of the floodplain area but also move him within the front yard setback required by the Zoning Ordinance. Casi stated she would not know for sure if he needs a variance until the Certified Sea-Level Elevation Survey is completed and she understands exactly how far Mr. Smith has to move his singlewide mobile home from the river.

Plan Director, Casi Cramer, said the petition is on hold until the Certified Sea-Level Elevation is completed. Casi explained if Mr. Smith still wishes to place a new singlewide mobile home on his property instead of building an addition onto the existing singlewide mobile home, he would need to ask for a Use Variance and possibly a Development Standard Variance. Chairperson, Mark Martens, stated the petition needed to be tabled. Vice-Chairperson, Dan Walsh, stated the Board tabled the petition indefinitely at their last meeting. Casi Cramer said that was correct, so they did not have to give a motion to table the petition again tonight.

IN RE: NEW BUSINESS

DAVE SMITH  
SPECIAL EXCEPTION

Dave Smith, Docket #BZA 67-0703, Special Exception. Mr. Smith is requesting a Special Exception for a temporary second dwelling to be placed on his sister, Tonia Marshall's, property. This tract of land is located within the Agricultural District (AG) and consists of twenty-one (21) acres. This property is more commonly known as 7346 E 200 N, Akron, IN 46910 (see attachment B). The

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temporary second dwelling will be a 14 x 70 singlewide mobile home and will be utilized by Mr. Smith.

Plan Director, Casi Cramer, explained Mr. Smith's mother is in need of assisted living due to physical medical conditions. Mr. Smith currently lives in Logansport and is traveling back and forth to help his sister, Tonia Marshall, care for their mother. This is the reason Mr. Smith wishes to place a 14 x 70 singlewide mobile home on his sister's property. Mr. Smith's sister and her children currently live with their mother in the existing dwelling located on the property. Casi noted there is also a 10 x 50 singlewide mobile home located on the property, which according to Mr. Smith is only utilized as storage. The furnace, water heater and all appliances have been removed from the 10 x 50 singlewide mobile home making it non-livable. According to Mr. Smith, the 10 x 50 singlewide mobile home was originally his grandmother's home and his mother has sentimental attachment to the home and therefore, will not remove it from the property. The temporary home will be placed in the southwest corner of Mrs. Marshall's property and will be required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department. Mr. Smith has spoken to the Fulton County Health Department and has preliminary approval for the installation of a new septic system for the mobile home. Casi noted prior to the Location Improvement Permit and Building Permit being issued, Mr. Smith would need to have the approved septic permit. Casi explained the right-of-way on 200 N is thirty-four (34) feet making the front yard setback a total of fifty-seven (57) feet from the centerline of the road. The temporary home must also sit a total of fifteen (15) feet off of the side and rear property lines (see attachment C). If Mr. Smith's request is granted Casi would like the following conditions to be placed upon the petition: 1) Mr. Smith 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; and 2) the temporary home is never used as a rental unit; and 3) the temporary home be utilized as a dwelling for no one except Mr. Smith; and 4) the temporary home is removed after Mr. Smith 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 Mr. Smith's public hearing, September 10, 2003.

Casi added Mr. Smith visited the Plan Commission Office before the meeting and had spoken of placing the singlewide mobile home in a different location on the same property. Casi explained Mr. Smith had said he may wish to place the singlewide mobile home to the east of the existing dwelling rather than to the west of it as indicated in her drawings. She stated either location of the singlewide mobile home would still have the same setbacks as indicated before. Casi said she informed Mr. Smith that the Zoning Ordinance only allows one dwelling per tract of land and that normally any other dwellings must be removed prior to the setting of a new dwelling. Casi explained the normal office procedure for anyone setting a new home is that it must be the only dwelling on that tract of land. Due to the fact that mobile homes may not be used for cold storage any longer, once the use of the land is changed, all mobile homes are considered dwellings, no matter what the previous use is declared to have been. Casi stated if this had been a request for a permit to set a permanent home she would require both the home and the 10 x 50 singlewide mobile home to be removed prior to any new home being set. The 10 x 50 singlewide mobile home is currently a grandfathered structure but, Casi was unsure of how to interpret the Zoning Ordinance in this particular situation regarding a temporary use. Casi made sure Mr. Smith was aware of this situation and told him that she was leaving decision up to the Board on whether or not the 10 x 50 singlewide mobile home could stay on the property.

Chairperson, Mark Martens, asked if there was any further information Mr. Smith would like to add to the Plan Director's presentation. Mr. Smith stated Wes Burden from the Fulton County Health

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Department advised him to check into placing the singlewide mobile home on the east side of the property due to the possibility of better soils being located there. Mr. Smith said he was going to check into placing the home on the east side of the property but he had to wait until the corn was harvested. Mark Martens asked if Mr. Smith would place the home wherever would be best to place a septic system. Mr. Smith said yes and stated that his sister may split a piece of this property off for him at a later date. Mr. Smith added the 10 x 50 singlewide mobile home was his grandmother's and his mother does not want it moved until she is gone. He stated his mother stores her crafts within the mobile home.

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

Dan Walsh questioned if the Board was then looking at a second temporary dwelling or a third temporary dwelling. Casi Cramer stated it is her office policy to require the person to pull everything that is or could be a dwelling off of the property if they wish to put a new dwelling in it's place. Casi said it depends on how the Board interprets the Zoning Ordinance. Mark Martens asked for any further questions from the Board to the staff or petitioner. Being none, he entertained a motion to open the public hearing.

Joe Wegner moved to open the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Linda Herd, Debbie Barts, 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.

Bob Peterson; 550 Sweetgum Rd, Rochester, IN; said he and his wife own the land to the west and north of Mr. Smith's property. Bob stated he and his wife have no objections to the special exception, as long as, Mr. Smith follows the rules or conditions prescribed by the Plan Director.

Mark 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, he entertained a motion to close the public hearing.

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

Chairperson, Mark Martens, then asked for any further Board comments or discussion. Being none, he entertained a motion regarding the petition.

Dan Walsh moved to approve the request for a Special Exception on, Docket #BZA 67-0703 Dave Smith, to place a temporary second dwelling at, 7646 E 200 N, Akron, IN located in the Agricultural District (AG) with the following conditions: 1) Mr. Smith 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; and 2) the temporary home is never used as a rental unit; and 3) the temporary home be utilized as a dwelling for no one except Mr. Smith; and 4) the temporary home is removed after Mr. Smith 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 Mr. Smith's public hearing, September 10, 2003. Debbie Barts seconded the motion.

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

Linda Herd	Yea
Joe Wegner	Yea
Dan Walsh	Yea
Debbie Barts	Yea
Mark Martens	Yea

The motion to approve the request for a Special Exception on, Docket #BZA 67-0703 Dave Smith, to place a temporary second dwelling at, 7646 E 200 N, Akron, IN located in the Agricultural District (AG) with the following conditions: 1) Mr. Smith 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; and 2) the temporary home is never used as a rental unit; and 3) the temporary home be utilized as a dwelling for no one except Mr. Smith; and 4) the temporary home is removed after Mr. Smith 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 Mr. Smith's public hearing, September 10, 2003 passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

CHARLES MOORE  
DEVELOPMENT STANDARD VARIANCE

Charles Moore, Docket #BZA 68-0803, Development Standard Variance. Mr. Moore is requesting a Development Standard Variance of ten (10) feet off of his required front yard setback. This is for the purpose of erecting a thirty-seven foot by forty-eight foot (37' x 48') garage on the north side of the existing tract. The tract of land is located within the Agricultural District (AG) and consists of one acre. The property is more commonly known as 11275 E Division Rd, Akron, IN 46910 (see attachment E).

Plan Director, Casi Cramer, explained the AG District has a required front yard setback of forty feet (40') off of the Right of Way of the road. Division Road has a total Right of Way of thirty-four feet (34'), which means any newly created structures must sit a total of fifty-seven feet (57') away from the centerline of Division Road. To be able to build this garage Mr. Moore must request a ten (10) foot variance making the structure sit approximately forty-seven and a half feet (47 1/2') away from the centerline of Division Road or thirty feet (30') off of the Right of Way of the road. Casi explained Mr. Moore cannot move his proposed garage back any further due to the fact that they have a buried electrical line running directly behind the proposed project site (see attachment F).

Chairperson, Mark Martens, asked if there was any further information Mr. Moore would like to add to the Plan Director's presentation. Mr. Moore said he felt Casi had covered it well enough.

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

Mark questioned how far the garage would be from the existing home located on the property. Mr. Moore said approximately ten feet (10'). Casi Cramer stated the garage would not be flush with the existing home. Mrs. Moore explained if they put the garage flush with their home the garage doors would be opening into the side of their home. She said by moving it nine to ten feet

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closer to the road they can pull into their driveway and then turn right to pull into their garage. Mr. Moore stated the garage would be nine to ten feet closer to the road than the home currently is.

Mark Martens questioned if the garage would be one bay or two. Mrs. Moore said the garage would have two bays and storage. The Moores' explained there would be more than ten feet between the newly created garage and the existing home. There will be an eight foot approach on the east side of the garage with an eighteen foot by ten foot (18' x 10') garage door. There will also be a ten foot by ten foot (10' x 10') overhead garage door located on the west side of the newly created garage where the Moores' can exit (see attachment G). Mrs. Moore explained her husband has a boat and needs enough room to pull off of the road, into their driveway, and then into the garage. There should be enough room in the garage for two vehicles to park and to store the boat. Mark Martens asked for any further questions from the Board 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, Joe Wegner, Linda Herd, 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.

Jack Horn; 11235 E Division Rd, Akron, IN; questioned how far the garage would be from his property line. He lives directly west of Mr. and Mrs. Moore. Mr. Moore stated the garage would be approximately twenty-five feet (25') from the west property line.

Mark 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, he entertained a motion to close the public hearing.

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

Chairperson, Mark Martens, then asked for any further Board comments or discussion. Being none, he entertained a motion regarding the petition.

Joe Wegner moved to approve the request for a Development Standard Variance on, Docket #BZA 68-0803 Charles Moore, of ten feet (10') off of the required front yard setback for the purpose of erecting a thirty-seven foot by forty-eight foot (37' x 48') garage at 11275 E Division Rd, Akron, IN. Dan Walsh seconded the motion.

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

Debbie Barts	Yea
Dan Walsh	Yea
Joe Wegner	Yea
Linda Herd	Yea
Mark Martens	Yea

FULTON COUNTY BOARD OF ZONING APPEALS

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The motion to approve the request for a Development Standard Variance on, Docket #BZA 68-0803 Charles Moore, of ten feet (10') off of the required front yard setback for the purpose of erecting a thirty-seven foot by forty-eight foot (37' x 48') garage at 11275 E Division Rd, Akron, IN passed with five votes being in favor and no one opposing.

IN RE:           PLAN DIRECTOR REPORT

Casi Cramer presented the Board with an update of permits, applications, violations, and complaints that have occurred in the Plan Commission Office. (See attachment I)

It is duly noted 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 10, 2003 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the September 10, 2003 Fulton County Board of Zoning Appeals meeting at 7:50 P.M. Dan Walsh seconded the motion. Motion carried as follows: Debbie Barts, Dan Walsh, Joe Wegner, Linda Herd, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

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Mark Martens, Chairperson

ATTEST: \_\_\_\_\_  
Erica A. Tyler, Administrative Secretary

**FULTON COUNTY BOARD OF ZONING APPEALS**

**WEDNESDAY, OCTOBER 8, 2003**

**7:00 P.M.**

**COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**

*September 10, 2003*

**OLD BUSINESS:**

*Jennifer Becker 23-0801*

*Lyle Smith 54-0403*

*Andre Lewis 64-0603*

**NEW BUSINESS:**

*Matt Stult 69-0803*

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

FULTON COUNTY BOARD OF ZONING APPEALS  
OCTOBER 8, 2003

Fulton County Board of Zoning Appeals met on Wednesday the 8<sup>th</sup> day of October 2003 at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairman, Mark Martens, called the meeting to order at 7:05 P.M. The following members were present: Chairperson, Mark Martens; Vice-Chairman, Dan Walsh; Executive Secretary, Linda Herd; and Joe Wegner. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and BZA Attorney, Greg Heller. It is duly noted that Debbie Barts was absent.

IN RE: MINUTES

09/10/03

Chairperson, Mark Martens, called for any additions, deletions, or corrections to be made to the September 10, 2003 Board of Zoning Appeals minutes. Being none, Dan Walsh moved to approve the September 10, 2003 Board of Zoning Appeals minutes. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Joe Wegner, and Mark Martens being in favor and no one opposing.

IN RE: OLD BUSINESS

JENNIFER BECKER  
RENEWAL FOR SPECIAL EXCEPTION

Jennifer Becker, Docket #BZA 23-0801, Special Exception. Mrs. Becker is requesting a renewal of her special exception granted on October 10, 2001 for a temporary second dwelling unit. The temporary second dwelling unit is located on Michael Jones' property, which consists of five (5) acres and is within the Agricultural District (AG). The property is also known as 5128 E 700 N, Rochester, IN 46975.

Plan Director, Casi Cramer, explained Mr. and Mrs. Becker are in the process of obtaining one and a half (1.5) acres of land from Mrs. Becker's stepfather Michael Jones (see attachment A). As soon as a survey is completed and the deed for the one and a half (1.5) acres is recorded, Mrs. Becker's special exception for the temporary second dwelling unit will be null. Mr. and Mrs. Becker plan to move their singlewide mobile home, currently on Michael Jones' property, to the one and a half (1.5) acre tract. Once their new home is built on the one and a half (1.5) acre tract Mr. and Mrs. Becker will be completely removing the singlewide mobile home from the property. The Plan Director recommended approval of the request to extend the time frame of the special exception for a temporary second dwelling for six (6) months.

Chairperson, Mark Martens, asked if there was any further information Mrs. Becker would like to add to the Plan Director's presentation. Mrs. Becker stated she was waiting on the surveyor to finish creating the survey for their one and a half (1.5) acre tract. She said as soon as that was finished the singlewide mobile home would be moved to the new piece of property while their new home was being built.

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

FULTON COUNTY BOARD OF ZONING APPEALS  
OCTOBER 8, 2003

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 for those opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he entertained a motion to close the public hearing.

Dan Walsh moved to close the public hearing. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Joe Wegner, and Mark Martens being in favor and no one opposing.

Chairperson, Mark Martens, then asked for any further Board comments or discussion. Being none, he entertained a motion regarding the petition.

Dan Walsh moved to extend the special exception, on Docket #BZA 23-0801 Jennifer Becker, for six (6) months with the original conditions that were placed on the actual special exception. Linda Herd seconded the motion.

Chairperson, Mark Martens, conducted a hand vote regarding the petition. There were four votes in favor and no one opposing.

The motion to extend the special exception, on Docket #BZA 23-0801 Jennifer Becker, for six (6) months with the original conditions that were placed on the actual special exception passed with four votes being in favor and no one opposing.

IN RE: OLD BUSINESS

LYLE SMITH  
USE VARIANCE

Lyle Smith, Docket #BZA 54-0403, Use Variance. Chairperson, Mark Martens, said the Board has not heard from Mr. Smith so they would be tabling the petition again. Plan Director, Casi Cramer, stated Mr. Smith came into the Plan Commission Office on October 7, 2003 and said he had talked to Gary Madlem and the surveyor. Mr. Smith indicated that the Certified Sea-level Elevation Survey was not finished. As soon as the survey is finished Mr. Smith will contact the Plan Commission Office and his petition will be continued at the next regularly scheduled meeting.

IN RE: OLD BUSINESS

ANDRE LEWIS  
SPECIAL EXCEPTION

Andre Lewis, Docket #BZA 64-0603, Special Exception. Chairperson, Mark Martens, noted that Andre Lewis withdrew his petition from the Board of Zoning Appeals and did not wish to continue with the procedure.

FULTON COUNTY BOARD OF ZONING APPEALS  
OCTOBER 8, 2003

IN RE: NEW BUSINESS

MATT STULTS  
SPECIAL EXCEPTION

Matt Stults, Docket #BZA 69-0803, Special Exception. Mr. Stults is requesting a special exception to operate a kennel in a proposed building located on his property at 6750 N 200 E, Rochester, IN 46975. The property consists of one (1) acre and is located within the Agricultural District (AG). The town of Tiosa sits on the east side of Mr. Stults' property across County Road 200 E (see attachment B). The kennel will be located in the southwest corner of the existing one (1) acre tract behind an existing 46' x 60' pole building (see attachment C). The kennel will sit approximately 135 feet off of the centerline of C.R. 200 E. The property is bordered on the north, west and south by farm fields.

Plan Director, Casi Cramer, explained kennel licenses are available for one to fifteen (1-15) dogs or for greater than fifteen dogs. Mr. Stults has stated that he will obtain a kennel license limiting him to one to fifteen (1-15) dogs. The kennel will strictly be for short-term housing purposes of animals and not for breeding. If approved, Mr. Stults will be building a 20' x 20' addition to his existing 46' x 60' pole building. Casi noted the new addition would sit in the center of the existing building and would have chain link fence runners on the sides for the animals. Mr. Stults has stated that he will keep the area for the animals on the west side of the existing building. Casi Cramer explained the new addition would be required to obtain a Location Improvement Permit and meet the required setbacks prescribed by the Zoning Ordinance prior to construction. Casi noted that chain link fences are not required to meet setbacks or obtain permits.

Chairperson, Mark Martens, asked if there was any further information Mr. Stults would like to add to the Plan Director's presentation. Mr. Stults stated his wife wants to be able to board dogs for other people when they go on vacation or out of town. Mr. Stults said his wife grooms dogs and teaches obedience classes as well.

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

Joe Wegner asked where the closest dwelling was located. Casi Cramer stated there is a church across the street from the proposed property as well as Mr. Fred Oden's radiator shop. Mr. Stults said the closest dwelling would be Mr. Oden's. The closest dwelling is approximately 150 feet away from the proposed property.

Mark Martens questioned what operation hours would be for the kennel. Mr. Stults said there would be no set hours of operation; it would mainly be by appointment.

Linda Herd asked where Mr. Stults' wife would be teaching her obedience classes. Mr. Stults said for the most part the classes would be held in the pole building and when the dogs are outside they will be on some type of leash or tether line.

Mark Martens wanted to know if Mr. Stults had settled on a 20' x 20' addition or if he would be building a larger addition to the pole building. Mr. Stults stated he would be building a 20' x 20' addition on the northwest side of the pole building and the runners would be placed to the south of the new addition. Mr. Stults said by putting the addition on the northwest side of the pole building the dogs will be out of view of cars passing by on County Road 200 East.

Chairperson, Mark Martens, decided not to open the public hearing for comments due to the fact there was no public present other than Mr. Stults. Mark then asked for any further Board comments or discussion. Being none, he entertained a motion regarding the petition.

FULTON COUNTY BOARD OF ZONING APPEALS  
OCTOBER 8, 2003

Joe Wegner moved to approve the request for a special exception, on Docket #BZA 69-0803 Matt Stults, to operate a kennel in a proposed building located at 6750 N 200 E in the Agricultural District (AG) consisting of approximately one (1) acre. Dan Walsh seconded the motion.

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

Joe Wegner	Yea
Linda Herd	Yea
Dan Walsh	Yea
Mark Martens	Yea

The motion to approve the request for a special exception, on Docket #BZA 69-0803 Matt Stults, to operate a kennel in a proposed building located at 6750 N 200 E in the Agricultural District (AG) consisting of approximately one (1) acre passed with four votes being in favor and no one opposing.

IN RE:           PLAN DIRECTOR REPORT

Casi Cramer presented the Board with an update of permits, applications, violations, and complaints that have occurred in the Plan Commission Office. (See attachment E)

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

IN RE:           BOARD COMMENTS

Chairperson, Mark Martens, asked if there was any business for the next month's meeting. Plan Director, Casi Cramer, said there may be a variance for a deck that was built but it depends on if they get the paper work back into the office in time. Mark Martens said he wanted to go ahead and cancel next month's meeting being, November 12, 2003.

Being no further business to come in front of the Board of Zoning Appeals, Mark Martens entertained a motion to adjourn the October 8, 2003 Fulton County Board of Zoning Appeals meeting. Dan Walsh moved to adjourn the October 8, 2003 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, Joe Wegner, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS  
OCTOBER 8, 2003

FULTON COUNTY BOARD OF ZONING APPEALS

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Mark Martens, Chairperson

ATTEST: \_\_\_\_\_  
Erica A. Tyler, Administrative Secretary

**FULTON COUNTY**  
**BOARD OF ZONING APPEALS**  
**WILL NOT BE MEETING ON**  
**WEDNESDAY, NOVEMBER 12, 2003**  
**AS REGULARLY SCHEDULED**

**THEY WILL MEET AGAIN ON**  
**WEDNESDAY, DECEMBER 10, 2003**  
**AS REGULARLY SCHEDULED**

**FULTON COUNTY BOARD OF ZONING APPEALS**

**WEDNESDAY, DECEMBER 10, 2003**

**7:00 P.M.**

**COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**

*October 8, 2003*

**OLD BUSINESS**

**NEW BUSINESS:**

*Kenneth Zeck 70-1003*

*Donna McClure 71-1003*

*Brad & Barbara Tam 72-1003*

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

FULTON COUNTY BOARD OF ZONING APPEALS  
DECEMBER 10, 2003

The Fulton County Board of Zoning Appeals met on Wednesday the 10<sup>th</sup> day of December 2003, at 7:00 P.M., in the Commissioners/Council Room located in 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; 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 were absent: Chairperson, Mark Martens and Joe Wegner.

IN RE: MINUTES

OCTOBER 8, 2003

Vice-Chairperson, Dan Walsh, called for any additions, deletions, or corrections to be made to the October 8, 2003 Board of Zoning Appeals minutes. Being none, Linda Herd moved to approve the October 8, 2003 Board of Zoning Appeals minutes. Debbie Barts seconded the motion. Motion carried as follows: Linda Herd, Debbie Barts, and Dan Walsh being in favor and no one opposing.

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

IN RE: NEW BUSINESS

KENNETH ZECK  
DEVELOPMENT STANDARDS VARIANCES

Kenneth Zeck, Docket #BZA 70-1003, Development Standards Variances. Mr. Zeck is requesting a development standards variance of four and one-half (4.5) feet off his west side yard setback and one (1) foot off of his east side yard setback. This is for the purpose of keeping a newly constructed deck located at 11432 South Park Road, Lake Bruce (see attachment A). Mr. Zeck's lot is forty (40) feet wide and four hundred and twenty five (425) feet to four hundred and fifty (450) feet deep and is located in the Lake Residential District (R3).

Plan Director, Casi Cramer, explained the R3 District requires a side yard setback of six (6) feet for any new construction. Mr. Zeck's dwelling was built before Zoning took effect and currently sits within the six foot setback on both sides of the property. Casi noted Mr. Zeck built a deck on the north and west side of his existing home prior to obtaining a Location Improvement Permit. Mr. Zeck lives in DeMotte, IN, and did not realize that the county had zoning regulations. Casi noticed the newly created deck when she was out on a site visit in the area. Mr. Zeck was placed in violation once Casi checked to make sure he had not obtained a permit and that the structure was not listed on his property tax statements. Casi explained Mr. Zeck was charged three times the regular application fee (\$150) and will be charged three times the regular Location Improvement Permit fee (\$60) if his petition is approved. She said there were several questions about whether the deck was on Mr. Zeck's property or if he had encroached onto his neighbors' property. Casi utilized a survey given to her by Mr. Zeck's neighbors to the west (The Wolniks') to determine whether the deck was actually on his property or the neighbors (see attachment B). With the help of the County Surveyor's Office, Casi determined that the deck was located on Mr. Zeck's property but he needed to ask for variances on both the west and east side property lines. Casi noted if the variances are granted the

FULTON COUNTY BOARD OF ZONING APPEALS  
DECEMBER 10, 2003

deck will sit approximately one and one half (1.5) feet away from the west side property line and five (5) feet away from the east side property line. She explained the deck meets all of the other required setbacks. The Plan Director recommended approval of the requested variances for the purpose of keeping a newly constructed deck. Casi suggested the Board consider placing a condition on the motion stating that a registered land surveyor must complete a lot survey so that it is certain Mr. Zeck's deck and buildings are located on his property.

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

Sharon Zeck, 808 E Monroe St. Bloomington IL, said she would be representing her father Kenneth Zeck. Ms. Zeck said her father was operating under old information that zoning did not exist in the County. She stated her apologies for not obtaining a permit before building the deck and she now understands what she must do prior to constructing anything in Fulton County. Ms. Zeck explained they wanted to keep the deck in line with the existing home therefore the deck does not encroach any further onto the neighboring properties than the existing home.

Dan Walsh then asked for any Board member questions to the staff or petitioner. 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, and Dan Walsh being in favor and no one opposing.

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

Hugh Tennant, 11612 South Park Rd Kewanna IN, said Mr. Zeck keeps his property well maintained and well kept all year round. Mr. Tennant approves of the deck and does not feel that it should be torn down.

Dan Walsh 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.

Edward Janes, LaPorte IN, said he was representing Susan Janes, JoAnn Tsoodle, and Barbara Hieber. Mr. Janes stated they are the owners of the property directly east of the property in question. He explained his clients have always checked with the County before constructing anything on their property to be sure that they did not need to obtain permits or variances. Mr. Janes stated the Zeck's have other buildings on their property, which encroach onto the neighboring properties as well. He said it is a case of constant encroachment. Dan Walsh explained the Board was just concerned about the deck and anything that was constructed after zoning took effect in the County. Mr. Janes stated these buildings he is referring to were all built during zoning. Casi Cramer said the other buildings were built prior to zoning taking effect therefore they did not have any regulations which stipulated how far buildings must sit from the property lines. Mrs. Hieber said she had to obtain a permit to build her deck even though it was prior to zoning. Casi explained the only reason a permit was needed prior to zoning was if you were building a new home or attaching a new structure (garage, deck, porch, etc.) to your home that would cost \$5,000 or more. Casi noted zoning took effect in November 2000.

Jean Wolnik, 11438 W South Park Rd Kewanna IN, stated she and her husband own the property directly west of the Zeck's. Mrs. Wolnik said she does not want them to get away with encroaching any further onto the neighboring properties than they already are. She noted there had been some disputes regarding the driveway Zeck's utilize. Mrs. Wolnik explained the Zeck's do not

FULTON COUNTY BOARD OF ZONING APPEALS  
DECEMBER 10, 2003

have a driveway and she and her husband are supposed to be sharing a driveway with them. Dan Walsh stated the Board was only concerned with the deck at this time.

Dan Walsh asked for any further comments opposing the petition. Being none, he asked for any rebuttal from the petitioner.

Ms. Zeck said she knows there have been some long standing concerns about the buildings located on their property but those are not the concern since they were built prior to zoning. She stated that they blew it by not obtaining a permit and they want to correct that mistake if they could.

Dan Walsh asked for any further comments from the public. Being none, he 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, and Dan Walsh being in favor and no one opposing.

Dan entertained a motion regarding the petition. Linda Herd moved to approve the request, on Docket #BZA 70-1003 Kenneth Zeck, for a Development Standards Variance of four and one half (4.5) feet off of the required west side yard setback and one (1) foot off of the east side yard setback for the purpose of keeping the newly constructed deck located at 11432 South Park Road, Lake Bruce, with the condition that a registered land survey be completed on the lot. Debbie Barts seconded the motion.

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

Linda Herd	Yea
Debbie Barts	Yea
Dan Walsh	Yea

The motion to approve the request, on Docket #BZA 70-1003 Kenneth Zeck, for a Development Standards Variance of four and one half (4.5) feet off of the required west side yard setback and one (1) foot off of the east side yard setback for the purpose of keeping the newly constructed deck located at 11432 South Park Road, Lake Bruce, with the condition that a registered land survey be completed on the lot passed with three votes being in favor and no one opposing.

IN RE: NEW BUSINESS

DONNA MCCLURE  
SPECIAL EXCEPTION

Donna McClure, Docket #BZA 71-1003, Special Exception. Ms. McClure is requesting a special exception for a temporary second dwelling to be placed on her property, located at 2791 Main Street, Macy, IN. The property is located partly in the Agricultural District (AG) and partly in the Lake Residential District (R3). The temporary second dwelling will be a 14' x 70' mobile home, which will be utilized by Ms. McClure's mother Madie Oberg. The tract of land is seven and seven tenths (7.7) acres.

Plan Director, Casi Cramer, explained Ms. McClure has already set the mobile home on her property within the Agricultural District (AG) (see attachment D). Casi noted the land is currently in a trust,

FULTON COUNTY BOARD OF ZONING APPEALS  
DECEMBER 10, 2003

The Oberg Trust, but will eventually be split showing that Donna McClure is the owner of the 7.7 acres. Casi stated Ms. McClure's home sits within the R3 District but the rest of her property sits within the AG District, which is where the mobile home is placed. The R3 District does not allow mobile homes anymore but the AG District does. Ms. McClure's request originates from her concern for her mother's health and comfort. Casi said Ms. McClure came into the Plan Commission Office to file for the application and had certain time limits from the people she obtained the mobile home from as to when she needed to pick it up. Casi told Ms. McClure if the petition were approved she would have to pay the Early Bird Fee (\$60.00) for sitting the mobile home prior to obtaining Board approval and a Location Improvement Permit. The mobile home, if approved, is required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department. Ms. McClure has obtained a special release for a septic hook up to an existing septic system by the Fulton County Health Department (see attachment E). It was the Plan Director's recommendation to approve the request for a temporary second dwelling with the following conditions 1) Ms. McClure is required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department; and 2) the temporary home is never utilized as a rental unit; and 3) the temporary home be utilized as a dwelling for no one except Madie Oberg; and 4) the temporary home is removed after Madie Oberg 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, December 10, 2003.

Vice-Chairperson, Dan Walsh, asked if there was any further information Ms. McClure wanted to add to the Plan Director's presentation.

Donna McClure, 2791 Main Street Macy IN, stated she has moved the mobile home onto the property already but her mother is not living in the home as of yet. Ms. McClure explained she and her brothers own almost 53 acres in that area, which is still in the Oberg Trust. She said she and her brothers want their mother to be closer to them so that they can watch over her and take care of her for the duration of her life.

Dan Walsh then asked for any Board member questions to the staff or petitioner.

Dan questioned if Ms. McClure had come into the Plan Commission Office to see about a permit before she set the mobile home. Casi Cramer said the mobile home was not on the property until approximately one to two weeks after Ms. McClure had filed for her application to the Board of Zoning Appeals.

Dan 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, and Dan Walsh being in favor and no one opposing.

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

Dan entertained a motion regarding the petition. Debbie Barts moved to approve the request, on Docket #BZA 71-1003 Donna McClure, for a Special Exception to place a temporary second dwelling at, 2791 Main Street, Macy, IN, with the following conditions 1) Ms. McClure is required to



FULTON COUNTY BOARD OF ZONING APPEALS  
DECEMBER 10, 2003

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

Brad Tam, 3951 South State Road 25 Rochester IN, stated he and his wife would like to build a porch onto their existing home. Barbara Tam said they are in the process of restoring the home to the way it was originally built.

Dan Walsh then asked for any Board member questions to the staff or petitioner.

Casi Cramer asked if the structure would be a deck or a porch. The difference being a porch has a roof over the top of it and a deck does not. Mr. and Mrs. Tam both stated it would be a porch.

Dan Walsh questioned how far out from the house the old concrete pad sat. Mr. Tam said it was a six or seven foot square pad in front of the door which, came to the bottom of the doorway and had concrete steps to the south of the pad.

Dan 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, and Dan Walsh being in favor and no one opposing.

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

Dan entertained a motion regarding the petition. Debbie Barts moved to approve the request, on Docket #BZA 72-1003 Brad & Barbara Tam, for a Development Standards Variance of thirty (30) feet off of the required front yard setback at 3951 South State Road 25, Rochester, IN, for the purpose of erecting an eight by thirty two foot (8 x 32) porch on the west side of the existing house. Linda Herd seconded the motion.

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

Linda Herd	Yea
Debbie Barts	Yea
Dan Walsh	Yea

The motion to approve the request, on Docket #BZA 72-1003 Brad & Barbara Tam, for a Development Standards Variance of thirty (30) feet off of the required front yard setback at 3951 South State Road 25, Rochester, IN, for the purpose of erecting an eight by thirty two foot (8 x 32) porch on the west side of the existing house passed with three votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer presented the Board with an update of permits, applications, violations, and complaints that have occurred in the Plan Commission Office. (See attachment J)

FULTON COUNTY BOARD OF ZONING APPEALS  
DECEMBER 10, 2003

Casi noted Akron Town Council came to the Plan Commission Board on December 8, 2003 to discuss adopting area planning laws. Casi explained some of the plans and changes that would be happening within the Plan Commission Office and the makeup of the Boards if Akron does decide to join the County, which would then make the County an Area Plan Commission. She stated that she would give an update at a later date on this situation.

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 December 10, 2003 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the December 10, 2003 Fulton County Board of Zoning Appeals meeting at 8:06 P.M. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

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ATTEST: \_\_\_\_\_  
Erica A. Tyler, Administrative Secretary