

***ROCHESTER CITY
BOARD OF ZONING APPEALS***

CITY HALL
COUNCIL CHAMBERS
WEDNESDAY, APRIL 24, 2019
6:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

January 23, 2019

OLD BUSINESS:

NEW BUSINESS:

Sallie's by the Shore (#551-0319)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
January 23, 2019

ROCHESTER CITY
BOARD OF ZONING APPEALS

WEDNESDAY, JANUARY 23, 2019

6:00 P.M.
COUNCIL CHAMBERS
CITY HALL

CALL TO ORDER

ELECTION OF OFFICERS

ADOPTION OF MEETING RESOLUTION

BOARD OF ZONING APPEALS MINUTES FOR:
November 28, 2018

OLD BUSINESS:
Trinity United Methodist (538-1218)

NEW BUSINESS:

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
January 23, 2019

The Rochester City Board of Zoning Appeals met on Wednesday the 23rd day of January, 2019, at 6:00 P.M. in the Council Chambers located in the City Hall. Executive Director, Casi Cowles, called the meeting to order at 6:00 P.M. The following members were present: Teresa Houser, Trent Powell, Rick O'Neill and Duane Border. Also in attendance were: Executive Director, Casi Cowles; and Attorney, Andy Perkins.

It is duly noted David Roe and Administrative Secretary, Heather Redinger were absent.

IN RE: ELECTION OF OFFICERS

Executive Director, Casi Cowles, opened the floor to nominations for Chairperson. Trent Powell nominated Duane Border as Chairperson. Rick O'Neill seconded the nomination. Being no further nominations, Motion carried as follows: Teresa Houser, Trent Powell, Rick O'Neill and Duane Border being in favor and no one opposing. Duane Border was elected as Chairperson for the Rochester City Board of Zoning Appeals.

Chairperson, Duane Border, asked for nominations for Vice-Chairperson. Rick O'Neill nominated Trent Powell as Vice-Chairperson. Teresa Houser seconded the nomination. Being no further nominations. Motion carried as follows: Teresa Houser, Trent Powell, Rick O'Neill and Duane Border being in favor and no one opposing. Trent Powell was elected as Vice-Chairperson for the Rochester City Board of Zoning Appeals.

Duane Border asked for nominations for Executive Secretary. Rick O'Neill nominated Teresa Houser as Executive Secretary. Duane Border seconded the nomination. Being no further nominations, Motion carried as follows: Teresa Houser, Trent Powell, Rick O'Neill and Duane Border being in favor and no one opposing. Teresa Houser was elected as Executive Secretary for the Rochester City Board of Zoning Appeals.

Duane Border, asked for nominations for Administrative Secretary. Duane Border nominated Heather Redinger as Administrative Secretary. Trent Powell seconded the nomination. Motion carried as follows: Teresa Houser, Trent Powell, Rick O'Neill and Duane Border being in favor and no one opposing. Heather Redinger was appointed as the Rochester City Board of Zoning Appeals Administrative Secretary.

Duane Border stated the Board needed to appoint an Attorney to represent them. Duane Border moved to appoint Andy Perkins, Rochester, IN. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, Trent Powell, Rick O'Neill and Duane Border being in favor and no one opposing. Andy Perkins was appointed as the Rochester City Board of Zoning Appeals Attorney.

IN RE: ADOPTION OF MEETING RESOLUTION

Duane Border, read Resolution 01232019 regarding the meeting dates and times for the Rochester City Board of Zoning Appeals in 2019. Duane Border entertained a motion to adopt Resolution 01232019. Trent Powell moved to adopt Resolution 01232019 for the Rochester City Board of Zoning Appeals meeting dates and times in 2019. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, Trent Powell, Rick O'Neill and Duane Border being in favor and no one opposing. Resolution 01232019 reads as follows:

RESOLUTION 01232019

ROCHESTER CITY BOARD OF ZONING APPEALS
January 23, 2019

A RESOLUTION OF THE ROCHESTER CITY BOARD OF ZONING APPEALS,
OF THE COUNTY OF FULTON, INDIANA, ESTABLISHING MEETING TIMES
FOR 2018

WHEREAS, the Rochester City Board of Zoning Appeals has established that they will meet on the fourth (4th) Wednesday each month at 6:00 P.M. in the Council Chambers at the City Hall unless that Wednesday falls on a County observed Holiday, then the meeting will be held on the fourth (4th) Thursday at 6:00 P.M. in the Council Chambers at the City Hall.

WHEREAS, the Rochester City 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 Rochester City Zoning Board of Appeals that:

1. The Rochester City Board of Zoning Appeals will meet on the fourth (4th) Wednesday every month at 6:00 P.M. in the Council Chambers at the City Hall unless that Wednesday falls on a County observed Holiday, then the meeting will be held on the fourth (4th) Thursday at 6:00 P.M. in the Council Chambers at the City Hall.
2. Other meetings will be scheduled and a public notice will be given.

Adopted this 23rd January 2019

ROCHESTER CITY BOARD OF ZONING APPEALS

Chairperson

Vice Chairperson

Executive Secretary

ATTEST: _____
Heather Redinger, Administrative Secretary

IN RE: MEETING MINUTES

November 28, 2018

ROCHESTER CITY BOARD OF ZONING APPEALS
January 23, 2019

Being no further business to come in front of the Board of Zoning Appeals, Duane Border, entertained a motion to adjourn the January 23, 2019 Rochester City Board of Zoning Appeals meeting. Rick O'Neill moved to adjourn the January 23, 2019 Rochester City Board of Zoning Appeals meeting at 6:30 P.M. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, Trent Powell, Rick O'Neill and Duane Border being in favor and no one opposed being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS

ATTEST: _____
Heather Redinger, Administrative Secretary

**Docket #551-0319
Sallie's by the Shore
Development Standard Variances**

Sallie's by the Shore (#551-0319) is development standard variances off of the parking lot standards and Rochester City sidewalk codes, within general commercial (GC) district located at 1773 E SR 14, Rochester, IN.

Parking lot standards require all commercial parking lots be paved or asphalted within the Rochester City limits. The City of Rochester also requires any new building is required to have adequate sidewalk or construction of a new one. Sallie's by the Shore is requesting to continue operating the business, without paving the parking lot or installing a sidewalk, until 2021. At that time they will have the projects completed prior to opening in 2021. Therefore variances off of the parking lot standards and Rochester City sidewalk codes are being requested.

*Attached are the previous meeting minutes and discussions, as well as, the parking lot and sidewalk requirements.

The request is for development standard variances off of the parking lot standards and Rochester City sidewalk codes, within general commercial (GC) district located at 1773 E SR 14, Rochester, IN.

SALLIE'S BY THE SHORE
1773 E. State Road 14
Rochester, Indiana 46975

April 12, 2019

Dear Rochester BZA,

As the owners of Sallie's by the Shore in Rochester, we would like to communicate our intentions for the zoning requirements for our lot property. We are asking for permission to operate "as is" for the next two seasons. We have received estimates for the drainage, paving, and sidewalks and will have the projects completed prior to opening in 2021. These estimates are available to you to upon request.

We have not completed these projects as of yet as it was never communicated verbally or in writing at our last meeting in March of 2018 that this work was required to be completed prior to opening for the 2019 season. It was only "suggested" that we talk with City Council.

Respectfully,

Jennifer Knebel and Catherine Evans

Sallie's By the Shore
BZA Time Line, Parking Regulations, Sidewalk Regulations, & BZA Minutes

Jennifer Knebel (RBZA #333-0914) - Attached are the meeting minutes.

November 26, 2014: Requested to operate an ice cream shoppe, proposed 30' x 30' building, with small office, and unisex restroom.

Board approved 4-0

May 27, 2015: Requested an amendment to original request, to be allowed to operate ice cream shoppe out of a food trailer, while the building is being constructed, once the building is complete, the trailer would be removed.

Board approved with the condition the trailer is removed by October 19, 2015. 3-0

December 16, 2015: Requested another amendment to the original request, to not remove the food trailer and continue to operate the ice cream shoppe.

Board approved with the condition of a 3 year review. 4-0

July 27, 2016: Update and clarification.

Casi had the understanding after three (3) years the Board needed to see plans for a building and parking lot. Mrs. Knebel had the understanding that after three (3) years and no complaints they would not be required to build a building.

The Board stated by end of year (3) three they need to see plans for a building and parking lot. Also they must have one ADA parking spot completed by opening day 2017.

March 28, 2018: Update

Mrs. Knebel stated they could not afford to build a permanent structure and would to place the trailer on the lot yearly, April 1 and remove the weekend after Labor Day. They are willing to do the provisions to the property.

At this time the City does not allow or have any codes food trucks. They do have codes that parking lots need to be asphalted. They would have to talk to the City of Rochester about amending the parking lot codes or ask for a variance from the BZA.

lighting) and shall be no more than twenty (20) feet in height.

- D. All free standing lights and lights mounted on walls or facades must have cutoff luminaires with less than a ninety degree angle.-
- E. All lights within a single development must use consistent style, design, height, size and color throughout the development.
- F. All lighting from a property must not cause illumination beyond the property line of that property (at .5 foot candles). The only exception to this standard is as follows:
 - a. when the subject property is business and the adjacent property is zoned for business or industrial the allowable light at the property line is one (1.0) foot candles (only on sides of the property that are adjacent to the similar Zoning District) .
 - b. when the subject property is industrial and the adjacent property is zoned for industrial the allowable light at the property line is two and one half (2.5) foot candles (only on sides of the property that are adjacent to the similar Zoning District).
- G. Measurements shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

5-7.7 Parking Standards (PK)

PK-01: All parking lots for commercial businesses, public and private employee parking, offices, organizations, and places of assembly, etc. must be paved with asphalt or concrete within the incorporated limits of the City of Rochester. All other jurisdictions under the authority of this Zone Ordinance are required to pave with asphalt, concrete, gravel, stone, rock, or dust-free material as approved by plan commission, except for special events permitted throughout the year. Dirt, sand or grass is not permitted as a parking surface, except for special events permitted throughout the year that may require spill over parking. Expansion of any parking lot surface will comply with the current Zone Ordinance. In addition, these parking lots, in relation to the facility's normal activities, must also conform to all the following requirements:

- A. All ingress/egress into parking areas must be paved with asphalt or concrete within the incorporated limits of the City of Rochester. All other jurisdictions under the authority of this Zone Ordinance are required to pave with asphalt, concrete, or other durable, dust-free material.
- B. Parking lots shall be located a minimum of 5' from the front, side, and rear property line. All of the area within the 5' setback will be sustained as a vegetative buffer between the lot lines and the parking lot.
- C. Parking lots with more than one parking aisle, or designed greater than, or equal to, four-tenths (.4) of an acre, 17,424 square feet, will have interior vegetative buffers installed. The interior vegetative buffers shall be in the form of pedestrian walkways between parking isles, strips or islands planted in the form of some combination of trees, shrubs, and/or grass. Vegetative Islands shall be placed at the end of each parking aisle containing 20 or more parking spaces.
- D. Parking spaces shall be a minimum of 9' x 18' and be striped so as to show each parking space.
- E. Parking aisle widths shall be as follows:
 - a. 90 degree angle space - 24' wide parking aisle
 - b. 60 degree angle space - 18' wide parking aisle
 - c. 45 degree angle space - 14' wide parking aisle
- F. Be designed as to prevent vehicles from having to maneuver in the public right-of-way.
- G. All components of a parking lot must be ADA compliant.
- H. Be constructed to allow proper drainage.
- I. Parking spaces described in this Rule must be located either on the premises or on a lot approved by the Plan Commission. All required off-street parking spaces, however, must be located within six-hundred (600) feet of the respective lot.
- J. A group of adjacent properties may provide a joint parking area if the number of spaces required for all properties is adequate, and at least seventy percent (70%) of the total spaces re



quired for each use. A permanent documentation of the agreement must be recorded with both properties. A permanent written agreement signed by all property owners involved which shall include but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed/approved by the Plan Administrator and/or the Plan Commission Attorney. The agreement shall be recorded in the office of the Fulton County Recorder. A copy of the recorded agreement shall be kept in the office of the Plan Commission. The Plan Administrator shall approve aggregate parking lots such as mentioned above.

PK-02: To reduce traffic congestion and hazards along roadways, off-street parking shall be required for business and industrial uses. The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement below. The numbers below do not guarantee the quantity needed per use, only minimums are expressed. The developer/builder must calculate additional parking spaces that may be necessary.

All uses.	One (1) parking space per employee that potentially can be working at any given time.
Restaurants, food services, movie theatre, auditorium, or church.	One (1) parking space per every three (3) chairs.
Furniture stores and automobile sales.	One (1) parking space per five hundred (500) sq. ft. of GFA
Hardware stores, home improvement stores, and community centers.	One (1) parking space per four hundred (400) sq. ft. of GFA
Fitness, health spa, entertainment facility, skating rink or similar facilities.	One (1) parking space per two hundred (200) sq. ft. of GF A
Convenience stores, gasoline stations, grocery stores, banks, and department stores.	One (1) parking space per three hundred (300) sq. ft. of GFA
Daycare facility.	One (1) parking space per every ten (10) children enrolled
Hotel, motel, bed and breakfast, and lodging or boarding home.	(1) parking space per sleeping unit.
Golf course	Thirty (30) parking spaces per nine (9) holes.
*Additional parking spaces may be required by the Planning Commission or Board of Zoning Appeals if deemed necessary.	

PK-03: The following shall apply to the village commercial (VC) district.

A. Off-street parking is not required.

B. If the property owner chooses to have off-street parking the following will apply:

- a. All ingress/egress into parking areas must be paved with asphalt or concrete within the incorporated limits of the City of Rochester. All other jurisdictions under the authority of this Zone Ordinance are required to pave with asphalt, concrete, gravel, stone, rock, or dust-free material as approved by plan commission, except for special events permitted throughout the year.



specifications as defined in the city code. That the topography of the lot or tract together with the topography of adjacent lots or tract and the nature of the street right-of-way make it impractical for the construction of a sidewalk as required. (1999)

(Ord. 02-1999, passed 2-23-99)

§ 96.81 WAIVER - NEW BUILDING.

In the event such dwelling house or building is to be constructed upon a lot or tract upon which such a sidewalk presently exists, the requirement for new construction shall be waived. (1999)

(Ord. 02-1999, passed 2-23-99)

§ 96.82 BUILDING PERMITS.

No building permit shall be issued for the construction of any dwelling house or building within the city limits unless such building permit application provides for the construction of new sidewalks or shows adequate existing sidewalks upon the lot or tract which such new building is to be erected. (1999)

(1999)

(Ord. 02-1999, passed 2-23-99)

§ 96.83 APPEAL.

Any person who considers himself aggrieved may apply to the Board of Zoning Appeals of the city and after notice and hearing as provided by those sections and by the rules and regulations of the Board of Zoning Appeals, the Board may waive the provisions of those sections upon the showing of the following.

(Ord. 02-1999, passed 2-23-99)

§ 96.84 DETERMINATE VARIANCE - SIDEWALK CONSTRUCTION DEFERRED.

(A) Any person subject to the requirements or any person living outside of the city limits but within the zoning boundaries who believes it impractical to construct a sidewalk on the lot or tract at present may apply to the Board of Zoning Appeals for a variance that is determinate with respect to the criteria for variance and the time period during which such criteria are in effect, and with respect to the time period during which the variance is effective. The Board, after notice and hearing may grant a variance if construction of sidewalks appears impractical based upon, but not limited to, the following considerations:

(1) The adjacent lot or tracts are at present undeveloped, but it appears that at some future date these lots or tracts will be developed, increasing the need for sidewalks for the protection and convenience of pedestrians; or

ROCHESTER CITY BOARD OF ZONING APPEALS
November 26, 2014

The Rochester City Board of Zoning Appeals met on Wednesday the 26th day of November 2014, at 6:00 P.M. in the Council Chambers located in the City Hall. Chairperson, John Little, called the meeting to order at 6:00 P.M. The following members were present: Bob Cannedy, Rick O'Neill, Duane Border and John Little. Also in attendance was Plan Director Casi Cowles, Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

It is duly noted Greg Brown was absent.

IN RE: MEETING MINUTES

October 22, 2014

John Little asked the Board for any deletions, or corrections to be made to the October 22, 2014 minutes. Being none, Bob Cannedy moved to approve the October 22, 2014 Rochester City Board of Zoning Appeals minutes as written. Rick O'Neill seconded the motion. Motion carried as follows: Bob Cannedy, Rick O'Neill, Duane Border and John Little all being in favor and no one opposing.

IN RE: NEW BUSINESS

JENNIFER KNEBEL (#333-0914)
DEVELOPMENT STANDARD VARIANCE

Mrs. Knebel (#333-0914) are requesting a special exception to operate an ice cream shoppe and erect a 48 sf sign, within Lake Residential (R3) district located on lot west of 1811 E 9th Street (Casey's General Store), Rochester, IN.

Mrs. Knebel proposes to construct a new 30' X 30' building, which would have a small office located in the back of the structure. There would also be a unisex restroom. The proposed hours of operation would be Sunday through Thursday 11am to 9pm, and Friday & Saturday 11am to 10pm. There would be 2-6 employees, depending on the season. The parking area would be located along the east side of the building, with a drive-thru located on the west side. Mrs. Knebel would also like to erect a 48 sf sign.

Casi told the Board the area is scheduled to be rezoned to general commercial next year.

John Little asked Mrs. Knebel if she had anything further to add.

Mrs. Knebel did not have anything to add at this time.

John Little asked for any Board comments.

Rick O'Neill asked about drainage and drives.

Casi stated once plans are established they will need to go through the Technical Review Committee. They will need have INDOT approval for the drives.

Being no further Board questions, or comments John Little entertained a motion to open the public hearing. Bob Cannedy moved to open the public hearing. Rick O'Neill seconded the motion. Motion carried as follows: Bob Cannedy, Rick O'Neill, Duane Border and John Little all being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS
May 27, 2015

The Rochester City Board of Zoning Appeals met on Wednesday the 27th day of May 2015, at 6:00 P.M. in the Council Chambers located in the City Hall. Chairperson, John Little, called the meeting to order at 6:00 P.M. The following members were present: Bob Cannedy, Duane Border and John Little. Also in attendance were: Executive Director, Casi Cowles; and Board Attorney, Greg Heller

It is duly noted Greg Brown, Rick O'Neill and Administrative Secretary, Heather Redinger, were absent.

IN RE: MEETING MINUTES

April 22, 2015

John Little asked the Board for any deletions, or corrections to be made to the April 22, 2015 minutes. Duane Border moved to approve the April 22, 2015 Rochester City Board of Zoning Appeals minutes as written. Bob Cannedy seconded the motion. Motion carried as follows: Bob Cannedy, Duane Border and John Little all being in favor and no one opposing.

IN RE: NEW BUSINESS

Jennifer Knebel (#333-0914)
Special Exception Amendment

Mr. & Mrs. Knebel (#333-0914) are requesting an amendment to an approved special exception to operate an ice cream shoppe, within Lake Residential (R3) district located on lot west of 1811 E. 9th Street (Casey's General Store), Rochester, IN.

Original request: Mr. & Mrs. Knebel propose to construct a new 30' X 30' building, which would have a small office located in the back of the structure. There would also be a unisex restroom. The proposed hours of operation would be Sunday through Thursday 11am to 9pm, and Friday & Saturday 11am to 10pm. There would be 2-6 employees, depending on the season. The parking area would be located along the east side of the building, with a drive-thru located on the west side. Mr. & Mrs. Knebel would also like to erect a 48 sf sign.

*Mr. & Mrs. Knebel would like to place a food trailer on the lot, while the building is being constructed. Once the building is complete the food trailer would be removed.

John Little asked Mrs. Knebel if she had anything further to add.

Jennifer Knebel, stated they have purchased and restored a 1948 camper to utilize to sell their ice cream until the building is built next year. She showed the Board pictures of the camper.

John Little asked if they would be putting gravel down for parking.

Mrs. Knebel stated they would be putting gravel on the east 1/3 of the lot, leaving room to prepare the remaining lot for the building.

Bob Cannedy asked how long would they be serving out of trailer this year.

Mrs. Knebel stated the latest would be early October.

ROCHESTER CITY BOARD OF ZONING APPEALS
May 27, 2015

Duane Border asked when do they plan to start building.

Mrs. Knebel stated later winter or early spring of next year.

John Little asked for any Board questions or comments.

Being no further Board comments John Little entertained a motion to open public hearing Bob Cannedy moved to open the public hearing. Greg Brown seconded the motion. Motion carried as follows: Bob Cannedy, Duane Border and John Little being in favor and no one opposing.

John Little asked if anyone to speak in favor of the petition, being none, he then asked if anyone would like to speak against the petition.

Being no one to speak in favor, or to oppose the petition, John Little entertained a motion to close the public hearing. Duane Border moved to close the public hearing. Bob Cannedy seconded the motion. Motion carried as follows: Bob Cannedy, Duane Border and John Little being in favor and no one opposing.

John Little asked for any Board comments.

Bob Cannedy stated he would like to add a condition, that the trailer be removed by October 19, 2015.

The Board agreed.

Being no further questions or comments, John Little then entertained a motion regarding the petition. Bob Cannedy moved to approve Mr. & Mrs. Knebel (#333-0914) are requesting an amendment to an approved special exception to operate an ice cream shoppe, out of a food trailer , within Lake Residential (R3) district located on lot west of 1811 E 9th Street (Casey's General Store), Rochester, IN. with the condition the food trailer be removed by October 19, 2015. Duane Border seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms.

Bob Cannedy	Yea
Duane Border	Yea
John Little	Yea

Motion to approve, Mr. & Mrs. Knebel (#333-0914) are requesting an amendment to an approved special exception to operate an ice cream shoppe, out of a food trailer , within Lake Residential (R3) district located on lot west of 1811 E 9th Street (Casey's General Store), Rochester, IN., with the condition the food trailer be removed by October 19, 2015. Passed with three votes being in favor and no one opposing.

IN RE: NEW BUSINESS

Dennis Rayburn (#359-0415)
Development Standard Variance

Mr. Rayburn (#359-0415) is requesting a development standard variance of 2' off of the side yard setback and 8' off of the front yard for the purpose of a garage addition, within the lake residential (R3) District located at 2010 Smith Court, Rochester, IN.

ROCHESTER CITY BOARD OF ZONING APPEALS
December 16, 2015

The Rochester City Board of Zoning Appeals met on Wednesday the 16th day of December 2015, at 6:00 P.M. in the Council Chambers located in the City Hall. Chairperson, John Little, called the meeting to order at 6:00 P.M. The following members were present: Bob Cannedy, , Greg Brown, Duane Border and John Little. Also in attendance were: Executive Director, Casi Cowles; and Administrative Secretary, Heather Redinger.

It is duly noted Rick O'Neill and Board Attorney, Greg Heller were absent.

IN RE: MEETING MINUTES

October 28, 2015

John Little asked the Board for any deletions, or corrections to be made to the October 28, 2015 minutes. Bob Cannedy moved to approve the October 28, 2015 Rochester City Board of Zoning Appeals minutes as written. Duane Border seconded the motion. Motion carried as follows: Bob Cannedy, Greg Brown, Duane Border and John Little all being in favor and no one opposing.

IN RE: NEW BUSINESS

Jennifer Knebel (#333-0914)
Special Exception Amendment

Mr. & Mrs. Knebel (#333-0914) are requesting an amendment to an approved special exception to operate an ice cream shoppe, within Lake Residential (R3) district located on 1773 E State Road 14, Rochester, IN.

Original request: Mr. & Mrs. Knebel propose to construct a new 30' X 30' building, which would have a small office located in the back of the structure. There would also be a unisex restroom. The proposed hours of operation would be Sunday through Thursday 11am to 9pm, and Friday & Saturday 11am to 10pm. There would be 2-6 employees, depending on the season. The parking area would be located along the east side of the building, with a drive-thru located on the west side. Mr. & Mrs. Knebel would also like to erect a 48 sf sign.

Mrs. Knebel requested an amendment on May 27, 2015 to operate the ice cream shoppe in a food trailer. The Board approved this amendment with the condition the food trailer is removed by October 19, 2015.

Mrs. Knebel is now requesting, to not remove the food trailer and continue to operate the ice cream shoppe.

John Little asked Mrs. Knebel if she had anything further to add.

Mrs. Knebel stated they had great reviews about the ice cream trailer; they would like to purchase a larger trailer and continue to keep the business as a food trailer.

John Little asked for any Board questions or comments.

Being no Board comments John Little entertained a motion to open public hearing Bob Cannedy moved to open the public hearing. Greg Brown seconded the motion. Motion carried as follows: Bob Cannedy, Greg Brown, Duane Border and John Little being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS
December 16, 2015

John Little asked if anyone to speak in favor of the petition, being none, he then asked if anyone would like to speak against the petition.

Being no one to speak in favor, or to oppose the petition, John Little entertained a motion to close the public hearing. Rick O'Neill moved to close the public hearing. Bob Cannedy seconded the motion. Motion carried as follows: Bob Cannedy, Greg Brown, Duane Border and John Little being in favor and no one opposing.

John Little asked for any Board comments.

Duane Border stated he doesn't have an issue with the request, however he would like to see a review in 3 years, being that neighborhoods change and would like to hear public input, if any at that time.

Being no further questions or comments, he then entertained a motion regarding the petition. Bob Cannedy moved to approve, Mr. & Mrs. Knebel (#333-0914) are requesting an amendment to an approved special exception to operate an ice cream shoppe, within Lake Residential (R3) district located on 1773 E State Road 14, Rochester, IN, with the condition of a 3 year review. Greg Brown seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms.

Bob Cannedy	Yea
Greg Brown	Yea
Duane Border	Yea
John Little	Yea

Motion to approve, Mr. & Mrs. Knebel (#333-0914) are requesting an amendment to an approved special exception to operate an ice cream shoppe, within Lake Residential (R3) district located on 1773 E State Road 14, Rochester, IN, with the condition of a 3 year review. Passed with four votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR'S REPORT

Casi presented the Board with the monthly report.

Being no further business to come in front of the Board of Zoning Appeals, John Little, entertained a motion to adjourn the December 16, 2015 Rochester City Board of Zoning Appeals meeting. Greg Brown moved to adjourn the December 16, 2015 Rochester City Board of Zoning Appeals meeting at 6:25 P.M. Bob Cannedy seconded the motion. Motion carried as follows: Bob Cannedy, Greg Brown, Duane Border and John Little being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS

ATTEST: _____
Heather Redinger, Administrative Secretary

Knebel: 12-16-15

Casi: Mr. & Mrs. Knebel (#333-0914) are requesting an amendment to an approved special exception to operate an ice cream shoppe, within Lake Residential (R3) district located on 1773 E State Road 14, Rochester, IN.

Original request: Mr. & Mrs. Knebel propose to construct a new 30' X 30' building, which would have a small office located in the back of the structure. There would also be a unisex restroom. The proposed hours of operation would be Sunday through Thursday 11am to 9pm, and Friday & Saturday 11am to 10pm. There would be 2-6 employees, depending on the season. The parking area would be located along the east side of the building, with a drive-thru located on the west side. Mr. & Mrs. Knebel would also like to erect a 48 sf sign.

Mrs. Knebel requested an amendment on May 27, 2015 to operate the ice cream shoppe in a food trailer. The Board approved this amendment with the condition the food trailer is removed by October 19, 2015.

Mrs. Knebel is now requesting, an amendment to not remove the food trailer and continue to operate the ice cream shoppe.

Katherine Evans: Thank you for the opportunity to try it out this year, the vintage camper. In trying that out this year, like Casi said our original plan was to put a building up, but we had such an overwhelming response with the camper this year, we had a lot of people come from out of town, just to be able to experience the little set up we created. A lot of people are really in favor into the camper and we put a lot of thought into that and we think we have a lot of potential to grow and expand it and make that our permanent structure on the lot. We are actually looking at a larger trailer to restore and have that as our permanent structure.

Jennifer Knebel: We outgrew our trailer within the first week.

Katherine: The new trailer is larger and we will be able to serve more people and have more room. We have a lot of fun ideas to implement with the idea of the vintage camper trailer. Looking at having a car hop, additional seating, and an old fashion soda fountain.

Jennifer: We would like to expand and offer a little more. We are asking to be able to make the trailer the permanent structure on that lot. We did have a lot of people from out of town so experience it.

John Little: what model and brand of trailer are you looking at now.

Jennifer: It would be another 1947 era.

Katherine: looking at a 25'-30' trailer now, more space which we need.

Bob: its an R3, I am little concerned in 2,3 or 5 years someone starts building in that area and they may not want that next door to them. I am fine with putting a time frame, but hate to leave it out there forever.

Katherine: curious about the zone change for the lot.

Casi: when the amendments go through it will be a general commercial.

Jennifer: it was in the process last time we were here and I thought it would have went through already.

Casi: it doesn't really matter, GC doesn't allow for trailers to be utilized either. It would still be a special exception.

Bob: it's a great concept and I enjoy it, but in the meantime its not going to add any property taxes the way its set up, part of what were supposed to think about it increasing value. I think it is creating a nice atmosphere, but not increasing the value. I am open to a time frame, but not agreeing to forever.

Jennifer: Im not saying down the road we won't put a structure up, we've talked to an architect last year, and when he came and looked at it he said you can't change this right now. It's to unique and different.

Katherine: We're talking if we do use a larger trailer we would have all of our sewer and water lines ran, and use as our permanent location. I would hate for us to put that kind of money into and have to change it in five years.

Bob: My thought is if a neighbor comes in and meets code, and pays property taxes, they may be concerned on what is located next to them and how of affects the value of their home. It a concern I have.

Katherine: I understand that, could it be something where we have it a certain amount of time and then come back and revisit it.

Bob: That's what I am thinking.

John: Could they have some point make the trailer part of the permanent structure.

Jennifer: We've talked to the architect about tat as well.

John: put a foundation under it and build around it.

Greg Brown: Maybe put a retro building up.

Jennifer: we've considered that as well.

Duane: I have the same thoughts.

John: there's two more lots left back there to be built on.

Greg: another problem we have is one set up, and then we will have others wanting to do it. I would like to see a retro building put up, at least a façade on the front of it.

John: actually could leave it there and build it around it, to make it a permanent structure.

Katherine: is there any way to set the trailer on a foundation to be considered the permanent structure.

Greg: Casi is it something to do with them being plated?

Casi: In the R5 district, you're not allowed to have any kind of travel trailer or RV stored on a lot without a house on it. They can only be utilized 30 days in one calendar year. The reason why is because we had people buy lots on the lake and set a camper. That is anywhere in the county except in the river residential district. The trailer its self isn't allowed in any residential districts, 14' x 70' or larger trailers are only allowed in the Ag, Mp and KW Districts.

Katherine: So in short of foundation question.

Greg: No you aren't allowed to do that.

Casi: if you built a building around it and created a permanent structure incorporating the trailer.

John: I think that's what they were thinking.

Casi: like the old train car diners.

John: so it's a possibility in say three years you could do that?

Greg: so you're saying build a structure around the trailer and have trailer stick out in the front.

John: yea, and put a three year time limit on it.

Public hearing

Katherine: we would appreciate any time you can give us on it, we will probably run sewer and water for the time being.

Greg: Time limit?

Duane Border: Three years, does that sound ok.

Bob: Sounds like a good number

John: Do we have a motion.

Greg Brown: Motion to approve with the stipulation of review in three years.

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carried as follows: Rick O'Neill, Trent Powell, Greg Brown, Bob Cannedy and Duane Border being in favor and no one opposing.

Duane Border then asked for any Board questions or comments.

Being no questions or comments, he then entertained a motion regarding the petition. Greg Brown moved to approve, Mr. Jones (#417-0616) is requesting development standard variances of 6' off of the side yard for the purpose of two porches within the lake residential (R3) District on property located at 2816 Manitou Park Drive, Rochester, IN. Trent Powell seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms.

Greg Brown	Yea
Bob Cannedy	Yea
Trent Powell	Yea
Rick O'Neill	Yea
Duane Border	Yea

Motion to approve, Mr. Jones (#417-0616) is requesting development standard variances of 6' off of the side yard for the purpose of two porches within the lake residential (R3) District on property located at 2816 Manitou Park Drive, Rochester, IN. Passed with five votes being in favor and one opposing.

IN RE: OLD BUSINESS

Knebel (#33-0914)

Casi told the Board the basis of Knebel's being on the agenda was that clarification is needed for this petition. She was under the impression after the 3 year time frame, the Board wanted to see plans for a building. Mr. & Mrs. Knebel are under the impression, if there were no complaints, in the 3 year time, about the food trailer, they do not have to build a building.

Casi stated her understanding was, the trailer would be temporary, and in the three year time there would be a permanent structure that would also be compliant with the district codes. Whether it being a new structure or a building built around the trailer. However, when the new trailer came on site, they poured a concrete pad, built a deck, plumbing was hard wired in, and a lot permanent fixtures were attached to the temporary trailer. She stated there are a lot of commercial codes that need to be met, when a commercial building is built. The city requires a parking lot to be asphalted, any commercial business has to be ADA compliant, which means you have to have a hard packed surface for parking. She stated they did change the deck and added a ramp. They have not put the hard packed surface in for parking, they were waiting to talk to the Board first on what they need to do. There are also minimum size requirements for a structure, the trailer does not meet that requirement. She stated she is at a loss, because there are numerous businesses she deals with, that are required to meet all of these codes, as well as, put in a sidewalk. The City has a municipal code that requires a sidewalk be put in with any new business. She stated her understanding when the special exception was approved, that the trailer would be completely temporary, no hard plumbing, no hard wiring. The permanent nature of this trailer, when it came in changes the scheme in the office, when we get public asking what are they doing or how can they have the trailer. She stated she needs more clarification on the Board intent of this petition. She also stated Mr. & Mrs. Knebel were under the impression, that after three years if there were no complaints, they could ask for another extension to leave the trailer there. She state her understanding was they were to have plans for a new structure and state plans, to construct a building at end of year three.

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Jennifer Knebel, stated the trailer is still on wheels, that it can be removed. They poured the concrete pad to anchor the trailer to protect their investment, but it is still a temporary trailer.

Katherine Evans, stated they had a copy of the letter that they received after the last meeting. Which states to come back in three years for a review, it did not say they had to have a building.

Jennifer Knebel, stated she remembers discussing with the Board at the end of three years, if there were no complaints, they could come back and possibly, hopefully get another extension to leave it as is. She then stated she understands at the end of three years the Board will make a decision on whether or not they can keep the trailer or build a structure.

Bob Cannedy stated, you understand at the end of three years you may have to remove the trailer.

Jennifer Knebel stated they were under the impression that after three years if there were no complaints against it, they could request another extension.

Duane Border stated the original idea presented to them was to construct a building, and then you came to us wanting to put a temporary trailer in, until the building was built. Then you came to us and wanted to continue to operate out of the trailer. He stated the Board needs to what the plans and timelines are, since things have changed in time with the trailer and the Board really doesn't have a clear picture on the plans now.

Jennifer Knebel asked Duane if he could explain what the things that have changed are.

Duane stated at some point there was supposed to be a building, and now the trailer is hooked up as a permanent structure, that's the main thing.

Jennifer Knebel, stated there intent was to come back in three years and request an extension. She stated she wondered if there are exceptions for businesses to allow to continue, since it has been a positive and brought business into Rochester.

Katherine stated there intent hasn't changed since the last meeting, which is just to continue operating in the trailer for three years and come back to the Board and request another three years, or if the Board decided they could not continue, then at that time they would decide what they were going to do.

Jennifer stated they do not have an architect at this time for a building, and she thinks it's unfair to be asked what their plans are in three years. There are a lot of factors to determine into running a business.

Duane stated he has a concern, since this is a commercial business they need to be held to the same standards as any other commercial business and they need to be in compliance and meet all the codes as well.

Jennifer asked if they ever considered this is a unique business, and its been a success, to be able to continue utilizing the trailer.

Katherine stated they understand in three years they may be required to meet all the codes and requirements.

Rick O'Neill stated it still needs to be ADA compliant.

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Casi stated it does. She stated it is very clear in the minutes from the last meeting that the board would agree to timeline, but not forever. It would not be bringing in any tax revenue. She also stated Mrs. Knebel keeps saying they remember discussing if there were no complaints, they could just come back and ask for another extension. The Board did not agree to that in the last meeting. These are some of the reasons we need clarification on what the Boards intent was.

Katherine Evans stated she understands that, but is still unclear as to why there are here tonight.

Duane Border stated they need to know what their intentions are concerning a building, whether it is build a structure around the trailer or a remove trailer and build. There needs to be some kind of future plan.

Bob Cannedy stated they have made it more of a permanent structure and other codes need to be met.

Jennifer Knebel stated they understand that and at the end of three years they may need to remove or build.

Rick O'Neill stated his impression was by the end of year three, they would be a building or plans.

Duane Border and Greg Brown agreed with Rick.

Jennifer Knebel stated they recall the petition would be reviewed in three years, not that a plan or a building would be there in three years.

Bob Cannedy stated he has heard a lot of positive comments about the business, he also has been asked how are they allowed to have a trailer, and he has heard there are concerns on safety issues with traffic.

Jennifer Knebel stated they just need to know what they need to do, and all of their decisions at this time was made, based on the letter they received stating they could continue to operate and review in three years. She stated if they are made to put in a paved parking lot, they do not have to funds to do so. She stated she feels like they are a lot of codes being discussed that were not discussed before.

Rick O'Neill stated the trailer was supposed to be temporary, now that it is a permanent structure they are required to meet the codes.

Jennifer Knebel stated it is a temporary trailer.

Casi stated once it has sewer and water taps, and is hard wired and plumbed it is considered permanent.

Katherine stated they were thinking ahead, knowing that in three years they may be required to have a building.

Casi stated if those plans were brought to us before, then we could have discussed the codes.

Katherine asked the Board what is it they need to do.

Duane Border stated by year three they need to see some type of plans for a building, and a parking plan.

Casi stated they will also need a hard packed surface, at least one parking spot for ADA codes. She also stated after year three whether the trailer stays or a building is built, the parking lot must be paved and a sidewalk is put in.

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Jenifer Knebel asked what is the timeline to have the parking spot completed.

The Board discussed and agreed it must be completed before opening day 2017.

IN RE: PLAN DIRECTOR'S REPORT

Casi presented the Board with the monthly report.

Being no further business to come in front of the Board of Zoning Appeals, Duane Border, entertained a motion to adjourn the July 27, 2016 Rochester City Board of Zoning Appeals meeting. Bob Cannedy moved to adjourn the July 27, 2016 Rochester City Board of Zoning Appeals meeting at 7:10 P.M. Rick O'Neill seconded the motion. Motion carried as follows: Trent Powell, Rick O'Neill, Greg Brown, Bob Cannedy and Duane Border being in favor and no one opposed being in favor and no one opposing.

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ATTEST: _____
Heather Redinger, Administrative Secretary

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March 28, 2018

IN RE: MEETING MINUTES

September 27, 2017

Duane Border asked the Board for any deletions, or corrections to be made to the September 27, 2017 minutes. Bob Cannedy stated on page 3, it needed to state Mr. Bauman, not Mrs. Bob Cannedy moved to approve the September 27, 2017 Rochester City Board of Zoning Appeals minutes with the change stated. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, Bob Cannedy, and Duane Border all being in favor and no one opposing.

IN RE: OLD BUSINESS

Knebel (#333-0914)

Casi stated the last time they had met with Knebel's, it was discussed there would be plans in place by year three, the end of year three will be December of this year. The plans were to include the parking lot, as well as, a permanent structure on the lot.

Duane Border stated they just wanted an update of their future plans.

Mrs. Knebel stated they had had two seasons to see how the business was going to go. She stated they have realized the business lasts about 4-4 ½ months a year. They plan on removing the camper on September 8th 2018 and replaced it on April 1, 2019. She then stated they simply cannot afford to build a permanent structure, as the business is only part time. They would like to have to special exception revised to allow for the trailer to be there yearly, from April 1 to the weekend after Labor Day. She then stated they are willing to do the provisions to the property, it's just financially they cannot build a building.

Catherine Evans stated the trailer is their store front, which makes the business unique. They have customers travel over two hours to visit their business; potentially that brings support to other businesses in Rochester.

Duane asked for any Board questions.

Bob Cannedy asked about restroom facilities.

Jennifer Knebel stated they have an employee restroom inside.

Bob Cannedy stated he has heard discussion of food trailers being allowed in the downtown, with stipulations. He stated if feels they need to get more information on what the City is going to decide.

Duane agreed.

Teresa Houser stated she admires their entrepreneurial spirit.

Casi stated the City doesn't allow or have codes for food trucks, she stated they have received complaints from other business owners, as to why a temporary structure has been allowed. They have to pay taxes on their building and pave their parking lots. She has explained to them the original intent was to build a permanent structure, the trailer was to be temporary. She stated she is unsure how the Board could go about amending the special exception to allow the trailer permanently, without codes to regulate a food truck situation.

Catherine asked if there was a way to charge them taxes.

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Casi stated is all regulated through the state.

Duane Border stated it's really no different than a food truck, except it is on their own property.

Bob Cannedy stated he is good with the trailer being on the lot from April to September.

Mart Smith asked if they could go through a license and permit fee with the City of Rochester.

Casi stated if the City would allow that.

Duane Border asked if they move on and off, will they still need to have the parking lot asphalted.

Casi stated the City code requires all new parking lots to be asphalted, not necessarily any business. She then stated they could talk to the City Council about the parking lot codes.

Duane Border stated he appreciated the update.

IN RE: Mediation agreement for Don Orr.

Greg Heller told the Board they reached an agreement at the mediation, the Board needs to approve or deny the agreement.

Bob Cannedy moved to approve the mediation agreement. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, Bob Cannedy and Duane Border being in favor and no one opposing.

Greg Heller stated he would inform Mr. Orr's attorney of the Board's decision.

IN RE: PLAN DIRECTOR'S REPORT

Casi presented the Board with the end of the year report for 2017.

Being no further business to come in front of the Board of Zoning Appeals, Duane Border, entertained a motion to adjourn the March 28, 2018 Rochester City Board of Zoning Appeals meeting. Bob Cannedy moved to adjourn the March 28, 2018 Rochester City Board of Zoning Appeals meeting at 6:45 P.M. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, Bob Cannedy and Duane Border being in favor and no one opposed being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS

ATTEST: _____
 Heather Redinger, Administrative Secretary

**MONTHLY REPORT FOR THE
FULTON COUNTY PLAN COMMISSION OFFICE**

Permits issued in March	Current	Prior	YTD
Non-Commercial	28	18	46
Commercial	3	3	6
Sign	1	1	1
Building	22	14	36
Electrical	9	3	12
Applications Submitted in March			YTD
Special Exeptions	1	6	7
Administrative Appeals	0	0	0
Development Standard Variance	3	3	6
PC- Rezone/Plats/Sub-Div	1	0	1
Fees Collected in March			YTD
Permits, Applications, Copies	\$2,411.00	\$2,760.00	\$5,171.00
Fines	\$115.00	\$95.00	\$210.00
City Building Permits/EI& PI Registrations	\$946.05	\$865.00	\$1,811.05
County Building Permits	\$575.00	\$575.00	\$1,150.00
TOTAL:	\$4,047.05	\$4,295.00	\$8,342.05

ROCHESTER CITY BOARD OF ZONING APPEALS
AS OF 01/23/19

BOARD MEMBER

TERM EXPIRES
1st MONDAY

Duane Border, Chairperson 1400 Washington St. Rochester, IN 46975 Home: (574) 223-4219 Call: 835-0730 E-Mail: 1books@comcast.net	Plan Commission Appointee Four (4) Year Term	1/2021
Trent Powell, Vice-Chairperson 1506 Arrowhead Drive Rochester, IN 46975 Cell: (574) 527-6651 E-Mail: trent.powell@rtc1.com	Fiscal Body Appointee Three (3) Year Term	1/2022
Teresa Houser, Exe. Secretary 2616 Wolf's Point Drive Rochester, IN 46975 Cell: (574) 835-2814 E-Mail: manitouauctions@gmail.com	Executive Appointee Four (4) Year Term	1/2020
Rick O'Neill, 2340 Westside Drive Rochester, IN 46975 Cell: (260) 740-1284 E-Mail: roneill@shambaugh.com	Executive Appointee Four (4) Year Term	1/2020
David Roe, 2132 Blvd Rochester, IN 46975 Cell 835-2461 E-mail: davidroe64@gmail.com	Plan Commission Appointee Four (4) Year Term	1/2022

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