# FULTON/KEWANNA BOARD OF ZONING APPEALS

KEWANNA TOWN HALL NOVEMBER 1, 2021 7:00 P.M.

## **CALL TO ORDER**

**ELECTION OF OFFICERS** 

ADOPTION OF MEETING RESOLUTION

BOARD OF ZONING APPEALS MINUTES: September 8, 2020

**OLD BUSINESS:** 

NEW BUSINESS: Victoria Martindale (#210693)

PLAN DIRECTOR REPORT

**PUBLIC COMMENTS** 

**BOARD COMMENTS** 

**ADJOURNMENT** 

## FULTON/KEWANNA BOARD OF ZONING APPEALS

**SEPTEMBER 8, 2020** 

7:00 P.M. FULTON TOWN HALL

CALL TO ORDER

**ELECTION OF OFFICERS** 

ADOPTION OF MEETING RESOLUTION

**BOARD OF ZONING APPEALS MINUTES:** 

June 3, 2019

**OLD BUSINESS** 

NEW BUSINESS Erik & Shaun Henderson-Vigil (#200467)

PLAN DIRECTOR REPORT

**PUBLIC COMMENTS** 

**BOARD COMMENTS** 

**ADJOURNMENT** 

The Fulton/Kewanna Board of Zoning Appeals met on 8<sup>th</sup> day of September 2020, at 7:00 P.M. in the Fulton Town Hall. Executive Director, Casi Cowles called the meeting to order at 7:00 P.M. The following members were present: Larry Baldwin, Rachael Moore, Kathy Hobbs, and John Moore. Also in attendance Executive Director, Casi Cowles, Board Attorney, Andy Perkins and Administrative Secretary Heather Redinger.

#### IN RE: ELECTION OF OFFICERS

Executive Director, Casi Cowles opened the floor to nominations for Chairperson. Kathy Hobbs nominated Larry Baldwin as Chairperson. Johnl Moore seconded the nomination. Being no further nominations, Rachael Moore moved to close the nominations for Chairperson. Larry Baldwin seconded the motion. Motion carried as follows: Rachael Moore, Kathy Hobbs, John Moore and Larry Baldwin all being in favor and no one opposing. Larry Baldwin was elected as Chairperson for the Fulton/Kewanna Board of Zoning Appeals.

Chairperson, Larry Baldwin, opened the floor to nominations for Vice-Chairperson. Rachel Moore nominated Kathy Hobbs as Vice-Chairperson. Larry Baldwin seconded the nomination. Being no further nominations, Larry Baldwin moved to close the nominations for Vice-Chairperson. John Moore seconded the motion. Motion carried as follows: Rachael Moore, Kathy Hobbs, John Moore and Larry Baldwin all being in favor and no one opposing. Kathy Hobbs was elected as Vice-Chairperson for the Fulton/Kewanna Board of Zoning Appeals.

Larry Baldwin asked for nominations for Executive Secretary. Kathy Hobbs nominated Rachel Moore as Executive Secretary. Larry Baldwin seconded the nomination. Motion carried as follows: Rachael Moore, Kathy Hobbs, John Moore and Larry Baldwin all being in favor and no one opposing. Rachael Moore was elected as Executive Secretary for the Fulton/Kewanna Board of Zoning Appeals.

Larry Baldwin stated the Board needed to appoint an Administrative Secretary. Rachael Moore nominated Heather Redinger as Administrative Secretary. Kathy Hobbs seconded the nomination. Motion carried as follows: Rachael Moore, Kathy Hobbs, John Moore and Larry Baldwin all being in favor and no one opposing. Heather Redinger was appointed as the Fulton/Kewanna Board of Zoning Appeals Administrative Secretary.

Larry Baldwin stated the Board needed to hire an Attorney to represent them. Kathy Hobbs moved to hire PW&P Law Office, Rochester, IN. Rachael Moore seconded the motion. Motion carried as follows: Rachael Moore, Kathy Hobbs, John Moore and Larry Baldwin all being in favor and no one opposing. PW&P Law Office was hired as the Fulton/Kewanna Board of Zoning Appeals Attorney.

#### IN RE: ADOPTION OF MEETING RESOLUTION

Larry Baldwin, read Resolution 09082020 regarding the meeting dates and times for the Fulton/Kewanna Board of Zoning Appeals in 2020. Larry Baldwin entertained a motion to adopt Resolution 09082020 Rachael Moore moved to adopt Resolution 09082020 for the Fulton/Kewanna Board of Zoning Appeals meeting dates and times in 2020. Kathy Hobbs seconded the motion. Motion carried as follows: Rachael Moore, Kathy Hobbs, John Moore and Larry Baldwin all being in favor and no one opposing. Resolution 09082020 reads as follows:

### RESOLUTION 09082020

A RESOLUTION OF THE FULTON/KEWANNA BOARD OF ZONING APPEALS, OF THE COUNTY OF FULTON, INDIANA, ESTABLISHING MEETING TIMES FOR 2020.

WHEREAS, the Fulton/Kewanna Board of Zoning Appeals has established that they will meet on the first (1st) Monday each month at 7:00 P.M. in the Kewanna Town Hall unless that Monday falls on a County observed Holiday, then the meeting will be held on the first (1st) Tuesday at 7:00 P.M. in the Kewanna Town Hall.

WHEREAS, the Fulton/Kewanna 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/Kewanna Board of Zoning Appeals that:

- 1. The Fulton/Kewanna Board of Zoning Appeals will meet on the first (1st) Monday every month at 7:00 P.M. in the Kewanna Town Hall unless that Monday falls on a County observed Holiday, then the meeting will be held on the first (1st) Tuesday at 7:00 P.M. in the Kewanna Town Hall.
- 2. Other meetings will be scheduled and a public notice will be given.

Adopted this 8th day of September 2020

FULTON/KEWANNA BOARD OF ZONING A	PPEALS
Chairperson	_
Vice Chairperson	_
Executive Secretary	_
ATTEST: Heather Redinger, Administrative Secretary	

IN RE:

**MINUTES** 

June 3, 2019

Larry Baldwin asked for any additions, deletions, or corrections to be made to the June 3, 2019 minutes. Rachael Moore moved to approve the June 3, 2019 minutes. Kathy Hobbs seconded the motion. Motion carried as follows: Rachael Moore, Kathy Hobbs, John Moore and Larry Baldwin all being in favor and no one opposing.

IN RE:

**OLD BUSINESS** 

It is duly noted there was no old business at this time.

IN RE:

**NEW BUSINESS** 

Erik & Shaun Henderson-Vigil (#200467) are requesting a special exception to operate a farmer's market/flea market, within the Residential Cluster (R1) District located on 251 N Jefferson Street, Fulton, IN.

Erik & Shaun Henderson-Vigil would like to operate Dragonfly Moon Meadows, a farmer's market/flea market, on their property. They stated the hours of operation would be 8am-5pm on weekends, there would no additional employees. There will be parking available on the property.

Larry Baldwin asked the petitioner if they had anything further to add at this time.

They did not have anything at this time.

Larry Baldwin entertained a motion to open the public hearing. Rachael Moore moved to open the public hearing. Kathy Hobbs seconded the motion. Motion carried as follows: Rachael Moore, Kathy Hobbs, John Moore and Larry Baldwin all being in favor and no one opposing.

Being no public questions or comments, Larry Baldwin entertained a motion to close the public hearing. Rachael Moore moved to close the public hearing. Kathy Hobbs seconded the motion. Motion carried as follows: Rachael Moore, Kathy Hobbs, John Moore and Larry Baldwin all being in favor and no one opposing.

Mr. Baldwin asked if there were any further Board comments, being none, he then entertained a motion. Kathy Hobbs moved to approve Erik & Shaun Henderson-Vigil (#200467) are requesting a special exception to operate a farmer's market/flea market, within the Residential Cluster (R1) District located on 251 N Jefferson Street, Fulton, IN. Larry Baldwin seconded the motion.

The Board members filled out there finding of facts. Heather then took roll call vote.

Kathy Hobbs Yea
John Moore Yea
Rachael Moore Yea
Larry Baldwin Yea

Motion to approve Erik & Shaun Henderson-Vigil (#200467) are requesting a special exception to operate a farmer's market/flea market, within the Residential Cluster (R1) District located on 251 N Jefferson Street, Fulton, IN. Passed with four votes being in favor and no one opposed.

Docket #210693 Victoria Martindale Special Exception

Victoria Martindale (#210693) is requesting a special exception to allow chickens on property located at 307 S Smith St., Kewanna IN 46939, within the Kewanna (KW) District

In the Town of Kewanna farm animals may be kept on land equaling three quarters (3/4) of an acre or larger, land equaling three quarters (3/4) of an acre or smaller may keep farm animals by special exception approval only. Roosters are not allow on any lot within the Kewanna Incorporated Limits. Mrs. Martindale owns 2 lots, equaling 0.35 acres, on one lot she currently has approximately 10 chickens. She is requesting a special exception to be allowed to keep her chickens.

The request is for a special exception to allow chickens on property located at 307 S Smith St., Kewanna IN 46939 within Kewanna (KW) District.

trict in which the Temporary Use, Structure or Building is located.

D. Cessation of Use: All Structures, Buildings or debris associated with the Temporary Use shall be removed from the site immediately upon completion or cessation of the Temporary Use.

TU-02: Mobile classrooms shall be permitted only as a Temporary Use in compliance with the following requirements:

A. Mobile classrooms shall be for use by a Religious Use or school.

B. Mobile classrooms shall be permitted by the grant of a special exception by the Board of Zoning Appeals.

C. Applicants for a special exception shall submit a site plan in compliance with the provisions of Section 8-5-4.2 of this Ordinance at the time of filing a petition for special exception.

D. Special Exceptions for Mobile Classrooms shall be conditioned upon the Applicant making progress towards accomplishing the goals of development indicated the Site Plan within a reasonable period of time as established by the Board of Zoning Appeals.

E. Special exceptions for mobile classrooms shall be reviewed annually by the Board of Zoning Appeals to determine if the applicant is making progress towards accomplishing the goals of development indicated on the site plan.

### 5-9.7 Miscellaneous (MS)

MS-01: Only one dwelling is allowed per tract of land.

MS-02: All mobile homes must be tied down, properly skirted, and placed on an approved footer of concrete slab, pillars, runners, or ribbons.

MS-03: All mobile homes must have the tongue or pulling ring completely removed and stored in an area completely hidden from view from any public way or adjoining property.

MS-04: Storage or parking of recreational vehicles is subject to the following conditions:

A. At no time shall a parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as outlined below.

B. A recreational vehicle may be permitted to be parked for visitation for thirty days in any one calendar year, unless a Temporary Use Permit is obtained, which may only extend the timeline for an additional 120 days in any calendar year.

C. A recreational vehicle shall not be parked on a parcel without a primary structure.

D. A recreational vehicle shall not be used solely for the purpose of personal storage.

MS-05: More than three dogs (defined as being a canine six (6) months of age or older) is considered a kennel and is only allowed as a Special Exception within the Kewanna Town District.

MS-06: Farm animals as defined within the Kewanna Town Ordinance Record may be kept on land equaling three quarters (3/4) of an acre or larger. Land equaling three quarters (3/4) of an acre or smaller may keep farm animals by special exception approval only. Roosters are not allowed on any lot within the Kewanna Incorporated Limits.



## **KW District**

### 4-1.15 "KW" District Intent, Permitted Uses, and Special Exception Uses

#### District Intent

The "KW" (Kewanna Town) District is intended to provide a land use category for the integration of normal commercial uses and standard residential uses in the Town of Kewanna. The provisions that regulate this land use district should make the district compatible with the adjoining commercial, industrial, and residential districts located outside the corporate boundaries of the Town of Kewanna.

The Fulton County Area Plan Commission and The Kewanna/ Fulton Board of Zoning Appeals should strive to use this district to stimulate and enhance the Town of Kewanna, as well as, its immediate surroundings.

#### Permitted Uses

#### Residential

- dwelling, single-family
- · dwelling, two-family
- detached additional living space

### **Agricultural Uses/Services**

- · agricultural seed sales
- · brewery/pub house
- plant nursery
- · cider mills
- · farm equipment sales/service
- · roadside produce sales· storage of agricultural products
- greenhouse facilities
- · sales of farm materials
- wineries
- · farm markets

## **Business: Auto Sales/Services**

- automobile body shop, enclosed
- · automobile wash, automatic and self
- · automobile part sales, new
- · automobile repair
- · filling/gas station
- · motor home sales
- · automobile sales area
- · oil change service
- · automobile service station

#### **Business: Retail**

- · antique shop
- · apparel shop
- · art gallery
- · department store
- · drug store
- electrical supplies
- · fabric shop
- · floor coverings
- · flower shop
- · furniture shop
- · garden shop
- · home electronics/appliance store
- · jewelry store
- liquor sales

## Permitted Uses (cont.)

- lumber yard
- music store
- news dealer/bookstore
- office supplies
- paint store
- plumbing supplies
- satellite dish sales/service
- shoe sales
- sporting goods
- · variety store
- gift shop
- hardware store

#### Business: Food Sales/Service

- bakery retail
- convenience store
- delicatessen
- drive-in restaurant
- · drive-through restaurant
- · grocery store/supermarket
- · meat market
- open, unenclosed business
- restaurant
- roadside food sales stand

### **Business: Personal Service**

- barber/beauty shop
- coin laundry
- day care facility
- · dry-cleaning service
- · fingernail salon
- fitness center/gym
- health spa
- shoe repair
- · tailor/pressing shop
- tanning salon

## Business: Office/Professional accounting office

- architecture office
- · bank/credit union
- drive-through bank/credit union
- bank machine/ ATM
- · drive-through bank machine/ ATM
- contractor office
- · design services · insurance office
- investment firm
- landscape business
- · law office
- planning offices
- · professional offices
- · reading clinics
- · real estate office
- · secretarial service
- service organization offices
- temporary service agency
- title company
- travel agency

#### **Business: General Business**

- boat sales/service
- clinic medical/dental
- firearm internet sales/gunsmithing (no retail showroom or firearm inventory)
- funeral home/mortuary
- hospital
- · hotel/motel
- motor-bus station

## Permitted Uses (cont.)

- · photographic studio
- · print/copy center
- · recycling collection point (indoor)
- · sign painting/fabrication
- · welding
- · wholesale business

#### **Business: Recreation**

- banquet hall
- · bar/night club
- · billiard/arcade room
- · bowling alley
- · dance/aerobics/gymnastics studio
- · lodge or private club
- · miniature golf
- · theater, indoor
- · video store

#### Institutional/Public Facilities

- church
- · community center
- government office
- · library
- museum
- · police/fire station
- · post office
- · public park/recreation center
- · public/private parking area
- · recycling collection point (no outdoor
- storage)
- school trade or business school

## Communication/Utilities

- · public wells
- · radio/tv station
- telephone exchange

## Miscellaneous

micro/small solar energy system

## Special Exception Uses

- Residential
- bed and breakfast facility
- dwelling, multi-family residential facility for mentally ill or

## developmentally disabled (small)

Agricultural Uses/Services

- farm animals on less than 3/4 acre 🧩 processing agriculture products
- commercial processing agriculture prod-

## Kennel

- **Business: General Business**
- adult entertainment business firearm sales/gunsmithing - retail show-
- room & firearm inventory
- marina
- mini-warehouse mini-storage facility
- warehouse

## **Industrial Uses**

light manufacturing (new) Institutional/

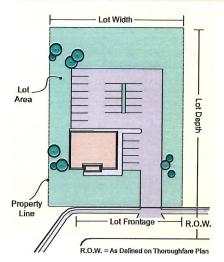
#### **Public Facilities** mobile classroom

Communication/Utilities storage tanks non-hazardous

#### Miscellaneous

## **KW District**

## 4-1.16 "KW" District Standards



#### Minimum Lot Area:

•7,500 square feet

#### Minimum Lot Width:

•75 feet

#### Minimum Lot Depth:

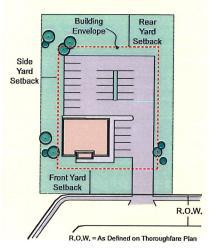
· n/a

#### Minimum Lot Frontage:

•40 feet on a Public Street with access from said Public Street

#### Sewer and Water:

Requires municipal water and sewer hookup



#### Minimum Front Yard Setback:

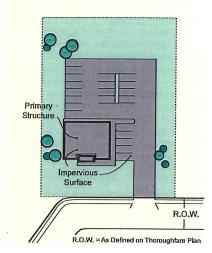
• 10 feet

#### Minimum Side Yard Setback:

5 feet

#### Minimum Rear Yard Setback:

5 feet



#### Minimum Lot Coverage:

 square feet of all primary and accessory structures, may cover 100% of the Lot Area.

#### Minimum Floor Area:

•0 square feet for Primary Structures

## Minimum Living Area per Dwelling Unit:

•900 square feet per Dwelling Unit

#### Site Plan Requirements

•The Fulton County Technical Review Committee shall review the site plan for all newly created commercial projects or Expansions of an existing commercial projects prior to the commencement of any site development/ construction

- \* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.
- \*\*Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor
- \*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



## 50'S END LOT 200 HICKMAN Phillip'S 50 S END LOT 201 HICKMAN Phillip'S

TO THE FULTON COUNTY PLAN COMMISION AND KWANNA BOARD OF ZONING APPEALS

I LIVE RIGHT NEXT STORE TO THE MARTINDALES, AND THEIR 10 CHICKENS. THE CHICKENS WERE PECKING A 6INCH BY 20 FOOT SPACE ON MY PROPERTY. THEY DID NOT STOP THEM FROM DOING THIS SO I HAD TO GO TO THE TOWN, ALSO THEY ARE ONLY 40 FOOT FROM MY BACK WINDOW.

I HAVE TWO SMALL LILAC TREES AND WHEN THEY ARE IN BLOOM I LIKE TO SMELL THEM BUT WHEN I OPEN MY BACK WINDOW I SMELL CHICKEN POOP INSTEAD.

I PLAY BALL WITH MY DOG AND HAVE TO STAND BACK THERE TO THROW IT SO IF IT GOES THRU MY FENCE IT WILL GO IN THE STREET AND NOT THEIR CHICKENS. AND SOMETIMES THE SMELL IS OVERPOWERING FROM THE CHICKENS.

I HAVE IMPROVED ON MY PROPERTY SINCE I MOVED HERE IN 2006, AT THAT TIME THER WERE NO CHICKENS. I BELIEVE THE CHICKENS WILL BRING MY PROPERTY VALUES DOWN. EVERYONE I ASKED SAID THEY WOULD NOT WANT TO LIVE NEXT TO CHICKENS. I CAN ONLY ASSUME THEY PUT THE CHICKEN FAR FROM THEIR HOUSE SO THEY DON'T HAVE TO SMELL THEM. RIGHT NOW THEY ARE PUTTING XTRA LIME DOWN BUT I'M AFRAID IF THEY GET THIS ZONING APPROVED THEY WILL STOP.

I BELIEVE I SHOULD BE ABLE TO ENJOY MY PROPERTY WITHOUT THIS SMELL. I MOVED TO A TOWN AND NOT A FARM. I BELIEVE IF THEY GET APPROVE IT'S JUST GONNA GET WORST SO FOR THESE REASONS I AM AGAINST REZONING.

SINCERELY:

Mary Watters
303 SSMITH ST
KEWANNA, IN

**FILED** 

OCT -5 2021

Fulton County Plan Commission







## **Interested Party Legal Notification**

# READ ALL ATTACHED SHEETS PRIOR TO PLACING YOUR SIGNATURE ON THIS SHEET

I the undersigned interested party, do hereby attest that I've read in complete and fully understand the Legal Notice of Public Hearing for A Special Exception Before the Fulton and Kewanna Board of Zoning Appeals supplied to you by the applicant of said public hearing,

Victoria Martindale # 210693

Located at: 307 S Smith St., Kewanna, IN 46939

## Legal Notification Requires:

- The legal notice of public hearing is sent via certified return receipt requested mail at least 25 days prior to the public hearing to all interested parties, and the receipts of said action are included in the application's supportive information to the Board; or
- Signatures written on a form supplied by the Plan Commission Office are presented with the application's supportive information to the Plan Commission Office verifying that each interested party received a copy of the Notice of Public Hearing.

The signature of any person on the form is not to be construed as a waiver or consent to the petition, but merely evidence that the person has received notice of the hearing.

NAME	ADDRESS	SIGNATURE
Mary Patricia Watters	P O BOX 283	A 1
	Kewanna, IN 46939	Green land 2997
Brockus Drew	309 E South St	,
	Kewanna, IN 46939	Green Gard 1985
Good Larry Joe & Karen	Po Box 307	
Jo	Kewanna, IN 46939	Green Card 2978
Herrell Kimberly K	PO Box 503	
	Kewanna, IN 46939	Green Card 2941
Hamman Ronald E &	Po Box 124	/
Carole M	Kewanna, IN 46939	Green Card 2923
Raber Richard & Nancy	213 E South St	Green Card 2903 Green Card 2964 7020 1290 0001 8095 2003
	Kewanna, IN 46939	7020 1290 0001 8095 2003





## **Fee Summary Paid Totals**

## 09/01/2021 - 09/30/2021

Fee Name 🕏	Fee \$	Account Number 🕏	Total \$	Total 🕏
	Description		Amount	Fees
Group: 1001.0	3201.000.0036		3	
A. County, Akron, & Town of Fulton Residential - Inspection Fee	Enter Number of Inspections	1001.03201.000.0036	\$2,912.60	23
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.03201.000.0036	\$724.97	23
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.03201.000.0036	\$360.00	9
A-2. County, Akron, & Town of Fulton COMMERCIAL - Inspection Fee	Enter Number of Inspections	1001.03201.000.0036	\$480.00	4
A-2. County, Akron, & Town of Fulton COMMERCIAL- Permit Fee		1001.03201.000.0036	\$280.50	4
			\$4,758.07	63
				Cuarra Tatal. F

**Group Total: 5** 

#### Group: 1001.03203.000.0036

C. C				
B. City of Rochester Residential Permit Fee		1001.03203.000.0036	\$386.35	13
B-1. City of Rochester Residential- Inspection Fee	Enter Number of Inspections	1001.03203.000.0036	\$592.70	13
B-2. CITY OF		1001.03203.000.0036	\$80.00	4

ROCHESTER ELECTRICAL PERMIT			
		\$1,059.05	30

**Group Total: 3** 

Group: 1001.07101.000.0036

BZA. Development Standard Variance		1001.07101.000.0036	\$1,225.00	7
BZA. Special Exception		1001.07101.000.0036	\$175.00	1
PC. Zone Map Amendment		1001.07101.000.0036	\$500.00	1
ZO. LIP		1001.07101.000.0036	\$1,800.00	36
ZO. Signs	Enter Square Feet	1001.07101.000.0036	\$597.00	6
			\$4,297.00	51

**Group Total: 5** 

	\$10,114.12	144
	1 /	

Total Records: 13 10/1/2021

Page: 1 of 1



## **Fulton County Area Plan Commission**

125 East 9th Street, Suite 012 - Rochester, IN 46975 Phone: (574) 223-7667 Fax: (574) 223-3652

www.co.fulton.in.us

**Entity Fee** 

#### 09/01/2021 - 09/30/2021

Fee Date \$	Account Number \$	Contractor  Name	Fee Name 🕈	Paid By 🕏	Fee ‡ Amount	Payment ÷ Type	Payment \$ Date	Receipt # \$
9/24/2021	1001.03203.000.0036	Bell Plumbing	Plumbing Registration Fee	applicant	25.00	Card	9/24/2021	82
					25,00			

Total Records: 1

10/1/2021

Page: 1 of 1