

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

CITY HALL
COUNCIL CHAMBERS
WEDNESDAY, DECEMBER 22, 2021
6:00 P.M.

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
OCTOBER 27, 2021**

OLD BUSINESS:

NEW BUSINESS:
Tom Martin (#210903)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**ROCHESTER CITY BOARD OF ZONING APPEALS
NOVEMBER 17, 2021**

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COUNCIL CHAMBERS
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CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
OCTOBER 27, 2021**

OLD BUSINESS:

NEW BUSINESS:

Mark Jansen (#210861)
James Rezo (#210880)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
NOVEMBER 17, 2021

The Rochester City Board of Zoning Appeals met on Wednesday the 17th day of November 2021, at 6:00 P.M. in the Council Chambers located in the City Hall. Chairperson Duane Border called the meeting to order at 6:00 P.M. The following members were present: Duane Border, David Roe, Teresa Houser and Paul Zartman. Also in attendance were: Board Attorney, Andy Perkins, and Administrative Secretary, Kim Gard.

It is duly noted that Executive Director; Heather Redinger and Dan Shafer were absent.

IN RE: MEETING MINUTES

October 27, 2021

Duane Border asked the Board for any deletions, or corrections to be made to the October 27, 2021 minutes. David Roe moved to approve the October 27, 2021 Rochester City Board of Zoning Appeals minutes as corrected. Paul Zartman seconded the motion. Motion carried as follows: David Roe, Teresa Houser, Paul Zartman and Duane Border being in favor and no one opposing.

IN RE: NEW BUSINESS

Mark Jansen (#210861)

Mark Jansen (#210861) is requesting development standard variance of 3' off of the west side yard setback, for the purpose of an addition to the existing home, located at 2219 Poets Dr., Rochester, IN., within Residential Cluster (R3) district.

In the R3 district the side yard setback is 8' for a primary structure. Mr. Jansen would like to construct a master bedroom addition to his home that will be approximately 43' x 6' on the west side of his house. The proposed project will sit approximately 5' off of the west side yard. Therefore, a variance of 3' off of the west side yard setback is being requested.

Duane Border asked petitioner if they had anything further to add.

Mr. Jansen stated the property lines are angled, he also stated he spoke with neighbor about straightening the property lines.

Teresa asked how far is the proposed addition from the roof of your neighbor's garage.

Mr. Jansen stated approximately 2 feet.

Duane asked for any Board questions.

Being no questions at this time, Duane Border entertained a motion to open the public hearing. Teresa Houser moved to open the public hearing. Paul Zartman seconded the motion. Motion carried as follows: Paul Zartman, David Roe, Teresa Houser and Duane Border being in favor and no one opposing.

Duane asked if anyone would like to speak in favor or opposed the petition.

John Little, 2209 Westside Rd., Rochester, sold him the property and at that time the property lines were blurred.

Being no one else to speak. Duane entertained a motion to close the public hearing. David Roe moved to close the public hearing. Teresa Houser seconded the motion. Motion carried as follows: David Roe, Teresa Houser, Paul Zartman and Duane Border being in favor and no one opposing.

**ROCHESTER CITY BOARD OF ZONING APPEALS
NOVEMBER 17, 2021**

Duane asked for Board discussion.

Duane stated the concern he has is the neighbor, he then stated he doesn't know how he was able to build that garage so close to the property lines, he is essentially 2 feet off the property line. He also stated a survey would be required.

Duane asked for the letter from Heather about the property lines.

Andy read letter:

I agree, I spoke with the petitioner and the neighbor last week. I told them I felt a survey will be required if the variance is approved.

I also spoke to the petitioner about why he could not build on the east side instead, he stated his plumbing and electrical is on the west side and the east side is his access to the lake. Unfortunately, I cannot tell someone they cannot apply for a variance, however I must make sure they are building on their own property and within the variance guidelines, if a variance is granted. Also, if they go the route of "straitening" the property line, it would be an adjoining lot split, which does not allow any part of the primary structure to be built upon.

Duane asked can we approve this not knowing where the lot lines are.

Andy stated yes, you can approve a variance based on existing lot lines. If they move the lot lines it could affect the applicability of the variance in ways they had not contemplated. You have to evaluate it now on where the current line is. If they then straighten the lot lines after/if the variance is granted then they would need to talk to Heather to see how the approved variance would affect what they are doing.

Being no further questions or comments, Duane entertained a motion regarding the petition. Teresa Houser moved to approve Mark Jansen (#210861) is requesting development standard variance of 3' off of the west side yard setback, for the purpose of an addition to the existing home, located at 2219 Poets Dr., Rochester, IN., within Residential Cluster (R3) district. Paul Zartman seconded the motion.

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

| | |
|---------------|-----|
| Paul Zartman | Nay |
| Teresa Houser | Nay |
| David Roe | Nay |
| Duane Border | Nay |

Motion to approve Mark Jansen (#210861) requesting development standard variance of 3' off of the west side yard setback, for the purpose of an addition to the existing home, located at 2219 Poets Dr., Rochester IN within Residential Cluster (R3) district. Denied with no one being in favor and four votes being opposed.

**ROCHESTER CITY BOARD OF ZONING APPEALS
NOVEMBER 17, 2021**

IN RE: NEW BUSINESS

James Rezo (#210880)

James Rezo (#210880) is requesting development standard variances of 6' off of the south side and 2' off of the north side yard setbacks, for the purpose of a new home, located at 2207 West Side Rd., Rochester, IN., within Residential Cluster (R3) district.

In the R3 district the side yard setback is 8' for a primary structure. Mr. Rezo would like to construct a 20.12' x 63.37' home. The proposed project will sit approximately 6' off of the south side and 2' off of the north side. Therefore, a variances of 6' off of the south side and 2' off of the north side are being requested.

Duane asked petitioner if they had anything further to add.

Mr. Rezo brought in pictures of the proposed plan.

Duane asked for any Board questions.

Being no questions at this time, Duane entertained a motion to open the public hearing. David Roe moved to open the public hearing. Teresa Houser seconded the motion. Motion carried as follows: David Roe, Teresa Houser, Paul Zartman and Duane Border being in favor and no one opposing.

Duane asked if anyone would like to speak in favor or opposed the petition.

John Little, 2209 Westside Rd, Rochester, stated this will be a nice improvement for the neighborhood.

Being no one else to speak. Duane entertained a motion to close the public hearing. David Roe moved to close the public hearing. Paul Zartman seconded the motion. Motion carried as follows: David Roe, Teresa Houser, Paul Zartman and Duane Border being in favor and no one opposing.

Duane asked for Board discussion.

Being no further questions or comments, Duane entertained a motion regarding the petition. David Roe moved to approve James Rezo (#210880) is requesting development standard variances of 6' off of the south side and 2' off of the north side yard setbacks, for the purpose of a new home, located at 2207 West Side Rd., Rochester, IN., within Residential Cluster (R3) district. Paul Zartman seconded the motion.

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

| | |
|---------------|-----|
| Paul Zartman | Yea |
| Teresa Houser | Yea |
| David Roe | Yea |
| Duane Border | Yea |

Motion to approve James Rezo (#210880) is requesting development standard variances of 6' off of the south side and 2' off of the north side yard setbacks, for the purpose of a new home, located at 2207 West Side Rd., Rochester, IN., within Residential Cluster (R3) district. Passed with four votes being in favor and no one opposing.

**ROCHESTER CITY BOARD OF ZONING APPEALS
NOVEMBER 17, 2021**

IN RE: PLAN DIRECTOR'S REPORT

IN RE: ADJOURNMENT

Being no further business to come in front of the Board of Zoning Appeals, Duane Border entertained a motion to adjourn the November 17, 2021 Rochester City Board of Zoning Appeals meeting. David Roe moved to adjourn the November 17, 2021 Rochester City Board of Zoning Appeals meeting at 6:45 P.M. Teresa Houser seconded the motion. Motion carried as follows: David Roe, Teresa Houser, Paul Zartman and Duane Border being in favor and no one opposed.

ROCHESTER CITY BOARD OF ZONING APPEALS

ATTEST: _____
Kim Gard, Administrative Secretary

Docket #210903
Tom Martin
Development Standard Variance

Tom Martin (#210903) is requesting development standard variance of 4' off of the south side yard setback for the purpose of a 24' x 40' garage with living space, located at (010-107115-00) 1167 Ferndale Dr., Rochester, IN., within Residential Cluster (R3) district.

In the R3 district the side yard setback is 8' for a primary structure. Mr. Martin would like to construct a 24' x 40' garage with living space and keep the rest of the lot open for future build. The proposed project will sit approximately 4' off of the south side yard. Therefore, a variance of 4' off the south side yard setback is being requested.

The request is for a development standard variance of 4' off of the south side yard setback for the purpose of a 24' x 40' garage with living space, located at 1167 Ferndale Dr., Rochester, IN., within Residential Cluster (R3) district.

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 Rochester City Board of Zoning Appeals supplied to you by the applicant of said public hearing,

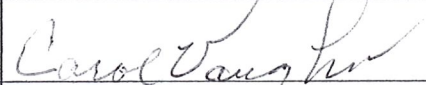

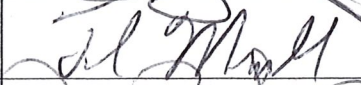
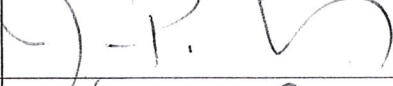
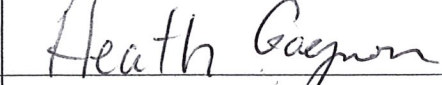
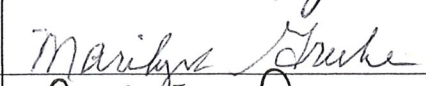
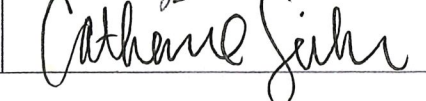
Tom Martin # 210903

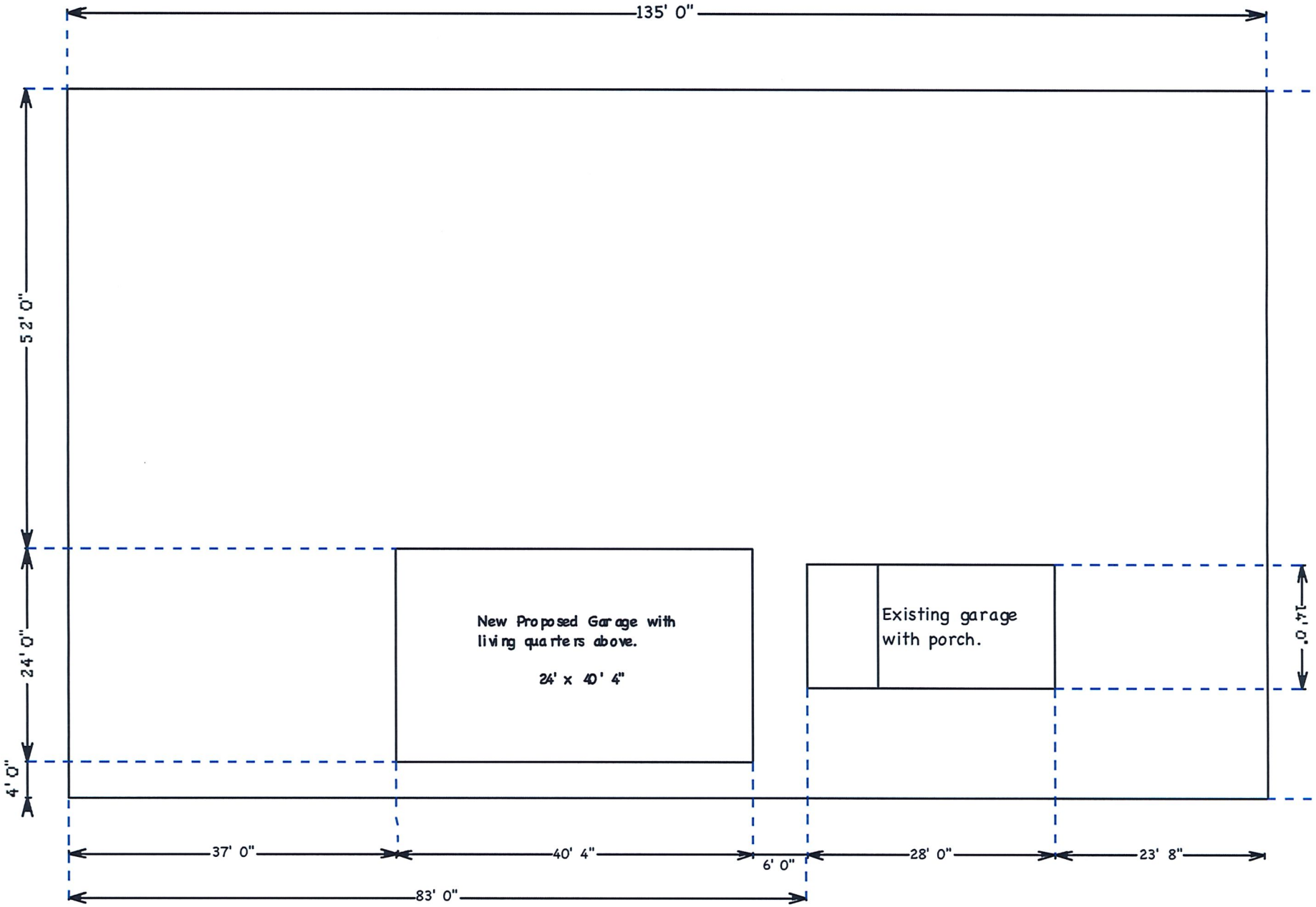
Located at: 1167 Ferndale Dr. (010-107115-00), Rochester, IN.

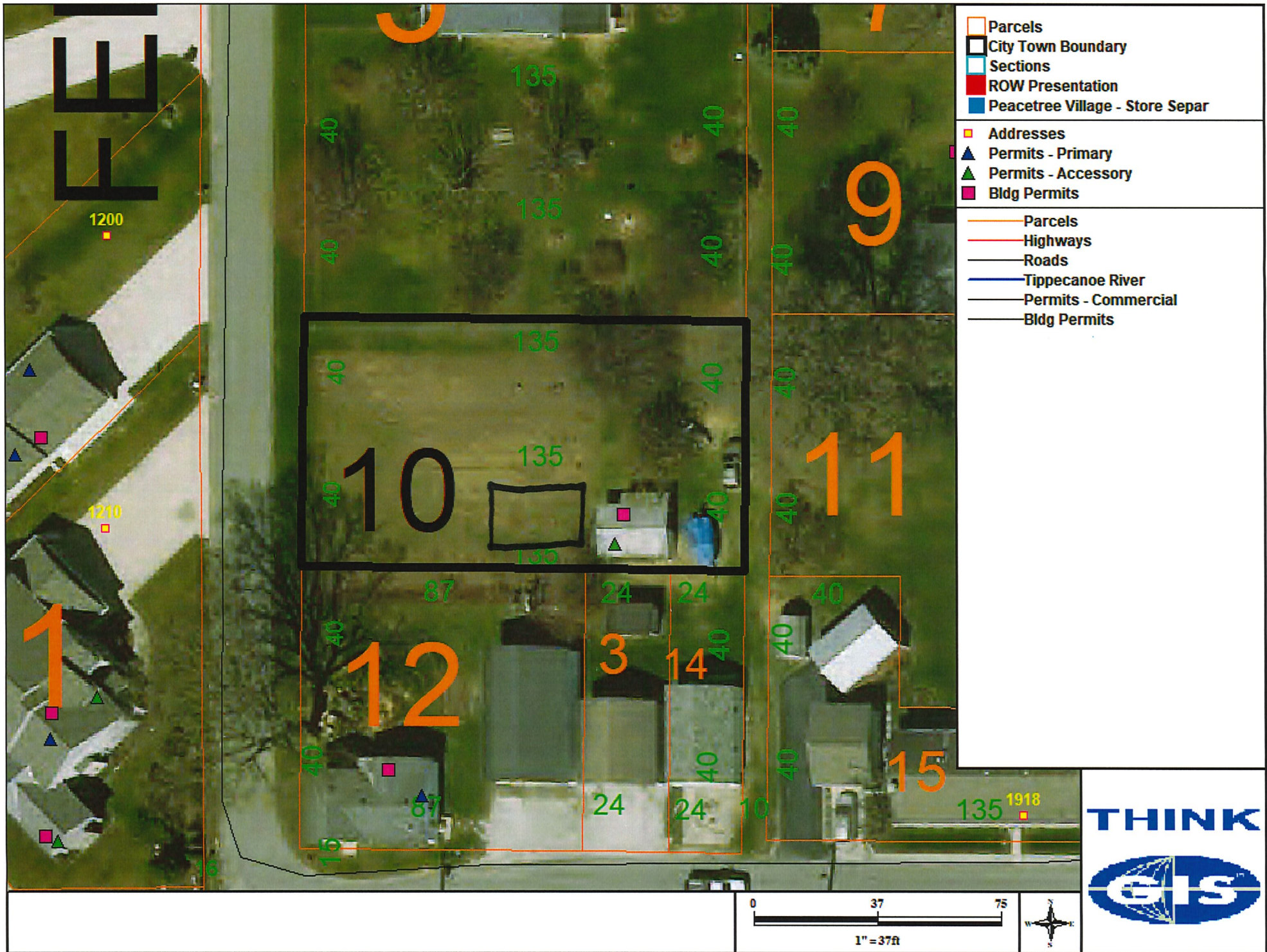
Legal Notification Requires:

- 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 |
|--|--|--|
| Carol J Vaughn | 1125 Ferndale Dr Rochester, IN 46975 |  |
| Austin J Shepherd | 1200 Ferndale Dr. Rochester IN 46975 |  |
| Merrell Jean Revocable Living Trust | 8577 W 500 N Kokomo IN 46901 |  |
| Leeds James Patrick & Jo Ann | 5072 Pelican Place Carmel IN 46033 |  |
| Heath Gagnon | 1214 Elizabeth Street Rochester, IN 46975 |  |
| Marilyn S Grube | 1206 Elizabeth Street Rochester IN 46975 |  |
| Catherine M Seiler | 4440 N 750 W Rochester IN 46975 |  |

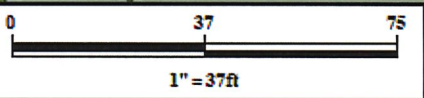




- Parcels
- City Town Boundary
- Sections
- ROW Presentation
- Peacetree Village - Store Separ

- Addresses
- ▲ Permits - Primary
- ▲ Permits - Accessory
- Bldg Permits

- Parcels
- Highways
- Roads
- Tippecanoe River
- Permits - Commercial
- Bldg Permits





Fee Summary Paid Totals

11/01/2021 - 11/30/2021

| Fee Name | Fee Description | Account Number | Total Amount | Total Fees |
|--|-----------------------------|---------------------|-------------------|------------|
| Group: 1001.20301.000.0036 | | | | |
| A. County, Akron, & Town of Fulton Residential - Inspection Fee | Enter Number of Inspections | 1001.20301.000.0036 | \$1,952.10 | 16 |
| A. County, Akron, & Town of Fulton Residential - Permit Fee | | 1001.20301.000.0036 | \$841.50 | 16 |
| A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT | | 1001.20301.000.0036 | \$80.00 | 2 |
| A-2. County, Akron, & Town of Fulton COMMERCIAL - Inspection Fee | Enter Number of Inspections | 1001.20301.000.0036 | \$520.00 | 2 |
| A-2. County, Akron, & Town of Fulton COMMERCIAL-Permit Fee | | 1001.20301.000.0036 | \$135.00 | 2 |
| | | | \$3,528.60 | 38 |

Group Total: 5

Group: 1001.20302.000.0036

| | | | | |
|---|-----------------------------|---------------------|----------|---|
| B. City of Rochester Residential Permit Fee | | 1001.20302.000.0036 | \$40.00 | 3 |
| B-1. City of Rochester Residential-Inspection Fee | Enter Number of Inspections | 1001.20302.000.0036 | \$100.00 | 3 |
| B-2. CITY OF | | 1001.20302.000.0036 | \$40.00 | 2 |

| | | | | |
|--|--|---------------------|-----------------|-----------|
| ROCHESTER ELECTRICAL PERMIT | | | | |
| B-3. City of Rochester COMMERCIAL Permit Fee | | 1001.20302.000.0036 | \$30.00 | 2 |
| B-4. City of Rochester COMMERCIAL-Inspection Fee | | 1001.20302.000.0036 | \$100.00 | 2 |
| | | | \$310.00 | 12 |

Group Total: 5

Group: 1001.20303.000.0036

| | | | | |
|------------------------------------|--|---------------------|-------------------|-----------|
| BZA. Development Standard Variance | | 1001.20303.000.0036 | \$350.00 | 2 |
| BZA. Special Exception | | 1001.20303.000.0036 | \$350.00 | 2 |
| ZO. LIP | | 1001.20303.000.0036 | \$1,000.00 | 20 |
| ZO. Site Plan Review - TRC | | 1001.20303.000.0036 | \$175.00 | 1 |
| | | | \$1,875.00 | 25 |

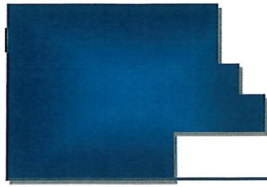
Group Total: 4

| | | | | |
|--|--|--|-------------------|-----------|
| | | | \$5,713.60 | 75 |
|--|--|--|-------------------|-----------|

Total Records: 14

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12/1/2021



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

11/01/2021 - 11/30/2021

| Fee Date | Account Number | Contractor Name | Fee Name | Paid By | Fee Amount | Payment Type | Payment Date | Receipt # |
|------------|---------------------|------------------------------|-----------------------------------|-----------|------------|--------------|--------------|-----------|
| 11/9/2021 | 1001.03203.000.0036 | Newby Electric | Electrical Registration Fee | Applicant | 10.00 | Check | 11/9/2021 | 90 |
| 11/22/2021 | 1001.03203.000.0036 | D & D Electric | Electrical Registration Fee | Applicant | 10.00 | Check | 11/22/2021 | 111 |
| 11/22/2021 | 1001.03203.000.0036 | Shepler Construction | Electrical Registration Fee | Applicant | 10.00 | Check | 11/22/2021 | 112 |
| 11/23/2021 | 1001.03203.000.0036 | Candy Salyer | Electrical Registration Fee | Applicant | 10.00 | Cash | 11/23/2021 | 113 |
| 11/29/2021 | 1001.03203.000.0036 | Days Heating & Cooling | Electrical Registration Fee | Applicant | 10.00 | Check | 11/29/2021 | 114 |
| 11/8/2021 | 1001.03203.000.0036 | Core Mechanical Services | Plumbing Registration Renewal Fee | applicant | 10.00 | Check | 11/8/2021 | 85 |
| 11/9/2021 | 1001.03203.000.0036 | Pulaski Plumbing & Heating | Plumbing Registration Renewal Fee | applicant | 10.00 | Check | 11/9/2021 | 92 |
| 11/12/2021 | 1001.03203.000.0036 | James Heating & Cooling | Plumbing Registration Renewal Fee | Applicant | 10.00 | Cash | 11/12/2021 | 94 |
| 11/12/2021 | 1001.03203.000.0036 | Poston Plumbing | Plumbing Registration Renewal Fee | Applicant | 10.00 | Check | 11/12/2021 | 95 |
| 11/12/2021 | 1001.03203.000.0036 | Coplen Construction | Plumbing Registration Renewal Fee | Applicant | 10.00 | Check | 11/12/2021 | 96 |
| 11/12/2021 | 1001.03203.000.0036 | Flow-Tech Plumbing & Heating | Plumbing Registration Renewal Fee | Applicant | 10.00 | Check | 11/12/2021 | 98 |
| 11/15/2021 | 1001.03203.000.0036 | Hamstra Builders | Plumbing Registration Renewal Fee | Applicant | 10.00 | Check | 11/15/2021 | 99 |
| 11/17/2021 | 1001.03203.000.0036 | Wray Contracting | Plumbing Registration Renewal Fee | Applicant | 10.00 | Check | 11/17/2021 | 106 |
| 11/19/2021 | 1001.03203.000.0036 | Dailey & Dailey | Plumbing Registration Renewal Fee | Applicant | 10.00 | Check | 11/19/2021 | 109 |
| 11/12/2021 | 1001.03203.000.0036 | John's Family Handyman | Electrical Registration Fee | Applicant | 10.00 | Cash | 11/12/2021 | 93 |
| 11/12/2021 | 1001.03203.000.0036 | James Heating & Cooling | Electrical Registration Fee | Applicant | 10.00 | Cash | 11/12/2021 | 94 |
| 11/12/2021 | 1001.03203.000.0036 | All Aspects Electric | Electrical Registration Fee | Applicant | 10.00 | Check | 11/12/2021 | 97 |
| 11/15/2021 | 1001.03203.000.0036 | Hamstra Builders | Electrical Registration Fee | Applicant | 10.00 | Check | 11/15/2021 | 99 |
| 11/15/2021 | 1001.03203.000.0036 | John Gunter | Electrical Registration Fee | Applicant | 10.00 | Check | 11/15/2021 | 100 |
| 11/15/2021 | 1001.03203.000.0036 | Clevenger Electric | Electrical Registration | Applicant | 10.00 | Check | 11/15/2021 | 101 |

| | | | Fee | | | | | |
|------------|---------------------|-----------------------------|-----------------------------|-----------|--------|-------|------------|-----|
| 11/15/2021 | 1001.03203.000.0036 | Carpentry Plus | Electrical Registration Fee | Applicant | 10.00 | Card | 11/15/2021 | 102 |
| 11/17/2021 | 1001.03203.000.0036 | Chain of Lakes Serices | Electrical Registration Fee | Applicant | 10.00 | Check | 11/17/2021 | 103 |
| 11/17/2021 | 1001.03203.000.0036 | Bash & Associates, Inc | Electrical Registration Fee | Applicant | 10.00 | Check | 11/17/2021 | 104 |
| 11/17/2021 | 1001.03203.000.0036 | MIDwest Sheet Metal | Electrical Registration Fee | Applicant | 10.00 | Check | 11/17/2021 | 105 |
| 11/17/2021 | 1001.03203.000.0036 | Wray Contracting | Electrical Registration Fee | Applicant | 10.00 | Check | 11/17/2021 | 106 |
| 11/18/2021 | 1001.03203.000.0036 | Daniel Sedam | Electrical Registration Fee | Applicant | 10.00 | Cash | 11/18/2021 | 107 |
| 11/19/2021 | 1001.03203.000.0036 | Dennie Electric | Electrical Registration Fee | Applicant | 10.00 | Check | 11/19/2021 | 108 |
| 11/22/2021 | 1001.03203.000.0036 | DEFECO | Electrical Registration Fee | Applicant | 10.00 | Check | 11/22/2021 | 110 |
| 11/1/2021 | 1001.03203.000.0036 | Toby Seiler | Electrical Registration Fee | Applicant | 10.00 | Card | 11/1/2021 | 84 |
| 11/8/2021 | 1001.03203.000.0036 | Krysevig Electrical | Electrical Registration Fee | applicant | 10.00 | Check | 11/8/2021 | 86 |
| 11/8/2021 | 1001.03203.000.0036 | Henry Electric Company, Inc | Electrical Registration Fee | applicant | 10.00 | Check | 11/8/2021 | 87 |
| 11/8/2021 | 1001.03203.000.0036 | Kenneth Plumlee | Electrical Registration Fee | Applicant | 10.00 | Check | 11/8/2021 | 89 |
| | | | | | 320.00 | | | |

Total Records: 32

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