

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

ROCHESTER CITY HALL  
320 MAIN ST.  
ROCHESTER, IN 46975

WEDNESDAY, FEBRUARY 23, 2022  
6:00 P.M.

---

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**

**JANUARY 26, 2022**

**OLD BUSINESS:**

**NEW BUSINESS:**

Hearn Construction (#220002)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**ROCHESTER CITY BOARD OF ZONING APPEALS  
JANUARY 26, 2022**

**ROCHESTER CITY  
BOARD OF ZONING APPEALS**

**WEDNESDAY, JANUARY 26, 2022**

**6:00 P.M.**

**FULTON COUNTY FAIR GROUNDS**

**CALL TO ORDER**

**ELECTION OF OFFICERS**

**ADOPTION OF MEETING RESOLUTION**

**BOARD OF ZONING APPEALS MINUTES FOR:  
December 22, 2021**

**OLD BUSINESS:**

**NEW BUSINESS:**

Rob Shafer (#210984)

Rob Shafer (#210991)

Manitou Crossing- Andis Dimants (#210948)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**JANUARY 26, 2022**

The Rochester City Board of Zoning Appeals met on Wednesday the 26<sup>th</sup> day of January 2022, at 6:00 P.M. at the Fulton County Fair Grounds. Executive Director, Heather Redinger, called the meeting to order at 6:00 P.M. The following members were present: Teresa Houser, David Roe, Dan Shafer, Paul Zartman and Duane Border. Also in attendance were: Executive Director, Heather Redinger; Attorney, Andy Perkins, and Administrative Secretary, Kim Gard.

Attorney, Andy Perkins swears in all Board members.

IN RE:           ELECTION OF OFFICERS

Executive Director, Heather Redinger, opened the floor to nominations for Chairperson. Teresa Houser nominated Duane Border as Chairperson. Paul Zartman seconded the nomination. Being no further nominations, Motion carried as follows: Teresa Houser, David Roe, Paul Zartman, Dan Shafer 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. Paul Zartman nominated Teresa Houser as Vice-Chairperson. Dan Shafer seconded the nomination. Being no further nominations. Motion carried as follows: Teresa Houser, David Roe, Dan Shafer, Paul Zartman and Duane Border being in favor and no one opposing. Teresa Houser was elected as Vice-Chairperson for the Rochester City Board of Zoning Appeals.

Duane Border asked for nominations for Executive Secretary. Teresa Houser nominated Paul Zartman as Executive Secretary. David Roe seconded the nomination. Being no further nominations, Motion carried as follows: Teresa Houser, David Roe, Dan Shafer, Paul Zartman 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. David Roe nominated Kim Gard as Administrative Secretary. Teresa Houser seconded the nomination. Motion carried as follows: Teresa Houser, David Roe, Dan Shafer, Paul Zartman and Duane Border being in favor and no one opposing. Kim Gard 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. Paul Zartman moved to appoint Andy Perkins of, Peterson, Waggoner and Perkins, Rochester, IN. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, David Roe, Dan Shafer, Paul Zartman 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 01262022 regarding the meeting dates and times for the Rochester City Board of Zoning Appeals in 2022, Duane Border entertained a motion to adopt Resolution 01262022. David Roe moved to adopt Resolution 01262022 for the Rochester City Board of Zoning Appeals meeting dates and times in 2022. Paul Zartman seconded the motion. Motion carried as follows: Teresa Houser, David Roe, Dan Shafer, Paul Zartman and Duane Border being in favor and no one opposing. Resolution 01262022 reads as follows:

**ROCHESTER CITY BOARD OF ZONING APPEALS  
JANUARY 26, 2022**

RESOLUTION 01262022

A RESOLUTION OF THE ROCHESTER CITY BOARD OF ZONING APPEALS,  
OF THE COUNTY OF FULTON, INDIANA, ESTABLISHING MEETING TIMES  
FOR 2022

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 26<sup>th</sup> January 2022

ROCHESTER CITY BOARD OF ZONING APPEALS

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice Chairperson

\_\_\_\_\_  
Executive Secretary

ATTEST: \_\_\_\_\_  
Kim Gard, Administrative Secretary

**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**JANUARY 26, 2022**

IN RE: MEETING MINUTES

December 22, 2021

Duane Border asked the Board for any deletions, or corrections to be made to the December 22, 2021 minutes. Paul Zartman moved to approve the December 22, 2021 Rochester City Board of Zoning Appeals minutes as written. Dan Shafer seconded the motion. Motion carried as follows: Teresa Houser, David Roe, Paul Zartman, Dan Shafer and Duane Border being in favor and no one opposing.

IN RE: NEW BUSINESS

Rob Shafer (#210991)

Rob Shafer (#210991) is requesting development standard variances of 10' off of the side yard setback, a variance off of the minimum lot width and minimum lot size for the purpose of dividing a current duplex into separate parcels, located at 2318 Westside Rd., Rochester, IN., within Multi-family Residential (R2) district.

Mr. Shafer owns a lot with an existing duplex. He would like to split the lot so the each duplex has its own lot. In the R2 district the side yard setback is 10' for primary structures, the minimum lot width is 90' and the minimum lot size is 12,000 sf. Mr. Shafer would need a variance of 10' off the side yard setback from the newly created 'interior' lot line. However, we cannot determine the exact variance amount for the lot size and lot width without a survey. The survey will determine where the duplex sits on each lot. Therefore, variances of 10' off of the side yard setbacks, off of the minimum lot width and off of the minimum lot size are being requested.

Duane asked the petitioner if he had anything further to add.

They did not at this time.

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

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

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

Duane asked for Board discussion.

Being no further questions or comments, Duane Border, asked the Board to proceed with filling out finding of facts.

Administrative Secretary, Kim Gard conducted roll call vote.

Paul Zartman	Yea
Dan Shafer	Yea
David Roe	Yea
Teresa Houser	Yea



**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**JANUARY 26, 2022**

Duane Border                      Yea

Petition for Rob Shafer (#210991) requesting development standard variances of 10' off of the side yard setback, a variance off of the minimum lot width and minimum lot size for the purpose of dividing a current duplex into separate parcels, located at 2318 Westside Rd., Rochester, IN., within Multi-family Residential (R2) district. Passed with five votes being in favor and one opposing.

IN RE:                      NEW BUSINESS                      Manitou Crossing – Andis Dimants (#210948)

Manitou Crossing – Andis Dimants (#210947) is requesting a special exception to allow a total of 660 apartments and a YMCA, with a five year completion plan, on property located at ST RD 25 & ST RD 31, (009-105045-00) within the General Commercial (GC) District.

The special exception request is proposed as a five (5) phase process over five (5) years. As proposed, each phase would represent 132 apartments. If all five phases are developed, it would be a total of 660 apartments, with half of the units slated to meet the communities affordable/workforce housing needs. A request to allow a YMCA, is also being requested. Currently, there are no plans on the location of a YMCA, however it could be a potential possibility within the development.

If the request is approved, Mr. Dimants would also like to request up to 5 years for the completion. The ordinance states a special exception must be established within one year.

Duane asked the petitioner if he had anything further to add.

They did not at this time.

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

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

Don Jones spoke in favor of the petition. Mr. Jones stated we need affordable housing as well as new businesses.

There were numerous to speak in opposition of the petition. Many had same concerns regarding land purchase, controlling what is being built, water runoff, traffic, maintaining the property long term, affordable housing, increase in taxes, educational system, police, fire, jobs to support the influx of people, increase in crime and drugs.

James Rezo – 2207 Westside Rd.  
Sue Perry - 2516 Deere Run Dr.  
Pam Fish - 1229 Jackson Blvd  
John Little - 2209 Westside Rd  
Terry Lee Williams - 329 W 9th St  
Kimber Enyart - 1723 Mitchell Dr  
Shawn Bailey - 2500 Bessmore Park Rd

**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**JANUARY 26, 2022**

Rick Figleo – 902 Pontiac Street  
Maury Siders - 1133 Spade Dr  
Deb Early - 1045 Spade Dr  
Mary Ellen Lowe- 1706 Bessmore Park Road  
Bob Pontius-

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

Duane asked for Board discussion.

Being no further questions or comments, Duane Border, asked the Board to proceed with filling out finding of facts.

Administrative Secretary, Kim Gard conducted roll call vote.

Paul Zartman	Nea
Dan Shafer	Nea
David Roe	Nea
Teresa Houser	Nea
Duane Border	Nea

Petition for Manitou Crossing – Andis Dimants (#210947) requesting a special exception to allow a total of 660 apartments and a YMCA, with a five year completion plan, on property located at ST RD 25 & ST RD 31, (009-105045-00) within the General Commercial (GC) District. Denied with 0 being in favor and 5 opposing.

IN RE: PLAN DIRECTOR’S REPORT

Heather presented the Board with the end of the year report for 2021.

Being no further business to come in front of the Board of Zoning Appeals, Duane Border, entertained a motion to adjourn the January 26, 2022 Rochester City Board of Zoning Appeals meeting. David Roe moved to adjourn the January 26, 2022 Rochester City Board of Zoning Appeals meeting at 7:45 P.M. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, David Roe, Paul Zartman, Dan Shafer and Duane Border being in favor and no one opposed.

ROCHESTER CITY BOARD OF ZONING APPEALS

---

ATTEST: \_\_\_\_\_  
Kim Gard, Administrative Secretary



**Docket #220002**  
**Hearn Construction, Inc.**  
**Development Standard Variance**

Hearn Construction, Inc. (#220002) is requesting development standard variance of an additional 3'5" of accessory height and to allow an accessory structure to be taller than the primary structure on property located at, 2605 Wolf's Point Dr. Rochester IN, within Lake Residential (R3) district.

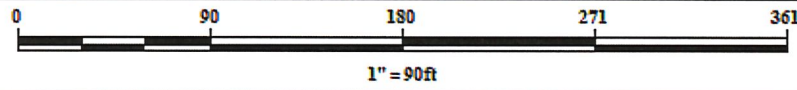
In the R3 district the height of an accessory structure cannot exceed 20' or exceed the height of the primary structure. They would like to construct a 2<sup>nd</sup> story on the existing garage, which would be approximately 23'5" in height. The proposed addition exceeds the maximum allowed height as well as, would be taller than the primary structure. Therefore, a variance off the maximum accessory height is being requested.

---

The request is for development standard variance of an additional 3'5" of accessory height and to allow an accessory structure to be taller than the primary structure on property located at, 2605 Wolf's Point Dr. Rochester IN, within Lake Residential (R3) district.



- Parcels
  - City Town Boundary
  - Sections
  - ROW Presentation
  - Peacetree Village - St
- 
- Addresses
  - ▲ Permits - Primary
  - ▲ Permits - Accessory
  - Bldg Permits
- 
- Parcels
  - Highways
  - Roads
  - Tippecanoe River
  - Permits - Comm
  - Bldg Permits

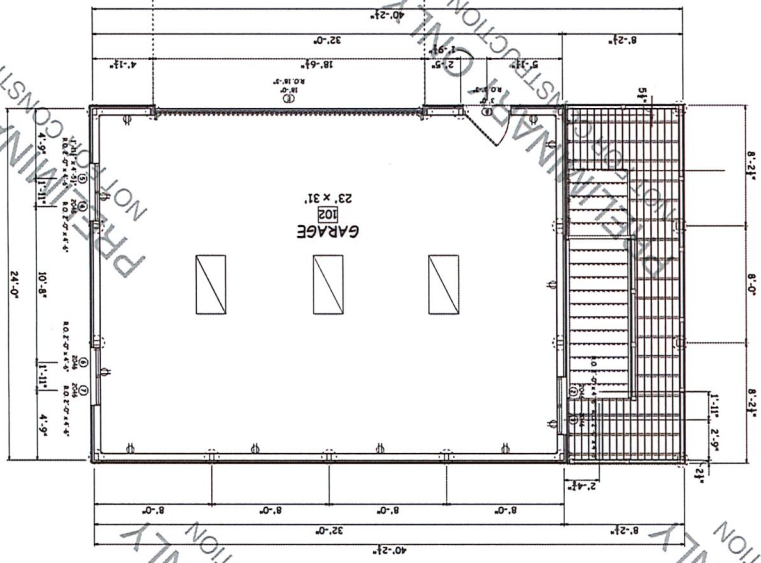


PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

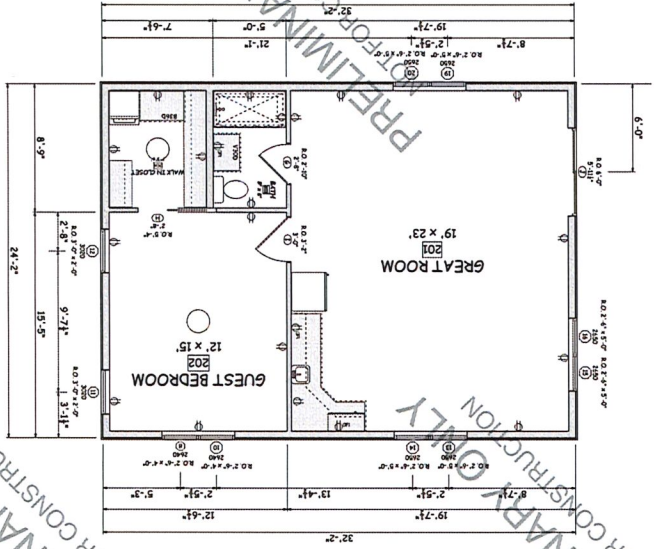
ROOM NO.	AREA	PERIMETER	FINISH	CEILING	FLOOR	WALL	DOOR	WINDOW	COMMENTS
101	19.00	48.00	1	1	1	1	1	1	1
102	12.00	30.00	1	1	1	1	1	1	1
103	23.00	52.00	1	1	1	1	1	1	1
104	11.00	26.00	1	1	1	1	1	1	1
105	15.00	36.00	1	1	1	1	1	1	1
106	18.00	42.00	1	1	1	1	1	1	1
107	20.00	44.00	1	1	1	1	1	1	1
108	22.00	46.00	1	1	1	1	1	1	1
109	24.00	48.00	1	1	1	1	1	1	1
110	26.00	50.00	1	1	1	1	1	1	1
111	28.00	52.00	1	1	1	1	1	1	1

ROOM NO.	AREA	PERIMETER	FINISH	CEILING	FLOOR	WALL	DOOR	WINDOW	COMMENTS
101	19.00	48.00	1	1	1	1	1	1	1
102	12.00	30.00	1	1	1	1	1	1	1
103	23.00	52.00	1	1	1	1	1	1	1
104	11.00	26.00	1	1	1	1	1	1	1
105	15.00	36.00	1	1	1	1	1	1	1
106	18.00	42.00	1	1	1	1	1	1	1
107	20.00	44.00	1	1	1	1	1	1	1
108	22.00	46.00	1	1	1	1	1	1	1
109	24.00	48.00	1	1	1	1	1	1	1
110	26.00	50.00	1	1	1	1	1	1	1
111	28.00	52.00	1	1	1	1	1	1	1

Main Floor Plan



2nd Floor Plan



PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

Jessa Carson Home Remodel

2000 Wynn Point Drive  
Knoxville  
37973



Hearn Construction, Inc.

818 Hickwood Lane  
Knoxville  
37901

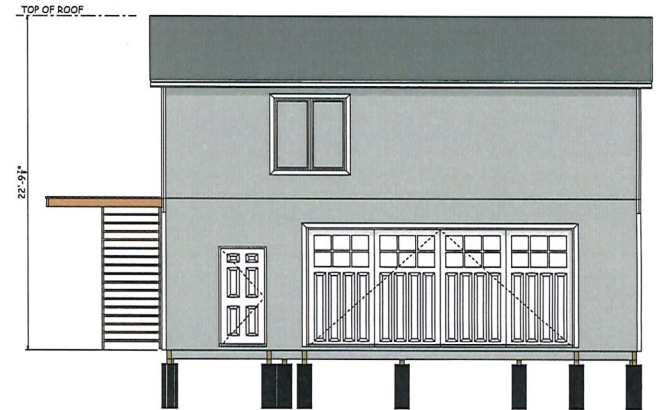
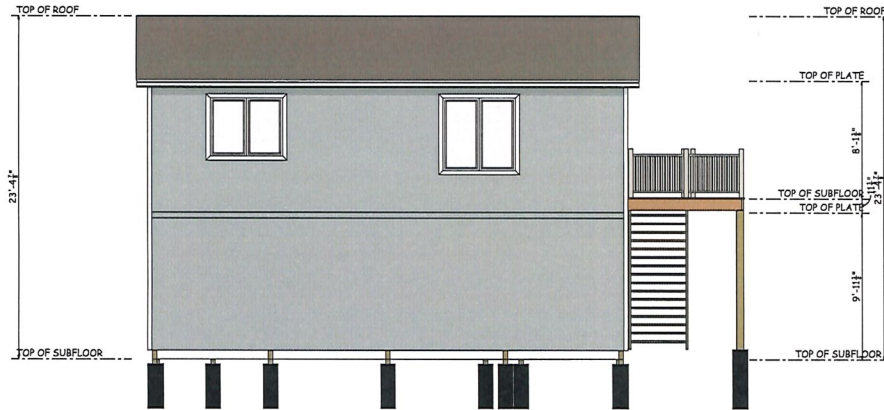
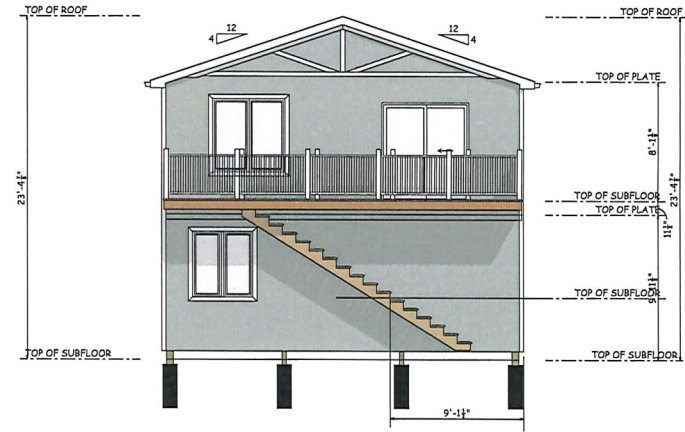
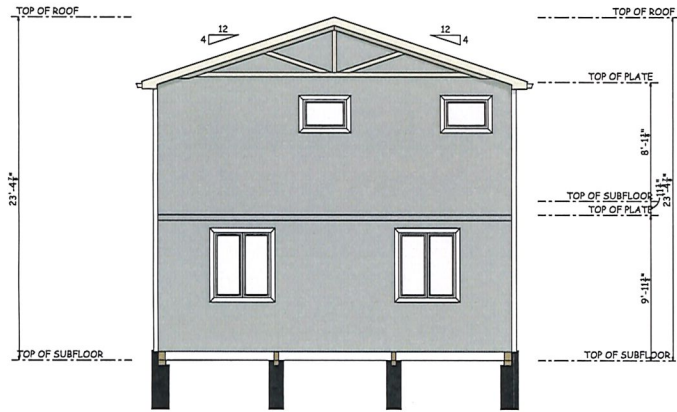
SCALE: 1/4" = 1'-0"  
DRAWN BY: Tom Rylands  
DATE: 12/23/21



APPROVED:

CHECKED BY:

PAGE: A100



Front Elevation



## 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,

Hearn Construction Inc # 220002

Located at: 2605 Wolfs Point Dr., 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
Adams Kevin W & Kathie L Etux	2404 Huddleston Drive Rochester IN 46975	Kathie Adams
Lubin Elizabeth & Zangla Anthony J	2607 Wolfs Point Dr Rochester, IN 46975	GC ✓
Ross II Frederick Senger	175 E Main St Peru, IN 46970	
Ronk Anthony S & Kami M	4142 Sheffield Circle Kokomo, IN 46902	
Bigler Guy A & Merlee A	2609 Wolf's Point Dr. Rochester, IN 46975	Guy A Bigler



# Fee Summary Paid Totals

01/01/2022 - 01/31/2022

Fee Name	Fee Description	Account Number	Total Amount	Total Fees
<b>Group: 1001.20301.000.0036</b>				
A. County, Akron, & Town of Fulton Residential - Inspection Fee	Enter Number of Inspections	1001.20301.000.0036	\$840.00	8
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$91.18	8
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	\$240.00	2
A-2. County, Akron, & Town of Fulton COMMERCIAL-Permit Fee		1001.20301.000.0036	\$100.00	2
			<b>\$1,351.18</b>	<b>22</b>

**Group Total: 5**

**Group: 1001.20302.000.0036**

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$20.00	2
B-1. City of Rochester Residential-Inspection Fee	Enter Number of Inspections	1001.20302.000.0036	\$40.00	2
B-2. CITY OF		1001.20302.000.0036	\$20.00	1

ROCHESTER ELECTRICAL PERMIT				
			\$80.00	5

**Group Total: 3**

**Group: 1001.20303.000.0036**

BZA. Development Standard Variance		1001.20303.000.0036	\$175.00	1
BZA. Special Exception		1001.20303.000.0036	\$175.00	1
ZO. LIP		1001.20303.000.0036	\$400.00	8
ZO. Solar Array- Small		1001.20303.000.0036	\$320.00	4
			\$1,070.00	14

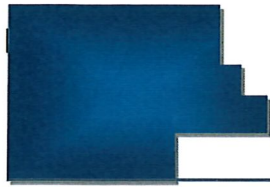
**Group Total: 4**

			\$2,501.18	41
--	--	--	------------	----

**Total Records: 12**

**2/1/2022**

**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

[AppLabel] Fe

01/01/2022 - 01/31/2022

Fee Date	Account Number	Contractor Name	Fee Name	Paid By	Fee Amount	Payment Type	Payment Date	Receipt #
1/4/2022	1001.20302.000.0036	Rick O'Neill	Electrical Registration Fee	Applicant	10.00	Cash	1/4/2022	130
1/13/2022	1001.20302.000.0036	Brandon Kamp	Electrical Registration Fee	Applicant	10.00	Card	1/13/2022	131
1/24/2022	1001.20302.000.0036	Dilling Group	Electrical Registration Fee	Applicant	10.00	Card	1/24/2022	132
1/25/2022	1001.20302.000.0036	Walsh Electric	Electrical Registration Fee	Applicant	10.00	Check	1/25/2022	133
1/26/2022	1001.20302.000.0036	Mark Molden	Electrical Registration Fee	Applicant	10.00	Cash	1/26/2022	134
1/24/2022	1001.20302.000.0036	Dilling Group	Plumbing Registration Renewal Fee	Applicant	10.00	Card	1/24/2022	132
1/26/2022	1001.20302.000.0036	Mark Molden	Plumbing Registration Renewal Fee	Applicant	10.00	Cash	1/26/2022	134
1/3/2022	1001.20302.000.0036	Michiana Contracting	Electrical Registration Fee	Applicant	10.00	Check	1/3/2022	128
1/3/2022	1001.20302.000.0036	Wood Electric	Electrical Registration Fee	Applicant	10.00	Cash	1/3/2022	129
					90.00			

Total Records: 9

2/1/2022

Page: 1 of 1