

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

ROCHESTER CITY HALL
320 MAIN ST.
ROCHESTER, IN 46975

WEDNESDAY, JULY 27, 2022
6:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

JUNE 22, 2022

OLD BUSINESS:

NEW BUSINESS:
Kyle Smith (#220398)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**ROCHESTER CITY BOARD OF ZONING APPEALS
JUNE 22, 2022**

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WEDNESDAY, JUNE 22, 2022

**6:00 P.M.
CITY HALL**

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

MAY 25, 2022

OLD BUSINESS:

NEW BUSINESS:

Kenneth Hoff (#220374)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
JUNE 22, 2022

The Rochester City Board of Zoning Appeals met on Wednesday the 22nd day of June 2022, 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: Gloria Carvey, Teresa Houser, Dan Shafer, Paul Zartman and Duane Border. Also in attendance were: Executive Director, Heather Redinger and Administrative Secretary, Kim Gard.

It is duly noted that Board Attorney, Andy Perkins was not present.

IN RE: MEETING MINUTES

May 25, 2022

Duane Border asked the Board for any deletions, or corrections to be made to the May 25, 2022 minutes. Teresa Houser moved to approve the March 25, 2022 Rochester City Board of Zoning Appeals minutes as read. Gloria Carvey seconded the motion. Motion carried as follows: Gloria Carvey, Teresa Houser, Dan Shafer, Paul Zartman and Duane Border, being in favor and no one opposing.

IN RE: NEW BUSINESS

Kenneth Hoff (#220374)

Kenneth Hoff (#220374) is requesting development standard variances of 8' off of the side yard setback, minimum lot size and minimum lot width for the purpose of replating lots 6 through 10, Northshore Dr. on properties located at 1602, 1604, 1606, 1608, 1610, 1612, 1609, 1622, 1063 & 1628 Northshore Dr. Rochester, IN., within Lake Residential (R3) district.

In the R3 district the side yard setback is 8' for primary structures, the minimum lot width is 60' and the minimum lot size is 6,000 sf. Mr. Hoff would like to split lots 6 through 10 into A & B, to be able to sell the town homes separately. All lots would need an 8' variance off of the newly created interior lot lines and the minimum lot width. Lots 6, 8, 9 and 10 would need a variance off of the minimum lot size. A survey has been provided with the newly created lots, sizes as follows, Lot 6A is 55.83' wide, 5544 total sf, Lot 6B is 54.44' wide, 4558 total sf, Lot 7A is 55.83' wide, 6720 total sf, Lot 7B is 54.44' wide, 6162 total sf, Lot 8A is 39.64' wide, 4450 total sf, Lot 8B is 45.00' wide, 4592 total sf, Lot 9A is 40.14' wide, 4507 total sf, Lot 9B is 39.86' wide, 4476 total sf, Lot 10A is 40.37' wide, 4636 total sf and Lot 10B is 38.32' wide, 4450 total sf. Therefore, variances of 8' 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 Border entertained a motion to open the public hearing. Teresa Houser moved to open the public hearing. Dan Shafer seconded the motion. Motion carried as follows: Gloria Carvey, Teresa Houser, Dan Shafer, 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.

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

ROCHESTER CITY BOARD OF ZONING APPEALS
JUNE 22, 2022

Duane asked for Board discussion.

Being no further questions or comments, Duane entertained a motion. Teresa Houser moved to approve Kenneth Hoff (#220374) is requesting development standard variances of 8' off of the side yard setback, minimum lot size and minimum lot width for the purpose of replating lots 6 through 10, Northshore Dr. on properties located at 1602, 1604, 1606, 1608, 1610, 1612, 1609, 1622, 1063 & 1628 Northshore Dr. Rochester, IN., within Lake Residential (R3) district. Paul Zartman seconded the motion.

Administrative Secretary Kim Gard conducted roll call vote.

Paul Zartman	Yea
Gloria Carvey	Yea
Teresa Houser	Yea
Dan Shafer	Yea
Duane Border	Yea

Motion to Kenneth Hoff (#220374) is requesting development standard variances of 8' off of the side yard setback, minimum lot size and minimum lot width for the purpose of replating lots 6 through 10, Northshore Dr. on properties located at 1602, 1604, 1606, 1608, 1610, 1612, 1609, 1622, 1063 & 1628 Northshore Dr. Rochester, IN., within Lake Residential (R3) district. Passed with five votes being in favor and no one opposed.

IN RE: PLAN DIRECTOR'S REPORT

Heather spoke to the board in regards to Rochester Mobile Home Park located at 1100 Park Road. The manager for the park was in the office and asked about placing a 14' x 36' home to be used as an office. The ordinance allows 14'x70' homes. They will be getting nine smaller homes to fit the smaller lots in the park. Heather asked the Board if they can do one BZA variance for the nine homes or would they need to do a variance for each home.

Duane asked what the smallest size home would be.

Heather stated the smallest home would be 14'x36'.

The Board agreed to one variance for only the nine homes presented. The smallest home will be 14'x36'.

Being no further business to come in front of the Board of Zoning Appeals, Duane Border, entertained a motion to adjourn the June 22, 2022 Rochester City Board of Zoning Appeals meeting. Teresa Houser moved to adjourn the June 22, 2022 Rochester City Board of Zoning Appeals meeting at 6:30 P.M. Dan Shafer seconded the motion. Motion carried as follows: Gloria Carvey, Teresa Houser, Dan Shafer, Paul Zartman and Duane Border being in favor and no one opposed.

ROCHESTER CITY BOARD OF ZONING APPEALS

ATTEST: _____
Kim Gard, Administrative Secretary

Docket #220398
Kyle Smith
Development Standard Variance

Kyle Smith (#220398) is requesting a Development Standard Variance of 2' off of the side yard setbacks, for the purpose of a new home, on property located at, 2311 West Side Rd. Rochester IN, within Lake Residential (R3) district.

In the R3 district, the side yard setback is 8' for a primary structure. Mr. Smith would like to remove the current home and construct a new home. The proposed home would sit approximately 6' off of the east side and 6.5' off of the west side. Therefore, a variance off of each side yard setback is being requested.

*The current home sits approximately 6' off of the east property line and the south portion of the west side of the home sits less than 1' off the west property line. The new home would be situated more in the center of the lot and have more distance between the house on the west side.

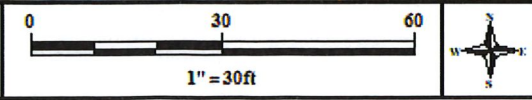
The request is for a Development Standard Variance of 2' off of the side yard setbacks, for the purpose of a new home, on property located at, 2311 West Side Rd. Rochester IN, within Lake Residential (R3) district.



- Parcels
- City Town Boundary
- Sections
- ROW Presentation
- Peacetree Village - St

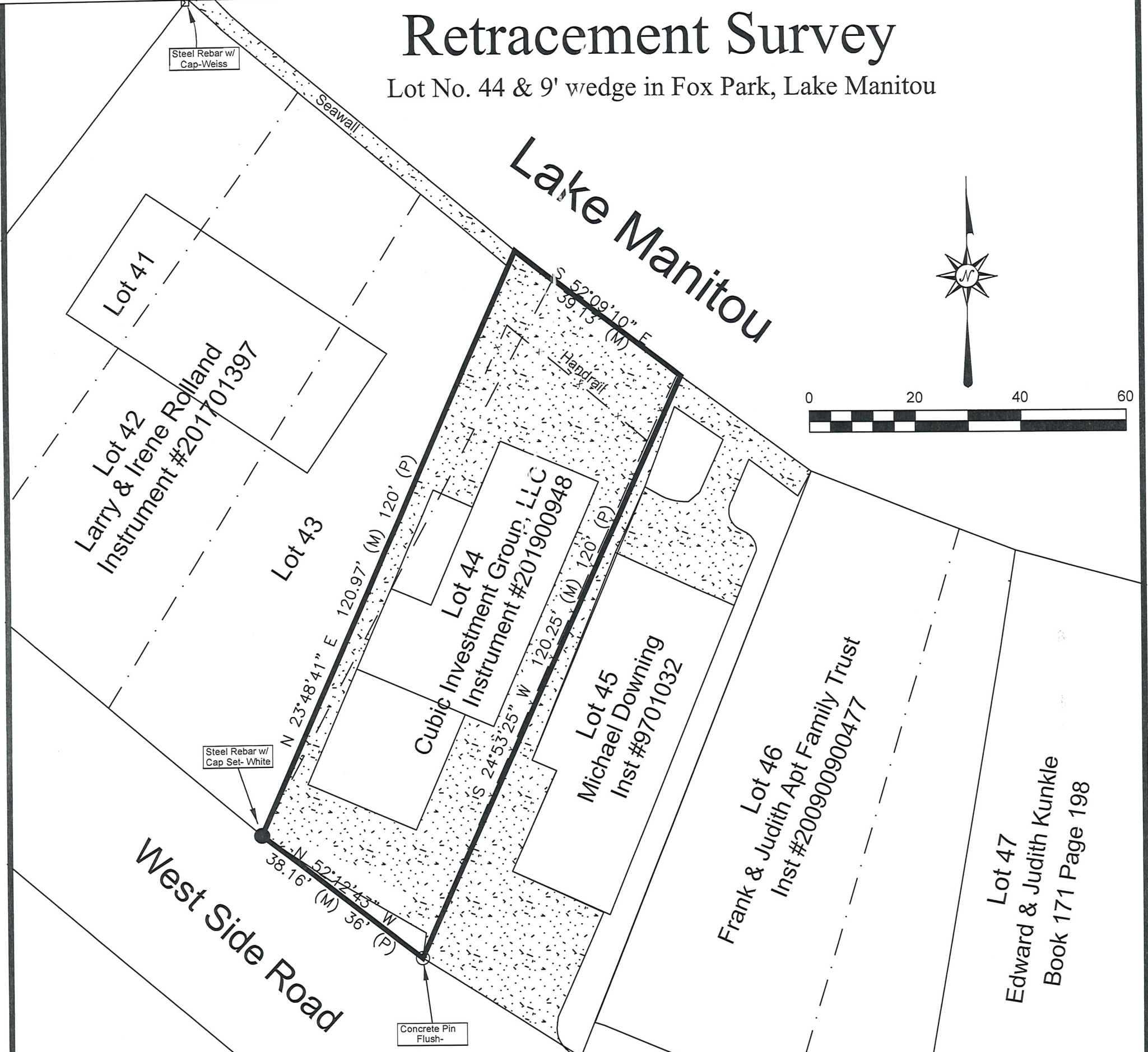
- Addresses
- Permits - Primary
- Bldg Permits

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



Retracement Survey

Lot No. 44 & 9' wedge in Fox Park, Lake Manitou



SURVEYOR'S REPORT

THIS IS A RETRACEMENT SURVEY OF LOT #44 IN FOX PARK ADDITION (PLAT BOOK 2 PAGE 242-243). A STEEL REBAR WITH CAP (WEISS) WAS FOUND AT THE NORTHEAST CORNER OF THE NORTHEAST CORNER OF LOT 41. A BOLT WAS FOUND AT THE NORTHWEST CORNER OF LOT 41. A BOLT WAS ALSO FOUND AT THE NORTHWEST AND NORTHEAST CORNERS OF LOT 40. NO OTHER MONUMENTS WERE FOUND. POSSESSION PLAYED A BIG PART IN ESTABLISHING THE BOUNDARY LINES OF THAT DESCRIBED IN INSTRUMENT #201900948. CONCRETE RUNS ALONG THE WEST LINE TO THE SEAWALL. HOLDING THE CORNER OF THE CONCRETE TO THE BOLT FOUND AT THE SOUTHWEST CORNER OF LOT 40, THE MEASURED DISTANCE IS 108.6' VS THE 110' PLATTED DISTANCE. MEASURING FROM THE LAKESIDE, THE MEASURED DISTANCE FROM THE NORTHEAST CORNER OF LOT 41 TO THE NORTHEAST CORNER OF LOT 44 IS 79.1' VS THE 81' PLATTED DISTANCE. THE CONCRETE WALL THAT RUNS ALONG THE SOUTH LINE OF THE PROPERTY WHERE THE HAND RAIL IS WAS USED AS THE PROPERTY LINE BASED ON OCCUPATION. THE MEASURED DISTANCE IS 38.16' VS THE 36' PLATTED DISTANCE. THE CONCRETE THAT WAS HELD HAS THE EXISTING HAND RAIL THAT RAPS AROUND THE EAST SIDE (LAKE SIDE) AS SHOWN. THE HANDRAIL AND WALL APPEARS TO HAVE BEEN PUT IN BY THE OWNER OF LOT 44.

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12, SECTION 1 THROUGH 30 OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATION OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:

- A) VARIANCES IN THE REFERENCE MONUMENTS;
 - B) DISCREPANCIES IN RECORD DESCRIPTIONS AND PLATS;
 - C) INCONSISTENCIES IN LINES OF OCCUPATION;
 - D) RANDOM ERRORS IN MEASUREMENTS OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A SUBURBAN (0.13 FEET PLUS 100 PARTS PER MILLION) SURVEY. DISCREPANCIES IN MEASUREMENTS ARE SHOWN AS MEASURED (M) AND PLAT (P) ON DRAWING. AS A RESULT OF THE ABOVE OBSERVATIONS, IT IS MY OPINION THAT THE UNCERTAINTIES IN THE LOCATION OF THE LINES AND CORNERS ON THIS SURVEY ARE AS FOLLOWS:
- DUE TO VARIANCES IN THE REFERENCE MONUMENTS: 0.7' ALONG THE ROAD-
 DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: THE LAST STATEMENT IN INSTRUMENT #201900948 SAYS ".....BEING THE EASTERLY 9 FEET OF LOT NUMBERED 43 IN SAID ADDITION." THE DESCRIPTION DESCRIBES IT AS A WEDGE, NOT A UNIFORM 9' OF WIDTH.
 DUE TO INCONSISTENCIES IN THE LINES OF OCCUPATION: SEAWALLS AND CONCRETE RUNNING TO SEAWALLS WERE HELD (WHERE HANDRAIL IS).

CARLSON BRx7 USING STATE PLANE COORDINATES WAS USED AS THE BASIS OF BEARINGS OF THIS SURVEY.

LEGAL DESCRIPTION-INSTRUMENT #201900948

Lot Numbered 44 in Fox Park at Lake Manitou, as per plat thereof recorded March 6, 1909 in Plat Book 2, page 279 in the Office of the Recorder of Fulton County, Indiana, ALSO, commencing at the Northwest corner of said Lot 44; thence Northwesterly on and along the water's edge of said Lake Manitou, 9 feet; thence Southerly to the Southwest corner of said Lot 44; thence Northerly along the West line of said Lot 44 to the Place of Beginning, being the Easterly 9 feet of Lot numbered 43 in said addition.

Property Address: 2311 West Side Road
 Rochester, IN 46975
 Survey Requested By: Bryan Lewis-Contractor

I, SETH A. WHITE, AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

SETH WHITE



SETH WHITE SURVEYING, LLC
 7801 SOUTH 1000 WEST,
 KEWANNA, INDIANA 46939
 PHONE: (574) 817-0511
 SETH A. WHITE P.L.S.



I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE WITHIN PLAT REPRESENTS A SURVEY MADE UNDER MY SUPERVISION JULY 10, 2022 IN ACCORDANCE WITH IAC 865, 1.1-12. I DO NOT CERTIFY TO THE DETERMINATION OF OWNERSHIP, COMPLIANCE WITH BUILDING AND ZONING RESTRICTIONS OR SUITABILITY OF THE PROPERTY FOR ANY PURPOSE. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

REGISTERED LAND SURVEYOR'S

SIGNATURE

SETH A. WHITE
 IND. REG. NO. 21200024

Date: July 10, 2022

Project Number : 220702

Scale: 1" = 20'

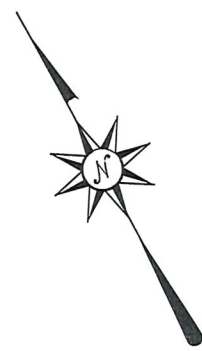
Prepared by: Seth White

SHEET 1 OF 1

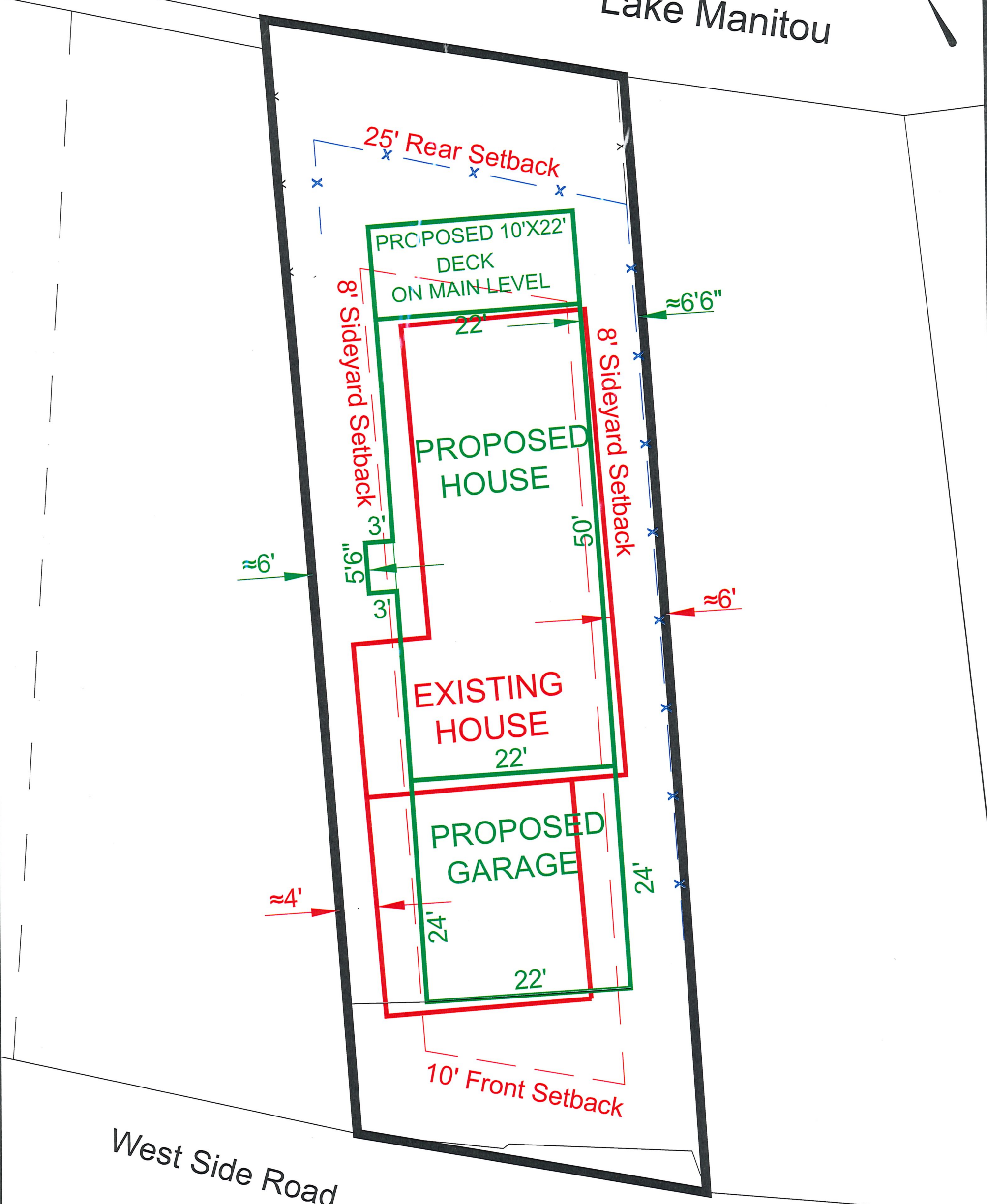
Job Name: RezoFoxPark

Proposed Building

Lot No. 44 & 9' wedge in Fox Park, Lake Manitou



Lake Manitou



West Side Road



SETH WHITE SURVEYING, LLC
 7801 SOUTH 1000 WEST,
 KEWANNA, INDIANA 46939
 PHONE: (574) 817-0511
 SETH A. WHITE P.L.S.



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SIGNATURE _____

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 IND. REG. NO. 21200024

Date: July 10, 2022

Project Number : 220702

Scale: 1" = 10'

Prepared by: Seth White

SHEET 1 OF 1

Job Name: RezoFoxPark

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,

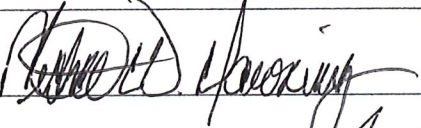
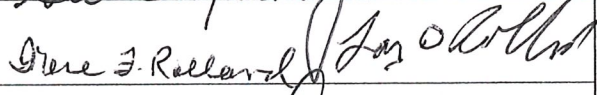

Kyle Smith # 220398

Located at: 2311 West Side Rd., 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
Michael W Downing	2313 Westside Rd Rochester, IN 46975	
Larry D & Irene F Rolland	2307 Westside Rd Rochester, IN 46975	
Stephen A Overmyer	PO Box 933 Rochester, IN 46975	



Fee Summary Paid Totals

06/01/2022 - 06/30/2022

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	\$1,622.80	25
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$481.99	25
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.20301.000.0036	\$200.00	5
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	\$29.40	1
			\$2,574.19	58

Group Total: 5

Group: 1001.20302.000.0036

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$52.22	3
B-1. City of Rochester Residential-Inspection Fee	Enter Number of Inspections	1001.20302.000.0036	\$180.00	6
B-2. CITY OF		1001.20302.000.0036	\$100.00	5

ROCHESTER ELECTRICAL PERMIT				
			\$332.22	14

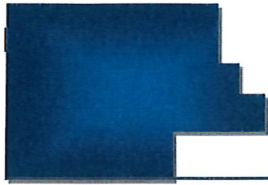
Group Total: 3**Group: 1001.20303.000.0036**

BZA. Development Standard Variance		1001.20303.000.0036	\$700.00	4
ZO. LIP		1001.20303.000.0036	\$1,800.00	36
ZO. Signs	Enter Square Feet	1001.20303.000.0036	\$300.00	2
ZO. Solar Array- Small		1001.20303.000.0036	\$160.00	2
			\$2,960.00	44

Group Total: 4

			\$5,866.41	116
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Total Records: 12**7/5/2022****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

06/01/2022 - 06/30/2022

Fee Date	Account Number	Contractor Name	Fee Name	Paid By	Fee Amount	Payment Type	Payment Date	Receipt #
6/16/2022	1001.20302.000.0036	Shaum Electric	Electrical Registration Fee	Applicant	10.00	Check	6/16/2022	145
					10.00			

Total Records: 1

7/5/2022

Page: 1 of 1