

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

ROCHESTER CITY HALL
320 MAIN ST.
ROCHESTER, IN 46975

WEDNESDAY, SEPTEMBER 28, 2022
6:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

JULY 27, 2022

OLD BUSINESS:

Mill Creek Church (#239-0712)

NEW BUSINESS:

Kyle Smith (#220511)

Lawrence Shirk (#220597)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**ROCHESTER CITY BOARD OF ZONING APPEALS
AUGUST 24, 2022**

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CITY HALL**

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JULY 27, 2022

OLD BUSINESS:

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ROCHESTER CITY BOARD OF ZONING APPEALS
AUGUST 24, 2022

The Rochester City Board of Zoning Appeals met on Wednesday the 24th day of August 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: Teresa Houser, Paul Zartman and Duane Border. Also in attendance were: Executive Director, Heather Redinger, Board Attorney, Andy Perkins and Administrative Secretary, Kim Gard.

It is duly noted that Dan Shafer and Gloria Carvey was not present.

IN RE: MEETING MINUTES

August 24, 2022

Duane Border asked the Board for any deletions, or corrections to be made to the August 24, 2022 minutes. Teresa Houser moved to approve the August 24, 2022 Rochester City Board of Zoning Appeals minutes as read. Paul Zartman seconded the motion. Motion carried as follows: Teresa Houser, Paul Zartman and Duane Border, being in favor and no one opposing.

IN RE: NEW BUSINESS

Kyle Smith (#220511)

Kyle Smith (#220511) is requesting a Development Standard Variance of approximately 12' off of the lake yard setbacks, for the purpose of a covered deck, on property located at, 2311 West Side Rd. Rochester IN, within Lake Residential (R3) district.

In the R3 district, the lake yard setback is 25' for a primary structure. Mr. Smith would like to construct a covered 10' x 25' deck which would sit approximately 13' off the lake side. Therefore, a variance of 12' off of the lake yard setback is 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. Paul Zartman seconded the motion. Motion carried as follows: 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.

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: 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. Teresa Houser moved to approve Kyle Smith (#220511) is requesting a Development Standard Variance of approximately 12' off of the lake yard setbacks, for the purpose of a covered deck, on property located at, 2311 West Side Rd. Rochester IN, within Lake Residential (R3) district. Paul Zartman seconded the motion.

Administrative Secretary Kim Gard conducted roll call vote.

ROCHESTER CITY BOARD OF ZONING APPEALS
AUGUST 24, 2022

Paul Zartman	Yea
Teresa Houser	Yea
Duane Border	Yea

Motion to approve Kyle Smith (#220511) is requesting a Development Standard Variance of approximately 12' off of the lake yard setbacks, for the purpose of a covered deck, on property located at, 2311 West Side Rd. Rochester IN, within Lake Residential (R3) district. Passed with three votes being in favor and no one opposed.

IN RE: PLAN DIRECTOR'S REPORT

Being no further business to come in front of the Board of Zoning Appeals, Duane Border, entertained a motion to adjourn the August 24, 2022 Rochester City Board of Zoning Appeals meeting. Paul Zartman moved to adjourn the August 24, 2022 Rochester City Board of Zoning Appeals meeting at 6:20 P.M. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, Paul Zartman and Duane Border being in favor and no one opposed.

ROCHESTER CITY BOARD OF ZONING APPEALS

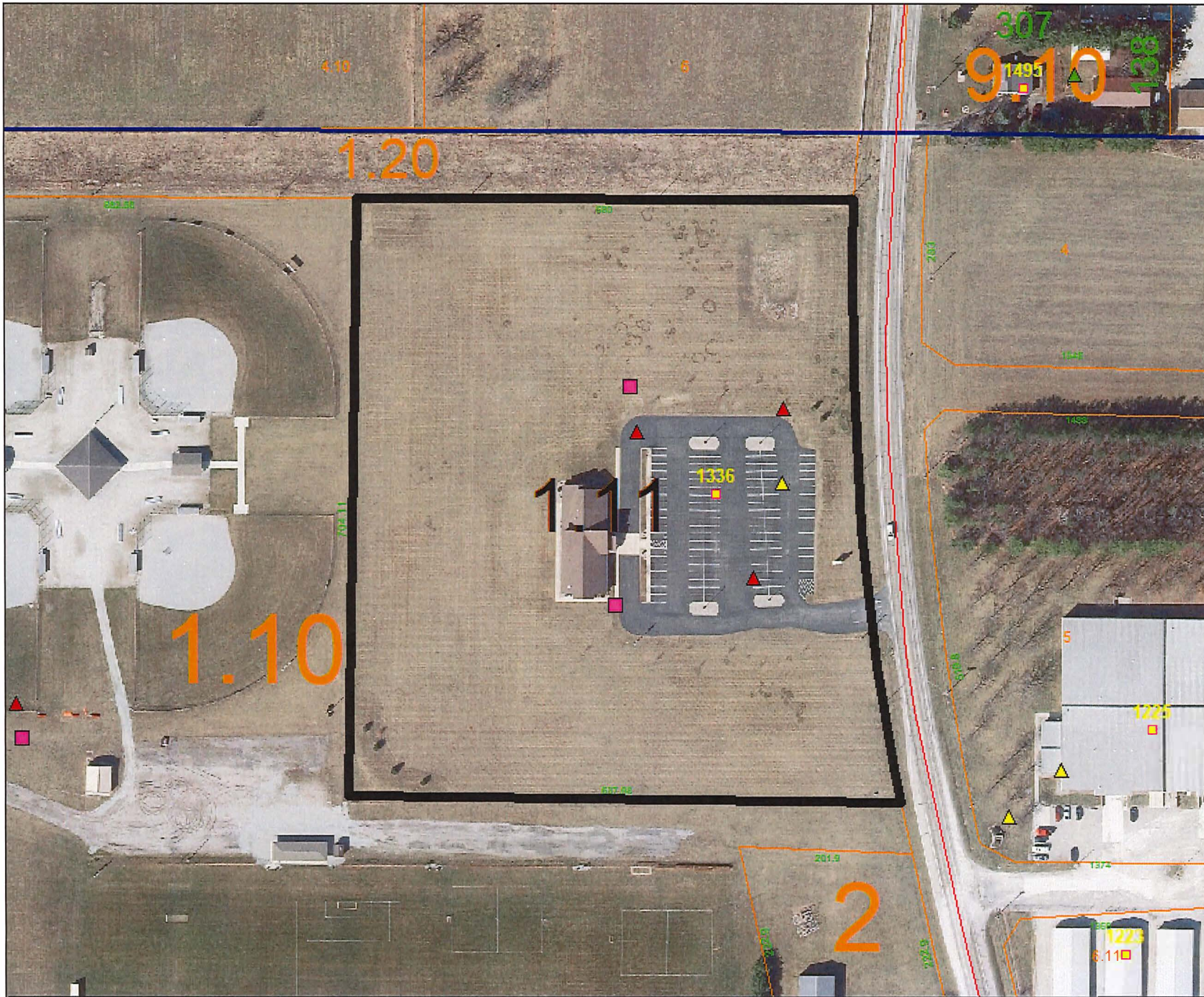
ATTEST: _____
Kim Gard, Administrative Secretary

**Docket #239-0712
Mill Creek Church
Development Standard Variance
Review**

Mill Creek Church requested a development standard variance off of the Rochester City sidewalk requirements, for the purpose of being exempt from constructing a sidewalk on property located at 1336 N State Road 25 Rochester, IN., within the Institutional /Recreational District, approximately 9.63 acres.

The request was approved on August 22, 2012, with the following conditions: must be reviewed in five (5) years; and there must be a five (5') easement for any future construction.

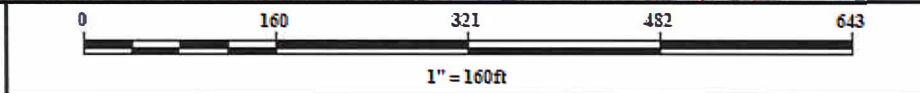
At this time, there has been no new construction in the area.



- Parcels
- City Town Boundary
- Sections

- Addresses
- ▲ Permits - Accessory
- ▲ Permits - Commercial
- ▲ Permits - Signs
- Bldg Permits

- Parcels
- Dimensions
- Sections
- Highways
- Roads
- Tippecanoe River
- Permits - Access
- Permits - Comm
- fchd-permit



**Docket #220597
Lawrence Shirk
Development Standard Variance**

Lawrence Shirk (#220597) is requesting development standard variance off of the parking standards to allow recycled and screened asphalt, within the incorporated limits of the City of Rochester, on property located at 221 Apace Drive, within the general commercial (GC) district.

All parking lots for commercial business, 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. Therefore, a variance off the parking standards to allow recycled and screened asphalt using vibrating roller for good compaction and smooth surface is being requested.

Shirk's Wood will be looking into applying another layer of virgin blacktop in the summer of 2027.

The request is for a Development Standard Variance off of the parking standards to allow recycled and screened asphalt, within the incorporated limits of the City of Rochester, on property located at 221 Apace Drive, within the general commercial (GC) 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,

Lawrence Shirk # 220597

Located at: 221 Apache 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.

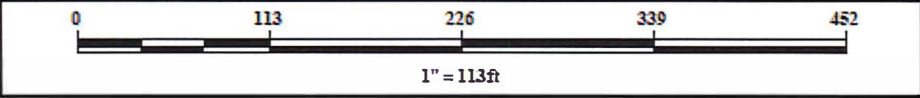
The signature of any person on the form is not to be construed as a waiver or consent to the petition, but merely evidence that the person has received notice of the hearing.

NAME	ADDRESS	SIGNATURE
R J Murphy Inc	333 Apache Court Rochester, IN 46975	✓
Donald R & Mary Kay Towne	231 Apache Drive Rochester, IN 46975	✓
State Of Indiana	100 N Senate Ave Room N758-RE Indianapolis, IN 46204	✓
Mike D's House of Carz, LLC	111 Apache Dr Rochester, IN 46975	✓
Oboke Inc	PO Box 789950 Wichita, KS 67278	✓



RESTRICTED AREA

	Parcels
	City Town Boundary
	Sections
	Peacetree Village - St
	Addresses
	Permits - Commercial
	Permits - Signs
	Bldg Permits
	Parcels
	Dimensions
	Highways
	Roads
	Tippecanoe River
	Permits - Access
	Permits - Comm
	Bldg Permits
	fchd-permit



Lawrence Shirk

From: Dowden, Jeffrey <JDowden@indot.IN.gov>
Sent: Wednesday, August 17, 2022 8:10 AM
To: Lawrence Shirk
Subject: RE: letter of approval from INDOT for Apache Dr Rochester Indiana

Lawrence,

The only thing that INDOT is requesting is that you leave a 10 foot buffer of a grass strip the full width of the back of your property that separates your property from the State property to try to prevent any kind of limestone run off.

Just to add no piping or ditching to direct water to the State Right-of-Way is allowed.

You can show the Fulton County Area Planning this email and if they have any further questions pertaining to the State on this issue then I will be more than happy to answer any of their questions.

Thank you.

Jeff Dowden

Permit Investigator
INDOT
Monticello Sub District
12209 N 1200 W
Monticello, IN 47960
C-574-240-8565
O-574-583-4173
jdowden@indot.in.gov



From: Lawrence Shirk <lawrence@sunrisestructures.net>
Sent: Monday, August 15, 2022 3:05 PM
To: Dowden, Jeffrey <JDowden@indot.IN.gov>
Subject: letter of approval from indot

****** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ******

Jeff,
I attached a rough drawing of approximately $\frac{3}{4}$ acre and a satellite picture w/ an address to show you where we would like to install a limestone lot. The slope is a 1% grade from the front toward the back which ends up going into the road ditch. The water

Docket #220653
John Clavio
Development Standard Variance

John Clavio (#220653) is requesting a Development Standard Variance of approximately 6' off of the front yard setback and approximately 4' off of the side yard setbacks for the purpose of an addition, on property located at, 2919 Barrett Rd. Rochester IN, within Lake Residential (R3) district.

In the R3 district, the front yard setback is 10' for a primary structure and 8' for the side yard setback. Mr. Clavio would like to construct an addition to replace the carport which would sit approximately 6' off the front yard and 4' off of the side yard setback. Therefore, a variance of 4' off of the front yard setback and 4' off of the side yard is being requested.

The request is for a Development Standard Variance of approximately 6' off of the front yard setback and approximately 4' off of the side yard setbacks for the purpose of an addition, on property located at, 2919 Barrett Rd. Rochester IN, within Lake Residential (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,

John Clavio # 220653

Located at: 2919 Barrett Rd., Rochester IN

Legal Notification Requires:

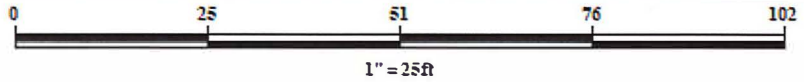
- The legal notice of public hearing is sent via certified return receipt requested mail at least 25 days prior to the public hearing to all interested parties, and the receipts of said action are included in the application's supportive information to the Board; or
- Signatures written on a form supplied 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
Gary N & Christine M Bryant	2917 Barrett Rd. Rochester, IN 46975	7017 2400 0000 1543 3359 <i>FCARE/Coir1</i>
Pamela Sue Carr	3005 Barrett Rd Rochester, IN 46975	7017 2400 0000 1543 3366 <i>FCARE/Cert.</i>
David L & Kathey A Schultz	5716 W 400 N Kokomo, IN 46901	7017 2400 0000 1543 3373 <i>FCARE/Cert.</i>



- Parcels
- City Town Boundary
- Sections
- ROW Presentation
- Addresses
- Permits - Accessory
- Bldg Permits
- Parcels
- Highways
- Roads
- Tippecanoe River





Fee Summary Paid Totals

08/01/2022 - 08/31/2022

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	\$2,788.65	27
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$922.84	25
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.20301.000.0036	\$160.00	4
A-2. County, Akron, & Town of Fulton COMMERCIAL - Inspection Fee	Enter Number of Inspections	1001.20301.000.0036	\$280.00	2
A-2. County, Akron, & Town of Fulton COMMERCIAL-Permit Fee		1001.20301.000.0036	\$94.25	2
			\$4,245.74	60

Group Total: 5

Group: 1001.20302.000.0036

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$385.00	14
B-1. City of Rochester Residential-Inspection Fee	Enter Number of Inspections	1001.20302.000.0036	\$600.20	14
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	\$20.00	2
B-4. City of Rochester COMMERCIAL-Inspection Fee		1001.20302.000.0036	\$60.00	2
			\$1,105.20	34

Group Total: 5

Group: 1001.20303.000.0036

BZA. Development Standard Variance		1001.20303.000.0036	\$1,225.00	7
BZA. Special Exception		1001.20303.000.0036	\$175.00	1
ZO. LIP		1001.20303.000.0036	\$1,900.00	38
ZO. Site Plan Review - TRC		1001.20303.000.0036	\$175.00	1
ZO. Solar Array- Small		1001.20303.000.0036	\$160.00	2
			\$3,635.00	49

Group Total: 5

			\$8,985.94	143
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Total Records: 15

9/6/2022

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