

***FULTON COUNTY
BOARD OF ZONING APPEALS***

FULTON COUNTY OFFICE BUILDING
COMMISSIONERS/COUNCIL ROOM
WEDNESDAY, OCTOBER 12, 2022
7:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

SEPTEMBER 14, 2022

OLD BUSINESS:

Edward Strack (#108-0110)

NEW BUSINESS:

Rodney & April Gross (#220591)

Ted Richard (#220592)

Ginger Richard (#220650)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 14, 2022

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, SEPTEMBER 14, 2022

7:00 P.M.

COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

JULY 13, 2022

OLD BUSINESS

Donna Oberg (#71-1003)
Richard Chilcutt (#116-1105)
Edward Strack (#108-0110)
Lora Johnson (#132-0710)
Keith Imhoff (#250-0912)

NEW BUSINESS

Cory Woodcox (#220478)
Anthony Gaines (#220484)
Loren Blocher (#220497)
Lou Ann Helvie (#220519)
William Hewitt (#220543)
John Geier (#220556)
Culver BTS, LLC (#220570)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 14, 2022

The Fulton County Board of Zoning Appeals met on Wednesday the 14th day of September 2022, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building Vice-Chairperson, Barry Baldwin, called the meeting to order at 7:00 P.M. The following members were present: Seth Wilson, Phil Miller, and Barry Baldwin. Also in attendance were: Executive Director, Heather Redinger, Board Attorney, Andy Perkins and Administrative Secretary, Kim Gard.

It is duly noted Debbie Barts and Scott Hizer were not present.

IN RE: MINUTES

July 13, 2022

Vice-Chairperson, Barry Baldwin, asked for any additions, deletions or corrections to be made to the July 13, 2022 minutes. Phil Miller moved to approve the July 13, 2022 Fulton County Board of Zoning Appeals minutes as written, Seth Wilson seconded the motion. Motion carried as follows: Seth Wilson, Phil Miller and Barry Baldwin being in favor and no one opposing.

IN RE: OLD BUSINESS

Donna Oberg (#71-1003)

Donna Oberg is requesting a renewal of the special exception she was granted for a temporary hardship dwelling unit on her property located in the Ag District and partly in the R3 district, 2791 Main Street, Macy, IN. The temporary hardship dwelling unit (14 X 70 mobile home) is being utilized by Ms. Oberg's mother Madie Oberg. This tract of land totals seven and seven-tenths (7.7) acres.

Donna Oberg was granted her request upon these conditions:

- 1) Donna Oberg is required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department prior to the placement of the temporary home; and
- 2) the temporary home is never used as a rental unit; and
- 3) the temporary home be utilized as a dwelling for no one except Madie Oberg; and
- 4) the temporary home is removed after Madie Oberg no longer utilizes it as a dwelling; and
- 5) the temporary home is either removed or a renewal requested every two years .

The Plan Commission Office has not been made aware of any changes in these situation.

Barry asked petitioner if they had anything further to add.

They did not at this time.

Barry then opened public comment.

Being no public comment.

Barry then closed public comment.

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IN RE: OLD BUSINESS

Lora Johnson(#132-0710)

Ms. Johnson(#132-0710) is requesting a renewal to the Special Exception granted on September 8th, 2010 for a temporary hardship/second dwelling unit on property, located at 6346 N 100 W, within the Agricultural (AG) District, approximately 3 acres. Ms. Johnson parents own the property and the temporary dwelling unit will be utilized by Ms. Johnson and her family.

The Special Exception was granted with the following conditions:

- 1.) Ms. Johnson is required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department, prior to the placement of the temporary home; and
- 2.) The temporary home is never used as a rental unit; and
- 3.) The temporary home be used as a dwelling for no one except Ms. Johnson and her family; and
- 4.) The temporary home is either removed or a renewal requested, no later that two years from the date of the public hearing.

The Plan Commission Office has not been made aware of any changes in these situation.

Barry asked petitioner if they had anything further to add.

They did not at this time.

Barry then opened public comment.

Being no public comment.

Barry then closed public comment.

Barry Baldwin then asked for any Board questions or comments. Being no further Board comments Barry entertained a motion. Seth Wilson moved to approve Lora Johnson renewal request. Phil Miller seconded the motion. Motion passed with three votes being in favor and no one opposed

IN RE: OLD BUSINESS

Keith Imhoff (#250-0912)

Mr. Imhoff (#250-0912) is requesting a renewal of the Special Exception granted for a temporary hardship/second dwelling unit on property, located at 4136 E 550 N, within the Agricultural (AG) District, approximately 4.72 acres, on October 10, 2012. Wilma Zimmerman, Mr. Imhoff's mother- in-law, will utilize the temporary dwelling unit.

Mr. Imhoff was granted the request with the following conditions:

- 1.) Mr. Imhoff is required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department, prior to the placement of the temporary home; and
- 2.) The temporary home is never used as a rental unit; and

FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 14, 2022

- 3.) The temporary home be used as a dwelling for no one except Wilma Zimmerman; and
- 4.) The temporary home is either removed or a renewal requested, no later than two years from the date of the public hearing.

The Plan Commission Office has not been made aware of any changes in these situation.

Barry asked petitioner if they had anything further to add.

They did not at this time.

Barry then opened public comment.

Being no public comment.

Barry then closed public comment.

Barry Baldwin then asked for any Board questions or comments. Being no further Board comments Barry entertained a motion. Seth Wilson moved to approve Keith Imhoff renewal request. Phil Miller seconded the motion. Motion passed with three votes being in favor and no one opposed.

IN RE: NEW BUSINESS

Cory Woodcox (#220478)

Cory Woodcox (#220478) is requesting a Special Exception to operate a kennel/boarding and training, on property located at 5647 E 500 N Rochester, within the Agricultural (AG) District, 6.21 acres.

Mr. Woodcox would like to utilize his existing two kennels to operate the kennel/boarding and training. One kennel is inside and is approximately 3 1/2' x 6' that will open to the outside kennel that is approximately 3 1/2' x 12' with a roof over the outside kennel. There is a 6' tall chain link fenced-in yard that is approximately 70' x 110' that will be used for the outside play area. Mr. Woodcox stated if it is needed he can put slats in the chain link fence facing the road so there is no excessive barking from passing traffic. There are no neighbors to the south, east or west of the property. Mr. Woodcox stated the breeds would vary. The dogs would be dropped off and picked up between the hours of 9 AM and 6PM. There will be no additional deliveries and no additional parking will be needed. Drop off and pick up will utilize the existing gravel drive way. Mr. Woodcox will be the only employee, there will be no office or public restrooms or signage at this time.

Barry Baldwin asked petitioner if they had anything further to add.

They did not at this time.

Being no further comments, Barry Baldwin then asked for any Board questions or comments.

Being none, he then open public hearing.

**FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 14, 2022**

Jeremiah Howard, 4772 E 400 N, stated he is against putting two homes on these lots. He then stated when he sold the land the realtor stated that the land could not be split.

Heather reminded Mr. Howard that once someone sells a piece of land, the new owners can choose to split the land as long as they meet all zoning requirements.

Virgil & Phyllis Biddinger, 5249 E 400 N, stated they have concerns having 2 septic's will affect the farm land around?

Heather stated at this time the board is not voting on two homes being build but whether or not the land meets all requirements to be split.

Barry asked if there were any other comments.

Being none, he then closed public hearing.

Being no further Board comments, Barry Baldwin entertained a motion. Seth Wilson moved to approve Anthony Gaines (#220484) requesting a development standard variance of 155' off of the minimum lot width and a variance off the maximum lot depth, for the purpose of a split on property located at 4816 E 400 N with in the Agriculture (AG) district. Phil Miller seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

Seth Wilson	Yea
Phil Miller	Yea
Barry Baldwin	Yea

Motion to approve Anthony Gaines (#220484) requesting a development standard variance of 155' off of the minimum lot width and a variance off the maximum lot depth, for the purpose of a split on property located at 4816 E 400 N with in the Agriculture (AG) district. Passed with three votes being in favor and no one opposed.

IN RE: NEW BUSINESS

Loren Blocher (#220497)

Loren Blocher (#220497) requesting a variance of 10' off of the front yard setback, for the purpose of an attached garage, on property located at 13855 E 300 S, Akron with in the Agriculture (AG) district.

In the (AG) Agriculture district the front yard setback is 50'. Mr. Blocher would like to construct a 26' x 28' attached garage which would sit approximately 40' off of the front yard. Therefore, a variance of 10' off of the front yard setback is being requested.

**FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 14, 2022**

Barry Baldwin asked petitioner if they had anything further to add.

They did not at this time.

Being no further comments, Barry Baldwin then asked for any Board questions or comments.

Being none, he then open public hearing.

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

Being none, he then closed public hearing.

Being no further Board comments, Barry Baldwin entertained a motion. Seth Wilson moved to approve Loren Blocher (#220497) requesting a variance of 10' off of the front yard setback, for the purpose of an attached garage, on property located at 13855 E 300 S, Akron with in the Agriculture (AG) district. Phil Miller seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

Seth Wilson	Yea
Phil Miller	Yea
Barry Baldwin	Yea

Motion to approve Loren Blocher (#220497) requesting a variance of 10' off of the front yard setback, for the purpose of an attached garage, on property located at 13855 E 300 S, Akron with in the Agriculture (AG) district. Passed with three votes being in favor and no one opposed.

IN RE: NEW BUSINESS

Lou Ann Helvie #(220519)

Lou Ann Helvie (#220519) requesting a variance of 160' off the minimum lot width and a variance off of the maximum lot depth, for the purpose of a split on property located at 6182 S 200 W with in the Agriculture (AG) district.

In the (AG) Agriculture district the minimum lot width is 200' and the depth is three times the lot width. The purposed lot will be approximately 40' in width at the road, and approximately 1330' deep. Therefore, a variance of approximately 160' off of the minimum lot width and a variance off the maximum lot depth is being requested.

Barry Baldwin asked petitioner if they had anything further to add.

They did not at this time.

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Dave Whitworth, 9410 Sycamore Bend, stated he is opposed to having a Dollar General in the area. He then stated there is one just a few miles down the road. He also has concerns with drainage in to river.

Cheryl Colman, 9544 Sycamore Bend, opposed having a Dollar General, stated drainage into the river. Light pollution while camping. Destroying the wet lands north of proposed project.

Tammy Durbin, 10403 W 700 N, opposed to having a Dollar General, concerns with litter and security.

Regina Wawok, 6890 N Roby Rd, opposed to having a Dollar General, concerns with taking away from farm lands.

Tucker Anderson, 6890 N Roby Rd, opposed to having a Dollar General, concerns with taking away from farm lands and turning a quiet highway into a busy area. He also stated there is another Dollar General close, is this really even needed. He then stated there are other Dollar General close by that are not maintained.

Being no other public comment, Barry then closed public hearing.

After much Board discussion, Barry Baldwin entertained a motion. Seth Wilson moved to approve Culver BTS Retail, LLC (#210774) is requesting a development standard variance of an additional 20% maximum lot coverage, and a special exception to allow a retail store, on property located at (001-105024-00), ST RD 17 Rochester IN., within Agricultural (AG) district. Phil Miller seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

Seth Wilson	Nea
Phil Miller	Yea
Barry Baldwin	Nea

Motion to approve Culver BTS Retail, LLC (#210774) is requesting a development standard variance of an additional 20% maximum lot coverage, and a special exception to allow a retail store, on property located at (001-105024-00), ST RD 17 Rochester IN., within Agricultural (AG) district. Failed with one vote being in favor and two opposed.

IN RE: PLAN DIRECTOR REPORT

Being no further business to come in front of the Board of Zoning Appeals, Barry Baldwin, entertained a motion to adjourn the September 14, 2022 Fulton County Board of Zoning Appeals meeting. Phil Miller moved to adjourn the September 14, 2022 Fulton County Board of Zoning Appeals meeting at 9:00 P.M. Seth Wilson seconded the motion. Motion carried as follows: Seth Wilson, Phil Miller, and Barry Baldwin being in favor and no one opposing.

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SEPTEMBER 14, 2022

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST:

Kim Gard, Administrative Secretary

Docket #108-0110
Edward Strack
Development Standard Variance
& Special Exception
Re-evaluation and renewal

Mr. Strack is requesting a renewal of the three development standard variances he was granted on March 10, 2010. Which consisted of a variance off the Fulton County Ordinance to be allowed to keep two (2) cargo containers on his property, as well as, 33' off of the front yard for the purpose of the placement of the containers, on property located at 9399 Prairie Street, Rochester, within the Agricultural (AG) District, approximately 0.36 acres.

Mr. Strack's requests were approved with the condition that it is re-evaluated and renewed yearly.

Mr. Strack is also requesting a renewal for a special exception for a hardship dwelling, as well as, a variance of 788 sf off of the minimum main floor area for the purpose of the hardship dwelling, in the AG District located at 9399 Prairie, Rochester, IN. with the following condition:

This request was granted with the condition that it is re-evaluated and renewed yearly.

Mr. Strack came into the office on 10/04/2022 and stated he does not consent to the procedure, does not accept the offer and will not contract.

10/5/2022 Heather Redinger spoke with Mr. Strack and explained how important is was to be present at the meeting. It was also discussed Mr. Strack would like to have his petition renewed permanently.





Docket #220650
Ginger Richard
Development Standard Variance

Ginger Richard (#220650) requesting a variance of approximately 548' off the minimum main floor area, for the purpose of a primary structure, on property located at 4308 McCarty Ln, within the River Residential (RR) district.

In the River Residential (RR) district the minimum main floor area for a one story primary structure is 980 square feet. Ms. Richard would like to construct a 10' x 24' primary structure. Therefore, a variance of approximately 548' off the minimum main floor area is being requested.

This will be a seasonal cabin, not used as their primary dwelling. Septic approval has already been obtained.

The request is for a Development Standard Variance of approximately 548' off the minimum main floor area, for the purpose of a primary structure, on property located at 4308 McCarty Ln, within the River Residential (RR) district.



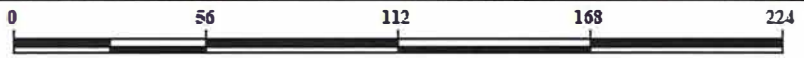
- Parcels
- City Town Boundary
- Sections
- Addresses
- ▲ Permits - Primary
- Bldg Permits
- fchd-permit
- Parcels
- Highways
- Roads
- Tippecanoe Rive
- fchd-permit

N-06-032

4308

4298

4304



1" = 56ft



THINK



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 Development Standard Variance before the Fulton County Board of Zoning Appeals supplied to you by the applicant of said public hearing,

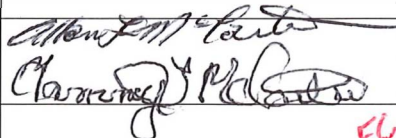
Ginger Richard (#220650)

Located at: 4308 McCarty LN, 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.

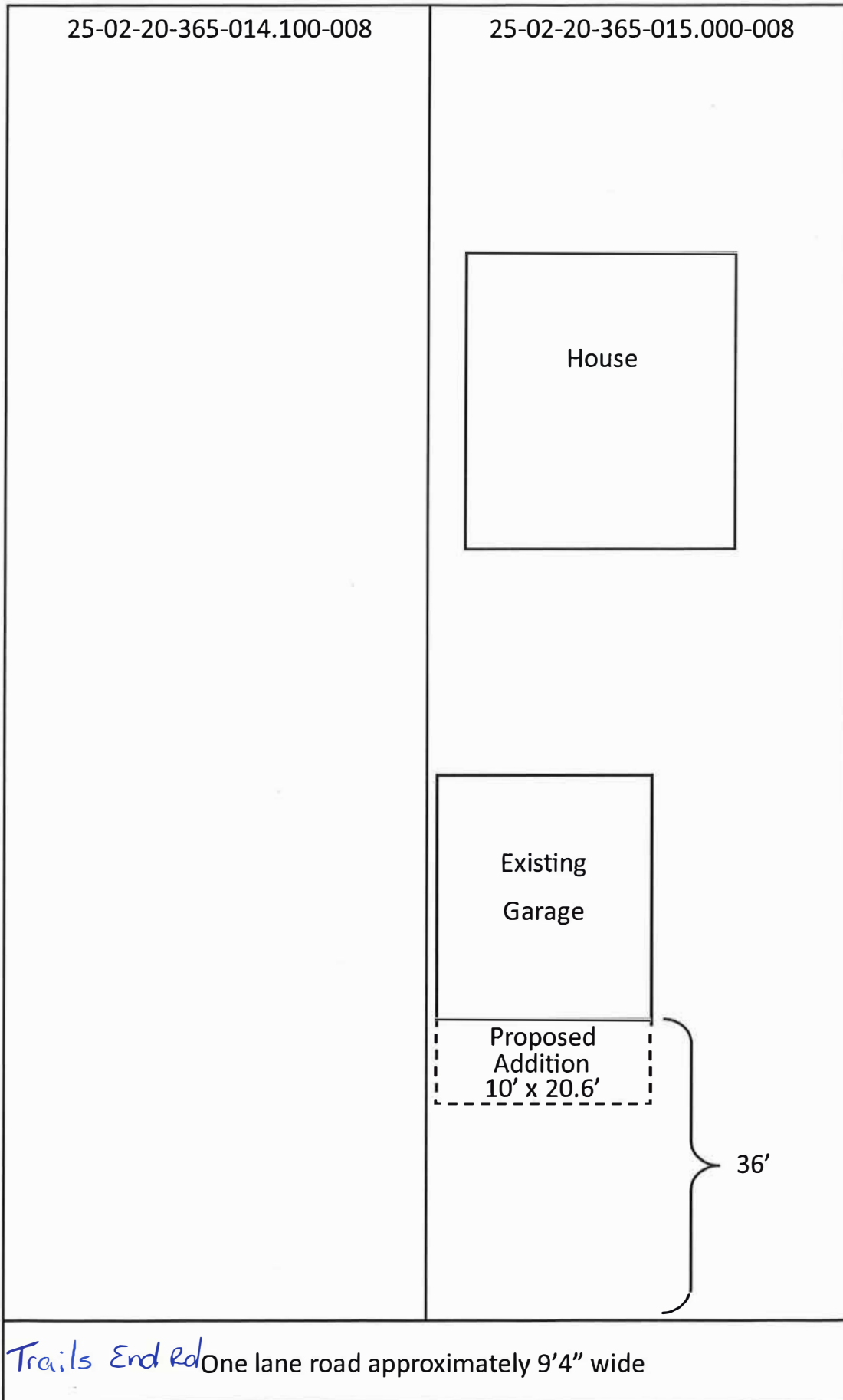
NAME	ADDRESS	SIGNATURE
Andrews Living Trust U/A dated February 19, 2019 Trustees: Andrews Dana; Andrews Cheryl O	5828 Pontiac Drive San Jose, CA 95123	FL
McNeil Graham & McNeil Irma Revocable Trust	50270 Elm Road Granger, IN 46530	GC
Cynthia D Mongosa	4461 Boicourt Rochester, IN 46975	FL
Allan L & Tammy L Mccarter	4310 W Mccarty Lane Rochester, IN 46975	
Howard A Schlundt Trustee	2104 OLD BRIDGE RD Riverside, CA 92506	FL

Docket #220591
Rodney & April Gross
Development Standard Variance

Rodney & April Gross (#220591) requesting a variance of approximately 5' off the side yard setback, for the purpose of an addition to an existing garage, on property located at 4838 Trails End, within the River Residential (RR) district.

In the (RR) River Residential district the side yard setback is 5' for an accessory structure. Mr. and Mrs. Gross would like to construct a 10' x 20.6' addition to the existing garage which will sit less than 1' off of the side yard. Therefore, a variance of 5' off of the side yard setback is being requested.

The request is for a Development Standard Variance of approximately 5' off the side yard setback, for the purpose of an addition to an existing garage, on property located at 4838 Trails End, within the River Residential (RR) district.

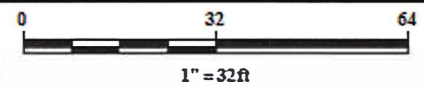




- Parcels
- Townships
- City Town Boundary
- Addresses
- Permits - Primary
- Debris/Refuse/Waste
- Parcels
- Highways
- Roads
- fchd-permit

1-2
Garage
Addition
20.5

TRAILS END RD



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 Development Standard Variance before the Fulton County Board of Zoning Appeals supplied to you by the applicant of said public hearing,

Rodney & April Gross (#220591)

Located at: 4838 Trails End, 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
Baldwin William D & Carolyn S Baldwin Joint Trust	1318 Main Street Rochester, IN 46975	<i>William D Baldwin</i> <i>Carolyn S Baldwin</i>
Sam & Mary Williams	4830 W Trails End Rd Rochester, IN 46975	<i>Sam Williams</i> <i>Mary Williams</i>
Joshua Justin Brown	19510 Pathway Pointe Noblesville, IN 46062	<i>FL</i>

Docket #220592
Ted Richard
Development Standard Variance

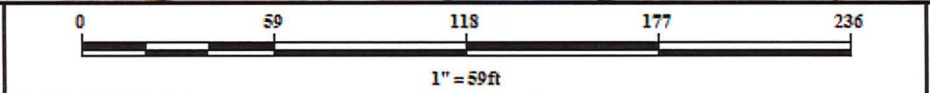
Ted Richard (#220592) requesting a development standard variance of 1' off of the fence codes, for the purpose of a fence on property located at 3170 Kent Dr., within the River Residential (RR) district.

In the River Residential (RR) district the maximum fence height in the front yard cannot exceed 4'. The purposed fence will be approximately 5' in height in the front yard. Therefore, a variance of 1' off of the maximum fence height is being requested.

The request is for a Development Standard Variance of 1' off of the fence codes, for the purpose of a fence on property located at 3170 Kent Dr., within the River Residential (RR) district.



- Parcels
 - City Town Boundary
 - Sections
 - Addresses
 - ▲ Permits - Primary
 - ▲ Permits - Accessory
 - Bldg Permits
-
- Parcels
 - Dimensions
 - Highways
 - Roads
 - Tippecanoe River
 - fchd-permit



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 Development Standard Variance before the Fulton County Board of Zoning Appeals supplied to you by the applicant of said public hearing,

Ted Richard (#220592)

Located at: 3170 Kent 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
Cindy L & Timmy B Lindsey	3129 Kent Dr Rochester, IN 46975	GC
Janusz Waclawek	3133 Kent Dr Rochester, IN 46975	GC
Eric J & Sarah B Straeter	307 W 375 N Rochester, IN 46975	GC
David Ray & Ida Imhoff	3702 N 200 W Rochester, IN 46975	GC
Francis & Sandra M Hughes	3180 KENT DR Rochester, IN 46975	GC
Richard Dean & Penny Lee Pike	2760 Big Hills Dr Rochester, IN 46975	GC



Fee Summary Paid Totals

09/01/2022 - 09/30/2022

Fee Name	Fee Description	Account Number	Total Amount	Total Fees
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Group: 1001.20301.000.0036

A. County, Akron, & Town of Fulton Residential - Inspection Fee	Enter Number of Inspections	1001.20301.000.0036	\$2,687.30	20
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$666.48	20
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.20301.000.0036	\$120.00	3
A-2. County, Akron, & Town of Fulton COMMERCIAL - Inspection Fee	Enter Number of Inspections	1001.20301.000.0036	\$928.96	2
A-2. County, Akron, & Town of Fulton COMMERCIAL-Permit Fee		1001.20301.000.0036	\$720.00	2
			\$5,122.74	47

Group Total: 5

Group: 1001.20302.000.0036

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$375.00	11
B-1. City of Rochester Residential-	Enter Number of Inspections	1001.20302.000.0036	\$382.20	11

Inspection Fee				
B-2. CITY OF ROCHESTER ELECTRICAL PERMIT		1001.20302.000.0036	\$60.00	3
B-3. City of Rochester COMMERCIAL Permit Fee		1001.20302.000.0036	\$22.50	2
B-4. City of Rochester COMMERCIAL-Inspection Fee		1001.20302.000.0036	\$120.00	2
			\$959.70	29

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	\$1,500.00	30
ZO. Signs	Enter Square Feet	1001.20303.000.0036	\$96.00	1
ZO. Site Plan Review - TRC		1001.20303.000.0036	\$175.00	1
ZO. Solar Array- Small		1001.20303.000.0036	\$80.00	1
			\$2,551.00	37

Group Total: 6

			\$8,633.44	113
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Total Records: 16

10/4/2022

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