

***TOWN OF AKRON
BOARD OF ZONING APPEALS***

AKRON TOWN HALL
JANUARY 26, 2023
7:00 P.M.

CALL TO ORDER

ELECTION OF OFFICERS

ADOPTION OF MEETING RESOLUTION

ADOPTION OF RULES OF PROCEDURE

BOARD OF ZONING APPEALS MINUTES FOR:

OCTOBER 27, 2022

OLD BUSINESS:

NEW BUSINESS:

Appeal by DeLynn & Lori Geiger (#220686)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**TOWN OF AKRON BOARD OF ZONING APPEALS
OCTOBER 27, 2022**

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THURSDAY OCTOBER 27, 2022

**7:00 P.M.
AKRON TOWN HALL**

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES
FOR:**

JULY 28, 2022

OLD BUSINESS:

NEW BUSINESS:

DeLynn & Lori Geiger (#220686)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

TOWN OF AKRON BOARD OF ZONING APPEALS
OCTOBER 27, 2022

The Town of Akron Board of Zoning Appeals met on Thursday the 27th day of October 2022, at 7:00 P.M. in the Akron Town Hall. Chairperson, Ryan Adams called the meeting to order at 7:00 P.M. The following members were present: Cathy Miller, Chad Corbett, Crystal Weida and Ryan Adams. Also in attendance were: Executive Director, Heather Redinger, Board Attorney, Andy Perkins and Administrative Secretary, Kim Gard.

It is duly noted David Leininger has resigned from the Akron BZA Board.

IN RE: MINUTES

July 27, 2022

Chairperson, Ryan Adams asked for any additions, deletions, or corrections to be made to the July 27, 2022 minutes. Being none, Crystal Weida moved to approve the July 27, 2022 Town of Akron Board of Zoning Appeals minutes as written. Cathy Miller seconded the motion. Motion carried as follows, Chad Corbett, Crystal Weida, Cathy Miller and Ryan Adams being in favor and no one opposing.

IN RE: NEW BUSINESS

DeLynn & Lori Geiger (#220686)

DeLynn & Lori Geiger (#220686) is requesting a special exception to operate a coffee shop and event venue, on property located 306 E Rochester St, Akron IN, within the Residential (R1) District.

Mr. & Mrs. Geiger would like to utilize a historic home that was built in 1925. The home has approximately 3264 square feet. The first floor is approximately 1140 square feet to accommodate the coffee shop. The proposed start up hours of operation would be 6:30 AM to 11 AM or 12 PM Saturday mornings possible increase in hours as needed around holidays and into the spring of 2023, with approximately 4-5 employees with public restrooms. There are two paved driveways available at 306 & 307 E Rochester St. There is additional parking along W Rochester St. and Maple St. Deliveries will be Fed-Ex and UPS 2-3 per week. The office is located across the street at 307 E Rochester St. Signs will be located on the house. Banners such as "OPEN" will be used. There is no permanent sign planned for the yard.

Heather stated I'm sure most of you are familiar with the location. The only other additional is I have had a few phone calls in the last week with concerns on parking especially on Maple St. they would prefer not to. It is a public street they just had concerns with the street being so narrow and no parking signs on the east side. Then I had a couple questions from people wanting to know what happened with the depo. Why it stopped and you want to do it at the house now.

Lori stated we did not stop. This is a temporary coffee business until the depo is done.

Heather stated that is how I explained it but I wasn't sure of all the details. So those are just a few concerns that we had called into the office.

Ryan Adams asked for a motion to open public hearing. Cathy Miller made a motion to open public hearing. Crystal seconded the motion. Motion carried as follows, Chad Corbett, Crystal Weida, Cathy Miller and Ryan Adams being in favor and no one opposing.

Ryan then asked for anyone in favor to speak.

There was no one to speak.

Ryan then asked the petitioner if they had anything further to add.

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Lori asked the board if they had any more questions.

Crystal stated her biggest concern is the parking. I have heard a lot about that. I know you had lots of people at your house two days in a row and there was a car almost hit going north on Maple that could not see around your cars that were parked there. Thank goodness they were quick on the reverse. It scared them because they could not see because of all the cars. That is a big concern. That highway is awfully busy with semis.

Lori stated she agrees. The biggest benefit is making traffic slow down when there's cars parked there. My concern is when the trucks and cars coming into town they don't slow down until they get to Viking foods. They go past your house I know. Sometimes having cars there makes the traffic – like when my neighbor was refurbishing that house has his work truck there people slowed down. It's almost like a little bit of a benefit in that regard.

DeLynn stated he has already talked to Jake about it. He don't seem to have a concern because there is no parking along there the street actually wider there at 306 & 307 so if there were concerns from the town then they would be putting no parking signs along there but the street is actually wider there before it goes on and narrows going into town.

Crystal stated you are going to have people crossing the street.

Delynn asked what's that?

Crystal repeated you are going to have people walking across the street when its pitch dark out at 6:30 in the morning. That's a big concern of mine. Big.

Delynn stated wouldn't you have people walking across the street down town.

Crystal stated at the intersection where it's lit.

Delynn stated well no back at Kristy's there back at Viking Foods. They park by Viking Foods and walk across to Viking Foods. I've watched that so I'm trying to look at the pros and cons.

Lori stated we think to that a big part of it will be communication, teaching people where to park, where's the safest place and help guide them and try to train them for the safest places to park. I think communication will be the biggest.

Delynn stated the way this one is set up there will be a stop and go, they will go in for coffee Saturday morning and grab a roll or whatever hop in their vehicle and be on their way

Cathy asked how many vehicles do you think you can get into that area. It looks wider at the back.

DeLynn it is wider at the back. We have additional parking going behind the house, they can park 4 or 5 vehicles there. If we see that we need to start doing that. We wrote on that what we sent in that if we see that it's presenting a problem in front then we can start adjusting and start having the people park in the back and go out. You'll have a lot of repeat customers coming through. Number one we want to present the people with the coffee but number two we want the people to be safe. So we hope when it starts we can start teaching those people the do's and don'ts and what they should do and should not do.

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Heather stated if they utilize the parking area on the existing lot, I see only a portion of it is asphalted are they going to be able to turn around without being blocked in so if someone pulls in there and someone pulls in behind them

Lori stated we would lay out so no one would be blocked in they could back up, they would not have to back out on to Rochester St. They would be able to turn around and drive out.

DeLynn stated they will be able to turn around and drive out.

Heather, that's what I was wondering, you'll probably have to create parking spots back there so they can pull in and be able to back out without blocking. My biggest concerns that I had heard was Maple St for sure and then being blocked in when utilizing your driveway because it's only a drive with a little edge off there.

Heather presented the board with and aerial view of the property and stated it a little easier to see than driving by.

Delynn stated the other thing I could stay is we will adjust based on what we see is developing so we can make it safe and still operate the coffee shop. That's one thing that depends on people being street smart or not.

Crystal stated if and when you get the depot done this is going to close.

Lori stated that is right it won't be a coffee shop anymore. Maybe down the road we may rent it out or air B&B. I don't know or keep it just for our family like it is now.

Delynn stated the depot has not stopped we're just waiting on materials and everything with it is restoration, so much restoration to it using native lumber and accruing native lumber ordering windows that actually match, trying to keep it historic.

Lori stated the Town of Akron there's 91 business and residences that have been nominated for the national registry of historic places. That nomination now is at the department of the interior. If that goes through and Akron is named then we are eligible for matching grants up to \$100,000 for the exterior of the depot. So you're not going to see work on the exterior. We don't want to miss a chance of free matching money and do something now because they won't go back and pay. You're not going to see a lot of exterior work, maybe some clean up and painting, but the windows, that's too big of a grant opportunity for restoration.

Crystal stated so you are just going to hold off and hope you get a grant.

Lori stated we will work on the inside.

DeLynn stated it's very promising.

Lori stated whether or not the grant goes through or not we're still going to do it. Businesswise it makes sense to wait on that part. We work closely with Indiana land marks and with a consultant who does historic and preservation. We are working with great top people and that is what they advised us to do. They said don't go ahead and do all that work when we are so close to being eligible. That to all our businesses down town and I forget how many residences are available they can apply for those grants for historic. Let's say they want to put a roof on that looks like the historic roof their able to apply for that grant also. There's also

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historic tax credits that go along. So there's a lot of details that the public doesn't know. All they see is it sitting there. If you've never moved a building you cannot imagine the detail and planning that went into moving that building. From the time we got that building, the real estate transaction approved, it was seven months later we had it moved. We had to get permits, site plan, utilities, this man did it all. Sleepless nights

Delynn stated Heather knows all about it.

Lori stated the investment that went into that was just incredible. We are pretty proud of it. I know people don't see work going on but there's work going on behind the scenes.

Heather stated for the interior, after you get the interior done will you be close to opening or are you going to wait to see if you get the grant to do the exterior.

Delynn stated we should know about that grant, the reason it not just a hopeful thing, the library already called down to the state and was asking about if something was available and they said do you not realize you are in the pending mode and here in November that's probably going right through.

Heather stated oh next month ok.

Delynn stated so you will be able to utilize that at the library. Because they were wanting to do things at the library and so they will have funds to work with so that made it sound promising.

That's why the interior work will be done first.

Lori stated all the coffee equipment that's at 306 will then just transfer down to the depot.

Heather stated is the whole town aware of this historic preservation grant.

Lori stated we announced it in all the chamber meetings, I talked to the town council about it. We had the consultant come and present it to the chamber.

Delynn stated the town was in favor of it.

Lori stated the town actually partnered with the chamber of commerce to apply for it.

Heather asked 91 properties is that what you said.

Lori stated yes 91 properties. That's pretty exciting.

Heather stated that is exciting for a small town.

Lori stated when I was driving into Rochester last week I saw the historic community signs as I was driving in, you know it brings a lot of interest to Akron. And again, we've made a lot of investment in Akron with work on the chamber for the last three years. We vitalize and rebranded it. We've turned it over now so we could focus on our business. We are pretty proud of Akron and want it to thrive and this coffee shop will fill a gap that's needed. It doesn't compete with Rochester restaurants at all. This is a different market. It just complements it.

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Heather stated I know we talked about the event venue too, but I had to have them refresh my memory so it was yoga classes and something to that effect.

Lori stated yes, when we had a class reunion just a couple weeks ago, I had five of my friends we did a little yoga session inside the coffee house. I mean it's a great – we don't have a YMCA here, we don't have a yoga studio. It's something else to help fill that gap. That is really our mission. So people will stay here and shop.

Chad stated when you do into the depot will it just be Saturday or will you go full time.

Lori stated it will be full time like, Monday through Saturday. I will be retired, semi-retired then.

Chad stated I gotta be at work at 6:30 so.

Lori stated ok I will have to open at 6 for you then. That's it just the early morning work force and serving them.

Ryan and Crystal inaudible conversation.

Crystal stated the ice cream shop for breakfast.

Ryan stated he hasn't been there yet.

Crystal stated it's a good place to go.

Ryan Adams asked for any Board questions.

Crystal stated my biggest concern is the parking. I do not like that.

Being no further comment, he then entertained a motion to close public hearing. Crystal Weida moved to close public hearing. Chad Corbett seconded the motion. Motion carried as follows Chad Corbett, Crystal Weida, Cathy Miller and Ryan Adams being in favor and no one opposing.

Ryan alright then, we make a decision.

Heather then stated if there is no more board discussion then you would entertain a motion. Fill out your finding of facts.

Ryan so need to make a motion.

Heather do you have any board discussion? If not then you would enter a motion.

Ryan Adams asked for any Board questions or comments.

Chad stated his questions were all answered.

Heather then if not you would entertain a motion.

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Being no further questions he then entertained a motion regarding the petition. Chad Corbett moved to approve DeLynn & Lori Geiger (#220686) is requesting a special exception to operate a coffee shop and event venue, on property located 306 E Rochester St, Akron IN, within the Residential (R1) District. Crystal Weida seconded the motion.

Ryan all in favor.

Heather no fill out your finding of facts. Then Kim will conduct roll call vote.

Heather remind me about this. 91 that's huge for this town.

Lori - Heather I can send you the map.

Heather that'd be great. Very interesting.

Lori stated it has a lot of the history of the different residences and buildings. I never knew on the site where the depot is the town hall and the jail was in the basement back in the 1800's. I had never heard that story. When we were digging the foundation for the basement we ran into walls that were particularly thicker than normal so I'm guessing that was the jail.

Heather no bars.

Delynn no bars but we found some footers that were three foot wide and almost 4 feet deep. I said that had to be a section where the jail would have been. We did find a cistern.

Cathy stated I have one of those.

The Board members then proceeded to fill out their Findings of Fact Forms. The Administrative Secretary, Kim Gard, conducted a roll call vote:

Chad Corbett	Nay
Crystal Weida	Nay
Cathy Miller	Nay
Ryan Adams	Yea

The motion to approve, DeLynn & Lori Geiger (#220686) is requesting a special exception to operate a coffee shop and event venue, on property located 306 E Rochester St, Akron IN, within the Residential (R1) District. Denied with one vote being in favor and three opposing.

Kim stated I will have the decision letter in the mail to you in the next few days.

Lori asked if there was an appeal process.

Heather stated there is.

Andy stated yes there is. There is an appeal process.

Heather stated she would have to get that for her though. I don't know off the top of my head.

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Andy stated the appeal process would go to court. A general overview. You would request a copy of the record of proceedings you would then take that and file a petition I think in Fulton they all have to be files in circuit court. Beyond that I'm going to have to check the statutes.

Delynn stated its interesting their concerns were on Maple St. which Maple St. is what Garcias is on and they park there and on down the street and they got that thing loaded. Why is that ok.

Heather stated I don't know. Like I said I just had a few phone calls so I have to put it out there for public record. I think their concern was Maple, I think Garcias is on the other side Garcias is north of Mapel and they said there was no parking on the east side I believe it's what my notes said. I did drive by there today on my way here. That was just the concerns voiced to me. Now for them they may hav their own reasons.

Crystal here you want these papers now.

Heather yes please.

Ryan do I make a motion to close the meeting.

IN RE: PLAN DIRECTOR'S REPORT

Crystal asked if Heather if she had anything else.

Heather yes I do. Kim was calling Board members today. I don't remember. Maybe Andy will remember. She was calling to remind them of the meeting and David said I told you last time I'm not on the Board anymore. I don't recall him telling. He wasn't here in July. He was here in the January meeting but I don't recall him telling us he didn't want to be on the board anymore, so either way, he doesn't want to be on the Board anymore.

Kim stated there is not audio record.

Andy stated just report to the council that he resigned.

Heather stated yes I spoke to Rebecca today. We still have four members and we don't meet that often.

Crystal stated you guys are really going to have to rack your brains. Because you know how it's like pulling teeth to get you guys. We're blessed that you agreed. When you call I immediately went up and down the streets trying to think of someone.

Heather I know as often as we meet it's hard. Like I said at least we have four members. For the rest of the year three so we will need everyone at the next one. Other than that I just wanted you to know David is no longer on the board. We are still looking for a part time building inspector if you know of any one interested.

Ryan I don't need another job. Driving school bus and teaching. Coaching robotics.

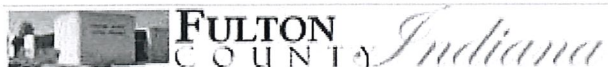
Being no further business to come in front of the Board of Zoning Appeals, Ryan Adams, entertained a motion to adjourn the October 27, 2022 Town of Akron Board of Zoning Appeals meeting. Cathy Miller moved to adjourn the October 27, 2022 Town of Akron Board of Zoning Appeals meeting at 7:30 p.m.

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Chad Corbett seconded the motion. Motion carried as follows Chad Corbett, Crystal Weida, Cathy Miller and Ryan Adams being in favor and no one opposing.

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ATTEST: _____
Kim Gard, Administrative Secretary



Fee Summary Paid Totals

12/01/2022 - 12/31/2022

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	\$832.75	6
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$343.63	5
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.20301.000.0036	\$160.00	4
A-3. County, Akron, & Town of Fulton Permit Renewal		1001.20301.000.0036	\$96.25	1
			\$1,432.63	16

Group Total: 4

Group: 1001.20302.000.0036

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$127.50	5
B-1. City of Rochester Residential-Inspection Fee	Enter Number of Inspections	1001.20302.000.0036	\$293.00	5
B-2. CITY OF ROCHESTER ELECTRICAL PERMIT		1001.20302.000.0036	\$20.00	1

B-3. City of Rochester COMMERCIAL Permit Fee		1001.20302.000.0036	\$255.00	4
B-4. City of Rochester COMMERCIAL-Inspection Fee		1001.20302.000.0036	\$280.00	4
			\$975.50	19

Group Total: 5

Group: 1001.20303.000.0036

BZA. Development Standard Variance		1001.20303.000.0036	\$350.00	2
PC. Zone Map Amendment		1001.20303.000.0036	\$500.00	1
ZO. LIP		1001.20303.000.0036	\$600.00	12
ZO. Signs	Enter Square Feet	1001.20303.000.0036	\$360.00	1
			\$1,810.00	16

Group Total: 4

			\$4,218.13	51
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Total Records: 13

1/3/2023

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**AREA PLAN COMMISSION OFFICE
2022 YEAR END REPORT**

Total Permits Issued in 2022: 768

Building/Electrical Permits: 434
 Location Improvement Permits: 328
 Government Work Order: 6
 Electrical Registrations: 50
 Plumbing Registrations: 17

Total Permits Issued in 2021: 941

Building/Electrical Permits: 530
 Location Improvement Permits: 383
 Government Work Order: 28
 Electrical Registrations: 54
 Plumbing Registrations: 26

2022 Permits Issued

<p><u>Henry Twp~82</u> Building/Electrical Permits 46 Location Improvement Permits 36 1-New Dwellings</p>	<p><u>Town of Akron~28</u> Building/ Electrical Permits 16 Location Improvement Permits 12 0-New Dwellings</p>
<p><u>Rochester Twp~418</u> Building/ Electrical Permits 249 Location Improvement Permits 163 Government Work Order 6 6-New Dwellings</p>	<p><u>City of Rochester ~259</u> Building/ Electrical Permits 160 Location Improvement Permits 93 Government Work Order 6 5-New Dwellings</p>
<p><u>Liberty Twp ~80</u> Building/ Electrical Permits 42 Location Improvement Permits 38 8-New Dwellings</p>	<p><u>Town of Fulton~ 5</u> Building/ Electrical Permits 3 Location Improvement Permits 2 0-New Dwellings</p>
<p><u>Union Twp~39</u> Building/ Electrical Permits 16 Location Improvement Permits 23 1-New Dwellings</p>	<p><u>Town of Kewanna~8</u> Building/ Electrical Permits 0 Location Improvement Permits 8 0-New Dwellings</p>
<p><u>Aubbeenaubee Twp ~ 30</u> Building/ Electrical Permits 19 Location Improvement Permits 11 1-New Dwellings</p>	<p><u>Richland Twp~43</u> Building/ Electrical Permits 22 Location Improvement Permits 21 3-New Dwellings</p>
<p><u>Newcastle Twp ~58</u> Building/ Electrical Permits 31 Location Improvement Permits 27 2-New Dwellings</p>	<p><u>Wayne Twp~18</u> Building/ Electrical Permits 9 Location Improvement Permits 9 0-New Dwellings</p>

Total Splits Approved~54

1~ Aubbeenaubee Twp
 13~Henry Twp
 1~Liberty Twp
 9~Newcastle Twp

4~Richland Twp
 19~Rochester Twp
 6~Union Twp
 1~Wayne Twp

Plan Commission Petitions: 7

TRC: 3

BZA Petitions: 44

- Development Standard Variances~37
 - 16 City of Rochester
 - 17 Fulton County
 - 1 Akron
 - 3 Fulton/Kewanna

- Special Exceptions~7
 - 0 City of Rochester
 - 6 Fulton County
 - 1 Akron
 - 0 Fulton/Kewanna

2022

Total Plan Commission & Building Fees Collected	\$81,714.32
Location Improvement Permits, Petition Applications and copies	\$28,219.50
Fines	\$8,130.91
Fulton County Building Permit Fees	\$31,579.17
City Building Permit Fees and Registration Fees	\$13,784.74

2021

Total Plan Commission & Building Fees Collected	\$101,458.89
Location Improvement Permits, Petition Applications and copies	\$36,669.34
Fines	\$5,028.00
Fulton County Building Permit Fees	\$42,756.38
City Building Fees and Registration Fees	\$17,005.17