

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

ROCHESTER CITY HALL
320 MAIN ST.
ROCHESTER, IN 46975
WEDNESDAY, JUNE 28, 2023
6:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

MAY 24, 2023

OLD BUSINESS:

NEW BUSINESS:

Bryan Lewis (230297)
Ruth Ann Ravencroft (230376)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
MAY 24, 2023

**ROCHESTER CITY
BOARD OF ZONING APPEALS**

WEDNESDAY, MAY 24, 2023

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

CALL TO ORDER

ADOPTION OF MEETING RESOLUTION

RULES OF PROCEDURE

**BOARD OF ZONING APPEALS MINUTES FOR:
APRIL 26, 2023**

OLD BUSINESS:

NEW BUSINESS:

Colby Kuczewski (230207)

Patricia Wyman (230220)

Myron Sink (230222)

Ken Hoff (230245)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
MAY 24, 2023

The Rochester City Board of Zoning Appeals met on Wednesday the 24th day of May 2023, 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, Dan Shafer, Paul Zartman and Duane Border. Also, in attendance were: Executive Director, Heather Redinger; Attorney, Andy Perkins, and Administrative Secretary, Kim Gard.

It is duly noted that Teresa Houser was absent.

IN RE: MEETING MINUTES

April 26, 2023

Duane Border asked the Board for any deletions, or corrections to be made to the April 26, 2023 minutes. Paul Zartman moved to approve the April 26, 2023 Rochester City Board of Zoning Appeals minutes as written. Dan Shafer seconded the motion. Motion carried as follows: Gloria Carvey, Dan Shafer, Paul Zartman and Duane Border being in favor and no one opposing.

IN RE: NEW BUSINESS

Colby Kuczewski (230207)

Colby Kuczewski (#230207) is requesting a special exception to operate a tattoo studio, within the residential (R1) district, located at 1314 Franklin St., Rochester, IN.

In the residential R1 district a tattoo studio is permitted by a special exception under barber/beauty shop. Mr. Kuczewski would like to operate a tattoo parlor in a 9x13 room of their home. The hours of operation would be 10am to 8pm. There will be two employees, Colby will be the tattoo artist and Kaitlyn will do the book keeping. There will be no public restrooms and they are currently working on getting health department approval. There will be street parking, only one car at a time. Deliveries will be mostly small packages a couple times a week. There will be no office and only a small sign on the door going into the tattoo parlor. Therefore, a special exception to operate a tattoo parlor is being requested.

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

Colby stated he is working with the health department to meet all their requirements.

Being no further questions at this time, Duane entertained a motion to open the public hearing. Paul Zartman moved to open the public hearing. Gloria Carvey seconded the motion. Motion carried as follows: Gloria Carvey, 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.

Judy Johnson, 1330 E Franklin St., and Tom Melton, 1316 Franklin St, both stated concerns with increased traffic, decrease in property value and the type of people a tattoo parlor would bring in.

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

Duane asked for Board discussion.

ROCHESTER CITY BOARD OF ZONING APPEALS
MAY 24, 2023

Being no further discussion, Duane, entertained a motion regarding the petition. Gloria Carvey moved to approve Patricia Wyman (#230114) is requesting a Development Standard Variance of approximately 9' off of the lake yard setback, for the purpose of constructing a roof over a 16' x 25' existing deck, on property located at, 2125 Poets Dr., Rochester IN, within Lake Residential (R3) district. Paul Zartman seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

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

Petition for Patricia Wyman (#230114) is requesting a Development Standard Variance of approximately 9' off of the lake yard setback, for the purpose of constructing a roof over a 16' x 25' existing deck, on property located at, 2125 Poets Dr., Rochester IN, within Lake Residential (R3) district. Passed with four votes being in favor and no one opposing.

IN RE: NEW BUSINESS

Myron Sink (#230222)

Myron Sink (#230222) is requesting a Development Standard Variance of approximately 1'1" off of the side yard setback, for the purpose of an outdoor kitchen and pergola, on property located at, 2510 Wolfs Point Dr, Rochester IN, within Lake Residential (R3) district.

In the Lake Residential (R3) district the side yard setback for an accessory structure is 5'. Mr. Sink would like to extend the existing deck to be flush with the stairs to erect an outdoor kitchen which sits approximately 3'11" from the south property line. There will be an 8' pergola over the kitchen area only. Therefore, a variance of 1'1" off of the side yard setback is being requested.

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

Mr. Sink stated we would just like to put an outdoor kitchen there. We're looking at a cook top and probably a green egg. Like she said we will have it so that it can be opened up so sight can be through it as well. I will be using a local contractor. I feel that this is not infringing on anyone else.

Duane stated on the pergola you will be able to open that up.

Mr. Sink stated yes it will be able to open. The pergola is basically to block the rain.

Being no further questions at this time, Duane entertained a motion to open the public hearing. Paul Zartman moved to open the public hearing. Gloria Carvey seconded the motion. Motion carried as follows: Gloria Carvey, 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 oppose the petition.

Larry Thompson, 2512 Wolfs Point Dr. Stated this is a multi-family owned home and I am speaking on behalf of the families. First, we would like to thank Myron and Cindy for sending us the notification and allowing us to come here and voice our concerns. Our house is immediately adjacent to Myron and Cindy. I have a compiled statement from the family I would like to read.

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We have occupied this house for just shy of 20 years. We absolutely love our lake property and spend as many summer days there as we can on the lake or on our deck looking out over the water. As we appreciate Myron and Cindy effort to update and beautify their property, we do have reservations and would like to present them here today. Our lot sizes on Wolf's Point Dr. are very small, we have about a 40' line along the lake. If they extend this deck they are purposing an additional 3' of decking which brings their deck within 3'11" of our property line and as you indicated there is typically 5' minimum. In our opinion that is to close. It's going to make a small property feel even smaller. I think they could easily accommodate a kitchen on their current existing deck without enlarging it.

Secondly, per the lake covenants a privacy fence cannot be higher than 4' tall on the lake side of a property so to block use of the lake. The Sinks kitchen structure including the pergola and shades will measure over 12' in height from the ground up. Roughly 9' above the existing deck and its approximately 8'11" wide. I can't tell from the diagram how much of it is open that we could actually see through, in the diagram it looks more solid at the top. This would basically be creating a privacy structure that is over 12' tall and as you indicated in the by-laws that typically on the lake front side should not be more that 4' tall. A structure this large along with the large tree that they planted on this same side will block our view to the north and north east of our property significantly. I know there is a stipulation about no more that 60% if your looking at the whole lake but if your looking out that side we're just going to see a wall that's 9' tall above the deck by roughly 9' wide or whatever it is.

Lastly, heaven forbid we ever have to sell our property we are concerned how this will affect our property in resale value having blocked views and encroachments on our property line may cause concern or negative thoughts from potential buyers.

Thank you again for giving us an opportunity to share our concerns. We wish the Board of Zoning Appeals will take into consideration all that we shared today. We feel the rules are made for a reason and should be followed unless we all agree to this variance. We do not object to Myron and Cindy building an out-door kitchen, we do however, object to the structure that will block our view of the lake or make our small property feel even smaller. Thank you.

Marjorie Rau, 2512 Wolfs Point Dr., presented the Board with additional pictures. Andy asked Mrs. Rau to email the photos into the office because if the BZA is going to consider pictures they really need to part of the petition.

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

Duane asked for Board discussion.

Being no further discussion, Duane, entertained a motion regarding the petition. Gloria Carvey moved to approve Myron Sink (#230222) is requesting a Development Standard Variance of approximately 1'1" off of the side yard setback, for the purpose of an outdoor kitchen and pergola, on property located at, 2510 Wolfs Point Dr, Rochester IN, within Lake Residential (R3) district. Paul Zartman seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

Paul Zartman Yea

ROCHESTER CITY BOARD OF ZONING APPEALS

MAY 24, 2023

Dan Shafer	Yea
Gloria Carvey	Yea
Duane Border	Nay

Petition for Myron Sink (#230222) requesting a Development Standard Variance of approximately 1'.1" off of the side yard setback, for the purpose of an outdoor kitchen and pergola, on property located at, 2510 Wolfs Point Dr, Rochester IN, within Lake Residential (R3) district. Passed with three votes being in favor and one opposing.

IN RE: NEW BUSINESS

Ken Hoff (#230141)

Ken Hoff (#230141) is requesting a Development Standard Variance off of the fence codes for the purpose of a 6' wooden privacy fence, on properties located at, 1612, 1610, 1608, 1606, 1604, 1602, 1603, 1628, North Shore Dr., Rochester IN, within Lake Residential (R3) district.

In the Lake Residential (R3) district, a privacy fence is not allowed in the front yard. Mr. Hoff would like to erect a 6' wooden privacy fence in the front of the town houses and along the east side of lot 8B, 7A, and 7B. Therefore, a variance of the fence code is being requested.

Heather than stated the request has changed. The fence will not go on the side of 8B and 7A. Mr. Hoff has also stated the fence would be temporary until the trees grow tall enough for privacy. The fence would be on the south side of the trees.

Being no further questions at this time, Duane entertained a motion to open the public hearing. Dan Shafer moved to open the public hearing. Gloria Carvey seconded the motion. Motion carried as follows: Gloria Carvey, 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 oppose the petition.

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

Duane asked for Board discussion.

Being no further discussion, Duane, entertained a motion regarding the petition. Gloria Carvey moved to approve Ken Hoff (#230141) is requesting a Development Standard Variance off of the fence codes for the purpose of a 6' wooden privacy fence, on properties located at, 1612, 1610, 1608, 1606, 1604, 1602, 1603, 1628, North Shore Dr., Rochester IN, within Lake Residential (R3) district. Paul Zartman seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

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

IN RE: PLAN DIRECTOR'S REPORT

ROCHESTER CITY BOARD OF ZONING APPEALS
MAY 24, 2023

Being no further business to come in front of the Board of Zoning Appeals, Duane Border, entertained a motion to adjourn the May 24, 2023 Rochester City Board of Zoning Appeals meeting. Gloria Carvey moved to adjourn the May 24, 2023 Rochester City Board of Zoning Appeals meeting at 6:45 P.M. Paul Zartman seconded the motion. Motion carried as follows: Gloria Carvey, 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 #230297
Bryan Lewis
Development Standard Variance

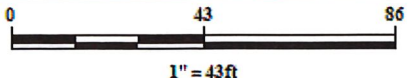
Bryan Lewis (#230297) is requesting Development Standard Variances of 4' off of the side yard setbacks for the purpose of a deck and off of the fence/wall codes, FN-02: A, for the purpose of a stone wall, on property located at, 3008 Country Club Dr E, Rochester IN, within Lake Residential (R3) district.

In the Lake Residential (R3) district the setbacks for an accessory structure is 5'. Mr. Lewis would like to construct a 20' x 8' deck that will sit approximately 1' off of the side yard. He would also like to construct a stone wall on the deck that would be approximately 6' tall. Fences/walls are permitted within the lake yard 4 feet or less in height and 70 % transparent. Therefore, variances of approximately 4' off of the side yard setbacks and approximately 2' off of the fence/wall codes is being requested.

The request is for Development Standard Variances of 4' off of the side yard setbacks for the purpose of a deck and off of the fence/wall codes, FN-02: A, for the purpose of a stone wall, on property located at, 3008 Country Club Dr E, Rochester IN, within Lake Residential (R3) district.

8x20 Deck w/
stone wall

- Townships**
Feature Name:
Rochester Twp
- Parcels
 - City Town Boundary
 - Sections
 - ROW Presentation
 - Addresses
 - Permits - Primary
 - Permits - Accessory
 - Bldg Permits
 - Parcels
 - Lots
 - Highways
 - Roads
 - Tippecanoe River



11/20/14
10/20/14
10/20/14

1

- decks
- garages
- gazebos
- greenhouses, private
- hot tubs
- mini barns
- storage building
- agricultural buildings
- sheds
- sport courts
- carports
- swimming pools (swimming pools must abide by 675 IAC 20)

Accessory Buildings are not deemed to include swingsets, doghouses, treehouses, and other such incidentals except as otherwise stated in this Ordinance.

AS-03: The following Accessory Structures Standards apply to residential districts. All permissible Accessory Structures shall abide by the following standards:

- A. Accessory building area allowed is unlimited as long as the accessory building area does not exceed the maximum lot coverage permitted by the appropriate zoning district.
- B. Enclosed structures such as attached or detached garages, mini-barns, barns, pool houses, etc. are to be counted toward the total accessory building area. Unenclosed structures such as gazebos, picnic shelters, etc. are not to be counted.
- C. No more than three (3) enclosed accessory buildings are permitted on a Lot.
- D. An accessory structure shall only be located to the rear or side of the primary structure.
- E. No mobile home or manufactured home may be used as an accessory structure in any district.
- F. Swimming pools, hot tubs, mini barns, campers, recreational vehicles, bath houses or sauna shall only be located to the rear of the primary structure except in the case of corner or through lots; in that instance, the structures may be placed on the side of the primary structure.

5-4.2 Fences and Walls (FN)

FN-01: Except in the R3 District - All fences and walls shall:

- A. Present the non-structural face outward.
- B. Be permitted up to the property line.
- C. Not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in height in the front yard.
- D. Not be closer than two (2) feet to any public right-of-way.
- E. Not be placed within the clear vision triangle.
- F. Not incorporate security wire or sharpened top spikes.

FN-02: R3 District Only - The following standards shall apply for fences and walls.

- A. The following applies to fences and walls on lakeside lots.
 - a. Fences and walls within the road yard shall.
 1. Present the non-structural face outward.
 2. Not be greater than six (6) feet in height in the side yard and greater than three (3) feet in height in the roadway.
 3. Be seventy (70) percent transparent (see-through). If the fence is four (4) feet or less in height it may be solid.
 4. Not be closer than two (2) feet to any public right-of-way.
 5. Not be placed within the clear vision triangle.
 6. Not incorporate security wire or sharpened top spikes.
 - b. Fences are permitted within the lakeyard 4 feet or less in height and 70 % transparent.



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,

Brian Lewis #230297

Located at: 3008 Country Club Dr. E 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
William E & Barbara A Cooper	PO Box 631 Lapel, IN 46051	William E. Cooper Barbara A. Cooper
Larry Murhling	1516 Long Beach Dr Rochester, IN 46975	Larry Murhling
Landon K & Andrea K Barts	3004 E Country Club Dr Rochester, IN 46975	Landon K Barts Andrea K Barts

Docket #230376
Ruth Ann Ravencroft
Development Standard Variance

Ruth Ann Ravencroft (#230376) is requesting a Development Standard Variance off of article 5-4.1 AS-01 to allow an accessory structure on a lot without a primary structure, on property located at, 2703 Country Club Dr S., Rochester IN, within Residential (R2) district.

In the Residential (R2) district an accessory structure is not allowed prior to the construction of a primary structure. Mrs. Ravencroft would like to construct a garage on her property with no intent to build a primary structure, therefore, a variance off of article 5-4.1 AS-01 to allow an accessory structure without a primary structure is being requested.

The request is for a Development Standard Variance off of article 5-4.1 AS-01 to allow an accessory structure on a lot without a primary structure, on property located at, 2703 Country Club Dr S., Rochester IN, within Residential (R2) district.

Townships

Feature Name:

— Rochester Twp

□ Parcels

□ City Town Boundary

□ Sections

□ ROW Presentation

□ Addresses

□ Permits - Accessory

□ Bldg Permits

— Parcels

— Lots

— Highways

— Roads

— Tippecanoe River

THINK



Article Five

Section Four - Residential Districts (RR, SR, R1, R2, & R3)

5-4.0 Interpretation

The following development standards listed within Section Four are applicable within the Residential (RR, SR, R1, R2, & R3) Zone Districts listed within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

5-4.1 Accessory Structure Standards (AS)

AS-01: Accessory Structures shall comply with all Development Standards for the subject Zoning District. Also, no Accessory Structures shall encroach on any platted easement unless written consent is given by the agency the easement belongs to or is managed by.

In all Districts except the RR and R3, accessory Structures are not permitted on any non adjacent lot prior to any Primary Structure being constructed; except with the intent to build and complete a primary structure within 24 months. Accessory Structures also must relate to the Primary Structure and its uses.

The following Accessory Structures are permitted, but must abide by all applicable Standards:

- antennas or satellite dishes less than thirty-six (36) inches
- bath houses or saunas
- decks
- garages
- gazebos
- greenhouses, private
- hot tubs
- mini barns
- storage building
- pole barn
- agricultural buildings
- sheds
- boat docks
- sport courts
- carports
- swimming pools (swimming pools must abide by 675 IAC 20)

Accessory Buildings are not deemed to include swingsets, doghouses, treehouses, and other such incidentals except as otherwise stated in this Ordinance.

AS-02: R3 District Only - Accessory Structures shall comply with all Development Standards for the subject Zoning District. Also, no Accessory Structures shall encroach on any platted easement unless written consent is given by the agency the easement belongs to or is managed by.

Accessory Structures are only permitted on a roadside lot prior to any Primary Structure being constructed.

Roadside Lots (Lots not located on a Lake or Channel):

- decks
- garages
- gazebos
- greenhouses, private
- hot tubs
- mini barns
- storage building



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,

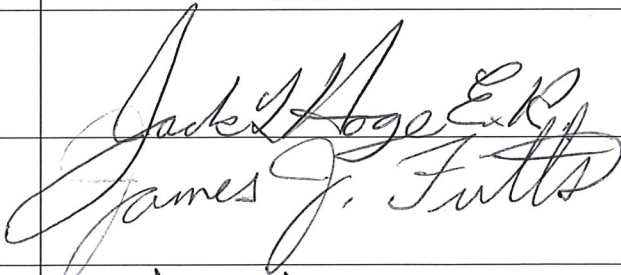
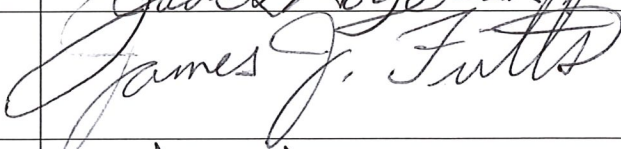

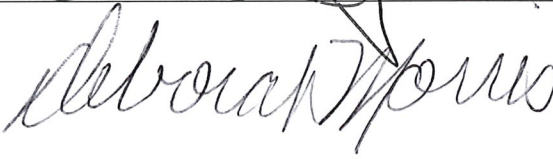
Ruth Ann Ravencroft #230376

Located at: 2703 Country Club Dr S., 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
Elks Lodge 2120 Holding Corp	P O Box 106 2506 Country Club Dr S Rochester, IN 46975	
Fritts James J & Fritts Marilyn Lee Exclusion Trust	2620 Country Club Dr S Rochester, IN 46975	
Glenn P Doeing	2704 Country Club Dr. S Rochester, IN 46975	
Morris Deborah Edith; TOD to Morris Carol N LDPS, & subject to LE to Carr Fred E	2707 Country Club Dr S Rochester, IN 46975	



Fee Summary Paid Totals

05/01/2023 - 05/31/2023

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	\$2,788.00	27
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$1,082.87	27
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	\$840.00	2
A-2. County, Akron, & Town of Fulton COMMERCIAL-Permit Fee		1001.20301.000.0036	\$510.00	2
A-3. County, Akron, & Town of Fulton Permit Renewal		1001.20301.000.0036	\$8.00	1
			\$5,308.87	61

Group Total: 6

Group: 1001.20302.000.0036

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$164.50	14
B-1. City of Rochester Residential-Inspection Fee	Enter Number of Inspections	1001.20302.000.0036	\$420.00	14
B-2. CITY OF ROCHESTER ELECTRICAL PERMIT		1001.20302.000.0036	\$100.00	5
			\$684.50	33

Group Total: 3

Group: 1001.20303.000.0036

BZA. Development Standard Variance		1001.20303.000.0036	\$350.00	2
ZO. LIP		1001.20303.000.0036	\$1,900.00	38
ZO. Signs	Enter Square Feet	1001.20303.000.0036	\$361.80	2
ZO. Site Plan Review - TRC		1001.20303.000.0036	\$175.00	1
			\$2,786.80	43

Group Total: 4

			\$8,780.17	137
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Total Records: 13

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6/7/2023

