

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

FULTON COUNTY OFFICE BUILDING
COMMISSIONERS/COUNCIL ROOM
WEDNESDAY, JUNE 14, 2023
7:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

MAY 10, 2023

OLD BUSINESS:

NEW BUSINESS:

Madelyn & Tyler Hinora (#230293)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
May 10, 2023

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, MAY 10, 2023

7:00 P.M.

COMMISSIONERS/COUNCIL ROOM

BOARD OF ZONING APPEALS MINUTES FOR:

APRIL 12, 2023

OLD BUSINESS:

NEW BUSINESS

Sally Dunwoody (#230118)

FC Historical Society (#230140)

David Christensen (#230143)

Karen Pearson & Leslie Mest (#230198)

Lavon Shirk (#230206)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
May 10, 2023

The Fulton County Board of Zoning Appeals met on Wednesday the 10th day of May 2023, 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: Debbie Barts, 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 Seth Wilson and Scott Hizer were absent.

IN RE: MINUTES

April 12, 2023

Chairperson, Scott Hizer, asked for any additions, deletions or corrections to be made to the April 12, 2023 minutes. Debbie Barts moved to approve the April 12, 2023 Fulton County Board of Zoning Appeals minutes as written, Phil Miller seconded the motion. Motion carried as follows: Debbie Barts, Phil Miller and Barry Baldwin being in favor and no one opposing.

IN RE: NEW BUSINESS

Sally Dunwoody (#230118)

Sally Dunwoody (#230118) is requesting a Special Exception to operate glamping/camping sites, on property located at 4648 W 1000 S Kewanna, IN 46939 within the Agricultural (AG) District, 8.50 acres.

Mrs. Dunwoody would like to offer two semi-permanent glamping sites that would sit atop 20x20 deck in a 40x40 cleared site nestled in the trees offering privacy from one another. There would be two parking spots at the edge of the woods with maintained paths directly to the glamping sits. There will be a hand pump for water and one centrally located port-a-pot in a discrete area of the woods. There would also be primitive tent camping with limited spots available. The glamping/camping sites would be open seasonally from March through October.

Heather then stated she received two letters of opposition from Ron and Cathleen Siders, and Rick Spencer and Stacy Kowalski.

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

Mrs. Dunwoody stated she did provide photos of where the camp sites would be and how she would affect the wooded area around. She also stated she does have insurance on the property to run the glamping/camping sites. There will also be barbed wire to separate the properties so no one could easily cross over. Mrs. Dunwoody also stated her family also owns camp sites around the lake and have not had any trouble with trespassing.

Debbie asked if there will be access to the lake from the glamping sites.

Mrs. Dunwoody stated not directly from the sites but there is a public access site at the lake.

Phil asked how far is your glamping sites from the neighbor's pond?

Heather showed on the map where the glamping sites would be in relation to the pond.

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Mrs. Dunwoody stated there will be surveillance on the property as well.

Debbie asked if they will be monitoring when they check in and leave.

Mrs. Dunwoody stated the tents will lock. They will have an access code, very similar to an air bnb.

Barry stated in the Siders letter they stated they have a shooting range and they hunt as well, have you discussed this with each other?

Mrs. Dunwoody stated yes, we have spoken. If you look at the aerial, the shooting range is no where near the glamping sites.

Being no further comments, Barry Baldwin asked for any Board questions or comments. Being none, he then opened public hearing.

Barry asked for any public questions or comments.

Stacey St. Clair, 7329 N Paw Paw Pike, Denver IN, spoke in favor, stated she believes it would be a great addition to the lake area.

Being no further comments, Barry Baldwin closed public hearing.

Barry asked for any Board discussion.

Barry asked Heather if in the future they wanted to increase the number of glamping sites would they have to come before the Board again?

Heather stated yes, you are only approving the two glamping sites they are asking for in the petition. They can not build any additional sites than what the variance is approved for, unless they add a condition.

After Board discussion, Barry entertained a motion. Debbie Barts moved to approve Sally Dunwoody (#230118) is requesting a Special Exception to operate glamping/camping sites, on property located at 4648 W 1000 S Kewanna, IN 46939 within the Agricultural (AG) District, 8.50 acres. Condition: no more than three (3) glamping tents. Phil Miller seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

Debbie Barts	Yea
Phil Miller	Yea
Barry Baldwin	Yea

Motion to approve Sally Dunwoody (#230118) requesting a Special Exception to operate glamping/camping sites, on property located at 4648 W 1000 S Kewanna, IN 46939 within the Agricultural (AG) District, 8.50 acres. Condition: no more than three (3) glamping tents. Passed with three votes being in favor and no one opposed.

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Mrs. Pearson stated that they do plan on taking the wheels off of the trailer and setting it on blocks and painting it so it looks nice.

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

Phil asked if they were working with the health department for septic?

Mrs. Pearson stated they have been and Mrs. Mest takes her septic installation test on the following Tuesday. Mrs. Pearsons father would also be helping with the installation.

Phil asked if they would be tearing the barn down or keeping it?

Mrs. Pearson stated they are working on cleaning it out and they will put siding on it but have stopped working on the barn to focus on the primary residence.

Barry opened public hearing.

Barry asked for any public questions or comments.

Ted White, 6154 S SR 17, He stated he represents White Lighting LLC. He owns land on three sides of their property. Mr. White stated he had concerns with the property looking nice. He stated he has an objection to the semi-trailer sitting there.

Mrs. Pearson stated as soon as we get our home built and barn closed up we can empty the trailer and remove it.

Neil Douglass, 10898 W 700 S, Stated objections with the trailer.

Barry asked if they have a time line as to when they would like to have their project finished.

Mrs. Pearson and Mrs. Mest stated they should be able to have the project finished within a year.

Being no further comments, Barry close public hearing.

Barry asked for any Board discussion.

After Board discussion, Barry entertained a motion. Phil Miller moved to approve Karen Pearson & Leslie Mest (#230198) are requesting development standard variances of approximately 360sf off of the minimum main floor area of a primary dwelling and to allow a semi-trailer to be used for storage, on property located at 10495 W 700 S, Kewanna IN within the Agricultural (AG) district. Condition: Semi-trailer be removed or review in one year. Debbie Barts seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

Debbie Barts	Yea
Phil Miller	Yea
Barry Baldwin	Yea

Motion to approve Karen Pearson & Leslie Mest (#230198) are requesting development standard variances of approximately 360sf off of the minimum main floor area of a primary dwelling and to allow a semi-trailer

FULTON COUNTY BOARD OF ZONING APPEALS
May 10, 2023

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Kim Gard, Administrative Secretary

Docket #230293
Madelyn & Tyler Hinora
Development Standard Variance

Madelyn & Tyler Hinora (#230293) are requesting a development standard variance off of Article 5-2.2, FN-01 C fence codes for an additional 2' in height, on property located at 792 Frontier Dr. Rochester, within the Suburban Residential (SR) district.

In the Suburban Residential (SR) district only 4' fence is allowed in the front yard. Mr. and Mrs. Hinora are requesting to have a 6' privacy fence in the front yard. Therefore, a variance off of the fence codes is being requested.

The request is for a Development Standard Variance off of Article 5-2.2 FN-01 C fence codes for an additional 2' in height, on property located at 792 Frontier Dr. Rochester, within the Suburban Residential (SR) district.

- e. On-Site-Use wind systems, classified as a permitted use, have a maximum height restriction of two-hundred (200) feet. Any On-Site-Use wind system taller than the required two-hundred (200) feet shall be approved by special exception process within the AG District.
- f. On-Site-Use wind systems shall not make, continue, or cause to be made or continued any loud, unreasonable, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any other person, resident or property owner; and such definition of the previous grievances will be by a metered measure consisting of any noise level exceeding 55 decibels on the "A" scale (dB[A]) at the property line. The cost of the metered measurement will be at the property owner's expense on whose property the windmill is constructed.
- g. On-Site-Use wind system shall not create shadow flicker upon neighboring properties.

5-2.2 Privacy Fences (Privacy Walls) (FN)

FN-01: All privacy fences (privacy) 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.

5-2.3 Temporary Use/Structure Standards (TU)

TU-01: Temporary Uses or Structures that abide by all applicable development standards for the subject zoning district are permitted. The following standards also pertain to temporary uses/structures.

- A. Transition to Permanent or Accessory Uses/Structures: Any temporary use or structure that is intended to transition into a permanent use/structure or accessory structure must meet all standards for a permanent use/structure or accessory structure. In the event the intent is not noted upon the application, the transition to a permanent use/structure or accessory structure will not be permitted for one (1) year from the application date.
- B. Duration: All temporary uses/structures shall be permitted for the period of up to six (6) months, unless otherwise noted in this Ordinance.
- C. Permit: All temporary uses/structures will be required to have a temporary Location Improvement Permit and will be subject to fees as adopted, unless otherwise noted in this article.
- D. Cessation of Use: All temporary uses/structures must, upon cessation, remove all structures, elements, and debris; and revert all alterations to the original site to its original state. All removal and alterations must take place within the permitted duration.
- E. A petitioner shall be limited to a total of one (1) temporary uses/structures per year.

TU-02: Temporary Structures/Uses permitted include:

- A. Construction trailers (permit may be renewed one time by the Plan Administrator with reason.)
The construction trailer shall be situated at the construction site and occupied by only persons directly engaged in the supervision of the construction of the structure or development.
- B. Roadside sales vehicles or structures,
- C. Pole Building/Barn
- D. Garage

5-2.4 Lighting Standards (LT)

LT-01: The intent of lighting standards are to provide a level of illumination for adequate, safe and efficient movement of vehicles and persons without affecting neighboring properties. Further the



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,

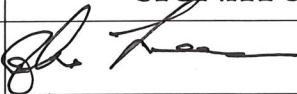
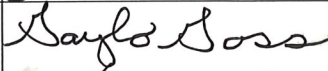
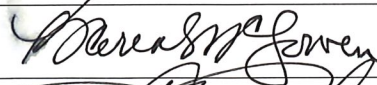



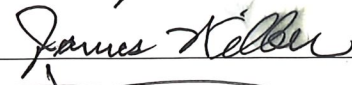


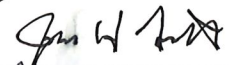
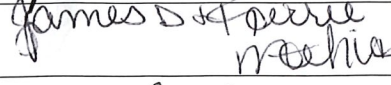

Madelyn & Tyler Hinora (#230206)

Located at: 792 Frontier 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
John W Lawrence	1715 Chickory Ln Rochester, In 46975	
David W & Gaylo Goss	745 Frontier Drive Rochester, IN 446975	
Gottschalk Deana Marie and McGowen Karen Sue	6317 E 775 N Rochester, IN 46975	
Purkey Dan & Brenda LLC	1702 Ewing Rd Rochester, IN 46975	
Shrader Ronald R & Shrader Carol S Joint Revocable Trust agreement; Shrader Ronald R & Shrader Carol	781 Fortna Drive Rochester, IN 46975	GC
Wachtmann Nathan Daniel & Amanda Brooke	801 Fortna Dr Rochester, IN 46975	
Marilyn L Kimmel	809 Fortna Dr Rochester, IN 46975	
James W & Doris J Wilber	877 W Fortna Dr Rochester, IN 46975	
Kurt Louis & Brenda Kay Ponto	889 Fortna Dr Rochester, IN 46975	
Stephen R & Crystal R Keranko	856 Frontier Dr. Rochester, IN 46975	
Forte Joseph H & Forte Connie J Family Trust	842 Frontier Dr Rochester, IN 46975	
Mathias James D Jr & Karrie R	814 Frontier Dr Rochester, IN 46975	
Wideman Randall G & Wideman Lisa A J/T W/R Of Survivorship	804 W Frontier Dr 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