

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

FULTON COUNTY OFFICE BUILDING
COMMISSIONERS/COUNCIL ROOM
WEDNESDAY, AUGUST 9, 2023
7:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

JULY 12, 2023

OLD BUSINESS:

NEW BUSINESS:

DM Smith Estate Inc (#230455)

Clauson Farms (#230501)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
July 12, 2023

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, JULY 12, 2023

7:00 P.M.

COMMISSIONERS/COUNCIL ROOM

BOARD OF ZONING APPEALS MINUTES FOR:

JUNE 13, 2023

OLD BUSINESS:

NEW BUSINESS

William Spangler (#230378)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

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FULTON COUNTY BOARD OF ZONING APPEALS
July 12, 2023

The Fulton County Board of Zoning Appeals met on Wednesday the 12th day of July 2023, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson, Scott Hizer called the meeting to order at 7:00 P.M. The following members were present: Phil Miller, Debbie Barts, Barry Baldwin, Seth Wilson and Scott Hizer. Also, in attendance were: Executive Director, Heather Redinger, Board Attorney, Andy Perkins

It is duly noted Administrative Secretary, Kim Gard was absent.

IN RE: MINUTES

June 13, 2023

Chairperson, Scott Hizer, asked for any additions, deletions or corrections to be made to the June 13, 2023 minutes. Debbie Barts moved to approve the June 13, 2023 Fulton County Board of Zoning Appeals minutes, Phil Miller seconded the motion. Motion carried as follows: Phil Miller, Debbie Barts, Barry Baldwin, Seth Wilson and Scott Hizer being in favor and no one opposing.

IN RE: NEW BUSINESS

William Spangler (#230378)

William Spangler (#230378) is requesting a Special Exception to allow a second dwelling, on property located at 6711 S SR 25, Rochester, IN 46975 within the Agricultural (AG) District.

In all district only one dwelling is allowed per lot. Mr. Spangler would like to remove an existing second dwelling and replace it with a mobile home. He would be living in the mobile home while remodeling the house.

Scott Hizer asked petitioner if they had anything further to add.

They did not at this time.

Scott then asked for any Board questions or comments. Being none, he entertained a motion to open public hearing. Debbie Barts moved to open public hearing. Phil Miller seconded the motion. Motion carried as follows: Phil Miller, Barry Baldwin, Seth Wilson and Scott Hizer being in favor and no one opposing.

Scott Hizer asked if anyone would like to speak in favor or opposed the petition. Being no one to speak, he entertained a motion to close public hearing. Phil Miller moved to close public hearing. Seth Wilson seconded the motion. Motion carried as follows Phil Miller, Debbie Barts, Barry Baldwin, Seth Wilson and Scott Hizer being in favor and no one opposing.

Scott then asked for any board discussion.

Being no further Board comments Scott entertained a motion. Debbie Barts moved to approve William Spangler (#230378) requesting a Special Exception to allow a second dwelling, on property located at 6711 S SR 25, Rochester, IN 46975 within the Agricultural (AG) District. Barry Baldwin seconded the motion.

Executive Director, Heather Redinger conducted roll call vote.

FULTON COUNTY BOARD OF ZONING APPEALS
July 12, 2023

Barry Baldwin	Yea
Seth Wilson	Yea
Phil Miller	Yea
Debbie Barts	Yea
Scott Hizer	Yea

Motion to approve William Spangler (#230378) requesting a Special Exception to allow a second dwelling, on property located at 6711 S SR 25, Rochester, IN 46975 within the Agricultural (AG) District. Passed with five votes being in favor and no one opposed.

IN RE: PLAN DIRECTOR REPORT

Being no further business to come in front of the Board of Zoning Appeals, Scott Hizer, entertained a motion to adjourn the July 12, 2023 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the July 12, 2023 Fulton County Board of Zoning Appeals meeting at 7:20 P.M. Phil Miller seconded the motion. Motion carried as follows: Phil Miller, Debbie Barts, Barry Baldwin, Seth Wilson and Scott Hizer being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Kim Gard, Administrative Secretary

**Docket #230455
DM Smith Estate Inc
Special Exception**

DM Smith Estate Inc (#230455) is requesting a Special Exception to allow a medium solar array, on property located at 100 N & 500 W, Rochester IN 46939 within the Agricultural (AG) District, 120 acres.

FC ordinance 5-1.5 Solar Energy Systems (SES) Standards (SE) SE-07: 4. Medium (1750 – 40,00sf) and Large (40,000 and above) systems are special exception uses in the AG, AP, RR, SR, KW, IR, HC, VC, GC, IN, and IU Districts. DM Smith Estate Inc would like to erect a 16,700sf medium size solar array on the north east portion of this parcel. Therefore, a special exception to allow a medium solar array is be requested.

FC ordinance 5-1.5 Solar Energy Systems (SES) Standards (SE) SE-07: 2. A Technical Review Committee (TRC) site plan approval is required for Medium- and Large-scale solar energy systems prior to building permit approval.

The request is for a Special Exception to allow a medium solar array, on property located at 100 N & 500 W, Rochester IN 46939 within the Agricultural (AG) District, 120 acres

W 100 N

W 100 N

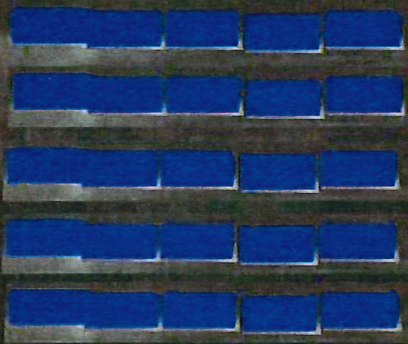
W 100 N

W 100 N

County Rd 500 W

County Rd 500 W

N 500 W



Smith Family Farms



Smith Farms
4725 W 100 N
Rochester, IN 46975

DC is 318Kw
AC is 270Kw



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 Special Exception before the Fulton County Board of Zoning Appeals supplied to you by the applicant of said public hearing,

DM Smith Estate Inc (#230455)

Located at: 009-119191-03, west of 4725 W 100 N, 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.

R & M Murphy Farms LLC	824 N 500 W Rochester, IN 46975	✓	GC
Beery Family Trust dated 10/20/2020 with Robert V and Amy L Beery as Trustees 1/3; Hizer John J Spec	1520 W Briarwood Ave Littleton, CO 80120	✓	GC
Marvin L. & Roxann Murphy	824 N 500 W Rochester, IN 46975	✓	GC

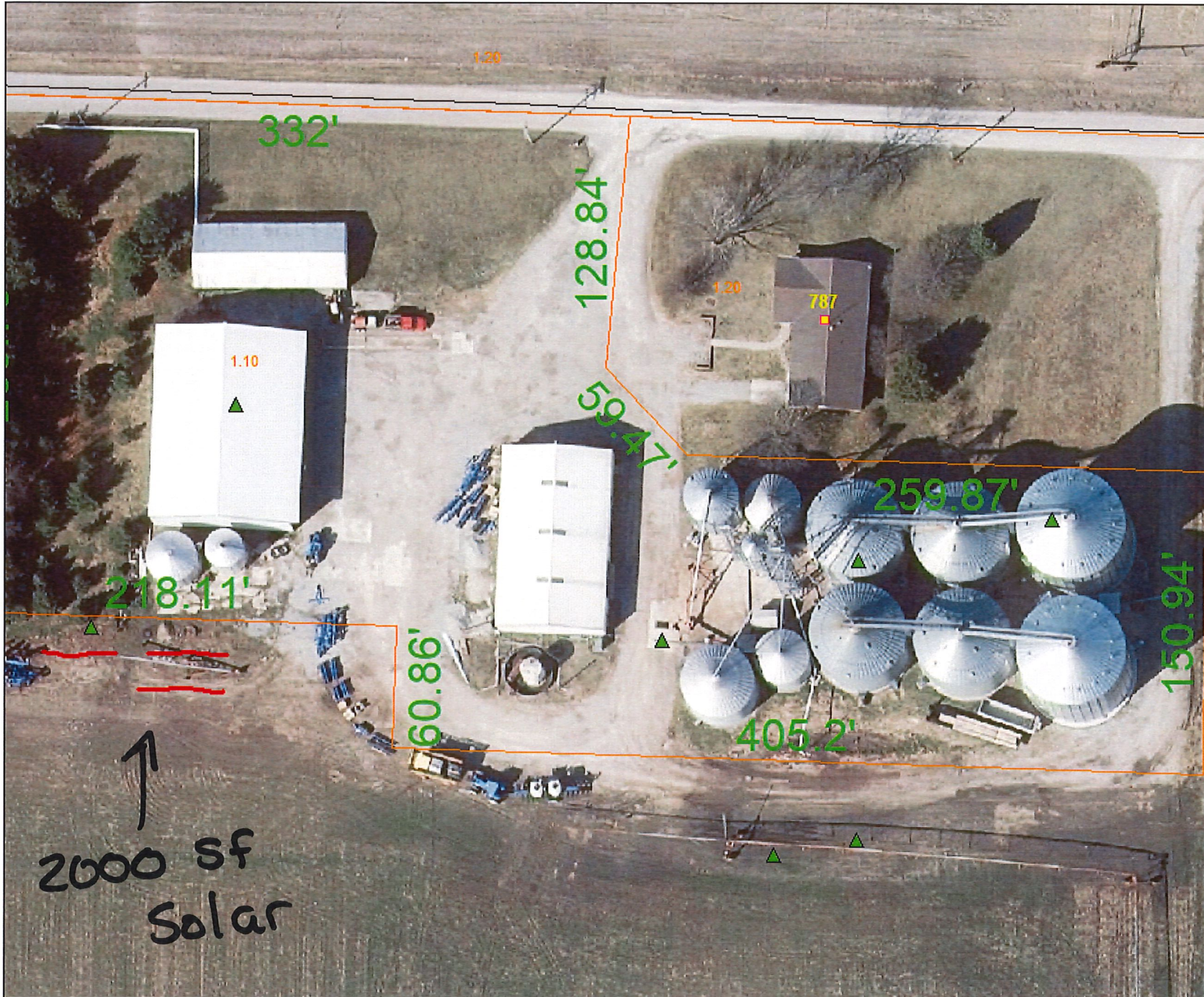
**Docket #230501
Clauson Farms
Special Exception**

Clauson Farms (#230455) is requesting a Special Exception to allow a medium solar array, on property located at 009-104092-00, south west of 787 W 50 N., Rochester, IN 46975 within the Agricultural (AG) District, 146.86 acres.

FC ordinance 5-1.5 Solar Energy Systems (SES) Standards (SE) SE-07: 4. Medium (1750 – 40,00sf) and Large (40,000 and above) systems are special exception uses in the AG, AP, RR, SR, KW, IR, HC, VC, GC, IN, and IU Districts. Clauson Farms would like to erect a 2,000sf solar array on their property south west on their home. Therefore, a special exception is being requested to allow a medium solar array is be requested.

FC ordinance 5-1.5 Solar Energy Systems (SES) Standards (SE) SE-07: 2. A Technical Review Committee (TRC) site plan approval is required for Medium- and Large-scale solar energy systems prior to building permit approval.

The request is for a Special Exception to allow a medium solar array, on property located at 009-104092-00 Rochester, IN 46975 within the Agricultural (AG) District, 146.86 acres.



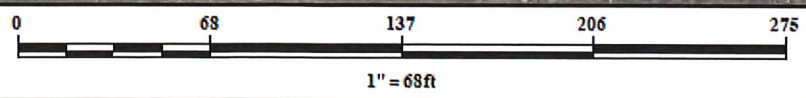
Townships
 Feature Name:
 — Rochester Twp

▭ Parcels
 ▭ City Town Boundary
 ▭ Sections

■ Addresses
 ▲ Permits - Accessory

— Parcels
 — Lots
 — Highways
 — Roads
 — Tippecanoe River
 — Permits - Access

↑
 2000 sf
 Solar



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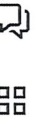
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- Request e-signatures

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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 Special Exception before the Fulton County Board of Zoning Appeals supplied to you by the applicant of said public hearing,

Ronald D & Cindy Clauson 1/2;
Donald D & Bauman Lois Ann Bauman 1/2
(#230455)

Located at: 009-104092-00, north of 787 W. 50 N., 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.

Prairiewood Farms LLC %Nancy Miller ✓	16270 Pear Road Culver, IN 46511		GC
Joseph G & Madison C Bauer ✓	490 N 100 W Rochester, IN 46975		GC
Eldon L Gohn Trust & Virginia A Gohn Trust 1/2; Lyle & Gohn Revocable Trust 1/2;	PO Box 69 Rochester, IN 46975	X Nancy Gohn	
David Kyle & Kandi L Sausaman ✓	418 W 50 N Rochester, IN 46975		GC
Michelle Maroney ✓	50I W 50 N Rochester, IN 46975		GC
Daniel L & Donna Zellers ✓	2246 W Sr I4 Rochester, IN 46975		GC
Joshua Maroney ✓	345 W 50 N Rochester, IN 46975		GC



Fee Summary Paid Totals

07/01/2023 - 07/31/2023

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	\$2,236.80	26
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$595.15	25
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.20301.000.0036	\$160.00	4
A-2. County, Akron, & Town of Fulton COMMERCIAL - Inspection Fee	Enter Number of Inspections	1001.20301.000.0036	\$280.00	2
A-2. County, Akron, & Town of Fulton COMMERCIAL-Permit Fee		1001.20301.000.0036	\$114.60	2
			\$3,386.55	59

Group Total: 5

Group: 1001.20303.000.0036

ADMIN-Copies	enter number of copies	1001.20303.000.0036	\$0.20	1
BZA. Special Exception		1001.20303.000.0036	\$175.00	1
PC. Zone Map Amendment		1001.20303.000.0036	\$500.00	1

ZO. LIP		1001.20303.000.0036	\$2,250.00	45
ZO. Site Plan Review - TRC		1001.20303.000.0036	\$350.00	2
			\$3,275.20	50

Group Total: 5

Group: 1001.20302.000.0036

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$234.00	17
B-1. City of Rochester Residential-Inspection Fee	Enter Number of Inspections	1001.20302.000.0036	\$540.00	17
B-2. CITY OF ROCHESTER ELECTRICAL PERMIT		1001.20302.000.0036	\$40.00	2
B-3. City of Rochester COMMERCIAL Permit Fee		1001.20302.000.0036	\$80.00	1
B-4. City of Rochester COMMERCIAL-Inspection Fee		1001.20302.000.0036	\$80.00	1
			\$974.00	38

Group Total: 5

			\$7,635.75	147
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Total Records: 15

8/3/2023

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