

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

AKRON TOWN HALL
JULY 27, 2023
7:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

April 27, 2023

OLD BUSINESS:

NEW BUSINESS:

Steven Raber (#230414)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**TOWN OF AKRON BOARD OF ZONING APPEALS
APRIL 27, 2023**

**TOWN OF AKRON
BOARD OF ZONING APPEALS**

THURSDAY, APRIL 27, 2023

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

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES
FOR:**

JANUARY 26, 2023

OLD BUSINESS:

NEW BUSINESS:

Appeal - DeLynn and Lori Geiger (#220686)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

TOWN OF AKRON BOARD OF ZONING APPEALS
APRIL 27, 2023

The Town of Akron Board of Zoning Appeals met on Thursday the 27th day of April 2023, at 7:00 P.M. in the Akron Town Hall. Executive Secretary, Cathy Miller called the meeting to order at 7:00 P.M. The following members were present: Teresa Houser alternate member, Phil Miller alternate member, Crystal Weida, Dale Ward and Cathy Miller. Also, in attendance were: Executive Director, Heather Redinger, and Board Attorney, Andy Perkins.

It is duly noted Chad Corbett, Ryan Adams and Administrative Secretary, Kim Gard were absent.

IN RE: MINUTES

January 26, 2023

Executive Secretary, Cathy Miller asked for any additions, deletions, or corrections to be made to the January 26, 2023 minutes. Being none, Crystal Weida moved to approve the January 26, 2023 Town of Akron Board of Zoning Appeals minutes as written. Phil Miller seconded the motion. Motion carried as follows: Teresa Houser alternate member, Phil Miller alternate member, Crystal Weida, Dale Ward and Cathy Miller being in favor and no one opposing.

IN RE: NEW BUSINESS

Appeal - DeLynn and Lori Geiger (#220686)

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

Andy presented the petition to the Board, then he turned it over to Mrs. Geiger for any additional comments.

Mrs. Geiger stated they own a home at 306 E Rochester St. we would like to have approval to operate a small gathering place/meeting house. We originally asked to have the coffee shop there. That was turned down in October so we went with plan B and have rented a small store front in Akron for the coffee shop. We would still like to have approval to have a small intimate gathering area. For things such as bridal showers, yoga class, book clubs etc.

Heather informed Dale Ward and Phil Miller of the previous request for a coffee shop and event center, she informed them the previous petition was denied in October due to parking concerns. She stated we have been trying to get all five Akron board members to attend the meeting but due to conflicting schedules they were not available. Now that the Geiger's have found a new location for the coffee shop that has been removed from the petition. They would now like to just do the small event center. This is an appeal to the original petition but also an amendment to the petition. This is now a special exception request for the event center only.

Dale stated will your events only be on the weekends?

Lori stated not necessarily. As our attorney presented last time, there is parking in front of the house.

Phil Miller asked how are you going to deal with the overflow? It's very hard with an event to predict how many cars.

Lori stated we own property on both side of the street so there are driveways to park in as well.

Phil asked was there any opposition to this original request from the public.

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APRIL 27, 2023

Heather stated nothing from the public. A couple Board members had concerns with parking. She then stated she was reviewing the minutes from last month and the Geiger's had stated 20 people would be a lot to fit into the house.

Lori agreed that there would be between 10 – 20 people.

Phil Miller asked how do you plan to control the amount of people for the events.

Lori stated we would be the ones letting them in the house and doing the set up. I have been an event planner for 20 years. They will be controlled events. The amount of people will be planned.

Teresa stated the fire department only allows so many people for safety. She then asked what is capacity for the house?

Lori stated capacity is 20.

Heather asked Andy to remind the Board what is needed.

Andy stated whenever we have a petition in front of a BZA it's always good practice to open the public hearing and then close the public hearing.

Cathy Miller entertained a motion to open the public hearing. Phil Miller moved to open the public hearing. Crystal Weida seconded the motion. Motion carried as follows: Teresa Houser alternate member, Phil Miller alternate member, Crystal Weida, Dale Ward and Cathy Miller being in favor and no one opposing.

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

Being no public questions or comments, Cathy entertained a motion to close the public hearing. Teresa Houser moved to close the public hearing. Phil Miller seconded the motion. Motion carried as follows: Teresa Houser alternate member, Phil Miller alternate member, Crystal Weida, Dale Ward and Cathy Miller being in favor and no one opposing.

Andy then stated with the public hearing open and closed, just as a matter of procedure, this one was a little different because typically when a petition comes before a BZA, the BZA must give a yea or nay vote. A typical petition can fail for lack of a motion. In this situation a decision was made in October, so some of the motions you could make are, a motion to vacate the October decision and if that is successful, you could move to grant the petition, you could probably move to amend the original decision, you could make no motion in this situation because there has already been a decision made, if the chair asks for a motion and there are none the meeting is closed that has the effect of affirming the decision but with a five member board you can make any of those motions. You can make a motion to repeal the decision which just brings you back to status quo and now I think you owe them an up or down vote. You could make a motion to affirm the prior decision which would be a five-member board making the denial. All of those motions are on the table if the chair chooses to solicit any of those motions. By the way the date, if you want to put it in your motion, was October 27, 2022 docket #220686.

Cathy asked the Board for a motion.

Being no further discussion, Cathy entertained a motion. Teresa Houser moved to vacate the October 27, 2022 denial decision of DeLynn & Lori Geiger (#220686) their special exception to operate a coffee shop

TOWN OF AKRON BOARD OF ZONING APPEALS
APRIL 27, 2023

and event venue, on property located 306 E Rochester St, Akron IN, within the Residential (R1) District. Phil Miller seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms.

Executive Director, Heather Redinger, conducted a roll call vote:

Phil Miller	Yea
Teresa Houser	Yea
Crystal Weida	Nay
Dale Ward	Yea
Cathy Miller	Nay

Motion to vacate the October 27, 2022 decision of DeLynn & Lori Geiger (#220686) special exception to operate a coffee shop and event venue, on property located 306 E Rochester St, Akron IN, within the Residential (R1) District. Passed with three votes being in favor and two opposed.

Heather than stated the decision from the October 27, 2022 was vacated.

Andy then stated now that the Board is able to consider the matter anew, is there anything the petitioners wish to add.

Lori stated we are requesting to be allowed to move forward with our modified request.

Andy asked was Heather correct that the request is somewhat narrower than the original request because it would be just for events now and not the coffee shop.

Lori stated that is correct.

Being no further discussion, Cathy entertained a motion. Teresa Houser moved to approve DeLynn & Lori Geiger (#220686) requesting a special exception to operate an event venue, on property located 306 E Rochester St, Akron IN, within the Residential (R1) District. Phil Miller seconded the motion.

Cathy asked the Board for any discussion.

Being none, the Board members then proceeded to fill out their Findings of Fact Forms.

Executive Director, Heather Redinger, conducted a roll call vote:

Phil Miller	Yea
Teresa Houser	Yea
Crystal Weida	Nay
Dale Ward	Yea
Cathy Miller	Nay

Motion to approve DeLynn & Lori Geiger (#220686) special exception to operate an event venue, on property located 306 E Rochester St, Akron IN, within the Residential (R1) District. Passed with three votes being in favor and two opposed.

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IN RE: PLAN DIRECTOR'S REPORT

Heather then presented the board with the end of the year report.

Being no further business to come in front of the Akron Board of Zoning Appeals, Cathy Miller entertained a motion to adjourn the April 27, 2023 Town of Akron Board of Zoning Appeals meeting. Phil Miller moved to adjourn the April 27, 2023 Town of Akron Board of Zoning Appeals meeting at 7:20 PM. Crystal Weida seconded. The motion carries as follows: Teresa Houser alternate member, Phil Miller alternate member, Crystal Weida, Dale Ward and Cathy Miller being in favor and no one opposing.

TOWN OF AKRON BOARD OF ZONING APPEALS

ATTEST: _____
 Kim Gard, Administrative Secretary

Docket #230414
Steven Raber
Development Standard Variance

Steven Raber (#230414) is requesting development standard variances of 5' off the side yard setback and off of the parking/landscaping standards for the purpose of storage units, within the Industrial (IN) District located at 416 E Main St., Akron, IN.

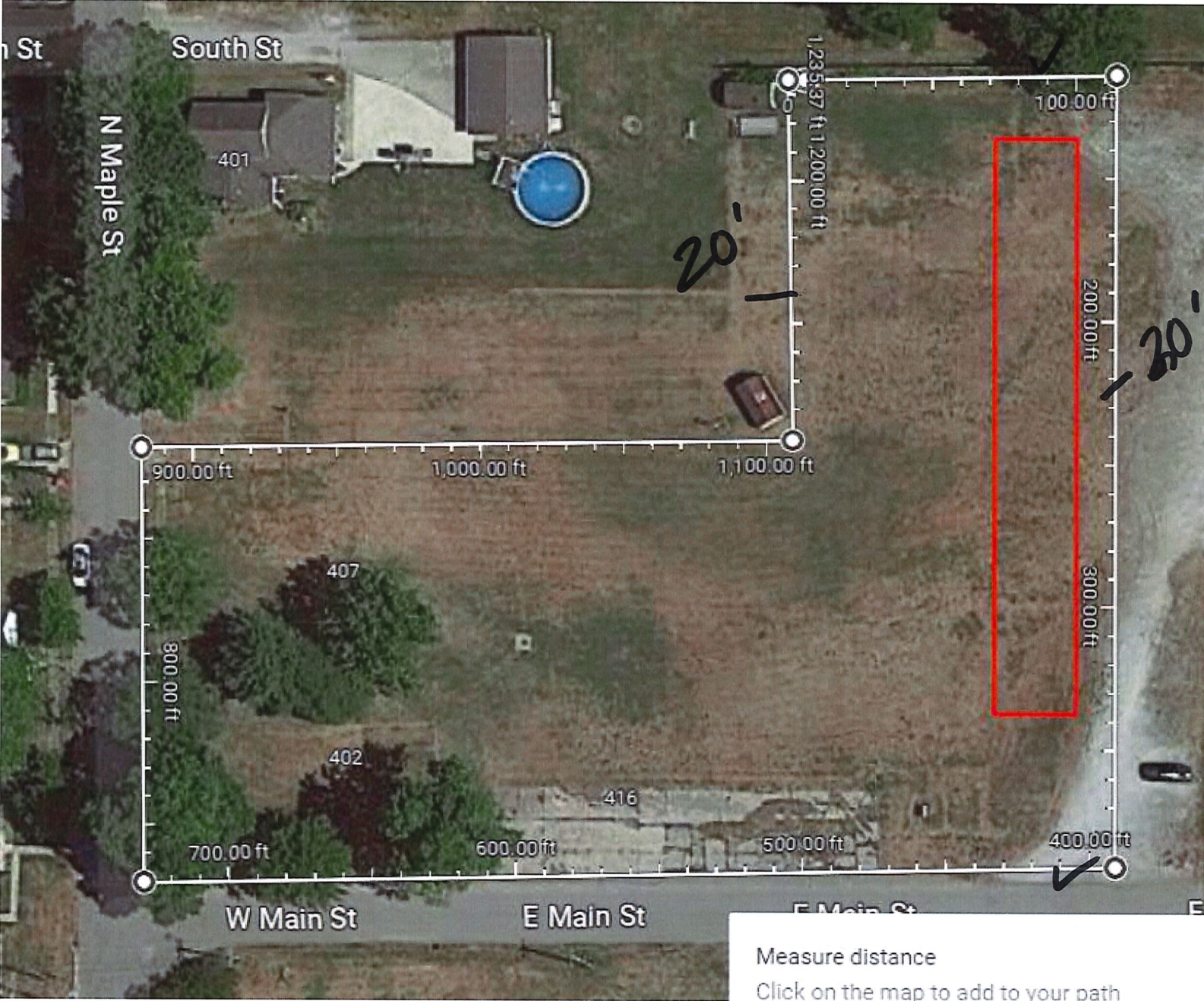
In the Industrial (IN) district, the side yard setback for an accessory structure is 25'. Mr. Raber would like to construct a storage unit that would sit approximately 20' from a newly created property line.

Mr. Raber would like to maintain a gravel lot. FC Ordinance Article 5-8.7 PK-03 B. All required Off-Street Parking Areas and the ingress/egress to and from such Off-Street Parking Areas shall be hard-surfaced with asphalt or concrete to provide a dust-free surface. A gravel surface may be used for a period not to exceed six (6) months after the commencement of the use for which the Parking Area is provided, where ground or weather conditions are not immediately suitable for permanent surfacing as specified herein.

Landscaping/buffer yard is required also, Article: 5-7.4 BY-01 A. If a property in an IN or IU District is adjacent to any other district other than the IN or IU districts, a buffer shall be installed on the property located in the IN or IU district. Mr. Rabers north portion of his lot will be adjacent to residential (R1) district, he is requesting no have no landscaping. Therefore, a variance of 5' off of the side yard setback and off of the parking and landscaping standards is being requested.

Mr. Raber will need to contact the Town of Akron to vacate the alley prior to construction.

The request is for development standard variances of 5' off the side yard setback and off of the parking/landscaping standards for the purpose of storage units, within the Industrial (IN) District located at 416 E Main St., Akron, IN.

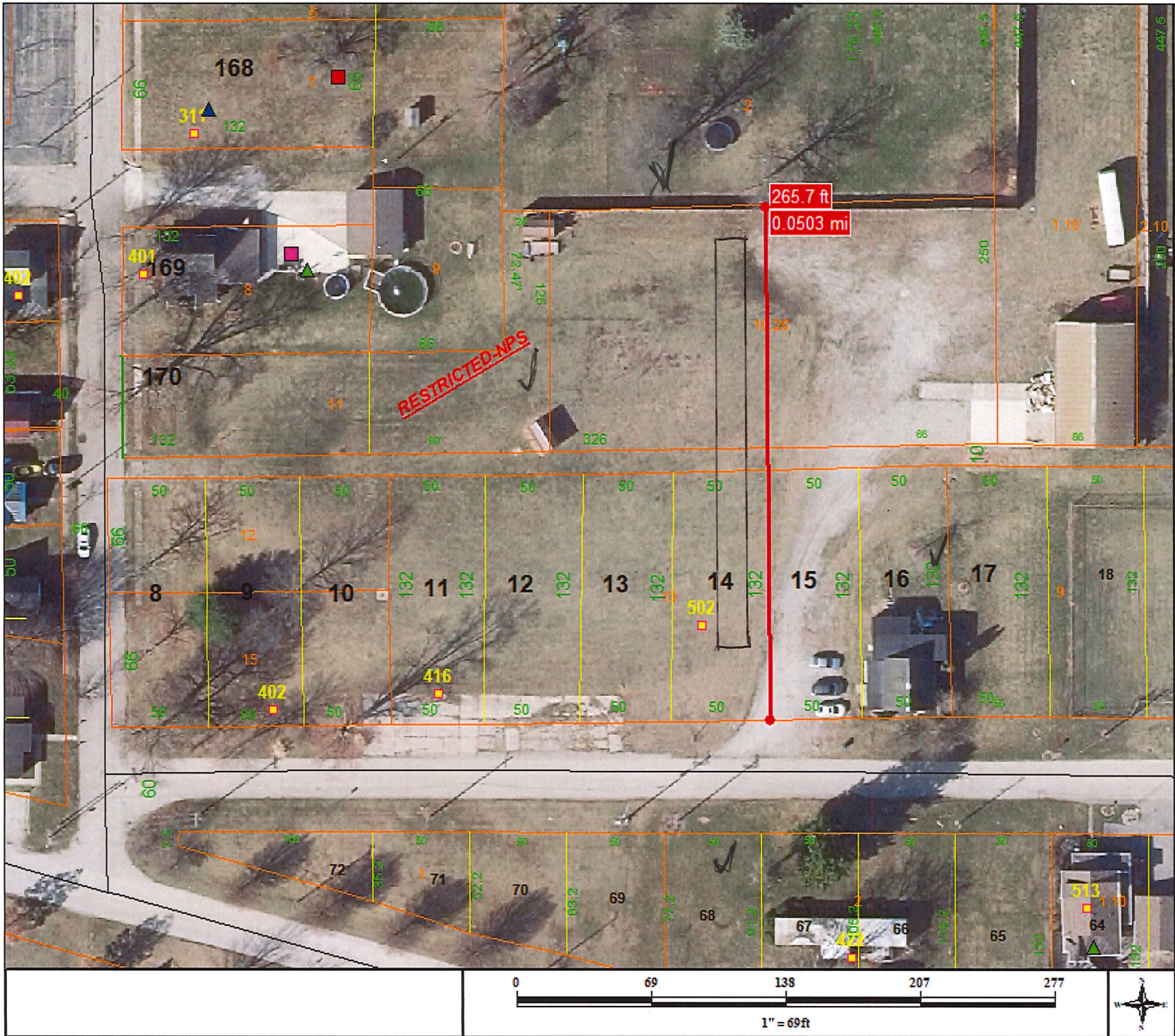


20'

30'

5' off
SY Setback

Measure distance
Click on the map to add to your path



Townships
 Feature Name:
 — Henry Twp

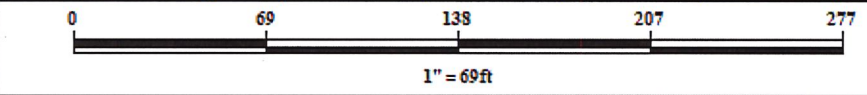
Parcels
 City Town Boundary
 Sections
 Permits - Accessory

■ Addresses
▲ Permits - Primary
▲ Permits - Accessory
■ Bldg Permits
■ Debris/Refuse/Waste

Parcels
 Lots
 Dimensions
 Highways
 Roads
 Tippecanoe River
→ fchd-permit

all Gravel!

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 A Development Standard Variance Before the Town of Akron Board of Zoning Appeals supplied to you by the applicant of said public hearing,

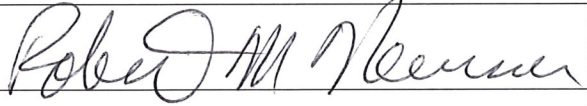
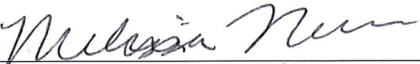

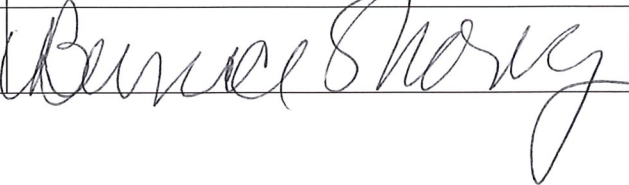
Steven Raber #BZA 230414

Located at: 416 E Main St, Akron, 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
Robert M Newman	502 E Main St Akron, IN 46910	
Arthur L & Melissa S Norman	PO Box 61 Akron, IN 46910	
Linda L & Franklin H Kamp	PO Box 872 Akron, IN 46910	
Jane A Clark and Bernice E Strong	578 S 1000 E Akron IN 46910	



Fee Summary Paid Totals

06/01/2023 - 06/30/2023

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	\$2,633.70	26
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$1,046.35	24
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	\$480.00	3
A-2. County, Akron, & Town of Fulton COMMERCIAL-Permit Fee		1001.20301.000.0036	\$93.00	3
			\$4,333.05	58

Group Total: 5

Group: 1001.20303.000.0036

ADMIN-Copies	enter number of copies	1001.20303.000.0036	\$1.70	1
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	\$2,000.00	40
ZO. Signs	Enter Square Feet	1001.20303.000.0036	\$1,428.90	2
ZO. Site Plan Review - TRC		1001.20303.000.0036	\$175.00	1
ZO. Solar Array- Small		1001.20303.000.0036	\$160.00	2
			\$4,465.60	50

Group Total: 7

Group: 1001.20302.000.0036

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$177.25	15
B-1. City of Rochester Residential-Inspection Fee	Enter Number of Inspections	1001.20302.000.0036	\$720.00	16
B-2. CITY OF ROCHESTER ELECTRICAL PERMIT		1001.20302.000.0036	\$100.00	5
B-3. City of Rochester COMMERCIAL Permit Fee		1001.20302.000.0036	\$100.00	4
B-4. City of Rochester COMMERCIAL-Inspection Fee		1001.20302.000.0036	\$320.00	4
B-5. City of Rochester Residential-Renewal		1001.20302.000.0036	\$115.00	2
			\$1,532.25	46

Group Total: 6

			\$10,330.90	154
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Total Records: 18

7/6/2023

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