

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

FULTON COUNTY OFFICE BUILDING  
COMMISSIONERS/COUNCIL ROOM  
WEDNESDAY, SEPTEMBER 13, 2023  
7:00 P.M.

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**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**

**AUGUST 9, 2023**

**OLD BUSINESS:**

Keith Imhoff (#220692)

**NEW BUSINESS:**

Bryan Tam (#230611)  
Oscar and Christina Haughs (#230635)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**FULTON COUNTY BOARD OF ZONING APPEALS**  
**August 09, 2023**

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

**WEDNESDAY, AUGUST 09, 2023**

**7:00 P.M.**

**COMMISSIONERS/COUNCIL ROOM**

**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

August 09, 2023

The Fulton County Board of Zoning Appeals met on Wednesday the 9<sup>th</sup> day of August 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: Debbie Barts, Barry Baldwin, and Scott Hizer. Also, in attendance were: Executive Director, Heather Redinger, Administrative Secretary, Kim Gard and Board Attorney, Andy Perkins

It is duly noted Seth Wilson recused himself.

It is duly noted Phil Miller was absent.

IN RE: MINUTES

July 12, 2023

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

IN RE: NEW BUSINESS

DM Smith Estate Inc (#230455)

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.

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. Barry Baldwin seconded the motion. Motion carried as follows: Debbie Barts, Barry Baldwin, and Scott Hizer being in favor and no one opposing.

Scott Hizer asked if anyone would like to speak in favor or oppose the petition.

Jim Straeter 914 E. 100 S. Rochester, spoke in favor of the petition.

Being no further comment, Scott closed public hearing.

FULTON COUNTY BOARD OF ZONING APPEALS

August 09, 2023

Scott then asked for any board discussion.

Being no further Board comments Scott entertained a motion. Debbie Barts moved to approve 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.

Administrative Secretary, Kim Gard conducted roll call vote.

|               |     |
|---------------|-----|
| Barry Baldwin | Yea |
| Debbie Barts  | Yea |
| Scott Hizer   | Yea |

Motion to approve 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. Passed with three votes being in favor and no one opposed.

IN RE: Clauson Farms (#230455)

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.

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 then opened public hearing.

Scott Hizer asked if anyone would like to speak in favor or oppose the petition.

Jim Straeter 914 E. 100 S. Rochester, spoke in favor of the petition

Being no further comment, Scott closed public hearing.

Scott then asked for any board discussion.



FULTON COUNTY BOARD OF ZONING APPEALS

August 09, 2023

Being no further Board comments Scott entertained a motion. Debbie Barts moved to approve 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. Administrative Secretary, Kim Gard conducted roll call vote.

|               |     |
|---------------|-----|
| Barry Baldwin | Yea |
| Debbie Barts  | Yea |
| Scott Hizer   | Yea |

Motion to approve 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. Passed with three votes being in favor and no one opposed.

IN RE: PLAN DIRECTOR REPORT

Heather informed the Board of the approved one-year moratorium for solar farms.

Being no further business to come in front of the Board of Zoning Appeals, Scott Hizer, entertained a motion to adjourn the August 09, 2023 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the August 09, 2023 Fulton County Board of Zoning Appeals meeting at 7:30 P.M. Barry Baldwin seconded the motion. Motion carried as follows: Debbie Barts, Barry Baldwin, and Scott Hizer being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

\_\_\_\_\_

ATTEST: \_\_\_\_\_

Kim Gard, Administrative Secretary

**Docket #220692**  
**Keith & Wilma Imhoff**  
**Special Exception**

Keith & Wilma Imhoff (#220692) is requesting a Special Exception to operate a kennel, on property located at 4136 E 550 N Rochester, within the Agricultural (AG) District, 4.72 acres.

Mr. & Mrs. Imhoff would like to utilize his existing building that is approximately 19' x 17' to operate the kennel. There will be an outside puppy area approximately 12' x 10'. There will be five outside kennels that will be approximately 3' x 8'. There is an outside run that will have a 3' or 4' fence. Mr. Imhoff stated there will be a fence and trees so there is no excessive barking. There are no neighbors close to where the kennels will be located. Mr. Imhoff stated the breeds would be dachshund and chihuahua. The hours of operation would be between the hours of 8 AM and 5 PM. No sign will be needed at this time.

Mr. Imhoff called on July 5, 2023 and stated he would have 8 adult dogs.

At this time the Planning Commission has not been contacted with any concerns or complaints.

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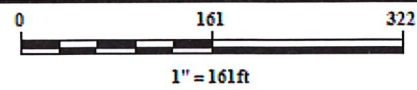
The request is for a Special Exception to operate a kennel, on property located at 4136 E 550 N Rochester, within the Agricultural (AG) District, 4.72 acres.





- Townships**  
 Feature Name:  
 Newcastle Twp
- Parcels
  - City Town Boundary
  - Sections
  - Addresses
  - Permits - Primary
  - Permits - Accessory
  - Bldg Permits
- Parcels
  - Lots
  - Sections
  - Highways
  - Roads
  - Tippecanoe River
  - fchd-permit

550 N





**Docket #230635**  
**Oscar & Christina Haughs**  
**Development Standard Variance**

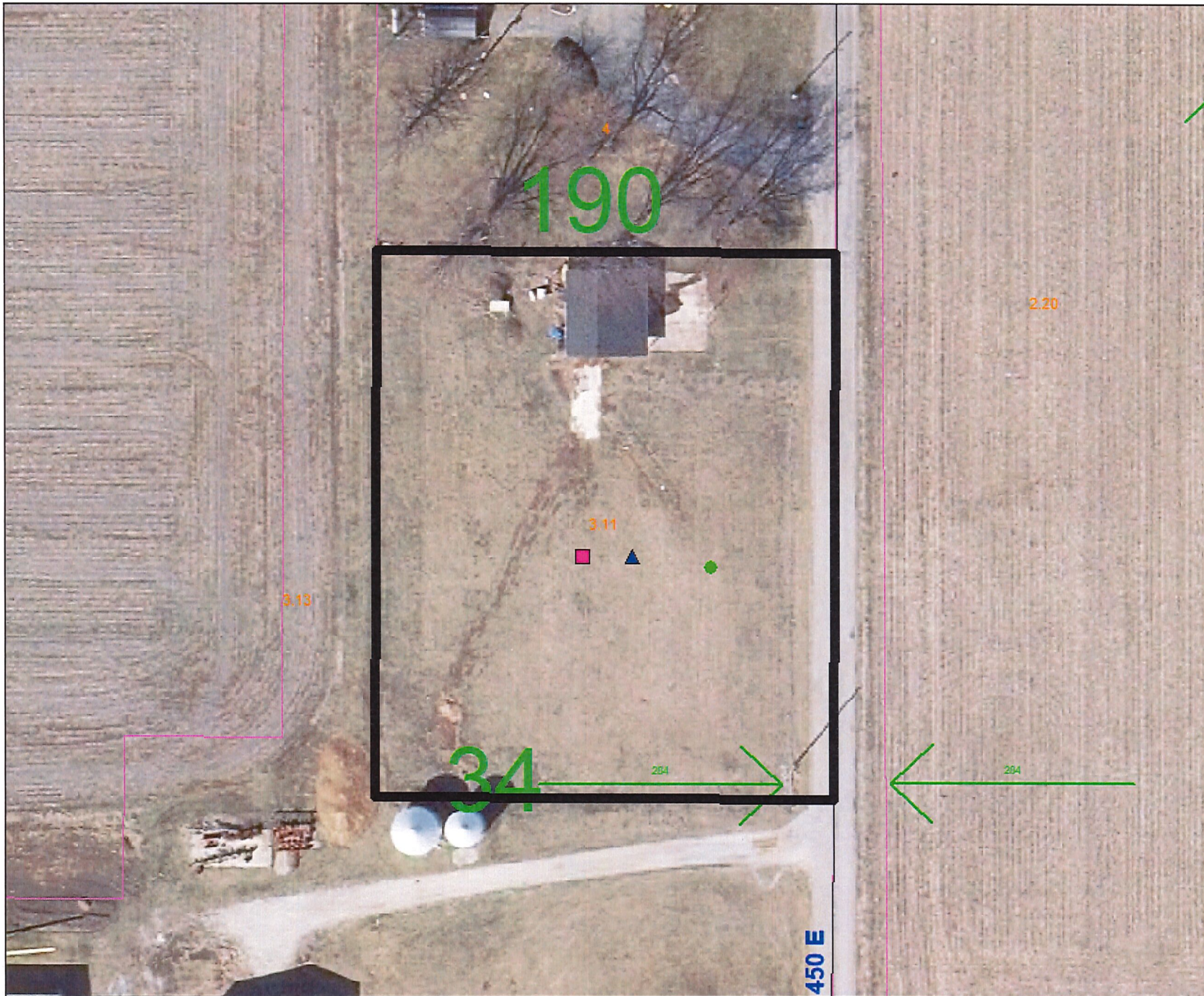
Oscar & Christina Haughs (#230635) are requesting development standard variances of 10' off of the side yard setback and 15' off of the front yard setbacks for the purpose of a new home on property located at 2588 N 450 E, Rochester IN, within the Agriculture (AG) district.

In the Agriculture (AG) district the front yard setback is 50' and the side yard setbacks are 30'. Due to the existing barn to the north and the silos to the south, Mr. and Mrs. Haughs would like to construct a new home that would sit approximately 35' off of the front property line and approximately 20' from the south side property line. Therefore, variances of 10' off of the side yard setback and 15' off of the front yard setbacks are being requested.

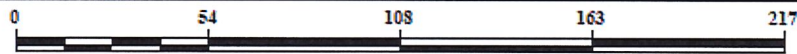
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The request is for a Development Standard Variances of 10' off of the side yard setback and 15' off of the front yard setbacks for the purpose of a new home on property located at 2588 N 450 E, Rochester IN, within the Agriculture (AG) district.





|                   |                     |
|-------------------|---------------------|
| <b>Townships</b>  |                     |
| Feature Name:     |                     |
|                   | Newcastle Twp       |
|                   | Rochester Twp       |
| <b>Parcels</b>    |                     |
|                   | Parcels             |
|                   | City Town Boundary  |
|                   | Sections            |
| <b>Dimensions</b> |                     |
|                   | Permits - Primary   |
|                   | Bldg Permits        |
|                   | Septic Permits 2023 |
| <b>Legend</b>     |                     |
|                   | Parcels             |
|                   | Lots                |
|                   | Dimensions          |
|                   | Sections            |
|                   | Highways            |
|                   | Roads               |
|                   | Tippecanoe River    |



1" = 54ft





## 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,



Oscar C & Christina Haughs (#230635)

Located at: 009-112151-00, south of 2588 N 450 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   |
|-------------------------|-------------------------------------|---|
| Stacy L Barkman         | 2744 N 450 E<br>Rochester, IN 46975 |  |
| Roy L & Violet M Fisher | 2373 N 450 E<br>Rochester, IN 46975 |  |

**Docket #230611**  
**Bryan Tam**  
**Special Exception**

Bryan Tam (#230611) is requesting a Special Exception to allow a medium ground mount solar array, on property located east of 6249 S 300 W, on parcel 005-102004-01., Rochester, IN 46975 within the Agricultural (AG) District, 146.86 total acres.

FC ordinance 5-1.5 Solar Energy Systems (SES) Standards (SE) SE-07: 4. Medium (1750 – 40,00sf) and Large (40,000 to 435,600) systems are special exception uses in the AG, AP, RR, SR, KW, IR, HC, VC, GC, IN, and IU Districts. Bryan Tam would like to erect approximately 17,875 s/f solar array on their property south east of their home and north of the hog barns. Therefore, a special exception to allow a medium ground mount 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.

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The request is for a Special Exception to allow a medium solar array, on property located at 005-102004-01 Rochester, IN 46975 within the Agricultural (AG) District, 146.86 acres.

## 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,

Bryan Tam (#230611)

Located at: 6249 S 300 W, and part of parcel 005-102004-03., 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.

|  |                                    |                |
|--|------------------------------------|----------------|
| Greer Darla J Trust                        | 4091 W 550 S<br>Kewanna, IN 46939  | GC             |
| FRD Farms LLC                              | 6309 W 650 S<br>Kewanna, IN 46939  | David H. Freed |
| Tam Farms Inc 50%; & Tam Brett & Jayne 50% | 5330 S 300 W<br>Rochester IN 46975 | Brett Tam      |



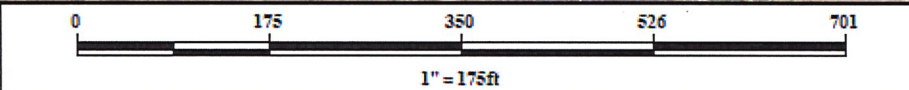


**Townships**  
 Feature Name:  
 — Liberty Twp

**Parcels**  
 City Town Boundary  
 Sections

**Addresses**  
 ▲ Permits - Primary  
 ▲ Permits - Accessory  
 ▲ Permits - Commercial  
 ■ Bldg Permits  
 ● fchd-permit

— Parcels  
 — Lots  
 — Highways  
 — Roads  
 — Tippecanoe River  
 — fchd-permit









# Fee Summary Paid Totals

**08/01/2023 - 08/31/2023**

| 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 | \$1,863.75        | 21        |
| A. County, Akron, & Town of Fulton Residential - Permit Fee      |                             | 1001.20301.000.0036 | \$765.22          | 20        |
| 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 | \$920.00          | 5         |
| A-2. County, Akron, & Town of Fulton COMMERCIAL-Permit Fee       |                             | 1001.20301.000.0036 | \$580.00          | 5         |
|  |                             |                     | <b>\$4,208.97</b> | <b>53</b> |

**Group Total: 5**

**Group: 1001.20303.000.0036**

|                                    |                        |                     |          |   |
|------------------------------------|------------------------|---------------------|----------|---|
| ADMIN-Copies                       | enter number of copies | 1001.20303.000.0036 | \$0.20   | 1 |
| BZA. Development Standard Variance |                        | 1001.20303.000.0036 | \$875.00 | 5 |

|                            |                   |                     |                   |           |
|----------------------------|-------------------|---------------------|-------------------|-----------|
| BZA. Special Exception     |                   | 1001.20303.000.0036 | \$175.00          | 1         |
| ZO. LIP                    |                   | 1001.20303.000.0036 | \$1,450.00        | 29        |
| ZO. Signs                  | Enter Square Feet | 1001.20303.000.0036 | \$301.08          | 3         |
| ZO. Site Plan Review - TRC |                   | 1001.20303.000.0036 | \$525.00          | 3         |
|                            |                   |                     | <b>\$3,326.28</b> | <b>42</b> |

**Group Total: 6**

**Group: 1001.20302.000.0036**

|   |                             |                     |                 |           |
|---|-----------------------------|---------------------|-----------------|-----------|
| B. City of Rochester Residential Permit Fee       |                             | 1001.20302.000.0036 | \$209.50        | 7         |
| B-1. City of Rochester Residential-Inspection Fee | Enter Number of Inspections | 1001.20302.000.0036 | \$535.50        | 7         |
| 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 | \$10.00         | 1         |
| B-4. City of Rochester COMMERCIAL-Inspection Fee  |                             | 1001.20302.000.0036 | \$40.00         | 1         |
|   |                             |                     | <b>\$815.00</b> | <b>17</b> |

**Group Total: 5**

|  |  |  |                   |            |
|--|--|--|-------------------|------------|
|  |  |  | <b>\$8,350.25</b> | <b>112</b> |
|--|--|--|-------------------|------------|

**Total Records: 16**

**Page: 1 of 1**

**9/6/2023**