

**ROCHESTER CITY  
BOARD OF ZONING APPEALS**

ROCHESTER CITY HALL  
320 MAIN ST.  
ROCHESTER, IN 46975  
WEDNESDAY, SEPTEMBER 27, 2023  
6:00 P.M.

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**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**

**AUGUST 23, 2023**

**OLD BUSINESS:**

**NEW BUSINESS:**

Joseph & Suzanne Benjamin (#230605)  
Douglas Weigt (#230634)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**ROCHESTER CITY BOARD OF ZONING APPEALS  
AUGUST 23, 2023**

**ROCHESTER CITY  
BOARD OF ZONING APPEALS**

**WEDNESDAY, AUGUST 23, 2023**

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

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**

**JUNE 28, 2023**

**OLD BUSINESS:**

**NEW BUSINESS:**

Timothy Berger (VFW) (230388)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**AUGUST 23, 2023**

The Rochester City Board of Zoning Appeals met on Wednesday the 23<sup>th</sup> day of August 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: Paul Zartman, Teresa Houser, Gloria Carvey and Duane Border. Also, in attendance were: Executive Director, Heather Redinger; Attorney, Andy Perkins, and Administrative Secretary, Kim Gard.

It is duly noted that Dan Shafer was absent.

IN RE: MEETING MINUTES

June 28, 2023

Duane Border asked the Board for any deletions, or corrections to be made to the June 28, 2023 minutes. Gloria Carvey moved to approve the June 28, 2023 Rochester City Board of Zoning Appeals minutes as written. Teresa Houser seconded the motion. Motion carried as follows: Paul Zartman, Teresa Houser, Gloria Carvey and Duane Border being in favor and no one opposing.

IN RE: NEW BUSINESS

Timothy Berger (VFW) (#230388)

Timothy Berger (VFW) (#230388) is requesting a Development Standard Variance of approximately 4' off the side yard setback for the purpose of a shed, on property located at, 1703 Federal Rd., Rochester IN, within the General Commercial (GC) district.

In the General Commercial (GC) district the side yard setback for an accessory structure is 5'. The VFW would like to replace two existing sheds with one 53' x 12' shed that will not sit any closer than the existing sheds do currently. The proposed shed would sit approximately 1' off of the side yard, therefore, a variance of 4' off of the side yard setback is being requested.

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

Timothy presented the Board with additional pictures of the structure they would like to use to replace the old sheds. He also stated the original measurements were not correct. The proposed building would be 8'x8'x26' and would be smaller than what is currently there. Timothy then stated they would be replacing the fence around the trash dumpster that would need to be moved in order to replace the new sheds that would sit on a gravel pad.

Teresa asked how far from the property line would you be?

Timothy stated it would be approximately 1'. We cannot bring it any closer to the building due to the awning that is there.

Gloria asked why don't you place the shed right next to your building?

Timothy stated the awning that comes off the building is lower than the structure.

Gloria then asked where is the water shed going?

Timothy stated they could put a roof on the structure to keep the water shed on their own property.

Heather stated they would be required to have drainage approval before placing the structure.

**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**AUGUST 23, 2023**

Being no further comments at this time, Duane entertained a motion to open the public hearing. Teresa Houser moved to open the public hearing. Gloria Carvey seconded the motion. Motion carried as follows: Paul Zartman, Teresa Houser, Gloria Carvey and Duane Border being in favor and no one opposing.

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

Lawrence & Angela Kotel, 1707 Colonial Dr., presented the Board with additional pictures. Mr. and Mrs. Kotel stated they are not able to maintain the privacy fence on their property because the current sheds are to close. Mr. and Mrs. Kotel then stated they would like to know what they will be replacing the sheds with?

Duane showed Mrs. Kotel pictures of the structure.

Mrs. Kotel asked if the structure was permanent?

The Board stated it is not a permanent structure.

Mrs. Kotel asked why does it have to be so close to our land when they have so much land on the other side? She then stated safety issues as there are people walking through this area to get to the lake. Privacy fences are not allowed but this in fact is more of a privacy fence than anything.

Heather stated privacy fences are allowed on the side of you home.

Mrs. Kotel asked if the new structure will obstruct our view of the lake from our patio?

Mr. and Mrs. Kotel stated 1' is not enough room for us to do maintenance on our fence. The posts are rotting off and we have not way of repairing it. They then stated concerns of the VFW maintaining the new structure as the have not maintained the existing.

Duane then asked the petitioner how wide are the buildings currently?

Timothy stated 8x12 and 8x14.

Gloria asked what is in the barrels? They are sealed.

Timothy stated we used them for recycling our cans. They are not sealed they are upside down so water doesn't get into them.

Gloria stated when I walked over there I could smell grease like cooking oil. You're not putting grease in there?

Heather then brought the meeting back to the variance request of the side yard setback for a shed.

Teresa asked the petitioner if there was any other space where they could put the structure?

Timothy stated not any place that it wouldn't take away from other activities.

Kurt Nichols, commander of the VFW, stated they have a green space that is fenced in for various events.

Angela stated that it is taking away from our space as well.



**ROCHESTER CITY BOARD OF ZONING APPEALS  
AUGUST 23, 2023**

Kurt stated it has always been there. It isn't taking away anything. The structure we are proposing is smaller than what is there currently and is not blocking their view.

Lawrence stated originally you were talking about being 4' away now you want to be 1' away. We cannot get through there to take care of the fence.

Angela stated with the substantial land on the other side which is their business, why is everything being shoved in this spot.

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

Duane asked for any Board discussion.

Duane stated there is room to make this work. I understand how things are now, but if you change it, one thing is for sure, they need to be able to maintain their fence and there is no way to do that the way it is now. You also have other room on the other side of the building. In my opinion you need to do a little more homework on how you can make this thing fit on your property without doing a variance or come up with a variance that will satisfy your neighbors as well.

Kurt asked the board if they could leave the existing sheds there as they are?

Duane stated they could but cautioned the petitioner to be a good neighbor.

Being no further discussion, Duane, entertained a motion regarding the petition. Teresa Houser moved to approve Timothy Berger (VFW) (#230388) requesting a Development Standard Variance of approximately 4' off the side yard setback for the purpose of a shed, on property located at, 1703 Federal Rd., Rochester IN, within the General Commercial (GC) district. Paul Zartman seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

Paul Zartman	Nay
Gloria Carvey	Nay
Teresa Houser	Nay
Duane Border	Nay

Petition for, Timothy Berger (VFW) (#230388) is requesting a Development Standard Variance of approximately 4' off the side yard setback for the purpose of a shed, on property located at, 1703 Federal Rd., Rochester IN, within the General Commercial (GC) district. Failed with no votes being in favor and four opposing.

IN RE: BOARD DISCUSSION

IN RE: PLAN DIRECTOR'S REPORT

Heather presented the board with the end of the month reports.

**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**AUGUST 23, 2023**

Being no further business to come in front of the Board of Zoning Appeals, Duane Border entertained a motion to adjourn the August 23, 2023 Rochester City Board of Zoning Appeals meeting. Teresa Houser moved to adjourn the August 23, 2023 Rochester City Board of Zoning Appeals meeting at 6:30 P.M. Gloria Carvey seconded the motion. Motion carried as follows: Teresa Houser, Paul Zartman, Gloria Carvey and Duane Border being in favor and no one opposed.

ROCHESTER CITY BOARD OF ZONING APPEALS

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ATTEST: \_\_\_\_\_  
Kim Gard, Administrative Secretary

**Docket #230605**  
**Joseph & Suzanne Benjamin**  
**Development Standard Variance**

Joseph & Suzanne Benjamin (#230605) are requesting Development Standard Variances of 6' off of the north side property line, 3' off of the front yard setback and off of the maximum height for the purpose of a detached garage with living space, on property located at, 1707 Mitchell Dr, Rochester IN, within Lake Residential (R3) district.

In the Lake Residential (R3) district the side yard setbacks for an accessory structure with living space is 8', the front setback is 10' and the maximum height is 20', not to exceed the height of the primary structure. Mr. & Mrs. Benjamin would like to construct a 22' x 30' detached, two-story garage with living space that would sit approximately 2' off of the north side property line, approximately 7' off of the right of way and will be approximately 26' in height. The primary structure is approximately 22' in height, therefore, variances off of the side yard setback, front yard setback and off of the maximum height are being requested.

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The request is for a Development Standard Variances of 6' off of the north side property line, 3' off of the front yard setback and off of the maximum height for the purpose of a detached garage with living space, on property located at, 1707 Mitchell Dr, Rochester IN, within Lake Residential (R3) district.

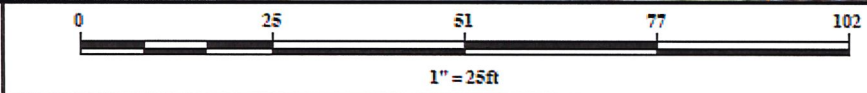




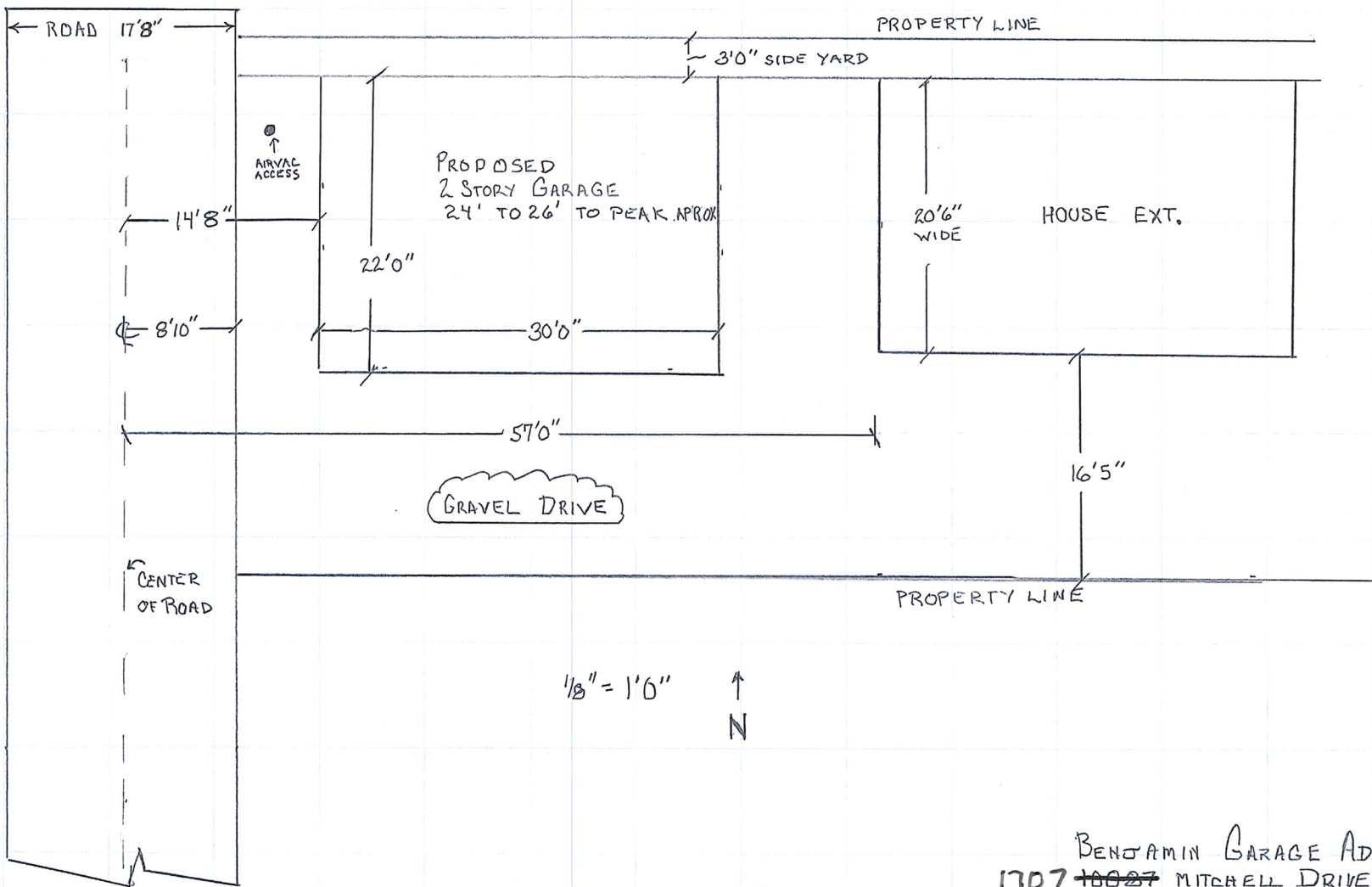
- Townships  
Feature Name:  
— Rochester Twp
- ▭ Parcels
  - ▭ City Town Boundary
  - ▭ Sections
  - ▭ ROW Presentation
  - ▭ Peacetree Village - St

- Addresses
- ▲ Permits - Primary
- Bldg Permits

- Parcels
- Lots
- Highways
- Roads
- Tippecanoe River
- Permits - Comm
- Bldg Permits







MITCHELL DR.

BENJAMIN GARAGE ADDITION  
1707 ~~10027~~ MITCHELL DRIVE  
ROCHESTER, IN.

## 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,


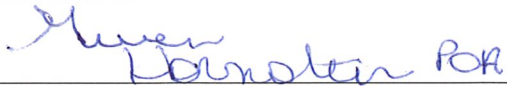


Joseph & Suzanne Benjamin #230605

Located at: 1707 Mitchell 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
David H Dunten	6361 Schooler Dr Whitestown, IN 46075	
Nard Steven Scott & Kumpfer Patricia A Etux	1703 Mitchell Dr Rochester, IN 46975	
Wilkinson Patricia Ann; TOD Voorhees Dashiell R; Voorhees Aurelia L; Voorhees Nicholas O	1706 Mitchell Dr Rochester, IN 46975	
Lester Wilkinson Trust	1709 Mitchel Drive Rochester, IN 46975	

**Docket #230634  
Douglas Weight  
Development Standard Variance**

Douglas Weight (#230634) is requesting a Development Standard Variance of 5' off of the side yard setbacks for the purpose of a two-story, metal garage with living space, on property located at (010-111126-00), west of 2109 West Side Rd., Rochester IN, within Lake Residential (R3) district.

In the Lake Residential (R3) district the side yard setbacks for an accessory structure with living space is 8'. Mr. Weight would like to construct a 44' x 60' two-story, metal garage with living space. The proposed garage would sit approximately 3' off of both sides, therefore, a variance of 5' off of the side yard setbacks to allow an accessory structure with living space is being requested.

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The request is for a Development Standard Variance of 5' off of the side yard setbacks for the purpose of a two-story, metal garage with living space, on property located at (010-111126-00), west of 2109 West Side Rd., Rochester IN, within Lake Residential (R3) district.









Same colors, little smaller.



## 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,

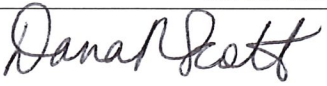
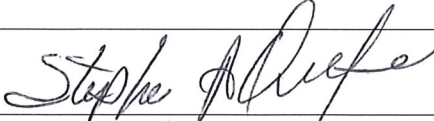
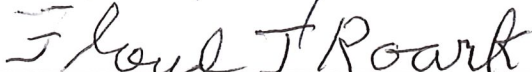
Douglas Weigt #230634

Located at: 010-111126-00 East of 2109 West Side Dr.

#### *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
LE Bradley & Dana Scott 1/2; Scott Family Revocable Trust 1/2; & Parsons James J & Scott Jeanne Ann	1414 Sugar Water Court Russiaville, IN 46979	
Stephan A Overmyer	PO Box 933 Rochester, IN 46975	
Judith Lynn Gross	2112 West Side Dr Rochester, IN 46975	



# Fee Summary Paid Totals

08/01/2023 - 08/31/2023

Fee Name	Fee Description	Account Number	Total Amount	Total Fees
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**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>
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**Total Records: 16**

**Page: 1 of 1**

**9/6/2023**