

***ROCHESTER CITY  
BOARD OF ZONING APPEALS***

ROCHESTER CITY HALL  
320 MAIN ST.  
ROCHESTER, IN 46975  
WEDNESDAY, OCTOBER 25, 2023  
6:00 P.M.

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**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**

**SEPTEMBER 27, 2023**

**OLD BUSINESS:**

**NEW BUSINESS:**

Daniel & Karen Dezelan (230704)

David Border (230707)

Richard Eldridge II (230721)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**ROCHESTER CITY BOARD OF ZONING APPEALS  
SEPTEMBER 27, 2023**

**ROCHESTER CITY  
BOARD OF ZONING APPEALS**

**WEDNESDAY, SEPTEMBER 27, 2023**

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

**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  
SEPTEMBER 27, 2023**

The Rochester City Board of Zoning Appeals met on Wednesday the 27<sup>th</sup> day of September 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: Dan Shafer, Teresa Houser, Gloria Carvey and Duane Border. Also, in attendance were: Executive Director, Heather Redinger and Administrative Secretary, Kim Gard.

It is duly noted that Paul Zartman and Attorney, Andy Perkins were absent.

IN RE: MEETING MINUTES

September 27, 2023

Duane Border asked the Board for any deletions, or corrections to be made to the September 27, 2023 minutes. Dan Shafer moved to approve the September 27, 2023 Rochester City Board of Zoning Appeals minutes as written. Gloria Carvey seconded the motion. Motion carried as follows: Dan Shafer, Teresa Houser, Gloria Carvey and Duane Border being in favor and no one opposing.

IN RE: NEW BUSINESS

Joseph & Suzanne Benjamin (#230605)

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 an additional 4' of 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 a primary 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 an additional 4' in height are being requested.

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

Joseph stated he contacted Duke Energy due to having overhead lines. Duke informed Mr. Benjamin he needs to move the building approximately 9' away from the power lines. The proposed building will now sit approximately 22 to 24 feet from the center of the road and will no longer need a variance off of the front setback. Mr. Benjamin stated the existing building sits approximately 3' from the north property line and he would like to keep the proposed building in line with the house.

Duane asked the board if they had any questions.

Gloria asked for clarification. You are not going to need the front yard setback? You will be able to sit 10' off of the right of way?

Heather stated no he will not need the front variance.

Gloria then asked, you do not have a survey for this property so you are not certain of you north property line?

Mr. Benjamin stated no he is not sure.





**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**SEPTEMBER 27, 2023**

Mr. Weigt stated he would be constructing the new garage with living space further away from the road. The current structure there now, is very old and does not accommodate our vehicles. Mr. Weigt stated he would like to have space for their kids to stay when they come home from collage to visit.

Gloria asked if Mr. Weigt could move the structure back where the lot is larger.

Mr. Weigt stated he will be building the proposed building further back away from the road in the lot however, will still need the variance.

Lane Roark, the son Floyd Roark at 2112 Westside Dr., stated the lot is not big enough for that size structure.

Heather stated it is. Mr. Weigt has a survey of his lot. She then went on to explain the lot size to Mr. Roark.

Duane asked the board if they had any questions.

Being no further board questions or comments, 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: Dan Shafer, Teresa Houser, Gloria Carvey and Duane Border being in favor and no one opposing.

Lane Roark stated with moving closer to our property line it will restrict our access to the back of our property.

Heather stated the proposed build will not affect your property. No one can build on someone else's property.

Mr. Roark then stated there is an easement between the two properties.

Heather stated the is no recorded easement. It doesn't exist.

Duane asked Lane if he had any paperwork showing an easement. He then asked Heather if she had seen these documents.

Heather stated no she has not. She stated she did look for any recorded information. When Mr. Weigt first spoke of this project there was questions brought up about an easement. She also stated the easement that Mr. Roark is talking about still wont affect Mr. Weigt property, if that easement is on Mr. Roark's property.

Mr. Roark stated they did a quit claim deed, it was notarized and signed.

Heather stated the problem is nothing was ever recorded. It does show on Mr. Roark's survey an easement but it is not part of Mr. Weigt's property.

Gloria asked if there was anything build on the easement?

Heather stated no, it's only 10' wide.

Duane then stated one thing to keep in mind, if it wasn't for the living quarters there would be no need for a variance.

**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**SEPTEMBER 27, 2023**

Mr. Roark then stated with the building being 2 stories it blocks our line of sight from our front porch down the road.

Heather explained the line of sight is usually blocking the lake view. The regulations stated it cannot block more than 50% of the view. That is in our lake codes not road codes. He will not block more than 50% of your view down the road. You can still see down the road to the right and out front.

Mr. Roark stated you don't have line of sight on road ways.

Duane stated no, unless at intersections it blocks line of sight for traffic.

Mr. Weigt stated if I start the proposed structure where the existing structure is now, the closest point to the road will be 5' further away from the road. Increasing your view down the road.

Heather stated our code only require him to be 10' off of the right of way.

Gloria stated she would like to approve the petition with the condition that he will then sit an additional 5' off of the right of way.

Heather stated you are saying Mr. Weigt will have a 15' front setback instead of 10'.

Gloria stated that is correct.

Heather stated he already sits approximately 46' from the center line of the road. Our setback is only 26.5'. Mr. Weigt is already sitting an additional 20 off of the right of way. My suggestion, if you were to put a condition on the petition, would be the he cannot build any closer to the road then the existing building.

Being no public comment, Duane entertained a motion to close the public hearing. Teresa Houser moved to close the public hearing. Dan Shafer seconded the motion. Motion carried as follows: Dan Shafer, Teresa Houser, Gloria Carvey and Duane Border being in favor and no one opposing.

Being no further discussion, Duane entertained a motion regarding the petition. Gloria moved to approve Douglas Weigt (#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 with the condition the proposed building will not sit any closer to the road then the existing building.

Administrative Secretary, Kim Gard conducted roll call vote.

Dan Shafer	Yea
Gloria Carvey	Yea
Teresa Houser	Yea
Duane Border	Yea

Petition for, Douglas Weigt (#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 with the condition the proposed building will not sit any closer to the road then the existing building. Passed with four votes being in favor and none opposing.

**ROCHESTER CITY BOARD OF ZONING APPEALS  
SEPTEMBER 27, 2023**

IN RE: BOARD DISCUSSION

IN RE: PLAN DIRECTOR'S REPORT

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

Being no further business to come in front of the Board of Zoning Appeals, Duane Border entertained a motion to adjourn the September 27, 2023 Rochester City Board of Zoning Appeals meeting. Teresa Houser moved to adjourn the September 27, 2023 Rochester City Board of Zoning Appeals meeting at 7:00 P.M. Gloria Carvey seconded the motion. Motion carried as follows: Teresa Houser, Dan Shafer, 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 #230704**  
**Daniel & Karen Dezelan**  
**Development Standard Variance**

Daniel & Karen Dezelan (BZA# 230704) is requesting Development Standard Variances of 16' off of the east rear/lake yard setback, 15' off of the south rear/lake yard setback and 2' off of the north west side yard setback for the purpose of an addition and screen in an existing deck, on property located at, 2113 Boulevard St., Rochester IN, within Lake Residential (R3) district.

In the Lake Residential (R3) district the rear/lake yard setback for a primary structure is 25' and the side yard setback is 8'. Mr. & Mrs. Dezelans lot has two rear/lake yards and they would like to construct a 4'6" x 28' deck on the east side of their home that would sit approximately 9' off the east rear/lake property line, they are also enclosing an existing deck on the south rear/lake property that sits approximately 10' off of the lake. They would also like to construct an addition on the north east of their home that will stay in line with the existing house and will sit approximately 6' off of their east property line. Therefore, variances of 16' off of the east rear/lake yard setback, 15' off of the south rear/lake yard setback and 2' off of the north west side yard setback for the purpose of a 9'6" x 11' addition and to screen in and repair the existing deck is being requested.

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The request is for a Development Standard Variances of 16' off of the east rear yard setback and 15' off of the south rear setback and 2' off of the north west side yard setback for the purpose of an addition and screen in an existing deck, on property located at, 2113 Boulevard St., Rochester IN, within Lake Residential (R3) district.

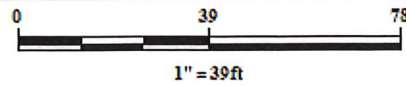




- Parcels
- Townships
- City Town Boundary
- ROW Presentation
- Miscellaneous
- BZA DSV
- Peacetreer Village - St

- Addresses
- Permits - Primary
- Permits - Accessory
- Bldg Permits

- Parcels
- Lots
- Highways
- Roads
- Permits - Comm
- Bldg Permits
- Miscellaneous
- BZA DSV



**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 Special Exception Before the Rochester City Board of Zoning Appeals supplied to you by the applicant of said public hearing,

Daniel & Karen Dezelan #230704

Located at: 2113 Boulevard St., Rochester IN 46975

*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 John A Hearn & Jo Ann Hearn; Hearn John A & Jo Ann Revocable Trust Agreement	321 Kingston Road Kokomo, IN 46901	GC
Christina Marie & Gary Dean Baldwin	478 Brook Dr. Franklin, IN 46131	Gary & Christina Baldwin

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,

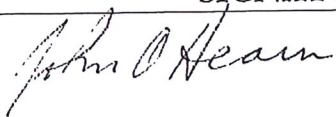
Daniel & Karen Dezelan #230704

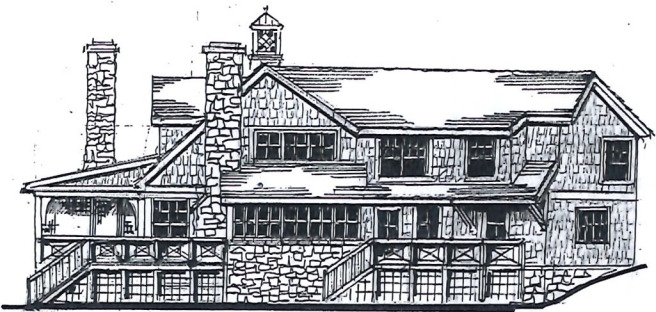
Located at: 2113 Boulevard St., Rochester IN 46975

*Legal Notification Requires:*

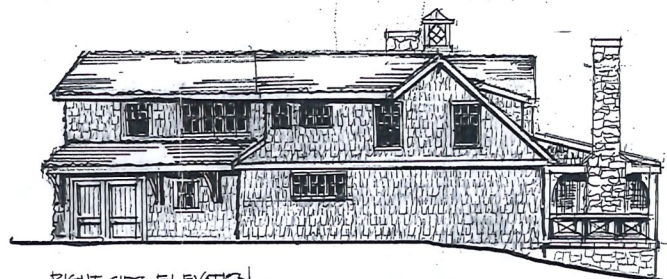
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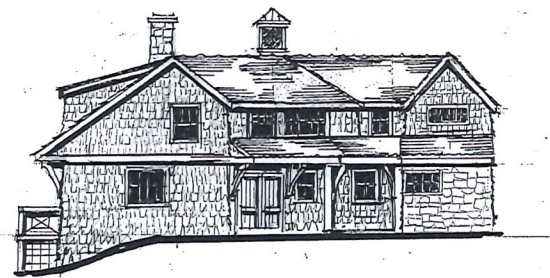
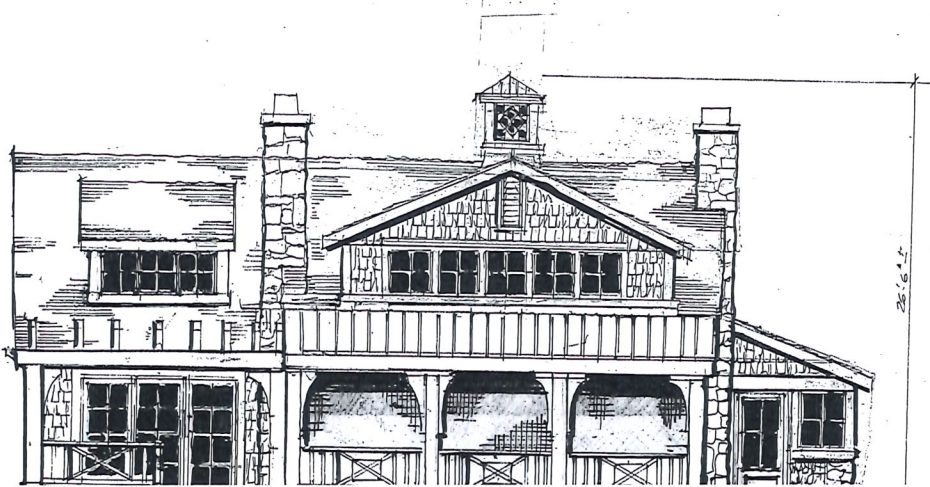
NAME	ADDRESS	SIGNATURE
LE John A Hearn & Jo Ann Hearn; Hearn John A & Jo Ann Revocable Trust Agreement	321 Kingston Road Kokomo, IN 46901	
Christina Marie & Gary Dean Baldwin	478 Brook Dr. Franklin, IN 46131	



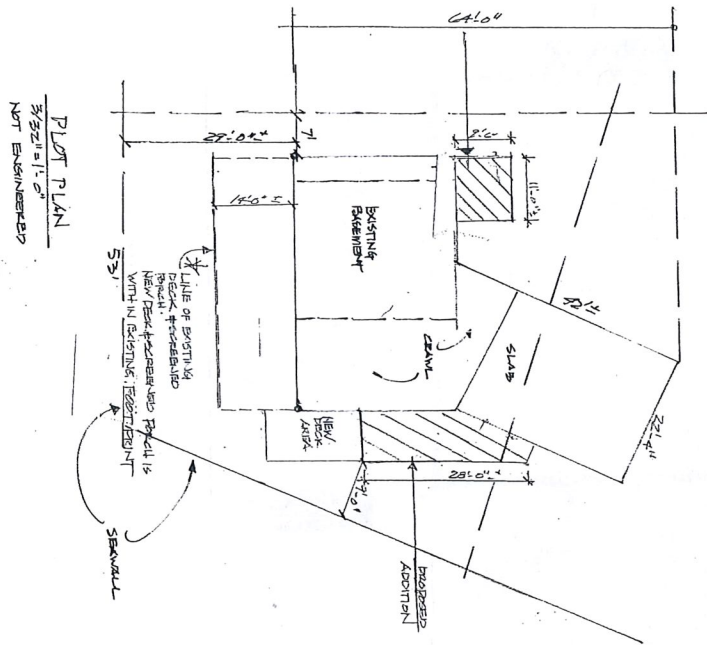
LEFT SIDE (CHANNEL) ELEVATION



RIGHT SIDE ELEVATION

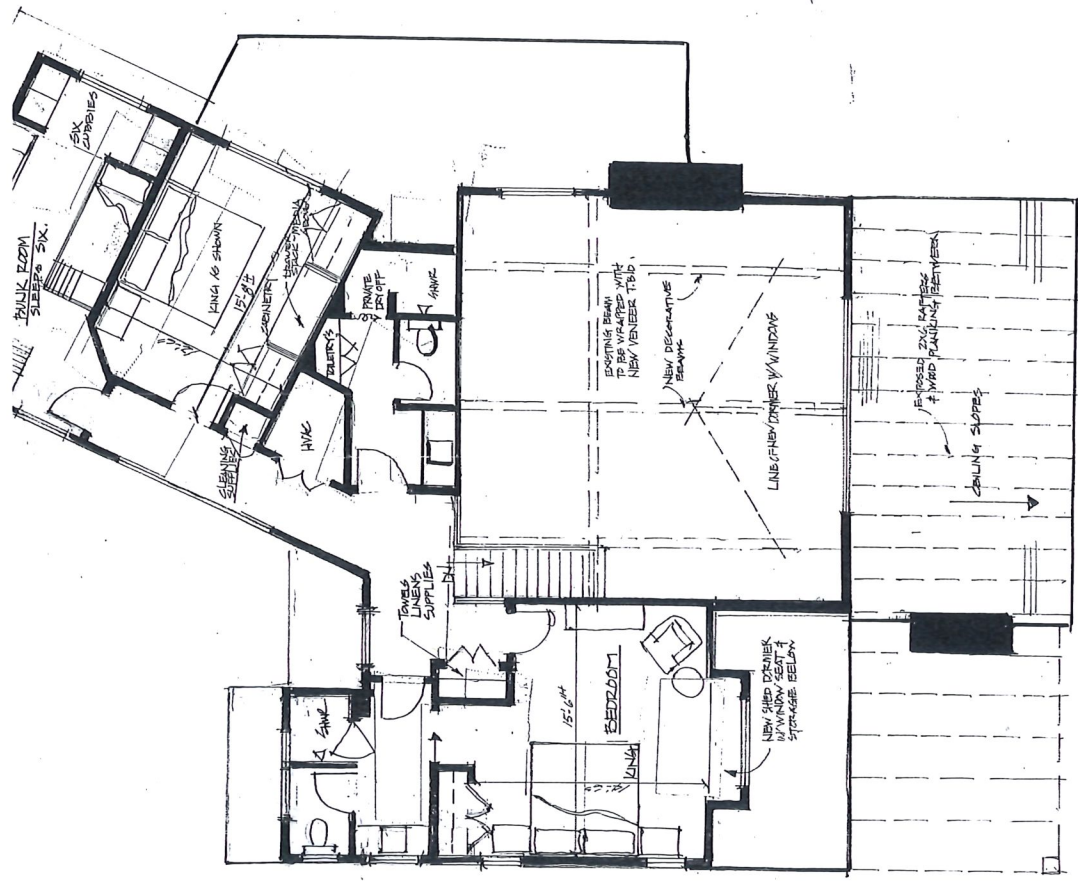




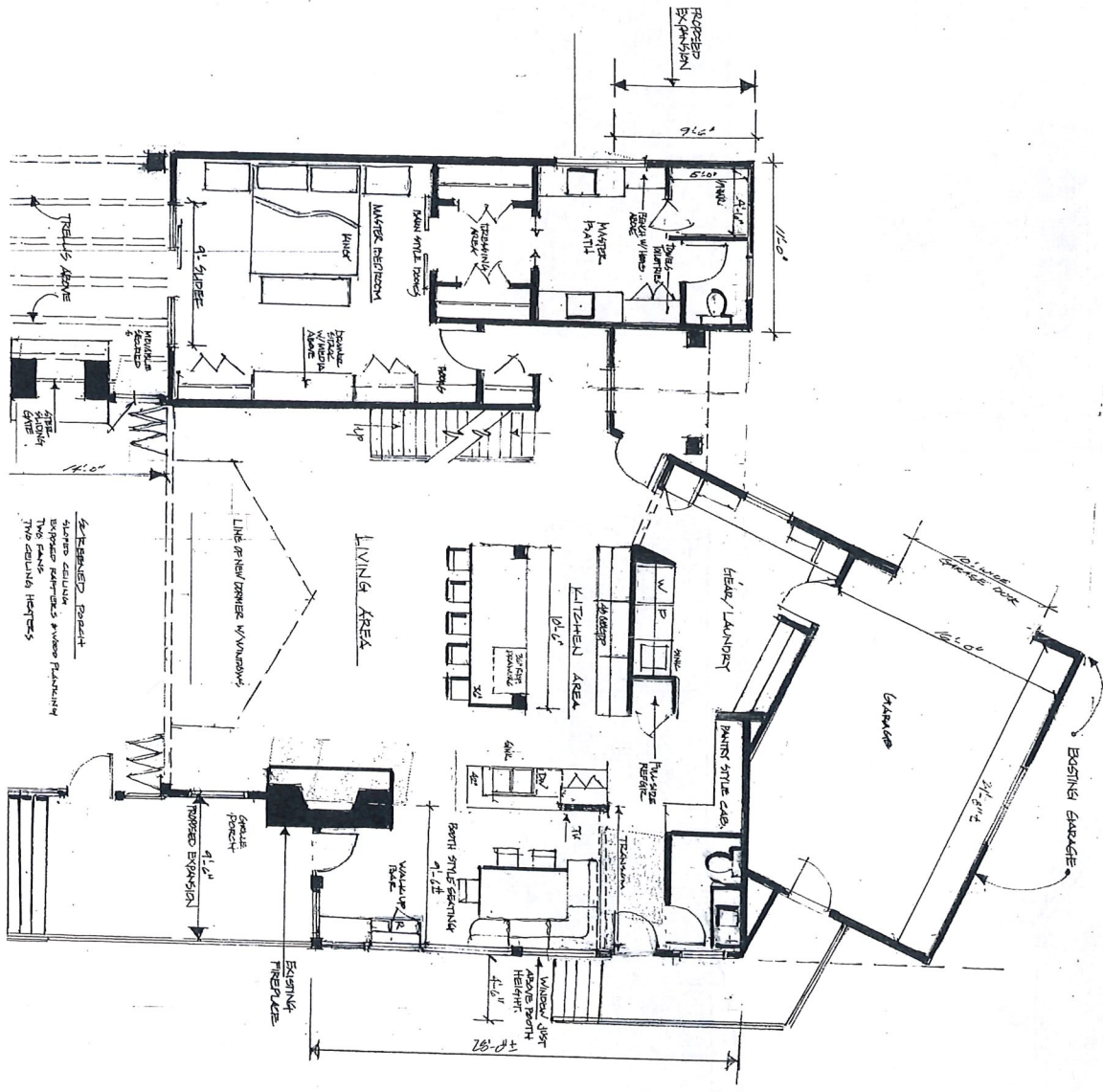


PLAN PLAN  
 3/32" = 1'-0"  
 NOT ENGINEERED





SECOND LEVEL FLOOR PLAN  
 1/4" = 1'-0"  
 Structural only



**Docket #230707**  
**David Border**  
**Development Standard Variance**

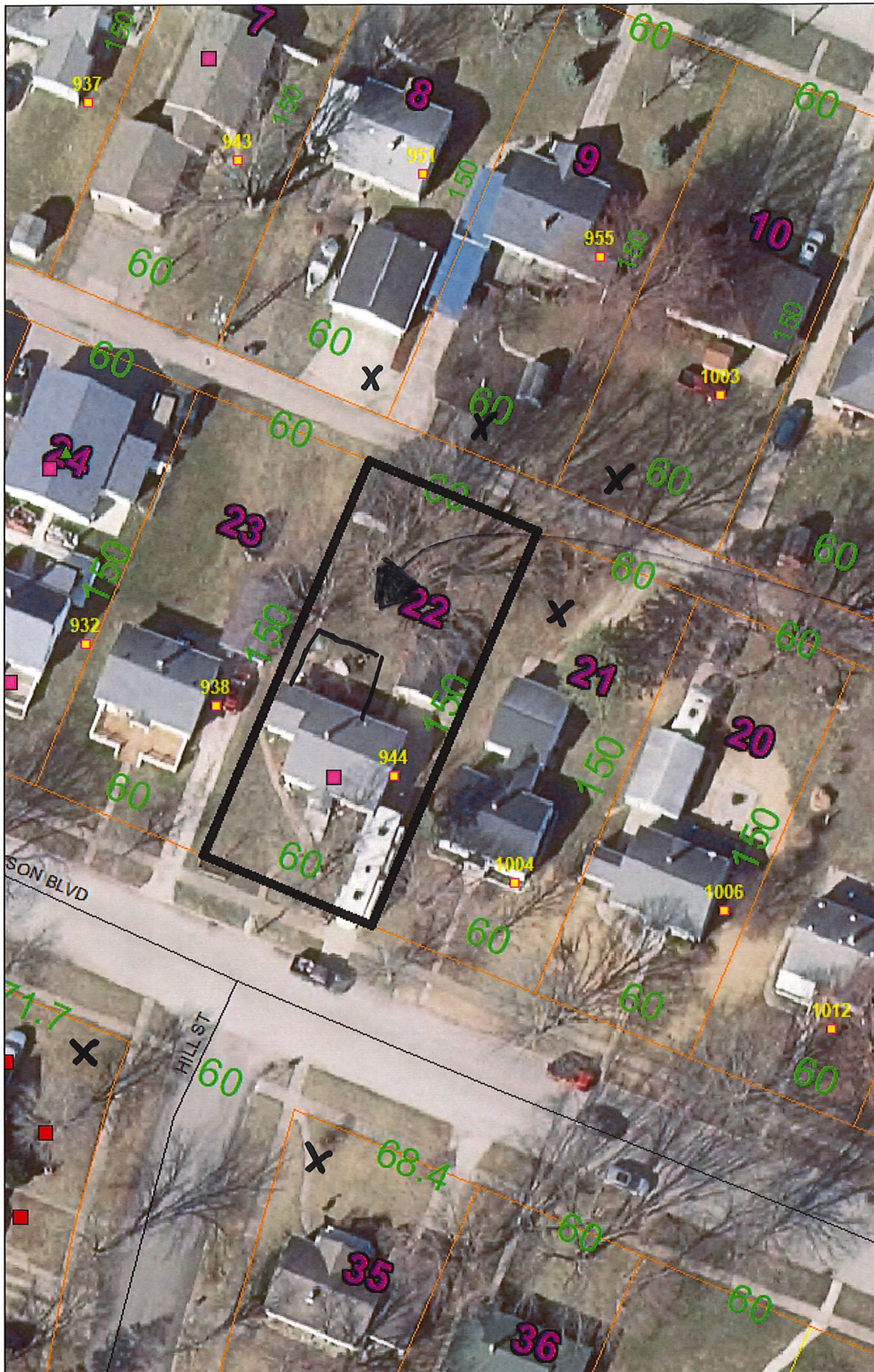
David Border #BZA (230707) is requesting a Development Standard Variance of 4' off of the side yard setbacks for the purpose of a 16' x 18' roof over an existing patio on property located at 944 Jackson Blvd., Rochester IN, within Residential (R1) district.

In the Residential (R1) district the side yard setbacks for a covered patio is 10'. Mr. Border would like to construct a 16' x 18' roof over an existing patio making it part of the primary structure. The proposed patio would sit approximately 6' off of the east side, therefore, a variance of 4' off of the side yard setback to allow a covered patio is being requested.

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The request is for a Development Standard Variance of 4' off of the side yard setbacks for the purpose of a 16' x 18' roof over an existing patio on property located at 944 Jackson Blvd., Rochester IN, within Residential (R1) district.



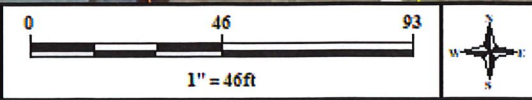


- Parcels
- Townships
- City Town Boundary
- ROW Presentation
- Miscellaneous
- BZA DSV
- Peacetree Village - St

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

- Parcels
- Lots
- Highways
- Roads
- Permits - Comm
- Bldg Permits
- Miscellaneous
- BZA DSV

$16^w \times 18^D$   
 Roof  
 over  
 existing  
 patio





## 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,

David Border #230707

Located at: 944 Jackson Blvd., Rochester IN 46975

#### *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
Gordon Robert R Sr ✓	3954 Seminole Run, Lot H-23 Bowling Green, FL 33834	GC
Preskewitz Cleo S ✓	955 E 9th St Rochester, IN 46975	Cleo S. Preskewitz
Sayger Timothy Lee & Linda Lou ✓	1003 E 9th St Rochester, IN 46975	GC
Smiley Paul E and Joan Trust ✓	867 W 18th St Rochester, IN 46975	GC
Hoggatt Susan K	1005 Jackson Blvd Rochester, IN 46975	Susan Hoggatt
Gohn Hudson Kathleen ✓ S & Hudson Terrance A Etux	935 Jackson Blvd Rochester, IN 46975	GC
Howard Ielene ✓	938 Jackson Blvd Rochester, IN 46975	Ielene Howard

**Docket #230721  
Richard Eldridge II  
Special Exception**

Richard Eldridge II (#230721) is requesting a Special Exception to allow a duplex on property located at 115 E 11th St., Rochester IN, within Downtown Commercial (DC) district.

In the Downtown Commercial (DC) district Multi-family housing is a special exception use. Mr. Eldridge would like to construct a duplex on this lot, therefore, a special exception to allow a duplex is being requested.

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The request is for a Special Exception to allow a duplex on property located at 115 E 11th St., Rochester IN, within Downtown Commercial (DC) district.

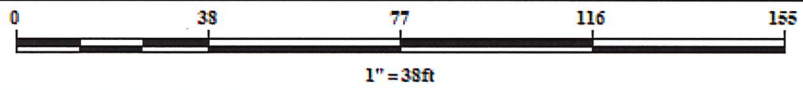




Townships  
 Feature Name:  
 Rochester Twp

- Parcels
- City Town Boundary
- Sections
- Peacetree Village - St
- Addresses
- ▲ Permits - Primary
- ▲ Permits - Accessory
- Bldg Permits

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







# Fee Summary Paid Totals

09/01/2023 - 09/30/2023

Fee Name	Fee Description	Account Number	Total Amount	Total Fees
<b>Group: 1001.20301.000.0036</b>				
A. County, Akron, & Town of Fulton Residential - Inspection Fee	Enter Number of Inspections	1001.20301.000.0036	\$2,723.80	24
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$657.50	24
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.20301.000.0036	\$200.00	5
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	\$453.00	2
			<b>\$4,514.30</b> ✓	<b>58</b>

**Group Total: 5**

**Group: 1001.20302.000.0036**

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$555.00	8
B-1. City of Rochester	Enter Number of Inspections	1001.20302.000.0036	\$545.00	8

Residential- Inspection Fee				
B-2. CITY OF ROCHESTER ELECTRICAL PERMIT		1001.20302.000.0036	\$20.00	1
B-5. City of Rochester Residential- Renewal		1001.20302.000.0036	\$87.50	2
			<b>\$1,207.50</b> ✓	<b>19</b>

**Group Total: 4**

**Group: 1001.20303.000.0036**

BZA. Development Standard Variance		1001.20303.000.0036	\$525.00	3
BZA. Special Exception		1001.20303.000.0036	\$175.00	1
Fee addition	Fee additions and/or corrections	1001.20303.000.0036	\$70.00	1
ZO. LIP		1001.20303.000.0036	\$1,700.00	34
ZO. Signs	Enter Square Feet	1001.20303.000.0036	\$311.91	1
ZO. Solar Array- Medium		1001.20303.000.0036	\$150.00	1
			<b>\$2,931.91</b>	<b>41</b>

**Group Total: 6**

			<b>\$8,653.71</b>	<b>118</b>
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**Total Records: 15**

**10/2/2023**

**Page: 1 of 1**