

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

ROCHESTER CITY HALL
320 MAIN ST.
ROCHESTER, IN 46975
WEDNESDAY, MARCH 27, 2024
6:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

FEBRUARY 28, 2023

OLD BUSINESS:

NEW BUSINESS:

Naketta McBee (#240073)

Ben Whitfield (#240106)

John Cory (#240124)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**ROCHESTER CITY BOARD OF ZONING APPEALS
FEBRUARY 28, 2024**

**ROCHESTER CITY
BOARD OF ZONING APPEALS**

WEDNESDAY, FEBRUARY 28, 2024

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

CALL TO ORDER

ELECTION OF OFFICERS

RULES OF PROCEDURE

ADOPTION OF MEETING RESOLUTION

**BOARD OF ZONING APPEALS MINUTES FOR:
December 27, 2024**

OLD BUSINESS:

NEW BUSINESS:

Karmin Reeves-Habitat for Humanity (240013)
Ad-Vance Magnetics (240015)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
FEBRUARY 28, 2024

The Rochester City Board of Zoning Appeals met on Wednesday the 28th day of February 2024, at 6:00 P.M. in the Council Chambers located in the City Hall. Executive Director, Heather Redinger, called the meeting to order at 6:00 P.M. The following members were present: Teresa Houser, Gloria Carvey, Dan Shafer, Paul Zartman and Duane Border. Also in attendance were: Executive Director, Heather Redinger; Attorney, Andy Perkins, and Administrative Secretary, Kim Gard.

IN RE: ELECTION OF OFFICERS

Executive Director, Heather Redinger, opened the floor to nominations for Chairperson. Duane Border nominated Paul Zartman as Chairperson. Dan Shafer seconded the nomination. Being no further nominations, Motion carried as follows: Teresa Houser, Gloria Carvey, Dan Shafer, Duane Border and Paul Zartman being in favor and no one opposing. Paul Zartman was elected as Chairperson for the Rochester City Board of Zoning Appeals.

Chairperson, Paul Zartman, asked for nominations for Vice-Chairperson. Teresa Houser nominated Gloria Carvey as Vice-Chairperson. Dan Shafer seconded the nomination. Being no further nominations. Motion carried as follows: Teresa Houser, Gloria Carvey, Dan Shafer, Duane Border and Paul Zartman being in favor and no one opposing. Gloria Carvey was elected as Vice-Chairperson for the Rochester City Board of Zoning Appeals.

Paul Zartman asked for nominations for Executive Secretary. Dan Shafer nominated Teresa Houser as Executive Secretary. Gloria Carvey seconded the nomination. Being no further nominations, Motion carried as follows: Teresa Houser, Gloria Carvey, Dan Shafer, Duane Border and Paul Zartman being in favor and no one opposing. Teresa Houser was elected as Executive Secretary for the Rochester City Board of Zoning Appeals.

Paul Zartman asked for nominations for Administrative Secretary. Duane Border nominated Kim Gard as Administrative Secretary. Dan Shafer seconded the nomination. Motion carried as follows: Teresa Houser, Gloria Carvey, Dan Shafer, Duane Border and Paul Zartman being in favor and no one opposing. Kim Gard was appointed as the Rochester City Board of Zoning Appeals Administrative Secretary.

Paul Zartman stated the Board needed to appoint an Attorney to represent them. Teresa Houser moved to appoint Andy Perkins of, Peterson, Waggoner and Perkins, Rochester, IN. Duane Border seconded the motion. Motion carried as follows: Teresa Houser, Gloria Carvey, Dan Shafer, Duane Border and Paul Zartman being in favor and no one opposing. Andy Perkins was appointed as the Rochester City Board of Zoning Appeals Attorney.

Paul Zartman then asked for a motion to approve the amended rules of procedure Duane made a motion to approve the amended rules of procedure, Gloria seconded the motion. Motion carries as follows: Teresa Houser, Gloria Carvey, Dan Shafer, Duane Border and Paul Zartman being in favor and no one opposing.

Paul Zartman then asked for a motion to approve Resolution #02282024 for the meeting dates and times as read. Duane made a motion to approve Resolution #02282024, Gloria Carvey seconded the motion. Motion carries as follows: Teresa Houser, Gloria Carvey, Dan Shafer, Duane Border and Paul Zartman being in favor and no one opposing.

IN RE: MEETING MINUTES

December 27, 2023

**ROCHESTER CITY BOARD OF ZONING APPEALS
FEBRUARY 28, 2024**

IN RE: NEW BUSINESS

Ad-Vance Magnetics (#240015)

Ad-Vance Magnetics (#240015) is requesting a Special Exception to allow a medium size roof mounted solar system, located at 625 Monroe St., Rochester IN, within Industrial (IN) district.

In the Industrial (IN) district a medium size roof mounted solar system is special exception use. A medium size roof mount solar is 1750sf – 40,000sf. Ad-Vance Magnetics would like to construct a 10,575sf roof mounted solar system, therefore, a special exception to allow a medium size roof mount solar system is being requested.

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

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

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

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

Paul asked for Board discussion. Being none, the Board proceed with filling out finding of facts.

Administrative Secretary, Kim Gard conducted roll call vote.

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

Petition for, Ad-Vance Magnetics (#240015) is requesting a Special Exception to allow a medium size roof mounted solar system, located at 625 Monroe St., Rochester IN, within Industrial (IN) district. Passed with five votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR'S REPORT

Heather presented the board with last year's report. She then stated starting in 2025 all BZA boards will be meeting in the Commissioners meeting room at 125 E 9th St. for their regular scheduled meetings.

Being no further business to come in front of the Board of Zoning Appeals, Paul Zartman, entertained a motion to adjourn the February 28, 2024 Rochester City Board of Zoning Appeals meeting. Duane Border moved to adjourn the February 28, 2024 Rochester City Board of Zoning Appeals meeting at 6:25 P.M. Gloria Carvey seconded the motion. Motion carried as follows: Teresa Houser, Gloria Carvey, Duane Border, Dan Shafer and Paul Zartman being in favor and no one opposed.

ROCHESTER CITY BOARD OF ZONING APPEALS
FEBRUARY 28, 2024

ROCHESTER CITY BOARD OF ZONING APPEALS

ATTEST:

Kim Gard, Administrative Secretary

**Docket #240073
Naketta McBee
Development Standard Variance**

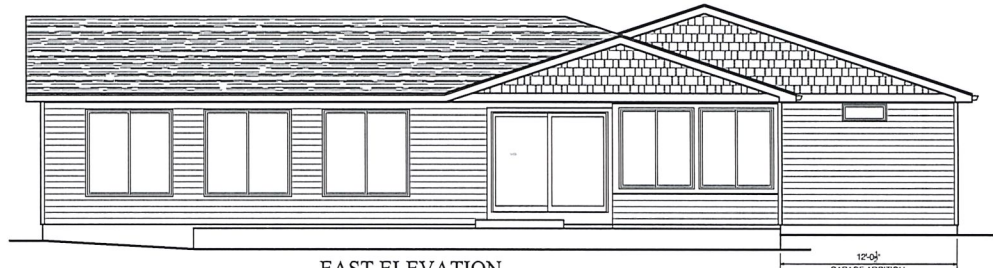
Naketta McBee BZA# (240073) is requesting a Development Standard Variance of approximately 2' off of the side yard setback for the purpose of a 12' x 23' attached garage on property located at 2420 Wolf's Point Dr., Rochester IN, within Lake Residential (R3) district.

In the Lake Residential (R3) district the side yard setback for an attached garage is 8'. Mrs. McBee would like to construct a 12' x 23' attached garage to the north west of her existing home which at the closest point would sit approximately 6' off of the north property line, therefore, a variance of approximately 2' off of the side yard setback to allow an attached garage is being requested.

The request is for a Development Standard Variance of approximately 2' off of the side yard setback for the purpose of a 12' x 23' attached garage on property located at 2420 Wolf's Point Dr., Rochester IN, within Lake Residential (R3) district.



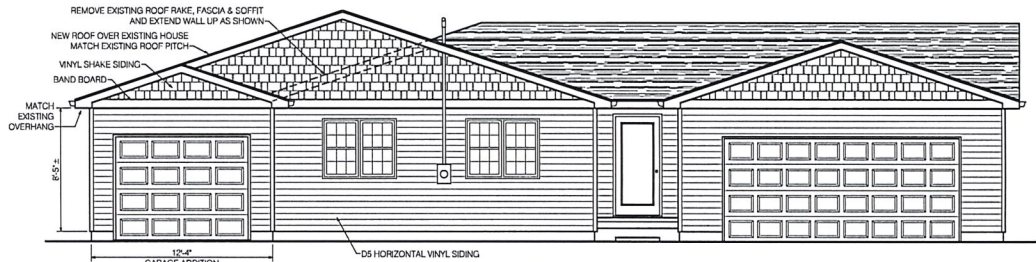
SOUTH ELEVATION
SCALE: 1/4"=1'-0"



EAST ELEVATION
SCALE: 1/4"=1'-0"



NORTH ELEVATION
SCALE: 1/4"=1'-0"



WEST ELEVATION
SCALE: 1/4"=1'-0"

ACCUCAD
DRAWING SERVICE, INC.
1825 E. STATE STREET, ELKHART, IN 46520
(773) 269-2147 accucad@earthlink.net

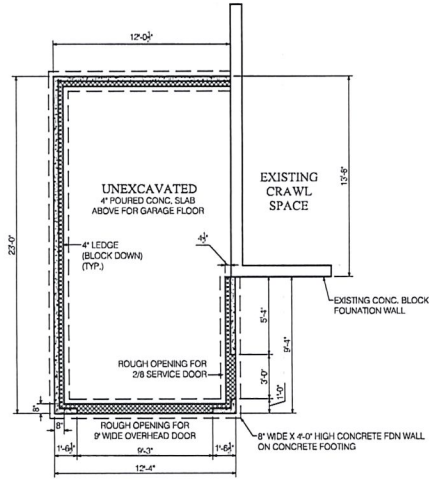
NOTES:
1) ROOM SIZES MAY VARY SLIGHTLY FROM DIMENSIONS SHOWN.
2) FINISHES AND MATERIALS TO BE DETERMINED BY THE CLIENT.
3) SO FOOTAGE TOTALS MAY VARY ACCORDING TO CALCULATION METHOD USED. SEE ELEVATIONS FOR DETAILS.
4) ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5) WINDOWS, VINYL FRAME.

SCALE: AS SHOWN
DATE: 12/11/2023
DRAWN BY: GJH
CHECKED BY: GJH
PROJECT: 2023-127
JOB NO: 2023-127

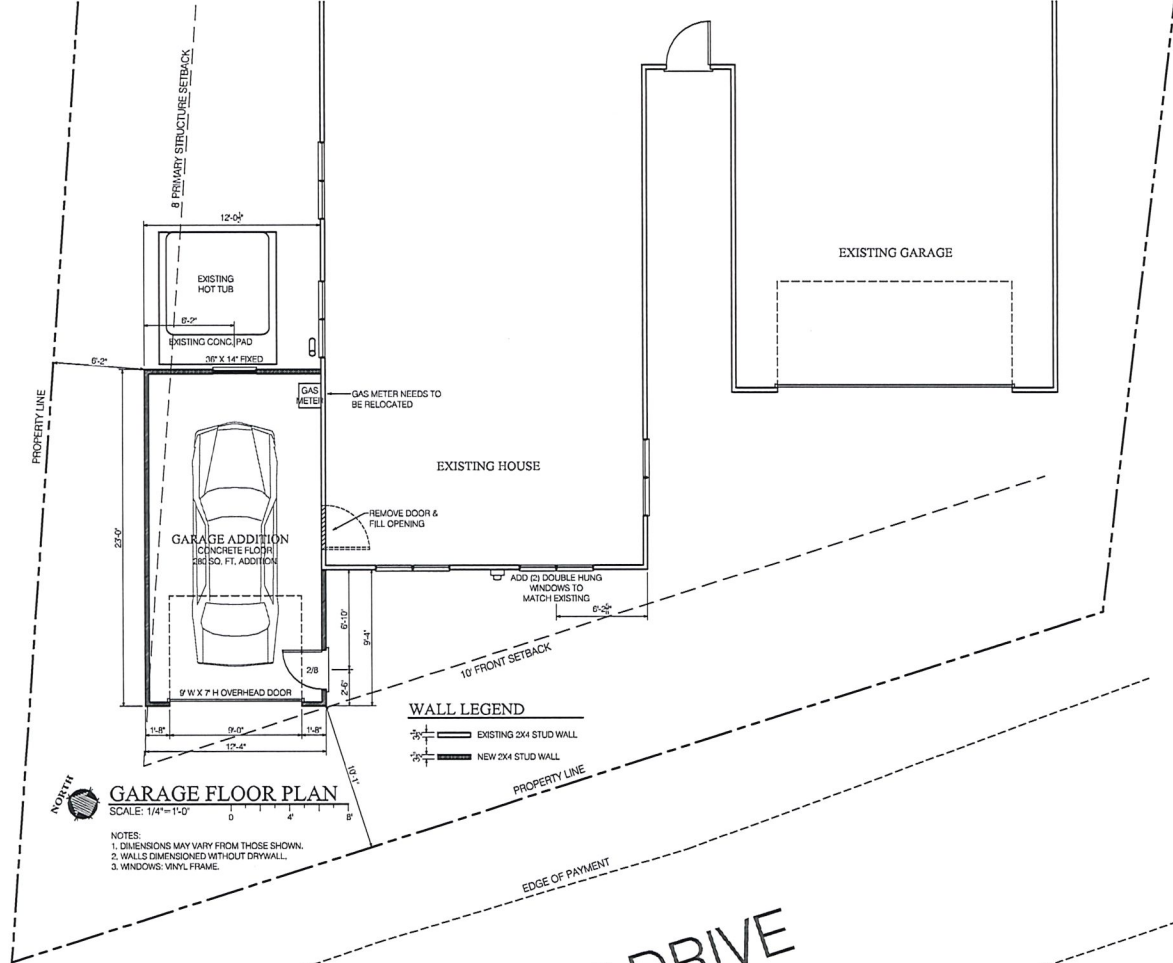
PROJECT: 2023-127
JOB NO: 2023-127
DRAWN BY: GJH
CHECKED BY: GJH
DATE: 12/11/2023

ELEVATIONS
Phil & Nicki McRee
2420 Woods Point Dr Rochester, IN 46975

December 11, 2023
A2



GARAGE FOUNDATION PLAN
SCALE: 1/4"=1'-0"



GARAGE FLOOR PLAN
SCALE: 1/4"=1'-0"

NOTES:
1. DIMENSIONS MAY VARY FROM THOSE SHOWN.
2. WALLS DIMENSIONED WITHOUT DRYWALL.
3. WINDOWS: VINYL FRAME.



WOLFS POINT DRIVE

ACCUCAD
DRAFTING SERVICE INC.
1425 WILSON BLVD
ROSELAND, NJ 07068
(878) 269-2147 accucad@embarrasnj.com

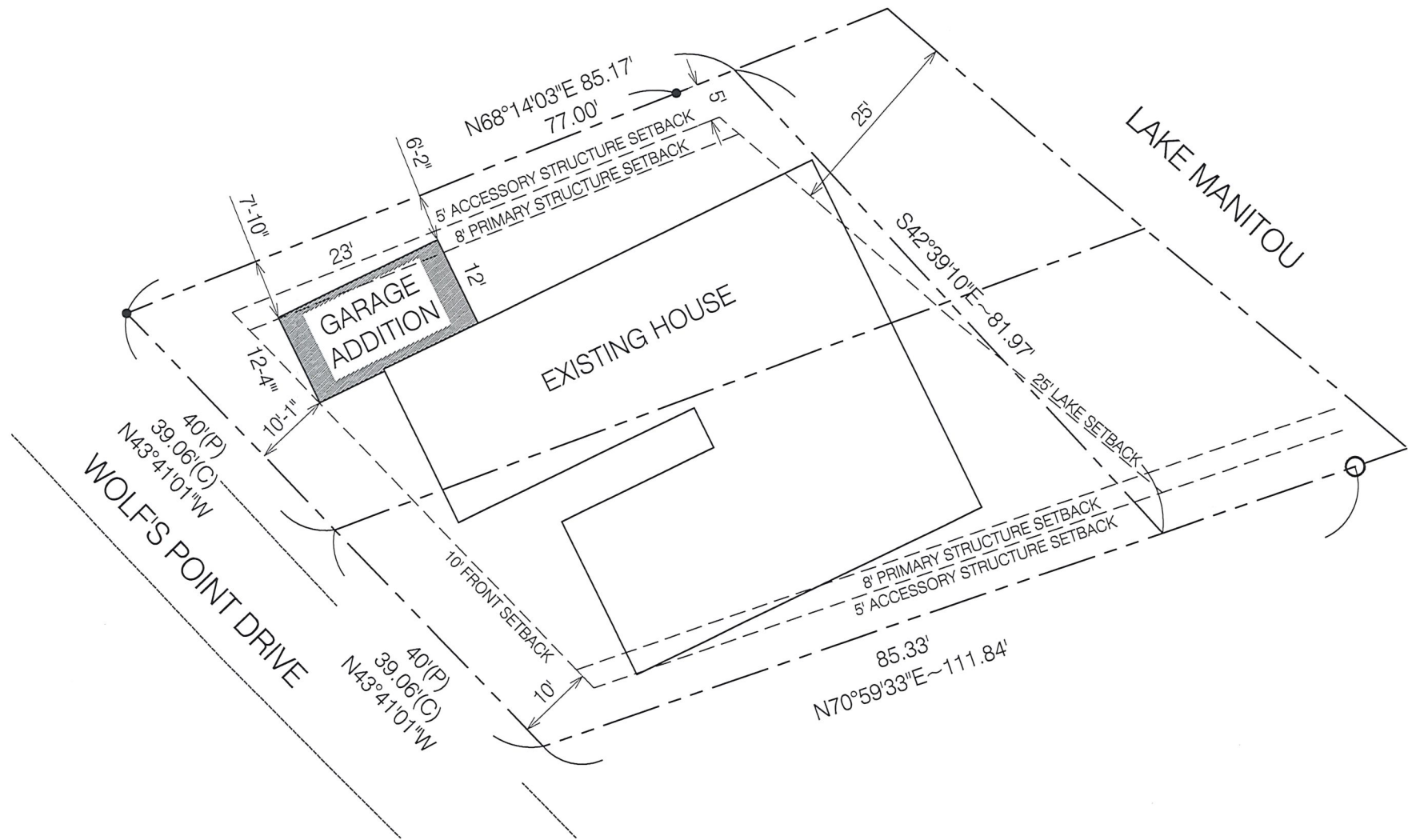
NOTES:
1. ROOM SIZES MAY VARY SLIGHTLY FROM DIMENSIONS SHOWN.
2. ALL ROOMS SHALL BE FINISHED TO FINISH GRADE UNLESS NOTED OTHERWISE.
3. ISO FOOTAGE TOTALS MAY VARY ACCORDING TO CALCULATION METHOD USED. SEE ELEVATIONS FOR DETAILS.
4. ALL WINDOWS SHALL BE VINYL FRAME.
5. WINDOWS: VINYL FRAME.

SCALE AS SHOWN	12/11/2023	CLH
DATE	12/11/2023	CLH
DRAWN BY	2003-27	CLH
PROJECT NO.	2003-27	CLH
DATE	2003-27	CLH
DESIGNED BY	2003-27	CLH
CHECKED BY	2003-27	CLH

FLOOR AND FOUNDATION PLAN
PHIL & NICKI McEAS
2469 Wolfs Point Ct, Roseland, NJ 07068

December 11, 2023

DWG NO. **A1**



SITE PLAN

1" = 20'-0"

NOTE: DIMENSIONS ARE TO FOUNDATION CORNER.

ACCUCAD
 DRAFTING SERVICE, INC.
 1823 E SPRINGFIELD DR WARSAW IN 46582
 (574) 269-2147 accucad@embarqmail.com

OWNER: Phil McBee
 2420 Wolf's Point Dr
 Rochester, IN 46975
 Contractor: Hiatt Construction
 December 11, 2023

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,

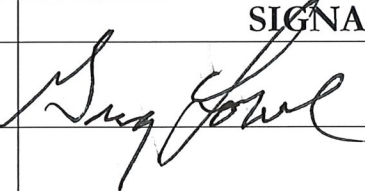
Naketta McBee #240073

Located at: 2420 Wolf's Point Dr., 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.

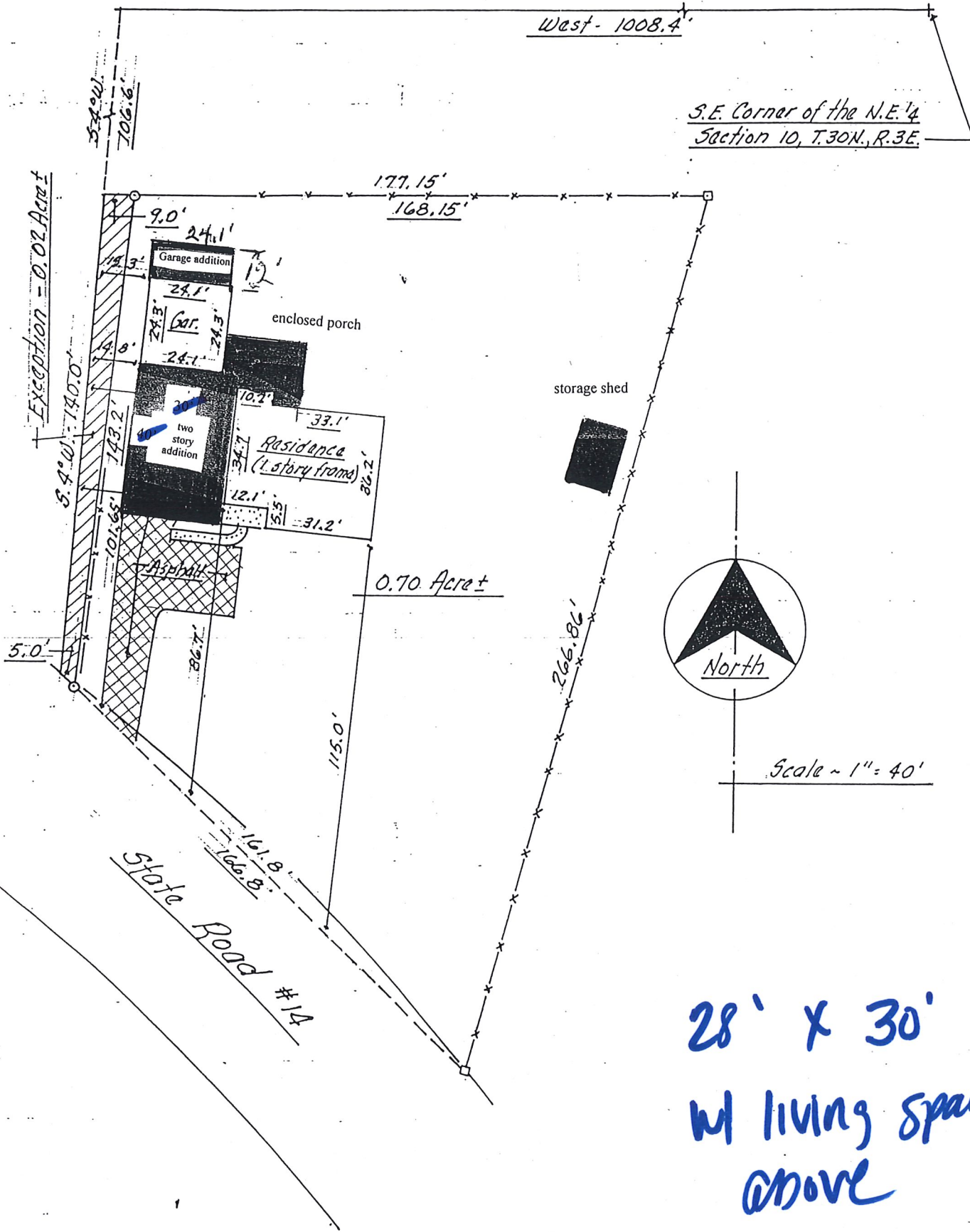
NAME	ADDRESS	SIGNATURE
Greg & Dona Lowe	1921 Maples Ct Rochester, IN 46975	
Willis Virginia L Revocable Living Trust	2502 Wolfs Point Dr Rochester, IN 46975	GC
Stanley E & Karen J Ortman	3435 West 450 North Kokomo, IN 46901	GC

Docket #240106
Ben Whitfield
Development Standard Variance

Ben Whitfield BZA# (240106) is requesting a Development Standard Variance of 12' off of the side yard setbacks for the purpose of a 28' x 30' building with living space above, on property located at 3012 E SR 14, Rochester IN, within Highway Commercial (HC) district.

In the Highway Commercial (HC) district the side yard setback for a primary structure is 15'. Mr. Whitfield would like to construct a 28' x 30' building for the purpose of a wood shop with living space above, that would then sit approximately 3' off of the east side. Therefore, a variance of 12' off of the east side yard setback is being requested.

The request is for a Development Standard Variance of 12' off of the side yard setbacks for the purpose of a 28' x 30' building with living space above, on property located at 3012 E SR 14, Rochester IN, within Highway Commercial (HC) district.



HC District

4-1.25 "HC" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses (Continued)	Permitted Uses (Continued)
<p>The "HC" (Highway Commercial) District is intended to provide a land use category for commercial uses that are appropriate for locations along highways. The provisions that regulate this land use district should make the district compatible with the agricultural and residential districts, as well as, environmentally sensitive areas. This district should be used along highways and at interchanges.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to provide for highway oriented business and services while minimizing light pollution, large parking lots along the major roadways, hazardous traffic patterns, traffic conflicts, and excessive use of signs in the "HC" district.</p> <p>The use of access roads/frontage roads should be required for all commercial uses in this district. Further, road cuts onto arterial or collector roads should be restricted.</p>	<ul style="list-style-type: none"> • delicatessen • drive-in restaurant • drive-thru restaurant • grocery/supermarket • meat market • restaurant • roadside food sales stand <p>Business: Personal Service</p> <ul style="list-style-type: none"> • barber/beauty shop • coin laundry • day care facility/ child care facility • dry-cleaning service • fingernail salon • fitness center/gym • health spa • shoe repair • tailor/pressing shop • tanning salon <p>Business: Recreation</p> <ul style="list-style-type: none"> • banquet hall • billiard/arcade room • bowling alley • commercial riding stables • dance/aerobics/gymnastics studio • lodge or private club • miniature golf • public docks • theater, indoor • video store <p>Business: Retail, Under 20,000 sf</p> <ul style="list-style-type: none"> • antique shop • apparel shop • art gallery • department store • drug store • electrical supplies • fabric shop • firearms sales/gunsmithing • floor coverings • flower shop • furniture store • garden shop • gift shop • hardware store • heating & cooling sales/service • home electronics/appliance store • jewelry store • liquor store/sales • lumberyard • music store • news dealer/bookstore • office supplies • paint store • plumbing supplies • satellite dish sales/service • shoe sales • sporting goods • variety store <p>Business: Office/Professional</p> <ul style="list-style-type: none"> • accounting office • architecture office 	<ul style="list-style-type: none"> • bank/credit union • drive-through bank/credit union • bank machine/ ATM • drive-through bank machine/ ATM • contractor/construction office • design services • home remodeling companies (including storage of materials & equipment with accessory offices but no retail commercial activities) • insurance office • investment firm • landscape business • law office • planning offices • professional offices • reading clinics • real estate office • secretarial service • service organization offices • temporary service agency • title company • trade offices • travel agency • veterinarian office/hospital <p>Business: General Business</p> <ul style="list-style-type: none"> • boat sales/service • clinic medical/dental • engineering or research laboratories • funeral home/mortuary • hospital • hotel/motel • kennel • marina • medical/dental clinic • mini-storage facility • motor bus station • photographic studio • print shop/copy center • sign painting/fabrication <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • police/fire station • post office • public park/recreation center • school <p>Miscellaneous</p> <ul style="list-style-type: none"> • mail order distribution • welding • wholesale business • Noncommercial wind generating and related apparatus and structures under 200 feet in height • micro/small solar energy system • light manufacturing
<p style="text-align: center;">Permitted Uses</p> <p>Residential</p> <ul style="list-style-type: none"> • addition to existing dwelling • apartment complexes • condominiums <p>Agricultural Uses/Service</p> <ul style="list-style-type: none"> • commercial greenhouse • crop production/land or orchard • farm market • plant nursery <p>Business: Auto Sales/Services</p> <ul style="list-style-type: none"> • automobile body shop, enclosed • automobile repair/minor, enclosed • automobile repair/major, enclosed • automobile part sales, new • automobile sales, service center, vehicle testing/demonstration track for purpose of vehicle sales. • automobile service station • automobile wash, automatic and self • auto/truck storage (outdoor, not a junkyard) • filling/gas station • oil change service • motor home sales • painting and customizing • racing & testing <p>Business: Food Sales/Service</p> <ul style="list-style-type: none"> • bakery retail • convenience store 		



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,

Ben Whitfield #240106

Located at: 3012 E St Rd I4, 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
Ronald K & Debra C Neag	3010 E St Rd 14 Rochester, IN 46975	GC
JOMASA Management LLC	550 N Washingron St Hinsdale, IL 60521	GC
State of Indiana	100 N Senate Ave N758 RE Indianapolis, IN 46204	GC

Docket #240124
John Cory
Development Standard Variance

John Cory BZA# (240124) is requesting a Development Standard Variance of 25' off of the rear yard setbacks for the purpose of a split, on property located at 401 E 4th St., Rochester IN, within Industrial (IN) district.

In the Industrial (IN) district the rear yard setback is 25'. Mr. Cory would like to split approximately 950sf off of the south west corner of their property. This piece of land will then become an adjoining lot to the south lot and would create a zero setback for the existing building to the north, therefore, a variance of 25' off of the rear setback is being requested.

The request is for a Development Standard Variance of 25' off of the rear yard setbacks for the purpose of a split, on property located at 401 E 4th St., Rochester IN, within Industrial (IN) district.



ROCHESTER BOARD OF ZONING APPEALS
Rochester, Indiana

March 27, 2024

Docket Number: 240124
Corn Products Manufacturing LLC (Principal, John Cory)
Development Standards Variance

INFORMATION BOOKLET

Development Standards Variance

401 East 4th Street
Rochester, Indiana

**Corn Products Manufacturing LLC
Development Standards Variance
401 East 4th Street**

**Rochester Board of Zoning Appeals
Docket No. 240124**

**INFORMATION BOOKLET
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- 1. Statement of Variance**
- 2. Statements in Support of Variance**
- 3. Findings of Fact**
- 4. Location Maps - Aerial Photograph; Parcel; Zoning**
- 5. Illustration of Triangle Area on Aerial Photograph**
- 6. Affidavit of Consent: Adjoining Property Owner**
- 7. Draft Site Survey**
- 8. Administrative Determination – Existing Site Configuration and Land Uses**

**Corn Products Manufacturing LLC
Development Standards Variance
401 East 4th Street**

**Rochester Board of Zoning Appeals
Docket No. 240124**

STATEMENT OF VARIANCE

Corn Products Manufacturing, LLC and its principal, John Cory, are requesting a variance of development standards in order to reduce yard setbacks to zero (0) feet. The building on the parcel was constructed under earlier (or no) zoning regulations in the current configuration. A variance is required to the minimum yard setback in the current zoning ordinance (2008) Section 4-1.35. Approve the parcel in its current configuration as depicted on the attached survey and site plan to address all legal non-conforming uses on the site, including, without limitation, all building setbacks, maximum lot coverage requirements, paved access drive and parking area requirements, screening requirements, entrance and visions clearance requirements, accessory structure requirements, loading requirements, landscape requirements and other existing requirements of the ordinance as applicable to the existing site configuration.

**Corn Products Manufacturing LLC
Development Standards Variance
401 East 4th Street**

**Rochester Board of Zoning Appeals
Docket No. 240124**

STATEMENTS IN SUPPORT OF VARIANCE

The existing building on the subject site was constructed along parcel lines. As the building construction extended to the west, the building veered away from the parcel line, creating a small triangular area of land in the southwest corner of the parcel to which the appellant has no ready access from the building. Over time, the south adjoining business outside activities expanded to include this triangular “orphan” of land.

The petitioner and the south adjoining parcel/business owner wish to transfer the triangle area from the petitioner to the south adjoining owner, who has provided an affidavit in support of the variance request. Without the requested variance, the transfer could not occur without creating a zoning violation, since the existing legal non-conforming use for the setback applicable to the south parcel line would be expanded. The requested variance will support that transfer and address the actual minimum yard setbacks at the same time, if approved.

The petitioner and the south adjoining parcel/business owner have agreed to encumber the carve-out parcel with an easement to allow the petitioner to access and maintain the southern façade of the building. The impact of the variance, if approved, will be fully absorbed by these two adjoining parcels and essentially invisible outside of these two parcels. Area property values and land uses will not be impacted by an approved variance. This variance will not change the status of the existing buildings relative to other development standards (a pre-existing situation) or the legal continuation of the current use of the site.

The City owns the parcels immediately to the east, and railroad facilities occupy the parcels immediately to the west, which are used in connection with the grain processing operations on the site. The parcel immediately to the north is owned by the petitioner and is used in connection with the operation of the grain processing operations on the subject site. The requested variance, if approved, will not change the status of the existing buildings relatively to other development standards or the legal continuation of the current land uses on the site, both pre-existing conditions.

Existing Site Development

The site has been developed and has existed in its current configuration for decades. Current and historical investments in the site and the improvements located thereon are specific to

**Corn Products Manufacturing LLC
Development Standards Variance
401 East 4th Street**

**Rochester Board of Zoning Appeals
Docket No. 240124**

the current business operations and would not readily transfer to or serve other business operations. It is impossible to achieve compliance with the 2008 development standards (including, without limitation, all building setbacks, maximum lot coverage requirements, and paved access drive and parking area requirements, screening requirements and landscape requirements) without virtue of the requested variance or demolishing the buildings and accessory structures and redeveloping the site under current regulations. However, the current use of the site for commercial processing of agricultural products (including, without limitation, storage, milling, processing and manufacturing) would be impossible if the site were required to be reconfigured under the existing zoning ordinance. Granting the variance will also recognize the unique features and value of this site's development and is necessary to offset the practical difficulties of applying the current development standards to "historic" development. Also, granting the requested variance will impact primarily the relationship between the building and the south parcel line.

Existing Site Land Uses

Similar to the site development and configuration, the site has been used continuously for the commercial processing of agricultural products (including, without limitation, storage, milling, processing and manufacturing) for decades. The immediately adjacent parcels are either used in the operation of the site or are owned and operated by the City and would not be impacted by the continuation of the current land uses on the site.

**Corn Products Manufacturing LLC
Development Standards Variance
401 East 4th Street**

**Rochester Board of Zoning Appeals
Docket No. 240124**

FINDINGS OF FACT

Approval of the requested development standards variances for the above referenced application meets all criteria set forth in Indiana Code Section 36-7-4-918.5 as more fully set forth below.

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

- The requested variance addresses an existing condition of the property that pre-dates the current zoning ordinance;
- The real estate has been developed and operated successfully for decades in its as-is configuration and for its as-is business use;
- The area of impact is isolated primarily to property owned by petitioner, property owned by the south adjacent owner, property owned by a railroad and property owned by the City;
- The property/business owner of the property to the immediate south of the site is supportive of the development standards variance and has provided an affidavit in support;
- A portion of the real estate immediately to the west is used by the real estate under a license agreement for petitioner's business operations; and
- The variance process is available specifically for such site conditions that exist on the subject property.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

- Site development will not change, nor will business activity patterns change by virtue of an approved variance;
- The requested variance is part of the solution to address site activity configuration and use patterns that developed over time on the site and between the subject property and the south adjoiner and to provide certainty of future use as the property is currently configured and used without interruption; and
- An approved variance will impact only the petitioner and the adjoining property, which southern owner is supportive of the petition and has provided an affidavit in support.

(3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

- The development of the site as it exists today has existed for decades;
- Initial development predates the current zoning ordinance which imposes industrial development standards that are more reflective of new suburban rather than old urban development patterns; and
- Due to the compact urban form and substantial development of the immediate area, there is no opportunity to bring an area that developed under different (or possibly no) zoning regulations into compliance with the more modern suburban standards in the 2008 Zoning Ordinance.



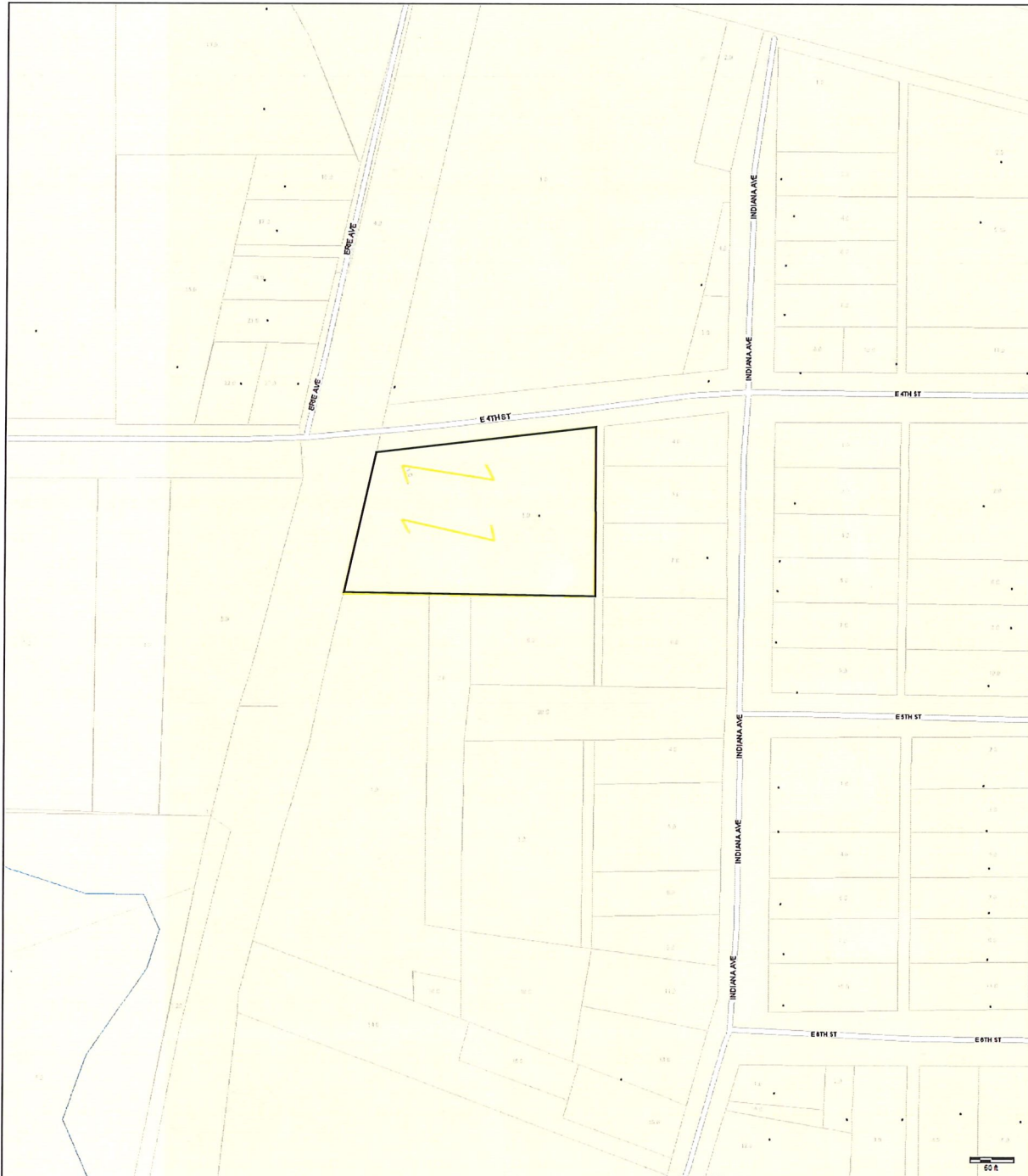
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Printed
03/15/2024

The purpose of this map is to display the geographic location of a variety of data sources frequently updated from local government and other agencies. Neither WTH Technology nor the agencies providing this data make any warranty concerning its accuracy or merchantability. And no part of it should be used as a legal description or document.

25-07-91-496-001.000-009

General
Bills
Payments
Deductions



Type notes here

Printed
03/15/2024

The purpose of this map is to display the geographic location of a variety of data sources frequently updated from local government and other agencies. Neither WTH Technology nor the agencies providing this data make any warranty concerning its accuracy or merchantability. And no part of it should be used as a legal description or document.

25-07-91-496-001.000-009

- General
- Bills
- Payments
- Deductions



AFFIDAVIT AND CONSENT OF PROPERTY OWNER

The undersigned on behalf of ROCHESTER METAL PRODUCTS CORP., an Indiana corporation ("RMP"), after being first duly sworn, deposes and says:

1. That RMP is the owner of that certain real estate located at 616 Indiana Ave., Rochester, Fulton County, Indiana, described by State Parcel ID No. 25-07-92-226-001.000-009 (the "RMP Parcel").
2. That RMP is aware of the subdivision contemplated by Corn Products Manufacturing, LLC, an Indiana limited liability company ("CPM"), to subdivide and transfer from CPM to RMP a portion of CPM's property located at 401 E. 4th Street, Rochester, Fulton County, Indiana, described by State Parcel ID No. 25-07-91-496-001.000-009 (the "CPM Parcel"), all pursuant to and as set forth on the survey attached hereto as Exhibit A, incorporated herein and made a part hereof (such subdivision and transfer of the CPM Parcel from CPM to RMP collectively referred to herein as the "Subdivision").
3. That RMP has no objection to, and is in support of and consents to, the Subdivision, which RMP and CPM desire to effectuate pursuant to a Quitclaim Deed executed from CPM in favor of RMP.
4. That RMP is aware of the CPM's development standards variance request submitted to the Fulton County Plan Commission pursuant to Permit Number 240124 seeking variances for deviations from the Required Standards to permanently allow for (a) a zero setback for the southern lot line of the CPM Parcel and (b) the entirety of the CPM Parcel to be used in its as-is configuration and for its current use for agricultural commodities storage, milling, processing and manufacturing (collectively, the "Request").
5. That RMP has read and examined the application for the Request and is familiar with its contents.
6. That RMP has no objection to, and is in support of and consents to, the Request as set forth in the application.

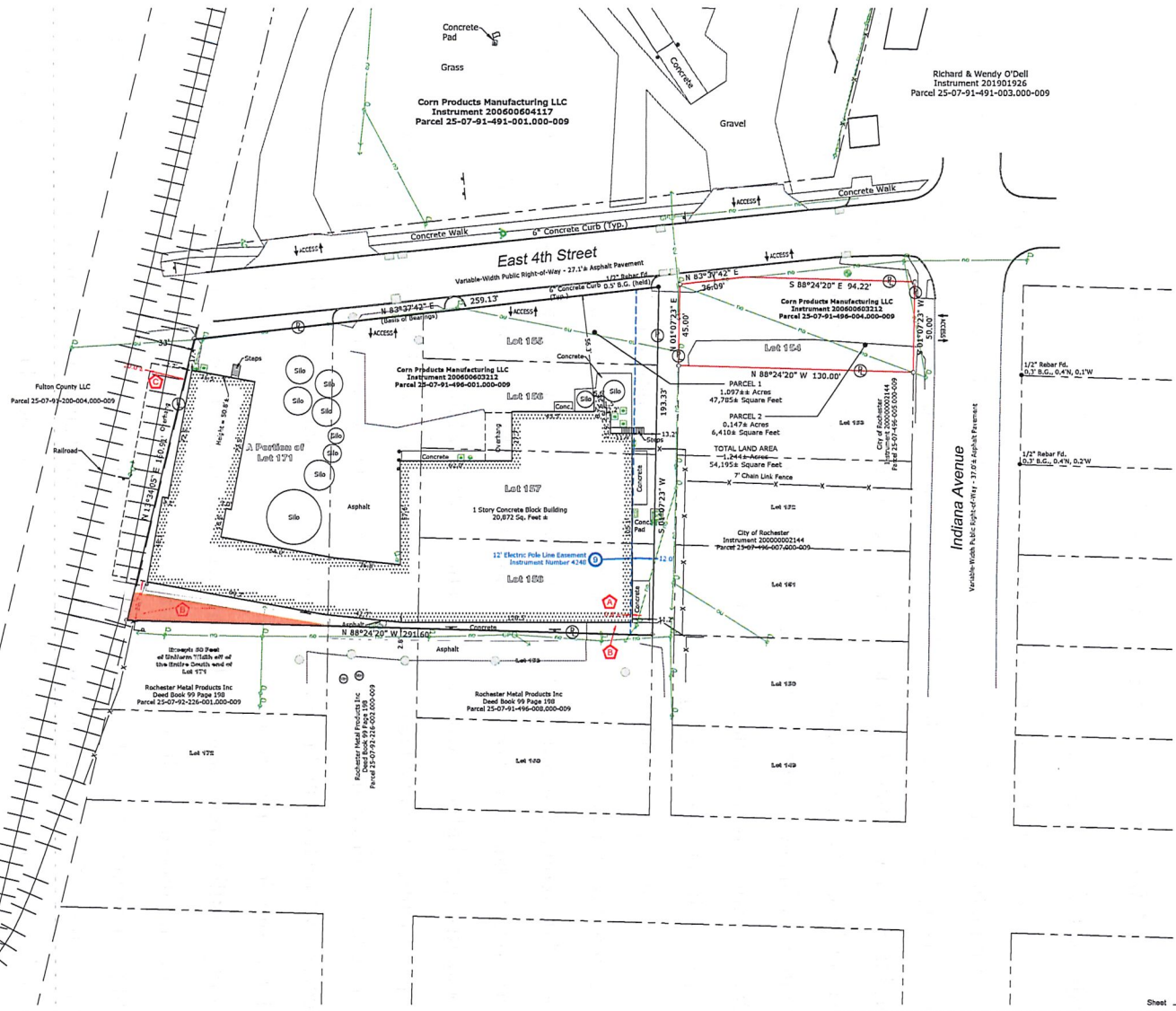
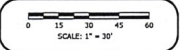
[Signature Page Follows]

9 LEGEND

- R/W - Right-of-Way
- PL - Adjother Property Line
- S - Centerline
- P.O.B. - Place/Point of Beginning
- P.O.C. - Place/Point of Commencement
- Property Line
- Setback Line
- Easement Line
- Encroachment
- Schedule B-Section II Item
- Calc. - Calculated
- Msd. - Measured
- Dist. - Bearing/Distance from Dead Record
- Dist. - Bearing/Distance from Plat Record
- - Monumentation Found as Noted
- - 5/8" Rebar Set with Cap Stamped JOSEPH COFFEE LS 20200954
- ▲ - PK/MAG Nail or Railroad Spike Found as Noted
- ▲ - MAG Nail Set
- - Manhole
- - Storm Manhole
- - Catch Basin with Grate
- - Catch Basin
- - Cleanout
- - Fire Hydrant
- - Gas Meter
- - Air Condition Unit
- - Electric Meter
- - Electric Box/Cabinet
- - Electric Transformer
- - Ballast Post
- - Sign
- - Utility Pole
- - Utility Pole with Light
- - Light Pole
- - Guy Pole
- - Guy Wire
- - Guardrail
- - Fence (As Noted)
- - Overhead Utilities
- - Building Area



17 NORTH ARROWSCALE



18 ALTANSPS Land Title Survey

This survey prepared in accordance with the Minimum Standard Detail Requirements for ALTANSPS Land Title Surveys (Effective February 23, 2021)

This Work Coordinated By:

CDS
COMMERCIAL
DUE DILIGENCE SERVICES
3550 W. Robinson Street, Third Floor
Norman, Oklahoma 73072
Office: 405.253.2444
Toll Free: 888.322.7371

Prepared For:

Client Ref. No:

20 PROJECT ADDRESS
401 EAST 4TH STREET
ROCHESTER, IN 46975

Project Name:
SITE 2 - ROCHESTER IN PROPERTIES
CDS Project Number:
24-02-0045

Approved CGO Surveyor
TITAN
COMMERCIAL REAL ESTATE SERVICES
Surveying & Mapping
4521 Health Drive, Shaw, OK 44224
Phone: 330-942-7071
www.titanres.com
Email: surveys@titanres.com

Corn Products Manufacturing LLC
Development Standards Variance
401 East 4th Street

Rochester Board of Zoning Appeals
Docket No. 240124

Administrative Determination – Existing Site Configuration and Land Uses

Administrative Determination

Following the discussion below (under this Tab 8) is a copy of an Administrative Determination by Heather Redinger, dated March 11, 2024, that documents and confirms the legal pre-existing status of both site development and site land uses as relates to current zoning ordinance development standards and permitted uses, because site development and the establishment of current land uses on the site were established prior to the adoption of the current zoning ordinance. The collective analysis and findings presented in the Administrative Determination are accurate and sound.

Existing Site Development and Existing Site Uses

As was stated under Tab 2, the site has been developed and has existed in its current configuration for decades. Current and historical investments in the site and the improvements located thereon are specific to the current business operations and would not readily transfer to or serve other business operations. It is impossible to achieve compliance with the 2008 development standards (including, without limitation, all building setbacks, maximum lot coverage requirements, and paved access drive and parking area requirements, screening requirements and landscape requirements) without virtue of the requested variance or demolishing the buildings and accessory structures and redeveloping the site under current regulations. However, the current use of the site for commercial processing of agricultural products (including, without limitation, storage, milling, processing and manufacturing) would be impossible if the site were required to be reconfigured under the existing zoning ordinance. Granting the variance will also recognize the unique features and value of this site's development and is necessary to offset the practical difficulties of applying the current development standards to "historic" development. Also, granting the requested variance will impact primarily the relationship between the building and the south parcel line.

Similar to the site development and configuration, the site has been used continuously for the commercial processing of agricultural products (including, without limitation, storage, milling, processing and manufacturing) for decades. The immediately adjacent parcels are either used in

**Corn Products Manufacturing LLC
Development Standards Variance
401 East 4th Street**

**Rochester Board of Zoning Appeals
Docket No. 240124**

the operation of the site or are owned and operated by the City and would not be impacted by the continuation of the current land uses on the site.

Special Request Regarding Administrative Determination

Petitioner respectfully requests that the Board take action to confirm the Administrative Determination by Heather Redinger, dated March 11, 2024, regarding current site development as related to current development standards and current land uses as related to current permitted uses and current special exception uses, with both site development and land uses being confirmed as pre-existing to current regulations and, therefore, legal.

KD_15207197_1

Fulton County Area Plan Commission

125 East 9th Street, Suite 012 - Rochester, IN 46975

Phone: (574) 223-7667

Fax: (574) 223-3652

www.co.fulton.in.us

March 11, 2024

VIA EMAIL (sjones@kdlegal.com)

Corn Products Manufacturing, LLC
FA Commercial Due Diligence Services Co.
c/o Krieg DeVault LLP
12800 N. Meridian St., Suite 300
Carmel, Indiana 46032
Attn: Sarah E. Jones, Esq.

RE: The Property Located at 401 E. 4th Street in the City of Rochester, Fulton County, Indiana, as Depicted on Exhibit A Attached Hereto (the "Property").

Ladies & Gentlemen:

In response to your recent inquiry regarding the land-use characteristics of the above-referenced Property, please be advised as follows:

- A. The subject Property is currently zoned as an "IN" Industrial Park / Manufacturing District (an "Industrial District") pursuant to the Fulton County Zoning Ordinance (the "Ordinance"), adopted by the County Commissioners of the County of Fulton on November 19, 2007, and by the City Council of Rochester on November 27, 2007. The Ordinance became effective on January 1, 2008 (the "Effective Date"). The Ordinance was amended in October 2018, June 2021, and September 2022 (the "Rezoning").
- B. [No variances or site plans have been approved to allow for the permanent use of the Property for commercial processing of agricultural products in its current configuration.]
- C. Pursuant to Section 4-1.33 of the Ordinance, the Industrial District's Special Exception Uses include the commercial processing of agricultural products, for which the Property and facilities thereon are currently and have been used continuously for a period beginning prior to the adoption of the Ordinance. Section 8-1.3 of the Ordinance specifies that any continuous, lawful land use having commenced prior to the adoption

or revision of the Ordinance is a Legal Nonconforming Use. As a result, the commercial processing of agricultural products on the Property is a Legal Nonconforming Use.

- D. As the result of the use and configuration of the Property being a Legal Nonconforming Use, Structure, or Lot, as applicable under the Ordinance, each structure on and use of the Property complies with all setback requirements, parking requirements, height limits, lot coverage limits, loading zone requirements, lot size requirements, landscaping requirements, accessory structure requirements, and any other requirements of the Ordinance. As of the date hereof, the Property and each structure thereon and use thereof is in compliance with the Ordinance in all respects and there are no violations thereof.
- E. All improvement location, building and occupancy permits have been issued for each of the structures constructed on the Property. No improvement location, building or occupancy permits for any improvements located on the Property have been revoked or have lapsed and become null and void. There exists no current violation of any building codes or any other laws, ordinances, rules, and regulations applicable to the Property and the use and occupancy thereof.
- F. The current or any subsequent purchaser of the Property would be able to continue to operate a commercial agricultural products processing business and continue to operate all existing buildings on the Property without any other consents or approvals.

If I can be of further assistance to you or your company, please do not hesitate to contact me.

Fulton County Board of Commissioners
Plan and Building Department

By: Heather Redinger
Heather Redinger, Executive Director

Exhibit "A"

Legal Description of the Property

Parcel 1

Lots Numbered 155, 156, 157 and 158 in Rochester Improvement Company's Addition to the Town, now City of Rochester, Indiana. Also, Lot Number 171 except: 50 feet of uniform width off of the entire South end, in Rochester Improvement Company's Addition to the Town, now City of Rochester, Indiana. Together with all that part of vacated First Street adjacent to said lots.

FOR INFORMATION ONLY: Parcel ID: 25-07-91-496-001.000-009

Parcel 2

Also, Lot 154 in Rochester Improvement Company's Addition to the Town, now City of Rochester, Indiana.

FOR INFORMATION ONLY: Parcel ID: 25-07-91-496-004.000-009

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,


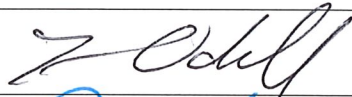
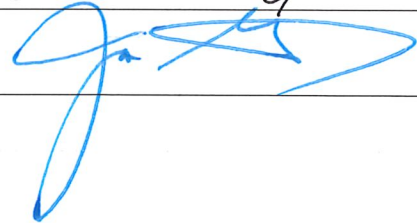
John Cory #240124

Located at: 401 E 4th 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
City Of Rochester %Rochester Metal Products Corp	P O BOX 2505 Muncie, IN 47307	
City Of Rochester	320 Main St Rochester, IN 46975	
Fulton County LLC	P O Box 545 Rochester, IN 46975	



Fee Summary Paid Totals

02/01/2024 - 02/29/2024

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	\$640.00	11
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$614.00	11
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.20301.000.0036	\$40.00	1
A-2. County, Akron, & Town of Fulton COMMERCIAL - Inspection Fee	Enter Number of Inspections	1001.20301.000.0036	\$160.00	1
A-3. County, Akron, & Town of Fulton Permit Renewal		1001.20301.000.0036	\$117.50	2
			\$1,571.50	26

Group Total: 5

Group: 1001.20302.000.0036

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$157.50	13
B-1. City of Rochester Residential-	Enter Number of Inspections	1001.20302.000.0036	\$380.00	13

Inspection Fee				
B-2. CITY OF ROCHESTER ELECTRICAL PERMIT		1001.20302.000.0036	\$80.00	4
			\$617.50	30

Group Total: 3

Group: 1001.20303.000.0036

BZA. Development Standard Variance (pre March 2024)		1001.20303.000.0036	\$700.00	4
BZA. Special Exception (pre March 2024)		1001.20303.000.0036	\$175.00	1
ZO. LIP		1001.20303.000.0036	\$950.00	19
ZO. Signs	Enter Square Feet	1001.20303.000.0036	\$2,379.00	2
ZO. Solar Array- Small (pre March 2024)		1001.20303.000.0036	\$80.00	1
			\$4,284.00	27

Group Total: 5

			\$6,473.00	83
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Total Records: 13

3/4/2024

Page: 1 of 1