

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

FULTON COUNTY OFFICE BUILDING
COMMISSIONERS/COUNCIL ROOM
WEDNESDAY, APRIL 13, 2024
7:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

MARCH 13, 2024

OLD BUSINESS:

NEW BUSINESS:

Beverly Cooley (240059)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
MARCH 13, 2024

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, MARCH 13, 2024

7:00 P.M.

COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

FEBRUARY 14, 2024

OLD BUSINESS:

NEW BUSINESS

Allen Reese (240023)

Anthony Zehner (240056)

Beverly Cooley (240059)

Bruce Ide (240071)

Ronald Williams (240072)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**FULTON COUNTY BOARD OF ZONING APPEALS
MARCH 13, 2024**

The Fulton County Board of Zoning Appeals met on Wednesday the 13th day of March 2024, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Executive Secretary, Barry Baldwin called the meeting to order at 7:00 P.M. The following members were present: Debbie Barts, Phil Miller and Barry Baldwin. Also, in attendance were: Executive Director, Heather Redinger, Board Attorney, Andy Perkins and Administrative Secretary, Kim Gard.

It is duly noted Scott Hizer and Seth Wilson were absent.

IN RE: MINUTES

February 14, 2024

Executive Secretary, Barry Baldwin asked for any additions, deletions or corrections to be made to the February 14, 2024 minutes. Debbie Barts moved to approve the February 14, 2024 Fulton County Board of Zoning Appeals minutes as written, Phil Miller seconded the motion. Motion carried as follows: Debbie Barts, Phil Miller and Barry Baldwin being in favor and no one opposing.

IN RE: NEW BUSINESS

Alan Reese (#240023)

Alan Reese (#240023) is requesting development standard variances of approximately 8' off of the side yard setback for bin #1 and approximately 5' for bin #2, on property located at 3417 S Old Us Hwy 31, Rochester IN within the Agriculture (AG) district.

In the Agriculture (AG) district the side yard setback for an accessory structure is 10'. Bin #1 currently sets approximately 16" off of the south property line and bin #2 currently sets approximately 3' from the south property line. Mr. Reese would like to add a concrete cap around bin #1 that will then set approximately 2' off of the south property line. Under Bin #2 Mr. Reese would like to pour a square pad that would then set approximately 3' off of the south property line, also, there would be 4 rings added to bin #3 for additional height and bin #4 will be not changed. Therefore, variances of 8' and 5' off of the side yard setback for bin #1 and bin #2 is being requested.

Barry Baldwin asked petitioner if they had anything further to add.

Being no further comments, Phil then asked for any Board questions or comments.

Debbie Barts asked for clarification on the measurements.

Mr. Reese stated after they replace the concrete under the bin #1 it will actually be further away from the south property line.

Being nothing further, Barry then opened public comment.

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

Being no public comments, Barry then closed the public hearing.

Barry asked the Board for any further comments.

FULTON COUNTY BOARD OF ZONING APPEALS
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Being no further Board comments Barry entertained a motion. Debbie Barts moved to approve Alan Reese (#240023) is requesting development standard variances of approximately 8' off of the side yard setback for bin #1 and approximately 5' for bin #2, on property located at 3417 S Old Us Hwy 31, Rochester IN within the Agriculture (AG) district.

Administrative Secretary, Kim Gard conducted roll call vote.

Debbie Barts	Yea
Phil Miller	Yea
Barry Baldwin	Yea

Motion to approve Alan Reese (#240023) is requesting development standard variances of approximately 8' off of the side yard setback for bin #1 and approximately 5' for bin #2, on property located at 3417 S Old Us Hwy 31, Rochester IN within the Agriculture (AG) district. Passed with three votes being in favor and no one opposed.

IN RE: NEW BUSINESS

Anthony Zehner (#240056)

Anthony Zehner (#240056) is requesting a special exception to operate a concrete recycling and storage facility, on property located at 6895 N 900 W Culver, IN 46511 within the Agricultural (AG) District.

In the agricultural district a recycling facility is allowed with a special exception. This will be a recycling and storage of concrete. The hours of operation would be Monday through Friday 7AM to 5PM with possible Saturday hours of 8AM to 12PM. There will be no employees on site, roll off trucks will be coming and going through the day. There will be no other deliveries or signage needed. There is an already existing gravel drive off of 700 N that will be utilized. Currently there are no structures on the property and no structures are being proposed at this time.

Barry Baldwin asked petitioner if they had anything further to add.

Mr. Zehner stated the concrete and sand is from his personal business. There is no public dumping. As he obtains enough product he will have a company come in to crush the product in to stone to be used in drive ways and such.

Debbie asked how long does it take to accumulate enough product to have a company come in and how long have you been accumulating product?

Mr. Zehner stated he has been accumulating for about 3 years and he has been talking with a company to crush the product. Generally, it takes 3 to 4 years before there is enough product to call a company in to crush.

Being no further comments, Barry Baldwin then asked for any Board questions or comments.

Being none, he then opened public comment.

Barry Baldwin then asked if anyone would like to speak in favor or oppose the petition.

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Barry Baldwin then asked if anyone would like to speak in favor or oppose the petition.

John & Susan Botset, 5371 E 650 N Rochester, IN 46975, submitted a picture looking at the carport out their window. Both Mr. and Mrs. Botset spoke in opposition of the petition due to safety and blocking view out window.

Keith & Angela Shepherd, 5391 E 650 N Rochester both spoke in opposition of the petition stating safety concerns, the size and location of the carport.

Being no further public comments, Barry Baldwin then closed the public hearing.

Barry Baldwin then asked the Board for any further comments.

After much discussion the board agreed to table the petition until there is more board members and to gather more information.

Motion to table Beverly Cooley (#230059) requesting development standard variances to allow an accessory structure to sit in front of the primary structure and off the maximum accessory height, on property located at 5379 E 650 N Rochester IN within the river residential (RR) district. Tabled with three votes being in favor and no one opposed.

IN RE: NEW BUSINESS

Bruce Ide (#240071)

Bruce Ide (#240071) is requesting a development standard variance of approximately 4'6" off of the side yard setback on the east side and approximately 8' off of the west side yard setback for the purpose of an attached garage and a covered porch on the east, on property located at 2611 SE Lakeshore Dr, Macy IN within the Lake Residential (R3) district.

In the Lake Residential (R3) district the side yard setback is 10 feet for a primary structure. Mr. Ide would like to construct a 24x28 attached garage that would sit approximately 5' 6" from the east property line, also he would like to construct a 12'x8' covered porch on the west side that would sit approximately 2' off of the west property line. Therefore, a variance of approximately 4'6" off of the side yard setback on the east side and approximately 8' off of the west side yard setback for the purpose of an attached garage and a covered porch is being requested.

Barry Baldwin asked petitioner if they had anything further to add.

Being no further comments, Barry Baldwin then asked for any Board questions or comments.

Being none, he then opened public comment.

Barry Baldwin then asked if anyone would like to speak in favor or oppose the petition.

Being no public comments, Barry Baldwin then closed the public hearing.

Barry Baldwin then asked the Board for any further comments.

**FULTON COUNTY BOARD OF ZONING APPEALS
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Being no further Board comments Barry entertained a motion. Debbie Barts moved to approve Bruce Ide (#240071) is requesting a development standard variance of approximately 4'6" off of the side yard setback on the east side and approximately 8' off of the west side yard setback for the purpose of an attached garage and a covered porch on the east, on property located at 2611 SE Lakeshore Dr, Macy IN within the Lake Residential (R3) district.

Administrative Secretary, Kim Gard conducted roll call vote.

Debbie Barts	Yea
Phil Miller	Yea
Barry Baldwin	Yea

Motion to approve Bruce Ide (#240071) is requesting a development standard variance of approximately 4'6" off of the side yard setback on the east side and approximately 8' off of the west side yard setback for the purpose of an attached garage and a covered porch on the east, on property located at 2611 SE Lakeshore Dr, Macy IN within the Lake Residential (R3) district. Passed with three votes being in favor and no one opposed.

IN RE: NEW BUSINESS Ronald Williams (#240072)

Ronald Williams (#240072) is requesting a special exception to operate a rental and race kart track, on property located at 009-113155-00, W 18th St. Rochester, IN within the (HC) District.

Mr. Williams would like to operate an indoor\outdoor rental and race kart track. The hours of operation would be 8:00 AM to 7:00 PM through the summer months for the outdoor track and 10:00 AM to 9:00 PM through the winter months for the indoor track. There would be approximately 5 employees. There will be restrooms, offices and a show room for race kart sales provided in the new building that will be approximately 100' x 150' as there is no existing building on the property. Before the new building can be constructed, health department approval will be required. The parking lot and driveway will be asphalt and located on the north end of the property coming off of west 18th St. A 20' x 40' sign will be constructed at the south end of the property facing highway 31. There will be approximately 2-3 deliveries per week. Therefore, a special exception to operate an indoor\outdoor rental and race kart track is being requested.

Barry Baldwin then asked the Board for any further comments.

Barry Baldwin asked petitioner if they had anything further to add.

Mr. Williams presented the board with a power point presentation of the proposal.

Being no further comments, Barry Baldwin then asked for any Board questions or comments.

Being none, he then opened public comment.

Barry Baldwin then asked if anyone would like to speak in favor or oppose the petition.

Steve Fishburn, 5245 N 50 W Rochester, spoke in favor of the petition stating it is a great idea for our community.

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Ron Dishman 1390 Woodland Ct. Rochester, stated he is opposed to the petition due to noise concerns.

Mark Milton 1368 Woodland Ct. Rochester, opposed, stated concerns with noise, increase in traffic. Mr. Milton stated it is a great idea for another location.

Dee Williams 1365 Lakeview Bend Rochester, opposed due to noise.

Mark Shrouf, 1401 W 13th St., opposed, location, noise, increase in traffic and lighting.

Barry the asked Mr. Williams if he would like to address the concerns stated.

Mr. Williams stated the noise level will not be much louder that a lawnmower. If any lighting is needed, the outside track will close at 7pm in the summer.

Being no public comments, Barry Baldwin then closed the public hearing.

Barry Baldwin then asked the Board for any further comments.

Debbie then stated requirements for landscaping would help with the noise.

Being no further Board comments Barry entertained a motion. Debbie Barts moved to approve Ronald Williams (#240072) is requesting a special exception to operate a rental and race kart track, on property located at 009-113155-00, W 18th St. Rochester, IN within the (HC) District.

Debbie Barts	Yea
Phil Miller	Yea
Barry Baldwin	Yea

Motion to approve Ronald Williams (#240072) is requesting a special exception to operate a rental and race kart track, on property located at 009-113155-00, W 18th St. Rochester, IN within the (HC) District. Passed with three votes being in favor and no one opposed.

IN RE: PLAN DIRECTOR REPORT

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

Being no further business to come in front of the Board of Zoning Appeals, Barry Baldwin, entertained a motion to adjourn the March 13, 2024 Fulton County Board of Zoning Appeals special meeting. Debbie Barts moved to adjourn the March 13, 2024 Fulton County Board of Zoning Appeals special meeting at 8:40 P.M. Phil Miller seconded the motion. Motion carried as follows: Debbie Barts, Phil Miller and Barry Baldwin being in favor and no one opposing.

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MARCH 13, 2024

ATTEST: _____

Kim Gard, Administrative Secretary

Docket #230059
Beverly Cooley
Development Standard Variance

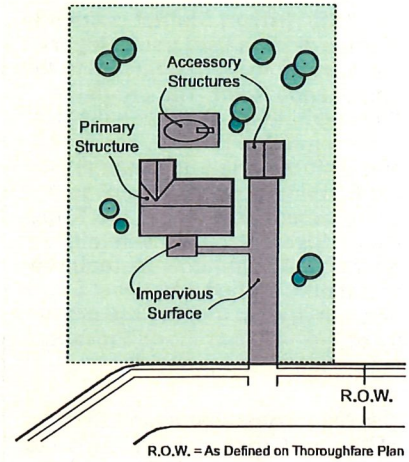
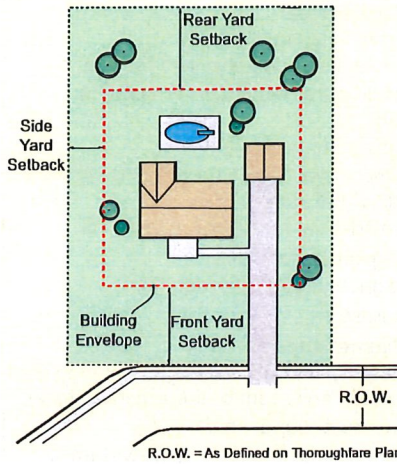
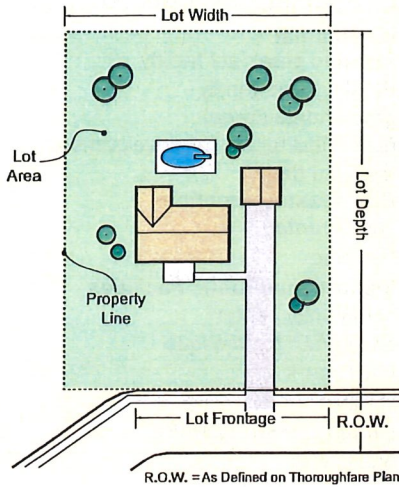
Beverly Cooley (#230059) is requesting development standard variances to allow an accessory structure to sit in front of the primary structure and of off the maximum accessory height, on property located at 5379 E 650 N Rochester IN within the river residential (RR) district.

In the River Residential (RR) district, Section 4, AS-03: D. an accessory structure is permitted to only be located to the side or rear of the primary structure and not to exceed the height of the primary structure. Mrs. Cooley has constructed an 18' X 40' X 16' car port for the purpose of covering her RV. Therefore, variances off of building code Section 4, AS-03: D and of the maximum accessory height is being requested.

The request is for a Development Standard Variance to allow an accessory structure to sit in front of the primary structure and of off the maximum accessory height, on property located at 5379 E 650 N Rochester IN within the river residential (RR) district.

RR District

4-1.6 "RR" District Standards



Minimum Lot Area:

- 25,000 square feet

Minimum Lot Width/frontage:

150 feet, provided a minimum of 100' is on a public street with access.

Sewer and Water:

- Does not require municipal water or sewer hookup.

Minimum Front Yard Setback:

- 10 feet

Minimum Side Yard Setback:

- 10 feet for Primary Structure
- 5 feet for Accessory Structures

Minimum Rear (River) Yard Setback:

- 25 feet for the Primary Structures and Accessory Structures located on lots **adjacent** to the river
- 10' feet for Primary and Accessory Structures located on lots **not adjacent** to the river

Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surfaces cannot exceed 30% of the Lot Area

Minimum Main Floor Area:

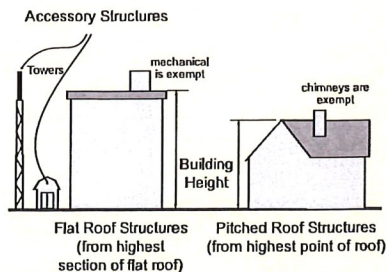
- 980 square feet for one story Primary Structures; or
- 850 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,200 square feet or more.

Minimum Floor Area Per Unit:

- 720 square feet **average** per dwelling unit in a multiple-unit Primary Structure.
- 500 square feet minimum per dwelling unit in a multiple-unit Primary Structure.

Site Plan Requirements

- The Fulton County Technical Review Committee shall review the site plan for all newly created commercial projects, or expansion projects, within the River Residential District prior to the commencement of any site development/construction. This is requirement does not apply to production agricultural operations or residential additions/expansions.



Maximum Structure Height:

- 35 feet for Primary Structures
- 20 feet for Accessory Structures (height of Accessory Structures may not exceed the Primary Structure)

* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

**Drainage Plans will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

*** A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.

****A Certified Sea-Level Elevation Survey may be required for any structure that may sit in a FEMA Zone A.



RR District

4-1.5 "RR" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "RR" (River) District is intended to provide a land use category for housing located adjacent to the Tippecanoe River. The provision that regulate this land use district are intended to protect, promote, and maintain the future and existing housing growth, as well as, the environment adjacent to the Tippecanoe River. Property within this district will commonly be required to obtain Certified Sea-Level Elevation Surveys to identify the proximity of the 100-year Flood Elevation in relation to the property.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses.</p> <p>The Plan Commission and Boards of Zoning Appeals should also strive to promote an average net density of 1 to 2 dwelling units per acre community-wide in the "RR" district.</p>	<p>Residential</p> <ul style="list-style-type: none"> • dwelling, single family • detached additional living space • child care home (owner occupied home) • group home (small) • residential facility for developmentally disabled (small) • residential facility for mentally ill <p>Agricultural Uses</p> <ul style="list-style-type: none"> • agricultural crop production • forestry <p>Miscellaneous</p> <ul style="list-style-type: none"> • firearm internet sales/gunsmithing (no retail showroom or firearm inventory) • home occupation #1 • micro/small solar energy system 	<p>Residential</p> <ul style="list-style-type: none"> • bed and breakfast facility • dwelling, two-family • group home (large) • residential facility for developmentally disabled (large) <p>Business: Recreation</p> <ul style="list-style-type: none"> • canoe rental • camping <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • community center • church/temple/mosque • public park • library <p>Communication/Utility</p> <ul style="list-style-type: none"> • public well • public utility substation • sewage or water treatment plant • telephone exchange <p>Educational Use</p> <ul style="list-style-type: none"> • child care center • school (public or private) <p>Governmental Use</p> <ul style="list-style-type: none"> • fire or police station • municipal/state maintenance facility <p>Miscellaneous</p> <ul style="list-style-type: none"> • home occupation #2 • mini-mart/general store • medium/large solar energy system

*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).



- decks
- garages
- gazebos
- greenhouses, private
- hot tubs
- mini barns
- storage building
- agricultural buildings
- sheds
- sport courts
- carports
- swimming pools (swimming pools must abide by 675 IAC 20)

Accessory Buildings are not deemed to include swingsets, doghouses, treehouses, and other such incidentals except as otherwise stated in this Ordinance.

AS-03: The following Accessory Structures Standards apply to residential districts. All permissible Accessory Structures shall abide by the following standards:

- A. Accessory building area allowed is unlimited as long as the accessory building area does not exceed the maximum lot coverage permitted by the appropriate zoning district.
- B. Enclosed structures such as attached or detached garages, mini-barns, barns, pool houses, etc. are to be counted toward the total accessory building area. Unenclosed structures such as gazebos, picnic shelters, etc. are not to be counted.
- C. No more than three (3) enclosed accessory buildings are permitted on a Lot.
- D. An accessory structure shall only be located to the rear or side of the primary structure.
- E. No mobile home or manufactured home may be used as an accessory structure in any district.
- F. Swimming pools, hot tubs, mini barns, campers, recreational vehicles, bath houses or sauna shall only be located to the rear of the primary structure except in the case of corner or through lots; in that instance, the structures may be placed on the side of the primary structure.

5-4.2 Fences and Walls (FN)

FN-01: Except in the R3 District - All fences and walls shall:

- A. Present the non-structural face outward.
- B. Be permitted up to the property line.
- C. Not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in height in the front yard.
- D. Not be closer than two (2) feet to any public right-of-way.
- E. Not be placed within the clear vision triangle.
- F. Not incorporate security wire or sharpened top spikes.

FN-02: R3 District Only - The following standards shall apply for fences and walls.

- A. The following applies to fences and walls on lakeside lots.
 - a. Fences and walls within the road yard shall.
 - 1. Present the non-structural face outward.
 - 2. Not be greater than six (6) feet in height in the side yard and greater than three (3) feet in height in the roadway.
 - 3. Be seventy (70) percent transparent (see-through). If the fence is four (4) feet or less in height it may be solid.
 - 4. Not be closer than two (2) feet to any public right-of-way.
 - 5. Not be placed within the clear vision triangle.
 - 6. Not incorporate security wire or sharpened top spikes.
 - b. Fences are permitted within the lakeyard 4 feet or less in height and 70 % transparent.

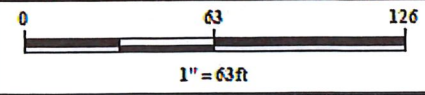




- Parcels
- Sections
- Parent Tract(1)
- Parent Tract Split(1)
- Adjoining Lot Split
- Legal Desc Correction
- Government R.O.W.

- Addresses
- Debris/Refuse/Waste Matter

- Parcels
- Lots
- Ingress/Egress Easements
- Parcel notes
- Roads
- Highways







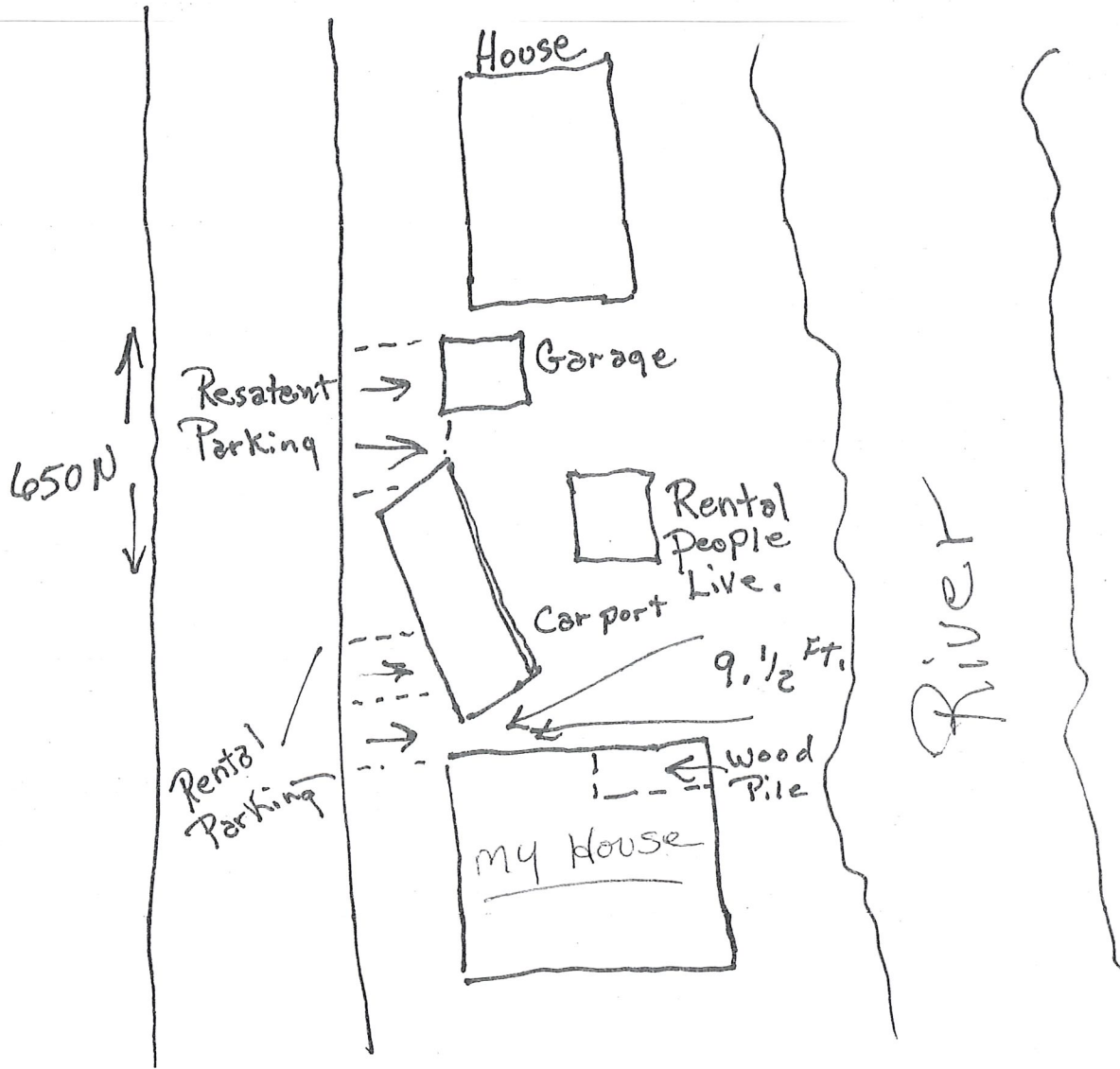






Safety Hazard.

A fire hazard. No access to Rental Property for fire + life line.

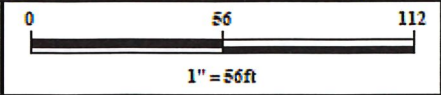




View From Neighbors window



- Parcels
- Townships
- City Town Boundary
- Addresses
- ▲ Permits - Accessory
- Bldg Permits
- Debris/Refuse/Waste
- fchd-permit
- Parcels
- Lots
- Highways
- Roads
- Grid
- Permits - Primary
- Miscellaneous
- fchd-permit





Fee Summary Paid Totals

03/01/2024 - 03/31/2024

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	\$1,423.60	16
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$481.00	15
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	\$2,709.25	3
A-2. County, Akron, & Town of Fulton COMMERCIAL-Permit Fee		1001.20301.000.0036	\$2,079.00	3
			\$6,732.85	38

Group Total: 5

Group: 1001.20302.000.0036

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$115.00	10
B-1. City of Rochester	Enter Number of Inspections	1001.20302.000.0036	\$240.00	10

Residential- Inspection Fee				
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	\$20.00	2
B-4. City of Rochester COMMERCIAL- Inspection Fee		1001.20302.000.0036	\$80.00	2
			\$475.00	25

Group Total: 5

Group: 1001.20303.000.0036

BZA. Special Exception		1001.20303.000.0036	\$250.00	1
PC. Zone Map Amendment		1001.20303.000.0036	\$500.00	1
ZO. LIP		1001.20303.000.0036	\$1,150.00	23
ZO. Signs	Enter Square Feet	1001.20303.000.0036	\$108.00	3
ZO. Site Plan Review - TRC		1001.20303.000.0036	\$175.00	1
			\$2,183.00	29

Group Total: 5

			\$9,390.85	92
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Total Records: 15

4/3/2024

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