

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

FULTON COUNTY OFFICE BUILDING
COMMISSIONERS/COUNCIL ROOM
WEDNESDAY, MAY 8, 2024
7:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

APRIL 10, 2024

OLD BUSINESS:

NEW BUSINESS:

Robert Williams (240208)

Nicole Martin (240211)

Orvie Ramer (240237)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
APRIL 10, 2024

FULTON COUNTY
BOARD OF ZONING APPEALS

WEDNESDAY, APRIL 10, 2024

7:00 P.M.

COMMISSIONERS/COUNCIL ROOM

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
APRIL 10, 2024

The Fulton County Board of Zoning Appeals met on Wednesday the 10th day of April 2024, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson, Scott Hizer called the meeting to order at 7:00 P.M. The following members were present: Debbie Barts, Phil Miller, Seth Wilson, Barry Baldwin and Scott Hizer. Also, in attendance were: Executive Director, Heather Redinger, Board Attorney, Andy Perkins and Administrative Secretary, Kim Gard.

IN RE: MINUTES

March 13, 2024

Chairperson, Scott Hizer asked for any additions, deletions or corrections to be made to the March 13, 2024 minutes. Debbie Barts moved to approve the March 13, 2024 Fulton County Board of Zoning Appeals minutes as written, Phil Miller seconded the motion. Motion carried as follows: Debbie Barts, Phil Miller, Seth Wilson, Barry Baldwin and Scott Hizer being in favor and no one opposing.

IN RE: NEW BUSINESS

Beverly Cooley (#230059)

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.

Heather stated for the record this permit was issued last fall while I was out of the office. The office missed that this was going in front of a rental house Mrs. Cooley owns. Inspections were conducted and passed.

Scott asked petitioner if they had anything further to add.

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

Scott stated when the permit was issued what the house in back visible.

Heather stated yes and showed the board pictures. She then stated Mrs. Cooley meets front and side yard setbacks. There are just a few other issues with the height and the location of the carport. Mrs. Cooley does own the cottage behind the carport.

Seth asked if the structure was mobile.

Heather stated it is, it sits on the gravel and is tied down.

Phil Miller stated usually when they tie these down they have a 3 to 4-foot auger that the screw stakes in to the ground.

The board then discussed moving the structure but in looking at the pictures provided there is no place on the property for the structure.

**FULTON COUNTY BOARD OF ZONING APPEALS
APRIL 10, 2024**

Barry Baldwin stated he may have a compromise. Allow Mrs. Cooley to keep the structure so long as she is the owner, if ownership should change the structure would come down and the variance would no longer be valid for anyone other than Mrs. Cooley.

Debbie agreed with the suggestion. Is it legal to do that? Would we have to have something recorded to say that?

Andy stated you can make a variance conditioned expiring when the current owner now longer owns the property. Andy then stated he would work with Heather to prepare an affidavit for Heather to sign and attach to the minutes. He then asked Heather if this property is in a trust or Mrs. Cooley's name. Heather stated it is in a trust. Andy stated if you put that motion through and it is currently owned by the trust, then we are saying when the trust no longer owns it then the variance expires. The distinction between and individual owning it and a trust owning it, you can have an owner trustee so the property would not change ownership therefore the variance would remain.

Barry stated that is not his intent. His intent would be for Mrs. Cooley herself as owner.

Scott stated or the camper no longer exists then there would be no need for the variance.

Andy stated rather than connect the variance to the ownership you could state for the natural life of Beverly Cooley. We need to be clear in the motion so it is clear in the affidavit that this is not for the current ownership but for the life of Beverly Cooley. Do you want to say for the life of Beverly Cooley or current ownership? If you just say life of Beverly Cooley and she sells it to someone else while she is living it is not expired.

Barry stated the natural life of Beverly Cooley or transfer of property.

Being no further board discussion, Scott then opened public comment.

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

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

Being no further Board comments Scott entertained a motion. Barry Baldwin moved to approve Beverly Cooley (#240059) 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. Condition: for the natural life of Beverly Cooley or transfer of ownership. Debbie Barts seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

Debbie Barts	Yea
Phil Miller	Yea
Barry Baldwin	Yea
Seth Wilson	Yea
Scott Hizer	Yea

**FULTON COUNTY BOARD OF ZONING APPEALS
APRIL 10, 2024**

Motion to approve 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. Condition: for the natural life of Beverly Cooley or transfer of ownership. Passed with five 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, Scott Hizer, entertained a motion to adjourn the April 10, 2024 Fulton County Board of Zoning Appeals special meeting. Debbie Barts moved to adjourn the April 10, 2024 Fulton County Board of Zoning Appeals special meeting at 7:25 P.M. Phil Miller seconded the motion. Motion carried as follows: Debbie Barts, Phil Miller, Barry Baldwin Seth Wilson and Scott Hizer being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

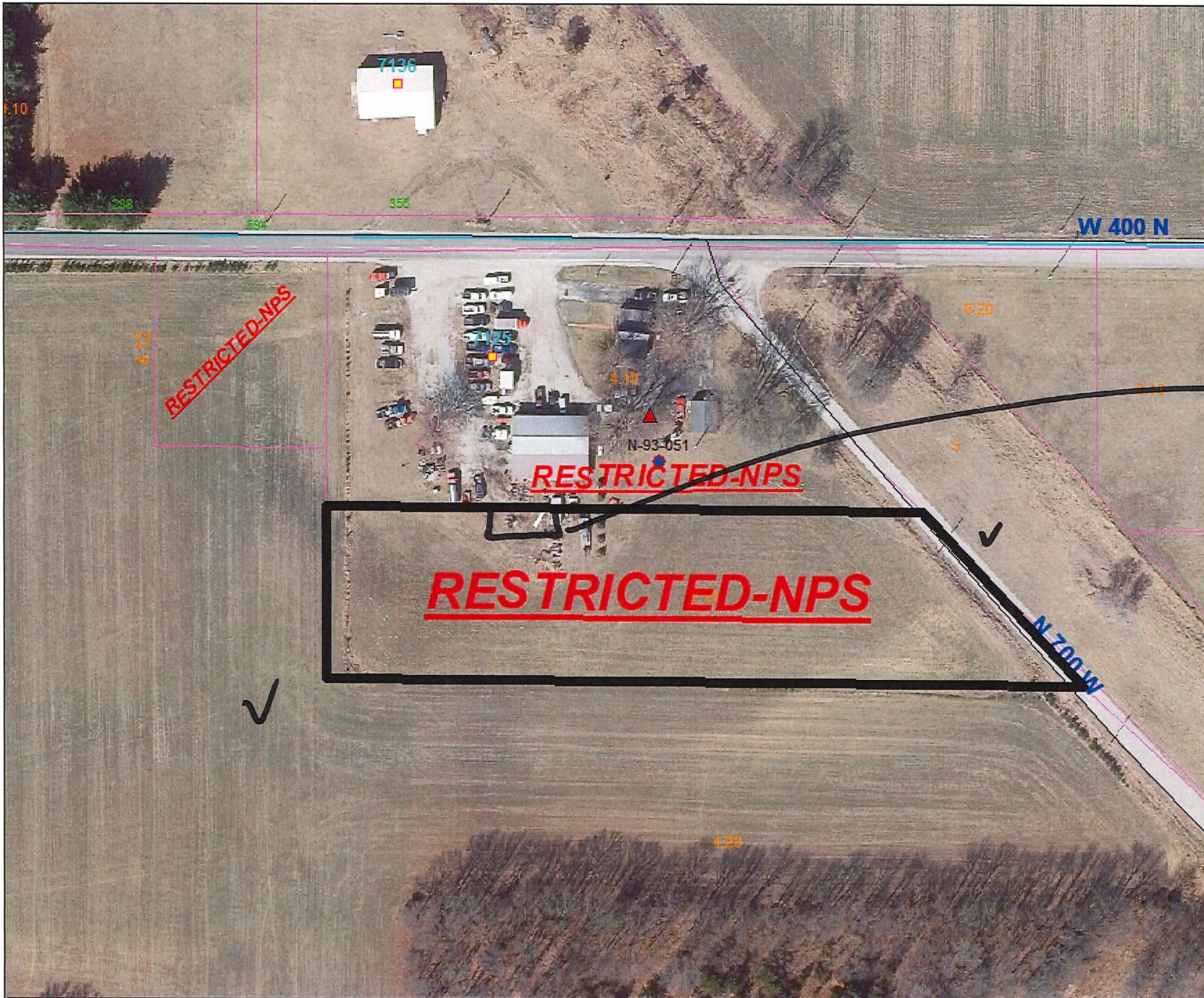
ATTEST: _____
 Kim Gard, Administrative Secretary

**Docket #240208
Robert Williams
Development Standard Variance**

Robert Williams (#240059) is requesting a development standard variance of approximately 10' off of the side yard setback for the purpose of a steel building, on property located at 001-116020-01 south of 7125 W 400 N Rochester IN within the Agriculture (AG) district.

In the Agriculture (AG) district, the side yard setback for an accessory structure is 10'. Mr. Williams would like to construct an 80' X 120' steel building to sit on the north property line. Mr. Williams owns both lots and is not able to combine them at this time. Therefore, a variance of 10' off of the side yard setback is being requested.

The request is for a Development Standard Variance of approximately 10' off of the side yard setback for the purpose of a steel building, on property located at 001-116020-01 south of 7125 W 400 N Rochester IN within the Agriculture (AG) district.



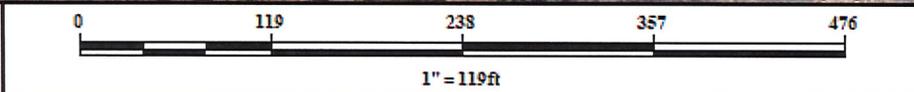
Townships
 Feature Name:
 — Aubeenaubee

Parcels
 City Town Boundary
 Sections

Addresses
 Permits - Commercial
 fchd-permit

Parcels
 Highways
 Roads
 Tippecanoe River
 fchd-permit

Proposed
 steel
 Building
 80x120



Docket #240211
Nicole Martin
Special Exception

Nicole Martin (#240211) is requesting a special exception to operate short term rental camping and river recreation such as canoe, kayak and tube rental, on property located at 8045 W 550 N, Culver, IN within the River Residential (RR) District.

Mrs. Martin would like to operate short term rental camping and river recreation such as canoe, kayak and tube rental. The hours of operation would be dependent on bookings. This is family owned and operated, there will not be any additional employees. There are existing restrooms for the guests to use and no additional signs, parking, drive way or buildings will be needed. Campers will park where they are camping. There will be approximately 1-2 deliveries per week. Therefore, a special exception to operate short term rental camping and river recreation such as canoe, kayak and tube rental is being requested.

The request is for a special exception to operate short term rental camping and river recreation such as canoe, kayak and tube rental, on property located at 8045 W 550 N, Culver, IN within the River Residential (RR) District.

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).





Parcel#: 25-01-15-400-007.000-001
Address : 8045 W 550 N
City, State, ZIP:Culver, IN 46511
Purpose : Special exception use permit

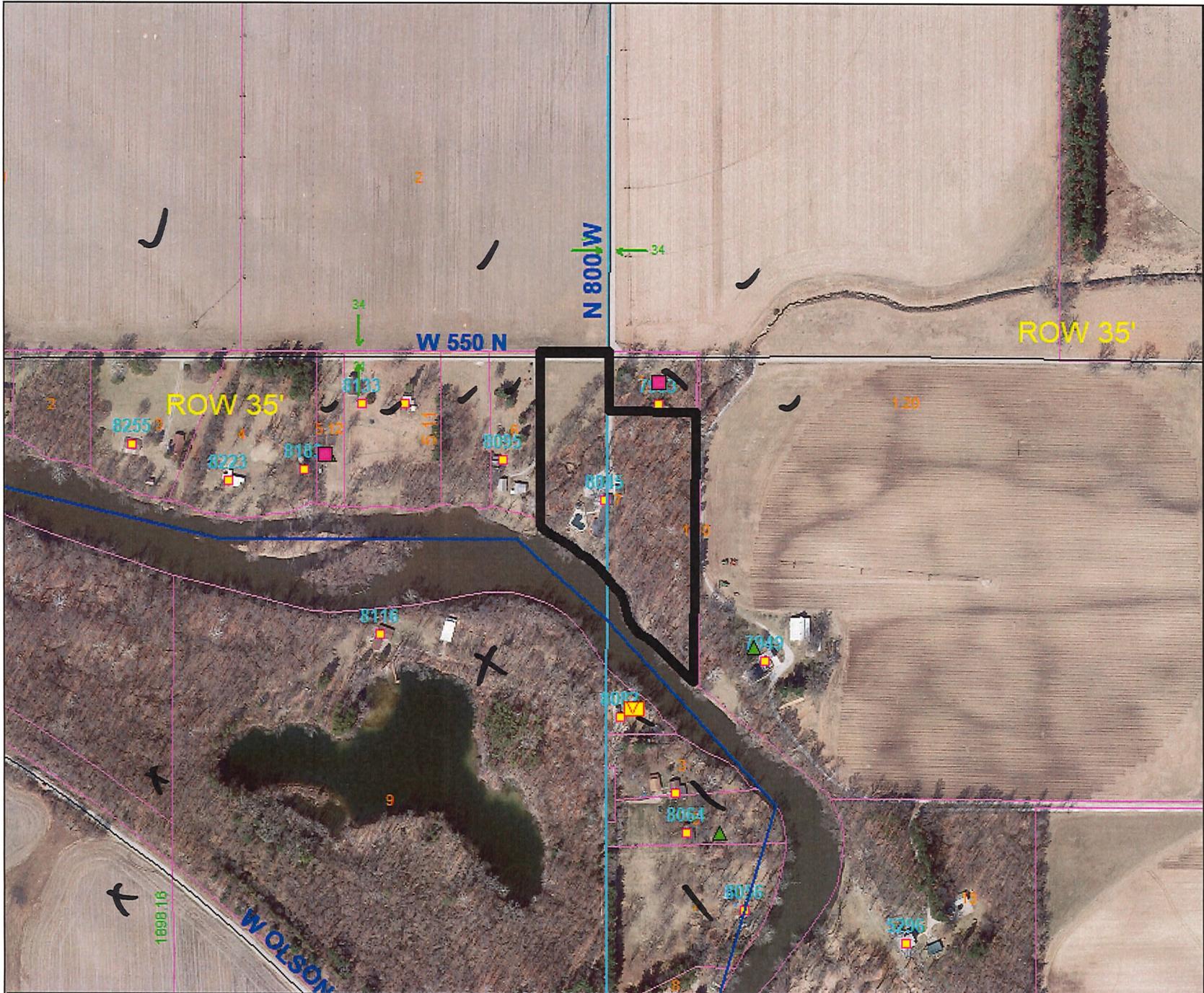
Owner : MARTIN, JACK RAYMOND & MARTIN,
NICOLE R
Legal Information: N DIV N 1/2 SE 15-31-1, 2.803A &
NW COR SW 1/4, 3.509A, 14-31-1; 6.312A
Land Use Cat: RESIDENTIAL

Date: 25th of April 2024
Scale: 1"=150'
0' 40' 100' 200'

Disclaimer

THIS IS NOT A LEGAL SURVEY , NOR IS IT INTENDED TO BE OR REPLACE ONE.
This work product represents only generalized locations of features, objects or
boundaries and should not be relied upon as being legally authoritative for the
precise location of any feature, object or boundary.

Notes:



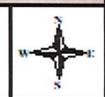
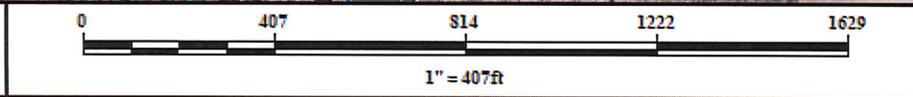
Townships
 Feature Name:
 — Aubbeenaubee

□ Parcels
 □ City Town Boundary
 □ Sections

↑ Dimensions
 □ Addresses
 ▲ Permits - Accessory
 ■ Bldg Permits
 ■ BZA DSV

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

1898.116
 WOLSON



Docket #240237
Orvie Ramer
Development Standard Variance

Orvie Ramer (#240237) is requesting a development standard variance of approximately 10' off of the front yard setback, on property located at 7287 N 700 W Culver IN within the Agriculture (AG) district.

In the Agriculture (AG) district, the front setback for a primary structure is 50'. Mr. Ramer Would like to construct an attached covered deck that would sit approximately 40' from the front property line. Therefore, a variance of approximately 10' off of the front yard setback is being requested.

The request is for a Development Standard Variance of approximately 10' off of the front yard setback, on property located at 7287 N 700 W Culver IN within the river Agriculture (AG) district.



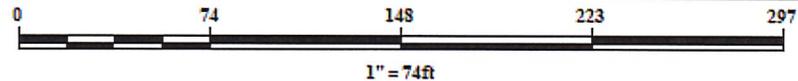
6' x 20'
Deck

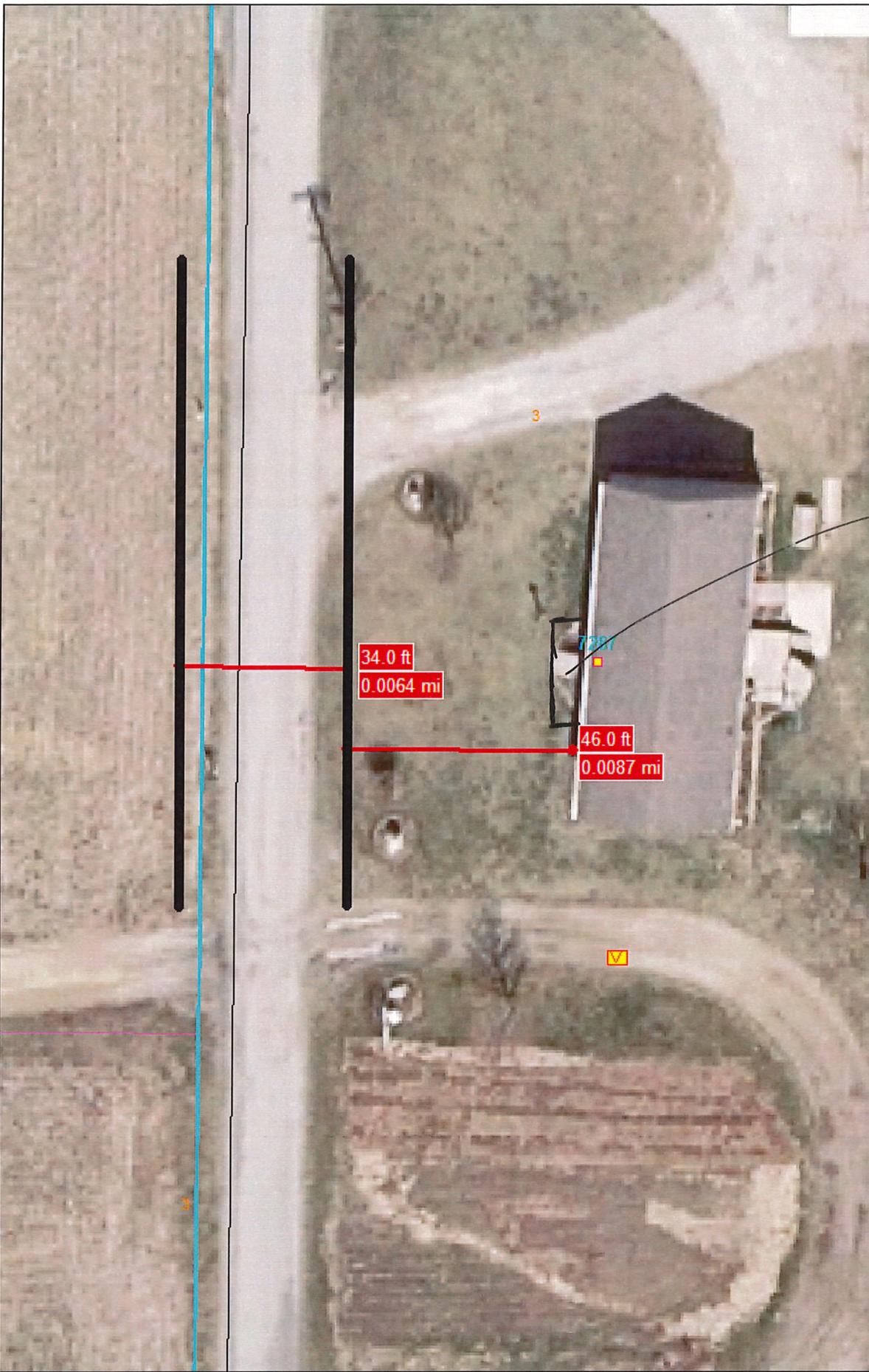
Townships
Feature Name:
— Aubbeenaubbee

□ Parcels
■ City Town Boundary
■ Sections

■ Addresses
■ BZA DSV

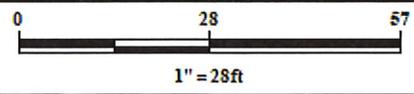
— Parcels
— Lots
— Highways
— Roads
— Tippecanoe River
— Grid
— ROW Presentation
— fchd-permit





- Townships**
 Feature Name:
 — Aubbeenaubbee
- Parcels
 - ▣ City Town Boundary
 - ▢ Sections
-
- Addresses
 - BZA DSV
-
- Parcels
 - Lots
 - Highways
 - Roads
 - Tippecanoe River
 - Grid
 - ROW Presentation
 - fchd-permit

6' x 20'
 Covered
 Attached
 Deck.





Fee Summary Paid Totals

04/01/2024 - 04/30/2024

Fee Name	Fee Description	Account Number	Total Amount	Total Fees
Group: 1001.20301.000.0036				
A. County, Akron, & Town of Fulton Residential - Inspection Fee	Enter Number of Inspections	1001.20301.000.0036	\$3,480.95	25
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$966.82	24
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.20301.000.0036	\$160.00	4
A-2. County, Akron, & Town of Fulton COMMERCIAL - Inspection Fee	Enter Number of Inspections	1001.20301.000.0036	\$1,190.00	3
A-2. County, Akron, & Town of Fulton COMMERCIAL-Permit Fee		1001.20301.000.0036	\$1,043.50	3
			\$6,841.27	59

Group Total: 5

Group: 1001.20302.000.0036

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$218.89	9
B-1. City of Rochester	Enter Number of Inspections	1001.20302.000.0036	\$360.00	9

Residential- Inspection Fee				
B-2. CITY OF ROCHESTER ELECTRICAL PERMIT		1001.20302.000.0036	\$40.00	2
B-5. City of Rochester Residential- Renewal		1001.20302.000.0036	\$38.48	1
			\$657.37	21

Group Total: 4

Group: 1001.20303.000.0036

BZA. Development Standard Varaince		1001.20303.000.0036	\$1,000.00	4
BZA. Special Exception		1001.20303.000.0036	\$500.00	2
ZO. LIP		1001.20303.000.0036	\$1,700.00	34
ZO. Signs	Enter Square Feet	1001.20303.000.0036	\$1,518.78	2
			\$4,718.78	42

Group Total: 4

			\$12,217.42	122
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Total Records: 13

5/1/2024

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