

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

FULTON COUNTY OFFICE BUILDING  
COMMISSIONERS/COUNCIL ROOM  
WEDNESDAY, JULY 10, 2024  
7:00 P.M.

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**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**

**JUNE 12, 2024**

**OLD BUSINESS:**

Paul Burkholder (549-0319)

David Partridge (210119)

**NEW BUSINESS:**

Jim Enyart (240336)

David Timmons (240380)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

FULTON COUNTY BOARD OF ZONING APPEALS  
JUNE 12, 2024

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BOARD OF ZONING APPEALS**

**WEDNESDAY, JUNE 12, 2024**

**7:00 P.M.**

**COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**

**MAY 8, 2024**

**OLD BUSINESS:**

Mark Kneller (89-0809)

Paul Burkholder (549-0319)

Daniel Brubaker (210064)

David Partridge (210119)

Amber Edmondson (220040)

Karen Pearson & Leslie Mest (230198)

**NEW BUSINESS**

Ault Farms (240261)

Barbara Johnson (240295)

Jeremy Jones (240336)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**FULTON COUNTY BOARD OF ZONING APPEALS  
JUNE 12, 2024**

The Fulton County Board of Zoning Appeals met on Wednesday the 12<sup>th</sup> day of June 2024, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Vice-Chairperson, Barry Baldwin called the meeting to order at 7:00 P.M. The following members were present: Debbie Barts, Seth Wilson, and Barry Baldwin. Also, in attendance were: Executive Director, Heather Redinger, Board Attorney, Andy Perkins and Administrative Secretary, Kim Gard.

It is duly noted Phil Miller and Scott Hizer were absent.

IN RE: MINUTES

May 8, 2024

Vice-Chairperson, Barry Baldwin asked for any additions, deletions or corrections to be made to the May 8, 2024 minutes. Debbie Barts moved to approve the May 8, 2024 Fulton County Board of Zoning Appeals minutes as written, Seth Wilson seconded the motion. Motion carried as follows: Debbie Barts, Seth Wilson, and Barry Baldwin being in favor and no one opposing.

IN RE: OLD BUSINESS

Mark Kneller (89-0809)

Mark Kneller is requesting a renewal of the special exception granted for a temporary second dwelling their property located at 959 N 1000 E, Akron, within the Ag District on October 14, 2009. The temporary dwelling is a singlewide mobile home to be utilized by Mr. Calvin Kneller and his immediate family.

Mr. Kneller was granted the request upon these conditions:

- 1) Mark Kneller is required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department prior to the placement of the temporary home; and
- 2) the temporary home is never used as a rental unit; and
- 3) the temporary home be utilized as a dwelling for no one except Calvin Kneller and his immediate family; and
- 4) the temporary home is removed after Calvin Kneller and his immediate family no longer utilizes it as a dwelling; and
- 5) the temporary home is either removed or a renewal requested every two years.

Barry asked petitioner if they had anything further to add. Being nothing further to add, Barry entertained a motion. Debbie Barts motioned to approved Mark Kneller is requesting a renewal of the special exception granted for a temporary second dwelling their property located at 959 N 1000 E, Akron, within the Ag District on October 14, 2009. The temporary dwelling is a singlewide mobile home to be utilized by Mr. Calvin Kneller and his immediate family. Seth Wilson seconded. Motion carries with three being in favor and no one opposing.

**FULTON COUNTY BOARD OF ZONING APPEALS  
JUNE 12, 2024**

IN RE: OLD BUSINESS

Paul Burkholder (549-0319)

Paul Burkholder (#549-0319) is requesting a Special Exception renewal to operate a kennel, on property located at 4090 E 300 N Rochester, within the Agricultural (AG) District, 10 acres.

Mr. Burkholder currently has 10 dogs and utilizes a 70' x 90' area. He would like to construct a new 64' x 80' pole building to operate a kennel and possibly expand to 20 dogs. There would be inside pens, with outside runs with a 4' chain link fence. The hours would be Monday-Friday 6pm-8pm, Saturday 8am-4pm and closed Sundays.

His request was approved in 2019 for 10 dogs with possible expansion after a two-year review.

Petition was tabled until the July meeting, petitioner was not present.

IN RE: OLD BUSINESS

Daniel Brubaker (#210064)

Mr. Brubaker (#210064) is requesting a renewal Development Standard Variance off of the recreational vehicle codes, to allow a recreational vehicle on-site without a primary structure, on property located at 7569 W 600 N, Culver, IN within the Agricultural (AG) District.

In the AG district recreational vehicles are not allowed to be parked on a parcel without a primary structure. Mr. Brubaker has a recreational vehicle on site he utilizes while he is maintaining and developing the property for future plans of home construction. Therefore, a variance off of recreational vehicle codes, is being requested.

This petition was granted in 2019 with the condition to be reviewed every three years.

Barry asked Mr. Brubaker if he still had intent to build.

Mr. Brubaker stated there is a steel building on the property now, but with the cost of construction it has taken longer. He requested another three years to build.

Barry asked petitioner if they had anything further to add. Being nothing further to add, Barry entertained a motion. Debbie Barts motioned to approve Mr. Brubaker (#210064) is requesting a renewal Development Standard Variance off of the recreational vehicle codes, to allow a recreational vehicle on-site without a primary structure, on property located at 7569 W 600 N, Culver, IN within the Agricultural (AG) District, with the original condition to be reviewed in three (3) years. Seth Wilson seconded. Motion carries with three being in favor and no one opposing.

IN RE: OLD BUSINESS

David Partridge (#210119)

David Partridge (#210119) is requesting a special exception renewal to operate and outdoor event venue, on property located at 700 N & 1000 W, Culver, within the Agricultural (AG) District, approximately 27.2 acres.

Mr. Partridge would like to utilize the northern portion of his farm pasture for events (i.e. wedding, birthdays, family reunions, charity event and fundraisers). The parking would be in the pasture, entry and exit gates would be located on 1000 W. The proposed hours would be 10 am-9pm Sunday-Thursday and 10



FULTON COUNTY BOARD OF ZONING APPEALS  
JUNE 12, 2024

am -11pm Friday-Saturday. At this time there are no buildings, all events would be held in the open or temporary tents would be allowed.

The petition was granted in 2021 with the condition: to be reviewed every two (2) years.

Petition was tabled until the July meeting. Petitioner not present.

IN RE: OLD BUSINESS Amber Edmondson (220040)

Amber Edmondson (#220040) is requesting a special exception to operate a RC track and primitive camping, on property located 7557 E SR 14, Akron IN, within the Agricultural (AG) District.

Mrs. Edmondson would like to utilize their field to operate a RC track and provide primitive camping. Proposed hours of operation would be 12 PM to 8 PM mostly weekends, May through November, with approximately 2 employees. There will be no additional lighting, the RC track will depend on daylight. There will be porta potty rentals used, as well as an existing stone driveway to the field where parking will be allowed on the east side of the field. Deliveries will be no more than the current 3-4 Fed-Ex deliveries a week. There is currently a small wooden sign in the front of the house for selling eggs, there may be wording added to direct guests. There will be a 6x6 shed next to the track to house RC cars and any concessions allowed by the health department, pre-packaged food and drinks.

Mrs. Edmondson called the Plan Commission office and stated she was not longer going forward with the glamping site.

IN RE: OLD BUSINESS Karen Pearson & Leslie Mest (230198)

Karen Pearson & Leslie Mest (#230198) are requesting development standard variances of approximately 360sf off of the minimum main floor area and to allow a semi-trailer to be used for storage, on property located at 10495 W 700 S, Kewanna IN within the Agricultural (AG) district.

In the Agricultural (AG) district the minimum main floor area is 980sf and semi-trailers are not allowed to be used as storage. Mrs. Pearson and Mrs. Mest would like to add on to an existing structure to make it approximately 620sf of living space. Mrs. Pearson and Mrs. Mest are also requesting a variance to allow them to keep a semi-trailer currently on their property being used for storage. Therefore, variances of approximately 360sf off of the minimum main floor area and to allow a semi-trailer to be used for storage, on property located at 10495 W 700 S, Kewanna IN within the Agricultural (AG) district.

The petition was granted in 2023 with the condition: Semi-trailer is removed or reviewed in one year.

Heather stated the petitioners are present and I would like for them to speak to us and let us know what their intentions are. We have received some complaints in the office from the neighbors.

Mrs. Pearson stated their intent is to sell everything. We are asking to leave the semi-trailer there until we are able to sell.

Barry entertained a motion. Debbie Barts motioned to approve Karen Pearson & Leslie Mest (#230198) are requesting development standard variances of approximately 360sf off of the minimum main floor area and to allow a semi-trailer to be used for storage, on property located at 10495 W 700 S, Kewanna IN within the

FULTON COUNTY BOARD OF ZONING APPEALS  
JUNE 12, 2024

Agricultural (AG) district. Condition: Semi-trailer is removed or reviewed in one year. Seth Wilson seconded. The motion carries three votes being in favor and none opposed.

RE: NEW BUSINESS

Ault Farms (240261)

Ault Farms Inc. (#240261) is requesting a development standard variance of approximately 23' of the front yard setback for the purpose of a shop, on property located at 2923 E 550 S Rochester IN within the Agricultural (AG) district.

In the Agricultural (AG) district the front yard setback for a primary structure is 50'. Ault Farms would like to construct a 96 x 120 shop that would sit approximately 27' from their front property line. Therefore, a variance of 23' off of the front yard setback is being requested.

Barry then asked the petitioner if they had anything further to add.

Being none, he then asked for any Board for any questions or comments. Being none, he opened the public hearing.

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

Being no comment, Barry closed the public hearing.

Barry asked the board for any discussion.

After Board discussion, Barry entertained a motion regarding the petition.

Debbie Barts moved to approve Ault Farms Inc. (#240261) is requesting a development standard variance of approximately 23' of the front yard setback for the purpose of a shop, on property located at 2923 E 550 S Rochester IN within the Agricultural (AG) district. Seth Wilson seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

Seth Wilson	Yea
Debbie Barts	Yea
Barry Baldwin	Yea

Motion to approve Ault Farms Inc. (#240261) is requesting a development standard variance of approximately 23' of the front yard setback for the purpose of a shop, on property located at 2923 E 550 S Rochester IN within the Agricultural (AG) district. Passed with three votes being in favor and no one opposed.

RE: NEW BUSINESS

Barbara Johnson (240295)

Barbara Johnson (#240295) is requesting a development standard variance of approximately 12' off of the rear yard setback for the purpose of an addition, on property located 1198 N 900 W Kewanna IN within the Agriculture (AG) district.

FULTON COUNTY BOARD OF ZONING APPEALS  
JUNE 12, 2024

In the Agriculture (AG) district, the rear yard setback for a primary structure is 30'. Mrs. Johnson would like to construct a 15x12 addition to the west side of her home that would set approximately 18' from her rear property line. Therefore, a variance of 12' off of the rear yard setback is being requested.

Barry then asked the petitioner if they had anything further to add.

Being none, he then asked for any Board for any questions or comments. Being none, he opened the public hearing.

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

Being no comment, Barry closed the public hearing.

Barry asked the board for any discussion.

After Board discussion, Barry entertained a motion regarding the petition.

Debbie Barts moved to approve Barbara Johnson (#240295) is requesting a development standard variance of approximately 12' off of the rear yard setback for the purpose of an addition, on property located 1198 N 900 W Kewanna IN within the Agriculture (AG) district. Seth Wilson seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

Seth Wilson	Yea
Debbie Barts	Yea
Barry Baldwin	Yea

Motion to approve Barbara Johnson (#240295) is requesting a development standard variance of approximately 12' off of the rear yard setback for the purpose of an addition, on property located 1198 N 900 W Kewanna IN within the Agriculture (AG) district. Passed with three votes being in favor and no one opposed.

RE: NEW BUSINESS

Jeremy Jones (240336)

Jeremy Jones (#240336) is requesting a development standard variance of approximately 4' off of the side yard setback for the purpose of an addition to his primary structure, on property located at 3094 SE Lake Shore Dr. Macy IN within the Lake Residential (R3) district.

In the Lake Residential (R3) district, the side yard setback for a primary structure is 8'. Mr. Williams would like to construct an addition to his home that would sit approximately 4' from his south side property line. Therefore, a variance of 4' off of the side yard setback is being requested.

Barry then asked the petitioner if they had anything further to add.

Mr. Jones stated the addition is to make the bedroom bigger for the wheelchair his wife has.



FULTON COUNTY BOARD OF ZONING APPEALS  
JUNE 12, 2024

Being nothing further to add, Barry then asked for any Board for any questions or comments. Being none, he opened the public hearing.

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

Being no comment, Barry closed the public hearing.

Barry asked the board for any discussion.

After Board discussion, Barry entertained a motion regarding the petition.

Debbie Barts moved to approve Jeremy Jones (#240336) is requesting a development standard variance of approximately 4' off of the side yard setback for the purpose of an addition to his primary structure, on property located at 3094 SE Lake Shore Dr. Macy IN within the Lake Residential (R3) district. Seth Wilson seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

Seth Wilson	Yea
Debbie Barts	Yea
Barry Baldwin	Yea

Motion to approve Jeremy Jones (#240336) is requesting a development standard variance of approximately 4' off of the side yard setback for the purpose of an addition to his primary structure, on property located at 3094 SE Lake Shore Dr. Macy IN within the Lake Residential (R3) district. Passed with three votes being in favor and no one opposed.

Heather reminded Mr. Jones he will need to get drainage approval.

IN RE: PLAN DIRECTOR REPORT

Heather then presented the board with last month's report.

Being no further business to come in front of the Board of Zoning Appeals, Scott Hizer entertained a motion to adjourn the May 8, 2024 Fulton County Board of Zoning Appeals special meeting. Phil Miller moved to adjourn the May 8, 2024 Fulton County Board of Zoning Appeals special meeting at 7:40 P.M. Barry Baldwin seconded the motion. Motion carried as follows: Phil Miller, Barry Baldwin and Scott Hizer being in favor and no one opposing.



FULTON COUNTY BOARD OF ZONING APPEALS  
JUNE 12, 2024

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

**Docket #549-0319**  
**Paul Burkholder**  
**Special Exception**  
**1 Action**

Paul Burkholder (#549-0319) is requesting a renewal of his Special Exception to operate a kennel, on property located at 4090 E 300 N Rochester, within the Agricultural (AG) District, 10 acres.

Mr. Burkholder currently has 10 dogs and utilizes a 70' x 90' area. He would like to construct a new 64' x 80' pole building to operate a kennel and possibly expand to 20 dogs. There would be inside pens, with outside runs with a 4' chain link fence. The hours would be Monday-Friday 6pm-8pm, Saturday 8am-4pm and closed Sundays.

The petition was granted in 2019 with the conditions that the petition must be reviewed in two (2) years.

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The request is for a Special Exception to operate a kennel, on property located at 4090 E 300 N Rochester, within the Agricultural (AG) District, 10 acres.









**Docket #210119**  
**David Partridge**  
**Special Exception**

Mr. Partridge (#210119) is requesting a renewal to the special exception to operate and outdoor event venue, on property located at 700 N & 1000 W, Culver, within the Agricultural (AG) District, approximately 27.2 acres.

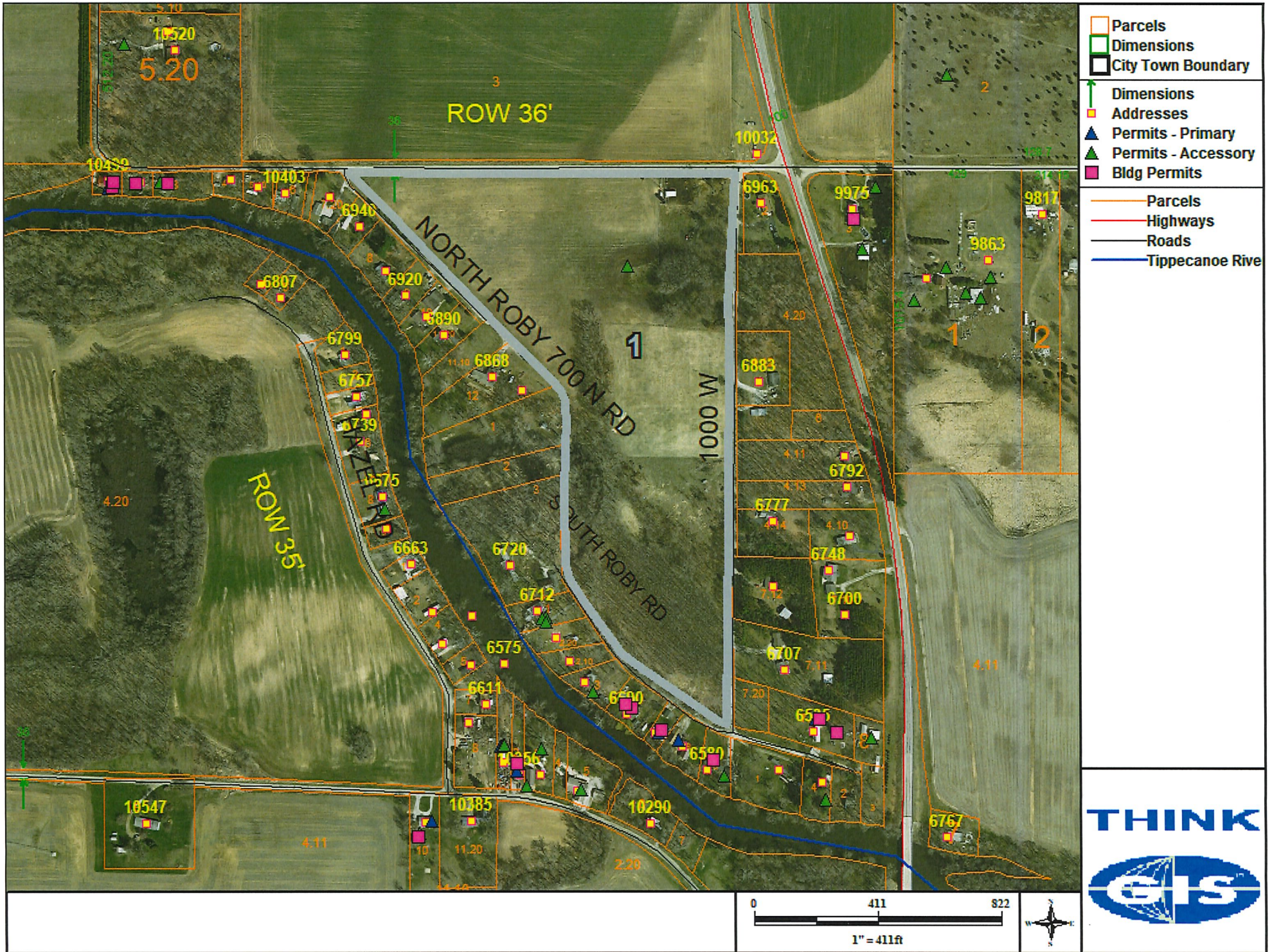
Mr. Partridge would like to utilize the northern portion of his farm pasture for events (i.e. wedding, birthdays, family reunions, charity event and fundraisers). The parking would be in the pasture, entry and exit gates would be located on 1000 W. The proposed hours would be 10 am-9pm Sunday-Thursday and 10 am -11pm Friday-Saturday. At this time there are no buildings, all events would be held in the open or temporary tents would be allowed.

The petition was approved in 2022 with the condition: to be reviewed in (2) two years.

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The request is for a special exception to operate and outdoor event venue, on property located at 700 N & 1000 W, Culver, within the Agricultural (AG) District, approximately 27.2 acres.







**Docket #240347**  
**Jim Enyart**  
**Development Standard Variance**

Jim Enyart (#240347) is requesting a development standard variance of approximately 35' off of the front yard setback for the purpose of a sign, on property located at 1988 Old US 31, Rochester IN, within the Industrial (IN) district.

In the Industrial (IN) district, the front yard setback for a sign is 35'. Mr. Enyart would like to construct a sign that would sit on his front property line not to encroach upon the right of way. Therefore, a variance of 35' off of the front yard setback is being requested.

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The request is for a Development Standard Variance of approximately 35' off of the front yard setback for the purpose of a sign, on property located at 1988 Old US 31, Rochester IN, within the Industrial (IN) district.



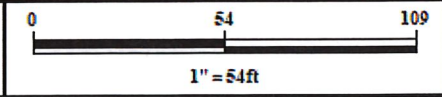
**Townships**  
 Feature Name:  
 —Rochester Twp

- Parcels
- City Town Boundary
- Sections

■ Addresses

- Parcels
- Lots
- Sections
- Highways
- Roads
- Tippecanoe River
- Permits - Access
- Permits - Comm
- → fchd-permit

N OLD UNITED STATES HIGHWAY 31





**Docket #240380**  
**David Timmons**  
**Development Standard Variance**

David Timmons (#240380) is requesting a development standard variance of approximately 33' off of the front yard setback for the purpose of a deck and pergola, on property located 2470 S 400 E Rochester, IN within the Agriculture (AG) district.

In the Agriculture (AG) district, the front yard setback for a primary structure is 50'. Mr. Timmons would like to construct a deck addition and pergola to the front of his home that would set approximately 17' from his front property line. The pergola would be in the corner of the deck and house. Therefore, a variance of 33' off of the front yard setback is being requested.

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The request is for a Development Standard Variance of approximately 33' off of the front yard setback for the purpose of a deck and pergola, on property located 2470 S 400 E Rochester, IN within the Agriculture (AG) district.





- Townships  
 Feature Name:  
 — Rochester Twp
- ▭ Parcels
  - ▭ City Town Boundary
  - ▭ Sections
  - Addresses
- Parcels
  - Highways
  - Roads
  - Tippecanoe River
  - BZA DSV

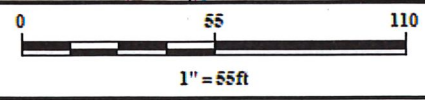
8' out  
 From House  
 Pergola only  
 in corner

50' setback  
 33' off

will sit  
 Approx 17'  
 off front  
 Property line

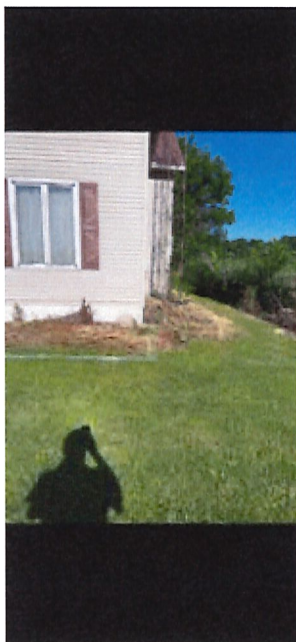
No Roof

66.1 ft  
 0.0125 mi















05



# Fee Summary Paid Totals

06/01/2024 - 06/30/2024

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	\$1,655.60	18
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$605.00	19
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.20301.000.0036	\$120.00	3
A-2. County, Akron, & Town of Fulton COMMERCIAL - Inspection Fee	Enter Number of Inspections	1001.20301.000.0036	\$377.52	2
A-2. County, Akron, & Town of Fulton COMMERCIAL-Permit Fee		1001.20301.000.0036	\$146.00	2
			<b>\$2,904.12</b>	<b>44</b>

**Group Total: 5**

**Group: 1001.20302.000.0036**

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$116.50	10
B-1. City of Rochester	Enter Number of Inspections	1001.20302.000.0036	\$260.00	10



Residential- Inspection Fee				
B-3. City of Rochester COMMERCIAL Permit Fee		1001.20302.000.0036	\$600.25	4
B-4. City of Rochester COMMERCIAL- Inspection Fee		1001.20302.000.0036	\$380.00	4
			<b>\$1,356.75</b>	<b>28</b>

**Group Total: 4**

**Group: 1001.20303.000.0036**

BZA. Development Standard Varaince		1001.20303.000.0036	\$750.00	3
ZO. LIP		1001.20303.000.0036	\$1,350.00	27
ZO. Signs	Enter Square Feet	1001.20303.000.0036	\$57.00	1
			<b>\$2,157.00</b>	<b>31</b>

**Group Total: 3**

			<b>\$6,417.87</b>	<b>103</b>
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**Total Records: 12**

**7/2/2024**

**Page: 1 of 1**