

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

FULTON COUNTY OFFICE BUILDING
COMMISSIONERS/COUNCIL ROOM
WEDNESDAY, AUGUST 14, 2024
7:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

JULY 10, 2024

OLD BUSINESS:

NEW BUSINESS:

Daniel Curtis (#240378)
Kenneth Janowski (#240409)
Jeff Haley (#240451)
Dennis Jeffers (#240458)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
JULY 10, 2024

**FULTON COUNTY
BOARD OF ZONING APPEALS**

**WEDNESDAY, JULY 10, 2024
7:00 P.M.
COMMISSIONERS/COUNCIL ROOM**

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
JULY 10, 2024

The Fulton County Board of Zoning Appeals met on Wednesday the 10th day of July 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: Seth Wilson, Barry Baldwin, Phil Miller and Scott Hizer. Also, in attendance were: Executive Director, Heather Redinger and Board Attorney, Andy Perkins.

It is duly noted Debbie Barts and Administrative Secretary, Kim Gard were absent.

IN RE: MINUTES

June 12, 2024

Chairperson, Scott Hizer asked for any additions, deletions or corrections to be made to the June 12, 2024 minutes. Barry Baldwin moved to approve the June 12, 2024 Fulton County Board of Zoning Appeals minutes as written, Phil Miller seconded the motion. Motion carried as follows: Phil Miller, Seth Wilson, Barry Baldwin and Scott Hizer being in favor and no one opposing.

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. Condition: possible expansion to 20 dogs after a two-year review.

After Board discussion the original condition was removed.

New condition: Reviewed if going over 20 dogs.

Scott then entertained a motion. Barry Baldwin motioned to approve 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. Condition: Reviewed if going over 20 dogs. Seth Wilson seconded. Motion carries four votes being in favor and none opposed.

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
JULY 10, 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.

Scott entertained a motion. Barry Baldwin motioned to approve 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. Phil Miller seconded. The motion carries four votes being in favor and none opposed.

RE: NEW BUSINESS

Enyart (#240336)

Jim Enyart (#240336) 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.

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

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

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

Being no comment, Scott closed the public hearing.

Scott asked the board for any discussion.

After Board discussion, Scott entertained a motion regarding the petition. Barry Baldwin moved to approve Jim Enyart (#240336) 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. Phil Miller seconded the motion.

Executive Director, Heather Redinger conducted roll call vote.

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

Motion to approve Jim Enyart (#240336) 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. Passed with four votes being in favor and no one opposed.

FULTON COUNTY BOARD OF ZONING APPEALS
JULY 10, 2024

RE: NEW BUSINESS

David Timmons (#240380)

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.

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

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

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

Being no comment, Scott closed the public hearing.

Scott asked the board for any discussion.

After Board discussion, Scott entertained a motion regarding the petition. Barry Baldwin moved to approve 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. Seth Wilson seconded the motion.

Executive Director, Heather Redinger conducted roll call vote.

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

Motion to approve 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. Passed with four votes being in favor and no one opposed.

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 July 10, 2024 Fulton County Board of Zoning Appeals special meeting. Phil Miller moved to adjourn the July 10, 2024 Fulton County Board of Zoning Appeals special meeting at 7:25 P.M.

FULTON COUNTY BOARD OF ZONING APPEALS
JULY 10, 2024

Barry Baldwin seconded the motion. Motion carried as follows: Phil Miller, Barry Baldwin, Seth Wilson and Scott Hizer being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

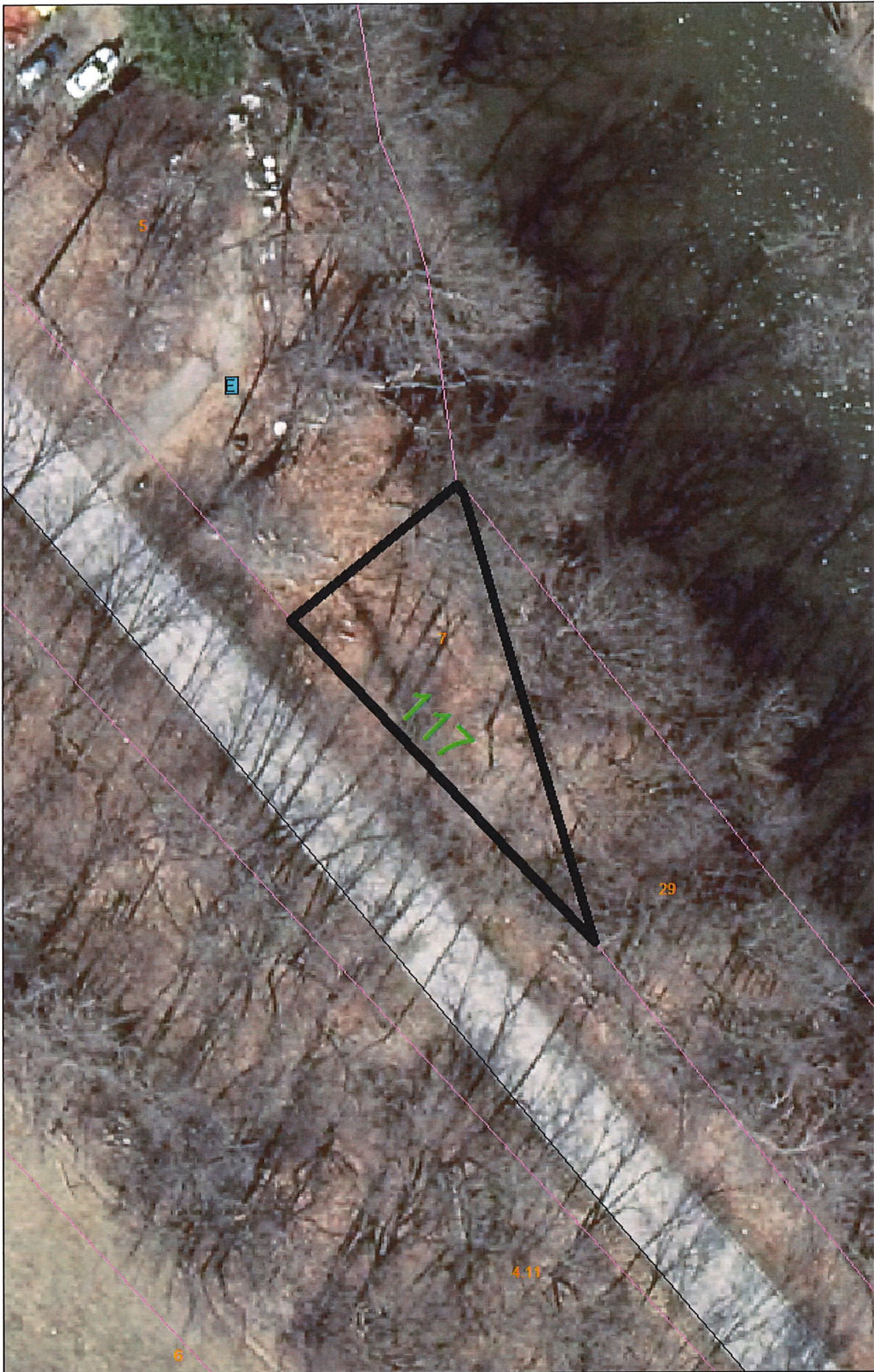
ATTEST: _____
Kim Gard, Administrative Secretary

Docket #240458
Dennis Jeffers
Development Standard Variance

Dennis Jeffers (#240458) is requesting development standard variances of approximately 740 s/f off of the minimum floor area and approximately 5' off of the side yard setback for a primary structure, on property located 001-110006-00, E of 7934 W Olson Rd Rochester, IN within the River Residential (RR) district.

In the River Residential (RR) district, the minimum floor area for a primary structure is 980 s/f and the side yard setback are 10'. Mr. Jeffers would like to construct a 12 x 20 seasonal cabin that would sit approximately 5' off of the northeast side yard. Therefore, a variance of approximately 740 s/f off of the minimum floor area and approximately 5' off of the side yard setback are being requested.

The request is for a Development Standard Variance of approximately 740 s/f off of the minimum floor area and approximately 5' off of the side yard setback for a primary structure, on property located 001-110006-00, E of 7934 W Olson Rd Rochester, IN within the River Residential (RR) district.



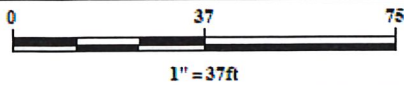
Townships
 Feature Name:
 — Aubbeenaubbee

- Parcels
- City Town Boundary
- Sections

E BZA SE

- Parcels
- Lots
- Highways
- Roads
- Tippecanoe Rive
- fchd-permit

THINK

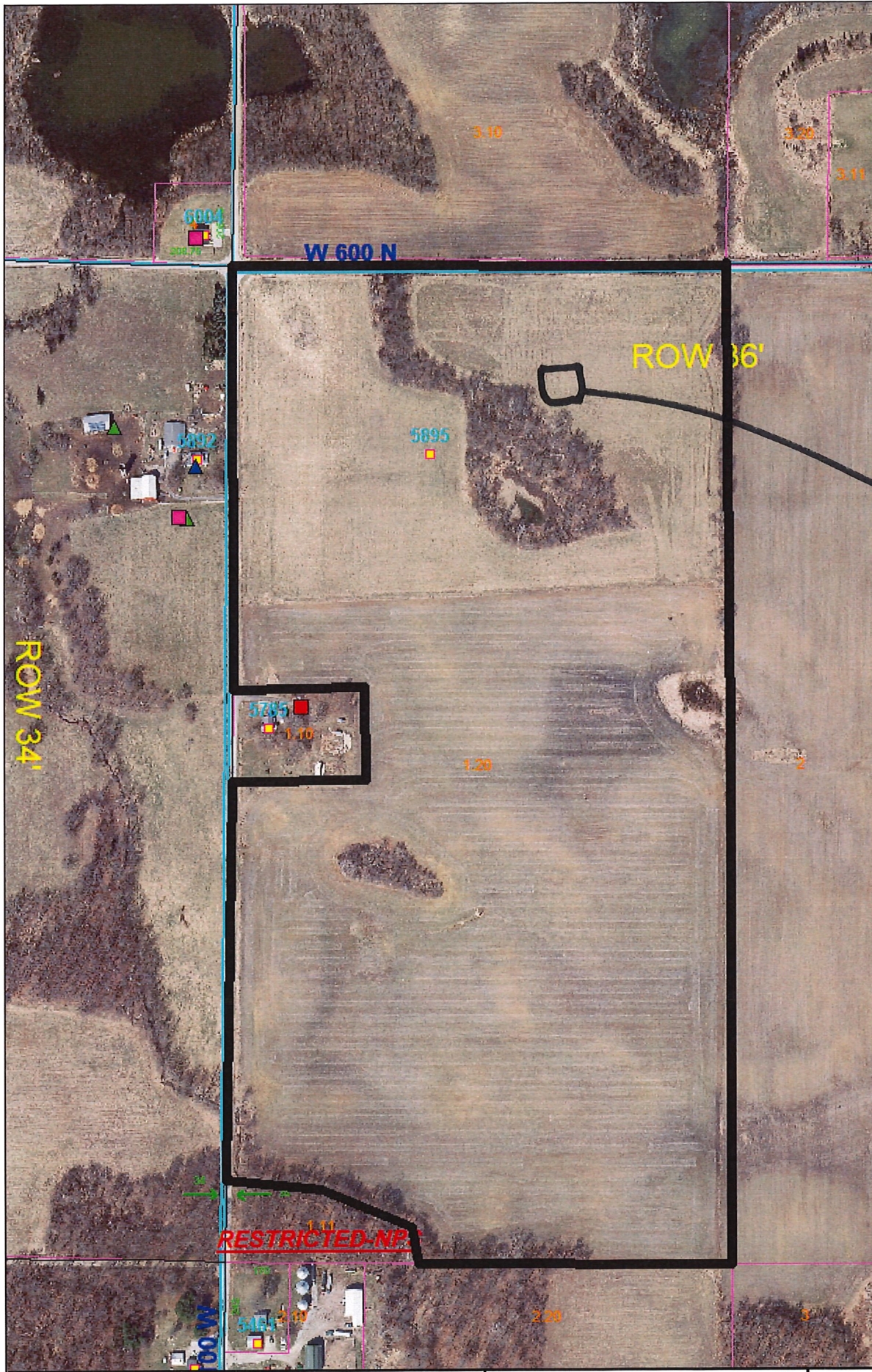


Docket #240451
Jeff Haley
Special Exception

Jeff Haley (#240451) is requesting a special exception to construct a wireless communication tower, on property located at 001-108053-00, 1100 W & 600 N within the Agriculture (AG) District.

In the Agriculture (AG) district a wireless communication tower is a special exception. Mr. Haley would like to construct a 260' wireless, self-supporting communication tower. Therefore, a special exception to construct a wireless communication tower is being requested.

The request is for a special exception to construct a wireless communication tower, on property located at 001-108053-00, 1100 W & 600 N within the Agriculture (AG) District.



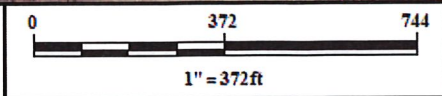
Townships
 Feature Name:
 ————Aubbeenaubbee

- Parcels
- City Town Boundary
- Sections

- ↑ Dimensions
- Addresses
- ▲ Permits - Primary
- ▲ Permits - Accessory
- Bldg Permits
- Debris/Refuse/Waste

- Parcels
- Sections
- Highways
- Roads
- Tippecanoe Rive
- Grid
- fchd-permit

*Approx.
 Location*



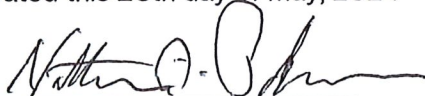


Statement of Network Need for a New Communications Tower

Nathan Parker, RF Engineer

1. My name is Nathan Parker and I am a radio frequency (RF) engineer for Verizon Wireless ("Verizon"). I have been employed as an RF engineer for five years in the telecommunications industry, with all five of those years with Verizon.
2. The primary duties of my job as an RF engineer include the design and management of Verizon's wireless communications network in its Michigan/Indiana/Kentucky Market, which includes the area in and around Delong, Indiana. In this role, I am also responsible for identifying and correcting substantial service gaps that present themselves in Verizon's wireless network. These service gaps can be caused by lack of coverage or insufficient system capacity, or both. Service gaps are identified through the use of internal Verizon network monitoring tools and analysis showing the capacity and/or coverage need in a particular area.
3. In the course of my employment at Verizon, I have become aware of a significant service gap in Verizon's wireless communications network in the area near State Road 17 and Delong in Aubbeenaubbee Township (the "Gap Area"). As a result of this significant service gap, Verizon customers using their devices in and around the Gap Area are likely to experience diminished call quality, slow and unreliable data transmission speeds, call drops, and blocked calls. Verizon's service gap in the Gap Area has existed for several years.
4. This significant service gap will remain and cannot be resolved unless a communications tower is constructed within the Gap Area. Verizon must remedy this service gap in order to provide high-speed wireless broadband access to the communities in and around the Gap Area, to fill in coverage gaps where wireless services are not reliable, and to provide enhanced E911 services.
5. Verizon identified a search area in which tower would need to be located in order to resolve the service gap. Before proposing a new communications tower, Verizon first considered whether any existing towers in the area could be used to resolve the coverage gap in the Gap Area. There are no other existing towers in the search area on which Verizon could collocate its communications equipment to resolve the service gap. For this reason, City Switch began looking for available properties in the search area that would be suitable for a tower.
6. Verizon and City Switch have worked together to identify a property in the Gap Area that could accommodate a communications tower to correct the significant service gap in Verizon's wireless communications network. City Switch has proposed to build a new tower on county road 1100 West in Rochester, Indiana ("Proposed Tower").
7. By co-locating its communications equipment on the Proposed Tower, Verizon will resolve the current significant service gap and will be able to provide improved service to residents, businesses, and emergency service providers in and around the Gap Area. If City Switch is unable to construct the new telecommunications tower, and Verizon is therefore unable to collocate its equipment on the proposed tower, the significant service gap in Verizon's wireless communications network will remain, and Verizon will be prohibited from providing reliable wireless service to its customers in the Gap Area.

Dated this 28th day of May, 2024



Nathan Parker
RF Engineer

June 24, 2024

Mr. Tim Cook
CitySwitch, LLC
1900 Century Place NE, Suite 320
Atlanta, GA 30345

RE: Proposed 255' Sabre Self-Supporting Tower for Delong, IN

Dear Mr. Cook,

Upon receipt of order, we propose to design a tower for the above referenced project for a Basic Wind Speed of 107 mph with no ice and 40 mph + 2" ice, Risk Category II, Exposure C, Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-H, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the tower will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

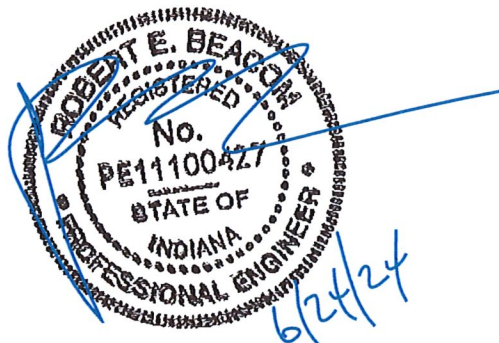
Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one or more of the tower members in the upper portion. This would result in a buckling failure mode, where the loaded member would bend beyond its elastic limit (beyond the point where the member would return to its original shape upon removal of the wind load).

Therefore, it is likely that the overall effect of such an extreme wind event would be localized buckling of a tower section. Assuming that the wind pressure profile is similar to that used to design the tower, the tower is most likely to buckle at the location of the highest combined stress ratio in the upper portion of the tower. This would result in the portion of the tower above the failure location "folding over" onto the portion of the tower below the failure location.

Please note that this letter only applies to the above referenced tower designed and manufactured by Sabre Towers & Poles. In the unlikely event of total separation, this would result in a fall radius of 200' or less at ground level.

Sincerely,

Robert E. Beacom, P.E., S.E.
Engineering Manager



Docket #240409
Kenneth Janowski
Development Standard Variance

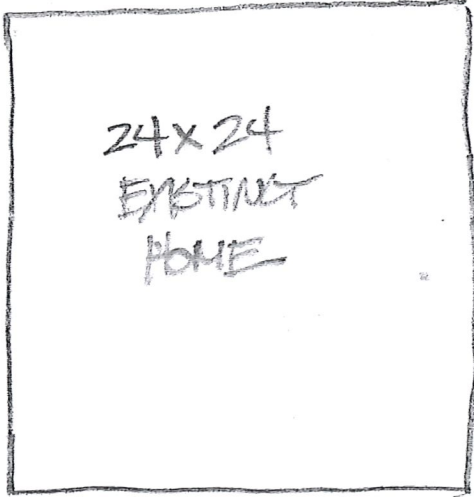
Kenneth Janowski (#240409) is requesting a development standard variance of approximately 7'.8" of additional height for an accessory structure, on property located at 2649 SE Lakeshore Macy, IN within the Lake Residential (R3) district.

In the Lake Residential (R3) district, an accessory structure cannot exceed the height of the primary structure. Mr. Janowski would like to construct a detached 26'x24' garage that will exceed the height of the primary structure. Therefore, a variance of 7'.8" of additional height for an accessory structure is being requested.

The request is for a Development Standard Variance of approximately 7'.8" of additional height for an accessory structure, on property located at 2649 SE Lakeshore Macy, IN within the Lake Residential (R3) district.

LAKE ↑

PROPERTY LINE



10 tall

EXISTING
2 CAR
GARAGE

9' ↓

PROPERTY LINE

NEW
GARAGE
26x44
8/12
PITCH

9' wall

17.8" tall

12' ↓

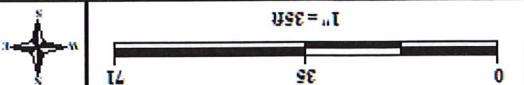
KEN JANDOWSKI
2649 SE LAKESHORE DR
MACY, IN 46957

↑
DRIVEWAY
↓

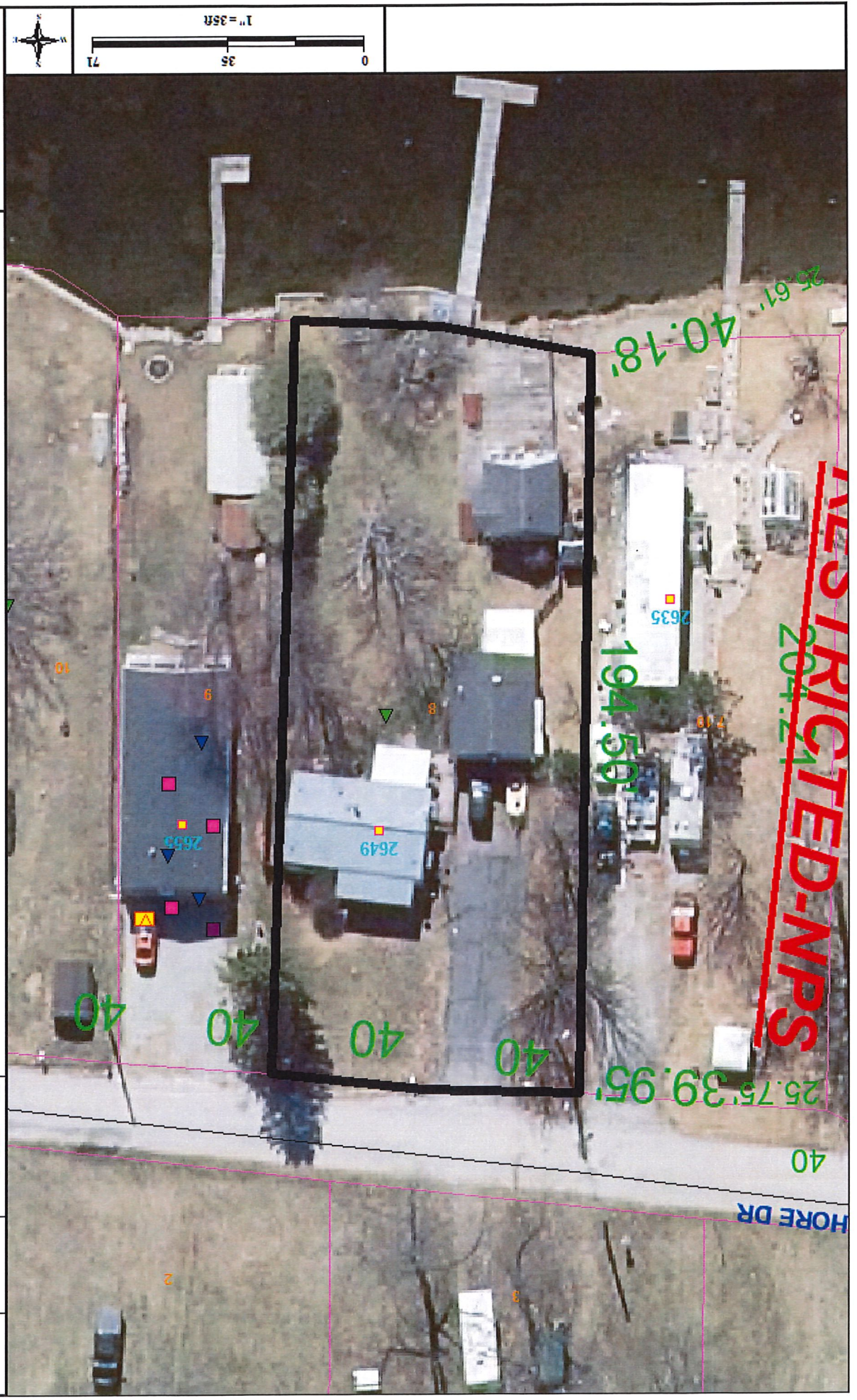
MARILYN
377 E 6TH
PERU, IN
46970
765-469-1672

↑
14'
↓

STREET



- Townships
Feature Name: Liberty Twp
- Parcels
- City Town Boundary
- Sections
- BZA DSV
- Addresses
- Permits - Primary
- Permits - Accessory
- Bldg Permits
- BZA DSV
- Illegal Structure
- Parcels
- Dimensions
- Highways
- Roads
- Tippecanoe River
- chd-permit



RESTRICTED-NPS

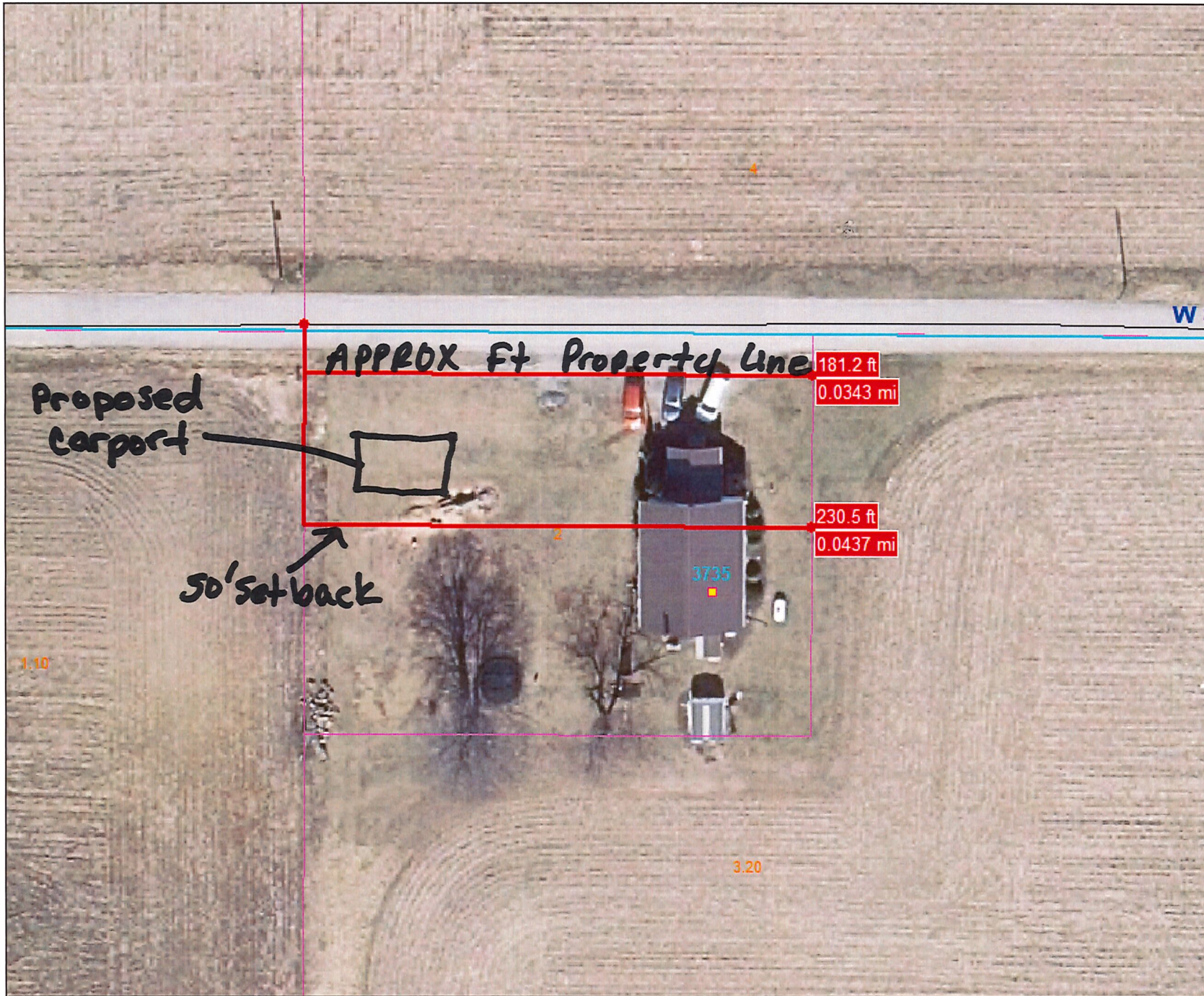
HORE DR

Docket #240378
Daniel Curtis
Development Standard Variance

Daniel Curtis (#240378) is requesting a development standard variance of approximately 30' off of the front yard setback for the purpose of a steel carport, on property located 3735 W 800 S Kewanna IN within the Agriculture (AG) district.

In the Agriculture (AG) district, the front yard setback is 50'. Mr. Curtis would like to construct an 18' X 28' steel carport on the west side of his property that would set approximately 20' from the front property line. The purposed carport will not be any closer to the road than the home. Mr. Curtis would be approximately 40' from the center of 800 S. Therefore, a variance of 30' off of the front yard setback is being requested.

The request is for a Development Standard Variance of approximately 30' off of the front yard setback for the purpose of a steel carport, on property located at 3735 W 800 S Kewanna IN within the Agriculture (AG) district.



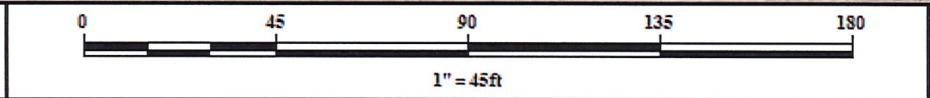
Townships
Feature Name:
— Liberty Twp

Parcels
City Town Boundary
Sections
Permits - Accessory

Addresses

Parcels
Lots
Dimensions
Highways
Roads
Tippecanoe River

31' ROW
will sit
40' from
center.
Even with
front of
house.





Fee Summary Paid Totals

07/01/2024 - 07/31/2024

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	\$1,601.80	16
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$337.00	16
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.20301.000.0036	\$40.00	1
			\$1,978.80	33

Group Total: 3

Group: 1001.20302.000.0036

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$327.50	14
B-1. City of Rochester Residential-Inspection Fee	Enter Number of Inspections	1001.20302.000.0036	\$485.00	14
B-2. CITY OF ROCHESTER ELECTRICAL PERMIT		1001.20302.000.0036	\$40.00	2
			\$852.50	30

Group Total: 3

Group: 1001.20303.000.0036

BZA. Development Standard Varaince		1001.20303.000.0036	\$1,500.00	6
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BZA. Special Exception		1001.20303.000.0036	\$250.00	1
ZO. LIP		1001.20303.000.0036	\$1,350.00	27
ZO. Signs	Enter Square Feet	1001.20303.000.0036	\$153.00	2
			\$3,253.00	36

Group Total: 4

			\$6,084.30	99
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Total Records: 10

8/7/2024

Page: 1 of 1