

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

FULTON COUNTY OFFICE BUILDING
COMMISSIONERS/COUNCIL ROOM
WEDNESDAY, OCTOBER 9, 2024
7:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

SEPTEMBER 11, 2024

OLD BUSINESS:

Laura Johnson (132-0710)
Keith Imhoff (250-0912)
Richard Chilcutt (116-1105)

NEW BUSINESS:

BBS Homes (240619)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 11, 2024

**FULTON COUNTY
BOARD OF ZONING APPEALS**

**WEDNESDAY, SEPTEMBER 11, 2024
7:00 P.M.
COMMISSIONERS/COUNCIL ROOM**

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

AUGUST 14, 2024

OLD BUSINESS:

NEW BUSINESS

Jason Owens (#240523)
David Rabey (#240528)
Lanty Armstrong (#240535)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 11, 2024**

The Fulton County Board of Zoning Appeals met on Wednesday the 11th day of September 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, Debbie Barts, Barry Baldwin and Scott Hizer. Also, in attendance were: Executive Director, Heather Redinger, Administrative Secretary, Kim Gard and Board Attorney, Andy Perkins.

It is duly noted Phil Miller was absent.

IN RE: MINUTES

August 14, 2024

Chairperson, Scott Hizer asked for any additions, deletions or corrections to be made to the August 14, 2024 minutes. Heather stated in the last paragraph the dates, times and names need corrected. Debbie Barts moved to approve the August 14, 2024 Fulton County Board of Zoning Appeals minutes as corrected, Barry Baldwin seconded the motion. Motion carried as follows: Seth Wilson, Debbie Barts, Barry Baldwin and Scott Hizer being in favor and no one opposing.

RE: NEW BUSINESS

Jason Owens (#240523)

Jason Owens (#240523) is requesting a development standard variance of approximately 24' off of the front yard setback for the purpose of an addition to an existing barn, on property located 1912 N 300 W Rochester, IN within the Agriculture (AG) district.

In the Agriculture (AG) district, the front yard setback for any structure is 50'. Mr. Owens would like to construct a 24 X 64 lean to addition to the existing barn that would set approximately 26' from his front property line. Therefore, a variance of 24' off of the front yard setback is being requested.

Scott Hizer 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 in opposition of the petition.

Sandy Owens spoke in favor.

Being no further comment, Scott closed the public hearing.

Scott asked the board for any discussion.

After Board discussion, Scott entertained a motion regarding the petition. Debbie Barts moved to approve Jason Owens (#240523) is requesting a development standard variance of approximately 24' off of the front yard setback for the purpose of an addition to an existing barn, on property located 1912 N 300 W Rochester, IN within the Agriculture (AG) district. Barry Baldwin seconded the motion.

FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 11, 2024

Administrative Secretary, Kim Gard conducted roll call vote.

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

Motion to approve Jason Owens (#240523) is requesting a development standard variance of approximately 24' off of the front yard setback for the purpose of an addition to an existing barn, on property located 1912 N 300 W Rochester, IN within the Agriculture (AG) district. Passed with four votes being in favor and no one opposed.

RE: NEW BUSINESS

David Rabey (#240528)

David Rabey (#240528) is requesting a special exception to operate an auto repair shop, on property located at 6003 E State Rd 110 Rochester, IN within the Suburban Residential (SR) District.

In the Suburban Residential (SR) District an auto repair shop is a special exception. Mr. Rabey would like to operate an auto repair shop that will consist of general auto repair and he will work at his convince. There will not be any customers or employees, except for Mr. Rabey, in the existing building. Currently there is a gravel drive that will be utilized and parking, if needed will be in front of the building. There will be approximately three deliveries a day, UPS, FedEx, Amazon etc. At this time there is no plan for signage. Therefore, a special exception to operate an auto repair shop is being requested.

Scott Hizer 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 in opposition of the petition.

Being no further comment, Scott closed the public hearing.

Scott asked the board for any discussion.

After Board discussion, Scott entertained a motion regarding the petition. Debbie Barts moved to approve David Rabey (#240528) is requesting a special exception to operate an auto repair shop, on property located at 6003 E State Rd 110 Rochester, IN within the Suburban Residential (SR) District. Seth Wilson seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

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

**FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 11, 2024**

Motion to approve David Rabey (#240528) is requesting a special exception to operate an auto repair shop, on property located at 6003 E State Rd 110 Rochester, IN within the Suburban Residential (SR) District. Passed with four votes being in favor and no one opposed.

RE: NEW BUSINESS

Lanty Armstrong (#240535)

Lanty Armstrong (#240535) is requesting a development standard variance off of the parking standards PK-04 to allow 4 cargo containers on property located at 2831 W Olson Rd. Rochester, IN within the Agriculture (AG) district.

In the Agriculture (AG) district, only one cargo container is permitted. Mr. Armstrong would like to place 4 cargo containers that will be anchored to concrete slabs, with a roof over to create out door storage for farm equipment. The created building would be approximately 66 X 80 X 23. Therefore, a variance off of the parking standards PK-04 to allow 4 cargo containers is being requested.

Scott Hizer 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 in opposition of the petition.

Being no further comment, Scott closed the public hearing.

Scott asked the board for any discussion.

After Board discussion, Scott entertained a motion regarding the petition. Debbie Barts moved to approve Lanty Armstrong (#240535) is requesting a development standard variance off of the parking standards PK-04 to allow 4 cargo containers on property located at 2831 W Olson Rd. Rochester, IN within the Agriculture (AG) district. Seth Wilson seconded the motion.

Administrative Secretary, Kim Gard conducted roll call vote.

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

Motion to approve Lanty Armstrong (#240535) is requesting a development standard variance off of the parking standards PK-04 to allow 4 cargo containers on property located at 2831 W Olson Rd. 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.

**FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 11, 2024**

Being no further business to come in front of the Board of Zoning Appeals, Scott Hizer entertained a motion to adjourn the September 11, 2024 Fulton County Board of Zoning Appeals special meeting. Barry Baldwin moved to adjourn the September 11, 2024 Fulton County Board of Zoning Appeals special meeting at 7:25 P.M. Barry Baldwin seconded the motion. Motion carried as follows: Seth Wilson, Debbie Barts, Barry Baldwin and Scott Hizer being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

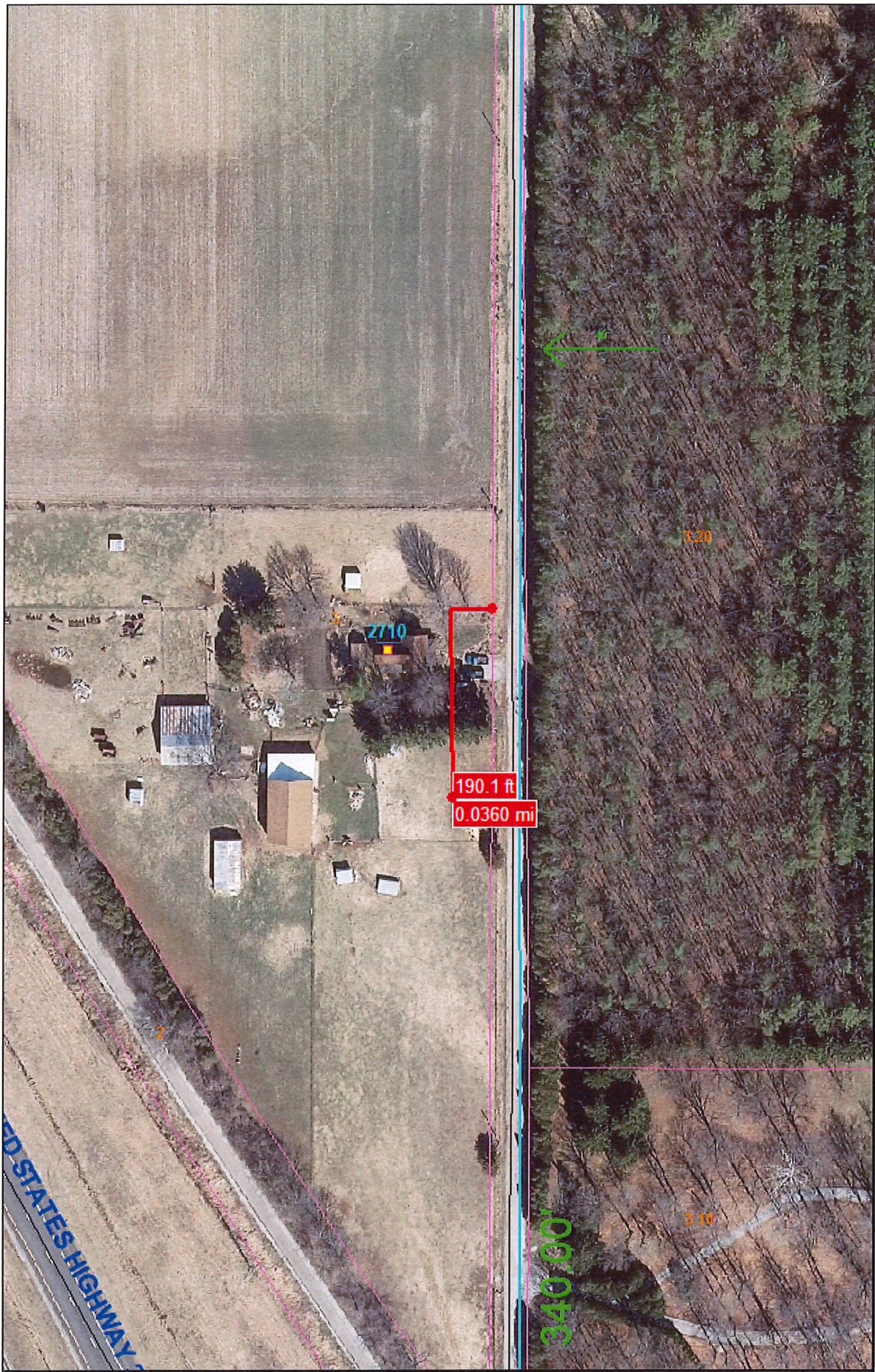
ATTEST: _____
Kim Gard, Administrative Secretary

Docket #240619
BBS Homes
Development Standard Variance

BBS Homes (#240619) is requesting a development standard variance of approximately 16' off of the front yard setback for the purpose of new home, on property located at 2710 S 400 E Rochester, IN within the Agriculture (AG) district.

In the Agriculture (AG) district, the front yard setback is 50'. BBS Homes would like to demo the current home and set a modular home that would sit approximately 34' off of the front property line due to the layout of the other buildings on the property. Therefore, a variance of 16' off of the front yard setback is being requested.

The request is for a Development Standard Variance of approximately 16' off of the front yard setback for the purpose of a new home, on property located at 2710 S 400 E Rochester, IN within the Agriculture (AG) district.



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

190.1 ft
 0.0360 mi

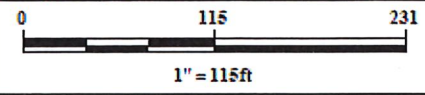
340.00'

2710

320

310

ED STATES HIGHWAY



Docket #132-0710
Lora Johnson
Special Exception Renewal

Ms. Johnson (#132-0710) is requesting a renewal to the Special Exception granted on September 8th, 2010 for a temporary hardship/second dwelling unit on property, located at 6346 N 100 W, within the Agricultural (AG) District, approximately 3 acres. Ms. Johnson parents own the property and the temporary dwelling unit will be utilized by Ms. Johnson and her family.

The Special Exception was granted with the following conditions:

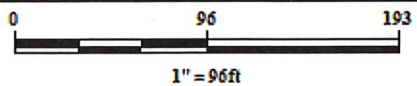
- 1.) Ms. Johnson is required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department, prior to the placement of the temporary home; and
- 2.) The temporary home is never used as a rental unit; and
- 3.) The temporary home be used as a dwelling for no one except Ms. Johnson and her family; and
- 4.) The temporary home is either removed or a renewal requested, no later that two years from the date of the public hearing.

Ms. Johnson has not informed the office of any change in regard to this situation. It is the Plan Directors recommendation to approve the renewal with the original conditions.



- Parcels
 - City Town Boundary
 - Sections
-
- Addresses
 - ▲ Permits - Primary
 - ▲ Permits - Accessory
 - Bldg Permits
 - Debris/Refuse/Waste
 - Illegal Structure
-
- Parcels
 - Highways
 - Roads
 - Tippecanoe River
 - fchd-permit

3



**Docket #250-0912
Keith Imhoff
Special Exception
Renewal**

Mr. Imhoff (#250-0912) is requesting a renewal of the Special Exception granted for a temporary hardship/second dwelling unit on property, located at 4136 E 550 N, within the Agricultural (AG) District, approximately 4.72 acres, on October 10, 2012. Wilma Zimmerman, Mr. Imhoff's mother-in-law, will utilize the temporary dwelling unit.

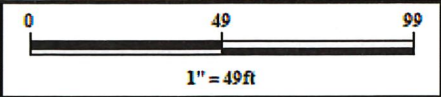
Mr. Imhoff was granted the request with the following conditions:

- 1.) Mr. Imhoff 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 used as a dwelling for no one except Wilma Zimmerman; and
- 4.) The temporary home is either removed or a renewal requested, no later than two years from the date of the public hearing.

Mr. Imhoff has not informed the office of any change in regard to this situation. It is the Plan Directors recommendation to approve the renewal request with the original conditions.



- Parcels
- City Town Boundary
- Sections
- Addresses
- ▲ Permits - Primary
- ▲ Permits - Accessory
- Bldg Permits
- Parcels
- Sections
- Highways
- Roads
- Tippecanoe River
- fchd-permit



Docket #116-1105
Richard A. Chilcutt
Special Exception
1 Action

Richard Chilcutt (#116-1105) is requesting a renewal of the special exception he was granted for a temporary second dwelling unit on his mother’s property (Helen Murphy), located in the Ag District, 1795 South 1075 East, Akron, IN, a total of 3.0 acres.

Mr. Chilcutt’s original request was to replace a 12’ x 50’ mobile home, currently located on the property with a newer 14’ x 70 mobile home, so he could help care for his mother. The mobile home meets the regulations of the Fulton County Zoning Ordinance, the Fulton County Building Code and the Fulton County Health Department.

Mr. Chilcutt was granted his request, upon these conditions:

- 1) the temporary home is never used as a rental unit; and
- 2) the temporary home be utilized as a dwelling for no one except Mr. Chilcutt, and
- 3) the temporary home is removed after Mr. Chilcutt no longer utilizes it as a dwelling; and
- 4) the temporary home is either removed or a renewed every two (2) years.



- Parcels
- City Town Boundary
- Sections
- Permits - Accessory

- Addresses
- ▲ Permits - Primary
- ▲ Permits - Accessory
- Bldg Permits

- Parcels
- Dimensions
- Highways
- Roads
- Tippecanoe River
- fchd-permit

ROW 34'

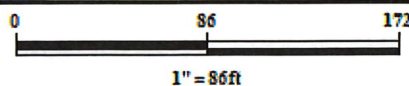
3.10

340.96

331.24

364.18

292.53





Fee Summary Paid Totals

09/01/2024 - 09/30/2024

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	\$2,265.45	24
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.20301.000.0036	\$667.58	24
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.20301.000.0036	\$200.00	5
A-2. County, Akron, & Town of Fulton COMMERCIAL - Inspection Fee	Enter Number of Inspections	1001.20301.000.0036	\$400.00	3
A-2. County, Akron, & Town of Fulton COMMERCIAL-Permit Fee		1001.20301.000.0036	\$131.50	2
A-3. County, Akron, & Town of Fulton Permit Renewal		1001.20301.000.0036	\$176.25	3
			\$3,840.78	61

Group Total: 6

Group: 1001.20302.000.0036

B. City of Rochester Residential Permit Fee		1001.20302.000.0036	\$911.50	13
B-1. City of Rochester Residential-Inspection Fee	Enter Number of Inspections	1001.20302.000.0036	\$705.40	13
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	\$10.00	1
B-4. City of Rochester		1001.20302.000.0036	\$160.00	1

COMMERCIAL- Inspection Fee				
			\$1,806.90	29

Group Total: 5

Group: 1001.20303.000.0036

BZA. Development Standard Varaince		1001.20303.000.0036	\$250.00	1
BZA. Special Exception		1001.20303.000.0036	\$250.00	1
ZO. LIP		1001.20303.000.0036	\$1,700.00	34
ZO. Site Plan Review - TRC		1001.20303.000.0036	\$175.00	1
ZO. Telecommunications Tower		1001.20303.000.0036	\$500.00	1
			\$2,875.00	38

Group Total: 5

			\$8,522.68	128
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Total Records: 16

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10/1/2024