

***ROCHESTER CITY  
BOARD OF ZONING APPEALS***

CITY HALL  
COUNCIL CHAMBERS  
MARCH 28, 2018  
6:00 P.M.

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**CALL TO ORDER**

**ELECTION OF OFFICERS**

**ADOPTION OF MEETING RESOLUTION**

**BOARD OF ZONING APPEALS MINUTES FOR:  
SEPTEMBER 27, 2017**

**OLD BUSINESS:**

Knebel (#333-0914)

**NEW BUSINESS:**

**PLAN DIRECTOR REPORT**

Don Orr

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**ROCHESTER CITY BOARD OF ZONING APPEALS**  
September 27, 2017

**ROCHESTER CITY  
BOARD OF ZONING APPEALS**

**WEDNESDAY, SEPTEMBER 27, 2017**

**6:00 P.M.  
COUNCIL CHAMBERS  
CITY HALL**

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:  
August 23, 2017**

**OLD BUSINESS:**

**NEW BUSINESS:**  
Debra Bosak (#468-0817)  
The Cross (#472-0817)  
Pilot Travel Center (#473-0817)  
James Leeds (#479-0917)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**September 27, 2017**

The Rochester City Board of Zoning Appeals met on Wednesday the 27<sup>th</sup> day of September 2017, at 6:00 P.M. in the Council Chambers located in the City Hall. Chair, Duane Border called the meeting to order at 6:00 P.M. The following members were present: Rick O'Neill, Bob Cannedy, Trent Powell, Duane Border and Teresa Houser Also in attendance was: Executive Director, Casi Cowles, Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

IN RE: MEETING MINUTES

August 23, 2017

Duane Border asked the Board for any deletions, or corrections to be made to the August 23, 2017 minutes. Rick O'Neill moved to approve the August 23, 2017 Rochester City Board of Zoning Appeals minutes as written. Trent Powell seconded the motion. Motion carried as follows: Rick O'Neill, Teresa Houser, Bob Cannedy, Trent Powell and Duane Border all being in favor and no one opposing.

IN RE: NEW BUSINESS

Debra Bosak (#468-0817)  
Development Standard Variance

Debra Bosak (#468-0817) is requesting a development standard variance of 2' off of the lake yard for the purpose of steps, within the lake residential (R3) District on property located at 2210 Wolfs Point Dr, Rochester, IN.

In the R3 district, the lake yard setback is 10'. The proposed steps would sit approximately 8' off of the lake yard. Therefore, a variance of 2' off of the lake yard setback is being requested.

Duane Border asked Mrs. Bosak if he had anything further to add.

She did not at this time.

Duane Border asked for any further Board comments.

Being no Board comments He entertained a motion to open public hearing Rick O'Neill moved to open the public hearing. Teresa Houser seconded the motion. Motion carried as follows: Rick O'Neill, Teresa Houser, Bob Cannedy, Trent Powell and Duane Border all being in favor and no one opposing.

Duane asked if anyone would like to speak in favor of or opposed to the petition, please rise and state your name.

Being no one to speak in favor, or to oppose the petition, Duane Border, entertained a motion to close the public hearing. Rick O'Neill moved to close the public hearing. Trent Powell seconded the motion. Motion carried as follows: Rick O'Neill, Teresa Houser, Bob Cannedy, Trent Powell and Duane Border all being in favor and no one opposing.

Being no further questions or comments, Duane Border, entertained a motion regarding the petition. Rick O'Neill moved to approve, Debra Bosak (#468-0817) is requesting a development standard variance of 2' off of the lake yard for the purpose of steps, within the lake residential (R3) District on property located at 2210 Wolfs Point Dr, Rochester, IN. Bob Cannedy seconded the motion.

# ROCHESTER CITY BOARD OF ZONING APPEALS

September 27, 2017

The Board members then proceeded to fill out their Findings of Fact Forms.

Rick O'Neill	Yea
Teresa Houser	Yea
Bob Cannedy	Yea
Trent Powell	Yea
Duane Border	Yea

Motion to approve, Debra Bosak (#468-0817) is requesting a development standard variance of 2' off of the lake yard for the purpose of steps, within the lake residential (R3) District on property located at 2210 Wolfs Point Dr, Rochester, IN. Passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

The Cross (#472-0817)  
Development Standard Variance

The Cross (#472-0817) is requesting development standard variances off of the sign standards and 10' off of the right-of-way setback, for the purpose of a freestanding sign, within the downtown commercial (DC) District on property located at 114 W 3<sup>rd</sup> Street, Rochester, IN.

The DC district, does not allow freestanding signs. There is currently a 4' x 4' freestanding on the property and sits less than 1' off of the right of way. Therefore, a variance off of the sign standards and front yard setback are being requested.

Don Bauman was present as representative.

Duane Border asked Mrs. Bauman if he had anything further to add.

He did not at this time.

Duane Border asked for any further Board comments.

Being no Board comments He entertained a motion to open public hearing Rick O'Neill moved to open the public hearing. Trent Powell seconded the motion. Motion carried as follows: Rick O'Neill, Teresa Houser, Bob Cannedy, Trent Powell and Duane Border all being in favor and no one opposing.

Duane asked if anyone would like to speak in favor of or opposed to the petition, please rise and state your name.

Being no one to speak in favor, or to oppose the petition, Duane Border, entertained a motion to close the public hearing. Rick O'Neill moved to close the public hearing. Trent Powell seconded the motion. Motion carried as follows: Rick O'Neill, Teresa Houser, Bob Cannedy, Trent Powell and Duane Border all being in favor and no one opposing.

Being no further questions or comments, Duane Border, entertained a motion regarding the petition. Rick O'Neill moved to approve, The Cross (#472-0817) is requesting development standard variances off of the sign standards and 10' off of the right-of-way setback, for the purpose of a freestanding sign, within the downtown commercial (DC) District on property located at 114 W 3<sup>rd</sup> Street, Rochester, IN. Bob Cannedy seconded the motion.

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September 27, 2017

The Board members then proceeded to fill out their Findings of Fact Forms.

Rick O'Neill	Yea
Teresa Houser	Yea
Bob Cannedy	Yea
Trent Powell	Yea
Duane Border	Yea

Motion to approve, The Cross (#472-0817) is requesting development standard variances off of the sign standards and 10' off of the right-of-way setback, for the purpose of a freestanding sign, within the downtown commercial (DC) District on property located at 114 W 3<sup>rd</sup> Street, Rochester, IN. Passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

Pilot Travel Centers (#473-0817)  
Development Standard Variance

Pilot Travel Centers, LLC (#473-0817) is requesting development standard variances off of billboard sign standards for the purpose of new signs, within the General Commercial (GC) District on property located at 389 Rochester Crossing, Rochester, IN.

In the GC district, a commercial billboard cannot exceed 330 sf, and shall consist of only a single structure having only one advertising face, and the maximum sign face shall not exceed 13' in height and 25' length. The proposed billboard would be approximately 526.25 sf, have three sign faces, and the middle face would be 7' 10" by 26' 4". Therefore, a variance of an additional 196.25 sf of signage, 2 additional sign faces and 1' 4" of additional length of a sign face are being requested.

Duane Border asked if they had anything further to add.

They did not at this time.

Duane Border asked for any further Board comments.

Being no Board comments He entertained a motion to open public hearing Rick O'Neill moved to open the public hearing. Teresa Houser seconded the motion. Motion carried as follows: Rick O'Neill, Teresa Houser, Bob Cannedy, Trent Powell and Duane Border all being in favor and no one opposing.

Duane asked if anyone would like to speak in favor of or opposed to the petition, please rise and state your name.

Being no one to speak in favor, or to oppose the petition, Duane Border, entertained a motion to close the public hearing. Rick O'Neill moved to close the public hearing. Trent Powell seconded the motion. Motion carried as follows: Rick O'Neill, Teresa Houser, Bob Cannedy, Trent Powell and Duane Border all being in favor and no one opposing.

Being no further questions or comments, Duane Border, entertained a motion regarding the petition. Rick O'Neill moved to approve, Pilot Travel Centers, LLC (#473-0817) is requesting development standard variances an additional 196.25 sf of signage, 2 additional sign faces and 1' 4" of additional length of a sign

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September 27, 2017

face, for the purpose of new signs, within the General Commercial (GC) District on property located at 389 Rochester Crossing, Rochester, IN. Bob Cannedy seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms.

Rick O'Neill	Yea
Teresa Houser	Yea
Bob Cannedy	Yea
Trent Powell	Yea
Duane Border	Yea

Motion to approve, Pilot Travel Centers, LLC (#473-0817) is requesting development standard variances an additional 196.25 sf of signage, 2 additional sign faces and 1' 4" of additional length of a sign face, for the purpose of new signs, within the General Commercial (GC) District on property located at 389 Rochester Crossing, Rochester, IN. Passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

James Leeds (#468-0817)  
Development Standard Variance

James Leeds (#474-0917) is requesting development standard variances of 2' off of the east side yard and 4' off of west side yard setbacks for the purpose of a new home, within the lake residential (R3) District on property located at 1913 Boulevard, Rochester, IN.

In the R3 district, the side yard setback for primary structures is 8'. The proposed new home would sit approximately 6' off of the east side and 4' off of the west side Therefore, variances of 4' off of the east side yard and 2' off of west side yard are being requested.

Duane Border asked Mr. Leeds if he had anything further to add.

He did not at this time.

Duane Border asked for any further Board comments.

Being no Board comments He entertained a motion to open public hearing Rick O'Neill moved to open the public hearing. Teresa Houser seconded the motion. Motion carried as follows: Rick O'Neill, Teresa Houser, Bob Cannedy, Trent Powell and Duane Border all being in favor and no one opposing.

Duane asked if anyone would like to speak in favor of or opposed to the petition, please rise and state your name.

Being no one to speak in favor, or to oppose the petition, Duane Border, entertained a motion to close the public hearing. Rick O'Neill moved to close the public hearing. Trent Powell seconded the motion. Motion carried as follows: Rick O'Neill, Teresa Houser, Bob Cannedy, Trent Powell and Duane Border all being in favor and no one opposing.

Being no further questions or comments, Duane Border, entertained a motion regarding the petition. Rick O'Neill moved to approve, James Leeds (#474-0917) is requesting development standard variances of 2' off of the east side yard and 4' off of west side yard setbacks for the purpose of a new home, within the lake

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**September 27, 2017**

residential (R3) District on property located at 1913 Boulevard, Rochester, IN. Bob Cannedy seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms.

Rick O'Neill	Yea
Teresa Houser	Yea
Bob Cannedy	Yea
Trent Powell	Yea
Duane Border	Yea

Motion to approve, James Leeds (#474-0917) is requesting development standard variances of 2' off of the east side yard and 4' off of west side yard setbacks for the purpose of a new home, within the lake residential (R3) District on property located at 1913 Boulevard, Rochester, IN. Passed with five votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR'S REPORT

Being no further business to come in front of the Board of Zoning Appeals, Duane Border entertained a motion to adjourn the September 27, 2017 Rochester City Board of Zoning Appeals meeting. Rick O'Neill moved to adjourn the September 27, 2017 Rochester City Board of Zoning Appeals meeting at 6:45 P.M. Trent Powell seconded the motion. Motion carried as follows: Rick O'Neill, Teresa Houser, Bob Cannedy, Trent Powel and Duane Border being in favor and no one opposed being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS

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ATTEST: \_\_\_\_\_  
Heather Redinger, Administrative Secretary



**Docket #333-0914  
Dan & Jennifer Knebel  
Special Exception**

Discussion on their plans at the end of year three, being December 2018.

Original request Mr. & Mrs. Knebel proposed to construct a new 30' X 30' building, which would have a small office located in the back of the structure. There would also be a unisex restroom. The proposed hours of operation would be Sunday through Thursday 11am to 9pm, and Friday & Saturday 11am to 10pm. There would be 2-6 employees, depending on the season. The parking area would be located along the east side of the building, with a drive-thru located on the west side. Mr. & Mrs. Knebel would also like to erect a 48 sf sign.

On May 27, 2015 Mrs. Knebel requested an amendment to operate the ice cream shoppe in a food trailer. The Board approved this amendment with the condition the food trailer is removed by October 19, 2015.

On December 16, 2015 Mrs. Knebel requested, to bring in a newer, larger food trailer and continue to operate the ice cream shoppe, which was approved with the condition it be reviewed in three (3) years.

Mr. & Mrs. Knebel stated they do not wish to move the trailer, and was under impression they only needed to be reviewed in three (3) years, and as long as, no one complained they did not need to construct a building.

The placement of and utility connections to the new trailer are permanent in nature. The sewer line was hard plumbed and the electric was direct wired. There is a concrete pad under the trailer, with a pit so the plumbing and electrical can be accessed.

During the discussion about following proper license and permitting codes, Mr. & Mrs. Knebel expressed the fact they believe the food trailer could possibly stay as a permanent structure after the three (3) years. The Director was under the impression the Board wanted to see a permanent structure complete after three (3) years. The Office made them install a ramp to be ADA compliant once they built the deck. However, the City Ordinance requires all ADA parking and parking lots to be paved; sidewalks are required with all new construction, all primary structures in the GC District are required to be 1000 minimum square feet and must be approved by the Drainage Board and the Technical Review Committee. It was my understanding all of these codes would be complied with by the end of the three (3) years (December 2018), unless for some unforeseen reason the owners needed to request another extension during a third review of the use of this property.

Mr. & Mrs. Knebel do not believe they will have to comply with these codes, as long as, no one complains about the trailer and they are able to leave the trailer there permanently. Board Clarification is needed.

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STATE OF INDIANA	)	IN THE FULTON CIRCUIT COURT
	)SS:	
COUNTY OF FULTON	)	CAUSE NUMBER 25C01-1405-PL-000308
DON ORR	)	
Petitioner	)	
	)	
FULTON COUNTY BOARD	)	
OF ZONING APPEALS,	)	
Respondent	)	

**MEDIATION AGREEMENT**

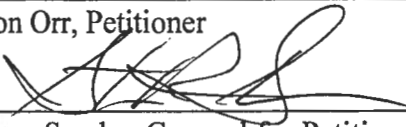
The parties agree as follows:

1. The Board of Zoning Appeals will agree to a consent judgment that the April 23<sup>rd</sup>, 2014 decision of the Board denying Petitioner's variance request for four (4) feet of additional height of an accessory structure ( garage) is reversed and that the Petitioner is in compliance as a result of Petitioner installing a cupola on the primary structure ( house).
2. That the Plan staff for Fulton County will issue a letter that Petitioner is in compliance after receipt of the drawings mentioned next.
3. The Petitioner will submit a schematic of the house and garage and cupola that is installed on the house reflecting that the garage is not more than 2 feet higher than the top of the cupola. The Consent Decree will not be entered until that is demonstrated. Further, the cupola must remain as a fixture to the house
4. The Petitioner will pay to the Fulton County Treasurer the sum of \$1,969.50, \$969.50 for certification of documents and \$1,000.00 fine. Said sum to be paid within 60 days.

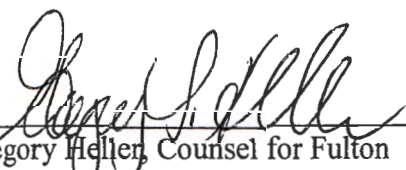
Dated this 15<sup>th</sup> day of March, 2018.



Don Orr, Petitioner



Steve Snyder, Counsel for Petitioner



Gregory Heller, Counsel for Fulton  
County Board of Zoning Appeals

# AREA PLAN COMMISSION OFFICE

## 2017 END OF YEAR REPORT

**Total Permits Issued in 2017: 584**

- **209 Building Permits**
- **93 Electrical Permits**
- **282 Location Improvement Permits (Zoning)**
  - 245 Non-commercial Permits
  - 17 Commercial Permits
  - 20 Sign Permits
- **22 (2017) & 30 (2018) Electrical Registrations**
- **5 (2017) & 4 (2018) Plumbing Registrations**

**Total Permits Issued in 2016: 636**

- **217 Building Permits**
- **80 Electrical Permits**
- **339 Location Improvement Permits (Zoning)**
  - 287 Non-commercial Permits
  - 27 Commercial Permits
  - 25 Sign Permits
- **51 Electrical Registrations**
- **8 Plumbing Registrations**

### **Others Incorporates:**

**Additions to Existing Structures**  
**Temporary Second Dwellings**  
**Decks**  
**Porches**  
**Removing Existing Structures**  
**Pool & Bath House**  
**Pools**  
**Grain Bins**  
**Corn Cribs**  
**Sheds**  
**Breezeways**  
**Cabins**  
**Pavilions**  
**Lean-To**  
**Carports**  
**Privacy Fences**

### **13~Aubbeenaubbee Twp**

- \*\* {
- 0- Dwellings~
  - 1- Garages
  - 0- Pole Barns
  - 7- Others
  - 0-Signs
  - 3- Building Permits
  - 1- Commercial
  - 1-Electrical

### **81~Henry Twp**

- \*\* {
- 6 -Dwellings~
  - 1- Garages
  - 15- Pole Barns
  - 20- Others
  - 1-Signs
  - 18- Building Permits
  - 0- Commercial
  - 20-Electrical
- 3- Site Built  
3-Manufactured

### **32~Town Of Akron**

- 10-Others
- 12-Electrical
- 9-Building
- 1-Pole Barn

### **49~Liberty Twp**

- \*\* {
- 2 -Dwellings~
  - 2-Garages
  - 5- Pole Barns
  - 15- Others
  - 0- Sign
  - 11- Building Permits
  - 4-Comm
  - 10-electrical
- 0- Site Built  
2-Manufactured

### **6- Town Of Fulton**

- 2-Building
- 4-others

### **21~Newcastle Twp**

- \*\* {
- 2- Dwellings~
  - 0- Garages
  - 4- Pole Barns
  - 6- Others
  - 0-Signs
  - 5- Building Permits
  - 4-Electrical
- 1-Manufactured  
1- Site Built

### **29~ Richland Twp**

- \*\* {
- 1- Dwelling~
  - 0- Garages
  - 7- Pole Barns
  - 14- Others
  - 1-Signs
  - 6- Building Permits
  - 0- Commercial
  - 0-Electrical
- 0- Site Built  
1-Manufactured

\*\*  
**Multiple Structures  
May Have Been Issued  
On A Single Permit**

**Others Incorporates:**

**Additions to Existing Structures**  
**Temporary Second Dwellings**  
**Decks**  
**Porches**  
**Removing Existing Structures**  
**Pool & Bath House**  
**Pools**  
**Grain Bins**  
**Corn Cribs**  
**Sheds**  
**Breezeways**  
**Cabins**  
**Pavilions**  
**Lean-To**  
**Carports**  
**Privacy Fences**

**357~ Rochester Twp**

15- Dwellings~ 8-Manufactured  
 7- Site Built  
 5- Garages  
 5- Pole Barns  
 85- Others  
 18-Signs  
 159- Building Permits  
 12- Commercial  
 58-Electrical

**280 -City Of Rochester**

- 4 -Site Built
- 1-Manufactured
- 4-Garages
- 1-Pole Barn
- 61- Others
- 16- Signs
- 44-Electrical
- 9-Commercial
- 140-Building

**23~ Union Twp**

1- Dwelling~ 0-Site Built  
 1-Maunfactured  
 3- Garage  
 4-Pole Barns  
 11- Others  
 0- Electrical  
 4- Building Permits  
 0-comm 0-Sign

**7-Town Of Kewanna**

- 4-Others
- 1-Pole Barn
- 2-Garages

**11~ Wayne Twp**

3-Dwellings 2-Site Built; 1-Manufactured  
 1-Garage  
 2- Pole Barns  
 2-Others  
 3 -Building Permits 0-electrical

**\*\* Multiple Structures**  
**May Have Been Issued**  
**On A Single Permit**

**Total Splits Approved: 40**

2~ Aubbeenaubbee Twp  
 5~ Henry Twp  
 5~ Liberty  
 5~ Newcastle Twp  
 2~ Richland Twp  
 13~ Rochester Twp  
 6~ Union Twp  
 2~Wayne Twp

**Total Plan Commission Petitions: 3**

2-favorable; 1-void

**Total BZA Petitions: 40**

31- Development Standard Variances

29 approved, 1-void 1-pending

23-City Of Rochester  
 7-Fulton County  
 0- Akron; 0-Fulton/Kewanna  
 10 Special exceptions  
 1-City Of Rochester  
 9-Fulton County

10-Approved

<b>Total Plan Commission &amp; Bldg Dept Fees Collected 2017:</b>	<b>\$39,122.82</b>	2016- <b>\$29,577.64</b>
<b>Location Improvement Permits Total</b>	<b>\$10,175.57</b>	<b>\$9,354.22</b>
<b>Plan Commission Applications &amp; BZA Applications</b>	<b>\$4,480</b>	<b>\$2,540.00</b>
<b>Collected Violation Fines Total</b>	<b>\$6,536.00</b>	<b>\$2,094.00</b>
<b>Copies</b>	<b>\$4.50</b>	<b>\$30.00</b>
<b>Electrical License Total</b>	<b>\$530.00</b>	<b>\$800.00</b>
<b>Plumbing License Total</b>	<b>\$150.00</b>	<b>\$150.00</b>
<b>Total County Building Permit Fees Collected</b>	<b>\$5,077.50</b>	<b>\$6,025.00</b>
<b>Total City Building Permits Fees Collected</b>	<b>\$12,169.25</b>	<b>\$8,584.42</b>

**MONTHLY REPORT FOR THE  
FULTON COUNTY PLAN COMMISSION OFFICE**

<b>Permits issued in February</b>		<b>YTD</b>
Non-Commercial	7	16
Commercial	2	5
Sign	1	1
Building	12	23
Temporary Use	0	0
Electrical	2	7
Electrical License	6	19
Plumbing License	0	3
<b>Applications Submitted in February</b>		<b>YTD</b>
Special Exeptions	0	0
Administrative Appeals	0	0
Development Standard Variance	1	1
Rezone	0	0
<b>Fees Collected in February</b>		<b>YTD</b>
Permits	235.10	535.10
Applications	60.00	60.00
Copies	0.00	0.00
Fines	35.00	1,350.00
City Building Permits	795.80	1,155.80
County Building Permits	0.00	550.00
Electrical License	60.00	190.00
Plumbing License	0.00	45.00
TOTAL:	1,185.90	3,885.90