

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

FULTON COUNTY OFFICE BUILDING
COMMISSIONERS/COUNCIL ROOM
WEDNESDAY, NOVEMBER 13, 2019
7:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

October 9, 2019

OLD BUSINESS:

Teresa Vanmeter (#144-0407)
Randy & Ruth Grimm (#153-0707)

NEW BUSINESS:

Justin Field (#577-0919)
Ruth Grimm (#578-1019)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
October 9, 2019

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WEDNESDAY, OCTOBER 9, 2019

7:00 P.M.
COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:
September 11, 2019

OLD BUSINESS:
Clayton Howes (#13-0401)
Mark Kneller (#89-0819)
Edward Strack (#108-0110)
Anthony Jacobson (#482-1117)

NEW BUSINESS:
Winegardner Auction (#576-0819)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

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FULTON COUNTY BOARD OF ZONING APPEALS
October 9, 2019

The Fulton County Board of Zoning Appeals met on Wednesday the 9th day of October 2019, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson, Dan Walsh, called the meeting to order at 7:00 P.M. The following members were present: Eric Straeter, Barry Baldwin, Debbie Barts and Dan Walsh. Also in attendance were: Executive Director, Casi Cowles; Board Attorney, Andy Perkins and Administrative Secretary, Heather Redinger

It is duly noted Scott Hizer, was absent.

IN RE: MINUTES

September 11, 2019

Dan Walsh, asked for any additions, deletions or corrections to be made to the September 11, 2019 minutes. Debbie Barts moved to approve the September 11, 2019 Fulton County Board of Zoning Appeals minutes as written. Eric Straeter seconded the motion. Motion carried as follows: Eric Straeter, Barry Baldwin, Debbie Barts and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

Clayton Howes (#13-0401)

Mark Kneller (#89-0809)

Clayton Howes is requesting a renewal of his special exception, granted on May 9th, 2001 for a temporary second dwelling unit on his property located in the Ag District, 12518 E 300 S, Akron, IN 46910.

Mr. Howes petition was granted with the following conditions:

- 1) Mr. Howes is required to obtain a Location Improvement Permit and a Building Permit for the placement of the mobile home; and
- 2) the mobile home is never used as a rental unit; and
- 3) the mobile home be utilized as a dwelling for no one except Mrs. Hazel Howes; and
- 4) the mobile home is removed after Mrs. Hazel Howes no longer utilizes it as a dwelling
- 5) renewed every two years.

Mr. Howes stated there has been no changes.

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

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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 .

Mr. Kneller stated there has been no changes.

Dan Walsh asked if there were any Board questions. Being none, he entertained a motion. Eric Straeter moved to approve Clayton Howes (#13-0401) and Mark Kneller (#89-0809), with original conditions. Debbie Barts seconded the motion. Motion carried as follows: Eric Straeter, Barry Baldwin, Debbie Barts and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

Edward Strack (#108-0110)

Mr. Strack is requesting a renewal of the three development standard variances he was granted on March 10, 2010. Which consisted of a variance off the Fulton County Ordinance to be allowed to keep two (2) cargo containers on his property, as well as, 33' off of the front yard for the purpose of the placement of the containers, on property located at 9399 Prairie Street, Rochester, within the Agricultural (AG) District, approximately 0.36 acres.

Mr. Strack's requests were approved with the condition that it is re-evaluated and renewed yearly.

Mr. Strack is also requesting a renewal for a special exception for a hardship dwelling, as well as, a variance of 788 sf off of the minimum main floor area for the purpose of the hardship dwelling, in the AG District located at 9399 Prairie, Rochester, IN. with the following condition:

This request was granted with the condition that it is re-evaluated and renewed yearly.

Mr. Strack asked the Board if he could have a permanent variance, as he doesn't foresee his situation changing.

The Board did not agree to grant a permanent variance. They agreed to change the condition to renew or review every two years, instead of yearly.

Dan Walsh asked for any further comments, being none he then entertained a motion. Eric Straeter moved to approve Edward Strack (#108-0110) with the change it is renewed every two years. Debbie Barts seconded the motion. Motion carried as follows: Eric Straeter, Barry Baldwin, Debbie Barts and Dan Walsh being in favor and no one opposing.

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IN RE: OLD BUSINESS

Anthony Jacobson (#482-1117)

Anthony Jacobson (#482-1117) requested a development standard variance off of the 5-2.4 parking standards, to allow a cargo container on property located on 1983 N 300 W, within the Agricultural (AG) District.

During its March 14, 2018 meeting the Fulton County Board of Zoning Appeals approved your request for the Development Standard Variance, with the condition it is removed or reviewed in one (1) year.

Mr. Jacobson has not yet removed the cargo container.

Mr. Jacobson stated he is still utilizing the container for storage and building materials for the remodel of his home.

Dan Walsh asked for any Board comments, being none he entertained a motion. Eric Straeter moved to approve Anthony Jacobson (#482-1117) with the original conditions. Debbie Barts seconded the motion. Motion carried as follows: Eric Straeter, Barry Baldwin, Debbie Barts and Dan Walsh being in favor and no one opposing.

IN RE: NEW BUSINESS

Winegardner Auction (#576-0819)
Special Exception

Winegardner Auctions, Inc. (#576-0819) is requesting a Special Exception to operate an Auction House, on property located at 3171 E 400 N, Rochester, within the Agricultural (AG) District.

Mr. Winegardner is currently utilizing an existing 67' x 70' building on the property to operate an auction house. The business hours are 9am -5pm Monday-Friday and 6pm-9pm on auction day, and there are 6 employees. Currently, Mr. Winegardner rents a portable toilet, he stated a public restroom will be added during the remodel. The existing drive and parking lot are being utilized.

Therefore a Special Exception to operate an Auction House in the Ag district, is being requested.

Dan Walsh asked for any Board questions or comments. Being none he then entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Eric Straeter seconded the motion. Motion carried as follows: Eric Straeter, Barry Baldwin, Debbie Barts and Dan Walsh being in favor and no one opposing.

Dan Walsh asked if anyone would like to speak in favor or opposition of the petition to please rise and state their name and address.

The following spoke in favor of the petition, the comments were, it is good for the community, and he's cleaning up the area.

Edward Strack, 9399 Prairie St;

Arnold Powell, 2659 N Old US 31;

Deb Winegardner, 322 W Walnut St, Argos;

Stan Utter,

Krista Stockberger

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Being no one else to speak Dan Walsh entertained a motion to close the public hearing. Debbie Barts moved to close the public hearing. Barry Baldwin seconded the motion. Motion carried as follows: Eric Straeter, Barry Baldwin, Debbie Barts and Dan Walsh being in favor and no one opposing.

After Board discussion, Dan Walsh entertained a motion regarding the petition.

Debbie Barts moved to approve Winegardner Auctions, Inc. (#576-0819) is requesting a Special Exception to operate an Auction House, on property located at 3171 E 400 N, Rochester, within the Agricultural (AG) District. Eric Straeter seconded the motion.

Administrative Secretary, Heather Redinger conducted roll call vote.

Eric Straeter	Yea
Barry Baldwin	Yea
Debbie Barts	Yea
Dan Walsh	Yea

Motion to approve Winegardner Auctions, Inc. (#576-0819) is requesting a Special Exception to operate an Auction House, on property located at 3171 E 400 N, Rochester, within the Agricultural (AG) District. Passed with four votes being in favor and no one opposed.

IN RE: PLAN DIRECTOR REPORT

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the October 9, 2019 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the October 9, 2019 Fulton County Board of Zoning Appeals meeting at 7:45 P.M. Eric Straeter seconded the motion. Motion carried as follows: Eric Straeter, Barry Baldwin, Debbie Barts and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Heather Redinger, Administrative Secretary

Docket #144-0407
Teresa Van Meter
Special Exception
Temporary Second Dwelling

Teresa Van Meter are requesting a renewal of the special exception they were granted for a temporary second dwelling unit on their property located in the Ag District, 5761 N 675 W, Rochester, IN on May 9th 2007. The temporary dwelling unit (14 x 70 mobile home) was to be utilized by Ed and Joan Thomas (Mrs. Van Meter's parent's). Mr. & Mrs. Thomas occupy the temporary dwelling. This tract of land totals 3.5 acres

Teresa Van Meter were granted their request upon these conditions:

- 1) Teresa Van Meter are 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 Ed & Joan Thomas; and
- 4) the temporary home is either removed or a renewal requested every two years .

Teresa Van Meter has informed the office Ed & Joan Thomas are no longer utilizing the mobile home. She is requesting that her brother and his family be able to utilize the home.

Mrs. Cowles discussed with Mrs. VanMeter her options regarding this petition. She has elected to request that the person associated with the original petition approval be changed and continue with the renewal requests, if granted. Her other two options available regarding this home if the change of person is not granted, have been discuss with Mrs. Grimm and are as follows:

1. Split the mobile home from the existing parcel. This would require a variance due to the fact there is only approximately 375' of existing lot width. The Zone Ordinance requires each new tract of land to have at least 200' in width in the AG District. If the variance is approved, Mrs. VanMeter would then obtain a survey and have a deed with the new legal description created. Once the deed was recorded, the mobile home would be on a legal tract of land and no longer subject to the special exception or required renewals.

2. Request a special exception for a detached additional living space. If granted, the mobile home would become a permitted use on the property and would no longer be subject to renewal requirements.

Docket #153-0707
Randy & Ruth Grimm
Special Exception
Renewal

Randy & Ruth Grimm are requesting a renewal of the special exception granted for a temporary second dwelling their property located at 1098 W 500 N, within the Ag District on July 11th, 2007. The temporary second dwelling was to be utilized by John & Donna Grimm.

Randy & Ruth Grimm were granted their request upon these conditions:

- 1) Randy & Ruth Grimm are 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 John & Donna Grimm; and
- 4) the temporary home is removed after John & Donna Grimm no longer utilizes it as a dwelling; and
- 5) the temporary home is either removed or a renewal requested every two years .

The Plan Commission has not been informed of any changes. It is the Plan Directors recommendation to approve the renewal with original conditions.





Docket #577-0919
Justin Field
Development Standard Variance

Mr. Field (#577-0919) is requesting Development Standard Variance of 20' off of the front yard setback, for the purpose of a barn addition, on property located at 1763 S 1200 W, Kewanna, IN within the Agricultural (AG) District.

In the AG district the front yard setback is 50' off of the road right of way. Mr. Field would like to put an addition on all sides of his existing barn. The addition would sit approximately 30' off of the right of way. Therefore a variance of 20' off of the front yard setback is being requested.

Please see drawing for addition dimensions.

The request is for a Development Standard Variance of 20' off of the front yard setback, for the purpose of a barn addition, on property located at 1763 S 1200 W, Kewanna, IN within the Agricultural (AG) District.

**READ ALL ATTACHED SHEETS PRIOR TO PLACING
YOUR SIGNATURE ON THIS SHEET**

Justin & Candace Moore
#BZA 577-0919

Legal Notification Requires:

- The signature of any person on the form is not to be construed as a waiver or consent to the petition, but merely evidence that the person has received notice of the hearing.**

[illegible]

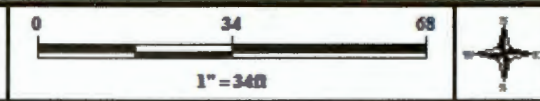


25-05-19-300-001.010-014 10/01/2015

- CREATION of COLD Equipment STORAGE (unfinished)
- ADDITIONAL SUPPORT for PRIME existing STRUCTURE
Against west windshear forces
- ADDITION of westward facing PORCH
TO ADD A low PRESSURE AREA to help
with Redirecting WIND over TOP & AROUND SIDES,
ALSO ADDING to complete VISUAL Symmetry.



- Parcels
- City Town Boundary
- Addresses
- Permits - Accessory
- Parcels
- Highways
- Roads
- Tippecanoe River
- Grid



THINK GIS 1763

Id Ftr Id Area Zm Box Zm Out Home Prev Send Print Help Layers Index Clear Parcel Tools Tools

Prev Next Clear Close

25-05-19-300-001.010-014

General Bills Payments Deductions Assessments

Owner and General Parcel Information

Property Card	Show Property Card
Images	Show Images(4)
Sketches	Show Sketches(1)
Owner Name	Field Justin T & Candace M
State Parcel Number	25-05-19-300-001.010-014
Property Key	015-118003-00
Map Number	0151800300
Legal Description	Mid Pt W Line Sw 19-30-1 2.06a
Acreage	2.0600
Instrument Number	
Book Number	030
Page Number	4641
Location Address	1763 S 1200 W KEWANNA, IN 46939
Owner Address	1763 S 1200 W Kewanna, IN 46939

Docket #578-1019
Ruth Grimm
Development Standard Variance

Mrs. Grimm (#578-1019) is requesting Development Standard Variance off of the 5-2.4 parking standards, for the purpose of a storage pod/cargo container, on property located at 1098 W 500 N, Rochester, IN within the Agricultural (AG) District.

Storage pods/Cargo containers are not allowed to be used for storage. Mrs. Grimm has a temporary second dwelling on her property, utilized by her father. He has placed a storage pod/cargo container on the property he is currently using for storage. Therefore a variance off of the 5-2.4 parking standards is being requested.

She has stated once her father no longer uses the storage pod she would remove it.

The request is for a Development Standard Variance off of the 5-2.4 parking standards, for the purpose of a storage pod/cargo container, on property located at 1098 W 500 N, Rochester, IN within the Agricultural (AG) District.

10-7-2019

I am submitting This letter to appeal the decision about The Pod on my property. My Father-in-law is 84 years old and is using the Pod as a garage for his golf cart. There is NO where else for him to store it. He purchased the pod just for that purpose. I never knew there WAS an ordinance against having them. His home is a Temporary residence on our property, hopefully he will be allowed to continue using the pod for his golf cart. This is his only real enjoyment, his golf cart, I hope you CAN please allow this for him.

Ruth Grimm
1098 W 500N
Rochester IN 46975

1. 2. 3.

**READ ALL ATTACHED SHEETS PRIOR TO PLACING
YOUR SIGNATURE ON THIS SHEET**

I the undersigned interested party, do hereby attest that I've read in complete and fully understand the Legal Notice of Public Hearing for Development Standard Variance before the Fulton County Board of Zoning Appeals supplied to you by the applicant of said public hearing, Ruth Grimm

#BZA 578-1019

Located at: 1098 W 500 N, Rochester, IN

Legal Notification Requires:

- The legal notice of public hearing is sent via certified return receipt requested mail at least 25 days prior to the public hearing to all interested parties, and the receipts of said action are included in the application's supportive information to the Board; or
- Signatures written on a form supplied by the Plan Commission Office are presented with the application's supportive information to the Plan Commission Office verifying that each interested party received a copy of the Notice of Public Hearing.

The signature of any person on the form is not to be construed as a waiver or consent to the petition, but merely evidence that the person has received notice of the hearing.

[illegible]



- Parcels
- City Town Boundary
- New Buildings

- Addresses
- Permits - Primary
- Bldg Permits

- Parcels
- Highways
- Roads
- Tippecanoe River



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

Permits issued in October	Current	Prior	YTD
Non-Commercial	38	224	262
Commercial	6	24	30
Sign	2	11	13
Building	38	186	224
Electrical	8	53	61
Applications Submitted in October			YTD
Special Exeptions	0	11	11
Administrative Appeals	0	0	0
Development Standard Variance	1	29	30
PC- Rezone/Plats/Sub-Div	0	3	3
Fees Collected in October			YTD
Permits, Applications, Copies	\$3,311.18	\$22,438.07	\$25,749.25
Fines	\$20.00	\$1,147.00	\$1,167.00
City Building Permits/El& PI Registrations	\$1,588.15	\$10,371.40	\$11,959.55
County Building Permits	\$800.00	\$3,670.00	\$4,470.00
TOTAL:	\$5,719.33	\$37,626.47	\$43,345.80