

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

FULTON COUNTY OFFICE BUILDING
COMMISSIONERS/COUNCIL ROOM
WEDNESDAY, OCTOBER 9, 2019
7:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

September 11, 2019

OLD BUSINESS:

Clayton Howes (#13-0401)
Mark Kneller (#89-0809)
Edward Strack (#108-0110)
Randy Grimm (#153-0707)
Anthony Jacobson (#482-1117)

NEW BUSINESS:

Winegardner Auction (#576-0819)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
September 11, 2019

FULTON COUNTY
BOARD OF ZONING APPEALS

WEDNESDAY, SEPTEMBER 11, 2019

7:00 P.M.
COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:
July 10, 2019

OLD BUSINESS:

NEW BUSINESS:
Midwest Precision Technologies (#572-0819)
Mark Moore (#573-0819)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
September 11, 2019

The Fulton County Board of Zoning Appeals met on Wednesday the 11th day of September 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: Scott Hizer, 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 Eric Straeter and Barry Baldwin were absent.

IN RE: MINUTES

July 10, 2019

Dan Walsh, asked for any additions, deletions or corrections to be made to the July 10, 2019 minutes. Scott Hizer moved to approve the July 10, 2019 Fulton County Board of Zoning Appeals minutes as written. Debbie Barts seconded the motion. Motion carried as follows: Scott Hizer, Debbie Barts and Dan Walsh being in favor and no one opposing.

IN RE: NEW BUSINESS

Midwest Precision Technologies (#572-0819)
Development Standard Variance & Special Exception

Midwest Precision Technologies (#572-0819) is requesting a Special Exception and Development Standard Variances off of SE-03 and 30' off of the front yard setback, to install a medium solar array, in the front yard on property located at 6262 E Ft. Wayne Road, Rochester, within the Agricultural (AG) Districts.

The zoning codes states: a medium scale solar array occupies more than 1,750 but less than 40,000 sf of panel surface area.

A ground mounted solar array shall be installed in either the side or rear yard and be located no closer than the setback for an accessory structure.

Midwest Precision Technologies would like to install a medium solar array, with a panel surface area of approximately 2532.82Sf. The panels would be approximately 11.8' x 214.9' and be placed in the front yard. In the AG district the front yard setback is 50' off of the road right of way. The solar array would sit approximately 20' off of the road right of way.

Therefore a special exception and development standard variances off of SE-03 and 30' off of the front yard are being requested to install a medium solar array in the front yard.

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. Scott Hizer seconded the motion. Motion carried as follows: Scott Hizer, Debbie Barts and Dan Walsh being in favor and no one opposing.

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

FULTON COUNTY BOARD OF ZONING APPEALS
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Being no one to speak Dan Walsh entertained a motion to close the public hearing. Scott Hizer moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Scott Hizer, 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 Midwest Precision Technologies (#572-0819) requesting a Special Exception and Development Standard Variances off of SE-03 and 30' off of the front yard setback, to install a medium solar array, in the front yard on property located at 6262 E Ft. Wayne Road, Rochester, within the Agricultural (AG) Districts. Scott Hizer seconded the motion.

Administrative Secretary, Heather Redinger conducted roll call vote.

Scott Hizer	Yea
Debbie Barts	Yea
Dan Walsh	Yea

Motion to approve Midwest Precision Technologies (#572-0819) requesting a Special Exception and Development Standard Variances off of SE-03 and 30' off of the front yard setback, to install a medium solar array, in the front yard on property located at 6262 E Ft. Wayne Road, Rochester, within the Agricultural (AG) Districts. Passed with three votes being in favor and no one opposed.

IN RE: NEW BUSINESS

Mr. Moore (#573-0819)
Development Standard Variance

Mr. Moore (#573-0819) is requesting Development Standard Variances off the minimum lot width and minimum lot size, for the purpose of a split, on property located at 875 N SR 19, Akron, IN within the Agricultural (AG) District.

In the AG district the minimum lot width is 200' and minimum lot size is 1 acre for a newly created lot. Mr. Moore's existing lot has only approximately 227' of road frontage. He would like to split off approximately ½ acre lot on the northwest corner, which would have approximately 130' road frontage. The remaining lot would be 13.5 acres and have approximately 97' road frontage. The measurements are approximate until a survey is conducted. Therefore a variance off the minimum lot width and minimum lot size for the northwest lot is being requested, and a variance off of the minimum lot width for the remainder of the lot.

Both tracts to be created have a home presently existing. The petitioner stated the home to the south is to be demolished and a new home built on the majority of the acreage. The existing home on the proposed ½ acre tract is where his mother lives and will continue to reside.

Dan Walsh then asked for any Board questions or comments. Being none and no public he then entertained a motion regarding the petition.

Scott Hizer moved to approve Mr. Moore (#573-0819) is requesting Development Standard Variances off the minimum lot width and minimum lot size, for the purpose of a split, on property located at 875 N SR

FULTON COUNTY BOARD OF ZONING APPEALS
September 11, 2019

19, Akron, IN within the Agricultural (AG) District., with the condition Health Department approval must be obtained. Debbie Barts seconded the motion.

Administrative Secretary, Heather Redinger conducted roll call vote.

Scott Hizer	Yea
Debbie Barts	Yea
Dan Walsh	Yea

Motion to approve Mr. Moore (#573-0819) is requesting Development Standard Variances off the minimum lot width and minimum lot size, for the purpose of a split, on property located at 875 N SR 19, Akron, IN within the Agricultural (AG) District., with the condition Health Department approval must be obtained. Passed with three 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 September 11, 2019 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the September 11, 2019 Fulton County Board of Zoning Appeals meeting at 7:30 P.M. Scott Hizer seconded the motion. Motion carried as follows: Scott Hizer, Debbie Barts and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Heather Redinger, Administrative Secretary

**Docket #13-0401
Clayton Howes
Special Exception
1 Action**

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:

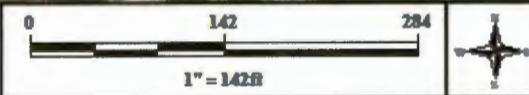
- 1) Mr. Howes is required to obtain a Location Improvement Permit and a Building Permit for the placement of the mobile home; and
- 2) the mobile home is never used as a rental unit; and
- 3) the mobile home be utilized as a dwelling for no one except Mrs. Hazel Howes; and
- 4) the mobile home is removed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

The Plan Commission Office has not been made aware of any changes in the situation.



- Parcels
- City Town Boundary
- New Buildings
- Dimensions
- Addresses
- Permits - Primary
- Permits - Accessory
- Bldg Permits

- Parcels
- Lots
- Highways
- Roads
- Tippecanoe River



Docket #89-0809
Mark Kneller
Special Exception
Renewal

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 .
-

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



Parcels
City Town Boundary

Addresses
Permits - Primary
Permits - Accessory
Bldg Permits

Parcels
Lots
Highways
Roads
Tippecanoe River
Grid



Docket #108-0110
Edward Strack
Development Standard Variance
& Special Exception
Re-evaluation and renewal

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.





- Parcels
- City Town Boundary
- New Buildings
- Addresses
- Permits - Primary
- Permits - Accessory
- Bldg Permits
- Parcels
- Highways
- Roads
- Tippecanoe River



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.

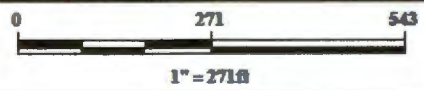
Randy & Ruth Grimm were granted their request upon these conditions:

- 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.



- Parcels
- City Town Boundary
- New Buildings
- Addresses
- Permits - Primary
- Permits - Accessory
- Bldg Permits
- Parcels
- Highways
- Roads
- Tippecanoe River



Docket #576-0819
Winegardner Auctions, Inc.
Special Exception
1 Action

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.

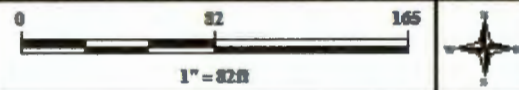
Mr. Winegardner is currently utilizing an existing 67' x 70' building on the property to operate an auction house. The business hours are 9am -5pm Monday-Friday and 6pm-9pm on auction day, and there are 6 employees. Currently, Mr. Winegardner rents a portable toilet, he stated a public restroom will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

The request is for a Special Exception to operate an Auction House, on property located at 3171 E 400 N, Rochester, within the Agricultural (AG) District.



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



Interested Party Legal Notification

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 Special Exception Before the Fulton County Board of Zoning Appeals supplied to you by the applicant of said public hearing,

Winegardner Auctions, Inc
#BZA 576-0819

Located at: 3171 E 400 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.

NAME	ADDRESS	SIGNATURE
Haimbaugh Farms C/O John Smiley	PO Box 104 East Lynn, IL 60932	green card cm ✓
Hoffman Family Enterprises	5640 W 950 S Silver Lake, IN 46982	green card cm ✓
Jerilynn Conwell	3869 N SR 25 Rochester, IN 46975	green card cm ✓
Daniel Styles	3448 E 400 N Rochester, IN 46975	Dan Styles ✓
Carol Bradway	3480 E 400 N Rochester, IN 46975	green card cm ✓
Kenneth & Patricia Plumlee	3847 N SR 25 Rochester, IN 46975	green card cm ✓
Todd & Deborah Howard	3833 N SR 25 Rochester, IN 46975	green card cm ✓
Christopher Bake	3823 N SR 25 Rochester, IN 46975	Ch Baker ✓
Timothy & LeeAnn Eizinger	2486 E 375 N Rochester, IN 46975	green card cm ✓
Sagray LLC C/O Dale Smith	4725 W 100 N Rochester, IN 46975	green card cm ✓
Paul & Holly Alber	6450 N 475 E Rochester, IN 46975	green card cm ✓
Steven & Brenda Phillips	3834 N SR 25 Rochester, IN 46975	green card cm ✓

SPECIAL EXCEPTION QUESTIONNAIRE FOR BUSINESSES

- What is the proposed project or business, and where will it be located?

Auction House

3171 E. 400 N. Rochester IN 46975

- What are the proposed hours of operation?

9^{am} 5p Monday - Friday

6p-9p Auction Day

- How many employees?

6 Employees

- Will there be a restroom facilities and has Health Department approval been obtained?

Yes, Rented Portable Toilet at this time.

Restrooms will be added during ~~remodel~~ Remodel

- Where will the parking lot be located, where will the driveways be located and what material will be utilized for those?

Parking lot will not change as of now.

Drive & Parking lot are Stone

- How many deliveries will there be per day or per week and what type of deliveries (UPS, Fed-Ex, etc)?

1 or 2 per week

- Will an existing structure be utilized for the project/business or is a new structure proposed? What are the dimensions of the existing or new structure?

Yes, Existing Structure. 67' x 70'

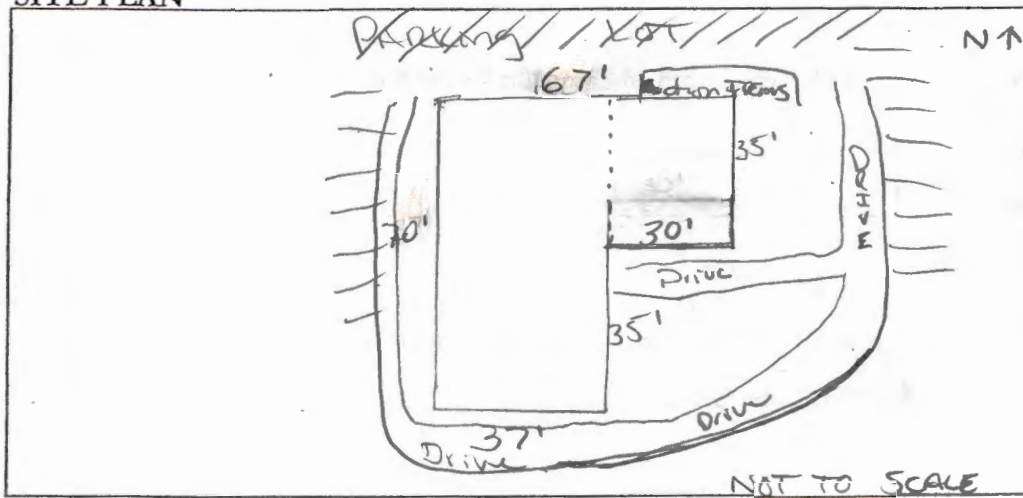
- Will there be an office located in the structure for the project/business?

Yes, Inside of Existing Structure.

- Will there be any signs needed for the project/business? If so, what size/type will the sign(s) be? Location of sign(s)?

Yes, Same location as of now.

SITE PLAN



Fulton County Area Plan Commission

125 East 9th Street • Suite 012 • Rochester, IN 46975
Phone: 574.223.7667 Fax: 574.223.3652

[http://co.fulton.in.us/advisory/
plandirector@rtcol.com](http://co.fulton.in.us/advisory/plandirector@rtcol.com)

Owner Verification Form

I, Stan Utter, owner of lot located at 3171 E 400 N

_____ equaling approximately 3 acres do hereby certify that _____

Winegardner Auctions, INC. has my permission to _____

Apply for a Special Exception to operate an Auction
house
on the above stated 3 acres.

Stanley D Utter
Owner's Signature

9 4 19
Date

NOTARY:

State of Indiana)

County of Fulton) SS:

Subscribed and sworn to before me this 4 day of Sept,
2019

Notary Public Heather Redinger, Heather Redinger
Notary Public, Signed

Printed Name Oct 22, 2023

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

Permits issued in September	Current	Prior	YTD
Non-Commercial	33	191	224
Commercial	5	19	24
Sign	2	9	11
Building	26	160	186
Electrical	7	46	53
Applications Submitted in September			YTD
Special Exeptions	0	11	11
Administrative Appeals	0	0	0
Development Standard Variance	1	28	29
PC- Rezone/Plats/Sub-Div	0	3	3
Fees Collected in September			YTD
Permits, Applications, Copies	\$2,566.00	\$19,872.07	\$22,438.07
Fines	\$65.00	\$1,082.00	\$1,147.00
City Building Permits/El& PI Registrations	\$1,977.85	\$8,393.55	\$9,591.40
County Building Permits	\$375.00	\$3,295.00	\$3,670.00
TOTAL:	\$4,983.85	\$32,642.62	\$36,846.47