

**THE REGULARLY SCHEDULED
ROCHESTER CITY
BOARD OF ZONING APPEALS MEETING
SET FOR DECEMBER 26TH, 2008
HAS BEEN CANCELLED
DUE TO THERE BEING NO BUSINESS
THE NEXT MEETING IS SCHEDULED FOR
JANUARY 28TH, 2008
AT 6:00 P.M.
IN THE CITY HALL**

**ROCHESTER CITY BOARD OF ZONING APPEALS
NOVEMBER 13TH, 2008**

**ROCHESTER CITY
BOARD OF ZONING APPEALS**

THURSDAY NOVEMBER 13TH, 2008

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

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES:
October 22nd, 2008**

OLD BUSINESS:

NEW BUSINESS:
Mary Bilby (#45-1008)
Sheryll Green (#46-1008)
James Guthrie (#49-1008)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
NOVEMBER 13TH, 2008

The Rochester City Board of Zoning Appeals met on Thursday the 13th day of November 2008, at 6:00 P.M. in the Council Chambers located within the City Hall. Chairperson Jasper Dulin called the meeting to order at 6:00 P.M. The following members were present: Chairperson, Jasper Dulin; Executive Secretary, Greg Brown, Bob Cannedy and Pam Fish. Also in attendance were: Director, Casi Cramer, Board Attorney, Greg Heller, and Administrative Secretary, Heather Redinger.

It is duly noted Vice Chairperson, John Little, was absent.

IN RE: MINUTES

October 22nd, 2008

Chairperson, Jasper Dulin asked for any additions, deletions, or corrections to be made to the October 22nd, 2008, minutes. Being none, Pam Fish moved to approve the October 22nd, 2008, Rochester City Board of Zoning Appeals minutes as written. Greg Brown seconded the motion. Motion carried as follows: Greg Brown, Pam Fish, Bob Cannedy and Jasper Dulin being in favor and no one opposing.

IN RE: OLD BUSINESS

It is duly noted there was no Old Business.

IN RE: NEW BUSINESS

MARY BILBY (#45-1008)
DEVELOPMENT STANDARD VARIANCE

Mary Bilby, Docket #BZA 45-1008, Development Standard Variance. Mrs. Bilby is requesting a development standard variance of twenty-one (21') feet off the required front yard setback for the purpose of constructing a new porch onto the front of her home located within the R1 District at 1115 Pontiac Street, Rochester, IN. (see attachment A).

Executive Director, Casi Cramer explained Mrs. Bilby's existing home sits approximately 6' off the right-of-way; the required front yard setback is twenty-five (25') feet. The proposed porch will be approximately 4' X 10' and will set approximately four (4') feet from the right-of-way. Therefore a variance of 21' off the required front yard setback is requested. Casi also explained Mrs. Bilby's home is one of the oldest located on this block and had a dilapidated porch approximately 10' x 42' which was torn down.

Jasper Dulin asked if Mrs. Bilby had anything further to add.

Mrs. Bilby stated her son would be doing all of the work; he had already replaced the sidewalk and curbside. The new porch would just be for cover over the front door.

Jasper Dulin then asked for any Board comments.

Pam Fish stated the improvements look nice on the home.

Jasper stated it was an improvement in the neighborhood.

ROCHESTER CITY BOARD OF ZONING APPEALS
NOVEMBER 13TH, 2008

Being no further Board comments, Jasper Dulin then opened the public hearing.

Being no one to speak in favor or oppose the petition, Jasper Dulin closed the public hearing.

Jasper Dulin then entertained a motion regarding the petition. Bob Cannedy moved to approve, Mary Bilby, Docket #BZA 45-1008, requesting a development standard variance of twenty-one (21') feet off the required front yard setback for the purpose of a constructing a new porch onto the front of her home located within the R1 District at 1115 Pontiac Street, Rochester, IN. Pam Fish seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled B).

Greg Brown	Yea
Pam Fish	Yea
Bob Cannedy	Yea
Jasper Dulin	Yea

Motion to approve, Mary Bilby, Docket #BZA 45-1008, requesting a development standard variance of twenty-one (21') feet off the required front yard setback for the purpose of a constructing a new porch onto the front of her home located within the R1 District at 1115 Pontiac Street, Rochester, IN. Passed with four votes being in favor and no one opposing.

IN RE: NEW BUSINESS

SHERYLL GREEN (#46-1008)
DEVELOPMENT STANDARD VARIANCE

Sheryll Green, Docket #BZA 46-1008, Development Standard Variance. Mrs. Green is requesting three development standard variances of thirteen (13') feet off the required front yard setback on 14th Street, seventeen (17') feet off the required front yard setback on Elm Street and three (3') feet off the required side yard setback for the purpose of a constructing a new porch onto the front of her home located within the R1 District at 423 E 14th Street, Rochester, IN. (see attachment C).

Executive Director, Casi Cramer explained Ms. Green's existing home sits on the corner of Elm Street and 14th Street; therefore, she has two front yard setbacks. The required minimum front yard setback is twenty-five (25') feet. The proposed porch will set approximately twelve (12') feet from the right-of-way (ROW) of 14th Street and approximately eighteen (18') feet from the right-of-way (ROW) of Elm Street. Therefore she is requesting a variance of thirteen (13') feet off of the required front yard setback and seventeen (17') feet off the required front yard setback. The minimum required side yard setback is ten (10') feet and the proposed porch will set approximately seven (7') feet off the west side yard, therefore a variance of three (3') feet off the required side yard setback is requested.

Jasper Dulin asked if Ms. Green had anything further to add.

Ms. Green stated she had spoke to the neighbors to the west of her lot and they did not have an issue with the new porch.

Jasper Dulin then asked for any Board comments.

Jasper stated it was an improvement in the neighborhood.

ROCHESTER CITY BOARD OF ZONING APPEALS
NOVEMBER 13TH, 2008

Being no further Board comments, Jasper Dulin then opened the public hearing.

Being no one to speak in favor or oppose the petition, Jasper Dulin closed the public hearing.

Jasper Dulin then entertained a motion regarding the petition. Pam Fish moved to approve, Sheryll Green, Docket #BZA 46-1008, requesting three development standard variances of thirteen (13') feet off the required front yard setback on 14th Street, seventeen (17') feet off the required front yard setback on Elm Street and three (3') feet off the required side yard setback for the purpose of a constructing a new porch onto the front of her home located within the R1 District at 423 E 14th Street, Rochester, IN. Bob Cannedy seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled D).

Greg Brown	Yea
Pam Fish	Yea
Bob Cannedy	Yea
Jasper Dulin	Yea

Motion to approve, Sheryll Green, Docket #BZA 46-1008, requesting three development standard variances of thirteen (13') feet off the required front yard setback on 14th Street, seventeen (17') feet off the required front yard setback on Elm Street and three (3') feet off the required side yard setback for the purpose of a constructing a new porch onto the front of her home located within the R1 District at 423 E 14th Street, Rochester, IN. Passed with four votes being in favor and no one opposing.

IN RE: NEW BUSINESS

JAMES GUTHRIE (#49-1008)
ADMINISTRATIVE APPEAL

Mr. James Guthrie Docket (#49-1008) is requesting an administrative appeal of an administrative decision regarding an 8' x 20' storage container he placed upon his property located within the Lake Residential District (R3) at 2804 Manitou Park Road, Rochester. (see attachment E)

Casi explained the Fulton County Zoning Ordinance Article 5, Section 5-4.7 Parking Standards (PK), PK-03, states: No vehicle or tractor/trailer/semi trailer/railcar of any type may be used for the purpose of personal storage.

Casi then stated Mr. Guthrie was sent a violation letter dated August 13th, 2008 explaining the use of a storage cargo/trailer container is prohibited in the Residential Districts. Mr. Guthrie did not respond to this initial warning letter, and was sent a \$50 fine letter dated on September 30th, 2008. Mr. Guthrie responded to the violation letter dated September 30th, 2008 via e-mail.

Jasper Dulin asked Mr. Guthrie if he had anything further to add. He stated his attorney, Ted Waggoner, would be representing him. Mr. Waggoner stated it may be appropriate for the Board members to go to Mr. Guthrie's property and take a look at the building.

All Board members stated they have been to the property to look at the building previous to the meeting.

Mr. Waggoner stated the building is an actual storage building; there is nothing about the building that would make it a trailer. He then handed the Board members a copy of the definition of a trailer, from a dictionary and a law dictionary. (see attachment F) He then explained a trailer is built to be transportable, this building is not transportable or a cargo type container. He stated the building has been at Jobsite for a period of time before Mr. Guthrie had moved it onto his

ROCHESTER CITY BOARD OF ZONING APPEALS
NOVEMBER 13TH, 2008

Personal property. He again stated it is in no way designed to be a trailer; it has never had wheels or permits from the Department of Transportation for any kind of movement. It was designed to be a storage building, the only thing similar to the cargo containers are the exteriors lines, but that does not constitute making it something it is not. He then stated it was referred to in the first violation letter as a cargo trailer.

Jasper then stated his understanding was Mr. Guthrie did not receive the first letter.

Mr. Waggoner stated Mr. Guthrie did not receive the first letter, he had first seen it when he received a copy of Casi's report. He then stated in the ordinance under Article 5, Section 4 it states in the R3 District accessory structures are permitted. If you notice this property is not a lakeside lot it is actually across the street. He then read the definition of an accessory building or structure from the Zoning Ordinance and stated that Mr. Guthrie's building complies with the definition (see attachment F). He then reads the definition of a cargo trailer from the Indiana Codes for motor vehicles; defines trailer: a vehicle without motive power designed for carrying persons or property, and designed for being drawn by a motor vehicle. Mr. Guthrie's building does not fit those qualifications; it was not designed to be drawn by a motor vehicle. He then stated Mr. Guthrie has photos from the structure being built in the late 1980's at Jobsite.

Jasper asked Mr. Guthrie if the structure had holes in the corners.

Mr. Guthrie stated it does not have holes in the corners; it has lifting holes for fork lifts on the sides.

Mr. Waggoner stated it is the Board's responsibility to determine Mr. Guthrie's building is not a cargo trailer.

Jasper asked the Board for any comments.

Bob Cannedy asked Casi how this building came to her attention.

Casi Cramer stated a neighbor had called and complained.

Pam Fish asked Casi what her thoughts were when she received the complaint.

Casi stated the complaint was a storage container had been placed on this property, when she went to investigate; it appeared to her to be a shipping container. She then stated her interpretation came from Article 5, Section 5-4.7 Parking Standards (PK), PK-03, which states: No vehicle or tractor/trailer/semi trailer/railcar of any type may be used for the purpose of personal storage. She then stated the building does not fit with the characteristics of any residential district, much less the Lake Residential District.

Pam Fish stated she agreed with Casi and the Plan Commission had previously discussed the issues of the cargo containers as well. She stated it looks like a cargo container and not a shed for the residential district.

Greg Brown asked the age of the shed.

Mr. Guthrie stated it is over 20 years old.

Jasper Dulin stated he feels the building may not have been built to be a cargo container, but it is so similar that it basically is one. He has had several phone calls from the neighbors who do not want it there. It is not an accessory building for the residential districts.

Mr. Waggoner stated Mr. Guthrie was not cited in his violation for any aesthetic guidelines, the Board couldn't just say they don't like what has been done. It has to be a violation of the zoning ordinance.

ROCHESTER CITY BOARD OF ZONING APPEALS
NOVEMBER 13TH, 2008

Jasper Dulin stated it is in violation as being a cargo trailer.

Mr. Waggoner stated the Board is willing to call it a cargo trailer even though it is not.

Jasper stated he knows it could be used as a cargo trailer.

Mr. Waggoner stated aesthetic issues are issues for the homeowner to establish sub-division controls in agreement of the neighborhood; it is not a matter where the Plan Commission steps up and says they don't like the way something looks.

Jasper Dulin stated the Board is here to determine whether or not the building in question is considered a cargo container.

Mr. Waggoner stated it is the Board's responsibility to apply the facts with the standards, he told the board Mr. Guthrie's building is not a cargo container and would never be a cargo container.

Jasper Dulin asked Mr. Guthrie if he had anything further to add.

Mr. Guthrie stated he knows the building is not a cargo container. He asked if the reason they don't like it because it is metal, rusty and has a flat roof; there are dozens storage containers with one or more of those being used all over the City and County.

Jasper Dulin stated he feels there is a two-part problem; Mr. Guthrie received a fine letter and stated he did not receive the violation letter.

Casi stated if the letter is returned to the Plan Commission, then they know the letter was not received, but the first violation letter was not returned.

Jasper Dulin stated he feels the fine should be waived since Mr. Guthrie stated he did not receive the first letter.

Pam Fish stated she does not agree with that, because it will cause an issue with no one ever receiving the first letter.

Being no further Board comments, Jasper Dulin then entertained a motion. Pam Fish moved to disagree with Mr. Guthrie Docket (#49-1008) requesting an administrative appeal of an administrative decision regarding an 8' x 20' storage container he placed upon his property located within the Lake Residential District (R3) at 2804 Manitou Park Road, Rochester. Bob Cannedy seconded the motion. Motion carried as follows: Bob Cannedy, Pam Fish and Jasper Dulin all being in favor and Greg Brown opposed. Motion passed with three votes being in favor and one opposed.

The Board then discussed the timeline Mr. Guthrie would have to remove the building. The Board agreed on 45 days.

Jasper Dulin moved to waive Mr. Guthrie's fifty (\$50) fine. Greg Brown seconded the motion. Motion carried as follows: Bob Cannedy, Greg Brown and Jasper Dulin being in favor and Pam Fish opposed. Motion passed with three votes being in favor and one opposed.

James Guthrie stated he is a firm believer in zoning and all he asks is the rules would be enforced on the rest of the violations.

ROCHESTER CITY BOARD OF ZONING APPEALS
NOVEMBER 13TH, 2008

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for October 2008.

IN RE: PUBLIC COMMENTS

It is duly noted there were no public comments.

IN RE: BOARD COMMENTS

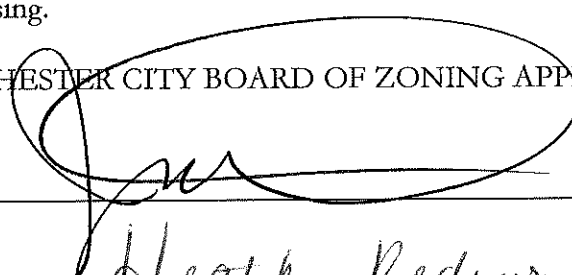
It is duly noted there were no Board comments.

Jasper Dulin moved to cancel the December 26th, 2008 meeting due there being no business. Bob Cannedy seconded the motion. Motion carried as follows: Greg Brown, Pam Fish. Bob Cannedy and Jasper Dulin all being in favor and no one opposing

Being no further business to come in front of the Board of Zoning Appeals, Jasper Dulin, entertained a motion to adjourn the November 13th, 2008 Rochester City Board of Zoning Appeals meeting. Bob Cannedy moved to adjourn the November 13th, 2008 Rochester City Board of Zoning Appeals meeting at 6:55 P.M. Greg Brown seconded the motion. Motion carried as follows: Greg Brown, Pam Fish, Bob Cannedy and Jasper Dulin being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS

ATTEST:


Heather Redinger, Administrative Secretary

**ROCHESTER CITY BOARD OF ZONING APPEALS
OCTOBER 22ND, 2008**

**ROCHESTER CITY
BOARD OF ZONING APPEALS**

WEDNESDAY, OCTOBER 22ND, 2008

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

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
August 27th, 2008

OLD BUSINESS:

NEW BUSINESS:
Dave Carr (#43-0908)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
OCTOBER 22ND, 2008

The Rochester City Board of Zoning Appeals met on Wednesday the 22nd day of October 2008, at 6:00 P.M. in the Council Chambers located within the City Hall. Chairperson Jasper Dulin called the meeting to order at 6:00 P.M. The following members were present: Chairperson, Jasper Dulin; Vice Chairperson, John Little, Executive Secretary, Greg Brown and Pam Fish. Also in attendance were: Director, Casi Cramer, Board Attorney, Greg Heller, and Administrative Secretary, Heather Redinger.

It is duly noted Bob Cannedy was absent.

IN RE: MINUTES

August 27th, 2008

Chairperson, Jasper Dulin asked for any additions, deletions, or corrections to be made to the August 27th, 2008, minutes. Being none, Pam Fish moved to approve the August 27th, 2008, Rochester City Board of Zoning Appeals minutes as written. John Little seconded the motion. Motion carried as follows: John Little, Greg Brown, Pam Fish and Jasper Dulin being in favor and no one opposing.

IN RE: OLD BUSINESS

It is duly noted there was no Old Business.

IN RE: NEW BUSINESS

DAVE CARR (#43-0908)
DEVELOPMENT STANDARD VARIANCE

Dave Carr, Docket #BZA 43-0908, Development Standard Variance. Mr. Carr is requesting a development standard variance of fifteen (15') feet off the required side yard setback and twenty-two (22') feet off the required rear yard setback for the purpose of a 40' X 70' addition onto an existing pole barn, located at 449 Monticello Rd., Rochester, IN (see attachment A). Mr. Carr's property is located within the Industrial (IN) District.

Executive Director, Casi Cramer explained Mr. Carr's existing pole building is 40' X 60', he would like to add an additional 40' X 70'. In the IN District the minimum required side yard setback is twenty-five (25') feet and the minimum required rear yard setback is twenty-five (25') feet. Mr. Carr's lot is 60' X 180' and was granted a variance off of the side yard setbacks for the existing building, therefore a variance of 15' off the required side yard setback is requested. Casi also explained Mr. Carr currently would like to add an additional 48' in length and in the future an additional 22', totaling 70', therefore a variance of 22' off the rear yard setback is requested.

Jasper Dulin asked for any Board comments.

Pam Fish had concerns of the rear yard variance, she stated that it would only leave three (3') feet from the property line and she doesn't feel that would be enough room for an emergency vehicle to get through. Pam then stated she would like for Mr. Carr to be 15' from the rear yard.

Mr. Carr stated he had spoke with Surveyor, Terry Weiss, about the property line location, after the 70' addition he would be 14' from the rear property line.

Jasper Dulin stated if Mr. Carr was certain of the property line location, he would agree with being 14' from the rear.

Pam Fish stated she was also fine the 14' feet.

ROCHESTER CITY BOARD OF ZONING APPEALS
OCTOBER 22ND, 2008

Being no further Board comments, and no public present other than Mr. Carr, Jasper Dulin did not open the public hearing.

Jasper Dulin entertained a motion regarding the petition. Pam Fish moved to approve, Docket #BZA 43-0908 Dave Carr, requesting a development standard variance being, the new construction must be built in line with the existing building, (cannot set any closer to the side yards than the existing building) and the new construction must set at least 14' from the rear yard, located at 449 Monticello Road, Rochester, IN. John Little seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled B).

John Little	Yea
Greg Brown	Yea
Pam Fish	Yea
Jasper Dulin	Yea

Motion to approve, Docket #BZA 43-0908 Dave Carr, requesting a development standard variance being, the new construction must be built in line with the existing building, (cannot set any closer to the side yards than the existing building) and the new construction must set at least 14' from the rear yard, located at 449 Monticello Road, Rochester, IN. Passed with four votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Jasi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for September 2008.

IN RE: PUBLIC COMMENTS

It is duly noted there were no public comments.

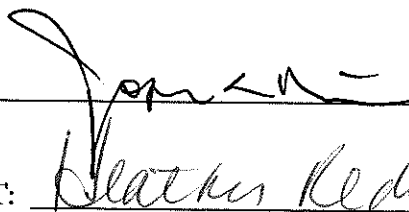
IN RE: BOARD COMMENTS

It is duly noted there were no Board comments.

Being no further business to come in front of the Board of Zoning Appeals, Jasper Dulin, entertained a motion to adjourn the October 22nd, 2008 Rochester City Board of Zoning Appeals meeting. John Little moved to adjourn the October 22nd, 2008 Rochester City Board of Zoning Appeals meeting at 6:15 P.M. Greg Brown seconded the motion. Motion carried as follows: John Little, Greg Brown, Pam Fish and Jasper Dulin being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS

TEST:


Heather Redinger, Administrative Secretary

**THE REGULARLY SCHEDULED
ROCHESTER CITY
BOARD OF ZONING APPEALS MEETING
SET FOR SEPTEMBER 24TH, 2008
HAS BEEN CANCELLED
DUE TO THERE BEING NO BUSINESS
THE NEXT MEETING IS SCHEDULED FOR
OCTOBER 22ND, 2008
AT 6:00 P.M.
IN THE CITY HALL**

ROCHESTER CITY BOARD OF ZONING APPEALS
August 27th, 2008

ROCHESTER CITY
BOARD OF ZONING APPEALS

WEDNESDAY, AUGUST 27TH, 2008

6:00 P.M.
COUNCIL CHAMBERS
CITY HALL

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
June 25th, 2008

OLD BUSINESS:

NEW BUSINESS:
John Molinaro (30-0708)
Rickey Myers (31-0708)
Clays Properties (32-0708)
Jeff Becker (33-0708)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS

August 27th, 2008

The Rochester City Board of Zoning Appeals met on Wednesday the 27th day of August 2008, at 6:00 P.M. in the Council Chambers located within the City Hall. Chairperson Jasper Dulin called the meeting to order at 6:00 P.M. The following members were present: Chairperson, Jasper Dulin; Vice Chairperson, John Little, Pam Fish and Bob Cannedy. Also in attendance were: Director, Casi Cramer, and Administrative Secretary, Heather Redinger. It is duly noted Executive Secretary, Greg Brown was absent. It is duly noted Board Attorney, Greg Heller arrived at 6:50 p.m.

IN RE: MINUTES

July 25th, 2008

Chairperson, Jasper Dulin asked for any additions, deletions, or corrections to be made to the June 25th, 2008, minutes. Being none, Pam Fish moved to approve the June 25th, 2008, Rochester City Board of Zoning Appeals minutes as written. John Little seconded the motion. Motion carried as follows: John Little, Bob Cannedy, Pam Fish and Jasper Dulin being in favor and no one opposing.

IN RE: OLD BUSINESS

It is duly noted there was no Old Business.

IN RE: NEW BUSINESS

JOHN MOLINARO (#30-0708)
DEVELOPMENT STANDARD VARIANCE

John Molinaro, Docket #BZA 30-0708, Development Standard Variance. Mr. Molinaro is requesting a development standard variance of nineteen (19') feet off the required lake yard setback and four (4') feet off the required side yard setback for the purpose constructing a porch, located at 3003 Barrett Rd., Rochester, IN (see attachment A). Mr. Molinaro's property is located within the Lake Residential (R3) District.

Executive Director, Casi Cramer explained Mr. Molinaro's existing home sits approximately fourteen (14') feet from the lake yard and four (4') feet from the east side yard. In the R3 District the required lake yard setback is twenty-five (25') feet and the required side yard setback is eight (8') feet. The proposed porch would be 8' X 35' and sit approximately six (6') feet from the seawall and four (4') feet from the east side yard. Therefore a variance of nineteen (19') feet off the required lake yard setback and four (4') feet off the required side yard setback is requested.

Jasper Dulin asked for any Board comments.

Pam Fish had concerns of the porch blocking the neighbors view.

Mr. Molinaro stated he had spoke to the neighbors about the location of the roof and it would not interfere with their view.

Jasper Dulin stated he had gone to look at the site and stated the roof would not interfere with the neighbors view but, he then stated he would suggest a condition be added that the porch could never be enclosed.

ROCHESTER CITY BOARD OF ZONING APPEALS

August 27th, 2008

Being no further Board comments, Jasper Dulin then opened the public hearing.

Being no one to speak in favor or oppose the petition, Jasper Dulin entertained a motion to close the public hearing. Bob Cannedy moved to close the public hearing. Pam Fish seconded the motion. Motion carried as follows: Bob Cannedy, Pam Fish, John Little and Jasper Dulin being in favor and no one opposing.

Jasper Dulin entertained a motion regarding the petition. John Little moved to approve, Docket #BZA 30-0708 John Molinaro, requesting a development standard variance of nineteen (19') feet off the required lake yard setback and four (4') feet off the required side yard setback for the purpose of constructing a porch, with the condition the porch can never be enclosed, located at 3003 Barrett Rd., Rochester, IN. Pam Fish seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled B).

John Little	Yea
Bob Cannedy	Yea
Pam Fish	Yea
Jasper Dulin	Yea

Docket #BZA 30-0708 John Molinaro, requesting a development standard variance of nineteen (19') feet off the required lake yard setback and four (4') feet off the required side yard setback for the purpose of constructing a porch, with the condition the porch can never be enclosed, located at 3003 Barrett Rd., Rochester, IN. Passed with four votes being in favor and no one opposing.

IN RE: NEW BUSINESS

RICKEY MYERS (#31-0708)
DEVELOPMENT STANDARD VARIANCE

Rickey Myers, Docket BZA#31-0708, is requesting a Development Standard Variance of thirteen (13') feet off the required front yard setback, for the purpose of building a porch onto his home, within the Residential Cluster (R1) District located at 1425 Franklin St, Rochester. (See attachment C)

Casi explained Mr. Myer's home sits approximately twenty (20') feet off the ROW; the required front yard setback is twenty-five (25') feet. The proposed porch would be approximately 8' X 20' and will set approximately twelve (12') feet from the ROW. Therefore, a variance of thirteen (13') feet off the required front yard setback is requested. Casi also stated Mr. Myers would like to enclose the porch in the future.

Jasper Dulin asked if Mr. Myers had anything further to add.

Mr. Myers had nothing further to add.

Jasper Dulin then asked for Board comments, being none he then opened the public hearing.

Being no one to speak in favor or oppose the petition, Jasper Dulin entertained a motion to close the public hearing. Bob Cannedy moved to close the public hearing. Pam Fish seconded the motion. Motion carried as follows: Bob Cannedy, Pam Fish, John Little and Jasper Dulin being in favor and no one opposing.

Jasper Dulin then entertained a motion regarding the petition. Pam moved to approve, Docket #BZA 31-0708 Rickey Myers, requesting a Development Standard Variance of thirteen (13') feet off the required front yard setback, for the

ROCHESTER CITY BOARD OF ZONING APPEALS

August 27th, 2008

Purpose of building a porch onto his home, within the Residential Cluster (R1) District located at 1425 Franklin St, Rochester. Bob Cannedy seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled D).

John Little	Yea
Bob Cannedy	Yea
Pam Fish	Yea
Jasper Dulin	Yea

The motion to approve, Docket #BZA 31-0708 Rickey Myers, requesting a Development Standard Variance thirteen (13') feet off the required front yard setback, for the purpose of building a porch onto his home, within the Residential Cluster (R1) District located at 1425 Franklin St, Rochester. Passed with four votes being in favor and no one opposing.

IN RE: NEW BUSINESS

CLAY'S PROPERTIES LLC (#32-0708)
DEVELOPMENT STANDARD VARIANCE

Clay's Properties, LLC, Docket BZA#32-0708, is requesting a Development Standard Variance of an additional seventy-six (76sf) square foot of signage allowed on his property located within the General Commercial (GC) District at 1430 E 9th St. Rochester. (See attachment E)

Casi explained the total sign area allowed per lot, in the GC District, is 1.5 times the length of the building that faces the road. Mr. Clay's building has a total of sixty (60') feet facing 9th St. Mr. Clay is therefore allowed a total of ninety (90sf) square foot of signage. She then explained Mr. Clay was allowed under the previous zoning administrator to have a total of approximately one hundred eighty three (183sf) square foot of signage on this lot. Board Attorney, Greg Heller, had informed Casi for the purpose of this variance the only sign requiring a variance would be the six (6sf) square foot Portside Marina sign.

Jasper Dulin asked if Mr. Clay had anything further to add.

Mr. Clay stated the marina would like to keep the six (6sf) sign; if the business is successful then they would invest in a more prominent sign.

Jasper Dulin then asked for Board comments, being none he then opened the public hearing.

Terry Runkle, owner of Dairy Queen, stated he is very opposed to wooden signs, he stated they should not be allowed in the GC District. He feels wooden signs take value away from the surrounding businesses.

Pam Fish stated she would have no problem with the sign staying, if it is only temporary.

Bob Cannedy asked if the sign could be moved on top of the existing Fastenal sign, or if a condition could be made to remove the Fastenal sign as well.

Casi stated the only sign in question is the marina sign; all other signs on the property are grandfathered.

John Little stated he feels wooden signs should be not be used for businesses.

ROCHESTER CITY BOARD OF ZONING APPEALS

August 27th, 2008

Jasper Dulin stated the sign could stay as a temporary sign for a year, after a year the sign would need to be removed and additional 76 sf of signage would need to be made with the same material as the existing freestanding sign, or Mr. Clay would need to come back before the Board for approval of placement and material.

Terry Runkle asked if he would be notified of that meeting date.

Casi Cramer stated Mr. Clay would not have to notify property owners of the meeting.

Jasper Dulin then added Mr. Clay would also need to notify Mr. Runkle of the meeting date.

Being no one else to speak in favor or oppose the petition, Jasper Dulin entertained a motion to close the public hearing. Bob Cannedy moved to close the public hearing. Pam Fish seconded the motion. Motion carried as follows: Bob Cannedy, Pam Fish, John Little and Jasper Dulin being in favor and no one opposing.

Jasper Dulin then entertained a motion regarding the petition. Pam moved to approve, Docket #BZA 32-0708 Clay's Properties LLC, requesting a Development Standard Variance an additional seventy-six (76sf) square foot of signage allowed on his property located within the General Commercial (GC) District at 1430 E 9th St. Rochester, with the following conditions:

- 1.) the 6 sf sign must be removed after a 12 month period;
- 2.) the additional 76 sf of signage requested, must be placed on top of Clay's existing freestanding sign or wall sign and use the same material;
- 3.) if the additional 76sf is not placed with the existing signs, Mr. Clay would need to come before the Board for placement and material approval; and
- 4.) inform Mr. Runkle of that meeting date.

Bob Cannedy seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled F).

John Little	Nay
Bob Cannedy	Yea
Pam Fish	Yea
Jasper Dulin	Yea

The motion to approve, Docket #BZA 32-0708 Clay's Properties LLC, requesting a Development Standard Variance an additional seventy-six (76sf) square foot of signage allowed on his property located within the General Commercial (GC) District at 1430 E 9th St. Rochester, with the following conditions:

- 5.) the 6 sf sign must be removed after a 12 month period;
- 6.) the additional 76 sf of signage requested, must be placed on top of Clay's existing freestanding sign or wall sign and use the same material;
- 7.) if the additional 76sf is not placed with the existing signs, Mr. Clay would need to come before the Board for placement and material approval; and
- 8.) inform Mr. Runkle of that meeting date.

Passed with three votes being in favor and one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS

August 27th, 2008

ON RE: NEW BUSINESS

JEFF BECKER (#33-0708)
DEVELOPMENT STANDARD VARIANCE

Jeff Becker, Docket BZA#33-0708, is requesting a Development Standard Variance of an additional three (3') feet in height to the maximum front yard fence height and an additional one (1') foot in height to the maximum side yard fence height, for the purpose of a seven (7') foot privacy fence, as well as, the ability to place a fence in front of the primary structure, within the Residential Cluster (R1) District located at 1812 Oakwood Dr., Rochester. (See attachment G)

Casi explained Mr. Becker's lot sits on the corner of 18th Street and Oakwood Drive, and therefore has two front yards. The maximum height for a fence in the R1 District cannot be greater than six (6') feet in the side and rear yard and cannot be greater than four (4') feet in the front yard. Mr. Becker would like to erect a seven (7') foot fence for privacy in one of the front yards and both side yards, therefore a variance of an additional three (3') feet in height to the maximum front yard fence height and an additional one (1') foot in height to the maximum side yard fence height. Mr. Becker would also like to place the in fence in front of the primary structure, which the definition of a privacy fence does not allow.

Jasper Dulin asked if Mr. Becker had anything further to add.

Mr. Becker stated the fence is actually six (6') feet with the top foot being lattice; he wanted a seven (7') foot for privacy, as well as, security. He then added he wanted the fence on the north side of his property because of traffic and pedestrians walking through his yard. He also stated that would be the only place for a garden and would like to have some privacy when he and his family are in the yard. He stated the extra foot would take away the glare of the lighting of surrounding businesses. He then told the board he planned to be about three (3') feet from the utility poles off of 18th Street.

Jasper Dulin then asked for Board comments.

Pam Fish stated she feels the fence needs to be four (4') feet in the front yard, so it does not block the driver's view when pulling onto 18th street.

Jasper stated he went to look at the site and struggled with whether it would block the view from outgoing traffic. He then suggested the option of starting the fence at the corner of the house, and continuing to the West property line, instead of going out toward 18th Street.

Bob Cannedy asked how far to the north could Mr. Becker build an addition onto his home.

Casi stated Mr. Becker could build approximately eighteen (18') feet to the north.

Bob Cannedy then stated he felt Mr. Becker could erect a seven (7') foot fence, eighteen (18') feet to the north and then continue with a four (4') foot fence.

John Little agreed with Bob Cannedy.

Mr. Becker stated he did not want to start out with a seven (7') foot fence and then drop down to four (4') foot fence.

The Board then discussed a four (4') foot fence starting at no more than 18 ½ feet to the east of the northwest corner of the home and the seven (7') foot fence starting in line with the side of the home. The Board also discussed the seven (7') foot fence to be used would have the top foot being lattice. (see attachment H)

ROCHESTER CITY BOARD OF ZONING APPEALS

August 27th, 2008

Being no public, other than Mr. Becker, Jasper Dulin did not open public hearing.

Jasper Dulin then entertained a motion regarding the petition. John Little moved to approve, Docket #BZA 33-0708 Jeff Becker, requesting a Development Standard Variance to allow a four (4') foot fence in front of the primary dwelling, and an additional one (1') foot in height to the maximum side yard fence height for the purpose of a seven (7') foot privacy fence located at 1812 Oakwood Dr., with the following conditions:

- 1.) the four (4') foot fence cannot go out any further than eighteen and one-half (18 ½) feet to the east from the northwest corner of the house and;
- 2.) the top foot of the seven (7') foot fence must be lattice.

Bob Cannedy seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled I).

John Little	Yea
Bob Cannedy	Yea
Pam Fish	Yea
Jasper Dulin	Yea

The motion to approve, Docket #BZA 33-0708 Jeff Becker, requesting a Development Standard Variance to allow a four (4') foot fence in front of the primary dwelling, and an additional one (1') foot in height to the maximum side yard fence height for the purpose of a seven (7') foot privacy fence located at 1812 Oakwood Dr., with the following conditions:

- 3.) the four (4') foot fence cannot go out any further than eighteen and one-half (18 ½) feet to the east from the northwest corner of the house and;
- 4.) the top foot of the seven (7') foot fence must be lattice.

Passed with four votes being in favor and no one opposing.

IN RE: WAIVER OF SPECIAL EXCEPTION RENEWAL

Board Attorney, Greg Heller handed the Board a waiver from one-year renewal requirement, for the Rochester Water Board's approved request for the water tower. He then told the Board they needed to make a motion pertaining to the waiver.(see attachment J)

Bob Cannedy made a motion to approve the waiver from one-year renewal requirement, for the Rochester Water Board. Pam Fish seconded the motion. Motion carried as follows: John Little, Bob Cannedy, Pam Fish and Jasper Dulin being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for July 2008.

Casi reminds the Board members they need to fill out their finding of facts form before they vote on any petition, if they disagree with any question on the form they must vote against the petition.

ROCHESTER CITY BOARD OF ZONING APPEALS

August 27th, 2008

IN RE: PUBLIC COMMENTS

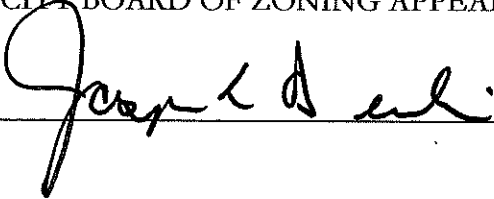
It is duly noted there were no public comments.

IN RE: BOARD COMMENTS


It is duly noted there were no Board comments.

Being no further business to come in front of the Board of Zoning Appeals, Jasper Dulin, entertained a motion to adjourn the June 25th, 2008 Rochester City Board of Zoning Appeals meeting. Greg Brown moved to adjourn the June 25th, 2008 Rochester City Board of Zoning Appeals meeting at 7:00 P.M. John Little seconded the motion. Motion carried as follows: John Little, Greg Brown, Pam Fish and Jasper Dulin being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS



ATTEST:



Heather Redinger, Administrative Secretary

**THE REGULARLY SCHEDULED
ROCHESTER CITY
BOARD OF ZONING APPEALS MEETING
SET FOR JULY 23rd, 2008
HAS BEEN CANCELLED
DUE TO THERE BEING NO BUSINESS
THE NEXT MEETING IS SCHEDULED FOR
AUGUST 27th, 2008
AT 7:00 P.M.
IN THE CITY HALL**

ROCHESTER CITY BOARD OF ZONING APPEALS
June 25th, 2008

ROCHESTER CITY
BOARD OF ZONING APPEALS

WEDNESDAY, JUNE 25TH, 2008

6:00 P.M.
COUNCIL CHAMBERS
CITY HALL

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
May 28th, 2008

OLD BUSINESS:

NEW BUSINESS:
Paul Henderson (BZA#26-0508)
Manitou Holdings Group (BZA#27-0508)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS

June 25th, 2008

The Rochester City Board of Zoning Appeals met on Wednesday the 28th day of May 2008, at 6:00 P.M. in the Council Chambers located within the City Hall. Chairperson Jasper Dulin called the meeting to order at 6:00 P.M. The following members were present: Chairperson, Jasper Dulin; Vice Chairperson, John Little, Executive Secretary, Greg Brown, Pam Fish. Also in attendance were: Director, Casi Cramer, Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger. It is duly noted Bob Cannedy was absent.

IN RE: MINUTES

May 28th, 2008

Chairperson, Jasper Dulin asked for any additions, deletions, or corrections to be made to the May 28th, 2008, minutes. Being none, Pam Fish moved to approve the May 28th, 2008, Rochester City Board of Zoning Appeals minutes as written. John Little seconded the motion. Motion carried as follows: John Little, Greg Brown, Pam Fish and Jasper Dulin being in favor and no one opposing.

IN RE: OLD BUSINESS

ROCHESTER WATER BOARD
(#15-0408)

Jasper Dulin stated the Rochester Water Board was granted a Special Exception at the previous meeting. He then asked Casi Cramer why the Water Board would have to renew the Special Exception every year.

Casi Cramer stated a Special Exception expires after a one (1) year time period, if the Special Exception is not established by that time, the petitioner would have to renew the Special Exception.

Jasper stated his concerns are the Rochester Water Board had stated the project may not take place for another five (5) to ten (10) years, and the City is already financially invested.

Greg Heller stated he would draw up a waiver to allow the Rochester Water Board not to have to renew their Special Exception every year, due to the fact the project would not be started right away. The Board would then vote on the waiver at the next meeting.

IN RE: NEW BUSINESS

PAUL HENDERSON (#26-0508)
DEVELOPMENT STANDARD VARIANCE

Paul Henderson, Docket #BZA 26-0508, Development Standard Variance. Mr. Henderson is requesting a development standard variance of two (2') feet off the required lot width for the purpose of splitting a parcel to create two new lots, located at 3124 Country Club Dr., Rochester, IN (see attachment A). Mr. Henderson's property is located within the Lake Residential (R3) District.

Executive Director, Casi Cramer explained the required lot width for newly created lots is equal to sixty (60') feet in the R3 District. Mr. Henderson's lot is one hundred sixteen (116') feet wide at the roadway. The proposed newly created lots would be fifty-eight (58') feet wide. Therefore, a variance of two (2') feet off the required lot width is requested for two newly created lots.

Casi then explained she had two phone calls concerning a legally established easement adjoining this property. The boundary of the easement was established by survey and through a recent court case. The owners of the easement want the final survey in the record prior to the split occurring on an adjoining lot. The caller also stated the land slopes, and

ROCHESTER CITY BOARD OF ZONING APPEALS

June 25th, 2008

Perimeter tiles should be required. Casi recommended to the Board that conditions are required regarding the easement and drainage.

Jasper Dulin asked for any Board comments, being none he then asked if Mr. Henderson would like to add anything further.

Mr. Henderson stated the drainage would be taken into consideration on both the lots if the split is approved.

Dave Toppen stated the plans for both the new proposed homes would have walk out basements.

Jasper Dulin entertained a motion to open the public hearing. Greg Brown moved to open the public hearing. Pam Fish seconded the motion. Motion carried as follows: Greg Brown, Pam Fish, John Little and Jasper Dulin being in favor and no one opposing.

Carl Bloomer, 3121 Country Club Drive, stated his concerns were with the grade of land, and he wants assurance that no excess drainage onto his property will occur, due to the new construction. He also asked if the seawalls were going to be replaced.

Gloria Carvey, 3212 Country Club Drive, stated the neighbors had to go through a lawsuit to establish the lines of the easement; she does not want the lines to be changed.

Linda Bloomer, 3121 Country Club Drive, stated some of the trees would be removed and they absorb a lot of the water, which could also cause a problem.

Mark Smiley, Mayor, asked if drainage could be displaced adjacent to the property, to prevent excess drainage onto neighboring properties.

Pam Fish stated drainage plans need to be approved.

Jasper Dulin entertained a motion to close the public hearing. Greg Brown moved to close the public hearing. Pam Fish seconded the motion. Motion carried as follows: Greg Brown, Pam Fish, John Little and Jasper Dulin being in favor and no one opposing.

The board members then discussed the conditions that need to be put onto the petition. The conditions are as follows:

- 1.) Any and all development plans be approved by the Fulton County Drain Board. An adequate elevation study of surrounding area will be submitted to the Fulton County Surveyor, if requested;
- 2.) Any survey representing the newly created lots are coordinated with the existing survey of the established easement located to the Northeast of the petition property. If the survey does not correspond with the established survey of the ingress/egress of the existing easement, then the property owner is responsible for the correction, not the owners of the ingress/egress easement

Jasper Dulin entertained a motion regarding the petition. Pam Fish moved to approve, Docket #BZA 26-0508 Paul Henderson, requesting a development standard variance of two (2') feet off the required lot width for the purpose of splitting a parcel to create two new lots, with the conditions stated above, located at 3124 Country Club Dr., Rochester, IN. Greg Brown seconded the motion.

ROCHESTER CITY BOARD OF ZONING APPEALS

June 25th, 2008

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled B).

John Little	Yea
Greg Brown	Yea
Pam Fish	Yea
Jasper Dulin	Yea

Docket #BZA 26-0508 Paul Henderson, requesting a development standard variance of two (2') feet off the required lot width for the purpose of splitting a parcel to create two new lots, with the conditions stated above, located at 3124 Country Club Dr., Rochester, IN. Passed with four votes being in favor and no one opposing.

IN RE: NEW BUSINESS

MANITOU HOLDINGS GROUP (#27-0508)
DEVELOPMENT STANDARD VARIANCE

Manitou Holdings Group, Docket BZA#27-0508, is requesting a Development Standard Variance of one (1') foot off the required side yard setbacks, on two individual lots, for the purpose of building two new homes, within the Lake Residential (R3) District located at 2010 & 2012 Wolf's Point Drive, Rochester. (See attachment C)

Casi explained each lot is forty (40') feet wide and the required side yard setback in the R3 District is eight (8') feet. The proposed homes would be twenty-six (26') feet wide and set seven (7') feet from each side property line. Therefore, a variance of one (1') foot off of each side yard is requested.

Jasper Dulin asked if Manitou Holdings Group had anything further to add.

Manitou Holdings Group had nothing further to add.

Jasper Dulin then asked for Board comments, being none he then opened the public hearing.

John Yarling, 2008A Wolf's Point Drive, stated he is very pleased to see improvement being done to the properties.

John Little stated the drainage board should approve all plans prior to building.

Jasper Dulin entertained a motion to close the public hearing. Greg Brown moved to close the public hearing. Pam Fish seconded the motion. Motion carried as follows: Greg Brown, Pam Fish, John Little and Jasper Dulin being in favor and no one opposing.

Jasper Dulin then entertained a motion regarding the petition. Pam moved to approve, Docket #BZA 27-0508, is requesting a Development Standard Variance of one (1') foot off the required side yard setbacks, on two individual lots, for the purpose of building two new homes, with the condition all plan are approved by the Drainage Board, within the Lake Residential (R3) District located at 2010 & 2012 Wolf's Point Drive, Rochester. John Little seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled D).

John Little	Yea
Greg Brown	Yea
Pam Fish	Yea
Jasper Dulin	Yea

ROCHESTER CITY BOARD OF ZONING APPEALS

June 25th, 2008

The motion to approve, Docket #BZA 27-0508 Manitou Holdings Group, requesting a Development Standard Variance of one (1') foot off the required side yard setbacks, on two individual lots, for the purpose of building two new homes, with the condition all plans are approved by the Drainage Board, within the Lake Residential (R3) District located at 2010 & 2012 Wolf's Point Drive, Rochester. Passed with four votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for April 2008. (See attachment E).

IN RE: PUBLIC COMMENTS

It is duly noted there were no public comments.

IN RE: BOARD COMMENTS

It is duly noted there were no Board comments.

Being no further business to come in front of the Board of Zoning Appeals, Jasper Dulin, entertained a motion to adjourn the June 25th, 2008 Rochester City Board of Zoning Appeals meeting. Greg Brown moved to adjourn the June 25th, 2008 Rochester City Board of Zoning Appeals meeting at 7:00 P.M. John Little seconded the motion. Motion carried as follows: John Little, Greg Brown, Pam Fish and Jasper Dulin being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS

ATTEST: _____
Heather Redinger, Administrative Secretary

ROCHESTER CITY
BOARD OF ZONING APPEALS
JUNE 25TH, 2008

PLEASE SIGN IN

Gloria Carney - 3212 Country Club Dr E

Carl & Linda Bloomer 3121 Country Club Dr. E.
Pat Garling 2008 Wolf Point Dr.
Gwen Hornstein Country Club Dr.

Ray Dausman 5215 Beacon Ln

Dave Toppen 2116 Wolf Point
Paul Henderson 2202 Wolf Point

Abigail Renie 2310 Wolf Point

Phil Carr Oakwood Dr
Stacey Carvey Schenck 1710 Ewing Rd.

ROCHESTER CITY BOARD OF ZONING APPEALS
May 28th, 2008

ROCHESTER CITY
BOARD OF ZONING APPEALS

WEDNESDAY, MAY 28TH, 2008

6:00 P.M.
COUNCIL CHAMBERS
CITY HALL

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
April 23rd, 2008

OLD BUSINESS:
Rochester Water Board (BZA#15-0408)

NEW BUSINESS:
James Broadley (BZA#19-0408)
Jeff Hofferth (BZA#21-0508)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS

May 28th, 2008

The Rochester City Board of Zoning Appeals met on Wednesday the 28th day of May 2008, at 6:00 P.M. in the Council Chambers located within the City Hall. Vice-Chairperson, John Little called the meeting to order at 6:00 P.M. The following members were present: Vice Chairperson, John Little, Executive Secretary, Greg Brown, Pam Fish and Bob Cannedy Also in attendance were: Director, Casi Cramer, Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger. It is duly noted that Chairperson, Jasper Dulin arrived at 6:15 p.m.

IN RE: MINUTES

APRIL 23rd, 2008

Vice-Chairperson, John Little asked for any additions, deletions, or corrections to be made to the April 23rd, 2008, minutes. Being none, Bob Cannedy moved to approve the April 23rd, 2008, Rochester City Board of Zoning Appeals minutes as written. Pam Fish seconded the motion. Motion carried as follows: Greg Brown, Bob Cannedy, Pam Fish and John Little being in favor and no one opposing.

IN RE: OLD BUSINESS

ROCHESTER WATER BOARD
(15-0408)

It is duly noted Vice-Chairperson John Little proceeded to New Business and return to Old Business with all Board members present.

IN RE: NEW BUSINESS

JAMES BROADLEY (19-0408)
DEVELOPMENT STANDARD VARIANCE

James Broadley, Docket #BZA 19-0408, Development Standard Variance, two actions. Mr. Broadley is requesting two development standard variances for the purpose of constructing a garage on property located at 540 Race St., Rochester, IN (see attachment A). Mr. Broadley's property is located within the Industrial (IN) District.

Executive Director, Casi Cramer explained the side yard and rear yard setbacks in the IN District are twenty-five (25') feet. Mr. Broadley would like build a 24' X 24' garage and would be removing a shed, which sits on the property line. The proposed garage would set twelve (12') feet off of the side and rear yards; therefore a variance of thirteen (13') feet off the east side yard and rear are requested.

John Little asked for any Board comments, being none he then asked if Mr. Broadley would like to add anything further.

Mr. Broadley stated removing the existing shed and building a new garage would improve the property value.

John Little entertained a motion to open the public hearing. Greg Brown moved to open the public hearing. Pam Fish seconded the motion. Motion carried as follows: Greg Brown, Pam Fish, Bob Cannedy and John Little being in favor and no one opposing.

Gina Hofferth, stated her brother-in-law lives to the west, and she agrees removing the shed from the property line and the new garage would improve the property.

Clayton Howard, lives on the east side of Mr. Broadley, asked if Mr. Broadley has had his property surveyed.

ROCHESTER CITY BOARD OF ZONING APPEALS

May 28th, 2008

Mr. Broadley stated he did not have his property surveyed; he measured from Mr. Howard's property stakes.

John Little entertained a motion to close the public hearing. Greg Brown moved to close the public hearing. Pam Fish seconded the motion. Motion carried as follows: Greg Brown, Pam Fish, Bob Cannedy and John Little being in favor and no one opposing.

John Little entertained a motion regarding the petition. Pam Fish moved to approve, Docket #BZA 19-0408 James Broadley, requesting two Development Standard Variances of thirteen (13') feet off the east side yard and rear yard setbacks for a garage, located within the IN District at 540 Race St., Rochester, IN. Greg Brown seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled B).

John Little	Yea
Greg Brown	Yea
Bob Cannedy	Yea
Pam Fish	Yea
Jasper Dulin	Yea

Docket #BZA 19-0408 James Broadley, requesting two Development Standard Variances of thirteen (13') feet off the east side yard and rear yard setbacks for a garage, located within the IN District at 540 Race St., Rochester, IN. Passed with five votes being in favor and no one opposing.

ON RE: NEW BUSINESS

JEFF HOFFERTH (#15-0408)
DEVELOPMENT STANDARD VARIANCE

Jeff Hofferth, Docket BZA#21-0508, is requesting a Development Standard Variance of twelve (12') feet off the required side yard setback for the purpose of an addition to square off his garage, within the Agricultural (AG) District located at 505 W 13th St., Rochester. (See attachment C)

Casi explained Mr. Hofferth would like to remove the existing shed and add a 14' X 18' foot addition to square off the garage. The addition would sit approximately two (2') feet from the side property line; therefore a variance of twelve (12') feet off the side yard setback is requested.

Jasper Dulin asked if Mrs. Hofferth had anything further to add.

Jasper Dulin then asked for Board comments, being none he opened the public hearing. Jasper Dulin asked for anyone who was in favor of the petition. Being none he then asked if anyone opposed the petition.

Jasper Dulin entertained a motion to close the public hearing. Greg Brown moved to close the public hearing. Pam Fish seconded the motion. Motion carried as follows: Greg Brown, Pam Fish, Bob Cannedy, John Little and Jasper Dulin being in favor and no one opposing.

Jasper Dulin entertained a motion regarding the petition. John Little moved to approve, Docket #BZA 21-0508 Jeff Hofferth, requesting a Development Standard Variance of twelve (12') feet off the side yard setback for the purpose of addition to square off his garage, within the Agricultural (AG) District located at 505 W 13th St., Rochester. Bob Cannedy seconded the motion.

ROCHESTER CITY BOARD OF ZONING APPEALS

May 28th, 2008

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled D). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

John Little	Yea
Greg Brown	Yea
Bob Cannedy	Yea
Pam Fish	Yea
Jasper Dulin	Yea

The motion to approve, Docket #BZA 21-0508 Jeff Hofferth, requesting a Development Standard Variance of twelve (12') feet off the side yard setback for the purpose of an addition to square off his garage, within the Agricultural (AG) District located at 505 W 13th St Rochester, IN. Passed with five votes being in favor and no one opposing.

IN RE: OLD BUSINESS

ROCHESTER WATER BOARD (#15-0408)
SPECIAL EXCEPTION & DEVELOPMENT STANDARD VARIANCE

The Rochester Water Board is requesting a Special Exception and a Development Standard Variance for the addition of one-hundred ten (110') feet to the maximum height requirement for the purpose of a new water tower, within the Residential Cluster (R1) District located west of 433 E 18th St., Rochester. (See attachment E)

Casi explained the lot is approximately 200' X 200'; and the maximum height is twenty (20') feet in the R1 District, the purposed water tower will be one hundred thirty (130') feet in height. Therefore the variance of 110' feet added to the height is requested. She then explained a water tower is not written as a Special Exception in the R1 District, but it is the Board's decision as to have it written in or not.

Phil Carr, representing the Rochester Water Board, stated the Board had the option to buy the land for the water tower, with the conditions the drill tests were satisfactory and the ground can withstand the weight of the tower. He then stated the city growth is hopefully headed in this direction. This location will need more pressure to support the growth. He stated the water tower would be located in the southeast corner. He also stated the water tower would be a pedestal and would not have legs.

Jasper Dulin asked for any Board comments, being none he then opened the public hearing. He asked for anyone present to speak in favor; being none, he then asked if there was anyone present to oppose the petition.

Pam Fish asked if the Water Board had looked at any property on the south side of town, or any other different locations that are not in the residential subdivision.

Phil Carr stated they had approached Wal-Mart about land, and Wal-Mart did not offer enough land. He also stated other properties that were considered, the ground would not hold the tower.

John Little asked how long would the process takes if plans were submitted.

Phil Carr stated at least two years.

ROCHESTER CITY BOARD OF ZONING APPEALS

May 28th, 2008

Greg Brown asked what size would the proposed tower be.

Phil Carr stated it would be a 300,000-gallon tower.

John Little then asked if they were any other properties to look at.

Phil Carr stated he is looking at the third cluster of properties, the soil borings passed and the Water Board is waiting for approval, from the BZA before the land is purchased.

Pam Fish asked how many other properties the Board has to look at.

Phil Carr stated this is the last property acceptable. He then stated where Wal-Mart was proposed to build, would have been acceptable, but they would not offer enough land.

Pam Fish asked if they could look into buying property on the south side of town, being a more beneficial area and less residential.

Jasper Dulin asked if the Water Board would be agreeable to landscape, berms, trees and shrubbery surrounding the tower.

Phil Carr stated the Water Board would be cleaning up the property and agrees to plant some trees and landscaping.

John Little stated the trees should be planted prior to construction of the tower.

Darlene Nelson, 1807 Oakwood Dr., stated she is opposed to the location of the water tower; her concerns are the depreciation of her property value. She then stated when she looks out her patio doors she will see the water tower. She asked why they chose a residential area for the location.

Jasper Dulin asked if the Water Board could search for better locations.

Phil Carr stated he has been looking for the past two years to find suitable property.

Jasper Dulin asked if the Water Board would be opposed the look at other locations that are more adequate.

Phil Carr stated he could look at other locations, but if the Board is opposed to this property, the Water Board would lose the opportunity to purchase the land. He does not know if the additional lots would be able to pass the soil borings and be able to hold the tower. The Water Board would have to start over.

John Little stated the tower should not be in the residential area.

Jasper stated he would like to table the petition for a month and give the Water Board time to explore more options in other areas.

Phil Carr stated in a month's time he would not be able to have the testing done to confirm the property would be suitable for the tower.

Greg Brown stated he agrees the location is ideal for the use, except it is in residential.

ROCHESTER CITY BOARD OF ZONING APPEALS

May 28th, 2008

Bob Cannedy stated he agrees the location is ideal, he doesn't feel the water tower would depreciate the surrounding property values.

Jasper Dulin asked Mr. & Mrs. Nelson if the berms, trees and landscaping would be more acceptable.

Mr. & Mrs. Nelson stated it would not they do not want mounds that would cause water to run into their yard. They simply do not want the tower in their backyard.

Jasper Dulin entertained a motion to close the public hearing. Greg Brown moved to close the public hearing. Pam Fish seconded the motion. Motion carried as follows: Greg Brown, Pam Fish, Bob Cannedy, John Little and Jasper Dulin being in favor and no one opposing.

Jasper Dulin entertained a motion for the petition, with the conditions of landscaping and the drainage problems in the area be taken care of. Jasper Dulin moved to approve the petition as stated above. Bob Cannedy seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled F). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

John Little	Nay
Greg Brown	Yea
Bob Cannedy	Yea
Pam Fish	Nay
Jasper Dulin	Yea

The motion to approve, Docket #BZA 15-0408 Rochester Water Department, The Rochester Water Board is requesting a Special Exception and a Development Standard Variance for the addition of one-hundred ten (110') feet to the maximum height requirement for the purpose of a new water tower, with the conditions of landscaping, planting trees, berms as well as, the correction of drainage issues in the area be taken care of, within the Residential Cluster (R1) District located west of 433 E 18th St., Rochester. Passed with three votes being in favor and two votes opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for April 2008. (See attachment G).

IN RE: PUBLIC COMMENTS

It is duly noted there were no public comments.

IN RE: BOARD COMMENTS

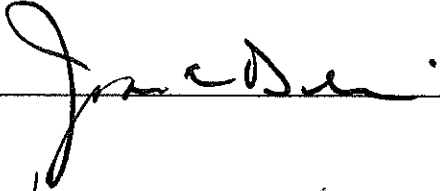
It is duly noted there were no Board comments.

ROCHESTER CITY BOARD OF ZONING APPEALS

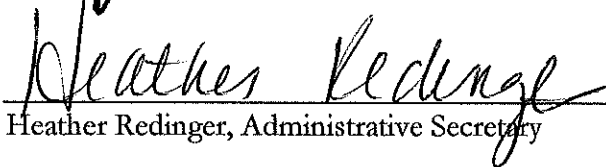
May 28th, 2008

Being no further business to come in front of the Board of Zoning Appeals, Jasper Dulin, entertained a motion to adjourn the April 23rd, 2008 Rochester City Board of Zoning Appeals meeting. John Little moved to adjourn the March 26th, 2008 Rochester City Board of Zoning Appeals meeting at 7:25 P.M. Bob Cannedy seconded the motion. Motion carried as follows: John Little, Greg Brown, Bob Cannedy, Pam Fish and Jasper Dulin being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS



ATTEST:


Heather Redinger, Administrative Secretary

ROCHESTER CITY BOARD OF ZONING APPEALS
April 23rd, 2008

ROCHESTER CITY
BOARD OF ZONING APPEALS

WEDNESDAY, APRIL 23RD, 2008

6:00 P.M.
COUNCIL CHAMBERS
CITY HALL

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
March 26th, 2008

OLD BUSINESS:

NEW BUSINESS:
Ben Whitfield (BZA#08-0308)
Jeffrey Greer (BZA#09-0308)
Rochester Water Board (BZA#15-0408)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS

April 23rd, 2008

The Rochester City Board of Zoning Appeals met on Wednesday the 23rd day of April 2008, at 6:00 P.M. in the Council Chambers located within the City Hall. Chairperson, Jasper Dulin called the meeting to order at 6:00 P.M. The following members were present: Chairperson, Jasper Dulin; Vice Chairperson, John Little and Bob Cannedy Also in attendance were: Director, Casi Cramer and Administrative Secretary, Heather Redinger. It is duly noted that Executive Secretary, Greg Brown; Pam Fish and Board Attorney, Greg Heller were absent.

IN RE: MINUTES

MARCH 26TH, 2008

Chairperson, Jasper Dulin asked for any additions, deletions, or corrections to be made to the March 26th, 2008, minutes. Being none, John Little moved to approve the March 26th, 2008, Rochester City Board of Zoning Appeals minutes as written. Bob Cannedy seconded the motion. Motion carried as follows: John Little, Bob Cannedy and Jasper Dulin being in favor and no one opposing.

It is duly noted that there was no Old Business to report at this time.

IN RE: NEW BUSINESS

BEN WHITFIELD
DEVELOPMENT STANDARD VARIANCE

Ben Whitfield, Docket #BZA 05-0208, Development Standard Variance. Mr. Whitfield is requesting three development standard variances for the purpose of an addition to the existing home and the placement of a shed located at 3012 East SR 14, Rochester, IN (see attachment A). Mr. Whitfield's property is located within the Highway Commercial (HC) District.

Executive Director, Casi Cramer explained the side yard and rear yard setbacks in the HC District are fifteen (15') feet. Mr. Whitfield would like to add a second story addition above his garage, as well as, an addition onto the rear of his garage. Casi explained the existing home sits approximately six (6') feet from the side property, the second story addition would also set six (6') feet from the side and the addition to the rear of the garage would set twelve (12') feet from the rear property; therefore a variance of nine (9') feet off the side yard and a variance of three (3') feet off the rear are requested.

Casi then explained Mr. Whitfield would like to place a shed on the east side of his property; the shed would set two (2') feet from the side property. Mr. Whitfield would need to reroute his driveway for an entrance to the rear of his property. Casi explained, due to the location of the power lines, Mr. Whitfield does not want to place the shed under the lines or remove any existing trees on his property. Therefore, a variance of thirteen (13') feet off the side yard is requested. Casi then stated the Fulton County Surveyor does not have an issue with the placement of the shed.

Jasper Dulin asked for any Board comments, being none he then asked if Mr. Whitfield would like to add anything further.

Mr. Whitfield stated he would need to reroute his drive for access to the rear of the property and he does not have enough room on the west side to make a driveway.

ROCHESTER CITY BOARD OF ZONING APPEALS

April 23rd, 2008

Jasper Dulin opened the public hearing, being no one in favor or opposing, the chairman entertained a motion to close the public hearing. John Little moved to close the public hearing. Bob Cannedy seconded the motion. Motion carried as follows: John Little, Bob Cannedy and Jasper Dulin being in favor and no one opposing.

Jasper Dulin entertained a motion regarding the petition. Bob Cannedy moved to approve, Docket #BZA 08-0308 Ben Whitfield, requesting three Development Standard Variances of thirteen (13') feet off the side yard setback for a shed, nine (9') feet off the side yard and three (3') off the rear yard for an addition onto his existing home located within the HC District at 3012 East SR 14, Rochester, IN. John Little seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled B). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

John Little	Yea
Bob Cannedy	Yea
Jasper Dulin	Yea

The motion to approve, Docket #BZA 08-0308 Ben Whitfield, requesting three Development Standard Variances of thirteen (13') feet off the side yard setback for a shed, nine (9') feet off the side yard and three (3') off the rear yard for an addition onto his existing home located within the HC District at 3012 East SR 14, Rochester, IN passed with three votes being in favor no one opposing.

IN RE: NEW BUSINESS

JEFFREY GREER (#09-0308)
DEVELOPMENT STANDARD VARIANCE

Jasper Dulin stated he has in past had a business relationship with this petitioner; Jasper has sold homes to Mr. Greer and receives a monthly payment, although the property in regard to this petition is not one of them. He stated he has spoken to the City attorney, Greg Heller, and they do not feel this would be a conflict of interest as long as no member of the Board feels it would be a conflict. He also stated that if a Board member, or member of the audience, was not comfortable with his presence during the petition, that he would step down. John Little also stated he had sold Mr. Greer the property, but has no other contact, or business dealing, with the petitioner in relation to this petition.

Jasper Dulin asked Bob Cannedy, the other Board member present, if Bob felt their previous contact with the petitioner would be a conflict of interest.

Bob Cannedy stated he did not feel either would be an issue.

Jeffrey Greer, Docket BZA#09-0308, is requesting a Development Standard Variance of two (2') feet off the required side yard setback for the purpose of a new home, within the Lake Residential (R3) District located at 1211 Elizabeth St., Rochester. (See attachment C)

Casi explained Mr. Greer's lot is forty (40') feet wide; the required side yard setback is equal to eight (8') feet. Mr. Greer's proposed new home would be approximately twenty-four (24') feet wide and will set six (6') feet off of the south side yard; therefore he is requesting a variance of two (2') feet. Casi then explained Mr. Greer's existing driveway is located partially on the north adjoining lot and Mr. Greer would be positioning the drive to be completely located on his property which pushes the home two (2') feet into the south side setback.

Jasper Dulin asked if Mr. Greer had anything further to add. Mr. Greer stated he did not have anything to add.

ROCHESTER CITY BOARD OF ZONING APPEALS

April 23rd, 2008

Jasper Dulin then asked for Board comments, being none he opened the public hearing. Jasper Dulin asked for anyone who was in favor of the petition.

Mark Frettinger stated his parents own the north property in which the partial drive is located. He stated they don't feel he would have adequate room for his own drive and does not want the drive on their property to be used.

Jasper Dulin stated Mr. Greer would have the drive on his property, so they would not be utilizing the drive on the north property.

John Little stated he feels the new home is an improvement in the area.

Mrs. Frettinger stated she agreed the new home is an improvement and Mr. Greer needed the two feet to widen his own drive, she stated she is concerned with the renters still utilizing her side of the drive.

Troy Jenkins, lives on the lot south of Mr. Greer, stated his concerns are the renters as well, he stated he has a fence between the properties, but would like for Mr. Greer to be required to put up a new privacy fence before he rents the property.

Jasper Dulin stated the Board could only address the variance petition; they cannot address the issues of the fence.

Mark Frettinger asked why the drive could not have access from the alley.

Troy Jenkins stated the alley is not plowed or maintained by the city.

Jasper Dulin asked for any further questions or comments, being none he entertained a motion to close the public hearing. Bob Cannedy moved to close the public hearing. John Little seconded the motion. Motion carried as follows: John Little, Bob Cannedy and Jasper Dulin being in favor and no one opposing.

Jasper Dulin entertained a motion regarding the petition. Bob Cannedy moved to approve, Docket #BZA 09-0308 Jeffrey Greer, requesting a Development Standard Variance of two (2') feet off the side yard setback for the purpose of a new home located within the R3 District at 1211 Elizabeth St., Rochester, IN. John Little seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled D). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

John Little	Yea
Bob Cannedy	Yea
Jasper Dulin	Yea

The motion to approve, Docket #BZA 09-0308 Jeffrey Greer, requesting a Development Standard Variance of two (2') feet off the side yard setback for the purpose of a new home located within the R3 District at 1211 Elizabeth St., Rochester, IN. Passed with three votes being in favor and no one opposing.

IN RE: NEW BUSINESS

ROCHESTER WATER BOARD (#15-0408)
SPECIAL EXCEPTION & DEVELOPMENT STANDARD VARIANCE

ROCHESTER CITY BOARD OF ZONING APPEALS

April 23rd, 2008

The Rochester Water Board is requesting a Special Exception and a Development Standard Variance for the addition of one-hundred ten (110') feet to the maximum height requirement for the purpose of a new water tower, within the Residential Cluster (R1) District located west of 433 E 18th St., Rochester. (See attachment E)

Casi explained the lot is approximately 200' X 200'; and the maximum height is twenty (20') feet in the R1 District, the purposed water tower will be one hundred thirty (130') feet in height. Therefore the variance of 110' feet added to the height is requested. She then explained a water tower is not written as a Special Exception in the R1 District, but it is the Board's decision as to have it written in.

Phil Carr, representing the Rochester Water Board, stated the Board had the option to buy the land for the water tower, with the conditions the drill tests were satisfactory and the ground can withstand the weight of the tower. He then stated the city growth is hopefully headed in this direction. This location will need more pressure to support the growth. He stated the water tower would be located in the southeast corner. He also stated the water tower would be a pedestal and would not have legs.

Jasper Dulin asked for any Board comments, being none he then opened the public hearing. He asked for anyone present to speak in favor; being none, he then asked if there was anyone present to oppose the petition.

Darlene Nelson, 1807 Oakwood Dr., stated she is opposed to the location of the water tower; her concerns are the depreciation of her property value. She then stated when she looks out her patio doors she will see the water tower. She asked why they chose a residential area for the location.

Jasper Dulin stated he had driven by the property prior to the meeting. He stated the water tower might not be detrimental to someone purchasing the home. He then asked Casi what the distance is from the surrounding homes.

Casi stated the tower is approximately 300' from the Nelson's home; the other homes measured between 300'-340' away.

Jasper Dulin asked for any more public comments, being none he entertained a motion to close the public hearing. Bob Cannedy moved to close the public hearing. John Little seconded the motion. Motion carried as follows: John Little, Bob Cannedy and Jasper Dulin being in favor and no one opposing.

Jasper Dulin asked the Board for any comments. Bob Cannedy stated he thought the Board should table the petition until next month, since two members were absent tonight.

Jasper Dulin entertained a motion for the petition. Bob Cannedy moved to table the petition until the next meeting. John Little seconded the motion. Motion carried as follows: John Little, Bob Cannedy and Jasper Dulin all being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for March 2008. (See attachment F).

IN RE: PUBLIC COMMENTS

ROCHESTER CITY BOARD OF ZONING APPEALS

April 23rd, 2008

It is duly noted there were no public comments.

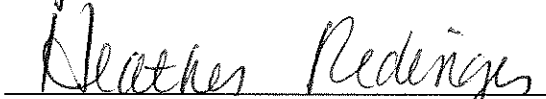
IN RE: BOARD COMMENTS

It is duly noted there were no Board comments.

Being no further business to come in front of the Board of Zoning Appeals, Jasper Dulin, entertained a motion to adjourn the April 23rd, 2008 Rochester City Board of Zoning Appeals meeting. John Little moved to adjourn the March 26th, 2008 Rochester City Board of Zoning Appeals meeting at 6:55 P.M. Bob Cannedy seconded the motion. Motion carried as follows: John Little, Bob Cannedy and Jasper Dulin being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS

ATTEST:


Heather Redinger, Administrative Secretary

ROCHESTER CITY BOARD OF ZONING APPEALS
March 26th, 2008

ROCHESTER CITY
BOARD OF ZONING APPEALS

WEDNESDAY, MARCH 26TH, 2008

6:00 P.M.
COUNCIL CHAMBERS
CITY HALL

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
February 27th, 2008

OLD BUSINESS:

NEW BUSINESS:
Tim Thonn (BZA#05-0208)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS

March 26th, 2008

The Rochester City Board of Zoning Appeals met on Wednesday the 27th day of February 2008, at 6:00 P.M. in the Council Chambers located within the City Hall. Chairperson, Jasper Dulin called the meeting to order at 6:00 P.M. The following members were present: Chairperson, Jasper Dulin; Vice Chairperson, John Little; Executive Secretary, Greg Brown and Pam Fish. Also in attendance were: Director, Casi Cramer and Administrative Secretary, Heather Redinger. It is duly noted that Bob Cannedy and Board Attorney, Greg Heller were absent.

IN RE: MINUTES

FEBRUARY 27TH, 2008

Chairperson, Jasper Dulin asked for any additions, deletions, or corrections to be made to the February 27th, 2008, minutes. Being none, John Little moved to approve the February 27th, 2008, Rochester City Board of Zoning Appeals minutes as written. Pam Fish seconded the motion. Motion carried as follows: John Little, Greg Brown, Pam Fish and Jasper Dulin being in favor and no one opposing.

It is duly noted that there was no Old Business to report at this time.

IN RE: NEW BUSINESS

TIM THONN
DEVELOPMENT STANDARD VARIANCE

Tim Thonn, Docket #BZA 05-0208, Development Standard Variance. Mr. Thonn is requesting a development standard variance for a new home and garage located at 1208 Pearl St., Rochester, IN (see attachment A). Mr. Thonn's property is located within the Lake Residential District (R3).

Executive Director, Casi Cramer explained Mr. Thonn's lot is only forty (40') feet wide and the required side yard setback is eight (8') feet. The size of the proposed new home is 46' X 29'; therefore, Mr. Thonn is requesting a variance of three (3') feet off the side yard setback. Casi then noticed Mr. Thonn would not meet the rear setback, which is twenty-five (25') feet. She then asked the Board to add a variance on the rear setback as well.

Pam Fish stated the reason for the eight (8') foot setback was for emergency vehicles to have access to the property. She then stated she had driven by the property and there is a garage on one side and a fence on the other. Her concerns were the adjoining houses might be too close together, but she did not see this as an issue with the adjoining garage and fence. Pam then stated the variances need to be approved with this understanding.

Chairperson, Jasper Dulin, asked if there were any further Board questions or comments. Being none, Jasper entertained a motion for Tim Thonn, Docket #05-0208. Pam Fish moved to approve the request for three (3') feet off the side yard setback, as well as, ten (10') feet off the rear setback for a new home and garage. Jasper Dulin seconded the motion. Motion carried as follows: John Little, Greg Brown, Pam Fish and Jasper Dulin. All votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for February 2008. (see attachment B).

ROCHESTER CITY BOARD OF ZONING APPEALS

March 26th, 2008

Casi stated John Little had requested a larger map of the city zone districts during the February 27th, 2008 meeting. She had presented the copy of the map to the Board. She then stated she had a copy of the map with the previous city zone districts. Casi explained the city previously had twelve zone districts and currently the city has twelve zone districts. She explained, included in the twelve districts are the airport overlay (AO), as well as, a small piece of property by the high school that was kept as agricultural (AG). Casi stated the Area Plan Commission looked at the different districts and found similarities, so to reduce the redundancy, they combined districts together. There are sixteen total zone districts in the Area Plan.

IN RE: PUBLIC COMMENTS

It is duly noted there were no public comments.

IN RE: BOARD COMMENTS

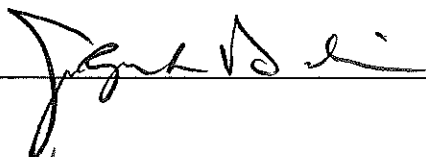
Jasper Dulin stated he had received a complaint, by phone, about the O'Reilly's building. He stated the person did not want to reveal their name, and he feels he should not field a complaint to the Board, if the person cannot reveal their name. Jasper stated he feels without a name, he cannot be sure if the complaint is valid. He then stated he does not want to hinder growth of the community by acknowledging invalid complaints.

Pam Fish stated some neighbors have valid complaints, but choose not to leave their names.

Casi stated, in pending petitions, he could ask them to submit their complaint in writing to the Plan Commission Office, and each Board member would receive a copy. She also stated the Board members need to be cautious when approached for information. She stated they are a quasi-judicial board and cannot discuss pending petitions that are to go before the Board.

Being no further business to come in front of the Board of Zoning Appeals, Jasper Dulin, entertained a motion to adjourn the March 26th, 2008 Rochester City Board of Zoning Appeals meeting. John Little moved to adjourn the March 26th, 2008 Rochester City Board of Zoning Appeals meeting at 6:40 P.M. pam Fish seconded the motion. Motion carried as follows: John Little, Greg Brown, Pam Fish and Jasper Dulin being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS



ATTEST: 
Heather Redinger, Administrative Secretary

**ROCHESTER CITY BOARD OF ZONING APPEALS
FEBRUARY 4TH, 2008**

**ROCHESTER CITY
BOARD OF ZONING APPEALS**

MONDAY, FEBRUARY 4, 2008

**12:00 P.M.
COUNCIL CHAMBERS
CITY HALL**

CALL TO ORDER

ELECTION OF OFFICERS

ADOPTION OF MEETING RESOLUTION

BOARD OF ZONING APPEALS MINUTES FOR:

OLD BUSINESS

NEW BUSINESS

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
FEBRUARY 4TH, 2008

The Rochester City Board of Zoning Appeals met on Wednesday the 9th day of January 2008, at 7:00 P.M. in the Council Chambers located in the City Hall. Executive Director, Casi Cramer, called the meeting to order at 12:00 P.M. The following members were present: Jasper Dulin, John Little, Pam Fish and Greg Brown. Also in attendance were: Executive Director, Casi Cramer; Administrative Secretary, Heather Redinger; and Attorney, Greg Heller.

It is duly noted Bob Cannedy arrived at 12:10 p.m.

IN RE: ELECTION OF OFFICERS

Executive Director, Casi Cramer, opened the floor to nominations for Chairperson. Greg Brown nominated Jasper Dulin as Chairperson. John Little seconded the nomination. Being no further nominations, John Little moved to close the nominations for Chairperson. Greg Brown seconded the motion. Motion carried as follows: John Little, Pam Fish, Greg Brown and Jasper Dulin being in favor and no one opposing. Jasper Dulin was elected as Chairperson for the Rochester City Board of Zoning Appeals.

Chairperson, Jasper Dulin, asked for nominations for Vice-Chairperson. Greg Brown nominated John Little as Vice-Chairperson. Pam Fish seconded the nomination. Being no further nominations, Pam Fish moved to close the nominations for Vice-Chairperson. Greg Brown seconded the motion. Motion carried as follows: John Little, Pam Fish, Greg Brown and Jasper Dulin being in favor and no one opposing. John Little was elected as Vice-Chairperson for the Rochester City Board of Zoning Appeals.

Jasper Dulin asked for nominations for Executive Secretary. John Little nominated Greg Brown as Executive Secretary. Pam Fish seconded the nomination. Being no further nominations, Pam Fish moved to close the nominations for Executive Secretary. Greg Brown seconded the motion. Motion carried as follows: John Little, Pam Fish, Greg Brown and Jasper Dulin being in favor and no one opposing. Greg Brown was elected as Executive Secretary for the Rochester City Board of Zoning Appeals.

Chairperson, Jasper Dulin, asked for nominations for Administrative Secretary. Pam Fish nominated Heather Redinger as Administrative Secretary. John Little seconded the nomination. Motion carried as follows: John Little, Bob Cannedy, Pam Fish, Greg Brown and Jasper Dulin being in favor and no one opposing. Heather Redinger was elected as the Rochester City Board of Zoning Appeals Administrative Secretary.

Jasper Dulin stated the Board needed to hire an Attorney to represent them. Pam Fish moved to hire Burke & Heller Attorneys at Law, Rochester, IN. Greg Brown seconded the motion. Motion carried as follows: John Little, Bob Cannedy, Pam Fish, Greg Brown and Jasper Dulin being in favor and no one opposing. Burke & Heller Attorneys at Law were hired as the Rochester City Board of Zoning Appeals Attorney.

IN RE: ADOPTION OF MEETING RESOLUTION

Chairperson, Jasper Dulin, read Resolution 02042008 regarding the meeting dates and times for the Rochester City Board of Zoning Appeals in 2008. Jasper entertained a motion to adopt Resolution

ROCHESTER CITY BOARD OF ZONING APPEALS
FEBRUARY 4TH, 2008

02042008. John Little moved to adopt Resolution 02042008 for the Rochester City Board of Zoning Appeals meeting dates and times in 2008. Pam Fish seconded the motion. Motion carried as follows: John Little, Bob Cannedy, Pam Fish, Greg Brown and Jasper Dulin being in favor and no one opposing. Resolution 02042008 reads as follows:

RESOLUTION 02042008

A RESOLUTION OF THE ROCHESTER CITY BOARD OF ZONING APPEALS, OF THE COUNTY OF FULTON, INDIANA, ESTABLISHING MEETING TIMES FOR 2008.

WHEREAS, the Rochester City Board of Zoning Appeals has established that they will meet on the fourth (4th) Wednesday each month at 6:00 P.M. in the Council Chambers at the City Hall unless that Wednesday falls on a County observed Holiday, then the meeting will be held on the fourth (4th) Thursday at 6:00 P.M. in the Council Chambers at the City Hall.

WHEREAS, the Rochester City Board of Zoning Appeals have established meeting times as set out under Indiana Code 36-2-2-6 et. seq.;

NOW THEREFORE, Be It Resolved by the Rochester City Zoning Board of Appeals that:

1. The Rochester City Board of Zoning Appeals will meet on the fourth (4th) Wednesday every month at 6:00 P.M. in the Council Chambers at the City Hall unless that Wednesday falls on a County observed Holiday, then the meeting will be held on the fourth (4th) Thursday at 6:00 P.M. in the Council Chambers at the City Hall.
2. Other meetings will be scheduled and a public notice will be given.

Adopted this 4th day of February 2008.

ROCHESTER CITY BOARD OF ZONING APPEALS

Chairperson

Vice Chairperson

Executive Secretary

ATTEST: _____
Heather Redinger, Administrative Secretary

ROCHESTER CITY BOARD OF ZONING APPEALS
FEBRUARY 4TH, 2008

IN RE: NEW BUSINESS

Jasper explains to the Board they need to appoint terms to members. (see attachment A)

John Little moved to appoint Pam Fish to the one (1) year term. Greg Brown seconded the motion. Motion carried as follows: John Little, Bob Cannedy, Pam Fish, Greg Brown and Jasper Dulin being in favor and no one opposing.

John Little moved to appoint Bob Cannedy to the two (2) year term. Pam Fish seconded the motion. Motion carried as follows: John Little, Bob Cannedy, Pam Fish, Greg Brown and Jasper Dulin being in favor and no one opposing.

Greg Brown moved to appoint John Little to the three (3) year term. Pam Fish seconded the motion. Motion carried as follows: John Little, Bob Cannedy, Pam Fish, Greg Brown and Jasper Dulin being in favor and no one opposing.

John Little moved to appoint Jasper Dulin and Greg Brown to the four (4) year terms. Pam Fish seconded the motion. Motion carried as follows: John Little, Bob Cannedy, Pam Fish, Greg Brown and Jasper Dulin being in favor and no one opposing.

Jasper then explained the Board they need define the interested parties for their petitions. The Board then discussed the City's previous definition; which was all adjoining or adjacent property owners; streets and alleys are not to be used as a divider. The Board agreed to keep it the same.(see attachment B)

John Little moved to keep definition for interested parties as stated above. Pam Fish seconded the motion. Motion carried as follows: John Little, Bob Cannedy, Pam Fish, Greg Brown and Jasper Dulin being in favor and no one opposing.

Board Attorney, Greg Heller then spoke to the Board about petition procedures for this Board. He explained the BZA is a quasi-judicial board, and the members should not discuss petitions outside of meetings.

Casi explained to the Board the procedure of a BZA petition, how it is put together and what to expect in their packets. She tells them they will receive a packet of information one week prior to the meeting.

Jasper then asked the Board if they had any questions or comments. Being none, he then asked if there were any public comments.

Mark Kepler told the Board Purdue Extension has informational program training, he would send them information on the programs if anyone was interested.

Being no further public comments, Jasper stated in regard the changes with the City and County coming together, he feels there has been miscommunication. He stated he feels a Rochester City BZA member should attend the City Council Meetings and a City Council member should attend the Rochester City BZA meetings. He stated that might eliminate some confusion and keep both Boards up to date on what has happened. He also stated that he would like the Mayor to be kept informed on what the Board will be doing, or has done.

Casi stated the Mayor has asked to be added to the mailing list and will receive the same information as the Board.

John Little stated he would attend the City Council meeting on February 12, 2008.

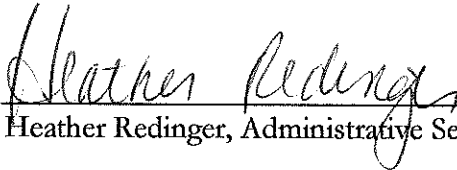
ROCHESTER CITY BOARD OF ZONING APPEALS
FEBRUARY 4TH, 2008

Jasper also wanted it to be made clear he understands he cannot be a voting member of the Board, if he has any conflict of interest in any given petition.

Being no further business to come in front of the Board of Zoning Appeals, Jasper Dulin, entertained a motion to adjourn the February 4th, 2008 Rochester City Board of Zoning Appeals meeting. John Little moved to adjourn the February 4th, 2008 Rochester City Board of Zoning Appeals meeting at 1:10 P.M. Bob Cannedy seconded the motion. Motion carried as follows: John Little, Bob Cannedy, Pam Fish, Greg Brown and Jasper Dulin being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS



ATTEST: 
Heather Redinger, Administrative Secretary



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>

January 28th, 2008

TO: Rochester City Board of Zoning Appeals Members

FR: Casi Cramer, Exe. Director 

RE: February 4th, 2008 Meeting

The Rochester City Board of Zoning Appeals will meet February 4th, 2008 at 12:00 p.m., in the Council Chambers located in the City Hall.

The Board will need to Elect Officers, Adopt the Meeting Resolutions, define the Board's Interested Parties and set Member Terms. The Member Terms must be set as follows:

- (1) One (1) for a term of one (1) year.
- (2) One (1) for a term of two (2) years.
- (3) One (1) for a terms of three (3) years.
- (4) Two (2) for a term of four (4) years.

If you have any questions please feel free to the Plan Commission Office at (574) 223-7667.

ROCHESTER CITY BOARD OF ZONING APPEALS
February 27th, 2008

ROCHESTER CITY
BOARD OF ZONING APPEALS

WEDNESDAY, FEBRAURY 27TH, 2008

6:00 P.M.
COUNCIL CHAMBERS
CITY HALL

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
February 4th, 2008

OLD BUSINESS:

NEW BUSINESS:
Bill Rogers (BZA#03-0108)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS

February 27th, 2008

The Rochester City Board of Zoning Appeals met on Wednesday the 27th day of February 2008, at 6:00 P.M. in the Council Chambers located within the City Hall. Chairperson, Jasper Dulin called the meeting to order at 6:00 P.M. The following members were present: Chairperson, Jasper Dulin; Vice Chairperson, John Little; Executive Secretary, Greg Brown and Bob Cannedy. Also in attendance were: Director, Casi Cramer and Administrative Secretary, Heather Redinger and Board Attorney, Greg Heller. It is duly noted that Pam Fish was absent.

IN RE: MINUTES

FEBRUARY 4TH, 2008

Chairperson, Jasper Dulin asked any additions, deletions, or corrections to be made to the February 4th, 2008, minutes. Being none, John Little moved to approve the February 4th, 2008, Rochester City Board of Zoning Appeals minutes as written. Bob Cannedy seconded the motion. Motion carried as follows: John Little, Greg Brown, Bob Cannedy and Jasper Dulin being in favor and no one opposing. Jasper had stated he would like to have copies of the minutes available to the public in future meetings.

It is duly noted that there was no Old Business to report at this time.

IN RE: NEW BUSINESS

BILL ROGERS
DEVELOPMENT STANDARD VARIANCE

Bill Rogers, Docket #BZA 03-0108, Development Standard Variance. Mr. Rogers is requesting a development standard variance for an addition onto his existing home located at 1300 Washington St., Rochester, IN (see attachment A). Mr. Roger's property is located within the Residential Cluster District (R1).

Chairperson, Jasper Dulin, asked Mr. Rogers to explain to the Board what his plans were. Mr. Rogers stated he would like to add a family room onto his home, but cannot meet current setbacks, therefore he has asked for a variance of 5' off the side yard. He explained he currently has a three-season room he will be removing and then adding a 19'X 27' family room.

Chairperson, Jasper Dulin, asked if there were any further information Plan Director, Casi Cramer would like to add.

Casi explained to the Board, the addition would not set any closer to the side property than the existing home. She explained Mr. Rogers addition will be flush with the existing home.

Jasper Dulin asked for Board member questions or comments. Being none he then entertained a motion for Bill Rogers (#03-0108). Bob Cannedy moved to approve Bill Rogers (#03-0108), requesting a five (5') foot development standard variance off the side yard setback. John Little seconded the motion. Motion carried as follows: John Little, Greg Brown, Bob Cannedy and Jasper Dulin being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for January 2008. (see attachment B).

ROCHESTER CITY BOARD OF ZONING APPEALS

February 27th, 2008

Casi stated the Board had requested a flow chart in the February 4th, 2008 meeting. The Board members were given the chart. Casi explained the chart has information for all BZA petitions and permits.

IN RE: BOARD COMMENTS/ PUBLIC COMMENTS

John Little asked if you live in the city limits do you have to get a permit from the Fulton County Plan Commission, as well as, the Rochester City Office. Casi stated they will need to obtain a Location Improvement Permit (LIP) from the County Office and then a building permit from the City Office, if required by the City building code.

Jasper Dulin asked how much a permit costs. Casi told them a LIP costs twenty-five \$25 dollars. A County Building permit depends on the type of construction. A New Dwelling (stick built home) is one hundred \$100 dollars, a mobile, modular or temporary structure twenty-five (\$25) dollars, electrical upgrades/new replacement services are no charge \$0 and additions or alterations fifty (\$50) dollars. (see attachment C)

Ted Denton asked where the fees from the permits go. Casi stated the County permit fees collected, go into the County General Fund. She also stated she hopes in the future some of the fees can be put back in to a fund to help clean up the condemned houses in the County.

John Little asked what classifies a house to be condemned.

Greg Heller, Board Attorney, stated the County had adopted the state law of a Hearing Authority; which for the County, that would be the County Commissioners. The home that is considered structurally unsafe, will be presented to the County Commissioners who will then make the decision on whether the home or structure should be condemned.

Ted Denton asked if the County has condemned any houses.

Casi stated they have in a sense, but typically the Commissioners have given the owner a choice to repair the structure, board it up or tear it down.

Jasper asked what are the steps taken to tear down and put up a new building; he used Oreilly's Auto Parts for an example.

Casi explained they first need to obtain a demolition permit from the Fulton County Plan Commission Office, which are required in the Commercial and Residential Districts. They then need to bring in site plans, to be reviewed by the Technical Review Committee (TRC) which would consist of, Rochester City Street Department, Rochester City Utilities (water and sewer), Fulton County Surveyor, Fulton County Plan Director and two (2) Rochester City Plan Commission members. (see attachment D)

Once approved by the TRC, they then need to obtain all proper permits from the County and City Offices. Inspections will be done before and after completion.

Jasper Dulin asked who issues permits for signage. Casi stated the County Plan Commission issue permits for signs. The fee for a sign is three (\$3) dollars per square feet. She also stated signs are a Zoning Regulation; they are not in the City Building Code.

ROCHESTER CITY BOARD OF ZONING APPEALS

February 27th, 2008

Mark Smiley, Mayor, stated he received a phone call from a Bob Wilburn; asking about a letter he received from Fulton County Building Inspector, Mike Gearhart, concerning a porch that is in disrepair. He then asked if the inspectors could recommend repairs to the property owners.

Casi explained the Inspectors could either recommend repair or removal of the structure if it is in disrepair. She stated the Plan Commission Office received complaints of Mr. Wilburn's property. When they receive a complaint the property owner will receive a letter from the Building Inspector. The property owner also has the right to appeal any decision to the County Commissioners.

Greg Brown asked when a complaint is filed if they have to have it in writing or a signature.

Casi stated they do not need it in writing or a signature, she stated most complaints are received by phone calls, and would not be given if contact information was required to be on file in the Plan Commission Office.

Jasper stated in the City Council meeting, concerns were voiced about the Fulton County secretary writing minutes for the City BZA, instead of the Rochester City secretary.

Mark Smiley, stated the concern was financial, as well as, with it being a City function some felt the City should record and write the minutes.

Casi explained the concept of any of the Boards being a "city" or "county" Board is a misconception, since all of the Boards are a function of the Area Plan. The Area Plan Commission has four (4) divisions of Board of Zoning Appeals, although the Rochester City BZA, deals with City business, it is still actually a division of the Fulton County Area Board of Zoning Appeals. She also stated all records, from all four (4) divisions of the BZA are housed in the Fulton County Plan Commission Office.

Jasper asked if all the BZA divisions would be handled the same way.

Casi stated they are all handled the same way.

John Little asked how the alternates are chosen, in the case of a Board member having a conflict of interest.

Greg Heller explained, the City Council chooses the alternates; he stated he thought a standing alternate should be chosen now.

Jasper asked Casi who is allowed to do drawings of site plans.

Casi stated that a licensed surveyor or project manager can do site plans. An engineer or architect may be recommended if there is an issue with the project.

Jasper stated he had concerns with the Department Heads on the TRC, who may have too much influence over the site plans. He felt some projects might be complex for the local departments, such as curbing and parking.

Greg Heller stated the plans could still go through the Plan Commission, if a problem were to arise with the department heads expertise.

ROCHESTER CITY BOARD OF ZONING APPEALS

February 27th, 2008

Casi stated all departments heads need to approve the plans prior to approval no matter if there is a TRC or not; the TRC simply gets all Departments Heads together to review the plans as one committee. She then stated the Zoning Ordinance has requirements for curbing and parking that need to be followed; the regulations are not arbitrary.

It is duly noted Bob Cannedy left at 7:10 p.m.

Jasper Dulin stated at the City Council meeting, Toby Seiler was present and stated his property had been illegally rezoned.

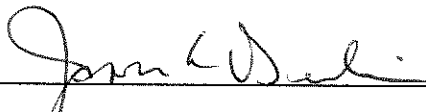
Casi stated Toby Seiler's property was not illegally rezoned. She stated before County zoning came into effect in 2000, the City Zoning had a two-mile fringe zone, in which at that time the property Toby now owns, but did not own at the time, was zoned Industrial (IN). The City then decided to move the boundaries of the two-mile fringe zone and this property was then located in the County Zoning jurisdiction. The County, when they adopted zoning, then zoned the property Agricultural (AG). Now, that whole section west of US 31, including the Wendt building, is zoned Highway Commercial (HC). When an initial Zone Map Amendment is adopted, such as the previous Advisory Zone Map and now the Area Zone Map, the state requires Notices to be published in the local newspapers, not sent to each individual property owner. Individual property owners are notified if it is a specific petition, regarding specific tracts of land, not a whole county.

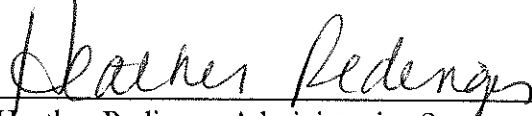
Jasper stated he appreciated all the Casi and Greg have done and explained to the Board.

Casi told the Board to call the Plan Commission Office if they, or any members of the public, have any questions.

Being no further business to come in front of the Board of Zoning Appeals, Jasper Dulin, entertained a motion to adjourn the February 27th, 2008 Rochester City Board of Zoning Appeals meeting. Greg Brown moved to adjourn the February 27th, 2008 Rochester City Board of Zoning Appeals meeting at 7:40 P.M. John Little seconded the motion. Motion carried as follows: John Little, Greg Brown and Jasper Dulin being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS



ATTEST: 

Heather Redinger, Administrative Secretary