

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

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

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**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**

December 12, 2018

**OLD BUSINESS:**

**NEW BUSINESS:**  
Nevin Ramer (#537-1218)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**FULTON COUNTY BOARD OF ZONING APPEALS**  
**December 12, 2018**

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**BOARD OF ZONING APPEALS**

**WEDNESDAY, DECEMBER 12, 2018**

**7:00 P.M.**  
**COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:**  
**November 14, 2018**

**OLD BUSINESS:**

**NEW BUSINESS:**  
**Rick Kanouse (#533-1018)**  
**David & Dawn Best (#535-1018)**

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

## FULTON COUNTY BOARD OF ZONING APPEALS

December 12, 2018

The Fulton County Board of Zoning Appeals met on Wednesday the 12<sup>th</sup> day of December 2018, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson, Dan Walsh called the meeting to order at 7:00 P.M. The following members were present: Eric Straeter, Debbie Barts, Don Lacluyse and Dan Walsh. Also in attendance were: Executive Director, Casi Cowles, Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

It is duly noted Scott Hizer was absent.

IN RE: MINUTES

November 14, 2018

Chairperson, Dan Walsh, asked for any additions, deletions or corrections to be made to the November 14, 2018 minutes. Debbie Barts moved to approve the November 14, 2018 Fulton County Board of Zoning Appeals minutes as written. Eric Straeter seconded the motion. Motion carried as follows: Debbie Barts, Don Lacluyse, Eric Straeter, and Dan Walsh being in favor and no one opposing.

IN RE: NEW BUSINESS

Rick Kanouse (#533-1018)

Development Standard Variance

Mr. Kanouse (#533-1018) is requesting Development Standard Variance off of the fence codes, for the purpose of a 6' privacy fence, with the non-structural side facing in, on property located at 947 Fortna Dr, Rochester, within the Suburban Residential (SR) District.

In the SR district the privacy fence code requires the non-structural side to face out. Mr. Kanouse has erected a 6' privacy fence, with the non-structural side facing in. He is requesting a variance to allow the fence to remain, as is.

Dan Walsh asked Mr. Kanouse if he had anything further to add.

Mr. Kanouse stated he could not put the panel on the other side without going on the neighboring property, he put the privacy fence against the neighbor's chain link fence, to help keep the dogs from seeing each other while outside, as well as, for privacy.

Dan Walsh asked for any Board comments. Being none, he then entertained a motion to open the public hearing. Debbie Barts moved to open public hearing. Eric Straeter seconded the motion. Motion carried as follows: Debbie Barts, Don Lacluyse, Eric Straeter, and Dan Walsh being in favor and no one opposing. Dan Walsh asked if anyone would like to speak in favor or oppose the petition.

Cory Good, 1637 Sweetgum, neighbor stated he does not have an issue with the fence, and he likes it now that the dogs cannot see each other when outside.

Eric Straeter asked Mr. Good how long he has lived at that address.

Mr. Good stated about a year and a half.

## FULTON COUNTY BOARD OF ZONING APPEALS

December 12, 2018

Dan Walsh asked him if he had issues with the structural side facing his property.

Mr. Good stated he did not.

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

Dan Walsh then asked for any Board comments.

Being no further Board comments or questions Dan Walsh entertained a motion. Eric Straeter moved to approve Mr. Kanouse (#533-1018) is requesting Development Standard Variance off of the fence codes, for the purpose of a 6' privacy fence, with the non-structural side facing in, on property located at 947 Fortna Dr, Rochester, within the Suburban Residential (SR) District. Debbie Barts seconded the motion.

Administrative Secretary, Heather Redinger conducted roll call vote.

Eric Straeter	Yea
Debbie Barts	Yea
Don Lacluyse	Yea
Dan Walsh	Yea

Motion to approve, Mr. Kanouse (#533-1018) is requesting Development Standard Variance off of the fence codes, for the purpose of a 6' privacy fence, with the non-structural side facing in, on property located at 947 Fortna Dr, Rochester, within the Suburban Residential (SR) District. Passed with four votes being in favor and no one opposed.

IN RE: NEW BUSINESS

David & Dawn Best (#535-1018)  
Special Exception

Mr. & Mrs. Best (#535-1018) are requesting a Special Exception for detached additional living space, on property located at 840 S 500 E, Rochester, within the Agricultural (AG) District.

Mr. & Mrs. Best would like to place a small site built home or a mobile home on their property, for David's mother. The proposed home would meet all required setbacks. They are currently working with the Fulton County Health Department for septic approval.

She then stated usually when someone wants to build a site built home, they would be required to split off land.

Casi also stated they had received a letter with concerns from a neighbor.

Dan Walsh asked Mr. & Mrs. Best if she had anything further to add.



## FULTON COUNTY BOARD OF ZONING APPEALS

December 12, 2018

They did not at this time.

Dan Walsh asked for any Board comments.

Debbie Barts stated she does not want to allow a site built home, if they want a site built she feels they need to split the land off.

The Board agreed.

Mrs. Best stated they would prefer a mobile home, she wasn't sure if the Board would prefer a site built or mobile.

Being no further Board questions, he then entertained a motion to open the public hearing. Debbie Barts moved to open public hearing. Eric Straeter seconded the motion. Motion carried as follows: Debbie Barts, Don Lacluyse, Eric Straeter, and Dan Walsh being in favor and no one opposing.

Dan Walsh asked if anyone would like to speak in favor or oppose the petition.

Ryan Fawley, neighbor to the north, stated his only concern is the new home would be in his line of sight. Being no one else to speak in favor or opposed the petition he entertained a motion to close public hearing. Debbie Barts moved to close the public hearing. Eric Straeter seconded the motion. Motion carried as follows: Debbie Barts, Don Lacluyse, Eric Straeter, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for any Board comments.

Eric Straeter stated he felt the same conditions need to be put on the petition, as previous temporary dwellings.

The Board discussed and agreed upon those conditions.

Being no further comments he then entertained a motion. Eric Straeter moved to approve Mr. & Mrs. Best (#535-1018) are requesting a Special Exception for detached additional living space, on property located at 840 S 500 E, Rochester, within the Agricultural (AG) District, with the following conditions:

- 1.) Mr. & Mrs. Best are required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department prior to the occupancy of the temporary home;
- 2.) the temporary home must never be used as a rental unit;
- 3.) the temporary home must be utilized as a dwelling for no one except Gloria Lemke and her immediate family;

# FULTON COUNTY BOARD OF ZONING APPEALS

December 12, 2018

- 4.) the temporary home must be removed or a renewal requested, no later than two years from the date of public hearing, and
- 5.) Home must be mobile/modular, not a site built.

Debbie Barts seconded the motion.

Administrative Secretary, Heather Redinger conducted roll call vote.

Eric Straeter	Yea
Debbie Barts	Yea
Don Lacluyse	Yea
Dan Walsh	Yea

Motion to approve, Mr. & Mrs. Best (#535-1018) are requesting a Special Exception for detached additional living space, on property located at 840 S 500 E, Rochester, within the Agricultural (AG) District, with the following conditions:

- 1.) Mr. & Mrs. Best are required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department prior to the occupancy of the temporary home;
- 2.) the temporary home must never be used as a rental unit;
- 3.) the temporary home must be utilized as a dwelling for no one except Gloria Lemke and her immediate family;
- 4.) the temporary home must be removed or a renewal requested, no later than two years from the date of public hearing, and
- 5.) Home must be mobile/modular, not a site built.

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

IN RE: PLAN DIRECTOR REPORT

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the December 12, 2018 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the December 12, 2018 Fulton County Board of Zoning Appeals meeting at 7:55 P.M. Eric Straeter seconded the motion. Motion carried as follows: Debbie Barts, Don Lacluyse, Eric Straeter, and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEAL

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

**Docket #537-1218**  
**Nevin Ramer**  
**Special Exception**  
**1 Action**

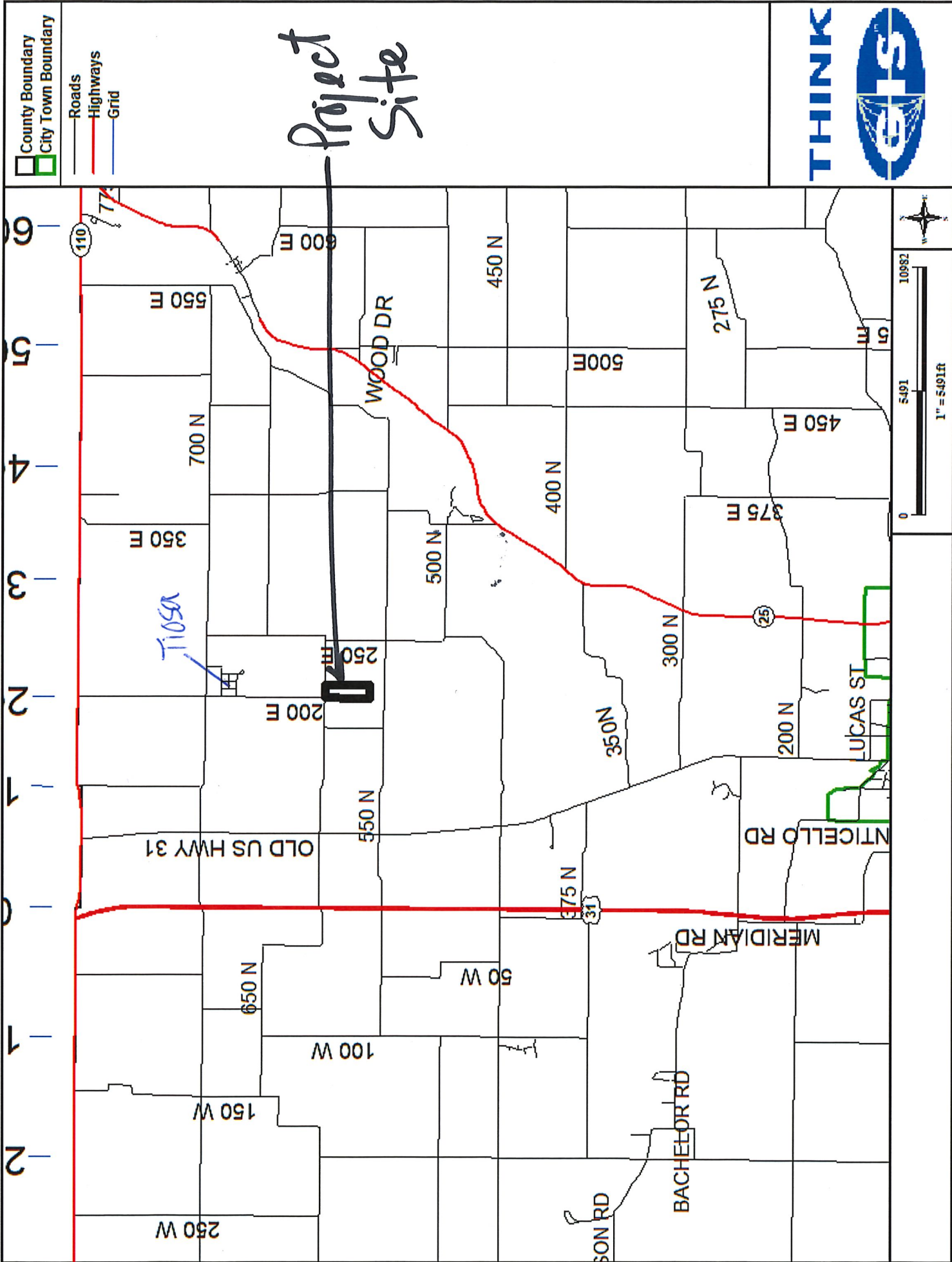
Nevin Ramer (#537-1218) is requesting a Special Exception to operate a tractor repair shop, on property located at 2027 E 600 N Rochester, within the Agricultural (AG) District, 27 acres.

Mr. Ramer would like to construct a new 30' x 60' pole building for the business. The hours would be 6:30 am- 5pm Monday through Friday. There will be no additional employees beyond Mr. Ramer and his family at this time. He may hire employees at a later date. There will be no bathrooms or office in the building, aside from a desk to complete paperwork.

Mr. Ramer stated he would like to put up signage on the property and off premise. He should be able to construct adequate signage with the current code.

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The request is for a Special Exception to operate a tractor repair shop, on property located at 2027 E 600 N Rochester, within the Agricultural (AG) District, 27 acres.





- Parcels
- County Boundary
- City Town Boundary

- Addresses
- Permits - Accessory

- Parcels
- Roads
- Highways

THINK





## SPECIAL EXCEPTION QUESTIONNAIRE FOR BUSINESSES

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

tractor and equipment repair shop  
address 2027 E 600N Rochester

What are the proposed hours of operation?

6:30 AM - 5:00 PM Mon - Fri will vary

How many employees?

none at the present maybe a few later  
unknown

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

No restrooms will be in the building

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

The parking and driveway will be north of  
the building

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

Possibly up to half a dozen UPS or Fedex  
deliveries per week will vary

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

A new 30' x 60' building will be built

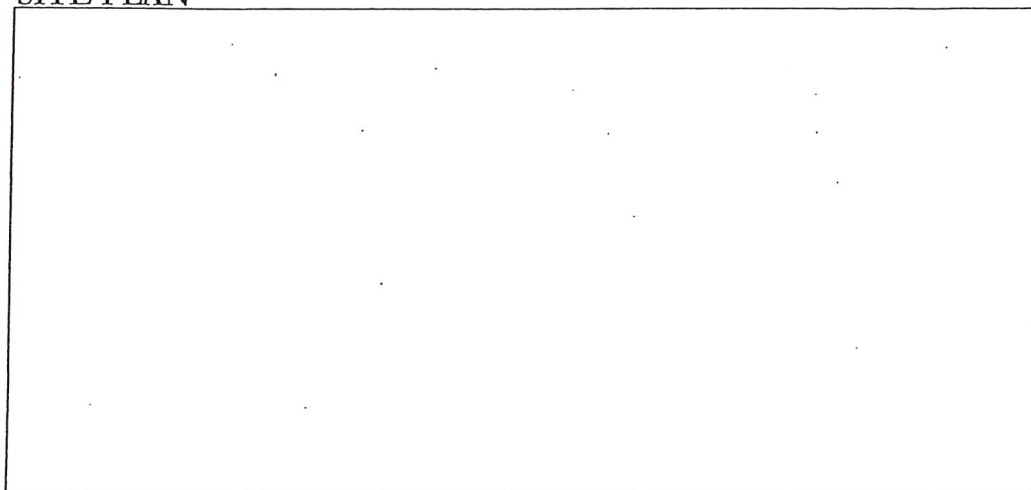
Will there be an office located in the structure for the project/business?

Yes, just a office dedicated corner

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

Yes, possibly some approximately 3' square signs  
one at the location, maybe one or two at local highways

## SITE PLAN



- SPECIAL EXCEPTION -

Applicant: Nevin Ramer

Project: tractors repair shop

Fulton County Zoning Ordinance: AG

Requesting: Special exception

1. The proposed use will not be injurious to the public health, safety, morals, and general welfare of the community.

yes

2. The proposed use will meet the requirements and development standards prescribed by the Fulton County Zoning Ordinance.

yes

3. The proposed use will not corrupt the general purposes served by the Fulton County Zoning Ordinance and will not permanently injure other property or uses in the same district and vicinity.

yes



Findings of Fact by the Fulton County Board of Zoning Appeals

4. The proposed use will be consistent with the character of the zone district therein and the Fulton County Comprehensive Plan.

*lye*

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## Interested Party Legal Notification

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

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

Nevin Ramer

#BZA 537-1218

Located at: 2027 E 600 N, Rochester, IN

#### ***Legal Notification Requires:***

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

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

NAME	ADDRESS	SIGNATURE
Joseph & Melinda Quasney	228 W 128 Ave. Crown Point, IN 46307	
Margaret R Mikesell	3273 E 550 N Rochester, IN 46975	Margaret Mikesell
Fred A Oden	6762 N 200 E Rochester, IN 46975	Fred A. Oden
Matthew W & Julia K Sutton	5729 N 175 E Rochester, IN 46975	Julia Sutton
Kenneth E Hoff	1021 E Olson Road Rochester, IN 46975	Ken Hoff
Nelson & Miriam Shirk Etux	1387 E 600 N Rochester, IN 46975	Nelson Shirk
Roger A Rose	1093 E 600 N Rochester, IN 46975	Roger Rose
Elvin Z & Dorcas R Imhoff	6234 N 200 E Rochester, IN 46975	Elvin Z Imhoff
Brian & Shawn L Fultz	6229 N 200 E Rochester, IN 46975	B Fultz
Barry Rose	2144 E 600 N Rochester, IN 46975	
Garro Realty Inc	2901 Miller Drive Plymouth, IN 46563	
Jeffrey M & Jacki L Johnson	2155 E 600 N Rochester, IN 46975	W Johnson
Troy A & Susan R Eikenberry	2191 E 600 N Rochester, IN 46975	Troy Eikenberry
John M & Prudence A Hott	5851 N 250 E Rochester, IN 46975	John Hott

Lynn & Roberta Rodes	5962 North Old US 31 Rochester, IN 46975	Lynn's Roberta Rodes
Jared P Lynch	2387 E 550 N Rochester, IN 46975	Jared Lynch



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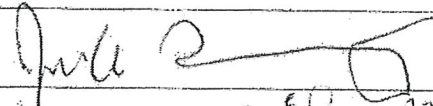
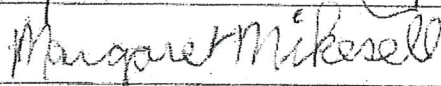
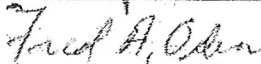


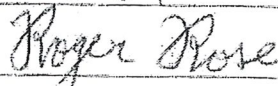

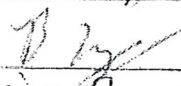


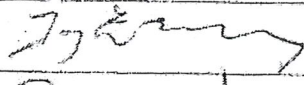
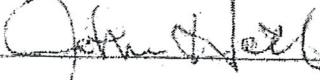
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Barry Rose	2144 E 600 N Rochester, IN 46975	
Garro Realty Inc	2901 Miller Drive Plymouth, IN 46563	<i>Property Manager (Assistant) Garro Realty Inc</i>
Jeffrey M & Jacki L Johnson	2155 E 600 N Rochester, IN 46975	<i>Jeffrey Johnson</i>
Troy A & Susan R Eikenberry	2191 E 600 N Rochester, IN 46975	<i>Troy Eikenberry</i>
John M & Prudence A Hott	5851 N 250 E Rochester, IN 46975	<i>John Hott</i>

State of Indiana )

\_\_\_\_\_ ) ss:  
\_Fulton\_ County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Sarah O. Wilson who, being duly sworn, says that she is Publisher of THE ROCHESTER SENTINEL

newspaper of general circulation printed and published in the English language in the (city) (town) of Rochester in state and county afore-said, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time(s), the date(s) of publication being as follows:

December 13, 2018

Sarah O. Wilson Publisher

*Sarah O. Wilson*

Subscribed and sworn to before me the

On this 13th day of December 2018

*Karen V. Gask*

Notary Public

A resident of Fulton Co.

My commission expires: 02/11/2023

Printer's Fee: \$60.00

**NOTICE OF PUBLIC HEARING  
SPECIAL EXCEPTION  
BEFORE THE FULTON COUNTY  
BOARD OF ZONING APPEALS**

Notice is hereby given that the Fulton County Board of Zoning Appeals of the Fulton County, Indiana will hold a public hearing at the Fulton County Office Building in the Commissioners/Council Room, 125 East 9th Street, Rochester, Indiana on January 9, 2019 at 7:00 p.m. on the petition of **NEVIN RAMER**, Docket #BZA 537-1218, requesting a Special Exception to operate a tractor repair shop on property located at 2027 E. 600 N., Rochester, IN, within the Agricultural (AG) District.

**Legal Description:**

N Pt W Div Nw 16-31-3. 27 A.

A copy of this petition, and all pertaining thereto are on file and available for examination prior to the public hearing at the Fulton County Plan Commission Office at 125 East 9th Street, Rochester, Indiana by appointment only by calling 574-223-7667. No appointments on holidays. Written comments in support of or in opposition of the petition may be filed with or mailed to the Fulton County Plan Commission Office (125 East 9th Street, Rochester, Indiana 46975) prior to the public hearing, or filed with the Planning Commission Secretary at the public hearing.

Said public hearing will be open to the public and any comments for or against the petition will be heard at this meeting.

For special accommodations needed for disabled individuals planning to attend, phone (574) 223-7667 at least forty-eight (48) hours prior to the meeting.

Casi Cowles  
Fulton County Plan Director  
Dec. 13

hspaxlp