

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

CITY HALL
COUNCIL CHAMBERS
WEDNESDAY, MAY 22, 2019
6:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:
April 24, 2019

OLD BUSINESS:

NEW BUSINESS:

Rochester Metal Products - (#552-0419)
Lisa Reffett (#556-0419)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
April 24, 2019

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WEDNESDAY, APRIL 24, 2019

6:00 P.M.
COUNCIL CHAMBERS
CITY HALL

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:
January 23, 2019

OLD BUSINESS:
Sallie's by the Shore (#551-0319)

NEW BUSINESS:

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
April 24, 2019

The Rochester City Board of Zoning Appeals met on Wednesday the 24th day of April, 2019, at 6:00 P.M. in the Council Chambers located in the City Hall. Chairperson, Duane Border called the meeting to order at 6:00 P.M. The following members were present: Teresa Houser, Trent Powell, Rick O'Neill, David Roe and Duane Border. Also in attendance were: Executive Director, Casi Cowles; Administrative Secretary, Heather Redinger and Attorney, Andy Perkins.

IN RE: MEETING MINUTES

January 23, 2019

Duane Border asked the Board for any deletions, or corrections to be made to the January 23, 2019 minutes. Rick O'Neill moved to approve the January 23, 2019 Rochester City Board of Zoning Appeals minutes as written. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, Trent Powell, Rick O'Neill, David Roe and Duane Border being in favor and no one opposing.

IN RE: OLD BUSINESS

Sallie's by the Shore (#551-0319)

Sallie's by the Shore (#551-0319) is development standard variances off of the parking lot standards and Rochester City sidewalk codes, within general commercial (GC) district located at 1773 E SR 14, Rochester, IN.

Parking lot standards require all commercial parking lots be paved or asphalted within the Rochester City limits. The City of Rochester also requires any new building is required to have adequate sidewalk or construction of a new one. Sallie's by the Shore is requesting to continue operating the business, without paving the parking lot or installing a sidewalk, until 2021. At that time they will have the projects completed prior to opening in 2021. Therefore, variances off of the parking lot standards and Rochester City sidewalk codes are being requested.

Duane asked for any Board questions.

Casi Cowles stated Gary Clevenger, Rochester City Councilman was unable to make it to the meeting, however he asked Casi to relay his comments to the Board. "Mrs. Cowles, I am unable to attend tonight's meeting and would request that you share my thoughts with the BZA. A local couple just purchased the flagpole. They will be faced with property taxes for the building they plan to serve ice cream out of. Additionally, the paving is assessed and tax burden increased. From day one they are making a real investment in their community. If Sallie's wish is to get a variance and take a more financially safe move, that's up to the BZA. However, if that time has ended and chance has been taken - it is time to fulfill your obligation and make the investment required to operate your business. We are all for small town growth, but too much variance can be looked poorly upon by other business owners who chose to comply with regulations."

Terry Lee was present as a representative for Sallie's. Mr. Lee stated due to the seasonal nature of the business they are requesting a variance. He then stated it's not comparable to the Flagpole, due to the fact, the parking lot is already there. They would like to have a permanent variance to not have to pave the parking lot. They would like to have two more years to see if the business is profitable enough to budget in the expense of paving. They have gotten quotes for drainage, parking lot and sidewalks. They are appreciative of the permanent variance to not have to construct a building, their store front is unique, marketable, and a destination. He doesn't think it will affect the Flagpole or Dairy Queen.

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Rick O'Neill stated the Flagpole is a real investment, they paid more for lot, due to the paved lot and pay taxes on it.

Jennifer Knebel stated they have an investment as well. They pay around \$600 a year in taxes.

Casi stated the lots have received a deduction on taxes, by request.

Jennifer Knebel stated they did not request a deduction.

Duane Border asked Terry Lee how do we defend our decisions to the other business owners.

Terry Lee stated it's a seasonal operation, less than 7 months out of the year. He doesn't think there's anything else like that. That's their uniqueness.

Duane Border stated as far as seasonal businesses, there's Dick's Drive-in. B&K, and the Flagpole.

Rick O'Neill stated they have made non-profit churches pave their lots.

Jennifer Knebel, we are a unique business, and when you look at the challenges of small businesses today, They have to think outside the box to be profitable. What changes could the council, zoning or the city make to help these small businesses? The small businesses shouldn't be punished.

Rick O'Neill stated he gets asked questions why they don't have a paved parking lot and allowed to have a trailer. Some look at it as you have no investment in the community.

Jennifer Knebel stated they do have a huge investment in the community. They purchased the lots, cleaned them up to make a beautiful area. She then stated they purchased a trailer, which was a huge investment.

Rick O'Neill stated they could also move the trailer wherever they wanted, so it's not really an investment to our community.

Teresa asked if she heard they received a permanent variance to not have to construct a building.

Jennifer Knebel stated that's what they were told at the last meeting.

Casi stated in March of 2018, they asked the Board if they could just remove the trailer every year after the season. The Board agreed to that, however they still need to pave the parking lot and install sidewalks. She then told them they could talk to the City Council about the amending the parking lot requirements, since it is a City code.

Duane Border asked if they talked to the City Council.

Katherine Evens stated they misunderstood that they had to pave the lot. When she suggested they talk to the City Council, they didn't understand they had to ask to have the code changed, they thought they would make the decision of whether or not they had to pave the lot. They did speak with the Council, but they did not agree to change to code.

Casi stated the question for the Board tonight is whether or not to approve the variance for the parking lot and sidewalk.

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David Roe asked if they need to talk to INDOT.

Jennifer Knebel stated she has already filed with INDOT and received her permit and performance bond.

David Roe stated he feels it needs to be paved.

Katherine Evans stated they need a timeline, they are asking for a variance until 2021.

Casi stated the Board needs to open up for public hearing.

Duane entertained a motion to open the public hearing. Rick O'Neill moved to open the public hearing. David Roe seconded the motion. Motion carried as follows: Teresa Houser, Trent Powell, Rick O'Neill, David Roe and Duane Border being in favor and no one opposing.

Duane asked if anyone would like to speak in favor or opposed the petition. Being none, he then entertained a motion to close the public hearing. Trent Powell moved to close the public hearing. Rick O'Neill seconded the motion. Motion carried as follows: Teresa Houser, Trent Powell, Rick O'Neill, David Roe and Duane Border being in favor and no one opposing.

Duane Border asked for Board discussion.

Duane Border stated they are no connecting sidewalks, he doesn't feel a sidewalk is needed at this time.

Rick O'Neill agreed with the sidewalks, unless a neighboring sidewalk is installed. He does feel the parking lot needs to be paved.

David Roe agreed.

After Board discussion, they agreed to add the following conditions to the motion; at the time an adjacent lot installs a sidewalk, a sidewalk must be installed within one (1) year, and the parking lot must be paved by opening day of 2021.

Being no further questions or comments, Duane Border, entertained a motion regarding the petition. Rick O'Neill moved to approve Sallie's by the Shore (#551-0319) requested development standard variances off of the parking lot standards and Rochester City sidewalk codes, within general commercial (GC) district located at 1773 E SR 14, Rochester, IN, with the following conditions: at the time an adjacent lot installs a sidewalk, a sidewalk must be installed within one (1) year, and the parking lot must be paved by opening day of 2021.

Teresa Houser seconded the motion.

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

Rick O'Neill	Nay
Trent Powell	Yea
Teresa Houser	Yea
David Roe	Yea
Duane Border	Nay

Motion to approve, Sallie's by the Shore (#551-0319) requested development standard variances off of the parking lot standards and Rochester City sidewalk codes, within general commercial (GC) district located at

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1773 E SR 14, Rochester, IN, with the following conditions: at the time an adjacent lot installs a sidewalk, a sidewalk must be installed within one (1) year, and the parking lot must be paved by opening day of 2021. Passed with three votes being in favor and two opposing.

IN RE: PLAN DIRECTOR'S REPORT

Being no further business to come in front of the Board of Zoning Appeals, Duane Border, entertained a motion to adjourn the April 24, 2019 Rochester City Board of Zoning Appeals meeting. Rick O'Neill moved to adjourn the April 24, 2019 Rochester City Board of Zoning Appeals meeting at 6:45 P.M. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, Trent Powell, Rick O'Neill, David Roe and Duane Border being in favor and no one opposed being in favor and no one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS

ATTEST: _____
Heather Redinger, Administrative Secretary

Docket #552-0419
Rochester Metal Products
Development Standard Variance

Rochester Metal Products (#552-0419) is requesting development standard variances, of 20' off of the rear yard and 25' off of the side yard setbacks, within Industrial (IN) district located at 616 Indiana Ave, Rochester, IN.

In the IN district the setback for the side and rear yard is 25'. Rochester Metal Products would like to construct a 40' x 44' building on the property for a truck shop. The proposed building would sit approximately 5' off of the rear yard and less than 1' off of the side yard. Therefore variances of 20' off of the rear yard and 25' off of the side yard setbacks are being requested.

The request is for development standard variances, of 20' off of the rear yard and 25' off of the side yard setbacks, within Industrial (IN) district located at 616 Indiana Ave, Rochester, IN.

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DEVELOPMENT STANDARD VARIANCE QUESTIONNAIRE

- What district is the project taking place within and what are the required development standards required for that district that are applicable to this petition request?

IN - 35 FS, 25 SS, 25 RRS

- How much of a variance is needed (footage)?

RS - 5' away - 20' variance
25' variance on SS

- What is the project needing a variance (bedroom, bathroom, etc.)?

40' x 44' ~~cond str~~ truck shop

- What are the exact dimensions of the project (12' x 12')?

40' x 44'

- What is the reason the required development standards cannot be met?

Complex is made up of multiple lots

- Has Health Department approval for septic & well been obtained, if applicable?

N/A

SITE PLAN



-DEVELOPMENT STANDARDS VARIANCE-

Applicant: Rochester Metal Products

Project: Truck Shop Building

Variance from the Fulton County Zoning Ordinance: _____

Requesting: _____

1. The requested developmental standards variance will not be injurious to the public health, safety, morals, and general welfare of the community.

Yes, the under truss post type building will be 44' x 40' x 16' with a concrete floor to reduce the risk of harm to the environment or public health. The building will meet all the state and local code requirements.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Yes, the proposed building will be the same distance from the railroad property as current buildings in the area.

3. The strict application of the Fulton County Zoning Ordinance would result in a practical difficulty in the use of the property.

Yes, because of the 25' offset the property would not be able to be expanded effectively.



- Parcels
- County Boundary
- City Town Boundary
- Addresses
- ▲ Permits - Primary
- ▲ Permits - Commercial
- Bldg Permits
- Parcels
- Lots
- Roads
- Highways
- Permits - Access



Docket #556-0419
Lisa Reffett
Development Standard Variance

Lisa Reffett (#556-0419) is requesting a development standard variances off of the minimum lot width for the purpose of a split, within residential cluster (R1) district located at 809 E 12th Street, Rochester, IN.

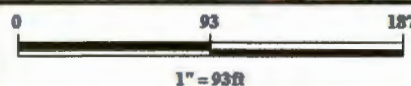
In the R1 district the minimum lot width for a newly created lot is 80'. Mrs. Reffett would like to split her property. The existing lot width is 130', the proposed lots would be approximately 53' wide on the west side and approximately 77' wide on the east side. Therefore variances of 22' off of the minimum lot width for the west lot and 3' off the minimum lot width for the east lot.

The request is for development standard variances off of the minimum lot width for the purpose of a split, within residential cluster (R1) district located at 809 E 12th Street, Rochester, IN.

✓

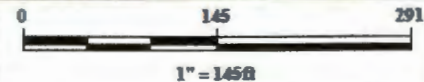


- | | |
|--|---------------------|
| | Parcels |
| | City Town Boundary |
| | New Buildings |
| | Addresses |
| | Permits - Primary |
| | Permits - Accessory |
| | Bldg Permits |
| | Parcels |
| | Parcel History |
| | Highways |
| | Roads |
| | Tippecanoe River |
| | New Buildings |
| | Bldg Permits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



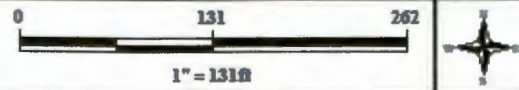


- Parcels
- City Town Boundary
- misc points
- New Buildings
- Addresses
- Permits - Primary
- Permits - Accessory
- Bldg Permits
- Parcels
- Parcel History
- Highways
- Roads
- Tippecanoe River
- misc points
- New Buildings
- Permits - Accessory
- Bldg Permits





- Parcels
- City Town Boundary
- misc points
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- ▲ Permits - Accessory
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- Highways
- Roads
- Tippecanoe River
- misc points
- New Buildings
- Permits - Access
- Bldg Permits



DEVELOPMENT STANDARD VARIANCE QUESTIONNAIRE

- What district is the project taking place within and what are the required development standards required for that district that are applicable to this petition request?

R1 - Lot width 80'

- How much of a variance is needed (footage)?

house lot 22'

barn lot 3'

- What is the project needing a variance (bedroom, bathroom, etc.)?

house lot Split

barn lot Split

- What are the exact dimensions of the project (12' x 12')?

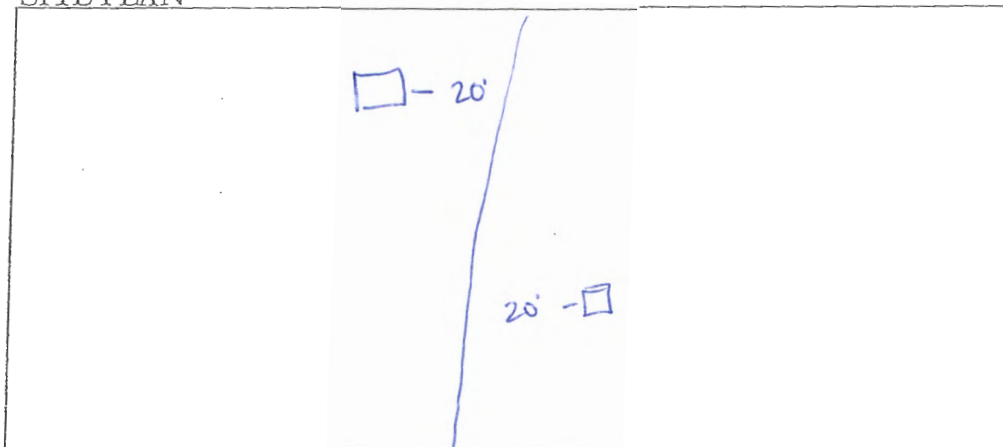
house lot 58'

Barn lot 77'

- What is the reason the required development standards cannot be met?

- Has Health Department approval for septic & well been obtained, if applicable?

SITE PLAN



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

Permits issued in April	Current	Prior	YTD
Non-Commercial	31	46	77
Commercial	3	6	9
Sign	1	1	2
Building	33	36	69
Electrical	5	12	17
Applications Submitted in April			YTD
Special Exeptions	2	7	9
Administrative Appeals	0	0	0
Development Standard Variance	5	6	11
PC- Rezone/Plats/Sub-Div	0	1	1
Fees Collected in April			YTD
Permits, Applications, Copies	\$3,457.90	\$5,171.00	\$8,628.90
Fines	\$121.00	\$210.00	\$331.00
City Building Permits/EI& PI Registrations	\$1,497.50	\$1,811.05	\$3,308.55
County Building Permits	\$600.00	\$1,150.00	\$1,750.00
TOTAL:	\$5,676.40	\$8,342.05	\$14,018.45

DATE	OWNER	ADDRESS	VIOLATION	DEADLINE	FINE(S)	NOTES
11/27/18	Sheets	202 Dunn	trash, vehicle	4/22/19		paid \$50 fine, working on
01/17/19	Karn	8839 Olson	trash vehicles	4/22/19		extension 4-22-19
01/17/19	Manns	4353 N SR 25	trash vehicles	5/15/19		paid \$50 fine working on it
01/17/19	Resident	4351 N SR 25	trash	5/15/19		paid \$50 fine working on it
01/17/19	Davis	411 E phillips	trash	4/20/19	\$350	
02/13/19	Yeazel	6742 N SR 25	trash	4/20/19	\$350	
02/13/19	Kewanna Park	418 Troutman	burnt mobile	5/15/19		
03/18/19	Burkholder	700 N 400 W	fence and gate			applied for a variance
04/05/19	Heeter	5838 N 675 E	trash and debris	5/15/19		5-28-19
04/05/19	Dulin	6896 N SR 25	trash and debris	5/15/19		5-16-19
04/05/19	McGee	7364 Olson	trash and debris	4/30/19	50	waiting on insurance, hiring Jackson's to clean up \$50
04/09/19	Comian	9658 Section Drive	trash, debris	4/24/19		returned
04/09/19	GVI	9660 Section Drive	trash, debris	5/15/19	\$50	
04/30/19	Emery	2857 Sunset	trash, debris	5/15/19		
04/30/19	Miller	998 Main St	trash debris	5/15/19		
04/30/19	Mink	990 N Main	trash, debris	5/15/19		
04/30/19	Benninghoff	11702 Railroad	trash, debris	5/15/19		extension 5-20-19
04/30/19	Ogle	430 E 18th	trash, tires, debris	5/15/19		
04/30/19	Zeiters	6192 Cedar Lane	trash	5/15/19		
04/30/19	Riffey	5399 Wabash	trash	5/15/19		
04/30/19	Straeter	748 Monitcello	farm animals	5/15/19		
04/30/19	Jurado	4924 S 150 S	rebuilding/remodel	5/15/19		
04/30/19	Vaughn	545 Brentwood	trash, debris	5/15/19		
04/30/19	Barnes	2244 E Sycamore	scrap trash	5/15/19		
04/30/19	Pan	2861 Sunset	demo debris	5/15/19		May 31, 2019
04/30/19	Hayes	711 E 12th	scrap, trash	5/15/19		
04/30/19	Brown	202 W Dunn	trash, fence falling in	5/15/19		
	Risner	4485 Wolsen	trash-debris	5-16-19		
			BUILDING LETTERS			
	Thompson	4403 N SR 25	needs removed			
01/17/19	Kaiser	4389 N SR 25	needs removed			
01/17/19	First Financial Bank	729 Main Street	pillars needs repaired			
10/08/18	Strawberry Lane Trust	3534 Strawberry Lane	needs repaired or removed			
08/09/18	Lafree	6007 N Lakeshore	needs repaired			Commissioners gave an extension
	Baker	3996 S Old US 31	needs removed or repaired			
	Livingston	3953 S Old US 31	needs removed or repaired			
	Blacketor	909 Park St				
	LAST UPDATED		Councils/Commissioners	4/30/2019		