

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

WEDNESDAY, APRIL 22, 2020
6:00 P.M.

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
February 26, 2020**

OLD BUSINESS:

NEW BUSINESS:
KH Property (#200043)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS
February 26, 2020

**ROCHESTER CITY
BOARD OF ZONING APPEALS**

WEDNESDAY, FEBRUARY 26, 2020

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

CALL TO ORDER

ELECTION OF OFFICERS

ADOPTION OF MEETING RESOLUTION

**BOARD OF ZONING APPEALS MINUTES FOR:
September 25, 2019**

**OLD BUSINESS:
Park Avenue, Inc, (#200020)**

NEW BUSINESS:

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

ROCHESTER CITY BOARD OF ZONING APPEALS

February 26, 2020

The Rochester City Board of Zoning Appeals met on Wednesday the 26th day of February 2020, at 6:00 P.M. in the Council Chambers located in the City Hall. Executive Director, Casi Cowles, called the meeting to order at 6:00 P.M. The following members were present: Teresa Houser, David Roe, Rick O'Neill, Pam Fish and Duane Border. Also in attendance were: Executive Director, Casi Cowles; Attorney, Andy Perkins, and Administrative Secretary, Heather Redinger.

IN RE: ELECTION OF OFFICERS

Executive Director, Casi Cowles, opened the floor to nominations for Chairperson. Rick O'Neill nominated Duane Border as Chairperson. David Roe seconded the nomination. Being no further nominations, Motion carried as follows: Teresa Houser, David Roe, Pam Fish, Rick O'Neill and Duane Border being in favor and no one opposing. Duane Border was elected as Chairperson for the Rochester City Board of Zoning Appeals.

Chairperson, Duane Border, asked for nominations for Vice-Chairperson. Teresa Houser nominated Rick O'Neill as Vice-Chairperson. David Roe seconded the nomination. Being no further nominations. Motion carried as follows: Teresa Houser, David Row, Pam Fish, Rick O'Neill and Duane Border being in favor and no one opposing. Rick O'Neill was elected as Vice-Chairperson for the Rochester City Board of Zoning Appeals.

Duane Border asked for nominations for Executive Secretary. Rick O'Neill nominated Teresa Houser as Executive Secretary. Pam Fish seconded the nomination. Being no further nominations, Motion carried as follows: Teresa Houser, David Row, Pam Fish, Rick O'Neill and Duane Border being in favor and no one opposing. Teresa Houser was elected as Executive Secretary for the Rochester City Board of Zoning Appeals.

Duane Border, asked for nominations for Administrative Secretary. Rick O'Neill nominated Heather Redinger as Administrative Secretary. David Roe seconded the nomination. Motion carried as follows: Teresa Houser, David Roe, Pam Fish, Rick O'Neill and Duane Border being in favor and no one opposing. Heather Redinger was appointed as the Rochester City Board of Zoning Appeals Administrative Secretary.

Duane Border stated the Board needed to appoint an Attorney to represent them. Rick O'Neill moved to appoint Andy Perkins of, Peterson, Waggoner and Perkins, Rochester, IN. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, David Roe, Pam Fish, Rick O'Neill and Duane Border being in favor and no one opposing. Andy Perkins was appointed as the Rochester City Board of Zoning Appeals Attorney.

IN RE: ADOPTION OF MEETING RESOLUTION

Duane Border, read Resolution 02262020 regarding the meeting dates and times for the Rochester City Board of Zoning Appeals in 2020. Duane Border entertained a motion to adopt Resolution 02262020. Rick O'Neill moved to adopt Resolution 02262020 for the Rochester City Board of Zoning Appeals meeting dates and times in 2020. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, David Roe, Pam Fish, Rick O'Neill and Duane Border being in favor and no one opposing. Resolution 02262020 reads as follows:

ROCHESTER CITY BOARD OF ZONING APPEALS

February 26, 2020

RESOLUTION 02262020

A RESOLUTION OF THE ROCHESTER CITY BOARD OF ZONING APPEALS, OF THE COUNTY OF FULTON, INDIANA, ESTABLISHING MEETING TIMES FOR 2020

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 26th February 2020

ROCHESTER CITY BOARD OF ZONING APPEALS

Chairperson

Vice Chairperson

Executive Secretary

ATTEST: _____
Heather Redinger, Administrative Secretary

ROCHESTER CITY BOARD OF ZONING APPEALS

February 26, 2020

IN RE: MEETING MINUTES

September 25, 2019

Duane Border asked the Board for any deletions, or corrections to be made to the September 25, 2019 minutes. Rick O'Neill moved to approve the September 25, 2019 Rochester City Board of Zoning Appeals minutes as written. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, David Roe, Pam Fish, Rick O'Neill and Duane Border being in favor and no one opposing.

IN RE: NEW BUSINESS

Park Avenue, Inc. (#200020)

Park Avenue, Inc. (#200020) is requesting a development standard variance of 480 sf off of the minimum square footage of a dwelling, for the purpose of placing homes smaller than 980 sf on the existing empty lots in the Rochester Mobile Park, within mobile home park (MP) district located at 1100 S Park Road, Rochester, IN.

Park Avenue, Inc, is requesting the development standard variance to have the ability to set mobile homes being displaced from the Lakeside Mobile Home Park, within the Rochester Mobile Home Park. The owner is asking to be allowed to accept homes 500 sf or larger and place them on the existing empty 18 lots of Rochester Mobile Home Park. Therefore, a variance of 480 sf off of the minimum square footage of dwelling is being requested.

Mr. Wisely is present for the Rochester Mobile Park.

Duane asked Mr. Wisely if he had anything further to add.

Mr. Wisely stated he is asking for this variance to help the residents of Lakeside Mobile Home Park have a place to move their homes, most of eth mobile home do not meet the current size requirements. Duane asked for any Board questions.

Pam Fish asked if the variance request is only specific for the residents Lakeside Mobile Home Park.

Mr. Wisely stated that is his request.

Being no further questions at this time, Duane entertained a motion to open the public hearing. Rick O'Neill moved to open the public hearing. Pam Fish seconded the motion. Motion carried as follows: Teresa Houser, David Roe, Pam Fish, Rick O'Neill and Duane Border being in favor and no one opposing.

Duane asked if anyone would like to speak in favor or opposed the petition.

James Jansen, Lakeside resident, stated he was in favor of the request.

The following spoke with concerns to the request.

Mike & Sue Ellen Denney, 995 W 9th Street, concerns of trespassing and they have had a past problem with trash.

Barry Hazel, 715 W 9th Street, stated he has also had a problem with trash and mobile home encroaching onto his property.

ROCHESTER CITY BOARD OF ZONING APPEALS

February 26, 2020

Mark Wisely stated since he has purchased the park he has been working diligently to clean the park up. He then stated he would not be encroaching onto anyone's property. He stated he has combined some of the lots, and most of the Lakeside homes are smaller and will fit nicely on the lots.

Sue Ellen Denney stated the park has been upkept and looking nice, she would like it to continue.

Being no further public questions or comments, Duane entertained a motion to close the public hearing. Rick O'Neill moved to close the public hearing. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, David Roe, Pam Fish, Rick O'Neill and Duane Border being in favor and no one opposing.

Duane asked for Board discussion.

The Board discussed the concerns with the electrical in the pre-hud homes and adding a condition to ensure the variance is only for the residents being displaced from the Lakeside Mobile Home Park.

After much discussion, the Board agreed to the following conditions; The variance only applies to owner occupied homes being displaced from the Lakeshore Mobile Home Court; All non-hud homes electrical must be inspected by a licensed electrician, after the move, to determine safety and; All non-hud homes must be removed, once the owner no longer occupies the home.

Being no further questions or comments, Duane Border, entertained a motion regarding the petition. Pam Fish moved to approve Park Avenue, Inc. (#200020) is requesting a development standard variance of 480 sf off of the minimum square footage of a dwelling, for the purpose of placing homes smaller than 980 sf on the existing empty lots in the Rochester Mobile Park, within mobile home park (MP) district located at 1100 S Park Road, Rochester, IN, with the following conditions: The variance only applies to owner occupied homes being displaced from the Lakeshore Mobile Home Court; All non-hud homes electrical must be inspected by a licensed electrician, after the move, to determine safety and; All non-hud homes must be removed, once the owner no longer occupies the home. Teresa Houser seconded the motion.

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

Rick O'Neill	Nay
Pam Fish	Yea
David Roe	Yea
Teresa Houser	Yea
Duane Border	Yea

Motion to approve, Park Avenue, Inc. (#200020) is requesting a development standard variance of 480 sf off of the minimum square footage of a dwelling, for the purpose of placing homes smaller than 980 sf on the existing empty lots in the Rochester Mobile Park, within mobile home park (MP) district located at 1100 S Park Road, Rochester, IN, with the following conditions: The variance only applies to owner occupied homes being displaced from the Lakeshore Mobile Home Court; All non-hud homes electrical must be inspected by a licensed electrician, after the move, to determine safety and; All non-hud homes must be removed, once the owner no longer occupies the home. Passed with four votes being in favor and one opposing.

ROCHESTER CITY BOARD OF ZONING APPEALS
February 26, 2020

IN RE: PLAN DIRECTOR'S REPORT

Casi presented the Board with the end of the year report for 2019

Being no further business to come in front of the Board of Zoning Appeals, Duane Border, entertained a motion to adjourn the February 26, 2020 Rochester City Board of Zoning Appeals meeting. Rick O'Neill moved to adjourn the February 26, 2020 Rochester City Board of Zoning Appeals meeting at 7:30 P.M. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, Pam Fish, David Roe, Rick O'Neill 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 #200043
KH Property, LLC
Development Standard Variance

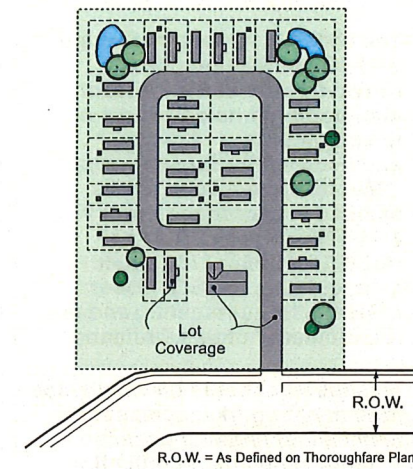
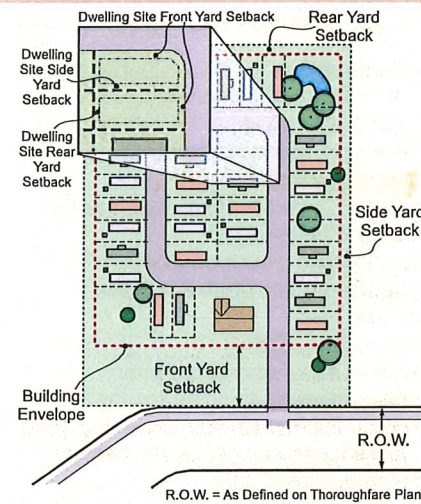
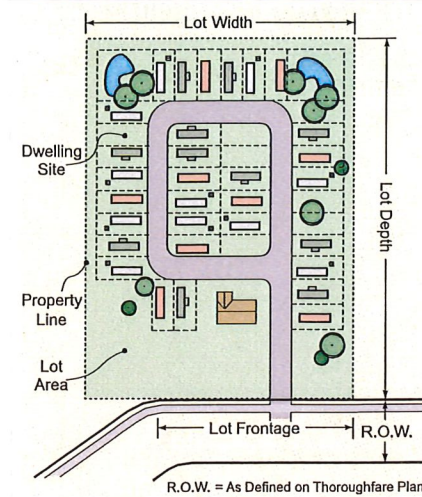
KH Property, LLC (#200043) is requesting a development standard variance of 6' off of the minimum interior lot width, for the purpose of new subdivision plat, within Manufactured Home (MP) district located at 1535 E 9th Street, Rochester, IN.

In the MP district the minimum interior lot width is 40'. KH Property, LLC is creating a new subdivision plat, with a proposed 13 lots. Lots 1-5 will have approximately 34' of width at the interior road lot line. The remaining lots will be all current requirements. Therefore, a variance of 6' off of the minimum interior lot width is being requested.

The request is for a development standard variance of 6' off of the minimum interior lot width, for the purpose of new subdivision plat, within Manufactured Home (MP) district located at 1535 E 9th Street, Rochester, IN.

MP District

4-1.18 "MP" District Standards



Manufactured Home Park (Lot) Standards:

Minimum Park (Lot) Size:

- 10 acres

Maximum Park (Lot) Size:

- 40 acres

Minimum Park (Lot) Width:

- 300 ft.

Maximum Park (Lot) Width:

- 500 ft.

Minimum Park (Lot) Frontage:

- 165 ft.

Minimum Park (Lot) Front Yard Setback:

- 60 feet

Minimum Park (Lot) Side Yard Setback:

- 30 feet

Minimum Park (Lot) Rear Yard Setback:

- 30 feet

Manufactured Home Park Interior Lot (Dwelling Site) Standards:

Minimum Interior Lot (Dwelling Site) Size:

- 4,000 square feet

Minimum Interior Lot (Dwelling Site) Width:

- 40 feet

Maximum Interior Lot (Dwelling Site) Depth:

- 3.5 times the Lot Width

Sewer and Water:

- Requires municipal water and sewer hookup or a community well and a private community sewerage system

Maximum Park (Lot) Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 65% of the Lot Area.

Minimum Main Floor Area per Dwelling Unit:

- 980 square feet per Primary Structure

Maximum Structure Height:

- 20 feet for the Primary Structure
- 15 feet for Accessory Structures

Site Plan Requirements

- The Fulton County Technical Review Committee shall review the site plan for all newly created Manufactured Home Parks or Expansions of an existing Manufactured Home Park prior to the commencement of any site development/construction

Interior Lot Setbacks

Minimum Interior Lot (Dwelling Site) Front Yard Setback:

- 10 feet for Primary and Accessory Structures from edge of pavement of interior roads

- Open carports (unenclosed) may set within the 10' front setback.

Minimum Interior Lot (Dwelling Site) Side Yard Setback:

- 10 feet for Primary Structures or set with a minimum distance between primary units of 20'

- Accessory Structures may set 10' into the side yard adjacent to the main entry or to the side lot line opposite the main entry.

Minimum Interior Lot (Dwelling Site) Rear Yard Setback:

- 10 feet for the Primary

- 3 feet for the Accessory

- * A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

- **Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

- *** A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



MP District

4-1.17 "MP" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "MP" (Manufactured Home Park) District is intended to provide a land use district for manufactured homes parks in the community as attractive and decent affordable housing . Manufactured Home Parks shall be in accordance with IC 16-11-27-1 et. seq., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health Requirements, and the requirements of this Ordinance.</p> <p>This district should be within close proximity to parks, open space, services and retail if possible. Avoid locating near conflicting land uses and non-family oriented businesses.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to promote an average net density of 7 to 8 dwelling units per acre community-wide in the "MP" district.</p>	<p>Residential</p> <ul style="list-style-type: none"> • manufactured home park • dwelling, mobile home • dwelling, manufactured • dwelling, single-family • residential facility for developmentally disabled (small)* • residential facility for mentally ill* <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • church • community center • public park/recreation center <p>Miscellaneous</p> <ul style="list-style-type: none"> • firearm internet sales/gunsmithing (no retail showroom or firearm inventory) • home occupation #1 • micro/small solar energy system 	<p>Residential</p> <ul style="list-style-type: none"> • child care facility





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/FCAPC@co.fulton.in.us>

March 16, 2020

TO: Interested parties for KH Property, LLC (#200043)

FR: Fulton County Plan Commission Office

IN RE: March 25, 2020 Meeting

This letter is regards to the Rochester City Board of Zoning Appeals Meeting scheduled for March 25, 2020. Due to the current situation, we are rescheduling the meeting for April 22, 2020.

If you have any further questions, please fell free to call the office at (574) 223-7667.

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 A Special Exception Before the Rochester City Board of Zoning Appeals supplied to you by the applicant of said public hearing,

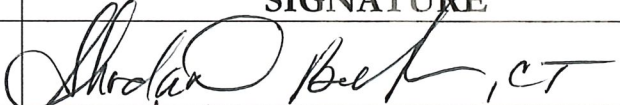

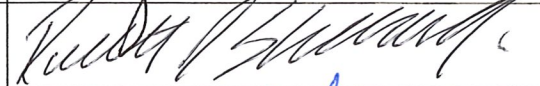
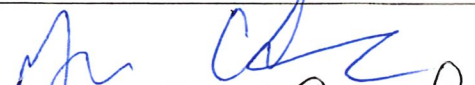


KH Property, LLC
200043

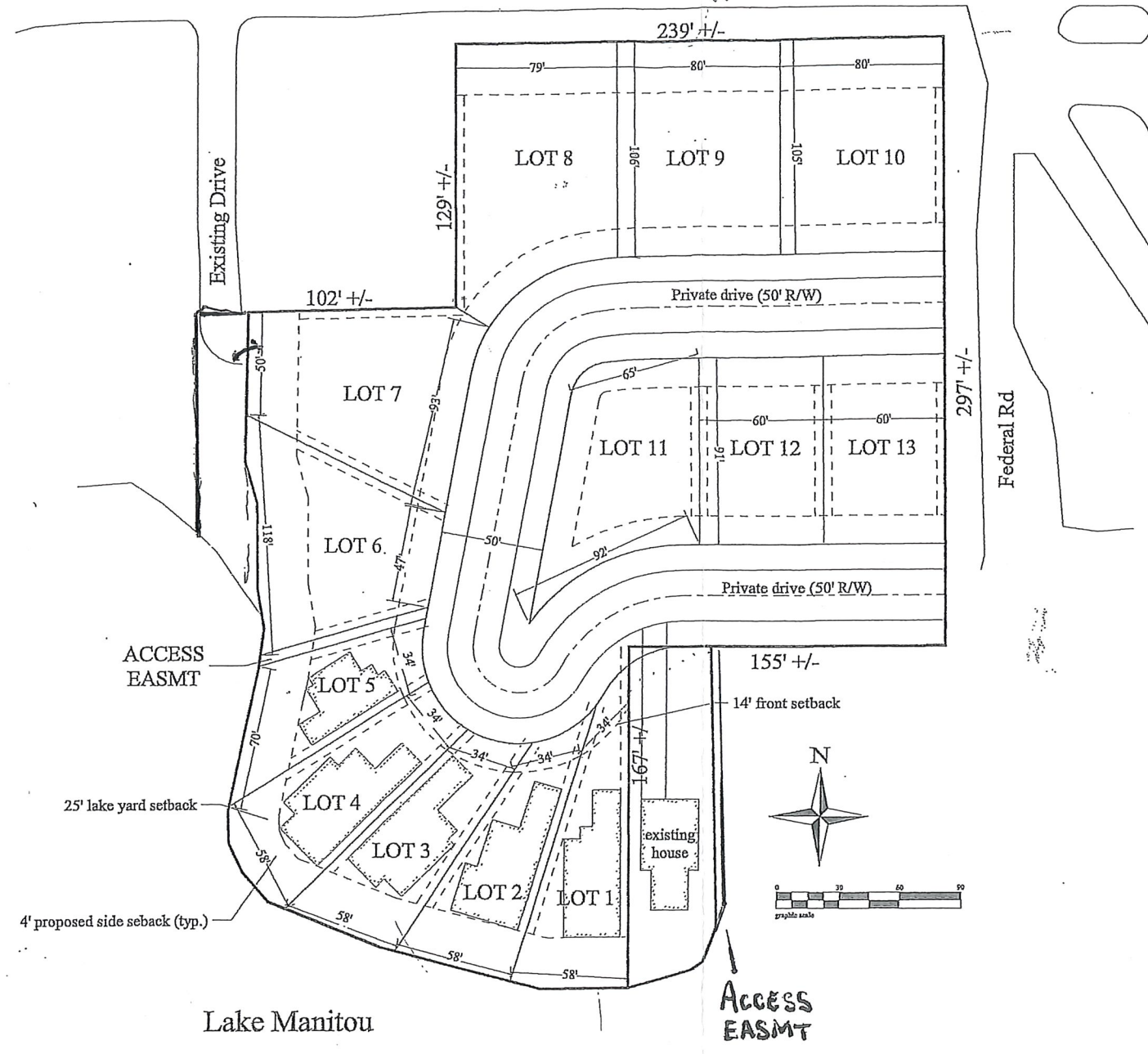
Located at: 1535 E 9th Street, and Lots4-10 Hida Park, Rochester, IN 46975

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
City Of Rochester	320 Main Street Rochester, IN 46975	
Kevin J & Abigail B Renie	2310 Wolfs Point Dr Rochester, IN 46975	
RJS Real Estate LLC	1520 E 9th St Rochester, IN 46975	
Good Oil Company Inc	1201 N US 35 Winamac, IN 46996	
Vishav Inc	7106 Grape Rd Granger, IN 46530	
Veterans Of Foreign Wars	P O Box 296 Rochester, IN 46975	



SITE PLAN
 1" = 30'-0"

K.H.



SQUARE FOOTAGE

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SITE PLAN

SP1.0

Documentation
 These architectural drawings are the property of Spalding Design Group, LLC. They are to be used only for the project and location specified. No part of these drawings may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior written permission of Spalding Design Group, LLC.

Plan For: Blueprint Construction
 Location: Rochester, IN



SPALDING DESIGN GROUP, LLC
 16150 N. STATE ST.
 MARIANNA, IN 46754

FILE	DATE
2023-02-01	1/21/2023
DRAWN BY	CHECK BY
MDP	JTS

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

Permits issued in March	Current	Prior	YTD
Non-Commercial	32	17	49
Commercial	2	9	11
Sign	1	0	1
Building	21	20	41
Electrical	5	5	10
Applications Submitted in March			YTD
Special Exeptions	0	0	0
Administrative Appeals	0	0	0
Development Standard Variance	1	4	5
PC- Rezone/Plats/Sub-Div	0	0	0
Technical Review	0	2	2
Fees Collected in March			YTD
Permits, Applications, Copies	\$1,935.00	1,525.00	3,460.00
Fines	\$750.00	1,042.00	1,792.00
City Building Permits/EI& PI Registrations	\$1,095.70	1,342.00	2,437.70
County Building Permits	\$475.00	375.00	850.00
TOTAL:	\$4,255.70	4,284.00	8,539.70