

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

CITY HALL  
COUNCIL CHAMBERS  
WEDNESDAY, FEBRUARY 26, 2020  
6:00 P.M.

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**CALL TO ORDER**

**ELECTION OF OFFICERS**

**ADOPTION OF MEETING RESOLUTION**

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

**OLD BUSINESS:**

**NEW BUSINESS:**

Park Avenue, Inc. (#200020)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**ROCHESTER CITY BOARD OF ZONING APPEALS**  
September 25, 2019

**ROCHESTER CITY  
BOARD OF ZONING APPEALS**

**WEDNESDAY SEPTEMBER 25, 2019**

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

**CALL TO ORDER**

**BOARD OF ZONING APPEALS MINUTES FOR:  
August 28, 2019**

**OLD BUSINESS:**

**NEW BUSINESS:**

Brian & Kayla Flenar (#570-0819)  
John Kiggins (#571-0819)  
Carol Garber (#574-0819)  
William Allen (#575-0819)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**September 25, 2019**

The Rochester City Board of Zoning Appeals met on Monday the 25<sup>th</sup> day of September, 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, David Roe, and Duane Border. Also in attendance were: Executive Director, Casi Cowles; Administrative Secretary, Heather Redinger and Attorney, Andy Perkins.

It is duly noted Rick O'Neill was absent.

IN RE: MEETING MINUTES

August 28, 2019

Duane Border asked the Board for any deletions, or corrections to be made to the August 28, 2019 minutes. Teresa Houser moved to approve the August 28, 2019 Rochester City Board of Zoning Appeals minutes as written. David Roe seconded the motion. Motion carried as follows: Teresa Houser, David Roe and Duane Border being in favor and no one opposing.

IN RE: NEW BUSINESS

Brian Flenar (#570-0819)

Brian Flenar (#570-0819) is requesting a development standard variance of 7' off of the side yard for the purpose of an addition, within residential cluster (R1) district located at 1219 Hill Street, Rochester, IN.

In the R1 district the side yard setback for a primary structure is 10'. Mr. Flenar will have the existing garage removed off of the home and a proposed 22' x 58' addition built. The proposed addition will sit approximately 3' off the side yard at the closest point. Therefore variances of 7' off of the side yard setback is being requested.

Duane Border asked if the petitioner had anything further to add.

He did not.

Duane Border asked for any Board questions.

Being none at this time, Duane entertained a motion to open the public hearing. Teresa Houser moved to open the public hearing. David Roe seconded the motion. Motion carried as follows: Teresa Houser, 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. Teresa Houser moved to close the public hearing. David Roe seconded the motion. Motion carried as follows: Teresa Houser, David Roe, and Duane Border being in favor and no one opposing.

Being no further questions or comments, Duane Border entertained a motion regarding the petition. David Roe moved to approve Brian Flenar (#570-0819) is requesting a development standard variance of 7' off of the side yard for the purpose of an addition, within residential cluster (R1) district located at 1219 Hill Street, Rochester, IN. Teresa Houser seconded the motion.

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

David Roe	Yea
Teresa Houser	Yea



**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**September 25, 2019**

Ms. Garber will be relocating to Florida, and would like to use her home as an Airbnb. Her daughter lives locally and she will have someone come in and clean after each guest stay. They will also help manage the home and guests. She has hired a lawn care service and has trash pickup. The home is adequate for up to 5 guests.

Ms. Garber has provided a report and photos.

\*\*\* The Zone Ordinance does not regulate rentals (monthly, weekly, weekend, etc.). It does regulate bed & breakfasts. In the R1, RR, SR, KW, HD, DC, VC districts bed & breakfasts are special exceptions. In the AG & R3 districts they are a permitted use. There are currently 6 Airbnb listings in Fulton County, all located within the AG and R3 districts. The office has not received any complaints on any of the existing Airbnb listings. Please refer to Attorney, Andy Perkins advice on the state code referencing regulations on rentals.

Casi stated Ms. Garber's daughter was present as a representative.

Duane Border asked if the petitioner had anything further to add.

Sarah Fowler stated her mother has used many of these in other states, feels it's a better use of her property than have a full time lease. She then stated her mother and family would still be able to utilize the home during the holidays and visits. There are many rules and regulations that must be followed.

Duane Border asked for any Board questions.

Being none at this time, Duane entertained a motion to open the public hearing. Teresa Houser moved to open the public hearing. David Roe seconded the motion. Motion carried as follows: Teresa Houser, David Roe, Rick and Duane Border being in favor and no one opposing.

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

Jayne Smiley, Jayme Smiley and Mark Smiley all spoke in opposition to the petition, they stated there are several small children in the area and have concerns with safety of the area and the excess traffic.

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

The Board asked about fees, person limit, and parking.

Sarah Fowler stated there is a five person limit, the fees are \$70 per night and a \$50 cleaning fee. The home has a garage and drive and there are two additional on street parking.

Being no further questions or comments, Duane Border entertained a motion regarding the petition. Teresa Houser moved to approve Carol Garber (#574-0819) is requesting a special exception to operate an Airbnb, within residential cluster (R1) district located at 1241 Lakeshore Drive, Rochester, IN. David Roe seconded the motion.

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



**ROCHESTER CITY BOARD OF ZONING APPEALS**  
**September 25, 2019**

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 September 25, 2019 Rochester City Board of Zoning Appeals meeting. David Roe moved to adjourn the September 25, 2019 Rochester City Board of Zoning Appeals meeting at 7:30P.M. Teresa Houser seconded the motion. Motion carried as follows: Teresa Houser, 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

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

**Docket #200020**  
**Park Avenue, Inc.**  
**Development Standard Variance**

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.

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The request is for 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.



## Casi Cowles

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**From:** Mark Wisely <mbwisely@yahoo.com>  
**Sent:** Tuesday, January 28, 2020 9:47 AM  
**To:** Casi Cowles  
**Subject:** Rochester MHP

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Casi-

We just send you map of the park showing occupied lots and unoccupied lots.

At this point, I would ask for the variance on all unoccupied lots due to the fact that we do not know the sizes or conditions of the possible homes looking to relocate.

It would be my intention to place the homes on lots in which it would be most pleasing to the look of the community, ie newer vinyl sided/ shingle homes to the front of the park.

Please call should you have any questions. I will be up Thursday to pickup and mail out the certified letters.

Thank you for your help

Mark B. Wisely



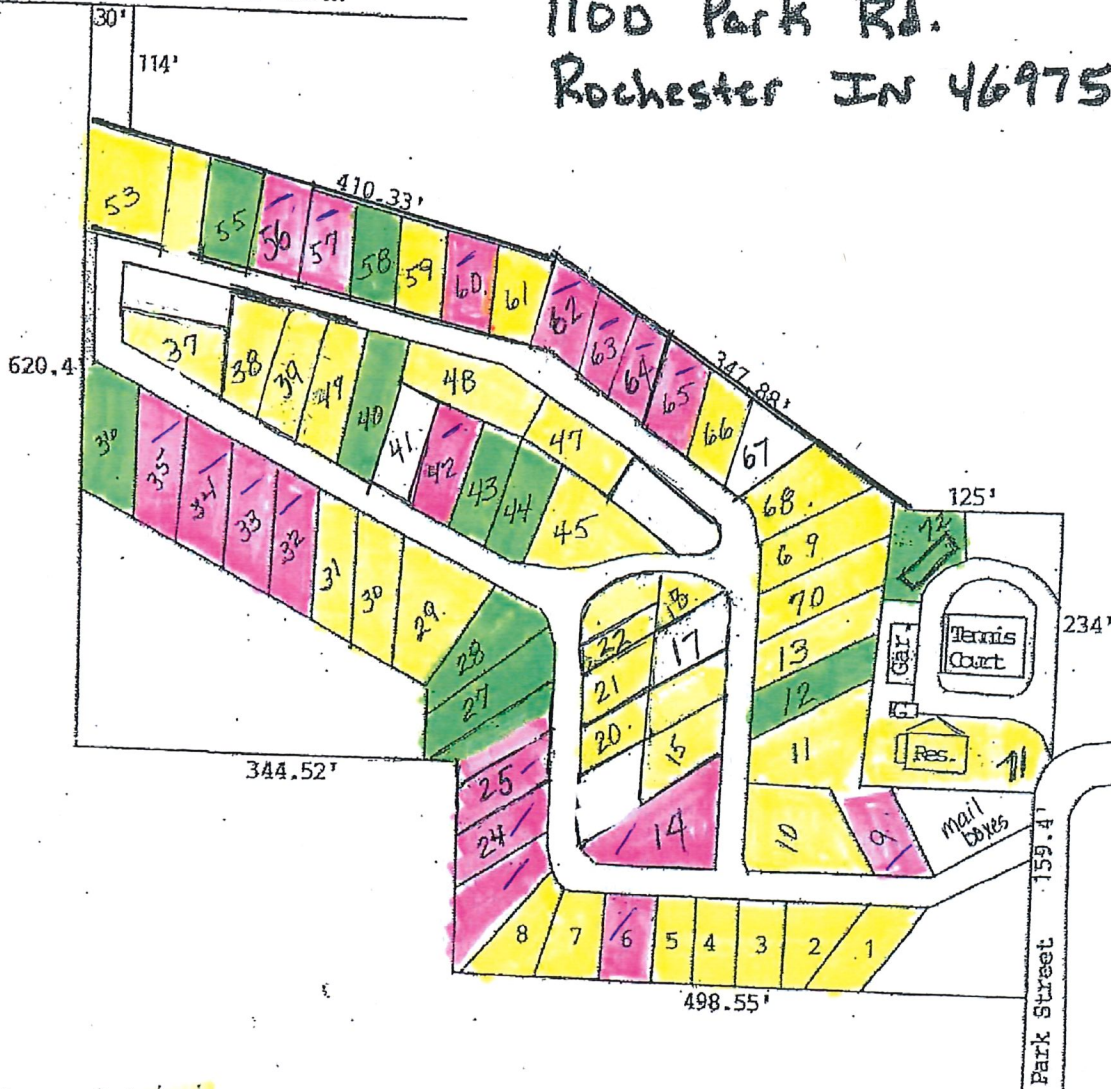
317-590-4522 Mobile  
317-758-5032 Office  
[mbwisely@wiselycr.com](mailto:mbwisely@wiselycr.com)

Check out our website: [www.wiselycr.com](http://www.wiselycr.com)



Rochester M.H. Community  
 1100 Park Rd.  
 Rochester IN 46975

County Road 75 North



cemetery

Occupied Lots ✓

VACANT Lots ✗

Homes for Sale/Rent

CITY PARK

High School

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

<b>Permits issued in January</b>	<b>Current</b>	<b>Prior</b>	<b>YTD</b>
Non-Commercial	9		9
Commercial	1		1
Sign	0		0
Building	7		7
Electrical	5		5
<b>Applications Submitted in January</b>			<b>YTD</b>
Special Exeptions	0		0
Administrative Appeals	0		0
Development Standard Variance	2		2
PC- Rezone/Plats/Sub-Div	0		0
Technical Review	0		0
<b>Fees Collected in January</b>			<b>YTD</b>
Permits, Applications, Copies	\$600.00		600.00
Fines	\$215.00		215.00
City Building Permits/EI& PI Registrations	\$529.00		529.00
County Building Permits	\$200.00		200.00
<b>TOTAL:</b>	<b>\$1,544.00</b>		<b>1,544.00</b>

**AREA PLAN COMMISSION OFFICE  
2019 YEAR END REPORT**

**Total Permits Issued in 2019: 684**

Building Permits: 258  
 Electrical Permits: 73  
     ○ 2 Voided  
 Location Improvement Permits: 353  
     ○ 294 Non Commercial  
     ○ 42 Commercial  
     ○ 16 Signs  
     ○ 1 Voided  
 Electrical Registrations: 56  
 Plumbing Registrations: 19

**Total Permits Issued in 2018: 652**

Building Permits: 248  
 Electrical Permits: 69  
     ○ Voided 0  
 Location Improvement Permits: 335  
     ○ 290 Non Commercial  
     ○ 22 Commercial  
     ○ 10 Signs  
     ○ 2 Voided  
 Electrical Registrations: 63  
 Plumbing Registrations: 19

**2019 Permits Issued**

<p><b><u>Henry Twp~89</u></b>                      Building Permits <b>16</b>                      Electrical Permits <b>14</b>                      Location Improvement Permits <b>59</b></p> <ul style="list-style-type: none"> <li>● 47 Non-Commercial</li> <li>● 10 Commercial</li> <li>● 2 Signs</li> </ul> <p>2-New Dwellings</p>	<p><b><u>Town of Akron~26</u></b>                      Building Permits <b>5</b>                      Electrical Permits <b>8</b>                      Location Improvement Permits <b>13</b></p> <ul style="list-style-type: none"> <li>● 9 Non-Commercial</li> <li>● 3 Commercial</li> <li>● 1 Signs</li> </ul> <p>0-New Dwellings</p>
<p><b><u>Rochester Twp~436</u></b>                      Building Permits <b>204</b>                      Electrical Permits <b>38</b>                      Location Improvement Permits <b>194</b></p> <ul style="list-style-type: none"> <li>● 162 Non-Commercial</li> <li>● 18 Commercial</li> <li>● 14 Signs</li> </ul> <p>32-New Dwellings</p>	<p><b><u>City of Rochester ~302</u></b>                      Building Permits <b>169</b>                      Electrical Permits <b>25</b>                      Work Orders <b>6</b>                      Location Improvement Permits <b>108</b></p> <ul style="list-style-type: none"> <li>● 78 Non-Commercial</li> <li>● 17 Commercial</li> <li>● 13 Signs</li> </ul> <p>14-New Dwellings</p>
<p><b><u>Liberty Twp ~47</u></b>                      Building Permits <b>12</b>                      Electrical Permits <b>11</b>                      Location Improvement Permits <b>24</b></p> <ul style="list-style-type: none"> <li>● 21 Non-Commercial</li> <li>● 3 Commercial</li> <li>● 0 Signs</li> </ul> <p>5-New Dwellings</p>	<p><b><u>Town of Fulton~ 2</u></b>                      Building Permits <b>0</b>                      Electrical Permits <b>1</b>                      Location Improvement Permits <b>1</b></p> <ul style="list-style-type: none"> <li>● 1 Non-Commercial</li> <li>● 0 Commercial</li> <li>● 0 Signs</li> </ul> <p>0-NewDwellings</p>
<p><b><u>Union Twp~21</u></b>                      Building Permits <b>3</b>                      Electrical Permits <b>3</b>                      Location Improvement Permits <b>15</b></p> <ul style="list-style-type: none"> <li>● 12 Non-Commercial</li> <li>● 3 Commercial</li> <li>● 0 Signs</li> </ul> <p>1-New Dwellings</p>	<p><b><u>Town of Kewanna~3</u></b>                      Building Permits <b>0</b>                      Electrical Permits <b>0</b>                      Location Improvement Permits <b>3</b></p> <ul style="list-style-type: none"> <li>● 3 Non-Commercial</li> <li>● Commercial</li> <li>● 0 Signs</li> </ul> <p>0-New Dwellings</p>

<p><b><u>Aubbeenaubbee Twp ~ 18</u></b>          Building Permits 7          Electrical Permits 0          Location Improvement Permits 11</p> <ul style="list-style-type: none"> <li>• 10-Non-Commercial</li> <li>• 1-Commercial</li> <li>• 0-Signs</li> </ul> <p>3- New Dwellings</p>	<p><b><u>Richland Twp~38</u></b>          Building Permits 7          Electrical Permits 1          Location Improvement Permits 30</p> <ul style="list-style-type: none"> <li>• 26 Non-Commercial</li> <li>• 4 Commercial</li> <li>• 0 Signs</li> </ul> <p>1-New Dwellings</p>
<p><b><u>Newcastle Twp ~26</u></b>          Building Permits 5          Electrical Permits 5          Location Improvement Permits 16</p> <ul style="list-style-type: none"> <li>• 13 Non-Commercial</li> <li>• 3 Commercial</li> <li>• 0 Signs</li> </ul> <p>3-New Dwellings</p>	<p><b><u>Wayne Twp~6</u></b>          Building Permits 2          Electrical Permits 1          Location Improvement Permits 3</p> <ul style="list-style-type: none"> <li>• 3 Non-Commercial</li> <li>• 0 Commercial</li> <li>• 0 Signs</li> </ul> <p>1-New Dwellings</p>

**Total Splits Approved~52**

5~ Aubbeenaubbe Twp

6~Henry Twp

3~Liberty Twp

7~Newcastle Twp

3~Richland Twp

16~Rochester Twp

8~Union Twp

4~Wayne Twp

**Plan Commission Petitions: 3**

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**BZA Petitions: 40**

- **Development Standard Variances~29**

- 12 City of Rochester
- 15 Fulton County
- 1 Akron
- 1 Fulton/Kewanna

- **Special Exceptions~11**

- 2 City of Rochester
- 9 Fulton County
- 0 Akron
- 0 Fulton/Kewanna

**2019**

<b>Total Plan Commission &amp; Building Fees Collected</b>	<b>\$49,563.03</b>
<b>Location Improvement Permits, Petition Applications and copies</b>	<b>\$28,460.88</b>
<b>Fines</b>	<b>\$1,107.00</b>
<b>Fulton County Building Permit Fees</b>	<b>\$5,915.00</b>
<b>City Building Permit Fees and Registration Fees</b>	<b>\$14,080.15</b>

**2018**

<b>Total Plan Commission &amp; Building Fees Collected</b>	<b>\$38,919.14</b>
<b>Location Improvement Permits, Petition Applications and copies</b>	<b>\$15,604.60</b>
<b>Fines</b>	<b>\$5,011.50</b>
<b>Fulton County Building Permit Fees</b>	<b>\$5,605.00</b>
<b>City Building Fees and Registration Fees</b>	<b>\$12,698.04</b>