

FULTON COUNTY BOARD OF ZONING APPEALS
JANUARY 10, 2001

Barts made a motion to appoint the law firm of Burke Lee & Heller as legal counsel for the Fulton County Board of Zoning appeals. Dan Walsh seconded the motion. Motion carried as follows: Debbie Barts; Dan Walsh; Steve Furnivall; and Mark Martens all in favor and no one opposing.

IN REF: RESOLUTION 01102001B MEETING DATE AND TIME

Chairman, Mark Martens, read Resolution 01102001B and entertained a motion to adopt Resolution 01102001B, the meeting date and time for the Fulton County Board of Zoning Appeals. Dan Walsh made a motion to adopt Resolution 01102001B, the meeting date and time for the Fulton County Board of Zoning Appeals. Steve Furnivall seconded the motion. Motion carried as follows: Dan Walsh; Steve Furnivall; Debbie Barts; and Mark Martens all in favor and no one opposing.

RESOLUTION 01102001B

A RESOLUTION OF THE FULTON COUNTY BOARD OF ZONING APPEALS,
OF THE COUNTY OF FULTON, INDIANA, ESTABLISHING MEETING TIMES
FOR 2001.

WHEREAS, the Fulton County Board of Zoning Appeals has established that they will meet on the second (2nd) Wednesday each month at 7:30 P.M. E.S.T. in the Conference Room at the Fulton County Office Building.

WHEREAS, the Fulton County 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 Fulton County Zoning Board of Appeals that:

1. The Fulton County Board of Zoning Appeals will meet on the second (2nd) Wednesday every month at 7:30 P.M. E.S.T. in the Conference Room at the Fulton County Office Building.
2. Other meetings will be scheduled and a public notice will be given.

Adopted this 10th day of January, 2001.

FULTON COUNTY BOARD OF ZONING APPEALS

Mark E. Martens
Dan Walsh
Steve Furnivall
Deborah S. Barts

ATTEST: Jean E. Cloud, Administrative Secretary

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Chairman, Mark Martens, ask for any additions or corrections to the Fulton County Board of Zoning Appeals minutes of December 28, 2000. There were clerical corrections to be made to the December 28, 2000 Fulton County Board of Zoning Appeals minutes. Being no further additions or corrections, Chairman, Mark Martens, entertained a motion to accept the amended December 28, 2000 Fulton County Board of Zoning Appeals minutes. Steve Furnivall made a motion to accept the amended December 28, 2000 Fulton County Board of Zoning Appeals minutes. Debbie Barts seconded the motion. Motion carried as follows: Steve Furnivall; Debbie Barts; Dan Walsh; and Mark Martens all in favor and no one opposing.

IN REF: OLD BUSINESS

Chairman, Mark Martens, stated updated copies of the Rules of Procedures was distributed to the members, and a review needs to be done starting at the beginning to make sure no additional changes need to be made.

Article I. Authority and Duties is acceptable as written.

Article II. Officers, Members and Employees.

Change made to Section 2. It should read as follows:

At its first regularly scheduled meeting in each calendar year, the Board shall select from its membership a Chairperson, a Vice-chairperson, and a Secretary. Each shall serve during the period of their membership on the Board for the balance of the calendar year.

Change made to Section 3. It should read as follows:

The Vice-chairperson shall have the authority to act as Chairperson of the Board during the absence or disability of the Chairperson. The Secretary shall have the authority to act as Chairperson of the Board during the absence or disability of the Chairperson and Vice-chairperson.

Change in Section 5 and Section 6: Secretary should be changed to read Administrative Secretary.

Article III. Meetings

Change in Section 2: Secretary should be changed to read Administrative Secretary.

Change made to Section 3. It should read as follows:

The agenda shall list all items to be considered by the Board at the regular or special meeting. The Board shall consider no item unless it appears on the agenda. Any petitioner may withdraw any petition prior to the meeting at which it was to be considered.

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The agenda shall be sent by first-class mail to all members of the Board and shall be available for public inspection at the Plan Commission office not later than 10 days before any regular meeting. The agenda shall be posted at the meeting site no later than 2 days before the meeting.

Change in Section 5: Secretary should be changed to read Administrative Secretary.

Article IV. Official Action acceptable as written.

Article V. Minutes and Records

Change in Section 1 and Section 3: Secretary should be changed to read Administrative Secretary.

Article VI. Public Hearings is acceptable as written.

Article VII. Petition Procedures

After much discussion, the members decided Section 1 of this article should be the exact same wording as in the Zoning Ordinance, Article Thirteen Enforcement and Penalties, 13.10 Appeals or Trials.

Section 1 should read as follows:

The procedures to be followed when a Notice of Fines & Penalties or a Violation Notice are appealed before the Board are as follows:

- A. Any person receiving notice of violation and/or fines may appeal the violation and/or fine to the Board of Zoning Appeals or to the court of jurisdiction. A written statement from the person in violation shall be submitted to the Plan Director via Certified Mail at least three (3) days prior to the date the fine is due.
- B. Fines due will be postponed until the BZA or court of jurisdiction have made a ruling as to the violation and/or fine. The person(s) in violation shall have thirty (30) days to file for a hearing with the BZA or court of jurisdiction. Also the person(s) in violation shall have a maximum of two (2) years to complete the hearing process with the BZA. Failure to meet these deadlines will reinstate all fines due by the person(s) in violation.
- C. No additional notices will be issued by the Plan Commission in the event the person(s) in violation has (have) submitted a written statement of their intention to Appeal or go to trial.

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Section 2 should read as follows:

The petition procedures for development standards variances, use variances, and special exceptions are as follows:

- A. Development Standards Variances: The following procedure applies to Variance petitions.
 - a. Submit a Variance application, required supportive information, and application fee at least thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
 - b. BZA will then review the variance application and required supportive information testimony of the petitioner, and testimony of the public at their regularly scheduled public meeting. The BZA may approve, deny or table the petition. The BZA may add conditions to an approval. Approvals shall only be granted upon finding of fact that there is a hardship.
 - c. The intensity of the variance may be reduced at the public hearing if approved by the BZA.

- B. Use Variances: The following procedure applies to Variance Petitions.
 - a. Submit a Variance application, required supportive information, and application fee at least thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
 - b. BZA will then review the variance application and required supportive information testimony of the petitioner, and testimony of the public at their regular scheduled public meeting. The BZA may approve, deny or table the petition. The BZA may add conditions to an approval. Approvals shall only be granted upon finding of fact that there is a hardship.
 - c. The intensity of the variance may be reduced at the public hearing if approved by the BZA.

- C. Special Exceptions: The following procedure applies to Special Exception Petitions.
 - a. Submit a Special Exception application, required information, and application fee at least thirty (30) days prior to the regularly scheduled Plan Commission meeting.
 - b. The BZA shall then review the Special Exception application, required information, testimony of the petitioner, and testimony of the public at their regularly scheduled public meeting. The BZA may approve, deny or table the petition. (please see section 10.11 Zoning Ordinance) The BZA may add conditions to an approval.

Section 3 should read as follows:

Administrative Appeal: The following procedure applies to Administrative Appeals.

- a. Submit a written statement specifying the grounds for the appeal and any

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- applicable supporting material within thirty (30) days of the decision alleged to be in error.
- b. The administrative official or body from which the appeal is taken shall transmit to the Board all documents, plans and papers constituting the record of action which the appeal is taken.
 - c. Administrative appeals require public notice in the newspaper per I.C. 5-3-1-2 and 5-3-1-4.
 - d. At their next regularly scheduled public meeting, the BZA shall then review:
 1. The written statement and supportive material by the petitioner,
 2. The record of action supplied by the administrative official or body from the which appeal is taken.
 3. Testimony of the petitioner, and
 4. Testimony of the administrative official or body from which the appeal is taken.
 5. Testimony by member of the public.

Article VIII. Appearances

Change in Section 2. The Board's Secretary should be change to the Board's Administrative Secretary.

Article IX. Order of Business

Section 1 and Section 2 is acceptable as written.

Section 3 was discussed in detail by the BZA members. Chairman, Mark Martens, stated he had attended the Marshall County Board of Zoning Appeals meeting and was very impressed how well their hearing went. After much discussion it was decided to adopt Marshall County's order of business when conducting a hearing.

Section 3 should read as follows:

CONDUCT OF HEARING:

1. Appeals before the Board will be heard in the order of filing, except, at the discretion of the Plan Director, cases involving the same property or owner may be heard in sequence.
2. The Board Chairperson shall introduce each appeal and may request a report from the Plan Director on the matter. The Chairperson shall then allow the petitioner, or his representative, to present the appeal. The Board shall not take action on an appeal if the petition or an agent of the petitioner is not present. The presentation of the appeals shall be limited to 10 minutes, unless otherwise permitted by the Board.

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3. If there are any questions by the Board, they may ask the petitioner or the staff prior to the opening of the public hearing.
4. The Chairperson, will entertain a motion to open the public hearing, and if approved, will open the hearing.
5. The Chairperson will recognize persons interested in speaking in favor of the granting of the appeal. Those persons will be given 10 minutes each to speak unless otherwise permitted by the Board.
6. The Chairperson will then recognize persons interested in speaking against the granting of the appeal. Those persons will be given 10 minutes each to speak unless otherwise permitted by the Board.
7. Statements by a group representative of an area or interest in the matter shall be given by a representative of that group. Additional comments by members of that group will only be heard if they represent another point of new information.
8. The Chairperson may permit the petitioner to answer any questions or offer rebuttal to comments made by the public. The petitioner will be given 10 minutes to do so unless otherwise permitted by the Board.
9. The Chairperson may permit additional comments from the public as necessary to clarify any issues. Those persons will be given 10 minutes each to speak unless otherwise permitted by the Board.
10. The Chairperson will entertain a motion to close the public hearing, and if approved, will close the hearing.
11. The Chairperson will then allow the Board to discuss and question the appeal and entertain motions for approval or denial of the appeal.
12. The voting by the Board shall be in alphabetical order by last name except for the Chairperson, who shall vote last.
13. A majority vote by at least 3 Board members is required to act on a case.

Section 4 is acceptable as written.

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Section 5 should be added and read as follows:

Section 5. REMONSTRANCES:

Persons wishing to remonstrate a petition before the Board may do so in writing to the Plan Commission Office or present their statement during the public hearing. Written remonstrances will be presented by the Plan Director to the Board at their regular meeting.

Section 6 should be added and read as follows:

Section 6. PETITIONS:

Persons wishing to submit signed petitions in favor or against an appeal before the Board may do so by submitting it to the Plan Commission Office or the Board during the public hearing. Petitions should include the street addresses of the persons signing it.

Section 7 should be added and read as follows:

Section 7. FINDINGS OF FACT:

On each appeal for a Variance of Use, Variance of Development Standard, and Special Exceptions, the Board will complete the appropriate Findings of Fact form as per requirements of the Zoning Ordinance. For an appeal to be approved, at least 3 members must find that all requirements for that request have been met. The Plan Director will keep all signed Findings of Fact forms in that case file.

Article X. Appeal Procedure

Change Section 1 to read as follows:

Every petitioner for an appeal of a development standard variance, use variance or special exception determination shall complete an application form supplied by the Board. The Board may require the petitioner to submit any additional information it deems relevant for consideration.

Section 2. a. Change Secretary to Administrative Secretary.

Section 2. b. to read as follows:

b. Any appeal an administrative decision shall be filed with the Board within 30 days following such decision.

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Chairman, Mark Martens, distributed findings of fact sheets that were used by Marshall County Board of Zoning Appeals members, and stated Marshall County Plan Director stated these sheets have held up in a court of law.

After further discussion, it was decided to pattern our findings of fact sheets from Marshall County Board of Zoning Appeals.

IN REF: EDUCATIONAL WORKSHOP DISCUSSION

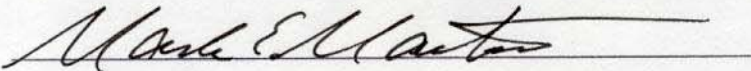
Plan Director, Casi Cramer, reported she had contacted Steve Edson, the Cass County Plan Director, about conducting an Educational Workshop for the Plan Commission and Board of Zoning Appeals members. The workshop would include rezoning, subdivisions, use variances, development standard variance and special exceptions. After further discussion, it was decided to have the Plan Director, Casi Cramer, to schedule the workshop for February 7th at 7:00 P.M. E.S.T., if this date is convenient for Mr. Edson.

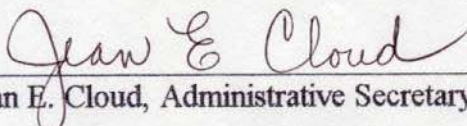
IN REF: ADDITIONAL MEETING SCHEDULED

Chairman, Mark Martens, discussed with the BZA members about the scheduling of an additional meeting for the month of January. The meeting would be to finish reviewing the Rules of Procedures, and have them ready for adoption at the February meeting. Being no further discussion, Chairman, Mark Martens, entertained a motion to schedule an additional meeting for January 24th at 7:00 P.M. A written notice will be sent to Evelyn Johnson of the additional meeting to be held. Steve Furnivall made a motion to schedule an additional meeting to be held on January 24, 2001 at 7:00 P.M. E.S.T. to finish reviewing the rules of procedures. Debbie Barts seconded the motion. Motion carried as follows: Steve Furnivall; Debbie Barts; Dan Walsh; and Mark Martens all in favor and no one opposing.

Being no further business to come before the Fulton County Board of Zoning Appeals, Chairman, Mark Martens, entertained a motion to adjourn the January 10, 2001 Fulton County Board of Zoning Appeals meeting at 10:00 P.M. E.S.T. Dan Walsh made a motion to adjourn the January 10, 2001 Fulton County Board of Zoning Appeals meeting at 10:00 P.M. E.S.T. Steve Furnivall seconded the motion. Motion carried as follows: Dan Walsh; Steve Furnivall; Debbie Barts; and Mark Martens all in favor and no one opposing.

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ATTEST: 
Jean E. Cloud, Administrative Secretary

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JANUARY 24, 2001

Article XI. Notice Requirements

The following change was made to Section 2 (1):

(1) The legal notice of public hearing is sent via certified return receipt requested mail at least ~~10~~ 21 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

The following change was made to Section 2 (2):

(2) Signatures written on a form supplied by the Plan Commission are presented with the application's supportive information to the Board. 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.

- a. The form shall state the date, time and place of the hearing, the name of the petitioner, and a brief description of the variance or special exception requested.
- b. If the petitioner cannot obtain the signature of an interested party because the party is not a resident of Fulton County, is unable for some other reason to sign the form, or refuses to sign the form, the petitioner must notify the Administrative Secretary of the failure to obtain the signature at least 10 days before the hearing and execute a statement under penalty of perjury stating the reasons for the failure to obtain the signature.
- c. The Administrative Secretary shall, at least 5 days before the hearing, send a copy of the notice by first-class mail to any interested party whose signature the petitioner has not been able to obtain.
- d. The completed form must be filed with the Board before it may act on the petition.

The following change was made to ~~(2)~~ (4)

The Board shall give legal notice at least 10 days prior to the public hearing in accordance with IC 5-3-1, with this notice stating the date, time and place of the hearing, the name of the petitioner, and a brief description of the property subject to the petition.

The following change was made to Section 3:


The person appealing a decision or applying for a development standard variance, use variance, or special exception determination is required to assume the cost of public notice and due notice to interested parties.

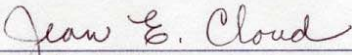
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There were no changes made to Article XII. Commitments; Article XIII. Amendments; or Article IX. Repeal.

Being no further business to come before the Fulton County Board of Zoning Appeals, Chairman, Mark Martens, entertained a motion to adjourn the Board of Zoning Appeals meeting at 9:19 P.M. E.S.T. Chairman, Mark Martens, stated the next meeting will be February 14, and at that time he hopes to adopt the Rules of Procedures for the Fulton County Board of Zoning Appeals. Dan Walsh made a motion to adjourn the Fulton County Board of Zoning Appeals at 9:19 P.M. E.S.T. Steve Furnivall seconded the motion. Motion carried as follows: Dan Walsh; Steve Furnivall; Debbie Barts; and Mark Martens all in favor and no one opposing.

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ATTEST: 
Jean E. Cloud, Administrative Secretary

EDUCATIONAL WORKSHOP
FOR THE
FULTON COUNTY ADVISORY PLAN COMMISSION
AND
FULTON COUNTY BOARD OF ZONING APPEALS
FEBRUARY 7, 2001

An Educational Workshop was held on Wednesday, February 7, 2001 in the Conference Room of the Fulton County Office Building. Those in attendance were as follows: Mark Kepler; Nancy Day; Art Showley; Debbie Barts; Steve Furnivall; Dan Walsh; Dale Heltzel; Don Towne; Mark Martens; Casi Cramer; Erica Ginther; Jean Cloud; and Steve Edson, Executive Director from Cass County.

Plan Director, Casi Cramer, introduced Steve Edson, Executive Director from Cass County to the group in attendance.

Steve Edson has been the Executive Director in Cass County for several years.

The purpose of the workshop was for our members to ask Mr. Edson questions on different situations of zoning, and have Mr. Edson explain how he and his Board handles the situations.

Several topics of the zoning ordinance; subdivision control ordinance; and the state statutes were discussed among the group.

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The Fulton County Board of Zoning Appeals met on Wednesday, February 14, 2001 at 7:30 P.M. E.S.T. in the Conference Room at the Fulton County Office Building. Board members present were: Mark Martens, Chairman; Dan Walsh, Vice Chairman; and Steve Furnivall, Secretary. Also in attendance were Casi Cramer, Plan Director; Jean Cloud, Administrative Secretary; Greg Heller, BZA Attorney; and Erica Ginther. It is duly noted Debbie Barts, BZA member was absent.

Chairman, Mark Martens, asked for any corrections or additions to the January 10, 2001 BZA minutes. Being no corrections or additions to the January 10, 2001 BZA minutes, Chairman, Mark Martens, entertained a motion to accept the January 10, 2001 BZA minutes. Steve Furnivall made a motion to accept the January 10, 2001 BZA minutes. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall; Dan Walsh; and Mark Martens all in favor and no one opposing.

Chairman, Mark Martens, asked for any corrections or additions to the January 24, 2001 BZA minutes. Steve Furnivall stated there was one (1) clerical correction. Being no further corrections or additions, Chairman, Mark Martens, entertained a motion to accept the amended January 24, 2001 BZA minutes. Dan Walsh made a motion to accept the amended January 24, 2001 BZA minutes. Steve Furnivall seconded the motion. Motion carried as follows: Dan Walsh; Steve Furnivall, and Mark Martens all in favor and no one opposing.

IN REF: OLD BUSINESS

REVIEW CHANGES MADE
IN RULES OF PROCEDURE

The following changes were made to the Rules of Procedure:

The document title should read:

FULTON COUNTY ~~ADVISORY BOARD~~ BOARD OF ZONING APPEALS

Article IX. Order of Business

Changes were made as follows:

Section 3

- (2) The Board Chairperson shall open the public hearing and introduce each the appeal and may request a report from the Plan Director on the matter. The Chairperson shall then allow the petitioner, or his representative, to present the appeal. The Board shall not take action on an appeal if the petitioner or an agent of the petitioner is not present. The presentation of the appeals shall be limited to a maximum of 10 minutes, unless otherwise permitted by the Board. The chairperson, subject to appeal from the Board, may limit the testimony to new information pertinent to the petition presented.
- (5) The Chairperson will recognize persons interested in speaking in favor of the granting of the appeal. Those persons will be given a maximum of 10 minutes to speak unless otherwise permitted by the Board. The Chairperson, subject to appeal from the Board, may limit testimony to new information pertinent to the petition presented.
- (6) The Chairperson will then recognize persons interested in speaking against the granting of the appeal. Those persons will be given a maximum of 10 minutes to speak unless otherwise permitted by the Board. The Chairperson, subject to appeal from the Board, may limit testimony to new information pertinent to the petition presented.

FULTON COUNTY BOARD OF ZONING APPEALS
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- (8) The Chairperson may permit the petitioner to answer any questions or offer rebuttal to comments made by the public. The petitioner will be give a maximum of 10 minutes to do so unless otherwise permitted by the Board. The Chairperson, subject to appeal from the Board, may limit testimony to new information pertinent to the petition presented.
- (9) The Chairperson may permit additional comments from the public as necessary to clarify any issues. Those persons will be give a maximum of 10 minutes to speak unless otherwise permitted by the Board. The Chairperson, subject to appeal from the Board, may limit testimony to new information pertinent to the petition presented.
- (10) The Chairperson will entertain a motion to close the public hearing comments. ~~and if approved, will close the hearing.~~

Add:

- (12) The Chairperson will entertain a motion to close the public hearing and if approved, will close the hearing.

Change:

- (13) The voting by the Board shall be by roll call, except the Chairperson, who shall vote last.

Article XI. Notice Requirements

Change in Section 2.

- (1) 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

Article ~~IX~~ XIV. Repeal

Change to read as follows:

All previous rules and regulations heretofore adopted by the Fulton County Board of Zoning Appeals are hereby expressly repealed, as of the effective date of these rules.
Rules of Procedure of the Fulton County Board of Zoning Appeals of Fulton County, Indiana, approved by the affirmative vote of _____ members of said Board of Zoning Appeals at the regular meeting of the Board held on the ____ day of _____, 2001.

Being no further changes to the Rules of Procedures, Chairman, Mark Martens, entertained a motion to accept the amended Rules of Procedures of the Fulton County Board of Zoning Appeals. Steve Furnivall made a motion to accept the amended Rules of Procedures of the Fulton County Board of Zoning Appeals. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall; Dan Walsh; and Mark Martens all in favor and no one opposed.

IN REF: OLD BUSINESS

AMEND
RULES OF PROCEDURE

The Board discussed canceling a meeting, and it was decided to add the following to Article III. Meetings, Section 1. (Which is the same language as in the Plan Commission's Rules of Procedures).

FULTON COUNTY BOARD OF ZONING APPEALS
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- (1) Whenever it is ascertained that there is no business for the Board's consideration, or that a quorum will not be available, the chairperson may cancel a regular meeting by giving written or oral notice to all members, unless objected to by three (3) members of the Board.

Being no further discussion, Chairman, Mark Martens, entertained a motion to amend the Rules of Procedures. Steve Furnivall made a motion to accept the amended Rules of Procedures. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall; Dan Walsh; and Mark Martens all in favor and no on opposing.

IN REF: NEW BUSINESS

MARCH MEETING RESCHEDULED

The BZA members discussed changing the March meeting date from the 14th to the 15th, due to the fact two (2) of the BZA members will not be able to attend the regularly scheduled meeting of March 14. Being no further discussion, Chairman, Mark Martens, entertained a motion to reschedule the March meeting to March 15, 2001 at 7:30 P.M. E.S.T. Dan Walsh made a motion reschedule the March meeting to March 15, 2001 at 7:30 P.M. E.S.T. Steve Furnivall seconded the motion. Motion carried as follows: Dan Walsh; Steve Furnivall; and Mark Martens all in favor and no one opposed.

IN REF: NEW BUSINESS

RESIGNATION OF
ADMINISTRATIVE SECRETARY

Chairman, Mark Martens, read the following letter of resignation from Jean Cloud:

I am submitting my resignation as Administrative Secretary of the Fulton County Board of Zoning Appeals. The effective date of my resignation will be 8:00 A.M., Tuesday, February 20, 2001. Thank you for the opportunity of serving your Board as Administrative Secretary.

Chairman, Mark Martens, entertained a motion to accept the resignation of Jean Cloud. Steve Furnivall made a motion to accept the resignation of Jean Cloud. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall; Dan Walsh; and Mark Martens all in favor and no one opposing.

IN REF: NEW BUSINESS

APPOINTMENT OF
ADMINISTRATIVE SECRETARY

Chairman, Mark Martens, entertained a motion to appoint Erica Ginther as Administrative Secretary of the Fulton County Board of Zoning Appeals, effective Tuesday, February 20, 2001 at 8:00 A.M. E.S.T. Steve Furnivall made a motion to appoint Erica Ginther as Administrative Secretary of the Fulton County Board of Zoning Appeals, effective Tuesday, February 20, 2001 at 8:00 A.M. E.S.T. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall; Dan Walsh; and Mark Martens all in favor of and no one opposing.

IN REF: PLAN DIRECTOR REPORT

Plan Director, Casi Cramer, reported she will be gone from March 29th through April 2nd on the Farm Preservation Tour in Maryland.

It is duly noted there were no Public Comments.

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Being no further business to come before the Board, Chairman, Mark Martens, entertained a motion to adjourn the February 14, 2001 Fulton County Board of Zoning Appeals meeting at 8:50 P.M. E.S.T. Steve Furnivall made a motion to adjourn the February 14, 2001 Fulton County Board of Zoning Appeals meeting at 8:50 P.M. E.S.T. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall; Dan Walsh; and Mark Martens all in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

Mark E. Martens

ATTEST: Jean E. Cloud
Jean E. Cloud, Administrative Secretary

**FULTON COUNTY BOARD OF ZONING APPEALS
SPECIAL MEETING
APRIL 5, 2001**

The Fulton County Board of Zoning Appeals met on Thursday the 5th day of April 2001; at 7:30 P.M. E.S.T., in the Conference Room in the Fulton County Office Building. Chairman, Mark Martens, called the special meeting to order at 7:30 P.M. E.S.T. The following were present: Mark Martens, Fulton County Board of Zoning Appeals Chairman; Dan Walsh, Fulton County Board of Zoning Appeals Vice Chairman; Steve Furnivall, Fulton County Board of Zoning Appeals Secretary; Debbie Barts, and Joe Wegner. Also in attendance were: Casi Cramer, Plan Director; and Erica Ginther, Administrative Secretary. It is duly noted that Greg Heller, Commission Attorney, was absent.

The special meeting was held to welcome new member, Joe Wegner, and to cover and discuss upcoming petitions to be presented to the BZA on April 11, 2001.

Casi Cramer reported that dockets 02-0301, 03-0301, 04-0301, 05-030, and 09-0301 would not be heard on April 11, 2001. These applicants did not have their documents submitted on time; therefore they will be continued on the May 9, 2001 meeting. Casi also stated that docket 07-0301 may also be continued on the May 9, 2001 meeting.

Mark Martens suggested that the Administrative Secretary put headers and dates at the top of all of the BZA's documents in the future, to prevent any confusion. Mark also suggested that the Plan Director's Report act as the cover page for all petitions.

Casi Cramer reminded the BZA, they can only grant variances on Subdivision petitions. The Plan Commission will make all final decisions.

Casi Cramer wants the BZA to read the proposed amendments for Zoning Ordinances and the Subdivision Control Ordinances. Casi added that she would like to have the BZA's feedback, corrections, or changes on proposed amendments.

Casi Cramer reported that Network Towers, Dockets # BZA 08-0301 and # BZA 11-0301, sent her a new engineering map. These new maps need to replace the old engineering maps. Casi displayed the new map explaining the changes made by Network Towers. Joe Wegner stated that he would be disqualifying himself from the Network Towers hearing, since he had been contacted by them as an interested party.

Casi Cramer gave all BZA members a copy of the packet she received at the March 22, 2001 workshop. The title of the workshop was: Making Zoning Work: Enforcement & Administration. Casi stated the workshop had a lot of good ideas, some of which we already use. Casi added that the people at the workshop were able to answer many of her questions.

Casi Cramer reported the first petition being presented deals with lot width and cul-de-sacs. Casi handed out copies defining lot width, which comes directly from the Zoning Ordinance. The definition for cul-de-sac front lot widths states: Cul-de-Sac front lot widths shall be measured at the front set back line. Casi stated that the Plan Commission talked about this definition. Their interpretation of the definition was to keep the building set back line fifty (50') feet from the right of way (ROW) and measure the frontage from that point. Casi explained that she had listened to the tape from the Plan Commission meeting held on

**FULTON COUNTY BOARD OF ZONING APPEALS
SPECIAL MEETING
APRIL 5, 2001**

January 8, 2001 to determine this definition. Casi stated that the January 8, 2001 minutes were wrong, according to the tape. She will advise the Plan Commission at their next meeting, that the minutes are incorrect. Casi further stated that she talked to the Plan Commission about the lot width definition, which is in the Zoning Ordinance. This definition for lot width states: The distance as measured between the side lot lines. The lot width of a property that has irregular boundaries shall be the narrowest distance between side lot lines. The Plan Commission's interpretation of this definition was consistent lot width. Casi then explained that this means if the Ordinance standards say the lot width minimum is 200 feet, then the whole lot from front to rear has to be a minimum of 200 feet in width.

Casi Cramer asked the BZA to look in their Zoning Ordinances at the AG District standards on page 3-2, Section 3.1, Special Exception Uses. Casi stated that the Special Exception Uses does not list a bicycle repair and sales shop, which is the petition being presented by Michael Inglehearn (docket 06-0301). Casi further stated that on page 2-3, Section 2.3 in the Zoning Ordinance states that: The Plan Commission or Zoning Administrator may determine into which category any questionable use be placed if not specifically listed and is similar to another use that is Permitted or a Special Exception. Casi asked the BZA if they wanted her to add these Special Exception Uses in case-by-case petitions or if it should be added into the Ordinances. Mark Martens responded by saying these decisions should be made by Casi.

Mark Martens suggested that all BZA members take time out of their schedules to drive by the actual sites of the petitions. Mark added that this would help the members to better understand what the petitioner is requesting; as well as any concerns of persons opposing the petition.

While explaining how to read plat maps, Casi talked about the contour lines, gas lines, proposed lot lines, and how to find soil types. Casi explained how to read the building envelope areas and the set back lines. She also displayed each petitioner's map to ensure that the BZA members could make an informed decision with the materials they were given.

Casi Cramer stated that she would like to know the procedure the BZA was taking for the April 11, 2001 public hearing. Mark Martens suggested the following agenda be taken:

1. Introduce the Appeal
 - Plan Director's Report
 - Petitioner's Presentation (10 minutes max)
 - Questions by the Board to staff or petitioner
2. Motion to Open Public Hearing
3. Persons in Favor (10 minutes max)

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4. Persons Against (10 minutes max)
5. Petitioner Comments/Rebuttal (10 minutes max)
6. Additional Comments from Public (10 minutes max)
7. Motion to Close Public Comments
8. Board Discussion
 - a. Entertain Motion to Approve, Disapprove, or Table
9. Motion to Close Public Hearing

<Board fills in Findings of Fact>

10. Roll Call Vote

Much discussion followed concerning the agenda for the April 11, 2001 meeting. It was the BZA's decision to follow Mark's suggestion.

Mark Martens entertained a motion to adjourn the April 5, 2001, Fulton County Board of Zoning Appeals, Special Meeting at 9:45 P.M. E.S.T. Dan Walsh motioned to adjourn the April 5, 2001, Fulton County Board of Zoning Appeals, Special Meeting at 9:45 P.M. E.S.T. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Steve Furnivall, Joe Wegner, and Mark Martens being all in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS



ATTEST: Erica A. Gunther 5/9/01
Erica A. Gunther, Administrative Secretary

**FULTON COUNTY BOARD OF ZONING APPEALS
APRIL 11, 2001**

FULTON COUNTY BOARD OF ZONING APPEALS

WEDNESDAY, APRIL 11, 2001

**7:30 P.M. E.S.T.
CONFERENCE ROOM
FULTON COUNTY OFFICE BUILDING**

CALL TO ORDER

**FEBRUARY 14, 2001
BOARD OF ZONING APPEALS MINUTES**

OLD BUSINESS

**NEW BUSINESS
Gregory Groninger (01-0301)
Michael Inglehearn (06-0301)
Network Towers (08-0301 & 11-0301)**

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
APRIL 11, 2001

The Fulton County Board of Zoning Appeals met on the 11th day of April 2001; at 7:30 P.M. E.S.T., in the Commissioners/Council Room in the Fulton County Office Building. Chairman, Mark Martens, called the meeting to order at 7:31 P.M. E.S.T. The following members were present: Mark Martens, Chairman; Dan Walsh, Vice Chairman; Steve Furnivall, Secretary; Debbie Barts; and Joe Wegner. Also in attendance were: Casi Cramer, Plan Director; Erica Ginther, Administrative Secretary; and Greg Heller, Commission Attorney.

Mark Martens called for any additions or corrections to be made to the February 14, 2001 Board of Zoning Appeals minutes. Being none, Mark entertained a motion to accept the February 14, 2001 Board of Zoning Appeals minutes. Steve Furnivall moved to accept the February 14, 2001 Board of Zoning Appeals minutes. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall, Dan Walsh, Debbie Barts, Joe Wegner, and Mark Martens being all in favor and no one opposing.

Mark Martens stated that the following petitions would not be heard at this meeting: SBA Inc., Docket # BZA 02-0301, Docket #BZA 03-0301, Docket #BZA 04-0301, & Docket #BZA 05-0301; L.C. and Mary Helen Longmire, Docket #BZA 07-0301; Jenny Hunter, Docket #BZA 09-0301.

IN RE: NEW BUSINESS

GREGORY GRONINGER
ROLLING ACRE ESTATES
WIDTH VARIANCE

Gregory Groninger, Rolling Acre Estates, Docket #BZA 01-0301. This proposed subdivision is zoned AG (Agricultural) and is located at approximately 15000 State Road 14, Akron IN. Casi Cramer stated that Gregory Groninger is requesting a lot width variance for the following lots: 2, 3, 4, 9, 10, 11, 12, 15, 16, 18, 19, 30, and 31. Casi displayed the plat map for all of those in attendance to see and make reference to. Casi stated that her recommendation would be that lots 15, 16, 18, and 19 be granted the variance with the condition that all four lots have a rear property line measuring at least 200 feet and that the lots are in the shape of a trapezoid, corresponding to the 100 foot frontage at the building setback line (if granted) and the 200 foot rear property line (if granted). Casi stated that lots 2, 3, 4, 30, and 31 are located on a curve and should be treated as a cul-de-sac. Casi further stated that her recommendation would have to be to turn the lot width variance down for lots 2, 3, 4, 30, and 31 because she believes there is adequate room for these lots to be 200 foot wide.

Terry Weiss, representing Gregory Groninger, stated that the Zoning Ordinance as it stands can not be geometrically accomplished with the 200 foot width. Terry stated that when lots are on curves or cul-de-sacs they are drawn radial so it is hard to meet the 200 foot width standard.

FULTON COUNTY BOARD OF ZONING APPEALS

APRIL 11, 2001

Steve Furnivall disagreed with the statement that these lots could not meet the 200 foot width standard. Steve also stated that he did not understand why lots 30 and 31 needed a lot width variance. Steve further stated that he drove out to the proposed site and it appeared to him that lots 30 and 31 had at least a 10 foot fall on them.

Mark Martens entertained a motion to open the public hearing. Dan Walsh moved to open the public hearing on the Gregory Groninger petition. Steve Furnivall seconded the motion. Motion carried as follows: Dan Walsh, Steve Furnivall, Debbie Barts, Joe Wegner, and Mark Martens all being in favor and no one opposing.

Mark Martens asked for those in favor of the petition to rise and state their name and reason for attending the public hearing. Being none, Mark asked for those opposing to rise and state their name and reason for attending the public hearing. Penny Ward voiced concern about there being 31 new homes going in right behind her residence. Penny also stated that she moved to this area for the view, farming, and quiet. Penny further stated that she believes that the lots are too small. Doris Inhern voiced concern about the wetlands being preserved. Jesse Spencer voiced concern about where all of the water from the proposed subdivision would be going. Jesse also voiced concern about preserving the AG (Agricultural) land.

Mark then asked for any other opposition. Being none, he asked for any rebuttal comments. Terry Weiss stated that he would drop the request for a lot width variance on lots 30 and 31 and the lots would be redrawn. Terry stated that lot 29 would be increasing in size and lots 30 and 31 would become lot 30. Terry also stated that when he goes back and gets one acre he would meet the 200foot frontage requirement on lot 12.

Mark then asked for any other rebuttal. Being none, he asked for any additional public comments. Being none, Mark entertained a motion to close the public comments. Steve Furnivall moved to close the public comments on the lot width variance. Joe Wegner seconded the motion. Motion carried as follows: Steve Furnivall, Joe Wegner, Debbie Barts, Dan Walsh, and Mark Martens.

Mark Martens entertained a motion concerning the lot width variance. Steve Furnivall moved to accept the request as written for a development standard variance of less than 200 foot width of lots 2, 3, 4, 9, 10, 11, 12, 15, 16, 18, and 19, except and not including lots 30 and 31. Dan Walsh seconded the motion.

Mark then entertained a motion to close the public hearing. Steve Furnivall moved to close the public hearing on the lot width variance. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall, Dan Walsh, Joe Wegner, Debbie Barts, and Mark Martens being all in favor and no one opposing.

The BZA members then filled out their Findings of Fact forms (see attachments labeled A). A roll call vote was conducted by the Administrative Secretary, Erica Ginther:

Steve Furnivall	Yea
Dan Walsh	Yea
Joe Wegner	Nay

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Debbie Barts Yea
Mark Martens Yea

Motion to accept the request as written for a development standard variance of less than 200foot width of lots 2, 3, 4, 9, 10, 11, 12, 15, 16, 18, and 19, except and not including lots 30 and 31 passed with four votes in favor and one opposing.

IN RE: NEW BUSINESS

GREGORY GRONINGER
ROLLING ACRE ESTATES
FRONTAGE VARIANCE

Gregory Groninger, Rolling Acre Estates, Docket #BZA 01-0301. This proposed subdivision is zoned AG (Agricultural) and is located at approximately 15000 State Road 14, Akron IN. Casi Cramer stated that Gregory Groninger is requesting a frontage variance on the following lots: 16, 18, and 19. Casi displayed the plat map for all of those in attendance to see and make reference to. Casi stated that her recommendation would be that lots 16, 18, and 19 be required to meet the minimum lot frontage, not on the public street, but at the front yard building setback line, which in the proposed subdivision Rolling Acres, is drawn to be 50 feet from the right of way.

Terry Weiss, representing Gregory Groninger, stated that the lots were drawn radial because they are on the cul-de-sac.

Mark Martens then asked if there were any questions by the Board to the staff or the petitioner. Being none, Mark entertained a motion to open the public hearing. Joe Wegner moved to open the public hearing on frontage variance. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Steve Furnivall, Debbie Barts, and Mark Martens being all in favor and no one opposing.

Mark Martens asked for those in favor of the petition to rise and state their name and reason for attending the public hearing. Being none, Mark asked for those opposing to rise and state their name and reason for attending the public hearing. Penny Ward voiced concern about the water drainage from the proposed site.

Mark then asked for any other opposition. Being none, Mark then asked for any rebuttal comments. Being none, Mark then asked for any other public comments. Being none, Mark entertained a motion to close the public comments. Dan Walsh moved to close the public comments on the frontage variance. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Steve Furnivall, Debbie Barts, and Mark Martens being all in favor and no one opposing.

Mark entertained a motion concerning the frontage variance. Dan Walsh moved to accept the request for a development standard variance less than 100 foot of frontage on lots 16, 18, and 19 as written. Steve Furnivall seconded the motion.

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Mark then entertained a motion to close the public hearing. Joe Wegner moved to close the public hearing on frontage variance. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Steve Furnivall, Debbie Barts, and Mark Martens being all in favor and no one opposing.

The BZA members then filled out their Findings of Fact forms (see attachments labeled B). A roll call vote was conducted by the Administrative Secretary, Erica Ginther:

Steve Furnivall	Yea
Dan Walsh	Yea
Joe Wegner	Yea
Debbie Barts	Yea
Mark Martens	Yea

Motion to accept the request for a development standard variance less than 100 foot of frontage on lots 16, 18, and 19 as written passed with five votes in favor and none opposing.

IN RE: NEW BUSINESS

GREGORY GRONINGER
ROLLING ACRE ESTATES
DEPTH VARIANCE

Gregory Groninger, Rolling Acre Estates, Docket #BZA 01-0301. This proposed subdivision is zoned AG (Agricultural) and is located at approximately 15000 State Road 14, Akron IN. Casi Cramer stated that Gregory Groninger is requesting a lot depth variance on the following lots: 9, 10, 11, 12, and 13. Casi displayed the plat map for all of those in attendance to see and make reference to. Casi stated that over half of the acreage that compromises these lots is classified wetlands per the U.S. Department of Interior National Wetlands Inventory. Casi further stated that her recommendation would be that these lots, if given a variance on lot depth, would be an added benefit to the subdivision, as long as conditions were applied, such as: no improvements of any kind, no motorized vehicles, and no excavating allowed within the boundaries of the wetlands.

Terry Weiss, representing Gregory Groninger, stated that the lots were originally designed to meet the three to one lot depth standard. Terry stated that on the advice of the Plan Director he redrew the lots as they are currently represented.

Mark Martens then asked if there were any questions by the Board to the staff or the petitioner. Being none, Mark entertained a motion to open the public hearing. Dan Walsh moved to open the public hearing on the lot depth variance. Steve Furnivall seconded the motion. Motion carried as follows: Dan Walsh, Steve Furnivall, Joe Wegner, Debbie Barts, and Mark Martens being all in favor and no one opposing.

Mark Martens asked for those in favor of the petition to rise and state their name and reason for attending the public hearing. Being none, Mark asked for those opposing to rise and state their name and reason for attending the public hearing. Penny Ward voiced her concern about preserving the wetlands.

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Mark then asked for any other opposition. Being none, Mark then asked for any rebuttal comments. Being none, Mark asked for any more public comments. Being none, Mark entertained a motion to close the public comments. Dan Walsh moved to close the public comments on the lot depth variance. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Steve Furnivall, Debbie Barts, and Mark Martens being all in favor and no one opposing.

Mark entertained a motion concerning the lot depth variance. Steve Furnivall moved to approve the depth variance on lots 9, 10, 11, 12, and 13 with the condition that there be no improvements of any kind that shall include no motorized vehicles, no landscaping, no excavating, no improvements to the areas listed as the National Wetlands Inventory. Debbie Barts seconded the motion. Steve Furnivall then decided to drop his motion.

Steve Furnivall then moved to approve the depth variance on lots 9, 10, 11, 12, and 13 with the condition that there be no improvements including no motorized vehicles, building, excavating, landscaping and this to commence at the rear of the detention easement to the back property line and including the National Wetlands Inventory. Joe Wegner seconded the motion. Steve Furnivall then decided to drop his motion.

Dan Walsh moved to accept the request as written for a development standard variance of a depth more than three times the width on lots 9, 10, 11, 12, and 13 with the condition that no improvements of any kind, no motorized vehicles, and no excavating occur beginning at the rear boundary of the detention easement to the rear lot boundary including the National Wetlands Inventory. Debbie Barts seconded the motion.

Mark entertained a motion to close the public hearing. Dan Walsh moved to close the public hearing on the lot depth variance. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Steve Furnivall, Debbie Barts, and Mark Martens being all in favor and no one opposing.

The BZA members then filled out their Findings of Fact forms (see attachments labeled C). A roll call vote was conducted by the Administrative Secretary, Erica Ginther:

Steve Furnivall	Yea
Dan Walsh	Yea
Joe Wegner	Nay
Debbie Barts	Yea
Mark Martens	Yea

Motion to accept the request as written for a development standard variance of a depth more than three times the width on lots 9, 10, 11, 12, and 13 with the condition that no improvements of any kind, no motorized vehicles, and no excavating occur beginning at the rear boundary of the detention easement to the rear lot boundary including the National Wetlands Inventory passed with four votes in favor and one opposing.

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IN RE: NEW BUSINESS

MICHAEL INGLEHEARN
BICYCLE SALES & SERVICE SHOP

Michael Inglehearn, Bicycle Sales & Service Shop, Docket #BZA 06-0301. Michael Inglehearn is requesting a special exception for a proposed Bicycle Sales & Service Shop in an AG District to be located at 2822 N 650 E, Rochester IN. Casi Cramer displayed a map of the proposed site for all of those in attendance to see. Casi stated that her recommendation was to grant the special exception. Casi further stated that the property to be utilized is located in a rural area and an existing building will be utilized for the proposed shop. Casi explained that the proposed use does not seemingly have the potential to cause nuisances, such as extraordinary amounts of noise, odor, or environmental hazards. Casi further explained it does however have the potential for spare parts and other materials associated with the use to collect on the property.

Michael Inglehearn stated that he saw in the paper that Rochester was creating a skate park and he thought that having a Bicycle Sales & Service Shop would be an asset. Michael stated that he already has a building to put the proposed shop in and he is in the process of fixing it up. Michael further stated that he would be hauling the scarp metal, extra parts, etc. to the proper location for disposal at least once a month.

The question was asked if this shop would be strictly for bicycles or if motorcycles, etc. would be included. Michael Inglehearn stated the shop would be strictly for bicycles. The question was asked if there would be any other employees besides Mr. Inglehearn. Michael Inglehearn stated yes there would be. Michael stated that Toby Norris would be the only other employee besides himself at the proposed shop. The question was asked if Mr. Inglehearn would be storing his parts outside. Michael Inglehearn stated that he would not feel safe leaving the parts outside so he will be storing the extra parts, etc. inside of his building.

Mark Martens entertained a motion to open the public hearing. Dan Walsh moved to open the public hearing. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Steve Furnivall, Debbie Barts, and Mark Martens being all in favor and no one opposing.

Mark Martens asked for those in favor of the petition to rise and state their name and reason for attending the public hearing. Being none, Mark then asked for those opposing the petition to rise and state their name and reason for attending the public hearing. Being none, Mark then asked for any rebuttal. Being none, Mark then asked for any additional comments.

Mark entertained a motion to close the public comments. Dan Walsh moved to close the public comments. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Steve Furnivall, Debbie Barts, and Mark Martens.

Steve Furnivall asked what the shop hours would be. Michael Inglehearn stated that they would be limited due to his and Toby's other work schedules. Michael stated that they

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would be open probably from 8:00 A.M. E.S.T. to 6:00 P.M. E.S.T. Steve also asked if there would be any special lighting set up on the property. Michael stated that there would be some type of lighting out there.

Mark Martens entertained a motion concerning the Bicycle Sales & Service Shop. Steve Furnivall moved to accept the request of a special exception to operate a Bicycle Sales & Service Shop on the condition that no outdoor storage of any kind occurs after operating hours. Dan Walsh seconded the motion.

The BZA members then filled out their Findings of Fact forms (see attachments labeled D). A roll call vote was conducted by the Administrative Secretary, Erica Ginther:

Steve Furnivall	Yea
Dan Walsh	Yea
Joe Wegner	Yea
Debbie Barts	Yea
Mark Martens	Yea

Motion to accept the request of a special exception to operate a Bicycle Sales and Service Shop on the condition that no outside storage of any kind occurs after operating hours passed with five votes in favor and none opposing.

IN RE: NEW BUSINESS

NETWORK TOWERS
COMMUNICATIONS TOWER

Network Towers, Cell Tower, Docket #BZA 11-0301. It is duly noted that Joe Wegner disqualified himself from this petition because his property adjoins the property in question. Casi Cramer stated that Network Towers is requesting a special exception for a proposed Communications Tower in an AG District to be located on Daniel Miller's property at N ½ NE NW 16-30-1 (19 Acres), Kewanna IN. Casi displayed a map of the proposed site for all of those in attendance to see. Casi stated that Network Towers is requesting a variance from Article 5.18, Section TF-02 (A) to allow a south property line setback of 217.56 feet instead of the required 350.00 feet. Casi further stated that the proposed tower would serve as a community service by fulfilling a communications void within the Bruce Lake area and it will provide essential coverage for emergency 9-1-1 utilization. Casi stated that the proposed tower, if designed as proposed, would not have a negative impact on the community, but will coexist as a necessary function for both citizens of Fulton County and emergency response officials. Casi also stated that the property owners would be reimbursed for the lease of their property and negating any objection from interested parties. Casi further stated that she did not foresee any negative externalities resulting from the construction of the proposed tower.

Much discussion followed concerning the Johnson property setback. The map shows that the tower sits 320.2 feet away from the Johnson property and it should be 350 feet away from their property. There was also discussion about where the drain is actually located.

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Jon Bomberger, Network Towers attorney, stated that this proposed site is a prime location for their tower because of the lack of service in that area. Jon further explained that by putting their tower on this proposed site it would solve service problems along State Road 17 and State Road 14. Jon stated that this tower would have the ability to hold six (6) services upon it. Jon then explained that the tower does meet all of the Fulton County Zoning Ordinances and he explained to the Board how Network Towers meet each requirement. Jon stated that Network Towers would make sure that they found the exact location of the drain tile before going to work on the tower.

Much discussion followed concerning the drain tile and how Network Towers would move their structure away from the drain tile but still be in compliance with the setbacks.

Mark Martens entertained a motion to open the public hearing. Dan Walsh moved to open the public hearing. Steve Furnivall seconded the motion. Motion carried as follows: Dan Walsh, Steve Furnivall, Debbie Barts, and Mark Martens all being in favor and no one opposing.

Mark then asked for those in favor of the petition to rise and state their name and reason for attending the public hearing. Ron Shrader stated that his residence is a half mile away from the proposed site. Ron stated that he did not have a problem with the tower going up on this proposed site.

Mark then asked for those opposing the petition to rise and state their name and reason for attending the public hearing. Ron Shrader stated that he was not opposing but he did have a concern. Ron stated his concern was with the drain tile and he strongly feels that Network Towers needs to determine where that tile is before they do anything.

Mark asked if there was any rebuttal. Jon Bomberger stated that Network Towers and himself agree with the concern regarding the setback. Jon also stated that they will be finding out where the drain tile is located for sure.

Mark Martens entertained a motion to close public comments. Dan Walsh moved to close the public comments. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Steve Furnivall, and Mark Martens being all in favor and no one opposing.

Much discussion followed concerning again the location of the tower and the location of the drain tile.

Mark Martens entertained a motion concerning the Communications Tower. Debbie Barts moved to accept the request of a development standard variance on the condition that it be a variance, equal to or less than, 147.44 ft, plus or minus a ten foot margin of error, from the south property boundary, not including the Johnson property setback, on the condition that the drain be located. Steve Furnivall seconded the motion.

Mark entertained a motion to close the public hearing. Dan Walsh moved to close the public hearing. Steve Furnivall seconded the motion.

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The BZA members then filled out their Findings of Fact forms (see attachments labeled E). A roll call vote was conducted by the Administrative Secretary, Erica Ginther:

Steve Furnivall	Yea
Dan Walsh	Nay
Debbie Barts	Yea
Mark Martens	Yea

Motion to accept the request of a development standard variance on the condition that it be a variance, equal to or less than, 147.44 ft, plus or minus a ten foot margin of error, from the south property boundary, not including the Johnson property setback, on the condition that the drain be located passed with three votes in favor and one opposing.

IN RE:	NEW BUSINESS	NETWORK TOWERS COMMUNICATIONS TOWER
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Network Towers, Cell Tower, Docket #BZA 08-0301. It is duly noted that Joe Wegner disqualified himself from this petition because his property adjoins the property in question. Casi Cramer stated that Network Towers is requesting a special exception for a proposed Communications Tower in an AG District to be located on Daniel Miller's property at N ½ NE NW 16-30-1 (19 Acres), Kewanna IN. Casi displayed a map of the proposed site for all of those in attendance to see.

Mark Martens entertained a motion to open the public hearing. Dan Walsh moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Steve Furnivall, and Mark Martens.

Mark then asked for those in favor of the petition to rise and state their name and reason for attending the public hearing. Being none, Mark then asked for those opposing the petition to rise and state their name and reason for attending the public hearing. Being none, Mark then asked for any rebuttal or additional comments. Being none, Mark asked the Board if they had anymore discussion.

Mark entertained a motion concerning the Communications Tower. Dan Walsh moved to accept accept the request of a special exception to allow the communications tower to be constructed. Debbie Barts seconded the motion.

Mark entertained a motion to close the public hearing. Dan Walsh moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Steve Furnivall, and Mark Martens being all in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS
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The BZA members then filled out their Findings of Fact forms (see attachments labeled E). A roll call vote was conducted by the Administrative Secretary, Erica Ginther:

Steve Furnivall	Yea
Dan Walsh	Yea
Debbie Barts	Yea
Mark Martens	Yea

Motion to accept the request of a special exception to allow the communications tower to be constructed passed with four votes in favor and none opposing.

Mark Martens called for any more business to come before the Board of Zoning Appeals. Being none, Dan Walsh motioned to adjourn the Fulton County Board of Zoning Appeals meeting at 10:31 P.M. E.S.T. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Steve Furnivall, and Mark Martens being all in favor and no one opposing.

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ATTEST: _____
Erica A. Ginther, Administrative Secretary

THE FULTON COUNTY Plan Commission
April 26th, 2000

Mark Kepler	OK let's jump to tower ordinances and uh talk about those um & I'm gonna uh....Derek
Derek McGrew	Yes sir
Mark Kepler	Yeah...uh...Derek happens to be the building committee
Derek McGrew	And believe me it was just dumb luck. I was just _____ (Inaudible) luck
Mark Kepler	Derek is Derek McGrew is with SBA with
Derek McGrew	SBA, Inc....what it is is Steve Bernstein & Associates
Mark Kepler	And you are you are the site acquisition specialist for towers
Derek McGrew	Yes
Mark Kepler	Uh and we are going over our tower ordinance right now and uh uh we are uh do not do not have a tower ordinance in effect in this county and we have gotten some things on towers and is a matter of fact maybe if you can help us out with a few things because uh and and I know from last time around we were talking about towers and the question that came up was how far is tower _____ (Inaudible) uh that we have uh...the very newest ones that are coming up are shorter ones...uh...what do they do _____ (Inaudible)I have no idea _____ (Inaudible) and uh and uh you might let me know a little bit what size those are and what those things do
Derek McGrew	I've come from, I've come from the north so I can't speak of the towers from the south uh the majority of your towers are guy towers the ones w/wires coming down uh most of them are going to be 250 300 feet. Most of them are 300 uh I'm sorry 300 um... Basically I can give you a general idea of let me tell you what I do so you understand
Mark Kepler	Yeah OK go ahead
Derek McGrew	SBA, Inc builds towers for cellular carriers we're not a we don't sell phones or anything like that what we do is build tower to hold 5, 6, 7 sets of equipment on our towers um so basically we like to see to us as the good guy in this business because we're not interested in coming in and putting a tower here tower here tower there uh we only go where where there's a demand for it or where lets say there's a demand for it or where lets say there might be another tower next to it but that tower's built for one carrier. Basically when they first gave out the cellular licenses for oh I'm sorry that's when they gave the PCS licenses. PCI's came out, the analog carriers use cellular, actually you guys have centennial here you don't have Centennial one here? Do you?
Jean Cloud	No
Derek McGrew	Steve?
Steve Furnivall	No
Derek McGrew	The analog carrier Cellular One uh, Centennial Ameritech those carriers have a different kind of signal that can send further than the digital which is the Sprint, Nextel, AT&T those guys uh they can send their signal 9, 10, 12, 13, 14 miles some of them, the digital carriers can only send it 4 to 6 miles. Uh so that's why your getting hit harder on your uh on route 31 and actually that's why I'm here uh so that'll give you a good idea of how many towers you're looking at in the future a lot if its not you know if they're not regulated they'll be everywhere uh as far as the towers that you have almost none of them are located at this time that I noticed. All of them have just the one carrier and especially up north of the city there's like 5 towers within a mile um so that's what we try to prevent and I know that's what you want to prevent same as us.
Mark Kepler	_____(Inaudible) that's what I see going by all the time. Now these towers that are up there, there's some fairly new ones up there. Are those structurally sound enough to handle more that one um?
Derek McGrew	One of them is definitely and that that is that was put up by Unisite. You may be familiar with that one. That one is the one of the very few self supporting towers that you have up that direction uh it just looks like an erecta set uh its about 250 feet tall.

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Mark Kepler	Is that square on the top?
Derek McGrew	Yep uh yeah. I believe they have Sprint on the tower but you couldn't hold me to that. I couldn't tell for sure um that one is um and another way you can tell is the tower builders that build those kind of Unisite is a competitor of ours. Um when we build those kind of towers what they'll do is put a set of meters next to the tower and they have 4 meters so they're built for 4 for 4 carriers so that'll give you a pretty good idea of what they are what they are ready for now. An AM antenna, you'll never get a cellular carrier on an AM antenna possibly a _____ (Inaudible) because an AM cellular they don't work well together the signal doesn't work. And to let you know I'm working on 31 like I said I'm working on 31 and I'm I'm just now all I'm doing is cataloging the sites right now. I don't know for sure that you have dead areas, probably do, I just don't know where yet. Now we're not gonna obviously be putting one out in a farm field out in the middle of your county where there isn't a demand for it.
Mark Kepler	31 is a popular place
Derek McGrew	Right now yes.
Gary Sriver	Now I I know you probably don't want to answer this, I wouldn't either if I was in your business but it seems like 10 to 15 years down the road all these towers are not going to be necessary because of what's going on in the telecommunication right now.
Derek McGrew	Right I understand.
Gary Sriver	I mean laser everything else.
Derek McGrew	Right.
Gary Sriver	What kind of, what kind of rules do you have. Let's say you put a tower up and that tower's no longer needed, let's say uh um Cellular One says we don't need this anymore.
Derek McGrew	Right.
Gary Sriver	We're going to go laser, we're going to go this way.
Derek McGrew	Or satellite.
Gary Sriver	Right or satellite, now do you have to tear those towers down?
Derek McGrew	According to our leases, and this is the only way I can answer, according to our leases if we no longer need the tower, if the tower's no longer needed, we will tear it down. Now it depends on every lease is a little bit different uh some leases sometimes a lot of times an agricultural property a lot of the counties make us go on agricultural property uh and a lot of the farmers will say and they'll say hey listen we want we want the foundation everything gone and a lot of times that's what we do. So yes we do take down our own towers it's our lease.
Mark Kepler	So all these towers are leased?
Derek McGrew	Yes.
Mark Kepler	They're not not purchased, ground is not purchased?
Derek McGrew	No the ground is not purchased. The lease states generally a space 100 feet by 100 feet we get off the road whatever the setback needs to be, probably we always like to go a little safe so we don't have run into any complications from the county or anything. Um so yeah we always lease, I shouldn't say always, I'm not going to say always but so far I have been involved in any purchase of these properties and I've been working on about 40 sites.
Mark Kepler	A lese is a year lease? 5 year lease?
Derek McGrew	50 year lease.
Mark Kepler	50 year lease?
Derek McGrew	5 to 50, 5 year terms, 5 to 5 year terms yes.
Gary Sriver	They're renewable every 5 years.
Derek McGrew	They're, we don't go through the paper work it's just.
Gary Sriver	But it's automatic.
Derek McGrew	It's just _____ (Inaudible).

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Gary Srivver	But they can cancel them at the end of the 5 years?
Derek McGrew	No we can, they can't.
Mark Kepler	So you got it up, lets go through this, you got it up for a year
Derek McGrew	Uh huh.
Mark Kepler	And you're done with it, you don't need it anymore um but the lease comes up in 5 years. So you're going to continue to paying that lease for all that 5 years or your going to quit paying it in 5 years?
Derek McGrew	As long as the tower's on their property we have to pay the lease.
Mark Kepler	Ok
Derek McGrew	Uh and just for your safety, uh or so you know this there's no way my company is going to put up a tower that costs us 225,000 or 250,000 dollars if it's not going to be needed in 2 to 5 years because it would take us too long to get our, we we wouldn't get our revenue back from the tower.
Mark Kepler	That's what these towers cost?
Derek McGrew	Yeah.
Mark Kepler	Quarter million?
Derek McGrew	Yeah basically when you when you get together on the excavating and the the grating and the uh fence and the building and the tower yeah. The tower itself is only 45 to 60,000 dollars but the whole thing A to Z's costs us 225 to 250,000 dollars and that's for that's for guy tower or a 250 self support how those I don't know if you have any around here they're called monopoles um _____ (Inaudible).
Derek McGrew	I wasn't prepared for this this is kind of sudden.
Mark Kepler	Neither were we.
Steve Furnivall	Well come back when you're prepared.
Derek McGrew	Um I have an information packet I don't have it with me it's out in the car. Um monopoles are just kind of a straight they look like a flagpole but of course they have cellular equipment on top and those are a little bit shorter uh especially for if we going to go only 200 feet. Basically if we're going to go 200 feet we go monopole, 250 feet we go with a lattice or self supporting tower, taller than that we're going to go with a guy tower.
Mark Kepler	So if we were developing an Ordinance we would be looking at above a 250 tower as a common tower.
Derek McGrew	Yes.
Mark Kepler	And anything above that would kind of be rare little bit a would happen but not around us.
Derek McGrew	Around here I think because you already have a bunch of 300 foot guy towers I think you're going to get a lot more requests for that. That's just my opinion for what I've seen so far uh but the self supporting towers when those are built lets say 200 I think to me 250 feet is enough.
Mark Kepler	Let me ask you this, if we get the 300 foot tower _____ (Inaudible). If I put up one 300 foot tower is it worth more can do more things with it than a 250 foot tower.
Derek McGrew	No.
Mark Kepler	Can I put 5 things or can I
Derek McGrew	No as a matter of fact the self supporting tower can be restructured or reinforced to hold more carriers that what it was engineeringly built a monopole _____ (Inaudible) once it's built is done that's it. Uh whatever it's made for is it.
Mark Kepler	It's a one shot, one item thing?
Derek McGrew	Oh no a guy tower can hold more, a guy tower or monopole? A monopole?
Mark Kepler	Yeah.

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Derek McGrew	Yeah but these can be made to hold we build ours to hold 5 sets of equipment and up to 6 uh you don't see too many around here but uh the the digital tower the digital
Gary Sriver	There's a few, there's some on 31 on down I think there's one on 31 on down to Indianapolis.
Derek McGrew	The digital carriers they use what's called the uh the uh there's whip antennas and I can't panel antennas. The digital can most of them use panel antennas and those take a little more _____ (Inaudible) than a lot of whip antennas. So a monopole is built to hold 5 sets of panel antennas I'm I'm sorry yeah 5 sets of panel antennas but many of these are whip antennas and hold 6 carriers. So yeah monopoles, guy towers once you build it for whatever it's built for that's it it's done.
Derek McGrew	And self supporting you can you can you can reinforce it
Mark Kepler	So if I was to put an Ordinance into effect and allow a monopole tower to be put up I would probably want to request that that tower has spots for _____ (Inaudible)?
Derek McGrew	I would say 4.
Mark Kepler	4?

Derek McGrew	Would be a, would be a, would be a pretty realistic amount.
Mark Kepler	OK
Gary Sriver	Now with the record going on between like a uh _____ (Inaudible), and uh SBC, Ameritech, would that increase the demand for more towers or should that decrease the demand for more towers
Derek McGrew	It should do neither, uh should remain the same. There are always going to be seven licensed carriers in each area. And so you're going to get you're going to see more conflicts I know that because I seen on the internet you go to the different carriers some of them have uh their carrier, I'm sorry their coverage area and then their future coverage area and a lot of it is on 31. um I know that Omnipoint has a section of 31, so we are going to be covering, I'm sorry Sprint is going to be covering has a carrier were it says we are going to be on 31 we will _____ (Inaudible) so no that should there is because uh let's say Ameritech and Bell South or whatever they merge they can't carry two licenses.
Gary Sriver	OK, but now let's say, let's say we come back to this scenario I raised earlier, changing from cellular towers to something else, has your company made any forecast on when they think this might start to take place
Derek McGrew	NO uh that is to say this, Gates, Bill Gates uh just invested, I don't know how much money he has, a lot of money into
Steve Furnivall	Sixty two billion
Jean Cloud	Today
Derek McGrew	Into a company that was developing satellite phones and it went bankrupt, it didn't work. And what that means I don't know I mean I meaning yeah in the future is it going to happen I would say probably, probably how far in the future there's no way to know, and uh the other demand for towers by the way that is coming and it's already in Chicago is wireless internet for laptops. Those are requiring the same kind of antennas as cell phones.
Mark Kepler	um I have a question, if you um as a man of business build your monopoles or self supporting structures for at two hundred and fifty (250) feet for five users, why do

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	you suggest that we require four users wouldn't our goal is to have the least amount of towers and the most amount of co-locations.
Derek McGrew	Definitely. I and believe me as far as I'm concerned I would say six – but I think that four is a pretty safe I think you will be able to limit your amount of towers with four. I think that is a pretty safe uh safe amount to put on a tower I think six is – I mean if you want to put six that is better for me that's even better uh there certainly nothing wrong with that maybe uh I was actually just at the same meeting last night in up in LaPorte County and I recommended that they that they say uh I think I actually said five, but they are getting hit a lot harder than you are. So uh. _____(Inaudible) _____(Inaudible)
Derek McGrew	Five sets I recommended to them
Mark Kepler	Well now its not like we are going to come back and amend this in the next 6 months so or event the next maybe the next 3 years this is _____(Inaudible)
Derek McGrew	You'll want to go five or six
Gary Sriver	OK now then others, the guy towers you said those monopoles was 300 feet
Derek McGrew	No 200 feet monopoles are 200
Gary Sriver	200 OK
Steve Furnivall	Guys are 250 in general and self supporting are 300 or
Derek McGrew	No it's the opposite, self-supporting is 250 and guys are 300. Basically it's just cost effect. That, that way. You could build a self-supporting tower at 300 it just costs so much more.
Mark Kepler	And that self-supporting is a one, is a one-item tower?
Derek McGrew	Yeah, there's no guy tower guy wires or anything coming off it there's just one . . .
Mark Kepler	One thing on it? _____(Inaudible)
Mark Kepler	They are like a flag pole. _____(Inaudible) they don't have the guy wires on them _____(Inaudible)
Gary Sriver	As far as the style whether its guy, or whether its self supporter, or its monopole they all, they're all up to five you say.
Derek McGrew	They can all be built up to five
Gary Sriver	They don't _____(Inaudible)
Steve Furnivall	I think we should just require five
Mark Kepler	You said they look like...
Gary Sriver	Yeah
Steve Furnivall	What, do what...
Gary Sriver	I said five they said, uh uh what do you call those things
Mark Kepler	Five things on it _____(Inaudible)
Gary Sriver	OK five different things on it OK
Steve Furnivall	_____ (Inaudible) right now our _____ (Inaudible) are 150 in an Ag District and 250 in an Industrial District or a business district. _____(Inaudible)
Derek McGrew	If you give them too much of a height restriction, what you're gonna get is you're going to get a tower here and then you're going to get At&t coming in and they are going to say we have, this tower is 150 feet, our signal won't work at 150 feet so, or 140 feet because the top one is already 150, they get a ten foot separation distance

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	between the antennas and they are going to say 140 feet is not tall enough, so we need to put it right here. Its just my suggestion on that.
Steve Furnivall	I see what you're saying
Mark Kepler	_____ (Inaudible) we'll need one taller than this
Derek McGrew	Now a lot of companies, a lot of companies like to build their own, their own towers, some don't. It just depends on the company
Mark Kepler	I guess I don't mind the height as much as the _____ (Inaudible)
Derek McGrew	Uh what I, what I recommended for LaPorte county actually something they already have in place is that if you come in and you want to put a tower up you have to prove why you can't co-locate on another tower within a certain mile radius, now they said four miles. Um that's probably, I think that's a little big, maybe two or three miles would be OK Uh just something so you can, because if you, if you require them to prove that they are not gonna try that they are not gonna go two miles away from 31 to avoid someone else's tower because they are moving losing so much coverage by moving away from 31. So you might want to put some kind of requirement as far as _____ (Inaudible)
Mark Kepler	They've got in their draft to show coverage area
Derek McGrew	I'm sorry
Mark Kepler	To show the coverage area you know
Derek McGrew	The propagation study is that what you mean? That wouldn't be a bad thing the only thing you have to be careful with on that is uh and this is just talking from my end, uh SBA, Inc in my opinion is your friend, we we are going to build towers that you want, big, er I shouldn't say big, but towers that can hold as much as they can. Um if you ...I lost, I lost where I'm going on this, um I'm sorry what did you say again?
Mark Kepler	Well, the reason that I suggest that I I'm, I'm working for the consultants, that we put that in there is when I was with _____ (Inaudible) we had and this is actually um in my experience cell tower people that I worked with are very friendly but we did actually had one guy who wasn't very friendly. And um they wanted to put up a 450 foot tower in an urbanizing area and so they said this only possible site that they could put another one on the web, and so I said that can't possibly be true you know we don't care if you move it over here half a mile you go ahead and do it we just didn't want it there and so with that we did ask them to show us the area where they were able to put that and still get their user needs.
Derek McGrew	Uh huh, I remember what you said OK
Mark Kepler	OK
Derek McGrew	Um for a company, for a company like us um a lot of times what we like to do is it, my job is to find a dead areas, lets say I find a dead area on 31 toady, we like to go in and get our approval for the permit and we're not going to build the tower generally now this has happened but in general we will not build the tower unless we have a carrier ready to go on it. But most, I shouldn't say most, some of the carriers have a contract, like Nextel has a contract with Spectorsite um they can not do any, lets say I, lets say they like this site that I just picked down there they can not give me any kind of approval yeah we like that site because they have this first refusal with Spectorsite if they like this site, I'm sorry I can't say anything because if we want that site we'll have Spectorsite build it for us. So they have first refusal so if you require propagation studies you are going to eliminate tower builders in general now a lot of times we also work as a build to suit company, uh uh our program office works with Sprint, um where Sprint says here we want it here here here and here of course we

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	would be able to do that.
Mark Kepler	So what would you suggest that would still give that same goal yet get out of the propagation study
Derek McGrew	Hmm
Mark Kepler	Do you see what I mean because like if, if its gonna be where they're siting it in an area where you don't necessarily want it on this right-of-way but you don't care if it's a half of a mile away
Derek McGrew	Well I would say that part of it would be covered by the by checking out the radius of of the tower
Mark Kepler	Tower radius or something
Derek McGrew	Yeah and even if you show some kind of um propagation study is not a bad idea I would just be careful with that because you are going to run into...
Gary Sriver	And so you're telling us, in other words basically to find a dead site as you say _____(Inaudible)
Derek McGrew	_____(Inaudible)
Gary Sriver	So there's no interference where that company could come in there and a put up a tower knowing that its going to be free and clear of any other obstacles as far as their transmissions and so forth
Derek McGrew	yes um _____(Inaudible)
Derek McGrew	Quite honestly my phone was ringing and I lost my main phone that I always use, and uh this isn't on the record I hope...
Steve Furnivall	The tape is recording
Derek McGrew	And so one of the _____(Inaudible). So uh on propagation studies not a bad idea, another thing you may want to do is have them show all the towers in some kind of radius. And so that and showing that ask them...
Mark Kepler	So you know the tower that's when you need the propagation study so maybe if you're ever in that situation you can you can _____(Inaudible)
Derek McGrew	Well if you have them show you where the two towers are where they are connecting because for the majority what you are going to have is you are going to have a dead spot, so lets say At&T is here and here if they are right in the middle then they pretty much picked the right spot you know, if they are here and here and all the sudden they are over here well wait a minute how come you're not over where you guys should be...
Mark Kepler	Well maybe they got a cheap lease, I mean you know
Derek McGrew	Yeah, well yeah
Gary Sriver	Well that wouldn't that wouldn't necessarily be a selling point because if it was too far out of the transmission area beyond the four miles other wise they wouldn't want another tower there either you know, while they would have to have another tower there if they are going to go to the length...
Derek McGrew	Right
Mark Kepler	So we are going to jump off with a five, they are going to have to co-locate five is that what we came up with?
Derek McGrew	I didn't, just so you, for the record _____ (Inaudible) can locate five not co-locate five because monopoles cannot, well they can if you get _____ (Inaudible) antennas but that's a special situation um
Mark Kepler	OK locate five and co-locate four

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Derek McGrew	yes _____ (Inaudible)
Mark Kepler	OK, so we're adding five, let's go for the height next, 300 foot sounds to me like the biggest one you're gonna be dealing with
Derek McGrew	Rarely are you going to come up with anything bigger than 300 unless you have an FM radio tower other than that the most of them are going to be 250
Gary Sriver	and that would just be because there is too much interference, there's too much interference with our own FM radio station here in Rochester we have an FM station, and they have problems from Dowagiac Michigan down through here, there must be some kind of band through here that creates a problem for them maybe their towers wouldn't have that I don't know.
Derek McGrew	Maybe
Gary Sriver	But Still we have some real problems there and they've always had that yeah
Derek McGrew	Uh FM radio just like I, I don't know if you remember what I said earlier but FM radio really has no kind of problem with cellular signal.
Mark Kepler	So, we're keeping them about 300 feet then...
Mark Kepler	I don't know...
Gary Sriver	You already got them at _____ (Inaudible) _____ (Inaudible)
Derek McGrew	I would say...I would put some kind of stipulation - are you going to rec...,recommend five for all five towers basically is that what you are going to say?
Mark Kepler	If you build new cell tower you would have to have five locates on it um and that in order to build a new tower you would have to prove that you can't co-locate within a certain area
Mark Kepler	Now I always ask this is just my thinking is if you owned a tower and uh I want I gotta I'm need put to up either a tower up come to you or rent space from you and um so all the sudden I find that I can't, I have to negotiate with you for rent
Derek McGrew	Uh huh
Derek McGrew	And if I don't like your rent what's my option?
Derek McGrew	Uh I believe that there are...they are able to prove by law if they are able to prove that we are being unreasonable for whatever reason they can...that that would be...I've seen that in other ordinances
Mark Kepler	So we're going to stop them from putting up the tower and then we're going to go to you er they are going to go to you and ask you and you're going to say yeah right \$100,000 a year and we'll so this for you...um..._____ (Inaudible)
Derek McGrew	I wish it
Mark Kepler	That's what I'm saying \$1000 ...\$100,000 a year and we'll let you have one of these spots uh...that's what we've got in arbitration
Mark Kepler	arbi...yeah they would have to agree to arbitration or a mediation
Mark Kepler	OK
Mark Kepler	If they cannot come to a reasonable lease term
Derek McGrew	Yeah that would be good to put in there
Derek McGrew	And then you know they are actually talking to each other
Derek McGrew	And obviously we're we're _____ (Inaudible)we don't care...uh something else we offer and this is kind of off the subject but we offer actually I just came from the sheriff's office, we offer uh free space on our towers for ambulance, uh your county sheriff or whatever whatever is ...we obviously can't have all...

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	_____ (Inaudible)
Steve Furnivall	Does an antenna like that take one of your locations away?
Derek McGrew	No
Steve Furnivall	Does an antenna like that take one of your locatable sites away?
Derek McGrew	No the kind of antennas that they put on they are so minimal
Steve Furnivall	That's what I thought _____ (Inaudible)
Gary Sriver	When you went and talked to the sheriff, I'm sorry...how large of an area would that...how large of an area would that serve if they put that antenna on one of your...
Derek McGrew	Well their their I don't know what their radio signal is...they would have to answer that...I couldn't I couldn't tell you what their what their frequency is how far it reaches or anything like that. We've spoken with Porter County, I'm from Valparaiso, we spoke with Porter County and Porter County...
Mark Kepler	How many have you put up
Derek McGrew	Four
Jean	Four
<Indistinguishable Voice>	We put up a four hundred footer with a receiver system because we had troubles in the outlying areas uh communicating back and forth with things like uh mobile units you can't hear like in Kewanna they cut 'em off and so forth _____ (Inaudible) _____ (Inaudible)
Mark Kepler	OK now I've got uh your tower sitting out here and uh we got five on it and their all full. And the next company that comes along says we want to have a tower out in this area. At that point we say well this one is full we'll have to know that...somehow we'll have to know it, then we are going to have to grant the permission to put another tower, soon we'll have to grant permission to put another tower and we'll say five on that tower also.
Ernie Hiatt	_____ (Inaudible)
Derek McGrew	I would say that this shouldn't effect me with the... I would say that uh that if you have a tower, er a company that's interested interested in putting a tower next to another tower that is full with five sets of equipment on there, I would think that you would have to have them _____ (Inaudible) that is that more expensive because you are getting to the end of how many carriers are in the area you only get seven and probably you, you are not going to get all, all seven of them on the same footprint along 31 you're going to get Sprint here Sprint here and you're going to get At& T here and here you see what I'm saying...
Gary Sriver	That doesn't answer the question Ernie was saying...you say seven is max?
Derek McGrew	Seven is max
Gary Sriver	OK so then it seems like...
Mark Kepler	_____ (Inaudible) a tower for seven years
Gary Sriver	It seems like with technology advances year after year that that seventh carrier are going to become less and less all the time
Derek McGrew	No not necessarily, the licenses are worth so much money you know there will always be seven licenses separate licenses for separate companies I'm almost positive about that
Mark Kepler	And so in other words if we are going to put five on there why not put seven on there?

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Mark Kepler	No wouldn't that be the logical point that you would have towers that can hold seven carriers but also _____(Inaudible)
Mark Kepler	_____(Inaudible) everyone is going to want to be at be at different heights?
Derek McGrew	No because so much more huge huge difference between five and six
Mark Kepler	In cost of the structure itself?
Derek McGrew	Yes
Steve Furnivall	And you are 250 feet
Derek McGrew	That is because if you go to six users you are excluding monopoles that's the reason why same thing for seven
Art Showley	You're excluding what?
Jean Cloud	Monopoles
Derek McGrew	Monopoles and actually in most areas and I don't know how many towns you have in the area, but in most towns they would prefer to have monopoles over a guy tower or self support because they are much easier to look at uh and they don't take up as much of their space.
Jean Cloud	They don't take up much room as much as the guys have to worry about.
Mark Kepler	_____(Inaudible) _____(Inaudible)
Derek McGrew	It's whatever the FAA requires for each tower _____(Inaudible)
Derek McGrew	There's nothing anyone can do about that _____(Inaudible)
Mark Kepler	The cell towers _____(Inaudible)
Derek McGrew	The monopoles _____(Inaudible) anytime they are red at night
Steve Furnivall	You are saying that a monopole wouldn't actually _____(Inaudible)
Derek McGrew	Prior sets _____(Inaudible)
Mark Kepler	So they are not supposed to have that white flashing light at night?
Derek McGrew	Yes, it's whatever the FAA says, I'm not saying...I've been I've been told actually that when they have a white flashing light that they are broke and they are not working but that can't be true because I've seen too many of them with white flashing lights uh I live right across the street from five and 400 foot guy towers and one of them has the white flashing all the time so...
Steve Furnivall	How can we get a tower on our property? _____(Inaudible) Debbie was wondering she wanted to quite farming and she wanted a tower up...
Derek McGrew	Nope a lot of times what we do is...specially when we run through a county where we think we might have some problems with the zoning we'll be looking for your property because most of the time the Board of Zoning Appeals is gonna gonna to smile on that _____(Inaudible) _____(Inaudible)
Art Showley	I heard one time that _____(Inaudible)
Derek McGrew	Our company did?
Art Showley	I I heard it cost 750 bucks a month to rent one of those towers...an antenna
Derek McGrew	Oh you mean on one... So in other words how much does a cellular company pay us to be on a tower... Oh I can't discuss that I'm sorry. _____(Inaudible) _____(Inaudible)

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Mark Kepler	\$107,000 a year that's not a bad income
Art Showley	Not bad at all
Jean Cloud	No its not
Derek McGrew	I'm very disappointed that I live across the street from those towers _____(Inaudible) _____(Inaudible)
Gary Sriver	It would be nicer than a gazebo in your front yard _____(Inaudible)
Gary Sriver	At least that generates an income _____(Inaudible)
Mark Kepler	OK _____(Inaudible) distance
Steve Furnivall	Three miles _____
Mark Kepler	Those things up there are every mile just about ...every one of them are every mile or half mile its like 700, 600, 500, 400 is what they are doing. _____(Inaudible)
Mark Kepler	_____ (Inaudible) whenever it is possible if they say they can't then you need to showthey need to show you what carriers are within a certain distance to prove to you that they can't
Mark Kepler	OK
Mark Kepler	So you have suggested a distance...what the distance you have suggested?
Derek McGrew	I'm sorry distance?
Mark Kepler	Yeah
Derek McGrew	Two or three miles. Basically if you if you get bigger than that all that all that's going to happen is they are going to say yeah we need to be right here there's a tower this far away well we...they'll they'll show you...they'll actually...they'll probably they'll probably bring you a propagation study showing you hey if we put it over here we are going to have a dead spot over in this direction see what I'm saying so if you get much bigger than that you kind of you'll be shooting yourself in the foot
Mark Kepler	I think three miles would be plenty
Gary Sriver	It really would be plenty with a propagation study wouldn't it.
Derek McGrew	I would say ...I would require a propagation study if there was a carrier on the tower _____(Inaudible)
Mark Kepler	Let me think about it...plus if they can't I think if they prove that they can't co-locate we want a propagation study, so that's kind of like the next step OK if you can't co-locate we want a propagation study so we know that you're you know where you're supposed to be at instead of just throwing stuff around.
Mark Kepler	Alright what else do we need to cover on this?
Gary Sriver	We changed the height to 350 feet?
Mark Kepler	350 foot of height
Mark Kepler	You talked about combining those two...
Mark Kepler	Yeah, yeah we uh we uh personally we we talked there's no difference uh make it the same height on TF-02 as to TF-03 and whether its in an I District, an IN or an IU District. Um there's, there's ...
Steve Furnivall	We combined two and three
Mark Kepler	We'll just have it all it'll be permitted in Ag, IN, and IU
Derek McGrew	A permitted use?

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Mark Kepler	Uh huh
Derek McGrew	I think that you should make it uh just my opinion but if you make it a permitted use in anything you're not going to be able to regulate your towers. Uh LaPorte County for instance I mean pulled two building permits because that's what they have, they have permitted uses in Ag zones and not only the regulations and got their setbacks and everything and tried to pull their permit and there's nothing I could do about it if you don't regulate them somehow that's just what's going to happen and I'll tell you right now that's what I would do.
Mark Kepler	Well we're going to require everything to be turned in prior to approval
Derek McGrew	You have to have zoning permit for the location?
Mark Kepler	Uh huh, You have to, you have to have zoning approval a Location Improvement Permit prior to building permit
Derek McGrew	Oh zoning approval so _____(Inaudible)
Mark Kepler	Well not necessarily
Steve Furnivall	I got a stupid question, two is special exception three is permitted when we combined did we combine it under permitted
Mark Kepler	We can have them all under special exceptions otherwise I mean just because it's permitted by right doesn't mean because you guys have a Improvement Location Permit you still get the zoning approval before the building permit. They're separate. Um but it may be a good idea to have them a Special Exception
Mark Kepler	In the case of the tower your talking about you just put one up did it have any co-locations uh on it or anything like that?
Derek McGrew	They couldn't...it's a permitted use in an Ag zone and they wanted you to check for a two-mile radius for co-location
Mark Kepler	Check?
Derek McGrew	If, if you asked for a variance you had to check if you didn't ask for a variance like I said I just went in there and actually...
Mark Kepler	Filled it out?
Derek McGrew	We we just got the site just a few days ago with the green light from the permit we could build the tower tomorrow.
Mark Kepler	Special Exception?
Steve Furnivall	Special Exception in Ag
Mark Kepler	Ag, IN, and IU
Steve Furnivall	IU and _____(Inaudible) _____(Inaudible)
Mark Kepler	Well if it wasn't for Ag, I mean Ag is 90 percent of the county
Mark Kepler	I'm just making sure that where in the county they are likely to sit...
Derek McGrew	You probably won't have much of a residential area...
Gary Sriver	No there's, we're not _____(Inaudible)
Derek McGrew	_____ (Inaudible)
Mark Kepler	_____ (Inaudible)
Mark Kepler	Well slim to now
Derek McGrew	I suggest for um.... setbacks um I would make the tower sit back what I've seen and, and what I think is good is 50 feet greater than the height, now
Mark Kepler	Really

THE FULTON COUNTY Plan Commission
April 26th, 2000

Derek McGrew	Yeah
Mark Kepler	I have 50 percent of the height of the tower
Derek McGrew	Just 50 percent? If you...OK if they...
Mark Kepler	They are supposed to break in the middle...
Derek McGrew	Not guy towers
Mark Kepler	They don't...OK...why not guy towers?
Derek McGrew	Because they...
Mark Kepler	The wires...
Derek McGrew	You lose a wire, things come down
Gary Sriver	What if all you do is lose one?
Mark Kepler	Well _____(Inaudible)
Derek McGrew	Now if the tower is a self-support and a monopole those are designed to just kind of kink when they when they fail, which I don't know what happens yet but that's what those are designed to do... A guy tower some kids are gonna go out there and think they are going to play a joke you know cut one of the wires or a tree falls on one of them or something like that the whole tower is gonna fall.
Steve Furnivall	You would hope they wouldn't put any trees that close to guys
Derek McGrew	You would hope not...But it, but I'm sure it happens
Mark Kepler	We need a landscaping standard so if you put up one of these things and fence it off you gotta to put some shrubs down or something
Derek McGrew	We do that all the time
Mark Kepler	OK
Steve Furnivall	We struck that standard
Mark Kepler	No we didn't
Steve Furnivall	we didn't
Mark Kepler	We left it
Jean Cloud	Uhuh we didn't struck it
Steve Furnivall	You didn't
Jean Cloud	Uhuh _____(Inaudible) _____(Inaudible)
Steve Furnivall	I can't, I can't figure out why an 8-foot shrub is going to matter on a 300 foot tower
Mark Kepler	It's not just the tower it's the mechanical equipment
Steve Furnivall	So are we going to change this setback standards? I mean I think I see the setback standards depending on the type of tower _____(Inaudible)
Mark Kepler	Well is that it? Derek I thank you for uh _____(Inaudible) _____(Inaudible)



Fulton County Advisory Plan Commission

**125 East 9th Street, Rochester, IN 46975
219.223.7667 • plandirector@rtcol.com**

Dear BZA members,

The Plan Commission Office received two letters opposing the Gregory Groninger petition, which were not read at the meeting. These letters are included in your packet of minutes but are not labeled due to the fact that they were not read aloud. If anyone has questions or concerns please feel free to call me at 223-7667.

Thank you,

Erica A. Ginther
Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS

WEDNESDAY, MAY 9, 2001

**7:30 P.M. E.S.T.
CONFERENCE ROOM
FULTON COUNTY OFFICE BUILDING**

CALL TO ORDER

**APRIL 11, 2001
BOARD OF ZONING APPEALS MINUTES**

OLD BUSINESS

NEW BUSINESS

SBA Inc (02-0301)

SBA Inc (04-0301)

SBA Inc (05-0301)

Dortha Bailey (12-0301)

Clayton Howes (13-0401)

Lee & Ryan Environmental (14-0401)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

ADJOURNMENT

THE FULTON COUNTY BOARD OF ZONING APPEALS
MAY 9TH, 2001

The Fulton County Board of Zoning Appeals met on Wednesday, the 9th day of May 2001, at 7:30 P.M. E.S.T., in the Commissioners/Counsel Room in the Fulton County Office Building. Chairman, Mark Martens, called the meeting to order at 7:32 P.M. E.S.T. The following members were present: Chairman, Mark Martens; Vice Chairman, Dan Walsh; Secretary, Steve Furnivall; Debbie Barts; and Joe Wegner. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Ginther; Board of Zoning Appeals Attorney, Greg Heller; Gary Srivier; Joann Harshman; Clayton and Mable Howes; Dortha Bailey; Lorene Bailey; Jack Kohn, SBA Inc.; John Woodyard, SBA Inc.; and Daniel Koleszar, Lee and Ryan Environmental.

Mark Martens called for any additions or corrections to be made to the Special Meeting; April 5th, 2001 minutes. Being none, Steve Furnivall moved to accept the Special Meeting; April 5th, 2001 minutes. Joe Wegner seconded the motion. Motion carried as follows: Steve Furnivall, Joe Wegner, Dan Walsh, Debbie Barts, and Mark Martens being in favor and none opposing. Mark called for any additions or corrections to be made to the April 11th, 2001 minutes. Being none, Joe Wegner moved to accept the April 11th, 2001 minutes. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Debbie Barts, Steve Furnivall, and Mark Martens being in favor and none opposing.

IN RE: NEW BUSINESS

SBA INC
SPECIAL EXCEPTION

SBA Inc., Docket#02-0301, Special Exception. Mark Martens stated this was a cell tower located on property owned by Mervin and Anna Mae Ramer at 880 W 700 N, Argos, IN 46501. Casi explained that Bright PCS is requesting a special exception for SBA Inc, concerning an extension on an existing Legal Nonconforming Wireless Telecommunications Facility located in an AG District. The existing tower stands 180 feet in height. The extension would raise the height to 250 feet. Casi stated the existing tower conforms to the Ordinances, as they are written. Casi added that the tower does meet the setback of 50 feet above the height from all property lines. Casi explained that the property contains approximately 100 acres. The only nonconforming factor is the absence of a buffer planting around the tower. Casi stated, if approved, SBA Inc. would have to meet the buffer planting Ordinance. Casi recommended the approval of this request, because SBA Inc. meets all setbacks and are in accordance with the Ordinances, except for the buffer planting requirement.

Jack Kohn; SBA Inc., 5312 W Washington Center Rd. Fort Wayne, IN 46818; stated that he was representing Bright PCS. Jack stated that this tower was built last year before Zoning went into effect. The tower was originally scheduled to be 250 feet in height. Jack explained that these towers are part of a 143 tower outreach build spreading from Columbus, Ohio to approximately Chicago, Illinois. Jack explained that Bright PCS would like to have the network up and running as soon as possible; which is why some sites were built at the 180 foot height. According to FAA regulations you can build up to an un-noticed height of 200 feet. Jack stated that once they have received FAA approval, the towers are raised to the 250 feet height. Jack stated they were unaware of Zoning when the towers were extended. Jack

THE FULTON COUNTY BOARD OF ZONING APPEALS
MAY 9TH, 2001

explained that this outreach build differed from the company's normal routine, due to the fact that the towers are already contracted to Verizon.

Steve Furnivall stated on April 26th, 2000, when the Board wrote the rules for the telecommunication tower regulations in the Ordinances, the Board received advice from an employee of SBA Inc. Steve added that the employee's name was Derek McGrew. Steve stated he had a problem believing SBA Inc. was unaware Fulton County had Zoning. Jack responded saying Derek does work for the company but works in a different area. Steve inquired about the fact that after a stop work order was placed on the tower located at 400 South, why the company then moved their equipment to the site on 700 North. Jack said his superintendent had been reprimanded for making that decision. Mark Martens questioned if the tower was currently at 250 feet. Jack responded that it was but the antennas still needed to be raised. Mark asked how many antennas the tower could accommodate. Jack answered that at this time they were just moving up one tier, but it could eventually hold four. Jack explained that SBA Inc. is in the business of buying towers and leasing them to other telecommunications companies. Jack explained that SBA Inc. informs other telecommunications companies that they are erecting a tower and have availability. Out of the 143 tower build, SBA Inc. contacted 101 tower companies to insure they could not use any of the towers already existing. Mark asked if the tower, located a mile and a half away, was considered for availability. Jack stated he was unsure because there was another manager responsible for that type of research. Jack stated that he would have to guess that co-location studies were completed. Steve questioned if there was paper work detailing the co-location studies. Jack responded that he did not bring any of the studies with him to the meeting. Joe Wegner asked how long SBA Inc. expects this type of technology to be profitable. Jack stated that they sign a lease with the landowners for fifty-five (55) years, which is negotiated down to five (5) year increments. Jack added that if the tower becomes unprofitable, SBA Inc. would remove the structure and restore the land to the way it was prior to the tower being erected.

Mark Martens opened the public hearing. Mark asked anyone in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked anyone opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for any rebuttal or other public comments. Mark then closed the public comment.

Mark explained that the tower extension was previously erected and currently measures 250 feet in height. Mark asked if the antennas would extend over the 250 foot height. Jack said that 250 feet was the highest the tower could be. Mark stated that Jack assumes a co-location study had been done. Jack responded again, that he did not have anything stating that there was a study done; but he assumed one had been done.

Steve Furnivall moved to approve the request for a special exception to extend an existing telecommunications tower, with the condition that it meets all requirements of the Ordinances. Dan Walsh seconded the motion.

Steve Furnivall moved to close the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall, Dan Walsh, Debbie Barts, Joe Wegner, and Mark Martens all being in favor and no one opposing.

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MAY 9TH, 2001

and garage belonging to the Berry's. Joe Wegner asked how far the tower was from the dwelling. Jack stated approximately 100 feet. Steve Furnivall said that the drawings did not spell out the setbacks. Mark Martens responded that the drawings were inaccurate and had to be redrawn. Mark questioned if there was a feasibility study done on the tower. Jack said that he did not have any reports stating that a feasibility study had been completed. Gary Sriver asked when the tower was originally erected. Jack stated approximately June of 2000. Gary asked whether Jack had inspected these towers. Jack stated that he had. Steve Furnivall said that he had noticed the site and stopped to ask if they had all of the correct permits for the tower. Steve added that everyone working at the site assured him that all permits had been obtained. Jack stated that he believed they were in compliance with Fulton County's old standards. Jack stated he did not realize Fulton County had new standards. Casi Cramer asked to what old standards Jack was referring to. Jack said he meant the ordinances they followed prior to Zoning. Steve said there were no ordinances before that. Jack stated that is what he meant. Steve stated that when they had the meeting with Derek McGrew, the Plan Commission decided to ignore the collapsibility studies, due to the fact that they thought it would be safer and smarter for the public.

Dan Walsh moved to open the public hearing. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Steve Furnivall, Gary Sriver, and Mark Martens being all in favor and no one opposing.

Mark Martens asked for anyone in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for anyone opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for any last comments from the petitioner or the public. Jack Kohn stated that his only comment would be that he is sorry for not looking into the studies more thoroughly and now he would ask the board to pass this request.

Steve Furnivall moved to close the public comments. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall, Dan Walsh, Gary Sriver, Joe Wegner, and Mark Martens being all in favor and no one opposing.

Dan Walsh stated that man-made hardships are not really hardships and should be considered when granting this variance. Steve Furnivall stated he has a problem with them not complying with the Fulton County Ordinances. Steve added that since the Board is not following the advice of the collapsibility studies, it is possible for the tower to fall on either the road, the Berry's house, or in a field.

Casi explained to the BZA members that they are voting on three different variances; front yard setback, side yard setback, and rear yard setback. Casi explained that it was an all or nothing vote. Dan Walsh moved to approve, Docket#05-0301A, the request for a variance of the front property setback for the purpose of adding an extension to an existing telecommunications tower. Steve Furnivall seconded the motion.

Steve Furnivall moved to close the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall, Dan Walsh, Gary Sriver, Joe Wegner, and Mark Martens being all in favor and no one opposing.

THE FULTON COUNTY BOARD OF ZONING APPEALS
MAY 9TH, 2001

The BZA members then proceeded to fill out their finding of facts forms. The Administrative Secretary, Erica Ginther conducted a roll call vote (see attachments labeled B):

Gary Sriver	Nay
Joe Wegner	Nay
Dan Walsh	Nay
Steve Furnivall	Nay
Mark Martens	Nay

The motion to accept the request for a variance of the front property setback for the purpose of adding an extension to an existing telecommunications tower was denied with five votes opposing and none in favor.

Casi Cramer stated that since the board denied the front property setback variance, then there was no point in voting on the others since SBA Inc needed all three variances approved. Jack Kohn stated that he would withdraw Docket#05-0301B, Docket#05-0301C, and Docket#04-0301.

IN RE: NEW BUSINESS

DORTHA BAILEY
ADMINISTRATIVE APPEAL

Dortha Bailey, Docket#12-0301, Administrative Appeal. It is duly noted that Gary Sriver stepped down and Debbie Barts resumed her position on the board. Casi stated that if a mobile home was set on a property before Zoning, the mobile home is legally considered a dwelling if a septic and building permit were obtained. Casi added that prior to Zoning, a mobile home could be used as cold storage, but due to the new regulations this is no longer true. Casi explained that prior to Zoning, if a mobile home was placed on a property without obtaining a septic and building permit, then the mobile home was legally considered cold storage. Casi reported that Mrs. Bailey had one septic system with one of the mobile homes, A (see diagram labeled 1). Mrs. Bailey obtained a septic permit and building permit for a second mobile home, B. Casi explained, after a period of time, Mrs. Bailey returned to obtain a second septic permit and building permit for a third mobile home, C. Casi stated that the septic was never inspected for mobile home, B. The health Department put a hold on the third septic permit for mobile home C, until the inspection was approved. Casi was given a letter from the Health Department stating that an application has a year and 60 days to complete the septic installation and inspection from the issuance of the permit or it becomes null and void. Casi added that a building permit also has a one-year time limit before it becomes null and void. Casi was contacted and informed by the Health Department that the septic permit for mobile home C, had become null and void. Casi stated that during all of this a fourth mobile home, D, was moved onto the property. The third and fourth mobile homes, C and D, are legally cold storage, since the septic and building permits previously issued are now invalid. Casi stated that she explained to Mrs. Bailey and her daughters that the third and fourth mobile homes, C and D, could not be utilized as dwellings and they had fifteen (15) days to comply with the Ordinances by utilizing the mobile homes as cold

THE FULTON COUNTY BOARD OF ZONING APPEALS
MAY 9TH, 2001

storage or placing them on their own separate lots as dwellings. Casi explained that Mrs. Bailey is appealing her decision based on the request for an extension of the violation compliance timeline of fifteen (15) days due to the fact that her daughter and grandchildren were living in one of the mobile homes. Casi further explained that Mrs. Bailey did not want to force her daughter and grandchildren to move until after the school year was complete so the children could remain in the same school. Casi stated that the deadline date Mrs. Bailey is requesting would then be June 22nd, 2001.

Dortha Bailey stated that she got the permits before Zoning came into effect. She thought someone had inspected the septic for her daughter's mobile home. Casi stated the fact that the one septic system was hooked up to all three mobile homes. Dortha confirmed that they were. Steve Furnivall asked who hooked up all three septic systems to the one septic system. Dortha stated it was Daniel Roberts. Steve asked if he was a licensed contractor. Dortha said she thought he was, but she was unsure. Casi stated the Health Department had contacted Mrs. Bailey several times concerning the septic problems. Casi explained to Mrs. Bailey the process she would have had to go through to obtain her septic system. Casi stated that the third mobile home was recently burnt in a fire and is no longer habitable. Steve asked if there were now two legal septic systems on the property. Casi said there were indeed two legal septic systems on the property. Casi would personally like to see the board members give a motion stating after June 22nd, 2001 the mobile home becomes cold storage or is moved to a separate lot to be used as a dwelling.

Dan Walsh moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Joe Wegner, Steve Furnivall, and Mark Martens all being in favor and no one opposing.

Mark Martens asked for anyone in favor of the petition to please state their name, address, and reason for attending the public hearing. Lorene Bailey; 1740 S 1400 E, Akron, IN 46910; stated that she was in favor of the petition. Mark then asked for anyone opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for any other rebuttal or public comments.

Dan Walsh moved to close the public comments. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Steve Furnivall, Joe Wegner, and Mark Martens all being in favor and no one opposing.

Steve Furnivall moved to accept the request of an administrative appeal to allow an extension of the violation compliance timeline, with the condition that this extension is only granted until June 22nd, 2001 and will comply with the Fulton County Zoning Ordinance after the extension date. Dan Walsh seconded the motion.

Dan Walsh moved to close the public hearing. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Steve Furnivall, Debbie Barts, and Mark Martens being all in favor and no one opposing.

THE FULTON COUNTY BOARD OF ZONING APPEALS
MAY 9TH, 2001

The BZA members then proceeded to fill out their finding of facts forms. The Administrative Secretary, Erica Ginther conducted a roll call vote (see attachments labeled C):

Debbie Barts	Yea
Joe Wegner	Yea
Dan Walsh	Yea
Steve Furnivall	Yea
Mark Martens	Yea

The motion to accept the request of an administrative appeal to allow an extension of the violation compliance timeline, with the condition that this extension is only granted until June 22nd, 2001 and will comply with the Fulton County Zoning Ordinance after the extension date passed with five votes in favor and none opposing.

IN RE: NEW BUSINESS

CLAYTON HOWES
SPECIAL EXCEPTION

Clayton Howes, Docket#13-0401, Special Exception. Casi reported that Clayton Howes is requesting a special exception for a temporary second dwelling unit to be placed on his property located in an AG District, 12556 E 300 S, Akron, IN 46910. The dwelling will be utilized by Clayton Howes mother, Hazel Howes, for the remainder of her life. Casi stated that Clayton's request originates from the family's care and concern for their mother's health and comfort. Casi explained that the mobile home inadvertently meets the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department. Casi stated that Clayton Howes obtained a hardship septic permit from the Fulton County Health Department on July 19th, 2000, but neglected to gain the necessary permits from the Plan Commission or Building Inspection offices once the home was set. Casi explained that her recommendation is that Clayton Howes be granted his request upon these conditions: 1) Mr. Howes is required to obtain a Location Improvement Permit and a Building Permit for the placement of the mobile home; 2) the mobile home is never used as a rental unit; 3) the mobile home be utilized as a dwelling for no one except Hazel Howes; 4) the mobile home is removed after Hazel Howes no longer utilizes it as a dwelling; and 5) a renewal of the special exception must be obtained every 3 years. Casi has spoken to Gary Madlem about this recommendation and he was in agreement with it.

Clayton Howes said that he wants to take care of his mother. Steve Furnivall asked if Clayton was willing to comply with the Plan Director's recommendations. Clayton confirmed that he was willing to comply with the recommendations. Steve also asked if he would be willing to have a renewal required. Clayton stated the Health Department would be conducting a renewal every three years.

Mark opened the public hearing. Mark asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Joann Harshman, 14972 E 300 S, stated that she is Clayton's sister and their mother is not in good health,

THE FULTON COUNTY BOARD OF ZONING APPEALS
MAY 9TH, 2001

Daniel Koleszar; Lee & Ryan, Project Manager; stated that they have done a Phase I and Phase II study on the site already and now they will be installing a remediation site. Daniel stated that they would like to place an equipment trailer on the lot temporarily until the site is clean. Daniel stated that he spoke to INDOT and Lee and Ryan wants to place it back as far as possible from the highway to prevent accidents. The question was asked how long will this remediation clean up take. Daniel stated he was unable to give an exact time period but he hoped to have it completed within 2 to 3 years. Daniel then explained the process that they would go through to clean up the toxins.

Joe Wegner moved to open the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Steve Furnivall, Debbie Barts, and Mark Martens being all in favor and no one opposing.

Mark Martens asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for those opposing to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked if there was any rebuttal or additional public comments.

Mark closed the public comments. Steve asked if Lee and Ryan were asking for a time limit on the remediation site. Daniel stated no they were not asking for a time limit because it can vary. Joe Wegner asked how deep they would be digging with their wells. Daniel stated fifteen (15) feet from the top layer of the ground. Greg Heller recommended that the board include a stipulation that they come back in three years for a renewal. The board discussed the renewal and decided to require a renewal be done every three years.

Steve Furnivall moved to accept the request of a development standard variance on the front property setback for the purpose of placing a temporary equipment trailer on a remediation site and to accept the request of a development standard variance on the rear property setback for the purpose of placing a temporary equipment trailer on a remediation site with the condition that renewal is done every three years. Dan Walsh seconded the motion.

Joe Wegner moved to close the public hearing. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Debbie Barts, Steve Furnivall, and Mark Martens being all in favor and no one opposing.

The BZA members then proceeded to fill out their finding of facts forms. The Administrative Secretary, Erica Ginther conducted a roll call vote (see attachments labeled E & F):

Debbie Barts	Yea
Joe Wegner	Yea
Dan Walsh	Yea
Steve Furnivall	Yea
Mark Martens	Yea

The motion to accept the request of a development standard variance on the front property setback for the purpose of placing a temporary equipment trailer on a remediation site with


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MAY 9TH, 2001

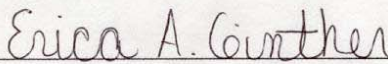
opening the public hearing. The Board could then proceed with the rest of the Public Hearing Procedure. Dan Walsh asked if the only motion the Board would need is a motion to deny, approve, or table the petition. Greg confirmed that was correct. The Board decided to revise the Rules of Procedure to reflect Greg's advice.

Steve Furnivall moved to change the Rules of Procedure as recommended by the Plan Director. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall, Dan Walsh, Debbie Barts, Joe Wegner, and Mark Martens being in favor and none opposing.

Mark Martens called for any more business to come before the Board of Zoning Appeals. Being none, Dan Walsh moved to adjourn the Fulton County Board of Zoning Appeals meeting at 9:54 P.M. E.S.T. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Steve Furnivall, Joe Wegner, and Mark Martens being in favor and none opposing.

FULTON COUNTY BOARD OF ZONING APPEALS



ATTEST: 

Erica A. Ginther, Administrative Secretary

JUNE 7TH, 2001 3:00 P.M. E.S.T.
EXECUTIVE SESSION

The Fulton County Board of Zoning Appeals met in Executive Session on Thursday June 7th, 2001, at 3:00 P.M. E.S.T. The following members were present: Mark Martens, Steve Furnivall, Dan Walsh, Debbie Barts, Joe Wegner, Plan Director Casi Cramer, Attorney Greg Heller, and Administrative Secretary Erica Ginther.

The Board of Zoning Appeals met according to I.C. 5-14-1.5-6.1 to discuss litigation that has been threatened specifically in writing.

Pursuant to I.C. 5-14-1.5-6.1 the Board of Zoning Appeals certify that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

Steve Furnivall moved to adjourn the executive session at 4:12 P.M. E.S.T. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall, Dan Walsh, Joe Wegner, Debbie Barts, and Mark Martens.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Ginther, Administrative Secretary

THE FULTON CONTY BOARD OF ZONING APPEALS
JUNE 13, 2001

FULTON COUNTY BOARD OF ZONING APPEALS

WEDNESDAY, JUNE 13, 2001

7:30 P.M. E.S.T.
COMMISSIONERS ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR
MAY 9, 2001

OLD BUSINESS

NEW BUSINESS:
GARY BRADLEY (10-0301)
ROCHESTER TELEPHONE COMPANY (15-0401)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

ADJOURNMENT

THE FULTON COUNTY BOARD OF ZONING APPEALS
JUNE 13, 2001

The Fulton County Board of Zoning Appeals met on Wednesday, the 13th day of June 2001, at 7:30 P.M. E.S.T., in the Commissioners Room in the Fulton County Office Building. Chairman, Mark Martens, called the meeting to order at 7:36 P.M. E.S.T. The following members were present: Chairman, Mark Martens; Vice Chairman, Dan Walsh; Secretary, Steve Furnivall; Debbie Barts; and Joe Wegner. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Ginther; Board of Zoning Appeals Attorney, Greg Heller; and Gary Sriver.

Mark Martens called for any additions or corrections to be made to the May 9th, 2001 minutes. Steve Furnivall noted two typographical errors located on page 5. Mark asked for any other corrections. Being none, Dan Walsh moved to approve the May 9th, 2001 minutes with noted corrections to be made as presented. Steve Furnivall seconded the motion. Motion carried as follows: Dan Walsh, Steve Furnivall, Debbie Barts, Joe Wegner, and Mark Martens being in favor and no one opposing.

IN RE: OLD BUSINESS

EXECUTIVE SESSION

Mark stated that an executive session was held on Thursday, June 7, 2001. Mark asked for a motion regarding the business discussed at the meeting. The motion was to either accept SBA Inc.'s proposal for the Writ of Certiorari or to reject the proposal. Steve Furnivall moved to reject SBA Inc.'s proposal for the Writ of Certiorari. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall, Dan Walsh, Debbie Barts, Gary Sriver, and Mark Martens being in favor and Joe Wegner opposing.

IN RE: NEW BUSINESS

GARY BRADLEY
ADMINISTRATIVE APPEAL

Gary Bradley, Docket #BZA10-0301, Administrative Appeal. Casi Cramer stated that on March 7, 2001 a letter was sent to Merle Fuelling the owner of the property in question (see attachment A). A letter was also sent to Gary Bradley, owner of the mobile home in question (see attachment B). Casi explained Mr. Bradley had obtained a hardship permit from the Fulton County Health Department allowing him to place a mobile home on the property and utilize the existing septic, until the existing house was habitable on September 22nd, 2000. Mr. Bradley also obtained a building permit on September 31st, 2000. Casi explained that during the week of February 25th through March 3rd, Mr. Bradley moved a singlewide mobile home onto the property located at 7486 Storm Street, Leiters Ford, IN. Leiters Ford, Indiana is zoned as a Residential Cluster District or R1 District. According to the Fulton County Zoning Ordinances, singlewide mobile homes are no longer allowed to be set within the R1 District. Casi explained the mobile home was placed in violation on March 7, 2001. Casi stated when the grandfather status is in question, she looks at intent. In this situation, intent is defined as whether or not the mobile home was meant to be placed prior to the implementation of the Zoning Ordinances. Casi feels there is no clear intent on placing the mobile home prior to Zoning. Mr. Bradley obtained his permits at the end of September; therefore he had two months to place the mobile home, before Zoning went into effect. Casi spoke to Gary Madlem and asked if footers had been poured for the mobile home and Gary stated that they had not. When Mr.

THE FULTON CONTY BOARD OF ZONING APPEALS

JUNE 13, 2001

Bradley's mobile home was placed in violation, he had 15 days to comply with the current zoning codes, or 12 days to appeal her decision.

Gary Bradley, 7486 Storm Street, Leiters Ford IN. Gary stated he bought the house with intent to repair it. Gary stated he poured the footers on the same day he obtained the permits and Gary Madlem never came out to inspect them. Gary explained that the mobile home was not placed on the septic because he does not have the septic hooked up. Gary also stated he is using the mobile home for his tools and has no intentions on hooking the septic up to the mobile home.

Mark Martens asked for anyone in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for anyone opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark moved to Board questions.

Dan Walsh asked if Mr. Bradley had been working on the house. Gary Bradley stated he has been getting the lumber, since he is doing the project himself and cannot afford to hire anyone to help him. Gary added that he had the front half of the roof done but not shingled. Dan stated that he drove by the house on the way to the meeting and there did not appear to be a roof on the house. Gary explained that he just had gotten back with most of the materials today. Dan questioned why a septic permit was obtained, if Mr. Bradley had no intentions on living inside of the mobile home. Gary stated he did not know he had a septic permit. He only knew he had a permit to move the mobile home onto the property. Gary said after talking to Gary Madlem, he understood that the septic permit was not necessary, so he proceeded with buying the building permit. Gary was unsure how long it would take to restore the house.

Steve Furnivall asked where the septic system was placed on the property. Gary explained that the septic is 5 feet from the house and 35 feet from the mobile home. Steve questioned where the leech field was located. Gary was told it was within 10 feet of the septic tank.

Joe Wegner questioned where Mr. Bradley was living at the present time. Gary replied he was living in the mobile home. Gary explained that the house has a septic system, which he uses for his needs. Gary stated that if he had the roof on the house, he would stay there, but it is going to take him 6 to 8 months to get the roof finished. Gary stated that the Health Department gave him a three year window to have the project finished.

Steve stated that all the paper work he has seen involving the property, has someone else listed as the owner. Gary stated that he borrowed money to pay off the land contract and the previous owner. Steve said there is a dispute when Gary Bradley says there is a foundation under the mobile home, and Gary Madlem, Building Inspector, says there is not. Gary Bradley said he had concrete poured for the foundation and the footers. Steve asked if he had a receipt to prove there was concrete poured. Gary stated he did not have one with him, but he could produce one. Mark Martens questioned whether Gary Madlem had been out to inspect the footers. Casi Cramer stated Gary Madlem told her; he had never been called to inspect the footers.

Joe Wegner questioned when Mr. Bradley poured the footers. Gary replied on the same day he obtained his building permit, which was September 31st, 2000. Casi noted that on the bottom of the building permit it states: I will notify Building Commissioner for inspection and occupancy certificate when completed. Casi further noted that Mr. Bradley signed the building permit.

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Mark questioned whether Gary Madlem reported to Casi when he had not been contacted. Casi stated that was correct. Steve asked if Gary Bradley could explain why he did not contact Gary Madlem. Gary Bradley stated he saw Gary Madlem in the Leiters Ford Pub a week later and told him he had the footers poured. Mark asked when the mobile home was set on the property. Gary stated it was set on the property February 29th, 2000. Mark asked Mr. Bradley when he saw Gary Madlem in the Pub. Mr. Bradley said sometime in October. Mark noted that the Administrative Appeal states the project could not be finished due to a weather problem. Gary stated yes. Mark stated that Mr. Bradley was ready to move the mobile home onto the property at the beginning of October, at which time a weather problem occurred. Gary stated since the concrete pad was never inspected, he had to have his hearing in March after the snow melted.

Steve stated it would have been a good idea to have it inspected again. Gary stated he had a PI Charge to serve, which meant he would be in jail for 45 days. He had to get the mobile home moved before he went into jail to serve his time. Steve noted that Mr. Bradley had a four or five month period in between, where he could have had a second inspection done.

The Board discussed if the mobile home would be grandfathered, should Mr. Bradley produce a receipt for the concrete footers. Casi stated that would serve as proof that the footers were poured before Zoning took effect. Casi would like for Gary Madlem to inspect the mobile home as well. Steve voiced concern whether the footers may be placed on top of the leech field or the septic. Casi stated if Mr. Bradley had no intentions living inside of the mobile home, then why did he obtain a hardship permit for the septic system. The hardship permit would make the mobile home become cold storage and not a dwelling, until the home is repaired. Casi asked Mr. Bradley where he lived all winter. Gary Bradley replied he had spent most of the winter in the Fulton County Jail and the rest of the time staying with a friend, which is no longer feasible. Board discussion continued regarding whether or not to table the petition for lack of information.

Dan Walsh moved to table the petition, Docket#BZA10-0301, with the condition that Gary Bradley provide the Plan Director with a receipt for the concrete footers and the site must be inspected by the Building Inspector and the Health Department. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Steve Furnivall, Joe Wegner, and Mark Martens being in favor and no one opposing.

Mark explained that Gary Bradley would need to provide a receipt for the concrete footers, contact Gary Madlem for building inspection, as well as the Health Department for septic inspection. Casi stated she would need written confirmation from the Building Inspector and Health Department by June 26, 2001.

IN RE: NEW BUSINESS

RTC
SPECIAL EXCEPTION

Rochester Telephone Company (RTC), Docket#BZA15-0401, Special Exception with four actions. Casi Cramer explained that RTC is asking for a special exception for four different properties. This special exception would allow RTC to install telephone switching equipment. Casi added all properties in question are located in AG Districts. The first property in question belongs to Terry

THE FULTON COUNTY BOARD OF ZONING APPEALS
JUNE 13, 2001

Crissinger (Docket#BZA15-0401A) located at 2450 N 500 E, Rochester IN 46975. Casi explained the easements where the telephone switching equipment is to be placed, measure approximately 30 feet by 67 feet. The size of the property this equipment will be sitting on consists of 0.05 acres. Casi's recommendation is to grant the special exception request for all four actions, with the condition that the equipment is placed at least 5 feet off of the right of way (ROW).

Ted Waggoner, representing RTC, stated that the normal size for the easements is 30 foot by 50 foot. Ted explained the size varies, because RTC starts at the edge of the ROW instead of the middle of the ROW. Ted stated the telephone switching equipment will improve service to the citizens of Fulton County and will keep RTC up to date with all of the latest technology available.

Mark Martens asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for those opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for any Board discussion.

Dan Walsh questioned if there would be a fence around the telephone switching equipment. Bob Haworth, RTC worker, stated if it is necessary to place a fence around the equipment, then it could be done. Bob explained there is no danger to the public at these sites. Gary Sriver asked how far off of the road the telephone switching equipment would sit. Bob replied it would be 15-20 feet off the right-of-way (ROW). Gary is concerned with how close the equipment sits to the road. Steve Furnivall questioned if RTC was leasing the property for the equipment. Ted replied that RTC was leasing the property.

Dan Walsh moved to accept the request for a Special Exception on Docket#BZA15-0401A on the Terry Crissinger property, with the condition that it has a 5 foot setback from the ROW. Steve Furnivall seconded the motion.

The BZA members then proceeded to fill out their findings of fact forms. The Administrative Secretary, Erica Ginther, conducted a roll call vote (see attachments labeled C):

Joe Wegner	Yea
Debbie Barts	Yea
Dan Walsh	Yea
Steve Furnivall	Yea
Mark Martens	Yea

The motion to accept the request for a Special Exception on Docket#BZA15-0401A on the Terry Crissinger property, with the condition that it has a 5 foot setback from the ROW, passed with five votes in favor and no one opposing

IN RE: NEW BUSINESS

RTC
SPECIAL EXCEPTION

Rochester Telephone Company (RTC), Docket#BZA15-0401B. Casi stated RTC is requesting a special exception to install telephone switching equipment located on Carl and Carol Lahman's

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JUNE 13, 2001

property. The property is located at 4850 W 200 N, Rochester, Indiana 46975. The size of the easement this equipment will be sitting on consists of 0.05 acres. Casi explained the easement would be located within a 75 foot ditch easement for this property. Casi stated RTC has obtained permission from the Fulton County Drainage Board to place the telephone switching equipment within the 75 foot ditch easement.

Ted Waggoner, representing RTC, stated he had nothing to add to the presentation that he had given for Action A.

Mark Martens asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for those opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for any Board discussion.

Dan Walsh moved to accept the request for a Special Exception on Docket#BZA15-0401B on Carl and Carol Lahman's property with the condition that it has a 5 foot setback from the ROW. Joe Wegner seconded the motion.

The BZA members then proceeded to fill out their findings of fact forms. The Administrative Secretary, Erica Ginther, conducted a roll call vote (see attachments labeled D):

Dan Walsh	Yea
Joe Wegner	Yea
Debbie Barts	Yea
Steve Furnivall	Yea
Mark Martens	Yea

The motion to accept the request for a Special Exception on Docket#BZA15-0401B on Carl and Carol Lahmen's property with the condition that it has a 5 foot setback from the ROW passed with five votes in favor and no one opposing

IN RE: NEW BUSINESS

RTC
SPECIAL EXCEPTION

Rochester Telephone Company (RTC), Docket#BZA15-0401C. Casi stated RTC is requesting a special exception to install telephone switching equipment located on Thomas and Charlotte Schwenk's property. The property is located at 6726 N 250 E, Rochester, Indiana 46975. The size of the easement this equipment will be sitting on consists of 0.05 acres.

Ted Waggoner, representing RTC, stated he had nothing to add to the presentation that he had given for Action A.

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JUNE 13, 2001

Mark Martens asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for those opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for any Board discussion.

Dan Walsh moved to accept the request for a Special Exception on Docket#BZA15-0401C on Thomas and Charlotte Schewenk's property with the condition that it has a 5 foot setback from the ROW. Joe Wegner seconded the motion.

The BZA members then proceeded to fill out their findings of fact forms. The Administrative Secretary, Erica Ginther, conducted a roll call vote (see attachments labeled E):

Steve Furnivall	Yea
Dan Walsh	Yea
Debbie Barts	Yea
Joe Wegner	Yea
Mark Martens	Yea

The motion to accept the request for a Special Exception on Docket#BZA15-0401C on Thomas and Charlotte Schewenk's property with the condition that it has a 5 foot setback from the ROW passed with five votes in favor and no one opposing.

IN RE: NEW BUSINESS

RTC
SPECIAL EXCEPTION

Rochester Telephone Company (RTC), Docket#BZA15-0401D. Casi stated RTC is requesting a special exception to install telephone switching equipment located on the Woodcox Family Trust's property. The property is located at 4510 E 500 N, Rochester, Indiana 46975. The size of the property this equipment will be sitting on consists of 0.05 acres.

Ted Waggoner, representing RTC, stated he had nothing to add to the presentation that he had given for Action A.

Mark Martens asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for those opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for any Board discussion.

Dan Walsh questioned why the equipment was being placed to the side of the T-road. Bob Haworth explained if the equipment was not placed to the side of the T-road, then the people driving on that road could easily slide off the road and hit the equipment.

Mark asked for any public comments regarding the petition. Dave Clauson, 4699 N 450 E, voiced concern about people sliding off of the road and hitting the equipment. Bob Haworth reiterated that the equipment would be placed to the side of the T-road for that purpose.

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Dan Walsh moved to accept the request for a Special Exception on Docket#BZA15-0401D on the Woodcox Family Trust's property with the condition that it has a 5 foot setback from the ROW. Joe Wegner seconded the motion.

The BZA members then proceeded to fill out their findings of fact forms. The Administrative Secretary, Erica Ginther, conducted a roll call vote (see attachments labeled F):

Debbie Barts	Yea
Joe Wegner	Yea
Steve Furnivall	Yea
Dan Walsh	Yea
Mark Martens	Yea

The motion to accept the request for a Special Exception on Docket#BZA15-0401D on the Woodcox Family Trust's property with the condition that it has a 5 foot setback from the ROW passed with five votes in favor and no one opposing.

IN RE: SBA INC.

GREG HELLER

Greg Heller stated the written denial had been amended and faxed to Jack Kuhn, SBA Inc., on June 13th, 2001. Greg added that the written denial had also been faxed to SBA Inc.'s attorney. Greg explained from the phone conversations he has had with SBA's attorney, he knows they are preparing paper work to file a Federal Court action. Greg defined a Writ of Certiorari is an appeal mechanism, which proceeds to the State Court. Greg stated the deadline for filing a Writ of Certiorari is 30 days, after the day of the vote. This means SBA would have to file their case by June 14th, 2001. The issue SBA Inc. is pursuing on the Federal level is not the question of whether local government can regulate the placement of these towers; their issue is going to be on the requirements of the Telecommunications Act for local government has to regulate these powers. Greg explained one of the requirements, being that a denial must be in written form and must provide substantial evidence as to why the request was denied. Steve Furnivall questioned what would be done if the BZA loses the case. Greg explained, should the BZA lose the case, one of two things could happen: 1) the Federal Court could remand the case back down to the BZA with the order that the variance is granted; or 2) the Federal Court could grant the variance without sending it back to the BZA.

Mark Martens called for any more business to come before the Board of Zoning Appeals. Being none, Dan Walsh moved to adjourn the Fulton County Board of Zoning Appeals meeting at 8:51 P.M. E.S.T. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Joe Wegner, Steve Furnivall, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

THE FULTON COUNTY BOARD OF ZONING APPEALS
JUNE 13, 2001

ATTEST: _____
Erica A. Ginther, Administrative Secretary

THE FULTON COUNTY BOARD OF ZONING APPEALS
JULY 11, 2001

FULTON COUNTY BOARD OF ZONING APPEALS

WEDNESDAY, JULY 11TH, 2001

7:30 P.M. E.S.T.
COMMISSIONERS ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR
JUNE 7TH, 2001 (Executive Session)

&

JUNE 13TH, 2001

OLD BUSINESS

NEW BUSINESS:

GARY BRADLEY (10-0301)

MARVIN JORDAN (17-0601)

MAGTECH SERVICES INC (18-0601)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

ADJOURNMENT

THE FULTON COUNTY BOARD OF ZONING APPEALS
JULY 11, 2001

The Fulton County Board of Zoning Appeals met on Wednesday, the 11th day of July 2001, at 7:30 P.M. E.S.T., in the Commissioners Room located in the Fulton County Office Building. Chairman, Mark Martens, called the meeting to order at 7:32 P.M. E.S.T. The following members were present: Chairman, Mark Martens; Vice Chairman, Dan Walsh; Secretary, Steve Furnivall; Debbie Barts; and Joe Wegner. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Ginther; and Board of Zoning Appeals Attorney, Greg Heller.

Mark Martens called for any additions or corrections to be made to the June 13th, 2001 minutes. Being none, Steve Furnivall moved to approve the June 13th, 2001 minutes. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall, Dan Walsh, Joe Wegner, Debbie Barts, and Mark Martens being in favor and no one opposing.

Mark Martens called for any additions or corrections to be made to the June 7th, 2001 Executive Session minutes. Being none, Dan Walsh moved to approve the June 7th, 2001 Executive Session minutes. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Steve Furnivall, Joe Wegner, and Mark Martens being in favor and no one opposing.

Mark Martens called for any Old Business to come before the Board. Being none, the Board moved onto New Business.

It is duly noted that the petition of Marvin Jordan, Docket #BZA17-0601, was pulled from the agenda and placed on the August 8th, 2001 agenda.

IN RE: NEW BUSINESS

GARY BRADLEY
ADMINISTRATIVE APPEAL

Gary Bradley, Docket #BZA10-0301, Administrative Appeal. Mark Martens stated the Board met with and heard Mr. Bradley's petition during the June 13th, 2001 meeting. The Board had tabled Mr. Bradley's petition, until he could provide proof that concrete footers had been poured and that the Building Inspector and Health Department had inspected the mobile home. Casi Cramer provided the Board with copies of the receipt for the concrete footers and letters from the Health Department and Building Inspector (see attachments labeled A).

Mark Martens asked for any new information to be presented. Being none, Mark asked for anyone in favor of or opposing the petition to please rise and state their name, address and reason for attending the public hearing. Being none, Mark asked for any Board discussion.

Being no Board discussion, Steve Furnivall moved to approve the request for an Administrative Appeal for Gary Bradley, Docket #BZA10-0301. Dan Walsh seconded the motion.

THE FULTON COUNTY BOARD OF ZONING APPEALS
JULY 11, 2001

The BZA members then proceeded to fill out their findings of fact forms. The Administrative Secretary, Erica Ginther, conducted a roll call vote (see attachments labeled B):

Dan Walsh	Yea
Joe Wegner	Yea
Debbie Barts	Yea
Steve Furnivall	Yea
Mark Martens	Yea

The motion to approve the request for an Administrative Appeal for Gary Bradley, Docket #BZA10-0301 passed with five votes in favor and no one opposing.

It is duly noted that the representative from Magtech Services Inc. was not present at 7:45 P.M. E.S.T. The Board discussed the correct procedure they needed to follow. The Administrative Secretary read aloud the Rules of Procedure pertaining to the situation in question. Rules of Procedure state: Article VIII Appearances; Section 1 The petitioner or the petitioner's agent must appear in person or by counsel to present a petition or remonstrance to the Board and for the Board to consider the case. If no person appears on behalf of a petition, the petition may be tabled until the following meeting or dismissed under Section 2 of this Article. Section 2 The Board's Administrative Secretary or staff must be informed prior to the meeting if the petitioner requests a time extension. The Chairperson will determine whether the petitioner's reasons warrant an extension. If the petitioner or the petitioner's agent fail to appear at the meeting for which the extension was given without sufficient reason, the petition may be dismissed. The Board discussed tabling the petition. Casi stated that Kevin Milus, Magtech Services Inc., was supposed to be flying back home today from a trip out of state and may have been delayed. It is duly noted that Kevin Milus entered the meeting at 8:00 P.M. E.S.T.

IN RE: NEW BUSINESS

MAGTECH SERVICES INC.
SPECIAL EXCEPTION

Magtech Services Inc., Docket #BZA18-0601, Special Exception. Casi stated Magtech Services Inc. is requesting a special exception for a proposed Communications Tower in an AG District to be located on David Ramer's property at 7711 North State Route 25, Tippecanoe, IN 46570. Casi displayed a map showing the exact location of the proposed tower site. The tower would be 1,050 feet from the right-of-way on County Road 775 North (South property line); 350 feet from the right-of-way on State Road 25 (North property line); 310 feet from the East property line; and 1,008 feet from the West property line. Casi explained the proposed tower would be placed 320.25 feet from an existing tile. The closest guy anchor will be positioned approximately 120.25 feet from the tile and 42.25 feet outside of the 75 foot County drain/tile setback. Casi stated the closest dwelling, near the proposed site, is approximately 800 feet away. The proposed tower height is 250 feet and there will be an eight-foot high security fence with a ten-foot buffer planting around the

THE FULTON COUNTY BOARD OF ZONING APPEALS
JULY 11, 2001

tower. Casi's recommendation was to grant the special exception, since she did not foresee any negative externalities resulting from its construction.

Kevin Milus, Magtech Services Inc., stated the proposed tower meets all of Fulton County's codes and regulations. Kevin explained the nearest tower to this proposed site is approximately 4 1/2 miles away.

Steve Furnivall stated the buffer planting would be a problem, since this is not the right time of the year to try to plant green shrubbery. Casi said Magtech would need to give her a purchase order stating that they have bought the plants and as long as they are planted by November 15, 2001 then they would be in compliance. Steve asked if Magtech had any plans regarding the placement of more towers in Fulton County. Kevin was not aware of any. Steve stated the propagation study, received from Network Towers, was more informative than Magtech's.

Joe Wegner would like to know the reason for having all of these towers in Fulton County. Kevin stated this proposed tower would help a weak cellular signal in that area. Kevin added that Magtech switched to digital allowing the signal to carry approximately three miles. Joe stated there is a home close to the tower and he believes it drops the value of that home considerable. Kevin stated Magtech has looked into this and he believes it is inconclusive when property values are in question. Kevin explained that some property values have risen from the placement of the towers.

Mark Martens asked for anyone in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for anyone opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark closed public comments and entertained a motion.

Dan Walsh moved to approve the special exception for a Communication Tower to be constructed at 7711 North State Route 25, Tippecanoe, IN 46570. Debbie Barts seconded the motion.

The BZA members then proceeded to fill out their findings of fact forms. The Administrative Secretary, Erica Ginther, conducted a roll call vote (see attachments labeled C):

Steve Furnivall	Yea
Debbie Barts	Yea
Joe Wegner	Yea
Dan Walsh	Yea
Mark Martens	Yea

The motion to approve the special exception for a Communications Tower to be constructed at 7711 North State Route 25, Tippecanoe, IN 46570 passed with five votes being in favor and no one opposing.

THE FULTON COUNTY BOARD OF ZONING APPEALS
JULY 11, 2001

IN RE: PLAN DIRECTOR REPORT

Casi Cramer presents the Plan Commission with a monthly report updating everyone on current events happening within the Plan Commission Office. Casi questioned if the BZA would want the same report. Mark Martens stated a report, just for the BZA, was not necessary; but if Casi wanted to make copies of the Plan Commission's report for the BZA members that would be fine.

Casi questioned if the Board members would like to have mailboxes placed in the Plan Commission Office, where they can pick up all of their packets. The Plan Commission Office is spending approximately \$68.00 monthly to send out the Board's packets. Mailboxes would cut down the cost of postage. Dan Walsh stated if the packets were not picked up by a certain time, then they would need to be mailed to the members. Erica Ginther stated if the Board members did not want pick up their packets, she would still mail them. Mark Martens feels the mailboxes would be nice, but a time limit should be set, for the members to pick them up, otherwise they should be mailed. The Board discussed a time limit for sending the packets out, if they are not picked up in the Plan Commission Office. The Board decided the packets should be in the mailboxes 14 days prior to the meeting and if the packets are not picked up before 10 days prior to the meeting, they should be mailed.

Casi would like the Board to discuss the SBA case with Greg Heller, before they adjourned. Greg stated SBA Inc. sent him their written intent for Court action on Thursday, July 5, 2001. He immediately sent the written intent to the Board's insurance carrier to see if it would be covered under McKalke's liability plan. Greg stated it should be covered, because of the second count regarding the 1983 action. Greg explained the written intent is based on allegations. The Board has a time frame of 20 days to respond to this complaint. Greg explained the response consists of going paragraph by paragraph, admitting to the allegation pertaining to that paragraph, denying the allegation, or stating that there is not enough information to admit or deny it. Greg stated SBA Inc. never filed the Writ of Certiorari, which means that they are not going to the State Court to appeal the decision at which point they will be time barred. Greg explained SBA had 30 days to file the complaint from the date of the written denial. If SBA is measuring the 30 days from the date of Casi's first letter, then SBA is time barred, because they are past their 30 days and the case would be dismissed when this is presented in Court. If SBA is measuring the 30 days from the date of Casi's second letter, that letter would have to be accepted as part of the requirements of the Telecommunications Act pertaining to the written denial. Greg explained SBA must be relying on the second letter, and in that case, the second letter will satisfy the requirements of the Telecommunications Act. Greg feels the BZA should win either way. Steve Furnivall added that the written intent, from SBA, states the Board members are sued in their individual and official capacities. Steve questioned if SBA could technically sue each Board member, since the State had just passed an Ordinance stating that Board members could not be sued. Greg stated this is a Federal action, not a State action, so the new Ordinance does not count for this case. Steve questioned if Greg's first argument would be that SBA is time barred. Greg stated that within 20 days you could file affirmative defense, said answer being that they are time barred. Greg explained the written intent is not used as proof or evidence for the case. It is only used as an action to get the case into Court. Steve asked what part the Board would play in this case. Greg stated the Board does nothing at the present time, but should it go to trial, the case attorneys may ask members questions.

THE FULTON COUNTY BOARD OF ZONING APPEALS
JULY 11, 2001

Mark Martens called for any more business to come before the Board of Zoning Appeals. Being none, Dan Walsh moved to adjourn the Fulton County Board of Zoning Appeals meeting at 8:30 P.M. E.S.T. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Debbie Barts, Steve Furnivall, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Ginther, Administrative Secretary

FULTON COUNTY BOARD OF ZONING
APPEALS

EXECUTIVE SESSION

WEDNESDAY, AUGUST 8, 2001

6:00 P.M. E.S.T.
COMMISSIONERS ROOM

CALL TO ORDER

SBA INC.

ADJOURNMENT

AUGUST 8TH, 2001 6:00 P.M. E.S.T.
EXECUTIVE SESSION

The Fulton County Board of Zoning Appeals met in Executive Session on Wednesday, the 8th day of August 2001, at 6:00 P.M. E.S.T. The following members were present: Chairman, Mark Martens; Vice Chairman, Dan Walsh; Secretary, Steve Furnivall; Joe Wegner; Plan Director, Casi Cramer; BZA Attorney, Greg Heller; Administrative Secretary, Erica Ginther; and William Kurnik (Knight, Hoppe, Fanning & Kurnik, L.L.C.). It is duly noted that Debbie Barts was absent.

The Board of Zoning Appeals met according to I.C. 5-14-1.5-6.1 to discuss litigation that has been threatened specifically in writing.

Pursuant to I.C. 5-14-1.5-6.1 the Board of Zoning Appeals certify that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

Dan Walsh moved to adjourn the executive session at 7:10 P.M. E.S.T. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Steve Furnivall, and Mark Martens.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Ginther, Administrative Secretary

THE FULTON COUNTY BOARD OF ZONING APPEALS
AUGUST 8, 2001

FULTON COUNTY BOARD OF ZONING APPEALS

WEDNESDAY, AUGUST 8TH, 2001

7:30 P.M. E.S.T.
COMMISSIONERS ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR
JULY 11TH, 2001

OLD BUSINESS

NEW BUSINESS:

JOHN GAERTE (10-0701)
MARVIN JORDAN (17-0601)
CHARLES CLEVINGER (19-0601)
CHARLES KRAMER (20-0601)
NELLIE KNICKER (21-0701)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

ADJOURNMENT

THE FULTON COUNTY BOARD OF ZONING APPEALS
AUGUST 8, 2001

The Fulton County Board of Zoning Appeals met on Wednesday, the 8th day of August 2001, at 7:30 P.M. E.S.T., in the Commissioners Room located in the Fulton County Office Building. Chairman, Mark Martens, called the meeting to order at 7:30 P.M. E.S.T. The following members were present: Chairman, Mark Martens; Vice Chairman, Dan Walsh; Secretary, Steve Furnivall; and Joe Wegner. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Ginther; and BZA Attorney, Greg Heller. It is duly noted that Debbie Barts was absent.

Mark Martens called for any additions or corrections to be made to the July 11, 2001 minutes. Being none, Dan Walsh moved to approve the July 11, 2001 minutes. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Steve Furnivall, and Mark Martens being in favor and no one opposing.

It is duly noted there was no Old Business reported.

IN RE: NEW BUSINESS

MARVIN JORDAN
SPECIAL EXCEPTION

Marvin Jordan, Docket #BZA 17-0601, Special Exception. Marvin Jordan is requesting a special exception for a proposed accessory apartment (17-0601 A) and recording studio (17-0601 B) in an accessory building in an R1 District to be located on the north side of Bachelor Road, approximately 1000 feet from 200 West. Casi Cramer stated Mr. Jordan would be building the accessory apartment for his family to live in while they are in the process of building a new home on the same property. Casi recommends that these special exceptions be granted but the Board may want to put some type of restriction on the noise that will be coming from the recording studio.

Marvin Jordan, 3663 W 200 S Kewanna IN, stated he will be utilizing the apartment temporarily for his family while they are building their new home. Marvin said after his family is done utilizing the apartment it would be utilized for storage. Marvin stated the building would not be for commercial or retail use. Marvin explained the recording studio would be located in the other half of the building. He stated the recording studio would be insulated with engineered acoustical foam, which will decrease the noise by 50%.

Mark Martens entertained questions from the Board. Dan Walsh questioned how large the building was proposed to be. Marvin Jordan stated the building would be approximately thirty (30) feet by fifty (50) feet. Dan questioned if the construction on the actual home would be starting right away. Marvin stated the construction would start on the other home as soon as the accessory apartment was built and his family was living in it. Dan then questioned if Mr. Jordan would be fitting all of the required setbacks. Casi Cramer stated Mr. Jordan should have no problem meeting the required setbacks. Mark questioned once the apartment was completed what the timeline would be for completion of the home. Marvin said within sixty (60) to ninety (90) days. Mark asked if Mr. Jordan would be going through the septic system process since there would be two dwellings hooked to the same system. Casi stated yes, she has already spoken to Mr. Jordan about the process he will need

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to go through. Casi explained if Mr. Jordan decides to keep the accessory apartment then he will have to have a large enough septic to hold both dwellings or install another septic system. Casi stated she would have to have a septic release prior to approving Mr. Jordan's location improvement permit, for each dwelling.

Mark Martens opened the Public Hearing for Public Comments. Mark asked for anyone in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for those opposing the petition to please do the same. Being none, Mark closed the Public Comments.

Mark asked for any more Board discussion. Being none, Mark entertained a motion. Dan Walsh moved to approve the request for a special exception, on Docket #BZA 17-0601 A, regarding the erection of an accessory apartment. Steve Furnivall seconded the motion.

The Board members then proceeded to fill out their findings of fact forms (see attachments labeled A). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Joe Wegner	Yea
Dan Walsh	Yea
Steve Furnivall	Yea
Mark Martens	Yea

The motion to approve the request for a special exception, on Docket #BZA 17-0601 A, regarding the erection of an accessory apartment passed with four votes in favor and no one opposing.

IN RE: NEW BUSINESS

MARVIN JORDAN
SPECIAL EXCEPTION

Marvin Jordan, Docket #BZA 17-0601, Special Exception. Marvin Jordan is requesting a special exception for a proposed accessory apartment (17-0601 A) and recording studio (17-0601 B) in an accessory building in an R1 District to be located on the north side of Bachelor Road, approximately 1000 feet from 200 West. Casi Cramer read aloud the following information found on page 5-5 and 5-6 Section 5.7 B, D, and F in the Fulton County Zoning Ordinance: B) Electrical Disturbance- No use on a property shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity; D) Noise- No use on a property shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Such noise shall be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard; F) Vibration- No use on a property shall cause vibrations detectable beyond lot lines without the aid of instruments. Casi stated she had no further comments regarding the recording studio.

Marvin Jordan, 3663 W 200 S Kewanna IN, stated the recording studio would have eight (8) inch insulated walls plus the four (4) inches of engineered acoustical foam. Marvin explained

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with the engineered acoustical foam it allows you to be audible standing barely eight (8) feet away from the building.

Mark Martens entertained questions from the Board. Steve Furnivall questioned how Mr. Jordan would handle the parking for his studio. Marvin Jordan stated the recording studio will not be for public use it is for personal use only. Mark Martens asked if all four walls of the recording studio would have one (1) foot of insulation in them. Marvin stated yes, all four walls of the recording studio would have approximately one (1) foot of insulation. Mark then questioned what kind of buffer Mr. Jordan would be placing in the ceiling. Marvin stated the buffer would be of an R19 value. Marvin explained there would be an acoustical ceiling dropped to create dead air space of one (1) foot. Dan Walsh questioned if the structure would be a crawl space structure. Marvin stated yes, it would be a crawl space structure.

Mark Martens opened the Public Hearing for Public Comments. Mark asked for anyone in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for those opposing the petition to please do the same. Scott Herrell, 2716 Bachelor Rd Rochester IN, voiced concern about heavy traffic on the easement road and the noise level. Marvin Jordan stated the recording studio will only be for his private use it will not be open to the public so there should not be any heavy traffic. Being no further comments from the public Mark closed the public comments.

Mark asked for any Board discussion. Steve Furnivall questioned if Mr. Jordan would have any employees in the recording studio. Marvin Jordan state no, the only employee he would have is his wife. Steve stated so there would not be any out of family employees. Marvin stated no, he would not have any out of family employees. Steve discussed whether or not the Board should put a stipulation on the recording studio that requires Mr. Jordan to have an automatic review done within a year so then any problems that may arise can be addressed. Mark asked if the review would be done within a year of the meeting date or within a year of the erection of the structure. Steve believes it should be done one year from the date that Mr. Jordan's location improvement permit is approved. Being no more discussion Mark entertained a motion.

Steve Furnivall moved to approve the request for a special exception, on Docket #BZA 17-0601 B, regarding the erection of a recording studio with the stipulation that there will be no employees outside of the family. Dan Walsh seconded the motion.

The Board members then proceed to fill out their findings of fact forms (see attachments labeled B). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Steve Furnivall	Yea
Dan Walsh	Yea
Joe Wegner	Yea
Mark Martens	Yea

The motion to approve the request for a special exception, on Docket #BZA 17-0601 B, regarding the erection of a recording studio with the stipulation that there will be no employees outside of the family passed with four votes in favor and no one opposing.

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IN RE: NEW BUSINESS

CHARLES CLEVINGER
DEVELOPMENT STANDARD VARIANCE

Charles Clevenger, Docket #BZA 19-0601, Development Standard Variance. Charles Clevenger is requesting a development standard variance of nine (9) feet from his side setback (south property line) for the purpose of adding an eleven by twenty four foot (11' x 24") addition to their existing garage located on his property in the R1 District, Lot #7, 3203 North Evergreen, Rochester IN, a total of 10,860 square feet. Casi Cramer stated the proposed addition would set one (1) foot from their neighbor's property line. Casi explained the lot is sixty foot by one hundred eighty one foot (60' x 181'). Charles Clevenger purchased the lot in 1968. Casi stated Mr. Clevenger told her that the neighbor who owns Lot #6 is fully aware of the proposed addition and how close to her property it will be but she has not received any correspondence from her to confirm or refute this statement. Casi explained, if granted the variance, the setbacks for this proposed addition would be 37.5 feet for the front setback (off the right-of-way); 50 feet for the side setback (north property line); 1 foot for the side setback (south property line); and 112.5 feet for the rear setback (east property line).

Charles Clevenger, 3203 North Evergreen Rochester IN, stated his grandsons are living with he and his wife. Charles explained his grandsons are in the process of receiving their drivers' license and they need somewhere to park their cars. Charles said he cannot move the proposed garage to the north side of the house because the gasman reads their meter on that side. Charles stated he has talked to his neighbor about the addition and she has no problem with them adding on to the garage.

Mark Martens entertained questions from the Board. Joe Wegner questioned if a recent survey had been conducted or if there were markers indicating where the property lines are located. Charles Clevenger stated it was measured about four years ago and wire stakes were placed in the ground to indicate where the property lines were located. Joe suggested that the Clevenger's have their property resurveyed. Mark questioned if Mr. Clevenger was measuring this addition from the foundation of the garage to the south or is there going to be an overhang. Charles stated his addition, including the overhang, would be within six (6) inches from his neighbor's property line.

Mark Martens opened the Public Hearing for Public Comments. Mark asked for anyone in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for those opposing the petition to please do the same. Being none, Mark closed the public comments and entertained a motion.

Dan Walsh moved to approve the request for a development standard variance, on Docket #BZA 19-0601, regarding the erection of an addition to the existing garage with the stipulation that a staked survey is conducted and the addition has a six (6) inch setback from the south property line. Steve Furnivall seconded the motion.

The Board members then proceed to fill out their findings of fact forms (see attachments labeled C). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Dan Walsh Yea

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The Board members then proceed to fill out their findings of fact forms (see attachments labeled D). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Joe Wegner	Yea
Steve Furnivall	Yea
Dan Walsh	Yea
Mark Martens	Yea

The motion to approve the request for a development standard variance, on Docket #BZA 20-0601, regarding the erection of a carport passed with four votes in favor and no one opposing.

IN RE: NEW BUSINESS

NELLIE KNICKER
SPECIAL EXCEPTION

Nellie Knicker, Docket #BZA 21-0701, Special Exception. Betty Hickle is the daughter of Nellie Knicker and will be representing her. Nellie Knicker is requesting a special exception for a temporary second dwelling unit on her property located in the AG District, 1737 South State Road 17, Kewanna IN, a total of forty (40) acres. Casi Cramer explained Mrs. Knicker is legally blind. Betty Hickle, her daughter, has the Appointment of Health Care Representative and a Power of Attorney over her mother. Casi stated Mrs. Hickle already has the septic hardship for the mobile home and she does meet all of the required setbacks. Casi suggested the request be granted with the following conditions: 1) Mrs. Hickle is required to adhere to all of the County Ordinances pertaining to the placement of the mobile home; 2) the mobile home is never used as a rental unit; 3) the mobile home be utilized as a dwelling for no one except Mrs. Hickle and her immediate family; 4) the mobile home is removed after Mrs. Nellie H. Knicker is no longer in need of Mrs. Hickle's care; and 5) the special exception is renewable every 3 years.

Betty Hickle, 1766 S 775 W Kewanna IN, stated she would be moving out of her current home and into the mobile home as soon as possible. Betty stated she had nothing further to say but she would answer questions.

Mark Martens entertained questions from the Board. Dan Walsh questioned if the fourth condition, Casi suggested, should state a time period of when Mrs. Knicker is no longer in the home. Dan explained Mrs. Knicker could be sent to a nursing home or hospital. Casi Cramer stated she wrote the condition based on when Mrs. Knicker passes away but the Board can add on the nursing home or hospital if they want. Joe Wegner asked if a fee was attached to the 3-year renewal that would be done. Casi stated no, they would have a letter sent to them stating it was time for a renewal and they would come to the Board with an update.

Mark Martens opened the Public Hearing for Public Comments. Mark asked for anyone in favor of the petition to please rise and state their name, address, and reason for attending the

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public hearing. Being none, Mark asked for those opposing the petition to please do the same. Being none, Mark closed the public comments and entertained a motion.

Steve Furnivall moved to approve the request for a special exception, on Docket #BZA 21-0701, regarding the placement of a temporary secondary dwelling unit with the following conditions 1) Mrs. Hickle is required to adhere to all of the County Ordinances pertaining to the placement of the mobile home; 2) the mobile home is never used as a rental unit; 3) the mobile home be utilized as a dwelling for no one except Mrs. Hickle and her immediate family; 4) the mobile home is removed after Mrs. Nellie H. Knicker is no longer in need of Mrs. Hickle's care; and 5) the special exception is renewable every 3 years. Dan Walsh seconded the motion.

The Board members then proceed to fill out their findings of fact forms (see attachments labeled E). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Steve Furnivall	Yea
Dan Walsh	Yea
Joe Wegner	Yea
Mark Martens	Yea

The motion to approve the request for a special exception, on Docket #BZA 21-0701, regarding the placement of a temporary secondary dwelling unit with the following conditions 1) Mrs. Hickle is required to adhere to all of the County Ordinances pertaining to the placement of the mobile home; 2) the mobile home is never used as a rental unit; 3) the mobile home be utilized as a dwelling for no one except Mrs. Hickle and her immediate family; 4) the mobile home is removed after Mrs. Nellie H. Knicker is no longer in need of Mrs. Hickle's care; and 5) the special exception is renewable every 3 years passed with four votes in favor and no one opposing.

IN RE: NEW BUSINESS

JOHN GAERTE
SPECIAL EXCEPTION

John Gaerte, Docket #BZA 22-0701, Special Exception. John Gaerte is requesting a special exception for the purpose of creating a one thousand eight hundred and eighty foot by seventy-five foot (1,880' x 75') airstrip, located on his property in the AG District, 13534 E 400 S Macy IN, a total area of 202.5 acres are included within the tract where the airstrip is proposed. Casi Cramer stated Mr. Gaerte is not a licensed pilot but plans on obtaining a pilot license in the near future. Casi explained Mr. Gaerte informed her that as far as lighting the airstrip, it will be done approximately fifteen (15) minutes prior to and after landing, as well as take offs. Casi said Mr. Gaerte would be receiving FAA approval after he receives County approval. Casi stated the proposed airstrip would be approximately 1,800 feet at the nearest edge from Harsh Ditch and approximately 1.75 miles from the Buckeye underground gas pipeline. Casi suggested the request be granted with the following conditions: 1) The approval is void and must be renewed if the airstrip or land surrounding the airstrip changes/transfers ownership, an expansion of the runway occurs (length, depth, width) or the quantity of physical runways increases; and 2) the approval is valid only after

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FAA approval is obtained. Casi stated she has received no correspondence from the neighbors about the airstrip.

John Gaerte, 13534 E 400 S Macy IN, explained the neighbor's, Mrs. Brown, house sits approximately ninety feet (90) from the pavement of 400 S and approximately one hundred forty feet (140) from Mrs. Brown's east property line. Mark Martens questioned if Mr. Gaerte moved the runway west if it would cut through Mrs. Brown's property. John stated yes, it would cut through the back part of her property. Steve Furnivall was concerned with the fact if on a takeoff, Mr. Gaerte had to abort he may end up on Mrs. Brown's property. Steve confirmed the fact that Mr. Gaerte owns the one hundred twenty eight (128) acres surrounding Mrs. Brown's property. Steve stated if an abort was necessary he would rather see Mr. Gaerte overrun the runway and end up on his own property. Mark stated this problem would be rectified by moving the runway to the north and would give Mr. Gaerte more room to maneuver to the west. Dan Walsh suggested moving the runway seventy-five feet (75) to the north and making an adjustment to the west to avoid the stand of trees that lies in that area. Dan questioned who owns the property to the east of Mr. Gaerte and how far away their buildings would sit from the runway. John stated Mr. and Mrs. Russell Small own the property and buildings. John explained there are two silos located on Mr. Small's property. One silo is located to the north of the proposed runway and the other silo, which is ninety foot (90) in height, is located directly in line with runway. John further explained he is not concerned with the silo directly in line with the runway because there is a natural arch to the land, which would give any plane taking off an added advantage. Steve questioned how far away from the silo Mr. Gaerte's runway would sit. John stated the end of the proposed runway would be well over seven hundred feet (700) from the silo. Joe Wegner stated his concern is not with the silos it is with Mrs. Brown and her home. Joe said he was also concerned about property values and if they would go down because of the airstrip being so close to their property. Steve questioned if the use of the airstrip would just be limited to Mr. Gaerte and his family. John stated it would be a private airstrip but he is unsure what FAA considers to be a private airstrip. John further stated some of his neighbors have relatives that fly and in the future, if permitted, he may allow those relatives to use his strip to fly in and visit. Steve asked if Mr. Gaerte was planning on giving flight lessons on the proposed airstrip. John stated no, he would not be giving flight lessons. Crop dusting planes may want to use the strip, if permitted, in the future. The Board discussed several ways to move the proposed airstrip so that it would be clear of all obstructions and homes.

Mark Martens opened the Public Hearing for Public Comments. Mark asked for anyone in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for those opposing the petition to please do the same. Being none, Mark closed the public comments and entertained a motion.

Steve Furnivall moved to table the request for a special exception, on Docket #BZA 22-0701, until the next regularly scheduled meeting (September 12th, 2001) to investigate proper placement of the proposed airstrip. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall, Dan Walsh, Joe Wegner, and Mark Martens being in favor and no one opposing.

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AUGUST 8, 2001

IN RE: PLAN DIRECTOR REPORT

Casi Cramer gave each Board member a packet containing the proposed amendments for the Zoning and Subdivision Control Ordinance. Casi explained the front page indicates, in bold, if there was an addition, deletion, or strikethrough and where it is located. The back page indicates, in bold, how the Ordinance will read with the amendment made to it. The proposed amendments for the Zoning Ordinance are attachment F. The proposed amendments for the Subdivision Control Ordinance are attachment G. Casi stated the Plan Commission would be having a Public Hearing for these proposed amendments to the Ordinance on August 22, 2001 at 7:00 P.M. E.S.T. in the Commissioners Room. Casi suggested that the Board members read over the amendments and give her their opinions. Casi explained after the amendments are approved by the Plan Commission they are sent to the Commissioners for adoption. Casi stated she would be creating an additional proposed amendment to the telecommunications section, as well, and taking it to the Public Hearing to have the Plan Commission consider.

Mark Martens called for any more business to come before the Board of Zoning Appeals. Being none, Dan Walsh moved to adjourn the Fulton County Board of Zoning Appeals meeting at 9:40 P.M. E.S.T. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Steve Furnivall, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Ginther, Administrative Secretary

**FULTON COUNTY BOARD OF ZONING
APPEALS**

WEDNESDAY, SEPTEMBER 12, 2001

**7:30 P.M. E.S.T.
COMMISSIONERS ROOM**

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES
FOR
AUGUST 8TH, 2001**

**OLD BUSINESS:
*JOHN GAERTE (22-0701)***

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

THE FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 12, 2001

The Fulton County Board of Zoning Appeals met on Wednesday the 12th day of September 2001, at 7:30 P.M. E.S.T. in the Commissioners Room at the Fulton County Office Building. Mark Martens, Chairman, called the meeting to order at 7:30 P.M. E.S.T. The following members were present: Mark Martens, Chairman; Dan Walsh, Vice Chairman; Steve Furnivall, Secretary; Debbie Barts, and Joe Wegner. Also present were: Casi Cramer, Plan Director; Erica Ginther, Administrative Secretary; and Greg Heller, BZA Attorney.

Mark Martens called for any additions or corrections to be made to the August 8, 2001 Executive Session minutes. Being none, Dan Walsh moved to approve the August 8, 2001 Executive Session minutes. Steve Furnivall seconded the motion. Motion carried as follows: Dan Walsh, Steve Furnivall, Joe Wegner, Debbie Barts, and Mark Martens being in favor and no one opposing.

Mark Martens called for any additions or corrections to be made to the August 8, 2001 regular meeting minutes. Steve Furnivall noted some typographical errors. Being no other additions or corrections to be made, Steve Furnivall moved to approve the August 8, 2001 regular meeting minutes with noted corrections to be made. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall, Dan Walsh, Joe Wegner, Debbie Barts, and Mark Martens being in favor and no one opposing.

IN RE: OLD BUSINESS

JOHN GAERTE
SPECIAL EXCEPTION

John Gaerte, Docket #BZA 22-0701, Special Exception. John Gaerte is requesting a special exception for the purpose of creating an airstrip on his property located in the AG District, 13534 E 400 S, Macy, IN 46951. A total lot area of 202.5 acres is included within the tract where the airstrip is proposed. Mark Martens explained the docket was tabled during the August 8, 2001 meeting allowing, Mr. Gaerte time to investigate proper placement of the airstrip. Casi Cramer stated Mr. Gaerte came to the Plan Commission Office to discuss his proposal. Casi explained Mr. Gaerte decided to move the proposed airstrip north, so the southern most edge of the runway is approximately seven hundred seventy five feet (775) from the center of county road 400 South (see attachment A). The following are changes Mr. Gaerte made to his proposed airstrip (refer to attachment A): the length of the airstrip will be one thousand nine hundred twelve and five tenths feet (1,912.5); the width of the airstrip will remain seventy five feet (75); the taxi way will be fifty feet (50) wide and will sit approximately fifty feet (50) from the right-of-way (ROW) on 400 South; there will be twenty five feet (25) between the taxi way and Mrs. Brown's property line; there will be seventy five feet (75) between the end of the runway and the East property line; there will be approximately three hundred feet (300) from the North edge of the runway to the Northern edge of Mrs. Brown's property line; there is a private tile running under the strip draining the low/wet area, located on the South side of the proposed airstrip (which is Mr. Gaerte's responsibility); the silo located to the East of the airstrip is approximately ninety feet (90) in height and the grain elevator (also located on that property) is approximately the same height as the building located next to it. Casi explained there is a potential alternate taxiway, which is currently used as another driveway, located on the map that runs along the East side of

THE FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 12, 2001

Mr. Gaerte's home. The dotted lines, on the map, are the actual line of sight from the silo and the grain elevator that were a concern at the August 8, 2001 meeting.

John Gaerte stated at the last meeting the Board suggested moving the airstrip further to the north. He wanted to investigate that possibility before he made his decision. John explained by moving the proposed airstrip back seven hundred seventy five feet (775) from the center of the road, he will have additional farmable ground to the south of the proposed airstrip, and a clearer view of the surroundings.

Mark Martens entertained Board comments. Joe Wegner questioned if the potential alternate taxiway was something Mr. Gaerte was seriously considering. John Gaerte stated the alternate taxiway would be too rough and further from his home and parking area. The Board discussed which would be best, the alternate taxiway or the proposed taxiway (running along the side of Mrs. Brown's property). John explained the purpose for the proposed taxiway being on the left side of his home, was so his plane would be in his backyard allowing easier access to his home. Steve Furnivall questioned if Mr. Gaerte would be putting in a hanger to protect his plane. John stated he was thinking of placing an open sided, open front building with a hole in the back and a doghouse to cover the tail. Steve asked if Mr. Gaerte built this type of hanger, where would it be placed. John had planned on placing it north west of his home.

Mark opened the public hearing for public comments. Being none, Mark closed the public comments. Mark asked for any further Board discussion. The Board discussed the noise level and whether or not Mrs. Brown would be bothered by the noise. It was stated that a plane would actually make less noise, than a combine maintaining surrounding fields. The Board discussed using the alternate taxiway, instead of the proposed taxiway. John Gaerte said the alternate taxiway could be used, but he would have to grade it before it would be ready for proper use.

Joe Wegner moved to approve the request for a special exception, on Docket #BZA 22-0701, regarding the creation of an airstrip, with the exception that the potential alternate taxiway is used as the main taxiway instead of the proposed taxiway. Steve Furnivall seconded the motion.

The Board members then proceeded to fill out their findings of fact forms (see attachments labeled B). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Joe Wegner	Yea
Dan Walsh	Yea
Debbie Barts	Yea
Steve Furnivall	Yea
Mark Martens	Yea

The motion to approve the request for a special exception, on Docket #BZA 22-0701, regarding the creation of an airstrip, with the exception that the potential alternate taxiway is used as the main taxiway, instead of the proposed taxiway passed with five votes in favor and no one opposing.

THE FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 12, 2001

IN RE: PLAN DIRECTOR REPORT

Casi Cramer gave the BZA a copy of her report to the Plan Commission. Casi explained the approved budget for the Plan Commission Office in 2002 was attached (see attachment C).

The Amendments to the Fulton County Zoning Ordinance, Subdivision Control Ordinance, and Comprehensive Plan will be going to the Commissioners for final approval on Monday, September 17, 2001 at 6:00 P.M. E.S.T. Casi would like for any Board member, able and willing to attend the meeting, to be there to show support. The amendments are scheduled to be heard at 7:00 P.M. E.S.T.

Casi has asked the Plan Commission about taking college courses dealing with planning and zoning. Casi could not find any classes directly dealing with planning and zoning at a nearby college. She talked to the Plan Commission regarding this and it was brought to her attention that Greg Heller, Plan Commission and BZA Attorney, takes Continuing Education Classes for Lawyers. Greg's classes have consisted of planning and zoning seminars. Casi stated the Plan Commission discussed it and decided that she could attend those classes with Greg, since she could not find any classes directly dealing with planning and zoning at a nearby college.

UPDATE:

◆ Permits Issued in August

Location Improvement Permits August – 15 Total – 145

◆ Applications Submitted in August

Special Exception – 1

◆ Total Fees Collected since February 2001

\$5,510.75

◆ Visitors to the Plan Commission Office

August – 100 Total – 748

◆ Phone Calls To and From the Plan Commission Office

August – 205 Total – 1,679

It is duly noted there were no Public Comments or Board Comments presented.

THE FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 12, 2001

Being no more business to come before the Board of Zoning Appeals Mark Martens entertained a motion to adjourn. Steve Furnivall moved to adjourn the September 12, 2001 Board of Zoning Appeals meeting at 8:06 P.M. E.S.T. Dan Walsh seconded the motion. Motion carried as follows: Steve Furnivall, Dan Walsh, Debbie Barts, Joe Wegner, and Mark Martens being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Ginther, Administrative Secretary

**FULTON COUNTY BOARD OF ZONING
APPEALS**

WEDNESDAY, OCTOBER 10, 2001

**7:30 P.M. E.S.T.
COMMISSIONERS ROOM**

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES
FOR
SEPTEMBER 12, 2001**

OLD BUSINESS

NEW BUSINESS:
Jennifer Becker (23-0801)
Mitchell Bolen (24-0901)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

THE FULTON COUNTY BOARD OF ZONING APPEALS
OCTOBER 10, 2001

The Fulton County Board of Zoning Appeals met on Wednesday the 10th day of October 2001, at 7:30 P.M. E.S.T. in the Commissioners Room at the Fulton County Office Building. Chairman, Mark Martens, called the meeting to order at 7:32 P.M. E.S.T. The following members were present: Chairman, Mark Martens; Vice Chairman, Dan Walsh; Secretary, Steve Furnivall; Joe Wegner; and Debbie Barts. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Ginther; and Board of Zoning Appeals Attorney, Greg Heller.

Mark Martens called for any additions or corrections to be made to the September 12, 2001 minutes. Being none, Dan Walsh moved to approve the September 12, 2001 minutes as written. Steve Furnivall seconded the motion. Motion carried as follows: Dan Walsh, Steve Furnivall, Joe Wegner, Debbie Barts, and Mark Martens being in favor and no one opposing.

It is duly noted no Old Business was reported.

IN RE: NEW BUSINESS

JENNIFER BECKER
SPECIAL EXCEPTION

Jennifer Becker, Docket #BZA 23-0801, Special Exception. Jennifer Becker is requesting a special exception for a temporary second dwelling unit, which would be placed upon Michael Jones' property. The property is located at 5128 East 700 North, Rochester, IN 46975 and is in the AG District. Casi Cramer stated the mobile home would be 14' x 70' and meets all required setbacks and standards; according to the Zoning Ordinance. A preliminary site plan was presented and used as a diagram (see attachment A). The mobile home would be 158' from the pavement of 700 North. Casi explained Jennifer Becker and her husband will utilize the temporary dwelling unit for a maximum time period of two years and then they will sell the mobile home. The Becker's are in the process of building a new "stick built" home and wish to live in the mobile home for two years until the house is finished. Casi's recommendation is to grant Jennifer Becker's request, upon the following conditions: 1) Mrs. Becker is required to adhere to all of the County Ordinances pertaining to the placement of the mobile home; 2) the mobile home is never used as a rental unit; 3) the mobile home be utilized as a dwelling for no one except Mr. and Mrs. Becker; and 4) the mobile home is removed no later than two years from the date of the public hearing. Joe Wegner asked if there would be an extension after two years. Casi explained Jennifer would need to come before the Board and ask for an extension. The mobile home's septic system will temporarily be hooked to Michael Jones' septic system. Casi stated when the Becker's home is finished; the mobile home's septic system would be disconnected from Michael Jones' septic.

Jennifer Becker stated the "stick built" home would be placed on the farthest acre, east of Michael Jones' home. Michael Jones will be splitting off that acre of his property, for Mrs. Becker's purchase. She is hoping to move the mobile home, to that acre of land, and get their septic and electric set up so to avoid paying the deposits twice. This way they could begin building their home. Jennifer asked if there were any further questions she could answer.

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Mark Martens asked for any questions from the Board to the staff or petitioner. Mark questioned who the landowners are. Jennifer Becker stated the landowners are her mother and stepfather. Mark asked who should actually be filing the petition. Casi Cramer stated she has a signed paper from the actual owners stating that they approve of the plan (see attachment B). Greg Heller stated as long as the property owner has given consent for her to file this petition, it is permissible. Dan Walsh questioned if the mobile home was moved to the acre of land, would another BZA approved temporary second dwelling permit be required. Casi explained the acre of land would need to be split, before the mobile home was placed there and they would need to receive a Location Improvement Permit from the Plan Commission Office. Casi added that the mobile home would have to be removed immediately after the "stick built" home is finished and habitable. The Health Department requires a hardship to be present for the placement of a temporary second dwelling, but the Fulton County Zoning Ordinance does not require a hardship to be present.

Mark Martens opened the public hearing by asking for anyone in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for anyone opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark closed the public comments.

Mark Martens entertained a motion for Docket #BZA 23-0801. Dan Walsh moved to approve the request for a special exception, on Docket #BZA 23-0801, regarding the placement of a temporary second dwelling unit on Michael Jones' property as submitted with the Plan Director's recommendation. Steve Furnivall seconded the motion. Mark then closed the public hearing.

The Board members then proceeded to fill out their findings of fact forms (see attachments labeled C). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Debbie Barts	Yea
Dan Walsh	Yea
Steve Furnivall	Yea
Joe Wegner	Yea
Mark Martens	Yea

The motion to approve the request for a special exception, on Docket #BZA 23-0801, regarding the placement of a temporary second dwelling unit on Michael Jones' property as submitted with the Plan Director's recommendation passes with five votes in favor and no one opposing.

IN RE: NEW BUSINESS

MITCHELL BOLEN
SPECIAL EXCEPTION

Mitchell Bolen, Docket #BZA 24-0901, Special Exception. Mitchell Bolen is requesting a special exception to operate a construction surplus store upon his property. The property, located in Newcastle Township, is in the AG District. The address of the property is 5413

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North 500 East, Rochester, IN 46975. Casi Cramer presented a letter to the Board, written by Lonnie Woodcox, supporting the construction surplus store (see attachment D). Casi was informed that the Bolen's have surplus construction materials available to them at discounted prices. The Bolen's want to create a business, so they can sell the surplus to other people. Casi explained that two unutilized hog barns and a pole barn sitting on the property would be converted into the physical store, as well as, the workspace they need to build the type of trailer, which is utilized in farm practices for hauling. The Bolen's have access to trailer frames for this purpose and would build and sell the trailers to the public. Casi spoke to Mrs. Bolen regarding outside storage of all these materials, explaining to her that all materials must be kept out of sight from the general public. Mrs. Bolen informed Casi that the necessity to work on the farm trailers outside of the buildings may arise during the construction process, but aside from that, everything will be kept indoors. The farm trailers could measure up to thirty-six (36) feet long. Mr. Bolen's property consists of thirty-eight and eight tenths (38.8) acres and is surrounded by farm fields. An acre of land was split from the northwest corner of Mr. Bolen's property for his daughter's home. West of the property is a home owned by Rodney Irons, as well as, a mobile home court owned by Woodcox Family Trust. Casi's recommendation is to approve the request to operate a construction surplus store. Casi believes it would be a good enterprise for that area.

Mitchell Bolen stated he has access to these construction surplus materials and would like to be able to make use of them. Mitchell would use this business as a type of retirement activity or hobby.

Mark Martens asked if there were any questions by the Board to the staff or petitioner. Steve Furnivall questioned what the store's hours would be and how many employees would be hired. Mitchell Bolen stated there would be no employees, other than himself and his wife. He added the hours for the store would be during weekends and evenings. Mark Martens asked if Mr. Bolen had plans for the business to grow, so he could add on and hire employees. Mitchell does not have any plans to hire any employees. Steve asked what type of trucks and what time deliveries will be made. Mitchell responded that deliveries would be made by pickup truck and trailer, during the daytime. Joe Wegner questioned what kind of trailers the Bolen's would be making in the buildings. Mitchell stated some would be flatbed trailers, but it depends on the farmers demand. Joe asked if Mr. Bolen would be doing any of the manufacturing of the trailers himself. Mitchell said it depends on the type of trailer. Dan Walsh questioned if the frames for these trailers would come ready made. Mitchell stated they would and he just has to put the axles, tires, and a bed on them. Mitchell explained these are RV trailers factories throw away or sell because of damage. He would just buy them and repair them for his trailers. Dan asked what the parking arrangement for customers would be. Mitchell has a good-sized barn lot, where the customers could park. Steve questioned if he would have trailers sitting on his property for display. Mitchell stated probably, in the future. The trailers would be back far enough, so you would not see them from the road. Casi Cramer recommends this operation, since the following items are listed under the AG District standards: electrical supply shop, hardware store, heating/cooling/sales service, lumberyard, and plumbing supply store. Casi stated the items listed, are what the Bolen's want to do combined on a very small level. Therefore, she wrote it as a special exception use. Joe stated in a retail business, you do not have the manufacturing of the product. Casi did not look at this operation in that manner she considered it to be on a small scale, not as a major manufacturer. Steve is not

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uncomfortable with what they are proposing, but he is concerned with what will happen if they expand the business and sell it. Casi explained the Board could put a condition on the business stating should the property be sold then the special exception is terminated. Steve also would like to see a limit on employees. Debbie Barts questioned how many employees everyone was thinking of allowing. Board discussion followed, regarding how many employees should be allowed to work in the surplus store. Dan had some concern with the dust that would be created from people going up and down the drive. Mitchell explained he has gravel around all of the buildings and his driveway is limestone, so there should not be a lot of dust. Dan questioned the width of the driveway. The driveway is approximately fifteen (15) feet wide. Mitchell stated if he needed to widen the driveway, he could move his trees and do so. Joe voiced concern whether this area should be rezoned, before they approve the construction surplus store. The Board discussed rezoning and adding conditions on the business. Casi explained if the Bolen's were not going to retail/sell their items then it would be considered a home occupation/hobby and they could go ahead and do that without the Board's approval. Steve asked if Mr. Bolen would be willing to accept the condition of limiting employees and having the special exception terminated, once the business or property changes owners. Mitchell stated he would agree to those conditions. Debbie questioned how many employees. Steve feels two more employees, other than Mr. and Mrs. Bolen. Dan questioned if those are two full time or two part time employees. After discussion the Board decided two full time employees would be best. The Bolen's could have two full time employees working forty (40) hours a week each; or four part time employees working twenty (20) hours a week each.

Mark Martens opened the public hearing by asking for anyone in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark asked for anyone opposing the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Mark closed the public comments.

Mark Martens entertained a motion for Docket #BZA 24-0901. Debbie Barts moved to approve the request for a special exception, on Docket #BZA 24-0901, regarding the operation of a construction surplus store on Mr. Bolen's property with the condition that there will be a limit of two full time employees and the special exception will be terminated with the sale of the property or business. Dan Walsh seconded the motion. Mark then closed the public hearing.

The Board members then proceeded to fill out their findings of fact forms (see attachments labeled E). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Joe Wegner	Nay
Steve Furnivall	Yea
Dan Walsh	Yea
Debbie Barts	Yea
Mark Martens	Yea

The motion to approve the request for a special exception, on Docket #BZA 24-0901, regarding the operation of a construction surplus store on Mr. Bolen's property with the condition that there will be a limit of two full time employees and the special exception will

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be terminated with the sale of the property or business passes with four votes in favor and one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer attended the IPA Conference October 3 through October 5, 2001. Some of the workshops included topics on: Hearing Officers, The Difference Between Ordinances Which Contribute To Good Development And Those That Create Bad Development, Ethical Choices Of Board Members, and The Financial Costs And Benefits Of Growth.

The amended Zoning Ordinance, Subdivision Control Ordinance, and Comprehensive Plan become effective on October 17, 2001.

UPDATE

Permits Issued in September

- ◆ Location Improvement Permits
September – 12 Total (starting from February 2001) – 157

Applications Submitted in September

- ◆ Special Exception – 1
- ◆ Primary Plat – 1

Total Fees Collected since February 2001

- ◆ \$5,830.10

Visitors to the Plan Commission Office

- ◆ September – 84 Total – 832

Phone Calls To and From the Plan Commission Office

- ◆ September – 168 Total – 1,847

It is duly noted there were no Public Comments given.

IN RE: BOARD COMMENTS

Mark Martens stated if there is no business to come before the Board in November then the Board will not be having a meeting.

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Being no other business to come before the Board of Zoning Appeals Mark entertained a motion to adjourn. Joe Wegner moved to adjourn the October 10, 2001 Board of Zoning Appeals meeting at 8:04 P.M. E.S.T. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Steve Furnivall, Debbie Barts, and Mark Martens being in favor and no one opposing.

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ATTEST: _____
Erica A. Ginther, Administrative Secretary

THE FULTON COUNTY BOARD OF ZONING APPEALS
NOVEMBER 14, 2001

FULTON COUNTY BOARD OF ZONING
APPEALS

WEDNESDAY, NOVEMBER 14, 2001

7:30 P.M. E.S.T.
CONFERENCE ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES
FOR
OCTOBER 10, 2001

OLD BUSINESS

NEW BUSINESS:

Rochester Telephone Company (26-1001)
Chuck Pocock (27-1001)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

THE FULTON COUNTY BOARD OF ZONING APPEALS
NOVEMBER 14, 2001

asked for any further comments from the petitioner or public. Being none, Dan entertained a motion to close the Public Comments. Joe Wegner moved to close the Public Comments. Debbie Barts seconded the motion. Motion carried as follows: Joe Wegner, Debbie Barts, and Dan Walsh being in favor and no one opposing.

Dan Walsh asked for any further Board discussion. Being none, Dan entertained a motion to approve, disapprove, or table the petition. Joe Wegner moved to approve the request for a special exception, on Docket# BZA 26-1001C, to place telephone switching equipment on Roger A. Neff's property with a five (5') foot setback from the Right of Way. Debbie Barts seconded the motion. Dan then closed the Public Hearing.

The Board then proceeded to fill out their findings of fact forms (see attachments labeled F). The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Joe Wegner	Yea
Debbie Barts	Yea
Dan Walsh	Yea

The motion to approve the request for a special exception, on Docket# BZA 26-1001C, to place telephone switching equipment on Roger A. Neff's property with a five (5') foot setback from the Right of Way passed with three votes in favor and no one opposing.

IN RE: NEW BUSINESS

CHUCK POCOCK
ADMINISTRATIVE APPEAL

Chuck Pocock, Docket #BZA 27-1001, Administrative Appeal. Casi Cramer, Plan Director, explained that the Administrative Appeal was in regards to an anonymous complaint received on March 19, 2001 concerning the property owned by Chuck Pocock and rented by Mr. Ronald Sheffer, located at 4961 North 200 West, Rochester, IN 46975. The complaint pertained to the amount of debris and refuse/waste matter brought in and placed upon the above stated property. Due to the fact the complaint was anonymous and could not accurately identify how much of the debris and refuse/waste matter was existing prior to November 26, 2000 the Plan Commission office created a file for the property and took pictures on various dates including March 19, June 27, October 8, 29, and 31 of 2001. Casi stated the Fulton County Zoning Ordinance did not have a clause for de-grandfathering property that accumulated waste matter during that time. Therefore, there was no way of knowing the amount of waste matter that had been added since November 26, 2000. Casi added on June 27, 2001, the Plan Commission office received an anonymous complaint concerning the property. The complaint stated that a trailer bed full of refrigerators, dishwashers, and other various kitchen appliances had been recently hauled onto the property and the tags, which normally signify that freon has been removed from refrigerators, were absent. Given the pictures taken on March 19, 2001, Casi determined the trailer bed had recently been placed upon the property and a notice of violation was issued to Mr. Sheffer, as well as a copy mailed to Mr. Pocock (see attachment G). Casi explained the property is located in an Agricultural District (AG), and the development standard, which states no debris and refuse should accumulate on any property in any district, is applicable. An inspection of the property fifteen (15) days after which the violation had been issued showed the trailer had been removed and a fine was not issued, for this particular

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NOVEMBER 14, 2001

violation. Dan Walsh questioned if the appliances were removed. Casi could not tell, because of the amount of waste matter on the property and she does not walk onto anyone's property without their permission.

On August 22, 2001 the Fulton County Plan Commission voted to amend the Fulton County Zoning Ordinance and on September 17, 2001 the Fulton County Commissioners adopted the amended ordinance as recommended by the Plan Commission. Casi explained State statute reads if anything is amended concerning fines, there is a fourteen (14) day waiting period before the amendments become effective. The Plan Commission allowed a thirty (30) day timeline for the actual effective date. On October 17, 2001 the Fulton County (Amended) Zoning Ordinance became effective. The Plan Commission amended Article 9 Section 9.3 A of the ordinance, so it now states: Any legal nonconforming building(s), structure(s), or use(s) of land shall not be enlarged or altered in a manner that increases its nonconformity; but any building(s), structure(s), or use(s) of land, or portion thereof, may be altered to decrease its nonconformity. This means if someone were to clean up a property that had been accumulating waste matter, then that is not a violation of the ordinance. However, if they continue to increase the materials and the use of land, then they need to conform to the ordinance, which means they would either have to rezone their property to an Intensive Use (IU) District and become an actual salvage facility; or they would need to clean up the property. Casi consulted with Greg Heller, Plan Commission and Board of Zoning Appeals Attorney, about the situation and he believes because of this adopted amendment, the Plan Commission office could place Mr. Pocock and Mr. Sheffer in violation, due to the increasing accumulation of debris and refuse/waste matter on the above stated property. On October 17, 2001, the Plan Commission office issued a violation letter to Mr. Pocock and Mr. Sheffer, regarding the accumulation of debris and refuse/waste matter.

Greg Heller spoke to Ted Waggoner, Attorney representing Chuck Pocock, stating he was going to ask that this petition be tabled for sixty (60) days. Greg believes the ultimate recommendation is to table the petition for sixty (60) days. Dan Walsh questioned what tabling the petition for sixty (60) days would give the petitioner and the Board. Greg explained the intent would be to have the property clean within that sixty (60) days.

Ted Waggoner, Attorney representing Chuck Pocock, stated Mr. Pocock bought the property when Mr. Sheffer was already living there. Ted explained Mr. Pocock had sent a letter to Mr. Sheffer asking him to clean up the property, after the Plan Commission's first notice of violation and Mr. Sheffer refused to do so. Ted handed out a "Notice to Quit" to the Board members (see attachment H). Ted further explained a letter was sent to Mr. Sheffer stating he had ten (10) days to do something about the violation; nothing was done, and a "Notice to Quit" stating he had thirty (30) days to vacate the property was mailed to him. Mr. Sheffer is not in violation with any of the terms of his lease. He has an oral lease so Chuck has to give him thirty (30) days notice to vacate the property by state statute. Ted is asking the Board to give them sixty (60) days to prove that Mr. Pocock will be removing Mr. Sheffer and begin the process of cleaning the property. Ted explained the cleaning process will take longer than sixty (60) days but the property should be substantially clean of debris and refuse within the next four (4) to six (6) months. Ted said they had some other issues that were raised within the letter of intent to appeal. He is unsure of how an Ordinance that becomes effective on the 17th, can be utilized to enforce a violation that contends a change in use. Ted also questioned whether under State law, a change of use means, no more "tin cans" can be thrown out, or the measured expansion of the property by area or quantity has enlarged. Ted stated he did not want to get into those issues at this time. Ted explained Mr. Pocock is requesting the

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Board table his petition for sixty (60) days, allowing enough time to have Mr. Sheffer removed from the property and begin the cleaning process. Ted stated he had talked with Mark Martens, BZA Chairman, about this situation. Mark Martens lives around the corner from the property in question. Ted stated Mark did not actually notice there was a problem with the property. When Ted explained to him it was the property right around the corner then Mark said "Oh, ok I know what your talking about. There is quite a bit of stuff there but it is not the kind of situation where he is being forced to clean it up." Ted is sure this is a problem but it took several years for the property to get this way and it will take a while to clean it up.

Dan Walsh, Vice Chairman, asked for any questions by the Board to the staff or petitioner. Being none Dan entertained a motion to open the Public Hearing. Joe Wegner moved to open the Public Hearing. Debbie Barts seconded the motion. Motion carried as follows: Joe Wegner, Debbie Barts, and Dan Walsh being in favor and no one opposing.

Dan asked for those in favor of the petition to please rise and state their name, address, and reason for attending the Public Hearing. Being none, Dan asked for those opposing the petition to please rise and state their name, address, and reason for attending the Public Hearing. Jud Sumpter, 1984 W 450 N, voiced concern regarding tabling the petition. Jud would like to see the property cleaned up before winter and tabling it for sixty (60) days would not allow this to happen. Greg Heller explained by tabling the petition for sixty (60) days, this allows the Board to make a decision on whether or not to affirm the decision of the Plan Director. Mr. Pocock is requesting to table the petition, so he can have the sixty (60) days to clean up the property, thereby removing the violation, so the appeal can be withdrawn. Mr. Pocock stated other than owning the land, he has no right to step on the property and start taking Mr. Sheffer's personal belongings. He explained waiting for Mr. Sheffer to vacate the property, as well as the weather could have an effect of when the property will be cleaned. Dan asked for any further Public Comments. Being none, Dan entertained a motion to close the Public Comments. Joe Wegner moved to close the Public Comments. Debbie Barts seconded the motion. Motion carried as follows: Joe Wegner, Debbie Barts, and Dan Walsh being in favor and no one opposing.

Dan asked for further Board discussion. Joe Wegner wanted a clarification of whether the petitioner was going to start the cleaning process within the sixty (60) days or if he was waiting sixty (60) days before he decided what he needed to do. Mr. Pocock stated the cleaning process would start as soon as he could receive physical control of the property. Ted Waggoner stated he would keep the Board updated of any impediments that may occur.

Being no further Board discussion, Dan Walsh entertained a motion to approve, disapprove, or table the petition. Joe Wegner moved to table the administrative appeal, Docket #BZA 27-1001, until the regularly scheduled meeting in January of 2002, to allow Mr. Sheffer 30 days to vacate the property, and an additional 30 days to take further legal action if needed, as well as to begin the cleaning process once Mr. Pocock has physical control of the property. Debbie Barts seconded the motion.

The Administrative Secretary, Erica Ginther, conducted a roll call vote:

Debbie Barts	Yea
Joe Wegner	Yea
Dan Walsh	Yea

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The motion to table the administrative appeal, Docket #BZA 27-1001, until the regularly scheduled meeting in January of 2002 to allow Mr. Sheffer thirty 30 days to vacate the property, and an additional thirty (30) days to take further legal action if needed, as well as to begin the cleaning process once Mr. Pocock has physical control of the property, passed with three votes in favor and no one opposing.

See attachment H regarding the Plan Director Report.

It is duly noted there were no Public Comments or Board Comments reported.

Being no further business to come before the Board of Zoning Appeals, Dan Walsh entertained a motion to adjourn. Joe Wegner moved to adjourn the November 14, 2001 Board of Zoning Appeals meeting at 8:20 P.M. E.S.T. Debbie Barts seconded the motion. Motion carried as follows: Joe Wegner, Debbie Barts, and Dan Walsh being in favor and no one opposing.

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ATTEST: _____
Erica A. Ginther, Administrative Secretary

FULTON COUNTY BOARD OF ZONING
APPEALS

WEDNESDAY, DECEMBER 12, 2001

7:30 P.M. E.S.T.
CONFERENCE ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES
FOR
NOVEMBER 14, 2001

OLD BUSINESS

NEW BUSINESS:
Lisa Harner (28-1101)
Melissa Gates (29-1101)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
DECEMBER 12, 2001

The Fulton County Board of Zoning Appeals met on Wednesday the 13th day of December 2001, at 7:30 P.M. E.S.T. in the Conference Room at the Fulton County Office Building. Chairman, Mark Martens, called the meeting to order at 7:36 P.M. E.S.T. The following members were present: Chairman, Mark Martens; Vice Chairman, Dan Walsh; Joe Wegner; and Debbie Barts. Also in attendance were: Plan Director, Casi Cramer and Administrative Secretary, Erica Ginther. It is duly noted that Secretary, Steve Furnivall and Board of Zoning Appeals Attorney, Greg Heller were absent.

Mark Martens called for any additions or corrections to be made to the November 14, 2001 Board of Zoning Appeals minutes. Being none, Dan Walsh moved to approve the November 14, 2001 Board of Zoning Appeals minutes. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Debbie Barts, and Mark Martens being in favor and no one opposing.

It is duly noted no Old Business was given.

IN RE: NEW BUSINESS

LISA HARNER
DEVELOPMENT STANDARDS VARIANCE

Lisa Harner, Docket #BZA 28-1101A, Development Standards Variance. Lisa Harner is requesting a development standard variance of twelve (12) feet off of her front yard setback (north property line) for the construction of a sixteen by twenty six foot (16' x 26') garage. The garage will be attached to the existing home, which is located on her property in the Residential Cluster District (R1). The property is located at 10561 West 800 North, Culver, IN 46511; and totals approximately 14,374.8 square feet. Lisa Harner purchased Lot #16 in Country Breeze subdivision, before the implementation of zoning. Casi Cramer, Plan Director, explained there is an L shaped easement at the rear of the property. From the center of the road to the edge of the easement is one hundred thirty two feet (132'). The proposed garage is eighteen feet (18') off of the Right of Way (ROW) and the ROW is forty feet (40'), which means the proposed garage will sit a total of thirty-eight feet (38') from the center of the road. Casi thinks the well and septic are located to the rear of the existing home, therefore Lisa Harner is asking for a twelve foot (12') variance from the front yard setback. The required front yard setback is fifty feet (50') from the center of the road. Casi explained, if the variance is granted, the proposed garage will sit approximately fifty-three feet (53') from the east side setback, four feet (4') from the west side setback, and over one hundred feet (100') from the rear setback (see attachment A).

Joe Bauchman, 10561 W 800 N Culver IN, believes the well is underneath the house. Joe explained the septic and leech beds are in the rear of the house. Dan Walsh questioned if the septic was located to the east side of the house. Joe stated the septic is located to the east side and to the rear of the house. Dan questioned if the garage could be moved back and to the east more to create adequate room from the front yard setback. Joe stated it could be moved back and to the east more. Dan voiced concern about the garage sitting so close to the road. He does not believe there will be enough room for cars outside of the garage to park. Lisa Harner, 10561 W 800 N, stated if the garage were moved to the back of the house, there would be no entrance to the house. Lisa noted that she has a baby and does not want to have to go in and out of the weather with him all the time. Debbie Barts stated if the garage is moved to the back of the house, it would then be considered a detached garage.

FULTON COUNTY BOARD OF ZONING APPEALS
DECEMBER 12, 2001

Mark Martens entertained a motion to open the Public Hearing. Dan Walsh moved to open the Public Hearing. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Joe Wegner, and Mark Martens being in favor and no one opposing.

Mark asked for those in favor of the petition to please rise, and state their name, address, and reason for attending the public hearing. David Gates, 1689 N ST Rd 17 Kewanna IN, stated the house would look better, if the proposed garage was not moved to the rear and was attached rather than detached. Mark asked for any further comments in favor of the petition. Being none, he asked for those opposing the petition to please rise, and state their name, address, and reason for attending the public hearing. Being none, he asked for any further comments or rebuttal from the petitioner and public. Being none, Mark entertained a motion to close the Public Comments. Debbie Barts moved to close the Public Comments. Dan Walsh seconded the motion. Motion carried as follows: Debbie Barts, Dan Walsh, Joe Wegner, and Mark Martens being in favor and no one opposing.

The Board discussed moving the proposed garage to the rear of the house. Mark Martens stated aesthetically, if the proposed garage were placed to the side of the house, it would keep the same features. Casi Cramer voiced concern about placing the proposed garage in the rear of the house, because of the unsurity of the exact location of the septic in the rear yard.

Mark asked for any further Board discussion. Being none, he entertained a motion to approve, deny, or table the petition. Joe Wegner moved to approve the request, for a development standard variance of twelve feet (12') from the front yard setback, on Docket #BZA 28-1101A, to build a sixteen by twenty-six foot (16' x 26') garage. Debbie Barts seconded the motion.

The Board then proceeded to fill out their findings of fact forms (see attachments labeled B). Administrative Secretary, Erica Ginther, conducted a roll call vote:

Debbie Barts	Yea
Joe Wegner	Yea
Dan Walsh	Yea
Mark Martens	Yea

The motion to approve the request, for a development standard variance of twelve feet (12') from the front yard setback, on Docket #BZA 28-1101A, to build a sixteen by twenty-six foot (16' x 26') garage passed with four votes in favor and no one opposing.

IN RE: NEW BUSINESS

LISA HARNER
DEVELOPMENT STANDARD VARIANCE

Lisa Harner, Docket #BZA 28-1101B, Development Standard Variance. Lisa Harner is requesting a development standard variance of six feet (6') off of her side yard setback (west property line) for the purpose of constructing a sixteen by twenty-six foot (16' x 26') garage onto the existing home, located on her property in the Residential Cluster District (R1). The property is located at 10561 West 800 North, Culver, IN 46511, and totaling approximately 14,374.8 square feet. Lisa Harner purchased Lot #16 in Country Breeze subdivision before the implementation of zoning. The

FULTON COUNTY BOARD OF ZONING APPEALS
DECEMBER 12, 2001

proposed garage would sit four feet (4') from the west side property line and the required side yard setback is ten feet (10').

Joe Bauchman, 10561 W 800 N Culver IN, believes building the garage within four feet (4') of the property line will not decrease their property value or the neighbors. Joe Wegner suggested that the property be re-surveyed so that the owners can be sure of the location of the exact property lines. Joe Bauchman stated the property was surveyed at the time of purchase. Casi Cramer stated the survey is dated July 9, 1999, but Lisa Harner has an invoice from R.E. Daake & Associates stating they came back out to the property in August of 2001 and marked the corners of Lot #16 making sure the survey was correct.

Mark Martens entertained a motion to open the Public Hearing. Joe Wegner moved to open the Public Hearing. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Debbie Barts, and Mark Martens being in favor and no one opposing.

Mark asked for those in favor of the petition to please rise, and state their name, address, and reason for attending the public hearing. Being none, he asked for those opposing the petition to do the same. Being none, he asked for any comments or rebuttal from the petitioner or public. Being none, Mark entertained a motion to close the Public Comments. Dan Walsh moved to close the Public Comments. Debbie Barts seconded the motion. Motion carried as follows: Dan Walsh, Debbie Barts, Joe Wegner, and Mark Martens being in favor and no one opposing.

Mark asked for Board discussion. Being none, he entertained a motion to approve, deny, or table the petition. Joe Wegner moved to approve the request, for a development standard variance of six feet (6') off of the side yard setback, on Docket #BZA 28-1101B, to build a sixteen by twenty-six foot (16' x 26') garage. Dan Walsh seconded the motion.

The Board then proceeded to fill out their findings of fact forms (see attachments labeled C). Administrative Secretary, Erica Ginther, conducted a roll call vote:

Dan Walsh	Yea
Joe Wegner	Yea
Debbie Barts	Yea
Mark Martens	Yea

The motion to approve the request, for a development standard variance of six feet (6') off of the side yard setback, on Docket #BZA 28-1101B, to build a sixteen by twenty-six foot (16' x 26') garage passed with four votes in favor and no one opposing.

IN RE: NEW BUSINESS

MELISSA GATES
DEVELOPMENT STANDARD VARIANCE

Melissa Gates, Docket #BZA 29-1101, Development Standard Variance. Melissa Gates is requesting a development standard variance of twenty-six feet (26') off of her front yard setback (west property line) for the purpose of constructing a twenty-six by thirty-six foot (26'x 36') addition onto the existing home, located on her property in an Agricultural District (AG). The property is

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located at 1689 N ST RD 17, Kewanna, IN 46939, which totals approximately 2.13 acres. Melissa Gates purchased the lot and existing home prior to the implementation of zoning. Casi Cramer, Plan Director, explained Melissa Gates and her husband wish to construct an addition onto their existing home for use as an office. The addition will actually be a modular home that has been retrofitted to the specifications of Mrs. & Mr. Gates, to be applicable with their business. Casi said a list of the revisions made to the modular home within the Plan Commission's packets, which was given to her by Indian Hills Homes. Indian Hills Homes is the company constructing the modular (see attachment D). Casi stated the Gates' need a variance of twenty-eight feet (28') from the front yard setback. The required front yard setback is sixty feet (60'). Casi explained the house sits off of State Road 17 and the total Right of Way (ROW) is fifty-six feet (56'). The total setback from the center of the road should be eighty-eight feet (88') and the addition will be sixty-two feet (62') from the center of the road. The addition will be connected to the existing house by a breezeway. There are two septic systems located on the property (see attachment E). Casi stated there is an existing handicapped ramp, which runs in front of the existing home. The additional breezeway will be constructed at the end of the handicapped ramp so, that the Gates' may gain access to the office building. Casi's recommendation is to grant the request for the development standard variance; with the condition that the addition is never utilized by the current or any future landowner as a second dwelling. If the variance is granted, Mrs. Gates will meet all of the Fulton County Zoning Ordinances in respect to the construction of an addition to an existing structure.

David Gates, 1689 N ST Rd 17, stated he is a computer/software repair consultant, and he and his wife would like to have the addition constructed for the use of his business. The addition would allow him more space and storage for all of his equipment. Melissa Gates, 1689 N ST Rd 17, stated there is no room for David to have his office in the existing home, and that is why an addition is needed. Dan Walsh questioned if the Gates' had thought about taking the addition and turning it so that it would not be in an L-shape like proposed. Melissa Gates explained if the addition was not in an L-shape, it would interfere with the septic system and it would look strange with both roofs running parallel to one another. The Gates' want the door on the addition and the door to their existing home to match up as close as possible and that is not possible if the addition is turned. Joe Wegner questioned if septic system #2 was placed in the field. Casi Cramer was unsure but she thought the leech bed and fingers ran into the field. The Board discussed the addition and decided if the addition were turned it would cause water running off of both structures' roofs to rush down on top of the breezeway creating potential damage.

Mark Martens entertained a motion to open the Public Comments. Joe Wegner moved to open the Public Comments. Dan Walsh seconded the motion. Motion carried as follows: Joe Wegner, Dan Walsh, Debbie Barts, and Mark Martens being in favor and no one opposing.

Mark asked for those in favor of the petition to please rise, and state their name, address, and reason for attending the public hearing. Being none, he asked for those opposing the petition to do the same. Being none, he asked for any comments or rebuttal from the petitioner or public. Being none, Mark entertained a motion to close the Public Comments. Dan Walsh moved to close the Public Comments. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, Debbie Barts, and Mark Martens being in favor and no one opposing. Mark asked for any further Board discussion. Being none, he entertained a motion to approve, deny, or table the petition. Dan Walsh moved to approve the request, for a development standard variance of twenty-eight feet (28'), on Docket #BZA 29-1101, to construct a twenty-six by thirty-six

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foot (26' x 36') addition to the existing home with the condition that the addition is never utilized by the current or any future land owner as a second dwelling. Debbie Barts seconded the motion.

The Board then proceeded to fill out their findings of fact forms (see attachments labeled F). Administrative Secretary, Erica Ginther, conducted a roll call vote:

Debbie Barts	Yea
Joe Wegner	Yea
Dan Walsh	Yea
Mark Martens	Yea

The motion to approve the request, for a development standard variance of twenty-eight feet (28'), on Docket #BZA 29-1101, to construct a twenty-six by thirty-six foot (26' x 36') addition to the existing home with the condition that the addition is never utilized by the current or any future land owner as a second dwelling passed with four votes in favor and no one opposing.

It is duly noted that Debbie Barts dismissed herself from the meeting at 8:30 P.M. E.S.T.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer, Plan Director, gave Board members a copy of her report (see attachment G).

Casi explained there is a special exception coming before them in January of 2002 that she was unsure how to label. Therefore, she took the situation to the Plan Commission for their interpretation. The gentleman wants to have a hobby shop and track for remote control cars on his property. The property is in an AG District, but the proposed use does not fit under anything listed in the special exception uses. The Plan Commission's opinion was that Casi write it in under the special exception uses in the AG District and create with the correct title for it.

It is duly noted there were no Public Comments or Board Comments given.

Being no further business to come before the Board of Zoning Appeals, Mark Martens entertained a motion to adjourn the meeting. Dan Walsh moved to adjourn the December 12, 2001 Board of Zoning Appeals meeting at 8:40 P.M. E.S.T. Joe Wegner seconded the motion. Motion carried as follows: Dan Walsh, Joe Wegner, and Mark Martens being in favor and no one opposing.

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ATTEST: _____
Erica A. Ginther, Administrative Secretary