

**THE REGULARLY SCHEDULED
FULTON COUNTY
BOARD OF ZONING APPEALS MEETING
SET FOR DECEMBER 10TH, 2008
HAS BEEN CANCELLED
DUE TO THERE BEING NO BUSINESS
THE NEXT MEETING IS SCHEDULED FOR
JANUARY 14TH, 2008
AT 7:00 P.M.
IN THE COMMISSIONERS/COUNCIL ROOM**

FULTON COUNTY BOARD OF ZONING APPEALS
November 12th, 2008

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY NOVEMBER 12th, 2008

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

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:

October 8th, 2008

OLD BUSINESS:

Mary Schaeffner (#11-0308)
Anthony Courtney (#41-0908)

NEW BUSINESS:

Henry Rentschler (#44-1008)
James Straeter (#47-1008)
James Biddle (#47-1008)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
November 12th, 2008

The Fulton County Board of Zoning Appeals met on Wednesday the 12th day of November 2008, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson Dan Walsh called the meeting to order at 7:00 P.M. The following members were present: Chairperson, Dan Walsh; Vice-Chairperson, Rex Robison; Executive Secretary, Debbie Barts; Bill Russell and George Suter. Also in attendance were: Plan Director, Casi Cramer, Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

IN RE: MINUTES

October 8th, 2008

Chairperson, Dan Walsh asked for any additions, deletions, or corrections to be made to the October 8th, 2008 minutes. Being none, Bill Russell moved to approve the October 8th, 2008, Fulton County Board of Zoning Appeals minutes as written. George Suter seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

IN RE: OLD BUSINESS

MARY SCHAEFFNER (#11-0308)
ADMINISTRATIVE APPEAL

Mary Schaeffner #11-0308 appealed an administrative decision for having farm animals on less than 1.5 acres of land. During the May 14th, 2008 the Board gave Mrs. Schaeffner a 6-month extension to purchase more land to equal 1.5 acres or more.

Mary Schaeffner stated she is currently renting two more lots and plans on purchasing both lots in the spring.

Dan Walsh asked for any Board comments, being none he entertained a motion. Debbie Barts moved to agree with the Administrative Appeal, due to the fact she is now in compliance. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

IN RE: OLD BUSINESS

ANTHONY COURTNEY (#41-0808)
SPECIAL EXCEPTION

Anthony Courtney, BZA Docket #41-0808 request for a Special Exception for a business for the construction of wooden shipping crates on his property located at 1004 E Olson Road, Rochester, within the Suburban Residential (SR) District. (see attachment A) The request was tabled at the October 8th, 2008 meeting with the conditions a comparison of decibels associated with the business equipment was submitted to the Board, and Rex Robison would represent the Board during a demonstration on Mr. Courtney's property.

Casi stated Mr. Courtney had sent the Plan Commission the information for comparison of decibels for his equipment. She then stated Rex Robison represented the Board for a demonstration in Mike Gearhart's garage (Mr. Courtney's property) to rate the decibel levels on the neighboring property lines. She then asked Rex Robison to explain his report of the observations.

FULTON COUNTY BOARD OF ZONING APPEALS

November 12th, 2008

Rex Robison stated he had obtained the California Environmental Report for sound levels and human response and used it as a guideline for the noise demonstration (see attachment B). He stated he had also purchased a decibel meter to actually read the decibels. The testing was conducted at various locations on the property; the idea was to be below 60 decibels. The saw, nail gun and air compressor were used for the testing. On the east property line the decibel levels were under 50, and the northeast corner the decibels were 51 for the nail gun and air compressor and 52 for the saw. All testing was conducted on the property lines. He then stated Susan Kelley, a neighbor, accompanied them during the testing.

Dan Walsh asked if the equipment being used during testing is the same as what would be used for the production.

Rex Robison stated they were actually using a heavier duty nail gun than would normally be used.

Susan Kelley, 1120 E Olson Road, stated this is a residential area and a manufacturing facility will impact the property values. She then asked if the Board to consider limits on the outdoor storage and limit truck traffic.

The Board then discussed the conditions to be put on the petition.

Dan Walsh entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 41-0808 Anthony Courtney, requesting a Special Exception for a business for the construction of wooden shipping crates on his property located at 1004 E Olson Road, Rochester, within the Suburban Residential (SR) District with the following conditions:

- No visible outdoor storage by way of an aesthetically pleasing privacy fence, complementary to surrounding properties;
- No semi, tractor, or trailer deliveries or pick-ups and;
- Hours will be Monday through Friday 8:00 am to 6:00 pm, Saturday 9:00 am to 3:00 pm and closed on Sundays.

Bill Russell seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled C). Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
Rex Robison	Yea
George Suter	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 41-0808 Anthony Courtney, requesting a Special Exception for a business for the construction of wooden shipping crates on his property located at 1004 E Olson Road, Rochester, within the Suburban Residential (SR) District with the following conditions:

- No visible outdoor storage by way of an aesthetically pleasing privacy fence, complementary to surrounding properties;
- No semi, tractor, or trailer deliveries or pick-ups and;
- Hours will be Monday through Friday 8:00 am to 6:00 pm, Saturday 9:00 am to 3:00 pm and closed on Sundays.

Passed with five votes being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

November 12th, 2008

N RE: NEW BUSINESS

HENRY RENTSCHLER (#44-1008)
DEVELOPMENT STANDARD VARIANCE

Henry Rentschler, Docket #44-1008, is requesting a Development Standard Variance of four (4') feet off the side yard setback for the purpose of a new home located at 2711 SE Lakeshore DR, Rochester, within the Lake Residential (R3) District. (See attachment D)

Casi explained Mr. Rentschler's lot width is 40', in the R3 District the required side yard setback is eight (8') feet. Mr. Rentschler is unsure of the exact dimensions of the new home, the proposed dimensions are 24' X 40' or 26'8" X 52'. Therefore, a variance of four (4') feet off the side yard setback is requested. She then stated there is an existing drive on the west side property line Mr. Rentschler would like utilize, which is why he is requesting a variance of four (4') feet off the side. It is a possibility the proposed home would meet setbacks on the eastern side, but Mr. Rentschler is unsure of the dimensions.

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

Mr. Rentschler did not have anything further to add.

Dan Walsh entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. George Suter seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

Dan Walsh asked if anyone would like to speak in favor of the petition, to please rise and state his or her name and address. Being no one to speak in favor of the petition, Dan Walsh then asked if anyone would like to oppose the petition to please rise and state his or her name and address.

Being no one opposed, Dan Walsh then entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

Dan Walsh entertained a motion regarding the petition. George Suter moved to approve, Docket #44-1008, Henry Rentschler requesting a Development Standard Variance of four (4') feet off the side yard setback for the purpose of a new home located at 2711 SE Lakeshore DR, Rochester, within the Lake Residential (R3) District.

Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled E). Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
Rex Robison	Yea
George Suter	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA #44-1008, Henry Rentschler requesting a Development Standard Variance of four (4') feet off the side yard setback for the purpose of a new home located at 2711 SE Lakeshore DR, Rochester, within the Lake Residential (R3) District. Passed with five votes being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

November 12th, 2008

IN RE: NEW BUSINESS

JAMES STRAETER (#47-1008)
SPECIAL EXCEPTION

James Straeter, BZA Docket #47-1008 is requesting a Special Exception to erect a one-hundred thirty two (132') wind generator on his property located at 1260 E 100 S, Rochester, within the Highway Commercial (HC) District. (see attachment F)

Casi explained Mr. Straeter would erect the wind generator in the southwest corner of the property. The wind generator would be used to generate electricity to the existing building, Mr. Straeter's south property line is approximately 331', the west property line is approximately 450', and Mr. Straeter owns the fields on the west side. Therefore, a special exception is requested to erect a 132' wind generator.

Casi also read a letter the Plan Commission had received in favor of the wind generator.

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

Mr. Straeter stated the reasons for the wind generator is cleaner air and he would have the opportunity to gain more knowledge of the wind generators and possibly be able to promote sales to the customers at Ford New Holland.

George Suter asked if the height of the generator would be in compliance with the FAA and the airport.

Mr. Straeter stated it was in compliance with both.

Dan Walsh entertained a motion to open the public hearing. Bill Russell moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

Dan Walsh asked if anyone would like to speak in favor of the petition, to please rise and state his or her name and address.

Jack Smiley, stated he and his family are in total support of Mr. Straeter's wind generator.

Being no one else to speak in favor of the petition, Dan Walsh then asked if anyone would to oppose the petition to please rise and state his or her name and address.

Doug Holcomb, 1559 E 75 S, stated he had some questions about the noise levels.

Casi stated the decibels are below the acceptable level. She stated the only noise that would be heard would be the whip if the blades.

Doug Holcomb then asked if the wind generator would affect the satellite signal.

Mr. Straeter stated it would not affect the signals.

Being no one else to oppose the petition, Dan Walsh then entertained a motion to close the public hearing. Bill Russell moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

November 12th, 2008

Dan Walsh entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #47-1008 requesting a Special Exception to erect a one-hundred thirty two (132') wind generator on his property located at 1260 E 100 S, Rochester, within the Highway Commercial (HC) District.

George Suter seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled G). Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
Rex Robison	Yea
George Suter	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 47-1008 requesting a Special Exception to erect a one-hundred thirty two (132') wind generator on his property located at 1260 E 100 S, Rochester, within the Highway Commercial (HC) District. Passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

JAMES BIDDLE (#48-1008)
SPECIAL EXCEPTION

No one was present to represent Mr. Biddle.

Dan Walsh entertained a motion regarding the petition. Rex Robison moved to table James Biddle, BZA Docket #48-1008 until the January 2009 meeting. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for October 2008.

Casi then asked the Board if they wanted to cancel the December meeting, due to there being no business.

Dan Walsh entertained a motion for the December 10th, 2008 meeting. Rex Robison moved to cancel the December 10th, 2008 meeting. Bill Russell seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

It is duly noted that there were no Public Comments or Board Comments given at this time.

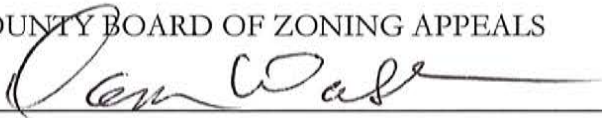
Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the November 12th, 2008 Fulton County Board of Zoning Appeals meeting. Bill Russell moved to adjourn

FULTON COUNTY BOARD OF ZONING APPEALS

November 12th, 2008

On the November 12th, 2008 Fulton County Board of Zoning Appeals meeting at 8:05 P.M. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS



ATTEST:



Heather Redinger, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
October 8th, 2008

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY OCTOBER 8TH, 2008

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

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
September 10th, 2008

OLD BUSINESS:

NEW BUSINESS:

Matt Conley (#40-0808)
Anthony Courtney (#41-0908)
Lloyd Pusey (#42-0908)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS

October 8th, 2008

The Fulton County Board of Zoning Appeals met on Wednesday the 8th day of October 2008, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson Dan Walsh called the meeting to order at 7:00 P.M. The following members were present: Chairperson, Dan Walsh; Vice-Chairperson, Rex Robison; Executive Secretary, Debbie Barts; Bill Russell and George Suter. Also in attendance were: Plan Director, Casi Cramer and Gale Beller.

It is duly noted Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger were absent.

IN RE: MINUTES

September 10th, 2008

Chairperson, Dan Walsh asked for any additions, deletions, or corrections to be made to the September 10th, 2008 minutes. Being none, Bill Russell moved to approve the August 13th, 2008, Fulton County Board of Zoning Appeals minutes as written. George Suter seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

IN RE: OLD BUSINESS

It is duly noted there was no old business.

IN RE: NEW BUSINESS

MATT CONLEY (#40-0808)
DEVELOPMENT STANDARD VARIANCE

Matt Conley, Docket #40-0808, is requesting a Development Standard Variance for the purpose of a 10' x 20' deck, later to become a porch, on the front of his home located at 2071 W 450 N, Rochester, within the Agricultural (AG) District. (See attachment A)

Casi Cramer stated Matt Conley could not be present; therefore his brother Tim Conley was here to represent him.

Casi explained in the Ag District the required front yard setback is fifty (50') feet and the required side yard setback is thirty (30') feet. The ROW is thirty-four (34') feet, which would require all new construction be sixty-seven (67') feet from the center of the ROW. The existing home sits approximately fifty (50') feet from the center of the ROW and the proposed deck would sit approximately forty (40') feet from the ROW and approximately twenty-five (25') feet from the east side yard. Therefore, a variance of twenty-seven (27') feet off the front yard setback and five (5') feet off the side yard setback is requested.

Casi stated there was an existing deck on the home that Mr. Conley removed and rebuilt; the new deck is the same size as the old deck.

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

Tim Conley stated their father owns all the surrounding property.

Dan Walsh entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

October 8th, 2008

Dan Walsh asked if anyone would like to speak in favor of the petition, to please rise and state his or her name and address.

Ernie Hiatt, 3404 W 450 N, stated he feels this is an improvement to his property.

Being no one else to speak in favor of the petition, Dan Walsh then asked if anyone would to oppose the petition to please rise and state his or her name and address.

Being no one opposed, Dan Walsh then entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

Dan Walsh entertained a motion regarding the petition. George Suter moved to approve, Docket #BZA 40-0808 Matt Conley, requesting a Development Standard Variance of twenty-seven (27') feet off the front yard setback and five (5') feet off the side yard setback for the purpose of a 10' x 20' deck, later to become a porch, on the front of his home located at 2071 W 450 N, Rochester, within the Agricultural (AG) District.

Bill Russell seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled B). Gale Beller, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
Rex Robison	Yea
George Suter	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 40-0808 Matt Conley, requesting a Development Standard Variance of twenty-seven (27') feet off the front yard setback and five (5') feet off the side yard setback for the purpose of a 10' x 20' deck, later to become a porch, on the front of his home located at 2071 W 450 N, Rochester, within the Agricultural (AG) District. Passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

ANTHONY COURTNEY (41-0808)
SPECIAL EXCEPTION

Anthony Courtney, BZA Docket #41-0808 is requesting a Special Exception for a business for the construction of wooden shipping crates on his property located at 1004 E Olson Road, Rochester, within the Suburban Residential (SR) District. (see attachment C)

Casi explained Mr. Courtney currently provides the wooden shipping crates for Indiana Heat Transfer and would like to continue this business. Mr. Courtney had just purchased this property and would like to build a 30' x 70' pole barn in which he would spray foam to lower the noise. She then explained Mr. Courtney would not be moving to his location until March. The business would have three family employees and the office would be located in the existing home. The proposed hours of operation are Monday through Friday 8:00 a.m. to 6:00 p.m. and Saturday 9:00 a.m. to 3:00 p.m. The business consists of construction only; there would be no sales at this locations, there would be one to two deliveries a week and outgoing two to three times a week.

FULTON COUNTY BOARD OF ZONING APPEALS

October 8th, 2008

Casi then explained the Plan Commission had received some phone calls with concerns of the noise the business would create. She then stated the Zoning Ordinance does not allow many businesses in the SR District and recommended some possible conditions:

- Limited hours, proposed hours or 9 am to 5 pm and no weekends;
- New building must be built and insulated prior to business placement;
- Business review after six months

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

Mr. Courtney stated he has been in the military service for 23 years and is looking forward to coming home.

Dan Walsh entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

Dan Walsh asked if anyone would like to speak in favor of the petition, to please rise and state his or her name and address.

Being no one to speak in favor of the petition, Dan Walsh then asked if anyone would to oppose the petition to please rise and state his or her name and address.

Charles Remillet, 1105 Fawn Trail stated he paid \$350,000 for his home in a residential area. He is concerned about his property value, quality of life, as well as, noise disrupting his family and the wildlife. He stated the business of building skids is loud; you would have a lot of scrap wood and would be adding more traffic to the area.

Brent Kauffman, 1086 E Olson Road, stated his concerns are the area is a wooded residential area with a park like environment, the wooded area would amplify the noise, and property values will go down 15% to 30%, according to a realtor. He stated he had heard Mr. Courtney has an alternative location, so why are they here today, he could use the alternative location.

Being no one else to oppose the petition, Dan Walsh then entertained a motion to close the public hearing. Bill Russell moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

Debbie Barts asked Mr. Courtney for more information on his business.

Mr. Courtney stated he would be constructing wooden crates for Indiana Heat Transfer in Plymouth. It is completely wooden, not pallets. He currently produces 400 a week; the crates are 33" x 41" and 6" deep. Currently, he lives in Minnesota and has to have the boxes delivered to Plymouth; he would use his own truck and trailer once he is local. The alternative location is not large enough for his needs.

Rex Robison asked what are the plans to manage the semis coming in and out.

Mr. Courtney stated it is a 30' boom truck not a semi. He stated he would need to remove a few trees on the property for a turn around.

FULTON COUNTY BOARD OF ZONING APPEALS

October 8th, 2008

Rex Robison stated he had concerns about the amount of traffic, he feels semi trailers should not be allowed without a proper turn around. He asked about comparison of decibels of different nail guns.

George Suter asked Mr. Courtney if he could get the decibel information from the manufacturers of the equipment he would be using, and have a trial run, to determine if the neighbors can hear any noise.

Mr. Remillet stated his main concern is the decrease of his property value.

Rex Robison offered to represent the Board in a demonstration on Marcus Courtney's property.

Dan Walsh entertained a motion regarding the petition. George Suter moved to table, Docket #BZA 41-0808 Anthony Courtney, requesting a Special Exception for a business for the construction of wooden shipping crates on his property located at 1004 E Olson Road, Rochester, within the Suburban Residential (SR) District with the following conditions: a comparison of decibels associated with the business equipment, i.e. nail guns, compressor, skid loader and the saws versus common traffic and Rex Robison will represent the Board in a demonstration on Marcus Courtney's property. Bill Russell seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

IN RE: NEW BUSINESS

LLOYD PUSEY (#42-0908)
DEVELOPMENT STANDARD VARIANCE

Lloyd Pusey, BZA Docket #42-0908, is requesting a development standard variance off the lot size and lot width, for the purpose of splitting an existing (30' X 160') lot, within the Lake Residential (R3) District located adjacent from 3036 SE Lakeshore Drive, Macy. (see attachment D)

Casi explained Mr. Pusey would like to create two new lots from an existing 160' X 30' lot. Mr. Pusey's neighbors currently utilize a portion of this lot for extra parking and storage of their boat and would like to purchase the area. Mr. Pusey has an existing garage on the lot and would like to keep it. The required minimum lot size for newly created lots in the R3 District is 6,000 square feet and the minimum lot width is sixty (60') feet. The newly created lots would be 125' x 30' and 35' x 30', therefore, the variance requests would be 2,250 square feet off the minimum lot size for the proposed remaining tract of 125' x 30' and 4,950 square feet off the required minimum lot size and 25' off the minimum lot width for the proposed 35' x 30'. Casi also recommended a condition be added that neither lot is able to have a dwelling built upon them.

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

Mr. Pusey did not have anything further to add.

Being no public, other than Mr. Pusey he did not open the public hearing.

Dan Walsh entertained a motion regarding the petition. Rex Robison moved to approve, BZA Docket #42-0908, Lloyd Pusey, requesting a development standard variance of 2,250 square feet off the minimum lot size for the proposed remaining tract of 125' x 30' and 4,950 square feet off the required minimum lot size and 25' off the minimum lot width for the proposed 35' x 30', within the Lake Residential (R3) District located across from 3036 SE Lakeshore Dr., Macy, with the condition neither lot can have a dwelling built upon them. Debbie Barts seconded the motion.

FULTON COUNTY BOARD OF ZONING APPEALS

October 8th, 2008

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled E). Gale Beller, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
Rex Robison	Yea
George Suter	Yea
Dan Walsh	Yea

The motion to approve, BZA Docket#42-0908, Lloyd Pusey, requesting a development standard variance of 2,250 square feet off the minimum lot size for the proposed remaining tract of 125' x 30' and 4,950 square feet off the required minimum lot size and 25' off the minimum lot width for the proposed 35' x 30', within the Lake Residential (R3) District located across from 3036 SE Lakeshore Dr., Macy, with the condition neither lot can have a dwelling built upon them. Passed with five votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for September 2008.

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the October 8th, 2008 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the October 8th, 2008 Fulton County Board of Zoning Appeals meeting at 8:20 P.M. Bill Russell seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

Dan Walsh

ATTEST:

Heather Redinger

Heather Redinger, Administrative Secretary

Fulton County Board of Zoning Appeals
Meeting
October 8th, 2008

Please Sign In

Charles Remillet
Sandra Remillet
Angela Courtney
Anthony Courtney
Ernest L. Healt
Brent Kaufman

FULTON COUNTY BOARD OF ZONING APPEALS
September 10th, 2008

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY SEPTEMBER 10TH, 2008

7:00 P.M.

COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:

August 13th, 2008

OLD BUSINESS:

Tab & Teresa VanMeter

NEW BUSINESS:

Ronald Towne (#34-0708)

Jayne Patterson (#35-0708)

Dan Pine (#36-0708)

Jasper Dulin (#37-0708)

JJ Richards Farm Corporation (#39-0808)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS

September 10th, 2008

The Fulton County Board of Zoning Appeals met on Wednesday the 10th day of September 2008, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson Dan Walsh called the meeting to order at 7:00 P.M. The following members were present: Chairperson, Dan Walsh; Vice-Chairperson, Rex Robison; Executive Secretary, Debbie Barts; Bill Russell and George Suter. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

IN RE: MINUTES

August 13th, 2008

Chairperson, Dan Walsh asked for any additions, deletions, or corrections to be made to the August 13th, 2008 minutes. Being none, Bill Russell moved to approve the August 13th, 2008, Fulton County Board of Zoning Appeals minutes as written. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

IN RE: OLD BUSINESS

TAB & TERESA VANMETER
BZA#144-0407

Mr. VanMeter was granted a Special Exception for a temporary second dwelling on June 13th, 2007. Mr. VanMeter does not have the septic complete for the temporary second dwelling, therefore he is requesting an extension to complete the septic and set the mobile. (see attachment A)

The Board discussed the timeline and decided to extend until May 2009; at that time Mr. VanMeter would have to request renewal of the special exception.

Dan Walsh entertained a motion. Debbie Barts moved to approve an extension for Docket BZA#144-0407, Tab VanMeter, until May 9th, 2009. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

IN RE: NEW BUSINESS

RONALD TOWNE (#34-0708)
SPECIAL EXCEPTION

Ronald Towne, Docket #34-0708, is requesting a Special Exception to operate an auto repair shop on his property located at 3842 N Old US 31, Rochester, within the Suburban Residential (SR) District. (See attachment B)

Casi told the Board the Area Plan Commission advised the Plan Director to write auto repair in as a special exception and have the Board of Zoning Appeals review the plans for practical use in the SR District.

Casi then explained Mr. Towne would like to utilize an existing 30' X 40' garage that has two-bay doors; he would also utilize the existing gravel drive and parking area. Mr. Towne has currently been doing repairs for friends and family, but would now like to do it full-time. Mr. Towne would not have any other employees at this time. The hours of operation would be:

Monday, Tuesday, Thursday, Friday	9:00 a.m. to 6:00 p.m.
Wednesday	9:00 a.m. to 5:30 p.m.
Saturday	9:00 a.m. to 12:00 p.m.
Sunday	Closed.

FULTON COUNTY BOARD OF ZONING APPEALS

September 10th, 2008

Casi stated she would recommend the following conditions; all fluids disposed of properly, no outdoor storage of auto parts, and all inoperable /unlicensed vehicles be contained within a building or behind a wooden/vinyl privacy fence to hide view from all sides.

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

Mr. Towne stated he had spoken to the neighbors and they did not have an issue with the auto repair business as long as he kept it clean.

Rex Robison asked how would he dispose of the fluids.

Mr. Towne stated he takes all fluids except antifreeze to the recycle bin at Auto Zone. He then stated he stores the antifreeze in gallon jugs and takes to the recycling center when they are accepting it.

Dan Walsh asked if he keeps the shop locked.

Ron Towne stated he does keep it locked.

George Suter asked what his feelings are about the fence.

Ron Towne stated he has not had any complaints about the vehicles from the neighbors, but he stated he would not object to putting up a fence.

Rex Robison asked if he were to expand his business would he consider having a service pick up the fluids.

Ron Towne stated he does not currently have plans of expansion, but he would check around for those services.

Dan Walsh entertained a motion to open the public hearing. George Suter moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

Being no one in favor or opposed, Dan Walsh then entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

Greg Heller, Board Attorney, stated he thought the Board had concerns about adding the extra expense of a fence, when the business is just beginning. He suggested a condition could be added for Mr. Towne to come back in a year for an update, and at that time the Board feels he needs to erect a fence it can be added as a condition.

George Suter stated he felt if a vehicle is there for more than thirty days, then a fence would need to be erected.

The Board then discussed the conditions to be put on the special exception.

Dan Walsh entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 34-0708 Ronald Towne, requesting a Special Exception to operate an auto repair shop, within the SR District located at 3842 Old US 31, Rochester with the following conditions:

- 1.) The hours of operation are Mon, Tues, Thurs, Fri 9:00 a.m. to 6:00 p.m

FULTON COUNTY BOARD OF ZONING APPEALS

September 10th, 2008

Wednesday 9:00 a.m. to 5:30 p.m., Saturday 9:00 a.m. to 12:00 p.m. and closed on Sunday

- 2.) all fluids disposed of properly;
- 3.) no customer vehicles on premises over thirty (30) days without a privacy fence;
- 4.) Special Exception to be reviewed in two (2) years.

Rex Robison seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled C). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
Rex Robison	Yea
George Suter	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 34-0708 Ronald Towne, requesting a Special Exception to operate an auto repair shop, within the SR District located at 3842 N Old US 31, Rochester with the conditions stated above. Passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

JAYME PATTERSON (#35-0708)
DEVELOPMENT STANDARD VARIANCE

Jayne Patterson BZA Docket #35-0708 is requesting a development standard variance of sixty four (64') feet off the required minimum lot width, in the AG District, for the purpose of splitting an existing lot located at 13544 E SR 114, Akron. (see attachment D).

Casi explained Mrs. Patterson would like to split off a lot equal to 1.25 acres from a tract of land equal to 2.22 acres. Mr. and Mrs. Cumberland own the property and would like to keep the existing barn located on the property. The approximate .97 acres remaining would be an adjoining lot split to Mr. and Mrs. Cumberland, that a dwelling could never be built upon. The required minimum lot width for a newly created lot in the Ag District is two-hundred (200') feet, the proposed new lot would be 200' wide in the front and 136' wide in the rear, therefore a variance of 36' off the required minimum lot width is requested.

Dan Walsh asked Mrs. Patterson if she had anything further to add.

Mrs. Patterson was not present, her parents Mr. and Mrs. Saner were there to represent her, and they had nothing further to add.

Dan Walsh entertained a motion to open the public hearing. Bill Russell moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

Being no one in favor or opposed, Dan Walsh then entertained a motion to close the public hearing. Bill Russell moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS
September 10th, 2008

Dan Walsh entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 35-0708 Jayme Patterson, requesting a development standard variance of sixty four (64') feet off the required minimum lot width, in the AG District, for the purpose of splitting an existing lot located at 13544 E SR 114, Akron. Bill Russell seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled E). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
Rex Robison	Yea
George Suter	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 35-0708 Jayme Patterson, requesting a development standard variance of sixty four (64') feet off the required minimum lot width, in the AG District, for the purpose of splitting an existing lot located at 13544 E SR 114, Akron. Passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

DAN PINE (#36-0708)

Dan Pine, BZA Docket #36-0708, is requesting a development standard variance of 2.5 feet off the required side yard setback for the purpose of 26' X 30' detached garage, within the Lake Residential (R3) District located at 11007 Silver Maple Dr., Kewanna.(see attachment F)

Casi explained Mr. Pine has an existing garage and would like to tear down and replace with the proposed 26' X 30' garage. The required side yard setback in the R3 District for an accessory structure is five (5') feet. Mr. Pine has an existing sidewalk that prevents him from moving the garage any closer to the home. The proposed garage would sit approximately 2.5' from the south side property line; therefore a variance of 2.5' off the required side yard setback is requested.

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

Mr. Pine did not have anything further to add.

Dan Walsh entertained a motion to open the public hearing. Bill Russell moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

Being no one in favor or opposed, Dan Walsh then entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

George Suter asked Mr. Pine if he would have a drain in the garage.

Mr. Pine stated he would have a drain, which would drain into the ditch.

George Suter recommended putting a condition that the floor drain must have proper containment to control any spillage of fluids from vehicles.

The Board agreed to put the condition on the petition.

FULTON COUNTY BOARD OF ZONING APPEALS

September 10th, 2008

Dan Walsh entertained a motion regarding the petition. George Suter moved to approve, BZA Docket #36-0708, Dan Pine, requesting a development standard variance of 2.5 feet off the required side yard setback for the purpose of 26' X 30' detached garage, within the Lake Residential (R3) District located at 11007 W Silver Maple Dr., Kewanna, with the condition the floor drain has proper containment to control any spillage of fluids from vehicles. Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled G). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
Rex Robison	Yea
George Suter	Yea
Dan Walsh	Yea

The motion to approve, BZA Docket #36-0708, Dan Pine, requesting a development standard variance of 2.5 feet off the required side yard setback for the purpose of 26' X 30' detached garage, within the Lake Residential (R3) District located at 11007 W Silver Maple Dr., Kewanna, with the condition the floor drain has proper containment to control any spillage of fluids from vehicles. Passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

JASPER DULIN (#37-0708)
SPECIAL EXCEPTION

Jasper Dulin, Docket BZA#37-0708, is requesting a special exception to operate storage, sales and multi-use facility on his property within the Agricultural (AG) District located at 3225 E 300 N, Rochester. (see attachment H)

Casi explained Mr. Dulin would like to utilize the existing buildings, (approx. 30,000 sf), as well as, the existing parking areas and drives. The facilities would consist of boat, boatlift storage, wholesale and retail sales, repair and storage of farm equipment, construction and storage containers. The business hours would be daytime hours with very little nighttime hours. The sales would mostly be wholesale by appointment; there would not be a storefront. Mr. Dulin would not have any full-time employees and has no plans for any signs at this time. The entire area is fenced behind a locked gate.

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

Mr. Dulin stated before he purchased the property it was utilized as a confined poultry operation. He had spoken with the neighbors and they would prefer it not to be used for a confined feeding operation. Mr. Dulin stated with 32,000 square foot of buildings it would be best utilized as a multi-use facility.

Dan Walsh entertained a motion to open the public hearing. George Suter moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

He then asked if anyone would like to speak in favor of the petition.

Kevin Smith, 4107 W 100 N, stated Mr. Dulin has cleaned up the property, erected fence and he has no issues with a multi-use facility.

FULTON COUNTY BOARD OF ZONING APPEALS

September 10th, 2008

Being no one opposed, Dan Walsh then entertained a motion to close the public hearing. Bill Russell moved to close the public hearing. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

Dan Walsh entertained a motion regarding the petition. Bill Russell moved to approve, BZA Docket #37-0708, Jasper Dulin, requesting a special exception to operate storage, sales and multi-use facility on his property within the Agricultural (AG) District located at 3225 E 300 N, Rochester. Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled I). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
Rex Robison	Yea
George Suter	Yea
Dan Walsh	Yea

The motion to approve, Jasper Dulin, Docket BZA#37-0708, requesting a special exception to operate storage, sales and multi-use facility on his property within the Agricultural (AG) District located at 3225 E 300 N, Rochester. Passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

JJ RICHARD FARM CORP.(#39-0808)
DEVELOPMENT STANDARD VARIANCE

JJ Richard Farm Corporation, BZA Docket#39-0808, is requesting a development standard variance of thirty two (32') feet off the required front yard setback for the purpose of three additional silage bunkers and one haylage bunker, within the Agricultural (AG) District located at 3781 W 500 N, Rochester.(see attachment J)

Casi explained JJ Richard Farm corporation would like to build three (3) additional silage bunkers (50' X 200') and one haylage bunker (25' X 200'). There is an existing silage bunker on the property and they would like the proposed additional bunkers to be in line with the existing bunker. JJ Richard Farm Corp. has been working with Chris Gardner from Soil and Water Conservation District on their future farm plans. The adjacent properties are all in cooperation with the farm operation. The future plans for the operation includes creating a collection system for the surface water and silage leachate; also includes the construction of a new manure lagoon and two freestanding calf barns. Casi stated she had spoke with Dave Tofson and Mike Clark from the Fulton County Highway Department and neither had any issues with the placement of the proposed bunkers.

The required front yard setback in the Ag District is fifty (50') feet off of the ROW. The existing silage bunker sits eighteen (18') feet off the ROW. The proposed bunkers would sit in line with the existing bunker. Therefore, a variance of thirty two (32') feet off the front yard setback is requested.

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

Mr. Richard stated if the additional bunkers were in line with the existing, it would make the farm operation run smoothly.

Dan Walsh entertained a motion to open the public hearing. Bill Russell moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

September 10th, 2008

Being no one in favor or opposed, Dan Walsh then entertained a motion to close the public hearing. Bill Russell moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh all being in favor and no one opposing.

Dan Walsh entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 39-0808, JJ Richard Farm Corporation requesting a development standard variance of thirty two (32') feet off the required front yard setback for the purpose of three additional silage bunkers and one haylage bunker, within the Agricultural (AG) District located at 3781 W 500 N, Rochester.

George Suter seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled K). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
Rex Robison	Yea
George Suter	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 39-0808, JJ Richard Farm Corporation requesting a development standard variance of thirty two (32') feet off the required front yard setback for the purpose of three additional silage bunkers and one haylage bunker, within the Agricultural (AG) District located at 3781 W 500 N, Rochester.

Passed with five votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for August 2008.

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the September 10th, 2008 Fulton County Board of Zoning Appeals meeting. Bill Russell moved to adjourn the September 10th, 2008 Fulton County Board of Zoning Appeals meeting at 8:15 P.M. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS



WITTEST: 

Heather Redinger, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
August 13th, 2008

FULTON COUNTY
BOARD OF ZONING APPEALS

WEDNESDAY AUGUST 13th, 2008

7:00 P.M.
COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
July 9th, 2008

OLD BUSINESS:

NEW BUSINESS:
Steven Gilliland (#29-0708)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
August 13th, 2008

The Fulton County Board of Zoning Appeals met on Wednesday the 13th day of August 2008, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Vice-Chairperson, Rex Robison called the meeting to order at 7:00 P.M. The following members were present: Vice-Chairperson, Rex Robison; Executive Secretary, Debbie Barts; Bill Russell and George Suter. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger. It is duly noted the following member was absent: Chairperson, Dan Walsh.

IN RE: MINUTES

July 9th, 2008

Vice-Chairperson, Rex Robison asked for any additions, deletions, or corrections to be made to the July 9th, 2008 minutes. Being none, George Suter moved to approve the July 9th, 2008, Fulton County Board of Zoning Appeals minutes as written. Bill Russell seconded the motion. Motion carried as follows: Debbie Barts, George Suter, Bill Russell and Rex Robison all being in favor and no one opposing.

IN RE: OLD BUSINESS

It is duly noted there was no old business.

IN RE: NEW BUSINESS

STEVEN GILLILAND (#29-0708)
SPECIAL EXCEPTION

Steven Gilliland, Docket #29-0708, is requesting a Special Exception for sales and repairs of firearms on his property located at 2953 N 500 W, Rochester, within the Agricultural (AG) District. (See attachment A)

Casi explained Mr. Gilliland would like to utilize an existing pole barn. The pole barn has an enclosed 10' X 10' room in which Mr. Gilliland would utilize as office space, as well as, to store the gun safe. The existing pole barn has a gravel drive and parking area. Mr. Gilliland's business would consist of only sales and repairs; there would not be a firing range or test shooting done on his property. Mr. Gilliland would not have any other employees or restroom facilities at this time. The hours of operation would be Monday –Friday 12:00 p.m. to 4:30 p.m. or by appointment.

Rex Robison asked Mr. Gilliland if he had anything further to add.

Mr. Gilliland stated he works in the evenings therefore, he had proposed the hours of 12:00 – 4:30. He then stated he needed to have zoning approval before he could apply for a license from the State.

Rex Robison asked if he would be doing any reloading.

Mr. Gilliland stated he would only be conducting repairs and sales of the firearms.

FULTON COUNTY BOARD OF ZONING APPEALS

August 13th, 2008

Rex Robison entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Bill Russell seconded the motion. Motion carried as follows: Debbie Barts, George Suter, Bill Russell and Rex Robison all being in favor and no one opposing.

Being no one in favor or opposed, Rex Robison then entertained a motion to close the public hearing. George Suter moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Debbie Barts, George Suter, Bill Russell and Rex Robison all being in favor and no one opposing.

Rex Robison entertained a motion regarding the petition. George Suter moved to approve, Docket #BZA 29-0708 Steven Gilliland, requesting a Special Exception for sales and repairs of firearms, within the AG District located at 2953 N 500 W, Rochester. Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled B). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Debbie Barts	Yea
George Suter	Yea
Bill Russell	Yea
Rex Robison	Yea

The motion to approve, Docket #BZA 29-0708 Steven Gilliland, requesting a Special Exception for sales and repairs of firearms, within the AG District located at 2953 N 500 W, Rochester. Passed with four votes being in favor and no one opposing.

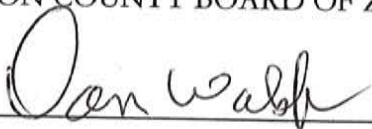
IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for July 2008.

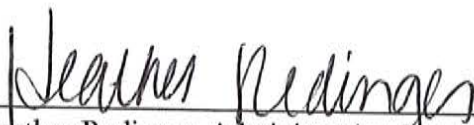
It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Rex Robison, entertained a motion to adjourn the August 13th, 2008 Fulton County Board of Zoning Appeals meeting. Bill Russell moved to adjourn the August 13th, 2008 Fulton County Board of Zoning Appeals meeting at 7:10 P.M. Debbie Barts seconded the motion. Motion carried as follows: Debbie Barts, George Suter, Bill Russell and Rex Robison all being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS



ATTEST:



Heather Redinger, Administrative Secretary

Fulton County Board Of Zoning Appeals
Meeting
August 13th, 2008

Please Sign In

Steven Gilliland

FULTON COUNTY BOARD OF ZONING APPEALS
July 9th, 2008

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY JULY 9th, 2008

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

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
June 11th, 2008

OLD BUSINESS:

Leslie Arndt (20-0408)
Alan Wentzel (22-0508)

NEW BUSINESS:

Lyle Smith (28-06080)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS

July 9th, 2008

The Fulton County Board of Zoning Appeals met on Wednesday the 9th day of July 2008, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson, Dan Walsh called the meeting to order at 7:00 P.M. The following members were present: Chairperson, Dan Walsh; Vice-Chairperson, Rex Robison; and George Suter. Also in attendance were: Plan Director, Casi Cramer; and Administrative Secretary, Heather Redinger.

It is duly noted the following members were absent: Executive Secretary, Debbie Barts; and Bill Russell.

It is duly noted Board Attorney, Greg Heller arrived at 7:10 p.m.

IN RE: MINUTES

June 11th, 2008

Chairperson, Dan Walsh asked any additions, deletions, or corrections to be made to the June 11th, 2008 minutes. Being none, Rex Robison moved to approve the June 11th, 2008, Fulton County Board of Zoning Appeals minutes as written. George Suter seconded the motion. Motion carried as follows: Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

IN RE: OLD BUSINESS

LESLIE ARNDT (#20-0408)
DEVELOPMENT STANDARD VARIANCE

Leslie Arndt, Docket #20-0408, is requesting a Development Standard Variance of twelve (12') feet off the front yard setback, within the RR District located at 6218 Walnut Lane, Rochester. (see attachment A)

Casi explained Mr. Arndt had begun replacing an existing deck with a roof onto the front of his home. Mr. Arndt had removed and replaced the posts, therefore the deck is no longer grandfathered. The right-of-way (ROW) is forty (40') feet, which would require all new construction to be forty-five (45') feet from the centerline of the ROW. The existing home sits approximately sixty-three (63') from the road ROW, the new construction would sit approximately thirty-three (33') feet from the center of the ROW. Therefore, a variance of twelve (12') feet off the front yard setback is requested.

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

Mr. Arndt did not have anything further to add.

Dan Walsh entertained a motion to open the public hearing. George Suter moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Being no one to speak in favor, Dan then asked for those in opposition of the petition to do the same.

Being no one opposed, Dan Walsh then entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. George Suter seconded the motion. Motion carried as follows: Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh entertained a motion regarding the petition. George Suter moved to approve, Docket #BZA 20-0408 Leslie Arndt, requesting a Development Standard Variance of twelve (12') feet off the front yard setback, for the

FULTON COUNTY BOARD OF ZONING APPEALS

July 9th, 2008

purpose of replacing an existing deck and building a roof over the deck, within the RR District located at 6218 Walnut Lane, Rochester. Rex Robison seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled B). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

George Suter	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 20-0408 Leslie Arndt, requesting a Development Standard Variance of twelve (12") feet off the front yard setback, for the purpose of replacing an existing deck and building a roof over the deck, within the RR District located at 6218 Walnut Lane, Rochester. Rex Robison seconded the motion. Passed with three votes being in favor and no one opposing.

IN RE: NEW BUSINESS

ALAN WENTZEL (#22-0508)
DEVELOPMENT STANDARD VARIANCE

Alan Wentzel, Docket #22-0508, is requesting a Development Standard Variance of seventeen (17") feet off the rear yard setback, for the purpose of constructing a 50' X 28' addition onto an existing pole barn, within the AG District located at 2284 N 1000 W, Rochester. (see attachment C)

Casi explained Mr. Wentzel would like to construct a 50' X 28' addition onto an existing pole barn. The required rear yard setback in the Ag District is equal to the height of an accessory structure. The existing pole barn sits approximately three (3') feet from the rear yard and is approximately twenty (20') feet in height, which does not meet current setback requirements. The proposed construction would sit approximately three (3') feet from the rear property line. Therefore, a variance of seventeen (17") feet off the rear yard setback is requested.

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

Mr. Wentzel did not have anything further to add.

Dan Walsh entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. George Suter seconded the motion. Motion carried as follows: Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Being no one to speak in favor, Dan then asked for those in opposition of the petition to do the same.

Being no one opposed, Dan Walsh then entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. George Suter seconded the motion. Motion carried as follows: Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 22-0508 Alan Wentzel, requesting a Development Standard Variance of seventeen (17") feet off the rear yard setback, for the

FULTON COUNTY BOARD OF ZONING APPEALS

July 9th, 2008

Purpose of constructing a 50' X 28' addition onto an existing pole barn, within the AG District located at 2284 N 1000 W, Rochester. George Suter seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled D). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

George Suter	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 22-0508 Alan Wentzel, requesting a Development Standard Variance of seventeen (17') feet off the rear yard setback, for the purpose of constructing a 50' X 28' addition onto an existing pole barn, within the AG District located at 2284 N 1000 W, Rochester. Passed with three votes being in favor and no one opposing.

IN RE: NEW BUSINESS

LYLE SMITH (# 28-0608)
DEVELOPMENT STANDARD VARIANCE

Lyle Smith, Docket BZA #28-0608, is requesting a Development Standard Variance off the required minimum lot width in the River Residential (RR) District for the purpose of splitting an existing lot, located adjacent to 9965 River Drive, Rochester, IN. (see attachment E)

Casi Cramer explained Mr. Smith lives at 9965 River Drive and owns the adjacent lot. Mr. Smith's lot is irregularly shaped (119.26 front width /109 rear width x 140.02 west side depth/91.61 east side depth). Mr. Smith is requesting the variance in order to split off a lot equal to 24' x 140' (approximately) as a split to the neighboring property, owned by Mr. and Mrs. Stacy. Prior to zoning, the owners of the lot currently owned by Mr. and Mrs. Stacy, placed a mobile home partially on the lot now owned by Mr. Smith and Mr. and Mrs. Stacy are attempting to own all of the land the mobile home is setting upon. In order for Mr. and Mrs. Stacy to purchase this property from Mr. Smith, they will need to complete a lot split, which will leave the remaining lot owned by Mr. Smith non-compliant with the Zone Ordinance, therefore Mr. Smith needs a variance for the remaining lot that would be approximately 95' x 91'.

Casi then explained the required minimum lot width for a newly created lot in the RR District is one hundred fifty (150') feet; the proposed new lot will be 95.26' feet wide (front)/85' feet wide (rear). Therefore, the variance of fifty-five (54.74') feet off the front lot width and sixty five (65) feet off the rear lot width is requested. Casi told the Board she would recommend a condition be put on the petition that new dwellings could be constructed on the newly created lots.

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

Mr. Smith did not have anything further to add.

Dan Walsh entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. George Suter seconded the motion. Motion carried as follows: Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

FULTON COUNTY BOARD OF ZONING APPEALS

July 9th, 2008

Being no one to speak in favor, Dan then asked for those in opposition of the petition to do the same.

Being no one opposed, Dan Walsh then entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. George Suter seconded the motion. Motion carried as follows: Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Greg Heller, Board Attorney, stated he felt if the split is approved the decision letter needs to be recorded in the Fulton County Recorder's Office, so if the property is sold the buyers would know a new dwelling cannot be constructed on the property.

The Board discussed the petition and the conditions.

Dan Walsh entertained a motion regarding the petition. George Suter moved to approve, Docket #BZA 28-0608 Lyle Smith, requesting a Development Standard Variance of fifty-five (55') feet off the front lot width and sixty-five (65') feet off the rear lot width to allow a lot split to the neighboring lot within the RR District being large enough for the existing mobile home to meet setbacks within the RR District (approximately 24' x 140') with the following conditions:

- 1.) The new lot (approximately 9392 sq. ft.) is restricted from the construction of a dwelling, and
- 2.) The decision letter must be recorded in the Fulton County Recorder's Office

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled F). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

George Suter	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 28-0608 Lyle Smith, requesting a Development Standard Variance of fifty-five (55') feet off the front lot width and sixty-five (65') feet off the rear lot width to allow an adjoining lot split to the neighboring lot within the RR District being large enough for the existing mobile home to meet setbacks within the RR District (approximately 24' x 140') with the conditions stated above. Passed with three votes being in favor and no one opposing.

IN RE: NEW BUSINESS

LEANDER SCHWARTZ

Casi explained in the March 14th, 2007 Fulton County Board of Zoning Appeals meeting, the Board had granted Mr. Schwartz's request a Special Exception, Docket # BZA 141-0207, to operate a Farm Harness and Variety Shop in an existing building located on his property, located within the Agricultural (AG) District at 4191 S Wabash Rd., Rochester, IN. (see attachment G)

Casi told the Board Mr. Schwartz had contacted the Plan Commission Office and stated he would like to build a new home and would like to utilize the existing dwelling for the Farm Harness and Variety shop. Casi stated the Zoning Ordinance only allows one dwelling per tract of land.

FULTON COUNTY BOARD OF ZONING APPEALS

July 9th, 2008

Rex Robison asked Mr. Schwartz why he does not want to utilize the existing building currently being utilized for the Farm Harness.

Mr. Schwartz stated he would like to build a new home with a basement, and would like to utilize the existing home as a dry goods store. He then stated the pole barn would be too damp to use for the dry goods store.

Rex Robison asked if Mr. Schwartz would need to apply for a new Special Exception, or could they add changes to the previous approval.

Greg Heller stated the Board could modify the previous Special Exception and add conditions, such as, the structure must meet State building codes, the decision letter be recorded and the structure may never be used as a dwelling. He then stated to Mr. Schwartz the Indiana State Building Inspector may require certain issues to be taken care of and the Plan Commission has no control over.

The Board discussed the petition and conditions to be placed with the modification of the Special Exception.

Dan Walsh entertained a motion regarding the petition. Rex Robison moved to approve the modification to a Special Exception issued March 14th, 2007, Docket #BZA 28-0608 Leander Schwartz, to operate a farm harness and variety shop in an existing structure previously used as a dwelling with the following conditions:

1. the structure is approved by the Indiana State Building Inspector,
2. the decision letter is recorded in the Fulton County Recorder's Office, and
3. the structure previously used as a dwelling is never utilized as a dwelling in the future effective upon the dwelling being utilized as a commercial building or the new home is constructed .

George Suter seconded the motion. Motion carried as follows: Rex Robison, George Suter, and Dan Walsh all votes being in favor and no one opposing. (see attachment H)

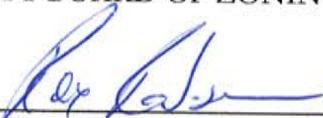
IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for June 2008 (see attachment I)

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the July 9th, 2008 Fulton County Board of Zoning Appeals meeting. George Suter moved to adjourn the July 9th, 2008 Fulton County Board of Zoning Appeals meeting at 8:00 P.M. Rex Robison seconded the motion. Motion carried as follows: Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS



ATTEST:





FULTON COUNTY BOARD OF ZONING APPEALS

JULY 9TH 2008 MEETING

PLEASE SIGN IN

Leslie Bennett
Sec. Stewart

FULTON COUNTY BOARD OF ZONING APPEALS
June 11th, 2008

FULTON COUNTY
BOARD OF ZONING APPEALS

WEDNESDAY JUNE 11th, 2008

7:00 P.M.
COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
May 14th, 2008

OLD BUSINESS:

NEW BUSINESS:

Wayne Bode (18-0408)
Leslie Arndt (20-0408)
Alan Wentzel (22-0508)
Mike Maloney (23-0508)
Green Oak Antique (24-0508)
Rochester Iron & Metal (25-0508)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
June 11th, 2008

The Fulton County Board of Zoning Appeals met on Wednesday the 11th day of June 2008, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson, Dan Walsh called the meeting to order at 7:00 P.M. The following members were present: Chairperson, Dan Walsh; Vice-Chairperson, Rex Robison; Executive Secretary, Debbie Barts; Bill Russell and George Suter. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

IN RE: MINUTES

May 14th, 2008

Chairperson, Dan Walsh asked any additions, deletions, or corrections to be made to the May 14th, 2008 minutes. Being none, Rex Robison moved to approve the May 14th, 2008, Fulton County Board of Zoning Appeals minutes as written. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

IN RE: OLD BUSINESS

It is duly noted there was no Old Business at this time.

IN RE: NEW BUSINESS

WAYNE BODE #18-0408
DEVELOPMENT STANDARD VARIANCE

Wayne Bode, BZA#18-0408, is requesting a Development Standard Variance of fourteen (14') feet off the front yard setback, within the AG District located at 4750 W 300 S, Kewanna. (see attachment A)

Casi explained Mr. Bode would like to build a deck with ramp onto the front of his home. The right-of-way (ROW) is forty-two (42') feet, which would require all new construction to be sixty-seven (67') feet from the centerline of the ROW. The existing home sits approximately sixty-three (63') from the road ROW, the new construction would sit approximately fifty-three (53') feet from the center of the ROW. Therefore, a variance of fourteen (14') feet off the front yard setback is requested.

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

Mr. Bode stated the ramp is a necessity.

Dan Walsh asked the Board for any questions or comments

Being no Board questions or comments, Dan Walsh entertained a motion to open the public hearing. Bill Russell moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Being no one to speak in favor, Dan then asked for those in opposition of the petition to do the same.

FULTON COUNTY BOARD OF ZONING APPEALS

June 11th, 2008

Being no one opposed to the petition, Dan Walsh entertained a motion to close the public hearing. Bill Russell moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 18-0408 Wayne Bode, requesting a Development Standard Variance of fourteen (14') off the front yard setback, for the purpose of building a deck and ramp onto his existing home within the AG District located at 4750 W 300 S, Kewanna. Rex Robison seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled B). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
George Suter	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA18-0408 Wayne Bode, requesting a Development Standard Variance of fourteen (14') off the front yard setback, for the purpose of building a deck and ramp onto his existing home within the AG District located at 4750 W 300 S, Kewanna. Passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

LESLIE ARNDT (#20-0408)
DEVELOPMENT STANDARD VARIANCE

Leslie Arndt, Docket #20-0408, is requesting a Development Standard Variance of twelve (12') feet off the front yard setback, within the RR District located at 6218 Walnut Lane, Rochester. (see attachment C)

Casi explained Mr. Arndt had begun replacing an existing deck with a roof onto the front of his home. Mr. Arndt had removed and replaced the posts, therefore the deck is no longer grandfathered. The right-of-way (ROW) is forty (40') feet, which would require all new construction to be forty-five (45') feet from the centerline of the ROW. The existing home sits approximately sixty-three (63') from the road ROW, the new construction would sit approximately thirty-three (33') feet from the center of the ROW. Therefore, a variance of twelve (12') feet off the front yard setback is requested.

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

Mr. Arndt was not present, Dan Walsh stated the petition would be moved to the end.

IN RE: NEW BUSINESS

ALAN WENTZEL (#22-0508)
DEVELOPMENT STANDARD VARIANCE

Alan Wentzel, Docket #22-0508, is requesting a Development Standard Variance of seventeen (17') feet off the rear yard setback, within the AG District located at 2284 N 1000 W, Rochester. (see attachment D)

FULTON COUNTY BOARD OF ZONING APPEALS

June 11th, 2008

Casi explained Mr. Wentzel would like to construct a 50' X 20' addition onto an existing pole barn. The required rear yard setback in the Ag District is equal to the height of an accessory structure. The existing pole barn sits approximately twenty (20') feet from the rear yard and does not meet current setbacks. The proposed construction would sit approximately three (3') feet from the rear property line. Therefore, a variance of seventeen (17') feet off the rear yard setback is requested.

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

Mr. Wentzel was not present; Dan Walsh stated the petition would also be moved to the end.

IN RE: NEW BUSINESS

MIKE MALONEY #23-0508
DEVELOPMENT STANDARD VARIANCE

Mike Maloney, Docket#23-0508, is requesting a development standard variance of six (6') feet off the required side yard setback for the purpose of building a new home, deck and garage, within the R3 District located at 6393 Schafer Dr., Macy. (see attachment E)

Casi explained Mr. Maloney's lot is twenty-nine (29') feet wide. The required side yard setback for the R3 District is eight (8') feet, which would leave thirteen (13') feet to place the home. The proposed new home, deck and garage would be 24' X 106' and would sit approximately two (2') feet from both side yards. Therefore a variance of six (6') feet off the required side yard setback for both sides is requested. Casi then stated her only concern would be the amount of room for emergency access.

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

Mr. Maloney stated he had his property surveyed, the lot width is twenty-nine (29') feet in front and widens to thirty-four (34') in the rear/lake side. He then stated there is emergency access from the rear/lakeside.

Dan Walsh asked the Board for any questions or comments.

Dan Walsh entertained a motion to open the public hearing. George Suter moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Being no one to speak in favor, Dan then asked for those in opposition of the petition to do the same.

Being no one opposed, Dan Walsh then entertained a motion to close the public hearing. Rex Robison moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh entertained a motion regarding the petition. George Suter moved to approve, Mike Maloney, Docket#23-0508, requesting a development standard variance of six (6') feet off the required side yard setback for

FULTON COUNTY BOARD OF ZONING APPEALS

June 11th, 2008

The purpose of building a new home, deck and garage, within the R3 District located at 6393 Schafer Dr., Macy. Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled F). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
George Suter	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Mike Maloney, Docket#23-0508, is requesting a development standard variance of six (6) feet off the required side yard setback for the purpose of building a new home, deck and garage, within the R3 District located at 6393 Schafer Dr., Macy passed with five votes being in favor no one opposing.

IN RE: NEW BUSINESS

GREEN OAK ANTIQUES #24-0508
SPECIAL EXCEPTION

Green Oak Antiques, Docket# 24-0508, requesting a Special Exception to display garden iron, as well as, a sales area during special events within the AG District located at 4063 E 300 S, Rochester. (see attachment G)

Casi explained Green Oak Antiques would like to display their garden iron on the property; which is located south of the Green Oak Antiques store. The existing 30' X 40' pole barn is used for storing the garden iron inventory. They would also like to utilize the area to sell the garden iron during Green Oak Antiques Special Events. The existing drive would be utilized and the area would only have employees during the sales events.

Dan Walsh asked Green Oak Antiques if they had anything further to add.

Mrs. Wooten was present for Green Oak Antiques; she did not have anything further to add.

Dan Walsh asked the Board for any questions or comments

Debbie Barts stated she felt they could utilize the area for sales full time, not just for special events.

The Board agreed to remove special events from the request.

Dan Walsh entertained a motion to open the public hearing. Bill Russell moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Being no one to speak in favor, Dan then asked for those in opposition of the petition to do the same.

FULTON COUNTY BOARD OF ZONING APPEALS

June 11th, 2008

Being no one opposed, Dan Walsh then entertained a motion to close the public hearing. Bill Russell moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh entertained a motion regarding the petition. Rex Robison moved to approve Green Oak Antiques, Docket# 24-0508, requesting a Special Exception to display garden iron, as well as, a sales area within the AG District located at 4063 E 300 S, Rochester. Bill Russell seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled H). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
George Suter	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Green Oak Antiques, Docket# 24-0508, requesting a Special Exception to display garden iron, as well as, a sales area within the AG District located at 4063 E 300 S, Rochester. Passed with five votes being in favor and no one opposing.

ON RE: NEW BUSINESS

ROCHESTER IRON & METAL #25-0508
DEVELOPMENT STANDARD VARIANCE &
SPECIAL EXCEPTION

Rochester Iron & Metal, Docket# 25-0508, is requesting a Special Exception to operate scrap metal processing and recycling and also requesting a development standard variance for additional height on the maximum height requirement for a fence, located within the IN District at 1552 Wentzel St., Rochester. (see attachment I)

Casi explained the property was previously used for heavy manufacturing and the surrounding properties are used as industrial. The proposed site is approximately twenty-six (26) acres. She explained Rochester Iron & Metal is currently only in the planning stages. There is an existing structure located on the property, they plan to utilize the east side of the structure and demolish the middle and west sides. In the future they plan construct a 200' X 120' building on the demolished site.

Casi then explained Rochester Iron & Metal plan to fence completely around the perimeter, they would like to erect a nine (9') or ten (10') foot fence. The maximum height for a fence in the industrial district is eight (8') feet on the side and rear yards, and four (4') feet in the front yard, however, Section 5-7.13, MS-01 requires the fence surrounding a scrap yard to be eight (8') feet in height.

Casi also explained the Fulton County Zoning Ordinance requires a buffer yard between differing zone districts. The AG District is adjacent to the north and east side. There is an existing tree line located along the railroad and partially along the north property line. She told the Board she had added some conditions, due to concerns from the neighbors. They were, any gaps in tree line must be filled in accordance with the buffer regulations, the parking and unloading needs to be situated so that traffic waiting to enter are not lined up along city streets, and all salvaged goods are to be kept below the fence line.

FULTON COUNTY BOARD OF ZONING APPEALS

June 11th, 2008

Dan Walsh asked Rochester Iron & Metal if they had anything further to add.

Mr. Grube, President of Rochester Iron & Metal, stated it might be a hard to kept all goods below fence line, some items are taller than the fence line.

Dan Walsh entertained a motion to open the public hearing. Bill Russell moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Howard Bauman, 668 Windmill Dr., Plymouth, IN, stated he owns property on Lucas St and Old US 31, he is in favor of the scrap yard.

Shane Blair, FEDCO, stated FEDCO owns the back seventeen (17) acres; the rail access would be very beneficial. He then stated with the contamination issues from the previous property owner, the properties are not good for residential and would be better suited to be tied together as commercial/industrial.

Jeff Zent, 1827 Lucas, Wilson's Grain, stated the salvage yard is a growing business and the positives definitely outweigh the negatives.

Dan Wade, 1952 Lucas St, Rochester Rotational Molding, stated the salvage yard needs room to grow; it is a good location and would also help with the road and parking issues along Lucas St.

Kenny Anderson, 1345 Lucas, Rochester Homes, stated he agreed with Mr. Wade, the salvage yard is a tremendous business.

John Little, 2209 Westside Dr, stated the facility is outdated and cannot be utilized for manufacturing. He then stated it is a great location for the facility to grow.

Being no one else in favor of the petition, Dan Walsh then asked for those who oppose the petition to please rise, state their name, address and reason for attending the public hearing.

Dan Miller, 1869 N Old US 31, stated he is opposed to the location; he owns 17.5 acres to the north of the location. He stated he had plans to build a home in the rear of his property and he would now be concerned with drainage off the site and the railroad.

Jon Hammel, 1601 Lucas, stated he has operated an auto salvage business for 19 years, has his salvage license and follows IDEM regulations. He stated the soil on the proposed property is not suitable for the salvage yard; there are concerns of oil and wastewater runoff. He then stated the current facility is not in compliance with IDEM.

Jennifer Duff, 1711 N Old US 31, stated her concerns are also with the water runoff, and asked why a buffer is not required on the Old US 31 side. She stated she does not want to see the facility in her back yard.

Jason Grube, stated IDEM has recently been to the facility and are working with Rochester Iron and Metal to become compliant; in 1992 when the facility opened storm water run off was not required.

FULTON COUNTY BOARD OF ZONING APPEALS

June 11th, 2008

Jennifer Duff, asked if they are going to replace wells, if the wells become contaminated by the storm water runoff, she then asked about the scrap being seen above the fence.

Jason Grube stated they would be in compliance with IDEM regulations.

John Little, stated the acreage has always been zoned industrial and the rail line has always been there as well.

Jason Grube stated he currently employs approximately seventeen (17) employees and at the new facility, the number of employees could possibly double.

Bill Russell moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter and Dan Walsh.

The Board then discussed the petition and the conditions.

Dan Walsh entertained a motion regarding the petition. Rex Robison moved to approve, Rochester Iron & Metal, Docket# 25-0508, requesting a special exception to operate scrap metal processing and recycling and a development standard variance of additional height added to the maximum height requirement for a fence located within the IN District at 1552 Wentzel St., Rochester with the following conditions, Any gaps in the existing tree line must be filled in accordance with the ordinance buffer regulations, the parking, unloading and scale area be situated so that traffic waiting to enter the site/scales/ salvage lot not be required to line up along city/county streets. (i.e. all traffic maintained on-site), property is in compliance with IDEM and proof of compliance is on file prior to the salvage yard opening for business and the consultant creating the storm water drain plan is aware of the culvert location running under the rail line at the Northeast corner of the property, so that detrimental runoff does not occur on the neighboring property. George Suter seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled J). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
George Suter	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Rochester Iron & Metal, Docket# 25-0508, is requesting a special exception to operate scrap metal processing and recycling and a development standard variance of additional height added to the maximum height requirement for a fence located within the IN District at 1552 Wentzel St., Rochester with the conditions stated above, passed with five votes being in favor no one opposing.

IN RE: NEW BUSINESS

LESLIE ARNDT (20-0408)
ALAN WENTZEL (22-0508)

Dan Walsh asked if Mr. Arndt or Mr. Wentzel were present or anyone to represent either petition. Neither was present. Dan Walsh entertained a motion for the petitions. Debbie Barts moved to table both petitions until the July

FULTON COUNTY BOARD OF ZONING APPEALS

June 11th, 2008

Meeting. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter and Dan Walsh all votes being in favor and no one opposing.

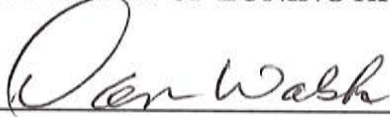
IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for May 2008 (see attachment K).

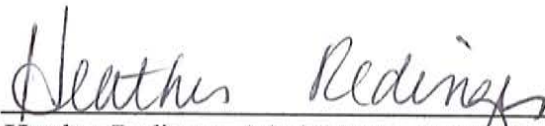
It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the June 11th, 2008 Fulton County Board of Zoning Appeals meeting. Bill Russell moved to adjourn the June 11th, 2008 Fulton County Board of Zoning Appeals meeting at 8:25 P.M. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS



ATTEST:



Heather Redinger, Administrative Secretary

**FULTON COUNTY
BOARD OF ZONING APPEALS MEETING
JUNE 11TH, 2008**

PLEASE SIGN IN

Mike & Pam Maloney

Wayne Bode

M. & Barbara Fin

Jon Hammel

Hali Hammel

Dan Miller Sr.

Terri Wooten

Allen Wade

Jobb Zant

Shane Duff

Shane Duff

FULTON COUNTY BOARD OF ZONING APPEALS
May 14th, 2008

FULTON COUNTY
BOARD OF ZONING APPEALS

WEDNESDAY, MAY 14th, 2008

7:00 P.M.
COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
April 9th, 2008

OLD BUSINESS:

Eva Green (#76-0104)

NEW BUSINESS:

Michael Turnpaugh (10-0308)

Mary Schaeffner (11-0308)

Faith Sherk (12-0408)

David Lloyd (13-0408)

Anthony Lausas (14-0408)

Donald Lacluyse (16-0408)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
May 14th, 2008

Rex Robison stated he had concerns on the noise and whether it would be a nuisance to the neighbors.

George Suter stated he lives in the area and doesn't feel noise would be an issue.

Mary Turnpaugh stated Mr. Turnpaugh works second shift and would be very limited to the time he has to work in the shop.

Being no further Board questions or comments, Dan Walsh entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Being no one to speak in favor, Dan then asked for those in opposition of the petition to do the same.

Byron Redmon, 6380 Lakeshore Dr., stated he also owns property on Sunset Blvd., he feels businesses should be built on Main Street. He stated a welding business does not belong in the residential area.

Mary Turnpaugh stated it is not actually a welding business, Mr. Turnpaugh would be making garden iron and yard decorations and selling it in her store. The hours Mr. Turnpaugh would be able to work are limited.

Byron Redmon then asked if the new pole building would meet all the requirements.

Casi Cramer stated the pole barn would have to meet all required setbacks.

Byron Redmon then stated he does not have a problem, since it will basically be a workshop.

Being no one else opposed to the petition, Dan Walsh entertained a motion to close the public hearing. Bill Russell moved to close the public hearing. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

The Board discussed any conditions needed to be put on this Special Exception.

Dan Walsh entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 10-0308 Michael Turnpaugh, requesting a Special Exception to operate a welding/fabrication shop located in the R3 District at 6315 Sunset Blvd., Macy; with the conditions there will be no outdoor storage and working hours will be limited to daylight hours. Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled C). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
George Suter	Yea

FULTON COUNTY BOARD OF ZONING APPEALS

May 14th, 2008

The Fulton County Board of Zoning Appeals met on Wednesday the 14th day of May 2008, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson, Dan Walsh called the meeting to order at 7:00 P.M. The following members were present: Chairperson, Dan Walsh; Vice-Chairperson, Rex Robison; Executive Secretary, Debbie Barts; Bil Russell and George Suter. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

IN RE: MINUTES

April 9th, 2008

Chairperson, Dan Walsh asked any additions, deletions, or corrections to be made to the April 9th, 2008 minutes. Being none, Rex Robison moved to approve the April 9th, 2008, Fulton County Board of Zoning Appeals minutes as written. George Suter seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

IN RE: OLD BUSINESS

EVA GREEN #76-0104
SPECIAL EXCEPTION RENEWAL

Eva Green, Special Exception, BZA#76-0104, is requesting a renewal of the Special Exception for a temporary second dwelling on her property located in the AG District at 4104 E 700 N, Rochester, IN. (see attachment A)

Casi explained Mrs. Green was granted a Special Exception for a temporary second dwelling with conditions, on February 11th, 2004. Mrs. Green's son had informed the Board members there were no changes in the situation.

Dan Walsh asked for any Board comments, being none he then entertained a motion. Debbie Barts moved to approve, Eva Green #76-0104, Special Exception Renewal, with original conditions. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

IN RE: NEW BUSINESS

MICHAEL TURNPAUGH #10-0308
SPECIAL EXCEPTION

Michael Turnpaugh, BZA#10-0308, is requesting a Special Exception to operate a welding/fabrication shop within the R3 District located at 6315 N Sunset Boulevard Macy. (see attachment B)

Casi explained Mr. Turnpaugh is requesting a Special Exception to operate a welding/fabrication shop in the R3 District, located at 6316 N Sunset Blvd, Macy. Mr. Turnpaugh was granted the same Special Exception for a different parcel more than two years ago, he could not use the current structure on that parcel due to insurance purposes. Mr. Turnpaugh has now purchased property located at 6315 Sunset Boulevard and would like to operate the welding/fabrication shop at this location. Casi explained Mr. Turnpaugh would remove the existing structure to build a pole barn. Casi then explained Mr. Turnpaugh would only be producing and storing the garden iron on this site and it will be sold at the Turnpaugh's store across the street.

Dan Walsh asked Mrs. Turnpugh if she had anything further to add.

Mrs. Turnpaugh did not have anything to add.

Dan Walsh asked the Board for any questions or comments

FULTON COUNTY BOARD OF ZONING APPEALS

May 14th, 2008

Rex Robison stated he had concerns on the noise and whether it would be a nuisance to the neighbors.

George Suter stated he lives in the area and doesn't feel noise would be an issue.

Mary Turnpaugh stated Mr. Turnpaugh works second shift and would be very limited to the time he has to work in the shop.

Being no further Board questions or comments, Dan Walsh entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Being no one to speak in favor, Dan then asked for those in opposition of the petition to do the same.

Byron Redmon, 6380 Lakeshore Dr., stated he also owns property on Sunset Blvd., he feels businesses should be built on Main Street. He stated a welding business does not belong in the residential area.

Mary Turnpaugh stated it is not actually a welding business, Mr. Turnpaugh would be making garden iron and yard decorations and selling it in her store. The hours Mr. Turnpaugh would be able to work are limited.

Byron Redmon then asked if the new pole building would meet all the requirements.

Casi Cramer stated the pole barn would have to meet all required setbacks.

Byron Redmon then stated he does not have a problem, since it will basically be a workshop.

Being no one else opposed to the petition, Dan Walsh entertained a motion to close the public hearing. Bill Russell moved to close the public hearing. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

The Board discussed any conditions needed to be put on this Special Exception.

Dan Walsh entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 10-0308 Michael Turnpaugh, requesting a Special Exception to operate a welding/fabrication shop located in the R3 District at 6315 Sunset Blvd., Macy; with the conditions there will be no outdoor storage and working hours will be limited to daylight hours. Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled C). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
George Suter	Yea

FULTON COUNTY BOARD OF ZONING APPEALS
May 14th, 2008

Rex Robison Yea
Dan Walsh Yea

The motion to approve, Docket #BZA 10-0308 Michael Turnpaugh, requesting a Special Exception to operate a welding/fabrication shop located in the R3 District at 6315 Sunset Blvd., Macy; with the conditions there will be no outdoor storage and working hours will be limited to daylight hours passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

MARY SCHAEFFNER (#11-0308)
ADMINISTRATIVE APPEAL

Mary Schaeffner, Docket #11-0308, is appealing the decision of having a horse on less than 1.5 acres of land and is requesting more time to purchase more land so they can keep the horse. Mrs. Schaeffner owns .71 acres of land in the SR District located at 5398 N 350 E, Rochester. (see attachment D)

Casi explained Mrs. Schaeffner had received a violation letter for having farm animals on less than 1.5 acres of land. The Zoning Ordinance states you must own at least 1.5 acres of land to have any farm animals. Mrs. Schaeffner owns two lots, which equal .71 acres; she would like to have more time to purchase three more lots, which would equal approximately 1.72 acres.

Dan Walsh asked Mrs. Schaeffner if she would like to add anything further.

Mary Schaeffner stated they are trying to purchase more land, the horse is well taken care of and is therapy for her daughter who has junior rheumatoid arthritis.

Rex Robison asked how much time would she need.

Mary Schaeffner stated she doesn't know how much time she would need; she is trying to get a loan.

Debbie Barts stated she had driven by the property and it looks as if the horse is well taken care of and would like to give Mrs. Schaeffner more time to purchase the land.

George Suter stated he would like to give her more time as well.

Bill Russell asked Mrs. Schaeffner if she could possibly buy the land on contract or rent it until she can get the funds to purchase it.

Mrs. Schaeffner stated she had not asked about either of those options, but she would.

Being no further discussion on this petition, Dan Walsh entertained a motion. Debbie Barts moved to table Docket # 11-0308, for six months and revisit on the November 2008 BZA meeting. George Suter seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter and Dan Walsh all being in favor and no one opposing.

IN RE: NEW BUSINESS

FAITH SHERK (#12-0408)
SPECIAL EXCEPTION

FULTON COUNTY BOARD OF ZONING APPEALS

May 14th, 2008

Faith Sherk, Docket #12-0408, is requesting a Special Exception to operate a kennel within the AG District located at 2172 W 450 N, Rochester. (see attachment E)

Casi explained Mrs. Sherk has twelve (12) dogs, beagles, walker and English coonhounds. The kennel would be used to train the dogs and not used as boarding. Casi then stated Mrs. Sherk, in the future, would like to build a pole barn, which would contain an interior area and have separate kennel runs, as well as, an eight (8') privacy fence around the perimeter, to help echo the barking and block vision of the neighbors, traffic and wildlife. Casi explained currently there are two privacy fences along the west side of the house and between the house and pole building.

A letter was received form Mrs. Bitterling in opposition to the kennel. (see attachment G)

Casi stated she spends time about one-half mile down the road and can hear the dogs barking, since they are coonhounds they are loud and bark constantly. Casi recommended specific conditions be added to the petition to help contain the barking.

Dan Walsh asked Mrs. Sherk if she had anything further to add.

Mrs. Sherk stated they hunt all of the coonhounds and they had just acquired the beagles when they purchased the house.

Rex Robison asked if she plans on having more than twelve dogs.

Mrs. Sherk stated she did not unless one has a litter, but the litter would be sold.

Being no further Board questions or comments, Dan Walsh entertained a motion to open the public hearing. Bill Russell moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Being no one to speak in favor, Dan then asked for those in opposition of the petition to do the same.

Candy Myer, 2127 W 450 N, stated she cannot sleep at night because the dogs are constantly barking, she stated sometimes it sounds as if the dogs are fighting. She is opposed to the kennel, due to the fact; she cannot enjoy her own property due to the constant barking.

Dan Walsh asked Casi how many dogs are needed to require a kennel.

Greg Heller, Board Attorney, stated the Ordinance states a kennel is four (4) or more adult dogs.

Being no one else opposed to the petition, Dan Walsh entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. George Suter seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

The Board then discussed this petition.

FULTON COUNTY BOARD OF ZONING APPEALS

May 14th, 2008

Dan Walsh entertained a motion. Rex Robison moved to approve Docket # 12-0408, requesting a Special Exception to operate a kennel within the AG District located at 2172 W 450 N, Rochester.

Bill Russell seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled F). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Nay
Debbie Barts	Nay
George Suter	Nay
Rex Robison	Nay
Dan Walsh	Nay

The motion to approve, Docket #BZA 12-0408 Faith Sherk, requesting a Special Exception to operate a kennel located in the AG District 2172 W 450 N., Rochester, failed with five votes being opposed and no one in favor.

The Board told Mrs. Sherk she would have thirty (30) days to remove all but three (3) of the dogs.

IN RE: NEW BUSINESS

DAVID LLOYD #13-0408
DEVELOPMENT STANDARD VARIANCE

David Lloyd, Docket#13-0408, is requesting a development standard variance of twenty (20') feet off the required front yard setback for the purpose of building a pole barn, within the AG District located at 6333 W 100 S, Kewanna. (see attachment H)

Casi explained Mr. Lloyd's property slopes and for Mr. Lloyd to be able to meet the required front yard setback he would have to remove trees and fill in the slope to level the ground. Casi stated the pole barn would set approximately forty-eight (48') feet from the ROW and would not be setting any closer than the existing home.

Dan Walsh asked Mr. Lloyd if had anything further to add.

Mr. Lloyd stated he did not have anything to add.

Dan Walsh entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Being no one to speak in favor, Dan then asked for those in opposition of the petition to do the same.

Being no one opposed, Dan Walsh then entertained a motion to close the public hearing. Debbie Barts moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh entertained a motion regarding the petition. Debbie Barts moved to approve, David Lloyd, Docket#13-0408, requesting a development standard variance of twenty (20') feet off the required front yard setback for the

FULTON COUNTY BOARD OF ZONING APPEALS

May 14th, 2008

purpose of building a pole barn, within the AG District located at 6333 W 100 S, Kewanna. Rex Robison seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled I). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
George Suter	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, David Lloyd, Docket#13-0408, is requesting a development standard variance of twenty (20') feet off the required front yard setback for the purpose of building a pole barn, within the AG District located at 6333 W 100 S, Kewanna passed with five votes being in favor no one opposing.

IN RE: NEW BUSINESS
DEVELOPMENT STANDARD VARIANCE

ANTHONY LAUSAS #14-0408

Anthony Lausas, Docket# 14-0408, requesting a development standard variance of six (6') feet off the required side yard setback for the purpose of building a porch onto the existing house within the R3 District located at 5865 N Lakeshore Dr., Macy. (see attachment J)

Casi explained the required side yard setback for the R3 District is eight (8') feet. The existing house sits approximately two (2') feet from the side yard, the proposed porch would be 12' X 24' and built flush with the existing home. Therefore a variance of six (6') feet off the side yard setback is requested. Casi also stated the proposed porch would not block the neighbors view of the lake.

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

Mr. Lausas was not present; Miller's Construction was present for Mr. Lausas, they did not have anything further to add.

Dan Walsh entertained a motion to open the public hearing. Bill Russell moved to open the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Being no one to speak in favor, Dan then asked for those in opposition of the petition to do the same.

Being no one opposed, Dan Walsh then entertained a motion to close the public hearing. Debbie Barts moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

May 14th, 2008

Dan Walsh entertained a motion regarding the petition. Debbie Barts moved to approve, Anthony Lausas, Docket# 14-0408, requesting a development standard variance of six (6') feet off the required side yard setback for the purpose of building a porch onto the existing house within the R3 District located at 5865 N Lakeshore Dr., Macy. Bill Russell seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled K). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
Debbie Barts	Yea
George Suter	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Anthony Lausas, Docket# 14-0408, requesting a development standard variance of six (6') feet off the required side yard setback for the purpose of building a porch onto the existing house within the R3 District located at 5865 N Lakeshore Dr., Macy passed with five votes being in favor no one opposing.

IN RE: NEW BUSINESS

DONALD LACLUYSE#16-0408
DEVELOPMENT STANDARD VARIANCE

Donald Lacluyse, Docket# 16-0408, is requesting a development standard variance of five (5') feet off the required side yard setback for the purpose of expanding the existing living room and kitchen, as well as, adding a porch onto the existing home, located within the R3 District at 5889 N Lakeshore Dr., Macy. (see attachment K)

Casi explained Mr. Lacluyse's lot dimensions are fifty (50') feet wide and one hundred -seventeen (117') deep. The required side yard setback is eight (8') feet, the proposed expansions and porch would set approximately three (3') feet from the west side yard. Therefore, a variance of five (5') feet off the west side yard setback is requested. Casi then explained the expansions would be built flush with the existing home; the proposed porch would be twenty-two by nine feet (22' X 9').

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

Mr. Lacluyse stated he did not have anything further to add.

Being no public, Dan Walsh did not open the public hearing.

Dan Walsh entertained a motion regarding the petition. George Suter moved to approve, Donald Lacluyse, Docket# 16-0408, is requesting a development standard variance of five (5') feet off the required side yard setback for the purpose of expanding the existing living room and kitchen, as well as, adding a porch onto the existing home, located within the R3 District at 5889 N Lakeshore Dr., Macy. Rex Robison seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled M). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

FULTON COUNTY BOARD OF ZONING APPEALS

May 14th, 2008

Bill Russell	Yea
Debbie Barts	Yea
George Suter	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Donald Lacluyse, Docket# 16-0408, requesting a development standard variance of five (5') feet off the required side yard setback for the purpose of expanding the existing living room and kitchen, as well as, adding a porch onto the existing home, located within the R3 District at 5889 N Lakeshore Dr., Macy passed with five votes being in favor no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for April 2008 (see attachment N).

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the May 14th, 2008 Fulton County Board of Zoning Appeals meeting. Bill Russell moved to adjourn the May 14th, 2008 Fulton County Board of Zoning Appeals meeting at 8:25 P.M. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

Dan Walsh

ATTEST:

Heather Redinger

Heather Redinger, Administrative Secretary

**Fulton County Board Of Zoning Appeals
Meeting**

May 14th, 2008

Please Sign In

Faith Sheek
Mary Tunney

Barry Meier

Don McKey

Willie Miller

Byron Anderson

Richard Smith

Tom Conley

Candy Mc

Alvin & Don LaCluyse

FULTON COUNTY BOARD OF ZONING APPEALS
April 9th, 2008

FULTON COUNTY
BOARD OF ZONING APPEALS

WEDNESDAY, APRIL 9th, 2008

7:00 P.M.
COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
March 12th, 2008

OLD BUSINESS:
Eva Green (#76-0104)

NEW BUSINESS:
Marvin Ramer (#05-0308)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS

April 9th, 2008

The Fulton County Board of Zoning Appeals met on Wednesday the 9th day of April 2008, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson, Dan Walsh called the meeting to order at 7:00 P.M. The following members were present: Chairperson, Dan Walsh; Vice-Chairperson, Rex Robison; Executive Secretary, Debbie Barts; and George Suter. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger. It is duly noted that the following member was absent: Bill Russell

IN RE: MINUTES

March 12th, 2008

Chairperson, Dan Walsh asked any additions, deletions, or corrections to be made to the March 12th, 2008 minutes. Being none, Debbie Barts moved to approve the March 12th, 2008, Fulton County Board of Zoning Appeals minutes as written. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

EVA GREEN #76-0104
SPECIAL EXCEPTION RENEWAL

Casi stated Mrs. Green was not present at this time.

Dan Walsh stated they would move on to New Business and return to Old Business.

IN RE: NEW BUSINESS

MARVIN RAMER #05-0308
DEVELOPMENT STANDARD VARIANCE

Casi explained Mr. Ramer is requesting a development standard variance of 36' off the required front yard setback for the purpose of placing building displays, located at 6173 N 250 E, Rochester. The rail line splits the property and Mr. Ramer would like to place the sheds on the corner split by the rail. The required front yard setback is fifty (50') feet; the Right-of-Way of 250 E is thirty-two (32'), therefore the sheds would have to set sixty-six (66') feet from the centerline of the road. Casi then explained the corner lot is situated on a curve and the rail splits the property, therefore Mr. Ramer would have very little room left on the lot after meeting the required front setbacks. (see attachment A)

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

Marvin Ramer, 6173 N 250 E, stated he has cleaned up the property, flattened the corner and is spreading gravel. He then stated the property could not be used for anything else other than parking his machinery. He also stated the railroad tracks and curve require traffic to move slowly in this area. He feels the sheds would look better setting there than his machinery.

Dan Walsh asked the Board for any questions or comments.

Rex Robison asked how many sheds would be placed in the area.

Marvin Ramer stated they have five (5) ready now, but he stated there would be room for ten (10) or (12) twelve.

FULTON COUNTY BOARD OF ZONING APPEALS

April 9th, 2008

Dan Walsh asked what are the sizes of the sheds.

Marvin Ramer stated the sizes are 10' X 12' and 10' X 16'.

Being no further Board questions or comments, Dan Walsh entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. George Suter seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Jeff Johnson, 2155 E 600 N, stated he lives one-quarter mile west of Mr. Ramer. He then stated Mr. Ramer has cleaned the area up, making the lot look nice and he would like to see the sheds sitting there rather than machinery.

Being no one else to speak in favor, Dan then asked for those in opposition of the petition to do the same. Being none, Dan entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

Dan Walsh entertained a motion regarding the petition. George Suter moved to approve, Docket #BZA 05-0308 Marvin Ramer, requesting a Development Standard Variance, thirty-six feet (36') off of the required minimum front yard setback for the purpose of building displays located within the AG District at 6173 N 250 E, Rochester, IN. Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled B). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Debbie Barts	Yea
George Suter	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 05-0308 Marvin Ramer, requesting a Development Standard Variance, thirty-six feet (36') off of the required minimum front yard setback for the purpose of building displays located within the AG District at 6173 N 250 E, Rochester, passed with four votes being in favor no one opposing.

IN RE: OLD BUSINESS

The Board then continued with Old Business, being Mrs. Green still was not present; Dan Walsh entertained a motion regarding the petition. Debbie Barts moved to table Docket BZA#76-0104, Eva Green. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing. (see attachment C)

IN RE: PLAN DIRECTOR REPORT

FULTON COUNTY BOARD OF ZONING APPEALS

April 9th, 2008

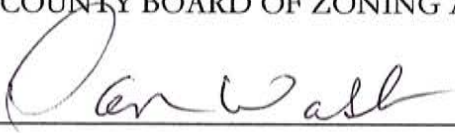
Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for March 2008 (see attachment D).

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the April 9th, 2008 Fulton County Board of Zoning Appeals meeting. Rex Robison moved to adjourn the April 9th, 2008 Fulton County Board of Zoning Appeals meeting at 7:20 P.M. George Suter seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, George Suter, and Dan Walsh being in favor and no one opposing.

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FULTON COUNTY BOARD OF ZONING APPEALS



ATTEST:


Heather Redinger, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
February 13th, 2008

FULTON COUNTY
BOARD OF ZONING APPEALS

WEDNESDAY, FEBRUARY 13TH, 2008

7:00 P.M.
COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES:
January 9th, 2008

OLD BUSINESS:

Richard Chilcutt (116-1105)
R & N Holdings (160-1107)
Michael Turnpaugh (101-0205)

NEW BUSINESS:

Jerry Caylor (01-0108)
Roy Flint (02-0108)
Justin and Candace Field (04-0108)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS

February 13th, 2008

The Fulton County Board of Zoning Appeals met on Wednesday the 13th day of February 2008, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Chairperson, Dan Walsh called the meeting to order at 7:00 P.M. The following members were present: Chairperson, Dan Walsh; Executive Secretary, Debbie Barts; George Suter and Bill Russell. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Heather Redinger and Attorney, Greg Heller. It is duly noted that the following member was absent: Rex Robison.

IN RE: MINUTES

JANUARY 9TH, 2008

Chairperson, Dan Walsh asked any additions, deletions, or corrections to be made to the January 9th, 2008 minutes. Being none, Bill Russell moved to approve the January 9th, 2008, Fulton County Board of Zoning Appeals minutes as written. Debbie Barts seconded the motion. Motion carried as follows: Debbie Barts, George Suter, Bill Russell and Dan Walsh being in favor and no one opposing.

Casi Cramer told the Board R & N Holdings and Michael Turnpaugh, both on the agenda for Old Business, had asked to be rescheduled for the March meeting.

IN RE: OLD BUSINESS

RICHARD CHILCUTT
SPECIAL EXCEPTION RENEWAL

Richard Chilcutt, Docket #BZA 116-1105, Special Exception Renewal. Mr. Chilcutt is requesting a Special Exception Renewal for a temporary second dwelling unit placed on his mother's property. Mr. Chilcutt resides in the temporary second dwelling, to help care for his mother (Helen Murphy), at 1795 S 1075 E, Akron, IN. (see attachment A).

Plan Director, Casi Cramer explained Mr. Chilcutt received a Special Exception for a temporary second dwelling unit from the Board of Zoning Appeals on January 11th, 2006. At that time the Board of Zoning Appeals placed a condition on the Special Exception that Mr. Chilcutt either request a renewal or remove the home no later than two years from the date of the public hearing, being January 9th, 2008. Mr. Chilcutt was not present at the January 9th, 2008 meeting, the Board tabled the renewal request and Mr. Chilcutt was placed on the February 13th, 2008, Fulton County Board of Zoning Appeals agenda. Casi said Mr. Chilcutt made the original request so that he could help care for his elderly mother and have her nearby in case of an emergency. Casi noted the original petition was passed with the following conditions: 1) Mr. Chilcutt is required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department prior to the placement of the temporary home; and 2) the temporary home is never used as a rental unit; and 3) the temporary home be utilized as a dwelling for no one except Mr. Chilcutt; and 4) the temporary home is removed after Mr. Chilcutt no longer utilizes it as a dwelling; and 5) the temporary home is either removed or a renewal requested, no later than two years from the date of the public hearing. Casi Cramer recommended approval of the Special Exception Renewal for another two years with the original conditions placed on the petition at the January 11th, 2006, Board of Zoning Appeals meeting.

Chairperson, Dan Walsh asked if there was any further information Mr. Chilcutt would like to add to the Plan Director's report.

FULTON COUNTY BOARD OF ZONING APPEALS
February 13th, 2008

Mr. Chilcutt stated that he nothing to add and the situation has not changed.

Dan Walsh asked for any Board Member comments or questions. Being none, he entertained a motion regarding the renewal. Debbie Barts moved to renew the Special Exception, on Docket #BZA 116-1105 Richard Chilcutt, for another two (2) years with the original conditions that were placed on the original Special Exception. George Suter seconded the motion. Motion carried as follows: Debbie Barts, George Suter, Bill Russell and Dan Walsh being in favor and no one opposing.

Mr. Chilcutt's renewal for the Special Exception of a temporary second dwelling unit was approved for another two years, being February 13th, 2010 with the following conditions: 1) Mr. Chilcutt is required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department prior to the placement of the temporary home; and 2) the temporary home is never used as a rental unit; and 3) the temporary home be utilized as a dwelling for no one except Mr. Chilcutt; and 4) the temporary home is removed once Mr. Chilcutt no longer utilizes it as a dwelling; and 5) the temporary home is either removed or a renewal requested, no later than two years from the date of the public hearing.

IN RE: NEW BUSINESS

JERRY CAYLOR
DEVELOPMENT STANDARD VARIANCE

Jerry Caylor, Docket #BZA 01-0108, Development Standard Variance. Mr. Caylor is requesting two Development Standard Variances off of the required minimum front yard setback and off the required minimum side yard setback for the purpose of an addition onto his existing home and an existing outbuilding. Mr. Caylor's home is located at 5937 N Lakeshore Dr. Macy, IN., within the Lake Residential (R3) District. (see attachment B).

Plan Director, Casi Cramer stated the R3 District has a required minimum front yard setback of forty feet (40') off of the Right-of-Way of any public roadway. This meaning Mr. Caylor's existing outbuilding would have to set a total of thirty- four (34') feet from the centerline of the road. The existing outbuilding sets approximately twenty-five (25') feet from the centerline of the road. Therefore Mr. Caylor would need a variance of nine (9') feet off the front yard setback. Casi then explained Mr. Caylor is requesting a variance of five (5') feet off the side yard setback for the purpose of an addition to the home, as well as, the existing outbuilding. Mr. Caylor would like to add onto his home and square off the side, the existing home sets three (3') feet from the side yard and the purposed addition would also set three (3') feet form the side yard, as well as, the outbuilding. Casi Cramer recommended approval of the 9' variance off of the required minimum front yard setback and the 5' variance off the side yard setback to construct an addition onto his existing home and the existing outbuilding. Casi also explained to the Board, Mr. Caylor will be either be relocating the second shed on his property or removing completely.

Chairperson, Dan Walsh asked if there was any further information Mr. Caylor would like to add to the Director's report.

Mr. Caylor said he had nothing further to add at this time.

Dan then asked for any Board member comments or questions.

Being none, Dan Walsh entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Bill Russell seconded the motion. Motion carried as follows: Debbie Barts, George Suter, Bill Russell and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

February 13th, 2008

Chairperson, Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing.

Jane Brooks, 5925 N Lakeshore Dr., Macy, stated she was in favor of Mr. Caylor's plans. She also stated that Mr. Caylor's property was one of the best kept in the area.

Being no one else to speak in favor, Dan then asked for those in opposition of the petition to do the same. Being none, Dan entertained a motion to close the public hearing. George Suter moved to close the public hearing. Debbie Barts seconded the motion. Motion carried as follows: Debbie Barts, George Suter, Bill Russell and Dan Walsh being in favor and no one opposing.

Dan Walsh entertained a motion regarding the petition. Bill Russell moved to approve, Docket #BZA 01-0108 Jerry Caylor, requesting two Development Standard Variances, of nine feet (9') off of the required minimum front yard setback for an existing outbuilding to and five (5') feet off the required minimum side yard setback construct an addition onto the existing home and the existing outbuilding. Located within the Lake Residential (R3) District at 5937 N Lakeshore Dr. Macy, IN. Debbie Barts seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled C). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
George Suter	Yea
Debbie Barts	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 01-0108 Jerry Caylor, requesting two Development Standard Variances, of nine feet (9') off of the required minimum front yard setback for an existing outbuilding to and five (5') feet off the required minimum side yard setback construct an addition onto the existing home and the existing outbuilding. Located within the Lake Residential (R3) District at 5937 N Lakeshore Dr. Macy, IN. Passed with four votes being in favor no one opposing.

IN RE: NEW BUSINESS

ROY FLINT
SPECIAL EXCEPTION

Roy Flint Docket #BZA 02-0108, Special Exception. Mr. Flint is requesting a Special Exception for a seasonal cabin. The property is located .24 mile south of 950 S on 600 W, Kewanna, IN, located within the Agricultural District (AG). (see attachment D)

Plan Director, Casi Cramer stated the cabin is 432 square feet and is located on a 115-acre tract of land. The Fulton County Building Inspectors went to the cabin and Mr. Flint gave them a tour. Casi noted the cabin is rustic, with no plumbing or electric. She stated the cabin meets all specifications of the Zoning Ordinance, which are seasonal cabins are a special exception within the AG District, must be a minimum of 250 square feet, but no more than 625 square feet, and shall not be used for more than 180 days in one calendar year. Casi told the Board that Mr. Flint stated that is it only used for a family getaway. Casi recommended the approval of the Special Exception for a seasonal cabin.

Chairperson, Dan Walsh asked if there was any further information Mr. Flint would like to add to the Director's report.

Mr. Flint did not have anything to add.

FULTON COUNTY BOARD OF ZONING APPEALS

February 13th, 2008

Dan then asked for any Board member comments or questions. Being none, he entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Bill Russell seconded the motion. The motion carried as follows: Debbie Barts, George Suter, Bill Russell and Dan Walsh being in favor and no one opposing.

Chairperson, Dan Walsh then asked for those in favor of the petition to please rise, state their name, address and reason for attending the public hearing. Being none, he asked for those in opposition of the petition to do the same. Being none, he entertained a motion to close the public hearing. Debbie Barts moved to close the public hearing. George Suter seconded the motion. Motion carried as follows: Debbie Barts, George Suter, Bill Russell and Dan Walsh being in favor and no one opposing.

Dan Walsh asked for any further Board member comments or questions.

Being none, he entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 02-0108, Roy Flint, requesting a Special Exception for a seasonal cabin, located .24 mile south of 950 S on 600 W, Kewanna. George Suter seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled E). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
George Suter	Yea
Debbie Barts	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 02-0108, Roy Flint, requesting a Special Exception for a seasonal cabin, located .24 mile s of 950 S on 600 W, Kewanna, passed with four votes being in favor and no one opposing.

IN RE: NEW BUSINESS

JUSTIN AND CANDACE FIELD
DEVELOPMENT STANDARD VARIANCE

Justin and Candace Field., Docket #BZA 04-0108, Development Standard Variance. Justin and Candace Field are requesting a Development Standard Variance of fifteen (15') feet off the required minimum front yard setback for the purpose of expanding an existing porch, adding a dining room and a garage to the existing house located at 1763 S 1200 W, Kewanna, within the Agricultural (AG) District.(see attachment F)

Plan Director, Casi Cramer stated the proposed additions would not sit any closer to the front than the existing home. The ROW is thirty-four (34') feet, which would require all new construction to be sixty-seven (67') feet from the centerline of the road. The existing porch sits approximately fifty-two (52') feet from the center of the ROW. Therefore a variance of fifteen (15') feet is requested for all proposed construction. Casi also explained she had added an additional eight (8') foot along the south side of the porch for future plans.

Chairperson, Dan Walsh asked if there was any further information Justin Field would like to add to the Director's report.

Mr. Field stated he had nothing further to add.

Dan Walsh asked for any Board member comments or questions. Being none, he stated being no public, other than Mr. Field, he did not open public hearing.

FULTON COUNTY BOARD OF ZONING APPEALS

February 13th, 2008

Dan then asked for Board discussion regarding the petition. Being none, Dan entertained a motion regarding the petition. George Suter moved to approve, Docket #BZA 04-0108, Justin and Candace Field, requesting a Development Standard Variance of fifteen (15') feet off the required minimum front yard setback to expand an existing porch, with an additional eight (8') feet on the south side, as well as, the addition of a dining room and garage to the existing home. Located at 1763 S 1200 W, Kewanna. Bill Russell seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled G). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Bill Russell	Yea
George Suter	Yea
Debbie Barts	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 04-0108, Justin and Candace Field, requesting a Development Standard Variance of fifteen (15') feet off the required minimum front yard setback to expand an existing porch, with an additional eight (8') feet on the south side, as well as, the addition of a dining room and garage to the existing home. Located at 1763 S 1200 W, Kewanna passed with four votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for January 2008 (see attachment H).

Dan Walsh asked about the violations, in which court action is to be made.
Greg Heller stated he is working on the paperwork to get them into the system.


It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the March 14, 2007 Fulton County Board of Zoning Appeals meeting. Bill Russell moved to adjourn the February 13th, 2008 Fulton County Board of Zoning Appeals meeting at 7:45 P.M. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, George Suter, Debbie Barts and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS



ATTEST:



BOARD OF ZONING APPEALS

FEBRUARY 13TH, 2008

PLEASE SIGN IN

Ray + Ethel Flint

Jane Brooks

Sue Anglin

Justin

**FULTON COUNTY BOARD OF ZONING APPEALS
JANUARY 9, 2008**

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, JANUARY 9, 2008

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

CALL TO ORDER

ELECTION OF OFFICERS

ADOPTION OF MEETING RESOLUTION

**BOARD OF ZONING APPEALS MINUTES FOR:
December 12, 2007**

**OLD BUSINESS
Donna McClure (71-1003)
Richard Chilcutt (116-1105)**

NEW BUSINESS

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
JANUARY 9, 2008

The Fulton County Board of Zoning Appeals met on Wednesday the 9th day of January 2008, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Executive Director, Casi Cramer, called the meeting to order at 7:00 P.M. The following members were present: Bill Russell, Debbie Barts and Dan Walsh. Also in attendance were: Executive Director, Casi Cramer; Administrative Secretary, Heather Redinger; and Attorney, Greg Heller. It is duly noted that the following member was absent: Rex Robison.

IN RE: ELECTION OF OFFICERS

Executive Director, Casi Cramer, opened the floor to nominations for Chairperson. Debbie Barts nominated Dan Walsh as Chairperson. Bill Russell seconded the nomination. Being no further nominations, Bill Russell moved to close the nominations for Chairperson. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts, and Dan Walsh being in favor and no one opposing. Dan Walsh was elected as Chairperson for the Fulton County Board of Zoning Appeals.

Chairperson, Dan Walsh, asked for nominations for Vice-Chairperson. Bill Russell nominated Rex Robison as Vice-Chairperson. Debbie Barts seconded the nomination. Being no further nominations, Debbie Barts moved to close the nominations for Vice-Chairperson. Bill Russell seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts and Dan Walsh being in favor and no one opposing. Rex Robison was elected as Vice-Chairperson for the Fulton County Board of Zoning Appeals.

Dan Walsh asked for nominations for Executive Secretary. Bill Russell nominated Debbie Barts as Executive Secretary. Debbie Barts seconded the nomination. Being no further nominations, Bill Russell moved to close the nominations for Executive Secretary. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts and Dan Walsh being in favor and no one opposing. Debbie Barts was elected as Executive Secretary for the Fulton County Board of Zoning Appeals.

Chairperson, Dan Walsh, asked for nominations for Administrative Secretary. Debbie Barts nominated Heather Redinger as Administrative Secretary. Bill Russell seconded the nomination. Being no further nominations, Bill Russell moved to close the nominations for Administrative Secretary. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts and Dan Walsh being in favor and no one opposing. Heather Redinger was elected as the Fulton County Board of Zoning Appeals Administrative Secretary.

Dan Walsh stated the Board needed to hire an Attorney to represent them. Debbie Barts moved to hire Burke & Heller Attorneys at Law, Rochester, IN. Bill Russell seconded the motion. Being no further appointments, Debbie Barts moved to close appointments for Board Attorney. Bill Russell seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts and Dan Walsh being in favor and no one opposing. Burke & Heller Attorneys at Law were hired as the Fulton County Board of Zoning Appeals Attorney.

**FULTON COUNTY BOARD OF ZONING APPEALS
JANUARY 9, 2008**

IN RE: ADOPTION OF MEETING RESOLUTION

Chairperson, Dan Walsh, read Resolution 01092008 regarding the meeting dates and times for the Fulton County Board of Zoning Appeals in 2008. Dan entertained a motion to adopt Resolution 01092008. Bill Russell moved to adopt Resolution 01092008 for the Fulton County Board of Zoning Appeals meeting dates and times in 2008. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts and Dan Walsh being in favor and no one opposing. Resolution 01092008 reads as follows:

RESOLUTION 01092008

A RESOLUTION OF THE FULTON COUNTY BOARD OF ZONING APPEALS, OF THE COUNTY OF FULTON, INDIANA, ESTABLISHING MEETING TIMES FOR 2008.

WHEREAS, the Fulton County Board of Zoning Appeals has established that they will meet on the second (2nd) Wednesday each month at 7:00 P.M. in the Commissioners/Council Room at the Fulton County Office Building unless that Wednesday falls on a County observed Holiday, then the meeting will be held on the second (2nd) Thursday at 7:00 P.M. in the Commissioners/Council 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 7:00 P.M. in the Commissioners/Council Room at the Fulton County Office Building unless that Wednesday falls on a County observed Holiday, then the meeting will be held on the second (2nd) Thursday at 7:00 P.M. in the Commissioners/Council Room at the Fulton County Office Building.
2. Other meetings will be scheduled and a public notice will be given.

Adopted this 9th day of January 2008.

FULTON COUNTY BOARD OF ZONING APPEALS

Chairperson

Vice Chairperson

FULTON COUNTY BOARD OF ZONING APPEALS
JANUARY 9, 2008

Executive Secretary

ATTEST: _____
Heather Redinger, Administrative Secretary

IN RE: MINUTES

DECEMBER 12, 2007

Chairperson, Dan Walsh asked for any additions, deletions or corrections to be made to the December 12th, 2007 minutes. Debbie Barts moved to approve the December 12th, 2007, Fulton County Board of Zoning Appeals minutes as written. Bill Russell seconded the motion. Motion carried as follows: Bill Russell. Debbie Barts and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

DONNA MCCLURE
SPECIAL EXCEPTION RENEWAL

Donna McClure, Docket #BZA 71-1003, Special Exception Renewal. Ms. McClure is requesting a renewal of the special exception she was granted for a temporary second dwelling in December 2003. The temporary second dwelling is being utilized by Ms. McClure's mother, Madie Oberg, and is located at 2791 Main Street, Macy, IN (see attachment A). The property is located within the Agricultural District (AG).

Executive Director, Casi Cramer, explained Ms. McClure's request originated from her concern for her mother's health and comfort. The temporary second dwelling is a fourteen-foot by seventy-foot (14' x 70') singlewide mobile home. Casi noted the mobile home meets the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department. Casi said Ms. McClure was granted the special exception upon the following conditions: 1) Ms. McClure is required to meet the regulations stipulated by the Fulton County Zoning Ordinance, the Fulton County Building Code, and the Fulton County Health Department prior to placement of the temporary home; 2) the temporary home is never used as a rental unit; 3) the temporary home be utilized as a dwelling for no one except Mrs. Oberg; 4) the temporary home is removed after Mrs. Oberg no longer utilizes it as a dwelling; and 5) the temporary home is either removed or a renewal requested, every two years.

Chairperson, Dan Walsh, asked if there was any further information Ms. McClure would like to add to the Executive Director's report.

Ms. McClure said her mother is still living in the temporary second dwelling and she would like to keep her there.

Dan Walsh asked for any Board member comments or questions to the petitioner or staff. Being none, Dan asked for a motion regarding the petition. Debbie Barts moved to approve the renewal of the Special Exception, Docket #BZA 71-1003 Donna McClure, for a temporary second dwelling to be located at 2091 Main Street, Macy, IN, for another two (2) years, being January 2010, with the five (5) original conditions which were placed on the actual Special Exception. Bill Russell seconded the motion. Motion carried as follows: Debbie Barts, Bill Russell and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS
JANUARY 9, 2008

IN RE: OLD BUSINESS

RICHARD CHILCUTT (116-1105)
SPECIAL EXCEPTION RENEWAL

It is duly noted that Mr. Chilcutt was not present at the meeting. The Board members decided it would be best to table the petition until the next meeting. Dan Walsh requested that the Plan Commission Office send Mr. Chilcutt a letter certified mail to ensure he has received it. Bill Russell moved to table Richard Chilcutt, BZA# 116-1105, Special Exception Renewal. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts and Dan Walsh being in favor and no one opposing.

It is duly noted there was no New Business to report at this time.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer updated the Board on permits, applications, violations, and complaints that have occurred in the Plan Commission Office for the year 2007 (see attachment B).

Casi also reported the Board has the option to amend their Rules of Procedure for interested parties, regarding Development Standard Variances and Special Exceptions. (see attachment C)

After much Board discussion, the Rules of Procedure for interested parties will be as follows:

Development Standard Variance, interested parties will be all adjoining property owners; streets and alleys are not to be a divider.

Special Exception for residential uses, interested parties will be all adjoining property owners; streets and alleys are not to be a divider.

Special Exception for business uses, interested parties will be four (4) property depths or fifteen hundred (1500') feet; whichever is less.

Bill Russell moved to amend the Rules of Procedure for interested parties as stated above. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts and Dan Walsh being in favor and no one opposing.

It is duly noted that there were no Public Comments or Board Comments given at this time.

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the January 9, 2008 Fulton County Board of Zoning Appeals meeting. Bill Russell moved to adjourn the January 10, 2007 Fulton County Board of Zoning Appeals meeting at 7:30 P.M. Debbie Barts seconded the motion. Motion carried as follows: Bill Russell, Debbie Barts and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS
JANUARY 9, 2008



ATTEST: 

Heather Redinger, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS

Rules of Procedure

Article I. Authority and Duties

- Section 1. The Fulton County Board of Zoning Appeals (hereinafter called "Board") exists as an advisory Board under the authority of IC 36-7-4-901 and Article 10 of the Zoning Ordinance of Fulton County, Indiana, and any amendments thereto. These rules are adopted in accordance with the requirements of IC 36-7-4-916.
- Section 2. The duties of the Board shall be those set forth in IC 36-7-4-900 et al., and such other responsibilities as may be required by state statute or Fulton County ordinance.

Article II. Officers, Members and Employees

- Section 1. The Board shall consist of five (5) voting members, appointed in accordance with IC 36-7-4-902.
- Section 2. At its first regularly scheduled meeting in each calendar year, the Board shall select from its membership a Chairperson, Vice-chairperson, and a Secretary. Each shall serve during the period of their membership on the Board for the balance of the calendar year.
- Section 3. 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 in the absence or disability of the Chairperson and Vice-chairperson.
- Section 4. Upon resignation or replacement of the Chairperson, Vice-chairperson, or Secretary as a member of the Board, the Board shall elect a successor at its next regularly scheduled meeting.
- Section 5. The Board shall appoint and fix the duties of an Administrative Secretary, who is not required to be a member of the Board. The Administrative Secretary shall be charged with such duties as required under state statutes, Fulton County ordinances, and these rules.
- Section 6. If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member. The Administrative Secretary shall notify the appointing authority in writing when a member has been absent for three (3) consecutive meetings of the Board. Such absences may constitute cause for removal from the Board by the appointing authority under IC 36-7-4-906(f).
- Section 7. The Board may appoint such employees as are necessary for the discharge of its duties.

Article III. Meetings

- Section 1. The regular meetings of the Board shall be the 2nd Wednesday of each month at 7:00 pm. The location of the meeting shall be the conference room of the Fulton County Office Building. If the date of a regular meeting falls on a legal holiday, or if it is impossible to conduct the meeting at that time or place, the Chairperson may set an alternate date, time, or place for the regular meeting or may cancel the meeting with the unanimous consent of the members of the Board, provided the notice requirements of IC 5-I4-I.5 are complied with.
- (I) Whenever it is ascertained that there is no business for the Board of Zoning Appeals consideration, or that a quorum will not be available, the president may cancel a regular meeting by giving written or oral notice to all members, unless objected to by three (3) members of the Board of Zoning Appeals.

Section 2. The Chairperson or two (2) members of the Board, upon written request to the Administrative Secretary, may call special meetings. The Administrative Secretary shall send to all members, at least three (3) days before the special meeting, a written notice fixing the time and place of the meeting. Written notice is not required if:

- (1) The date, time, and place of the special meeting are fixed in a regular meeting;
- (2) All members of the Board are present at that regular meeting; and
- (3) The Administrative Secretary complies with notice requirements of IC 5-I4-I.5.

Section 3. 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.

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 no 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.

Section 4. The Chairperson of the Board shall preside over meetings and hearings, decide questions of order, subject to appeal by Board members, and preserve decorum in the meeting room. The Chairperson may warn any person present that particular conduct is a breach of courtesy and may order a person expelled from the meeting for disruptive conduct.

Section 5. The Administrative Secretary shall keep minutes of its proceedings and record the vote on all actions taken. The Board shall also make written findings of fact in all cases heard by it.

Section 6. All regular and special meetings shall be opened to the public as required by IC 5-I4-I.5, except as provided by law in relation to executive sessions, IC 5-I4-I.5.

Article IV. Official Action

Section 1. A majority of the members of the Board who are qualified to vote shall constitute a quorum. Action of the Board shall not be official unless it is authorized at a regular or properly called special meeting by a majority of the entire membership of the Board.

Section 2. Voting by the Board shall be by roll call vote of the members. All members present shall vote on every question unless they are permitted to abstain by the presiding officer.

Section 3. No member of the Commission shall participate in a hearing or decision of the Board upon any zoning matter in which the member has a direct or indirect financial interest. A member shall declare his or her known conflict of interest. The Board shall enter into its records the fact that the member has such a disqualification, and the name of the alternative member, if any, who participates in the hearing or decision in place of the regular member.

Section 4. In the event a majority vote of the Board cannot be achieved due to absences, permitted abstentions, or disqualifications, the matter shall be rescheduled for the next regular meeting at the request of any Board member, a petitioner or a remonstrator.

Section 5. Any member of the Board who voted with the majority may call for a reconsideration of any vote at the same meeting of the Board at which it passed, and, if sustained by a majority of the votes, the reconsideration shall be ordered.

Article V. Minutes and Records

- Section 1. The Administrative Secretary of the Board shall prepare and maintain minutes of its meetings. The minutes shall include the vote of each member on each question presented or indicated that the member is absent, abstaining with permission, or not voting because of a disqualification.
- Section 2. The minutes of the Board meetings and all records shall be filed in the office of the Plan Commission and are public records, as defined by IC 5-14-3.
- Section 3. The minutes shall be presented to the Board for approval at the next succeeding regular meeting. When approved, the minutes shall be signed by the Chairperson and attested by the Administrative Secretary.

Article VI. Public Hearings

- Section 1. The Board shall hold such public hearings as are required by state statute and Fulton County ordinances. The Board may hold additional hearings at such times and places upon such notice as it considers necessary.

Article VII. Petition Procedures

- Section 1. The procedures to be followed when a notice of violation and/or fines are appealed before the Board are as follows:
- (1) Any person receiving a notice of violation and/or fines may appeal the violation and/or fine to the Board 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.
 - (2) Fines due will be postponed until the Board or court of jurisdiction have made a ruling as to the violation and/or fine. The person(s) shall have thirty (30) days to file for a hearing with the Board 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 Board. Failure to meet these deadlines will reinstate all fines due by the person(s) in violation.
 - (3) 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.
- Section 2. The petition procedures for development standard variances, use variances and special exceptions are as follows:
- (1) Development Standard 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 meeting.
 - (b) The Board will then review the variance application and required supportive information, testimony of the petitioner, and testimony of the public at their next regularly scheduled public meeting. The Board may approve, deny or table the petition. The Board 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 Board.
 - (2) Special Exceptions: The following procedure applies to Special Exception Petitions.
 - (a) Submit a Special Exception application, required supportive information, and application fee at least thirty (30) days prior to the regularly scheduled Board meeting.
 - (b) The Board shall then review the Special Exception application, required supportive information, testimony of the petitioner, and testimony of the public at their next regularly scheduled public meeting. The Board may approve, deny or table the petition. The Board may add conditions to an approval.
- Section 3. The petition procedures for administrative appeals are as follows:

- (1) Submit a written statement specifying the grounds for the appeal and any applicable supporting material within 30 days of the decision alleged to be in error.
- (2) 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 from which the appeal is taken.
- (3) Administrative appeals require public notice in the newspaper per I.C. 5-3-I-2 and 5-3-I-4.
- (4) At their next regularly scheduled public meeting, the Board shall then review:
 - (a) The written statement and supportive material by the petitioner,
 - (b) The record of action supplied by the administrative official from which the appeal is taken.
 - (c) Testimony of the petitioner, and
 - (d) Testimony of the administrative official or body from which the appeal is taken.
 - (e) Testimony by members of the public.

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.

Article IX. Order of Business

Section 1. The order of business at a regular meeting shall be:

- (1) Call to Order;
- (2) Roll Call and determination of quorum;
- (3) Consideration of minutes of previous meeting;
- (4) Old Business (tabled or continued items);
- (5) New Business;
- (6) Report of Officers and Committees;
- (7) Public Comments;
- (8) Adjournment.

Section 2. The order of business for special meetings shall be:

- (1) Call to Order;
- (2) Roll Call and determination of quorum;
- (3) The business for which the special meeting was called;
- (4) Adjournment.

Section 3. The Board shall act on each petition and subsets of the petition in the following order:

- (1) The Board Chairperson shall open the public hearing and introduce 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 by the Board, may limit the testimony to new information pertinent to the petition presented.

- (2) If there are any questions by the Board, they may ask the petitioner or the staff prior to the opening of the public hearing.
- (3) Being no objections otherwise, the Chairperson will open the public hearing.
- (4) 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 information pertinent to the petition presented.
- (5) The Chairperson will then recognize persons interested in speaking in against 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 information pertinent to the petition presented.
- (6) Statements by a group representative of an area or interest in the matter shall be given by a representative of the group. Additional comments by members of that group will only be heard if they represent another point of new information.
- (7) The Chairperson may permit the petitioner to answer any questions or offer rebuttal to comments made by the public. The petitioner will be given 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 information pertinent to the petition presented.
- (8) The Chairperson may permit additional comments from the public as necessary to clarify any issues. Those persons will be given a maximum of 10 minutes to do speak unless otherwise permitted by the Board. The Chairperson, subject to appeal from the Board, may limit testimony to information pertinent to the petition presented.
- (9) The Chairperson will entertain a motion to close the public comments.
- (10) The Chairperson will then allow the Board to discuss and question the appeal and the facts presented and entertain motions for approval, denial or the tabling of the appeal.
- (11) The Chairperson will entertain a motion to close the hearing, and if approved, will close the hearing.
- (12) The voting by the Board shall be by roll call except 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. The Board may continue any item that has not been dismissed, from one meeting to another without further public notice provided that an announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the minutes.

Section 5. 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. 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. On each appeal for a Development Standard Variance, a Use Variance, or a petition for Special Exception, 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 the case file.

Article X. Appeal Procedure

Section I. Every petitioner for an appeal of a development standard variance, use variance, or special exception an administrative 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.

- (1) Every petition for an appeal of a determination by the Board shall be filed with the Administrative Secretary no later than 30 days after the determination.
- (2) Any appeal of an administrative decision shall be filed with the Board within 30 days following such decision.

Article XI. Notice Requirements

Section 1. For the purpose of IC 36-7-4-920(b), any person with a legal interest in property subject to a petition before the Board or the owner of any abutting property is an interested party. Interested parties are further defined as follows: Interested parties for a Development Standard Variance or Special Exception petitions specific to residential use will be adjoining property owners; streets and alleys are not to be used as a divider. Interested parties for Special Exception petitions for business/commercial use, will be four (4) property depths or fifteen hundred (1500) feet, whichever is less.

Section 2. Adequate notice is given under these rules if:

- (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
- (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.
- (3) The personal appearance at the hearing also shall constitute evidence of notice.
- (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.

Section 3. The person appealing a decision or applying for a development standard variance, use variance, or special exception is required to assume the costs of public notice and due notice to interested parties.

Article XII. Commitments

Section 1. The Board may require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel.

Section 2. For the purposes of IC 36-7-4-921(b), the Board or any person claiming to be adversely affected by any commitment is entitled to enforce the commitment.

Section 3. A commitment shall be created by the owner of the property by affixing his or her signature to a written statement of the terms of the commitment. The signed commitment shall be attached to the petition and entered into the minutes of the Board by the Administrative Secretary.

Section 4. A commitment may be modified or terminated only by a decision of the Board made at a public hearing after notice is given in accordance with the requirements set forth in Article X of these Rules.


Section 5. If any person fails to abide by a commitment, that person commits a violation of the zoning ordinance. The commitment shall be enforced in accordance with the provisions of the zoning ordinance.

Article XIII. Amendments

Amendments to these rules of procedure may be made by the Board at any regular or special meeting upon the affirmative vote of a majority of the members of the Board. The suspension of any rule may be ordered at any meeting by a two-thirds (2/3rd) vote of the quorum.

Article XIV. Repeal

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, Indiana, approved by the affirmative vote of three members of said Board at the regular meeting of the Board held on the 9th day of February 2005.



Chairperson



Secretary



Attest: Heather Redinger, Administrative Secretary
January 10th, 2008

FULTON COUNTY BOARD OF ZONING APPEALS
December 12th, 2007

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

COMMISSIONERS/COUNCIL ROOM
WEDNESDAY, December 12th, 2007
7:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

November 14th, 2007

OLD BUSINESS:

NEW BUSINESS:

Wade Gray (146-0407)

Shirley Willard (159-1007)

R & N Holdings LLC (160-1107)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
December 12th, 2007

The Fulton County Board of Zoning Appeals met on Wednesday the 12th day of December 2007, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Vice Chairperson, Rex Robison called the meeting to order at 7:00 P.M. The following members were present: Vice Chairperson Rex Robison, Executive Secretary, Linda Herd; Bill Russell and Debbie Barts. Also in attendance were: Director, Casi Cramer, Administrative Secretary, Heather Redinger and Board Attorney, Greg Heller. It is duly noted Chairperson Dan Walsh was absent.

IN RE: MINUTES

November 14th, 2007

Acting Chairperson, Rex Robison asked for any additions, deletions or corrections to be made to the November 14th, 2007 minutes. Bill Russell moved to approve the November 14th, 2007, Fulton County Board of Zoning Appeals minutes as written. Linda Herd seconded the motion. Motion carried as follows: Linda Herd, Debbie Barts, Bill Russell and Rex Robison being in favor and no one opposing.

It is duly noted that there was no Old Business to report at this time.

IN RE: NEW BUSINESS

WADE GRAY
DEVELOPMENT STANDARD VARIANCE

Wade Gray, Docket #BZA 146-0407, Development Standard Variance. Mr. Gray is requesting a development standard variance of twelve (12') off of the required ROW of 50 N for the constructing a garage on an existing foundation poured by previous a owner, who did not abide by the required setbacks. The property is located at 505 N 1075 E, Akron (see attachment A). Mr. Gray's property is located within the Agricultural District (AG) and consists of approximately 4 acres.

Plan Director, Casi Cramer explained Mr. Gray had been before the Board earlier this year, the Board requested that Mr. Gray locate the septic system. Mr. Gray has since located the septic system. Casi states the Fulton County Health Department requires a structure to be ten (10') feet away from the septic. Casi stated she and Gary Madlem, Building Inspector went to the property and measured, the garage will be fifteen (15') feet away with the variance. Mr. Gray is requesting a Development Standard Variance of twelve feet (12') off of 50 N, within the AG District. The current ROW is fifty- eight (55.5') feet from the centerline of the road. The existing foundation is approximately thirty- eight (38') feet from the centerline of the road. Casi explains that Mr. Gray wants to use the foundation already there, for the garage, and also add a breezeway that will be connected to the house. The garage will be 36' X 24' and the breezeway will be approximately 8' X 24'. (See attachment A)

Acting Chairperson, Rex Robison, asked if there was any further information Mr. Gray would like to add to the Director's report.

Mr. Gray stated they did not want to add anything further.

FULTON COUNTY BOARD OF ZONING APPEALS
December 12th, 2007

Rex Robison asked for Board member questions or comments. Being none, Acting Chairperson, Rex Robison entertained a motion to open the public hearing. Bill Russell moved to open the public hearing for Wade Gray #146-0407. Linda Herd seconded the motion. Motion carries as follows: Debbie Barts, Bill Russell, Linda Herd and Rex Robison all in favor no one opposing. Rex asked if there was any opposition to the petition, being none, he then asked for those in favor, being none, Rex asked for a motion to close the public hearing.

Debbie Barts moved to close the public hearing for Wade Gray #146-0407. Linda Herd seconded the motion. Motion carries as follows: Debbie Barts, Bill Russell, Linda Herd and Rex Robison all in favor no one opposing.

Rex Robison then asked for any Board discussion regarding the petition.

Being no further Board discussion, Rex entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 146-0407, for a Development Standard Variance of twelve feet (12') off of the required front yard setback for the purpose of constructing a garage. The property is located within the Agricultural District (AG) at 505 N 1075 E, Akron, IN. Linda Herd seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled B). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Debbie Barts	Yea
Bill Russell	Yea
Linda Herd	Yea
Rex Robison	Yea

The motion to approve, Docket #BZA 146-0407, Wade Gray, for a Development Standard Variance of twelve feet (12') off of the required front yard setback on their property located within the Agricultural District (AG) at 505 N 1075 E, Akron IN, passed with four votes being in favor and no one opposing.

IN RE: NEW BUSINESS

SHIRLEY WILLARD
DEVELOPMENT STANDARD VARIANCE

Shirley Willard, Docket # 159-1007, Development Standard Variance. Mrs. Willard is requesting a Development Standard Variance of thirteen (13') feet off of the maximum height of an accessory structure in the AG District, for the purpose of the construction of a windmill on her property located within the AG District at 3063 S 425 E, Rochester, IN.

Casi explained Mrs. Willard has had the windmill for many years, just lying on the property. She and Gary Madlem went to Mrs. Willard's and measured the sections. The windmill is approximately forty-three (43') feet. The maximum height for an accessory structure, located within the Ag District is thirty (30') feet. Therefore, Mrs. Willard will need a 13' variance. Casi showed the Board the location of the windmill; she stated it is not close to any structures, that if it happens to fall, there would be no damage. (see attachment C)

Vice-Chairperson, Rex Robison, asked if there was any further information Mrs. Willard would like to add to the Director's report.

Mrs. Willard stated she loves windmills and would like to see them saved.

Rex Robison asked for Board member questions or comments. Being none, Vice-Chairperson, Rex Robison entertained a motion to open the public hearing. Bill Russell moved to open the public hearing for Shirley Willard #159-1007. Linda Herd seconded the motion. Motion carries as follows: Debbie Barts, Bill Russell, Linda Herd and

FULTON COUNTY BOARD OF ZONING APPEALS
December 12th, 2007

Rex Robison all in favor no one opposing. Rex asked if there was anymore opposition to the petition, being none, he then asked for those in favor, being none, Rex asked for a motion to close the public hearing.

Debbie Barts moved to close the public hearing for Shirley Willard #159-1007. Linda Herd seconded the motion. Motion carries as follows: Debbie Barts, Bill Russell, Linda Herd and Rex Robison all in favor no one opposing. Debbie Barts, Bill Russell, Linda Herd and Rex Robison all in favor no one opposing.

Rex Robison then asked for any Board discussion regarding the petition.

Being no further Board discussion, Rex entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 159-1007, for a Development Standard Variance of thirteen feet (13') off of the maximum height of an accessory structure for the purpose of a windmill. The property is located within the Agricultural District (AG) at 3063 S 425 E, Rochester, IN. Linda Herd seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled D). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Debbie Barts	Yea
Bill Russell	Yea
Linda Herd	Yea
Rex Robison	Yea

The motion to approve, Docket #BZA 159-1007, Shirley Willard, for a Development Standard Variance of thirteen feet (13') off of the maximum height of an accessory structure on her property located within the Agricultural District (AG) at 3063 S 425 E, Rochester, IN, passed with four votes being in favor and no one opposing.

IN RE: NEW BUSINESS

R & N HOLDINGS LLC
SPECIAL EXCEPTION

R & N Holdings LLC, Docket #160-1107, Special Exception. R & N Holdings are requesting a Special Exception to operate an impound yard within the AG District. The property is located at 1023 S 1000 E, Akron, IN.

Casi explained, R & N Holdings LLC, plans on utilizing the existing buildings located on their property. The office will be in the 30' X 30' building, the 30' X 56' and the 42' X 72' buildings will be utilized as storage. R & N Holdings LLC would like to operate an impound yard for the counties of Fulton, Miami and Kosciusko. She explained when they have three (3) inoperable vehicles on the lot; they will be picked up by a business in Grovertown. She also explained R&N Holdings LLC, had obtained a Location Improvement Permit for a privacy fence, in which they have erected around the north side of the 42' X 72' building. The property has a gravel drive, in which they will be updating. (see attachment E)

Rex Robison asked about the privacy fence.

Casi stated the privacy fence is made of matching wooden slats.

Rex then asked if R& N Holdings would like to add anything further.

Josh Nesber, 13107 St. Rd. 114, Akron, stated he is part owner of the business. He also stated they plan to put a chain link fence with plastic slats, around the property. They have also put new roofing and siding on the buildings, and have been cleaning the area and plan on planting trees in front of the property.

Debbie Barts asked if they plan to operate an auto body shop.

FULTON COUNTY BOARD OF ZONING APPEALS
December 12th, 2007

Josh Nesber stated they have no intentions of operating a body shop

Being no further Board comments or questions, Rex entertained a motion to open the public hearing for R&N Holdings, LLC #160-1107. Debbie Barts moved to open the public hearing for R&N Holdings, LLC #160-1107. Linda Herd seconded the motion. Motion carries as follows: Debbie Barts, Bill Russell, Linda Herd and Rex Robison all in favor no one opposing.

Rex asked if anyone here would like to speak in favor of the impound yard. Being none he then asked if anyone is opposed to the impound yard.

Rex stated they had received three letters, all in opposition to the impound yard, from Nina Schultz, Judith Hill and Mildred Hammond. (see attachment F)

Gary Sriver, 1000 E, Akron, stated he lives just north of the property. He stated there are cars, combines and discs sitting there. He also stated he has called Casi to complain about the cars and combines sitting there. He stated he is not opposed to the impound yard, but thinks there needs to be limits. He doesn't want the impound yard to depreciate the value of his property. He also stated the lighting needs to be down lighting only. He also voiced concerns about R&N Holdings following the rules and keeping the property clean.

Janet Wood, Division Rd and 1000 E Akron, stated she opposed the impound yard. She stated her family homestead is in the area, and is worried about the depreciation of the property. She also voiced her concerns about letting them operate an impound yard and what kind use would be allowed in the future.

Jan Drone, also opposed the impound yard. She stated they do not know anything about the owners, such as who they are, and where they come from. She also stated her concerns were the number of vehicles they will have on site and why they need fencing.

Casi stated the owners of R&N Holdings LLC are Josh Nesber, who is present, and Tony Ramirez.

Janet Wood asked about liquids going into the ground or down into the creek located on the property.

Josh Nesber stated there are berms built, so the liquid could not get to the creek.

Gary Sriver asked why they can't store the impounds in the buildings on site, why do they need to put up a fence. He also stated they have not stuck by what Casi had previously told them to do before, how will the Plan Commission Office make sure they follow the rules this time.

Josh explained they keep their equipment in the buildings, such as bobcats and towing trucks. He also stated they have been cleaning up the property, and the fence is to keep the impounds from view.

Josh Sriver, 1075 E, Akron stated he thinks there are too many junkyards on the way to, and from, the Akron area. He also stated they need to have stipulations on the number of vehicles and be held to them. He stated if they don't have stipulations it will just be another eyesore for the Akron area.

Josh, stated they won't be making money by letting the cars pile up, he also stated after they collect three inoperable vehicles, they will be picked up.

Casi explained the Board would discuss all the opposing comments before making a decision.

FULTON COUNTY BOARD OF ZONING APPEALS
December 12th, 2007

Rex asked if there were any other public comments or questions. Being none, Rex entertained a motion to close the public hearing for R&N Holdings, LLC #160-1107. Bill Russell moved to close the public hearing for R&N Holdings, LLC #160-1107. Lind Herd seconded the motion. Motion carries as follows: Debbie Barts, Bill Russell, Linda Herd and Rex Robison all in favor no one opposing.

After much Board discussion about this petition, the Board decided on many conditions.

- 1) This special exception is valid for R&N Holdings, LLC only,
- 2) R&N Holdings will come back for a Board review in January 2009,
- 3) They are to have no more than three (3) REMC approved security lights,
- 4) Fencing will be chain link with plastic slats encompassing the designated area (decided by the Board)
- 5) Vehicles must be impounded pursuant to a contract with a Law Enforcement Agency,
- 6) No more than three (3) inoperable vehicles; inoperable vehicles are to be present on site no more than five (5) days
- 7) Anything other than impounds must be stored inside,
- 8) All fluids are to be contained and disposed of properly, complying with State and Federal regulations, and
- 9) All impounds and inoperable vehicles must be stored where they cannot be viewed from any adjoining property.

Rex then entertained a motion for R&N Holdings, LLC. Debbie Barts moved to approve R&N Holdings LLC, Docket #160-1107, a special exception to operate an impound yard, within the AG District, located at 1023 S 1000 E, Akron, with all the conditions previously read by Administrative Secretary, Heather Redinger. Bill Russell seconded the motion.

The Board members then proceeded to fill out their Findings of Fact Forms (attachments labeled G). The Administrative Secretary, Heather Redinger, conducted a roll call vote:

Debbie Barts	Yea
Bill Russell	Yea
Linda Herd	Yea
Rex Robison	Yea

The motion to approve, Docket #BZA 160-1107, R & N Holdings, LLC, for a special exception to operate an impound yard, within the AG District, located at 1023 S 1000 E, Akron, with all the conditions previously read, passed with four votes being in favor and no one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi updated the Board on permits, applications, violations and complaints that have occurred in the Plan Commission Office for November 2007 (see attachment H).

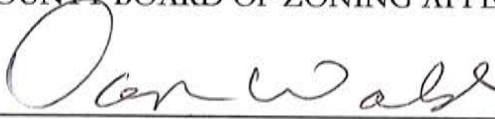
Casi thanked Linda Herd for her time on the Board of Zoning Appeals.

It is duly noted there were no Public Comments or Board Comments were given at this time

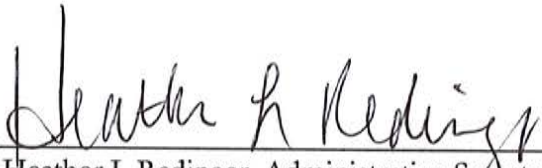
FULTON COUNTY BOARD OF ZONING APPEALS
December 12th, 2007

Being no further business to come before the Board, Rex Robison entertained a motion to adjourn the meeting. Bill Russell moved to adjourn the December 12th, 2007, Fulton County Board of Zoning Appeals meeting at 8:55 p.m. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Bill Russell, Linda Herd, and Rex Robison being all in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS



ATTEST:



Heather L Redinger, Administrative Secretary