

FULTON COUNTY BOARD OF ZONING APPEALS
JANUARY 11, 2006

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, JANUARY 11, 2006

7:00 P.M.

COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

ELECTION OF OFFICERS

ADOPTION OF MEETING RESOLUTION

BOARD OF ZONING APPEALS MINUTES FOR:

November 9, 2005

OLD BUSINESS:

Donna McClure 72-1003

Richard Chilcutt 116-1105

Ion Ramer 117-1105

NEW BUSINESS

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

** The petitions that were scheduled to be heard at the December 14, 2005 Fulton County Board of Zoning Appeals meeting have been rescheduled to be heard at the
January 11, 2006 meeting.*

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The Fulton County Board of Zoning Appeals met on Wednesday the 11th day of January 2006, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Administrative Secretary, Erica Tyler, called the meeting to order at 7:00 P.M. The following members were present: Bill Russell, Debbie Barts, Linda Herd, Rex Robison, and Dan Walsh. Also in attendance were: Executive Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Attorney, Greg Heller.

IN RE: ELECTION OF OFFICERS

At the beginning of every year the Board must vote on new officials. Administrative Secretary, Erica Tyler, opened the floor to nominations for Chairperson. Debbie Barts nominated Dan Walsh as Chairperson. Rex Robison seconded the nomination. Being no further nominations, Debbie Barts moved to close the nominations for Chairperson. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Bill Russell, Linda Herd, 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. Linda Herd 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. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Rex Robison, Bill Russell, 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. Debbie Barts nominated Linda Herd as Executive Secretary. Rex Robison seconded the nomination. Being no further nominations, Debbie Barts moved to close the nominations for Executive Secretary. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Bill Russell, Linda Herd, and Dan Walsh being in favor and no one opposing. Linda Herd was elected as Executive Secretary for the Fulton County Board of Zoning Appeals.

Dan Walsh stated the Board needed to hire an Attorney to represent them. Debbie Barts moved to hire Greg Heller from Burke and Heller, Rochester, IN. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Rex Robison, Bill Russell, and Dan Walsh being in favor and no one opposing. Greg Heller was hired as the Fulton County Board of Zoning Appeals Attorney.

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

IN RE: ADOPTION OF MEETING RESOLUTION

Chairperson, Dan Walsh, read Resolution 01112006 regarding the meeting dates and times for the Fulton County Board of Zoning Appeals in 2006. Dan entertained a motion to adopt Resolution 01112006. Linda Herd moved to adopt Resolution 01112006 for the Fulton County Board of Zoning Appeals meeting dates and times in 2006. Bill

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Russell seconded the motion. Motion carried as follows: Linda Herd, Bill Russell, Debbie Barts, Rex Robison, and Dan Walsh being in favor and no one opposing. Resolution 01112006 reads as follows:

RESOLUTION 01112006

A RESOLUTION OF THE FULTON COUNTY BOARD OF ZONING APPEALS, OF THE COUNTY OF FULTON, INDIANA, ESTABLISHING MEETING TIMES FOR 2006.

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 11th day of January 2006.

FULTON COUNTY BOARD OF ZONING APPEALS

Chairperson

Vice Chairperson

Executive Secretary

ATTEST: _____
Erica A. Tyler, Administrative Secretary

IN RE: MINUTES

NOVEMBER 9, 2006

Chairperson, Dan Walsh, asked for any additions, deletions, or corrections to be made to the November 9, 2005, Fulton County Board of Zoning Appeals minutes. Being none, Debbie Barts moved to approve the November 9, 2005, Fulton County Board of Zoning Appeals minutes as written. Linda Herd seconded the motion. The motion carried as follows: Debbie Barts, Linda Herd, Rex Robison, Bill Russell, and Dan Walsh being in favor and no one opposing.

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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 Ms. McClure's mother; 4) the temporary home is removed after Ms. McClure's mother 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 Ms. McClure's public hearing, being December 10, 2003. Casi stated Ms. McClure was placed on the December 2005 agenda, but due to bad road and weather conditions the meeting was canceled so she was placed on the January 2006 agenda.

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 2008, with the five (5) original conditions which were placed on the actual Special Exception. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Bill Russell, Rex Robison, and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

RICHARD CHILCUTT
SPECIAL EXCEPTION

Richard Chilcutt, Docket #BZA 116-1105, Special Exception. Mr. Chilcutt is requesting a special exception for a temporary second dwelling to be placed on his mother's, Helen Murphy, property. The property is located at 1795 South 1075 East, Akron, IN, and is within the Agricultural District (AG) (see attachment B).

Executive Director, Casi Cramer, explained there have been two homes located on Mrs. Murphy's property for several years, one of which is her stick-built dwelling and the other being Mr. Chilcutt's current twelve foot by fifty foot (12' x 50') singlewide mobile home. Mr. Chilcutt originally moved the 12' x 50' mobile home onto his mother's property in order to help care for her. Casi stated Mr. Chilcutt would now like to replace the existing 12' x 50' mobile home with a newer fourteen foot by seventy-foot (14' x 70') mobile home. Mr. Chilcutt has expressed that

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his mother is still in need of care and he wishes to continue to aid her however she may need. Casi explained in order for Mr. Chilcutt to replace his current home, one of the existing homes would have to be permanently

removed, due to the fact that there can only be one dwelling per tract of land. Casi said the second issue is that Mrs. Murphy's property does not have enough road frontage to create a split so that both tracts of land would comply with the ordinance. Mr. Chilcutt is aware that after his mother is no longer utilizing the stick-built dwelling, he will have to remove one of the dwellings in order to comply with the ordinance. Casi recommended approval of the special exception with the following conditions: 1) the temporary home is never used as a rental unit; 2) the temporary home be utilized as a dwelling for no one except Mr. Chilcutt; 3) the temporary home is removed after Mr. Chilcutt no longer utilizes it as a dwelling; and 4) the temporary home is either removed or a renewal requested, no later than two (2) years from the date of Mr. Chilcutt's public hearing, being January 11, 2006.

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

Mr. Chilcutt stated that there have been two homes, one being the existing singlewide mobile home and the other being his mother's stick built home, on his mother's property since 1993. Mr. Chilcutt said he moved the original singlewide mobile home onto the property to help take care of his mother if needed. Mr. Chilcutt said he would like to replace the existing singlewide mobile home with a newer and bigger singlewide mobile home. Mr. Chilcutt said the new singlewide mobile home is a 1993.

Dan Walsh asked for any further Board member questions to the staff or petitioner. Being none, he entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd, Bill Russell, Debbie Barts, and Dan Walsh being in favor and no one opposing.

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

Dan Walsh asked for any further Board discussion.

Rex Robison asked if there should be a time frame placed on the existing singlewide mobile home as to when it should be completely removed from the property. Casi Cramer explained when the petitioner obtains their Location Improvement and Building Permit her office actually writes on those permits that the old (existing) mobile home must be removed within thirty (30) days of obtaining the permits. Rex decided with that being the case there was no reason to add a time frame to the motion. Dan Walsh asked for any further Board discussion. Being none, he entertained a motion regarding the petition.

Linda Herd moved to approve, Docket #BZA 116-1105 Richard Chilcutt, requesting a Special Exception to have a temporary second dwelling located on Helen Murphy's property at, 1795 S 1075 E, Akron, IN, within the Agricultural District (AG) with the following conditions: 1) the temporary home is never utilized as a rental unit; 2) the temporary home is utilized as a dwelling for no one except Mr. Chilcutt; 3) the temporary home is removed after Mr. Chilcutt no longer utilizes it as a dwelling; and 4) the temporary home is either removed or a renewal requested, no later than two years from the date of the public hearing, January 11, 2006. Rex Robison seconded the motion.

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

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

The motion to approve, Docket #BZA 116-1105 Richard Chilcutt, requesting a Special Exception to have a temporary second dwelling located on Helen Murphy's property at, 1795 S 1075 E, Akron, IN, within the Agricultural District (AG) with the following conditions: 1) the temporary home is never utilized as a rental unit; 2) the temporary home is utilized as a dwelling for no one except Mr. Chilcutt; 3) the temporary home is removed after Mr. Chilcutt no longer utilizes it as a dwelling; and 4) the temporary home is either removed or a renewal requested, no later than two years from the date of the public hearing, January 11, 2006 passed with five votes being in favor and no one opposing.

IN RE: OLD BUSINESS

ION RAMER
SPECIAL EXCEPTION

Ion Ramer, Docket #BZA 117-1105, Special Exception. Mr. Ramer is requesting a special exception for the operation of a Sewing Machine Repair and Accessory Shop on his property. The property is located at 5744 North 675 East, Rochester, IN, and is located within the Agricultural District (AG) (see attachment D).

Executive Director, Casi Cramer, explained Mr. Ramer has an existing sixty foot by sixty foot (60' x 60') building on the property which he plans to utilize for the proposed business. Mr. Ramer has stated that the Sewing Machine Repair and Accessory Shop will only utilize a space measuring thirty foot by forty foot (30' x 40') and the remaining space will be utilized for Mr. Ramer's Farm Equipment Sales, Service, and Machine Shop. Mr. Ramer came before the BZA in April 2004 to request a Special Exception for his Farm Equipment Sales, Service, and Machine Shop, which he was granted. Casi said she did not foresee an overwhelming effect taking place on the existing roadway if the special exception was granted. Mr. Ramer has expanded his drive to encompass the east and south sides of the existing building with dustless gravel and has created a parking area. If the special exception for the sewing shop is granted, Mr. Ramer would have two businesses in one building (Sewing Machine Repair and Accessory Shop, as well as, Farm Equipment Sales, Service and Machine Shop). Casi explained there would not be any employees involved with these businesses other than Mr. Ramer, his wife, and a few family members. Casi Cramer recommended that the special exception be granted, since it does not appear to be intrusive on the surrounding landowners.

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

Mr. Ramer asked if fabrics would be included within the accessory portion of the special exception or if they would need to say it was a sewing machine repair, accessory, and fabric shop. The Board discussed the issue and felt that fabrics would be included within the accessory portion of the shop. After more discussion the Board decided that they would say it was a sewing machine repair and accessory shop including fabrics.

Dan Walsh asked for any further Board member questions to the staff or petitioner. Being none, he looked in the audience for any one wishing to speak in favor or in opposition of the petition. Being no one in the audience to speak on the petition Dan Walsh skipped the public hearing portion of the petition.

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Dan Walsh asked for any further Board discussion.

Debbie Barts questioned if Mr. Ramer was granted the special exception for the sewing machine repair and accessory shop, if he would still have his special exception for the farm equipment sales, service and machine shop too. Casi Cramer said yes, Mr. Ramer would have two special exceptions. One for the Farm Equipment Sales, Service and Machine Shop and one for the Sewing Machine Repair and Accessory Shop. Dan Walsh asked for any further Board discussion. Being none, he entertained a motion regarding the petition.

Rex Robison moved to approve, Docket #BZA 117-1105 Ion Ramer, requesting a Special Exception to operate a Sewing Machine Repair and Accessory Shop, including fabrics, at 5744 N 675 E, Rochester, IN, within the Agricultural District (AG). Debbie Barts seconded the motion.

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

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

The motion to approve, Docket #BZA 117-1105 Ion Ramer, requesting a Special Exception to operate a Sewing Machine Repair and Accessory Shop, including fabrics, at 5744 N 675 E, Rochester, IN, within the Agricultural District (AG) passed with five votes being in favor and no one opposing.

It is duly noted that 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 (2005), as well as, for December 2005 (see attachment F).

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 11, 2006, Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the January 11, 2006, Fulton County Board of Zoning Appeals meeting at 7:50 P.M. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Rex Robison, Bill Russell, and Dan Walsh being in favor and no one opposing.

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Dan Walsh, Chairperson

ATTEST: _____
Erica A. Tyler, Administrative Secretary

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FULTON COUNTY BOARD OF ZONING APPEALS
FEBRUARY 8, 2006

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, FEBRUARY 8, 2006

7:00 P.M.

COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

January 11, 2006

OLD BUSINESS

NEW BUSINESS:

Amzie Martin #118-1205

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**FULTON COUNTY BOARD OF ZONING APPEALS
FEBRUARY 8, 2006**

The Fulton County Board of Zoning Appeals met on Wednesday the 8th day of February 2006, 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; Linda Herd and Bill Russell. Also in attendance were: Director, Casi Cramer; Board Attorney, Greg Heller; and Administrative Secretary, Erica Tyler. It is duly noted that Vice-Chairperson, Rex Robison was absent.

IN RE: MINUTES

JANUARY 11, 2006

Chairperson, Dan Walsh asked for any additions, deletions, or corrections to be made to the January 11, 2006 minutes. Being none, Debbie Barts moved to approve the January 11, 2006 Fulton County Board of Zoning Appeals minutes. Bill Russell seconded the motion. Motion carried as follows: Debbie Barts, Bill Russell, Linda Herd and Dan Walsh 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

AMZIE MARTIN
SPECIAL EXCEPTION

Amzie Martin, Docket #BZA 118-1205, Special Exception. Mr. Martin is requesting a special exception to operate a Buggy Sales and Service Shop on his property located within the Agricultural District (AG). The property consists of fifty-three (53) acres and is located at 7640 North 150 West, Rochester, IN (see attachment A).

Director, Casi Cramer stated the property in question is located approximately a third of a mile (.3) south of State Road 110 in Richland Township. Mr. Martin has recently built a thirty-foot by sixty-foot (30' x 60') pole building and has plans to build a forty-foot by sixty-four foot (40' x 64') pole building, which would house the buggy sales and service business. Mr. Martin also has plans to build a home on the 53 acres in question. Casi said Mr. Martin has stated the only employees will initially be family but if the business grows he may include other employees outside of the family. On-site deliveries will include lumber and steel which may only be needed once a week or every two weeks at the most. The buggies will be built to order so there will be no showroom at this time. Mr. Martin has stated he may have a few demo models but will not have a surplus of buggies available. Casi explained there would be some welding activities taking place within the shop but the welding area will be cordoned off away from the combustible material. With welding activities taking place there will be a presence of acetylene, argon and/or CO2 tanks. Mr. Martin also plans to have a paint room cordoned off within the shop. Casi Cramer indicated there might be further permitting that is required by the State in regards to the paint room so the Board may want to consider making a condition that says State permits and regulations have to be met. Casi stated the existing roadway is County Road 150 West and she did not foresee an overwhelming effect on the roadway if the special exception was granted. Casi noted there is an existing driveway located on the property to grant access to the existing 30' x 60' pole building. Mr. Martin will need to expand his existing driveway to encompass the newly proposed building with dustless gravel. Casi stated Mr. Martin has not said anything about outside storage of the buggies but if he is planning on that the Board might want to set some limitations. Casi said the proposed use does not appear to be intrusive to the surrounding landowners and recommended approval of the special exception.

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

Amzie Martin said there may from time to time be a buggy or two sitting outside of the shop but for the most part he would keep all buggies and materials inside the shop.

Dan Walsh asked for any further Board member questions to the staff or petitioner. Being none, he entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Bill Russell, and Dan Walsh being in favor and no one opposing.

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

Lloyd Martin (Goshen, IN) said Amzie is his son and his son wants to cooperate with the Board by doing everything legally. He added his son would like to have his own business building buggies, which will help him make an honest living for his family.

Amos Zimmerman (Goshen, IN) stated Amzie is his son-in-law and he is in full support of the business. He feels the business will not cause harm to any of the adjoining properties.

Dan Walsh indicated that the Board members had all received copies of a letter from a Mrs. Laugh whose address is 7629 N 150 W, Rochester, IN, stating that she did not have any problems with Mr. Martin having a buggy sales and service shop in her area (see attachment B). Dan asked for any further comments in favor of the petition.

Being none, he asked for those in opposition of the petition to please rise and state their name, address, and reason for attending the public hearing.

Bob Nellans (20737 Linden Rd, Argos, IN) stated he is the Managing General Partner of Nellans & Nellans, which is located just north of the property in question. Mr. Nellans indicated that he had written a letter and would like to read it aloud (see attachment C). Mr. Nellans major concerns with the business dealt with poor drainage on the property, as well as, the increased buggy traffic that would occur along with this type of business.

Rex Bowen (501 W 450 N, Rochester, IN) said he owns most of the surrounding farm ground in this particular location. Rex explained there are some poorly drained areas located in this particular area but not enough to not allow a business to be located there. Rex said he is not against the petition because he feels Mr. Martin is trying to make an honest living for himself and his family. Rex also stated any time a business can be brought into Fulton County which benefits the county in regards to taxes he is in support of it.

Dan Walsh asked for any further comments in opposition of the petition.

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

Dan Walsh asked for any further Board discussion.

Debbie Barts questioned how many buggies Mr. Martin would be making in a month's time span. Mr. Martin said he anticipated building one buggy a month and the rest of the time he would be conducting general repairs to buggies that are brought into the shop. Mr. Martin said there will not be large semi trucks delivering his materials, it would be more like supply trucks (stake bed trucks, pick-up trucks w/trailers, etc.). Mr. Martin also noted that those deliveries would only take place once a week or even once every two weeks.

Linda Herd said she was concerned with the increased traffic on the roadway but after looking at the actual road she does not think there will be any harm. She explained the County Road 150 West is very curvy therefore she does not feel people will be traveling very fast and will have plenty of time to react to an oncoming buggy. Board consensus was there are buggies everywhere in Fulton County now so everyone throughout the county has to pay closer attention when they are driving.

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Debbie Barts questioned if Mr. Martin would need additional permits from the State of Indiana regarding painting the buggies. Casi Cramer explained in the past with other petitions the petitioner has had to obtain additional permitting for painting because of the quantity of vehicles or equipment they were intending on painting. Casi said in Mr. Martin's case she is unsure if he will need extra permitting due to the fact he will be painting in such small quantities the State may not require him to obtain any permits from them. Casi stated the Board might want to make it a condition that Mr. Martin will need to check with the State on their permitting process and if he does need to obtain additional permits do so. Otherwise, Mr. Martin can start operating his business once the pole building is constructed.

Chairperson, Dan Walsh asked for any further Board discussion. Being none, he entertained a motion regarding the petition.

Debbie Barts moved to approve, Docket #BZA 118-1205 Amzie Martin, requesting a Special Exception to operate a Buggy Sales & Service Shop in the Agricultural District (AG) located a third of a mile south of State Road 110 on the west side of County Road 150 West with the condition that State regulations are met with regards to the painting for the manufacturing of buggies. Bill Russell seconded the motion.

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

Bill Russell	Yea
Debbie Barts	Yea
Linda Herd	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 118-1205 Amzie Martin, requesting a Special Exception to operate a Buggy Sales & Service Shop in the Agricultural District (AG) located a third of a mile south of State Road 110 on the west side of County Road 150 West with the condition that State regulations are met with regards to the painting for the manufacturing of buggies 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 2006 (see attachment E).

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 February 8, 2006 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the February 8, 2006 Fulton County Board of Zoning Appeals meeting at 7:35 P.M. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Bill Russell and Dan Walsh being in favor and no one opposing.

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FULTON COUNTY BOARD OF ZONING APPEALS

Dan Walsh, Chairperson

ATTEST: _____
Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
MARCH 8, 2006

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, MARCH 8, 2006

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

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
February 8, 2006**

OLD BUSINESS

NEW BUSINESS:

Shad Sibert 119-0106
Robert Kowal 120-0206
Henry Miller 121-0206

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**FULTON COUNTY BOARD OF ZONING APPEALS
MARCH 8, 2006**

The Fulton County Board of Zoning Appeals met on Wednesday the 8th day of March 2006, 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 Bill Russell. Also in attendance were: Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Clerical Assistant, Gale Beller. It is duly noted that the following members were absent: Executive Secretary, Debbie Barts; Linda Herd; and Board Attorney, Greg Heller.

IN RE: MINUTES

FEBRUARY 2, 2006

Chairperson, Dan Walsh asked for any additions, deletions, or corrections to be made to the February 2, 2006 minutes. Being none, Bill Russell moved to approve the February 2, 2006, Fulton County Board of Zoning Appeals minutes as written. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Rex Robison, and Dan Walsh 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

SHAD SIBERT
DEVELOPMENT STANDARDS VARIANCE

Shad Sibert, Docket #BZA 119-0106, Development Standards Variance. Mr. Sibert is requesting a development standards variance of twelve feet (12') off of the required side yard setback for the purpose of building a pole barn. Mr. Sibert's property is located at 7038 North State Road 25, Rochester. The property is zoned as an Agricultural District (AG) and consists of approximately 4.10 acres (see attachment A).

Director, Casi Cramer explained the AG District requires all accessory buildings to set a distance equal to the height of the accessory building away from the side and rear property lines. Mr. Sibert would like to build a thirty-foot by sixty-foot (30' x 60') pole barn. Mr. Sibert has stated that his pole barn will have eight or twelve-foot side walls with a 7/12 pitch roof. Which would mean the height of the building would measure approximately twenty feet (20') tall. Mr. Sibert would like for the pole barn to set approximately eight feet (8') off of his south side property line, instead of twenty feet (20'). Casi stated the Zoning Ordinance requires all accessory buildings to be located to the side and rear of the primary structure located on the property. Mr. Sibert's home sets approximately five hundred feet (500') off of State Road 25, which he obtained a permit for in October 2004. Casi explained at the time Mr. Sibert obtained his permits for the home he was informed of the required setbacks for primary and accessory structures on his property. Casi stated Mr. Sibert's site plan had the pole barn drawn in, as well as, the home and at that time she told him he would have to make sure the pole barn met the required setbacks (see attachment B). There is a perimeter tile, which surrounds Mr. Sibert's home and is drained at the southwest corner of the property. Casi noted if the barn complied with the Zoning Ordinance, the northeast corner of the barn would set approximately three feet (3') away from the corner of the existing deck and the northwest corner would set across the perimeter tile.

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

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Shad Sibert said when he drew the original site plan for the house and pole barn he was unaware of the required setbacks. Shad also stated the house actually sets farther into the wooded area than what was shown in the photos.

Dan Walsh asked for any further Board member questions to the staff or petitioner.

Rex Robison asked if the field tile existed prior to Mr. Sibert building his home on the property. Shad Sibert said he did not know about a field tile, but the perimeter tile was put in for his home. The Board questioned if it would be a problem to move the perimeter tile or not. Shad Sibert said he has a lot of drainage in that particular area and he would be leery about building in that area. Dan Walsh asked if there was a regulation stating that a person could not build on top of a perimeter tile. Casi Cramer said no there is not a regulation stating a person cannot build on top of a perimeter tile.

Bill Russell questioned why Mr. Sibert wanted a 7/12 pitch roof. Shad Sibert said mainly for the attractiveness, but there is a neighborhood covenant stating that the roof has to be at least a 6/12 pitch.

Dan Walsh asked for any further questions or comments from the Board. Being none, he entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Bill Russell seconded the motion. Motion carried as follows: Rex Robison, Bill Russell, and Dan Walsh being in favor and no one opposing.

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

Shad Sibert said he gave the Board a written statement from Steve Arnold stating that he did not have an issue with Shad building his pole barn closer to the south side property line than what was required. Steve Arnold owns the property, which butts up against Shad Sibert's property on the south side.

Dan Walsh asked for any further comments in favor of the petition. Being none, he asked for those in opposition of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. Bill Russell seconded the motion. Motion carried as follows: Rex Robison, Bill Russell, and Dan Walsh being in favor and no one opposing.

Chairperson, Dan Walsh asked for any further Board discussion.

Dan Walsh asked where the longest part of the building would be located on the property. Shad Sibert said the longest part of the building runs with the long part of the lot towards the river.

There was discussion regarding the size of the pole barn and the pitch of the roof. Shad explained the pitch of the roof has to be at least a 6/12 pitch.

Dan Walsh asked for any further discussion. Being none, he entertained a motion regarding the petition. Bill Russell moved to approve, Docket #BZA 119-0106 Shad Sibert, requesting a Development Standards Variance of twelve feet (12') off of the required minimum side yard setback for a pole barn in the Agricultural District (AG) at 7038 N SR 25, Rochester, IN with the condition that the height of the pole barn be a maximum of twenty feet (20') to the peak of the roof. It is duly noted that there was not a second to the motion, therefore the motion died.

No further motions were given regarding the petition. Mr. Sibert now has the opportunity to be heard by the Board at the next regularly scheduled meeting if he so wishes. Mr. Sibert said he would like for the Board to re-hear his petition at their next regularly scheduled meeting, which will be held on April 12, 2006.

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IN RE: NEW BUSINESS

ROBERT KOWAL
SPECIAL EXCEPTION

Robert Kowal, Docket #BZA 120-0206, Special Exception. Mr. Kowal is requesting a special exception for a Home Occupation #3 which will involve the sale of firearms on his property. The property is located within the Agricultural District (AG) at 1461 West 450 North, Rochester (see attachment C). The property in question consists of approximately forty-five acres.

Director, Casi Cramer explained Mr. Kowal would like to establish an Indiana Registered Merchant Certificate, as well as, a License to Sell Handguns. The license Mr. Kowal is applying for describes itself as an 01 Dealer in Firearms Other than Destructive Devices. This license would give Mr. Kowal the right to sell revolvers, pistols, shotguns, and rifles. Mr. Kowal would also have the ability to sell semi-automatic weapons up to a certain magazine capacity, but not fully automatic weapons. Mr. Kowal has stated that the retail sales will not involve more than five percent of his income. Casi said Mr. Kowal will not have any employees and there will be minimal traffic coming to and from the residence. Mr. Kowal will order certain firearms for people, by appointment only, which would then be available for pick up at Mr. Kowal's home. Casi explained initially there would not be a firing range, although in the future he may build a firing range area toward the center of his forty-five acres. The firing range would have a dirt mound backdrop, as well as, a bullet trap both of which would safely stop and collect the expended bullets. Mr. Kowal has stated any shooting that would occur at the firing range would be on the average with the surrounding area. Mr. Kowal will not have a showroom, but he may build a structure in the future to contain a workshop for the Home Occupation. Currently, Mr. Kowal plans to work out of his existing home and garage. Casi Cramer recommended that the Board place a condition on the petition stating that the Plan Commission Office must receive copies of the approved state and federal permits after their approval and prior to the operation of the Home Occupation.

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

Robert Kowal said this business would just be for hobby purposes and it would only be part-time. Robert stated if he wanted to start the business full-time he would move to a different location.

Dan Walsh asked for any further Board member questions to the staff or petitioner. Being none, he entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Bill Russell seconded the motion. Motion carried as follows: Rex Robison, Bill Russell, and Dan Walsh being in favor and no one opposing.

Dan then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Dan asked for those opposing the petition to do the same.

Dan Walsh mentioned that the Board received a letter from Andrew Pesak, who is an interested party, stating that he was not in support of the firearms sales business in this vicinity.

Dan Walsh asked for any further comments in opposition of the petition. Being none, he 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, Rex Robison, and Dan Walsh being in favor and no one opposing.

Chairperson, Dan Walsh asked for any further Board discussion. Being none, he entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 120-0206 Robert Kowal, requesting a Special Exception to operate a Home Occupation #3 for a Firearm Sales Business in the Agricultural District (AG) located at 1461 West 450 North, Rochester, IN 46975 with the condition that the Plan Commission Office receives copies of the approved State and Federal permits after their approval and prior to the operation of the Home Occupation #3. Bill Russell seconded the motion.

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

Rex Robison	Yea
Bill Russell	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 120-0206 Robert Kowal, requesting a Special Exception to operate a Home Occupation #3 for a Firearm Sales Business in the Agricultural District (AG) located at 1461 West 450 North, Rochester, IN 46975 with the condition that the Plan Commission Office receives copies of the approved State and Federal permits after their approval and prior to the operation of the Home Occupation #3 passed with three votes being in favor and no one opposing.

IN RE: NEW BUSINESS

HENRY MILLER
SPECIAL EXCEPTION

Henry Miller, Docket #BZA 121-0206, Special Exception. Mr. Miller is requesting a special exception to operate a Window Manufacturing and Sales business on his property. Mr. Miller's property is located in the Agricultural District (AG) at 3433 South 1000 East, Akron (see attachment E). The property consists of approximately 4.6 acres.

Director, Casi Cramer said Mr. Miller would be utilizing the existing forty-foot by sixty foot (40' x 60') building located on his property to house the business. Casi stated she did not foresee an overwhelming effect taking place on the existing roadway, which would be County Road 1000 East. Casi noted there is an existing drive located on the property that surrounds the pole barn and consists of dustless gravel. Mr. Miller has stated that the business will be family owned and operated. The on-site deliveries would be minimal and would primarily consist of the manufacturing materials. The windows would be manufactured on-site and then sold out of the existing building. Casi explained most of the windows will be built to order, but there will be some windows in stock to be sold directly out of the building. Casi stated the type of business Mr. Miller is proposing does not appear to be intrusive to the surrounding landowners.

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

Henry Miller said Casi Cramer did a great job in presenting his proposed business and he has nothing further to add.

Dan Walsh asked for any further Board member questions to the staff or petitioner. Being none, he entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Bill Russell seconded the motion. Motion carried as follows: Rex Robison, Bill Russell, and Dan Walsh being in favor and no one opposing.

Dan then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, Dan asked for those opposing the petition to do the same. Being none, he 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, Rex Robison, and Dan Walsh being in favor and no one opposing.

Chairperson, Dan Walsh asked for any further Board discussion. Being none, he entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 121-0206 Henry Miller, requesting a Special Exception to

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MARCH 8, 2006

operate a Window Manufacturing & Sales Business in the Agricultural District (AG) located at 3433 South 1000 East, Akron, IN 46910. Bill Russell seconded the motion.

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

Bill Russell	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 121-0206 Henry Miller, requesting a Special Exception to operate a Window Manufacturing & Sales Business in the Agricultural District (AG) located at 3433 South 1000 East, Akron, IN 46910 passed with three 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 February 2006 (see attachment G).

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 8, 2006 Fulton County Board of Zoning Appeals meeting. Bill Russell moved to adjourn the March 8, 2006 Fulton County Board of Zoning Appeals meeting at 8:01 P.M. Rex Robison seconded the motion. Motion carried as follows: Bill Russell, Rex Robison, and Dan Walsh being in favor and no one opposing.

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ATTEST: _____
Erica A. Tyler, Administrative Secretary

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**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, APRIL 12, 2006

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

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
March 8, 2006**

OLD BUSINESS:
Eva Green 76-0104
Shad Sibert 119-0106

NEW BUSINESS:
Patrick Allen 122-0306

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
APRIL 12, 2006

The Fulton County Board of Zoning Appeals met on Wednesday the 12th day of April 2006 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 7:03 P.M. The following members were present: Chairperson, Dan Walsh; Vice-Chairperson, Rex Robison; Executive Secretary, Linda Herd; and Bill Russell. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Board Attorney, Greg Heller. It is duly noted that Debbie Barts was absent.

IN RE: MINUTES

MARCH 8, 2006

Chairperson, Dan Walsh asked for any additions, deletions or corrections to be made to the March 8, 2006 minutes. Being none, Rex Robison moved to approve the March 8, 2006 Fulton County Board of Zoning Appeals minutes as written. Bill Russell seconded the motion. Motion carried as follows: Rex Robison, Bill Russell, Linda Herd and Dan Walsh being in favor and no one opposing.

It is duly noted that Debbie Barts entered the meeting at 7:10 P.M.

IN RE: OLD BUSINESS

EVA GREEN
SPECIAL EXCEPTION RENEWAL

Eva Green, Docket #BZA 76-0104, Special Exception Renewal. Mrs. Green is requesting a renewal of the special exception she was granted for a temporary second dwelling unit on her property on February 11, 2004. The property is located at 4104 East 700 North, Rochester and is within the Agricultural District (AG). Plan Director, Casi Cramer noted that the Plan Commission Office had not heard from Mrs. Green in regards to the temporary second dwelling and Mrs. Green was not present at this time during the meeting. Chairperson, Dan Walsh decided to move Mrs. Green's petition to the end of the agenda in case she was still on her way to the meeting.

IN RE: OLD BUSINESS

SHAD SIBERT
DEVELOPMENT STANDARD VARIANCE

Shad Sibert, Docket #BZA 119-0106, Development Standards Variance. Mr. Sibert is requesting a development standard variance of twelve feet (12') off of the required side yard setback for the purpose of building a pole barn. Mr. Sibert's property is located at 7038 North State Road 25, Rochester. The property is zoned as an Agricultural District (AG) and consists of approximately 4.10 acres (see attachment A).

Plan Director, Casi Cramer noted that Mr. Sibert's petition was originally heard on March 8, 2006 but the motion failed due to there being no second to the motion, which is officially regarded as no action being taken on the petition. Therefore, Mr. Sibert requested a new hearing be set for his petition within thirty days being April 12, 2006. Casi Cramer explained the AG District requires all accessory buildings to set a distance equal to the height of the accessory building away from the side and rear property lines. Mr. Sibert would like to build a thirty-foot by sixty-foot (30' x 60') pole barn. Mr. Sibert has stated that his pole barn will have eight or twelve-foot side walls with a 7/12 pitch roof. Which would mean the height of the building would measure approximately twenty feet (20') tall. Mr. Sibert would like for the pole barn to set approximately eight feet (8') off of his south side property line, instead of twenty feet (20'). Casi stated the Zoning Ordinance requires all accessory buildings to be located to the side and

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APRIL 12, 2006

rear of the primary structure located on the property. There is a perimeter tile, which surrounds Mr. Sibert's home and is drained at the southwest corner of the property. Casi noted if the barn complied with the Zoning Ordinance, the northeast corner of the barn would set approximately three feet (3') away from the corner of the existing deck and the northwest corner would set across the perimeter tile. Casi explained Mr. Sibert stated at the March 8, 2006 Board of Zoning Appeals meeting that the pitch of his roof on the pole barn was a restriction regulated by his property covenants. Casi stated Mr. Sibert's property covenants state the following about roof pitches and buildings: "All homes must have 5/12 or higher pitch on roofs, be site-built on a poured foundation, and be completed within 9 months of the start date; All homes and buildings have to meet set-backs and Fulton County Zoning." Rex Robison asked if the variance was granted would Mr. Sibert be in violation of his covenants. Board Attorney, Greg Heller explained restrictive covenants are enforced by property owners in that particular subdivision not by this Board or Casi Cramer. Greg stated it is not this Board's decision to decide whether or not Mr. Sibert is violating his covenants, however the Board could look at their Findings of Fact forms and by granting this variance he could be injuring adjacent property values by not complying with the covenants.

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

Shad Sibert said he brought a letter in for the Board members to read during the March 8, 2006 meeting from the property owner directly south of his property stating he did not have any issues with the pole barn being located closer to the property line than what was required. The pole barn would be sitting closer to the south property line than what is required if the variance is granted. Shad explained he wants the building to store his tools and tractors in, as well as, have a workshop area. Shad said if he moves the pole barn over to the north anymore, not only will he be very close to his existing deck but he will also block the view of the Tippecanoe River from his home, which he believes would decrease his property value. Shad stated when he went to the Plan Commission Office to obtain the permits for his home he had a site plan drawn indicating where the home was to be placed, as well as, this particular pole barn and it was approved. Shad explained if he would have known at that time that he was going to have problems meeting the setbacks with the pole barn he would have moved his house twelve feet farther to the north so that all structures would meet setbacks. Casi Cramer noted when Mr. Sibert came into the Plan Commission Office to obtain permits for his home she specifically remembers seeing the site plan and telling Mr. Sibert when he got ready to build the pole barn he needed to make sure it met setbacks because it looked fairly close to the south property line. Shad Sibert said he does not remember that happening. Dan Walsh stated Mr. Sibert was obtaining permits for his home at that time not the pole barn, therefore the only site plan being officially approved was for the home and attached garage.

Dan Walsh asked for any further questions or comments from the Board. Being none, he entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd, Debbie Barts, Bill Russell and Dan Walsh being in favor and no one opposing.

Dan then asked for those in favor of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he asked for those in opposition of the petition to please rise and state their name, address, and reason for attending the public hearing. Being none, he 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, Linda Herd and Dan Walsh being in favor and no one opposing.

Chairperson, Dan Walsh asked for any further Board discussion.

Rex Robison asked how tall the pole barn would be to the peak of the roof if it had eight-foot sidewalls with a 4/12-pitch roof. Dan Walsh and Shad Sibert both stated it would be approximately thirteen feet to the peak of the roof.

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APRIL 12, 2006

Debbie Barts questioned if the area between the proposed barn location and the south property line was wooded or not. Shad Sibert stated the eight-foot strip between the proposed barn and the south property line is wooded.

Dan Walsh asked if the lot that is adjacent to Mr. Sibert's south property line was vacant. Shad Sibert said the lot is vacant and the letter the Board members received in approval of the petition is from that property owner.

Dan Walsh asked for any further discussion. Being none, he entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 119-0106 Shad Sibert, requesting a Development Standards Variance of twelve feet (12') off of the required minimum side yard setback for a pole barn in the Agricultural District (AG) at 7038 N SR 25, Rochester, IN. Bill Russell seconded the motion.

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

Bill Russell	Nay
Debbie Barts	Yea
Linda Herd	Yea
Rex Robison	Nay
Dan Walsh	Nay

The motion to approve, Docket #BZA 119-0106 Shad Sibert, requesting a Development Standards Variance of twelve feet (12') off of the required minimum side yard setback for a pole barn in the Agricultural District (AG) at 7038 N SR 25, Rochester, IN was denied with two votes being in favor and three votes being in opposition.

IN RE: NEW BUSINESS

PATRICK ALLEN
SPECIAL EXCEPTION

Patrick Allen, Docket #BZA 122-0306, Special Exception. Mr. Allen is requesting a special exception for a seasonal cabin to be located on his property. The property is located at 8998 Francis Street, Delong, IN within the Agricultural District (AG). The property consists of approximately six to seven acres (see attachment C).

Plan Director, Casi Cramer explained Mr. Allen would like to build a seasonal cabin on his property, which is adjacent to the Tippecanoe River. Mr. Allen would be utilizing the seasonal cabin for family hunting and fishing and will not be opening it to the public. Casi noted that seasonal cabins are listed as special exceptions in the AG District and are defined as follows: seasonal cabins, of all types, are allowed within the Agricultural and Park Districts as special exceptions, must be a minimum of 250 square feet, but not more than 625 square feet, and may not be used for more than 180 days in one calendar year. Casi stated the proposed cabin will meet all required setbacks and will not have septic facilities at this time. Casi explained if Mr. Allen wants to put in septic facilities at a later date he may do so but will have to obtain permission from the Fulton County Health Department. Casi said the Certified Sea-level Elevation Survey, which should be conducted within the next few days, would determine the exact placement of the cabin. Casi explained Mr. Allen went to R.E. Daake & Associates, Inc to have this survey done but what he received is not what is typically used in this type of situation. Casi said the Plan Commission Office and Gary Madlem, Fulton County Building & Floodplain Inspector, need to have a survey indicating what the actual elevations are on the lot. Casi stated the Board can put a condition on the petition, if approved, stating that the cabin will be placed based on the findings of the Certified Sea-level Elevation Survey if they want but she would not give Mr. Allen the permit to build the cabin until her office reviewed the survey and had a copy of it on

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file. Casi Cramer noted that one of Mr. Allen's interested parties visited the Plan Commission Office today and stated that she did not have any objections to the special exception.

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

Patrick Allen noted he had thirty-five interested parties to notify and no one was in opposition of his petition. Patrick further stated that he wanted to clean up his property, remove the old trailer and have a nice area to fish, hunt, and camp near the river.

Dan Walsh asked for any further questions or comments from the Board. Being none, he noted there was no public in the audience other than Mr. Allen therefore he suspended the rules in regards to opening the public hearing.

Chairperson, Dan Walsh asked for any further Board discussion.

The Board consensus was that Mr. Allen is headed in the right direction in regards to cleaning his property and making it a nice area for his family.

Debbie Barts noted that the Board should place the condition on the petition regarding the Certified Sea-level Elevation Survey since Casi recommended it.

Rex Robison asked if the Board should also place a condition on the petition stating that the existing singlewide mobile home should be removed prior to the placement of the seasonal cabin. Mr. Allen commented that the singlewide mobile home had already been removed from the property.

Dan Walsh asked for any further discussion. Being none, he entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 122-0306 Patrick Allen, requesting a Special Exception to construct a seasonal cabin in the Agricultural District (AG) at 8998 Francis St, Delong, IN with the condition that the exact placement of the seasonal cabin be determined by a certified sea-level elevation survey. Bill Russell seconded the motion.

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

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

The motion to approve, Docket #BZA 122-0306 Patrick Allen, requesting a Special Exception to construct a seasonal cabin in the Agricultural District (AG) at 8998 Francis St, Delong, IN with the condition that the exact placement of the seasonal cabin be determined by a certified sea-level elevation survey passed with five votes being in favor and no one opposing.

IN RE: OLD BUSINESS

EVA GREEN
SPECIAL EXCEPTION RENEWAL

Chairperson, Dan Walsh stated that Mrs. Green was still not present for the meeting. The Board discussed the situation and decided that it would be best to table the petition until their next meeting in order to give Mrs. Green

FULTON COUNTY BOARD OF ZONING APPEALS
APRIL 12, 2006

a one more chance to have her petition heard by the Board. Debbie Barts moved to table Docket #BZA 76-0104 Eva Green until the May 10, 2006 Fulton County Board of Zoning Appeals meeting. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Linda Herd, Bill Russell and Dan Walsh 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 March 2006 (see attachment E).

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 12, 2006 Fulton County Board of Zoning Appeals meeting. Bill Russell moved to adjourn the April 12, 2006 Fulton County Board of Zoning Appeals meeting at 7:45 P.M. Linda Herd seconded the motion. Motion carried as follows: Bill Russell, Linda Herd, Rex Robison, Debbie Barts and Dan Walsh being in favor and no one opposing.

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ATTEST: _____
Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
MAY 10, 2006

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, MAY 10, 2006

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

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
April 12, 2006**

OLD BUSINESS:
Eva Green 76-0104

NEW BUSINESS:
Charles & Bonnie Pyle 123-0306

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
MAY 10, 2006

The Fulton County Board of Zoning Appeals met on Wednesday the 10th day of May 2006, at 7:00 P.M. in the Commissioners/Council Room located within 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, Linda Herd; and Debbie Barts. Also in attendance were: Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Board Attorney, Greg Heller. It is duly noted the following members were absent: Vice-Chairperson, Rex Robison and Bill Russell.

IN RE: MINUTES

APRIL 12TH, 2006

Chairperson, Dan Walsh called for any additions, deletions, or corrections to be made to the April 12th, 2006 Fulton County Board of Zoning Appeals minutes. Being none, Debbie Barts moved to approve the April 12th, 2006 Fulton County Board of Zoning Appeals minutes as written. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

EVA GREEN
SPECIAL EXCEPTION RENEWAL

Eva Green, Docket #BZA 76-0104, Special Exception Renewal. Mrs. Green is requesting a renewal of the special exception she was granted for a temporary second dwelling unit on February 11, 2004. Mrs. Green's property is located within the Agricultural District (AG) at 4104 East 700 North, Rochester, IN and consists of seventy three hundredths (.73) of an acre (see attachment A).

Director, Casi Cramer, stated the temporary second dwelling unit was to be utilized by Eva Green and her son, Barry Green, was to purchase her existing home on the property. Barry and Schenna Green purchased the property and existing home on April 15, 2004. The temporary dwelling unit is a sixteen-foot by eighty-foot (16' x 80') mobile home. Mrs. Green still resides in the mobile home and would like to continue to utilize it as her dwelling. Casi recommended approval of Mrs. Green's special exception renewal with the same conditions, which were placed on the original request. Those conditions are: 1) Eva Green 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 home; 2) the temporary home is never used as a rental unit; 3) the temporary home be utilized as a dwelling unit for no one except Eva Green; 4) the temporary home is removed after Eva Green 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 Eva Green's public hearing of May 10, 2006.

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

Mrs. Green said she is happy living in the mobile home next to her son and wishes to continue to do so.

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. Linda Herd moved to approve the renewal on Docket #BZA 76-0104 Eva Green, for a Special Exception to place a temporary second dwelling at, 4104 E 700 N, Rochester, IN, with the following conditions: 1) Mrs. Green 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; 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. Green; 4) the temporary home is removed after Mrs. Green no longer utilizes it as

**FULTON COUNTY BOARD OF ZONING APPEALS
MAY 10, 2006**

a dwelling; and 5) the temporary home is either removed or a renewal requested, no later than two years from the date of Mrs. Green's public hearing, May 10, 2006. Debbie Barts seconded the motion. Motion carried as follows: Linda Herd, Debbie Barts, and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

ROLAND SULLIVAN
CONTINUED ADMINISTRATIVE APPEAL

Roland Sullivan, Docket #BZA 89-0804, Administrative Appeal (Continued). Mr. Sullivan is appealing the administrative decision regarding a fine letter that was issued for an illegal use of land. Mr. Sullivan contends that he has a grandfathered junk/salvage business located at, 3702 East 950 South, Macy, IN, within the Agricultural District (AG) (see attachment B).

Director, Casi Cramer, stated during the October 12th, 2005, BZA meeting the Board tabled Mr. Sullivan's petition for six (6) months allowing him more time to clean his property. After the six-month period Mr. Sullivan was to come back to the Board and his property would then be reviewed to see if a significant amount of the salvage had been removed. The Board decided that photos needed to be taken before the clean up process began as well as during the process. Mr. Sullivan was also asked to keep an inventory list of everything he has removed from his property within the six-month period. Casi Cramer showed the Board members pictures of Mr. Sullivan's now compared to back in September of 2005 (see attachments labeled C). Casi noted Mr. Sullivan's appeal was heard for the first time on September 8, 2004, at that time the Board decided the property should be in compliance within the next year and a half to two years. Casi suggested that Mr. Sullivan push the remaining salvage back to his tree line to show a very definitive improvement prior to his next meeting.

Chairperson, Dan Walsh, asked if there was any further information Mr. Sullivan or his attorney, Ted Waggoner, would like to add to the Director's report.

Ted Waggoner feels that his client has been making good effort towards cleaning the property and needs more time. Ted said Mr. Sullivan is requesting the Board give him another six (6) months to clean his property.

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. Linda Herd moved to table, Docket #BZA 89-0804 Roland Sullivan, requesting an Administrative Appeal for the property located at 3702 East 950 South, Macy, IN 46951, within the Agricultural District (AG), for six months being November 2006; after the six month period the property will be reviewed again to see if there has been a significant amount of salvage removed from the property in question. Debbie Barts seconded the motion. Motion carried as follows: Linda Herd, Debbie Barts, and Dan Walsh being in favor and no one opposing.

IN RE: NEW BUSINESS

CHARLES & BONNIE PYLE
DEVELOPMENT STANDARD VARIANCE

Charles & Bonnie Pyle, Docket #BZA 123-0306, Development Standard Variance. Mr. and Mrs. Pyle are requesting a development standard variance for the purpose of adding on to their existing bathroom in their home. The property is located within the Residential Cluster District (R1) at 4519 Bowen Street, Leiters Ford, IN and consists of twenty five hundredths (.25) of an acre (see attachment D).

FULTON COUNTY BOARD OF ZONING APPEALS
MAY 10, 2006

Director, Casi Cramer, explained Mr. and Mrs. Pyle need to enlarge their existing bathroom in order to give their daughter, who utilizes a wheelchair, easier access to those facilities. The R1 District has a required thirty foot (30') front yard setback off the Right-Of-Way of the road and a ten foot (10') required side and rear setback. Bowen Street has a Right-Of-Way of fifty feet (50') therefore the new addition would have to set at least fifty-five feet (55') from the centerline of Bowen Street. Casi noted the existing home sets approximately forty feet (40') from the centerline of Bowen Street. Mr. and Mrs. Pyle want to build a five foot by eight foot (5' x 8') addition off of the north side of their home which would set eleven feet (11') off of the north side property line, but would only be twenty-seven and one-half feet (27.5') off of the Right-Of-Way of Bowen Street. Therefore, the addition would only set approximately fifty-two and one-half feet (52.5') from the centerline of Bowen Street instead of the required fifty-five feet (55'). Casi Cramer recommended the Board grant a development standard variance of five feet (5') instead of two and one-half feet (2.5') in order to give the Pyles' a little more room for the addition if they need it.

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

Charles Pyle said Casi did a great job explaining the situation and he had nothing further to add at this time.

Dan Walsh asked for any further questions or comments from the Board. Being none, he looked in the audience for any public wishing to speak in favor or in opposition of the petition. There was no public present other than Mr. Pyle therefore Dan Walsh entertained a motion regarding the petition.

Debbie Barts moved to approve, Docket #BZA 123-0406 Charles & Bonnie Pyle, requesting a Development Standard Variance of five feet (5') off of the required minimum front yard setback to build an addition onto their existing home located at 4519 Bowen Street, Leiters Ford, IN. Linda Herd seconded the motion.

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

Debbie Barts	Yea
Linda Herd	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 123-0406 Charles & Bonnie Pyle, requesting a Development Standard Variance of five feet (5') off of the required minimum front yard setback to build an addition onto their existing home located at 4519 Bowen Street, Leiters Ford, IN passed with three 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 March 2006 (see attachment F).

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

FULTON COUNTY BOARD OF ZONING APPEALS
MAY 10, 2006

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the May 10, 2006 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the May 10, 2006 Fulton County Board of Zoning Appeals meeting at 7:30 P.M. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
JUNE 14, 2006

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, JUNE 14, 2006

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

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
May 10, 2006**

OLD BUSINESS

NEW BUSINESS:
Patrick Foreman Jr. 124-0506

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
JUNE 14, 2006

The Fulton County Board of Zoning Appeals met on Wednesday the 14th day of June 2006, at 7:00 P.M. in the Commissioners/Council Room located within 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, Linda Herd; Bill Russell and Debbie Barts. Also in attendance were: Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Board Attorney, Greg Heller.

IN RE: MINUTES

MAY 10th, 2006

Chairperson, Dan Walsh asked for any additions, deletions, or corrections to be made to the May 10th, 2006 minutes. Being none, Debbie Barts moved to approve the May 10th, 2006 Fulton County Board of Zoning Appeals minutes as written. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Bill Russell, Rex Robison and Dan Walsh 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

PATRICK FOREMAN JR.
DEVELOPMENT STANDARD VARIANCE

Patrick Foreman Jr., Docket #BZA 124-0506, Development Standard Variance. Mr. Foreman is requesting two development standard variances both being off of the front yard setback requirements in the Agricultural District (AG). Mr. Foreman's property is located at 7824 Blue Herron Court, Culver, IN (see attachment A).

Plan Director, Casi Cramer explained Mr. Foreman built a privacy fence between 2001 and 2002 without obtaining a permit and is not in compliance with the AG District setback regulations. Casi noted the subdivision in which Mr. Foreman built his fence was created prior to zoning, therefore the lots are grandfathered and not in compliance with the current regulations. Mr. Foreman's property is bordered by State Road 17, as well as, an interior road for the subdivision. Casi said because two different roadways border Mr. Foreman's property he has two front yard setbacks, which overlap. Casi stated privacy fences have to be built to the side and the rear of a primary structure and must be at least two feet (2') off of the side property lines. The AG District states the required front yard setback for any structure is sixty feet (60') off of the right-of-way of a Primary Arterial Road (State Road 17) and forty feet (40') off of the right-of-way of a Local Road (Blue Herron Court). Therefore, Mr. Foreman would need a 60 foot variance off of the State Road 17 front yard setback and a ten foot (10') variance off of the Blue Herron Court front yard setback. Casi noted Mr. Foreman would not be able to build any type of structure on his property without obtaining a development standard variance because of the size. Casi Cramer recommended approval of both development standard variances.

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

Patrick Foreman said he called the Plan Commission Office when he first set the post for the privacy fence and he misunderstood that he needed a permit for the fence. He thought if he kept the fence under six feet in height then he did not need a permit for the fence. Patrick stated he built the privacy fence for the purpose of keeping his dog on his property and out of harms way.

FULTON COUNTY BOARD OF ZONING APPEALS
JUNE 14, 2006

Dan Walsh asked if the Board Members had any questions for Mr. Foreman or Casi Cramer. Being none, he entertained a motion to open the public hearing. Rex Robison moved to open the public hearing. Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd, Debbie Barts, Bill Russell and Dan Walsh being in favor and no one opposing.

Dan then asked for those in favor of the petition to please rise, state their name and reason for attending the public hearing. Being none, Dan asked for those opposing the petition to do the same.

Marion Sellers said he is not speaking in favor or in opposition of the petition he was present to ask a question. Marion stated he received a letter regarding his privacy fence that was erected without a permit and was not told about the variance process. He said he was told he had to take his privacy fence down. Casi Cramer said she told Mr. Sellers when he came into the Plan Commission Office that he could ask for a variance or he would have to take the fence down to comply with the Zoning Ordinance. Marion Sellers asked if he could still ask for a variance on his privacy fence. Casi Cramer said he could ask for a variance on his privacy fence if he wanted to.

Sandy Bozarth wanted to know what a person could do if they were not in agreement with Casi Cramer's rules and regulations. Dan Walsh and Greg Heller explained to Ms. Bozarth if she did not agree with a decision made by Casi Cramer she would have to apply for an Administrative Appeal, which would then be heard by this Board. The application for an Administrative Appeal has to be filed in the Plan Commission Office and cost fifty dollars (\$50).

Carol Pike lives in the same subdivision and questioned if you had to obtain a permit for a split rail fence and if the current split rail fence running along State Road 17 was in the right-of-way of the road or not. Casi Cramer said the Zoning Ordinance does not require permits for split rail fencing, only privacy fences and the State of Indiana or a survey would have to determine whether the fence was within the right-of-way or not.

Dan Walsh asked for any further comments regarding the petition. Being none, he 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: Rex Robison, Debbie Barts, Bill Russell, Linda Herd and Dan Walsh being in favor and no one opposing.

Dan entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 124-0506 Patrick Foreman Jr., requesting two Development Standard Variances off of the required minimum front yard setback to erect a privacy fence in the Agricultural District (AG) at 7824 Blue Herron Court, Culver, IN. Rex Robison seconded the motion.

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

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

The motion to approve, Docket #BZA 124-0506 Patrick Foreman Jr., requesting two Development Standard Variances off of the required minimum front yard setback to erect a privacy fence in the Agricultural District (AG) at 7824 Blue Herron Court, Culver, IN passed with five votes being in favor and no one opposing.

It is duly noted there was not a Plan Director Report, Public Comments or Board Comments given at this time.

FULTON COUNTY BOARD OF ZONING APPEALS
JUNE 14, 2006

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the June 14th, 2006 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the June 14th, 2006 Fulton County Board of Zoning Appeals meeting at 7:20 P.M. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Rex Robison, Bill Russell and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
JULY 12TH, 2006

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, JULY 12, 2006

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

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
June 14, 2006**

OLD BUSINESS

NEW BUSINESS:

Johnny & Brenda Engle (125-0506)
Amos Borntrager Jr. (126-0606)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
JULY 12TH, 2006

The Fulton County Board of Zoning Appeals met on Wednesday the 12th day of July 2006, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson, Dan Walsh called the meeting to order at 7:05 P.M. The following members were present: Chairperson, Dan Walsh; Vice Chairperson, Rex Robison; and Executive Secretary, Linda Herd. Also in attendance were: Plan Director, Casi Cramer; Administrative Secretary, Erica Tyler; and Board Attorney, Greg Heller. It is duly noted that the following members were absent: Debbie Barts and Bill Russell.

IN RE: MINUTES

JUNE 14th, 2006

Chairperson, Dan Walsh asked for any additions, deletions, or corrections to be made to the June 14th, 2006 minutes. Being none, Linda Herd moved to approve the June 14th, 2006 Fulton County Board of Zoning Appeals minutes as written. Rex Robison seconded the motion. Motion carried as follows: Linda Herd, Rex Robison, and Dan Walsh 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

JOHNNY & BRENDA ENGLE
DEVELOPMENT STANDARD VARIANCE

Johnny & Brenda Engle, Docket #BZA 125-0506, Development Standard Variance. The Engles are requesting a development standard variance for the purpose of keeping an addition that was recently built onto their existing home without the proper permits. The property is located within the Rural Residential District (RR) at 10362 W 650 N, Monterey, IN (see attachment A).

Plan Director, Casi Cramer explained Mr. and Mrs. Engle were unaware of the zoning regulations and the permitting process for the addition to their home. The addition is fourteen feet (14') long by twenty-two feet (22') wide. The required side yard setback in the RR District is fifteen feet (15'). Casi noted Mr. and Mrs. Engle's existing home currently sits within eight feet (8') of the west side property line. Mr. and Mrs. Engle's home was built prior to zoning. Casi said the addition was built flush with the existing home and will not set any closer to the side property line than the existing home. Mr. and Mrs. Engle's lot is between forty-five feet (45') and fifty feet (50') wide and their existing home is approximately thirty-eight feet (38') wide. Therefore Mr. and Mrs. Engle cannot build a twenty two foot (22') wide addition on this lot and comply with the ordinance, so they are requesting a variance of seven feet (7') off of the west side property line. If the variance is granted the addition will sit eight feet (8') off of the west side property line and will meet all other required setbacks and zoning regulations. Casi noted the Mr. and Mrs. Engle would have trouble placing the addition any further back on their property due to floodplain regulations. Casi Cramer recommended approval of the 8' variance for the addition to the existing home.

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

Johnny Engle stated he and his wife were unaware that they needed a permit to build an addition onto their existing home.

Dan Walsh asked if the Board Members had any questions for Mr. and Mrs. Engle or Casi Cramer. Being none, Dan entertained a motion to open the public hearing. Rex Robison moved to open the public hearing.

FULTON COUNTY BOARD OF ZONING APPEALS
JULY 12TH, 2006

Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd and Dan Walsh being in favor and no one opposing.

Dan then asked for those in favor of the petition to please rise, state their name and reason for attending the public hearing. Being none, Dan asked for those opposing the petition to do the same. Being none, Dan entertained a motion to close the public hearing. Rex Robison moved to open the public hearing. Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd 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 125-0506 Johnny and Brenda Engle, requesting a Development Standard Variance of seven feet (7') off of the required minimum side yard setback to construct an addition onto their existing home in the Rural Residential District (RR) at 10362 W 650 N, Monterey, 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, Erica Tyler, conducted a roll call vote:

Rex Robison	Yea
Linda Herd	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 125-0506 Johnny and Brenda Engle, requesting a Development Standard Variance of seven feet (7') off of the required minimum side yard setback to construct an addition onto their existing home in the Rural Residential District (RR) at 10362 W 650 N, Monterey, IN passed with three votes being in favor and no one opposing.

IN RE: NEW BUSINESS

AMOS BORNTRAGER JR.
SPECIAL EXCEPTION

Amos Borntrager Jr., Docket #BZA 126-0606, Special Exception. Mr. Borntrager is requesting a special exception to operate a welding shop within an existing building located on his property. The property is located within the Agricultural District (AG) at 2807 S 500 E, Rochester, IN. The property consists of 13.49 acres (see attachment C).

Plan Director, Casi Cramer explained Mr. Borntrager would like to develop a fabricating welding shop in which he would utilize a plasma torch cutter ran by an air compressor with no combustible gases. The existing building Mr. Borntrager would like to utilize is twenty-four feet by twenty-six feet (24' x 26') and has three fire extinguishers located inside to extinguish electrical, welding and plasma fires. The electrical service within the building has recently been updated to a two hundred (200) amp service. Mr. Borntrager has stated that there would be a parking lot located to the north of the project site (refer to attachment C). Casi stated there will be no outside storage and the business will be family owned and operated. The proposed hours of operation are Monday through Friday 6:00 a.m. to 5:00 p.m. and closed on Saturdays and Sundays. Casi said there had been concern expressed about the existing intersection of Wabash Road and County Road 500 East in combination with the intersection of County Road 500 East, Mt. Zion Road and County Road 250 South not being a safe area to allow a traffic generating business. Casi explained these intersections have been in existence for many years and have five stop signs in place to slow the rate of traffic. Mr. Borntrager's proposed drive for the parking area is located two hundred feet (200') south of the

FULTON COUNTY BOARD OF ZONING APPEALS
JULY 12TH, 2006

center of the intersection of 500 East and Wabash Road. The drive has been in existence since the year 2000. Casi told Mr. Borntreger about the concerns regarding the location of the drive to the intersection and he has stated he has a second drive located south of the proposed drive, which could be utilized to relieve the concerns. The second drive is located three hundred feet (300') south of the center of the intersection of 500 East and Wabash Road. Mr. Borntreger has also stated that he will have stone delivered to create a parking area at the end of the second drive to alleviate any safety concerns, if necessary. Casi feels the impact on the existing flow of traffic from a one-man welding shop will not be significant enough to cause a safety concern. Casi explained the welding shop will operate on a pick-up/drop off basis and those items will be picked up at a specified time when finished. Casi stated the periodic traffic generated by this business will not be greater than the auto repair, concrete, or farming businesses located in this area.

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

Amos Borntreger stated he had nothing to add at this time.

Dan Walsh asked if the Board Members had any questions for Mr. Borntreger or Casi Cramer.

Linda Herd questioned who lived on the west side of the intersection. Casi Cramer said she was not sure who currently lives there but noted that there has been a auto repair shop located on that property for several years.

Dan Walsh voiced concern about the parking lot being located north of the actual welding shop. He feels people will utilize Mr. Borntreger's second drive when unloading and picking up big equipment. Casi Cramer stated Mr. Borntreger has said he would create a parking area in front of the actual welding shop if that were a concern of the Board.

Rex Robison asked if Mr. Borntreger was planning on having multiple customers at one time. Mr. Borntreger explained most of his fabricating comes in boxes that he would be carrying from the existing parking area to the welding shop. Mr. Borntreger said he would create a parking area in front of the welding shop if the Board deems that necessary.

Dan Walsh asked for any further questions from the Board members to Casi or Mr. Borntreger. Being none, he looked in the audience for any public wishing to speak in favor or in opposition of the petition. There was no public present other than Mr. Borntreger and his family therefore Dan Walsh entertained a motion regarding the petition.

Linda Herd moved to approve, Docket #BZA 126-0606 Amos Borntreger Jr., requesting a Special Exception to operate a Welding Shop in an existing building located within the Agricultural District (AG) at 2807 S 500 E, Rochester, IN with the condition that if there is any outside storage it must be concealed by landscaping or fencing so that it may not be viewed from the road. Rex Robison seconded the motion.

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

Linda Herd	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 126-0606 Amos Borntreger Jr., requesting a Special Exception to operate a Welding Shop in an existing building located within the Agricultural District (AG) at 2807 S 500 E, Rochester, IN with the condition that if there is any outside storage it must be concealed by landscaping

FULTON COUNTY BOARD OF ZONING APPEALS
JULY 12TH, 2006

or fencing so that it may not be viewed from the road was passed with three 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 June 2006 (see attachment E).

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 12th, 2006 Fulton County Board of Zoning Appeals meeting. Rex Robison moved to adjourn the July 12th, 2006 Fulton County Board of Zoning Appeals meeting at 7:30 P.M. Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
 Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
AUGUST 9TH, 2006

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, AUGUST 9, 2006

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

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
July 12, 2006**

OLD BUSINESS

NEW BUSINESS:

Mary Turnpaugh (127-0606)
Rex Correll (128-0706)
Jerry Fletcher (129-0706)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
AUGUST 9TH, 2006

The Fulton County Board of Zoning Appeals met on Wednesday the 9th day of August 2006, at 7:00 P.M. in the Commissioners/Council Room located within 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, Linda Herd and Debbie Barts. Also in attendance were: Plan Director, Casi Cramer and Administrative Secretary, Erica Tyler. It is duly noted that the following members were absent: Bill Russell and Board Attorney, Greg Heller.

IN RE: MINUTES

JULY 12TH, 2006

Chairperson, Dan Walsh asked for any additions, deletions, or corrections to be made to the July 12th, 2006 minutes. Being none, Debbie Barts moved to approve the July 12th, 2006 Fulton County Board of Zoning Appeals minutes. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Rex Robison and Dan Walsh 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

MARY TURNPAUGH
SPECIAL EXCEPTION

Mary Turnpaugh, Docket #BZA 127-0606, Special Exception. Mrs. Turnpaugh is requesting a special exception to operate a Furniture Store within an existing building located in the Lake Residential District (R3). The property is located at 6333 N Sunset Blvd, Macy, IN and consists of .342 Acres (see Attachment A).

Plan Director, Casi Cramer said Mrs. Turnpaugh would like to have a store in which she can sell antique replica furniture as well as manufacture the furniture. The proposed business would be family owned and operated. Casi explained the proposed business would be housed in an existing thirty-two foot by forty-eight foot (32' X48') building. Casi noted that measures to open the business to the public have already taken place by installing a wheelchair ramp. There is an area measuring twenty foot by fifty-five foot (20' x 55') already available for public parking. Casi stated the Fulton County Zoning Ordinance requires at least five parking spaces equaling nine feet by eighteen feet (9' x 18'). The parking area must have adequate drainage, be situated so that vehicles do not have to back into the public street and has a set back of at least fifteen feet (15') off of the right-of-way of a public street. Casi said the current parking area is asphalted but the drainage flow is unknown. Casi explained the parking spaces could be placed at an angle so that vehicles can back out and not be in the public street however angled parking would make it difficult to maneuver vehicles into the parking spaces. If the parking spaces were angled they would only be twelve feet (12') off the Right-of-way of the public street and if the spaces were placed at a ninety-degree angle they would only be eight feet (8') and ten feet (10') off the Right-of-way. If the parking spaces were placed at a ninety-degree angle the vehicles would also have to back into the public street. Casi said the proposed hours of operation are Monday through Saturday 10:00 a.m. to 4:00 p.m. and will be known as Back In Time Furniture Store. Casi explained to the Board that Mrs. Turnpaugh's husband and father-in-law have been building furniture in the existing building for other stores, prior to zoning taking place, which was grandfathered. Now that Mrs. Turnpaugh wants to sell the furniture they make out of the building and also have their own store, she has to obtain a Special Exception. She stated she did have a neighbor visit the Plan Commission Office and express concern about hearing saws and hammers late at night from the proposed business should the hours

FULTON COUNTY BOARD OF ZONING APPEALS
AUGUST 9TH, 2006

of furniture production not be limited. Casi noted the proposed location of this business has a high housing density with very narrow streets. Casi recommended the following conditions if the petition is approved: 1) No outdoor storage; 2) Limited hours for furniture construction; 3) No on-street parking with signs posted announcing such; 4) Signs posted in store parking area warning of presence of pedestrians; and 5) Designated loading area.

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

Mary Turnpaugh explained her husband and father-in-law have been building furniture in the existing building for other antique stores since 2001, but did not have a storefront. They now would like to have a storefront. Mary said there would not be any delivery trucks coming to the business. She or her husband would be bringing lumber and materials home by pick-up truck only. Mary stated her husband works second shift so he would be building furniture in the morning until noon. She said there would not be any furniture building at night. Mary explained her husband utilizes a table saw when building furniture so noise would be minimal.

Dan Walsh asked if the Board Members had any questions for Mrs. Turnpaugh or Casi Cramer.

Rex Robison questioned if the Board could limit the hours of construction since they were constructing furniture prior to zoning taking effect. Casi Cramer said her thought was since they were selling the furniture themselves and not to other stores this de-grandfathered the existing business. Prior to zoning, the Turnpaugh's built furniture for other stores, but did not have a storefront on their property.

Dan Walsh asked if Mr. and Mrs. Turnpaugh's garage was built within the Right-of-way of Sunset Boulevard. Casi said the garage is built in the right-of-way of Sunset Boulevard, but was built prior to zoning taking effect. Mrs. Turnpaugh said they had a survey done several years ago and built their garage in 1980 according to where their survey stake was located. Mrs. Turnpaugh explained that they were unaware of the fact an easement was located in the area where they built their garage at the time. She explained there is a lot of confusion as to where the property lines are located in this area. Casi Cramer stated what Mrs. Turnpaugh is talking about is not an easement; it is an actual platted road, which was never developed beyond the northern lots of the subdivision.

Rex Robison asked what type of furniture would be built at this location. Mrs. Turnpaugh said it would be reproduction of old cabinets and old furniture made to look antique. Rex Robison questioned if Mrs. Turnpaugh would still be selling furniture to other stores. Mrs. Turnpaugh said she would still be selling to other stores.

Dan Walsh then 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: Rex Robison, Debbie Barts, Linda Herd and Dan Walsh being in favor and no one opposing.

Dan then asked for those in favor of the petition to please rise, state their name and reason for attending the public hearing. Dan stated the Plan Commission Office received a letter from Evelyn Hartoin stating that she was in favor of the proposed business (see Attachment B).

Dan Walsh asked for those opposing the petition to do the same. Dan stated the Plan Commission Office received a letter from Don and Barb Mills stating that they were opposed to the proposed business (see Attachment C). Being no further comments in opposition of the petition Dan entertained a motion to close the public hearing. Rex Robison moved to close the public hearing. Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd, Debbie Barts and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS
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Dan Walsh then asked for Board discussion regarding the petition. Debbie Barts questioned the hours of operation and limiting the hours of furniture construction. After much discussion, the Board decided the hours of operation should be 8:00 a.m. to 6:00 p.m. Monday through Saturday. This allows the Turnpaugh's to build furniture during this time, as well as, sell their furniture. The Board discussed outside storage at the site. Everyone agreed that there should not be any outside storage other than for decorative displays, which are for sale. The Board talked about placing "No on street parking" signs in the area so that customers do not block the roadway or the neighbor's driveway. The Board decided that a "No on street parking" signs should be posted in clear view for all customers to see. With no further Board discussion Dan Walsh entertained a motion regarding the petition.

Rex Robison moved to approve, Docket #BZA 127-0606 Mary Turnpaugh, requesting a Special Exception to operate a Furniture Store in an existing building located within the Lake Residential District (R3) at 6333 N Sunset Blvd, Macy, IN with the following conditions: 1) There shall be no outside storage with the exception of decorative displays which are for sale; 2) Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Saturday; and 3) There shall be no on-street parking signs posted in clear view. Debbie Barts seconded the motion.

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

Rex Robison	Yea
Linda Herd	Yea
Debbie Barts	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 127-0606 Mary Turnpaugh, requesting a Special Exception to operate a Furniture Store in an existing building located within the Lake Residential District (R3) at 6333 N Sunset Blvd, Macy, IN with the following conditions: 1) There shall be no outside storage with the exception of decorative displays which are for sale; 2) Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Saturday; and 3) There shall be no on-street parking signs posted in clear view passed with four votes in favor and no one opposing.

IN RE: NEW BUSINESS

REX CORRELL
2 DEVELOPMENT STANDARD VARIANCES

Rex Correll, Docket #BZA 128-0706, 2 Development Standard Variances. Mr. Correll is requesting two (2) Development Standard Variances for the purpose of building a porch and an addition to the existing garage. Mr. Correll's property is located within the Agricultural District (AG) at 116 E 450 N, Rochester, IN (see attachment E).

Plan Director, Casi Cramer explained Mr. Correll is building a porch (7'10" x 36') and an addition (13'8" x 18'3") to the existing detached garage. Casi noted Mr. Correll started construction on the project prior to obtaining permits and found that he would need two variances when he came in to the Plan Commission Office to obtain the permit. Casi said Mr. Correll's existing home, garage and lot are nonconforming with the current ordinances. Mr. Correll has a number of limiting factors regarding his ability to improve his existing home and garage under the current regulations. Casi stated in the AG District any structure must be at least forty feet (40') off of the right-of-way of any county roadway and sixty feet (60') off of any major

FULTON COUNTY BOARD OF ZONING APPEALS
AUGUST 9TH, 2006

collector roadway. County Road 450 North (county roadway) borders Mr. Correll's property on the south and US 31 (major collector roadway) borders his property on the east. County Road 450 North has a right-of-way of thirty-four feet (34') so any structure would need to sit fifty-seven feet (57') from the centerline of that roadway. Casi explained the Indiana Department of Transportation has a substantial right-of-way located adjacent to the southeast and eastern property lines (see attachment F). Therefore, if the variances were granted the deck would set approximately nine feet (9') off of the right-of way of County Road 450 North and the addition to the garage would set approximately eighteen feet (18') off of the right-of-way of County Road 450 North. Both structures meet the required sixty-foot (60') setback off of the right-of-way of US 31 (see attachment G).

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

Rex Correll said he had nothing further to add at this time.

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

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

Dan Walsh then asked for Board discussion regarding the petition. Being none, Dan entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 128-0706 Rex Correll, requesting two Development Standard Variances one being thirty one feet (31') off of the required front yard setback and the other being twenty two feet (22') off of the required front yard setback to construct a porch and garage in the Agricultural District (AG) at 116 E 450 N, Rochester, IN. Rex Robison seconded the motion.

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

Debbie Barts	Yea
Linda Herd	Yea
Rex Robison	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 128-0706 Rex Correll, requesting two Development Standard Variances one being thirty one feet (31') off of the required front yard setback and the other being twenty two feet (22') off of the required front yard setback to construct a porch and garage in the Agricultural District (AG) at 116 E 450 N, Rochester, IN passed with four votes being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS
AUGUST 9TH, 2006

IN RE: NEW BUSINESS

JERRY FLETCHER
2 DEVELOPMENT STANDARD VARIANCES

Jerry Fletcher, Docket #BZA 129-0706, 2 Development Standard Variances. Mr. Fletcher is requesting two (2) development standard variances for the purpose of building two decks onto his existing home. Mr. Fletcher's property is located in the Agricultural District (AG) at 7784 Blue Herron Court, Culver, IN (see attachment I).

Plan Director, Casi Cramer said the subdivision Quail Creek, where Mr. Fletcher's home is located, was created before zoning and the lots are not in compliance with the current regulations. Mr. Fletcher's property is bordered by State Road 17, as well as, Blue Herron Court. Casi explained all structures in the AG District must set a minimum of forty feet (40') off of the right-of-way of any county or local roadway (Blue Herron Court) and sixty feet (60') off of any major collector roadway (State Road 17). State Road 17 has a right-of-way of one hundred feet (100') and Blue Herron Court has a right-of-way of forty feet (40'). With the existing front yard setback regulations in combination with the grandfathered lot dimensions Mr. Fletcher could not build any type of structure on his property without obtaining a variance. Casi Cramer stated Mr. Fletcher started construction of the decks prior to obtaining permits and found that he would need two variances when he came into the Plan Commission Office to obtain the permit. Mr. Fletcher is requesting a variance of twenty-eight feet (28') off of the required front yard setback from State Road 17 and a variance of forty feet (40') off of the required front yard setback from Blue Herron Court.

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

Jerry Fletcher apologized for not obtaining the permit and variances prior to construction.

Dan Walsh noted there was no one in the audience other than Mr. Fletcher therefore the Board entered Board discussion. Being none, Dan entertained a motion regarding the petition.

Linda Herd moved to approve, Docket #BZA 129-0706 Jerry Fletcher, requesting two Development Standard Variances one being twenty eight feet (28') off of the required front yard setback from State Road 17 and the other being forty feet (40') off of the required front yard setback on Blue Herron Court to construct two decks onto the existing home located in the Agricultural District (AG) at 7784 Blue Herron Ct, Culver, IN. Rex Robison seconded the motion.

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

Rex Robison	Yea
Linda Herd	Yea
Debbie Barts	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 129-0706 Jerry Fletcher, requesting two Development Standard Variances one being twenty eight feet (28') off of the required front yard setback from State Road 17 and the other being forty feet (40') off of the required front yard setback on Blue Herron Court to construct two decks onto the existing home located in the Agricultural District (AG) at 7784 Blue Herron Ct, Culver, IN passed with four votes being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS
AUGUST 9TH, 2006

It is duly noted that no Plan Director Report was given, as well as, no further Public or Board Member Comments.

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the August 9th, 2006 Fulton County Board of Zoning Appeals meeting. Rex Robison moved to adjourn the August 9th, 2006 Fulton County Board of Zoning Appeals meeting at 8:20 p.m. Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd, Debbie Barts and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 13, 2006

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, SEPTEMBER 13, 2006

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

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:
August 9, 2006

OLD BUSINESS

NEW BUSINESS:

Bill Kaiser (130-0706)
Kurt Reinhold (131-0806)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 13, 2006

The Fulton County Board of Zoning Appeals met on Wednesday the 13th day of September 2006, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson, Dan Walsh called the meeting to order at 7:11 P.M. The following members were present: Chairperson, Dan Walsh; Executive Secretary, Linda Herd and Bill Russell. Also in attendance were: Plan Director, Casi Cramer and Administrative Secretary, Erica Tyler. It is duly noted that the following members were absent: Vice Chairperson, Rex Robison; Debbie Barts and Board Attorney, Greg Heller.

IN RE: MINUTES

AUGUST 9, 2006

Chairperson, Dan Walsh asked for any additions, deletions, or corrections to be made to the August 9, 2006 minutes. Being none, Linda Herd moved to approve the August 9, 2006 Fulton County Board of Zoning Appeals minutes as written. Bill Russell seconded the motion. Motion carried as follows: Linda Herd, Bill Russell and Dan Walsh 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

QUARRY HILLS FARM
SPECIAL EXCEPTION

Quarry Hills Farm, Docket #BZA 130-0706, Special Exception. Mr. William Kaiser is requesting a special exception to place a sign on his property located at 3903 E 750 S, Macy, IN (see attachment A). The sign will be advertisement for Mr. Kaiser's produce farm, Quarry Hills Farm. The property is located within the Agricultural District (AG).

Plan Director, Casi Cramer said the Zoning Ordinance states any sign greater than thirty-two (32) square feet but not more than one hundred (100) square feet is permitted as a special exception in the AG District. Those signs shall be setback a minimum of ten (10) feet from the right-of-way and no illumination is permitted. Casi noted the Zoning Ordinance also states these types of signs are permitted except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within Fulton County, unless specifically permitted by the Indiana Department of Transportation (INDOT). Casi stated US 31 runs along Mr. Kaiser's east property making his sign intended to be viewed from the federally funded highway. Casi spoke to T.C. Dimeo from the INDOT Billboard Division and found that the State of Indiana considers the proposed sign as an On-Premise sign so there is no State permit required. The proposed sign will measure twenty-four (24) feet to the highest point of the sign, the face of the sign will measure five (5) feet in length and twenty (20) feet in width which equals one hundred (100) square feet (see attachment B). The sign will have back-to-back panels with advertisement on both sides and will be supported by two steel posts. The sign will not be illuminated. Casi explained the sign would have to set a minimum of ten (10) feet off of the right-of-way of US 31 and a minimum of seven hundred (700) feet from the nearest crossroad, which would be 750 South. Casi said she was unsure if the 700 feet was measured from the centerline of that crossroad or from the right-of-way of the crossroad. She stated she would be contacting INDOT to find out prior to Mr. Kaiser obtaining his Sign Permit. Even if the Board approves Mr. Kaiser special exception for the sign he will still need to obtain a Sign Permit from the Plan Commission Office prior to erecting the sign. Casi Cramer recommended approval of the special exception.

**FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 13, 2006**

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

William Kaiser said the sign would be constructed with a steel frame and steel uprights. He noted the sign would be constructed to withstand one hundred and twenty (120) mile per hour winds. The sign will have lettering on it, which says Quarry Hills Farm, and that lettering will be twenty-six (26) inches tall.

Dan Walsh asked if the Board Members had any questions for Mr. Kaiser or Casi Cramer. Being no questions from the Board and no Public present other than Mr. Kaiser, Dan entertained a motion regarding the petition.

Linda Herd moved to approve, Docket #BZA 130-0706 Quarry Hills Farm, requesting a Special Exception to erect a one hundred (100) square foot sign within the Agricultural District (AG) at 3903 E 750 S, Macy, IN. Bill Russell seconded the motion.

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

Bill Russell	Yea
Linda Herd	Yea
Dan Walsh	Yea

The motion to approve, Docket #BZA 130-0706 Quarry Hills Farm, requesting a Special Exception to erect a one hundred (100) square foot sign within the Agricultural District (AG) at 3903 E 750 S, Macy, IN passed with three votes being in favor and no one opposing.

IN RE: NEW BUSINESS

KURT REINHOLD
SPECIAL EXCEPTION

Plan Director, Casi Cramer noted that Mr. Reinhold did not get his certified mailings completed within the required twenty-five day time limit; therefore he's petition cannot be heard at this time. Casi said Mr. Reinhold's petition would now be on the October agenda, unless he does not complete his paperwork in 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 July and August 2006 (see attachments labeled D).

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

FULTON COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 13, 2006

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the September 13th, 2006 Fulton County Board of Zoning Appeals meeting. Bill Russell moved to adjourn the September 13th, 2006 Fulton County Board of Zoning Appeals meeting at 7:21 P.M. Linda Herd seconded the motion. Motion carried as follows: Bill Russell, Linda Herd and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
OCTOBER 11, 2006

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, OCTOBER 11, 2006

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

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
September 13, 2006**

OLD BUSINESS

NEW BUSINESS:

Garey Cyrus (132-0906)
Daniel & Vallerie Smith (133-0906)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**FULTON COUNTY BOARD OF ZONING APPEALS
OCTOBER 11, 2006**

The Fulton County Board of Zoning Appeals met on Wednesday the 11th day of October 2006, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson, Dan Walsh called the meeting to order at 7:05 P.M. The following members were present: Chairperson, Dan Walsh; Executive Secretary, Linda Herd; Vice Chairperson, Rex Robison; Debbie Barts and Bill Russell. Also in attendance were: Plan Director, Casi Cramer and Administrative Secretary, Erica Tyler. It is duly noted that the following members were absent: Board Attorney, Greg Heller.

IN RE: MINUTES

SEPTEMBER 13, 2006

Chairperson, Dan Walsh asked for any additions, deletions, or corrections to be made to the September 13, 2006 minutes. Being none, Linda Herd moved to approve the September 13, 2006 Fulton County Board of Zoning Appeals minutes as written. Rex Robison seconded the motion. Motion carried as follows: Linda Herd, Rex Robison, Debbie Barts, Bill Russell and Dan Walsh 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

GAREY CYRUS
SPECIAL EXCEPTION

Garey Cyrus, Docket #BZA 132-0906, Special Exception. Mr. Cyrus is requesting a Special Exception to operate a Tackle Shop on his property located at 6926 N 250 E, Rochester. The tackle shop would be located within an existing accessory building (48' x 24') on the property. The property is located within the Agricultural District (AG) and consists of 0.86 Acre (see attachment A).

Plan Director, Casi Cramer, explained Mr. Cyrus would like to develop a store that will be selling tackle equipment and some live bait. The live bait will consist of such items as bee moths, wax worms, earthworms and crickets. There will not be live bait such as minnows. Mr. Cyrus has stated the business will be family owned and operated with no public restroom. There is an existing blacktop driveway leading off of County Road 250 East, which leads to and continues in front of the existing building for public parking. Casi said the Fulton County Ordinance requires at least five parking spaces equaling nine foot by eighteen foot (9' x 18') to be available. The parking area must have adequate drainage, be situated so that vehicles do not have to back into the public street and must be set back at least fifteen feet (15') off of the right-of-way. Casi stated the proposed hours of operation are: Monday through Friday, 9:00 a.m. to 5:00 p.m.; Saturday, 9:00 a.m. to 12:00 p.m.; and closed on Sundays. Casi noted there is an existing kennel, farm equipment and lawn mower service shop, sign fabricating shop and Mennonite School all located within a half of a mile from this proposed business. Casi explained if Mr. Cyrus decided he wanted to have a restroom available to the public he would have to obtain approval from the Fulton County Health Department. Casi Cramer recommended approval of the proposed tackle shop.

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

Garey Cyrus said he is starting his business small but if it grows and he needs to expand or add a restroom for the public he would come back to the Board for approval prior to doing so.

**FULTON COUNTY BOARD OF ZONING APPEALS
OCTOBER 11, 2006**

Dan Walsh asked for Board member questions or comments. Being none, he entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Linda Herd, Bill Russell and Dan Walsh being in favor and no one opposing.

Dan then asked for those in favor of the petition to please rise, state their name and reason for attending the public hearing. Being none, he 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. Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd, Bill Russell, Debbie Barts and Dan Walsh being in favor and no one opposing.

Chairperson, Dan Walsh entertained a motion regarding the petition. Debbie Barts moved to approve, Docket #BZA 132-0906 Garey Cyrus, requesting a Special Exception to operate a Tackle Shop in an existing building located within the Agricultural District (AG) at 6926 N 250 E, Rochester, 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, Erica Tyler, conducted a roll call vote:

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

The motion to approve, Docket #BZA 132-0906 Garey Cyrus, requesting a Special Exception to operate a Tackle Shop in an existing building located within the Agricultural District (AG) at 6926 N 250 E, Rochester, IN passed with five votes being in favor and no one opposing.

IN RE: NEW BUSINESS

DANIEL & VALLERIE SMITH
SPECIAL EXCEPTION

Daniel & Vallerie Smith, Docket #BZA 133-0906, Special Exception. Mr. and Mrs. Smith are requesting a special exception to have a temporary second dwelling in an existing building (26' x 28') located on their property. The property is located at 11873 E Division Rd, Akron, IN, and is within the Agricultural District (AG). The tract of land consists of one (1) acre (see attachment C).

Plan Director, Casi Cramer, explained Mr. and Mrs. Smith would like to remodel their existing 26' x 28' pole building into a temporary second dwelling for Mrs. Smith's mother, Anita Myers. Mr. and Mrs. Smith wish to provide Mrs. Anita Myers with living quarters due to her failing health, which requires their assistance with her care. Mr. and Mrs. Smith have requested, but have not received a septic release from the Fulton County Health Department as of yet. Casi Cramer recommended the following for conditions of the petition: 1) Mr. and Mrs. Smith be 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 remodeling 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. Anita Myers; and 4) the temporary home is either vacated or a renewal requested, no later than two years from the date of Mr. and Mrs. Smith's public

**FULTON COUNTY BOARD OF ZONING APPEALS
OCTOBER 11, 2006**

hearing, October 11, 2008. Casi Cramer recommended approval of the proposed temporary second dwelling.

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

Daniel Smith said he had nothing to add at this time.

Dan Walsh asked if the Board Members had any questions for Mr. Smith or Casi Cramer.

Rex Robison questioned if Mr. Smith would be hooking the temporary facilities into the existing septic system. Mr. Smith said he would be probably be putting in a separate septic system for the temporary second dwelling.

Dan Walsh asked if Mr. Smith had enough room on his property to put in an additional leech field. Mr. Smith said he believed he did have adequate room on his property for the additional leech field. Mr. Smith explained he has contacted a septic contractor to take care of this situation.

Dan Walsh asked where Mr. Smith's existing well was located on the property. Mr. Smith stated the existing well is located on the east side of the home. Bill Russell questioned if Mr. Smith would be putting in a second well. Mr. Smith said it was possible that a second well would be placed on the property.

Being no Public present other than Mr. Smith, Dan entertained a motion regarding the petition.

Linda Herd moved to approve, Docket #BZA 133-0906 Daniel & Vallerie Smith, requesting a Special Exception to have a Temporary Second Dwelling in an existing building located within the Agricultural District (AG) at 11873 E Division Rd, Akron, IN with the following conditions: 1) Daniel and Vallerie Smith are 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 remodeling of the temporary home; 2) the temporary home must never be used as a rental unit; 3) the temporary home must be utilized as a dwelling for no one except Mrs. Anita Myers; and 4) the temporary home must be vacated or a renewal requested, no later than two years from the date of Daniel and Vallerie Smith's public hearing. Bill Russell seconded the motion.

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

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

The motion to approve, Docket #BZA 133-0906 Daniel & Vallerie Smith, requesting a Special Exception to have a Temporary Second Dwelling in an existing building located within the Agricultural District (AG) at 11873 E Division Rd, Akron, IN with the following conditions: 1) Daniel and Vallerie Smith are 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 remodeling of the temporary home; 2) the temporary home must never be used as a rental unit; 3) the temporary home must be utilized as a dwelling for no one except Mrs. Anita Myers; and 4) the temporary home must be vacated or a renewal requested, no later than two years from the date of Daniel and Vallerie Smith's public hearing passed with five votes being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS
OCTOBER 11, 2006

Daniel and Vallerie Smith will need to request a renewal or have the temporary second dwelling vacated by October 11, 2008.

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 2006 (see attachment E).

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 11th, 2006 Fulton County Board of Zoning Appeals meeting. Linda Herd moved to adjourn the October 11th, 2006 Fulton County Board of Zoning Appeals meeting at 7:30 P.M. Rex Robison seconded the motion. Motion carried as follows: Linda Herd, Rex Robison, Debbie Barts, Bill Russell and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Erica A. Tyler, Administrative Secretary

FULTON COUNTY BOARD OF ZONING APPEALS
NOVEMBER 8, 2006

**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, NOVEMBER 8, 2006

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

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
October 11, 2006**

OLD BUSINESS:

Roland Sullivan Update (89-0804)

NEW BUSINESS:

Kurt Reinhold (131-0806)
Lake Bruce Conservancy District (135-1006)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**FULTON COUNTY BOARD OF ZONING APPEALS
NOVEMBER 8, 2006**

The Fulton County Board of Zoning Appeals met on Wednesday the 8th day of November 2006, at 7:00 P.M. in the Commissioners/Council Room located within 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, Linda Herd; Vice Chairperson, Rex Robison; Debbie Barts and Bill Russell. Also in attendance were: Plan Director, Casi Cramer and Administrative Secretary, Erica Tyler. It is duly noted that the following Board Attorney, Greg Heller was absent.

IN RE: MINUTES

OCTOBER 11, 2006

Chairperson, Dan Walsh asked for any additions, deletions, or corrections to be made to the October 11, 2006 minutes. Being none, Debbie Barts moved to approve the October 11, 2006 Fulton County Board of Zoning Appeals minutes as written. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Rex Robison, Bill Russell and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

ROLAND SULLIVAN
ADMINISTRATIVE APPEAL

Roland Sullivan, Docket #BZA 89-0804, Administrative Appeal. Mr. Sullivan is appealing the administrative decision regarding a fine letter that was issued for an illegal use of land. Mr. Sullivan contends that he has a grandfathered junk/salvage business located at, 3702 East 950 South, Macy, IN, within the Agricultural District (AG) (see attachment A).

Plan Director, Casi Cramer noted the original Administrative Appeal was filed in August 2004, timeline following. During the September 8, 2004 Board of Zoning Appeals meeting a motion was given to table the petition for six months being March 2005 and after the six-month period the property would be reviewed to see if there had been a significant amount of salvage removed from the property in question. At the April 2005 Board of Zoning Appeals meeting (it is duly noted that the March 2005 meeting was canceled therefore Mr. Sullivan was placed on the April 2005 agenda) the petition was tabled for another six months being October 2005. During the October 2005 Board of Zoning Appeals meeting the petition was tabled for another six months being April 2006. At the May 2006 Board of Zoning Appeals meeting the petition was tabled for another six months being November 2006, which brings us to the present. Casi Cramer showed the Board members pictures of Mr. Sullivan's property taken in October 2006, compared to those taken in May of 2006 (see attachments labeled B). Mr. Sullivan has obtained a Location Improvement Permit for a privacy fence so that he can keep some items on his property but have them behind this fence so that they cannot be viewed from the roadways or neighboring homes. Casi said she and Mr. Sullivan talked about erecting a privacy fence on the property so that he may still do some hobby-type scrapping inside of the fenced in area, but could not continue to collect and scrap materials as a business on the entire twenty (20) acres. Casi explained Mr. Sullivan would need to keep all materials within the fenced in area, as well as, make sure that no materials are taller than the fence, which will be six foot (6') in height.

Chairperson, Dan Walsh, asked if there was any further information Mr. Sullivan or his attorney, Ted Waggoner, would like to add to the Director's report.

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Ted Waggoner stated Mr. Sullivan has made a lot of progress since September 2004. Ted said Mr. Sullivan was in agreement with Casi Cramer in regards to the hobby scrapping and has said he would keep it within the designated fenced in area.

Dan Walsh asked for any Board Member comments or questions regarding the situation.

Rex Robison said he did not feel as if there had been a significant amount of a change to the property within the last six months. Rex stated six months during the summer should have been adequate time to do more improvements than what is currently there. Rex asked if Mr. Sullivan had any employees. Casi Cramer thought Mr. Sullivan had at least one full-time employee helping him. Mr. Sullivan said he lost his full-time employee and has a couple of part-time employees but they do not want to work very often.

Casi Cramer said at least eighty percent (80%) of the materials on the property have been removed. There was much Board discussion regarding the timeline in which they have given Mr. Sullivan to have the property cleaned and brought into compliance.

Dan Walsh asked when the privacy fence would be erected on the property. Mr. Sullivan said he already had a good portion of it built. Mr. Sullivan said if he had help it would take a couple of days to have the fence finished.

Linda Herd asked how many days it would take Mr. Sullivan to move the remaining materials he wants to keep within the fenced in area. Mr. Sullivan said two weeks if his helpers all came to work.

Dan Walsh questioned if one hundred feet (100') of privacy fence would be enough or not. Casi Cramer explained she thought of placing the privacy fence around the backside of Mr. Sullivan's existing barn, enclosing both sides from the roadways. Casi asked Mr. Sullivan what his plans for the fence were. Mr. Sullivan said he wanted to erect a one hundred foot (100') long privacy fence just on one side of the barn, since the other side is mainly grass and weeds. Casi explained to Mr. Sullivan that he would have to build the fence so that it would hide all of the materials from all roadways, not just one.

Casi Cramer explained when Mr. Sullivan cleans his property he sorts the materials into piles then he waits for the price of those materials to raise and once the price has raised, he takes in a truck load to be scrapped out. Casi said her definition and the Board's definition of cleaning the property would be to enter the property with a bulldozer, load up everything and take everything at once. Mr. Sullivan however is still trying to gain income from the materials on his property, due to the fact that he does not have any other source of income.

Dan Walsh asked if the mobile homes Mr. Sullivan had been working on removing caught on fire themselves, or if he intentionally set them on fire to get rid of them. Mr. Sullivan said they caught fire while he was trying to dismantle one of the homes with a torch.

Chairperson, Dan Walsh asked for a motion regarding the petition. Debbie Barts motioned to give an extension, Docket #BZA 89-0804 Roland Sullivan, requesting an Administrative Appeal for the property located at 3702 East 950 South, Macy, IN 46951, within the Agricultural District (AG), until January 31st, 2007 (to be presented at the February 2007 meeting) to remove all scrap materials not placed behind a privacy fence and Mr. Sullivan must have the privacy fence erected prior to the February 2007 meeting. Bill Russell seconded the motion. Motion carried as follows: Debbie Barts, Bill Russell, Linda Herd and Dan Walsh being in favor and Rex Robison opposing.

IN RE: NEW BUSINESS

KURT REINHOLD
SPECIAL EXCEPTION

Kurt Reinhold, Docket #BZA 131-0806, Special Exception. Mr. Reinhold is requesting a Special Exception to operate a Towing/Repair Shop in an existing building located on his property. The property is located at

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9137 W 650 N, Culver and is located within the Agricultural (AG) District (see attachment C). The property consists of approximately ninety-eight (98) acres.

Plan Director, Casi Cramer explained Mr. Reinhold would like to develop a shop that would offer complete mechanical and collision repair, as well as, a towing service. The business will be family owned and operated. Casi stated Mr. Reinhold has an existing building measuring seventy-six foot by sixty-four foot (76' x 64') that he would like to utilize for the operation, as well as, a ninety-six foot by seventy-three foot (96' x 73') L shaped area available for parking. The Fulton County Zoning Ordinance states there must be at least ten (10) parking spaces equaling nine foot by eighteen foot (9' x 18') available. The Ordinance also states that the parking area must be made of a dust free material. Casi said Mr. Reinhold's has requested that his hours of operation be twenty-four hours a day, Monday through Sunday. Casi Cramer feels this is a good location for this type of business but if approved would suggest the Board take into consideration the hours of operation, outdoor storage of vehicles and what is being done with the drained fluids.

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

Kurt Reinhold said he normally works on the vehicles until midnight unless there is an emergency situation. For example, if a semi-truck breaks down at 2:00 a.m. then Mr. Reinhold would tow the semi-truck to his operation and work on it so that the trucker can get back to work. Mr. Reinhold said he currently has a privacy fence on the property which is located on the back of the garage and travels one hundred (100) feet to the south of his property blocking view of the vehicles from the roadway.

Dan Walsh asked for Board member questions or comments.

Rex Robison asked if the operation would include towing, repair shop and auto body. Kurt Reinhold said he has a paint shop set up in the existing building where he does touch up paint jobs, mainly for his own or family members vehicles. Kurt stated his operation would include towing, as well as, total collision and repair.

Being no further question or comments from the Board, Rex Robison moved to open the public hearing. Linda Herd seconded the motion. Motion carried as follows: Rex Robison, Linda Herd, Debbie Barts, Bill Russell 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 and reason for attending the public hearing. Being none, he asked for those in opposition of the petition to do the same. Being none, Dan entertained a motion to close the public hearing. Debbie Barts moved to close the public hearing. Bill Russell seconded the motion. Motion carried as follows: Debbie Barts, Bill Russell, Linda Herd, Rex Robison and Dan Walsh being in favor and no one opposing.

Chairperson, Dan Walsh entertained a motion regarding the petition. Rex Robison moved to approve, Docket #BZA 131-0806, requesting a Special Exception to operate a Complete Mechanical and Collision Repair Shop in an existing building located within the Agricultural District (AG) at 9137 W 650 N, Culver, IN, with the following conditions: 1) The hours of operation are subject to review by the Fulton County Board of Zoning Appeals if any complaints arise due to the hours of operation; 2) Any outdoor storage of vehicles shall not be viewed from the surrounding roadways; and 3) All fluids must be disposed of properly. Debbie Barts seconded the motion.

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

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hundred feet (100' x 100'), or twenty three hundredths (0.23) of an acre. Casi further noted that building sets approximately fifty feet (50') off of the Right-of-Way of State Road 14. Casi Cramer recommended approval of the variances for the purpose of building a Vacuum Station.

Chairperson, Dan Walsh, asked if there was any further information the Lake Bruce Conservancy District or its representatives would like to add to the Director's report.

Kenneth Jones Jr., Wightman Petrie Environmental Inc Consulting Engineers & Land Surveyors, said he is the engineer for the project but had nothing further to add at this time.

Norm Stagley, President of the Conservancy and resident, said when AirVac initially gave the preliminary engineering they determined that only one vacuum station was needed. Norm explained after the aerials were flown and produced (Spring of 2005) AirVac determined that a second vacuum station would be necessary.

Dan Walsh asked for Board member questions or comments.

Dan questioned if the Conservancy would need to come back for variances on the second site. Casi Cramer said the second site would be split properly according to the Zoning Ordinance. Casi explained the Conservancy would have to ask for a Special Exception to build the government office, or meeting hall, on the second site so she told them to wait until the sewer project was closer to initiation, due to the fact that Special Exceptions are only valid for one (1) year.

Being no further question or comments from the Board, Debbie Barts moved to open the public hearing. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Bill Russell, Rex Robison 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 and reason for attending the public hearing. Being none, he asked for those in opposition of the petition to do the same. Being none, Dan entertained a motion to close the public hearing. Debbie Barts moved to close the public hearing. Rex Robison seconded the motion. Motion carried as follows: Debbie Barts, Rex Robison, Bill Russell, Linda Herd and Dan Walsh being in favor and no one opposing.

It is duly noted that Board Attorney, Greg Heller, entered the meeting at 7:45 p.m.

Chairperson, Dan Walsh entertained a motion regarding the petition. Linda Herd moved to approve, Docket #BZA 135-1006 A Lake Bruce Conservancy District, requesting a Development Standards Variance of nine tenths (0.9) of an acre off the required minimum lot area of one acre for the purpose of splitting property and motion to approve, Docket #BZA 135-1006 B Lake Bruce Conservancy District, requesting a Development Standards Variance of eighteen feet (18') off of the required minimum front yard setback all for the purpose of building a Vacuum Pump Station within the Agricultural District (AG) located just north of County Road 150 North on the east side of County Road 1125 West at Lake Bruce, Kewanna, IN. Bill Russell seconded the motion.

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

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

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The motion to approve, Docket #BZA 135-1006 A Lake Bruce Conservancy District, requesting a Development Standards Variance of nine tenths (0.9) of an acre off the required minimum lot area of one acre for the purpose of splitting property and motion to approve, Docket #BZA 135-1006 B Lake Bruce Conservancy District, requesting a Development Standards Variance of eighteen feet (18') off of the required minimum front yard setback all for the purpose of building a Vacuum Pump Station within the Agricultural District (AG) located just north of County Road 150 North on the east side of County Road 1125 West at Lake Bruce, Kewanna, IN, passed with five votes being in favor and no one opposing.

It is duly noted that there was not a Plan Director Report, 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 8, 2006 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the November 8, 2006 Fulton County Board of Zoning Appeals meeting at 8:15 p.m. Linda Herd seconded the motion. Motion carried as follows: Debbie Barts, Linda Herd, Bill Russell, Rex Robison and Dan Walsh being in favor and no one opposing.

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ATTEST: _____
Erica A. Tyler, Administrative Secretary

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**FULTON COUNTY
BOARD OF ZONING APPEALS**

WEDNESDAY, DECEMBER 13, 2006

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

CALL TO ORDER

**BOARD OF ZONING APPEALS MINUTES FOR:
November 8, 2006**

OLD BUSINESS

NEW BUSINESS:
Fulton County Historical Society (136-1006)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

**FULTON COUNTY BOARD OF ZONING APPEALS
DECEMBER 13, 2006**

The Fulton County Board of Zoning Appeals met on Wednesday the 13th day of December 2006, 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 7:05 P.M. The following members were present: Vice Chairperson, Rex Robison; Executive Secretary, Linda Herd and Bill Russell. Also in attendance were: Plan Director, Casi Cramer and Administrative Secretary, Erica Tyler. It is duly noted that the following member were absent: Board Attorney, Greg Heller; Debbie Barts and Chairperson, Dan Walsh.

IN RE: MINUTES

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Vice Chairperson, Rex Robison asked for any additions, deletions, or corrections to be made to the November 8, 2006 minutes. Being none, Linda Herd moved to approve the November 8, 2006 Fulton County Board of Zoning Appeals minutes as written. Bill Russell seconded the motion. Motion carried as follows: Linda Herd, 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. It is also noted that Chairperson, Dan Walsh entered the meeting at 7:10 P.M.

IN RE: NEW BUSINESS

FULTON COUNTY HISTORICAL SOCIETY
SPECIAL EXCEPTION

Fulton County Historical Society, Docket #BZA 136-1006, Special Exception. The Fulton County Historical Society is requesting a Special Exception to allow for the Richland Township Community Center addition to built onto the existing Museum. The Fulton County Historical Society Museum is located at 37 E 375 N, Rochester, and consists of 26.40 acres (see attachment A). The property is located within the Agricultural District (AG).

Plan Director, Casi Cramer stated the new addition, if approved, would be sixty-four feet (64') by one hundred four feet (104'). The addition will have a Trustee's office, a small kitchen, a room for IOOF, 4H and Township meetings, as well as, a large assembly/exhibit area. Casi explained the assembly/exhibit area will display artifacts from Richland Township and be used for Community Events such as fish fry's, banquets, auctions, meetings, election polling sites, etc. Casi Cramer said the existing building has two sets of restrooms, equaling six stools and two urinals. Casi explained the Fulton County Historical Society is in the process of obtaining State Board of Health approval to utilize the existing restrooms and no permits for the addition will be issued until that time. The driveway at the entrance exists and a second entrance/exit has been constructed to the south of the existing building. The existing parking lot is sufficient to handle the new addition. The Fulton County Historical Society has one fulltime employee and three part-time employees. The hours of operation will be: Monday through Saturday, 9:00 a.m. to 5:00 p.m. and Closed on Sundays. Casi Cramer recommended approval of the special exception for a community center.

Vice Chairperson, Rex Robison, asked if there was any further information the Fulton County Historical Society would like to add to the Director's report.

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Melinda Clinger, Fulltime Employee/Groundskeeper, said she spoke to the Fulton County Health Department about the State permits on December 12th, 2006 and found that the State has either lost the plans or cannot find them at this time. Melinda said she sent out another set of the plans this morning by certified mail to be sure someone at the State received them. She explained the State's approval is all they are waiting for now.

Vice Chairperson, Rex Robison asked for any Board member comments or questions. Being none, he entertained a motion to open the public hearing. Dan Walsh moved to open the public hearing. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Bill Russell and Rex Robison being in favor and no one opposing.

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

Ernie Hiatt, Member of Richland Township Board, said he is in favor of the special exception. Ernie explained Richland Township is the only township in Fulton County that does not have a Community Building and building it onto the Museum would put it in the crossroads for everyone to utilize. Ernie stated the Richland Township Trustee's office would be located within the new addition, as well as, a banquet type room for community events.

Tom Schwenk, Member of Richland Township Board, stated all of the people present in the audience are part of the Building Committee as well so they are all in favor of the project. Tom said the township really needs a building and when first looking at where to place it the museum seemed like the most inexpensive and accurate place for it to be built. Tom explained not only would Richland Township have a place to meet but the museum would have additional space to operate as well.

Melinda Clinger said when she obtained signatures for the interested parties everyone she talked to was in favor of the project.

Rex Robison asked for any further comments in favor of the petition. Being none, Rex asked for those opposed to the petition to please rise, state their name and reason for attending the public hearing. Being none, Rex entertained a motion to close the public hearing.

Dan Walsh moved to close the public hearing. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Bill Russell and Rex Robison being in favor and no one opposing.

Vice Chairperson, Rex Robison entertained a motion regarding the petition. Dan Walsh moved to approve, Docket #BZA 136-1006 Fulton County Historical Society, requesting a Special Exception to construct the Richland Township Community Center at 37 E 375 N, Rochester, IN, within the Agricultural District (AG). Bill Russell seconded the motion.

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

Bill Russell	Yea
Linda Herd	Yea
Dan Walsh	Yea
Rex Robison	Yea

The motion to approve, Docket #BZA 136-1006 Fulton County Historical Society, requesting a Special Exception to construct the Richland Township Community Center at 37 E 375 N, Rochester, IN, within the Agricultural District (AG) passed with four votes being in favor and no one opposing.

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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 2006 (see attachment C).

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 December 13, 2006 Fulton County Board of Zoning Appeals meeting. Dan Walsh moved to adjourn the December 13, 2006 Fulton County Board of Zoning Appeals meeting at 7:23 p.m. Linda Herd seconded the motion. Motion carried as follows: Dan Walsh, Linda Herd, Bill Russell, and Rex Robison being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
 Erica A. Tyler, Administrative Secretary