

*FULTON COUNTY
BOARD OF ZONING APPEALS*

WEDNESDAY, MAY 13, 2020
7:00 P.M.

CALL TO ORDER

BOARD OF ZONING APPEALS MINUTES FOR:

March 11, 2020

OLD BUSINESS:

Teresa Vanmeter (#144-0407)

NEW BUSINESS:

Ann Bowen (#200112)

Scott King (#200143)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

The Fulton County BZA meeting next Wednesday, May 13, 2020 at 7pm will be conducted as usual according to the FCBZA Rules of Procedure through virtual software. The meeting site will open at 6:30 p.m. to give all attendees ample time to navigate the call-in number and/or weblink. The official meeting will be called to order until 7 p.m. The meeting packet of information is posted on the Fulton County Plan Commission website: <http://www.co.fulton.in.us/>

If you have any questions, please contact the Fulton County Plan Commission office (574) 223-7667.

ALL PUBLIC IS INVITED TO JOIN THE MEETING THROUGH THE FOLLOWING MEANS:

FCBZA

Wed, May 13, 2020 7:00 PM - 9:00 PM (EDT)

Please join my meeting from your computer, tablet or smartphone: <https://global.gotomeeting.com/join/144910805>

You can also dial in using your phone: United States: [+1 \(224\) 501-3412](tel:+12245013412) Access Code: 144-910-805

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/144910805>

FULTON COUNTY BOARD OF ZONING APPEALS
March 11, 2020

FULTON COUNTY
BOARD OF ZONING APPEALS

WEDNESDAY, MARCH 11, 2020

7:00 P.M.

COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

ELECTION OF OFFICERS

ADOPTION OF MEETING RESOLUTION

BOARD OF ZONING APPEALS MINUTES FOR:

November 13, 2019

OLD BUSINESS:

Donna Oberg (#71-1003)

Richard Chilcutt (#116-1105)

Teresa VanMeter (#144-0407)

NEW BUSINESS:

Douglas Presson (#200018)

PLAN DIRECTOR REPORT

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY BOARD OF ZONING APPEALS
March 11, 2020

The Fulton County Board of Zoning Appeals met on Wednesday the 11th day of March 2020, at 7:00 P.M. in the Commissioners/Council Room located in the Fulton County Office Building. Executive Director, Casi Cowles, called the meeting to order at 7:00 P.M. The following members were present: Debbie Barts, Phil Miller, Barry Baldwin, Scott Hizer and Dan Walsh. Also in attendance were: Executive Director, Casi Cowles; Board Attorney, Andy Perkins and Administrative Secretary, Heather Redinger

IN RE: ELECTION OF OFFICERS

Executive Director, Casi Cowles, opened the floor to nominations for Chairperson. Debbie Barts nominated Dan Walsh as Chairperson. Scott Hizer seconded the nomination. Being no further nominations, Debbie Barts moved to close the nominations for Chairperson. Scott Hizer seconded the motion. Motion carried as follows: Debbie Barts, Scott Hizer, Barry Baldwin, Phil Miller 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. Debbie Barts nominated Scott Hizer as Vice-Chairperson. Barry Baldwin seconded the nomination. Being no further nominations, Debbie Barts moved to close the nominations for Vice-Chairperson. Barry Baldwin seconded the motion. Motion carried as follows: Debbie Barts, Scott Hizer, Barry Baldwin, Phil Miller and Dan Walsh being in favor and no one opposing. Scott Hizer was elected as Vice-Chairperson for the Fulton County Board of Zoning Appeals.

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

Chairperson, Dan Walsh told the Board they needed to appoint an Administrative Secretary. Debbie Barts nominated Heather Redinger as Administrative Secretary. Scott Hizer seconded the nomination. Motion carried as follows: Debbie Barts, Scott Hizer, Barry Baldwin, Phil Miller and Dan Walsh being in favor and no one opposing. Heather Redinger was appointed as the Fulton County Board of Zoning Appeals Administrative Secretary.

Chairperson, Dan Walsh then stated the Board needed to appoint an Attorney to represent them. Debbie Barts moved to appoint, Andy Perkins, Peterson, Waggoner & Perkins, LLP. Scott Hizer seconded the motion. Motion carried as Debbie Barts, Scott Hizer, Barry Baldwin, Phil Miller and Dan Walsh being in favor and no one opposing. Andy Perkins, Peterson, Waggoner & Perkins, LLP was appointed as the Fulton County Board of Zoning Appeals Attorney.

FULTON COUNTY BOARD OF ZONING APPEALS

March 11, 2020

IN RE: ADOPTION OF MEETING RESOLUTION

Chairperson, Dan Walsh, read Resolution 03112020 regarding the meeting dates and times for the Fulton County Board of Zoning Appeals in 2020. Dan entertained a motion to adopt Resolution 03112020. Debbie Barts moved to adopt Resolution 03112020 for the Fulton County Board of Zoning Appeals meeting dates and times in 2020. Scott Hizer seconded the motion. Motion carried as follows: Debbie Barts, Scott Hizer, Barry Baldwin, Phil Miller and Dan Walsh being in favor and no one opposing. Resolution 03112020 reads as follows:

RESOLUTION 03112020

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

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 March 2020

FULTON COUNTY BOARD OF ZONING APPEALS

Chairperson

FULTON COUNTY BOARD OF ZONING APPEALS

March 11, 2020

Vice Chairperson

Executive Secretary

ATTEST: _____
Heather Redinger, Administrative Secretary

IN RE: MINUTES

November 13, 2019

Chairperson, Dan Walsh, asked for any additions, deletions or corrections to be made to the November 19, 2019 minutes. Debbie Barts moved to approve the November 13, 2019 Fulton County Board of Zoning Appeals minutes as written Scott Hizer seconded the motion. Motion carried as follows: Debbie Barts, Scott Hizer, Barry Baldwin, Phil Miller and Dan Walsh being in favor and no one opposing.

IN RE: OLD BUSINESS

RENEWALS

Donna Oberg (#71-1003) is requesting a renewal of the special exception, with original conditions, she was granted for a temporary hardship dwelling unit on her property located in the Ag District and partly in the R3 district, 2791 Main Street, Macy, IN. The temporary hardship dwelling unit (14 X 70 mobile home) is being utilized by Ms. Oberg's mother Madie Oberg. This tract of land totals seven and seven-tenths (7.7) acres.

Richard Chilcutt (#116-1105) is requesting a renewal of the special exception, with original conditions, he was granted for a temporary second dwelling unit on his mother's property (Helen Murphy), located in the Ag District, 1795 South 1075 East, Akron, IN, a total of 3.0 acres.

Dan Walsh asked for any comments, being non he then entertained a motion regarding both petitions. Debbie Barts moved to approve the renewal of #71-1003 and #116-1105, with original conditions. Scott Hizer seconded the motion. Motion carried as follows: Debbie Barts, Scott Hizer, Barry Baldwin, Phil Miller and Dan Walsh being in favor and no one opposing.

Teresa VanMeter (#144-0407) no one present at this time, Dan Walsh moved to the end of the meeting.

IN RE: NEW BUSINESS

Douglas Presson (#200018)
Development Standard Variance

Douglas Presson (#200018) is requesting Development Standard Variance of 20.5' off of the front yard setbacks, for the purpose of a porch, on property located at 5995 N 375 E, Rochester, IN within the Agricultural (AG) District.

FULTON COUNTY BOARD OF ZONING APPEALS

March 11, 2020

In the Ag district the front yard setback is 50'. Mr. Presson would like to construct a front porch, approximately 7' x 8' and it would sit approximately 29.5' off of the right of way. Therefore, a variance of 20.5' off of the front yard setback.

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

He did not at this time.

Dan then asked for any Board questions or comments.

Being no further Board comments and no public Dan Walsh entertained a motion. Scott Hizer moved to approve Douglas Presson (#200018) is requesting Development Standard Variance of 20.5' off of the front yard setbacks, for the purpose of a porch, on property located at 5995 N 375 E, Rochester, IN within the Agricultural (AG) District. Debbie Barts seconded the motion.

Administrative Secretary, Heather Redinger conducted roll call vote.

Scott Hizer	Yea
Debbie Barts	Yea
Barry Baldwin	Yea
Phil Miller	Yea
Dan Walsh	Yea

Motion to approve Douglas Presson (#200018) is requesting Development Standard Variance of 20.5' off of the front yard setbacks, for the purpose of a porch, on property located at 5995 N 375 E, Rochester, IN within the Agricultural (AG) District. Passed with five votes being in favor and no one opposed.

IN RE: OLD BUSINESS

Teresa VanMeter (144-0407) no one present.

Casi told the Board Ms. VanMeter had spoken with her about asking the Board to allow her brother and his family to utilize the mobile home. She stated Ms. VanMeter would need to be present at the meeting to discuss the change of conditions with the Board. Casi then stated Ms. VanMeter is currently in non-compliance with the code.

After much Board discussion they stated Casi is to send a violation letter to Ms. VanMeter stating she must attend the next regular scheduled meeting or fines will begin to accrue.

IN RE: PLAN DIRECTOR REPORT

Being no further business to come in front of the Board of Zoning Appeals, Dan Walsh, entertained a motion to adjourn the March 11, 2020 Fulton County Board of Zoning Appeals meeting. Debbie Barts moved to adjourn the March 11, 2020 Fulton County Board of Zoning Appeals meeting at 7:45 P.M. Scott Hizer seconded the motion. Motion carried as follows: Debbie Barts, Scott Hizer, Barry Baldwin, Phil Miller and Dan Walsh being in favor and no one opposing.

FULTON COUNTY BOARD OF ZONING APPEALS
March 11, 2020

FULTON COUNTY BOARD OF ZONING APPEALS

ATTEST: _____
Heather Redinger, Administrative Secretary

Docket #144-0407
Teresa Van Meter
Special Exception
Temporary Second Dwelling

Teresa Van Meter are requesting a renewal of the special exception they were granted for a temporary second dwelling unit on their property located in the Ag District, 5761 N 675 W, Rochester, IN on May 9th 2007. The temporary dwelling unit (14 x 70 mobile home) was to be utilized by Ed and Joan Thomas (Mrs. Van Meter's parent's). Mr. & Mrs. Thomas occupy the temporary dwelling. This tract of land totals 3.5 acres

Teresa Van Meter were granted their request upon these conditions:

- 1) Teresa Van Meter 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 placement of the temporary home; and
- 2) the temporary home is never used as a rental unit; and
- 3) the temporary home be utilized as a dwelling for no one except Ed & Joan Thomas; and
- 4) the temporary home is either removed or a renewal requested every two years .

Teresa Van Meter has informed the office Ed & Joan Thomas are no longer utilizing the mobile home. She is requesting that her brother and his family be able to utilize the home.

Mrs. Cowles discussed with Mrs. VanMeter her options regarding this petition. She has elected to request that the person associated with the original petition approval be changed and continue with the renewal requests, if granted. Her other two options available regarding this home if the change of person is not granted, have been discuss with Mrs. Grimm and are as follows:

1. Split the mobile home from the existing parcel. This would require a variance due to the fact there is only approximately 375' of existing lot width. The Zone Ordinance requires each new tract of land to have at least 200' in width in the AG District. If the variance is approved, Mrs. VanMeter would then obtain a survey and have a deed with the new legal description created. Once the deed was recorded, the mobile home would be on a legal tract of land and no longer subject to the special exception or required renewals.
2. Request a special exception for a detached additional living space. If granted, the mobile home would become a permitted use on the property and would no longer be subject to renewal requirements.

Docket #200112
Ann Bowen
Development Standard Variance

Ann Bowen (#200112) is requesting Development Standard Variance off of the fence codes and privacy fence definition, for the purpose of a 6' solid privacy fence, on property located at 11317 Guise Park Road, Kewanna, IN within the Lake Residential (R3) District.

The R3 district fence codes, the fence cannot be greater than 3' in height in the front yard, 6' in height in the side yard and 4' in height on the lakeyard, and must be 70% transparent. Mrs. Bowen would like to erect approximately 70' of six (6') solid fence in the front side and rear of her property along the west side. The privacy fence definition states a privacy fence must sit in the side and rear. Therefore, a variance off of the fence codes and privacy fence definition are being requested.

The request is for a Development Standard Variance off of the fence codes and privacy fence definition, for the purpose of a 6' solid privacy fence, on property located at 11317 Guise Park Road, Kewanna, IN within the Lake Residential (R3) District.





The tops of the 4x4 are at 6 ft. The windows in the block foundation are in the cellar of neighboring property.



Shows level of where top of fence would be. These posts were put in by Fikes as part of Drainage wall. They are right on the property line. The distance between the houses is approx. 20 feet.



Shows how close the property line is to my deck



Having the fence extending to the end of my deck would afford us some privacy and would not block the neighbors view of the Lake

Docket #200142
Scott King
Development Standard Variance

Scott King (#200142) is requesting Development Standard Variance of 11' off of the side yard setback, for the purpose of a pole barn, on property located at 4818 S Wabash Road, Rochester, IN within the Agricultural (AG) District.

In the Ag district the side yard setback is for an accessory structure is the height of the structure. Mr. King would like to construct a 24' x 24' x 16', and it would sit approximately 5' off of the north property line. Therefore, a variance of 11' off of the side yard setback is being requested.

The request is for a Development Standard Variance of 11' off of the side yard setback, for the purpose of a pole barn, on property located at 4818 S Wabash Road, Rochester, IN within the Agricultural (AG) District.

