

Minutes of the March 9, 2004
Regular Meeting of the
Marshall County Board of Zoning Appeals
Second Floor Commissioner's Meeting Room, #203
Marshall County Building
112 West Jefferson Street
Plymouth, IN 46563

MINUTES

Chairman Foster Davenport called to order the March 9, 2004, meeting of the Marshall County Board of Zoning Appeals at 7:30 p.m. Present were Board Members Foster Davenport, Don Ecker, Sr., Robert Flora, Wayne Neidlinger, Zoning Administrator, Troy Kiefer, Planning Assistant, David Rockaway, and interested parties. Board Member Harold Van Vactor was absent.

The first item of business was review of the minutes of the February 10, 2004, meeting. Mr. Ecker moved and Mr. Neidlinger seconded a motion to approve the minutes as written. The motion carried unanimously by acclamation.

The second item of business, case 04-BZA-09 Allen Kaufman, A request for a Special Exception to allow a Harness Shop on property located at 4663 Filbert Trail, in an A-1, Agricultural District, Section 9 of German Township. Mr. Kaufman and Mrs. Kaufman were present to represent the request. Mr. Kiefer reviewed the details of the request and presented the Findings of Fact. The applicant would like to build a pole building 30 feet by 50 feet for a home workshop for production, sale and repair of horse harnesses and equipment. He stated that the Plan Commission gave the request a favorable recommendation. He stated that this would be limited to people of the residence and family. According to state statute there are five findings to review before acceptance. Mr. Kiefer read these five statutes for the board.

Mr. Kaufman no added details. Mr. Ecker asked Mr. Kiefer what was meant by business limited to members of family and residence of the property? Mr. Kiefer replied that it meant workers of the business only. Mr. Ecker stated that the request

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was not worded correctly. Mr. Kiefer concurred. He further explained that the business workers would be family members and residents of the property.

Mr. Neidlinger moved and Mr. Ecker seconded a motion to open the public hearing. The motion passed by acclamation. There was no one to speak either for or against the request. Mr. Flora moved and Mr. Neidlinger seconded a motion to close the public hearing. The motion passed by acclamation.

Mr. Ecker moved and Mr. Flora seconded a motion to approve the request based on the fact that it met all the required criteria. The motion passed by a unanimous vote of approval.

The third item of business was case, 04-BZA-10, Mr. Jason Richards, a request for a Special Exception to allow a farm service business on property located at 9595 Tyler Road in an A-1, Agricultural District, Section 24 of North Township, repairing tractors, farm equipment and minor truck repairs. Mr. & Mrs. Richards were present to represent the request. The Richards live in a house at this address and have an existing 50 feet x 72 feet pole building Mr. Kiefer gave the details of the request and presented the Findings of Fact. He stated that state statues of five findings of fact also apply to this request. The Plan Commission gave the request a favorable recommendation.

Mr. Davenport asked if Mr. Richards planned on having old farm equipment stored on the land. Mr. Richards replied he definitely would not. Mr. Flora asked if Mr. Richards planned on having more employees. Mr. Richards answered that it would be only himself. Mr. Davenport also inquired as to the location of the residence in regards to the business building. There were no further questions.

Mr. Neidlinger moved to open the public hearing and seconded by Mr. Davenport. The motion was passed by acclamation. There was no one to speak either for or against the request. Mr. Neidlinger moved to close the public hearing. Seconded by Mr. Davenport. The motion was passed by acclamation.

Mr. Flora moved to approve the request with the condition that no items be stored outside. Mr. Neidlinger seconded the motion. The motion passed by a unanimous vote of approval.

The fourth item of business was the presentation of the Annual Report for the Plan Commission and the Board of Zoning Appeals by Director Troy Kiefer.

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Mr. Kiefer stated that the Board needed to appoint a person to the Plan Commission's Zoning Ordinance Subcommittee. Mr. Neidlinger moved to appoint Mr. Bob Flora, seconded by Mr. Ecker. The appointment was passed by unanimous acclamation.

Mr. Kiefer reported that there was only one zoning violation in North Township.

The members of the Board reported that \$3400 out of budget \$9300 was spent for 2003.

There was no further business before the board, Mr. Neidlinger moved and Mr. Flora seconded a motion to adjourn. The motion passed by acclamation .

Respectfully submitted,

Harold Van Vactor
Secretary