

Minutes of the July 22, 2004
Regular Meeting of the
Marshall County Plan Commission
112 West Jefferson Street, #307
Plymouth, Indiana 46563

MINUTES

President David Dinius called the meeting to order at 7:30 p.m. on Thursday, July 22, 2004, in Room #203 of the Marshall County Building. Present were: Commission Members David Dinius, Larry Fisher, Randy Gingle, Ronnie McCartney, Wayne Neidlinger, Harold VanVactor, and Max Watkins, Plan Director Troy Kiefer, Secretary, Leesa Kolter, Planning Assistant Dave Rockaway and interested parties. Absent were board members Clifford Allen and Fred Lintner.

The first item of business was the review of the minutes from the June 24, 2004 meeting. Mr. Neidlinger moved and Mr. Gingle seconded a motion to pass the minutes as written. The motion passed by acclamation.

Mr. Dinius stated that 04-PC-11, A Tabled request for a Zoning Map Amendment by Mr. Hutchinson & Mr. Morris had been withdrawn. He stated that the Board of Zoning Appeals had approved a Variance of Use for the property.

The third item of business, case 04-PC-12, Michael Flynn, A request for a Final Plat Amendment to Willis A. Koch's Lake Front Addition, Pretty Lake, Section 11, of West Township. Mr. Michael Flynn was present to represent the request. Mr. Kiefer gave the details of the request and presented the Findings of Fact. He stated that the request covers lots 18, 19 & 20. He stated that currently there are homes on lots 18 & 20. He stated that Mr. Flynn would like to replat the lots to make two lots by dividing lot 19 between lots 18 & 20. He stated that while the lots would not meet the minimum lot requirements, they did not meet them before and the replat would reduce the non-conformity.

Mr. Neidlinger asked if Mr. Flynn owned all three lots. Mr. Flynn stated that personally he owned lot 18, as a business he also owned lots 19 & 20.

Mr. McCartney moved and Mr. Gingle seconded a motion to open the public hearing. The motion passed by acclamation.

- Steve Deacon, 10010 Pretty Lake Trail, asked what type of business Mr. Flynn had.

Mr. Flynn stated that he had a partnership with his brother, they buy properties, remodel and sell.

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

Mr. Fisher moved and Mr. Gingle seconded a motion to approve the request. The motion passed by a unanimous vote of approval.

The fourth item of business was the Jellystone Lot Owners, concerning screened rooms. Mr. Kiefer stated that the decision the board will need to make will be concerning the bi-laws concerning the one year period between when cases can be heard by the board after it had been denied. He stated that the members of Jellystone are still interested in being able to construct room additions. He stated that Jellystone lot owner's request that the board hear the case in before November. He stated that the case could be made that since the park is closed a large portion of the members will be out of town in November.

Mr. Van Vactor moved and Mr. Watkins seconded a motion to open the public hearing. The motion passed by acclamation.

Mr. Dinius asked who brought the photos. Mr. Steve Deacon stated that he presented the photos. He stated that he lives at Pretty Lake and owns a lot at Jellystone as well. Mr. Deacon presented pictures of room additions. He stated that they own the lots as individuals and pay taxes on them. He stated that he does not know why they can not add the rooms when they own them and pay taxes. He stated that he hoped that the board would reconsider.

- Katie Anders, WTCA, asked how many lots were in Jellystone and how many people were considering or already have these rooms.

Someone from the audience stated that there were 1,096 lots in Jellystone, approximately

50 to 60 currently have the rooms. He stated that approximately 50% would have the rooms if they were allowed.

- Carol Bartley, of Crown Point, IN, stated that she has a lot at Jellystone. She stated that she pays as much taxes as a home owner in Plymouth. She stated that they do not receive services. She stated that every time they ask for something they receive opposition from the County. She stated that the rooms would allow them to enjoy the outdoors during the bad weather.
- Victor Rodriquez, Vice President of Jellystone, spoke regarding the request. He stated that he loves it here and spends two hours every week driving here. He stated that they would love to add the rooms. He stated that there are some rooms that have been built and now they are not able to build them. He stated that they want to work it out so that they are able to build the rooms.
- Fred Hastings, stated that last year they voted to add the rooms into their covenants, and the Plan Commission voted to deny the request. He stated that it took place in August of last year and not November. He stated that there are a lot of rooms at the park already.
- Mr. Rodriquez, stated that he wanted to add that the request is for enclosed porches only. He stated that the request is not for bedrooms or washer or dryer rooms.
- Beverly Frame of Jellystone spoke. She stated that Lloyd Anderson comes to the park and measures the structures. She stated that they do get taxed for enclosed porches.
- Nannette Glenn of Jellystone spoke. She stated that she has a glass enclosure on her park model. She stated that she has over \$50,000 invested in a camp setting. She stated that people take care of there properties. And the additions are beautiful. She invited the board to come and look at the park and the additions. She stated that it provides a little more room for when storms come in.
- Rebecca Deacon spoke regarding the request. She stated that she sells insurance and she stated that they write insurance policies for the park models. She stated that they are allowed to add the additions on to the policies. She stated that they would not be able to insure them if they

were not taken care of. She stated that she checked with campgrounds in surrounding counties and they all have these additions. She stated that the industry has changed and Marshall County should keep up with the growth.

- Carol Anders, of WTCA asked if anyone has checked to see if they are being taxed, and would it make a difference.

Mr. Dinius stated that they are being taxed, but it would not have any bearing on their decision. Mr. Van Vactor asked why there are so many Sheriff Sales on lots at the park. Ms. Frame stated that in those instances people pass away. She stated that the park purchases them and then try to resell them or rent them.

Mr. Dinius reiterated that there was no particular proposal to vote on, just a discussion. Mr. Kiefer stated that was correct. Mr. Dinius asked about the structures and what type the board would like to see approved.

Mr. Alberts stated that on the back side of the hand out from Mr. Rodriquez they have listed the different types of structures. He stated that they want to keep them mobile. He stated that on the hand out was what the board voted in last year. Mr. Dinius read the proposal.

Mr. Dinius stipulated that the decision of the board for the meeting was whether the board would bend the rule and allow Jellystone to come before the board at next months meeting with a proposal. Mr. Kiefer stated that he had rechecked his file and Jellystone did in fact make the request for the covenant change in August and as such would be able to reapply in time for next months meeting.

Mr. Neidlinger asked how it was advertised. Mr. Kiefer stated that it was not advertised. He stated that no decision could be made until next months meeting. Mr. Van Vactor asked how far apart the setbacks were. Mr. Dinius stated that they are separate from the County setbacks and would be published in the covenants. Mr. McCartney stated that they would have a concern for safety.

Mr. Fisher asked how notice would be given. Mr. Kiefer stated that notice would be provided by the park. Mr. Fisher asked if there was a general consensus or is there opposition. Mr. Alberts stated that they passed the covenants at the annual meeting.

Mr. Richard Shriver stated that they do have safety, as all models have wheels underneath and are ready to be moved at anytime.

Mr. Dinius asked the board members if they would like to give the Jellystone residents any direction they might have. Discussion was held regarding how the porches should be constructed. Mr. McCartney asked what would happen if someone would abandon the porch? He asked how the insurance company would view a unit standing alone. Ms. Glenn stated that there was a park owner who pulled his unit out and would shrink wrap his enclosure. She stated that he has done it for years.

Mrs. Deacon stated that she has never seen someone leave the additions abandoned. She stated that most of them are attached to the park models, by a seal. She stated that since the park models don't move she stated that she did not see any issue.

Mr. Albert stated that they will follow all rules that the board stipulates as they want to be able to construct the rooms. Ms. Anders asked what type of internal controls exist within the park to police. Mr. Kiefer stated that the environmental committee originally policed the park but he has been informed that they are no longer willing to do that. Mr. Rodriguez stated that is because the Plan Commission rejected their proposal and therefore they do not want to be liable for these people who are continuing to build the porches. Mr. Neidlinger asked if it were approved would they be willing to police the additions. Mr. Rodriguez stated that they would. He stated that they do continue to police the items that are allowed within the park. Mr. Kiefer stated that does not hold up to logic. He stated that there are a lot of things that are not allowed within the park that will never be allowed, does that mean they will not enforce the covenants on those items? Mr. Dinius stated that may be why there might be some friction between the park and the County, in that the park did not control what was to be enforced. He stated that he does understand the evolution of the park models.

Mr. Neidlinger asked if approved, would they come to the County office for the permit and will they be inspected by the County Building Inspector. Mr. Kiefer stated that the permitting process would need to be worked out, but without instruction from the County Commissioner's the Building Inspector would not inspect the homes as they do not fall under the one and two family building code.

Discussion was held regarding the procedures and what type of structures would be requested.

Mr. Dinius stated that the lot owners should get together and submit their application to the Plan Commission office for consideration at next months meeting.

Pressident Dinius asked for other business. There being none, The meeting was adjourned.

Respectfully
submitted,

Harold
VanVactor
Secretary