

Minutes of the May 10, 2005  
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 May 10, 2005, meeting of the Marshall County Board of Zoning Appeals at 7:30 p.m. Present were Board Members Foster Davenport, Gary Davis, Don Ecker, Robert Flora, Harold Van Vactor, Zoning Administrator, Troy Kiefer, Secretary, Leesa Kolter and interested parties.

The first item of business was the review of the minutes of the April 12, 2005 meeting. Mr. Flora moved and Mr. Ecker seconded a motion to approve the minutes as written. The motion passed by acclamation.

The second item of business, case 05-BZA-13, Cornerstone Community Fellowship, A request for a Special Exception to permit a Church and related recreational areas on property located on 1B Road, in an A-1, Agricultural District, Section 28 of North Township. Mr. Stephen Cox, Pastor, 4291 Michigan Road and Mr. Bill Borlic, of CTG Architects, 510 Lincoln Way East, Mishawka, were present to represent the request. Mr. Kiefer reviewed the details and presented the Findings of Fact. The Plan Commission forwarded the request with a favorable recommendation. He stated that initial structure would be 70' x 130'. The site plan outlined proposed additions and recreational areas to be built in the future. Mr. Kiefer stated that any changes of the site plan would need to come before the BZA for approval. He state there was a drainage ditch on the property, all improvements would need to be kept at least 75' from the top of the ditch, as well as a tile on the North portion of the property which would have the same restrictions.

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Mr. Kiefer stated that one concern would be that Maple Road would harbor the traffic; currently it's gravel. Mr. Cox stated that he was also concerned. Mr. Kiefer stated that approval could be contingent upon improvement of Maple Road.

Mr. Borlic gave a presentation of the site plan. He stated that the building would be simple with minimum impact to the surrounding areas. Mr. Davenport asked if the church would consider connecting to the Town of Lapaz sewer service. Mr. Borlic stated that they had been given verbal approval for Lapaz to handle the affluent portion as there was a lift station nearby. He stated that the site plan does have designated septic areas.

Mr. Flora asked if the church had pursued approval from the drainage board. Mr. Cox stated that they moved the areas which would infringe upon the required setback. Mr. Flora asked if they would plan to design a septic or join with Lapaz. Mr. Borlic stated that they would try to work with Lapaz if possible. Mr. Davis stated that they had switched the septic area. Mr. Borlic stated that was by suggestion of Lange Feeney. Mr. Davis asked if Maple Road had been improved at the County Line. Mr. Kiefer stated that it is improved past the railroad tracks. Mr. Davenport stated that currently the road was a half mile of unimproved road.

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

- Tim St. Claire, 17521 Ireland Road, South Bend, spoke regarding the request. He stated that he saw the church addition as an asset for Lapaz. He stated that it would not be a seven day facility, so he did not see the unimproved road as much of a concern. If it had to be access could be made from 1B Road, although it would be a great cost to the church.

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

Mr. Davenport stated that he thought the church would be a good improvement for Lapaz. Mr. Flora stated that they should petition the County Commissioner's to have the road improved.

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Mr. Davenport moved and Mr. Ecker seconded a motion to approve the request with the condition that the County request the improvement of Maple Road. The motion passed with a unanimous vote of approval.

The last item of business was the violation report. Mr. Kiefer stated that there were residents of Lapaz in attendance. Ms. Jane Harris stated that they would like to know what action has been taken against the Roger Leed properties. Mr. Kiefer stated that a lawsuit has been filed by the County against Mr. Leed. He stated that they are waiting to hear from Mr. Leed and will try to work for a date. He stated that if that does not happen there would be a Court date set for June. Mr. Kiefer stated that they will make all attempts for Mr. Leed to clean up the properties by the June court date, if not he will have to appear in court. Ms. Donna asked if the County would clean up the property if he did not. Mr. Kiefer stated that they have never had to face that, but it could happen. If the property were to be cleaned up by the County, the cost would be added to his property taxes. Mr. Davenport stated that he thought he has seen some movement on Mr. Leeds part.

Mr. Kiefer went through the current list of violation.

He stated that Mr. Plummer has an agreed judgment; the property was to be cleaned by the past Friday. He stated that there are two trailers on the property, one condemnable and one which is too old by County standards. He stated that Mr. Plummer called and asked for an extension, as he recently had a fire which has made clean up more difficult. Mr. Ecker stated that if Mr. Plummer is really trying he would agree to a sixty day extension. Mr. Kiefer stated that he felt that he was really trying.

Mr. Ecker moved and Mr. Flora seconded a motion to allow Mr. Plummer an additional sixty days (60) for the removal of the violation. The motion passed by acclamation.

Mr. Kiefer stated that he has had no contact with Mr. Stull. He stated that he was giving Mr. Stull some time to handle some health issues. Mr. Kiefer stated that they will be in contact with his attorney, Mr. Easterday.

Mr. Kiefer stated that there is a violation on Redwood Road, Roscoe and Denice White. He stated that he had drafted a letter, which stated if the property is not cleaned up in June, legal action will be taken.

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Mr. Kiefer stated that there is a new violation of Daniel Sharp. Mr. Sharp was turned down for a landscaping business on State Road 17 in 2001. He stated that Mr. Sharp has started up the business and running it from the proposed location. He stated that he has sent a violation letter.

Mr. Kiefer stated that there is violation that he is not sure what to do with. He stated that there is an area on 12<sup>th</sup> Road, East of West County Line Road, there were about five residence in the area which had always been bad and of late have been getting worse. He stated that he would invite the board to have a look and decide how to handle the area.

There being no further business, a motion was made to adjourn and seconded. The motion was passed by voice vote.

Respectfully submitted,

Robert Flora  
Secretary