

Minutes of the April 10, 2007
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 307
Plymouth, IN 46563

MINUTES

President, Foster Davenport, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, April 10, 2007, in Room 307 of the Marshall County Building. Present were: Commission Members Foster Davenport, Don Ecker, Bob Flora, Deb Griewank, and Dennis Thornton, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties.

The first item of business was the review of the minutes from the March 13, 2007, meeting. **Mr. Flora moved and Mr. Ecker seconded the motion to approve the minutes as amended. The motion passed by acclamation.**

The second item of business was 07-BZA-05 Shinneman, Lawrence – A request for a variance from the required 10' side yard setback to 4' to build a garage for storage. Mr. Shinneman was present to represent his request. Mr. Booker gave the details and presented the findings of fact. The applicant is asking to reduce the side yard setback on the west side of his property to build a garage. An analysis of the property shows due to terrain, only the upper elevation of the property is suitable for buildings. The parcel slopes greatly on the north side towards the lake and is unusable for most buildings. The parcels to the west and east are now vacant.

Mr. Shinneman tried to acquire property from either side and neither neighbor is willing to sell. This storage building will be used for boats and extra items that are currently being stored outside. This will definitely help the aesthetics of the property.

Mr. Ecker moved and Mr. Flora seconded the motion to open the public hearing. The motion passed by acclamation. There being no one to speak for or against Mr. Ecker moved and Mrs. Griewank seconded the motion to close the public hearing. The motion passed by acclamation.

The board discussed that it is the property owner's responsibility to establish the legal property line and the board gives approval of the variance from the roof (eaves) line to the legal property line.

Mr. Flora moved and Mr. Ecker seconded the motion to approve the request as it is a hardship. The motion passed with a voice vote 5-0.

The third item of business was 07-BZA-06 Bella, David – A request for a re-approval of a Variance of Use, 02-BZA-05 approved on March 12, 2002. Approval was given for only 5 years and needs your approval to continue. Mr. Bella was present to represent his request. Mr. Booker gave the details and presented the findings of fact. Five years ago the board approved automobile sales at this location with the following conditions. 1. Sales of vintage automobiles 2. A five year approval, with a stipulation to re-apply for an additional variance. 3. All vehicles must be kept inside storage building.

Board members all confirmed that in the past few years this property has been kept in an immaculate condition.

Mr. Ecker moved and Mrs. Griewank seconded the motion to open the public hearing. There being no one to speak for or against Mr. Flora moved and Mrs. Griewank seconded the motion to close the public hearing. The motion passed by acclamation.

Mr. Ecker made a motion to approve the above request as he has met all previous requirements, seconded by Mr. Flora. The motion passed with a voice vote 5-0.

The fourth item of business was 07-BZA-07 Clark, Alan - A request for a Variance of Use to allow a rebuild business for automobiles and trucks. Mr. Clark was present to represent his request. Mr. Booker gave the details and presented the findings of fact. The applicant has a small pole building to the rear of his property. He would like to rebuild salvage automobiles and trucks. He only has space for not more than two vehicles at a time. It is a nice clean area with properties which are well maintained. Concerns would be for salvage vehicles left outside. Negative impacts from this operation need to be addressed to keep the present nature of this area.

The board asked if they plan to have any signs. The applicant stated that there will be no signs on the property.

Mr. Ecker asked if there is a probability of this turning into a scrap yard. Mr. Clark stated that there is no chance of this turning into a scrap yard. The only work to be done on the cars are detailing and tune ups. No auto body work will be done. This business will be a small part time hobby with no employees.

Mr. Ecker moved and Mrs. Griewank seconded the motion to open for public hearing. The motion passed by acclamation.

- Jennifer Klotz – Wants to know if this will change the tax base of their property.
- Mr. Booker read two letters that were against the request from Mr. DeSloover and Mr. Vernon.

Mr. Flora moved and Mr. Ecker seconded the motion to close the public hearing. The motion passed by acclamation.

Mr. Davenport asked how the applicant plans to dispose of any hazardous material. Mr. Clark stated that he will dispose of the materials at his current place of business.

Mr. Thornton asked if he would have a problem with a fence to the neighboring property. Mr. Clark said that he wouldn't have a problem with a fence; however, he has no intent to have signage and keep the property in the same condition it is. Therefore, he sees no reason to need a fence.

Mrs. Griewank asked the applicant if he would be willing to come back in two or three years for a case review. Mr. Clark said, "Yes, of course."

Mr. Thornton made a motion to approve the above request with the requirement that everything be done inside the building, no signage, no painting, and no body work, and Mrs. Griewank seconded the motion. The motion passed with a voice vote 5-0.

The fifth item of business was 07-BZA-08 Scheub, Gary – The applicant requested a continuance of this hearing. **Mr. Ecker moved and Mr. Flora seconded the motion to approve the continuance. The motion passed by acclamation.**

The sixth item of business was 07-BZA-09 Mullet, Ben – A request for a special exception to allow a 12,000 square foot building to their existing home based business.

They make wood trims, doors and moldings, etc. Mr. Mullet and Mr. Pedler were present to represent their request. Mr. Booker gave the details and presented the findings of fact. This is the first time this operation has requested a special exception approval for a business. It has been there for years, so we are cleaning up an existing possible violation. It seems to be well run and accepted by the community. They wish to transfer part of their business to a new building from some old existing farm buildings. They are growing and need more space.

Mr. Pedler stated that Mr. Mullet plans to keep this a small family run business. Currently there are seven employees and wishes to have no more than ten.

Mrs. Griewank asked how long they have been in business. Mr. Mullet stated that his father started the business in 1995. To date no permits have been issues for this business.

Mr. Ecker moved and Mr. Flora seconded the motion to open for public hearing. The motion passed by acclamation. There being no one to speak for or against Mr. Ecker moved and Mrs. Griewank seconded the motion to close the public hearing. The motion passed by acclamation.

Mr. Flora stated that he sees this building as a factory and not a small home workshop.

Mr. Pedler stated that he understands; however, the Amish do have a hardship in relocating a business to an industrial area as they have no motor vehicles. Mr. Mullet's facility is kept up very well and does an outstanding job with his craftsmanship.

Mr. Ecker stated that these businesses start without any permitting and have gone further than a small home workshop.

Mr. Mullet stated that he now has to store materials outside and would just like to keep everything inside.

Mr. Thornton confirmed that this operation seems well run and has a good ingress and egress.

Mr. Thornton made a motion to approve the request of a 12,000 square foot building with no possibility of expansion and a limit of ten employees, seconded by Bob Flora. Motion carried with a voice vote 5-0.

The seventh item of business is 07-BZA-10 Swan Lake Resort – A request for a special exception to allow an additional storage building for turf equipment next to the maintenance building. Mr. Strang was present to represent his request. Mr. Booker gave the details and presented the findings of fact. Swan Lake wishes to add another building to store turf equipment. This is a simple request required since it is a Special Exception land use in an agricultural district.

Mr. Strang stated that approximately three years ago a maintenance building was built for equipment and now with more equipment they need another storage facility. There are no additional employees needed; their request is for a 32x40 pole structure for equipment storage building only.

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

Mrs. Griewank made a motion to approve the above request and Mr. Thornton seconded the request. The motion passed with a voice vote 5-0.

The eighth item of business is 07-BZA-11 Chupp, Loren & Karen – A request for a special exception to allow the applicant to purchase .64 acres from a neighbor and construct an 80'x110' building to be used to finish wood products. Mr. Loren Sloat, Attorney for the applicant, and Mr. Matthew Schmucker was present to represent his request. Mr. Booker gave the details and presented the findings of fact. The applicant has a wood products shop in an existing building. He needs to expand and wishes to construct a new shop. Mr. Schmucker wishes to trade land with his southern neighbor, Mr. Chupp, and construct the new building.

Mr. Sloat stated that Mr. Schmucker owns a total of 32 acres, while Mr. Chupp owns the adjacent property. Both property owners have agreed to trade equal amounts of acreage that will benefit both. Mr. Schmucker's business is a custom wood shop in the Rentown area.

Mr. Davenport asked the applicant if five employees will be the maximum. Mr. Schmucker stated that he would like to see a limit of ten employees.

Mr. Ecker moved and Mr. Flora seconded the motion to open for public hearing. The motion passed by acclamation.

Marshall County Board of Zoning Appeals
April 10, 2007

- o Jill Young – A neighboring property owner is concerned with the size, delivery trucks and traffic.

Mr. Ecker moved and Mrs. Griewank seconded the motion to close the public hearing. The motion passed by acclamation.

Mr. Schmucker stated that he has plenty of room for vehicles to pull in and not sit along the road. He also stated that there will be approximately six to eight box car trucks in and out during the day.

Mr. Ecker asked if this building will meet state standards. Mr. Schmucker stated that it will.

Mr. Ecker moved to approve the above request and will allow up to ten employees and seconded by Mrs. Griewank. The motion passed with a voice vote 5-0.

Mr. Booker gave the details of the violation report.

Mrs. Lonnie – She is renting a semi-trailer and has two office trailers along with junk cars. They have a building permit for a pole barn. Once she gets it paid off they will build this pole barn and will get rid of the trailers. We have two choices: the attorney send her a letter or hold out until late next fall and see if she builds the building. Mr. Ecker stated that it is his opinion that Mr. Lukenbill write a letter stating her commitment to have a pole barn built and the storage unit removed by October or further action will be taken.

Cindy Trl. – There was a complaint of numerous mowers and vehicles on the site. After inspection, all vehicles were found in operable condition.

Whetstone – A site inspection was made by the Health Department, Building Department and Zoning Inspector. The Health Department is working on this matter.

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

Respectfully submitted,

Bob Flora
Secretary

