

Minutes of the October 25, 2007  
Regular Meeting of the  
Marshall County Plan Commission  
112 W. Jefferson St. Room 307  
Plymouth, IN 46563

## MINUTES

President, David Dinius, called the Marshall County Plan Commission meeting to order at 7:30 p.m. on Thursday, October 25, 2007, in Room 203 of the Marshall County Building. Present were: Commission Members, Thomas Chamberlin, David Dinius, Larry Fisher, Don Morrison, Deb Griewank, Bob Yoder, and Ronnie McCartney. Plan Director Ralph Booker, Secretary Lori Lowry, and interested parties were also present. Members absent were Dennis Thornton and Julian Rouch.

The first item of business was the review of the minutes from the August 23, 2007, meeting. **Mr. Morrison moved and Mr. Chamberlin seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second item of business was 07-PC-12 Waldron, Craig & Vicki – The board agreed to table this case again from the August 23rd meeting until the applicants can be contacted for an update.

**Mr. Fisher moved to table this case until the November 15, 2007 meeting, seconded by Mr. Chamberlin. The motion passed by acclamation.**

The second item of business was 07-PC-13 Ulrich, David & Bonnie – A request for a Right of Way Vacation, a part of an un-named alley between lot 26 and lot 27 of Pearson Con Addition, Center Township, Marshall County. Bonnie Ulrich

was present to represent her request. Mr. Booker gave the details and presented the findings of fact. This is a request to vacate an alley created to allow future expansion to the east of Inwood. Inwood has never developed to the east and the alley system has never been utilized by the residents.

Mr. Fisher asked if there are any utilities in this alley. Mr. Booker and the applicant stated that there were no known utilities.

The applicant expressed that she wishes to vacate this 16 foot alley as she believes that this portion was originally hers. Her property is on a 44 foot lot and all neighboring properties run 60 feet. Therefore, it is her opinion that the 16 feet was originally hers.

The property line is approximately 7 feet from the house. Mrs. Ulrich planted landscaping believing the 16 feet was hers. Shortly after a neighboring property owner informed her of the alley.

Mrs. Ulrich stated the alleys behind some of the properties have already been vacated. The alley that runs north and south is blocked by trees, snowmobiles and other material. She exclaimed that nobody could drive that section to Old US 30 if they wanted to. Pictures were presented to the board by the applicant.

The applicant is only requesting a vacation of the alley that runs east and west. There is no request to vacate the alley that runs north and south.

Mr. Fisher asked the applicant if there has been a recent survey of the property. Mrs. Ulrich provided a survey that was completed on October 2, 2007.

Mr. Dinius asked Mr. Booker if the alley that runs north and south runs all the way to Lincoln Highway. Mr. Booker said that it does and believes that there have been no vacations in that area.

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

- Robert Benson – Hawthorn Rd. – Uses the north south alley daily.
- Jerry Ambrose – Hawthorn Rd. – Owns all the property to the south of the applicant. Would like to build a building in the future. Has lived there since 1981 and wants to keep the alley as it will give him access to the lots from the front and the back.

- Johnny Whitt – Hawthorn Rd. – Neighboring property owner understands wanting access of the alley, but also understands that the Ulrich’s need more room.
- Perkins Family – Hawthorn Rd. – Has lived at their residence since the 1960’s and has never seen this alley being used. It is their opinion that the alley should be closed as Inwood is not a town.

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

The board commented that if the requested alley was vacated, then there would not be an outlet to the alley that runs north and south.

Mr. Yoder stated that alley’s were created for a reason and by vacating the alley it would be taking away opportunities of access. Mr. Yoder stated, “If both parties were in favor there wouldn’t be a dilemma.”

Mr. McCartney believes that finding of fact #2 cannot be met as it will diminish the value of the adjacent lot.

The applicant asked the board why neighboring alleys have been vacated. Mr. Fisher explained that there had to be unity before vacating an alley.

Mr. Fisher said that after looking at the survey he believes that the alley was not taken off the one lot. After re-platting that portion, the lot could have been shortened to create the alley but the alley was created by platting. According to the legal description there is no exception of the 16 feet of which would be the alley.

Mrs. Griewank asked the applicant when the home was built. The applicant stated that it has been there since 1974. Mrs. Griewank later asked the neighboring property owner when the last time he physically drove down that alley. He admitted to only driving it once in his life.

**Mr. Fisher made a motion to give an unfavorable recommendation to the Board of Commissioners for the vacation of the above named alley, seconded by Mr. Yoder. Motion carried with a voice vote 5-2. Mrs. Griewank and Mr. Morrison voted nay.**

Mr. Dinius explained to Mrs. Ulrich that this request will still go to the County Commissioners on November 19th, but with an unfavorable recommendation.

The third item of business was 07-PC-14 Drake, Dee Ann – A request for a 3 lot Subdivision approval located on 4 A Rd., Harris Station, North Twsp., Plymouth, IN 46563. Mr. Roy Roush was present to represent the applicant. Mr. Booker gave the details and presented the findings of fact. The applicant is applying for a three lot subdivision. The subdivision is an attempt to correct some errors from the past. This original subdivision was created in 1885 by the railroad to accommodate a railroad terminal. Over the years this subdivision did not develop to its fullest potential due to the inadequate lot sizes. Buildings were built over existing lines. You have just vacated a road which has never been utilized. This subdivision plat is an attempt by the owner to correct errors.

Mr. Roush stated that his client bought and inherited this property from her parents. Their intent is to straighten out and make these lots more in conformity with the zoning regulations of Marshall County. The warehouse is currently for sale. If the other two properties were to be sold in the future, they would be more marketable if they didn't have any encroachments or problems with ingress or egress. Mr. Roush stated, "What she is trying to do is take a bad situation and make it better."

Mr. Booker stated that the current zoning on the properties is B-2. After the new zoning takes affect it will be A-1.

Mr. McCartney asked if the only entrances to the building were on the north and west sides of the building. Mr. Booker stated that there is an entrance door on the south side of the building also.

Mr. Roush stated that the reason the alley was vacated at an earlier meeting was the house that was located on what is now called lot 2 was actually in the alley. Now what exists is a commercial building, a house and a trailer on one property. The plan is to get each building on a parcel with its own setbacks so that there are not multiple buildings on the same parcel. This is not the ideal minor subdivision; however, there are structures that have been there for at least twenty years. Mr. Roush followed up by saying, "We are trying to make a bad situation better, and I am not saying this will take a bad situation perfect. I am saying it will make it better."

Mr. McCartney asked if the applicant would consider adding the wording to the easement, for example: the west access could be improved by any one of the three owners if they choose. Mr. Roush stated that he felt the applicant would be very willing to include that phrase.

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

- Ryan Richard Stough – 4 A Rd. – Owns adjacent properties and wanted information on the applicant's proposal.

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

**Mr. Fisher moved and Mr. Chamberlin seconded the motion to approve the above three lot minor subdivision approval with the condition that the applicant adds the following to the plat: The west access could be improved by any one of the three owners if they choose. The motion carried with a voice vote 7-0.**

Mr. Booker stated that once the wording is added to the plat he would get the appropriate signatures from the board.

The board explained different options that Mr. Stough, the adjacent property owner, would have concerning his properties.

Other:

Mr. Booker informed the board that that the Plan Commission from the City of Plymouth has selected their members for the joint meeting to be held with the Plan Commission of the county. Their members include: Mark Gidley, Don Gardner, Dennis Emmons, Doug Feece, and Joe Simanski.

Mr. Lukenbill has informed the board that he should not serve on the committee for the Marshall County Plan Commission as such service would interfere with his ability to give independent objective advice on legal matters.

The following members were appointed for the Marshall County Plan Commission sub-committee: Don Morrison, Larry Fisher, Deb Griewank, and

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Mr. Thornton. The board all concurred that they would like Mr. Booker to also attend the meetings. Mr. Booker requested from the board permission to allow Mr. Lukenbill to be present at the meetings. The board agreed.

Mr. Dinius stated, "I am not concerned with who has control where there are options, only that the people of the two mile zone are served." It is his opinion that this area be served and treated fairly.

This sub-committee agreed to meet prior to the meeting with the city so that they could prepare.

There being no other business before the Plan Commission, a motion was presented and seconded to adjourn the meeting. The motion passed by acclamation and the meeting was adjourned.

Respectfully submitted,

Robert Yoder, Secretary