

Minutes of the November 10, 2009
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Don Ecker, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, November 10, 2009, in Room 203 of the Marshall County Building. Present were: Commission Members Don Ecker, Deb Griewank, and Foster Davenport, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties. Members Bob Flora and Gary Davis were absent.

The first item of business was the review of the minutes from the October 13, 2009, meeting. Mr. Davenport moved and Mrs. Griewank seconded the motion to approve the minutes as written. The motion passed by acclamation.

The 2nd item of business was 09-BZA-24 RONK, Rodney – A request for a Special Use to allow a shooting range used by local law enforcement, family and friends, located at 12856 Queen Rd., Plymouth, IN, Zoned A-1. Mr. Rodney Ronk and his father Bill Ronk were present to represent his request. Mr. Booker presented the findings of fact. The applicant has developed two (2) shooting ranges. One is a small range south of the residence located at 12856 Queen Rd. It is located in a wooded area with a backstop with five (5) firing lanes. To the east is a wooded field of 60 acres with no buildings. The other range is located on the west side of Queen Road. It has a firing line at 50 feet and 25 feet. The area to the north does have a residence to the northwest which is blocked by a small hill. This range was brought to my attention by a resident on Mill Pond complaining about the noise. I am ruling this is not just a private range, but meets our test of a shooting range with Special Use as required by ordinance since law enforcement is using the range.

Rodney stated that the range began with it being used by family and friends only. Because of the current conditions being inadequate Rodney, a reserve officer, offered his shooting range for qualifying. Officers that qualify at this range are from the county and sometimes the town of Culver. They usually qualify 8 to 10 times per year with 4 to 5

people shooting at each shift and there being 2 shifts. There hasn't been a set schedule as to when qualifying takes place.

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

- Dave Mitchell – Is a reserve deputy and believes if they can't qualify it cripples the officers as this sharpens their skills.
- Jim Brown – Needs a suitable range to hone their skills and there aren't that many to be found.
- Jason Peters- Supports this firing range as he also believes the officers need a place to practice and also as a family member believes it is a fun and safe place to shoot.
- Devon Flosenzier – Is a neighboring property owner and doesn't have a problem with the shooting or the noise.
- Missy Collins – Is a reserve officer that uses this range. There is no funding for training. If they would have to pay for this use it would extremely limit the practice time.
- Daniel Butt – Is a head firearms trainer for the county. It is imperative that there is a location to train. Ronk's property is convenient and works well. He would be more than flexible as to days and times qualifying would take place.
- Larry Balmer – He supports the need, but would also like there to be time constraints such as no shooting on Sundays.
- Steve Miller – Is a reserve officer and believes this is the safest range they have used.
- Lloyd Anderson – Is a neighboring property owner and is not affected by the shooting range.
- Vickie Markuson - Has lived on her property for 13 years and is north of the Ronk property. Would like to see some restrictions put on this range. Is also concerned about the lead issue.
- Joe Arce – Sent a letter against the range as he doesn't want the noise.
- Henry Mansfield – Sent a letter against the range and doesn't want the noise.

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

Mr. Bill Ronk stated that they were unaware that the shooting was bothering anyone. He has no problem with there being limitations on qualifying.

As far as lead it is retained in the bank. Rodney does not feel it will create a problem as the ground is gravel and sand.

The gun range has been built to NRA standards. The height of the berm is approximately 10 feet tall. It was the Ronk's belief that because of the location and how the range was built that there would be no stray bullets getting anywhere near other properties.

The guns being used to qualify are the Arrow 15 Riffle. As far as parking there is plenty of off road parking which will not create a problem for neighboring property owners.

The board asked if the qualifying was always supervised. Mr. Butt stated that if it is a department function he is always there early to set up the range and is always present to make sure it is a safe range.

Mr. Davenport asked if they could limit their shooting to weekdays only. Mr. Butt stated that for the full time employees that would not be a problem. However, with the reserve officers they hold a full time job and sometimes Saturday's is their only day. Hopefully an arrangement could be made to accommodate those officers. Mr. Butt also stated that they would be willing to eliminate all qualifying shooting on Sundays.

Mr. Butt stated that a full qualifying schedule is only 6-8 days out of a 365 day year.

The board discussed with Rodney options for removing the lead.

Mrs. Griewank wanted to discuss family and friends shooting. Rodney stated that he is an Indiana Hunters Education Instructor. He sees to it that guns are not mishandled.

The board went through the findings of fact. One concern was the height of the birms. The Ronk's were asked to raise the backstops to 14-15'.

Mr. Davenport made a motion to approve the Special Use to allow a shooting range used by local law enforcement, family and friends, located at 12856 Queen Rd., Plymouth, IN with the following conditions:

- **Qualifying two (2) Saturdays per month for four (4) hour period**
- **Qualifying Monday thru Friday from 10-6**
- **Must have a qualified range officer on range at all times**
- **Limit of 12 people on the range at all times**
- **Must reclaim the lead every 5 years**
- **Backstops must be at least 15'**
- **No law enforcement shooting on Sundays**

The motion was seconded by Don Ecker. Motion carried with a voice vote 3-0.

The 3rd item of business was 09-BZA-25 DREWS, David – A request for a Variance of Development Standard to reduce the rear yard setback from the required 20' to 3', located at 2775 Plymouth Laporte Tr., Walkerton, IN Zoned A-1. Mr. David Drews was present to represent his request. Mr. Booker presented the findings of fact. The applicant wants to build a 36' by 24' garage on the eastern edge of his property. The property is a triangular shaped parcel of one (1) acre. The western portion is Adrian Muck which is very poorly drained and not suitable for building. The eastern portion is Pinhook soils which is more suitable for building. The parcel narrows at the eastern end, which makes meeting setbacks very difficult.

Mr. Ecker asked if there would be an additional driveway on Plymouth Laporte Tr. Mr. Drews stated that there would be no additional egress as they would be using the existing driveway.

Mr. Davenport asked if there has been a recent survey to know boundary lines. Mr. Drews stated that his property hasn't but the property to the rear has and he has a copy of it so he knows where the stakes are.

The property directly to the rear is agricultural and wooded.

Mr. Davenport moved and Mrs. Griewank 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. Motion carried.

Mrs. Griewank moved to approve the request to allow a Variance of Development Standard to reduce the rear yard setback from the required 20' to 3', located at 2775 Plymouth Laporte Tr., Walkerton, IN with the stipulation that there be no additional egress to Plymouth Laporte Tr., seconded by Mr. Davenport. Motion carried with a voice vote 3-0.

The 4th item of business was 09-BZA-26 VANSICKLE, Richard – A request for a Variance of Development Standard to reduce the front yard setback from the required 30' to 10' located at 16290 Menominee Dr., Plymouth, IN Zoned L-1. Mr. Richard VanSickle was present to represent his request. Mr. Booker presented the findings of fact. The applicant has built a carport without an ILP over their existing parking area. This was noticed by the Building Inspector. The carport is built with zero setbacks from the road. The applicant is asking to reduce the roof line to 10' from the edge of the road.

Mr. Vansickle passed out pictures to the board of the area showing other properties that have garages closer to the road than what he is requesting. The applicant has offered to remove ¼ of the length of the carport to allow a 10' setback from the road.

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

Mrs. Griewank moved to approve the request for a Variance of Development Standard to reduce the front yard setback from the required 30' to 10' and allow the existing carport with the requirement of one section being removed that is closest to the road, located at 16290 Menominee Dr., Plymouth, IN, seconded by Mr. Ecker. Motion carried with a voice vote 3-0.

The 5th item of business was 09-BZA-27 SILVER CREEK HOMES/NATASHA CELMER - A request for a split of a (2) two acre parcel into two (2) one (1) acre parcels, each with one (1) residence, to secure a FHA Loan. The minimum requirement is one (1)

residence per every five (5) acres. Ms. Natasha Celmer and Silver Creek Homes were present to represent their request. The applicant has received a variance in the case 09-BZA-12 to replace a single wide home with a new modular home to take care of her parents which live in the original residence. We have given the Improvement Location/Building permit for the new home. Now, Miss Celmer has applied for a FHA loan for the new residence. They require only one (1) residence per parcel. Thus the applicant is asking to split the two (2) acre parcel into two (2) equal one (1) acre parcels. Both of the parcels will meet the zoning requirement, but they will not meet the density rule of only one (1) residence per every five (5) acres.

Mrs. Griewank asked if once the parcel is split if the parcel that Natasha's trailer will be on will be in her name and she answered, "yes".

Mr. Davenport moved and Mrs. Griewank seconded the motion to open for public hearing. Motion carried.

- Curt & Marilyn Coby – Is in favor of the split as long as Natasha Celmer is the deeded owner of her parcel as they feel she will take care of it.
- Phillip Mitchell – Neighboring property owner against the split as he believes their current property already diminishes his property.

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

Silver Creek's Homes representative stated that the reason for this request is for the petitioner's financing. As far as the original home it will be removed by them prior to the new home being placed.

As of this date the storage trailer that was located directly behind Robert Celmer's house has been removed. There was also another storage building in front of their house that has been removed.

Mr. Davenport moved to approve the request to allow the split of a two (2) acre parcel into two (2) one (1) acre parcels, located at 12743 Upas Rd., Culver, IN, seconded by Mrs. Griewank. Motion carried with a voice vote 3-0.

Violations:

Vermillion – The trailer that was on the property is no longer there; therefore, they will be taken off the list.

Haas – Still has some odds and ends, but promised to have cleaned up by the end of November.

Tackett – Ralph has been subpoenaed for this court case.

Eckert – Is still not done, but said it would be done by the 22nd of November. The board recommended to Mr. Booker that he send a letter to Mr. Eckert.

Yakas - Was unaware that he couldn't store scrap on his property. He is in the process of removing it and needs additional time. Mr. Booker was directed to go back out in 30 days.

Reaker - The trailer has been removed. No action.

Samara - Going to court with the company that sold them the trailer on Nov. 17th.

Pifer - Has a conx trailer to be removed.

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

Respectfully submitted,

Deb Griewank