

February 13, 2023  
Regular Meeting of the  
Marshall County Board of Zoning Appeals  
112 W. Jefferson St. Room 203  
Plymouth, IN 46563

## MINUTES

President, Jeff Gustafson, called the Marshall County Board of Zoning Appeals meeting to order at 7:00 p.m. on Tuesday, February 13, 2024, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, David Hostetler, Jim Kephart, and Matt Miller. Also present was Ty Adley Plan Director, Lori Lowry and interested parties.

Mr. Hostetler made a motion to approve the December 12, 2023, minutes, seconded by Mr. Bennett. Motion carried by acclamation.

Mr. Adley attested Jim Kepler as returning Board of Zoning Appeals member through December 31, 2027.

The first item of business was the election of officers for the Marshall County Board of Zoning Appeals.

- **President** Mr. Miller made a motion to nominate Jeff Gustafson as President of the Marshall County Board of Zoning Appeals, seconded by Mr. Hostetler. Motion carried by acclamation.
- **Vice President** Mr. Hostetler made a motion to nominate Matt Miller as Vice President of the Marshall County Board of Zoning Appeals, seconded by Mr. Kephart. Motion carried by acclamation.
- **Secretary** Mr. Miller made a motion to nominate Mr. Hostetler as secretary of the Marshall County Board of Zoning Appeals, seconded by Mr. Bennett. Motion carried by acclamation.

## Other Business

The Plan Director presented the 2023 Plan Commission and Board of Zoning Appeals Annual Report. In 2023 there were 1098 permits issued in comparison to 1072 issued in 2022. The valuation of permits for 2023 was \$145,320,000 which is more than \$94,210,229 in 2022. The coming year the department will continue keep up with the latest changes. Updates will include solar farms, battery storage, communication towers, billboards, carbon sequestration/capture and updating the subdivision ordinance.

The first item of business was 24-BZA-01 MILLER, Myron & Lisa - A request for a Variance of Developmental Standard to allow a layer barn confined feeding operation that doesn't meet the 1,320' residential setback on twelve (12) residences; located at: 121 E. County Line Rd.

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(505421000003002005) Nappanee German Twsp., Zoned A-1. Myron & Lisa Miller of 121 E. Marshall County Line Rd. Nappanee were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to construct a layer barn that will be closer than the 1,320' residential setback. There are 12 residences that are within the required radius. 11 of the homeowners have already provided letters. The residences range from 1330- 576 for non-family properties, and there are two residences owned by the project owner/family north on East County Line Road. There are two animal barns to the southwest on an adjoining parcel. The region is familiar to animal production. There have been cases in the past for reduction of the setback and has often depended on the interest of the neighbors, with some cases reducing the setback and some not reducing the setback.

There are twelve property owners within the 1,320' residential setback. Eleven letters were received from the twelve.

Mr. Miller made a motion to open for public hearing, seconded by Mr. Kephart. Motion carried by acclamation.

Mr. Adley read the letter from Agronomix and the names of all eleven who sent them.

Mr. Bennet made a motion to close the public hearing, seconded by Mr. Miller. Motion carried by acclamation.

**Mr. Kephart made a motion to approve 24-BZA-01 MILLER, Myron & Lisa - A request for a Variance of Developmental Standard to allow a layer barn confined feeding operation that doesn't meet the 1,320' residential setback on twelve (12) residences; located at: 121 E. County Line Rd. (505421000003002005) Nappanee German Twsp., Zoned A-1, seconded by Mr. Hochstetler. Motion carried with a voice vote 5-0.**

The second item of business was 24-BZA-02 ANKNEY, Henry - A request for a Special Use to allow small engine repair on the property; located at: 3141 Plymouth Laporte Tr. Walkerton, IN Polk Twps., Zoned A-1. Mr. Henry Ankney of 3141 Plymouth Laporte Tr Walkerton was present to represent his request. Mr. Adley presented the findings of fact.

The applicant has been operating a small engine repair business and would like to continue his operation. Mr. Ankney was turned in for violation of the junk and debris portion of the Zoning Ordinance. There has been some clean up, but there is still room for more progress.

Mr. Ankney rented the property and didn't have control of what the owner brought in. Now that he owns the property, he is working to get the property cleaned up. The plan for the building that is in disrepair is to put a new roof over it.

Mr. Ankey explained that doing the small engine repair is more of a hobby. There won't be customers or signage, he would just like to keep himself busy. Once the property is cleaned up his plan is to keep things all inside.

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There has been substantial improvement on the cleanup of the property. The Plan Director stated that staff will continue to stay on top of this until its cleaned up.

Mr. Bennett made a motion to open for public hearing, seconded by Mr. Miller. Motion carried by acclamation. There being nobody to speak for or against Mr. Hochstetler made a motion to close the public hearing, seconded by Mr. Kephart. Motion carried by acclamation.

**Mr. Hochstetler made a motion to approve 24-BZA-02 ANKNEY, Henry - A request for a Special Use to allow small engine repair on the property; located at: 3141 Plymouth Laporte Tr. Walkerton, IN Polk Twps., Zoned A-1 with the following stipulations:**

- 1. TRC recommendation**
- 2. Continue the clean up the property as recommended**

**seconded by Mr. Kephart. Motion carried with a voice vote 5-0.**

Other

Mr. Adley proposed going through a quick update of the Board of Zoning Appeals Rules and Procedures at March's meeting. The board was all in agreement.

With no further business to come before the board the meeting was adjourned. Motion carried.

Respectfully submitted,

David Hostetler