

March 12, 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, March 12, 2024, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, David Hostetler, Michelle Mieras and Christopher Kline. Also present was Ty Adley Plan Director, Lori Lowry and interested parties.

Mr. Hostetler made a motion to approve the amended February 13, 2024, minutes, seconded by Mr. Bennett. Motion carried by acclamation.

The first item of business was 24-BZA-03 INWOOD MHC LLC - A request for a Variance of Use to allow a mobile home community removing old mobile homes with brand new; located at: 10682 Hawthorn Rd. Plymouth, IN Zoned T-1. Mr. Frank Sheppard of 2467 Oak Tree Circle Winamac was present to represent his request. Mr. Adley presented the findings of fact.

The applicant has recently acquired the Inwood Mobile Home Park and is wanting to make some improvements as well as fill empty pads. Because a few slips have been vacant for some time, they are not permitted to be filled due to the conflict with the legal nonconforming standards. The Town Residential Zoning District also does not permit mobile home communities within its list of available uses, which is why the Use Variance is being pursued. There are a few slips that are currently unused and a few more that the homes were recently removed due to condition of the structure. It is the intention of the applicant to update and fill the park back up to the original capacity.

Mr. Sheppard purchased the mobile home park in January. There is currently one well and one septic tank. There were issues with IDEM from the previous owner, but has since been rectified and they are currently in good standing with IDEM.

The trash on the property has been cleaned up and they plan to put down ground asphalt on the roads next week.

The new homes that are brought into the empty lots will be brand new and owned by the tenant. A lot rent fee will be assessed to each property owner. As long as the 11 existing homeowners stay in good standing they can continue to stay at the site.

Mr. Bennett made a motion to open for public hearing, seconded by Ms. Mieras. Motion carried by acclamation.

Marshall County Board of Zoning Appeals

3/12/2024

1. Tiffany Hardy 10801 Hawthorn Road. There have been a lot of problems in the past at the trailer park and has a concern how they will keep up the property with double the amount of trailers.

Mr. Kline made a motion to close the public hearing, seconded by Ms. Mieras. Motion carried by acclamation.

In the past owners have been located out of state. The applicant believes it's important to visit the property regularly to ensure its kept up to his standards. In addition, anybody that moves to this location will have a thorough credit check and will have to qualify for a home loan. The lease for the lot is a one-year term that also has specific guidelines, for instance no fences and no outside storage.

If the owner chooses to discontinue making payments, the park has the right to buy back the trailer and re-sell.

Ms. Mieras made a motion to approve 24-BZA-03 INWOOD MHC LLC - A request for a Variance of Use to allow a mobile home community removing old mobile homes with brand new; located at: 10682 Hawthorn Rd. Plymouth, IN Zoned T-1, seconded by Mr. Hochstetler. Motion carried with a voice vote 5-0.

The second item of business was 24-BZA-04 MALCOLM, Richard & Anne - A request for a Variance of Developmental Standard to reduce the lakeside setback from the required 45' to 8' from the waters edge to allow a small lean to addition to an existing boathouse; located at: 18149 Tahoe Tr. Plymouth, IN Zoned L-1. Paul Herbert 18149 Tahoe Tr. and Richard Malcom of 18149 Tahoe Tr. were present to represent their request. Mr. Adley presented the findings of fact.

The applicant has an existing boat house at their residence where they are able to store a variety of lake items and they are wanting to expand the structure to make room for additional items. The existing structure per the provided drawing is 8' from the waters edge and they would keep it at the same distance. The applicant has recently constructed a lakeside boathouse addition onto an existing deck and is going back to receive necessary approvals. The addition is considered a structure and must meet setbacks or pursue required variance. The district setback is 45' and the applicant is seeking to reduce the setback to 8' from the edge of water. It is unknown when the other boathouse went in and how it had received approval. The discussion at TRC had concern on what this could do for other lakeside setbacks and bringing similar structures up to the lake not only on Lake Latonka, but other lakes around the County.

In April of 2022 the applicant applied for a building permit and the TRC denied the request saying it had to get a variance and a LOMA. This addition was built in December of 2023. Around the same time the lakes homeowner's association changed as well as their opinions on wanting covered structures to store equipment in. The original lakeside structure was there when they bought the house. As soon as they received their violation notice, they came into the office to file for the variance. In addition, the lake association has recently approved the request.

Marshall County Board of Zoning Appeals

3/12/2024

The board shared their concerns and frustrations that the applicant not only built the addition without a permit but built it after they were turned down by the Technical Review Committee.

Mr. Kline made a motion to open for public hearing, seconded by Ms. Mieras. Motion carried by acclamation.

1. David Stayton Talked with Matt Miller president of LLHOA and is in agreement that they approve the shed addition.
2. Matt Miller LLHOA – Their homeowners association met on March 11th and they unanimously agreed that the improvement made to the storage structure was not only beneficial from an aesthetic perspective, but it was also found to be beneficial in protecting the waters ecosystem.

Mr. Hostetler made a motion to close the public hearing, seconded by Mr. Bennett. Motion carried.

In addition to the issue of building without a permit the building was also built in the flood plain. This issue will have to be addressed before a permit can be issued.

The board had a lengthy discussion about structures being put up around the lake without permits that don't meet requirements. They would like to see applicants get approval from their lake association first and then come to the Plan Commission office for a permit and/or variance if needed before any construction is done.

Mr. Hostetler made a motion to approve 24-BZA-04 MALCOLM, Richard & Anne – A request for a Variance of Developmental Standard to reduce the lakeside setback from the required 45' to 8' from the waters edge to allow a small lean to addition to an existing boathouse; located at: 18149 Tahoe Tr. Plymouth, IN Zoned L-1 with the following stipulation:

- 1. Fine to equal three times the current permit fee**

Seconded by Mr. Bennet. Motion carried with a voice vote 3-2 with Mr. Kline and Ms. Mieras voting against.

Group Board of Zoning Appeals Basic Training

The plan director presented to the board a brief training on the powers and duties of the Board of Zoning Appeals that was put together by the American Planning Association that included: General Rules of Thumb, Powers and Duties, Conflict of Interest, Common BZA Activities, Hardship, BZA Contact, Board Determination, Determination Pitfalls, and Final Notes.

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

Respectfully submitted,

David Hostetler