

June 11, 2024
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, June 11, 2024, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Jim Kephart, David Hostetler, and Matt Miller. Also present was Ty Adley Plan Director, Lori Lowry and interested parties. Trent Bennett was absent.

Mr. Hostetler made a motion to approve the May 14, 2024, minutes, seconded by Mr. Kephart. Motion carried by acclamation.

The first item of business was 24-BZA-22 - STUTZMAN, Dennis & Becky - A request for a Special Use to allow a home-based roofing business; located at: 5300 Sage Rd., Plymouth, IN Polk Twsp., Zoned A-1. Dennis & Becky Stutzman of 5300 Sage Rd. Plymouth were present to represent their request. Mr. Adley presented the findings of fact.

Energy Efficient Roofing is seeking to approve an existing roofing business at his residence that he and 4 other crew members operate. 3 of which are his sons. They park their trucks and trailers at his property when not in use at the jobsites. They store leftover material from completed jobs within a portion of their pole building. They expect to get 3-6 trucks per year on average to the house with all others being delivered directly to the jobsite. Hours of operation are from 7:00am to 5:00pm and any deliveries would generally be between 1:00 and 3:00pm. Mr. Stutzman and Energy Efficient Roofing has been registered in Marshall County since 2018.

Applicant bought the property in 2016 and had the roofing business before moving to this location. The business had been registered just didn't know he needed additional approval until notified recently.

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

1. Wade Salyer 5378 Sage Rd. Is an adjacent property owner. Wasn't aware the applicant's roofing business wasn't already approved. His son went through the proper procedures to get his plumbing business approved they should have to. Since all the traffic for their new chicken barn the road is already tore up and a mess. He is objecting to the proposed business. It should be run out of commercial property. Also questioned whether they've been taxed correctly.
2. Sara Sarber 5242 Sage Rd. Is an adjacent property owner and is against the request. The condition of their road has deteriorated even more since the construction of

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- their chicken barn. Wouldn't have had a problem with one of the businesses, but now with the added traffic they are not in favor of the request.
3. Julie Spitznagle 5119 Sage Rd. Believes this has been a problem since 2018 and now there are semi's unloading, and you can't even pass without driving off the road. Since 2018 the roads have deteriorated and there's been additional traffic. She assumed there was already a home-based business. Questioned how many home-based businesses are allowed on a property. In addition to the roofing business there is also a deer business. Is not in favor of the request and believes there should be a fine.
 4. Schrameyer, Christopher & Jamie – Is not in favor of the above request due to blocking of the road, the semi's parked on the road are a danger to the people that ride the bicycles on Sage Rd, and with the added traffic has caused air and noise pollution and excess wear and tear on their road.
 5. A petition was signed against the above request due to excess traffic, and unsafe conditions for children, and a noise nuisance.
 - a. Bonnie Salyer 6378 Sage Rd.
 - b. Julie Spitznagle 5119 Sage Rd.
 - c. Stacey Heying 5099 Sage Rd.
 - d. Jamie Schrameyer 5170 Sage Rd.
 - e. Chris Schrameyer 5170 Sage Rd.
 - f. Fredrick Komon 5023 Sage Rd.
 - g. Tena Komon 5023 Sage Rd.
 - h. Rod Sarber 4954 Plymouth Laporte Tr.
 - i. Rose Goncher 5061 Venita Dr.
 - j. Bob Dunn 5061 Venita Dr.
 - k. Ken Froechke 5080 Venita Dr.
 - l. Sara Sarber 5242 Sage Rd.
 - m. Jeff Sarber 5242 Sage Rd.
 - n. Joyce Sarber 18568 Sixth Road
 - o. Cindy Kaser 18796 5th Rd.
 - p. Jake Kaser 18796 5th Rd.
 - q. Ron Finchum 17622 Vine St.
 - r. Sylvia King 18890 5th Rd.
 - s. Chad King 18890 5th Rd.
 - t. Rebecca Taberski 505 Venita Dr.
 - u. Barbara Klinedinst 19245 5th Rd.
 - v. David Klinedinst 19245 5th Rd.
 - w. Tara Fulk 18609 5th Rd.
 - x. Chad Fulk 18609 5th Rd.
 - y. Clay Kobelt 18379 5th Rd.
 - z. Kristina Klinedinst 505 Plymouth Laporte Tr
 - aa. Wade Salyer 5378 Sage Rd.
 6. Nelson, Naomi 18531 5th Rd. Believes the chicken barn that is in the works should be considered a commercial business. She thinks the regulations for A-1 zoned properties needs revised. Does not agree with this commercial business.
 7. Klinedinst, David 19245 5th Rd. Their current building is already lowering the property values. This proposal should be in a commercial area. Against the request.

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8. Carter, Sue & Ken 18400 5th Rd. After the chicken barn they are against the roofing business.

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

The board asked for more details on the Technical Review Committee's recommendation. This home-based business is small with a couple of employees and the business takes place elsewhere. Which is different than a home workshop.

The building that was built was permitted for storage and the deer business. The portion the barn is used for deer and the other portion is used for left over material storage.

When the violation went out the Stutzman's came into the office in a timely manner after and applied for the variance. Our normal protocol is to not fine unless the homeowner chooses not to come in and file for a variance.

The applicants didn't know they would need to reach out to people that they knew were in favor of their request.

Mr. Kepler made a motion to table the request to allow there to be a full board at the next meeting; seconded by Mr. Hochstetler. Motion carried to table the request.

Mr. Miller arrived at the beginning of case 24-BZA-23.

The second item of business was 24-BZA-23 BORKHOLDER, Eddie Ray & Diana - A request for a Special Use to allow a non-profit private remote control flying field; located at: 3 B Rd. (50-44-05-000-015-000-005) Bremen, IN German Twsp., Zoned A-1. Dennis Miller of Deep Rooted Excavating and Anthony Derosa 827 Greenmont Ct. Mishawaka President of the Green Nights Radio Control Club were present to represent the request of Eddie Ray Borkholder. Mr. Adley presented the findings of fact.

The applicant is seeking to allow you a nonprofit RC flying field that will be for a private RC airplane club. The airplane strip would be 30'x300'. There would be pits, parking and a carport to provide shelter.

The plan for the runway is to run east and west about 90' off the road.

The sky nights radio control club started in the late 60's. The field that was used was no longer available as it changed ownership. They follow FAA & AMA regulations and safety guidelines.

There will be little traffic. They look to have a couple fly ins that will possibly bring in 30'ish people maybe twice a year. There will be no flying on Sunday and the fly times are usually between 8:30-9 am and done before noon. The flight plan will be to fly north and stay within visual site range.

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

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by acclamation.

1. Eddie Ray Borkholder 1459 3rd Rd. His sons fly remote-controlled planes, and the club approached him last fall. They have talked to area owners, and none have a problem with the request.

Mr. Hochstetler 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-23 BORKHOLDER, Eddie Ray & Diana - A request for a Special Use to allow a non-profit private remote control flying field; located at: 3 B Rd. (50-44-05-000-015-000-005) Bremen, IN German Twsp., Zoned A-1, seconded by Mr. Miller. Motion carried with a voice vote 4-0.

The third item of business was 24-BZA-24 TROYER, Jacob & Naomi- A request for a Special Use to allow a 40'x44' residential addition to an existing barn to allow for a temporary second residence on the property; located at: 1657 3rd Rd. Bremen, IN German Twsp., Zoned A-1. Jacob Troyer of 1657 3rd Rd. Bremen was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to do a 40x44' addition onto an existing pole barn in order to take care of their elderly parents. The addition would require the creation of a new septic system and would need to comply with any and all residential codes. The same standards for specific family members should apply to this secondary residential unit.

The existing barn is being used for storage and a hobby shop.

During discussion the topic of splitting the parcel was addressed. Due to the layout of the existing buildings the plan director explained that wasn't an option.

The board expressed their concern about the increase of secondary residences to care for elderly family and how we keep track of them.

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

1. Eddie Ray Borkholder - 1459 3rd Rd. Is in favor of the request and it's a good idea to take care of family.
2. Julie Spitznagle 5119 Sage Rd. Brought up a previous case and would like there to be consistency.

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

Mr. Hostetler made a motion to approve 24-BZA-24 TROYER, Jacob & Naomi- A request for a Special Use to allow a 40'x44' residential addition to an existing barn to allow for a temporary second residence on the property; located at: 1657 3rd Rd. Bremen, IN German Twsp., Zoned A-1, with the condition that the use of the secondary residence be only used by Jacob & Naomi Troyer and once they no longer reside there that the secondary residence is to revert back to non-living space,

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seconded by Mr. Miller. Motion carried with a voice vote 3-1 with Mr. Gustafson voting against.

If anyone different wants to live in the proposed structure they will have to come before this board and apply.

Other Business

2025 Proposed Board of Zoning Appeals Budget

Due to the increase in cost of printing and advertising the plan director proposed to triple that line in the budget.

The board was all in agreement with the proposed budget and increase in the printing and advertising line item.

Other Business

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

Respectfully submitted,

David Hostetler