

July 9, 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, July 9, 2024, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Jim Kephart, David Hostetler, Trent Bennett and Matt Miller. Also present was Ty Adley Plan Director, Lori Lowry and interested parties.

Mr. Miller made a motion to approve the June 11, 2024, minutes, seconded by Mr. Hochstetler. Motion carried by acclamation.

The first item of business was 24-BZA-22 - STUTZMAN, Dennis & Becky - A tabled 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.

Recommendation:

Based on the information provided and the scale of the business, Staff and TRC would recommend approval of the proposed home-based business.

Mr. Stutzman gave the background of the start of his roofing business. This business started at his home location in Bremen several years ago. They've been at this address for seven years.

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

1. Ryan Stutzman 5284 Sage Rd. Is a son of the applicant. Lives adjacent to this property. Is in favor as it's his way of living.
2. Rod Sarber 4954 Plymouth Laporte Tr Is opposed to the request. Believes ignorance is not an excuse. The road has always been paved and now its turning into a dirt road. Has a concern about trash.
3. Sarah Sarber 5242 Sage Rd Is opposed to the request because of

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public safety. Adding a third business to this property increases truck traffic and affects health and safety.

4. Bonnie Salyer 6378 Sage Rd Is opposed to this request because of added traffic. Questioned where all the people were that were in favor.
5. Jamey Schraemyer 5170 Sage Rd Is opposed to this request. Safety concern of the drivers.
6. Julie Spitznagle 5119 Sage Rd Didn't know their business wasn't approved. Believes the road wasn't in this condition until their business started in driving their trucks in and out. How many more businesses will be allowed?

Letters

1. Sue Carter Is opposed to the request.
2. Paul Graber Have used and recommend their business. The road was in poor condition when the Stutzman's moved in.
3. A petition in favor of the applicant's request.
 - a. Kari Stutzman 5300 Sage Rd.
 - b. Christian Deisch 8448 Plymouth Laporte Tr.
 - c. Jim Holderread 18738 5th Rd.
 - d. Sandy Holderread 18738 5th Rd.
 - e. Jeremy Cleveland 18483 5th Rd.
 - f. Terry Harris 10360 E. 700 N. Walkerton
 - g. Amy Cleveland 18483 5th Rd.
 - h. Deat Miller 4947 French St.
 - i. Katie Miller 4771 French St.
 - j. Christine Miller 4947 French St.
 - k. B? 4925 French St.
 - l. Ryan Stutzman 5284 Sage Rd.
 - m. Sovilla Stutzman 5284 Sage Rd.
 - n. Steve Engle 5285 Spruce Tr
 - o. Jeffrey Stutzman 5300 Sage Rd
 - p. Melissa Stutzman 5300 Sage Rd.
 - q. Oscar DeLaTorre 5159 Spruce Tr

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

Mr. Hochstetler made a motion to approve 24-BZA-22 - STUTZMAN, Dennis & Becky - A tabled request for a Special Use to allow a home-based roofing business; located at: 5300 Sage Rd., Plymouth, IN Polk Twp., Zoned A-1 with the following stipulations:

- 1. No unloading delivery trucks on the road.**
- 2. No burning.**
- 3. Move building materials so they aren't visible from the road.**

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

The second item of business was 24-BZA-25 JORDAN, Jack - A request by Hope Jordan for a Variance of Use to allow property to be used for intermittent markets and events; located at: 10329 3rd Rd. Bremen, IN German Twp., Zoned A-1. Hope Jordan of 3127 Sea Lane Bremen and Hope Amor 403

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E. Plymouth St. Bremen was present to represent their request. Mr. Adley presented the findings of fact

The applicant is seeking to establish Three Barn for use by various events including but not limited to Artisan Market, seasonal markets, and photography location. The use is currently not listed within the use table, so it is being sought under the variance of use category. Parking would be located to the East of the barn. The concern with staff on ADA matters from the outside is the grade change going up the existing mound to get into the upper floor of the barn. There are no permanent restroom facilities planned for the business and will contract port-o-potty facilities on an as needed basis. A one-time event was permitted as a trial and was attended per the applicant by 547 guests, 290 cars, 33 vendors, assisted by 17 volunteers and 1 police officer. Based on dimensions as presented by the applicant, over 40,000 sqft of indoor and outdoor vendor space which can fit approximately 40 vendors. Per the applicant there is sufficient parking for 178-207 parking spaces and for reference the total lot is 2.41 acres.

Recommendation

Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of the proposed use of the barn provided that the frequency of events is clarified, and concerns of the neighbors are addressed.

The applicant stated that they are following all the requests from the board and believe it was a success. They would like to continue to make a positive impact on the community. Their desire is to have 5 events a year. The board commended the applicant for following the requirements set forth by the board.

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

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| 1. Nick Amor | 403 E. Plymouth | Their goal is to try to develop Marshall County with new opportunities. Has worked on the property and was involved in parking of cars. They have no intention to park cars in ground where they could get stuck. |
| 2. Craig Sink | 3896 3 rd Rd. | Was a volunteer assisting to park cars. Kept cars off the road. This is a good opportunity for the community. |
| 3. Alex Givens | 1021 W. Stock St. | Worked the entrance. Received a lot of positive comments. The clean up was very fast and had multiple compliments from vendors. Everything was contained on the land. |
| 4. Dawn Amor | 67774 ? Lakeville | Commented to the parking that if they lot was full they would have asked them to come back another time. |
| 5. Nicole Walsinski | 27218 SR 4 | People don't normally linger at these events. They shop and go which allows for more open parking. |
| 6. Todd Stuckman | 2821 Fir Rd. | A good event and found that all the boards requests were well received and helped it run smoothly. |
| 7. Catara Murphy | 10328 3 rd Rd. | Lives directly across the street from the event. This event negatively affected them with the 600 plus people and 300 plus cars. There was a loud generator on the north side of the circle drive right outside their front door. Live music inside the barn. Vehicles stopped along side the road talking to other |

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- people. The traffic was backed up all day. Was an invasion of their privacy.
8. Cody Bartella 10328 3rd Rd. Has a concern for the safety of their animals.
 9. Rebecca Mishler 2693 Kenilworth Questioned the difference on this request of markets and events? Is not in favor of the additional traffic. This request is disrupting their way of life. For generations neighbors have owned and farmed this area.
 10. Wayne Mishler 2693 Kenilworth Is opposed to the request. He would like this area to be kept agricultural.
 11. Kim Mishler 2560 Kenilworth Quoted several areas of the comprehensive plan where it states the county wants to protect its rural characteristics. Is concerned about the commercialization of this proposal and its possibility of growth. Is against the proposed request.
 12. Andrew Mishler 2560 Kenilworth Would like to see the historical farmers in this area being defended. They don't want these events in their area.
 13. Mark Marsh 2437 Kenilworth Raises hogs, livestock and crops. The proposed events are not part of the landscape of this area. Is opposed to the request because its not the lifestyle he wants.
 14. David & Lisa Knepp 10990 5B Rd Doesn't believe this is the right location for these events. Farmers do add to the economic development of this area. Are there going to be any events during harvest time? Wants to protect the farmland.
 15. Stan Murphy 1019 3B Rd Are the applicants going to continue to have the same amount of helpers at the events? Farm equipment isn't normally sitting still in the road they are used to move crops.

LETTERS

1. Allen Whittaker 3171 King Rd. Had a list of questions about the proposed events.
2. Kara Costa Email Letter in support of the artisan market. All in favor of supporting local businesses. Lives close to this property and didn't see any issues or disturbances. Supports this request.
3. Kailey Hacha 11242 3B Rd. Offering full support for the artisan market. They are a homeowner and neighbor to this property. Could tell the owners spent a lot of time organizing the event. Great for their community and in favor of these events.
4. Deb Gurtner Email Lives a couple miles away from the event and found it to be a successful event. Attended other events such as this and found it to be one of the best.
5. Benjamin & Courtney Hepler 9879 3rd Rd. East of said property. Is not in favor of the request. Believes that the homeowners will bear the brunt of the proposed changes.
6. Dawn Ullery Email Is opposed to the request. There were food vendors with loud generators and live music. It was unpleasant and loud. The additional traffic is disruptive and a safety hazard.
7. Jan & Mary Lee Gustafson 3440 Lilac Rd. In full support of the event. Impressed with the organization and seemed they went to great lengths to ensure safety for everyone. Events like this should be welcome to the area.
8. Troy & Carla Gurtner Email In support of the event as a local

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neighbor. They see no ill repercussions to the event.

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

The dates for the proposed events haven't been set, but the plan by the applicant would be to work around fall harvest time and when the weather is not conducive.

Mr. Hochstetler made a motion to approve 24-BZA-25 JORDAN, Jack - A request by Hope Jordan for a Variance of Use to allow property to be used for intermittent markets and events; located at: 10329 3rd Rd. Bremen, IN German Twsp., Zoned A-1, seconded by Mr. Miller with the following stipulations:

1. Limit of five events per year
2. Generator protected and away from the road
3. No more than one event per month

Motion denied with a voice vote 2-3.

Mr. Hochstetler made a motion to approve 24-BZA-25 JORDAN, Jack - A request by Hope Jordan for a Variance of Use to allow property to be used for intermittent markets and events; located at: 10329 3rd Rd. Bremen, IN German Twsp., Zoned A-1, seconded by Mr. Miller with the following stipulations:

1. Limit of four events per year
2. Generator protected and away from the road
3. No more than one event per month

Motion denied with a voice vote 2-3 with Mr. Bennett, Mr. Kephart and Mr. Gustafson all voting against.

Mr. Miller made a motion to approve 24-BZA-25 JORDAN, Jack - A request by Hope Jordan for a Variance of Use to allow property to be used for intermittent markets and events; located at: 10329 3rd Rd. Bremen, IN German Twsp., Zoned A-1, seconded by Mr. Hochstetler with the following stipulations:

1. Limit of three events per year
2. Generator protected and away from the road
3. No more than one event per month

Motion approved with a voice vote 3-2 with Mr. Bennett and Mr. Kephart voting against.

The third item of business was 24-BZA-26 HAYN, Dustin - A request for a Variance of Developmental Standard to reduce the side yard setback from the required 10'/10% to 2' in order to place a 14'x24' shed in the flattest area of the rear yard; located at: 14300 Nataka Trl., Plymouth, IN Center Twsp., Zoned L-1. Mr. Dustin Hayn was present to represent his request. Mr. Adley presented the findings of fact.

Mr. Gustafson shared that the applicant's family farmed his families ground a while ago and if there was any objection he would step down. There was no objection.

The applicant is seeking to place a 14x24' shed on their property and would like to place it 2' from

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the property in order to take advantage of the most flat portion of their property. Therefore they are requesting to reduce the side yard setback from 10' to 2'. From the house the property slopes 34' to the lake over a distance of approximately 271'. The closer that structures gets to the property line the harder it gets to be able to maintain.

Recommendation

Based on the information provided and review by Technical Review Committee, Staff and TRC would recommend approval of a reduction of side yard setback from 10' to 5' due to the grade of the property.

The plan is to have someone come in and level the ground and bring in the pre-built shed onto the property. The purpose is to have extra room for personal storage. Due to the contours of the land this is the only location without having to bring in a bunch of fill dirt.

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

1. Wayne & Diana England

Neighbor to the east is in favor of the request

Mr. Kephart made a motion to approve 24-BZA-26 HAYN, Dustin - A request for a Variance of Developmental Standard to reduce the side yard setback from the required 10'/10% to 2' in order to place a 14'x24' shed in the flattest area of the rear yard; located at: 14300 Nataka Trl., Plymouth, IN Center Twsp., Zoned L-1, dies for a lack of a second.

Mr. Kephart made a motion to approve 24-BZA-26 HAYN, Dustin - A request for a Variance of Developmental Standard to reduce the side yard setback from the required 10'/10% to 2' in order to place a 14'x24' shed in the flattest area of the rear yard; located at: 14300 Nataka Trl., Plymouth, IN Center Twsp., Zoned L-1 with a stipulation:

1. 4' from the side yard setback

Seconded by Mr. Bennett. Motion carried with a voice vote 4-1 with Mr. Gustafson voting against.

The fourth item of business was 24-BZA-27 BASTARDO, Carlos & Debra - A request for a Variance of Developmental Standard to allow a 10x15' shed as a secondary before a primary, located at: Spear Trl, Culver (50-31-21-000-221-000-017) West Twsp., Zoned L-1. Mr. Carlos Bastardo was present to represent his request. Mr. Adley present the findings of fact.

The applicant is seeking to place a 10x15' shed on their property in order to store kayaks and other lake items out on the property and per the applicant this would "provide better aesthetics and better curb appeal". The applicant lives one parcel away from the subject parcel. There was a note made during the TRC meeting that there is a tile on the east side of the property that they will need to stay away from.

Recommendation

Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of the proposed variance.

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The applicant's house is adjacent to the lake and the vacant parcel is lakeside. The homeowner's association is greatly encouraging people to keep lake toys inside. So, he is wanting this building to keep all the yard supplies and lake toys stored inside.

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

1. Matt Pearish 12441 Spear Trl. This is a private subdivision and as of 2008 a secondary building cannot be put on before a primary. Is opposed to the request.
2. John Vandall 18157 Cherokee Trl Sent a letter and is opposed to this request.

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

There can be covenants and restrictions in subdivisions. Covenants and restrictions can be more restrictive than the county, but you cannot be less than. The HOA and county permitting are two separate things. If the board approves a request, then it's up to the HOA to enforce or approve on their end.

The applicant stated the restrictions refer to what Marshall County approves and his plan for his HOA filing is to do it after the Board of Zoning Appeals hearing.

The applicant has stated that he had two adjacent lots where the house is located. He combined those properties to build a stand-alone garage and abided by all the rules to combine them.

Mr. Hochstetler made a motion to approve 24-BZA-27 BASTARDO, Carlos & Debra - A request for a Variance of Developmental Standard to allow a 10x15' shed as a secondary before a primary, located at: Spear Trl, Culver (50-31-21-000-221-000-017) West Twsp., Zoned L-1, seconded by Mr. Kephart. Motion carried with a voice vote 4-1 with Mr. Gustafson voting against.

The fifth item of business was 24-BZA-28 TINKEL, Sheila – (TABLED) A request by Garrett Tharp to allow a property split that doesn't meet the 1 to 3 width to depth and allow 2 units per 5 acre density, located at: 5981 Quince Rd. Plymouth, IN Polk Twsp., Zoned A-1.

The sixth item of business was 24-BZA-29 HOUIN, Kenneth & Janet -A request for a Variance of Use to allow a small living area to be created in the existing barn when they are no longer able to do the stairs in their home and have family reside in the main residence to assist, for now they would like to use the area for friends and family to stay periodically; located at: 17671 13th Rd., West Twsp., Zoned A-1. Ken and Jan Houin 17671 13th Rd. Plymouth were present to represent their request. Mr. Adley presented the finding of fact.

The applicant is seeking to upfit a section of existing barn for residential use. Per the applicant the plan is to prepare for the future where their tri-level house will no longer suit their ability to get around and will need a more accommodating structure. For the time being, they would use it as a guest house for friends and family, until they make the transition into the barn and ideally a

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family member or grandchild moves into the larger home. The parcel is 7 acres in size and is mainly wooded.

Recommendation

Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of the proposal.

The existing barn already had a couple rooms and a bathroom that was heated and air conditioned. The intent is to fix up the existing proposed space and turn it into living space. The plan is to move into it when needed, but in the meantime the space will be used for family and friends.

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

1. Christina Wright 16960 13th Rd. In favor of the request.
2. Martina Carillo 2348 Pranston St.S Bend Has a vacant lot on Lake Latonka. Doesn't have a problem with the request.
3. Form letters of approval were received by the following people:
 - a. Marian Wynn 12831 Rose Rd.
 - b. Jenny Tyler 12847 Rose Rd.
 - c. Corey Tyler 12847 Rose Rd.
 - d. Dave Underwood 17549 13th Rd.
 - e. Tom Langdon 13227 Rose Rd.
 - f. Gloria Watts 17599 13th Rd.
 - g. Jason Peters 17686 13th Rd.
 - h. Donna Wynn 12851 Rose Rd.
 - i. Greg Wynn 12851 Rose Rd.
 - j. Brenda Burroughs 15169 SR 17
 - k. Debra Scott 17690 13th Rd.

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-29 HOUIN, Kenneth & Janet -A request for a Variance of Use to allow a small living area to be created in the existing barn when they are no longer able to do the stairs in their home and have family reside in the main residence to assist, for now they would like to use the area for friends and family to stay periodically; located at: 17671 13th Rd., West Twsp., Zoned A-1 with the following stipulation.

1. The building can be used as a guest house, but residing is for only Ken & Jan Houin. Seconded by Mr. Kephart. Motion carried by a voice vote 5-0.

The seventh item of business was 24-BZA-30 MARTIN, Ivan & Julia - A request for a Variance of Developmental Standard for a reduction of the 1,320' from one adjacent property owner to allow a confined feeding operation; located at: 8247 18th Rd. Argos, IN Walnut Twsp., Zoned A-1. Ivan & Julia Martin 8247 18th Rd. and Mike from Livestock Solutions 2967 S. Honeycreek Rd. Greenwood IN were present to represent their request. Mr. Adley presented the findings of fact.

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The applicant is seeking to construct a confined feeding operation on their property at 8247 18th Road for pigs. The setback is set at 1,320' from non-participating residences. There is only one residence within this distance which is the residence to the immediate east at 1,035'. All other neighbors are greater than the minimum setback. Per the applicant the owner of the eastern property (Irvin and Susan Ramer) do not object to the variance being rejected. The barn is set to be 81x201' with a self-contained manure storage beneath the building. They will house up to 2,200 wean to finish pigs for approximately 50 weeks per year. They may also house up to 2,200 nursery pigs for approximately 12-16 weeks per year. The owner has 2 -10 acre properties that total 20.02 acres. Due to the size of the structure a drainage plan will be required.

Recommendation

Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of the proposed.

What is proposed is a Confined Feeding Operation that does require a IDEM permit which will be submitted later in the week. Included in the permit is also a double stock of baby pigs 0-55 pounds for a portion of the year. This isn't consistent. The proposal is 2,200 wean to finish pigs at 12-15 lbs and finish out at 280-300 lbs. Two groups of pigs per year. It typically takes two weeks to load up and remove and just a couple days to deliver. Feed delivery could run from one every two weeks to twice a week as they get bigger.

Irvin & Susan Ramer lives on the property where the barn will be located. The applicants will be building in the woods which will probably be less than the 1,320. The manure storage will be below the building. The building will be pumped once to twice a year. Most of the manure will be spread within a couple miles of the property. Their industry standard is to have fans on the sides.

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

1. Marilyn Calhoun 8599 18th Rd. Is opposed to the request. There is an open ditch that runs through this area. Area property owners have had their water tested and has levels of e-coli. Concerned about the ditch, the water table and the water quality.
2. Patricia Moore 17763 Juniper Rd. Is opposed to the request.
3. Audrey John Reichert 8590 18th Rd. Is opposed to the request. There are several feeding operations in less than a mile. If this request passes this board and goes to IDEM, she stated "Their concerns are dead in the water." Also, doesn't believe they meet the findings of fact, general welfare. Doesn't believe the county setback from a CAFO is enough.
4. Cathy Strycker 8470 19th Rd. Is opposed to the request. Would like to keep the area a small rural community. Doesn't want this commercial operation.
5. Monica Weaver 17511 Hickory Rd. Is opposed to the request. Where is the manure going?
6. John Davis 8451 18th Rd. Is opposed to the request. Is tired of smelling all of the manure.

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7. Irvin Ramer 18325 Ironwood Rd. Has lived 300' from a hog barn and when the wind comes from the north they do smell some, but doesn't believe it's a detriment to their quality of life.
8. Angie Thomas 18300 Michigan Rd. Is opposed to the request. Hasn't heard anything about this request before the meeting. Has a child with asthma.
9. Hobert Stevens 17605 Juniper Rd. Is opposed to the request. Is a mile from the request. Currently does smell what's already there. This will affect property values.
10. Irvin Ramer 18325 Ironwood Rd. Sent a letter. In favor of the request and doesn't feel it will have a negative impact on our property.
11. A petition against the request
 - a. Lowell Hall
 - b. Judy Hall
 - c. Statia Scaife
 - d. Cody Scaife
 - e. Justin Hall
 - f. Rhonda Miller
 - g. Valerie Moore
 - h. Kyle Kreft
 - i. Celina Kreft
 - j. Michael Biery
 - k. Shannan Biery
 - l. John Reichart
 - m. Audrey Reichart
 - n. Allen Earl
 - o. Luellen Earl
 - p. Rick Hollar
 - q. Carl Smith
 - r. Marti Smith
 - s. Monica Weaver
 - t. Bryan Weaver
 - u. John ?
 - v. Beth Davis

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

The manure will be distributed to David Stultz and will have to be approved by IDEM before a permit is even issued.

Mr. Hochstetler made a motion to deny motion died.

Mr. Hochstetler made a motion to deny 24-BZA-30 MARTIN, Ivan & Julia - A request for a Variance of Developmental Standard for a reduction of the 1,320' from one adjacent property owner to allow a confined feeding operation; located at: 8247 18th Rd. Argos, IN Walnut Twsp., Zoned A-1, seconded by Mr. Kephart. Motion carried to deny 3-1 with Mr. Miller voting against.

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The eighth item of business was 24-BZA-31 MARK, Dennis - A request for a Special Use to allow a home-based fencing business; located at: 13313 Juniper Rd. Argos, IN Center Twsp. Zoned A-1. Mr. Miller of 13313 Juniper Rd. Argos was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to relocate his existing fencing business to the property and be able to store a few items at his home property. The business is typically 8-5 with generally 3 employees that normally go straight to the job site. There would be approximately 1-4 deliveries per month. A lean to would be for equipment storage to keep it out of the weather. The property is 1 acre.

Recommendation

Based on the information provided and review by the Technical Review, Staff and TRC would permit the proposed setback reduction.

The applicant took over the business from his father. He would now like to run the business from his property to save time a fuel from running back and forth. Talked the neighbor who farms the adjacent property and he didn't have a problem. The plan is to have 3 employees which drive direct to the jobsite. The existing barn will be used for extra supplies needed and the proposed building will be used to keep equipment out of the weather.

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

1. Tom Wickey Tom Wickey Represents the Bitting property that is adjacent to the property. Had questions about the distance of the proposed barn and how much in and out traffic. Will the property be fenced and will there be delivery trucks?

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

There will be no foot traffic to the property. He goes to the specific property to measure and comes back home. There would be little to no deliveries. If the applicant needs something for a job he goes and picks it up. All other materials are delivered to the jobsite. There is also no plans for new fencing on the property. His plan is to keep the property neat and tidy. He would like to have a fence and will abide by the regulations.

Mr. Miller made a motion to approve 24-BZA-31 MARK, Dennis - A request for a Special Use to allow a home-based fencing business; located at: 13313 Juniper Rd. Argos, IN Center Twsp. Zoned A-1, seconded by Mr. Hochstetler. Motion carried with a voice vote 5-0.

The ninth item of business was 24-BZA-32 MARK, Dennis - A request for a Variance of Development Standard to allow an 18'x42' lean to 5' from the side property line; located at: 13313 Juniper Rd., Argos, IN Center Twsp., Zoned A-1. Mr. Dennis Mark of 13313 Juniper Rd. Argos was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to construct a 18x42' lean to in order to store equipment for home-based business. In order to make the most of the property he is seeking to reduce the side and rear yard

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setbacks. The side yard setback requirement is 15' and rear yard setback is 20' and they are both proposed to be reduced to 5'.

Recommendation

Based on the information provided and review by the Technical Review, Staff and TRC would permit the proposed setback reduction.

The applicant stated that if he had to meet the requirements the lean to would be out in the middle of the lot where he needs to turn around and load and unload equipment. In addition his property has been surveyed and there are stakes in the ground showing accurate property lines.

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

1. Tom Wickey 12990 Ironwood Rd. Represents the Bitting property that is adjacent to the property. Would like to see the setback 7 – 10'.

Mr. Miller made a motion to open for public hearing, seconded by Mr. Hochstetler.

Mr. Miller made a motion to approve 24-BZA-32 MARK, Dennis - A request for a Variance of Development Standard to allow an 18'x42' lean to 7' from the property lines; located at: 13313 Juniper Rd., Argos, IN Center Twsp., Zoned A-1, seconded by Mr. Hochstetler. Motion carried with a voice vote 5-0.

Other Business

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

Respectfully submitted,

David Hostetler