

February 11, 2025
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 11, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Larry Houin, Don Nunemaker, and Jim Kephart. Also present was Derek Jones, Board Attorney, Lori Lowry and Teena Hunsberger Plan Commission Staff and interested parties.

Election of Officers

Mr. Bennett made a motion to nominate Jeff Gustafson as President of the Marshall County Board of Zoning Appeals, seconded by Mr. Kephart. Motion carried by acclamation.

Mr. Kephart made a motion to nominate Trent Bennett as Vice President of the Marshall County Board of Zoning Appeals, seconded by Mr. Nunemaker. Motion carried by acclamation.

Mr. Bennett made a motion to nominate Mr. Kephart as Secretary of the Marshall County Board of Zoning Appeals, seconded Mr. Nunemaker. Motion carried by acclamation.

Minutes

Mr. Bennett made a motion to approve the November 7, 2024, Special Meeting amended Minutes, seconded by Mr. Kephart. Motion carried with a voice vote 3-0-2 with Mr. Houin and Mr. Nunemaker abstaining.

Mr. Bennett made a motion to approve the December 3, 2024, Special Meeting Minutes, seconded by Mr. Kephart. Motion carried with a voice vote 3-0-2 with Mr. Houin and Mr. Nunemaker abstaining.

Mr. Bennett made a motion to approve the December 9, 2024, Special Meeting Minutes, seconded by Mr. Kephart. Motion carried with a voice vote 3-0-2 with Mr. Houin and Mr. Nunemaker abstaining.

Mr. Bennett made a motion to approve the December 10, 2024, Regular Meeting Minutes, seconded by Mr. Kephart. Motion carried with a voice vote 3-0-2 with Mr. Houin and Mr. Nunemaker abstaining.

Mr. Kephart made a motion to approve the Finding of Fact for 24-BZA-45 Tamarack Solar, seconded by Mr. Bennett. Motion carried with a voice vote 3-0-2 with Mr. Houin and Mr. Nunemaker abstaining.

Attorney Report

Mr. Jones updated the board on the litigation between Tamarack Solar and the Board of Zoning Appeals. On February 7th there was a Case Management Conference. Attorney Allen Townsend with Tamarack Solar and Attorney Jones met. Attorney, Surrisi has entered himself as an interested party on behalf of the Marshall County Commissioners. This allows him updates on what is going on with the case. This doesn't however mean that he can file anything.

Currently the venue is Marshall County. Tamarack Solar has requested a change of venue. It was originally filed in with Judge Surrisi in Circuit Court. Mrs. Surrisi has recused herself due to a conflict. Judge Sarber is now in charge of the case and that was who the attorneys met with on the 7th. Judge Sarber filed a brief to find out why they felt they needed a change of venue. Tamarack has until February 24th to answer that brief. The BZA has until March 11th to respond and Tamarack has until March 18th for a rebuttal. The case is still in Judge Sarber's court. That may change or it may not change depending on how he rules. This will not be a fast process and very likely to not be over before the end of the year.

There has been an extension filed for official records to be submitted to the courts which is April 7th. The meetings are currently being transcribed. In addition to the transcript copies of the application and handouts provided at the meetings will also have to be submitted as they are part of record.

Attorney Jones explained to the board that he has talked to the county attorney and Marshall County Commissioners have expressed that they will be supporting this board through this litigation. Mr. Bennett moved Mr. Surrisi be allowed to enter appearance for BZA for the Tamarack Case. Mr. Kephart second the motion. Motion passed 5-0. Mr. Jones also told the board that he found an attorney Mr. Robert Eherenman with Haller Colvin out of Fort Wayne, Indiana that specializes in BZA litigation. Mr. Eherenman has a team, resources and time to assist, and the commissioners are willing to support this fee. Mr. Kephart moved to hire Mr. Eherenman as an attorney to work on the Tamarack Case. Mr. Houin seconded the motion. Motion passed 5-0.

The first item of business was **25-BZA-01 BORKHOLDER, Bryan & Leann** - A request for a Variance of Developmental Standard to allow a 43'x560' broiler barn that doesn't meet the 1,320' residential setback; located at: 106 Beech Rd. Nappanee, IN German Twsp., Zoned A-1. Mr. Bryan Borkholder of 106 Beech Rd. Nappanee was present to represent his request. Ms. Melissa Layman with Agronics Solutions, 336 E Lake St., Topeka, IN was present to support Mr. Borkholder. Mrs. Lowry presented the findings of fact.

The applicant is the property owner of an existing farm with a Confined Feeding Operation. The owner has proposed building a new 43' x 560' broiler barn near their existing broiler of same use and structural dimensions. All neighboring properties are zoned agricultural. The new broiler barn, as proposed, would be located 80' away from the existing CFO. The variance to build less than 1,320 feet from neighboring residences is relevant to properties north, south, and west. A site map with proposed footprint of the new building shows

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distances of 1000' and 813' to residences north. Distances south and west of the existing barn indicate approximately 1064' to south residences and less than 900' to residences west.

Recommendation:

Based on the information provided and reviewed, the Planning Commission would recommend conforming to the 1320' setback requirement. The Board of Zoning Appeals may otherwise set conditions such as 6'-8' shelter screening and land use controls for expanding the CFO.

Ms. Layman presented to the board the plan for Miller Poultry to grow the need for poultry barns in the area. Miller Poultry are adding to farms that already have chicken farms since Mr. Borkholder already follows the IDEM rules. They also contact all neighbors and have them sign letters approving expansion. Discussion regarding the business aspects were covered. Mr. Bennett moved to open public hearing. Mr. Kephart seconded the motion. Motion passed. No one attended the meeting to approve or speak against.

Correspondence of a form letter was read from neighbors stating they have no issues against Mr. Borkholder's additional chicken barn:

John & Cora Helmuth 276 Beech Rd., Nappanee, IN

Dennis & Joan Miller, 71 Beech Rd., Nappanee, IN

Edward & Kristina Hochstetler, 42 Beech Rd., Nappanee, IN

Everett & Joanna Hochstetler, 69950 Beech Rd., Nappanee, IN

Gary & Crystal Hochstetler, 69870 Beech Rd., Nappanee, IN

Mr. Bennet moved to close public hearing. Mr. Houin seconded the motion. Motion carried.

Mr. Bennett moved to approve 25-BZA-01 BORKHOLDER, Bryan & Leann - A request for a Variance of Developmental Standard to allow a 43'x560' broiler barn that doesn't meet the 1,320' residential setback; located at: 106 Beech Rd. Nappanee, IN German Twsp., Zoned A- 1, seconded by Mr. Kephart. Motion carried 5-0.

The second item of business was **25-BZA-02 KUHNS, DeWayne & Ruth Ann** - A request for a Variance of Developmental Standard to allow a CFO Broiler barn that doesn't meet the residential setbacks; located at: 2240 3B Rd., Bremen, IN German Twsp., Zoned A-1. Mr. DeWayne Kuhns of 2240 3B Rd. was present to represent his request. Ms. Melissa Layman with Agronics Solutions, 336 E Lake St., Topeka, IN was present to support Mr. Kuhns. Mrs. Lowry presented the findings of fact.

The property is zoned agricultural (A-1), with undeveloped properties northwest zoned residential by jurisdiction of the Town of Bremen. Under a variance, the applicant would build a Confined Feeding Operation similar to an existing broiler barn. The proposed CFO would be located within distance to neighboring houses east, south, and southeast. Distance west is measured at 1,126 feet, or 194 feet less than the recommended setback. Houses south and southeast are located approximately forty to sixty feet closer than recommended by Zoning Ordinance.

Recommendation:

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Based on the information provided and reviewed, the Plan Director would recommend the 1320' setback requirement be enforced or mitigated with land use controls. A variance for the setback standard might be granted with use of shelter belts and odor controls. Shelter belts must be a minimum height of 6-8' before the second CFO can be constructed.

Ms. Layman presented the case for Mr. Kuhns with additional details. They have signed form letters from all neighbors except the neighbor to the west. Mr. Bennette moved to open public hearing. Mr. Kephart seconded the motion. Motion passed.

Form letters from the surrounding neighbors giving approval were read.

Ivan & Norma Kuhns, 2262 3B Rd., Bremen, IN
 Luke & Marietta Miller, 1948 3B Rd., Bremen, IN
 John & Ester Schwartz, 2257 3B Rd., Bremen, IN
 Leon & Wanita Hochstetler, 2009 3B Rd., Bremen IN
 Shawn & Dawn Campbell, 1987 3B Rd., Bremen, IN

Those speaking for approval were:

Ivan Kuhns, 2262 3B Rd., Bremen, IN
 Leon Hochstetler, 2009 3B Rd., Bremen, IN
 Mike Schwartz, 1790 3B Rd., Bremen, IN

Those speaking against the chicken farm.

Jason Nunemaker, 2450 3B Rd., Bremen, IN
 Keith Fraine, Director of Operations Town of Bremen Manager
 Anthony Wagner, Attorney for the Town of Bremen, Bremen, IN

Mr. Bennett moved to close the public hearing. Mr. Nunemaker second the motion. Motion carried.

Mr. Kephart moved to deny Mr. Kuhns variance. Mr. Nunemaker seconded. Motion carried. Motion to deny was 2-3. Motion failed.

Mr. Bennett moved approved 25-BZA-02 KUHNS, DeWayne & Ruth Ann - A request for a Variance of Developmental Standard to allow a CFO Broiler barn that doesn't meet the residential setbacks; located at: 2240 3B Rd., Bremen, IN German Twsp., Zoned A-1, seconded by Mr. Houin. Motion carried 3-2.

The third item of business was 25-BZA-03 PITTMAN, Sally - A request by Tony Richard, 410 N. Baltimore Street, Bremen, for a Special Use to allow a home-based business to park business equipment and vehicles on the property; located at: 3308 E. Shore Dr. Bremen, IN German Twsp., Zoned L-1. Mr. Tony Richard was present to represent his request. Mrs. Lowry presented the findings of fact.

The applicant requests a special use permit to build a 60' x 140' accessory structure at 3308 East Shore Drive in Bremen, Indiana. The property is zoned Lake Residential. The accessory structure would be used to store heavy equipment, including trucks and trailers, for a concrete business. Employee vehicles will be parked in the structure during the day. The applicant hopes to eventually convert the accessory structure into a house and conduct business at another site.

RECOMMENDATION

The Plan Director and Technical Review Committee recommend the Board of Zoning Appeals deny this request for a special use permit.

Discussion was held after the information was given and the recommendation read. This was approved a year ago and the timeline has expired. The building was never built and the equipment was not removed. Mr. Richards has been fined for violation. Mr. Richard still wants to build a building to put the equipment inside. The building will be part house and the rest will be for trucks and equipment. This property is L-1. The Mr. Kephart moved to open public hearing. Mr. Nunemaker seconded the motion. Motion carried.

Speaking in favor of special use:

Stephanie Richard, 410 N. Baltimore St., Bremen, IN - Misunderstanding last year

Those speaking against the special use:

Richard Grounds, 3450 Lake Shore Drive, Bremen, IN

Micheal Graff, 3465 Lake Shore Drive, Bremen, IN

Letter read against the case:

Julie Reese, 8558 Addison St., Bremen, IN

Janelle Reese, 3549 Addison St., Bremen, IN

Conrad Hershberger, 8517 Addison St., Bremen, IN

Mr. Kephart moved to close the public hearing. Mr. Bennett seconded the motion. Motion passed.

Mr. Bennett made a motion for denial 25-BZA-03 PITTMAN, Sally - A request by Tony Richard, 410 N. Baltimore Street, Bremen, for a Special Use to allow a home-based business to park business equipment and vehicles on the property; located at: 3308 E. Shore Dr. Bremen, IN German Twsp., Zoned L-1 and waive the fees for violation to date and allow 60 days for Mr. Richard to move equipment and clean up lot before implementing fines. Mr. Nunemaker seconded the motion. Motion passed 5-0.

The fourth item of business was **25-BZA-04 POISEL, Dale & Paula** - A request for a Special Use to allow a second residence on the parcel to care for parents as they age; located at: 2181 17B Rd. Tippecanoe, IN Tippecanoe Twsp., Zoned A-1. Mr. Dale Poisel of 2181 17B Rd. Tippecanoe was present to represent his request. Mrs. Lowry presented the findings of fact.

This property is zoned agricultural and includes a total of nine acres. The County Zoning Ordinance requires a minimum of ten acres for a second residence to be permitted in an A-1 zone. The proposed special use permit conforms to development standards and nearly meet spatial requirements. The impact of development on the property and local district will be reduced by renovation of the existing buildings, similar to cluster housing. Houses will share driveway space, road access, sewer and water services.

RECOMMENDATION

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The recommendation of the Plan Director and Technical Review Committee is to approve the special use permit. The Board of Zoning Appeals may set conditions and request the applicant submit site plans to Marshall County's Planning Department.

Discussion and suggestions were made with Mr. Poisel regarding options for this property while Mr. Poisel explained his plans. Mr. Nunemaker moved to open public hearing. Mr. Kephart seconded the motion and passed. There were no one to speak at the public hearing. Mr. Nunemaker moved to close the public hearing with Mr. Bennett seconding the motion. Motion passed.

Mr. Bennett moved to table the request for one month allowing Mr. Poisel to decide what he would like to request to the board after researching options. Mr. Houin seconded the motion. Motion carried 5-0.

The fifth item of business was 25-BZA-05 MILLER, Douglas & Dana - A request for a Variance of Developmental Standard to allow an expansion of the 1 to 3 width to depth ratio to allow a 350'x1300' parcel; located at: 3553 SR 331, Bremen, German Twsp., Zoned A-1. Mr. Douglas Miller of 3533 SR 331 Bremen was present to represent his request. Mrs. Lowry presented the findings of fact.

The Development Standard for 1 to 3 maximum width to depth ratios is intended to protect agricultural land and districts from residential development. The proposed variance includes property to be split from a parent parcel that includes a farm and houses. Vacant or unfarmed properties also border the parcels. A concern for land use within the district would support boundaries for two new parcels from the parent property and suggested split, now measured +11.89 acres.

Recommendation:

The Plan Director recommends the Board of Zoning Appeals advise the applicant on a first and second parcel split such that Development Standards and Zoning Ordinance are met. An application may be submitted to Marshall County Planning Department.

Mr. Miller explained to the board the break down of the parcels on the map. Discussion was held with Mr. Miller regarding his request with the parcels. Mr. Nunemaker moved to open public hearing. Mr. Kephart seconded the motion and it passed. No one showed up for public hearing for the case and there was no correspondence. Mr. Kephart moved to close the public hearing with Mr. Houin seconding the motion. Motion passed.

Mr. Nunemaker moved to approve 25-BZA-05 MILLER, Douglas & Dana - A request for a Variance of Developmental Standard to allow an expansion of the 1 to 3 width to depth ratio to allow a 350'x1300' parcel; located at: 3553 SR 331, Bremen, German Twsp., Zoned A-1 with Mr. Houin seconding the motion. Motion carried 5-0.

The sixth item of business was 25-BZA-06 IRENE CORP - A request for a Variance of Developmental Standard to allow the expansion of the 1 to 3 width to depth ratio to allow a 694.97'x2638.73' parcel; located on 9B Rd 50-34-06-000-012-000-001, Bourbon Twsp.,

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Zoned A-1. Mr. Matt Miller was present to represent his request. Mrs. Lowry presented the findings of fact.

The Development Standard is exceeded on request to split the property into a separate parcel measuring approximately 695' w x 2638.73' d. The new parcel of land would include a separate woodland area and is zoned agricultural.

Recommendation:

The recommendation made to the Board of Zoning Appeals is for the parent property to be split into two separate parcels, each conforming to the 1:3 ratio.

Mr. Miller explained to the Board the reason for the request and purpose of the land. Mr. Bennett moved to open for public hearing. Mr. Nunemaker seconded the motion. Motion passed. Motion carried. There was no one to speak at the public hearing. Motion was made to close the public hearing by Mr. Bennett with Mr. Kephart seconding the motion. Motion passed.

Mr. Bennett moved to approve 25-BZA-06 IRENE CORP - A request for a Variance of Developmental Standard to allow the expansion of the 1 to 3 width to depth ratio to allow a 694.97'x2638.73' parcel; located on 9B Rd 50-34-06-000-012-000-001, Bourbon Twsp., Zoned A-1 with Mr. Houin seconding the motion. Motion passed 5-0.

The seventh item of business was 25-BZA-07 IRENE CORP - A request for a Variance of Developmental Standard to allow the expansion of the 1 to 3 width to depth ratio to allow a 679.16'x2648.20' parcel; located on 9B Rd 50-34-05-000-011-000-001, Bourbon Twsp., Zoned A-1. Mr. Matt Miller was present to represent his request. Mrs. Lowry presented the findings of fact.

The proposed property split does not meet the 1 to 3 width to depth standard for agricultural zones. The proposed split would require a variance for both the new parcel and parent property. The option to split the parent property along the wooded area as three separate parcels would meet the Development Standard.

Recommendation:

A recommendation is made to the Board of Zoning Appeals to enforce the 1:3 width to depth standard and allow the parent property to be split into three separate parcels.

Mr. Miller told the board the reason for the request of splitting the parcels and the 1:3 width to depth. The report stated 3 splits but the request for only 2. Discussion was held with Mr. Miller and the board. Mr. Nunemaker moved to open for public hearing. Mr. Kephart seconded the motion. Motion passed. There was not one at the public hearing. Mr. Bennett moved to close the public hearing. Mr. Houin seconded the motion. Motion carried.

Mr. Kephart moved to approve 25-BZA-07 IRENE CORP - A request for a Variance of Developmental Standard to allow the expansion of the 1 to 3 width to depth ratio to allow a 679.16'x2648.20' parcel; located on 9B Rd 50-34-05-000-011-000-001, Bourbon Twsp., Zoned A-1 with Mr. Houin seconding the motion. Motion carried 5-0.

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The eighth item of business was **25-BZA-08 COFFEL, Caleb** - A request for a Variance of Developmental Standard to allow a reduction in residential setback from the required 1,320' to 946' for a Confined Animal Feeding Operation; located at: 3560 Grape Rd. Bremen, IN Zoned A-1. Mr. Caleb Coffel of 3560 Grape Rd. Bremen was present to represent his request. Ms. Melissa Layman with Agronics Solutions, 336 E Lake St., Topeka, IN was present to support Mr. Coffel's request. Mrs. Lowry presented the findings of fact.

The County Zoning Ordinance requires permitting by the Indiana Department of Environmental Management (IDEM). IDEM must approve the CAFO before County Departments review site plans. The applicant will need to be approved by the County for road permits, water quality, water capacity, odor controls, setbacks, and other perimeter or land use controls. The property will require careful site planning for a CAFO to be granted by variance.

Recommendation:

The recommendation of the Plan Director to County Commissioners is to confirm IDEM permits, including NPDES for water pollution, and to review neighbor comments before imposing conditions for a variance. Conditions noted on County agreements should include Health Department regulations and annual water quality testing. Additionally, plans for shelter belts for neighboring properties to be shielded by a minimum two rows of trees or hedges, of minimum 6 to 8 foot height, must be approved by site visit or inspection before any new construction.

Mr. Coffel explained to the board that he was back in front of the board after tabling last year with more information on his behalf for the request. Mr. Coffel asked Ms. Layman to assist him with answers the board asked regarding set backs. Mr. Coffel stated he will be putting in a shelter belt on the property. Ms. Layman explained if they put the barns on another parcel, it would mean extra permits, double records and is in the 2 mile zone for Bremen. Mr. Gustafson asked if Mr. Coffel would be willing to move the retention pond. Mr. Coffel said he would move it and move building over. Discussion was held regarding how much they would gain in feet from neighbors.

Mr. Bennett moved to open the meeting for public hearing. Mr. Kephart seconded the motion and it passed. No one appeared to speak for approval for Mr. Coffel's request.

Those against the variance:

Joseph Stoller, 3708 Grape Rd., Bremen, IN

Jerome DeSchepper, 6157 4th Rd., Bremen, IN

Keith Fraine, Director of Operations Town of Bremen Manager

Anthony Wagner, Bremen Attorney

Mr. Wagner discussed the ordinance and the finding of facts for the rules allowed in Marshall County. Mr. Wagner researched the CAFO's in the State of Indiana. Mr. Wagner is concerned about the closeness of the barns to the City Two Mile Zone. Mr. Wagner gave details of how close the farms are to each town. Mr. Wagner feels the right standards or enough standards are not being used by the BZA Board. Mr. Jones, attorney for the board, replied that the board needs to use the finding of facts in their motions but the process so far is in line with ordinance.

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Letters sent to the Board in favor of Mr. Coffel's request:

Mike Leeper, 3359 Grape Rd., Bremen, IN

Barb Berg, 3358 Grape Rd., Bremen, IN

Letters sent against the request:

Marcia Roeder, 3891 Fir Rd., Bremen, IN

Alan & Breea Nunemaker, 5940 3rd Rd., Bremen, IN

Mr. Kephart moved to close the public meeting. Mr. Nunemaker seconded the motion.
Motion carried.

Ms. Layman explained the list of developmental standards that were turned in at a previous meeting to Mr. Adley. It does have the information asked previously. Mr. Coffel read the Indiana State rulings for a home vs business for the property objecting to the barns. Mr. Coffel also read the minutes from the first meeting. Mr. Stoller stated that the building on the property to the west was not a home but an office. All properties by Mr. Coffel are A-1 and he is doing agriculture on this land. Mr. Coffel presented answers to the questions the board asked at the last meeting. Mr. Coffel does not have any other land to put the barns.

Mr. Bennett moved to deny 25-BZA-08 COFFEL, Caleb - A request for a Variance of Developmental Standard to allow a reduction in residential setback from the required 1,320' to 946' for a Confined Animal Feeding Operation; located at: 3560 Grape Rd. Bremen, IN Zoned A-1 with Mr. Nunemaker seconding the motion to deny. Motion to deny was approved 5-0.

The ninth item of business was 25-BZA-09 HENSLEY, Cale - A request for a Variance of Developmental Standard to reduce the side yard/rear yard setback from the required 5' on side yard to 3' and 15' on rear yard to 3' in order to build a 20'x20' garage; located at: 103 Walnut St. Lapaz, North Twsp., Zoned T-1. Mr. Cale Hensley of 103 Walnut St. was present to represent his request. Mrs. Lowry presented the findings of fact.

The property is one of three properties located within a residential block area of Walnut Street in La Paz, Indiana. The Town Residential district is bordered by a General Commercial (C-1) area beginning one block east. The neighborhood is accessed by arterial roads that allow parking and access to rear alleyways. The proposed garage would be constructed with limited space for a narrow alley or lane. Proposed setbacks of 3 feet present risk of congestion for neighboring properties and roads. A general lack of space for vehicles to negotiate entry or exit to properties may be more problematic in winter or at times property owners expect added use of premises.

Recommendation:

The recommendation of the Technical Review Committee and Plan Director is for the Board of Zoning Appeals to deny the variance. Alternative plans to build the garage with proper setbacks on same property or property adjacent may be discussed with Marshall County's Planning Department.

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Mr. Hensley explained to the Board why he was asking for the variance and the layout of the areas. Mr. Hensley wanted to place the building there because of a concrete pad already present. To combine the lots, it would cost Mr. Hensley \$1,800 to \$3,000.

Mr. Bennett moved to open the meeting for public hearing with a second by Mr. Kephart. Motion passed. Chad Hensley, 5416 Rose Rd., Plymouth. Mr. Hensley explained the properties in the area. Mr. Hensley asked the board to please help Cale. Mr. Kephart moved to close the public meeting. Mr. Houin seconded the motion and motion carried.

Mr. Bennett made a motion to approve 25-BZA-09 HENSLEY, Cale - A request for a Variance of Developmental Standard to reduce the side yard/rear yard setback from the required 5' on side yard to 5' and 15' on rear yard to 3' in order to build a 20'x20' garage; located at: 103 Walnut St. Lapaz, North Twsp., Zoned T-1, seconded by Mr. Kephart. Motion passed 5-0.

The tenth item of business was 25-BZA-10 GRACE OUTREACH FELLOWSHIP INC - A request for a Variance of Developmental Standard to allow a 40'x48' pavilion as a secondary before a primary; located at: 18B Rd. (50-24-19-000-039-000-012), Tippecanoe Twsp. Zoned T-1. Larry Kreft, 18559 State Road 331, Tippecanoe, IN was present to represent his request. Mrs. Lowry presented the findings of fact.

The property is zoned Town Residential and is located on 18B Road, one block east of SR 331. The property is one block east of a commercial area extending north on the state road. The Town Residential district includes single family housing and churches as places of worship. The adjacent properties include parcels zoned for T-1 residential use. Whereas Grace Outreach Fellowship has requested a variance for the proposed 40' x 48' pavilion, the proposed location interrupts a section of drain tile. A drainage plan will be needed to approve a variance.

Recommendation:

The recommendation of the Technical Review Committee and Plan Director is for the Board of Zoning Appeals to deny a variance without modified drainage plan. A variance made on conditions of drainage plans and perimeter fencing will protect neighboring properties and future use of the site. Plans may be submitted to the Marshall County Plan Director.

Discussion was held regarding the plans for the property by Larry Kreft with the board. They planned on putting up a fence to protect the children that will be using the property. Mr. Kephart moved to open for public hearing. Mr. Houin seconded the motion. Motion carried. There was no one present at the meeting to approve or against and no correspondence. Mr. Kephart moved to close the public hearing with Mr. Nunemaker seconding the motion. Motion carried.

Mr. Houin moved to approve 25-BZA-10 GRACE OUTREACH FELLOWSHIP INC - A request for a Variance of Developmental Standard to allow a 40'x48' pavilion as a secondary before a primary; located at: 18B Rd. (50-24-19-000-039-000-012), Tippecanoe Twsp. Zoned T-1, seconded by Mr. Nunemaker. Motion passed 5-0.

With no further business to come before the board, Mr. Nunemaker moved to adjourn the

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meeting with a second by Mr. Kephart. Motion carried.

Respectfully submitted,

Secretary