

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

Mr. Bennett made a motion to approve February 11, 2025, minutes, seconded by Mr. Nunemaker. Motion carried by acclamation.

Mr. Bennett made a motion to approve the Findings of Fact from the February 11, 2025 meeting, seconded by Mr. Nunemaker. Motion carried by acclamation.

The first item of business was 25-BZA-04 POISEL, Dale & Paula – A tabled request for a Special Use to allow a second residence on the parcel to care parents as they age; located at: 2181 17B Rd. Tippecanoe, IN Tippecanoe Twsp., Zoned A-1.

The applicant wishes to have his request withdrawn.

The second item of business was 25-BZA-11 KING, Stephen & Jane - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 50' to 30' from the ROW to add on to the existing barn; located at: 18749 W. 2A Rd. Walkerton, IN Polk Twsp., Zoned A-1. Mrs. Jane King of 18749 W. 2 A Rd. Walkerton was present to represent their request. Mrs. Lowry presented the findings of fact.

The applicant seeks a variance from the district's front yard setback standard of 50 feet when adjacent to a local road down to 30 feet, in order to construct a 20 feet by 25 feet addition to an existing barn.

The proposed barn addition would be no closer to the road than the existing barn. So long as the addition meets septic standards, it does not appear to pose any issues for the surrounding properties.

Recommendation

Based upon the information provided and review by the Technical Review Committee, staff and the TRC would recommend approval of the application with the condition that the Health Department approve the septic.

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Due to the location of their property and very little traffic they don't see the addition would have a negative impact on surrounding properties.

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

- Carey Hahn 2132 N. Sage Rd. Walkerton Agrees with the setbacks for them to add on to their barn. It's a yes vote for them.

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

Mr. Bennet made a motion to approve 25-BZA-11 KING, Stephen & Jane - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 50' to 30' from the ROW to add on to the existing barn; located at: 18749 W. 2A Rd. Walkerton, IN Polk Twsp., Zoned A-1 based upon the findings of fact, seconded by Mr. Nunemaker. Motion carried with a voice vote 4-0.

The third item of business was 25-BZA-12 CARMEN FARMS LLC - A request for a Variance of Use to allow multiple storage units; located at: 12939 4A Rd. Plymouth, IN North Twsp., Zoned A-1.

The applicant was not present for the request. Mr. Bennett made a motion to table the request until the end of the meeting, seconded by Mr. Houin. Motion carried by acclamation.

The fourth item of business was 25-BZA-13 RAMER, Laroy - A request for a Variance of Developmental Standard from Silvanus Ramer for a reduction in front yard setback from the required 75' from the ROW to 75' from the center of the road; located at: 8969 20B Rd. Argos, IN Walnut Twsp., Zoned A-1. Mr. Sylvanus Ramer, contractor, was present to represent the request. Mrs. Lowry presented the findings of fact.

The applicant seeks a variance from the district's front yard setback standard of 75 feet when adjacent to an arterial road down to 75 feet from the center of the road, in order to construct a 60 feet by 80 feet pole barn.

The TRC recommended denial of the application finding no hardship. As is noted below, the staff does find practical difficulties in the use of the uniquely shaped property and believes that the minor setback variance is warranted.

Recommendation:

Based upon the information provided and review by staff, the staff would recommend approval of the application.

Mr. Ramer stated in relation to the drive the edge of the building will be 25' from that driveway. Their reason for the location is that they have an existing driveway they don't want to alter and the ground drops off as well.

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There are currently two entrances to the property one on 20B and one off of old Michigan Rd. The building will have doors one on the west and the other on the south side of the proposed building. When asked if they plan to have any additional entrances off the road Mr. Ramer stated that he plans to have an entrance coming directly out of the building doorway onto the road.

The use of the building will be for storage, with his welding he plans to put it on pallets and ships it away and buys power tools and re-sells. This all was done in another building on the property he plans to move it all into the new structure. There will be a variance hearing in April for the business.

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

1. Dale Blanch 17585 Michigan Rd. Questioned whether the setback reduction request was for 20B Rd or Michigan Rd.

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

Mr. Houin made a motion to approve 25-BZA-13 RAMER, Laroy - A request for a Variance of Developmental Standard from Silvanus Ramer for a reduction in front yard setback from the required 75' from the ROW to 75' from the center of the road; located at: 8969 20B Rd. Argos, IN Walnut Twsp., Zoned A-1, based upon the findings of fact, seconded Mr. Nunemaker. Motion carried with a voice vote 4-0.

The fifth item of business was 25-BZA-14 BORKHOLDER, Gene & Brenda - A request for a Variance of Developmental Standard to allow a reduction in required setback of 1,320' from residences for a 65'x520' pullet barn; located at: 438 6th Rd. Bourbon, IN German Twsp., Zoned A-1. Mr. Gene Borkholder of 438 6th Rd. Bourbon and Melisaa Layman, Agronomix Solutions 336 E. Lake St. Topeka IN was present to represent their request. Mrs. Lowry presented the findings of fact.

The applicant seeks a variance from the required setback of 1,320 feet from residences for concentrated animal feeding operations for the construction of a 65 feet by 520 feet pullet barn.

The applicant has operated an existing duck production facility at the location for multiple years. The proposed increase in bird numbers would trigger IDEM regulation and the 1,320 feet setback requirement. The proposal includes conversion from liquid to dry manure handling with the manure storage barns being covered to reduce odor. This is a rural area with other confinement barns in close proximity. The TRC recommended approval of the application so long as it complied with the terms of the property's 2015 drainage plan.

Recommendation:

Based upon the information provided and review by the TRC and staff, the staff would recommend approval of the application subject to compliance with the property's 2015 drainage plan.

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The applicant is proposing to renovate the existing two barns and turn it into an aviary style cage free pullet system for Dutch Country. The existing liquid manure area will be converted into a solid manure storage. In addition to the existing two barns they plan on adding a third barn. With the aviary system each barn can hold 45,000 pullets. For Dutch Country the new standard since the bird flue has a setback of 200' between barns which is why the proposed new barn is set further away. The proposed side yard setback is 115' which is greater than the 100' IDEM requires.

The pullet barns have their main ventilation vans on the back side of the barns. The chicks come in at a couple days old and will leave this facility at 16 weeks when they are about 4 pounds. At that time they will be moved to a layer barn and will start laying at 18-20 week old.

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

1. Six form letters were received fully in support of the project. The six letters were from area property owners that are less than the 1,320' from residential setbacks.
 - a. Caleb & Meredith Schmucker 5925 County Line Rd. Bremen
 - b. Matthew & Jean Schmucker 5311 E. County Line Rd. Bremen
 - c. Esther Schmucker 5292 E. County Line Rd. Bremen
 - d. AMMF Trustee Delbert Helmuth 5250 E. County Line Rd. Bremen
 - e. Nathan Schwartz 239 5B Rd. Bremen
 - f. AMMF Trustee Michael Schwartz 241 5B Rd. Bremen

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

The applicants plans are once this application is approved they will move forward with all of IDEMS approvals. The two barns will be renovated first before the start of the third barn. Once the renovations are complete the applicant will move forward with drainage plan and rule 5 plan updated. He will operate under the 2015 through the remodeling. Before he will be allowed to build he will have to update his drainage plan. The applicant was reminded that he will need to start this project before the one year expiration.

Mr. Nunemaker made a motion to approve 25-BZA-14 BORKHOLDER, Gene & Brenda - A request for a Variance of Developmental Standard to allow a reduction in required setback of 1,320' from residences for a 65'x520' pullet barn; located at: 438 6th Rd. Bourbon, IN German Twsp., Zoned A-1, based upon the findings of fact, seconded by Mr. Houin. Motion carried with a voice vote 4-0.

The sixth item of business was 25-BZA-15 RAMER, Laroy - A request for a Special Use to allow a home-based business of re-selling product; located at: 8969 20B Rd. Argos, IN Walnut Twsp., Zoned A-1.

This item was tabled to the April 8, 2025 meeting.

The seventh item of business was 25-BZA-16 LABA, Joseph & Rachael - A request for a Variance of Use to allow a second residence on their parcel; located at: 20850 SR 8, Culver IN

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West Twsp., Zoned A-1. Mr. Joe Laba of 20850 SR 8, Culver, IN was present to represent his request. Mrs. Lowry presented the findings of fact.

The applicants seek a use variance to allow a second residence on their property.

The original home on applicants' property was constructed in 1967. That home was later converted to a garage for an expanded home. Now, the applicants propose to remodel the garage into a second residential unit on their property. The current structures, serving as one residence, are served by existing septic connections. However, as the Health Department advised at the TRC meeting, a second septic system would be required to be constructed to accommodate a second residence. Based upon the complications such an endeavor would likely present, the TRC recommended denial of the application.

Recommendation:

Based upon the information provided and review by the TRC and staff, the staff would recommend denial of the application.

Mr. Laba read a letter stating he would like to rehab the once house turned to garage back to a residence for an income-producing home. The house already has a separate septic and driveway.

The president explained to the applicant that the only exceptions to a second residence on a property in Marshall County is for a temporary structure to care for family.

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

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| 1. John Broeker | 18760 12B Rd. | Lives in the area and believes |
| | since its existing his property and he pays taxes he should have the right to do it. | |
| 2. Brian & Beth Craft | 20700 SR 8 | Sent a letter with septic |
| | concerns and decreased property values. | |

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

Mr. Houin made a motion for denial on case 25-BZA-16 LABA, Joseph & Rachael - A request for a Variance of Use to allow a second residence on their parcel; located at: 20850 SR 8, Culver IN West Twsp., Zoned A-1, based upon the findings of fact, seconded by Mr. Nunemaker. Motion carried to deny by vote 4-0.

The applicant asked how to split the property. The board briefly explained the process and recommended the applicant reach out to the plan commission staff for guidance.

The applicant didn't show for case 25-BZA-12 CARMEN FARMS LLC - A request for a Variance of Use to allow multiple storage units; located at: 12939 4A Rd. Plymouth, IN North Twsp., Zoned A-1.

Mr. Bennett made a motion to table the request to the April 8th meeting, seconded by Mr. Houin. Motion carried by acclamation.

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With no further business to come before the board, Mr. Bennett moved to adjourn the meeting with a second by Mr. Houin. Motion carried.

Respectfully submitted,

Secretary