

April 8, 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, April 8, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Larry Houin, Jim Kephart and Don Nunemaker. Also present was Lori Lowry and Teena Hunsberger Plan Commission Staff and interested parties.

Mr. Bennett made a motion to approve March 11, 2025, amended minutes, seconded by Mr. Houin. Motion carried by acclamation.

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

The first 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. Mr. Dan Falk of 3625 Michigan Rd. Plymouth was present to represent his request. Mrs. Lowry presented the findings of fact.

The applicant proposes constructing a 14 building storage facility at the site. The first phase of the project would include 5 buildings (1 at 50 feet by 150 feet, 1 at 50 feet by 50 feet, and 2 at 75 feet by 200 feet). The 54.91-acre property is composed of multiple parcels. The parcels have been combined for tax purposes. In the future, they may need to be legally combined to prevent construction of structures across parcel lines. The first phase of the project consisting of 5 buildings would all be confined to one parcel. The TRC recommended approval of the application.

Recommendation

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

Mr. Bennett moved to open for public hearing. Mr. Kephart seconded the motion. Motion carried. No one was at meeting to speak in favor for the variance. Those speaking against included Dana Kinney 4922 Michigan Road, Plymouth. Mr. Kinney was concerned about the runoff from this property with the construction. BZA Board assured Mr. Kinney that Mr. Falk will have to present a drainage plan before building. Bill Norris 4640 Maple Rd., Plymouth asked where the driveway will be located. Learning it is off Michigan Road, Mr. Norris is okay with the variance. David Kinney 5031 North Michigan Road, Plymouth has been trying to rectify errors with the property line between Mr. Falk and himself regarding the TriWay screen located on the property.

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The BZA Board said this is a legal matter and not for this Board. Mr. Kephart moved to close the public meeting. Mr. Houin seconded the motion. Motion carried.

Mr. Houin moved to table the case until next month when Mr. Falk can present the Board with a better detailed site plan, elevation plan, and drainage plan. Mr. Nunemaker seconded the motion. Motion to table was passed.

The second item of business was 25-BZA-15 RAMER, Laroy - A tabled request for a Special Use to allow a home-workshop of 4,800 sq ft for buying, storing and re-selling of products; located at: 8969 20B Rd. Argos, IN Walnut Twsp., Zoned A-1. Mr. Silvanus Ramer of 19636 Michigan Rd. Argos was present to represent his request. Mrs. Lowry presented the findings of fact.

Under the Marshall County Zoning Ordinance, a Home Workshop is an accessory use to a residential property carried out for gain by one or more residents of the property, which is clearly incidental and secondary to the use of the property for residential purposes. Home Workshop uses may include light fabricating, light manufacturing or processing activities, or related storage facilities. The applicant's original application was for a Home Based Business, which does not allow for on-site visitation of customers on on-site sales. Home Workshops do allow for on-site sales. The applicant seeks a Home Workshop of 4,800 sq. ft., which is in excess of the standard's limitation of 4,000 sq. ft. Additionally, the standards provide that outside storage of goods and equipment, and employees not residing on the property are subject to the conditions and approval of the Board. The applicant must show that sufficient off-street parking is available to prevent customers from parking in County rights-of-way

Recommendation

Based upon the information provided, the staff would recommend approval of the application subject to reasonable conditions for outside storage and number of employees not residing on the property. The proposed building has already received a setback variance from the Board. The proposed use as a Home Workshop business is not out of character with the surrounding property uses along the Michigan Road corridor (for example the Allied Waste business not too far to the south). The requested increase in size of the structure is modest. Additionally, there appears to be adequate space for off-street parking of customers and any permitted employees.

Mr. Silvanus Ramer, contractor located 19636 Michigan Rd., spoke on behalf for the property owner. Board asked questions regarding the business hours, days open, signs to locate the business, and number of employees. Mr. Silvanus Ramer explained the business. Mr. Silvanus Ramer thought Mr. Laroy Ramer would be open 8:30-5, no Saturdays or Sundays, and did not know about sign and regulations. Mr. Silvanus did not know about the CDR. Mr. Nunemaker moved to open for public hearing Mr. Kephart seconded the motion. Motion passed. No one attended the meeting in favor or against this variance. Mr. Nunemaker moved to close the public part of the meeting with Mr. Kephart seconding the motion. Motion carried.

Mr. Bennett made a motion to approve 25-BZA-15 RAMER, Laroy - A tabled request for a Special Use to allow a home-workshop of 4,800 sq ft for buying, storing and re-selling

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of products; located at: 8969 20B Rd. Argos, IN Walnut Twsp., Zoned A-1 with the following stipulations:

- **Commercial design release**
- **Sign limitations approved by staff**
- **Hours of operation 8:30 a.m – 5:00pm Monday through Friday.**

seconded by Mr. Kephart. Motion passed with a voice vote of 5-0.

The third item of business was 25-BZA-17 ROEDER, Marcia - A request for a Variance of Developmental Standard to allow an expansion of the 1 to 3 width to depth ratio of 231.36'x722.92+ split off the farm to be combined with the adjacent parcel that will give him a lane for access to his house; located at: 5223 4th Rd. Bremen, IN German Twsp., Zoned A-1 (50-43-10-000-005-000-005). Ms. Marcia Roeder of 3891 Fir Rd. Bremen was present to represent her request. Mrs. Lowry presented the findings of fact.

Granting the variance will provide the landlocked home with fee simple ownership of a means of ingress and egress.

Recommendation:

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

Mr. Bennett moved to open for a public hearing. Mr. Kephart seconded the motion. Motion carried. There was no one at the meeting to speak in favor or against this case and no correspondence. Mr. Bennett moved to close the public portion of the meeting. Mr. Kephart seconded the motion. Motion carried.

Mr. Houin made a motion to approve 25-BZA-17 ROEDER, Marcia - A request for a Variance of Developmental Standard to allow an expansion of the 1 to 3 width to depth ratio of 231.36'x722.92+ split off the farm to be combined with the adjacent parcel that will give him a lane for access to his house; located at: 5223 4th Rd. Bremen, IN German Twsp., Zoned A-1 (50-43-10-000-005-000-005) based upon the Findings of Fact. Mr. Kephart seconded the motion. Motion carried with a voice vote 5-0.

The fourth item of business was 25-BZA-18 LEEPER, Michael - A request by Caleb Coffel for a Variance of Developmental Standard to allow a reduction in residential setback from the required 1,320' to 500' for 2 chicken barns; located at: 3359 Grape Rd., Bremen, IN German Twsp., Zoned A-1.(50-43-04-000-010-000-005). Mr. Caleb Coffel of 3560 Grape Rd. Bremen was present to represent his 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 CFO/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 CFO/CAFO to be granted by variance. The Marshall County Zoning Ordinance requires a minimum setback for CFO's and CAFO's of 1320 feet. It is unclear from the application submitted whether the proposed use

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would constitute a CFO or a CAFO, as the number of chickens is not specified. The applicant made an earlier request to this board for a Variance of Developmental Standards in February of 2025, for the 3560 Grape Rd. address which was denied. This application is for a different and separate parcel of real property.

Recommendation:

The recommendation is to approve this application, subject to the following conditions: - Approval and consent from neighboring properties and residences owned by Michael Leeper (3359 Grape Rd., Bremen) and Barbara/Melinda/Audra Berg (3358 Grape Rd., Bremen), which are within the prohibited setback area. - Confirmation of all required IDEM permits, including any NPDES required concerning water pollution (and any other required permits) before issuance of a building permit. - Strict compliance with any and all developmental requirements as set forth in the Marshall County Zoning Ordinance, specifically Article 6, Section 030. - Strict compliance with any and all other requirements of other departments of Marshall County concerning CFO's/CAFO's.

Mr. Kephart moved to open for the public hearing. Mr. Houin seconded the motion. Motion carried. Those in appearance against the variance included Joseph Stoller 3708 Grape Rd. Mr. Stoller presented his case against the chicken barns and claims they are not set back 1320 from his property. Mr. Stoller gave permission for someone to get on his property to get an accurate measurement. Mr. Stoller gave various concerns including smell, flies, manure, property values, and a lot of trucks on the road. Mr. Stoller feels there needs to be more information and a planning director to look over the process. Other speakers against were Michael Leman, President of Bremen Town Council, 337 Parke View Lane, Bremen with Anthony Wagner, Attorney for the Town of Bremen, 5413 3rd Rd., Bremen. Mr. Wagner spoke about the distance from the proposed chicken farms and the proposed subdivision the Town of Bremen will be putting in on the south side of Bremen. Mr. Wagner feels this will make it difficult for future homes and will impact the values of homes close by. Mr. Leman spoke on behalf of neighbors he has heard complaints from in the area. Discussion was held about Bremen's Comprehensive Plan.

Correspondence of letters received in favor for the new facilities:

Coffel Family Farms 3560 Grape Rd., Bremen

Michael Leeper 3359 Grape Rd., Bremen

Barbara Berg 3358 Grape Rd., Bremen

Caleb Coffel 3560 Grape Rd., Bremen

Correspondence received against the new chicken barns:

Marcia Roeder

Local Neighborhood

Alan & Breea Nunemaker – meet set standard set backs

Mr. Nunemaker moved to close the public meeting. Mr. Houin seconded the motion. Motion carried. The Board asked Mr. Coffel to make driveway wide enough for the trucks and Mr. Coffel said that the driveways will be directly across from each other to allow room for moving trucks.

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Mr. Nunemaker moved to approve 25-BZA-18 LEEPER, Michael - A request by Caleb Coffel for a Variance of Developmental Standard to allow a reduction in residential setback from the required 1,320' to 500' for 2 chicken barns; located at: 3359 Grape Rd., Bremen, IN German Twsp., Zoned A-1.(50-43-04-000-010-000-005) with recommendations by the staff report. Mr. Houin seconded the motion. Motion carried with a voice vote 4-1 with Mr. Bennett voting against.

The fifth item of business was 25-BZA-19 BURCH, Blake - A request for a Variance of Developmental Standard to reduce the front yard setback from the required 60' to 36' to replace the existing barn with a 32'x48' pole barn; located at: 18511 4B Rd. Walkerton, IN Polk Twsp. Zoned A-1. Mr. Blake Burch of 18511 4B Rd Walkerton was present to represent his request. Mrs. Lowry presented the findings of fact.

The proposed barn would replace an existing barn that is in the same location (already within the current setback standards).

Recommendation:

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

The Board discussed the variance with Mr. Burch. Mr. Nunemaker moved to open for public hearing. Mr. Kephart seconded the motion. Motion carried. There was no one present in favor or against the case. Mr. Nunemaker moved to close the public hearing. Mr. Kephart seconded the motion. Motion carried.

Mr. Kephart moved to approve 25-BZA-19 BURCH, Blake - A request for a Variance of Developmental Standard to reduce the front yard setback from the required 60' to 36' to replace the existing barn with a 32'x48' pole barn; located at: 18511 4B Rd. Walkerton, IN Polk Twsp. Zoned A-1 based upon the Findings of Fact. Mr. Nunemaker seconded the motion. Motion carried with a voice vote 5-0.

The sixth item of business was 25-BZA-20 RINGER, Larry & Cynthia - A request for a Variance of Developmental Standard to reduce the lakeside setback from 45' to 30' to allow a 12'x24' shed on skids; located at: 12655 Nataka Trl., Plymouth, IN Center Twsp., Zoned L-1. Larry & Cynthia Ringer of 12655 Nataka Tr Plymouth was present to represent their request. Mrs. Lowry presented the findings of fact.

The proposed storage shed on a skid should not present much risk of flooding and could be moved if necessary.

Recommendation:

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

Larry and Cynthia Ringer 12655 Nataka Trial, Plymouth appeared before the Board with their case to reduce set back for a storage shed on lake frontage. Discussion was held

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regarding the reason for the location of the building. Mr. Nunemaker moved to open the meeting for public hearing. Mr. Kephart seconded the motion. Motion carried.

Jeffery and Lindsey Sample 12667 Nataka Trl, Plymouth addressed the Board against the variance. The location of the building would block their view of the lake. Mr. and Mrs. Sample live there year around while the applicants live their part time. No one else was present for or against the variance. A letter from Alex and Christina Weisheit 12561 Nataka Trl, Plymouth was read against the case. Mr. Nunemaker moved to close the public meeting and Mr. Kephart seconded the motion. Motion carried.

Discussion was held regarding other options. Mr. Kephart stated this was a self-imposed request.

Mr. Nunemaker made a motion to table the case until next month for the applicants to look at better options and do some investigating. Mr. Houin seconded the motion. Motion carried to table.

The seventh item of business was 25-BZA-21 POTTER, Lisa - A request for a Variance of Developmental Standard to reduce the front yard setback from the required 30' from ROW to 10' from ROW to build a detached garage; located at: 12th Rd. (50-31-13-000-042-001-017) West Twsp., Zoned L-1. Ms. Lisa Potter of 12045 Peach Rd. Plymouth was present to represent her request. Mrs. Lowry presented the findings of fact.

The proposed garage is not out of character with other structures in the area.

Recommendation:

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

Ms. Lisa Potter 12024 Peach Rd., Plymouth was present for the meeting. Discussion was held with the board regarding the reason for the variance. Mr. Nunemaker moved to open for public hearing. Mr. Kephart seconded the motion. Motion carried. Ron Harris 12080 Peach Rd., Plymouth spoke at the meeting in support for Ms. Potter's variance and told how many garages are already that way. Karen LaKuda 11990 Pear Rd., Plymouth has no options and Ms. Potter will be inline with other garages. John Kuhn 15471 12th Rd., Plymouth. Mr. Kuhn's lot is next to Ms. Potter and he has no problem with the garage. No one was present to oppose the request. Mr. Kephart moved to close the public meeting. Mr. Nunemaker seconded the motion. Motion carried.

Mr. Kephart moved to approve the variance 25-BZA-21 POTTER, Lisa - A request for a Variance of Developmental Standard to reduce the front yard setback from the required 30' from ROW to 10' from ROW to build a detached garage; located at: 12th Rd. (50-31-13-000-042-001-017) West Twsp., Zoned L-1 based on the finding of facts one, two, and three. Mr. Nunemaker seconded the motion. Motion carried with a voice vote 5-0.

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The eight item of business was 25-BZA-22 SLABAUGH, Marlin - A request by Leon Hochstetler for a Variance of Developmental Standard to allow a reduction in residential setback of 1,320' for a 60'x540' pullet barn; located at: 4th Rd. 50-44-09-000-024-001-005, German Twsp., Zoned A-1. Mr. Leon Hochstetler of 2009 2 B Rd. Nappanee was present to represent his request. Mrs. Lowry presented the findings of fact.

Mr. Leon Hochstetler 2009 2B Rd, Nappanee told the board he will be closing on the property next Tuesday. Mr. Hochstetler will be purchasing other property to allow for access to the property. There is an easement at this time on west side. Mr. Bennett moved to open for public hearing. Mr. Kephart seconded the motion. Motion carried. There were no one in attendance to speak for or against the variance.

Correspondence included a letter from Mr. Marlin Slabaugh to have permission to build on the property Mr. Hochstetler will be purchasing. There were 11 form letters read in agreement with the request which included:

LaMor Miller, 4301 E. County Line Rd., Bremen: southeast of property
 Floyd Bontrager, 4133 E. County Line Rd., Bremen: east of property
 Dennis and Bethany Miller, 375 4th Rd., Bremen: northwest of property
 D. Miller, 375 4th Rd., Bremen: northwest of property
 Derek Slabaugh, 299 4th Rd., Bremen: northwest of property
 Calvin Miller, 228 4th Rd., Bremen: north of property
 Earl Slabaugh & Elaine Miller, 4059 County Line Rd., Bremen: northeast of property
 Old Order Amish Church District 83, North Hepton Whispering Knoll School,
 124 4B Rd., Bremen: south of property
 Toby Troyer, 155 4th Rd., Bremen: northeast of property
 Mark & May Hochestler, 250 4th Rd., Bremen: north of property
 Freda Yoder, 4235 E County Line Rd., Bremen: east of property

Letters:

Merle & Anna Farmwald, 112 4B Rd., Nappanee: south of property
 Bryan Thomas, 4723 Beech Rd., Bremen: west of property

Mr. Bennett moved to close the public hearing with Mr. Kephart seconding the motion. Motion carried.

Mr. Nunemaker moved to approve 25-BZA-22 SLABAUGH, Marlin - A request by Leon Hochstetler for a Variance of Developmental Standard to allow a reduction in residential setback of 1,320' for a 60'x540' pullet barn; located at: 4th Rd. 50-44-09-000-024-001-005, German Twsp., Zoned A-1 based on the Finding of Facts. Mr. Kephart seconded the motion. Motion carried with a voice vote 5-0.

The ninth item of business was 25-BZA-23 FUCHS, Karl - A request for a Variance of Developmental Standard to allow a reduction in lot width requirement from the required 210' to approximately 175' to allow the creation of a new parcel; located at: 1531 Thorn Rd., Walkerton, IN Polk Twsp., Zoned A-1. Mr. Karl Fuchs of 1431 Thorn Road Walkerton was present to represent his request. Mrs. Lowry presented the findings of fact.

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The proposed pullet barn meets IDEM requirements, and other such operations are already present in the area.

Recommendation:

Based upon the information provided and review by the TRC and staff, the staff would recommend approval of the application conditioned upon there being a dedicated access easement off of the adjacent 4th Road property and acceptance by neighboring property owners.

Mr. Karl Fuchs 1531Thorn Rd., Walkerton and Mr. Brian Fuchs 1902 Lake Shore Dr., Walkerton. Mr. Fuchs wants to split land to build barndaminium for parents and share a driveway. Mr. Bennett moved to open the meeting to the public. Mr. Nunemaker seconded the motion. Motion carried. No one was present to speak in favor or against and there was no correspondence. Mr. Nunemaker moved to close the public hearing. Mr. Kephart seconded the motion. Motion carried.

Mr. Houin moved to approve 25-BZA-23 FUCHS, Karl - A request for a Variance of Developmental Standard to allow a reduction in lot width requirement from the required 210' to approximately 175' to allow the creation of a new parcel; located at: 1531 Thorn Rd., Walkerton, IN Polk Twsp., Zoned A-1 based on the finding of facts. Mr. Bennett seconded the motion. Motion carried with a voice vote 5-0.

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

Respectfully submitted,

Secretary