

May 13, 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, May 13, 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 Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties. Member Jim Kephart was absent.

Mr. Bennett made a motion to approve April 8, 2025, amended minutes, seconded by Mr. Nunemaker. Motion carried by acclamation.

Mr. Houin made a motion to approve the Findings of Fact from the April 8, 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.

Due to the applicant not having the required drainage plans available Carman Farms requested tabling prior to the meeting.

The first 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 Trl Plymouth was present to represent their request. Mr. Witwer presented the findings of fact.

The applicant seeks a variance from the required 45 feet rear yard setback when next to lake frontage from BFE (Base Flood Elevation) as established by FEMA (Federal Emergency Management Agency) to 30 feet for the placement of a 12 foot by 24 foot accessory structure (an outdoor storage building on a skid foundation).

Recommendation:

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

The applicant doesn't believe he needs to provide a line of site on Lawrence Lake. He spoke with the neighbor last year and nothing was mentioned about his concern. Whiteman Surveying prepared and received approval from FEMA for a LOMA. Once the LOMA was

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approved the Ringer's moved forward with the application for a reduction in setback that works the best with their lay of the land. The neighbors house and Mr. Ringers house are similar in elevation and Mr. Ringer believes he will be able to see over top of the proposed building. He also asked the board to take into consideration all of the trees on the property that already prohibits a full view. He probably only has a 30% view with all the trees. There was a different site proposed in the beginning that was 40' from the water, but the elevation created more work. The Ringers proposed that the board approve this request or their previous option.

Currently the only lakes that have a line of site rule is Pretty Lake and Lake Maxinkuckee

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

1. Jeff Sample 12667 Latonka Trl Is not in favor of the project. The 10'x8' shed he has on his property was there when he bought the property. At the location that's being proposed it's going to hinder their view. They love where they live, and they don't want to stare at the building.
2. Alex Weisheit 12561 Nataka Tr Is against the variance as its not a shed but more like a garage. Believes the 45' setback requirement should be adhered to.

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

It all comes down to if the building is moved up to 45' setback requirement the building will probably be more intrusive than the 30'.

Mr. Bennett made a motion to approve 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 as he feels being at the required 45' will be more intrusive than the proposed 30', seconded by Mr. Nunemaker. Motion carried with a voice vote 4-0.

The second item of business was 25-BZA-24 HOCHSTETLER, Norman & Elaine - A request for a Variance of Developmental Standard to allow a reduction in rear yard setback from the required 20' to 8' to allow an addition to the existing business; located at: 192 Plymouth Goshen Trl, Nappanee, IN German Twsp., Zoned A-1. Mr. Norman Hochstetler of 192 Plymouth Goshen Trl Nappanee IN was present to represent his request. Mr. Witwer presented the findings of fact.

The applicant seeks a variance from the rear yard setback requirements (from 20 ft. down to 8 ft.) to allow an addition to his existing woodworking business, which was previously approved as a special use homebased business under case 19-BZA-44. The addition would include a 30 ft. X 136 ft. building with a 16 ft. by 30 ft. loft. The addition would be used for warehouse/storage space and some manufacturing in the future.

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Recommendation:

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

The goal is to have more storage for raw material. By the time you get racking built on both sides and an aisle in between this is the best sized building for their needs. If the building needs to be smaller, they won't have the ability to have racking on both sides.

Their goal is to get trucks from loading and unloading off the road. There is currently a driveway that runs behind the house. They had an idea of leasing the drive for the loading and unloading. If that doesn't work Mr. Hochstetler might look into creating a new drive.

Mr. Bennett made a motion to open for public hearing, seconded by Mr. Nunemaker. Motion carried by acclamation. There being nobody to speak for or against Mr. Houin move and Mr. Nunemaker seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Nunemaker made a motion to approve 25-BZA-24 HOCHSTETLER, Norman & Elaine - A request for a Variance of Developmental Standard to allow a reduction in rear yard setback from the required 20' to 8' to allow an addition to the existing business; located at: 192 Plymouth Goshen Trl, Nappanee, IN German Twsp., Zoned A-1, seconded by Mr. Houin. Motion carried with a voice vote 4-0.

The third item of business was 25-BZA-25 HOCHSTETLER, Norman & Elaine - A request for a Special Use to expand the woodworking business in employees from 10 to 13; located at: 192 Plymouth Goshen Tr. Nappanee, IN German Twsp., Zoned A-1. M. Norman Hochstetler of 192 Plymouth Goshen Tr Nappanee was present to represent his request. Mr. Witwer presented the findings of fact.

The applicant's original special use approval (case 19-BZA-44) was for a Home-Based Business including up to 7 employees. While approved as a Home-Based Business (Article 6, Section 100), it likely is better described as a Home Workshop. A Home Based Business is "intended to provide for a base of operations for service oriented businesses that engage in work elsewhere other than the residential property where based." Under the Marshall County Zoning Ordinance (Article 6, Section 110), 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.

RECOMMENDATION

Based upon the information provided, the staff would recommend approval of the application subject to a positive evaluation of the business' current operations. As the applicant has noted, the present employee count has reached 10, which exceeds the 7 employee limit imposed by the BZA in 2019. The applicant notes that the employee count has been necessary to keep up with business demands. It would be appropriate to hear from the applicant and any neighbors present at the hearing or who may submit written comments as to the impact that the business may be having in the neighborhood. Hearing such comments should aid in

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evaluation of whether the increased employee count is still sustainable for the business as located in this neighborhood or if the business' growth is presenting any concerns.

The existing structure on the property with the proposed will exceed the allowed 4,000 sq ft for a home workshop.

Due to Mr. Hochstetler needing additional help and wanting to help a couple of people that need work he is currently over the allowed 10. He has no desire to be in violation and would like to have the approval of 13 employees. At this time, there is no desire to grow beyond 13 employees. If the need arises, he will gladly come back before the board.

Mr. Bennett made a motion to open for public hearing, seconded by Mr. Houin. There being nobody to speak for or against, Mr. Nunemaker moved to close the meeting, seconded by Mr. Bennet.

Mr. Nunemaker made a motion to approve 25-BZA-25 HOCHSTETLER, Norman & Elaine - A request for a Special Use to expand the woodworking business in employees from 10 to 13; located at: 192 Plymouth Goshen Tr. Nappanee, IN German Twsp., Zoned A-1, seconded by Mr. Houin. Motion carried with a voice vote 4-0.

The fourth item of business was 25-BZA-26 BEJA, Raymond & Joyce - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 30' to 19'2" (West) and a reduction in rear yard setback from the required 20' to 11'4" (East) to build a residence with large garage; located at: 8488 Chicago St. Lot 138; Bremen, IN German Twsp., Zoned L-1 Off Water. Mr. Ray Beja of 8488 Chicago St. Bremen was present to represent his request. Mr. Witwer presented the findings of fact.

The applicant contends that the variance is necessary in order to fit a home meeting the needs of his elderly and mobility challenged mother's needs as well as a large storage building to hold a pontoon boat, truck, etc. An RV is currently parked on the lot. The lot has an irregular shape.

Recommendation:

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

The need for the request is due to the odd shape of a corner lot. A small, odd, shaped residence could be built on the property for their aging mother. If in 6 months they desire to move forward with the project they would like to make it more usable to store the pontoon and for a personal hobby shop.

Currently she is living in an RV on the property that needed to be re-vamped to allow easier access. In addition to the RV sewer access has been obtained as well. So, as soon as a decision is made the sewer has already been taken care of.

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

1. Chris Wright

8478 Chicago St. Bremen

In favor of the request

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2. Debbie Speth 3570 W. Shore Dr. Bremen Wanted to know if the RV will be removed.

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

Mr. Nunemaker made a motion to approve 25-BZA-26 BEJA, Raymond & Joyce - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 30' to 19'2" (West) and a reduction in rear yard setback from the required 20' to 11'4 (East) to build a residence with large garage; located at: 8488 Chicago St. Lot 138; Bremen, IN German Twsp., Zoned L-1 Off Water based on the findings of fact from the staff report, seconded by Mr. Houin. Motion carried with a voice vote 4-0.

The fifth item of business was 25-BZA-27 AMMF - A request by new home buyers Jacob & Marlene Hochstetler to continue an existing dog kennel previously approved and ran by David Slabaugh; located at: 430 5B Rd., Bremen, IN German Twsp., Zoned A-1. Jacob Hochstetler of 8209 N. SR 19 Etna Green and David Slabaugh of 430 5B Rd Bremen were present to represent his request. Mr. Witwer presented the findings of fact.

The applicant seeks a variance from setback requirements on the west side of the lot (from 30 ft. down to 20 ft., 4 in.) and on the east side of the lot (from 20 ft. down to 11 ft., 4 in.) to allow for the construction of a home and a garage.

Recommendation:

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

Mr. Hochstetler is seeking to continue to run an already approved dog kennel with the purchase of Mr. Slabaugh's property.

Mr. Bennett made a motion to open for public hearing, seconded by Mr. Houin. Motion carried by acclamation. There being nobody to speak for or against Mr. Nunemaker moved and Mr. Houin seconded the motion to close the public hearing.

Mr. Nunemaker made a motion to approve 25-BZA-27 AMMF - A request by new home buyers Jacob & Marlene Hochstetler to continue an existing dog kennel previously approved and ran by David Slabaugh; located at: 430 5B Rd., Bremen, IN German Twsp., Zoned A-1as its not contrary to the general purpose and meets the comprehensive plan, seconded by Mr. Houin. Motion carried with a voice vote 4-0.

The sixth item of business was 25-BZA-28 SPETH, Debbie - A request for a Variance of Developmental Standard to allow a 16'x40' w/6' porch as a secondary before a primary, located at: 3570 W. Shore Dr. Bremen, IN (50-42-01-000-103-001-009) North Twsp., Zoned L-1. Debbie Speth of 3570 W. Shore Dr. Bremen was present to represent her request. Mr. Witwer presented the findings of fact.

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The applicant proposes to build a secondary structure prior to a primary structure on a vacant lot adjacent to another lot on which the applicant owns a home. A review of the other lakefront lots in this area does not appear to show other secondary structures built alone. There are some secondary structures that appear to straddle property lines containing a primary structure and an adjacent lot without one. Perhaps the best practice in this situation would be for the applicant to obtain a survey and to undertake the lot combination process prior to construction of the proposed shed.

Recommendation:

Based upon the information provided, the staff would recommend denial of the application.

The applicant would rather not combine the lots in case she would ever need to sell it for financial reasons. The storage building will look nice and will allow for more room to store things inside. It is prebuilt and won't have a permanent foundation. There doesn't seem to be a hinderance in the view of the lake.

Discussion was brought up about the north 5' of lot 2 being combined with lot 1. Ms. Speth explained before she brought the property the owners found out their residence was encroaching on to lot 2. To correct the problem the parcels were replatted.

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

1. Jodie Carlen 3617 W Shore Lives across the street and their property is a couple feet higher. Believes the proposed will affect their view of the lake.
2. Brad Carlen 3617 W. Shore Asked the proposed height
3. Heather Kapke 3593 W. Shore Has a concern where their guests are going to park as this lot has been used for parking. This is a concern for safety and is not in favor of the request.

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

In response to the questions the applicant stated the proposed building is 11' in height. In the planning stages there was discussion about what was allowed. A two-story house could be built on the property which would block the view, but that's not their desire. A small shed is all that's wanted.

Mr. Houin made a motion to deny 25-BZA-28 SPETH, Debbie - A request for a Variance of Developmental Standard to allow a 16'x40' w/6' porch as a secondary before a primary, located at: 3570 W. Shore Dr. Bremen, IN (50-42-01-000-103-001-009) North Twsp., Zoned L-1, seconded by Mr. Bennett. Motion carried with a voice vote 3-1 to deny with Mr. Nunemaker voting against.

Other Business

Nicholas Witwer, Plan Director, introduced himself as the new Marshall County Plan Director.

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

Respectfully submitted,

Secretary