

June 10, 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, June 10, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, and Larry Houin. Also present was Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties. Member absent was Mr. Nunemaker.

**The minutes of the May 13, 2025 meeting were tabled for review until the July meeting.**

**The findings of facts of the May 13, 2025 meeting were tabled for review until the July meeting.**

The first item of business was 25-BZA-29 MUMM, John & Sandra - A request by Lawrence Balmer to split 1.5 acre off the 5.34 acre parcel that doesn't meet the 5 acre density requirement; located at: 9273 Tyler Rd. Bremen, North Twsp., Zoned A-1. John & Sandra Mumm of 9273 Tyler were present to represent their request. Mr. Witwer presented the findings of fact.

The applicant seeks a variance of developmental standard for a reduction in the density requirement. The current parcel is 5.34 acres with a residence. This parcel will be split into one lot of 1.5 acres including the residence and a 3.84 acre lot intended for residential.

### Recommendation:

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

The applicant is looking to sell the ground to their daughter and son in law to build a home.

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

1. Joseph Mumm In favor of the request and doesn't feel it presents any issues and is respectful to the community and land.

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

The board discussed the density rule for A-1 agricultural.

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There is family that lives adjacent to this property that has wooded ground they plan on selling to the Balmers. The layout of the land that is currently being purchased will give them access to the property they plan to purchase in the future.

**Mr. Bennett made a motion to approve 25-BZA-29 MUMM, John & Sandra - A request by Lawrence Balmer to split 1.5 acre off the 5.34 acre parcel that doesn't meet the 5 acre density requirement; located at: 9273 Tyler Rd. Bremen, North Twsp., Zoned A-1, based on the findings of fact and is fitting with neighboring lots, seconded by Mr. Houin. Since the board was only three members and the president would likely vote against the Mumm's were asked if they would like to table the request until the July meeting in hopes there would be a full board at that meeting. The Mumm's request the meeting be tabled to July 15<sup>th</sup>.**

The second item of business was 25-BZA-30 KINNEY, Dana - A request for a Variance of Developmental Standard to allow a secondary before a primary to build a 30x48' pole barn; located at: Douglas Rd. 50-42-98-000-086-000-009, Plymouth, IN North Twsp., Zoned A-3. Mr. Dana Kinney of 17188 Moonlite Dr. South Bend was present to represent his request. Mr. Witwer presented the findings of fact.

The applicant seeks a variance of building a secondary structure before a primary structure on the property that is zoned A-3. The secondary structure is a proposed 30' x 48' pole barn.

## Recommendation:

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

A soil test has been prepared and is in the hands of the Marshall County Health Department. Mr. Kinney also stated that the location of the building would be in the northeast corner of the property to allow for room to build if and when that would ever happen. In addition to this property Mr. Kinney also owns ground to the east.

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. Bennet moved to close the public hearing, seconded by Mr. Houin. Motion carried by acclamation.

**Mr. Houin made a motion to approve 25-BZA-30 KINNEY, Dana - A request for a Variance of Developmental Standard to allow a secondary before a primary to build a 30x48' pole barn; located at: Douglas Rd. 50-42-98-000-086-000-009, Plymouth, IN North Twsp., Zoned A-3, based on the findings of fact, seconded by Mr. Bennett. Motion carried with a voice vote 3-0.**

The third item of business was 25-BZA-31 LEED, Shana - A request for a Variance of Developmental Standard to allow a reduction of minimum lot area per residential unit to allow a 9.2 acre parcel to be split; located at: 12751 19B Rd. Argos, IN Green Twsp., Zoned A-1. Rocky Ballinger of 12751 19B Rd Argos was present to represent Shana Leed. Mr. Witwer presented the findings of fact.

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The applicant seeks a variance of development standard for a reduction in the density requirement. The current parcel of 9.2 acres with two residences will be split into one lot of 5 acres containing 1 residence at the east end of the property, and one lot of 4.2 acres with a residence at the west end of the property.

Recommendation:

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

The original house was built in 2000 by Ms. Leed and her husband at that time. After their divorce part of the order was for the ground to be split. Ms. Leed would keep the original house and Cody Leed would retain the updated pole style residence. Their purpose is to get this split per the requirements of the court.

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

1. Shane & Autumn Leed Sold 10 acres to Cody & Shana Leed twenty years ago and doesn't understand why it is now 9.2 acres.

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

**Mr. Bennett made a motion to approve 25-BZA-31 LEED, Shana - A request for a Variance of Developmental Standard to allow a reduction of minimum lot area per residential unit to allow a 9.2 acre parcel to be split; located at: 12751 19B Rd. Argos, IN Green Twsp., Zoned A-1, seconded by Mr. Houin based on the findings of fact. Motion carried with a voice vote 3-0.**

The fourth item of business was 25-BZA-32 SCHMIDT, James & Rita - A request for a Special Use to allow 12 dogs for personal use; located at: 4900 French St. Plymouth, IN Polk Twsp., Zoned T-1. Ms. Gerrie Schmidt of 4900 French St. Plymouth was present to represent her request. Mr. Witwer presented the findings of fact.

It was found at the time of taking photos for a property division by the planning department that the owner had 5 dogs initiating discussion of a kennel. Since then, the applicant's mother has passed away, leaving her with 7 additional dogs.

## RECOMMENDATION

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

The proposed kennel applicant isn't for breeding. This request is only to care for the existing adult dogs on the property. Ms. Schmidt has no desire to bring in any additional dogs. The oldest dogs are 8-10 years old and the rest are younger.

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

- |   |                          |                        |
|---|--------------------------|------------------------|
| 1. Dave Hochstetler                                       | 133 N. Ule Tr. Walkerton | Lived at this property |
| for 10 plus years 25 years ago. His renter has no issues. |                          |                        |

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

**Mr. Bennett made a motion to approve 25-BZA-32 SCHMIDT, James & Rita - A request for a Special Use to allow 12 dogs for personal use; located at: 4900 French St. Plymouth, IN Polk Twsp., Zoned T-1 based on the findings of fact with the stipulation that this be a non-commercial kennel for the existing dogs and for Gerri Schmidt only, seconded by Mr. Houin. Motion carried with a voice vote 3-0.**

The fifth item of business was 25-BZA-33 MILLER, Matthew & Marcus - A request by Bruce Dyksen of She Found His Grace for a Variance of Use to allow the property to be used for short term rest and spiritual healing to women affected by abortion; located at: 2777 6th Road, Bremen, IN German Twsp., Zoned A-1. Bruce and Serena Dyksen of 28621 CR 30 Elkhart were present to represent their request.

The applicant is seeking a special use variance to accommodate a therapeutic and spiritual health services ministry for women to recover from abortions.

## Recommendation

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

The plan for the facility would be to house up to four residents in the program and staff could be from three to five people.

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

1. Matthew Miller      3763 7<sup>th</sup> Rd.      Is representing the family trust. The family fees this will be an ideal use of the property. It is a unique property with an additional residence out by the road. It is a secluded and quiet area. Hopes the board approves the variance.
2. Jeremy Unsicker      2805 6B Rd.      Has a concern about their children's safety with people that are being brought in. Questioned when or if this is approved if other services will be brought in. Is against the request.
3. Randy Hawley      6376 SR 331      Is against the request. He owns the property adjacent. Doesn't want to see an increase in traffic.
4. Calem Haley      3595 6<sup>th</sup> Rd.      Is against the request. Doesn't want to see an increase in traffic and concern for safety. With people wandering.

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

The applicant explained that out-of-town residents will be picked up by staff from the airport. They won't come with their vehicles or come and go from the property. There are walking trails on the property that could be used by the guests but will not be encouraged to leave the property.

There will be outpatient classes held on the property which is open to men and women. However, only women are allowed for inpatient stays. There is no state funding it is only by donation. The applicants do not plan to reside on the property. However, there will be staff on the property at all

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times. If the guests leave the property, it will be with staff for trips such as to church, events, groceries etc.

Mr. Dysken stated, "This facility will not extend to drug rehab. That is not our "wheelhouse". You do what you are good at and what you are called to do."

Their ministry has been in existence for five years and it will be the ministry buying the property.

**Mr. Bennett made a motion to approve 25-BZA-33 MILLER, Matthew & Marcus - A request by Bruce Dyksen of She Found His Grace for a Variance of Use to allow the property to be used for short term rest and spiritual healing to women affected by abortion; located at: 2777 6th Road, Bremen, IN German Twsp., Zoned A-1 based on the findings of fact, seconded by Mr. Houin. Motion carried with a voice vote 3-0.**

The sixth item of business was 25-BZA-34 NICHELSON, Scott & Rosalie - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 30' to 18' to replace a front porch; located at: 12446 Spear Trl., Culver, IN West Twsp., Zoned L-1. Jason Shepard, 2505 Tyler Rd. Walkerton, Contractor, was present to represent their request. Mr. Witwer presented the findings of fact.

The applicant is seeking a variance of developmental standard in reduction of front setback from 30' to 18' for the purpose of building a ground level deck 7' x 27' with a balcony deck 7' x 12'.

## Recommendation:

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

The contractor was called out to assist in remediating a water issue on the property. To install the perimeter drain the existing front porch needed to be removed. With the house being so close to the road, rebuilding the front didn't meet the required setbacks. The plan is to rebuild the balcony and the front entrance deck. The length of the deck will increase, but will not get any closer to the road than was there before.

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

**Mr. Bennett made a motion to approve 25-BZA-34 NICHELSON, Scott & Rosalie - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 30' to 18' to replace a front porch; located at: 12446 Spear Trl., Culver, IN West Twsp., Zoned L-1, based on the findings of fact, seconded by Mr. Houin. Motion carried with a voice vote 3-0.**

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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