

July 15, 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, July 15, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Larry Houin, Don Nunemaker, and Laura Brockway. Also present was Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties. Member absent was Mrs. Snyder.

Alternate member of the Board of Zoning Appeals, Laura Brockway, council appointee was sworn in with a term ending December 31, 2027.

The minutes of the May 13, 2025, and June 10, 2025, meeting were presented and reviewed. Mr. Houin made a motion to approve, seconded by Mr. Nunemaker. Motion carried by acclamation.

The Findings of Fact for the May 13, 2025, and June 10, 2025, meeting were present and reviewed. Mr. Nunemaker made a motion to approve, seconded by Mr. Houin.

The first item of business was 25-BZA-12 CARMEN FARMS LLC - A tabled 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. was present to present his request. Mr. Witwer 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.

Due to their being multiple properties combined for tax purposes, the president asked the applicant if he would be willing to combine the parcels legally and the applicant said he would if he needed to.

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

1. Bill Norris 4640 Maple Rd. Has a concern about the address being moved to Michigan Rd. The plan director explained when a building permit is applied for a new address will be issued at that time.
2. George Holzwart 4589 Michigan Rd. Lives across the street from the proposed and doesn't have a problem with the request. Any increase in traffic will be minor.
3. David Kinney 4031 N. Michigan Rd. Has a concern of additional traffic, drainage, and decreased visibility. A packet was turned in and passed to the board for view.

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

Mr. Bennett recommended to the applicant to pay special attention to the north property line and west of the movie screen to see if there are any blockages.

The county highway has already advised the applicant of the tile sizing that's needed.

Mr. Nunemaker made a motion to approve 25-BZA-12 CARMEN FARMS LLC - A tabled request for a Variance of Use to allow multiple storage units; located at: 12939 4A Rd. Plymouth, IN North Twsp., Zoned A-1, based on the findings of fact, seconded by Mr. Houin. Motion carried with a voice vote 5-0.

The second item of business was 25-BZA-29 MUMM, John & Sandra - A tabled 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. Jack Knepp 9187 Tyler Rd. Doesn't understand the rule changed from 5 acre minimum to 1acre. Neighbors up and down the road all have more than 5 acres. There is also a low spot and the side near his property and is concerned about water runoff.

Mr. Mumm explained that where they originally proposed the house, they have decided to move it to high ground.

The third item of business was 25-BZA-35 STUTLER, Randall & Denise - A request by Jones Petrie Rafinski Corp. for a Variance of Developmental Standard to allow a reduction in lot size requirement from 1 acre to .25 acres for a municipal sanitary sewer pump station; located at: 17086 12th Rd. Plymouth, West Twsp., Zoned A-1.

The fourth item of business was 25-BZA-36 RAMER, Mervin - A request for a Special Use to allow a home-workshop of 6,720 sq ft for a 80'x84' welding workshop for farm machinery; located at: 20909 Peach Rd, Culver, IN 46511 Union Twsp., Zoned A-1. Mr. Mervin Ramer of 80 W 700 N. Argos was present to represent his request. Mr. Witwer presented the findings of fact.

RECOMMENDATION

The applicant's plan is for his son to run the business with his brother. Currently there is no plan to hire outside help. There will be welding and farm repairs of ag equipment. The traffic will be light. Possibly one delivery or less a week of steel. The reason the building is so big is because they found a good deal on the steel building, otherwise they would have built one much smaller.

1. Chris Kline 20435 Queen Rd. Has a concern about it being more of a business than a homework shop, drainage into a public drain, and environmental runoff to the John Kline Ditch. After discussion the applicant explained their plan is to run everything east to the Dora Fairchild Ditch.
2. Burke Richeson In house council for Miami Farms that owns property around the proposed request. Their questions and concerns are

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watershed issues and this being more of a commercial type business. They request a professional engineered drainage plan.

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

The applicant explained that they have no plans to work outside the building as welding all has to be done inside. There will be a 26' door on the building to be able to get material in and out of the building easily. If a piece of equipment has to be taken apart to get inside the building, there is a possibility of that. As little as possible will be left outside. If anything has to be left out they will do their best to keep it out of sight. After a question about manufacturing, they have no intent to manufacture.

The plan for the sign will be to increase the sign size from an allowed 2x4' to 4x4'.

Mr. Bennett made a motion to approve 25-BZA-36 RAMER, Mervin - A request for a Special Use to allow a home-workshop of 6,720 sq ft for a 80'x84' welding workshop for farm machinery with a 4'x4' sign & 3 employees; located at: 20909 Peach Rd, Culver, IN 46511 Union Twsp., Zoned A-1 based on the findings of fact, seconded by Mr. Houin. Motion carried with a voice vote 5-0.

The fifth item of business was 25-BZA-37 PREISSLER, David & Monica -A request for a Variance of Developmental Standard for a reduction in lakeside setback from the required 45' to 35' and an increase in lot coverage from the required 45% to 75% in order to replace the existing deck and build a two story addition; located at: 20793 N. Lake Dr. Walkerton, IN Polk Twsp., Zoned L-1. Mr. & Mrs. Preissler of 20793 N. Lake Dr. Walkerton was present to represent their request. Mr. Witwer presented the findings of fact.

The proposed addition to the residence is being built in place of the existing deck located on the South East corner of the home. The addition will be setback further than the existing deck to the neighboring property line. A new deck will be built and balcony extended across the lakeside of the house no further from the house toward the lake.

Recommendation:

Based on the information provided the staff recommends approval of the requested variances.

There is an existing deck that they would like to remove and build an addition that would include a sunroom and above it a master bedroom. The plan is to meet the side yard setback requirement of 6'. To do that the applicant would reduce the deck width by 3'.

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

1. Mike McKenna 20825 N. Lake Dr. Has no objections to the request

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

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Mr. Nunemaker made a motion to approve **25-BZA-37 PREISLER, David & Monica - A request for a Variance of Developmental Standard for a reduction in lakeside setback from the required 45' to 35' and an increase in lot coverage from the required 45% to 75% in order to replace the existing deck and build a two story addition; located at: 20793 N. Lake Dr. Walkerton, IN Polk Twsp., Zoned L-1 based on the findings of fact, seconded Mr. Nunemaker. Motion carried with a voice vote of 5-0.**

The sixth item of business was 25-BZA-38 SULLIVAN, Jeanne - A request for a Variance of Developmental Standard to allow a property split of 620'x2,600' and the remaining 605'x2300' acres to be split that doesn't meet the 1 to 3 width to depth ratio, located at: 19th Rd. 50-23-28-000-003-000-015, Walnut Twsp., Zoned A-1. Mr. & Mrs. Hal Sullivan of 6810 20B Rd. were present to represent their request. Mr. Witwer presented the findings of fact.

The request to exceed the maximum width to depth ratio for lot size. The two lots created out of this parcel allow two property owners to swap properties.

Recommendation:

Based on the information provided, staff recommends approval of the request.

Mr. Imhoff approached the Sullivan's to swap 40 acre of ground to give him additional ground behind his personal residence. With the split of the ground being landlocked the plan is to include a 50' easement on the Jeanne Sullivan 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. Bennet moved to close, seconded by Mr. Houin. Motion carried by acclamation.

Mr. Houin made a motion to approve 25-BZA-38 SULLIVAN, Jeanne - A request for a Variance of Developmental Standard to allow a property split of 620'x2,600' and the remaining 605'x2300' acres to be split that doesn't meet the 1 to 3 width to depth ratio, located at: 19th Rd. 50-23-28-000-003-000-015, Walnut Twsp., Zoned A-1 based on the findings of fact with the requirement of the easement, seconded by Mr. Bennett. Motion carried with a voice vote 5-0.

The seventh item of business was 25-BZA-39 MBH PROPERTIES LLC - A request for a Variance of Use to allow the property to be used by IBM Construction with two buildings on the property that will house equipment, supplies and construction materials; located at: 5th Rd. Bremen 50-43-11-000-021-000-005, German Twsp., Zoned A-1. Mr. Ben Hershberger of 66886 CR 3 was present to represent his request. Mr. Witwer presented the findings of fact.

The site is farm field and contains no structures. The proposed building site is on the South East corner of the parcel located at 5th and Elm Road. The closest neighboring residence is located approximately 1000' from the proposed building site.

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Recommendation

Based upon the information provided, the staff recommends approval of the request.

They have outgrown their 3 acres and bought this piece of land to build. Mr. Hershberger owns IBM Construction and builds post frame buildings and houses. He would like to build these two buildings to store his business equipment. A large group of his employees live near this property which would makes the most sense to have a hub at that location. There is no plan at this time to divide the property. The remaining property will be farmed.

The majority of the employees don't drive vehicles and will meet at the site and won't return until the end of day. There will be very little deliveries and lumber and trusses are delivered to the jobsite.

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

1. Joseph Stoller 3708 Grape Rd. Owns the farm to the south across 5th Road. Has a clay tile that drains to the north under 5th road. They don't know if the tile will run between the buildings or under the building. Is not in favor as it's not agricultural and doesn't conform comprehensive plan.
2. Steven Smith 3280 5th Rd. Is opposed to the project.
3. Joanne Matter & Nancy Sherk 4381 5th Rd. Is opposed to the request due to loss of farmland, rural setting, increased traffic, overburdened roads, expansion, decreased property values.

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| 2. Steven Smith project. | 3280 5 th Rd. | Is opposed to the |
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3. Joanne Matter & Nancy Sherk 4381 5th Rd. Is opposed to the request due to loss of farmland, rural setting, increased traffic, overburdened roads, expansion, decreased property values.

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

The applicant met with Mr. Stoller at the site. He said he would gladly move the tile if needed. The soil is mostly sandy. After soil probing it was determined that a mound system would be required.

When asked if other properties were looked at Mr. Hershberger said that he did, but with this site being close to many of his employees he felt this would be the best location. The company builds from southwest Michigan to Tennessee.

The board would like to have additional time to visit the site and see a drainage plan. The board asked if the applicant would consider tabling. **Mr. Hershberger requested the board table the request for the next board meeting.**

The eighth item of business was 25-BZA-40 WAMSLEY, Chris & Erminia - A request for a Variance of Developmental Standard to allow a reduction of the west side yard setback from the required 10'/10% to 5' for a three season addition to the west side of the house; located at: 18361 Latonka Trl Culver, IN West Twsp., Zoned L-1. Mrs. & Mrs. Chris Wamsley of 18361 Latonka Tr was present to represent their request. Mr. Witwer presented the findings of fact.

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The request for variance of 5' setback on the east side of the property does not encroach the current setback of the deck from the property line.

Recommendation:

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

The plan is not to change the footprint. All they would like to do is build a 3 season room on top of the existing deck. The applicants bought the property already with the deck. To their knowledge they had permission to have the deck at its location. The property next door is vacant and has a playground on it for the subdivision. The lake association has already approved the request.

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. Bennett moved and Mr. Nunemaker seconded the motion to close the public hearing.

Mr. Bennett made a motion to approve 25-BZA-40 WAMSLEY, Chris & Erminia - A request for a Variance of Developmental Standard to allow a reduction of the west side yard setback from the required 10'/10% to 5' for a three season addition to the west side of the house; located at: 18361 Latonka Trl Culver, IN West Twsp., Zoned L-1 based on the findings of fact, seconded by Mr. Nunemaker. Motion carried with a voice vote 5-0.

The ninth item of business was 25-BZA-41 MOCKIENE, Dovile - A request for a Variance of Developmental Standard to allow a reduction in the west side yard setback from the required 10'/10% lot width to 5' in order to allow a 24'x52' attached garage; located at: 16420 4B Rd. Plymouth, IN Polk Twsp., Zoned A-1. Mr. Matas Mockus of 16420 4B Rd was present to represent his request. Mr. Witwer presented the findings of fact.

While the property is large, the house is located in a more narrow area between property lines. The house is situated on the top of a hill with a walk out basement on the east side. The elevation on the west side of the house is consistent for building an attached garage to the residence. The neighboring house to the west is approximately 350' from the property line.

Recommendation:

Based upon the information provided, staff recommends approval of the request to reduce the setback to 5' on the west property line.

Due to the contours of the property and the septic and well locations this location was the best fit. The applicant is expecting the setback to be closer to 7-8'.

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. Bennet moved and Mr. Nunemaker made a motion to close the public hearing. Motion carried by acclamation.

The applicants did not get a survey showing exact property lines; however, the neighbor showed him where the property line was. The board explained that if they approved the 5' he has to meet the requirement.

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Mr. Houin made a motion to approve 25-BZA-41 MOCKIENE, Dovile - A request for a Variance of Developmental Standard to allow a reduction in the west side yard setback from the required 10'/10% lot width to 5' in order to allow a 24'x52' attached garage; located at: 16420 4B Rd. Plymouth, IN Polk Twsp., Zoned A-1 based on the findings of fact., seconded by Mr. Nunemaker. Motion carried with a voice vote 5-0.

Other Business

The Board of Zoning Appeals reviewed the proposed 2026 budget. The increase in legal services is due to current cases in litigation. Mr. Nunemaker made a motion to approve the proposed 2026 budget, seconded by Mr. Houin. Motion carried by acclamation.

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