

August 12, 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, August 12, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Don Nunemaker, and Laura Brockway. Also present was Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties. Member absent was Larry Houn.

The minutes of the July 15, 2025, meeting were presented and reviewed. Mr. Bennett made a motion to approve, seconded by Mr. Nunemaker. Motion carried by acclamation.

The Findings of Fact review for the July 15th meeting was tabled.

The first item of business was 25-BZA-39 MBH PROPERTIES LLC - A tabled 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 and an office; located at: 5th Rd. Bremen 50-43-11-000-021-000-005, German Twsp., Zoned A-1. Mr. Ben Hersherberger of 66886 CR 3 and Esther Miller were present to represent his request. Mr. Witwer presented the findings of fact.

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

Recommendation : Based upon the information provided, the staff recommends approval of the request. The TRC recommended approval with the condition of detailed drainage plans, Health Department septic approval, impervious drainage approval for the large amount of impervious drainage to make sure water is not shedding onto neighbors.

Applicant owns a construction company and is proposing to build two new buildings to store business vehicles and equipment in. In addition, the location will be their hub site where employees will meet in the morning and leave for work.

Whiteman Surveying was contacted to prepare a drainage plan; however, due to timing they were unable to provide it prior to the meeting. A drainage plan will be provided that meets the county's requirements. The existing Stoller tile that runs through this property will be between the two proposed buildings. Currently there is no plan to hook to this tile. After initial conversations with the surveyor the proposal will include a retention pond and a four-inch tile with a slow release.

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

1. Danny Detwiler 6489 Elm Rd. Works for IBM Construction and believes it will benefit him and his employees as the location is near where the employees live.
2. Steven Smith 4280 5th Rd. Has a concern about the water runoff.
3. Joe Stoller 3708 Grape Rd. Is against the request due to drainage issues. Gave concerns based on comprehensive plan. Thinks the location would be better based in a commercial or industrial area.
4. Joann Mattern 4381 5th Rd. Owns the property that abuts the Stoller farm. Is against the request. Doesn't believe they should be building a good farm ground.
5. Todd Laudeman 4239 Elm Rd. Has serious concerns about the drainage. The Bowser drain has serious problems. Doesn't see how adding any extra water will be good.
6. Joe Stiles 109 W Plymouth In favor as it would increase tax revenue and would have little impact to the neighbors.
7. Rich Gramm 3429 Fir Rd. In favor of new places for business opportunity. Believes with good planning the issues with drainage can be taken care of and prove to be a valuable asset to the community.
8. David Miller 6757 6A Rd In favor as it will help employees have an easier commute to work. In favor of small businesses.
9. Mark Hostetler 2921 5th Rd. In favor as it will help increase property values.
10. Jeremiah Borkholder Elm Rd. In favor believes it will be an asset to the community.
11. John Miller Bremen In favor believes it will benefit the local economy through wages and tax income and will be less commute time for local employees.
12. List of in favor
 - a. Nathan Hochstetler
 - b. Jesse Miller
 - c. Jesse Miller
 - d. Lyle Borkholder
 - e. Eli Borkholder Jr
 - f. Rudy Detwiler
 - g. Floyd Borkholder
 - h. Eli Borkholder
 - i. Jerry Schwartz
 - j. Gary Krammer

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

President Gustafson asked Mr. Hershberger if he would be willing to replace the tile that runs through his property that will be in between his two buildings. Mr. Hershberger stated it

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would be something to consider, but will rely on Whiteman Survey to design the best option. The county surveyor did say there was a county tile near 5th Rd. that might be an option as well. Mr. Hershberger said again he would consider it, especially if he can tie into it.

There will be little additional traffic. The majority of the employees that live near this property all ride bicycles. Once employees are at the building they will carpool to the jobsites.

Someone in the audience stated that there is fiber optic cable that was buried on the north arm along 5th Rd. that runs to Bremen.

The business has trailers that will be stored outside, but primarily under the lean to portion of the building. The plan will be to have very little stored outside that is visible. The fence will be installed for security purposes.

Mr. Nunemaker made a motion to approve 25-BZA-39 MBH PROPERTIES LLC - A tabled 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 and an office; located at: 5th Rd. Bremen 50-43-11-000-021-000-005, German Twsp., Zoned A-1 based on the findings of facts with the following stipulations:

- The existing tile that runs between the buildings be replaced
- Adequate drainage plan

Seconded by Ms. Brockway. Motion carried with a voice vote 3-1 with Mr. Bennett voting against.

The second item of business was 25-BZA-42 HALL, Terry & Linda - A request by Dwayne Knott for a Variance of Developmental Standard to reduce the front yard setbacks on Lipton from the required 30' to 10', Liberty from the required 30' to 16', south side yard setback from 10'/10% to 5', and lot coverage from the required 45% to 75% to build a 40x80' pole barn for personal storage; located at: 4118 Lipton St. Lots, 66,67,68,69, North Twsp., Zoned L-1. Dwayne Knott of 4246 W. Shore Dr Bremen was present to represent his request. Mr. Witwer presented the findings of fact.

The property is currently vacant land used as yard and personal boat storage. The property is bound by both Liberty St to the east, and Lipton St. to the west, creating two front yards. The surrounding neighborhood was not built to the current zoning requirements with shallow setbacks from the right of ways, side yards, and exceeding lot coverage maximum.

Recommendation:

Based on the information provided, staff recommends approval of the requested variances. The TRC recommended approval with no reduction in south side yard 5' setback.

Mr. Knott built a home on the lake. He would like to have this building to store his lake toys and miscellaneous items.

In order to move forward with the project, he's already contacted the surveyor and is in the process of preparing a replat to combine all four parcels into one.

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The building will be 30' from the edge of the street. The setbacks requested were from the right of way.

There is a possibility of purchasing a property to the south. The layout of the building will stay as is, however, it might slide a little further south.

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

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| 1. Ronald Budzyliek | 4077 Lipton St. | Is against the request as they believe it will reduce property values. |
| 2. Rob & Deb McPherson | 4066 Liberty St. | Is against the request. Has a concern that this will turn into a business and possible reduced values. |
| 3. Kim & Carol Hochstetler | 4016 Liberty St. | Is against the request. Has several concerns. |

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

After combining the properties the applicant is able to put in an accessory structure. He would like to keep its size and location in order for him to store his RV and be able to pull in and out of the building.

Mr. Bennett made a motion to approve 25-BZA-42 HALL, Terry & Linda - A request by Dwayne Knott for a Variance of Developmental Standard to reduce the front yard setbacks on Lipton from the required 30' to 10', Liberty from the required 30' to 16', and lot coverage from the required 45% to 75% to build a 40x80' pole barn for personal storage; located at: 4118 Lipton St. Lots, 66,67,68,69, North Twsp., Zoned L-1, based on the findings of facts, seconded by Mr. Nunemaker. Motion carried with a voice vote 4-0.

The plan director stated that the 75% lot coverage was figured on two lots. Now that all four parcels will be combined that percentage will be much lower.

The third item of business was 25-BZA-43 GONZALEZ, Daniel - A request for a Variance of Developmental Standard for a front yard setback from the required 30' to 5' in order to create an entry access to an upstairs from the outside; located at: 320 S. Michigan S. Lapaz North Twsp., Zoned T-1. Daniel & James Gonzalez of 320 S. Michigan St. Lapaz were present to represent their request. Mr. Witwer presented the findings of fact.

The existing building is a combination residence and commercial use with primary frontage on Michigan St. The site has secondary frontage on South St., which is primarily a parking area for the site. Several sites in the surrounding area are built out to lot lines, especially on corner lots. The building currently sits only 12' from the property line being requested to 5' setback.

Recommendation:

The TRC recommended approval.

The applicant would like to extend his existing deck 4'x4' and to come down to ground level with stairs that will go toward the house to access the upstairs studio room.

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

Mr. Nunemaker made a motion to approve 25-BZA-43 GONZALEZ, Daniel - A request for a Variance of Developmental Standard for a front yard setback from the required 30' to 5' in order to create an entry access to an upstairs from the outside; located at: 320 S. Michigan S. Lapaz North Twsp., Zoned T-1, based on the findings of fact, seconded by Ms. Brockway. Motion carried with a voice vote 4-0.

Other Business

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