

September 9, 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, September 9, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Don Nunemaker, Larry Houin, and Laura Brockway. Also, present was Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties.

The minutes of the August 12, 2025, meeting were presented and reviewed. Mr. Bennett made a motion to approve, seconded by Mr. Nunemaker. Motion carried by acclamation.

Mr. Bennett made a motion to approve the June 10, July 15 and August 12 meetings, seconded by Mr. Nunemaker. Motion carried by acclamation.

The first item of business was 25-BZA-44 RADER, Donald - A request for a Variance of Developmental Standard to split the 80 acre parcel into Parcel A 503'x2597.92' and Parcel B 815.90'x2598.77' that doesn't meet the 1:3 ratio; located at: Elm Rd. (50-43-23-000-009-000-005) German Twsp., Zoned A-1. Mr. Dave Rader 6450 Elm Rd. Bremen was present to represent Donald. Mr. Witwer presented the findings of fact.

The property is of a rectangular shape with only one short edge of road frontage. Splitting the lot creates difficulty in meeting either the width to depth ratio requirement, or the road frontage requirement if split along the length of the property.

Recommendation:

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

The applicant's representative questioned the process of splitting parcel A after it is sold. The plan director explained that parcel A will have the ability to split, but will be required to meet the developmental standards of that district.

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

1. James (Whiteman & Assoc) Plymouth Appeared on behalf of Whiteman & Associates.

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

Mr. Houin moved to approve 25-BZA-44 RADER, Donald - A request for a Variance of Developmental Standard to split the 80 acre parcel into Parcel A 503'x2597.92' and Parcel B 815.90'x2598.77' that doesn't meet the 1:3 ratio; located at: Elm Rd. (50-43-

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23-000-009-000-005) German Twsp., Zoned A-1, based on the finding of fact, seconded by Ms. Brockway. Motion carried with a voice vote 5-0.

The second item of business was 25-BZA-45 SOMMERS, Richard - A request for a Special Use to allow Abates Summers's End Event to be held on September 19-21, 2025; located at: 10648 Upas Rd., Plymouth, In West Twsp., Zoned A-1. Amanda Case 1220 E. Jefferson Mishawaka and Brandi Mills 209 Maple St. Walkerton of ABATE were present to represent their request. Mr. Witwer presented the findings of fact.

The property is large enough to accommodate and has accommodated this event for several years. The following stipulations have been part of past approval: 1. One-year approval from Friday at noon through Sunday at noon. 2. That proper sanitation be met and in conformance with applicable Department of Health standards. 3. Shall Notify sheriff of event. 4. There will be no parking within the right of way. 5. Amplified music to be turned off at midnight. 6. Event officials shall minimize the amount of light cast onto adjacent properties. 7. EMT and security officials to be on site during the event. 8. Three-year approval. 9. This approval can be revoked for non-compliance, disorderly conduct reports, or high-level noise reports.

RECOMMENDATION

Based on the information provided staff recommends approval of the request with the following stipulations as have been made in past approvals: 1. One-year approval from Friday at noon through Sunday at noon. 2. That proper sanitation be met and in conformance with applicable Department of Health standards. 3. Shall Notify sheriff of event. 4. There will be no parking within the right of way. 5. Amplified music to be turned off at midnight. 6. Event officials shall minimize the amount of light cast onto adjacent properties. 7. EMT and security officials to be on site during the event. 8. Three-year approval. 9. This approval can be revoked for non-compliance, disorderly conduct reports, or high-level noise reports. After review #1 was put in incorrectly and to be removed from the recommendation.

The applicant requested that the fee paid be refunded as they are non-for-profit. The applicants explained that ABATE fundraisers go to education on motorcyclists training, fighting for rights at the state level, and fundraise for local families in need.

To update the newer members on the board Mr. Gustafson gave a rundown of the requests over the years. The event originally started with an every year review. Once the event progressed it has moved to review every three years. Mr. Gustafson asked if this request could be turned into approval without an expiration. The plan director stated that it's up to the board.

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

1. Russel Zawacki 10668 Fairview Ave Osceola Regional Director. This event plans to stay at this location for years. The owner has invested money into having electric brought in just for this event. This event is to help raise money for ABATE.

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| 2. Katrina Hartman | 7126 W. 1100 S. Amboy | Fulton County's |
| | representative. Is proud of ABATE in how they support and teach. | |
| 3. Lori Johnston | 107 South Dr. Ligonier | Is a vendor for ABATE |
| | events. Also commended them for reaching out to them in their house fire. | |
| 4. Mr. Dias | 6154 Gopher Tr. Harrison MI | Is a director |
| | and instructor. Believes in educating drivers. | |

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

Mr. Nunemaker made a motion to approve 25-BZA-45 SOMMERS, Richard - A request for a Special Use to allow Abates Summers's End Event to be held on September 19-21, 2025; located at: 10648 Upas Rd., Plymouth, In West Twsp., Zoned A-1, based on the findings of fact with the following stipulations:

1. That proper sanitation be met and in conformance with applicable Department of Health standards.
2. Shall notify sheriff of event.
3. There will be no parking within the right of way.
4. Amplified music to be turned off at midnight.
5. Event officials shall minimize the amount of light cast onto adjacent properties.
6. EMT and security officials to be on site during the event.
7. Five-year approval.
8. This approval can be revoked for non-compliance, disorderly conduct reports, or high-level noise reports.

Amended the motion to go from a 3-year approval to five years and not wave the permit fee.

Seconded by Mr. Miller. Motion carried with a voice vote of 5-0.

The third item of business was 25-BZA-46 PEACHEY, Elrose & Marilyn - A request for a Variance of Developmental Standard to allow owner to split 1.60 acres off the 4.5 acre parcel that doesn't meet the 5 acre density rule to build a residence; located at: 1099 5B Road, Bremen, IN German Twsp., Zoned A-1. James of Whiteman Land Surveying was present to represent the request. Mr. Witwer presented the findings of fact.

The petitioner owns an adjacent piece of property that is enveloped completely by flood plain rendering it unbuildable. This property has acreage outside of the flood plain allowing room to build a residence. The surrounding area includes several parcels that are of similar size(s) to the proposed split parcels.

Recommendation:

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

James of Whiteman Surveying stated that the maps show along the edge what's called floodplain fringe. To build the fringe in the Floodways it would only need a signature from the Floodplain administrator which is the Plan Director.

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The plan director stated that our maps include the fringe. With the fringe everything has to be 2' above the flood plain elevation. Our map doesn't depict which part of flood plain and what is fringe.

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

1. Elrose Peachey 1099 5B Road The proposed split is where Elrose and his wife will build on. Their son plans to purchase the property with the house. The plan is to build a house on a slab that is 2' above flood plain.

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

Mr. Nunemaker made a motion to approve 25-BZA-46 PEACHEY, Elrose & Marilyn - A request for a Variance of Developmental Standard to allow owner to split 1.60 acres off the 4.5 acre parcel that doesn't meet the 5 acre density rule to build a residence; located at: 1099 5B Road, Bremen, IN German Twsp., Zoned A-1, based on the findings of fact, seconded by Ms. Brockway. Motion carried with a voice vote 4-1 with Mr. Gustafson voting against.

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