

January 12, 2021  
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 7:30 p.m. on Tuesday, January 12, 2021, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, James Berger, Jeff Kutch, and Matt Miller. Plan Director Ty Adley, Secretary Lori Lowry and interested parties.

The minutes from the December 8, 2020, meeting was submitted to the board. Mr. Miller made a motion to approve the minutes as presented, Mr. Kutch seconded the motion. Motion carried by acclamation.

### Election of Officers

Mr. Gustafson moved to open elections for the Board of Zoning Appeals for Marshall County.

Mr. Kutch made a motion to nominate Mr. Gustafson as President of the Marshall County Board of Zoning Appeals, seconded by Mr. Miller. Motion carried by acclamation.

Mr. Miller made a motion to nominate Mr. Berger as the Vice President of the Marshall County Board of Zoning Appeals, seconded by Mr. Kutch. Motion carried by acclamation.

Mr. Berger made a motion to nominate Mr. Miller as the Secretary of the Marshall County Board of Zoning Appeals, seconded by Mr. Kutch. Motion carried by acclamation.

The first item of business was 21-BZA-01 BARNES, Eric & Stephanie - A request for a Variance of Use to allow a temporary second residence to care for an elderly parent; located at: 15941 14th Rd., Plymouth, IN Union Twsp., Zoned A-1. Eric & Stephanie Barnes was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to locate a secondary residence (mobile home) with its own septic system and well on the property for an aging family member. The ordinance currently does not allow second residences on the property or temporary residences.

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

1. Robert Busam – 16081 14<sup>th</sup> Rd. – Shares an easement with the applicant and wanted to know how they were going to get back to their property and maintenance of the

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- easement with the extra traffic. Mr. Busam has maintained the driveway for ten years and believes something needs to be done with this easement.
2. Frances Buckner MacLain – 16081 14<sup>th</sup> Rd. – Uses the same entrance and has a concern about how the dwelling will be set up and not destroy the lane that is shared or blocked from getting to her own property. Also has a concern about property values.

Mr. Barnes stated that they purchased the property in September of 2020 and haven't received any paperwork or had discussion about the easement and maintenance. Their understanding was Mr. Busam did most of the maintenance on the easement.

Mr. Barnes stated that once arrangements are made to purchase the unit contact would be made to get approval from the other owners on the easement. This would include Barnes laying fresh gravel and spreading it the entire part of the easement to allow for the mobile home to be brought in. The plan is to put it on piers and will have a deck put on it.

Due to the concern of the easement Mr. Adley stated that they have the option to put in a condition of the permit that an agreement be made between the parties that use the easement.

**Mr. Kutch made a motion to approve 21-BZA-01 BARNES, Eric & Stephanie - A request for a Variance of Use to allow a temporary second residence to care for an elderly parent; located at: 15941 14th Rd., Plymouth, IN Union Twsp., Zoned A-1 with the following conditions:**

1. Frank & Judy Owen occupants and once they no longer need it the property owners have one (1) year to have it removed.
2. Signed maintenance agreement with the drive
3. Approved well and septic

**Seconded by Mr. Miller. Motion carried with a voice vote 4-0.**

The second item of business was 21-BZA-02 HENSLEY, Chad & Joy - A request for a Variance of Developmental Standard to reduce the side yard setback from the required 15' to 5' in order to split off the house and one acre from the barn and acreage to be added to neighboring property owner's acreage; located at: 6 Sycamore Rd., Walkerton, IN Polk Twsp., Zoned A-1. Chad and Joy Hensley were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to subdivide their property and in order to meet the minimum lot size requirements, the proposed lot line is then located 5' from an old barn. The barn and adjacent farm ground are being sold to an adjacent property owner. The minimum side yard setback for the property is 15' and the applicant is seeking to reduce that to 5'.

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

During discussion Mr. Hensley stated that the building is in disrepair. There is currently hay in the building for storage. The plan is to tear it down and farm all the ground.

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**Mr. Kutch made a motion to approve 21-BZA-02 HENSLEY, Chad & Joy - A request for a Variance of Developmental Standard to reduce the side yard setback from the required 15' to 5' in order to split off the house and one acre from the barn and acreage to be added to neighboring property owner's acreage; located at: 6 Sycamore Rd., Walkerton, IN Polk Twsp., Zoned A-1, seconded by Mr. Miller. Motion carried with a voice vote 4-0.**

The third item of business was 21-BZA-03 YODER, Katie - A request for a Variance of Developmental Standard to allow a reduction in the standard 1:3 width to depth ratio of 3 proposed lots: Lot 5 239'x1244', Lot 6A 405.97'x1954' and Lot 8A 332'x1971' located on parcels 50-44-09-000-005-000-005, 50-44-09-000-006-000-005, 50-44-09-000-010-000-005, German Twsp., Zoned A-1. Unable to hear applicants' names. Mr. Adley presented the findings of fact.

The applicant is creating a major subdivision and 3 lots (5, 6A, and 8A) don't meet the width to depth ratio. Lot 5 is proposed to be 239'x1244', Lot 6A is proposed to be 405.97x1954' and Lot 8A is proposed to be 332x1971.

All the of the parcels to be split will be retained by family except the three small parcels of 5 acres each on the western most portion of the property.

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

1. Harley Yoder – 2881 E. County Line Rd. Nappanee, - Sibling in favor of the request.
2. Curry Yoder (?) – 1997 2 B Rd., Bremen, IN – Sibling in favor of the request.

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

Mr. Kutch commented that with such a large area felt that the request in not meeting the 1:3 width to depth is self-imposed.

**Mr. Berger made a motion to approve 21-BZA-03 YODER, Katie - A request for a Variance of Developmental Standard to allow a reduction in the standard 1:3 width to depth ratio of 3 proposed lots: Lot 5 239'x1244', Lot 6A 405.97'x1954' and Lot 8A 332'x1971' located on parcels 50-44-09-000-005-000-005, 50-44-09-000-006-000-005, 50-44-09-000-010-000-005, German Twsp., Zoned A-1, seconded by Mr. Miller. Motion carried with a voice vote 4-0.**

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Matt Miller