

February 25, 2021
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, February 25, 2021, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, James Berger, Craig Cultice, David Hostetler, Jon VanVactor, Dan Voreis, Bob Yoder and Stan Klotz. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Member absent was Matt Miller.

The first item of business was the review of the minutes from the January 28, 2021, meeting. Mr. Hostetler moved and Mr. Berger seconded the motion to approve the minutes as written. The motion passed by acclamation.

The second item of business was 21-PC-02 MILLS, Angela - A request for a Vacation of the alley west of Lot 5 Teegarden; located adjacent to 16478 1st Rd., Walkerton, Polk Twsp., Zoned T-1. Ms. Angela Mills of 978 N. Queen Rd. Walkerton was present to represent her request. Mr. Adley presented the findings of fact.

The Applicant is seeking to vacate between their two properties and have received authorization from the Township Trustee to also vacate the alley between their and the Townships property. Please see map for details.

Ms. Mills was born and raised in Teegarden and wasn't aware there was an alley there. Wanted to make sure the alley didn't diminished the value of the building in its location. As far as the township trustee they are willing to give up their portion of the alley and she would like the entire alleyway as it abuts up to the pond.

The board discussed the Trustee's portion and Mr. Adley explained that their portion could easily be given to Ms. Mills through a quitclaim deed.

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

Mr. Yoder made a motion to approve 21-PC-02 MILLS, Angela - A request for a Vacation of the alley west of Lot 5 Teegarden; located adjacent to 16478 1st Rd., Walkerton, Polk Twsp., Zoned T-1 and pass on to the County Commissioners with a favorable

recommendation, seconded by Mr. Hostetler. Motion carried with a voice vote 8-0.

The third item of business was 21-PC-04 BEHRENS SUBDV - A request for a 2 Lot Minor Subdivision (Behrens East Shore Drive) 4302 E. Shore Dr., Bremen, German Twsp., Zoned L-1. Mr. Detrick Behrens of 29675 CR 22, Elkhart, IN was present to represent his request. Mr. Adley presented the findings of fact.

The subject property is zoned L-1 which permits lots as small as 6,000 square feet provided that they are serviced by public sewer. Lot 1 will be 9,006 sqft. and Lot 2 will be 6,004 sqft. and will meet the minimum lot requirements as identified by the Marshall County Zoning and Subdivision Ordinances.

Recommendation: Based on the information provided and review by the Technical Review Committee staff and TRC would recommend approval of the proposal.

Pleasant Point Beach Subdivision was created in 1927. In 1931 Pleasant Point Beach Outlots were created in 1931. Within this there are lots 1-7. Lot #7 of Pleasant Point Beach Outlot is the parcel that is being brought before the board tonight.

Prior to the meeting there were several calls questioning if the proposed will allow access to the lake. Due to a short amount of time to do thorough research conclusive evidence was not found that the outlots have access to the lake.

The Behrens purchased the property 17-18 years ago and have rented out the house. They feel it's time for them to sell the house and in doing so they thought they would offer another small lot for sale for the purchaser of the house or someone else. The remaining property they plan to retain.

The improvements are all on lot 1 and the proposed setbacks meet all requirements. Lot 1 is currently hooked up to the Lake of the Woods Sewer District. As far as the driveway the plan is to have a shared access.

Mrs. Barnhart made a motion to open for public hearing, seconded by Mr. Cultice. Motion carried by acclamation.

1. Lowell Michaels 4243 Lake Shore Wanted to know what Mr. Behrens intentions were with these lots as well as the lots he owns on Flat St. Also, would like to know if he intends to funnel the properties through his lots on flat Street that would allow the proposed lots to have lake access. Mr. Michaels lives on an easement and already has enough grief and doesn't want anymore. Wants to know if there is such a thing as funneling in Indiana.
2. David Klosterman 8249 Faith St. Same concerns as Lowell's and also that this will set a precedence to others that are talking about creating a subdivision near his home. Lives in Englewood Subdivision. Knows that the owners of the easement want to start a subdivision across from Faith Street and give them access. The bylaws don't state that. If this is approved it will open up a precedent for others to do the same. There is not room.

Marshall County Plan Commission
February 25, 2021

3. Bob Suhanosky 4307 Lake Shore Has the same concerns as others and believes he's part of the Houin's wanting to subdivide.
4. Tiffany Prendergast 4398 4B Rd What are the plans? Is the remaining ground going to be turned into a subdivision later?
5. Harold Addington 4335 E. Shore Sent a letter and has a concern for funneling and the new owns being allowed access to the easement. Helps take care of the easement on Flat St. and there are already enough people accessing this easement.
6. Wayne Dickerhoff 4628 Lakeshore Dr. Sent a letter and is not in favor of the request.

The Lake of the Woods Sewer District has presented to the Plan Commission a future proposal (Preliminary Plat) from Herman & Connie Houin. The project has not been presented to be put on the agenda, nor considered at this time. This is just from the Sewer District. (See Attached A).

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

Mr. Yoder agreed with Mr. Adley that the questions whether the outlots have access should require a legal response.

Mr. Behrens only wants to get rid of the house and another lot. It's not income producing and they just want out from under it. He understands the Houin's have something going north of him, but he isn't involved with that.

Mr. Cultice asked if they had any intentions to allow the proposed new owners access to the lake through the easement. To Mr. Behrens knowledge he doesn't know if there is access for the outlots. However, he does know he has access to the easement through his lots within the subdivision. If his children someday own the lots on Flat Street yes they will have access to the easement.

Mr. Adley doesn't have conclusive evidence that the outlots have access to the easements within the Pleasant Pointe Beach Subdivision. With the information that has been provided and what has been spoken tonight all that Mr. Behrens wants to do is split off these two parcels. There is no evidence whatsoever that he plans to funnel.

Mr. Behrens again stated that without researching it further and getting a lawyer he doesn't know if the outlots have legal access to the lake.

The board was in consensus for themselves as well as for the people in attendance that they need to know if these outlots have access to the lake.

Mr. Berger made a motion to table the request 21-PC-04 BEHRENS SUBDV - A request for a 2 Lot Minor Subdivision (Behrens East Shore Drive) 4302 E. Shore Dr., Bremen, German Twsp., Zoned L-1, seconded by Bob Yoder. Motion failed 4-4.

Marshall County Plan Commission
February 25, 2021

Mrs. Barnhart asked if there is a buyer for the lots and Mr. Behrens said no.

Mr. Cultice made a motion to approve 21-PC-04 BEHRENS SUBDV - A request for a 2 Lot Minor Subdivision (Behrens East Shore Drive) 4302 E. Shore Dr., Bremen, German Twsp., Zoned L-1, seconded by Mr. Voreis. Motion carried with a voice vote 8-0.

Mr. Adley stated that staff would work together to find out the rights and access to the easements.

Other Business

There are three proposed cases that are coming before the BZA that the Plan Director questioned whether he might administrative rights to approve without going to the board and due to the size of the operation.

The first two are going to make crafts in addition to selling fresh cut flowers on their own property. One in an existing building and the other is going to purchase a pre-built shed to work in. The third request is planning to grow and sell plants and flowers and sell bagged fertilizer out of a pre-built shed.

After a lengthy discussion the board all felt that this is considered Agri tourism and with it all being small scale a variance is not needed and the Plan Director should have administrative rights to approve these.

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

Respectfully submitted

Bob Yoder