

April 22, 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, April 22, 2021, in Room 203 of the Marshall County Building. Present were: Commission Members 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. Members absent were Terri Barnhart, James Berger, and Matt Miller.

The first item of business was the review of the minutes from the February 25, 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-03 YODER, Levi & Katie - A request for 12 lot Final Major Subdivision (Katie Yoder Subdivision); located at 917 4B Road, Nappanee, IN German Twsp., Zoned A-1. Glenn Yoder & Richard Yoder were present to represent their request. Mr. Adley presented the findings of fact.

The total property had received preliminary approval under 20-PC-17. There are 3 existing parcels that are being considered to subdivided into a variety of lot sizes, but all remaining above the minimum lot threshold.

**RECOMMENDATION:** Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of the proposal with the condition that the Plan Director and Surveyor's comments for shared driveways are managed. The application was tabled from March to April to accommodate a design change by the owners of the property to align 3 of the western property lines rather than having a jog. Staff has no issue with the change in property line and the driveways have been clarified by the Surveyor of Record.

When the applicants found out they were losing 40' along the road they decided to change the layout and even up lots 1,2 and 3.

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

1. Harley Yoder – 2881 E. County Line Rd. – Is family and in favor of the request.
2. Furry Yoder – 1997 2<sup>nd</sup> B Rd. – Is a sibling supporting the request

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

**Mr. Yoder made a motion to recommend approval of 21-PC-03 YODER, Levi & Katie - A request for 12 lot Final Major Subdivision (Katie Yoder Subdivision); located at 917 4B Road, Nappanee, IN German Twsp., Zoned A-1 and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Mr. Voreis. Motion carried with a voice vote 6-0.**

The third item of business was 21-PC-05 FRYE, Nancy - A request for a one lot minor subdivision (Frye Minor Subdivision); located at: Lincoln Hwy (50-41-30-000-108-000-017) West Twsp., Zoned T-1. Ms. Nancy Frye was present to represent her request. Mr. Adley presented the findings of fact.

The applicant owns a singular property that is bisected by existing property, giving it the illusion of separate parcels, but these "two parcels" share the same parcel number. This subdivision is righting a "subdivision" of property that should been done long ago.

RECOMMENDATION: Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of the proposal.

Ms. Frye plans to move and she needs the properties separated.

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

**Mr. Hostetler made a motion to approve 21-PC-05 FRYE, Nancy - A request for a one lot minor subdivision (Frye Minor Subdivision); located at: Lincoln Hwy (50-41-30-000-108-000-017) West Twsp., Zoned T-1, seconded by Mr. Yoder. Motion carried with a voice vote 6-0.**

The fourth item of business was 21-PC-06 FORSYTHE, Robert & Colleen - A request for an amendment to change parcel zoning from C-1 to T-1; located at 320 S. Michigan St. Lapaz, IN North Twsp., Zoned C-1. Ms. Coleen Forsythe and Mr. Heath Thornton were present to represent their request. Mr. Adley presented the findings of fact.

The subject property is zoned C-1 General Commercial is being sought to be rezoned to T-1 Town Residential. The applicant is seeking to do this because "lender will not loan on C-1 in order to sell property". Given the historic use of the property as well as current use as residential, the labeling of C-1 does not meet the needs of the of the property owner or Town. The property originally front US 31, but now that US 31 has been relocated to go around town, the spread of C-1 should be reduced.

RECOMMENDATION: Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of the proposed rezoning to Town Residential.

After owning the property for approximately 20+ years they would like to sell, and the

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commercial zoning is keeping the proposed buyers from getting residential mortgages.

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

**Mr. Hostetler made a motion to recommend approval 21-PC-06 FORSYTHE, Robert & Colleen - A request for an amendment to change parcel zoning from C-1 to T-1; located at 320 S. Michigan St. Lapaz, IN North Twsp., Zoned C-1 and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Mr. Voreis. Motion carried with a voice vote 6-0.**

#### Lake Lots Side Setback

Ordinance

- 10' or 10% of the lot width, whichever is less.
- Question is derived from 10% and what the ordinance intent was.

With lake residential lots being odd shaped the Plan Commission Office needed clarification of where the 10% is derived from. Was its intent roadside, lakeside, average from property lines, incremental or building line?

Reviewed by the Technical Review Committee, the recommendation on the interpretation of the ordinance is that the incremental or average building setback lines be used. Incremental would provide for the most accurate setbacks due to the varying lot shapes of lake lots but is more labor intensive. TRC would further go on to discuss revising the ordinance to make the determination obvious and apparent as well as to include a minimum of 5' to be able to maintain structures.

After the discussion, the board felt it would benefit the property owner for the 10% to be considered as the incremental method as well as the 5' minimum to maintain structures. This is not an ordinance change just a clarification of the intent of the ordinance.

**Mr. Hostetler made a motion to advise the incremental method with the 5' minimum in a L-1 zone, seconded by Mr. VanVactor. Motion carried by acclamation.**

#### Other Business

Mr. Adley presented the 2020 Marshall County Plan Commission & Building Department Annual Report. The 15-year review shows in 2011 at a low of 317 permits with an upstream topping out at 997 permits in 2020. The valuation in projects have also had a steady increase of over \$70 million. Out of 29 violation cases 18 of them have been completed. There has been significant process.

Respectfully submitted.

Bob Yoder