

January 11, 2022
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 11, 2022, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Dan Voreis, Michelle Mieras, David Hostetler, and Matt Miller. Plan Director Ty Adley and interested parties.

The first item of business was the election of officers for the Marshall County Board of Zoning Appeals.

- President – Mr. Miller made a motion to retain Jeff Gustafson as President of the Marshall County BZA, seconded by Mr. Hostetler. Motion carried by acclamation.
- Vice President – Mr. Hostetler made a motion to elect Matt Miller as Vice President of the Marshall County BZA, seconded by Mr. Hostetler. Motion carried by acclamation.
- Secretary – Mr. Miller made a motion to elect Michelle Mieras as the Secretary for the Marshall County BZA, seconded by Mr. Hostetler. Motion carried by acclamation.

The minutes from the December 14, 2021, meeting was submitted to the board. Mr. Miller made a motion to approve the minutes as written, Mr. Hostetler seconded the motion. Motion carried by acclamation.

The first item of business was 21-BZA-69 REICHARD, Kevin & Jennifer - A tabled request for a Variance of Developmental Standard to allow a secondary structure before a primary to allow the owners to build a 30x40 garage on the vacant parcel adjacent to their residence; located at: 18213 Hiawatha Tr. (Lot 65), Culver, IN West Twsp., Zoned L-1. Mr. Kevin Reichard was present to represent his request. Mr. Adley presented the findings of fact.

The applicant owns the residence at 18213 Hiawatha Trail and is wanting to construct a detached garage for their vehicle accessing off of Tahoe Trail. Without the properties being combined, the proposal is required to have a variance. The intentions of the property owner at this time is to move to their vacant lot in the future which fronts the lake in the future. The replating of their three lots on Hiawatha and Tahoe Trails would be most ideal in future use and access of the property.

Mr. Reichard would like to keep the two lots separate to allow him to keep this pole barn on a separate lot so when he sells his existing house and moves to the house on the lake he will have this pole barn for personal storage. In the future he would like to take the three lots and combine into two removing the angled piece along Tahoe Tr and creating longer lots from Hiawatha Trl to Tahoe Trl.

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

The board discussed the timing of combining of the pieces. Mr. Adley stated that it would be difficult to impossible without combining them to meet the required setbacks.

Ms. Mieras made a motion to approve 21-BZA-69 REICHARD, Kevin & Jennifer - A tabled request for a Variance of Developmental Standard to allow a secondary structure before a primary to allow the owners to build a 30x40 garage on the vacant parcel adjacent to their residence; located at: 18213 Hiawatha Tr. (Lot 65), Culver, IN West Twsp., Zoned L-1, seconded by Mr. Voreis. Motion carried with voice vote 5-0.

The second item of business was 22-BZA-01 FOREMAN, Kelly & William - A request for a Variance of Development Standard to allow a front yard setback reduction from the required 50' to 12' to allow a carport to be placed adjacent to an existing structure; located at: 6981 Elm Rd. Bremen, IN German Twsp., Zoned A-1. Mr. William Foreman of 6981 Elm Rd. Bremen was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is wanting to assemble a carport on the North side of an existing building. They are wanting to place the structure in line with the existing building thus the reason behind the request for the reduction in setbacks from 50' to 12'.

The TRC recommendation was based on the size of the parcel and the hardship of having to put it in this location or an alternative location.

Mr. Foreman would like to keep it close as it will keep the cost down for having less of a driveway.

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

1. Marvin Houin 3563 Plymouth Goshen Tr. Bremen IN Has the farm to the west of this parcel. He has no problem with the proposal and understands his need for something close. As long as it doesn't get any closer to the road that the existing structure it won't impede visibility.
2. Diane Houin Email The carport may not have sides, but obviously will have something in it which will block the view of oncoming traffic. We have semis and farm equipment which frequently uses the road, as we farm just down the road from the location. We must be able to see clearly down the road and around the intersection of Elm and 7th. Our heavy equipment needs time to avoid accidents. Besides their equipment, there are many Amish buggies which use the road too. There are many pedestrians and bike riders who travel Elm and 7th Road especially with the Amish School close by the location. In addition to the Amish school there is also another business near there that has increased the traffic. Mrs. Houin is not in favor of this carport in this location. Marshall County does not need blind corners creating road

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hazards.

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

Ms. Mieras made a motion to approve 22-BZA-01 FOREMAN, Kelly & William - A request for a Variance of Development Standard to allow a front yard setback reduction from the required 50' to 12' to allow a carport to be placed adjacent to an existing structure; located at: 6981 Elm Rd. Bremen, IN German Twsp., Zoned A-1, seconded by Mr. Hostetler. Motion carried with a voice vote 4-1 with Mr. Gustafson voting against.

The third item of business was 22-BZA-02 LARGE, Mikel & Terri - A request for a Variance of Developmental Standard that exceeds the maximum lot width to depth ratio of 170'x1100'; located at: 50-43-22-000-009-000-005 (Behind 6255 Fir Rd.); German Twsp., Zoned A-1. Mikel Large 7165 Hickory Rd., Plymouth, IN was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to cut off a portion of his farm which is partially wooded and selling it to the parcel owner that fronts Fir Road. They would be required to combine the properties together.

Mr. Large doesn't live at this location. The property owner at 6255 Fir Rd. wanted to purchase some extra ground behind him and would extend to the rear property line.

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

1. Bradley Seifer – 6255 Fir Rd. Is the owner who plans to purchase the adjacent ground behind him. Currently has 1 acre with his house. With the additional ground it will be a total of 6 acres.

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

Mr. Hostetler made a motion to approve 22-BZA-02 LARGE, Mikel & Terri - A request for a Variance of Developmental Standard that exceeds the maximum lot width to depth ratio of 170'x1100'; located at: 50-43-22-000-009-000-005 (Behind 6255 Fir Rd.); German Twsp., Zoned A-1, seconded by Ms. Mieras. Motion carried with a voice vote 5-0.

The fourth item of business was 22-BZA-03 MORRIS, Ryan & Anna - A request for a Variance of Use to allow an existing structure to be used as a event venue; located at: 17520 Pine Rd., Culver, IN 46511, Green Twsp., Zoned A-1. **The Morris's requested to table their request until the March meeting.**

The fifth item of business was 22-BZA-04 PRATT, Matthew & Carla - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 50' to 39' in order to allow an enclosed patio; located at: 15644 14th Rd. Plymouth, IN West Twsp., Zoned

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A-1. Mr. Pratt of 15644 14th Rd., Plymouth, IN was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is wanting to construct a patio room addition onto the front of the house but needs a setback reduction in order to accomplish the project as desired. The setback reduction is 50' from ROW to 39'. Between the proposed addition and the road there is a 6' drop in elevation.

Mr. Pratt plans to remove the existing porch and replace it with a 4 season room that is 15'x16'.

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

Ms. Mieras made a motion to approve 22-BZA-04 PRATT, Matthew & Carla - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 50' to 39' in order to allow a enclosed patio; located at: 15644 14th Rd. Plymouth, IN West Twsp., Zoned A-1, seconded by Mr. Miller. Motion carried with a voice vote 5-0.

The sixth item of business was 22-BZA-05 PHILLIPS, George & Kelsey - A request for a Variance of Developmental Standard to allow for a channel lakeside setback of 24' to allow for a covered back deck; located at: 4530 Pleasant Point Lane, Bremen, IN German Twsp., Zoned L-1. Mr. George Phillips of 450 Pleasant Point Lane Bremen was present to represent his request. Mr. Adley presented the findings of fact.

The applicant was previously in under 21-BZA-46 to reduce setbacks in order to construct the desired home. While under construction there was the decision to construct a deck with a roof overtop. The previous variance allowed for a reduction of 45' to 33' and the current proposal is to reduce it from 33' to 24'. The Speth/Teall variance (20-BZA-61) was approved for a reduction from 45' to 24'. The Teall residence is being constructed 28' from the Canal and is not using all of the variance as requested. The rear yard setback requirement is 45' from the Base Flood Elevation with an average of -3' (over 6 structures) from the BFE, with setbacks ranging from 41' to -32'.

When the applicant laid the house out they didn't like how close it was to the road. So, they moved the house back 10' closer to the water what was previously was approved by this board. They are now asking permission to put the deck up that they previously planned in the new location(lakeside). The proposed deck will be a floating deck without a foundation and the posts holding the roof up will be in the ground.

TRC's recommendation was to deny the request due to the possibility of being able to enclose a covered deck with ease which would create a reduction in view.

The homeowner's plan is to never enclose it as it's a floating deck.

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

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by acclamation.

1. Diane Houin Email Mrs. Houin expressed her disapproval of the request and asked that it not be approved. They have already received a variance a few months ago. Their house is far from completion. Poor planning on their part should not be allowed to affect their property located just across from West Shore Dr. She believes it will block her view of the lake. Even if not enclosed privacy shades could be put up that would block their view. The deck will be located close to the canal for the dam for Lake of the Woods which is the legal drain for the water shed. The canal does need maintenance periodically which is why there are zoning regulations.

Mr. Miller moved to close public hearing, seconded by Mr. Hostetler. Motion carried by acclamation.

From the house to the footer it will be 9'.

When asked about the view from the Houin property Mr. Adley explained the Houin's parcel has a significant area in the flood plain that would potentially be difficult for them to build on.

The neighbor to the south that would be most affected was not present for the meeting nor did he submit a response.

Mr. Hostetler made a motion to approve 22-BZA-05 PHILLIPS, George & Kelsey - A request for a Variance of Developmental Standard to allow for a channel lakeside setback of 24' to allow for a covered back deck; located at: 4530 Pleasant Point Lane, Bremen, IN German Twsp., Zoned L-1 with the comment that there should be no blinds permitted in the covered porch that would limit view; seconded by Ms. Mieras. Motion carried with a voice vote 3-2 with Mr. Voreis and Mr. Miller voting against.

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

Respectfully submitted,

Michelle Mieras