

December 11, 2018  
Regular Meeting of the  
Marshall County Board of Zoning Appeals  
112 W. Jefferson St. Room 203  
Plymouth, IN 46563

## MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, December 11, 2018, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, James Berger, Trent Bennett, Mark Wickizer and Stan Klotz, Plan Director Ty Adley, Secretary Lori Lowry and interested parties.

The first item of business was the review of the minutes from the November 13, 2018, meeting. **Mr. Wickizer made a motion to approve the minutes as written, seconded by Mr. Berger. Motion carried by acclamation.**

The second item of business was 18-BZA-44 PITTMAN, Sally - A request for a Variance of Use to allow automotive repair out of the existing garage on the property, located at 3308 E. Shore Dr., Bremen, IN Zoned L-1, German Twsp. Ms. Sally Pittman and Mr. Eric Schmeltzer were present to represent their request. Mr. Adley presented the findings of fact.

The applicant owns the property and rents out to the existing tenant whom is operating the automotive repair business. The property came in due to violation of operating an automotive business within the L-1 zoning district which does not permit automotive repair. The subject property is adjacent to the A-1 Agricultural zoning district. The house and garage are on the North end of the property leaving a large open area on the South side of the property. There are several houses within the vicinity and to the West is Lake of the Woods.

Ms. Pittman had no idea doing this small repair work wasn't allowed. Ms. Pittman lives south of the proposed property. This property is being rented to Mr. Schmeltzer and is living in the home. It is his request to be able to use the garage to conduct small automotive repairs (tune ups and automotive maintenance) part time. The proposal would be to work approximately two evenings per week and off and on over the weekend. He has a full-time job elsewhere. The vehicles that are being stored outside currently are owned by the applicant. There is no intent to have a bunch of vehicles outside. The maximum number of vehicles to be stored outside are two. The previous owner that lived there used the existing garage to work on cars for other people.

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

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1. Tracy Balsley – Gumwood Rd. – Not against small businesses, but has a concern about parking and when snow is plowed from this property that it isn't pushed on his property.
2. Brian Denk – Lake of the Woods Association – It's their interest to keep things neat and clean and doesn't think this is a good location for this type of business.
3. Pete ? – Not a good location for a commercial business. Plus, doesn't think the building is built to commercial code.
4. Stephanie Richard – Doesn't see the concern having a few extra cars sitting outside. It's no different than others having at home babysitting businesses in the area.

Mr. Wickizer moved and Mr. Gustafson seconded the motion to close the public hearing. Motion carried by acclamation.

Hasn't plowed snow at this address before. For the future there are several different places on the property where excess snow can be stored. He has no intent to start a full-time business. The plan is to do this to help out his disabled wife.

It was brought up by the board that he can work on family or friends vehicles as long as there's not an exchange of money.

**Mr. Wickizer made a motion to deny because of the location and building codes 18-BZA-44 PITTMAN, Sally - A request for a Variance of Use to allow automotive repair out of the existing garage on the property, located at 3308 E. Shore Dr., Bremen, IN Zoned L-1, German Twsp, seconded by Mr. Gustafson. Motion carried 5-0 to deny.**

The third item of business was 18-BZA-45 DOWD, Melody - A request for a Variance of Use to allow a temporary (1 year) living in an RV on family members property to be near various doctors for treatment; located at 18555 W. 14 B Rd., Culver, IN Zoned A-1, Union Twsp. Mr. & Mrs. Randy and Melody Dowd were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to use a RV as a temporary residence for someone that requires various doctors' appointments due to not being cleared of cancer. The subject property is zoned A-1 and permits 1 residence per parcel and a density of 1 unit per 5 acres. The ordinance does not currently allow for temporary residential uses.

Approximately one year ago the applicants sold their residence and bought a 2009 travel trailer to travel the country. Soon after Mrs. Dowd was diagnosed with cancer. To be near doctors the applicants need to park their travel trailer at their sister's property until they no longer need to go to doctors' appointments. The property is currently owned by a sister and brother in law. Small LP tanks are used for the natural gas.

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

1. John Baldwin – 18537 W. 14B Rd. – No problem with the request. It is out of sight.

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2. Property Owner – They have their own driveway and helps them keep up the property. Doesn't see a problem with the request.

Mr. Gustafson moved and Mr. Wickizer seconded the motion to close the public hearing.

Mr. Gustafson made a motion to approve 18-BZA-45 DOWD, Melody - A request for a Variance of Use to allow a temporary (1 year) living in an RV on family members property to be near various doctors for treatment; located at 18555 W. 14 B Rd., Culver, IN Zoned A-1, Union Twsp with the following stipulations:

1. Health Department approval
2. This approval expires on 12/11/2019 and would need to reapply each year.

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

The fourth item of business was 18-BZA-46 RONK, Bill & Karen - A Variance of Development Standard to allow a reduction in minimum lot area per residential unit to divide off 2 acres and the residence from a 5.25-acre parcel; located at: 17836 12th Rd., Plymouth, IN Zoned A-1, West Twsp. Mr. & Mrs. Bill & Karen Ronk were present to represent their request. Mr. Adley presented the findings of fact.

The applicant owns a 5.25-acre parcel with a house on the western half which they are seeking to subdivide 2 acres and leave a residual 3.25 which will include the two barns. The parent parcel is a 10-acre lot that was subdivided at auction into two +/- acre parcels. The density regulation for A-1 is 1 residential unit per 5 acres. Since each parcel is 5 acres it is perceived that they would each be available for a residential unit. The Ronk's property currently has 1 residence on the property. The subdividing of this property could lead to the potential development of a second residence on the residual property and therefore would not permit the Hayn's to construct a residence on their property. Therefore, the request is to permit the subdivision creating an increase in the possible density of these 10 acres and the residual lot would be able to retain its build-able status.

The plan is to split off the existing residence and keep the barn and acreage to eliminate the possibility of someone building right next to their house.

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

1. Bill Filson 18707 Hiawatha Tr. – Has been neighbors for years and doesn't have a problem with the request.

Mr. Wickizer moved and Mr. Gustafson seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Gustafson made a motion to approve 18-BZA-46 RONK, Bill & Karen - A Variance of Development Standard to allow a reduction in minimum lot area per residential unit to divide off 2 acres and the residence from a 5.25-acre parcel; located at: 17836 12th Rd., Plymouth, IN Zoned A-1, West Twsp., seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

Advisory BZA Appointments

Mr. Adley read to the board state requirements for BZA appointments. With Mr. Klotz being a County Commissioner his BZA position will be available for 2019 that will be fulfilled by a 2019 Plan Commission member.

Other

Mr. Gustafson requested an update on some violations.

1. Hutchison – Tyner – Received a bid for the cleanup on the property and will be opened at the Plan Commission on the 20<sup>th</sup>.
2. Tolson – Argos – Has until the 14<sup>th</sup> to meet the agreed amount cleaned up or Langfeldt's will be directed to start working.

Unsafe inspections are done by the Building Commissioner and the Health Administrator. There are times when the Plan Director visits as well.

It was discussed whether the Board of Zoning Appeals could get updates on the violations. Mr. Adley explained that it might not be appropriate as this board is the judicial body if someone wants to appeal a decision made.

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

Respectfully submitted

Trent Bennett