

January 14, 2020
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 14, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, James Berger, Dan Voreis, Mark Wickizer and Bob Yoder, Plan Director Ty Adley, and interested parties.

The first item of business was the review of the minutes from the December 10, 2019, meeting. **Mr. Wickizer made a motion to approve the minutes as written, seconded by Mr. Berger. Motion carried by acclamation.**

Election of Officers

- **President** – Mr. Wickizer made a motion to nominate Jeff Gustafson as President of the Marshall County Board of Zoning Appeals, seconded by Mr. Berger. Motion carried.
- **Vice President**- Mr. Wickizer made a motion to nominate Matt Miller as Vice-President of the Marshall County Board of Zoning Appeals, seconded by Mr. Berger. Motion carried.
- **Secretary**- Mr. Berger made a motion to nominate Mark Wickizer for the Secretary of the Marshall County Board of Zoning Appeals, motion carried by Mr. Yoder. Motion carried.

The second item of business was 19-BZA-50 CRUMP, Dezerea – A tabled request for a Special Use to allow a single wide trailer, located at: Parcel # 50-52-95-402-405-000-010, North Twsp., Zoned T-1.

A phone call was received by the property owner and hadn't heard from Ms. Crump in over a month. **Mr. Wickizer made a motion to deny for lack of appearance by the application, seconded by Mr. Berger. Motion carried by acclamation.**

The third item of business was 19-BZA-55 SCHMUCKER, Eugene & Mary - A tabled request for an existing lawnmower sales/repair home-based business; located at: 3084 Beech Rd., Bremen, German Twsp., Zoned A-1. The applicant recently had their barn burn down and it was discovered that the business had not received special use approval. The applicant currently has a building permit in to rebuild the previous structure that was lost. The applicant

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operates a home based business that repairs small engines and sell mowers. The business will operate out of a 49x121' structure. Mr. & Mrs. Eugene Schmucker were present to represent their request. Mr. Adley presented the findings of fact.

Mr. Schmucker explained to the board that a bunch of mowers have already been removed from the property and taken to the junk yard and believes the property looks much better than what the pictures represent.

The plan for future storage is not to be outside, but in the new proposed warehouse.

Mr. Wickizer asked if he would be inclined to put up a privacy fence between, he and his neighbor and Mr. Schmucker didn't have a problem with installing a fence.

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

1. Eddie Ray Borkholder – 1459 E. 3rd Rd. Bremen – Neighbor that is in favor of the request.
2. Sam Schmucker – 3042 Beech Rd. Bremen – Next door neighbor is in favor of the request.
3. Howard Schmucker – 3208 B Rd. Bremen – Does a good job and the community needs this type of business. Is in favor of the request.
4. Delbert Troyer – 6092 Beech Rd. – Is in favor of the request.

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

Mr. Yoder expressed to Mr. Schmucker that if he intends to use the mowers for parts he needs to keep them somewhere where it's not visible to the general public.

Mr. Schmucker stated that the mowers that were used for parts have been parted out already and removed. The mowers that will be fixed and for sale will either be kept inside or in a fence in area.

Mr. Wickizer made a motion to approve 19-BZA-55 SCHMUCKER, Eugene & Mary - A tabled request for an existing lawnmower sales/repair home-based business; located at: 3084 Beech Rd., Bremen, German Twsp., Zoned A-1 with the condition that a privacy fence be installed for outside storage, seconded by Mr. Yoder. Motion carried with a voice vote 5-0.

The fourth item of business was 19-BZA-56 SCHMUCKER, Eugene - A tabled request for a Variance of Development Standard to reduce the north side yard setback to 5' from the required 15' and to allow a storefront for a small engine sales/service business; located at: 3084 Beech Rd., Bremen, IN German Twsp., Zoned A-1. The applicant has recently lost their barn due to a fire. In order to rebuild, they are seeking to place the building in a relative same location of the previous barn. The new is larger. The property is approximately 3.25 acres in size. Mr. &

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Mrs. Eugene Schmucker were present to represent their request. Mr. Adley presented the findings of fact.

Many years ago, Schmucker's property and the adjoining property were one parcel. Mr. Schmucker split the parcel before selling to newpew, Eugene Schmucker. There was a survey and survey stakes are still present.

Mr. Delbert Troyer, the builder for the Schmuckers, stated that after measuring they would like change the proposed side yard setback from 5' to 10'. Could try to make 15' work, but prefer 10'.

The Schmucker's are also aware that a Construction Design Release will be required.

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

1. Sam & Lori Schmucker – 3042 Beech Rd. Bremen - Due to the constant state of the property they would like to see denial of the request.

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

The hours of business are Monday through Saturday 8-5 with Saturday sometimes closing at 2. There are no signs and no employees. Will also agree to keeping the property cleaned up.

When asked why 15' wouldn't work Mr. Schmucker stated that moving it over will be in the existing drive back behind the property.

Mr. Wickizer made a motion to approve 19-BZA-56 SCHMUCKER, Eugene - A tabled request for a Variance of Development Standard to reduce the north side yard setback to 5' from the required 15' and to allow a storefront for a small engine sales/service business; located at: 3084 Beech Rd., Bremen, IN German Twsp., Zoned A-1, with the following stipulations:

1. CDR
2. Property must be cleaned up
3. Hours of operation are Monday through Saturday 8-5
4. No signage
5. No employees
6. Privacy fence to be installed for outside storage
7. Setback of 15' not 5'

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

The fifth item of business was 20-BZA-01 DAVENPORT, Foster - A request for a Variance of Developmental Standard to allow a reduction in minimum lot width from the required 210' to 126' and a variance from the 1:3 width to depth ratio 126.34'x2658.93' to allow the neighbor ownership of his existing driveway. Located at: Parcel # 50-51-25-000-014-002-011, Quince Rd., Polk Twsp., Zoned A-1. The applicant is seeking approval in order to sell a portion of their

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property to their neighbor in order to correct a construction error. The applicant is seeking to sell a 16' strip of property to the adjacent property owner and this will result in a property that will not meet the minimum standards for width to depth ratio as well as minimum width. The existing parcel is approximately 142.34' across and is proposing to go down to 126.34'. The property depth is already 2,641' approximately. Mr. Foster Davenport and Mr. Hal Patterson were present to represent their request. Mr. Adley presented the findings of fact.

Recommendation: Based on the information provided, staff would recommend approval of the variance, with the condition that the parcel split off be combined with the house and the recommendation that residual parcel be combined with the Northern farm parcel because the use already cross the property line. TRC Recommendation: Recommendation of approval with conditions and recommendations to combine with adjacent parcels.

Mr. Davenport explained to the board that the large partial to the west is in the name of Davenport Land Trust and Davenport Farms purchased the adjacent property from Mr. Patterson. In all actuality it's owned by the same person, but it's different entities.

Mr. Davenport has no interest in combining the land trust parcel and the Davenport Farms parcel. The intent is just to sell Mr. Patterson enough property to where his property line doesn't run through his driveway. The portion that Mr. Patterson will be purchased will be combined with his residential parcel.

The property line that will be moved to the west will also only go as far back as Mr. Patterson's existing parcel.

Mr. Wickizer made a motion to open for public hearing, seconded by Mr. Berger. Motion carried by acclamation. There being no one to speak for or against Mr. Wickizer made a motion to close the public hearing, seconded by Mr. Yoder. Motion carried by acclamation.

Mr. Wickizer made a motion to approve 20-BZA-01 DAVENPORT, Foster - A request for a Variance of Developmental Standard to allow a reduction in minimum lot width from the required 210' to 126' and a variance from the 1:3 width to depth ratio 126.34'x2658.93' to allow the neighbor ownership of his existing driveway. Located at: Parcel # 50-51-25-000-014-002-011, Quince Rd., Polk Twp., Zoned A-1 with the stipulation that the 16' split off for Mr. Sullivan be combined with his residential parcel into one tax parcel, seconded by Mr. Voreis. Motion carried with a voice vote 5-0.

The sixth item of business was 20-BZA-02 SPRIG O MINT GOLF CLUB INC - A request for a Special Use by the Applicant Paul Golden to request a home-based business. The existing clubhouse structure would be converted over to a residence along with a small office to run the applicants existing business, Third Coast Mechanical; located at 9425 US 6, Bremen, IN 46506, North Twp., Zoned A-1. The applicant is seeking to relocate to the subject portion of property and operate his home-based business on the parcel. He will be converting the clubhouse in to a single-family residence and using the existing shop building for

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business and storage purposes. Mr. Paul Golden, the listing agent, and Kurt Zuber. Mr. Adley presented the findings of fact.

The plan is to use the existing building for storage along with a portion to be used as office space. The specific business that will be run out of this location isn't one that will bring traffic. There are no specific hours of business. Employees come and pick up vehicles and leave. Bidding and other office duties normally occur Monday through Friday from 7am – 6pm. Currently there are two employees. In the future if there are additional employees it should not affect the location as they work off site.

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

1. Foster Davenport 14442 1st Rd. – Questioned what was going to happen with the remaining ground and if it's going to be left to overgrow with weeds. As this area will not be the applicants, he is unsure of the exact plans.

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

When asked about the portion of property Mr. Golden is purchasing if he plans to clean it up. Mr. Golden stated that he will clean up his property and keep it maintained.

The maximum number of employees would be from 2-4 with possible temporary help for specific jobs.

Mr. Wickizer made a motion to approve 20-BZA-02 SPRIG O MINT GOLF CLUB INC - A request for a Special Use by the Applicant Paul Golden to request a home-based business. The existing clubhouse structure would be converted over to a residence along with a small office to run the applicants existing business, Third Coast Mechanical; located at 9425 US 6, Bremen, IN 46506, North Twsp., Zoned A-1 with the following conditions:

1. Hours of operation be Monday through Friday 7am-6pm
2. 2-4 full time employees; temporary employees are okay
3. No signage on US 6
4. The 10 acres to maintained

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

The February 11th meeting is looking as though it will be cancelled for no business. The board will be notified as such. If so, the next meeting will be March 10, 2020.

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

Respectfully submitted

Mark Wickizer