

August 11, 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, August 11, 2020, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, James Berger, Mark Wickizer, Jeff Kutch, and Matt Miller. Plan Director Ty Adley, Secretary Lori Lowry and interested parties.

The first item of review is the minutes from the July 14, 2020 meeting. Mr. Wickizer made a motion to approve the minutes as presented, seconded by Mr. Berger. Motion carried by acclamation.

The second item of business was 20-BZA-32 MEECE, William & Kimberly - A request for a Variance of Developmental Standard to allow a 30x48 garage on a parcel that requires a primary before a secondary, located at: across the street from 17329 Tomahawk Tr., Plymouth, IN West Twsp., Zoned L-1. William and Kimberly Meece were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to construct a 30x48' storage building on the subject parcel. The applicant owns the property across the street on the lake. The applicant is wanting to store many of the items that are already on the property and would like to store some of the items from the primary property here.

The Health Department would like the board to consider a septic system into consideration when locating the proposed building. If there is potential redevelopment of that site not all is lost with the location of it.

The applicant stated that there is currently a septic system on the property. It is unknown whether it works or not. A driveway permit has already been obtained for the proposed building.

Mr. Adley explained that the Health Department's concern is if they place the building in the middle of the property there may not be room for a future septic system if they were to want one.

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

1. Richard Nicks – Neighboring property owner sent a letter and has no problem with the request.

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

Mr. Miller made a recommendation to the applicant to consider moving the building to the rear of the property and leave as much open ground to the front. This might allow for a higher resale value of this lot in the future.

Mr. Wickizer made a motion to approve 20-BZA-32 MEECE, William & Kimberly - A request for a Variance of Developmental Standard to allow a 30x48 garage on a parcel that requires a primary before a secondary, located at: across the street from 17329 Tomahawk Tr., Plymouth, IN West Twsp., Zoned L-1, seconded by Mr. Miller. Motion carried with a voice vote 5-0.

The fourth item of business was 20-BZA-34 INGLE, Kevin - A request for a Variance of Developmental Standard to reduce the rear yard required setback of 20' to 10' in order to place a above ground pool and deck on the parcel; located at: 4 Ironwood Rd., Bremen, German Twsp., Zoned A-1. Mr. Kevin Ingle was present to represent his request. Mr. Adley presented the findings of fact.

The applicant installed the pool approximately 3 years ago and is wanting to put a deck around it for ease of access. When he came in to apply for the permit for the deck, he found out he needed a permit for the pool as well. At that time, he was told about the area being in a flood plain and he was surprised. During the recent 100-year flood he noticed no more or less water than any other time. All other setbacks besides the rear yard will be met.

Mr. Wickizer made a motion to open for public hearing, seconded by Mr. Berger. Motion carried by acclamation. There being nobody to speak for or against Mr. Wickizer made a motion to close the public hearing, seconded by Mr. Miller. Motion carried by acclamation.

Mr. Wickizer made a motion to approve 20-BZA-34 INGLE, Kevin - A request for a Variance of Developmental Standard to reduce the rear yard required setback of 20' to 10' in order to place a above ground pool and deck on the parcel; located at: 4 Ironwood Rd., Bremen, German Twsp., Zoned A-1, seconded by Mr. Miller. Motion carried with a voice vote 5-0.

The fifth item of business was 20-BZA-35 MILLER, Darrell - A request for a Special Use to allow a saw mill business; located at 8531 Iris Rd., Plymouth, IN 46563, Zoned A-1. Darrell and Rebecca Miller were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to run and operate a sawmill from their home property. A business plan was received from the applicant. The plan includes 3 employees (1 employee an additional 2 and a family member part time for office work), 4 parking spaces, and a sign. The proposed 12' sign will need to be adjusted to meet the requirement of an 8' square feet.

The generator will be diesel operated and at least 200' off the road and more if need be. The semi's will come from the south and drive in along the north property line. The logs that will be brought in will be kept along the rear property line. The proposed hours of business will be 7am – 5pm Monday through Friday. It will consist of pallet lumber, custom lumber and possible railroad ties. The maximum amount of semi's will be 20 per week.

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There is currently a business located in Walkerton that he plans to purchase. Mr. Gustafson was aware of the business and has heard the Detroit motor from his house.

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

1. Benjamin Thompson 8567 Iris Rd. Neighboring property owner to the south. He sits 180' off the road. Has an elderly parent that lives with him and her room is the closest to the neighboring property and will be disrupted by the loudness and excess traffic. Has a concern about the excess garbage from the trees and what they are going to do with it and the dust.
2. Becky Dunkin 8715 Iris Rd. Lives to the south. Has a concern about the noise, dust, truck traffic, air quality property values and wild life.
3. Craig Haines 8522 Iris Rd. Not for or against just have concerns. Within the past 20 years Iris Road was made into a dirt road and then chip and sealed. Lives across the street from the Dunkins. This road is narrow and 15 ½' wide. He cannot even pass the garbage truck at the same time. Has questions whether there will be any upgrades to the road and whether there is going to be a maximum number of truck traffic.
4. Matt Holderbaum 8460 8C Rd. Not for or against has concerns about the noise and truck traffic.

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

The applicants stated that they will not be receiving full trees. Therefore, there won't be remnants from the trees. Just shavings which will be used for animal bedding and possible wood burning stove pellets. The plan is to lease the building and run the business out of the existing location for two years and then move it to the proposed location.

The board expressed to the applicant that the biggest concern seems to be noise and truck traffic. When asked if he could move it all to the rear of the property Mr. Miller said it be difficult getting around the wooded area.

The board is concerned and felt the applicant didn't address the concerns about the noise and traffic concerns. It was discussed that the building could possibly be moved to the rear of the property to distance the sound from residences. As far as truck traffic there didn't seem to be an alternative other than discussion that farms have trucks that go down the roads. Also, to eliminate the problem of wide turns going into the neighbor's property their plan is to widen the entry into their own property.

Mr. Kutch made a motion to deny 20-BZA-35 MILLER, Darrell - A request for a Special Use to allow a saw mill business; located at 8531 Iris Rd., Plymouth, IN 46563, Zoned A-1, seconded by Mr. Wickizer. Motion denied with a voice vote 3-2 as the proposed will be injurious to the general welfare of the community and isn't consistent with the Comprehensive Plan. Mr. Miller and Mr. Gustafson voted against.

The sixth item of business was 20-BZA-36 UNION NORTH SCHOOL CORP - A request for a Special Use to allow a building addition to serve as additional kindergarten classrooms, located

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at: 50-52-94-000-018-000-009 Michigan Rd., Lakeville, IN North Twsp., Zoned A-1. Mr. Adam McCalpine of 1402 Monticello Park Dr. Valparaiso, IN, serving as an engineering consultant to the Union North United School Corporation. Mr. Adley presented the findings of fact.

The Union North United School Corporation is looking to do an addition on the rear of their Elementary School to accommodate three new kindergarten classrooms and replace some temporary mobile classrooms. There are existing footings in place due to the temporary mobile classrooms. The portables have already been removed.

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

Mr. Wickizer moved to approve 20-BZA-36 UNION NORTH SCHOOL CORP - A request for a Special Use to allow a building addition to serve as additional kindergarten classrooms, located at: 50-52-94-000-018-000-009 Michigan Rd., Lakeville, IN North Twsp., Zoned A-1, seconded by Mr. Berger. Motion carried with a voice vote 5-0.

The seventh item of business was 20-BZA-37 COX, Kalum - A request for a Special Use to allow a Tree Trimming business located at: Lincoln Hwy, Plymouth 50-41-30-000-037-000-017, West Twsp., Zoned T-1. Mr. Kalum Cox was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to build a 60'x64' pole barn to store their equipment in. The applicant is planning to build a home there in the future once the finances are around, but in the meantime, they would like to store their equipment here in the proposed pole barn. There is currently a commercial property and business to the west which is why they are proposing to have their barn to the west end of the property and the residence on the east side.

There have been some issues with tampering of his equipment. They would like to keep the equipment stored inside the proposed building for safety and to keep the property looking neat and clean.

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

1. Phillip Doolittle – Wanted to know where his property was in comparison to the proposal. Mr. Doolittle's property is located on the north side of Hwy 30.
2. Arlen Stack – Owns on the north side of Hwy 30. Neither for or against. Has a concern that they will be burning of the waste products.

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

Mr. Cox stated that he will not be burning. All the brush is made into chips and will be for mulch and/or composted. A lot of it is dropped off as compost to other properties. The wood is used for a wood burner. After the house is built, they have talked about putting arborvitae along the rear of the property that's adjacent to US 30.

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Mr. Miller made a motion to approve 20-BZA-37 COX, Kalum - A request for a Special Use to allow a Tree Trimming business located at: Lincoln Hwy, Plymouth 50-41-30-000-037-000-017, West Twsp., Zoned T-1, seconded by Mr. Jeff Kutch. Motion carried with a voice vote 5-0.

Staff recommended a timeline when we can expect the house in relation to this development standard. The soil analysis has been done and construction should be between 2-4 years.

The eighth item of business was 20-BZA-38 COX, Kalum - A request for a Variance of Developmental Standard to allow a secondary structure before a primary residence. The applicant is proposing a building to store his business equipment; located at: Lincoln Hwy; Parcel No. 50-41-30-000-037-000-017, West Twsp., Zoned T-1. Mr. Kalum Cox was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to build a pole barn to store their equipment in. The applicant is planning to build a home there in the future once the finances are around, but in the meantime, they would like to store their equipment here in the proposed pole barn.

Mr. Miller made a motion to open for public hearing, seconded by Mr. Wickizer. Motion carried by acclamation. There being nobody to speak for or against Mr. Wickizer made a motion to close the public hearing, seconded by Mr. Berger. Motion carried by acclamation.

Mr. Wickizer made a motion to approve 20-BZA-38 COX, Kalum - A request for a Variance of Developmental Standard to allow a secondary structure before a primary residence. The applicant is proposing a building to store his business equipment; located at: Lincoln Hwy; Parcel No. 50-41-30-000-037-000-017, West Twsp., Zoned T-1, seconded by Mr. Kutch. Motion carried with a voice vote 5-0.

The ninth item of business was 20-BZA-39 MILLER, Lavern & Marla - A request for a Variance of Developmental Standard to allow for a reduction in ROW setback from the required 50' to 35' and side yard reduction from the required 15' to 9' in order to add on to the existing garage to accommodate a garage and laundry area; located at: 6087 4th Rd., Bremen, IN German Twsp., Zoned A-1. Mr. Lavern Miller was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to construct a 20x16' addition to the northeast corner of the house which will accommodate a garage and laundry area addition. The construction will be 35' from the ROW and will be 9' from the property line. The existing garage will be turned into the laundry and pantry area and the addition will be for the garage.

There was discussion if the addition were placed in the rear yard a new driveway would have to be put in.

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

Mr. Kutch made a motion to approve 20-BZA-39 MILLER, Lavern & Marla - A request for a Variance of Developmental Standard to allow for a reduction in ROW setback from

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the required 50' to 35' and side yard reduction from the required 15' to 9' in order to add on to the existing garage to accommodate a garage and laundry area; located at: 6087 4th Rd., Bremen, IN German Twsp., Zoned A-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The tenth item of business was 20-BZA-40 LIDGARD, Tony & Kristin - A request for a Special Use to allow a remote-control racetrack on the rear side of the home on Saturday evenings; located at: 19740 Michigan Rd., Argos, IN Walnut Twsp., Zoned A-1. Tony and Kristin Lidgard were present to represent their request. Mr. Adley presented the findings of fact.

The applicant has relocated his racetrack for RC cars from a previous location to their home residence and has downsized it as well. The proposed track is 54'x82'. The track would be used on Saturday evenings.

This track is the same as the other, but smaller. They never had any complaints at the other location.

When asked how many people attend Mr. Lidgard said that it can run from 15-40 people. There normally isn't 40 cars people carpool. There didn't seem to be much of a concern about parking or thought as to where people would park. Racing normally runs from May through September.

The board asked if there have been any problems with light pollution. Mr. Lidgard stated that they haven't had any problems.

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

1. Bryce Hensley 19736 Michigan Rd. Lives on the north side of the proposed. Not necessarily for or against. Has concerns about the lighting, the late nights, and the loudness of the speakers. Wonders if there could be a barrier that would help with the bright lights and sound reduction.
2. Ronald Hensley 19736 Michigan Rd. Lives on the north side of the proposed. Has a concern with the parking, traffic, amount of people noise and lights? There's been no discussion with neighbors. The biggest concern is the lights and loud speakers.
3. James Poisel Has participated in this raceway fun. There are very few family friendly fun activities for the whole family outside athletics. They do a great job and makes sure it's safe and fair for all involved.

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

Mr. Lidgard explained that the neighbors have a light where their vehicles are and doesn't believe the lights by his racetrack are too bright. Also doesn't think that 11:00pm is too late. In the summer it doesn't get dark till almost 10pm and that's when the lighting is the best for racing.

There is currently a fence between the neighbors and them. Plus, the track is located as far as possible to the south of the property. The events will only be on Saturdays. If there is a rain day it doesn't get postponed to Sunday they wait until the next Saturday.

The board asked if they could limit the loud speaker. Mr. Lidgard said that they have to call out

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the crashes. There is music that plays in between.

The consensus of the board seemed to be the concern of the closeness to the neighboring property where sound and light might be offensive and how they could buffer it.

Mr. Wickizer made a motion to approve 20-BZA-40 LIDGARD, Tony & Kristin - A request for a Special Use to allow a remote-control racetrack on the rear side of the home on Saturday evenings; located at: 19740 Michigan Rd., Argos, IN Walnut Twsp., Zoned A-1 with the following stipulations:

1. **Parking must be off the road and on your property.**
2. **Family sport only. No vendors or flea markets**
3. **Hours are Saturday evenings from 4pm – 11pm May – September**
4. **Tall vegetative screen between you and your neighbor preferably arborvitae**

seconded by Mr. Miller. Motion carried with a voice vote 5-0.

The eleventh item of business was 20-BZA-41 BUCHTEL, Scott & Shelley Delee - A request for a Variance of Developmental Standard to reduce the front yard setback to 20' and a 39' edge of road setback; located at 12172 Rose Rd., Plymouth, West Twsp., Zoned L-1. Mr. Jay Buchtel was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to reduce the front yard setback from 30' to 20' from the southern property line and 39' from the edge of the road to the southwest.

Mr. Buchtel's plans are to remove the existing mobile home and replace it. This location was decided because of where the septic system had to be. The plan is to shut off the existing entrance to the landing and make the new entrance directly from Rose Road.

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

1. Rita Strozewski 17743 12th Rd Questioned where the location was and if the septic has been approved.
2. Bernadine Schultz 15918 Cook Lake Tr. Has no problems with the request.

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

Mr. Wickizer made a motion to approve 20-BZA-41 BUCHTEL, Scott & Shelley Delee - A request for a Variance of Developmental Standard to reduce the front yard setback to 20' and a 39' edge of road setback; located at 12172 Rose Rd., Plymouth, West Twsp., Zoned L-1, seconded by Mr. Berger. Motion carried with a voice vote 5-0.

The twelfth item of business was 20-BZA-42 FRANZ, Jeffrey & Patricia - A request for a Variance of Developmental Standard to reduce the ROW setback from the required 30' to 8' from the road; located at: 16377 12B Rd., Plymouth, IN West Twsp., Zoned L-1. Mr. Jeffrey Franz was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to place or construct a new 24x16' garage in between the existing mobile home and the roadway. The mobile home is approximately 35' from the right of way line

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and there is approximately 11' between the property line and the edge of pavement. The proposed structure is seeking to reduce the front yard setback from 30' to 8' from the front property line. There would be an estimated 19' from edge of building to edge of roadway.

Due to the location of the leach field Mr. Franz stated that this location is the best possible option for the proposed garage. The existing trailer has runners as a foundation as well as a partial basement.

During the discussion the board's biggest concern was the proposed garage being so close to the road. At that proposed location there will be no way to pull the car out of the garage and the car would be in the roadway before the car is even out of the garage. This wouldn't be safe.

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

The board was in consensus that 8' from the edge of the garage to the edge of the road is not safe and believes the homeowner does have the option to move the trailer further from the road. The board gave Mr. Franz his options.

Mr. Franz stated that he would like to withdraw his request. The board accepted his request.

The thirteenth item of business was 20-BZA-43 COLVIN, Dean - A request for a Variance of Developmental Standard to reduce the ROW setback requirement of 30' to 28' from the edge of the road; located at: 12539 Nataka Trl., Plymouth, IN Center Twsp., Zoned L-1. Mr. Colvin requested to withdraw the request.

Mr. Dean Colvin withdrew his request prior to the meeting.

The third item of business was 20-BZA-33 KUHNS, Jerry - A request for a Variance of Developmental Standard to reduce the side yard setback from the required 15' to 10' in order to add on a 32x60 additional to an existing horse barn; located at: 2641 Beech Rd., Bremen, IN German Twsp., Zoned A-1. **Mr. Wickizer made a motion to table until the end of the meeting, seconded by Mr. Miller. Motion carried by acclamation.** Mr. Jerry Kuhns was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is requesting to add a 30'x60' addition to an existing horse barn. They would like to add on to the south side of the existing barn and construct to the rear of an adjacent property. The proposed structure would be approximately 10.43' from the existing fence line and would increase to 12.5'.

Mr. Kuhns explained that the building in the woods is a portable 12'x24' cabin and was probably brought in about two years ago. The board express to Mr. Kuhns that he will need to get a permit for it.

This property was purchased in the same layout as it exists now. The building where the addition is proposed was not built by the applicant. It was there prior to this owner.

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The reason the applicant wants the location is because of eye appeal.

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

Mr. Adley explained by allowing this it increases the non-conformity. After trying to come up with an alternative Mr. Kuhns wasn't in favor of adjustment the plans.

Mr. Kutch made a motion to approve 20-BZA-33 KUHNS, Jerry - A request for a Variance of Developmental Standard to reduce the side yard setback from the required 15' to 10' in order to add on a 32x60 additional to an existing horse barn; located at: 2641 Beech Rd., Bremen, IN German Twsp., Zoned A-1, seconded by Mr. Miller. Motion carried with a voice vote 4-1 with Mr. Gustafson 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

Mark Wickizer