

July 13, 2021
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, July 13, 2021, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, James Berger, Jeff Kutch, Michelle Mieras, and Matt Miller. Plan Director Ty Adley, Secretary Lori Lowry and interested parties.

The minutes from the June 8, 2021, meeting was submitted to the board. Mr. Berger made a motion to approve the minutes as presented, Mr. Miller seconded the motion. Motion carried by acclamation.

The first item of business was 21-BZA-35 SHIDLER, Brian & Norva - request for a Variance of Developmental Standard from the density rule to allow two parcels to be split into three lots with one lot being building; located at 16636 & 16680 Quince Rd., Culver, IN Zoned A-1. Mr. Brian Shidler of 16636 Quince Rd. Culver was present to represent his request. Mr. Adley presented the findings of fact.

The applicant owns 5.31 acres just off Quince Road. The applicant wants to split off another parcel to have a relative build a new home. The area is zoned A-1 Agricultural, which allows only one (1) buildable parcel per every five (5) acres. Since this parcel is less than ten (10) acres. This needs the BZA's approval to create this new parcel. To the north is the Little Lake Minor Subdivision. One (1) lot was created in September 1996 to create one (1) lot since the applicant had exceeded the number of splits under the old subdivision ordinance. In April 2009, a replat of Little Lake Minor Subdivision created another parcel. The applicant's family owns a small pond. One solution would have been to expand that parcel to include the new building site. The family chose to keep the pond as an individual parcel for the enjoyment of the family.

Mr. Shidler would like to split off his house and be able to retain ownership of the barn if they decide to sell the house.

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

In 2018 the concern for access was solved by the recorded easements.

Mr. Adley explained we have the plat in the folder to record and couldn't record because the variance lapsed after that year.

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Mr. Berger made a motion to approve 21-BZA-35 SHIDLER, Brian & Norva - A request for a Variance of Developmental Standard from the density rule to allow two parcels to be split into three lots with one lot being building; located at 16636 & 16680 Quince Rd., Culver, IN Zoned A-1, seconded by Ms. Mieras. Motion carried with a voice vote 5-0.

The second item of business was 21-BZA-36 GEHRKE, David & Karen - A request for a Variance of Developmental Standard to allow a right of way setback reduction from the required 60' to 27' in order to build a 36x40' pole barn; located at: 17877 Lincoln Hwy Plymouth, West Twsp., Zoned A-1. Mr. & Mrs. David Gehrke of 10079 Carriage Dr. Plymouth were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is wanting to build a 36x40 pole barn for cold storage. The difficulty that he is running into is the setback requirement from Lincoln Highway (Collector Road) are restricting his ability to construct the new barn. The setback requirement is 60' from ROW and they are proposing 27' from ROW.

The plan is to have this enclosed area to keep all storage inside and the property be kept clean and neat. When they brought out material to start they were surprised to find out it need a variance because they weren't going any closer to the road than the existing building.

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

1. Judith Skinner – 17877 Lincoln Hwy Has lived there for almost thirty years and the Gehrke's have maintained the property well. In favor of the request.

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

Mr. Kutch made a motion to approve 21-BZA-36 GEHRKE, David & Karen - A request for a Variance of Developmental Standard to allow a right of way setback reduction from the required 60' to 27' in order to build a 36x40' pole barn; located at: 17877 Lincoln Hwy Plymouth, West Twsp., Zoned A-1, seconded by Mr. Berger. Motion carried with a voice vote 5-0.

The third item of business was 21-BZA-37 BORKHOLDER, Calvin - A request for a Special Use to allow a home based business for welding; located at: 5576 Fir Road, Bremen, IN German Twsp., Zoned A-1. Mr. Calvin Borkholder of 5576 Fir Rd. Bremen was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is looking to construct a 32x40' addition to an existing barn to start a home based workshop for a welding shop. The applicant will be fabricating and welding parts mostly for other factories and also some custom work. He intends to be the only employee with hours of operation from 5:00am to 2:00pm

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Mr. Borkholder clarified that he is not planning on building a new building he is using the existing structure to conduct business out of. The barn that is 32x40' is the location of the proposed welding shop.

The primary business will be aluminum tig welding. Most of the work will be for factory work. There will be very little work with the public.

Currently there is no plan to grow the business. In the future he would like to have his kids help in the business with a maximum of two employees. If there is a need for additional help Mr. Borkholder agreed that he would need to come back before the board for that request.

Mr. Miller 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. Miller moved and Mr. Berger seconded the motion to close the public hearing.

If there is a desire for a small business sign, please call the Planning Department to verify the size allowed and obtain a permit for a sign.

There will be some raw material coming in, but the majority of finished work will be delivered by someone else.

The proposed hours of operation will be from 5:00am to 2:00pm Monday through Friday and sometimes Saturday mornings.

Mr. Kutch made a motion to approve 21-BZA-37 BORKHOLDER, Calvin - A request for a Special Use to allow a home based business for welding; located at: 5576 Fir Road, Bremen, IN German Twsp., Zoned A-1 with the following conditions:

- 1. 2 employees or less**
- 2. No specific hours required.**

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

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

Respectfully submitted,

Matt Miller