

December 14, 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, December 14, 2021, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, James Berger, Michelle Mieras, David Hostetler, and Matt Miller. Plan Director Ty Adley, Secretary Lori Lowry and interested parties.

The minutes from the November 9, 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-66 GUSTAFSON, Jeffrey - A request for a Variance of Developmental Standard to allow reduction in the density rule to 4.99 ac. and a reduction in two side yard setbacks from the required 15' to 5'; located at: 18500 5th Rd., Plymouth, IN Polk Twsp., Zoned A-1.

Mr. Miller made a motion to table to request to the end of the meeting, seconded by Mr. Berger. Motion carried by acclamation.

The second item of business was 21-BZA-67 WEAVER, Andrew - A request for a Variance of Developmental Standard to allow an extension of the 1:3 width ratio of 656.75x2628.99; located at: 5656 20th Rd., Argos, IN Walnut Twsp., Zoned A-1. Mr. John Shirk and Harry Weaver was present to represent the request. Mr. Adley presented the findings of fact.

Mr. Shirk is seeking to purchase property from Mr. Weaver and the agreed upon area of purchase is approximately 50 acres that measures 656.75' at the road by 2628.99' deep.

The proposal will be for ag use only said Mr. Shirk.

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. Miller moved and Ms. Mieras seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Hostetler made a motion to approve 21-BZA-67 WEAVER, Andrew - A request for a Variance of Developmental Standard to allow an extension of the 1:3 width ratio of 656.75x2628.99; located at: 5656 20th Rd., Argos, IN Walnut Twsp., Zoned A-1, seconded by Mr. Berger. Motion carried with a voice vote 5-0.

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The third item of business was 21-BZA-68 MORRIS, Jordan - A request for a Variance of Developmental Standard to allow a reduction in setbacks, front yard setback from the required 30' to 24' from the road, lakeside from the required 45' to 30' and side yards from the required 10% (8') to 7' on both side yards; located at: Lot 7, Abbott St. Bremen, IN German Twsp., Zoned L-1. Mr. Andrew Morris 64460 SR 23, North Liberty IN and Mr. Randy Matthews of Rochester Homes 2461 Michigan Rd. Plymouth was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is looking to construct a new home on the property and is wanting to reduce the setbacks on all sides of the property. The Rear yard setback from the channel is proposed to be reduced from 45' to 30'. The adjoining properties have a house setback 30' and a house 36' setback and 20' from the channel. The house front setback is required to be 30' from the ROW and the proposal is 24'. The adjacent residences are setback 20' and 12' respectfully. The side yard setbacks are associated with the width of the parcel which is 80' thus resulting in 8' setbacks from the east and western property lines. The proposal is to reduce the setback from 8' to 7'. The proposal would cover 39% of the property.

Ms. Mieras asked about the neighboring property and if there would be any loss of view. The applicants stated that the adjacent property is vacant, and the next property has a house closer to the lake and road than the proposed.

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

1. Tom Evans 3281 Lakeshore Bremen Would like to keep an 8' setback instead of the proposed 7' on the west side. They would like to flip the garage to the other side due to the guide wire where the driveway would be and the dumping in and out of the driveway away from the intersection. Wants a clarification whether the road setback is from the road or the right of way. Believes on the west side of the property the measurement from the right away to the waters edge is 77' not 80' as the survey states. Wanted to make sure the requested 30' is met on both ends of the property. The survey presented by the applicant shows 80' on both sides. When asked the reason for the requested 8' he said the owner to the west would like it when they sell the empty lot someday. Due to off street parking they would like to also make sure that they can park two cars in the driveway.
2. Jane Zarris 8686 Abbott St. Bremen Owns the empty lot to the west and lives in the house adjacent to the empty lot. They bought the property with the house already there and later got a variance to add on the garage. Her concern is the difference in depth on the east and west property line. Feels that not having a sea wall has allowed the ground to erode. Doesn't have a problem with the house just wants to make sure the setback to the water is met. Feels it will benefit his family to have the house flipped and the garage to load and unload further away from intersection.

Mr. Miller asked the Plan Director if there are any ordinances related to driveways and intersections? Mr. Adley explained that will be reviewed during the permitting process at the TRC meeting. The only item before the board tonight is the setback reduction request.

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

When the board opened discussion with the applicant Mr. Morris stated he heard that DNR doesn't like sea walls because they aren't healthy. As far as the guidewire concern the Morris' aren't planning on putting the driveway straight as they plan to have a curve in the driveway. This would alleviate both concerns.

Mr. Matthews asked if the adjacent properties are closer to the water than the 30' if the board will allow an average of the setback.

Mr. Morris bought the property with good faith that the survey stated both east and west property lines were 80'.

When asked for clarification the Plan Director stated that your property is your property whether its in the channel or not. Your property is in relationship to the set iron.

Mr. Miller made a motion to approve 21-BZA-68 MORRIS, Jordan - A request for a Variance of Developmental Standard to allow a reduction in setbacks, front yard setback from the required 30' to 24', lakeside from the required 45' to 30' and side yards from the required 10% (8') to 7' on both side yards; located at: Lot 7, Abbott St. Bremen, IN German Twsp., Zoned L-1, seconded by Mr. Berger. Motion carried with a voice vote 5-0.

The fourth item of business was 21-BZA-69 REICHARD, Kevin & Jennifer - A 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.

The applicant requested prior to the hearing that this request be tabled until the next meeting in January.

The first item of business was 21-BZA-66 GUSTAFSON, Jeffrey - A request for a Variance of Developmental Standard to allow reduction in the density rule to 4.99 ac. and a reduction in two side yard setbacks from the required 15' to 5'; located at: 18500 5th Rd., Plymouth, IN Polk Twsp., Zoned A-1. Mr. Gustafson 18871 4 B Rd. Walkerton, IN recused himself from the board and went to the applicant table to present his request. Vice President James Berger ran the meeting. Mr. Adley presented the findings of fact.

The applicant has recently purchased the 9.98 acre parcel adjacent to his farm and has an interest in subdividing off the house for a family member. The parcel not being 10 acres would not meet the minimum density regulation of 5 acres per residential unit. The proposed lot lines would separate the house off from the remaining buildings and meet the minimum lot size. The second portion to the proposal would be setback reductions around an existing garage. The minimum setback adjacent to the garage is 15' side yard setback but is proposed to go down to 5'.

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Mr. Gustafson lives down the road on 4B Rd. He bought 60 acres in 2001 that surrounds this parcel. In the beginning the plan was to own the ground and his daughter buy a portion where the house sits. The original plan has changed somewhat, but wanted to continue the request in case the sale to his daughter does go through. Since the property is two hundredths of an acre too small to legally split that is why he is before the board asking permission for a variance in addition to the setbacks. If the split doesn't happen within a year this request is no longer valid.

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

Ms. Mieras made a motion to approve 21-BZA-66 GUSTAFSON, Jeffrey - A request for a Variance of Developmental Standard to allow reduction in the density rule to 4.99 ac. and a reduction in two side yard setbacks from the required 15' to 5'; located at: 18500 5th Rd., Plymouth, IN Polk Twsp., Zoned A-1, seconded by Mr. Hostetler. Motion carried with a voice vote 4-0 with Mr. Gustafson not voting.

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