

February 8, 2022  
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, February 8, 2022, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, David Hostetler, Michelle Mieras, and Matt Miller. Plan Director Ty Adley, Secretary Lori Lowry and interested parties.

The minutes from the January 11, 2022, 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 22-BZA-06 BOLLENBACHER, Greg & Wendy - A request for a Variance of Developmental Standard to allow for a front yard setback reduction from the required 30' from right of way to 0' to allow for approval of the existing steps to create an apartment in the 2nd story of the existing garage; located at: 5046 West Shore Dr. Bremen IN German Twsp., Zoned L-1. Mr. Greg Bollenbacher of 4465 Crane Clove Lane, Bremen IN was present to represent his request. Mr. Adley presented the findings of facts.

The applicant has been under construction of the second story of the garage and has constructed an exterior staircase to the second floor within the 30' front yard setback of Pleasant Pointe Lane. For historical reference the following was found in reference to previous permits. In April 2013 a permit was approved to add a 2nd story addition of the existing garage. Said permit was amended and approved in September 2013 to instead put a modular 3 bed 2 bath home on the property. Between Spring of 2013 and Spring of 2015 there was progress on the 2nd story to the garage. At this time there was no cutout for an entry/exit on the West side of the structure. Between Spring of 2015 and Fall of 2016 a landing, door and overhang were created on the West side of the structure protruding further than the face of the garage. The garage was approved back in 1985 with the condition that the "established line on Pleasant Pt. Dr. set by garage north of this property" and that the garage is to be built in line. The existing garage on the subject property is an estimated 5' closer to Pleasant Pt. Dr. not including stairs and associated landing. Between the Spring of 2017 and the Spring of 2018, the stairs were put in connecting the landing and providing more permanent access to the second floor of the building. On November 1st, 2021, Mr. Bollenbacher applied for a Conventional Home

Mr. Bollenbacher stated that back in 2013 when he got the permit he asked the Plan Director at that time if he could put the steps where he did and he verbally said, "yes" and didn't have anything in writing. Over the years there hasn't been any issue with the steps nor has there been any complaints. At that time, he felt that on a gabled end was the best and only location for the entrance. On the other end of the house is a closet and a wall. The interior is currently unfinished.

Mr. Burkholder has been working on the property himself when he had time. Since it had been awhile he thought he should go into the Plan Commission office to renew his permit. When he came into the office to renew it and he found out there were more issues.

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Mr. Adley clarified that the location of the garage he would consider grandfathered. The issue at hand is the addition of the stairway.

The roadway adjacent to the existing stairway is not a legal road, but a private drive that owners jointly own parts of the road.

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

1. Marvin Houin – Understands that maybe there was a mistake about the location. He feels the stairway is too close to the road compared to everything else. With the interior not being finished is it feasible for the stairway to be moved to another location?
2. Brian Teal – Sent a letter stating he is an adjacent property owner and is neither for or against the request. Questioned how the setback could be reduced to 0' if the stairway is already protruding into Pleasant Point Lane? Asked if there were the proper permits and/or variances when the garage was added onto. Has a concern for safety with the stairway being located so close to the roadway?

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

Since Mr. Bollenbacher has owned the property there hasn't been a survey. Since he bought it there was one survey stake that he knows of.

The existing stairs have been there since 2018. The upstairs is currently studded and has rough electric and plumbing done. It will be open concept with a bathroom and a closet. The opposite end of the building has a closet and a wall.

A different view of the property was displayed and it showed an existing sliding glass door to be used with a future deck. The board was in agreement with an existing door the entrance to the upstairs is feasible on that side of the garage. Mr. Bollenbacher said it is feasible but would take a lot of work.

**Mr. Miller made a motion to deny 22-BZA-06 BOLLENBACHER, Greg & Wendy - A request for a Variance of Developmental Standard to allow for a front yard setback reduction from the required 30' from right of way to 0' to allow for approval of the existing steps to create an apartment in the 2nd story of the existing garage; located at: 5046 West Shore Dr. Bremen IN German Twsp., Zoned L-1 seconded by Mr. Bennett. Motion carried with a voice vote 5-0 to deny the request as it does not meet all three findings.**

The second item of business was 22-BZA-07 HELMUTH, Jonathan - A request for a Special Use to allow a small animal processing facility with no store front; located at: 536 Beech Rd., Nappanee, IN German Twsp., Zoned A-1. Mr. Jonathan Helmuth of 536 Beech Rd. Nappanee IN was present to represent his request. Mr. Adley presented the findings of fact.

The homeowner currently has honeybees and sells the honey. He is wanting to have a 44x40' addition to an existing building. This will allow for storage, cooler/freezer, and smoke room. The existing portion of the building will be used for deer processing. The processing of deer and domestic animals don't need Board of Animal Health or Health Department approval per the applicant. The operation in the future could evolve to include beef or pork in the future. He indicates that he will follow BOAH guidelines for food safety, with goals of having a short lead time for deer meat. The applicant is looking

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to relieve the pressure for more local meat processing by beginning operations fall of 2022. Drop off would be available 5:00am to 9:00pm. There is an anticipation of doing 300 deer the first year. Non-edible will go to Darling. The applicant anticipates 1 part time person doing peak season per 100 deer. With 300 anticipated in the first year that would be 3 part time people outside of the applicant and his wife. They anticipate in 5 years to process 500 deer per year which would require 5 part time employees. By this time, they would be applying for custom-except license in order to process beef/hogs. There would be no store front or walk-ins. There would be no kill onsite. There would be a max of 6 beef or 12 hogs per week in 5 years. By year 10 they would anticipate 800 deer, otherwise no difference than year 5.

The proposed building will almost double the size of the existing and it will be taller as well. Besides the proposed business he also has honeybees and sells the honey and has a part time job.

The neighboring previously approved facility decided that it was going to be too costly and the project didn't go any further.

During deer season the proposed hours will be 5am to 5pm and allowing drop off till 9pm Monday through Saturday. He has bought a 8'x23' cooler. The main animals to process will be deer.

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

1. Susan Pletcher CR 17, Goshen Believes we need a processing plant in the area and is for the request.

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

The board discussed whether to have a standard business hours or separate business hours of the butcher shop and hours for allowed drop off times. The consensus of the board was to have separate hours.

**Ms. Mieras made a motion to approve 22-BZA-07 HELMUTH, Jonathan - A request for a Special Use to allow a small animal processing facility with no store front; located at: 536 Beech Rd., Nappanee, IN German Twsp., Zoned A-1 with the operating hours of the butcher shop Monday through Saturday 5am to 5pm, seconded by Mr. Miller. Motion carried with a voice vote 5-0.**

The third item of business was 22-BZA-08 SODERSTROM, Michael & Jean - A request for a Variance of Developmental standard to allow an increase of lot coverage from the required 45% to 56%; located at: 3931 Lakeshore Dr. Bremen, IN German Twsp., Zoned L-1. Mr. Randal Mast, Contractor, was present to represent the applicant's request. Mr. Adley presented the findings of fact.

The applicant had received building permit approval in October 2021. Since that time the property owner wanted add a 16x30' deck and to widen the parking area to the width of the house. The ordinance allows for up to 45% lot coverage while on sewer, but with the additions to construction, this would put the impervious coverage at 56%. The widening of the driveway would provide for an additional vehicle to get off of the roadway, thus resulting in a safer right of way area.

Before the applicants started construction, they weren't sure what they wanted to do about the deck. In addition to that the contactor wasn't aware that Marshall County considers the driveway an impervious area; therefore, with the proposed driveway would throw them over the allowed 45% lot

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coverage. Since the house sits back further than the others, they would like to have their deck extend out further to have a better view of the lake.

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

1. Marvin Houin                      7563 Plymouth Goshen Tr. Bremen                      Questioned the site plan and the property lines.

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

**Mr. Bennett made a motion to approve 22-BZA-08 SODERSTROM, Michael & Jean - A request for a Variance of Developmental standard to allow an increase of lot coverage from the required 45% to 56%; located at: 3931 Lakeshore Dr. Bremen, IN German Twsp., Zoned L-1, seconded by Mr. Hostetler. 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,

Michelle Mieras