

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

The minutes from the February 8, 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-03 MORRIS, Ryan & Anna - A tabled request for a Variance of Use to allow an existing structure to be used as a event venue; located at: 17520 Pine Rd., Culver, IN 46511, Green Twsp., Zoned A-1. Mr. Ryan Morris was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to start up an event venue out of an existing barn on the property. The would be keeping the number of attendees to 250. Examples of events would be reunions, graduation open houses, small celebrations, or wedding receptions. Events would be weekend events that would go no later than midnight.

Getting the approval for the event center is Morris' first step in the process. Once there is an approval, they will move forward with all other approvals locally and state. The current plan for parking is to park in the grass. In the future their idea is to put down gravel. The existing barn has concrete floor in the front and currently has no bathrooms. The sizes of the building are 40'x64' and a 50'x64' which totals to 5,760 square feet.

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

1. Mike Trump 12869 SR 10 Represents the Maxinkuckee Oddfellow Lodge. They see no problems with the request. Was curious to their proposal and doesn't see any problems.
2. Joann Fraser 13588 15B Known the applicant for a long time and believes he would follow are requirements put before him. Believes there is a need for such an event venue.
3. Tyler Betz 14599 SR 10 The location has a beautiful setting for a venue and has noticed many people stopping to look and take pictures of the site.

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

Mr. Hostetler made a motion to approve 22-BZA-03 MORRIS, Ryan & Anna - A tabled request for a Variance of Use to allow an existing structure to be used as a event venue; located at: 17520 Pine Rd., Culver, IN 46511, Green Twsp., Zoned A-1 with the following stipulations:

- 1. CDR as determined by the Building Commissioner**
- 2. Septic as required by the MCHD and/or State Department of Health**
- 3. Morris business proposal**

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

The second item of business was 22-BZA-09 YODER, Ross & Julie - A request for a Variance of Developmental Standard to allow a home addition that doesn't protrude closer to the rose than the existing that is currently 44' from the right of way: located at: 2365 Beech Rd. Nappanee, IN German Twsp., Zoned A-1. Mr. Ross Yoder was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is looking to add on to the existing residence, even with the existing house. The addition would be no closer to the road, which would match the 44' from the right of way.

The applicant is doing a remodel of the house and wanted to make a small addition as well. Their plan is not to encroach closer to the road than they already are.

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

1. Sara Slabaugh, Seth Schwartz, and Deborah Miller signed a letter stating that they don't have any issues with the proposal.

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

Mr. Miller made a motion to approve 22-BZA-09 YODER, Ross & Julie - A request for a Variance of Developmental Standard to allow a home addition that doesn't protrude closer to the rose than the existing that is currently 44' from the right of way: located at: 2365 Beech Rd. Nappanee, IN German Twsp., Zoned A-1, seconded by Mr. Bennett. Motion carried with a voice vote 5-0.

The third item of business was 22-BZA-10 GRAHAM, Leslie & Gloria - A request for a Variance of Developmental Standard from the required 30' to 25' to allow a four seasons room addition to the front of the house; located at: 8483 Chicago St., Bremen, IN German Twsp., Zoned L-1. The designer, Matthew Vansoest of 3751 Lakeshore Dr. Bremen and Gloria Graham of 8483 Chicago St. was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to reduce the front yard setback in order to construct a four seasons room on the front of the house. The building addition per the applicant would allow for them to maximize spatial programming while not interfering with the existing well. The adjoining

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neighbors per the applicant currently have setbacks of 25 and 20' respectively. To the west the existing house is within the 30' setback with no known expansions. To the east the neighbor has a pergola set closer to the road than 30' that was placed between 2019 and 2021 aerial photography and never received a building permit.

The existing house was built in 1996. With the applicants needing to be at home more due to health reasons they would like to have a 4 seasons room that would give them a view of the lake. Their design is to have plenty of windows for open site lines. The neighbor to the easter currently does not have windows that allow them view of the lake. If they are in the gazebo in the front it would not limit their view from the lake. The property to the west has a house that has been there since the late 1960's and protrudes closer to the road than the other adjoining properties.

The TRC's recommendation of denial was due to it being self imposed and didn't feel the pergola of the neighbors should be used as a benefit. The existing pergola is in violation as it was never permitted.

The proposal is a stick built 14'x15' addition which would require a setback reduction from 30' to 25'. This addition would also be the entryway into the house.

The parcels to the east is one that is used for storage and the other was the old fire station.

Mr. Hosetetler made a motion to open for public hearing, seconded by Mr. Bennett. Motion carried by acclamation. There being nobody to speak for or against Mr. Hostetler moved and Mr. Kline seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Hostetler made a motion to approve 22-BZA-10 GRAHAM, Leslie & Gloria - A request for a Variance of Developmental Standard from the required 30' to 25' to allow a four seasons room addition to the front of the house; located at: 8483 Chicago St., Bremen, IN German Twsp., Zoned L-1, seconded by Mr. Miller. Motion carried with a voice vote 4-1 with Mr. Gustafson voting against.

The fourth item of business was 22-BZA-11 KOVATCH, Jon & Penny - The applicant Susan Curtis is requesting a Variance of Use to allow a secondary residence on a property by converting a 16'x16' space in an existing barn to be used as a residential space approximately 10 weeks out of the year; located at: 2500 Quince Rd., Walkerton, IN Zoned A-1. Penny Kovatch of 2500 Quince Rd. Walkerton and Susan Curtis 1004 E. Woodside St. South Bend was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is wanting to convert an area of an existing pole barn into a living quarters for a family member that is only in town for 10 weeks a year. The family member is a travel nurse and only spends a few weeks home per year and wanted to be near her sister during appointments or during treatment should her cancer resurface. The ordinance currently does not establish how to handle accessory dwelling units.

Do to the applicants job she is only home 6-12 weeks out of the year. In addition to that with health issues she is in need of assistance and being right there next to her sister would be

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extremely helpful.

The board asked if the owner would have any problems with removing the residential area once her sister was no longer in need the space? Mrs. Kovatch said, "yes".

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

Mr. Miller made a motion to approve 22-BZA-11 KOVATCH, Jon & Penny - The applicant Susan Curtis is requesting a Variance of Use to allow a secondary residence on a property by converting a 16'x16' space in an existing barn to be used as a residential space approximately 10 weeks out of the year; located at: 2500 Quince Rd., Walkerton, IN Zoned A-1, with the following stipulation:

- 1. Once Susan Curtis is no longer using this space as a residence it must be returned to its original agricultural use.**

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

The fifth item of business was 22-BZA-12 BORKHOLDER, Lonnie & Amy - A request for a Variance of Use by Beechy Excavating to allow a storage facility across the road from the existing Midwest Farm & Pet; located directly across the road from 457 5B Rd., Bremen, IN Zoned A-1. Mr. John Beechy of 8611 S. 750 N. Etna Green Beechy Excavating was present to represent their request. Mr. Adley presented the findings of fact.

The applicant owns Midwest Farm & Pet and is wanting to construct a 80x100' new warehouse across the street from their existing operation. The existing building is roughly 60'x200' with several items outside. The latest additions were in 2016 on the east side of the building.

Due to an open ditch on the east end of his property on the south side of the road it prohibits him from adding onto his current business location. The south side of his location has a deer pen and isn't suitable either. The plan is to build this for storage which will allow them to keep everything indoors.

The TRC supported the agriculturally based business; however, the concern is the doubling in size in this area which will be a greater impact on this section of road.

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

1. David Slabaugh In support of the request and finds no reason to hinder their request. It causes no disturbance.

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

Mr. Miller made a motion to approve 22-BZA-12 BORKHOLDER, Lonnie & Amy - A request for

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a Variance of Use by Beechy Excavating to allow a storage facility across the road from the existing Midwest Farm & Pet; located directly across the road from 457 5B Rd., Bremen, IN Zoned A-1, seconded by Mr. Hostetler. Motion carried with a voice vote 5-0.

The sixth item of business was 22-BZA-13 MILLER, David - A request for a Variance of Use to allow a secondary home to care for elderly parents; located at: 6757 6A Rd. Plymouth German Twsp., Zoned A-1. Mr. David Miller of 6757 6A Rd. Plymouth was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to permit a second residence on the property in order to care for elderly parents. The new home post passing of the parents would become the primary residence and the original residence would be demolished.

Mr. Bennett 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 moved and Mr. Bennett seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Bennett made a motion to approve 22-BZA-13 MILLER, David - A request for a Variance of Use to allow a secondary home to care for elderly parents; located at: 6757 6A Rd. Plymouth German Twsp., Zoned A-1 with the following stipulation:

- 1. Once Samuel and Katherine Yoder are no longer using the second residence on the property one residence must be removed within 90 days.**

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

The seventh item of business was 22-BZA-14 FRANZ, Jeffrey & Patricia - A request for a Variance of Developmental Standard to allow a right of way setback reduction from 30' to 10' to allow a 14x20 garage; located at: 16377 12B Rd. Plymouth, IN West Twsp., Zoned L-1. Mr. Jeffrey Franz of 16377 12B Rd. Plymouth was present to represent their request. Mr. Adley presented the findings of fact.

The applicant would like to put up a 14x20' garage between the existing mobile home and road. The project was heard previously for a similar request but was withdrawn in 2020. The original proposal was to build a 24x16' garage. The mobile home is 35' from the right of way line and there is approximately 11' between the property line and the edge of pavement. The original proposal was to reduce the setback from 30' to 8' from right of way. The opposite side of the lot has the septic system and is unable to be developed. This proposed setback reduction would leave approximately 21' from edge of road or 10' from right of way.

The applicant will be moving and now has a vehicle that will fit in a 14'x20' garage. The TRC and applicant both are happy with the proposal.

Mr. Bennett 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 moved and Mr. Bennett made a motion to close the public hearing. Motion carried by acclamation.

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Mr. Franz asked what type of garage is allowed. Mr. Adley explained that it can be portable, frame and post construction as long as he meets the approved setbacks.

Mr. Bennett made a motion to approve 22-BZA-14 FRANZ, Jeffrey & Patricia - A request for a Variance of Developmental Standard to allow a right of way setback reduction from 30' to 10' to allow a 14x20 garage; located at: 16377 12B Rd. Plymouth, IN West Twsp., Zoned L-1 based on staff recommendation; seconded by Mr. Miller. Motion carried with a voice vote 5-0.

2021 Annual Report

The 2021 Annual Report of the Marshall County Plan Commission was presented to the board for their review.

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