

December 13, 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, December 13, 2022, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, David Hostetler, Matt Miller and Michelle Mieras. Also present was Ty Adley Plan Director, Lori Lowry and interested parties. Member absent was Trent Bennett.

Mr. Hostetler made a motion to approve the November 15, 2022, minutes, seconded by Mr. Miller. Motion carried by acclamation.

The first item of business was 22-BZA-55 LEMLER, Jeff - A request for a Variance of Use to allow a processing facility; located at: 1471 10B Rd. Bourbon, IN Bourbon Township, Zoned A-1. **The applicant Jeff Lemler came into the office and asked this request to be withdrawn. Motion carried by acclamation**

The second item of business was 22-BZA-56 BOSE, Julie - A request for Variance of Developmental Standard to allow a reduction in lot coverage from the required 45% to 66%, front yard setback reduction from the required 30' to 0' and east/west side yard setbacks from the required 10'/10% to 0'; located at: 3843 Lake Shore Dr. Bremen, IN German Twsp., Zoned L-1. Ms. Julie Bose and Dennis Mitchell of 3843 Lakeshore Dr. Bremen were present to represent their request. Mr. Adley

TRC Recommendation: Approval of the increased impervious coverage to 66%, Approval to reduce the Southeast side setback to 1' in order to keep in line with the existing home and garage, Approval to reduce the front yard setback to 1', denial to reduce northwest side setback to 0' and a survey to be done prior to construction in order to ensure all development will take place on the subject property.

The applicant wants to do a home addition to attach their house to the garage as well as construct a carport adjacent to the garage. The expansion would require 4 variance approvals. They are proposing to reduce the front yard setback from 30' to 0'. They are proposing to reduce the Northwest side yard setback from 10'/10% to 0'. They are proposing to reduce the Southeast side yard setback from 10'10% to 0'. Finally, they are requesting to exceed the 45% maximum impervious coverage by going to 55%. The average front yard setback is significantly less than the required 30' required. The southeastern setback is proposed to 0' with construction taking place at 1' from the property line, in line with the existing house and garage. The Northwestern setback is proposed to be 0' and have the carport set 3'6" from the property line. The existing development on the property along with the proposed construction

Marshall County Board of Zoning Appeals

12/13/2022

would exceed the maximum impervious coverage and then cover 66% of the lot in residence, driveway, or parking space.

The area where the applicant is proposing to build already has a patio between the house and garage and a driveway where they are proposing to build a carport with living space over it. Where they believe the property line is they are proposing to put the carport 3'6" from the property line. They have noticed a rebar by the mailbox, but are unsure whether that is the line. During the discussion with the board, it was their feeling that due to the unsurity of the property line and the proposed setbacks that a required survey was appropriate.

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

1. Debra Mitchell – 3843 Lakeshore Dr. Bremen - In favor of the request. Still plan to build within 3.5' of the property line.

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

The plan will be to have a second story on the existing garage and living space above the carport.

Mr. Miller made a motion to approve 22-BZA-56 BOSE, Julie - A request for Variance of Developmental Standard to allow a reduction in lot coverage from the required 45% to 66%, front yard setback reduction from the required 30' to 0' and east/west side yard setbacks from the required 10'/10% to 0'; located at: 3843 Lake Shore Dr. Bremen, IN German Twsp., Zoned L-1:

1. 66% impervious coverage
2. 1' southeast sideyard setback
3. 1' front yard setback
4. and deny the 0' northwest side yard setback
5. Survey be completed to establish survey lines

Seconded by Ms. Mieras. Motion carried with a voice vote 4-0.

The third item of business was 22-BZA-57 IMHOFF, Allen & Eddie -A request by Kenlyn Imhoff for a Special Use to allow a poultry processing facility; located at: 6589 E. 18th Rd. Argos, IN Walnut Twsp., Zoned A-1. Allen Imhoff of 6536 19th Rd., Eddie Imhoff 6382 19th Rd. and Kenlyn Imhoff 6589 18th Rd. were present to represent their request. Mr. Adley presented the findings of fact.

Technical Review Committee Recommendation:

Recommended approval with the condition that state and federal requirements are met.

The applicant has recently purchased a closing processing facility in desire of opening up their own business. The Applicant has begun the approval process with the State Board of Animal Health (Boah). The operation would be 6 days a week with hours of business from 7:00am to 6:00pm. There would be no animals retain on the property and the estimated quantity would be

Marshall County Board of Zoning Appeals

12/13/2022

1,000 animals/bird per week. The scale of the operation should be managed in order to manage the impact on adjoining properties.

Their plan is to do custom butchering. Where the owner would bring in the chickens and take them home the same day. Hiatt's of Rochester will no longer be in business and the Imhoff's will be taking over. There are no plans to have retail sales.

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

The plan is to keep this a family run and small scale. At this time they have no desire to be work this job full time 6 days a week.

Mr. Hostetler made a motion to approve 22-BZA-57 IMHOFF, Allen & Eddie -A request by Kenlyn Imhoff for a Special Use to allow a poultry processing facility; located at: 6589 E. 18th Rd. Argos, IN Walnut Twsp., Zoned A-1, seconded by Mr. Miller. Motion carried with a voice vote 4-0.

With no further business to come before the board the meeting was adjourned. Motion carried.

Respectfully submitted,

Michelle Mieras