

February 14, 2023
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 16, 2023, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, David Hostetler and Trent Bennett. Also present was Ty Adley Plan Director, Lori Lowry and interested parties. Member absent was Matt Miller.

Mr. Adley swore in the returning Board of Zoning Appeals Member Mr. Jeff Gustafson.

The first item of business was the election of officers for the Marshall County Board of Zoning Appeals.

- **President** Mr. Hostetler made a motion to nominate Jeff Gustafson as President of the Marshall County Board of Zoning Appeals, seconded by Mr. Bennett. Motion carried by acclamation.
- **Vice President** Mr. Hostetler made a motion to nominate Matt Miller as Vice President of the Marshall County Board of Zoning Appeals, seconded by Mr. Bennett. Motion carried by acclamation.
- **Secretary** Mr. Bennett made a motion to nominate Mr. Hostetler as secretary of the Marshall County Board of Zoning Appeals. Motion carried by acclamation.

Mr. Hostetler made a motion to approve the December 13, 2022, minutes, seconded by Mr. Bennett. Motion carried by acclamation.

The second item of business was 22-BZA-49 SCHILLIG, Scott. Mr. Schillig has withdrawn his request.

The third item of business was 23-BZA-01 LEMLER, Jeff – A request for a Variance of Use to allow a processing facility; located at: 1471 10B Rd., Bourbon, IN Bourbon Twsp., Zoned A-1. Mr. Jeff Lemler of 1471 10B Rd. Bourbon and Mr. Larry Lemler of 2436 12th Rd. Bourbon was present to represent their request. Mr. Adley presented the findings of fact.

The applicant has historically operated a butcher shop until closing up shop in Downtown Bourbon. During the medical events of 2020, a need arose so the skills were sharpened up and began helping friends and family. They were turned in for not operating under the approval of the state and have subsequently been working with the State Department of Health. This case is a successor to 22-BZA-55 which was withdrawn under the guidance of the State Department of

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Health in order to address a couple minor items. Now that all items have been addressed, they are ready to appear before the BZA. The facility will kill, skin, gut, and quarter the beef or hogs. It will then hang in the freezer then be transported to their additional facility in Bourbon that has already received Town approval in order to process and package. The transportation of the cooled meat has been approved by the state to meet their minimal requirements. They will process no more than 7 beef and 20 hogs in a week.

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

1. Tom & Jane Watkins 6698 N. 1100 W. Bourbon The Lemlers have been in the meat processing business for 80 plus years. They have a long standing reputation of doing a good job. They are an asset to the community and surrounding communities.

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

Mr. Hostetler made a motion to approve 23-BZA-01 LEMLER, Jeff – A request for a Variance of Use to allow a processing facility; located at: 1471 10B Rd., Bourbon, IN Bourbon Twsp., Zoned A-1, seconded by Mr. Bennett. Motion carried with a voice vote 3-0.

The fourth item of business was 23-BZA-02 CRAFT, Stephen – A request for a Variance of Use to allow a 2nd story loft to be used as living quarters for visiting guests; located at: 18700 12th Rd. Plymouth, IN West Twsp., Zoned A-1. Mr. & Mrs. Stephen & Pam Craft of 18700 12th Rd. Plymouth were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is intending to create a second story loft for living accommodations for guests and travelers to Marshall County. The ordinance currently does not permit secondary residences. The ordinance currently does not regulate short-term rentals, but due to the variety of possible users it is appearing before the Board. The property is substantially secluded. The only concern with the location is the invitation to funnel individuals to the joint intersection of SR 17/ 12th Road/Sage Road. The intersection is a known safety hazard with the angle of the intersection interacting with SR 17. Turning an accessory structure into a residential structure will require considerable upgrades to ensure life safety measures are met, but will be regulated under the County Building Commissioner.

Safety was brought up and during discussion they didn't see a concern. Over the year there have been more accidents at SR 8 and SR 117 than at this intersection.

While the proposed use is similar to that of a hotel, this use doesn't come up often in the county. The board discussed that this proposal is minimal and will not create a lot of extra traffic or undue hardship, but a concern the board had was this setting a precedent for future cases. To eliminate the concerns of this turning into a second full time residency there will be no second address issued, the approval is for short term stay only, and this approval is only for current owners Stephen & Pam Craft.

Mr. Hostetler made a motion to open for public hearing, seconded by Mr. Bennett. There being

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nobody to speak for or against Mr. Bennet moved and Mr. Hostetler seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Hostetler made a motion to approve 23-BZA-02 CRAFT, Stephen – A request for a Variance of Use to allow a 2nd story loft to be used as living quarters for visiting guests; located at: 18700 12th Rd. Plymouth, IN West Twsp., Zoned A-1 with the following conditions:

1. This approval is limited to short term rentals similar to AirBnB.

2. This approval is only for current owners Stephen & Pam Craft

Seconded by Mr. Bennett. Motion carried with a voice vote 3-0.

If there is a change in ownership, the new owners will need to reapply to the Board of Zoning Appeals.

The fifth item of business was 23-BZA-03 ENG, Jeffrey – A request for a Variance of Developmental Standard to allow a home addition that requires a front yard setback reduction from the required 30' to 13' from the ROW and a side yard setback reduction from the required 10'/10% to 2'; located at: 8452 Clark St., Bremen, IN LOW, Zoned L-1. Mr. Jeffrey Eng of 8452 Clark St. Bremen was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to renovate an existing structure and a couple of the proposed additions do not meet the setback requirements. The proposal for the front is to add a 6' front porch. The minimum setback is 30', but with the addition it would be 13' from the street. The side yard reduction is for a 2' box to put in a fireplace. The setback would be a reduction of 10'/10% of lot width (40') to 2'. The front of the house is estimated at 20' from Right of Way, which is in line with the majority of the adjacent structures.

It was clarified that the front yard setback reduction request is 13' from the ROW not the street.

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

During discussion the consensus of the board was the proposal for the side heating unit could be placed elsewhere or inside the house.

The history of the cottage was that it was owned by the house to the west. The water and electric was run from the main house and there was no bathroom only an outhouse. This proposal will have the bedroom and bathroom added to the rear of the house and the front will have a open porch.

Mr. Bennett made a motion 23-BZA-03 ENG, Jeffrey – A request for a Variance of Developmental Standard to allow a home addition that requires a front yard setback reduction from the required 30' to 13' from the ROW and a side yard setback reduction from the required 10'/10% to 2'; located at: 8452 Clark St., Bremen, IN LOW, Zoned L-1 to approve the 13'ROW setback on the ROW and denied the 2' side yard setback,

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seconded by Mr. Hostetler. Motion carried with a voice vote 3-0.

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

Respectfully submitted,

David Hostetler