

Marshall County Board of Zoning Appeals
6/13/2023

3. Benjamin Hepler 9879 3rd Rd. This road is already heavy trafficked by people going to Lake of the Woods. Their easements are already covered in trash people throw out. The bad time of the year is in the summer for people travelling to the lake. Now it's going to be extended with the proposed markets. Also has a concern with traffic.
4. Wayne & Becky Mishler 2693 Kenilworth Rd Lives in the 1st place south of Kenilworth. Their main concern is the increase in traffic. Lake of the Woods already provides additional summer traffic. Is a lifetime resident in the area. He farms and already has a hard time getting equipment up and down the road safely. Additional traffic is not needed. The parking is a concern. There ground is wet where are they going to park? Have been to other markets and understand the space that's needed. Likes that they are maintaining the property they just don't want an artisan market there.
5. Andrew & Kim Mishler 2560 Kenilworth Rd. Believes an artisan market will disrupt the way of country life they've had for many years. Disappointed that they are already advertising when it hasn't been approved. Safety is a big concern as the road is already a drag strip.
6. Lisa Knepp & Mark Seltenright Kenwilworth Rd. The drainage in that area is not set up to handle any substantial changes. Traffic concerns.
7. Allen Whittaker 3171 King Rd. Sent a letter with 11 questions.

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

In response to some of the questions:

- The entrance for parking will be at the corner where the gate is.
- Questions about a stop signed and speed limit change would need to be brought up to the highway superintendent.
- Parking spaces haven't been calculated at this point and it will be left as grass. Roadway parking will not be allowed.
- Vendors would only be outside and it would possibly be 40-50
- The events would be seasonal and she thinks maybe 4
- They will have there own personal get togethers at the site
- There is no plan to rent the space for weddings
- No septic on the property

After a lengthy discussion of items brought up and the board wanting more clarity on the parking area and number of spaces, number of vendors, traffic flow, signage, how many events and a few other items the board recommended this case be tabled until July to allow the applicant time to possibly do a layout to give the board a little more information to go on.

Mr. Hostetler made a motion to table this request, seconded by Mr. Kline. Motion carried by acclamation.

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The second item of business was 23-BZA-12 FURGYE, Jack & Helen - A request for a Variance of Developmental Standard to reduce the lakeside setback from the required 45' to 33' to build a covered porch; located at: 20752 South Lake Dr., Walkerton, IN Polk Twsp., Zoned L-1. Mr. & Mrs. Jack Furgye was present to represent their request. Mr. Adley presented the findings of fact.

The applicant wants to reconstruct their deck on the rear/lakeside of their residence. The reconstruction would require a setback reduction from 45' to 33'. The applicant's property is unlike many of the neighbors where the lake side property line is on a severe angle where many of the other properties are much more rectangularly shaped. The properties to the east are more closely constructed to the channel than the proposal. The properties to the west are along the main section of the lake with a more traditional lot shape and provide for greater setback from the lake.

The plan is not to go closer to the water, but just to extend to the outside edge of the house. They have thought about how it could affect their neighbors and they don't believe their proposal will affect them on either side. At this time it will be open with no screen.

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

1. Daniel Sellers 20742 South Lake Dr. Walkerton Is in favor of the proposal and believe it will enhance the neighborhood.

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

Mr. Kephart made a motion to approve 23-BZA-12 FURGYE, Jack & Helen - A request for a Variance of Developmental Standard to reduce the lakeside setback from the required 45' to 33' to build a covered porch; located at: 20752 South Lake Dr., Walkerton, IN Polk Twsp., Zoned L-1, seconded by Mr. Klein. Motion carried with a voice vote 5-0.

The third item of business was 23-BZA-13 TILLMAN, Gary - A request for a Variance of Developmental Standard by Braden & Cindy Main to split a parcel 215'x 2641' that doesn't meet the 1:3 width to depth ratio; located at: Pine Rd. (50-52-31-000-001-000-009), North Twsp., Zoned A-1. Mr. Gary Tillman 761 King Rd. and Mr. Braden Main 1920 Sycamore Ln Bremen was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to subdivide the property and the proposed lot layout is 215x2641' The property is 215' by the road which trips the beginning of the 1:3 width to depth ratio. The property later opens up to its full width to encompass the woods.

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

Mr. Hostetler made a motion to approve 23-BZA-13 TILLMAN, Gary - A request for a Variance of Developmental Standard by Braden & Cindy Main to split a parcel 215'x 2641' that doesn't meet the 1:3 width to depth ratio; located at: Pine Rd. (50-52-31-000-001-000-009), North Twsp., Zoned A-1, seconded by Mr. Bennett. Motion carried with a voice vote 5-0.

The fourth item of business was 23-BZA-14 PRETTY LAKE GOLF CLUB - A request for a Variance of Developmental Standard to allow the replacement of a 38 sq ft pole sign; located at: 10191 Queen Rd., Plymouth, West Twsp., Zoned L-1. Mr. Thomas Flynn 16206 Dogwood Ln Plymouth was present to represent his request. Mr. Adley presented the findings of fact.

The applicant had their sign destroyed by a tree that had fell down on top of it and left only one remaining post. The Lake Residential district does not typically permit for the use of pole signs due to the traditionally residential portion, but due to the property being associated with the Pretty Lake Golf Course and Clubhouse, there is desire to have signage at the road for both the Club and the associated restaurant. The additional signage for the restaurant is cause the increase in height and overall square footage. The maximum area is 25 square feet, 6' tall and the proposal is for 38 square feet and 9'6" tall just below the existing road sign height.

Mr. Flynn explained that there are three independent businesses: the golf course, the pro shop, and the restaurant. They would like to replace the sign adding the restaurants logo to it. The sign will be placed in the exact same location as before. When you look at the sign it's the logo at the bottom that will be added.

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

The question was brought up if the sign would block any view of oncoming traffic. Mr. Adley said that there is an impact but it's taking up very minimal additional space. The trees are actually a bigger issue.

Mr. Kephart made a motion to approve 23-BZA-14 PRETTY LAKE GOLF CLUB - A request for a Variance of Developmental Standard to allow the replacement of a 38 sq ft pole sign; located at: 10191 Queen Rd., Plymouth, West Twsp., Zoned L-1, seconded by Mr. Kline. Motion carried with a voice vote 5-0.

The fifth item of business was 23-BZA-15 SCHMUCKER, Howard & Lisa - A request for a Variance of Developmental Standard to reduce the side yard setback from the required 15' to 1' from an existing building; located at: 20299 Hwy US 6, Walkerton, IN Polk Twsp., Zoned A-1. Mr. Howard Schmucker of 3196 Beech Rd. Bremen was present to represent his request. Mr. Adley presented the findings of fact.

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The applicant is seeking to subdivide off the house from the rest of the property adjacent to an existing communication tower parcel. The existing barn is 1' from the existing line and is proposed to be 1' from the extended line in that creates the 1 acre property. The proposed rear setback line meets the 20' requirement. The ordinance would require that the new side property line wrap around the Tower property by 14' in order to meet the 15' side yard setback requirements. It is unclear how the existing fence and barn were permitted to be created in the first place.

The applicant would rather not have to re-do the survey work and is requesting the board allow a 1' side yard setback.

During discussion on the access to the tower Mr. Adley first stated that he is not giving legal opinion, but typically an easement sits on top of the property. The owner of the property owns the ground they have somewhat of a handshake agreement for them to cross over.

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

- Anette Hesters/Tammy McNeil 71880 SR 23 Walkerton Makes no difference to them.

Mr. Hostetler moved to close, seconded by Mr. Kephart. Motion carried by acclamation.

Different option were discussed, but the fact still remains that the applicant doesn't want to re-survey the property.

Mr. Hostetler made a motion to deny 23-BZA-15 SCHMUCKER, Howard & Lisa - A request for a Variance of Developmental Standard to reduce the side yard setback from the required 15' to 1' from an existing building; located at: 20299 Hwy US 6, Walkerton, IN Polk Twsp., Zoned A-1, seconded by Mr. Bennett. Motion carried to deny with a voice vote 5-0.

2024 Proposed Board of Zoning Appeals Budget

The proposed 2024 Board of Zoning Appeals budget was presented to the board. All line items were kept the same except to increase per diem to allow for the change from \$50 per meeting to \$75 per meeting.

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

Respectfully submitted,

David Hostetler