February 11, 2025
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 7:00 p.m. on Tuesday, February 11, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Larry Houin, Don Nunemaker, and Jim Kephart. Also present was Derek Jones, Board Attorney, Lori Lowry and Teena Hunsberger Plan Commission Staff and interested parties.

Election of Officers

Mr. Bennett made a motion to nominate Jeff Gustafson as President of the Marshall County Board of Zoning Appeals, seconded by Mr. Kephart. Motion carried by acclamation.

Mr. Kephart made a motion to nominate Trent Bennett as Vice President of the Marshall County Board of Zoning Appeals, seconded by Mr. Nunemaker. Motion carried by acclamation.

Mr. Bennett made a motion to nominate Mr. Kephart as Secretary of the Marshall County Board of Zoning Appeals, seconded Mr. Nunemaker. Motion carried by acclamation.

Minutes

Mr. Bennett made a motion to approve the November 7, 2024, Special Meeting amended Minutes, seconded by Mr. Kephart. Motion carried with a voice vote 3-0-2 with Mr. Houin and Mr. Nunemaker abstaining.

Mr. Bennett made a motion to approve the December 3, 2024, Special Meeting Minutes, seconded by Mr. Kephart. Motion carried with a voice vote 3-0-2 with Mr. Houin and Mr. Nunemaker abstaining.

Mr. Bennett made a motion to approve the December 9, 2024, Special Meeting Minutes, seconded by Mr. Kephart. Motion carried with a voice vote 3-0-2 with Mr. Houin and Mr. Nunemaker abstaining.

Mr. Bennett made a motion to approve the December 10, 2024, Regular Meeting Minutes, seconded by Mr. Kephart. Motion carried with a voice vote 3-0-2 with Mr. Houin and Mr. Nunemaker abstaining.

Mr. Kephart made a motion to approve the Finding of Fact for 24-BZA-45 Tamarack Solar, seconded by Mr. Bennett. Motion carried with a voice vote 3-0-2 with Mr. Houin and Mr. Nunemaker abstaining.

Marshall County Board of Zoning Appeals
2/11/2025

Attorney Report

Mr. Jones updated the board on the litigation between Tamarack Solar and the Board of Zoning Appeals. On February 7th there was a Case Management Conference. Attorney Allen Townsend with Tamarack Solar and Attorney Jones met. Attorney, Surrisi has entered himself as an interested party on behalf of the Marshall County Commissioners. This allows him updates on what is going on with the case. This doesn't however mean that he can file anything.

Currently the venue is Marshall County. Tamarack Solar has requested a change of venue. It was originally filed in with Judge Surrisi in Circuit Court. Mrs. Surrisi has recused herself due to a conflict. Judge Sarber is now in charge of the case and that was who the attorneys met with on the 7th. Judge Sarber filed a brief to find out why they felt they needed a change of venue. Tamarack has until February 24th to answer that brief. The BZA has until March 11th to respond and Tamarack has until March 18th for a rebuttal. The case is still in Judge Sarber's court. That may change or it may not change depending on how he rules. This will not be a fast process and very likely to not be over before the end of the year.

There has been an extension filed for official records to be submitted to the courts which is April 7th. The meetings are currently being transcribed. In addition to the transcript copies of the application and handouts provided at the meetings will also have to be submitted as they are part of record.

Attorney Jones explained to the board that he has talked to the county attorney and Marshall County Commissioners have expressed that they will be supporting this board through this litigation. Mr. Bennett moved Mr. Surrisi be allowed to enter appearance for BZA for the Tamarack Case. Mr. Kephart second the motion. Motion passed 5-0. Mr. Jones also told the board that he found an attorney Mr. Robert Eherenman with Haller Colvin out of Fort Wayne, Indiana that specializes in BZA litigation. Mr. Eherenman has a team, resources and time to assist, and the commissioners are willing to support this fee. Mr. Kephart moved to hire Mr. Eherenman as an attorney to work on the Tamarack Case. Mr. Houin seconded the motion. Motion passed 5-0.

The first item of business was **25-BZA-01 BORKHOLDER, Bryan & Leann** - A request for a Variance of Developmental Standard to allow a 43'x560' broiler barn that doesn't meet the 1,320' residential setback; located at: 106 Beech Rd. Nappanee, IN German Twsp., Zoned A-1. Mr. Bryan Borkholder of 106 Beech Rd. Nappanee was present to represent his request. Ms. Melissa Layman with Agronics Solutions, 336 E Lake St., Topeka, IN was present to support Mr. Borkholder. Mrs. Lowry presented the findings of fact.

The applicant is the property owner of an existing farm with a Confined Feeding Operation. The owner has proposed building a new 43' x 560' broiler barn near their existing broiler of same use and structural dimensions. All neighboring properties are zoned agricultural. The new broiler barn, as proposed, would be located 80' away from the existing CFO. The variance to build less than 1,320 feet from neighboring residences is relevant to properties north, south, and west. A site map with proposed footprint of the new building shows

distances of 1000' and 813' to residences north. Distances south and west of the existing barn indicate approximately 1064' to south residences and less than 900' to residences west.

Recommendation:
Based on the information provided and reviewed, the Planning Commission would recommend conforming to the 1320' setback requirement. The Board of Zoning Appeals may otherwise set conditions such as 6'-8' shelter screening and land use controls for expanding the CFO.

Ms. Layman presented to the board the plan for Miller Poultry to grow the need for poultry barns in the area. Miller Poultry are adding to farms that already have chicken farms since Mr. Borkholder already follows the IDEM rules. They also contact all neighbors and have them sign letters approving expansion. Discussion regarding the business aspects were covered. Mr. Bennett moved to open public hearing. Mr. Kephart seconded the motion. Motion passed. No one attended the meeting to approve or speak against.

Correspondence of a form letter was read from neighbors stating they have no issues against Mr. Borkholder's additional chicken barn:

John & Cora Helmuth 276 Beech Rd., Nappanee, IN
Dennis & Joan Miller, 71 Beech Rd., Nappanee, IN
Edward & Kristina Hochstetler, 42 Beech Rd., Nappanee, IN
Everett & Joanna Hochstetler, 69950 Beech Rd., Nappanee, IN
Gary & Crystal Hochstetler, 69870 Beech Rd., Nappanee, IN

Mr. Bennet moved to close public hearing. Mr. Houin seconded the motion. Motion carried.

Mr. Bennett moved to approve <u>25-BZA-01 BORKHOLDER, Bryan & Leann</u> - A request for a Variance of Developmental Standard to allow a 43'x560' broiler barn that doesn't meet the 1,320' residential setback; located at: 106 Beech Rd. Nappanee, IN German Twsp., Zoned A- 1, seconded by Mr. Kephart. Motion carried 5-0.

The second item of business was **<u>25-BZA-02 KUHNS, DeWayne & Ruth Ann</u>** - A request for a Variance of Developmental Standard to allow a CFO Broiler barn that doesn't meet the residential setbacks; located at: 2240 3B Rd., Bremen, IN German Twsp., Zoned A-1. Mr. DeWayne Kuhns of 2240 3B Rd. was present to represent his request. Ms. Melissa Layman with Agronics Solutions, 336 E Lake St., Topeka, IN was present to support Mr. Kuhns. Mrs. Lowry presented the findings of fact.

The property is zoned agricultural (A-1), with undeveloped properties northwest zoned residential by jurisdiction of the Town of Bremen. Under a variance, the applicant would build a Confined Feeding Operation similar to an existing broiler barn. The proposed CFO would be located within distance to neighboring houses east, south, and southeast. Distance west is measured at 1,126 feet, or 194 feet less than the recommended setback. Houses south and southeast are located approximately forty to sixty feet closer than recommended by Zoning Ordinance.

Recommendation:

Based on the information provided and reviewed, the Plan Director would recommend the 1320' setback requirement be enforced or mitigated with land use controls. A variance for the setback standard might be granted with use of shelter belts and odor controls. Shelter belts must be a minimum height of 6-8' before the second CFO can be constructed.

Ms. Layman presented the case for Mr. Kuhns with additional details. They have signed form letters from all neighbors except the neighbor to the west. Mr. Bennette moved to open public hearing. Mr. Kephart seconded the motion. Motion passed.

Form letters from the surrounding neighbors giving approval were read.
Ivan & Norma Kuhns, 2262 3B Rd., Bremen, IN
Luke & Marietta Miller, 1948 3B Rd., Bremen, IN
John & Ester Schwartz, 2257 3B Rd., Bremen, IN
Leon & Wanita Hochstetler, 2009 3B Rd., Bremen IN
Shawn & Dawn Campbell, 1987 3B Rd., Bremen, IN
Those speaking for approval were:
Ivan Kuhns, 2262 3B Rd., Bremen, IN
Leon Hochstetler, 2009 3B Rd., Bremen, IN
Mike Schwartz, 1790 3B Rd., Bremen, IN
Those speaking against the chicken farm.
Jason Nunemaker, 2450 3B Rd., Bremen, IN
Keith Fraine, Director of Operations Town of Bremen Manager
Anthony Wagner, Attorney for the Town of Bremen, Bremen, IN
Mr. Bennett moved to close the public hearing. Mr. Nunemaker second the motion. Motion carried.

Mr. Kephart moved to deny Mr. Kuhns variance. Mr. Nunemaker seconded. Motion carried. Motion to deny was 2-3. Motion failed.

Mr. Bennett moved approved 25-BZA-02 KUHNS, DeWayne & Ruth Ann - A request for a Variance of Developmental Standard to allow a CFO Broiler barn that doesn't meet the residential setbacks; located at: 2240 3B Rd., Bremen, IN German Twsp., Zoned A-1, seconded by Mr. Houin. Motion carried 3-2.

The third item of business was **25-BZA-03 PITTMAN, Sally** - A request by Tony Richard, 410 N. Baltimore Street, Bremen, for a Special Use to allow a home-based business to park business equipment and vehicles on the property; located at: 3308 E. Shore Dr. Bremen, IN German Twsp., Zoned L-1. Mr. Tony Richard was present to represent his request. Mrs. Lowry presented the findings of fact.

The applicant requests a special use permit to build a 60' x 140' accessory structure at 3308 East Shore Drive in Bremen, Indiana. The property is zoned Lake Residential. The accessory structure would be used to store heavy equipment, including trucks and trailers, for a concrete business. Employee vehicles will be parked in the structure during the day. The applicant hopes to eventually convert the accessory structure into a house and conduct business at another site.

RECOMMENDATION
The Plan Director and Technical Review Committee recommend the Board of Zoning Appeals deny this request for a special use permit.

Discussion was held after the information was given and the recommendation read. This was approved a year ago and the timeline has expired. The building was never built and the equipment was not removed. Mr. Richards has been fined for violation. Mr. Richard still wants to build a building to put the equipment inside. The building will be part house and the rest will be for trucks and equipment. This property is L-1.
The Mr. Kephart moved to open public hearing. Mr. Nunemaker seconded the motion. Motion carried.

Speaking in favor of special use:
Stephanie Richard, 410 N. Baltimore St., Bremen, IN - Misunderstanding last year
Those speaking against the special use:
Richard Grounds, 3450 Lake Shore Drive, Bremen, IN
Micheal Graff, 3465 Lake Shore Drive, Bremen, IN
Letter read against the case:
Julie Reese, 8558 Addison St., Bremen, IN
Janelle Reese, 3549 Addison St., Bremen, IN
Conrad Hershberger, 8517 Addison St., Bremen, IN

Mr. Kephart moved to close the public hearing. Mr. Bennett seconded the motion. Motion passed.

Mr. Bennett made a motion for denial 25-BZA-03 PITTMAN, Sally - A request by Tony Richard, 410 N. Baltimore Street, Bremen, for a Special Use to allow a home-based business to park business equipment and vehicles on the property; located at: 3308 E. Shore Dr. Bremen, IN German Twsp., Zoned L-1 and waive the fees for violation to date and allow 60 days for Mr. Richard to move equipment and clean up lot before implementing fines. Mr. Nunemaker seconded the motion. Motion passed 5-0.

The fourth item of business was **25-BZA-04 POISEL, Dale & Paula** - A request for a Special Use to allow a second residence on the parcel to care for parents as they age; located at: 2181 17B Rd. Tippecanoe, IN Tippecanoe Twsp., Zoned A-1. Mr. Dale Poisel of 2181 17B Rd. Tippecanoe was present to represent his request. Mrs. Lowry presented the findings of fact.

This property is zoned agricultural and includes a total of nine acres. The County Zoning Ordinance requires a minimum of ten acres for a second residence to be permitted in an A-1 zone. The proposed special use permit conforms to development standards and nearly meet spatial requirements. The impact of development on the property and local district will be reduced by renovation of the existing buildings, similar to cluster housing. Houses will share driveway space, road access, sewer and water services.

RECOMMENDATION

The recommendation of the Plan Director and Technical Review Committee is to approve the special use permit. The Board of Zoning Appeals may set conditions and request the applicant submit site plans to Marshall County's Planning Department.

Discussion and suggestions were made with Mr. Poisel regarding options for this property while Mr. Poisel explained his plans. Mr. Nunemaker moved to open public hearing. Mr. Kephart seconded the motion and passed. There were no one to speak at the public hearing. Mr. Nunemaker moved to close the public hearing with Mr. Bennett seconding the motion. Motion passed.

Mr. Bennett moved to table the request for one month allowing Mr. Poisel to decide what he would like to request to the board after researching options. Mr. Houin seconded the motion. Motion carried 5-0.

The fifth item of business was **25-BZA-05 MILLER, Douglas & Dana** - A request for a Variance of Developmental Standard to allow an expansion of the 1 to 3 width to depth ratio to allow a 350'x1300' parcel; located at: 3553 SR 331, Bremen, German Twsp., Zoned A-1. Mr. Douglas Miller of 3533 SR 331Bremen was present to represent his request. Mrs. Lowry presented the findings of fact.

The Development Standard for 1 to 3 maximum width to depth ratios is intended to protect agricultural land and districts from residential development. The proposed variance includes property to be split from a parent parcel that includes a farm and houses. Vacant or unfarmed properties also border the parcels. A concern for land use within the district would support boundaries for two new parcels from the parent property and suggested split, now measured +11.89 acres.

Recommendation:
The Plan Director recommends the Board of Zoning Appeals advise the applicant on a first and second parcel split such that Development Standards and Zoning Ordinance are met. An application may be submitted to Marshall County Planning Department.

Mr. Miller explained to the board the break down of the parcels on the map. Discussion was held with Mr. Miller regarding his request with the parcels. Mr. Nunemaker moved to open public hearing. Mr. Kephart seconded the motion and it passed. No one showed up for public hearing for the case and there was no correspondence. Mr. Kephart moved to close the public hearing with Mr. Houin seconding the motion. Motion passed.

Mr. Nunemaker moved to approve 25-BZA-05 MILLER, Douglas & Dana - A request for a Variance of Developmental Standard to allow an expansion of the 1 to 3 width to depth ratio to allow a 350'x1300' parcel; located at: 3553 SR 331, Bremen, German Twsp., Zoned A-1 with Mr. Houin seconding the motion. Motion carried 5-0.

The sixth item of business was **25-BZA-06 IRENE CORP** - A request for a Variance of Developmental Standard to allow the expansion of the 1 to 3 width to depth ratio to allow a 694.97'x2638.73' parcel; located on 9B Rd 50-34-06-000-012-000-001, Bourbon Twsp.,

Zoned A-1. Mr. Matt Miller was present to represent his request. Mrs. Lowry presented the findings of fact.

The Development Standard is exceeded on request to split the property into a separate parcel measuring approximately 695' w x 2638.73' d. The new parcel of land would include a separate woodland area and is zoned agricultural.

Recommendation:
The recommendation made to the Board of Zoning Appeals is for the parent property to be split into two separate parcels, each conforming to the 1:3 ratio.

Mr. Miller explained to the Board the reason for the request and purpose of the land. Mr. Bennett moved to open for public hearing. Mr. Nunemaker seconded the motion. Motion passed. Motion carried. There was no one to speak at the public hearing. Motion was made to close the public hearing by Mr. Bennett with Mr. Kephart seconding the motion. Motion passed.

Mr. Bennett moved to approve 25-BZA-06 IRENE CORP - A request for a Variance of Developmental Standard to allow the expansion of the 1 to 3 width to depth ratio to allow a 694.97'x2638.73' parcel; located on 9B Rd 50-34-06-000-012-000-001, Bourbon Twsp., Zoned A-1with Mr. Houin seconding the motion. Motion passed 5-0.

The seventh item of business was **25-BZA-07 IRENE CORP** - A request for a Variance of Developmental Standard to allow the expansion of the 1 to 3 width to depth ratio to allow a 679.16'x2648.20' parcel; located on 9B Rd 50-34-05-000-011-000-001, Bourbon Twsp., Zoned A-1. Mr. Matt Miller was present to represent his request. Mrs. Lowry presented the findings of fact.

The proposed property split does not meet the 1 to 3 width to depth standard for agricultural zones. The proposed split would require a variance for both the new parcel and parent property. The option to split the parent property along the wooded area as three separate parcels would meet the Development Standard.

Recommendation:
A recommendation is made to the Board of Zoning Appeals to enforce the 1:3 width to depth standard and allow the parent property to be split into three separate parcels.

Mr. Miller told the board the reason for the request of splitting the parcels and the 1:3 width to depth. The report stated 3 splits but the request for only 2. Discussion was held with Mr. Miller and the board. Mr. Nunemaker moved to open for public hearing. Mr. Kephart second the motion. Motion passed. There was not one at the public hearing. Mr. Bennett moved to close the public hearing. Mr. Houin seconded the motion. Motion carried.

Mr. Kephart moved to approve 25-BZA-07 IRENE CORP - A request for a Variance of Developmental Standard to allow the expansion of the 1 to 3 width to depth ratio to allow a 679.16'x2648.20' parcel; located on 9B Rd 50-34-05-000-011-000-001, Bourbon Twsp., Zoned A-1 with Mr. Houin seconding the motion. Motion carried 5-0.

The eighth item of business was **25-BZA-08 COFFEL, Caleb** - A request for a Variance of Developmental Standard to allow a reduction in residential setback from the required 1,320' to 946' for a Confined Animal Feeding Operation; located at: 3560 Grape Rd. Bremen, IN Zoned A-1. Mr. Caleb Coffel of 3560 Grape Rd. Bremen was present to represent his request. Ms. Melissa Layman with Agronics Solutions, 336 E Lake St., Topeka, IN was present to support Mr. Coffel's request. Mrs. Lowry presented the findings of fact.

The County Zoning Ordinance requires permitting by the Indiana Department of Environmental Management (IDEM). IDEM must approve the CAFO before County Departments review site plans. The applicant will need to be approved by the County for road permits, water quality, water capacity, odor controls, setbacks, and other perimeter or land use controls. The property will require careful site planning for a CAFO to be granted by variance.

Recommendation:
The recommendation of the Plan Director to County Commissioners is to confirm IDEM permits, including NPDES for water pollution, and to review neighbor comments before imposing conditions for a variance. Conditions noted on County agreements should include Health Department regulations and annual water quality testing. Additionally, plans for shelter belts for neighboring properties to be shielded by a minimum two rows of trees or hedges, of minimum 6 to 8 foot height, must be approved by site visit or inspection before any new construction.

Mr. Coffel explained to the board that he was back in front of the board after tabling last year with more information on his behalf for the request. Mr. Coffel asked Ms. Layman to assist him with answers the board asked regarding set backs. Mr. Coffel stated he will be putting in a shelter belt on the property. Ms. Layman explained if they put the barns on another parcel, it would mean extra permits, double records and is in the 2 mile zone for Bremen. Mr. Gustafson asked if Mr. Coffel would be willing to move the retention pond. Mr. Coffel said he would move it and move building over. Discussion was held regarding how much they would gain in feet from neighbors.

Mr. Bennett moved to open the meeting for public hearing. Mr. Kephart seconded the motion and it passed. No one appeared to speak for approval for Mr. Coffel's request.

Those against the variance:

Joseph Stoller, 3708 Grape Rd., Bremen, IN
Jerome DeSchepper, 6157 4th Rd., Bremen, IN
Keith Fraine, Director of Operations Town of Bremen Manager
Anthony Wagner, Bremen Attorney

Mr. Wagner discussed the ordinance and the finding of facts for the rules allowed in Marshall County. Mr. Wagner researched the CAFO's in the State of Indiana. Mr. Wagner is concerned about the closeness of the barns to the City Two Mile Zone. Mr. Wagner gave details of how close the farms are to each town. Mr. Wagner feels the right standards or enough standards are not being used by the BZA Board. Mr. Jones, attorney for the board, replied that the board needs to use the finding of facts in their motions but the process so far is in line with ordinance.

Letters sent to the Board in favor of Mr. Coffel's request:
Mike Leeper, 3359 Grape Rd., Bremen, IN
Barb Berg, 3358 Grape Rd., Bremen, IN
Letters sent against the request:
Marcia Roeder, 3891 Fir Rd., Bremen, IN
Alan & Breea Nunemaker, 5940 3rd Rd., Bremen, IN

Mr. Kephart moved to close the public meeting. Mr. Nunemaker seconded the motion. Motion carried.

Ms. Layman explained the list of developmental standards that were turned in at a previous meeting to Mr. Adley. It does have the information asked previously. Mr. Coffel read the Indiana State rulings for a home vs business for the property objecting to the barns. Mr. Coffel also read the minutes from the first meeting. Mr. Stoller stated that the building on the property to the west was not a home but an office. All properties by Mr. Coffel are A-1 and he is doing agriculture on this land. Mr. Coffel presented answers to the questions the board asked at the last meeting. Mr. Coffel does not have any other land to put the barns.

Mr. Bennett moved to deny 25-BZA-08 COFFEL, Caleb - A request for a Variance of Developmental Standard to allow a reduction in residential setback from the required 1,320' to 946' for a Confined Animal Feeding Operation; located at: 3560 Grape Rd. Bremen, IN Zoned A-1 with Mr. Nunemaker seconding the motion to deny. Motion to deny was approved 5-0.

The nineth item of business was **25-BZA-09 HENSLEY, Cale** - A request for a Variance of Developmental Standard to reduce the side yard/rear yard setback from the required 5' on side yard to 3' and 15' on rear yard to 3' in order to build a 20'x20' garage; located at: 103 Walnut St. Lapaz, North Twsp., Zoned T-1. Mr. Cale Hensley of 103 Walnut St. was present to represent his request. Mrs. Lowry presented the findings of fact.

The property is one of three properties located within a residential block area of Walnut Street in La Paz, Indiana. The Town Residential district is bordered by a General Commercial (C-1) area beginning one block east. The neighborhood is accessed by arterial roads that allow parking and access to rear alleyways. The proposed garage would be constructed with limited space for a narrow alley or lane. Proposed setbacks of 3 feet present risk of congestion for neighboring properties and roads. A general lack of space for vehicles to negotiate entry or exit to properties may be more problematic in winter or at times property owners expect added use of premises.

Recommendation:
The recommendation of the Technical Review Committee and Plan Director is for the Board of Zoning Appeals to deny the variance. Alternative plans to build the garage with proper setbacks on same property or property adjacent may be discussed with Marshall County's Planning Department.

Mr. Hensley explained to the Board why he was asking for the variance and the layout of the areas. Mr. Hensley wanted to place the building there because of a concrete pad already present. To combine the lots, it would cost Mr. Hensley $1,800 to $3,000.

Mr. Bennett moved to open the meeting for public hearing with a second by Mr. Kephart. Motion passed. Chad Hensley, 5416 Rose Rd., Plymouth. Mr. Hensley explained the properties in the area. Mr. Hensley asked the board to please help Cale. Mr. Kephart moved to close the public meeting. Mr. Houin seconded the motion and motion carried.

Mr. Bennett made a motion to approve 25-BZA-09 HENSLEY, Cale - A request for a Variance of Developmental Standard to reduce the side yard/rear yard setback from the required 5' on side yard to 5' and 15' on rear yard to 3' in order to build a 20'x20' garage; located at: 103 Walnut St. Lapaz, North Twsp., Zoned T-1, seconded by Mr. Kephart. Motion passed 5-0.

The tenth item of business was **25-BZA-10 GRACE OUTREACH FELLOWSHIP INC** - A request for a Variance of Developmental Standard to allow a 40'x48' pavilion as a secondary before a primary; located at: 18B Rd. (50-24-19-000-039-000-012), Tippecanoe Twsp. Zoned T-1. Larry Kreft, 18559 State Road 331, Tippecanoe, IN was present to represent his request. Mrs. Lowry presented the findings of fact.

The property is zoned Town Residential and is located on 18B Road, one block east of SR 331. The property is one block east of a commercial area extending north on the state road. The Town Residential district includes single family housing and churches as places of worship. The adjacent properties include parcels zoned for T-1 residential use. Whereas Grace Outreach Fellowship has requested a variance for the proposed 40' x 48' pavilion, the proposed location interrupts a section of drain tile. A drainage plan will be needed to approve a variance.

Recommendation:
The recommendation of the Technical Review Committee and Plan Director is for the Board of Zoning Appeals to deny a variance without modified drainage plan. A variance made on conditions of drainage plans and perimeter fencing will protect neighboring properties and future use of the site. Plans may be submitted to the Marshall County Plan Director.

Discussion was held regarding the plans for the property by Larry Kreft with the board. They planned on putting up a fence to protect the children that will be using the property. Mr. Kephart moved to open for public hearing. Mr. Houin seconded the motion. Motion carried. There was no one present at the meeting to approve or against and no correspondence. Mr. Kephart moved to close the public hearing with Mr. Nunemaker seconding the motion. Motion carried.

Mr. Houin moved to approve 25-BZA-10 GRACE OUTREACH FELLOWSHIP INC - A request for a Variance of Developmental Standard to allow a 40'x48' pavilion as a secondary before a primary; located at: 18B Rd. (50-24-19-000-039-000-012), Tippecanoe Twsp. Zoned T-1, seconded by Mr. Nunemaker. Motion passed 5-0.

With no further business to come before the board, Mr. Nunemaker moved to adjourn the

meeting with a second by Mr. Kephart. Motion carried.

Respectfully submitted,

Secretary

March 11, 2025
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 7:00 p.m. on Tuesday, March 11, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Larry Houin, and Don Nunemaker. Also present was Lori Lowry and Teena Hunsberger Plan Commission Staff and interested parties. Board member Jim Kephart was absent.

Mr. Bennett made a motion to approve February 11, 2025, minutes, seconded by Mr. Nunemaker. Motion carried by acclamation.

Mr. Bennett made a motion to approve the Findings of Fact from the February 11, 2025 meeting, seconded by Mr. Nunemaker. Motion carried by acclamation.

The first item of business was 25-BZA-04 POISEL, Dale & Paula – A tabled request for a Special Use to allow a second residence on the parcel to care parents as they age; located at: 2181 17B Rd. Tippecanoe, IN Tippecanoe Twsp., Zoned A-1.

The applicant wishes to have his request withdrawn.

The second item of business was 25-BZA-11 KING, Stephen & Jane - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 50' to 30' from the ROW to add on to the existing barn; located at: 18749 W. 2A Rd. Walkerton, IN Polk Twsp., Zoned A-1. Mrs. Jane King of 18749 W. 2 A Rd. Walkerton was present to represent their request. Mrs. Lowry presented the findings of fact.

The applicant seeks a variance from the district's front yard setback standard of 50 feet when adjacent to a local road down to 30 feet, in order to construct a 20 feet by 25 feet addition to an existing barn.

The proposed barn addition would be no closer to the road than the existing barn. So long as the addition meets septic standards, it does not appear to pose any issues for the surrounding properties.

Recommendation
Based upon the information provided and review by the Technical Review Committee, staff and the TRC would recommend approval of the application with the condition that the Health Department approve the septic.

Due to the location of their property and very little traffic they don't see the addition would have a negative impact on surrounding properties.

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

- Carey Hahn 2132 N. Sage Rd. Walkerton Agrees with the setbacks for them to add on to their barn. It's a yes vote for them.

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

Mr. Bennet made a motion to approve 25-BZA-11 KING, Stephen & Jane - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 50' to 30' from the ROW to add on to the existing barn; located at: 18749 W. 2A Rd. Walkerton, IN Polk Twsp., Zoned A-1 based upon the findings of fact, seconded by Mr. Nunemaker. Motion carried with a voice vote 4-0.

The third item of business was 25-BZA-12 CARMEN FARMS LLC - A request for a Variance of Use to allow multiple storage units; located at: 12939 4A Rd. Plymouth, IN North Twsp., Zoned A-1.

The applicant was not present for the request. Mr. Bennett made a motion to table the request until the end of the meeting, seconded by Mr. Houin. Motion carried by acclamation.

The fourth item of business was 25-BZA-13 RAMER, Laroy - A request for a Variance of Developmental Standard from Silvanus Ramer for a reduction in front yard setback from the required 75' from the ROW to 75' from the center of the road; located at: 8969 20B Rd. Argos, IN Walnut Twsp., Zoned A-1. Mr. Sylvanus Ramer, contractor, was present to represent the request. Mrs. Lowry presented the findings of fact.

The applicant seeks a variance from the district's front yard setback standard of 75 feet when adjacent to an arterial road down to 75 feet from the center of the road, in order to construct a 60 feet by 80 feet pole barn.

The TRC recommended denial of the application finding no hardship. As is noted below, the staff does find practical difficulties in the use of the uniquely shaped property and believes that the minor setback variance is warranted.

Recommendation:
Based upon the information provided and review by staff, the staff would recommend approval of the application.

Mr. Ramer stated in relation to the drive the edge of the building will be 25' from that driveway. Their reason for the location is that they have an existing driveway they don't want to alter and the ground drops off as well.

There are currently two entrances to the property one on 20B and one off of old Michigan Rd. The building will have doors one on the west and the other on the south side of the proposed building. When asked if they play to have any additional entrances off the road Mr. Ramer stated that he plans to have an entrance coming directly out of the building doorway onto the road.

The use of the building will be for storage, with his welding he plans to put it on pallets and ships it away and buys power tools and re-sells. This all was done in another building on the property he plans to move it all into the new structure. There will be a variance hearing in April for the business.

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

1. Dale Blanch 17585 Michigan Rd. Questioned whether the setback reduction request was for 20B Rd or Michigan Rd.

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

Mr. Houin made a motion to approve 25-BZA-13 RAMER, Laroy - A request for a Variance of Developmental Standard from Silvanus Ramer for a reduction in front yard setback from the required 75' from the ROW to 75' from the center of the road; located at: 8969 20B Rd. Argos, IN Walnut Twsp., Zoned A-1, based upon the findings of fact, seconded Mr. Nunemaker. Motion carried with a voice vote 4-0.

The fifth item of business was 25-BZA-14 BORKHOLDER, Gene & Brenda - A request for a Variance of Developmental Standard to allow a reduction in required setback of 1,320' from residences for a 65'x520' pullet barn; located at: 438 6th Rd. Bourbon, IN German Twsp., Zoned A-1. Mr. Gene Borkholder of 438 6th Rd. Bourbon and Melisaa Layman, Agronomix Solutions 336 E. Lake St. Topeka IN was present to represent their request. Mrs. Lowry presented the findings of fact.

The applicant seeks a variance from the required setback of 1,320 feet from residences for concentrated animal feeding operations for the construction of a 65 feet by 520 feet pullet barn.

The applicant has operated an existing duck production facility at the location for multiple years. The proposed increase in bird numbers would trigger IDEM regulation and the 1,320 feet setback requirement. The proposal includes conversion from liquid to dry manure handling with the manure storage barns being covered to reduce odor. This is a rural area with other confinement barns in close proximity. The TRC recommended approval of the application so long as it complied with the terms of the property's 2015 drainage plan.

Recommendation:
Based upon the information provided and review by the TRC and staff, the staff would recommend approval of the application subject to compliance with the property's 2015 drainage plan.

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The applicant is proposing to renovate the existing two barns and turn it into an aviary style cage free pullet system for Dutch Country. The existing liquid manure area will be converted into a solid manure storage. In addition to the existing two barns they plan on adding a third barn. With the aviary system each barn can hold 45,000 pullets. For Dutch Country the new standard since the bird flue has a setback of 200' between barns which is why the proposed new barn is set further away. The proposed side yard setback is 115' which is greater than the 100' IDEM requires.

The pullet barns have their main ventilation vans on the back side of the barns. The chicks come in at a couple days old and will leave this facility at 16 weeks when they are about 4 pounds. At that time they will be moved to a layer barn and will start laying at 18-20 week old.

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

1. Six form letters were received fully in support of the project. The six letters were from area property owners that are less than the 1,320' from residential setbacks.
    a. Caleb & Meredith Schmucker 5925 County Line Rd. Bremen
    b. Matthew & Jean Schmucker 5311 E. County Line Rd. Bremen
    c. Esther Schmucker 5292 E. County Line Rd. Bremen
    d. AMMF Trustee Delbert Helmuth 5250 E. County Line Rd. Bremen
    e. Nathan Schwartz 239 5B Rd. Bremen
    f. AMMF Trustee Michael Schwartz 241 5B Rd. Bremen

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

The applicants plans are once this application is approved they will move forward with all of IDEMS approvals. The two barns will be renovated first before the start of the third barn. Once the renovations are complete the applicant will move forward with drainage plan and rule 5 plan updated. He will operate under the 2015 through the remodeling. Before he will be allowed to build he will have to update his drainage plan. The applicant was reminded that he will need to start this project before the one year expiration.

Mr. Nunemaker made a motion to approve 25-BZA-14 BORKHOLDER, Gene & Brenda - A request for a Variance of Developmental Standard to allow a reduction in required setback of 1,320' from residences for a 65'x520' pullet barn; located at: 438 6th Rd. Bourbon, IN German Twsp., Zoned A-1, based upon the findings of fact, seconded by Mr. Houin. Motion carried with a voice vote 4-0.

The sixth item of business was 25-BZA-15 RAMER, Laroy - A request for a Special Use to allow a home-based business of re-selling product; located at: 8969 20B Rd. Argos, IN Walnut Twsp., Zoned A-1.

This item was tabled to the April 8, 2025 meeting.

The seventh item of business was 25-BZA-16 LABA, Joseph & Rachael - A request for a Variance of Use to allow a second residence on their parcel; located at: 20850 SR 8, Culver IN

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West Twsp., Zoned A-1. Mr. Joe Laba of 20850 SR 8, Culver, IN was present to represent his request. Mrs. Lowry presented the findings of fact.

The applicants seek a use variance to allow a second residence on their property.

The original home on applicants' property was constructed in 1967. That home was later converted to a garage for an expanded home. Now, the applicants propose to remodel the garage into a second residential unit on their property. The current structures, serving as one residence, are served by existing septic connections. However, as the Health Department advised at the TRC meeting, a second septic system would be required to be constructed to accommodate a second residence. Based upon the complications such an endeavor would likely present, the TRC recommended denial of the application.

Recommendation:
Based upon the information provided and review by the TRC and staff, the staff would recommend denial of the application.

Mr. Laba read a letter stating he would like to rehab the once house turned to garage back to a residence for an income-producing home. The house already has a separate septic and driveway.

The president explained to the applicant that the only exceptions to a second residence on a property in Marshall County is for a temporary structure to care for family.

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

1. John Broeker 18760 12B Rd. Lives in the area and believes since its existing his property and he pays taxes he should have the right to do it.
2. Brian & Beth Craft 20700 SR 8 Sent a letter with septic concerns and decreased property values.

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

Mr. Houin made a motion for denial on case <u>25-BZA-16 LABA, Joseph & Rachael -</u> A request for a Variance of Use to allow a second residence on their parcel; located at: 20850 SR 8, Culver IN West Twsp., Zoned A-1, based upon the findings of fact, seconded by Mr. Nunemaker. Motion carried to deny by vote 4-0.

The applicant asked how to split the property. The board briefly explained the process and recommended the applicant reach out to the plan commission staff for guidance.

The applicant didn't show for case <u>25-BZA-12 CARMEN FARMS LLC -</u> A request for a Variance of Use to allow multiple storage units; located at: 12939 4A Rd. Plymouth, IN North Twsp., Zoned A-1.

Mr. Bennett made a motion to table the request to the April 8th meeting, seconded by Mr. Houin. Motion carried by acclamation.

With no further business to come before the board, Mr. Bennett moved to adjourn the meeting with a second by Mr. Houin. Motion carried.

Respectfully submitted,

Secretary

April 8, 2025
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 7:00 p.m. on Tuesday, April 8, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Larry Houin, Jim Kephart and Don Nunemaker. Also present was Lori Lowry and Teena Hunsberger Plan Commission Staff and interested parties.

Mr. Bennett made a motion to approve March 11, 2025, amended minutes, seconded by Mr. Houin. Motion carried by acclamation.

Mr. Bennett made a motion to approve the Findings of Fact from the March 11, 2025 meeting, seconded by Mr. Nunemaker. Motion carried by acclamation.

The first item of business was 25-BZA-12 CARMEN FARMS LLC - A request for a Variance of Use to allow multiple storage units; located at: 12939 4A Rd. Plymouth, IN North Twsp., Zoned A-1. Mr. Dan Falk of 3625 Michigan Rd. Plymouth was present to represent his request. Mrs. Lowry presented the findings of fact.

The applicant proposes constructing a 14 building storage facility at the site. The first phase of the project would include 5 buildings (1 at 50 feet by 150 feet, 1 at 50 feet by 50 feet, and 2 at 75 feet by 200 feet). The 54.91-acre property is composed of multiple parcels. The parcels have been combined for tax purposes. In the future, they may need to be legally combined to prevent construction of structures across parcel lines. The first phase of the project consisting of 5 buildings would all be confined to one parcel. The TRC recommended approval of the application.

Recommendation
Based upon the information provided and review by the TRC and staff, the staff would recommend approval of the application.

Mr. Bennett moved to open for public hearing. Mr. Kephart seconded the motion. Motion carried. No one was at meeting to speak in favor for the variance. Those speaking against included Dana Kinny 4922 Michigan Road, Plymouth. Mr. Kinney was concerned about the runoff from this property with the construction. BZA Board assured Mr. Kinney that Mr. Falk will have to present a drainage plan before building. Bill Norris 4640 Maple Rd., Plymouth asked where the driveway will be located. Learning it is off Michigan Road, Mr. Norris is okay with the variance. David Kinney 5031 North Michigan Road, Plymouth has been trying to rectify errors with the property line between Mr. Falk and himself regarding the TriWay screen located on the property.

The BZA Board said this is a legal matter and not for this Board. Mr. Kephart moved to close the public meeting. Mr. Houin seconded the motion. Motion carried.

Mr. Houin moved to table the case until next month when Mr. Falk can present the Board with a better detailed site plan, elevation plan, and drainage plan. Mr. Nunemaker seconded the motion. Motion to table was passed.

The second item of business was 25-BZA-15 RAMER, Laroy - A tabled request for a Special Use to allow a home-workshop of 4,800 sq ft for buying, storing and re-selling of products; located at: 8969 20B Rd. Argos, IN Walnut Twsp., Zoned A-1. Mr. Silvanus Ramer of 19636 Michigan Rd. Argos was present to represent his request. Mrs. Lowry presented the findings of fact.

Under the Marshall County Zoning Ordinance, a Home Workshop is an accessory use to a residential property carried out for gain by one or more residents of the property, which is clearly incidental and secondary to the use of the property for residential purposes. Home Workshop uses may include light fabricating, light manufacturing or processing activities, or related storage facilities. The applicant's original application was for a Home Based Business, which does not allow for on-site visitation of customers on on-site sales. Home Workshops do allow for on-site sales. The applicant seeks a Home Workshop of 4,800 sq. ft., which is in excess of the standard's limitation of 4,000 sq. ft. Additionally, the standards provide that outside storage of goods and equipment, and employees not residing on the property are subject to the conditions and approval of the Board. The applicant must show that sufficient off-street parking is available to prevent customers from parking in County rights-of-way

Recommendation
Based upon the information provided, the staff would recommend approval of the application subject to reasonable conditions for outside storage and number of employees not residing on the property. The proposed building has already received a setback variance from the Board. The proposed use as a Home Workshop business is not out of character with the surrounding property uses along the Michigan Road corridor (for example the Allied Waste business not too far to the south). The requested increase in size of the structure is modest. Additionally, there appears to be adequate space for off-street parking of customers and any permitted employees.

Mr. Silvanus Ramer, contractor located 19636 Michigan Rd., spoke on behalf for the property owner. Board asked questions regarding the business hours, days open, signs to locate the business, and number of employees. Mr. Silvanus Ramer explained the business. Mr. Silvanus Ramer thought Mr. Laroy Ramer would be open 8:30-5, no Saturdays or Sundays, and did not know about sign and regulations. Mr. Silvanus did not know about the CDR. Mr. Nunemaker moved to open for public hearing Mr. Kephart seconded the motion. Motion passed. No one attended the meeting in favor or against this variance. Mr. Nunemaker moved to close the public part of the meeting with Mr. Kephart seconding the motion. Motion carried.

Mr. Bennett made a motion to approve 25-BZA-15 RAMER, Laroy - A tabled request for a Special Use to allow a home-workshop of 4,800 sq ft for buying, storing and re-selling

of products; located at: 8969 20B Rd. Argos, IN Walnut Twsp., Zoned A-1 with the following stipulations:

- **Commercial design release**
- **Sign limitations approved by staff**
- **Hours of operation 8:30 a.m – 5:00pm Monday through Friday.**

seconded by Mr. Kephart. Motion passed with a voice vote of 5-0.

The third item of business was 25-BZA-17 ROEDER, Marcia - A request for a Variance of Developmental Standard to allow an expansion of the 1 to 3 width to depth ratio of 231.36'x722.92+ split off the farm to be combined with the adjacent parcel that will give him a lane for access to his house; located at: 5223 4th Rd. Bremen, IN German Twsp., Zoned A-1 (50-43-10-000-005-000-005). Ms. Marcia Roeder of 3891 Fir Rd. Bremen was present to represent her request. Mrs. Lowry presented the findings of fact.

Granting the variance will provide the landlocked home with fee simple ownership of a means of ingress and egress.

Recommendation:
Based upon the information provided and review by the TRC and staff, the staff would recommend approval of the application.

Mr. Bennett moved to open for a public hearing. Mr. Kephart seconded the motion. Motion carried. There was no one at the meeting to speak in favor or against this case and no correspondence. Mr. Bennett moved to close the public portion of the meeting. Mr. Kephart seconded the motion. Motion carried.

Mr. Houin made a motion to approve 25-BZA-17 ROEDER, Marcia - A request for a Variance of Developmental Standard to allow an expansion of the 1 to 3 width to depth ratio of 231.36'x722.92+ split off the farm to be combined with the adjacent parcel that will give him a lane for access to his house; located at: 5223 4th Rd. Bremen, IN German Twsp., Zoned A-1 (50-43-10-000-005-000-005) based upon the Findings of Fact. Mr. Kephart seconded the motion. Motion carried with a voice vote 5-0.

The fourth item of business was 25-BZA-18 LEEPER, Michael - A request by Caleb Coffel for a Variance of Developmental Standard to allow a reduction in residential setback from the required 1,320' to 500' for 2 chicken barns; located at: 3359 Grape Rd., Bremen, IN German Twsp., Zoned A-1.(50-43-04-000-010-000-005). Mr. Caleb Coffel of 3560 Grape Rd. Bremen was present to represent his request. Mrs. Lowry presented the findings of fact.

The County Zoning Ordinance requires permitting by the Indiana Department of Environmental Management (IDEM). IDEM must approve the CFO/CAFO before County Departments review site plans. The applicant will need to be approved by the County for road permits, water quality, water capacity, odor controls, setbacks, and other perimeter or land use controls. The property will require careful site planning for a CFO/CAFO to be granted by variance. The Marshall County Zoning Ordinance requires a minimum setback for CFO's and CAFO's of 1320 feet. It is unclear from the application submitted whether the proposed use

would constitute a CFO or a CAFO, as the number of chickens is not specified. The applicant made an earlier request to this board for a Variance of Developmental Standards in February of 2025, for the 3560 Grape Rd. address which was denied. This application is for a different and separate parcel of real property.

Recommendation:
The recommendation is to approve this application, subject to the following conditions: - Approval and consent from neighboring properties and residences owned by Michael Leeper (3359 Grape Rd., Bremen) and Barbara/Melinda/Audra Berg (3358 Grape Rd., Bremen), which are within the prohibited setback area. - Confirmation of all required IDEM permits, including any NPDES required concerning water pollution (and any other required permits) before issuance of a building permit. - Strict compliance with any and all developmental requirements as set forth in the Marshall County Zoning Ordinance, specifically Article 6, Section 030. - Strict compliance with any and all other requirements of other departments of Marshall County concerning CFO's/CAFO's.

Mr. Kephart moved to open for the public hearing. Mr. Houin seconded the motion. Motion carried. Those in appearance against the variance included Joseph Stoller 3708 Grape Rd. Mr. Stoller presented his case against the chicken barns and claims they are not set back 1320 from his property. Mr. Stoller gave permission for someone to get on his property to get an accurate measurement. Mr. Stoller gave various concerns including smell, flies, manure, property values, and a lot of trucks on the road. Mr. Stoller feels there needs to be more information and a planning director to look over the process. Other speakers against were Michael Leman, President of Bremen Town Council, 337 Parke View Lane, Bremen with Anthony Wagner, Attorney for the Town of Bremen, 5413 3rd Rd., Bremen. Mr. Wagner spoke about the distance from the proposed chicken farms and the proposed subdivision the Town of Bremen will be putting in on the south side of Bremen. Mr. Wagner feels this will make it difficult for future homes and will impact the values of homes close by. Mr. Leman spoke on behalf of neighbors he has heard complaints from in the area. Discussion was held about Bremen's Comprehensive Plan.

Correspondence of letters received in favor for the new facilities:
- Coffel Family Farms 3560 Grape Rd., Bremen
- Michael Leeper 3359 Grape Rd., Bremen
- Barbara Berg 3358 Grape Rd., Bremen
- Caleb Coffel 3560 Grape Rd., Bremen

Correspondence received against the new chicken barns:
- Marcia Roeder
- Local Neighborhood
- Alan & Breea Nunemaker – meet set standard set backs

Mr. Nunemaker moved to close the public meeting. Mr. Houin seconded the motion. Motion carried. The Board asked Mr. Coffel to make driveway wide enough for the trucks and Mr. Coffel said that the driveways will be directly across from each other to allow room for moving trucks.

Mr. Nunemaker moved to approve 25-BZA-18 LEEPER, Michael - A request by Caleb Coffel for a Variance of Developmental Standard to allow a reduction in residential setback from the required 1,320' to 500' for 2 chicken barns; located at: 3359 Grape Rd., Bremen, IN German Twsp., Zoned A-1.(50-43-04-000-010-000-005) with recommendations by the staff report. Mr. Houin seconded the motion. Motion carried with a voice vote 4-1 with Mr. Bennett voting against.

The fifth item of business was 25-BZA-19 BURCH, Blake - A request for a Variance of Developmental Standard to reduce the front yard setback from the required 60' to 36' to replace the existing barn with a 32'x48' pole barn; located at: 18511 4B Rd. Walkerton, IN Polk Twsp. Zoned A-1. Mr. Blake Burch of 18511 4B Rd Walkerton was present to represent his request. Mrs. Lowry presented the findings of fact.

The proposed barn would replace an existing barn that is in the same location (already within the current setback standards).

Recommendation:
Based upon the information provided and review by the TRC and staff, the staff would recommend approval of the application.

The Board discussed the variance with Mr. Burch. Mr. Nunemaker moved to open for public hearing. Mr. Kephart seconded the motion. Motion carried. There was no one present in favor or against the case. Mr. Nunemaker moved to close the public hearing. Mr. Kephart seconded the motion. Motion carried.

Mr. Kephart moved to approve 25-BZA-19 BURCH, Blake - A request for a Variance of Developmental Standard to reduce the front yard setback from the required 60' to 36' to replace the existing barn with a 32'x48' pole barn; located at: 18511 4B Rd. Walkerton, IN Polk Twsp. Zoned A-1 based upon the Findings of Fact. Mr. Nunemaker seconded the motion. Motion carried with a voice vote 5-0.

The sixth item of business was 25-BZA-20 RINGER, Larry & Cynthia - A request for a Variance of Developmental Standard to reduce the lakeside setback from 45' to 30' to allow a 12'x24' shed on skids; located at: 12655 Nataka Trl., Plymouth, IN Center Twsp., Zoned L-1. Larry & Cynthia Ringer of 12655 Nataka Tr Plymouth was present to represent their request. Mrs. Lowry presented the findings of fact.

The proposed storage shed on a skid should not present much risk of flooding and could be moved if necessary.

Recommendation:
Based upon the information provided and review by the TRC and staff, the staff would recommend approval of the application.

Larry and Cynthia Ringer 12655 Nataka Trial, Plymouth appeared before the Board with their case to reduce set back for a storage shed on lake frontage. Discussion was held

regarding the reason for the location of the building. Mr. Nunemaker moved to open the meeting for public hearing. Mr. Kephart seconded the motion. Motion carried.

Jeffery and Lindsey Sample 12667 Nataka Trl, Plymouth addressed the Board against the variance. The location of the building would block their view of the lake. Mr. and Mrs. Sample live there year around while the applicants live their part time. No one else was present for or against the variance. A letter from Alex and Christina Weisheit 12561 Nataka Trl, Plymouth was read against the case. Mr. Nunemaker moved to close the public meeting and Mr. Kephart seconded the motion. Motion carried.

Discussion was held regarding other options. Mr. Kephart stated this was a self-imposed request.

Mr. Nunemaker made a motion to table the case until next month for the applicants to look at better options and do some investigating. Mr. Houin seconded the motion. Motion carried to table.

The seventh item of business was 25-BZA-21 POTTER, Lisa - A request for a Variance of Developmental Standard to reduce the front yard setback from the required 30' from ROW to 10' from ROW to build a detached garage; located at: 12th Rd. (50-31-13-000-042-001-017) West Twsp., Zoned L-1. Ms. Lisa Potter of 12045 Peach Rd. Plymouth was present to represent her request. Mrs. Lowry presented the findings of fact.

The proposed garage is not out of character with other structures in the area.

Recommendation:
Based upon the information provided and review by the TRC and staff, the staff would recommend approval of the application.

Ms. Lisa Potter 12024 Peach Rd., Plymouth was present for the meeting. Discussion was held with the board regarding the reason for the variance. Mr. Nunemaker moved to open for public hearing. Mr. Kephart seconded the motion. Motion carried. Ron Harris 12080 Peach Rd., Plymouth spoke at the meeting in support for Ms. Potter's variance and told how many garages are already that way. Karen LaKuda 11990 Pear Rd., Plymouth has no options and Ms. Potter will be inline with other garages. John Kuhn 15471 12th Rd., Plymouth. Mr. Kuhn's lot is next to Ms. Potter and he has no problem with the garage. No one was present to oppose the request. Mr. Kephart moved to close the public meeting. Mr. Nunemaker seconded the motion. Motion carried.

Mr. Kephart moved to approve the variance 25-BZA-21 POTTER, Lisa - A request for a Variance of Developmental Standard to reduce the front yard setback from the required 30' from ROW to 10' from ROW to build a detached garage; located at: 12th Rd. (50-31-13-000-042-001-017) West Twsp., Zoned L-1 based on the finding of facts one, two, and three. Mr. Nunemaker seconded the motion. Motion carried with a voice vote 5-0.

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The eight item of business was 25-BZA-22 SLABAUGH, Marlin - A request by Leon Hochstetler for a Variance of Developmental Standard to allow a reduction in residential setback of 1,320' for a 60'x540' pullet barn; located at: 4th Rd. 50-44-09-000-024-001-005, German Twsp., Zoned A-1. Mr. Leon Hochstetler of 2009 2 B Rd. Nappanee was present to represent his request. Mrs. Lowry presented the findings of fact.

Mr. Leon Hochstetler 2009 2B Rd, Nappanee told the board he will be closing on the property next Tuesday. Mr. Hochstetler will be purchasing other property to allow for access to the property. There is an easement at this time on west side. Mr. Bennett moved to open for public hearing. Mr. Kephart seconded the motion. Motion carried. There were no one in attendance to speak for or against the variance.

Correspondence included a letter from Mr. Marlin Slabaugh to have permission to build on the property Mr. Hochstetler will be purchasing. There were 11 form letters read in agreement with the request which included:

LaMor Miller, 4301 E. County Line Rd., Bremen: southeast of property
Floyd Bontrager, 4133 E. County Line Rd., Bremen: east of property
Dennis and Bethany Miller, 375 4th Rd., Bremen: northwest of property
D. Miller, 375 4th Rd., Bremen: northwest of property
Derek Slabaugh, 299 4th Rd., Bremen: northwest of property
Calvin Miller, 228 4th Rd., Bremen: north of property
Earl Slabaugh & Elaine Miller, 4059 County Line Rd., Bremen: northeast of property
Old Order Amish Church District 83, North Hepton Whispering Knoll School, 124 4B Rd., Bremen: south of property
Toby Troyer, 155 4th Rd., Bremen: northeast of property
Mark & May Hochestler, 250 4th Rd., Bremen: north of property
Freda Yoder, 4235 E County Line Rd., Bremen: east of property

Letters:

Merle & Anna Farmwald, 112 4B Rd., Nappanee: south of property
Bryan Thomas, 4723 Beech Rd., Bremen: west of property

Mr. Bennett moved to close the public hearing with Mr. Kephart seconding the motion. Motion carried.

Mr. Nunemaker moved to approve 25-BZA-22 SLABAUGH, Marlin - A request by Leon Hochstetler for a Variance of Developmental Standard to allow a reduction in residential setback of 1,320' for a 60'x540' pullet barn; located at: 4th Rd. 50-44-09-000-024-001-005, German Twsp., Zoned A-1 based on the Finding of Facts. Mr. Kephart seconded the motion. Motion carried with a voice vote 5-0.

The ninth item of business was 25-BZA-23 FUCHS, Karl - A request for a Variance of Developmental Standard to allow a reduction in lot width requirement from the required 210' to approximately 175' to allow the creation of a new parcel; located at: 1531 Thorn Rd., Walkerton, IN Polk Twsp., Zoned A-1. Mr. Karl Fuchs of 1431 Thorn Road Walkerton was present to represent his request. Mrs. Lowry presented the findings of fact.

The proposed pullet barn meets IDEM requirements, and other such operations are already present in the area.

Recommendation:
Based upon the information provided and review by the TRC and staff, the staff would recommend approval of the application conditioned upon there being a dedicated access easement off of the adjacent 4th Road property and acceptance by neighboring property owners.

Mr. Karl Fuchs 1531Thorn Rd., Walkerton and Mr. Brian Fuchs 1902 Lake Shore Dr., Walkerton. Mr. Fuchs wants to split land to build barndaminium for parents and share a driveway. Mr. Bennett moved to open the meeting to the public. Mr. Nunemaker seconded the motion. Motion carried. No one was present to speak in favor or against and there was no correspondence. Mr. Nunemaker moved to close the public hearing. Mr. Kephart seconded the motion. Motion carried.

Mr. Houin moved to approve 25-BZA-23 FUCHS, Karl - A request for a Variance of Developmental Standard to allow a reduction in lot width requirement from the required 210' to approximately 175' to allow the creation of a new parcel; located at: 1531 Thorn Rd., Walkerton, IN Polk Twsp., Zoned A-1 based on the finding of facts. Mr. Bennett seconded the motion. Motion carried with a voice vote 5-0.

With no further business to come before the board, Mr. Bennett moved to adjourn the meeting with a seconded by Mr. Kephart. Motion carried.

Respectfully submitted,

Secretary

May 13, 2025
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 7:00 p.m. on Tuesday, May 13, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Larry Houin, and Don Nunemaker. Also present was Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties. Member Jim Kephart was absent.

Mr. Bennett made a motion to approve April 8, 2025, amended minutes, seconded by Mr. Nunemaker. Motion carried by acclamation.

Mr. Houin made a motion to approve the Findings of Fact from the April 8, 2025 meeting, seconded by Mr. Nunemaker. Motion carried by acclamation.

The first item of business was 25-BZA-12 CARMEN FARMS LLC - A request for a Variance of Use to allow multiple storage units; located at: 12939 4A Rd. Plymouth, IN North Twsp., Zoned A-1. Mr. Dan Falk of 3625 Michigan Rd. Plymouth was present to represent his request. Mrs. Lowry presented the findings of fact.

Due to the applicant not having the required drainage plans available Carman Farms requested tabling prior to the meeting.

The first item of business was 25-BZA-20 RINGER, Larry & Cynthia - A request for a Variance of Developmental Standard to reduce the lakeside setback from 45' to 30' to allow a 12'x24' shed on skids; located at: 12655 Nataka Trl., Plymouth, IN Center Twsp., Zoned L-1. Larry & Cynthia Ringer of 12655 Nataka Trl Plymouth was present to represent their request. Mr. Witwer presented the findings of fact.

The applicant seeks a variance from the required 45 feet rear yard setback when next to lake frontage from BFE (Base Flood Elevation) as established by FEMA (Federal Emergency Management Agency) to 30 feet for the placement of a 12 foot by 24 foot accessory structure (an outdoor storage building on a skid foundation).

Recommendation:
Based upon the information provided and review by the TRC and staff, the staff would recommend approval of the application.

The applicant doesn't believe he needs to provide a line of site on Lawrence Lake. He spoke with the neighbor last year and nothing was mentioned about his concern. Whiteman Surveying prepared and received approval from FEMA for a LOMA. Once the LOMA was

approved the Ringer's moved forward with the application for a reduction in setback that works the best with their lay of the land. The neighbors house and Mr. Ringers house are similar in elevation and Mr. Ringer believes he will be able to see over top of the proposed building. He also asked the board to take into consideration all of the trees on the property that already prohibits a full view. He probably only has a 30% view with all the trees. There was a different site proposed in the beginning that was 40' from the water, but the elevation created more work. The Ringers proposed that the board approve this request or their previous option.

Currently the only lakes that have a line of site rule is Pretty Lake and Lake Maxinkuckee

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

1. Jeff Sample 12667 Latonka Trl Is not in favor of the project. The 10'x8' shed he has on his property was there when he bought the property. At the location that's being proposed it's going to hinder their view. They love where they live, and they don't want to stare at the building.
2. Alex Weisheit 12561 Nataka Tr Is against the variance as its not a shed but more like a garage. Believes the 45' setback requirement should be adhered to.

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

It all comes down to if the building is moved up to 45' setback requirement the building will probably be more intrusive than the 30'.

Mr. Bennett made a motion to approve <u>25-BZA-20 RINGER, Larry & Cynthia -</u> A request for a Variance of Developmental Standard to reduce the lakeside setback from 45' to 30' to allow a 12'x24' shed on skids; located at: 12655 Nataka Trl., Plymouth, IN Center Twsp., Zoned L-1 as he feels being at the required 45' will be more intrusive than the proposed 30', seconded by Mr. Nunemaker. Motion carried with a voice vote 4-0.

The second item of business was <u>25-BZA-24 HOCHSTETLER, Norman & Elaine -</u> A request for a Variance of Developmental Standard to allow a reduction in rear yard setback from the required 20' to 8' to allow an addition to the existing business; located at: 192 Plymouth Goshen Trl, Nappanee, IN German Twsp., Zoned A-1. Mr. Norman Hochstetler of 192 Plymouth Goshen Trl Nappanee IN was present to represent his request. Mr. Witwer presented the findings of fact.

The applicant seeks a variance from the rear yard setback requirements (from 20 ft. down to 8 ft.) to allow an addition to his existing woodworking business, which was previously approved as a special use homebased business under case 19-BZA-44. The addition would include a 30 ft. X 136 ft. building with a 16 ft. by 30 ft. loft. The addition would be used for warehouse/storage space and some manufacturing in the future.

Recommendation:
Based upon the information provided, the staff would recommend approval of the application.

The goal is to have more storage for raw material. By the time you get racking built on both sides and an aisle in between this is the best sized building for their needs. If the building needs to be smaller, they won't have the ability to have racking on both sides.

Their goal is to get trucks from loading and unloading off the road. There is currently a driveway that runs behind the house. They had an idea of leasing the drive for the loading and unloading. If that doesn't work Mr. Hochstetler might look into creating a new drive.

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

Mr. Nunemaker made a motion to approve 25-BZA-24 HOCHSTETLER, Norman & Elaine - A request for a Variance of Developmental Standard to allow a reduction in rear yard setback from the required 20' to 8' to allow an addition to the existing business; located at: 192 Plymouth Goshen Trl, Nappanee, IN German Twsp., Zoned A-1, seconded by Mr.Houin. Motion carried with a voice vote 4-0.

The third item of business was 25-BZA-25 HOCHSTETLER, Norman & Elaine - A request for a Special Use to expand the woodworking business in employees from 10 to 13; located at: 192 Plymouth Goshen Tr. Nappanee, IN German Twsp., Zoned A-1. M. Norman Hochsetetler of 192 Plymouth Goshen Tr Nappanee was present to represent his request. Mr. Witwer presented the findings of fact.

The applicant's original special use approval (case 19-BZA-44) was for a Home-Based Business including up to 7 employees. While approved as a Home-Based Business (Article 6, Section 100), it likely is better described as a Home Workshop. A Home Based Business is "intended to provide for a base of operations for service oriented businesses that engage in work elsewhere other than the residential property where based." Under the Marshall County Zoning Ordinance (Article 6, Section 110), a Home Workshop is an accessory use to a residential property carried out for gain by one or more residents of the property, which is clearly incidental and secondary to the use of the property for residential purposes. Home Workshop uses may include light fabricating, light manufacturing or processing activities, or related storage facilities.

RECOMMENDATION
Based upon the information provided, the staff would recommend approval of the application subject to a positive evaluation of the business' current operations. As the applicant has noted, the present employee count has reached 10, which exceeds the 7 employee limit imposed by the BZA in 2019. The applicant notes that the employee count has been necessary to keep up with business demands. It would be appropriate to hear from the applicant and any neighbors present at the hearing or who may submit written comments as to the impact that the business may be having in the neighborhood. Hearing such comments should aid in

evaluation of whether the increased employee count is still sustainable for the business as located in this neighborhood or if the business' growth is presenting any concerns.

The existing structure on the property with the proposed will exceed the allowed 4,000 sq ft for a home workshop.

Due to Mr. Hochstetler needing additional help and wanting to help a couple of people that need work he is currently over the allowed 10. He has no desire to be in violation and would like to have the approval of 13 employees. At this time, there is no desire to grow beyond 13 employees. If the need arises, he will gladly come back before the board.

Mr. Bennett made a motion to open for public hearing, seconded by Mr. Houin. There being nobody to speak for or against, Mr. Nunemaker moved to close the meeting, seconded by Mr. Bennet.

Mr. Nunemaker made a motion to approve 25-BZA-25 HOCHSTETLER, Norman & Elaine - A request for a Special Use to expand the woodworking business in employees from 10 to 13; located at: 192 Plymouth Goshen Tr. Nappanee, IN German Twsp., Zoned A-1, seconded by Mr. Houin. Motion carried with a voice vote 4-0.

The fourth item of business was 25-BZA-26 BEJA, Raymond & Joyce - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 30' to 19'2" (West) and a reduction in rear yard setback from the required 20' to 11'4 (East) to build a residence with large garage; located at: 8488 Chicago St. Lot 138; Bremen, IN German Twsp., Zoned L-1 Off Water. Mr. Ray Beja of 8488 Chicago St. Bremen was present to represent his request. Mr. Witwer presented the findings of fact.

The applicant contends that the variance is necessary in order to fit a home meeting the needs of his elderly and mobility challenged mother's needs as well as a large storage building to hold a pontoon boat, truck, etc. An RV is currently parked on the lot. The lot has an irregular shape.

Recommendation:
Based upon the information provided, the staff would recommend approval of the application.

The need for the request is due to the odd shape of a corner lot. A small, odd, shaped residence could be built on the property for their aging mother. If in 6 months they desire to move forward with the project they would like to make it more usable to store the pontoon and for a personal hobby shop.

Currently she is living in an RV on the property that needed to be re-vamped to allow easier access. In addition to the RV sewer access has been obtained as well. So, as soon as a decision is made the sewer has already been taken care of.

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

1. Chris Wright 8478 Chicago St. Bremen In favor of the request

2. Debbie Speth 3570 W. Shore Dr. Bremen Wanted to know if the RV will be removed.

Mr. Houin made a motion to close the public hearing, seconded by Mr. Nunemaker.

Mr. Nunemaker made a motion to approve 25-BZA-26 BEJA, Raymond & Joyce - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 30' to 19'2" (West) and a reduction in rear yard setback from the required 20' to 11'4 (East) to build a residence with large garage; located at: 8488 Chicago St. Lot 138; Bremen, IN German Twsp., Zoned L-1 Off Water based on the findings of fact from the staff report, seconded by Mr. Houin. Motion carried with a voice vote 4-0.

The fifth item of business was 25-BZA-27 AMMF - A request by new home buyers Jacob & Marlene Hochstetler to continue an existing dog kennel previously approved and ran by David Slabaugh; located at: 430 5B Rd., Bremen, IN German Twsp., Zoned A-1. Jacob Hochstetler of 8209 N. SR 19 Etna Green and David Slabaugh of 430 5B Rd Bremen were present to represent his request. Mr. Witwer presented the findings of fact.

The applicant seeks a variance from setback requirements on the west side of the lot (from 30 ft. down to 20 ft., 4 in.) and on the east side of the lot (from 20 ft. down to 11 ft., 4 in.) to allow for the construction of a home and a garage.

Recommendation:
Based upon the information provided, the staff would recommend approval of the application.

Mr. Hochstetler is seeking to continue to run an already approved dog kennel with the purchase of Mr. Slabaugh's property.

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

Mr. Nunemaker made a motion to approve 25-BZA-27 AMMF - A request by new home buyers Jacob & Marlene Hochstetler to continue an existing dog kennel previously approved and ran by David Slabaugh; located at: 430 5B Rd., Bremen, IN German Twsp., Zoned A-1as its not contrary to the general purpose and meets the comprehensive plan, seconded by Mr. Houin. Motion carried with a voice vote 4-0.

The sixth item of business was 25-BZA-28 SPETH, Debbie - A request for a Variance of Developmental Standard to allow a 16'x40' w/6' porch as a secondary before a primary, located at: 3570 W. Shore Dr. Bremen, IN (50-42-01-000-103-001-009) North Twsp., Zoned L-1. Debbie Speth of 3570 W. Shore Dr. Bremen was present to represent her request. Mr. Witwer presented the findings of fact.

The applicant proposes to build a secondary structure prior to a primary structure on a vacant lot adjacent to another lot on which the applicant owns a home. A review of the other lakefront lots in this area does not appear to show other secondary structures built alone. There are some secondary structures that appear to straddle property lines containing a primary structure and an adjacent lot without one. Perhaps the best practice in this situation would be for the applicant to obtain a survey and to undertake the lot combination process prior to construction of the proposed shed.

Recommendation:
Based upon the information provided, the staff would recommend denial of the application.

The applicant would rather not combine the lots in case she would ever need to sell it for financial reasons. The storage building will look nice and will allow for more room to store things inside. It is prebuilt and won't have a permanent foundation. There doesn't seem to be a hinderance in the view of the lake.

Discussion was brought up about the north 5' of lot 2 being combined with lot 1. Ms. Speth explained before she brought the property the owners found out their residence was encroaching on to lot 2. To correct the problem the parcels were replatted.

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

1. Jodie Carlen 3617 W Shore Lives across the street and their property is a couple feet higher. Believes the proposed will affect their view of the lake.
2. Brad Carlen 3617 W. Shore Asked the proposed height
3. Heather Kapke 3593 W. Shore Has a concern where their guests are going to park as this lot has been used for parking. This is a concern for safety and is not in favor of the request.

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

In response to the questions the applicant stated the proposed building is 11' in height. In the planning stages there was discussion about what was allowed. A two-story house could be built on the property which would block the view, but that's not their desire. A small shed is all that's wanted.

Mr. Houin made a motion to deny <u>25-BZA-28 SPETH, Debbie -</u> A request for a Variance of Developmental Standard to allow a 16'x40' w/6' porch as a secondary before a primary, located at: 3570 W. Shore Dr. Bremen, IN (50-42-01-000-103-001-009) North Twsp., Zoned L-1, seconded by Mr. Bennett. Motion carried with a voice vote 3-1 to deny with Mr. Nunemaker voting against.

Other Business

Nicholas Witwer, Plan Director, introduced himself as the new Marshall County Plan Director.

Marshall County Board of Zoning Appeals
5/13/2025

With no further business to come before the board, Mr. Bennett moved to adjourn the meeting with a seconded by Mr. Nunemaker. Motion carried.

Respectfully submitted,

Secretary

June 10, 2025
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 7:00 p.m. on Tuesday, June 10, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, and Larry Houin. Also present was Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties. Member absent was Mr. Nunemaker.

The minutes of the May 13, 2025 meeting were tabled for review until the July meeting.

The findings of facts of the May 13, 2025 meeting were tabled for review until the July meeting.

The first item of business was 25-BZA-29 MUMM, John & Sandra - A request by Lawrence Balmer to split 1.5 acre off the 5.34 acre parcel that doesn't meet the 5 acre density requirement; located at: 9273 Tyler Rd. Bremen, North Twsp., Zoned A-1. John & Sandra Mumm of 9273 Tyler were present to represent their request. Mr. Witwer presented the findings of fact.

The applicant seeks a variance of developmental standard for a reduction in the density requirement. The current parcel is 5.34 acres with a residence. This parcel will be split into one lot of 1.5 acres including the residence and a 3.84 acre lot intended for residential.

Recommendation:
Based upon the information provided, the staff would recommend approval of the application.

The applicant is looking to sell the ground to their daughter and son in law to build a home.

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

1. Joseph Mumm In favor of the request and doesn't feel it presents any issues and is respectful to the community and land.

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

The board discussed the density rule for A-1 agricultural.

There is family that lives adjacent to this property that has wooded ground they plan on selling to the Balmers. The layout of the land that is currently being purchased will give them access to the property they plan to purchase in the future.

Mr. Bennett made a motion to approve 25-BZA-29 MUMM, John & Sandra - A request by Lawrence Balmer to split 1.5 acre off the 5.34 acre parcel that doesn't meet the 5 acre density requirement; located at: 9273 Tyler Rd. Bremen, North Twsp., Zoned A-1, based on the findings of fact and is fitting with neighboring lots, seconded by Mr. Houin. Since the board was only three members and the president would likely vote against the Mumm's were asked if they would like to table the request until the July meeting in hopes there would be a full board at that meeting. The Mumm's request the meeting be tabled to July 15th.

The second item of business was 25-BZA-30 KINNEY, Dana - A request for a Variance of Developmental Standard to allow a secondary before a primary to build a 30x48' pole barn; located at: Douglas Rd. 50-42-98-000-086-000-009, Plymouth, IN North Twsp., Zoned A-3. Mr. Dana Kinney of 17188 Moonlite Dr. South Bend was present to represent his request. Mr. Witwer presented the findings of fact.

The applicant seeks a variance of building a secondary structure before a primary structure on the property that is zoned A-3. The secondary structure is a proposed 30' x 48' pole barn.

Recommendation:
Based upon the information provided, the staff would recommend approval of the application.

A soil test has been prepared and is in the hands of the Marshall County Health Department. Mr. Kinney also stated that the location of the building would be in the northeast corner of the property to allow for room to build if and when that would ever happen. In addition to this property Mr. Kinney also owns ground to the east.

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

Mr. Houin made a motion to approve 25-BZA-30 KINNEY, Dana - A request for a Variance of Developmental Standard to allow a secondary before a primary to build a 30x48' pole barn; located at: Douglas Rd. 50-42-98-000-086-000-009, Plymouth, IN North Twsp., Zoned A-3, based on the findings of fact, seconded by Mr. Bennett. Motion carried with a voice vote 3-0.

The third item of business was 25-BZA-31 LEED, Shana - A request for a Variance of Developmental Standard to allow a reduction of minimum lot area per residential unit to allow a 9.2 acre parcel to be split; located at: 12751 19B Rd. Argos, IN Green Twsp., Zoned A-1. Rocky Ballinger of 12751 19B Rd Argos was present to represent Shana Leed. Mr. Witwer presented the findings of fact.

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The applicant seeks a variance of development standard for a reduction in the density requirement. The current parcel of 9.2 acres with two residences will be split into one lot of 5 acres containing 1 residence at the east end of the property, and one lot of 4.2 acres with a residence at the west end of the property.

Recommendation:
Based upon the information provided, the staff would recommend approval of the application.

The original house was built in 2000 by Ms. Leed and her husband at that time. After their divorce part of the order was for the ground to be split. Ms. Leed would keep the original house and Cody Leed would retain the updated pole style residence. Their purpose is to get this split per the requirements of the court.

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

1. Shane & Autumn Leed Sold 10 acres to Cody & Shana Leed twenty years ago and doesn't understand why it is now 9.2 acres.

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

Mr. Bennett made a motion to approve 25-BZA-31 LEED, Shana - A request for a Variance of Developmental Standard to allow a reduction of minimum lot area per residential unit to allow a 9.2 acre parcel to be split; located at: 12751 19B Rd. Argos, IN Green Twsp., Zoned A-1, seconded by Mr. Houin based on the findings of fact. Motion carried with a voice vote 3-0.

The fourth item of business was 25-BZA-32 SCHMIDT, James & Rita - A request for a Special Use to allow 12 dogs for personal use; located at: 4900 French St. Plymouth, IN Polk Twsp., Zoned T-1. Ms. Gerrie Schmidt of 4900 French St. Plymouth was present to represent her request. Mr. Witwer presented the findings of fact.

It was found at the time of taking photos for a property division by the planning department that the owner had 5 dogs initiating discussion of a kennel. Since then, the applicant's mother has passed away, leaving her with 7 additional dogs.

RECOMMENDATION
Based on the information provided, the staff would recommend approval of the application.

The proposed kennel applicant isn't for breeding. This request is only to care for the existing adult dogs on the property. Ms. Schmidt has no desire to bring in any additional dogs. The oldest dogs are 8-10 years old and the rest are younger.

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

1. Dave Hochstetler 133 N. Ule Tr. Walkerton Lived at this property for 10 plus years 25 years ago. His renter has no issues.

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

Mr. Bennett made a motion to approve 25-BZA-32 SCHMIDT, James & Rita - A request for a Special Use to allow 12 dogs for personal use; located at: 4900 French St. Plymouth, IN Polk Twsp., Zoned T-1 based on the findings of fact with the stipulation that this be a non-commercial kennel for the existing dogs and for Gerri Schmidt only, seconded by Mr. Houin. Motion carried with a voice vote 3-0.

The fifth item of business was 25-BZA-33 MILLER, Matthew & Marcus - A request by Bruce Dyksen of She Found His Grace for a Variance of Use to allow the property to be used for short term rest and spiritual healing to women affected by abortion; located at: 2777 6th Road, Bremen, IN German Twsp., Zoned A-1. Bruce and Serena Dyksen of 28621 CR 30 Elkhart were present to represent their request.

The applicant is seeking a special use variance to accommodate a therapeutic and spiritual health services ministry for women to recover from abortions.

Recommendation
Based on the information provided, staff would recommend approval of the application.

The plan for the facility would be to house up to four residents in the program and staff could be from three to five people.

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

1. Matthew Miller 3763 7th Rd. Is representing the family trust. The family fees this will be an ideal use of the property. It is a unique property with an additional residence out by the road. It is a secluded and quiet area. Hopes the board approves the variance.
2. Jeremy Unsicker 2805 6B Rd. Has a concern about their children's safety with people that are being brought in. Questioned when or if this is approved if other services will be brought in. Is against the request.
3. Randy Hawley 6376 SR 331 Is against the request. He owns the property adjacent. Doesn't want to see an increase in traffic.
4. Calem Haley 3595 6th Rd. Is against the request. Doesn't want to see an increase in traffic and concern for safety. With people wandering.

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

The applicant explained that out-of-town residents will be picked up by staff from the airport. They won't come with their vehicles or come and go from the property. There are walking trails on the property that could be used by the guests but will not be encouraged to leave the property.

There will be outpatient classes held on the property which is open to men and women. However, only women are allowed for inpatient stays. There is no state funding it is only by donation. The applicants do not plan to reside on the property. However, there will be staff on the property at all

times. If the guests leave the property, it will be with staff for trips such as to church, events, groceries etc.

Mr. Dysken stated, "This facility will not extend to drug rehab. That is not our "wheelhouse". You do what you are good at and what you are called to do."

Their ministry has been in existence for five years and it will be the ministry buying the property.

Mr. Bennett made a motion to approve 25-BZA-33 MILLER, Matthew & Marcus - A request by Bruce Dyksen of She Found His Grace for a Variance of Use to allow the property to be used for short term rest and spiritual healing to women affected by abortion; located at: 2777 6th Road, Bremen, IN German Twsp., Zoned A-1 based on the findings of fact, seconded by Mr. Houin. Motion carried with a voice vote 3-0.

The sixth item of business was 25-BZA-34 NICHELSON, Scott & Rosalie - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 30' to 18' to replace a front porch; located at: 12446 Spear Trl., Culver, IN West Twsp., Zoned L-1. Jason Shepard, 2505 Tyler Rd. Walkerton, Contractor, was present to represent their request. Mr. Witwer presented the findings of fact.

The applicant is seeking a variance of developmental standard in reduction of front setback from 30' to 18' for the purpose of building a ground level deck 7' x27' with a balcony deck 7' x 12'.

Recommendation:
Based on the information provided, staff would recommend approval of the application.

The contractor was called out to assist in remediating a water issue on the property. To install the perimeter drain the existing front porch needed to be removed. With the house being so close to the road, rebuilding the front didn't meet the required setbacks. The plan is to rebuild the balcony and the front entrance deck. The length of the deck will increase, but will not get any closer to the road than was there before.

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

Mr. Bennett made a motion to approve 25-BZA-34 NICHELSON, Scott & Rosalie - A request for a Variance of Developmental Standard to allow a reduction in front yard setback from the required 30' to 18' to replace a front porch; located at: 12446 Spear Trl., Culver, IN West Twsp., Zoned L-1, based on the findings of fact, seconded by Mr. Houin. Motion carried with a voice vote 3-0.

Marshall County Board of Zoning Appeals
6/10/2025

With no further business to come before the board, Mr. Bennett moved to adjourn the meeting with a seconded by Mr. Nunemaker. Motion carried.

Respectfully submitted,

Secretary

July 15, 2025
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 7:00 p.m. on Tuesday, July 15, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Larry Houin, Don Nunemaker, and Laura Brockway. Also present was Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties. Member absent was Mrs. Snyder.

Alternate member of the Board of Zoning Appeals, Laura Brockway, council appointee was sworn in with a term ending December 31, 2027.

The minutes of the May 13, 2025, and June 10, 2025, meeting were presented and reviewed. Mr. Houin made a motion to approve, seconded by Mr. Nunemaker. Motion carried by acclamation.

The Findings of Fact for the May 13, 2025, and June 10, 2025, meeting were present and reviewed. Mr. Nunemaker made a motion to approve, seconded by Mr. Houin.

The first item of business was 25-BZA-12 CARMEN FARMS LLC - A tabled request for a Variance of Use to allow multiple storage units; located at: 12939 4A Rd. Plymouth, IN North Twsp., Zoned A-1. Mr. Dan Falk of 3625 Michigan Rd. was present to present his request. Mr. Witwer presented the findings of fact.

The applicant proposes constructing a 14 building storage facility at the site. The first phase of the project would include 5 buildings (1 at 50 feet by 150 feet, 1 at 50 feet by 50 feet, and 2 at 75 feet by 200 feet). The 54.91-acre property is composed of multiple parcels. The parcels have been combined for tax purposes. In the future, they may need to be legally combined to prevent construction of structures across parcel lines. The first phase of the project consisting of 5 buildings would all be confined to one parcel. The TRC recommended approval of the application.

Recommendation
Based upon the information provided and review by the TRC and staff, the staff would recommend approval of the application.

Due to their being multiple properties combined for tax purposes, the president asked the applicant if he would be willing to combine the parcels legally and the applicant said he would if he needed to.

Marshall County Board of Zoning Appeals
7/15/2025

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

1. Bill Norris 4640 Maple Rd. Has a concern about the address being moved to Michigan Rd. The plan director explained when a building permit is applied for a new address will be issued at that time.
2. George Holzwart 4589 Michigan Rd. Lives across the street from the proposed and doesn't have a problem with the request. Any increase in traffic will be minor.
3. David Kinney 4031 N. Michigan Rd. Has a concern of additional traffic, drainage, and decreased visibility. A packet was turned in and passed to the board for view.

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

Mr. Bennett recommended to the applicant to pay special attention to the north property line and west of the movie screen to see if there are any blockages.

The county highway has already advised the applicant of the tile sizing that's needed.

Mr. Nunemaker made a motion to approve 25-BZA-12 CARMEN FARMS LLC - A tabled request for a Variance of Use to allow multiple storage units; located at: 12939 4A Rd. Plymouth, IN North Twsp., Zoned A-1, based on the findings of fact, seconded by Mr. Houin. Motion carried with a voice vote 5-0.

The second item of business was 25-BZA-29 MUMM, John & Sandra - A tabled request by Lawrence Balmer to split 1.5 acre off the 5.34 acre parcel that doesn't meet the 5 acre density requirement; located at: 9273 Tyler Rd. Bremen, North Twsp., Zoned A-1. John & Sandra Mumm of 9273 Tyler were present to represent their request. Mr. Witwer presented the findings of fact.

The applicant seeks a variance of developmental standard for a reduction in the density requirement. The current parcel is 5.34 acres with a residence. This parcel will be split into one lot of 1.5 acres including the residence and a 3.84 acre lot intended for residential.

Recommendation:
Based upon the information provided, the staff would recommend approval of the application.

The applicant is looking to sell the ground to their daughter and son in law to build a home.

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

1. Jack Knepp 9187 Tyler Rd. Doesn't understand the rule changed from 5 acre minimum to 1acre. Neighbors up and down the road all have more than 5 acres. There is also a low spot and the side near his property and is concerned about water runoff.

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

Mr. Mumm explained that where they originally proposed the house, they have decided to move it to high ground.

Mr. Houin made a motion to approve 25-BZA-29 MUMM, John & Sandra - A request by Lawrence Balmer to split 1.5 acre off the 5.34 acre parcel that doesn't meet the 5 acre density requirement; located at: 9273 Tyler Rd. Bremen, North Twsp., Zoned A-1, based on the findings of fact, seconded by Mr. Nunemaker. Motion carried with a voice vote 4-1 with Mr. Gustafson voting against.

The third item of business was 25-BZA-35 STUTLER, Randall & Denise - A request by Jones Petrie Rafinski Corp. for a Variance of Developmental Standard to allow a reduction in lot size requirement from 1 acre to .25 acres for a municipal sanitary sewer pump station; located at: 17086 12th Rd. Plymouth, West Twsp., Zoned A-1.

The applicant has requested the case be tabled until further notice.

The fourth item of business was 25-BZA-36 RAMER, Mervin - A request for a Special Use to allow a home-workshop of 6,720 sq ft for a 80'x84' welding workshop for farm machinery; located at: 20909 Peach Rd, Culver, IN 46511 Union Twsp., Zoned A-1. Mr. Mervin Ramer of 80 W 700 N. Argos was present to represent his request. Mr. Witwer presented the findings of fact.

The applicant is requesting special use permission to have a home workshop for farm machinery welding repair. The request is to allow for up to 3 family member employees and a 6,720sf workshop which is over the 4,000sf allowed by the County's zoning ordinance.

RECOMMENDATION
Staff recommends approval of the request for special use of a home workshop of 6,720sf and up to 3 employees.

The applicant's plan is for his son to run the business with his brother. Currently there is no plan to hire outside help. There will be welding and farm repairs of ag equipment. The traffic will be light. Possibly one delivery or less a week of steel. The reason the building is so big is because they found a good deal on the steel building, otherwise they would have built one much smaller.

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

1. Chris Kline 20435 Queen Rd. Has a concern about it being more of a business than a homework shop, drainage into a public drain, and environmental runoff to the John Kline Ditch. After discussion the applicant explained their plan is to run everything east to the Dora Fairchild Ditch.
2. Burke Richeson In house council for Miami Farms that owns property around the proposed request. Their questions and concerns are

watershed issues and this being more of a commercial type business. They request a professional engineered drainage plan.

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

The applicant explained that they have no plans to work outside the building as welding all has to be done inside. There will be a 26' door on the building to be able to get material in and out of the building easily. If a piece of equipment has to be taken apart to get inside the building, there is a possibility of that. As little as possible will be left outside. If anything has to be left out they will do their best to keep it out of sight. After a question about manufacturing, they have no intent to manufacture.

The plan for the sign will be to increase the sign size from an allowed 2x4' to 4x4'.

Mr. Bennett made a motion to approve 25-BZA-36 RAMER, Mervin - A request for a Special Use to allow a home-workshop of 6,720 sq ft for a 80'x84' welding workshop for farm machinery with a 4'x4' sign & 3 employees; located at: 20909 Peach Rd, Culver, IN 46511 Union Twsp., Zoned A-1 based on the findings of fact, seconded by Mr. Houin. Motion carried with a voice vote 5-0.

The fifth item of business was 25-BZA-37 PREISSLER, David & Monica -A request for a Variance of Developmental Standard for a reduction in lakeside setback from the required 45' to 35' and an increase in lot coverage from the required 45% to 75% in order to replace the existing deck and build a two story addition; located at: 20793 N. Lake Dr. Walkerton, IN Polk Twsp., Zoned L-1. Mr. & Mrs. Preissler of 20793 N. Lake Dr. Walkerton was present to represent their request. Mr. Witwer presented the findings of fact.

The proposed addition to the residence is being built in place of the existing deck located on the South East corner of the home. The addition will be setback further than the existing deck to the neighboring property line. A new deck will be built and balcony extended across the lakeside of the house no further from the house toward the lake.

Recommendation:
Based on the information provided the staff recommends approval of the requested variances.

There is an existing deck that they would like to remove and build an addition that would include a sunroom and above it a master bedroom. The plan is to meet the side yard setback requirement of 6'. To do that the applicant would reduce the deck width by 3'.

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

1. Mike McKenna 20825 N. Lake Dr. Has no objections to the request

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

Mr. Nunemaker made a motion to approve **25-BZA-37 PREISSLER, David & Monica -A request for a Variance of Developmental Standard for a reduction in lakeside setback from the required 45' to 35' and an increase in lot coverage from the required 45% to 75% in order to replace the existing deck and build a two story addition; located at: 20793 N. Lake Dr. Walkerton, IN Polk Twsp., Zoned L-1based on the findings of fact, seconded Mr. Nunemaker. Motion carried with a voice vote of 5-0.**

The sixth item of business was 25-BZA-38 SULLVIAN, Jeanne - A request for a Variance of Developmental Standard to allow a property split of 620'x2,600' and the remaining 605'x2300' acres to be split that doesn't meet the 1 to 3 width to depth ratio, located at: 19th Rd. 50-23-28-000-003-000-015, Walnut Twsp., Zoned A-1. Mr. & Mrs. Hal Sullivan of 6810 20B Rd. were present to represent their request. Mr. Witwer presented the findings of fact.

The request to exceed the maximum width to depth ratio for lot size. The two lots created out of this parcel allow two property owners to swap properties.

Recommendation:
Based on the information provided, staff recommends approval of the request.

Mr. Imhoff approached the Sullivan's to swap 40 acre of ground to give him additional ground behind his personal residence. With the split of the ground being landlocked the plan is to include a 50' easement on the Jeanne Sullivan property.

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

Mr. Houin made a motion to approve 25-BZA-38 SULLVIAN, Jeanne - A request for a Variance of Developmental Standard to allow a property split of 620'x2,600' and the remaining 605'x2300' acres to be split that doesn't meet the 1 to 3 width to depth ratio, located at: 19th Rd. 50-23-28-000-003-000-015, Walnut Twsp., Zoned A-1 based on the findings of fact with the requirement of the easement, seconded by Mr. Bennett. Motion carried with a voice vote 5-0.

The seventh item of business was 25-BZA-39 MBH PROPERTIES LLC - A request for a Variance of Use to allow the property to be used by IBM Construction with two buildings on the property that will house equipment, supplies and construction materials; located at: 5th Rd. Bremen 50-43-11-000-021-000-005, German Twsp., Zoned A-1. Mr. Ben Hershberger of 66886 CR 3 was present to represent his request. Mr. Witwer presented the findings of fact.

The site is farm field and contains no structures. The proposed building site is on the South East corner of the parcel located at 5th and Elm Road. The closest neighboring residence is located approximately 1000' from the proposed building site.

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Recommendation
Based upon the information provided, the staff recommends approval of the request.

They have outgrown their 3 acres and bought this piece of land to build. Mr. Hershberger owns IBM Construction and builds post frame buildings and houses. He would like to build these two buildings to store his business equipment. A large group of his employees live near this property which would makes the most sense to have a hub at that location. There is no plan at this time to divide the property. The remaining property will be farmed.

The majority of the employees don't drive vehicles and will meet at the site and and won't return until the end of day. There will be very little deliveries and lumber and trusses are delivered to the jobsite.

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

1. Joseph Stoller 3708 Grape Rd. Owns the farm to the south across 5th Road. Has a clay tile that drains to the north under 5th road. They don't know if the tile will run between the buildings or under the building. Is not in favor as it's not agricultural and doesn't conform comprehensive plan.
2. Steven Smith 3280 5th Rd. Is opposed to the project.
3. Joanne Matter & Nancy Sherk 4381 5th Rd. Is opposed to the request due to loss of farmland, rural setting, increased traffic, overburdened roads, expansion, decreased property values.

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

The applicant met with Mr. Stoller at the site. He said he would gladly move the tile if needed. The soil is mostly sandy. After soil probing it was determined that a mound system would be required.

When asked if other properties were looked at Mr. Hershberger said that he did, but with this site being close to many of his employees he felt this would be the best location. The company builds from southwest Michigan to Tennessee.

The board would like to have additional time to visit the site and see a drainage plan. The board asked if the applicant would consider tabling. **Mr. Hershberger requested the board table the request for the next board meeting.**

The eighth item of business was 25-BZA-40 WAMSLEY, Chris & Erminia - A request for a Variance of Developmental Standard to allow a reduction of the west side yard setback from the required 10'/10% to 5' for a three season addition to the west side of the house; located at: 18361 Latonka Trl Culver, IN West Twsp., Zoned L-1. Mrs. & Mrs. Chris Wamsley of 18361 Latonka Tr was present to represent their request. Mr. Witwer presented the findings of fact.

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The request for variance of 5' setback on the east side of the property does not encroach the current setback of the deck from the property line.

Recommendation:
Based upon the information provided, staff would recommend approval of the request.

The plan is not to change the footprint. All they would like to do is build a 3 season room on top of the existing deck. The applicants bought the property already with the deck. To their knowledge they had permission to have the deck at its location. The property next door is vacant and has a playground on it for the subdivision. The lake association has already approved the request.

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

Mr. Bennett made a motion to approve 25-BZA-40 WAMSLEY, Chris & Erminia - A request for a Variance of Developmental Standard to allow a reduction of the west side yard setback from the required 10'/10% to 5' for a three season addition to the west side of the house; located at: 18361 Latonka Trl Culver, IN West Twsp., Zoned L-1 based on the findings of fact, seconded by Mr. Nunemaker. Motion carried with a voice vote 5-0.

The ninth item of business was 25-BZA-41 MOCKIENE, Dovile - A request for a Variance of Developmental Standard to allow a reduction in the west side yard setback from the required 10'/10% lot width to 5' in order to allow a 24'x52' attached garage; located at: 16420 4B Rd. Plymouth, IN Polk Twsp., Zoned A-1. Mr. Matas Mockus of 16420 4B Rd was present to represent his request. Mr. Witwer presented the findings of fact.

While the property is large, the house is located in a more narrow area between property lines. The house is situated on the top of a hill with a walk out basement on the east side. The elevation on the west side of the house is consistent for building an attached garage to the residence. The neighboring house to the west is approximately 350' from the property line.

Recommendation:
Based upon the information provided, staff recommends approval of the request to reduce the setback to 5' on the west property line.

Due to the contours of the property and the septic and well locations this location was the best fit. The applicant is expecting the setback to be closer to 7-8’.

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

The applicants did not get a survey showing exact property lines; however, the neighbor showed him where the property line was. The board explained that if they approved the 5’ he has to meet the requirement.

Mr. Houin made a motion to approve 25-BZA-41 MOCKIENE, Dovile - A request for a Variance of Developmental Standard to allow a reduction in the west side yard setback from the required 10'/10% lot width to 5' in order to allow a 24'x52' attached garage; located at: 16420 4B Rd. Plymouth, IN Polk Twsp., Zoned A-1 based on the findings of fact., seconded by Mr. Nunemaker. Motion carried with a voice vote 5-0.

Other Business

The Board of Zoning Appeals reviewed the proposed 2026 budget. The increase in legal services is due to current cases in litigation. Mr. Nunemaker made a motion to approve the proposed 2026 budget, seconded by Mr. Houin. Motion carried by acclamation.

With no further business to come before the board, Mr. Bennett moved to adjourn the meeting with a seconded by Mr. Nunemaker. Motion carried.

Respectfully submitted,

Secretary

August 12, 2025
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 7:00 p.m. on Tuesday, August 12, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Don Nunemaker, and Laura Brockway. Also present was Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties. Member absent was Larry Houn.

The minutes of the July 15, 2025, meeting were presented and reviewed. Mr. Bennett made a motion to approve, seconded by Mr. Nunemaker. Motion carried by acclamation.

The Findings of Fact review for the July 15th meeting was tabled.

The first item of business was 25-BZA-39 MBH PROPERTIES LLC - A tabled request for a Variance of Use to allow the property to be used by IBM Construction with two buildings on the property that will house equipment, supplies and construction materials and an office; located at: 5th Rd. Bremen 50-43-11-000-021-000-005, German Twsp., Zoned A-1. Mr. Ben Hershberger of 66886 CR 3 and Esther Miller were present to represent his request. Mr. Witwer presented the findings of fact.

The site is a farm field that contains no structures. The proposed building site is on the Southeast corner of the parcel located at 5th and Elm Road. The closest neighboring residence is located approximately 1000' from the proposed building site.

Recommendation : Based upon the information provided, the staff recommends approval of the request. The TRC recommended approval with the condition of detailed drainage plans, Health Department septic approval, impervious drainage approval for the large amount of impervious drainage to make sure water is not shedding onto neighbors.

Applicant owns a construction company and is proposing to build two new buildings to store business vehicles and equipment in. In addition, the location will be their hub site where employees will meet in the morning and leave for work.

Whiteman Surveying was contacted to prepare a drainage plan; however, due to timing they were unable to provide it prior to the meeting. A drainage plan will be provided that meets the county's requirements. The existing Stoller tile that runs through this property will be between the two proposed buildings. Currently there is no plan to hook to this tile. After initial conversations with the surveyor the proposal will include a retention pond and a four-inch tile with a slow release.

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

1. Danny Detwiler 6489 Elm Rd. Works for IBM Construction and believes it will benefit him and his employees as the location is near where the employees live.
2. Steven Smith 4280 5th Rd. Has a concern about the water runoff.
3. Joe Stoller 3708 Grape Rd. Is against the request due to drainage issues. Gave concerns based on comprehensive plan. Thinks the location would be better based in a commercial or industrial area.
4. Joann Mattern 4381 5th Rd. Owns the property that abuts the Stoller farm. Is against the request. Doesn't believe they should be building a good farm ground.
5. Todd Laudeman 4239 Elm Rd. Has serious concerns about the drainage. The Bowser drain has serious problems. Doesn't see how adding any extra water will be good.
6. Joe Stiles 109 W Plymouth In favor as it would increase tax revenue and would have little impact to the neighbors.
7. Rich Gramm 3429 Fir Rd. In favor of new places for business opportunity. Believes with good planning the issues with drainage can be taken care of and prove to be a valuable asset to the community.
8. David Miller 6757 6A Rd In favor as it will help employees have an easier commute to work. In favor of small businesses.
9. Mark Hostetler 2921 5th Rd. In favor as it will help increase property values.
10. Jeremiah Borkholder Elm Rd. In favor believes it will be an asset to the community.
11. John Miller Bremen In favor believes it will benefit the local economy through wages and tax income and will be less commute time for local employees.
12. List of in favor
    a. Nathan Hochstetler
    b. Jesse Miller
    c. Jesse Miller
    d. Lyle Borkholder
    e. Eli Borkholder Jr
    f. Rudy Detwiler
    g. Floyd Borkholder
    h. Eli Borkholder
    i. Jerry Schwartz
    j. Gary Krammer

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

President Gustafson asked Mr. Hershberger if he would be willing to replace the tile that runs through his property that will be in between his two buildings. Mr. Hershberger stated it

would be something to consider, but will rely on Whiteman Survey to design the best option. The county surveyor did say there was a county tile near 5th Rd. that might be an option as well. Mr. Hershberger said again he would consider it, especially if he can tie into it.

There will be little additional traffic. The majority of the employees that live near this property all ride bicycles. Once employees are at the building they will carpool to the jobsites.

Someone in the audience stated that there is fiber optic optic cable that was buried on the north arm along 5th Rd. that runs to Bremen.

The business has trailers that will be stored outside, but primarily under the lean to portion of the building. The plan will be to have very little stored outside that is visible. The fence will be installed for security purposes.

Mr. Nunemaker made a motion to approve 25-BZA-39 MBH PROPERTIES LLC - A tabled request for a Variance of Use to allow the property to be used by IBM Construction with two buildings on the property that will house equipment, supplies and construction materials and an office; located at: 5th Rd. Bremen 50-43-11-000-021-000-005, German Twsp., Zoned A-1 based on the findings of facts with the following stipulations:

- **The existing tile that runs between the buildings be replaced**
- **Adequate drainage plan**

Seconded by Ms. Brockway. Motion carried with a voice vote 3-1 with Mr. Bennett voting against.

The second item of business was 25-BZA-42 HALL, Terry & Linda - A request by Dwayne Knott for a Variance of Developmental Standard to reduce the front yard setbacks on Lipton from the required 30' to 10', Liberty from the required 30' to 16', south side yard setback from 10'/10% to 5', and lot coverage from the required 45% to 75% to build a 40x80' pole barn for personal storage; located at: 4118 Lipton St. Lots, 66,67,68,69, North Twsp., Zoned L-1. Dwayne Knott of 4246 W. Shore Dr Bremen was present to represent his request. Mr. Witwer presented the findings of fact.

The property is currently vacant land used as yard and personal boat storage. The property is bound by both Liberty St to the east, and Lipton St. to the west, creating two front yards. The surrounding neighborhood was not built to the current zoning requirements with shallow setbacks from the right of ways, side yards, and exceeding lot coverage maximum.

Recommendation:
Based on the information provided, staff recommends approval of the requested variances. The TRC recommended approval with no reduction in south side yard 5' setback.

Mr. Knott built a home on the lake. He would like to have this building to store his lake toys and miscellaneous items.

In order to move forward with the project, he's already contacted the surveyor and is in the process of preparing a replat to combine all four parcels into one.

The building will be 30’ from the edge of the street. The setbacks requested were from the right of way.

There is a possibility of purchasing a property to the south. The layout of the building will stay as is, however, it might slide a little further south.

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

1. Ronald Budzyliek 4077 Lipton St. Is against the request as they believe it will reduce property values.
2. Rob & Deb McPherson 4066 Liberty St. Is against the request. Has a concern that this will turn into a business and possible reduced values.
3. Kim & Carol Hochstetler 4016 Liberty St. Is against the request. Has several concerns.

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

After combining the properties the applicant is able to put in an accessory structure. He would like to keep its size and location in order for him to store his RV and be able to pull in and out of the building.

Mr. Bennett made a motion to approve 25-BZA-42 HALL, Terry & Linda - A request by Dwayne Knott for a Variance of Developmental Standard to reduce the front yard setbacks on Lipton from the required 30' to 10', Liberty from the required 30' to 16', and lot coverage from the required 45% to 75% to build a 40x80' pole barn for personal storage; located at: 4118 Lipton St. Lots, 66,67,68,69, North Twsp., Zoned L-1, based on the findings of facts, seconded by Mr. Nunemaker. Motion carried with a voice vote 4-0.

The plan director stated that the 75% lot coverage was figured on two lots. Now that all four parcels will be combined that percentage will be much lower.

The third item of business was 25-BZA-43 GONZALEZ, Daniel - A request for a Variance of Developmental Standard for a front yard setback from the required 30' to 5' in order to create an entry access to an upstairs from the outside; located at: 320 S. Michigan S. Lapaz North Twsp., Zoned T-1. Daniel & James Gonzalez of 320 S. Michigan St. Lapaz were present to represent their request. Mr. Witwer presented the findings of fact.

The existing building is a combination residence and commercial use with primary frontage on Michigan St. The site has secondary frontage on South St., which is primarily a parking area for the site. Several sites in the surrounding area are built out to lot lines, especially on corner lots. The building currently sits only 12' from the property line being requested to 5' setback.

Recommendation:
The TRC recommended approval.

The applicant would like to extend his existing deck 4’x4’ and to come down to ground level with stairs that will go toward the house to access the upstairs studio room.

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

Mr. Nunemaker made a motion to approve 25-BZA-43 GONZALEZ, Daniel - A request for a Variance of Developmental Standard for a front yard setback from the required 30' to 5' in order to create an entry access to an upstairs from the outside; located at: 320 S. Michigan S. Lapaz North Twsp., Zoned T-1, based on the findings of fact, seconded by Ms. Brockway. Motion carried with a voice vote 4-0.

Other Business

With no further business to come before the board, Mr. Bennett moved to adjourn the meeting with a seconded by Mr. Nunemaker. Motion carried.

Respectfully submitted,

Secretary

September 9, 2025
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 7:00 p.m. on Tuesday, September 9, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Don Nunemaker, Larry Houin, and Laura Brockway. Also, present was Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties.

The minutes of the August 12, 2025, meeting were presented and reviewed. Mr. Bennett made a motion to approve, seconded by Mr. Nunemaker. Motion carried by acclamation.

Mr. Bennett made a motion to approve the June 10, July 15 and August 12 meetings, seconded by Mr. Nunemaker. Motion carried by acclamation.

The first item of business was 25-BZA-44 RADER, Donald - A request for a Variance of Developmental Standard to split the 80 acre parcel into Parcel A 503'x2597.92' and Parcel B 815.90'x2598.77' that doesn't meet the 1:3 ratio; located at: Elm Rd. (50-43-23-000-009-000-005) German Twsp., Zoned A-1. Mr. Dave Rader 6450 Elm Rd. Bremen was present to represent Donald. Mr. Witwer presented the findings of fact.

The property is of a rectangular shape with only one short edge of road frontage. Splitting the lot creates difficulty in meeting either the width to depth ratio requirement, or the road frontage requirement if split along the length of the property.

Recommendation:
Based upon the information provided, staff recommends approval of the request.

The applicant's representative questioned the process of splitting parcel A after it is sold. The plan director explained that parcel A will have the ability to split, but will be required to meet the developmental standards of that district.

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

1. James (Whiteman & Assoc) Plymouth Appeared on behalf of Whiteman & Associates.

Mr. Bennett moved to close the public hearing, seconded by Mr. Houin. Motion carried by acclamation.

Mr. Houin moved to approve 25-BZA-44 RADER, Donald - A request for a Variance of Developmental Standard to split the 80 acre parcel into Parcel A 503'x2597.92' and Parcel B 815.90'x2598.77' that doesn't meet the 1:3 ratio; located at: Elm Rd. (50-43-

23-000-009-000-005) German Twsp., Zoned A-1, based on the finding of fact, seconded by Ms. Brockway. Motion carried with a voice vote 5-0.

The second item of business was 25-BZA-45 SOMMERS, Richard - A request for a Special Use to allow Abates Summers's End Event to be held on September 19-21, 2025; located at: 10648 Upas Rd., Plymouth, In West Twsp., Zoned A-1. Amanda Case 1220 E. Jefferson Mishawaka and Brandi Mills 209 Maple St. Walkerton of ABATE were present to represent their request. Mr. Witwer presented the findings of fact.

The property is large enough to accommodate and has accommodated this event for several years. The following stipulations have been part of past approval: 1. One-year approval from Friday at noon through Sunday at noon. 2. That proper sanitation be met and in conformance with applicable Department of Health standards. 3. Shall Notify sheriff of event. 4. There will be no parking within the right of way. 5. Amplified music to be turned off at midnight. 6. Event officials shall minimize the amount of light cast onto adjacent properties. 7. EMT and security officials to be on site during the event. 8. Three-year approval. 9. This approval can be revoked for non-compliance, disorderly conduct reports, or high-level noise reports.

RECOMMENDATION
Based on the information provided staff recommends approval of the request with the following stipulations as have been made in past approvals: 1. One-year approval from Friday at noon through Sunday at noon. 2. That proper sanitation be met and in conformance with applicable Department of Health standards. 3. Shall Notify sheriff of event. 4. There will be no parking within the right of way. 5. Amplified music to be turned off at midnight. 6. Event officials shall minimize the amount of light cast onto adjacent properties. 7. EMT and security officials to be on site during the event. 8. Three-year approval. 9. This approval can be revoked for non-compliance, disorderly conduct reports, or high-level noise reports. After review #1 was put in incorrectly and to be removed from the recommendation.

The applicant requested that the fee paid be refunded as they are non-for-profit. The applicants explained that ABATE fundraisers go to education on motorcyclists training, fighting for rights at the state level, and fundraise for local families in need.

To update the newer members on the board Mr. Gustafson gave a rundown of the requests over the years. The event originally started with an every year review. Once the event progressed it has moved to review every three years. Mr. Gustafson asked if this request could be turned into approval without an expiration. The plan director stated that it's up to the board.

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

1. Russel Zawacki 10668 Fairview Ave Osceola Regional Director. This event plans to stay at this location for years. The owner has invested money into having electric brought in just for this event. This event is to help raise money for ABATE.

2. Katrina Hartman 7126 W. 1100 S. Amboy Fulton County's representative. Is proud of ABATE in how they support and teach.
3. Lori Johnston 107 South Dr. Ligonier Is a vendor for ABATE events. Also commended them for reaching out to them in their house fire.
4. Mr. Dias 6154 Gopher Tr. Harrison MI Is a director and instructor. Believes in educating drivers.

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

Mr. Nunemaker made a motion to approve 25-BZA-45 SOMMERS, Richard - A request for a Special Use to allow Abates Summers's End Event to be held on September 19-21, 2025; located at: 10648 Upas Rd., Plymouth, In West Twsp., Zoned A-1, based on the findings of fact with the following stipulations:

1. **That proper sanitation be met and in conformance with applicable Department of Health standards.**
2. **Shall notify sheriff of event.**
3. **There will be no parking within the right of way.**
4. **Amplified music to be turned off at midnight.**
5. **Event officials shall minimize the amount of light cast onto adjacent properties.**
6. **EMT and security officials to be on site during the event.**
7. **Five-year approval.**
8. **This approval can be revoked for non-compliance, disorderly conduct reports, or high-level noise reports.**

Amended the motion to go from a 3-year approval to five years and not wave the permit fee.

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

The third item of business was 25-BZA-46 PEACHEY, Elrose & Marilyn - A request for a Variance of Developmental Standard to allow owner to split 1.60 acres off the 4.5 acre parcel that doesn't meet the 5 acre density rule to build a residence; located at: 1099 5B Road, Bremen, IN German Twsp., Zoned A-1. James of Whiteman Land Surveying was present to represent the request. Mr. Witwer presented the findings of fact.

The petitioner owns an adjacent piece of property that is enveloped completely by flood plain rendering it unbuildable. This property has acreage outside of the flood plain allowing room to build a residence. The surrounding area includes several parcels that are of similar size(s) to the proposed split parcels.

Recommendation:
Based on the information provided, staff and TRC recommends approval of the request.

James of Whiteman Surveying stated that the maps show along the edge what's called floodplain fringe. To build the fringe in the Floodways it would only need a signature from the Floodplain administrator which is the Plan Director.

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The plan director stated that our maps include the fringe. With the fringe everything has to be 2' above the flood plain elevation. Our map doesn't depict which part of flood plain and what is fringe.

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

1. Elrose Peachey 1099 5B Road The proposed split is where Elrose and his wife will build on. Their son plans to purchase the property with the house. The plan is to build a house on a slab that is 2' above flood plain.

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

Mr. Nunemaker made a motion to approve <u>25-BZA-46 PEACHEY, Elrose & Marilyn -</u> A request for a Variance of Developmental Standard to allow owner to split 1.60 acres off the 4.5 acre parcel that doesn't meet the 5 acre density rule to build a residence; located at: 1099 5B Road, Bremen, IN German Twsp., Zoned A-1, based on the findings of fact, seconded by Ms. Brockway. Motion carried with a voice vote 4-1 with Mr. Gustafson voting against.

Other Business

With no further business to come before the board, Mr. Bennett moved to adjourn the meeting with a seconded by Mr. Nunemaker. Motion carried.

Respectfully submitted,

Secretary

October 14, 2025
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 7:00 p.m. on Tuesday, October 16, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Don Nunemaker, Larry Houin, and Tim Pletcher. Also, present was Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties.

The plan director welcomed new member Tim Pletcher and read oath of office.

The minutes of the September 9, 2025, meeting were presented and reviewed. Mr. Bennett made a motion to approve, seconded by Mr. Houin. Motion carried by acclamation.

Mr. Bennett made a motion to approve the September 9th Findings of Facts, seconded by Mr. Nunemaker. Motion carried by acclamation.

The first item of business was 25-BZA-47 MENSER, Jerry & Frances - A request for a Variance of Developmental Standard to allow a secondary before a primary to place a 16'x32' shed on the property; located at 50-31-23-000-072-000-017 12B Rd. Plymouth, IN West Twsp., Zoned L-1. Mr. Jerry Menser of 16259 12B Rd. Plymouth was present to represent his request. Mr. Witwer presented the findings of fact.

The applicant proposes to place a 16 ft. by 32 ft. shed on a vacant property off water that is located across the street from his residence. The shed would be used for personal storage.

The proposed location of the site will meet all required setbacks.

Recommendation:
Based upon the information provided and review by the Technical Review Committee, staff and the TRC would recommend approval of the application.

Mr. Nunemaker 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. Nunemaker moved to close, seconded by Mr. Bennett. Motion carried by acclamation.

No additional questions or comments from the board.

Mr. Nunemaker made a motion to approve 25-BZA-47 MENSER, Jerry & Frances - A request for a Variance of Developmental Standard to allow a secondary before a primary to place a 16'x32' shed on the property; located at 50-31-23-000-072-000-017

12B Rd. Plymouth, IN West Twsp., Zoned L-1 based on the Findings of Fact, seconded by Mr. Houin. Motion carried with a voice vote 5-0.

The second item of business was 25-BZA-48 ISOM, Robert & Kizzy - A request for a Variance of Developmental Standard to reduce the rear yard setback from the required 20' to 5' in order to build a 24'x56' pole building; located at: 17370 Tomahawk Tr Plymouth Zoned L-1. Mr. Robert Isom of 17370 Tomahawk Tr Plymouth was present to represent his request. Mr. Witwer presented the findings of fact.

The applicants propose to build a 24 ft. by 56 ft. pole building at the rear of their property.

Recommendation:
The Technical Review Committee reviewed this application and recommended that the applicant obtain a survey to establish the rear property line. The staff would recommend approval of the application conditioned on the surveying of the rear property line.

The applicant has original survey stakes and would like to use those markers rather than doing re-doing a survey. The president stated that it would be his responsibility to make sure the setbacks are met.

To prepare for the proposed building trees have been removed from the property line. The neighbor directly behind them doesn't have any issues with the proposal.

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

No additional questions or comments from the board.

Mr. Houin made a motion to approve 25-BZA-48 ISOM, Robert & Kizzy - A request for a Variance of Developmental Standard to reduce the rear yard setback from the required 20' to 5' in order to build a 24'x56' pole building; located at: 17370 Tomahawk Tr Plymouth Zoned L-1 based on the Findings of Fact, seconded by Nunemaker. Motion carried with a voice vote 5-0.

The third item of business was 25-BZA-49 BORKHOLDER, Eddie Ray & Diana - A request for a Variance of Use to allow a retail location (Tagout Technique LCC) that sells deer hunting supplies and other outdoor products; located at: 2525 Birch Rd. Bremen, Zoned A-1. Mr. Derek Borkholder of 2877 Birch Rd. Bremen and Mr. Andrew Miller of 72036 CR 100 Nappanee were present to represent their request. Mr. Witwer presented the findings of fact.

The applicants propose constructing a 70 ft. by 110 ft. building to use as a retail store and warehouse for their business, Tagout Technique, LLC, which sells deer hunting and land management related products. The TRC recommended a detailed drainage plan for the project. Such a plan is required by ordinance due to the proposed construction of a building greater than 4,000 sq. ft.

Recommendation
Based upon the information provided and review by the TRC and staff, the staff would recommend approval of the application, noting that the construction of the proposed new facility will be required to obtain drainage plan approval demonstrating that it will not have a negative impact on surrounding properties with respect to storm water runoff.

This business has another site on 6th Rd. in Plymouth that was approved in 2024. They plan to continue to store equipment at that site. Currently there are retail sales through a call center. They plan to continue the business at the new location with additional items. The area already has multiple businesses, and they don't see the proposed will increase traffic.

The previous site housed a buggy repair/sales business. Most recently the building has been used for storage.

The neighbor to the west only concern was water runoff. A drainage plan has been prepared and submitted along with a construction design release. There is a county outlet on the northeast corner, and if that doesn't work there is a new 5" neighborhood tile that could be used as well.

With this not being a home-based business the applicants will need prior approval before putting up a sign since the zoning is A-1. At the time of the application the applicants were unsure what type of sign they wanted.

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

1. Eddie Ray Borkholder 59 3rd Rd. Is in favor of the project. Wanted to clarify the size of the building is 70'x110' (not 100').

Mr. Nunemaker moved to close the public hearing, seconded by Mr. Houin. Motion carried by acclamation.

Mr. Nunemaker made a motion to approve <u>25-BZA-49 BORKHOLDER, Eddie Ray & Diana -</u> A request for a Variance of Use to allow a retail location (Tagout Technique LCC) that sells deer hunting supplies and other outdoor products; located at: 2525 Birch Rd. Bremen, Zoned A-1 based on the Findings of fact with the following conditions:

1. **Approved Drainage Plan**
2. **Construction Design Release**
3. **Signage**
4. **Business Hours Monday through Thursday 8am-5pm Friday 8am-4pm and Saturday 8am-1pm**

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

The fourth item of business was 25-BZA-50 BORKHOLDER, Eddie Ray - A request for a Variance of Developmental Standard to allow an increase in lot coverage from 30% to 57% to build a new building; located at: 2525 Birch Rd. Bremen Zoned A-1. Mr. Derek Borkholder of 2877 Birch Rd. Bremen and Mr. Andrew Miller of 72036 CR 100 Nappanee were present to represent their request. Mr. Witwer presented the findings of fact.

The applicants propose constructing a 70 ft. by 110 ft. building to use as a retail store and warehouse for their business, Tagout Technique, LLC, which sells deer hunting and land management related products. The TRC recommended a detailed drainage plan for the project. Such a plan is required by ordinance due to the proposed construction of a building greater than 4,000 sq. ft.

Recommendation:
Based upon the information provided and review by the Technical Review Committee, staff would recommend approval of the application, noting that the construction of the proposed new facility will be required to obtain drainage plan approval demonstrating that it will not have a negative impact on surrounding properties with respect to storm water runoff.

Storm water runoff plan hasn't been received to date, but will be turned in as soon as its received.

The plan director commented that he believes the impervious coverage proposed of 57% is actually much higher. He thinks it is closer to around 70%. The plan director recommends moving forward with the request and the recommendation will not change. There is a possibility that the retention area may need to be increased due to the increase in impervious coverage. Mr. Borkholder understood.

The septic will be a mound system, and has already been designed.

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

Mr. Nunemaker made a motion to approve 25-BZA-50 BORKHOLDER, Eddie Ray - A request for a Variance of Developmental Standard to allow an increase in lot coverage from 30% to 57% to build a new building; located at: 2525 Birch Rd. Bremen Zoned A-1 based on the findings of fact with the following conditions:

1. **Approved drainage plan**
2. **Plan Director and Surveyor approve the impervious area**

seconded by Mr. Houin. Motion carried with a voice vote 5-0.

Other Business

With no further business to come before the board, Mr. Bennett moved to adjourn the meeting with a seconded by Mr. Nunemaker. Motion carried.

Respectfully submitted,

Secretary

November 18, 2025
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 7:00 p.m. on Tuesday, November 18, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Don Nunemaker, Larry Houin, and Tim Pletcher. Also, present was Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties.

The minutes of the October 14, 2025, meeting were presented and reviewed. Mr. Nunemaker made a motion to approve, seconded by Mr. Houin. Motion carried by acclamation.

Mr. Houin made a motion to approve October 14, 2025 Findings of Facts, seconded by Mr. Nunemaker. Motion carried by acclamation.

The first item of business was 25-BZA-51 HELMUTH, Luke - A request for a Special Use to allow a home workshop manufacturing metal parts to supply to a manufacturer; located at: 2012 7th Rd. Bourbon, IN German Twsp., Zoned A-1. Mr. Luke Helmuth of 2012 7th Rd. Bourbon was present to represent his request. Mr. Witwer presented the findings of fact.

The applicant has a 25x50 Home Workshop on the property. The workshop produces metal parts that supply other manufacturers. The workshop was realized by the request for a separate address for the workshop by the applicant.

RECOMMENDATION
Based on the information provided, staff recommends approval of the request in accordance with TRC recommendations.

The small business plan for Mr. Helmuth consists of:

- 1,250 sq ft building in addition to residence
- Genesis machine specializes in supplying precision machined metal parts to the Michiana area for outdoor furniture, commercial aluminum trailer mfg, and mechanical power transmission industries.
- Business could grow to 2-3 employees and 5 times the floor space in the next 5 years.

Recently there have been deliveries made to the wrong location. After a call to the Plan Commission Office in search of an additional address to the barn the applicant was made aware that his small business wasn't previously approved. At that time Mr. Helmuth applied for a special use to allow his home workshop. Currently the applicant has no intent to increase the business. However, in the next few years there is a possibility of needing 2-3 employees.

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

1. Tuvia Puliskin 317 W. Monroe St. Plymouth Supports the proposed home occupation.
2. John Unsicker 5733 Cedar Rd. Bremen Sent a long letter opposed to the request due to noisy diesel generator.

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

The generator is currently on the east side of the building When asked if he felt the neighbor could hear it, he said, "possibly a light humm." Mr. Helmuth didn't know Mr. Unsicker had any issues with the sound. He will do whatever he can to lessen the sound. The board recommended some kind of barrier.

Mr. Nunemaker made a motion to approve 25-BZA-51 HELMUTH, Luke - A request for a Special Use to allow a home workshop manufacturing metal parts to supply to a manufacturer; located at: 2012 7th Rd. Bourbon, IN German Twsp., Zoned A-1 based on the findings with the following condition:

1. **Sound barrier to the generator**

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

Mr. Nunemaker made a motion to amend by including up to four (4) employees, seconded by Mr. Houin. Motion carried with a voice vote 5-0.

The second item of business was 25-BZA-52 HOCHSTETLER, Dennis - A request by Raymond Gralak for a Variance of Developmental Standard to allow a secondary structure before a primary and a reduction in front yard setback from the required 30' to 25' from the right away to build a 40'x44' pole barn; located at: West Shore Dr. (50-42-12-000-018-000-009), North Twsp., Zoned L-1 On water. Mr. Dennis Hochstetler 1530 3rd Rd. and Mr. Ray Gralak 8969 N. Shore Dr. was present to represent their request. Mr. Witwer presented the findings of fact.

The lot is currently used for boats, lake equipment, and other storage and contains at least two storage structures. The lot is situated at the end of a channel from the lake in between two residences.

Recommendation:
Based on the information provided, staff recommends approval of this request.

Mr. Hochstetler currently owns four lots side by side. Mr. Gralak has an interest in purchasing this parcel if the variance request is approved. The front yard (roadside) setback and secondary before primary are the only requests before the board.

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

Due to the previous owner digging out some of the ground by the water its requiring pushing the building closer to the road.

Mr. Houin made a motion to approve 25-BZA-52 HOCHSTETLER, Dennis - A request by Raymond Gralak for a Variance of Developmental Standard to allow a secondary structure before a primary and a reduction in front yard setback from the required 30' to 25' from the right away to build a 40'x44' pole barn; located at: West Shore Dr. (50-42-12-000-018-000-009), North Twsp., Zoned L-1 On water based on the findings of fact, seconded by Mr. Bennett. Motion carried with a voice vote 5-0.

The third item of business was 25-BZA-53 ZOBRIST, David & Katherine - A request for a Variance of Developmental Standard for a reduction in rear yard setback from the required 45' to 30'6 to allow an existing 13'x19' raised platform with a connected walkway to the existing house deck; located at: 18250 Chickasaw Tr Culver, IN West Twsp., Zoned L-1. Mr. Tuva Poliskin 317 W. Monroe St. was present to represent his request. Mr. Witwer presented the findings of fact.

The site is situated between two lake residences at the Southern end of Lake Latonka. The property includes several mature trees that were integrated into the design of the structure being considered for the variance request.

Recommendation:
Based on the information provided, staff recommends approval of this request.

Prior to construction the architect contacted the office to confirm whether their needed to be a permit. Unsure of the full scope of the project they were given the go ahead to move forward without a permit. Shortly after the project was built building commissioner, Combs, questioned the structure not having a permit. After review and discussion with the plan director it was decided since the structure didn't meet the lakeside setback it needed a variance.

The neighbors and Lake Latonka Building Control Committee both were in favor of the request.

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

Mr. Nunemaker made a motion to approve 25-BZA-53 ZOBRIST, David & Katherine - A request for a Variance of Developmental Standard for a reduction in rear yard setback from the required 45' to 30'6 to allow an existing 13'x19' raised platform with a connected walkway to the existing house deck; located at: 18250 Chickasaw Tr Culver,

IN West Twsp., Zoned L-1 based on the findings of fact, seconded by Mr. Pletcher. Motion carried with a voice vote 5-0.

Executive Session/Special Meeting

Board's counsel will be calling two separate meetings to discuss the progress of Tamarack Solar legal case.

The conclusion of the Order Granting Motion to Remand was read. More specific findings of fact are wanted.

2026 Proposed BZA Schedule

The schedule will be reviewed at another meeting.

With no further business to come before the board, Mr. Bennett moved to adjourn the meeting with a seconded by Mr. Nunemaker. Motion carried.

Respectfully submitted,

Secretary

MARSHALL COUNTY BOARD OF ZONING APPEALS

Executive Session Memoranda and Minutes
December 8, 2025

The Marshall County Board of Zoning Appeals convened in Executive Session on Monday, December 8, 2025, at 7:00 p.m. in Room 203 of the Marshall County Building, 112 West Jefferson Street, Plymouth, Indiana 46563. The purpose of the Executive Session was to discuss strategy with respect to the pending litigation of *Tamarack Solar Energy, LLC v. Board of Zoning Appeals of Marshall County*, pending in the Allen Superior Court, Cause No. 02D03-2505-PL-182 (transferred from 50D03-2501-PL-001), pursuant to Indiana Code Section 5-14-1.5-6.1(b)(2)(B). Public notice of the Executive Session was posted at the offices of the Marshall County Board of Zoning Appeals and distributed to the media more than 48 hours before the Executive Session.

Attendance of the Marshall County Board of Zoning Appeals at the Executive Session was as follows:

	Appointment	Present	Absent
Jeff Gustafson		x	
Trent Bennett		x	
Michelle Mires	Alternate		x
Brandon Calhoun	Alternate	x	
Tim Pletcher		x	

Also present at the Executive Session were: Derek R. Jones, Legal Counsel to the Marshall County Board of Zoning Appeals; Robert W. Eherenman, Special Counsel to the Marshall County Board of Zoning Appeals (via Microsoft Teams); and Nick Witwer, Planning Director.

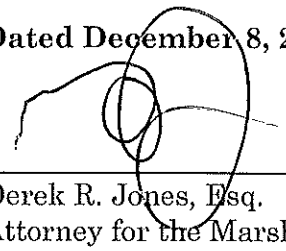
The Executive Session started at 7:00 p.m.

No subject matter was discussed in the Executive Session, other than the subject matter specified in the public notice under Indiana Code Section 5-14-1.5-6.1(b)(2)(B).

No final action was taken by the Marshall County Board of Zoning Appeals.

The Executive Session ended at 7:50 p.m.

Dated December 8, 2025.



Derek R. Jones, Esq.
Attorney for the Marshall County Board of Zoning Appeals

December 9, 2025
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 7:00 p.m. on Tuesday, December 9, 2025, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Trent Bennett, Don Nunemaker, Larry Houin, and Tim Pletcher. Also, present was Nicholas Witwer, Plan Director and Lori Lowry Plan Commission Staff and interested parties.

The minutes of the November 18, 2025, meeting were presented and reviewed. Mr. Pletcher made a motion to approve, seconded by Mr. Bennett. Motion carried by acclamation.

Mr. Houin made a motion to approve November 18, 2025, Findings of Facts, seconded by Mr. Houin. Motion carried by acclamation.

The first item of business was 25-BZA-54 BORKHOLDER, Gary - A request for a home workshop with a 80'x150' building that exceeds 4,000 sq ft; located at: 6680 SR 331, Bremen, IN German Twsp Zoned A-1. Mr. Gary Borkholder, 6680 SR 331 Bremen and Joas from B&B Roofing were present to represent their request. Mr. Witwer presented the findings of fact.

The petitioner is requesting a special use for a home workshop with a variance of development standard for that workshop to be 12,000 square ft.

RECOMMENDATION
Based on the information provided, staff recommends approval of the request. TRC recommended tabling as there has been no response from the surveyor on drainage plans.

Mr. Borkholder has a property with a workshop in Kosciusko County. In 2024 this property was purchased with the intent to reside and move the existing business to this new location. To move the business, it requires building an 80'x150' home workshop. Since they were working with a surveyor, they are aware that there is a flood plain on the north side of the property along the ditch. When drawing the plans they made sure they stayed away from the flood plain.

In the beginning there seemed to be some confusion with the contractor B & B Roofing not having obtained a permit and the homeowner not getting permission to run a homework shop off the property. The footing and foundation were poured without an approved permit and BZA approval. When the contractor called in for an inspection a permit number was given off a totally different project. After discussion between the Building and Planning Department a stop work order was issued until the case was heard by the BZA and a permit was issued.

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

- Jeremy Unsicker 2805 6B Road The size and use of building is a factory. There is already a dust collector and generator onsite. Has a concern about the noise the generator will put off. Doesn't want the hours of business to start really early in the morning. Since this is a factory will they have to put in de-sell lanes? Is there potential for an increase in property taxes? FEMA shows the flood plain going all the way to the driveway.

Mr. Borkholder's plans for the driveway will be to use the existing driveway. In response to future expansion the plan director responded, saying based on prior cases and the size of this project he doesn't see the board allowing future expansion nor would there be favorable recommendation.

- Randy Glingle 6852 SR 331 Has a concern of all the non-agricultural structures going up in ag zoning. As a drainage board member there is also a concern that the project was started without a permit and its appropriate reviews.
- Jeff Unsicker 6246 Cedar Rd. Owns property between the applicant and his residence. When it floods that field is under water. He is concerned about the water possibly shedding onto his property.
- Tracy Weldy 2451 6B Rd Lives to the east across the ditch. Has a concern about the flood zone and could possibly affect his property. Doesn't want to hear a generator.

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

The location of the generator is being proposed on the east side of the building in a covered block building with an updated exhaust. It is used and comes from a hospital and runs on natural gas. The shavings will directly go from a dust collector to a trailer. The board highly doubts any desell lanes will be required. The applicant will need to comply with all requirements whether it's the planning department, INDOT and IDEM. For the past 8 years the business hours have been from 5am to 1pm and would like to keep the same hours.

The plan director gave the board their options that could include a contingency that all drainage requirements are met.

Currently the applicant has 4,000 sq ft for storage and another 4,000 sq ft for manufacturing. The increase in space will allow additional room for manufacturing and storage so he can keep everything stored inside.

During discussions of the existing tile the applicant stated if he needed to replace it with a 6" tile he will do it.

Mr. Bennett made a motion to approve 25-BZA-54 BORKHOLDER, Gary - A request for a home workshop with a 80'x150' building that exceeds 4,000 sq ft; located at: 6680 SR 331, Bremen, IN German Twsp Zoned A-1 with the following conditions:

- **No outside storage**
- **Approved drainage plan by TRC and county surveyor**
- **Hours 5am to 1pm**
- **No signage**
- **Generator exhaust to be reflected to the most unpopulated area which is the south**
- **Explore the quietest exhaust you can get for the generator**

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

The second item of business was 25-BZA-55 DENINGER, Dennis - A request by Don Lewis for a Variance of Developmental Standard to allow a utility shed as a secondary before a primary; located at: E. Shore Dr. (504307000168000005) German Twsp., Zoned L-1 (Off Water).

The applicant was not present for the meeting. Mr. Bennett made a motion to table the meeting to the next scheduled meeting, seconded by Mr. Pletcher. Motion carried by acclamation.

The third item of business was 25-BZA-56 HARTMAN, Andrew & Michelle - A request for a Special Use to allow a home workshop with FFL firearm sales, related firearm parts and repair of firearms; located at: 4001 King Rd. Bremen, IN North Twsp., Zoned A-1. Mr. Andrew Hartman of 4001 King Rd. Bremen was present for his request. Mr. Witwer presented the findings of factg.

The petitioner is requesting a Special Use for his property to operate as an FFL, for gun show sales, off site, Gunsmithing, and transfer location for online firearms and ammunition purchases by third parties.

RECOMMENDATION
Based on the information provided, staff and TRC recommends approval of the Special Use.

The proposed plan has changed due to the FFL preferring to have everything dedicated all in the shop and not separated between the house and barn. This is a hobby and he has no plan to grow. There will be no signage. It will be by appointment only. No public range time.

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

- Devin Johnson 10559 3B Rd. In favor of the request.

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

Mr. Nunemaker made a motion to approve 25-BZA-56 HARTMAN, Andrew & Michelle - A request for a Special Use to allow a home workshop with FFL firearm sales, related

firearm parts and repair of firearms; located at: 4001 King Rd. Bremen, IN North Twsp., Zoned A-1 based on the findings of fact, seconded by Mr. Pletcher. Motion carried 5-0 with a voice vote.

2026 Proposed BZA Schedule

The proposed 2026 Proposed Board of Zoning Appeals Meeting Schedule was presented to the board. Mr. Bennett made a motion to approve, seconded by Mr. Nunemaker. Motion carried by acclamation.

With no further business to come before the board, Mr. Bennett moved to adjourn the meeting with a seconded by Mr. Nunemaker. Motion carried.

Respectfully submitted,

Secretary