January 10, 2017
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, January 10, 2017, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, Mark Wickizer, Trent Bennett, Dan Voreis and Stan Klotz, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties.

The first item of business was the review of the minutes from the December 13, 2016, meeting. **Mr. Wickizer moved and Mr. Voreis seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second item of business was the re-organization of the board for 2017. Mr. Wickizer made a motion to retain the same officers for 2017 as 2015, seconded by Mr. Voreis. Motion carried by acclamation.

President	Stan Klotz
Vice President	Jeff Gustafson
Secretary	Trent Bennett

The Lukenbill Law firm requested that their wage be increased from $125 per hour to $140 to match the County Attorney wage. Mr. Gustafson made a motion to increase said request from $125 to $140 and retain Lukenbill Law Firm for the year 2017, seconded by Mr. Wickizer. Motion carried by acclamation.

The third item of business was 17-BZA-01 OBRIEN, Mike & Stacey – A reconsideration of Case # 16-BZA -30 a kennel for their dogs and rescue dogs, located at 8585 8 A Road, Plymouth, IN Center Twsp., Zoned A-1. Mr. & Mrs. Obrien and their Attorney, Alex Beatty, Indianapolis appeared before the board to hear their request. Mr. Booker presented the findings.

The applicant is asking to have a reconsideration of their case 16-BZA-30 in which they were denied their request to have a rescue kennel at 858 8 a Road, Article 9, Section 070, B.

B. Reconsideration of applications- Either the petitioner or any interested party may seek the reconsideration of any variance, special exception, or administrative appeal by submitting a

written request to the Plan Director within thirty days of the date of Board action on the request. A Variance, special exception, or administrative appeal may be reconsidered by the Board of Zoning Appeals under the following procedure.

1. Public hearing – Upon receipt of the written request for reconsideration by the Plan Director the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. At the public hearing the Board shall only consider whether or not sufficient grounds for reconsideration are present, but shall not take any new action on the petition. If sufficient grounds are present, the Board shall place the petition on the agenda for its next regularly scheduled meeting at which time the petition shall be reconsidered and subsequent action taken.

2. Grounds for Reconsideration – At the public hearing the Board shall determine whether or not the variance, special exception, or administrative appeal shall be reconsidered.

a. The Board may reconsider the application if a finding is made that the entity seeking the reconsideration is able to provide substantial new information or clarified facts that were not know or available at the initial hearing on the petition and such new information or facts is directly related to the decision criteria established by this Ordinance.

b. In no instance, shall a reconsideration be granted to allow a petitioner to modify their application.

3. Time limitation – In no case shall the Board hear more than one request for reconsideration for any single petition.

The applicant must provide that there are facts or new information which were omitted during the November hearing. If the Board feels facts and new information were missing or not considered the Board could vote to have a new hearing on the kennel in the February BZA meeting.

Mr. Beatty brought to the board the applicants request for reconsideration the following new information and/or clarified facts that weren't presented at the previous meeting.

1. Fencing – Since the initial meeting Mike and Stacy have installed the second fence. The fence is specific to more commercial applications. It is also calibrated for larger breeds of dogs.
2. Mastiff Temperament – The mastiff breed became an issue at the previous meeting. This breed being described as aggressive may not be the case. Per documentation the mastiff breed can be described as a "gentle giant and a great family dog".

The belief is that the decision to deny the request of the O'Brien's was based on fear that the dog breed could pose a significant threat to the community. As well as the findings referencing the mastiff being an aggressive dog.

The O'Briens would like the opportunity to show that their dogs are not aggressive and that they have no desire to have an aggressive dog in the community.

Two letters were presented from adoptive dog owners and are happy with their dogs and have fit in well with their families.

The applicants request that the board reconsider so the applicants can present a fuller set of information that will allow the board to make a decision that takes in all the facts.

Mr. Wickizer asked whose specifications of calibrations were determined by. The fence companies name is Pet Playgrounds. The design is made to not be tight which deters the dogs from climbing and also lays flat on the ground which keeps dogs from digging and going under the fence. The secondary fence was put 7 ½ feet from the primary fence in order to mow between the fences.

Mr. Gustafson made a motion to open for public hearing, seconded by Mr. Gustafson. The motion was carried by acclamation.

Mr. Klotz reminder the audience that the information to be heard is for new information only.

1. Skip Davidson – Has rode and walked by the house and hasn't had any problems. Other neighbor's pets have been more of a nuisance.
2. Jeremy Klotz – Lives to the southwest of O'briens. In the meeting, last time Mrs. O'brien stated their home was 600' away from neighboring residences. While using the GIS different residences were measured from the O'briens. The DeSloover's is approximately 370' away, the property to the west is 540' away, the property to the east is 550' away and our property is approximately 700' away. Spoke of a neighbor's grandchild that was cornered by one of the O'briens dogs on their ATV and had to stand on the seat to get away from the dog. Cannot verify to the fact that the fence was professional installed and inspected.
3. Jennifer Klotz – Agreed that their house is 700' away, but their kids play in their backyard which is 20' away from their kennel. Since the last meeting, the O'briens have let their dogs outside of the fence. The concern is not if the dogs will get out, but when.
4. Mary Lynn Vernon – Has lived there for 11 years and have never been fearful of being outside the house until now.
5. Rick DeSloover – House is 300' away from this proposed dog kennel. Believes they are painting a rosy picture of these dogs, but wants to remind everyone that these dogs are rescue dogs for a reason. His grandson was the one on the 4-wheeler corner by one of their dogs. Reminded the board that the county's zoning laws state a dog kennel has to be a minimum of 600' away.
6. William Rash – Concerned about the safety of his family and if they have liability insurance.

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

Mr. Wickizer asked about the 600' setback from the nearest residence. Mr. Booker commented that this is mentioned in Kennel Standards under Noises Setbacks.

> *C. Noise Setbacks – Noise produced by the animals and/or operation of the kennel shall not interfere with the use and enjoyment of neighboring properties. Kennels, including shelters and fenced areas, shall be setback six hundred (600) feet from the nearest residence in which the operator of the Kennel does not reside.*

Mr. Beatty and his clients would like to offer a plan of operation with the following stipulations:

- Aggressive test evaluation
- Physical evaluation
- Maintain documentation
- Kept predominantly indoors
- Kept clean
- Fence maintained

The Marshall County Humane Society has inspected the property and feels that this kennel is constructed adequately for this breed of dogs.

In response to the dog that has gotten out was a personal dog which was not a mastiff breed.

Mr. O'brien stated that this dog has gotten away from them 2 times. It's not a mastiff but a mixed breed, but it weighs about 70-80 pounds.

To ensure that the mastiffs don't get out both the opening will never be open at the same time.

Marshall County BZA President, Mr. Klotz, stated the facts of the case.

1. **Applicants – The applicants have installed a second fence, consider mastiff dogs as "gentle giants" and are agreeable to a plan of operation/statement of commitments**
2. **Opposition – There are three properties that do not meet the 600' setback requirement for Kennel Standards**

Mr. Klotz asked for a roll call vote of the reconsideration of case <u>17-BZA-01 OBRIEN, Mike & Stacey –</u>A reconsideration of Case # 16-BZA -30 a kennel for their dogs and rescue dogs, located at 8585 8 A Road, Plymouth, IN Center Twsp., Zoned A-1. A voice vote of the roll call was had and denied 0-5.

The third item of business <u>17-BZA-02 MISHLER, Wayne –</u> A request for a Variance of Development Standard to reduce the rear yard and side yard setback of farm buildings to split off the residence with one acre from the farm, located at 2560 Kenilworth Rd., Bremen, IN North Twsp., Zoned A-1. Mr. William Mishler was present to represent his request. Mr. Booker presented the findings of fact.

The applicant is requesting this Variance of Development Standard for a variance to separate a home and some outbuildings from the main property. They are asking for variances from the rear and side yard setbacks. The applicant's son lives in the residence of this farmstead which includes the machinery buildings and grain bins used in the farm operation.

They need a 6 ½ foot setback between a garage and the grain bins, a 7 ½ foot setback between two outbuildings and a 9-foot setback from an old chicken house. Part of the old chicken house has been removed.

The applicants purpose is to divide and be able to sell the residential portion to his middle son rather than paying rent.

Mr. Gustafson made a motion to open for public hearing, seconded by Mr. Wickizer. Motion carried by acclamation. There being no one to speak for or against Mr. Gustafson moved and Mr. Voreis seconded the motion to close the public hearing.

The board's concern with the unconventional property lines understands that it may not be a concern while the property is owned within the family, but what will happen when someone else owns the residence other than the family that owns the far. With the close proximity of the property lines to the buildings they can see possible problems. Plus, the finding of fact whether the proposal is self-imposed and the answer would be yes.

Mr. Gustafson made a motion to open for public hearing, seconded by Mr. Wickizer. Motion carried by acclamation. There being no one to speak for or against Mr. Gustafson moved and Mr. Voreis seconded the motion to close the public hearing.

The board asked what would happen if the brother sold the house to someone else. Mr. Mishler stated that there is a plan to right in the deed a first right of refusal as well as the ability to use the driveway.

After a lengthy discussion, the board agreed that they would like to talk to both parties involved. Mr. Voreis made a motion to approve the request and without a second Mr. Bennett made a motion to table the request till the owner and son appear before the board, seconded by Mr. Wickizer. Motion carried by acclamation.

The fourth item of business 17-BZA-03 MOBILITIE, LLC – A request for a Special Use to install a 120' steel transport utility pole in the public right of way for data driven services, located between 17355 – 17502 6th Road on the North side of the Road, Polk Twsp., Zoned A-1. Mr. Dunn was present to represent his request. Mr. Booker presented the findings fact.

The applicant is asking to have a Special Use to install a 120-foot steel Transport utility pole in the public right of way. The applicant, Mobillite LLC is a wireless network provider they provide small towers to enhance the signals from existing cell towers. They use these to boost the existing signals.

The applicant wants to place a 120-foot tower on the north side of 6th Road. The nearest address would be 17355 6th Road. It could be placed between that address and west to Rose Road.

The state legislature defines these towers as a public utility in IC 8-1-32.3, Permits of Wireless Service Providers. Thus, they can be treated the same as REMC or telephone company. It gives them the authority to place towers in the public right of way.

Kenneth Dunn, Mobillite representative, has met with the County Commissioners to place this tower in the county. The Commissioners recommended this BZA hearing be held since we only allow towers with a special use hearing. Mr. Dunn has also met with Plymouth and Bremen on the placement of two more towers. Plymouth and Bremen will hold BZA hearings on those towers.

The use for the towers is high speed data transmission from dish to dish. The data demand has skyrocketed where doubling the need for data every two to five years. Existing cell

towers aren't able to handle that amount of data any longer. The industry is now trying to bring cellular infrastructure down to a closer ground level to interact while we are using the actual data.

Cell usage and data usage are two different towers. The small cells connect to these polls and send the data back out to the network. Eventually somewhere in the network will be connected to fiber.

Locating is based on the whole region and a search ring is then placed where the best location is. They want the tower close to a power source, but away from other poles and intersections.

The distance between poles is usually around 5 miles.

Their company is a certified local exchange carrier with the Indiana Utility Regulatory Commission. It gives them the rights to the right of way similar to a public utility company, but they are not a public utility company.

The board asked if they have looked closer in the area down the road where the substation is at. It was stated that they don't normally place in locations such as that because of more radio frequency interruptions with electrical transitions.

Currently the company is building transport polls. Nationwide this infrastructure around thousands of these and mini cells. What this company owns is the equipment to move data around.

At this time, there are only two location proposed for these towers. This one and the other in Bremen's jurisdiction.

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

1. Albert McVey – Questioned whether this company went to the Haags to discuss future planning. Why aren't the existing towers in the area being used?
2. Chad Haag – Uses the driveway right where the site is at every day to feed their farm animals.
3. Mike Norris – How will they work on the tower. Will they work on it from the road, because that road is a very busy road? Plus, if it falls down it could possibly take down power lines.

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

If that is a point of access the applicant wants to work with the neighboring property owners. They have the access to move the site within 50 feet without having to go through another case study. The board discussed other options that could make everyone happy.

The installation is a three-day process and they work with the county while closing a

section of the road down to one lane. Also, the size of the pylon base will be approximately 24'.

Mr. Bennett made a motion for a conditional approval that the tower be moved within 250' of Rose Road to the east, seconded by Mr. Wickizer. Motion denied with a voice vote 2-3.

Mr. Bennett made a motion for a conditional approval that the tower 25' east of the pole, seconded by Mr. Gustafson. Motion carried with a voice vote 5-0.

Violations

Hutchison	Has more junk on the property. Consensus of the board is to get him back into court till he understands that it needs to be clean and kept clean.
Tolsen	Lukenbill's are sending out a new letter that he's in contempt of court and needs to reappear before the judge.

Mr. Booker presented his calendars.

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Trent Bennett

February 14, 2017
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, February 14, 2017, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, Trent Bennett, Dan Voreis and Stan Klotz, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties. Member absent was Mr. Wickizer.

The first item of business was the review of the minutes from the January 10, 2017, meeting. **Mr. Gustafson moved and Mr. Bennett seconded the motion to approve the minutes as amended. The motion passed by acclamation.**

The second item of business 17-BZA-02 MISHLER, Wayne – A tabled request for a Variance of Development Standard to reduce the rear yard and side yard setback of farm buildings to split off the residence with one acre from the farm, located at 2560 Kenilworth Rd., Bremen, IN North Twsp., Zoned A-1. Mr. William Mishler and Mr. Wayne Mishler were present to represent his request. Mr. Booker presented the findings of fact.

The applicant is requesting this Variance of Development Standard for a variance to separate a home and some outbuildings from the main property. They are asking for variances from the rear and side yard setbacks. The applicant's son lives in the residence of this farmstead which includes the machinery buildings and grain bins used in the farm operation.

They need a 6 ½ foot setback between a garage and the grain bins, a 7 ½ foot setback between two outbuildings and a 9-foot setback from an old chicken house. Part of the old chicken house has been removed.

The board had a concern that this request leaves a lot of the property in non-conformity. Their hope was that the family would discuss this during the tabled hearing till now and possibly consider a revision.

The families need is to split off the residence from all of the farm owned buildings for business reasons.

Mr. Gustafson made a motion to open for public hearing, seconded by Mr. Voreis. Motion carried by acclamation. There being no one to speak for or against Mr. Gustafson moved and Mr. Voreis seconded the motion to close the public hearing.

A discussion was had regarding which buildings need specific variances to meet the setback guidelines.

Mr. Voreis made a motion to approve the Variance of Development Standard to reduce the rear yard and side yard setback of farm buildings to split off the residence with one acre from the farm, located at 2560 Kenilworth Rd., Bremen, IN North Twsp., Zoned A-1 with the following stipulations:
1. Split the difference in setback between the garage and the grain bin
2. Split the difference in setback between the barn directly behind the house and the newly construction pole building.

Seconded by Mr. Gustafson. Motion carried with a voice vote 4-0.

The third item of business was 17-BZA-04 BAKER, Dean – A request for a Variance from the 1:3 width to depth ratio with the parcel being 341.63' by 1296.54' for farming reasons, located at 4733 Grape Rd., Bremen, IN Zoned A-1, German Twsp. Dean and Sherrie Baker were present to represent his request. Mr. Booker presented the findings of fact. The applicant has an eighty-acre parcel at the corner of Grape and 5th Road. The applicant wishes to divide the homestead on a ten-acre parcel. The new parcel would be 341.63 feet by 1296.62 feet. A parcel 341.63 feet wide can only be 1024.89 feet long by our development standards in an A-1 District.

The applicant's rationale is if he conforms to the ordinance requirements it will leave a 2-acre parcel to the west of the home. 271.73x331.42. This parcel would not be suitable for farming and would not protect agricultural ground. The one to three width to depth ratio developmental standard was created to save agricultural ground.

Mr. Baker stated that he thought it best to run along with the existing fence line.

Mr. Gustafson made a motion to open for public hearing, seconded by Mr. Voreis. Motion carried by acclamation. There being no one to speak for or against. Mr. Gustafson moved and Mr. Voreis seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Voreis made a motion to approve the request for a Variance of from the 1:3 width to depth ratio with the parcel being 341.63' by 1296.54' for farming reasons, located at 4733 Grape Rd., Bremen, IN Zoned A-1, German Twsp., seconded by Mr. Gustafson. Motion carried with a voice vote 4-0.

Marshall County Board of Zoning Appeals
February 14, 2017

Other

The Haag family has filed for a reconsideration of the Mobilitite case from January.

Violations

Hutchison – Pictures were shown to the board of the property one month ago. Then the attorney and Plan Director went and took more pictures a month later. Mr. Hutchison has brought in more items to the property again. Another court date has been set for March 8, 2017.

Tolsen – In violation of a court order. They are bringing in more garbage. A contempt of court order letter is being sent by the attorney.

O'Brien – Mr. Booker went to the site to count how many dogs were on the property and there was a note on the door that they were sleeping and not to interrupt. A certified letter was sent to have the excess dogs removed by February 14, 2017.

Kreft-Stiles – East St. Tippecanoe – Neighbors each complaining about each other. One having a fence too close to the property line and a rock to close to the road. Then the other complained about them having a fence installed with the construction side facing outward. The building however didn't need a permit because it was less than 120 sq ft.

Justice – Millpond Tr. - Parked trailer on the right of way and asked him to remove it.

There was a US 31 meeting in which they collected information. It looks as though there might be another meeting in the summer. Their hope is to have a draft plan for the US 31 corridor by November or December.

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Trent Bennett

March 14, 2017
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, March 14, 2017, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, Mark Wickizer, Dan Voreis and Stan Klotz, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties. Member absent was Trent Bennett.

The first item of business was the review of the minutes from the February 14, 2017, meeting. **Mr. Voreis moved and Mr. Gustafson seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second item of business was 17-BZA-05 HAAG, Peggy- A reconsideration of Case # 17-BZA-03 a Special Use to install a 120' transport utility pole in the public right of way for data driven services, located between 17355 -17502 6th Road on the North side of the Road, Polk Twsp., Zoned A-1. Ms. Peggy Haag and her attorney, Mr. Jeffrey Houin were present to represent their request. Mr. Booker presented the findings of fact.

The applicant is asking for a reconsideration of case 17-BZA-03 which approved a Special Use to have a 120' wireless network tower 250' from Rose Road in the 6th Road right of way.

The motion that passed in February's meeting was:

> ***Mr. Bennett made a motion for a conditional approval that the tower 25' east of the pole, seconded by Mr. Gustafson. Motion carried with a voice vote 5-0.***

Mr. Houin on behalf of Ms. Haag requests that the board reconsider the decision made at the January meeting to grant the request for a special use.

The substantial information to allow reconsideration is because the request did properly comply with the Marshall County Zoning Ordinance and was not a proper request by a special use.

A special use is the process for a communication tower; however, it is their belief that the request is a telecommunication facility and meets that definition within the Marshall County

Zoning Ordinance. This is supported by IC 8-1-32.3-13 Wireless Facility and IC 8-1-32.3-14 Wireless Support Structure.

It's the applicant's belief that Mobilitite should have presented their request to the Plan Commission as part of the requirements for a telecommunication facility. By doing this it would require much more in depth information. Including more information on the site plan, letter of intent, fencing, performance standards, etc. A telecommunication facility requires much more in depth information than just a telecommunication tower.

Based on this information they believe there is substantial new information that is directly related to the decision criteria and requests that the board reconsider the above case based on the new information provided.

The applicant would like the opportunity to review the full required application from the Plan Commission before it goes back to the Board of Zoning Appeals for the Special Use.

Mr. Wickizer made a motion to open for public hearing, seconded by Mr. Gustafson. Motion carried by acclamation. There being no one to speak for or against Mr. Gustafson moved and Mr. Wickizer seconded the motion to close the public hearing. Motion carried by acclamation.

After a lengthy discussion the board believes there is sufficient evidence that the case be re-heard, but by the Technical Review Committee first, then the Plan Commission followed by the Board of Zoning Appeals as a Special Use.

Mr. Gustafson made a motion to approve the request for reconsideration of case 17-BZA-03 MOBILITITE, seconded by Mr. Wickizer. Motion carried with a voice vote 4-0.

The third item of business was 17-BZA-06 HENSLEY FABRICATING – A request for a Variance of Development Standard to reduce two front yard set backs from the required 50' setback to 20' from the north and 0' to the east, located at 17624 SR 331, Tippecanoe, IN Tippecanoe Twsp., Zoned I-1. Mr. Greg Hensley was present to represent his request. Mr. Booker presented the findings of fact.

The applicant wants to build a 75 foot by 120 foot fabrication building. It would be at the corner of 17C Road and Center Street. This is an area they presently park large vehicles and trailers.

The requirement is a fifty foot setback from a street right of way. They are asking for a twenty foot setback from 17 C Road and a zero foot setback from Center St.

The building location at a zero foot setback on Center Street will be the same alignment for a building just south. This 80' by 120' foot building was granted approval with 93-BZA-22. With 98-BZA-32 there was an eight foot expansion on the east side.

Hensley's have been granted variances with 78-BZA-14 (70x40) addition, 82-BZA-04 (40x100 addition) and 88-BZA-27 (24x40) addition.

They will be tearing down a garage and home just west of this proposed building. That will be where they will make a new parking lot. Employee parking will then be across the street on land owned by the applicant. The reason the building isn't on that property across the street is because part of the septic is on that property and they desire to build an office on that property in the future.

Due to the length of the trailers and getting them in and out of both buildings, the applicant believes this location is the only option for them.

In 2016 the built around 80 units and their plan is to build 120 units in 2017. They currently employ 47 and plan to add 20 if the variance goes through.

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

1. Dan Geldner – 2935 17C Road Tippecanoe – Over the years their property has been built up which in turn lets water flow onto the other properties. Doesn't understand if they already have a 0' setback and they park semis beside the building. His understanding is that he's parking his semi's in the right of way. The current retention pond already doesn't hold their water. Concern with traffic as well as the structure of the roads. Also sent a letter which was read into record.
2. Debra Repolgle – 2933 17 C Road Tippecanoe – Confirmed that 17C is not an alley, but is a county road. There are terrible problems with visually being able to pull out on the road because the trailers being parked so close to the road. How will anyone be able to pull out safely with a 0' setback if the new building is built. Water is already running heavily down the road and into their driveway which prevents them sometimes being able to get into their driveway. What are their plans about the water? Also sent a letter which was read into record.

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

Mr. Hensley stated that every expansion to the business has been approved this board and proper permits applied for. As far as water the business has applied gravel to areas to have the water run off to SR 331 because the highway department came out and cleaned out the culverts to get the water flowing correctly. The newest part of the building has eves on it and the water is directed to the retention pond.

Mr. Booker reminded everyone that the Technical Review Committee will review the plans as well as the drainage plan.

The property is surrounded by two different roads; therefore, the applicant needs to meet the ROW setback from both roads.

After a discussion about a compromise the board and Mr. Hensley came to an agreement.

Mr. Gustafson made a motion to approve <u>17-BZA-06 HENSLEY FABRICATING –</u> A request for a Variance of Development Standard to reduce two front yard set backs

from the required 50' setback to 20' from the north and 0' to the east, located at 17624 SR 331, Tippecanoe, IN Tippecanoe Twsp., Zoned I-1 with the following stipulations:

1. **20' setback from the ROW on the roads to the north and east.**
2. **TRC approval – discuss site plan as well as drainage**

seconded by Mr. Wickizer. Motion carried with a voice vote 4-0.

The fourth item of business was 17-BZA-08 CULVER ACADEMIES – A request for a Special Use to allow a bed and breakfast style lodging at 19766 SR 117, Culver, IN 46511, Union Twsp., Zoned A-1. Mr. Jeff Kutch of Culver Academies was present to represent his request. Mr. Booker presented the findings of fact.

The applicant wants to use an exisitng building to house temporary employees used at their summer camps and other activities. This building was originally built to accommodate individuals using a proposed airport. The Assessors Office steates it was built in 1948.

The building has a kitchen and living room space on the first floor. All the six rooms upstairs are bedrooms each with an individual bathroom. This building may have been used for apartments for years without knowledge.

The building is located on five acres. It has a detached three car garage built in 2001.

The building will be utilized by staff and anyone affiliated with Culver Academies. They will not be used as rental units.

The board had a concern about classifying this as a bed and breakfast because it doesn't fully meet those qualifications.

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

1. Ms Smith – Member of the LLC that has adjoining property. The would like to see this property improved and restored. By granting this it will benefit the surrounding properties as well.
2. Chuck DeWitt – Marshall County Building Commissioner – The original plan of the home was to build an airport and then people could stay a weekend or a week. It never gained enough momentum and went to bankruptcy and was empty for many years. The layout will be perfect for use. Their plans are to considerably update this home and would be to best interest of the community to have this approved.

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

Mr. Wickizer made a motion to approve 17-BZA-08 CULVER ACADEMIES – A request for a Special Use to allow a bed and breakfast style lodging at 19766 SR 117, Culver, IN 46511, Union Twsp., Zoned A-1 with the following stipulations:

1. **Six rooms/2 people occupancy per room**
2. **Short term stay up to eight weeks**
3. **Occupants are workers or guests of Culver Military Academy**

seconded by Mr. Voreis. Motion carried with voice vote 4-0.

Violations

Hutchison	Mr. Hutchison didn't appear in Court and they judge ordered that an itemized list be made of all the items that had to be removed from the property. Once the list gets turned in to the judge a company is hired to go in and remove all the items and turn the bill over to Mr. Hutchison.
Tolsen	8674 19th Rd – A rule to show cause has been filed and there is a court date set for April 23rd.
Timothy Justice	16586 Millpond – Building a shed in violation
Devon Zillmer	4381 W. Shore Bremen – Junk cars

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Trent Bennett

April 11, 2017
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, April 11, 2017, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, Mark Wickizer, Dan Voreis, Trent Bennett and Stan Klotz, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties.

The first item of business was the review of the minutes from the March 14, 2017, meeting. **Mr. Wickizer moved and Mr. Voreis seconded the motion to approve the minutes as written. The motion passed by acclamation.**
seconded by Mr. Voreis. Motion carried with voice vote 4-0.

The third item of business was 17-BZA-06 VERIZON – A request for a Special Use to allow a 235' Telecommunication Facility including a fence, ground equipment and tower, located at 15111 Redwood Road, Culver, IN Union Twsp., Zoned A-1. Mr. Derek McGrew was present to represent his request. Mr. Booker presented the findings of fact.

Verizon wireless wants to place a new 235' tower on the west side of Redwood Road just north of 15111 Redwood Road. The tower will be located on the north part of a ten-acre parcel. There is an elevation of 778 feet where the tower will be built. To the south is the J Banks legal tile which has a seventy-five' setback. This tower will not be in that setback. The nearest residences are the applicant's home to the south and three residents to the north. The rest of the area is vacant or agricultural ground.

The site plan was reviewed by the Technical Review Committee on March 17, 2017 and the Marshall County Plan Commission on March 23, 2017. They found the application was complete and accepted the engineer study they could not co-locate on existing towers on Peach Road and SR 17.

The tower to the west they consider a coverage tower. That tower is currently overloaded and has a capacity issue. The other site will not work due to the height. This tower is 60' shorter than what they require.

This tower will have a light at the top as required. It will be white during the day and red at night.

The proposed tower will have the capacity to add three additional users to it.

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

1. Charles Bush – In favor of the request (letter)

Mr. Bennett made a motion to close the public hearing, seconded by Mr.Wickizer to close the public hearing.

Mr. Wickizer made a motion to approve 17-BZA-06 VERIZON – A request for a Special Use to allow a 235' Telecommunication Facility including a fence, ground equipment and tower, located at 15111 Redwood Road, Culver, IN Union Twsp., Zoned A-1 with the following stipulations:

1. **Landscaping as required**
2. **Building according to site plan and the Marshall County Zoning Ordinance.**

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

The fourth item of business was 17-BZA-09 KUBLEY, Rod – A request for a Variance of Development Standard to allow a accessory structure as a secondary before a primary, located across the street from 14365 Lawrence Lake Dr., Center Twsp., Zoned L-1. Mr. Kubley was present to represent his request. Mr. Booker presented the findings of fact.

This is a common request in that the residence is on a too small parcel to have an accessory building. Thus, they wish to build on a off lake parcel across from their residence. In this case, there is an old metal shed they wish to replace. They have two parcels. The new building (25x38) would be the eastern parcel. There is presently a small basketball pad and hoop on the north side of the shed. A driveway from Lawrence Lake Dr. comes in on the western parcel. There are other pole buildings which have been approved by the BZA. The proposed building will meet the setback requirements.

It was heard that the existing building received a building permit on or around the late 1980's. The owner just wants to replace the existing building with something newer and larger. The plan is for it to be a 3-car garage. The location was picked for security reasons.

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

1. John Bernero – Put up the original shed. He has no problem with the request as he believes it will enhance the neighborhood.

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

Mr. Kubley commented that on that stretch of land there are two houses and five pole barns.

Mr. Wickizer made a motion to approve 17-BZA-09 KUBLEY, Rod – A request for a Variance of Development Standard to allow a accessory structure as a secondary before

a primary, located across the street from 14365 Lawrence Lake Dr., Center Twsp., Zoned L-1, seconded by Mr. Gustafson. Motion carried with a voice vote 5-0.

The fifth item of business was 17-BZA-10 SYMON, Terry & Deborah – A request for a Variance of Development Standard to reduce the front yard setback from the required 30' to 10' and the south yard setback from the required 10' to 8' to construct a garage and the southwest corner home addition, located at 3987 Lakeshore Dr., Bremen, IN Zoned L-1, German Twsp. Mr. & Mrs. Terry Symon were present to represent his request. Mr. Booker presented the findings of fact.

The applicant owns a home built in 1928 according to the property record card. It is in need of renovation. They are asking to demolish the existing garage and add a new garage and a master suite addition. The parcel is 33' by 138' by 94' by 170' or a trapezoid. It is on the lake. This limits the size of any structures. It is located at the end of a dead-end street. Thus, the only traffic would be the applicant, visitors to the property, and a neighbor across the street. There is a no through put traffic. The properties to the north have a zero setback and a eleven foot setback. This is close to the average setback which can be allowed by ordinance.

The applicants plan is to make this a full time home. As far as the distance of the proposal to the road it will not be any closer to the road than the neighbor.

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

1. Van Gurley – They support the variance.

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

Mr. Wickizer made a motion to approve 17-BZA-10 SYMON, Terry & Deborah – A request for a Variance of Development Standard to reduce the front yard setback from the required 30' to 10' and the south yard setback from the required 10' to 8' to construct a garage and the southwest corner home addition, located at 3987 Lakeshore Dr., Bremen, IN Zoned L-1, German Twsp, seconded by Mr. Gustafson. Motion carried by voice vote 5-0.

The sixth item of business was 17-BZA-11 RENTOWN – A request for a Variance of Development Standard to allow a reduction in side yard setback from the required 15' to 5' to build a 12'x110' open storage building, located at 1538 3rd Rd., Bremen, IN German Twsp., Zoned A-1. Mr. LeRoy Hochstetler was present to represent his request. Mr. Booker presented the findings of fact.

The applicant wants to put up a fence five feet from his western neighbor. The plan is for it to be used as a sound barrier from his diesel generator. He would then place a roof on the fence to create a three-sided shed to be used for open storage. On the south end they would place a twelve by twelve shelter for horses. There is a need for some sound barrier from the generator since it is providing electricity to the Rentown grocery store which runs twenty-

four hours per day. My understanding from the applicant the western neighbor is okay with this structure.

The neighbor doesn't like the noise of the store and contemplated putting up a wall. Dennis Hochstetler talked to the adjacent neighbor and suggested putting up this building in hopes that it would cut down on the noise. The neighbor seemed satisfied.

The shrubs will stay and the proposed building will run adjacent to it. The plan is to store salt and lawn furniture in it. The salt is currently being stored in a semi trailer. So once the new building is built the semi trailer will be removed. The floor will be gravel. Once the permit is applied for the drainage will be studied.

Mr. Bennett made a motion to open for public hearing, seconded by Mr. Wickizer. Motion carried by acclamation. There being no one to speak for or against Mr. Voreis moved and Mr. Wickizer seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Bennett made a motion to approve <u>17-BZA-11 RENTOWN –</u> A request for a Variance of Development Standard to allow a reduction in side yard setback from the required 15' to 5' to build a 12'x110' open storage building, located at 1538 3rd Rd., Bremen, IN German Twsp., Zoned A-1 with the following stipulations:

1. **The semi trailer is to be removed once the new building is built**
2. **There is a drainage plan review on the building plans**

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

The seventh item of business was <u>17-BZA-03 MOBILITIE, LLC –</u> A reconsideration to install a 120' steel transport utility pole in the public right of way for data driven services, located between 17355 – 17502 6th Road on the North side of the Road, Polk Twsp., Zoned A-1.

The Plan Commission made a motion to deny the site plan but have Ken Lukenbill review the case and the question and bring back to the next Plan Commission meeting. Since then Ken Lukenbill has been given all the details of the case. He is now reviewing the case and its questions.

Mr. Gustafson made a motion to table this reconsideration, seconded by Mr. Wickizer. Motion carried by acclamation.

<u>Violations</u>

Hutchison	Mr. Hutchison didn't appear in Court and they judge ordered that an itemized list be made of all the items that had to be removed from the property. The list was given to the judge and the judge came back with just a few of the items to be removed.

Marshall County Board of Zoning Appeals
April 11, 2017

Tolsen	8674 19th Rd – A rule to show cause has been filed and there is a court date set for April 25TH.
O'Brien	They are still over the limit in dogs as they still have 7. Their house is for sale.
Timothy Justice	16586 Millpond – Building a shed in violation
Devon Zillmer	4381 W. Shore Bremen – Junk cars

The 20/20 Census will be coming up soon. The County Plan Director will have to verify all the roads, annexations, etc.

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Trent Bennett

May 9, 2017
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, May 9, 2017, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, Mark Wickizer, Dan Voreis, Trent Bennett and Stan Klotz, Plan Director Ralph Booker, and interested parties.

The first item of business was the review of the minutes from the April 11, 2017, meeting. **Mr. Gustafson moved and Mr. Wickizer seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second item of business was 17-BZA-12 WILMA, David & Janice – A request for a Variance of Development Standard to build a 20'x60' pole barn that is 5' from the property line instead of the required 10' or 10%, located at 16789 12th Rd., Plymouth, IN Zoned L-1. Mr. David Wilma was present to represent his request. Mr. Booker presented the findings of fact.

The applicant wishes to replace an old single wide trailer which appears to be used for storage. This would be an illegal accessory building. This trailer is presently fifteen (15) feet from the northern property line. They have a site plan which says it is only five (5) feet from the property line. I think there is some confusion on the location of the property line. The main residence on the very narrow parcel is another single wide trailer. There is also a camper which looks like a second residence or at least used during the summers.

With the variance, the proposed building will be 10' from the existing driveway. Otherwise, it will be just 5'.

The board recommended to the applicant that he require the contractor to make sure that he follows the surveyed property lines.

Mr. Gustafson made a motion to open for public hearing, seconded by Mr. Wickizer. Motion carried by acclamation. There being no one to speak for or against Mr. Bennett moved and Mr. Gustafson seconded the motion to close the public hearing. Motion carried

by acclamation.

Mr. Voreis made a motion to approve request 17-BZA-12 WILMA, David & Janice – A request for a Variance of Development Standard to build a 20'x60' pole barn that is 5' from the property line instead of the required 10' or 10%, located at 16789 12th Rd., Plymouth, IN Zoned L-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The third item of business was 17-BZA-13 GLOSE, Vincent – A request for a Variance of Developmental Standard to reduce the west side yard setback from the required 15' to 9' to allow for the proposed addition, located at 9647 12 B Rd., Argos, IN Zoned A-1, Center Twsp. Mr. Vincent Glose was present to represent his request. Mr. Booker presented the findings of fact.

The applicant wishes to add to the west side of their garage, add a shop to the rear of the garage, and a family room. The garage addition will only be nine (9) feet from the western property line. There is a farmstead to the west. The home is over 160 feet from the property line. There are no other buildings between this home and Mr. Glose's property. The septic system limits east side additions. Also, the garage is on the west side.

The applicant would like to start with the garage and the shop first. The family room addition will come at a later date.

The well on the property will meet the requirements of five feet from the eaves of the building.

Mr. Wickizer made a motion to open for public hearing, seconded by Mr. Voreis. Motion carried by acclamation. There being no one to speak for or against Mr. Bennett moved and Mr. Wickizer seconded the motion to close the public hearing.

Mr. Wickizer made a motion to approve 17-BZA-13 GLOSE, Vincent – A request for a Variance of Developmental Standard to reduce the west side yard setback from the required 15' to 9' to allow for the proposed addition, located at 9647 12 B Rd., Argos, IN Zoned A-1, Center Twsp, seconded by Mr. Voreis. Motion carried with a voice vote 5-0.

The fourth item of business was 17-BZA-14 KREIGHBAUM, John – A request for a Variance of Development Standard to reduce the rear yard setback from the required 20' to 5' in order to utilize the existing septic system, located at 16219 Pretty Lake Tr. Plymouth, IN Zoned L-1, West Twsp. Mr. John Kreighbaum was present to represent his request. Mr. Booker presented the findings of fact.

These are two (2) parcels located on the south side of Pretty Lake Trail. They are wooded parcels in which there is a wetland to the south. The home will be in an area which the trees have been removed on the south part of the parcel. There is a lane to this new home. The closest home is to the west. There will never be any structures built to the south due to a wetland and the steep slope.

The way the lot is situated with the existing septic system there is only one place for a house. The existing septic was used by a trailer that was on the property twenty plus years ago.

Mr. Wickizer made a motion to open for public hearing, seconded by Mr. Gustafson. Motion carried by acclamation. There being no one to speak for or against Mr. Gustafson moved and Mr. Wickizer seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Gustafson made a motion to approve 17-BZA-14 KREIGHBAUM, John – A request for a Variance of Development Standard to reduce the rear yard setback from the required 20' to 5' in order to utilize the existing septic system, located at 16219 Pretty Lake Tr. Plymouth, IN Zoned L-1, West Twsp, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The fifth item of business was 17-BZA-15 SCHWARTZ, Wayne – A request for a Variance of Developmental Standard from the 1:3 width to depth ratio as the property will be 991' and 50' at the setback line with the proposed school being setback 475' from the road, located at 4 B Rd., Bremen, (50-44-09-000-026-000-005), Zoned A-1, German Twsp. REMOVED

The sixth item of business was 17-BZA-16 SCHWARTZ, Wayne – A request for a Special Use to allow an Amish School in an A-1 Zone, located at 4 B Rd., Bremen, (50-44-09-000-026-000-005), zoned A-1, German Twsp. Mr. Loren Sloat, Attorney and Mr. Wayne Schwartz were present to represent their request. Mr. Booker presented the findings of fact.

Mr. Farmwald is donating a little over 2.80 acres to construct an Amish School. It will be called the Whispering Knoll School. It will have a fifty (50) foot access north of 4B Road. It will consist of a school house and a barn. There is the Farmwald residence to the southeast and residences to the south. There is a duck barn to the southwest and large ag operation to the east. The property is being used as a hay field. The Leroy Young tile provides drainage of the area. The fifty (50) foot driveway will pass over the tile. The applicant may have to check with the Marshall County Drainage Board to construct over the tile.

Mr. Sloat has already been in contact with the Marshall County Drainage Board regarding the driveway over this tile.

The plans are to provide a school for Amish children that will hold approximately 30-35 children that ranges from grade 1-8 for their district. This district covers one mile radius. The children will either ride bicycles or buggy's. There is a plan for an outbuilding as well for buggies.

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

Merle Farmwald – Is in favor of the request.

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

Mr. Gustafson made a motion to approve <u>17-BZA-16 SCHWARTZ, Wayne –</u> A request for a Special Use to allow an Amish School in an A-1 Zone, located at 4 B Rd., Bremen, (50-44-09-000-026-000-005), zoned A-1, German Twsp: With the following stipulations:

1. **Proper approvals from the Marshall County Drainage Board to cross the tile.**
2. **Septic approval**
3. **Construction Design Release approved**

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

<u>Violations</u>

Hutchison	After the court hearing a new truck has been brought onto the property with pallets on it. Will pursue another inspection to see if scrapping is going on.
Tolsen	8674 19th Rd – A rule to show cause has been filed and there is a court date set for April 25TH. Went to court. They were given 60 days to remove the items and scrap materials as shown. After 60 days, a contractor can be hired to remove the materials. The Tolsen's also agreed to pay attorney's fees in the amount of $420.
O'Brien	They are still over the limit in dogs as they still have 7. Their house is for sale. Klotz (8362 Iris Rd.) Wondered what the plans are of the board. The board all agreed to have Attorney Ken Lukenbill send a letter to the O'Brien's giving them till June 1st to have 4 dogs or less.
Wheeler Jacqueline & Steven Hubler	20057 5 B Rd. – Have several vehicles outside. Contacted the office and they are being moved to a commercial property.
Faulkner Billy D & Judith Hurley	3200 Channelwood, Lake of the Woods – Built a fence all the way out to the edge of the water by the lake. The Plan Director's interpretation of the ordinance is any structure must be 45' away from the lake. The owners of the property built a fence in the same

location back in 1966. The reason for the fence is because it's always been there. However, they built it with the good side facing in and should have been facing outward.

Another concern of the neighbors is that if this person is allowed then everyone will be putting up fences to the lakes edge.

If this fence were to fall under the grandfathered clause, it can be rebuilt to the exact same size and height to meet conformity.

The board made a decision to table the discussion on this and reconvene on June 13, 2017 (next BZA meeting) giving the board time to review the ordinances requirements.

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Trent Bennett

June 13, 2017
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, June 13, 2017, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, Mark Wickizer, Trent Bennett and Stan Klotz, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties. Member absent was Dan Voreis.

The first item of business was the review of the minutes from the May 9, 2017, meeting. **Mr. Wickizer moved and Mr. Gustafson seconded the motion to approve the minutes as amended. The motion passed by acclamation.**

The second item of business was 17-BZA-17 TILLMAN, Gary – A request for a Variance of Use to add an AEP utility substation, on parcel 50-22-95-402-393-003-010 located south of 618 South Michigan St., Lapaz, North Twsp., Zoned C-2. Mr. Gary Tillman was present to represent his request. Mr. Booker presented the findings of fact.

The applicant is requesting to build an electric substation. This will replace a substation to the north. This is being placed on a recently subdivided parcel of 1.65 acres. This parcel is located north of the Dollar General Store and south of The Tillman blueberry buildings. The present substation, owned by AEP is not sufficient to provide power for the LaPaz area. It is in need of an upgrade but is on a very small property of .19 acres.

Mr. Tillman stated that AEP currently owns the property and their intention is to double the use. The plan for the old substation is to dismantle it.

Mr. Gustafson made a motion to open for public hearing, seconded by Mr. Bennett. Motion carried by acclamation. There being no one to speak for or against Mr. Wickizer moved and Mr. Bennett seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Wickizer made a motion to approve 17-BZA-17 TILLMAN, Gary – A request for a Variance of Use to add a AEP utility substation, on parcel 50-22-95-402-393-003-010 located south of 618 South Michigan St., Lapaz, North Twsp., Zoned C-2, seconded by Mr. Gustafson. Motion carried with a voice vote 4-0.

Marshall County Board of Zoning Appeals
June 13, 2017

2018 Marshall County BZA Budget Proposal

Mr. Booker proposed the exact same budget as 2017 to the board. **Mr. Wickizer made a motion to approve the proposed 2018 Marshall County Board of Zoning Appeals Budget, seconded by Mr. Gustafson. Motion carried by acclamation.**

Violations

Hutchison	Mr. Hutchison didn't appear in Court and they judge ordered that an itemized list be made of all the items that had to be removed from the property. Once the list gets turned in to the judge a company is hired to go in and remove all the items and turn the bill over to Mr. Hutchison.
Tolsen	8674 19th Rd – From the April 25th Court hearing they had 2 months to clean up the property. Today's date there is still a lot of junk. A contractor can be hired at the 2-month mark to clean up the property if not done.
O'brien	A inspection took place on June 8th. There were four dogs and in compliance.
Faulkner	3200 Channelwood Lane, Bremen, IN Neighboring property owner (Zimmerman's)sent in a letter and appeared in person stated that they don't have a problem with the neighbor's upgraded fence. There had been a fence there ever since he remembered. Prior to the new fence it was made of wire and white fence posts. The Zimmerman's also didn't necessarily see the need for a 45' setback. They are the only ones that could be affected and they are not. Peuquet 3295 Lakeshore Bremen – President of the lake association and feels that if you do for one you should do for all. He had to abide by the ordinance and they should as well. Skelton 3329 Lakeshore Bremen – Believes the board needs to follow the ordinance as a precedence has been set. Three board members agree that the fence was grandfathered.

Marshall County Board of Zoning Appeals
June 13, 2017

Nickerson	8605 N. Shore, Bremen – A list of items were given to Mr. Nickerson to remove before June 24th.
Fink, Jerry	18933 Elm Rd. – Hasn't mowed since last fall.
	Mr. Klotz commented that if more cases were turned over to the attorney it would alleviate the workload on the Plan Director and with more pressure there may be more respect.
Skelton, Joe	3480 E. Shore Bremen – Believes there is a building with no utilities, they are working a business out of the building and live in a trailer. Mr. Booker inspected and advised them that they can't live in a trailer longer than 8 weeks out of the year. The owner stated that he is not running a business out of the building. Mr. Booker will re-investigate.

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Trent Bennett

July 11, 2017
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, July 11, 2017, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, Mark Wickizer, Trent Bennett, Dan Voreis and Stan Klotz, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties.

The first item of business was the review of the minutes from the June 13, 2017, meeting. **Mr. Gustafson made a motion to approve the minutes as corrected, seconded by Mr. Wickizer. Motion carried by acclamation.**

The second item of business was 17-BZA-18 VANVACTOR, Stephen - A request for a Variance of Development Standard to reduce the required 210' minimum lot width to 200' in order to split off the house from the farm, located at 11725 Olive Tr., Plymouth, IN Center Twsp., Zoned A-1. Mr. Stephen VanVactor was present to represent his request. Mr. Booker presented the findings of fact.

This parcel is on a fifty-five (55) acre agricultural parcel. The home to the south was split off in 2010 legally. At that time, we did not leave the required 210 feet between the southern and northern parcels. Splitting off this parcel will not affect the neighborhood since the home is already on the property. Other than the width of 200 feet, the parcel meets all requirements.

The plan is to split the house off so that the applicant can sell off the house and retain the farm ground.

Mr. Wickizer made a motion to open for public hearing, seconded by Mr. Voreis. Motion carried by acclamation. There being no one to speak for or against Mr. Voreis moved and Mr. Wickizer seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Voreis made a motion to approve 17-BZA-18 VANVACTOR, Stephen - A request for a Variance of Development Standard to reduce the required 210' minimum lot width to 200'

in order to split off the house from the farm, located at 11725 Olive Tr., Plymouth, IN Center Twsp., Zoned A-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The third item of business was 17-BZA-19 STUTSMAN, Bruce – A request for a Variance of Development Standard to reduce the ROW setback from the required 75' to 20' in order to put up a carport, located at 13409 US 6, Plymouth, IN North Twsp., Zoned A-1. Mr. & Mrs. Bruce Stutsman was present to represent his request. Mr. Booker presented the findings of fact.

The applicant wishes to place a carport on their property. This property is located on US 6 east of LaPaz. The ordinance requires a 75-foot setback from the right of way. The right of way is already 135 wide. It is at the point the road goes from a 4-lane to a 2-lane road. The applicant's property is 70 feet from the right of way. A carport should not affect US 6.

The Stutsman's commented that they don't agree with the GIS property lines.

Mr. Wickizer made a motion to open for public hearing, seconded by Mr. Voreis. Motion carried by acclamation. There being no one to speak for or against Mr. Bennett moved and Mr. Wickizer seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Voreis made a motion to approve 17-BZA-19 STUTSMAN, Bruce – A request for a Variance of Development Standard to reduce the ROW setback from the required 75' to 20' in order to put up a carport, located at 13409 US 6, Plymouth, IN North Twsp., Zoned A-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The fourth item of business was 17-BZA-20 KNEPPER, Steven – A request for a Variance of Development Standard from the 1:3 width to the depth ratio to create a parcel that is approximately 330'x1320' as they want to split 10 acres off the 80-acre parcel, located at 11759 Upas Rd., Plymouth, IN West Twps., Zoned A-1. Mr. Steven Knepper was present to represent his request. Mr. Booker presented the findings of fact.

This is a large parcel located in a fairly isolated area of the County. A portion of the parcel is in the forest reserve program. To split off ten (10) acres it would be difficult to meet the one to three width to depth ratio due to the quarter mile length of the parcel.

Due to there being a discrepancy on the parcel Mr. Knepper made a motion to withdraw this request to re-submit later with the correct parcel and information. Motion carried by acclamation.

The fifth item of business was 17-BZA-21 MADDOX SERVICES - A request for a Variance of Development Standard to reduce the lakeside setback to 0 feet from the required 45' in order build a deck, located at 18149 Tahoe Tr., Plymouth, IN Zoned L-1 ,West Twsp. Mr.

Mike Maddox was present to represent their request. Mr. Booker presented the findings of fact.

The applicant wishes to place a deck on the lakeside. The deck will be twenty (20) by fifteen (15) feet with a 6.9 feet overhang over the water. There are accessory buildings on the water to the left and right of this proposed deck. The deck should not block the view of the lake. The Lake Latonka Homeowners Association has already approved this proposed deck.

The plan is to not have any anchors in the water, but cantilever over with solitudes with pilings and six holes that will hold it down.

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

Mark Blubaugh 17949 Tahoe Tr. – It has the Homeowner/Lake Association approval and feels it meets the safety requirements and looks good.

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

Mr. Wickizer made a motion to approve 17-BZA-21 MADDOX SERVICES - A request for a Variance of Development Standard to reduce the lakeside setback to 0 feet from the required 45' in order build a deck, located at 18149 Tahoe Tr., Plymouth, IN Zoned L-1 ,West Twsp, seconded by Mr. Voreis. Motion carried with a voice vote 5-0.

The sixth item of business was 17-BZA-22 MINT CITY MILLWORK – A request for a Special Use to allow a woodworking/clockmaking shop with a retail showroom, located at 3055 Birch Rd., Bremen, IN German Twsp., Zoned A-1. Mr. & Mrs. Wayne Helmuth were present to represent his request. Mr. Booker presented the findings of fact.

The applicant is asking to build a woodworking and clock making shop on the southern portion of their property. The building would be a 50 x 120 foot structure. This is located in the Rentown area. Across the road is a retail greenhouse. This shop would be west of the Rentown store. The applicant asked to start a bed and breakfast last year. The bed and breakfast was never started.

The desire in the future is to have the Bed & Breakfast after they sell the current home to a child.

Currently the business is only employed by family members. The current showroom hours are 8-4 Monday thru Friday and Saturday 8-12 and production usually runs from 5am to 6pm. There is currently no storage outside and there is no plan to have any. Plans are to start construction in a year.

The proposed driveway will be 60' wide and will be far enough south of the corner so it will not impede safety.

Mr. Wickizer made a motion to open the public hearing, seconded by Mr. Voreis. Motion carried by acclamation. There being no one to speak for or against Mr. Voreis Moved and Mr. Wickizer seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Wickizer made a motion to approve 17-BZA-22 MINT CITY MILLWORK – A request for a Special Use to allow a woodworking/clockmaking shop with a retail showroom, located at 3055 Birch Rd., Bremen, IN German Twsp., Zoned A-1 with the following stipulations:

- **5 employees including family**
- **Production 5am-6pm Mondy thru Saturday**
- **Showroom 8am-5pm Monday thru Friday Saturday 8-12**
- **CDR**
- **Drainage Plan**
- **Septic Permit for the bathroom**

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

The seventh item of business was 17-BZA- 23 DIPERT, Kathryn – A request for a Variance of Development Standard to reduce the side yard setback from the required 15' to 3.5' for an existing shed on the property, located at 1890 Union Rd., Walkerton, IN Polk Twsp., Zoned A-1. Ms. Kathryn Dipert and son Randy Pontius were present to represent her request. Mr. Booker presented the findings of fact.

When investigating the property for a roof permit it was noticed the applicant had placed a shed on the south side of their property without any permit. Upon closer investigation it was found to be only 3.5 feet from the property line. It is just inside a southern fence separating the properties. The septic system is in the rear of the property which prevents structures in the back yard.

Mrs. Dipert had no intentions to put up a building that didn't meet requirements or not get the required permit.

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

- Charles King – 1868 Union Rd. – Sent two letters and doesn't have a problem with the request.
- Roger Johnson – 1914 Union Rd. – The location of the shed doesn't bother them.
- Robert Arnett – Complete support of the location of the shed.

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

Mr. Wickizer made a motion to approve 17-BZA- 23 DIPERT, Kathryn – A request for a Variance of Development Standard to reduce the side yard setback from the required 15' to 3.5' for an existing shed on the property, located at 1890 Union Rd., Walkerton, IN Polk Twsp., Zoned A-1, seconded by Mr. Gustafson. Motion carried with a voice vote 5-0.

The eighth item of business was 17-BZA-24 SPETH, Debbie – A request for a Variance of Development Standard to reduce the minimum lot area from the required 6,000 sq ft to 5,761 sq ft and a reduction in lot width from the required 60' to 47.12', located on West Shore Dr., 50-42-01-000-103-000-009, North Twsp., Zoned L-1. Ms. Debbie Speth was present to represent her request. Mr. Booker presented the findings of fact.

The applicant is going to the Plan Commission on July 27, 2017 to re-plat lots 2 and 3 of Bonnie Nay's Second Addition. The objective to move the southern property so the structures meet the setbacks. When this is done Lot 2 will not meet the minimum 6000 square feet area and the 60-foot minimum front width. Lot 2 will only be 5761 square feet and the frontage will be only 47.12 feet wide. Since the Plan Commission cannot approve a plat that does not meet the district requirements a variance is needed.

Currently the applicant owns both homes and the lot in between. The plan is to sell the one house along with 10' of the center lot. That would then leave a lot that is 47.12'.

Mr. Wickizer made a motion to open for public hearing, seconded by Mr. Voreis. Motion carried by acclamation. There being no one to speak for or against Mr. Wickizer moved and Mr. Voreis seconded the motion to close the public hearing. Motion carried by acclamation.

During the discussion, the board questioned whether the request is self-imposed. Also, the current vacant lot is already less that the required width and this request would make it even more out of compliance. In addition to all the other facts discussed the applicant would also like to build a deck from her patio door which would encroach on this newly proposed lot. The board explained that the only two ways to do that would be to sign a contiguous lot form in which the lot would never be able to be sold separately or combine the lots.

Mr. Wickizer made a motion to approve 17-BZA-24 SPETH, Debbie – A request for a Variance of Development Standard to reduce the minimum lot area from the required 6,000 sq ft to 5,761 sq ft and a reduction in lot width from the required 60' to 47.12', located on West Shore Dr., 50-42-01-000-103-000-009, North Twsp., Zoned L-1, seconded by Mr. Voreis. Motion carried with a voice vote 4-1. with Mr. Gustafson voting against.

The ninth item of business was 17-BZA-25 VERNATTER, William – A request for a Special Use to allow a replacement of a single wide trailer as it's not allowed in this district, located at 18544 SR 331, Tippecanoe, IN 46570 Tippecanoe Twsp., Zoned T-1. William & Shelly Vernatter were present to represent their request. Mr. Booker presented the findings of fact.

The applicant applied for a permit to replace an existing Type A home in June. Since it would be the same as the older home it was grandfathered. Later the applicant decided to place a much larger Type A home on the property. Thus, it is now not considered grandfathered. The applicant does own three (3) properties north of the corner of Center Street and SR 331. The applicant wishes the trailer to be on the middle property.

The previous trailer has been removed from the property for existing septic work. When the new trailer is moved in the previous unattached steps will be used for the new trailer.

Mr. Wickizer made a motion to open for public hearing, seconded by Mr. Voreis. Motion carried by acclamation. There being no one to speak for or against, Mr. Wickizer moved and Mr. Voreis seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Voreis made a motion to approve 17-BZA-25 VERNATTER, William – A request for a Special Use to allow a replacement of a single wide trailer as it's not allowed in this district, located at 18544 SR 331, Tippecanoe, IN 46570 Tippecanoe Twsp., Zoned T-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The tenth item of business was 17-BZA-26 VERNATTER, William – A request for a Variance of Development Standard to reduce the Right of Way setback from the required 30' to 19' in order to replace an existing Single Wide Trailer with a newer model, located at 18544 SR 331, Tippecanoe, IN 46570, Tippecanoe Twsp., Zoned T-1. Mr. Vernatter was present to represent his request. Mr. Booker presented the findings of fact.

The applicant wishes to replace an existing Type A home. Since the old home runs east to west they would like to place a home in the same direction. This proposed home will be longer than the existing home. Thus, the home will be closer to SR 331 than the existing home. It will place the home only nineteen (19) feet from the right of way. The home to the north is the required thirty (30) feet.

By leaving the home in the same footprint it will keep the applicants from having to do much changes with the septic and electric. Plus, it will keep the road noise to a minimum in the same location.

The board discussed if they deny the request the other option would be to place the trailer north and south and no additional variance would be required as it could meet the setbacks.

Mr. Voreis made a motion to open for public hearing, seconded by Mr. Wickizer. Motion carried by acclamation. There being no one to speak for or against Mr. Wickizer moved and Mr. Voreis seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Voreis made a motion to approve 17-BZA-26 VERNATTER, William – A request for a Variance of Development Standard to reduce the Right of Way setback from the required 30' to 19' with the orientation of their choice in order to replace an existing Single Wide Trailer with a newer model, located at 18544 SR 331, Tippecanoe, IN 46570, Tippecanoe Twsp., Zoned T-1, seconded by Mr. Wickizer. Motion carried with a voice vote 4-1 with Mr. Klotz voting against.

Violations

Tolsen	8674 19th Rd – From the April 25th Court hearing they had 2 months to clean up the property. Today's date there is still a lot of junk. A contractor can be hired at the 2-month mark to clean up the property if not done. They got a dumpster.
Nickerson	8605 N. Shore, Bremen – A list of items were given to Mr. Nickerson to remove before June 24th. Many of the items have been removed and cleaned up. He was asked to come in and get a variance for the fence because it doesn't meet the standards or tear it down.
Mersch, Debra	2083 Maple Rd. – Living in a camper. There is a double wide on the property that doesn't have a permit. They were told that they need to obtain a permit.
Hackworth, Jacqueline	3162 18 B Rd., Tippecanoe – A double wide without electricity. They said that they choose to not have electricity. They were told to clean up the property.

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Trent Bennett

August 8, 2017
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, August 8, 2017, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, Mark Wickizer, Trent Bennett, Dan Voreis and Stan Klotz, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties.

The first item of business was the review of the minutes from the July 11, 2017, meeting. **Mr. Wickizer made a motion to approve the minutes as corrected, seconded by Mr. Gustafson. Motion carried by acclamation.**

The second item of business was 17-BZA-20 KNEPPER, Steven – A request for a Variance of Development Standard from the 1:3 width to the depth ratio to create a parcel that is approximately 330'x1320' as they want to split 10 acres off the 20-acre parcel, located on parcel #50-31-18-000-009-000-017 Plymouth, IN West Twps., Zoned A-1. Mr. Steven Knepper was present to represent his request. Mr. Booker presented the findings of fact.

This is a large parcel located in a fairly isolated area of the County. This property was part of the Apple Christmas Tree Farm. This parcel was created on July 10, 2007 by creating several parcels to the north and south of this parcel. This is what remains. To split off ten (10) acres it would be difficult to meet the one to three width to depth ratio due to the quarter mile length of the parcel. The Nathaniel Clark Tile runs through the parcel which will limit building on the parcel.

Mr. Bennett made a motion to open for public hearing, seconded by Mr. Wickizer. Motion carried by acclamation. There being no one to speak for or against Mr. Gustafson made a motion to close and Mr. Wickizer. Motion carried by acclamation.

Mr. Voreis made a motion to approve 17-BZA-20 KNEPPER, Steven – A request for a Variance of Development Standard from the 1:3 width to the depth ratio to create a parcel that is approximately 330'x1320' as they want to split 10 acres off the 20-acre parcel, located on parcel #50-31-18-000-009-000-017 Plymouth, IN

West Twps., Zoned A-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The third item of business was 17-BZA-27 HELMUTH, Jerry & Alma - A request for a variance from the required lot width of 210' to 144' in order to create a lot to build a house, located at 536 Beech Rd., Nappanee, IN 46550 German Twsp., Zoned A-1. Mr. Jerry Helmuth was present to represent his request. Mr. Booker presented the findings of fact.

On November 4, 2016, the applicant combined two (2) parcels and then divided out a 1.61 parcel. This parcel was created for the applicant to build a new home and sell the existing home to their son. They meet the district standards. This parcel is a flag lot placed in the south-east part of the original property. It is over 450 feet from the existing home. Now they have considered this distance and would like to build closer to the existing home. This new parcel would be along Beech Road. It can only be 140 feet wide. It still will be over an acre since it will be 315 feet long.

The existing rules for a 210-foot lot width was because of septic systems and to keep buildings a little further apart.

The proposed lot would be 144'x315'. Both properties are currently 330' wide so there is no room to shorten up the other parcel.

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

- John Helmuth – Letter expressing in favor of the request

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

The side yard setback is 15' so that is why the lot width ended up at 144'. This proposal will not make the original parcel not-compliant.

Mr. Voreis made a motion to approve 17-BZA-27 HELMUTH, Jerry & Alma - A request for a variance from the required lot width of 210' to 144' in order to create a lot to build a house, located at 536 Beech Rd., Nappanee, IN 46550 German Twsp., Zoned A-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The fourth item of business 17-BZA-28 FOURWAY COMMUNICATIONS – A request for a Special Use to allow a Communication Tower located at 11880 14th Rd., Plymouth, IN Center Twsp., Zoned A-1. Mr. Roland Houin was present to represent his request. Mr. Booker presented the findings of fact.

FOURWAY Communications wants to place a 190-foot tower to service a local robotic dairy and provide wireless access to the area. The site plan for the tower

has been approved by the Technical Review Committee and the Marshall County Plan Commission. This tower would be on the eastern side of the property and will meet all of the ordinance development standards.

After a survey was done it was found that the proposed tower is now located on the parcel to the east of the one advertised. Due to the fact that this request was advertised on the now incorrect parcel **Mr. Wickizer moved and Mr. Gustafson seconded the motion to table this request to be re-advertised on the correct parcel.**

The fifth item of business was 17-BZA-29 NICKERSON, Daniel –A request for a Variance of Development Standard to allow an existing 6' solid fence in a front yard of a L-1 district from the required 3 ½' in height and 75% opaque, located at 8605 N. Shore Dr., Bremen, IN German Twsp. Mr. Daniel Nickerson was present to represent his request. Mr. Booker presented the findings of fact.

Mr. Nickerson has been on the violation list for over 20 years. Many years ago in order to hide his junk and debris he built a solid six (6) foot fence. This fence does not meet the development standards of the ordinance. Recently he has made some progress in cleaning up the place. But he still has a fence that hides an old RV and junk. I finally realized this fence was over 42 inches tall and was solid. I told Mr. Nickerson to remove the fence or meet the ordinance requirements. I did inform him he could asked for a variance. Mr. Nickerson continues to have vehicles for racing which includes an old ambulance, a trailer, and a race car. He has a small property and it is hard to maintain these items which are never used. He also has a garage so full of junk the doors cannot be closed. It is one of the worst properties on Lake of the Woods.

The original fence is currently around 5' from the road. The proposed fence will be approximately 10'.

The applicant stated that the existing fence has been there for over 20 years ago. The proposed fence will replace this fence and will be 10-12 feet off the right of way. The board expressed that a chain link fence that isn't taller than 4' tall can be placed on the right of way for the front yard. Because this parcel is on two roads this parcel will need to meet the ROW front yard setback on both roads.

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

- Richard Wood – 3231 Cottonwood – There are numerous dead trees and lawnmowers, six vehicles (trailers/cars etc) parked in the yard at all times, a new fence was put in front of the fence he was cited for in May, 20-year-old trailer behind the fence that has mold and is falling apart, the garage is full of junk and feels it is a fire hazard. Prefer for the mess to be cleaned up instead of putting up another fence to hide the junk.
- Scott & Julie Calentine – 3190 Cottonwood – Thinks the applicant has hoarding issues. The Sheriff's Department did come out and tag unplaited vehicles. The junk and debris brings rodents. Has at least 6 fallen trees in the yard.
- Joe Skelton – 3329 Lakeshore Dr. – With a solid fence doesn't see how there will be air movement through there.
- Dennis Thornton – Believes the ordinance needs to be enforced.

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

The board stated that Mr. Nickerson can put up a fence from the corner of the house to the garage without a permit.

Mr. Gustafson made a motion to deny **17-BZA-29 NICKERSON, Daniel –A request for a Variance of Development Standard to allow an existing 6' solid fence in a front yard of a L-1 district from the required 3 ½' in height and 75% opaque, located at 8605 N. Shore Dr., Bremen, IN German Twsp to deny on finding #3, seconded by Mr. Bennett. Motion carried with a voice vote 0-5.**

The sixth item of business was 17-BZA-30 HOCHSTETLER, Nathan –A request for a Variance of Development Standard to reduce the Road Right of Way setback from the required 50' to 18' in order to build a lean to on an existing barn, located at 2400 7th Rd., Bourbon, IN German Twsp., Zoned A-1. Mr. Nathan Hochstetler was present to represent his request. Mr. Booker presented the findings of fact.

The applicant wants to add a 30 x 40 lean to the front of their barn. This will place the structure eighteen (18) feet from the right of way. The barn is only fifty (50) feet or so from the right of way. (I did measure 52 feet on the GIS, so there is some leeway). The applicant wants to use this for storage. The area east of the barn is used for a chicken and horse pasture. The area to the north is horse pasture. The area to the west is a driveway.

The reason why the applicant can't place the lean to on the rear side of the barn is because he wouldn't be able to get to his barnyard. He is not requesting an additional driveway off the road. The lean to will be used for their boat, buggies and bikes.

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

- Randy Glingle – Believes the ordinance is in place for a reason.

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

The board asked why he can't put the lean to on the other building on the property. Mr. Hochstetler feels it wouldn't be practical for the buggies to be on one side of the property and the horses on the other side.

The board's concern is that there are plenty of other locations on the property.

Mr. Voreis made a motion to approve 17-BZA-30 HOCHSTETLER, Nathan –A request for a Variance of Development Standard to reduce the Road Right of Way setback from the required 50' to 18' in order to build a lean to on an existing barn, located at 2400 7th Rd., Bourbon, IN German Twsp., Zoned A-1, seconded by Mr. Wickizer. Motion denied 2-3 on finding #3.

Marshall County Board of Zoning Appeals
August 8, 2017

Violations

Tolsen	8674 19th Rd – From the April 25th Court hearing they had 2 months to clean up the property. Today's date there is still a lot of junk. A contractor can be hired at the 2-month mark to clean up the property if not done. They got a dumpster. Mr. Booker doesn't believe he's met the requirements of the court. The board agreed to take Mr. Tolsen back to court.
Nickerson	8605 N. Shore, Bremen – The front yard has been cleaned up. There is still a trailer and a camper on the property. Plus the garage is packed so full the garage doors are bulging. Mr. Nickerson's children want the RV. Mr. Nickerson agreed to take the fence down. The utility vehicle has insurance and is plated. Mr. Nickerson agreed to remove the RV within 30 days. If the property isn't cleaned up and RV gone Mr. Booker take the case to court.
Bordner, Bruce	7474 Rose Rd., Plymouth – RV's connected to the sewer system. Agreed to not let anyone stay in the RV's and asked to have till December 31st to clean up the property.
Wiles, Diana	12157 Upas Rd. – Junk, debris and has more than 5 dogs. A warning letter has been sent.
Reiss, Timothy	15878 Nutmeg Rd. – A warning letter and fine has been sent. Several junk vehicles on the property as well as junk. Also has no electricity.
Foster, Joann	15171 12th Rd. – Overgrown grass. Letter sent.
ML15	Property has been cleaned up, but the old oil truck is still sitting in the ROW. Letter sent.
Jimmerson, Russell	16383 Polk St. Teegarden – Health Department notified our office that a pre-fab shed was moved in and has six children and two adults living in it. There's no sewage or running water on the property. The shed does not meet Indiana Building Code. The owner has been notified to vacate the shed.

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Trent Bennett

September 12, 2017
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, September 12, 2017, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, Mark Wickizer, Trent Bennett, and Stan Klotz, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties. Member absent was Dan Voreis.

The first item of business was the review of the minutes from the August 8, 2017, meeting. **Mr. Wickizer made a motion to approve the minutes as written, seconded by Mr. Bennett. Motion carried by acclamation.**

The second item of business was 17-BZA-28 FOURWAY COUMMUNICATIONS – A request for a Special Use to allow a Communications Tower located on parcel 50-32-27-000-014-000-018, 1505 14th Rd., Plymouth, IN Center Twsp., Zoned A-1. Mr. Roland Houin was present to represent his request. Mr. Booker presented the findings of fact.

Fourway Communications wants to place a 190-foot tower to service a local robotic dairy and provide wireless access to the area. The site plan for the tower has been approved by the Technical Review Committee and the Marshall County Plan Commission. This tower would on the western side of the adjacent property and will meet all of the ordinance development standards. It has been changed to the highest elevation in the area near the dairy.

Currently the contractor is unknown. The current plan is to reach out to other vendors to co-locate as well.

Mr. Gustafson made a motion to open for public hearing, seconded by Mr. Wickizer. Motion carried by acclamation. There being no one to speak for or against Mr. Gustafson moved and Mr. Wickizer seconded the motion to close the public hearing. Motion carried by acclamation.

The Plan Director reminded everyone that the applicant is required to allow other vendors to attach to the tower if asked.

Mr. Gustafson made a motion to approve 17-BZA-28 FOURWAY COUMMUNICATIONS – A request for a Special Use to allow a Communications Tower located on parcel 50-32-27-000-014-000-018, 1505 14th Rd., Plymouth, IN Center Twsp., Zoned A-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The third item of business was 17-BZA-31 LAKINS, Toby & Sheila – A request for a Variance of Development Standard to reduce the Right of Way setback from the required 30' to 20' in order to build a home with attached garage, located at: W. Shore Dr. on parcel 50-43-07-000-079-000-005, German Twsp., Zoned L-1. (CANCELLED)

The fourth item of business was 17-BZA-32 SLONE, Joseph – A request for a Variance of Use to allow a RV Service Repair in an existing building, located at 1621 18th Rd. Tippecanoe, IN Tippecanoe, Twsp., Zoned A-1. Mr. & Mrs. Joseph Slone was present to represent his request. Mr. Booker presented the findings of fact.

Last month we were informed by one of the applicants neighbors the applicant had several RV's on his property. Upon investigation, I found he was operating a RV service shop. He stated they have recently moved to the property and this is what he does for a living. Basically, he does off site repairs, but does bring RV's to the property for repairs also. The first time there we saw several RV's. When the photos were taken on the 31st, we only saw 2 RV's. Several of the RV's had been removed. The applicant does not have any employees. He does have a small pole building for a shop.

Currently the applicant works at Gulfstream full time. He does have hopes to make this a full-time business for himself. There are no motor or chassis repairs. The repairs are done and given back to the owner. There are no sales on the property. All old appliances that need repaired will be properly disposed of.

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

1. Jeff Hooker- Neighbor has no problems with the request. He has a professional operation and doesn't see any devaluing of property values.
2. Burl Haywood – Clean property and doesn't have a problem with noise.
3. Mr. Livengood - 1778 18th Rd. – Has no problems with the request.

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

As of this meeting date there are 4 RV's on the property waiting to be worked on. The request would be to have a maximum of 10 RV's on the property. There are no full-time employees. There is one-part time worker. The hours requested were 2:30-8 Monday through Friday and Saturday 8-6. As far as sales at the road there will be NO RV sales by the road.

Mr. Wickizer made a motion to approve 17-BZA-32 SLONE, Joseph – A request for a Variance of Use to allow a RV Service Repair in an existing building, located at 1621 18th Rd. Tippecanoe, IN Tippecanoe, Twsp., Zoned A-1 with the following stipulations:

- **limit of 10 RV's**
- **no full-time employees 1-part time**
- **Hours 2:30-7 Monday through Friday and 8-6 Saturday**
- **Limited to applicant only**
- **No sales and storage**

seconded by Mr. Bennett. Motion carried with a voice vote 4-0.

The fifth item of business was 17-BZA-33 GROVER, Michael – A request for a Special Use to allow existing structures to be utilized as a bed & breakfast, event space for events like weddings, building of furniture and retail sales; located at 20501 Sage Rd., Culver, IN Union Twsp., Zoned A-1. Mr. Michael Grover and Mr. Davey Neal, Avon, IN Attorney, appeared to present their request. Mr. Booker presented the findings of fact.

The applicant has two major buildings on the property. The southern building was permitted in 2015. The northern building was permitted as a conventional home in late 2015. The applicant wishes to use the southern building for a furniture business which would include building, repairing, and selling retail. From the investigation, it is already being used to build and repair furniture. It was never permitted for any business, just for personal use. It also does not have a Commercial Design Release from the state. It may have to be sprinkled for a furniture construction business. The applicant would like northern building (home, looks like a barn) for an event center on the first floor and a bed and breakfast on the second floor. At this time, I do not know if the septic system is adequate for such activities. It may also need a CDR from the state since the public is in the building. It may also need to be sprinkled. This is located south of Culver on Sage Rd. SR 110 is to the south. There is a pond on the property as well. The applicant has submitted a landscape plan.

As far as the existing septic it was sized for the initial house on the property. The proposed plans will have to go to the Marshall County Health Department for review and possibly the State Health Department since this could fall under a commercial design, said Mr. Booker.

Due to Mr. Gustafson having been requested to bid on some previous work on the property he abstained from this case.

Due to a store closing the applicant obtained product and moved it to this location. To date there has been limited retail operations at this location. There have been people at the location, but by appointment only.

The proposed event location will be where the furniture is currently stored. The events aren't planned to be on a regular basis, but more seasonal and geared towards weekend days or evenings.

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

- Walter Ludwig – Neighboring property owner to the south is in favor of the request 110% and would love to walk over for breakfast.
- Dixie Wood – Has a concern of the traffic of 250 people, parking, septic, and lighting.

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

There will be additional parking in the grass area on the south side of the south barn. There will be no street parking. As long as the proposal is approved the applicant will take the necessary steps to get health department approval for the septic. The plan is to plan for the maximum in the facility of 250 people.

The south barn is a pole barn and has no bathroom in it. Also, as far as the description Bed and Breakfast that isn't necessarily the plans. The plan is to have events/weddings where the bridal party will use the rooms to get ready in.

The applicant currently lives at this property. Mr. Grover stated, "I have a different business that is not related to this and we come and go from this location during the day." Mr. Davey commented, "At the moment there are no other really employees of either business." The future potential as business grows is hiring additional employees per Mr. Davey. There will be catering people at the events.

The site currently has one dusk to dawn light outside. It was stated that the applicant would need to adhere to the zoning ordinance requirements for lighting.

Per the Marshall County Building Commissioner, Chuck DeWitt, the State of Indiana has taken a progressive stance for event barns. In order to make this viable the applicant will need to apply for a variance from the state before they can open. This should be done once a Construction Design Release is filed for. The state will restrict how many people will be allowed by the size of the building.

Mr. Booker read the section out of the ordinance that pertained to parking spaces for events like this. The proposed landscaping plan is underway. The well and septic will not be in the way of parking.

Occasionally there will be semi-trailers delivering when there are estate sale purchases. Hours of operation being requested are Friday, Saturday, Sunday and Holidays. There will be times on weekends it won't even be home.

Mr. Wickizer made a motion to approve <u>17-BZA-33 GROVER, Michael –</u> A request for a Special Use to allow existing structures to be utilized as a bed & breakfast, event space for

events like weddings, building of furniture and retail sales; located at 20501 Sage Rd., Culver, IN Union Twsp., Zoned A-1 with the following stipulations:

1. **Pending all state and local guidelines and future expansion**
2. **Plan submitted**
3. **CDR requirements**
4. **Days – Friday, Saturday and Sunday along with appointments to follow plan of operation**

Seconded by Mr. Bennett. Motion carried with a voice vote 3-0-1 with Mr. Gustafson abstaining.

The sixth item of business was 17-BZA-34 MCAFEE, Jennifer – A request for a Variance of Development Standard to reduce the north side yard setback from the required 15' to 12' in order to build a 30x32 pole barn with a 8x32 porch, located at 7294 Jarrah Rd., Plymouth, IN Center Twsp., Zoned A-1. Ms. McAfee was present to represent her request. Mr. Booker presented the findings of fact.

The applicant wishes to build a garage with a porch at an angle, on the north part of their property. The property is 1.39 acres surrounded by farm fields. They want to place the garage on an angle which places one corner closer to the north property line. They want to place the north corner of the garage and porch twelve feet from the north property line. This home and parcel are just north of the Leo Berger legal drain. There are no homes to the north, east west or south. It is surrounded by farm fields.

Due to the overhead power line, this was the only location for the building.

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

- Carolyn McAfee- Neighboring property owner in favor of the request.
- Lynn Wilcox – In favor of the request.

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

Mr. Gustafson made a motion to approve 17-BZA-34 MCAFEE, Jennifer – A request for a Variance of Development Standard to reduce the north side yard setback from the required 15' to 12' in order to build a 30x32 pole barn with a 8x32 porch, located at 7294 Jarrah Rd., Plymouth, IN Center Twsp., Zoned A-1, seconded by Mr. Wickizer. Motion carried with a voice vote 4-0.

Violations

Hutchison, Thomas	17688 Vine St. – A violation letter has been sent due to additional complaints from the neighbors. There has been no response to the letter and notice of fine. Mr. Booker requested to turn over to the attorney and add in to the lawsuit it being a scrapyard.

Tolsen	8674 19th Rd – From the April 25th Court hearing they had 2 months to clean up the property. Today's date there is still a lot of junk. A contractor can be hired at the 2-month mark to clean up the property if not done. Find out from attorney how cleaning up the property can work along with tacking on fees to their property tax bills.
Jimmerson	16383 Polk St. – Brought in a shed and started to live in it. They were told that they cannot have a shed on the property without a house. They came in and obtained a permit and said that they would move it. To date they have not moved it.
McMahan	697 Sycamore – Property run down and hasn't been mowed all summer.
Hackworth, Jacqueline	3162 18 B Rd., Tippecanoe – A double wide without electricity. They said that they choose to not have electricity. They were told to clean up the property.
M15	13515 Michigan Rd. – Sending a letter about an old well drilling truck in the right of way.
Fink	18933 Elm Rd. – Went to all the effort of going to court to get the property cleaned up and it's back to where it was. Nothing has been done all year. Board directed to send a letter to Mrs. Fink.
Nickerson	8605 N. Shore, Bremen – A list of items were given to Mr. Nickerson to remove before June 24th. Many of the items have been removed and cleaned up. Currently the fence is out of the right of way and passes the ordinance. All of the vehicles on the property are plated. The trailer doesn't have a plate and isn't needed per Mr. Nickerson. Material under the tarp is decking and fence. Board reminded him that the RV was supposed to be removed in 30 days. Mr. Dewitt said that this is against the law because it's unsafe, brings down property values around you, and not in a neat and orderly fashion. The consensus of the board was to turn this case over to the attorney to take to court.

Mrs. Judy Stone, Marshall County Council President, as far as she remembers never denying additional funds for attorney's fees. Served three

years writing the zoning ordinance. She believes there are fines in the ordinance for cases such as this. Also, is a member of the Unsafe Committee. They are currently successful in that they have received an order to the clean up properties and attach the cost to the property taxes. The clean-up can be done by hiring someone or even using our local Highway Department. Mr. Dewitt commented that he and Christine Stinson of the Health Department have met with Mr. Palmer to discuss this specific law. All they are asking is for him to uphold this committee's decision. Mr. DeWitt and Mrs. Stone asked the board to give them one case to start working on. After discussion, the board recommended Mr. Hutchison on Vine Street in Tyner. The Board of Zoning Appeals was invited to sit in on any of the meetings. For many years the Health Department said that they didn't have enough money to do this type of work. As a liaison to the Health Department Mrs. Stone has been able to increase this fund. As the costs come back in from being re-cooped it goes back into a special fund.

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Trent Bennett

October 10, 2017
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, October 10, 2017, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, Mark Wickizer, Trent Bennett, Dan Voreis and Stan Klotz, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties.

The first item of business was the review of the minutes from the September 12, 2017, meeting. **Mr. Gustafson made a motion to approve the minutes as corrected, seconded by Mr. Wickizer. Motion carried by acclamation.**

The second item of business was 17-BZA-35 FUNCIK, Tom & Nancy - A request for a Variance of Development Standard to reduce the ROW setback from the required 30' to 16' in order to place a 24x24 garage on the north side of an existing cement pad, located at 18168 Havasu Trl, Culver, IN West Twsp., Zoned L-1. Mr. Eric Early, Contractor, was present to represent his request. Mr. Booker presented the findings of fact.

This is a lake lot on Lake Latonka. It is a very narrow lot with the only parking being along Havasu Trail. Currently they park on a 16×24-foot concrete pad. They would like to construct at 24x42 garage on the north end of this pad. This will place the garage only sixteen feet from the right of way. There are no structures that close on Havasu Trail. There are many homes and garages that close on many of the street in Lake Latonka.

The existing shed on the property will stay. The reason for the request is if the proposed is moved back to meet ROW setback then the side yard would require a variance as well. The look of the garage will match the house.

At this time Mr. Early had no idea if his client has gone to the Lake Latonka Home Owner's Association yet.

Mr. Bennett made a motion to open for public hearing, seconded by Mr. Wickizer. Motion carried by acclamation. There being no one to speak for or against Mr. Gustafson made a motion to close the public hearing, seconded by Mr. Wickizer.

Mr. Bennett made a motion to approve 17-BZA-35 FUNCIK, Tom & Nancy - A request for a Variance of Development Standard to reduce the ROW setback from the required 30' to 16' in order to place a 24x24 garage on the north side of an existing cement pad, located at 18168 Havasu Trl, Culver, IN West Twsp., Zoned L-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The third item of business was 17-BZA-36 WOOD, Thomas - A request for a Variance of Development Standard to reduce the side yard setback from the required 15' to 10' in order to build a mother-in-law suite, located at 20050 12th Rd., West Twsp., Zoned A-1. Mr. Eric Early, Contractor, and Mr. Thomas Wood were present to represent their request. Mr. Booker presented the findings of fact.

The applicant owns two adjacent properties way off 12th Road. They would like to add a western extension of their home commonly called a "mother in law "room. This will place it ten feet from the applicant's western property. The western property has a garage used by the applicant. The surrounding property is mostly fallow and woods.

The applicant is required to have a variance even though he owns the neighboring property because the addition isn't going over the property line. If it were going over the property line they would need to combine the parcels or record a Contiguous Lot Form. Mr. Wood does have the intent to combine the parcels when he saves up a little extra money after this home addition.

The addition will have two bedrooms, two bathrooms, living room and a kitchen single story with a basement. Due to the changes a new septic system was required and they are currently in the process of making those changes.

Mr. Gustafson made a motion to open for public hearing, seconded by Mr. Wickizer. Motion carried by acclamation. There being no one to speak for or against Mr. Wickizer seconded the motion to close the public hearing.

Mr. Bennett asked that Mr. Wood follow through with combining the parcels and he agreed.

Mr. Gustafson made a motion to approve 17-BZA-36 WOOD, Thomas - A request for a Variance of Development Standard to reduce the side yard setback from the required 15' to 10' in order to build a mother-in-law suite, located at 20050 12th Rd., West Twsp., Zoned A-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The fourth item of business was 17-BZA-37 ALBERT, Bruce - A request for a Special Use to allow a vacant church to be used as a venue for small gatherings/events, located at 322 Vandalia St., Lapaz, IN North Twsp., Zoned T-1. Mr. Bruce Albert was present to represent his request. Mr. Booker presented the findings of fact.

The applicant would like to convert a building used as a church to an event venue for small gatherings. It was previously a Pentecostal Apostolic Church. The applicant

purchased the property in June, 2017. I have no history on the attendance of the church. There is a paved parking lot. I assume there is capacity inside the building for small gatherings since it had been used as a church. I would also assume the level of activity would be the same with small gatherings as a church. The building is served by Lapaz sewer and a private well.

Mr. Albert would like to have the ability to host small events with a maximum of 100 people, such as: reunions, meetings, weddings, receptions etc. The restrictions would be Monday -Sunday and closed by 10pm. The individuals will supply its own caterer. Attached to this venue has a residential unit attached to it. The plan for that will be an AirB&B. There is currently access to 45 parking spaces.

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

- Mr. Robertson – Has no problem with the request.

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

In the absence of the owner the plan is to have someone help look after the property. Currently the property does not have a sprinkler system, but it is handicapped accessible. Mr. Albert has been in contact with the Building Commissioner regarding need for a Construction Design Release.

Mr. Wickizer made a motion to approve <u>17-BZA-37 ALBERT, Bruce -</u> A request for a Special Use to allow a vacant church to be used as a venue for small gatherings/events, located at 322 Vandalia St., Lapaz, IN North Twsp., Zoned T-1, with the following stipulations:

1. **Maximum of two employees**
2. **Capacity of 100**
3. **Monday – Sunday to be closed by 10pm**
4. **45 parking spaces**
5. **Meets all local and state requirements**

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

The fifth item of business was <u>17-BZA-38 COOPER, Brent & Lorie -</u> A request for a Special Use to allow a Christian Retreat and Event Center with occasional weddings and receptions, located at 11881 Gumwood Rd., Bourbon, IN Bourbon Twsp., Zoned A-1. Mr. & Mrs. Brent Cooper were present to represent their request. Mr. Booker presented the findings of fact.

This is a 36.68-acre property with a home and a large hay/implement barn. The home was built in 1997 and the barn in 2010. The rest of the property is being used for a cattle operation. The applicant wishes to use the barn for a Christian retreat and event center with occasional weddings and receptions. The barn is a 40x72 foot building with a 20x72 and 16x72 lean to. It does not have a Construction Design Release (CDR). This

building would be served by a private well and septic. There is some parking on the grounds.

The Cooper's proposal for the request is as follows:Weddings/Conferences, Hours of Operation 8am to 5pm Monday -Friday, Maximum of one wedding per weekend, event will end by 11pm and cleaned up by midnight, All food will be catered, there will be no hard alcohol brought on the property. Limited beer and wine will be allowed served by a licensed bartender with liquor liability insurance. If alcohol is served there will be security, two employees per event, will have a cleaning crew, bookkeeper, grounds maintenance with owner managing, must use battery operated candles, no flame candles, fireworks or sparklers, no smoking inside the building, children will not be allowed by or near the pond unless accompanied by an adult over the age of 21, for no reason is anyone allowed in the pond, proposal for building a maximum of 299 people, in the process of looking into bathrooms and a warming kitchen in the building, building will be insulated, heated and air conditioned, hiring an architect to draw plans to confirm that we are in compliance with all regulations including water and septic and there will be parking provided for at least 100 vehicles. The applicants plan on not staying at the house it will be rented to the current owners.

The plan is to provide space for men's and women's Christian retreats, disability conferences, with possible weddings on weekends.

Parking location will be contingent on the location of the new septic system. More than likely in front by the fence and the west side of the building. Security will be required if there is alcohol served and will be provided by the applicants that they will have to pay for.

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

- Delores Doll- Concerned about the safety of her grandchildren who live with her. Believes it is the wrong location for an event center such as this. Questioned what church is backing this? Concerned about the types of events. Safety and all the traffic is also a concern.
- Steve Roberts – This is a farm community. Will it be changed from residential to commercial? As a Christian facility will it be property tax exempt? Will it inhibit the existing farming?
- Paul McCally (?) – This is a currently a safe residential/agricultural area and doesn't want that to change. Doesn't believe it will hold 299 people. Believes there will be a liability by having alcohol. Concern about the traffic, noise and total destruction of the community.
- Gwen Fuchs – Has some of the same concerns above while she has two children and the safety of the neighborhood.
- John Vallard – Doesn't believe this location is right for an event center.
- Becky Carswell – Has a concern for the safety of her family.
- Roger Gottschalk – Has the same concerns as well as security for these events.

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

Mr. Cooper commented that they are not establishing a party barn. This is a profit business that is not a specific church affiliation. There will be no overnight stays and no camping. He is a farmer also and understands farming needs. The retreats are planned to be for one day at a time.

The retreats and meetings will be during the daytime and not in the evening. The events with be small gatherings. They want to be good neighbors. Currently the property hasn't been purchased and the sale is contingent on this hearing.

Mr. Klotz stated that Finding of Fact #1 seems to be the issue.

Mr. Bennett made a motion to approve 17-BZA-38 COOPER, Brent & Lorie - A request for a Special Use to allow a Christian Retreat and Event Center with occasional weddings and receptions, located at 11881 Gumwood Rd., Bourbon, IN Bourbon Twsp., Zoned A-1 with the stipulation of conditions provided by applicant and follows local and state guidelines, seconded by Mr. Voreis. Motion denied with a voice vote 2-3 based on Finding of Fact #1.

The sixth item of business was 17-BZA-39 SAMMARTANO, Dan - A request for a Special Use to allow a 160' tower to get internet service, located at 13895 Rose Rd., Plymouth, IN West Twsp., Zoned A-1. Mr. Dan Sammartano was present to represent his request. Mr. Booker presented the findings of fact.

This is a 5.66-acre property located on the west side of Rose Road. The applicant wishes to place a 160' tower in order to receive internet. Our ordinance is designed to regulate large commercial transmission towers not towers for private use. The location of the tower is a high area on the western area of the property. There is a home directly to the west and two homes to the south. The towers site plan will have to be approved by the Technical Review Committee and the Plan Commission. The tower will need to meet the developmental standards of Article 6, Section 220.

The tower will be a self-supporting lattice tower with a 12' base. Mr. Sammartano is also willing to work with neighbors who need service as well. The provider for internet service will be Hyperwave. The distance of service will be approximately 2 miles or 200 people.

Mr. Booker reported that there are no other towers within 2 miles.

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

- Tim Booth – Slightly opposed to the structure and it's size. However, he understands their need for faster service as he needs it as well. If he is approved he may be interested in that service as well.
- Robert Charles – Sent a letter saying that he has no objections.

- Eric Fritz – Sent a letter saying that he is in favor.

Mr. Sammartano will follow all the requirements specifically fencing. Also said that if need be he will plant arborvitae to help mask the tower.

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

As long as Hyperwave approves the location then they will lease off of the applicant. Mr. Sammartano estimates a residential user cost might be around $40 per month.

Mr. Voreis made a motion to approve <u>17-BZA-39 SAMMARTANO, Dan -</u> A request for a Special Use to allow a 160' tower to get internet service, located at 13895 Rose Rd., Plymouth, IN West Twsp., Zoned A-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

<u>Violations</u>

Nickerson	8605 N. Shore, Bremen –On the week of October 2nd Mr. Lukenbill and Mr. Booker visited the site together. At that time, Mr. Nickerson was asked to move a trailer behind the fence and a few other items behind the fence that needed cleaned up. After a re-visit to the property the items had been cleaned up. Mr. Lukenbill sent the board a letter stating that the items he was asked to clean up he did and doesn't believe they would get any additional relief if it were taken to court. A consensus of the board was to not take additional action. Mr. Booker visited the neighbors and they said that they didn't like to have to look at the trailer in front of the garage. That's the reason why Mr. Nickerson was asked to move the trailer inside the fence. Mr. Nickerson was given a few items that still needed cleaned up. Comments by the board were to see how things go in the next 30 days. Mr. Klotz commented that the process is streamlined now. One of the problems now that will be discussed at the next meeting is permitting fences. Also, thinks that Marshall County should tie I.C. Code 36-7-9-4 to the Marshall County Zoning Ordinance. This code gives a broader scope and defines more of what neat and orderly is.
Tolsen	8674 19th Rd – Mr. Lukenbill and Mr. Booker visited the property on October 5th. The court has agreed that someone can be hired to clean up the property. Mr. Tolsen was encouraged to get work done on the

	property before a re-visit. Mr. Tolsen stated that a dumpster is supposed to be delivered soon. Since Mr. Tolsen is actively cleaning the property Mr. Booker asked the board for their thoughts on how to proceed. The consensus of the board was to monitor and see how he does cleaning up in the next 30 days.
Hutchison, Thomas	17688 Vine St. – A violation letter has been sent due to additional complaints from the neighbors. There has been no response to the letter and notice of fine. Mr. Booker forward this case to Mr. Lukenbill and add in the lawsuit about it being a scrapyard.
Hackworth	3626 18B Rd., Tippecanoe – Has continued to not clean up the property. Electric has been shut off for non-payment. Will continue to monitor.

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Trent Bennett

November 14, 2017
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, November 14, 2017, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, Mark Wickizer, Trent Bennett, and Stan Klotz, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties. Member absent was Dan Voreis.

The first item of business was the review of the minutes from the October 10, 2017, meeting. **Mr. Wickizer made a motion to approve the minutes as written, seconded by Mr. Gustafson. Motion carried by acclamation.**

The second item of business was 17-BZA-40 MCAFEE, Jennifer – A Variance of Developmental Standard to reduce the north side yard setback from the required 15' to 5' in order to build a 30×32 garage with an 8×32 overhang, located at 7294 Jarrah Rd., Plymouth, IN Zoned A-1. Ms. Jennifer McAfee was present to represent her request. Mr. Booker presented the findings of fact.

The applicant wishes to build a garage with a porch at an angle, on the north part of their property. The property is 1.39 acres surrounded by farm fields. They want to place the garage on an angle which places one corner closer to the north property line. This home and parcel are just north of the Leo Berger legal drain. There are no homes to the north, east, west or south. It is surrounded by the farm fields. In October the applicant received permission to place this garage twelve feet from the property line. Now they wish to place it only five feet from the property line.

Due to a miscommunication between the contractor and applicant and changing the building from the original plan to putting it straight with the road required the applicant to come back before the board with a lesser setback than what was originally requested.

There currently is a post which the applicant believes to the best of her knowledge is the location of the property line.

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

1. Carolyn McAfee – Neighboring property owner is in favor of the request and believes the post represents the actual property line.

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

The board commented that the burden of proof of the property line is on the applicant and that she may want to get a survey to be sure.

Mr. Wickizer made a motion to approve 17-BZA-40 MCAFEE, Jennifer – A Variance of Developmental Standard to reduce the north side yard setback from the required 15' to 5' in order to build a 30×32 garage with an 8×32 overhang, located at 7294 Jarrah Rd., Plymouth, IN Zoned A-1 with the stipulation that the building not be any closer to the property line than 5', seconded by Mr. Gustafson. Motion carried with a voice vote 4-0.

The third item of business was 17-BZA-41 KOONTZ, Michael – A request for a Variance of Use to allow outside storage of equipment with a shop/office space in a new 66x112 pole building, located at 17360 River Ridge Rd., Tippecanoe, IN Tippecanoe Twsp., Zoned A-3. Mr. Mike Koontz along with attorney Mr. Fred Jones were present to represent his request. Mr. Booker presented the findings of fact.

On August 17, 2017, the applicant applied for a building permit for a 66x112 foot building for their personal use. It was an accessory building for a residential cabin on the property and is still under construction. They did get a second permit later for an office in this building. Later we have found out that the applicant is moving their business, Koontz Construction to this location. Thus, we asked the applicant to apply for a Home-Based Business. This is where the actual work is off site, but the equipment and employees are at this location. The applicant claims he has no full-time employees. He may have some part time employees. This is close to a Planned Unit Development which is a residential area with several homes. There are several covenants restricting accessory buildings in this PUD.

Mr. Koontz is the developer of the subdivision. The River Ridge Subdivision currently has about 40 lots left available. There are two possible sales currently in the works. The roads have been dedicated to Marshall County.

Mr. Jones stated that the reason the applicant chose the location was the proximity to the existing pole barn across the street and didn't want to create another building area. Mr. Koontz provided pictures of the surrounding area with his building and the neighbors building comparing their sizes. As well as a picture of equipment that has been located on the property for over a couple years and chose to move it nearer to the tree line to make it less visible.

A letter from Lana Ball of Ball Auction & Reality was read stating that it is her opinion that the improvements at 17360 River Ridge Road does not affect home property values in the subdivision.

The original intent of the building was to run the business out of it. That's why a commercial septic permit was applied for and all the property building permits.

Mr. Koontz is starting to limit his business and is doing less business as he has no full-time employees.

The previous business location was sold and everything had to be moved to the new location. Since the building was not fully complete some of the items were put outside until concrete was done. The plan is to have limited storage outside.

As far as landscape buffering the plans are to plant arborvitae and spruce on both the west and south sides of the building.

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

1. Craig Cultice – Has known Mike Koontz for over 20 years through Plymouth Land Survey and Marshall County. Has no doubt in his mind that his original intent was always to move his business from Bourbon to this location.
2. Joe Bates – Has lived in the subdivision 29 plus years and has no problems with the request.
3. Natalie (Mikes daughter) – Has grown up at this location and still lives there. Their plans are to make the property look very nice.
4. Dale Poisel – Doesn't necessarily like the location of the barn. Has a concern about the location of the excavating equipment, but was told that he would keep outside storage to a minimum. He has leveled the ground and has moved some of the equipment already. To help deter any possible water Mr. Koontz has already built a levy. His major concern is if Mike no longer owns the property what the new owner's will do. Talked to three appraisers and none wanted to give opinions.
5. Arin Pursch -Was shocked that anyone would give a written notice that property values wouldn't be brought down. Appreciate everything that Mike does. Has a concern that this property will end up looking like the previous property. Is in favor of storing things in the building. Has a concern about the quality of the road.
6. Louis Parmella – Sent a letter stating that they believe home values would drop and is not in favor of the request.
7. Tara Heddington – Is not in favor of this request as it is the entrance of the housing addition.
8. Mark Dillman – Feels like he should abide by the covenants and is concerned about the safety. Questioned why the drive couldn't have been off of 17B Trail.
9. Rose Dillman – The definition of a home-based business says that it is clearly incidental and secondary to the use of the property for residential purposes. She doesn't clearly see a house there. Mr. Poisel's property has a house right with his buildings. Would like to see another house along

with this building. Doesn't like the looks at the entrance of the subdivision.

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

The applicant made comment in regards to the condition of the roads in that he does not drive his semi back through subdivision. He practically only uses 150' of the road.

Again, the intent of this building was to store his commercial equipment on the property along with an office in the building. In the excavation business there are many times equipment goes to the job site and stays at the site until they are done. The building is not large enough to house every piece of equipment. However, the bulk of the equipment will be able to be stored inside.

Mr. Jones listed all of the special uses that would be allowed in this area which anticipates that there might be additional traffic based on the commercial request.

Occasionally, Mr. Koontz will have a part time employee but hasn't had a full-time employee in quite a while. Then as far as screening he doesn't have a problem with planting arborvitae or shrubs as suggested by the board as well as hours such as 7-5 Monday through Saturday.

The major concern seems to be storage. Mr. Koontz plans to store as much as possible inside and doesn't have a problem storing extra pipe back by the woods.

The reason the drive wasn't placed on 17B Trail is because of low ground plus a retention area to keep any water on his own property.

Mr. Wickizer made a motion to approve 17-BZA-41 KOONTZ, Michael – A request for a Variance of Use to allow outside storage of equipment with a shop/office space in a new 66x112 pole building, located at 17360 River Ridge Rd., Tippecanoe, IN Tippecanoe Twsp., Zoned A-3 with the following stipulations:

1. **This request is limited to Mike Koontz only.**
2. **The majority of equipment stored inside.**
3. **Arborvitae and shrubbery planted on mounds as discussed on west and south sides.**
4. **Continue as a small business**
5. **Large equipment stored on the east side of the building.**
6. **Hours of operation 7-5 Monday through Saturday.**
7. **Two-part time employees**

Seconded by Mr. Bennett. Motion carried with a voice vote 4-0.

The fourth item of business was 17-BZA-42 MARSHALL COUNTY OLD ORDER MENNONITE - A Request for a Special Use to build a 48x60 church house, a horse shed and a cemetery, located on current parcel 50-23-26-000-007-000-012 directly west of 4818 19 B Rd., Tippecanoe Twsp., Zoned A-1. Mr. Johnathan Weaver and Mr. Elmer Martin were present to represent their request.

Unlike Old Order Amish, Old Order Mennonites have meeting houses for worship, typically of very simple design and lacking adornment. Thus, an Old Order Mennonite is applying to build a church house, privies, horse shed, and a cemetery at the corner off Fir Road and 19th Road. The church house will be a 48x60 building. The horse shed will be a 16x244' building. They also will have a privy for the men and one for the women. The cemetery will be located in the northwest part of the lot. Indiana Code 23 deals with cemeteries., IC 23-14-33-32 states a "Religious Cemetery" means a cemetery that is owned, operated, controlled, or managed by: (1) any recognized church, religious society, association, or denomination; or (2) any cemetery authority or corporation: (A) that administers; or (B) through which is administered; the temporaries of any recognized church, religious society, association or denomination. All cemetery plats must be recorded. IC 23-14-34-1 requires mandatory recording of survey and plat for certain cemeteries Sec 1. Before granting or selling any burial right in any part of a cemetery developed and platted after March 6, 1953, the owner of the cemetery shall cause to be recorded in the recorder's office of the county in which the cemetery is located an accurate survey and plat of that part of its property in which it proposes to grant or sell burial rights. Lastly all cemeteries must be recorded with the Indiana Department of Historic Preservation and Archeology Cemetery and Burial Ground Registry.

The plans are to build a replicated church in Fulton County. The capacity will be for 270 people, but will usually be around 100.

A cemetery will have to follow the state guidelines and divide each lot and each lot be recorded.

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

1. Steve Blackford – Son just built a home adjacent to the proposed site. Has a concern about the privys.
2. Alisha Blackford – Lives adjacent to the property. Would like to see the request moved closer to Fir Road. Has a concern as well about the regulations of the privys.
3. Dennis Bailey – Not a good idea
4. Unknown property owner letter – Doesn't believe it's a good location next to an existing residence.

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

The board discussed the possible options of placing the requested buildings on a different location on the property that might not be as big of a hinderance on surrounding neighbors. Several locations on the 70-acre parcel were discussed. The main reason for picking the location was that it was centralized for attendees as they drive buggies.

To discuss the options talked about with their board the applicants requested to table this discussion until the next meeting in December. Motion carried by acclamation.

The fifth item of business was 17-BZA-43 HOSTETLER, David & Betty Jo – A request for a Variance of Development Standard to allow a temporary second residence for mother, located at 4347 Sycamore Rd., Walkerton, IN Polk Twsp., Zoned A-1. Mr. David Hochstetler was present to represent his request. Mr. Booker presented the findings of fact.

The applicants mother resides in an older home at 4347 Sycamore Road. She wishes to stay in this home for the rest of her life. The applicant would like to build a new home on this property for another relative to care for his mother. They wish to honor the mother's wishes to live out her life in the present home. We assume the relative would be providing care to the mother. The present home was built in 1920. It may need extensive repairs to bring it up to proper condition.

Mr. Hostetler's intent is to build a stick built home for a family member to live in to care for his elderly parent. Then once she is no longer living there is no hesitation that the existing home will be tore down.

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

1. Boswell – Not for or against just wanted information. Wanted to know if there were going to be other additional approvals at this hearing for this property. The board stated that this request is only for temporary approval of a second residence.

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

Mr. Bennett made a motion to approve 17-BZA-43 HOSTETLER, David & Betty Jo – A request for a Variance of Development Standard to allow a temporary second residence for mother, located at 4347 Sycamore Rd., Walkerton, IN Polk Twsp., Zoned A-1with the stipulation that upon the moving out of Evelyn Gardner that the original house be tore down within 90 days, seconded by Mr. Wickizer. Motion carried with a voice vote 4-0.

The sixth item of business was 17-BZA-44 SIADE, Shelly – A request for a Variance of Development Standard to allow a reduction in ROW setback from the required 50' to 42' to add a garage and breezeway to the house, located at 14440 Union Rd., Culver, ,IN Zoned A-1. Ms. Shelly Siade was present to represent her request. Mr. Booker presented the findings of fact.

The applicant would like to build a 40x24 foot garage and connect it with a breezeway to their existing home. The required setback on a local road is fifty feet. They wish to reduce this setback to forty-two feet. This local road is Union Road. This road goes north and dead ends at the Yellow River. It serves ten homes plus the applicant's home. It most likely will never be expanded or widened to handle any increase in traffic.

Mr. Wickizer made a motion to open for public hearing, seconded by Mr. Gustafson. Motion carried by acclamation. There being no one to speak for or against Mr. Gustafson moved and Mr. Wickizer seconded the motion to close the public hearing.

Mr. Gustafson made a motion to approve 17-BZA-44 SIADE, Shelly – A request for a Variance of Development Standard to allow a reduction in ROW setback from the required 50' to 42' to add a garage and breezeway to the house, located at 14440 Union Rd., Culver,IN Zoned A-1, seconded by Mr. Bennett. Motion carried with a voice vote 4-0.

The seventh item of business was 17-BZA-45 FURRY, Becky & Ed – A request for a Special Use to allow an existing building to be used as an event venue for weddings, family reunions and special events, located at 15882 18 B Rd., Culver, Union Twsp., Zoned A-1. Ms. Becky Furry was present to represent her request. Mr. Booker presented the findings of fact.

This is another request for a event center. They wish to use an existing accessory structure for the events. This structure will have to have a Construction Design Release. In May 2014 you approved a home-based business at this location. The motion is below;

> *Mr. Gustafson made a motion to approve the request for a Special Use to allow a home-based business in order to distribute products in a new 32x64 building, located at 15822 18 B Road, Culver Union Twsp., Zoned A-1, with the following stipulations; no outside storage, 5 parking spaces and business hours are Monday through Saturday 8-5. Motion carried with a voice vote 4-0.*

The applicant is limiting the guest number to 240. all events are to end by midnight. They have areas designated for parking. All events will be catered and have security. The property is located on the north side of 18B Road. There is a home 1000 foot to the east, one 1500 feet to the west and one 945 feet to the south. The area to the north is farm fields. 18 B Road is a fairly well traveled road. There are no traffic counts.

The plan for restrooms is to bring in an RV trailer specifically for each event. There is no plan for a new septic system. Currently the building is being used to store boats for their business. During the summer months the boats will be out of the building which will allow space for events. There are no plans for events in the winter months.

Mr. Wickizer made a motion to open for public hearing, seconded by Mr. Gustafson. Motion carried by acclamation. There being no one to speak for or against Mr. Bennett seconded the motion to close the public hearing, seconded by Mr. Wickizer. Motion carried by acclamation.

Mr. Wickizer made a motion to approve 17-BZA-45 FURRY, Becky & Ed – A request for a Special Use to allow an existing building to be used as an event venue for weddings, family reunions and special events, located at 15882 18 B Rd., Culver, Union Twsp., Zoned A-1 with the following stipulations:

1. **Proposed business plan is part of the approval**

2. **Meet all state and local regulations**
3. **CDR Required**
4. **April – October**
5. **Maximum of 5 part time employees**
6. **Hours Monday through Sunday 7am – 12pm**

Seconded by Mr. Gustafson. Motion carried with a voice vote 4-0.

Violations

Nickerson	8605 N. Shore Bremen – Visited on November 8th. The only vehicle out is the service truck.
Tolsen	8674 19th Rd – Has taken several truck loads out. Ralph suggested that we give him 30 days to clean the front yard since he has made some effort. It was the consensus of the board that this person has been given plenty of opportunities to clean the property up. **Mr. Bennett made a motion to get 2-3 bids to clean the property up and require the company to bring in receipts, seconded by Mr. Wickizer.**
Hutchison	17688 Vine St. – The court's court order was to allow them till June 2018 to clean the property up.
Jimmerson	16383 Polk St. – Brought in a shed and started to live in it. They were told that they cannot have a shed on the property without a house. They came in and obtained a permit and said that they would move it. To date they have not moved it. CPS has gotten involved along with the Health Department and Building Department.
Hackworth, Jacqueline	3162 18 B Rd., Tippecanoe – A double wide without electricity. They said that they choose to not have electricity. They were told to clean up the property.
Borton, Tony	2019 Rose Rd. Walkerton - Roof falling in and junk on the outside. Sent a letter along with a fine. Then we will go to court.

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Trent Bennett

December 12, 2017
Regular Meeting of the
Marshall County Board of Zoning Appeals
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Board of Zoning Appeals meeting to order at 7:30 p.m. on Tuesday, December 12, 2017, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, Mark Wickizer, Trent Bennett, Dan Voreis and Stan Klotz, Plan Director Ralph Booker, Secretary Lori Lowry and interested parties.

The first item of business was the review of the minutes from the November 14, 2017, meeting. **Mr. Wickizer made a motion to approve the minutes as written, seconded by Mr. Gustafson. Motion carried by acclamation.**

The second item of business was 17-BZA-42 MARSHALL COUNTY OLD ORDER MENNONITE – A tabled request for a Special Use to build a 48x60 church house, a horse shed and a cemetery, located on current parcel 50-23-26-000-007-000-012 directly west of 4818 19 B Rd., Tippecanoe Twsp., Zoned A-1. Per the request of the applicant they wish to drop this request as they are looking at a new location.

The fifth item of business was 17-BZA-38 COOPER, Brent & Lorie - A reconsideration for a Special Use to allow a Christian Retreat and Event Center with occasional weddings and receptions, located at 11881 Gumwood Rd., Bourbon, IN Bourbon Twsp., Zoned A-1. Mr. & Mrs. Brent Cooper and attorneys Mr. Jeff Houin and Ms. Lindsey Shively were present to represent their request. Mr. Booker presented the findings of fact.

This is a 36.68-acre property with a home and a large hay/implement barn. The home was built in 1997 and the barn in 2010. The rest of the property is being used for a cattle operation. The applicant wishes to use the barn for a Christian retreat and event center with occasional weddings and receptions. The barn is a 40x72 foot building with a 20x72 and 16x72 lean to. It does not have a Construction Design Release (CDR). This building would be served by a private well and septic. There is some parking on the grounds.

New information presented by Mr. Houin was as follows:

1. Retreat center approximately.3 miles south of Lincoln Hwy.

2. From Lincoln Highway, incoming traffic would pass only one residential home before arriving at proposed retreat center.
3. From US 30 traffic would pass four residential homes before arriving at the proposed retreat center.
4. From US 30 it is approximately .9 miles to the retreat center.
5. Gumwood Road Traffic Counts and Statistics
6. Comparable Venues – New Wine Banquet Hall and Back Forty Banquet Center
7. 9B Road Traffic statistics
8. General character of the neighborhood 36.68 acre parcel with an additional 48.40 acres of adjacent woods to the west of the property.
9. Venue would be .2 miles from the road.
10. Safety/Security
11. Cleanup-waste removal

At the last meeting the Cooper's were not prepared to answer the questions and concerns that were raised. With the above additional facts, the Cooper's believe there are enough new facts for the board to re-consider.

The current owners of the property have deer cameras and can notice a natural slowing of vehicles because it's so close to Lincoln Hwy.

The current plan is not to purchase the neighboring property. However, it will provide isolation to the event center.

The plan for the center is to have smaller groups during the week and offer larger events on the weekends.

Mr. Gustafson moved to open for public hearing, seconded by Mr. Wickizer. Motion carried by acclamation.

1. Lorie Cooper – Letter read sharing that the event center's focus is to promote healthy families, relationships and community. Weddings and larger events will financially help the facility with the main goal which is to bring families and community together.
2. Marla Kreft – Letter read believes it's perfect for the suggested uses. Doesn't see an issue with traffic or safety.
3. Bruce Speicher – Letter read from the current property owners. To date these are multi-generational farm families. Because of the wide variety of uses there have been many proposals such as a winery, dairy farm, hunting reserve, basketball training facility for urban youth and a private campground used by Muslim families from Chicago and the Valparaiso area. When they heard the Cooper's idea as well as using the pasture for raising cattle they were excited about them wanting to enhance the area along with keeping the ground for farm use.
4. Mary Holm – Letter read and is in favor of the request believes it will be nourishing to families and the community as well as use portions of the property for farm activities which will preserve the farming community. Supports their vision and goals.

5. Doug Kucera – Letter read and is in support of the retreat center and can see many using the facility. While knowing the Cooper's he doesn't believe they would do anything to cause problems for the neighborhood.
6. Morris Riddle – Letter read in support of the request. Believes this isn't for profit, but for bettering the community.
7. Michael & Tresa Hammond – Letter read that doesn't see the reason for objections to the request. Believes there is a demand for more places such as this. Feels the suggested use won't bring constant traffic to the area.
8. Stacy Lyon – Letter read and is in strong support of the Christian Retreat Center. Believes the request will have a positive affect on families.
9. Sue Harshbarger – Letter in support of a Christian Retreat Center. Believes it will bring a lot to the community and be a benefit.
10. Betty Dodson Stephenson – Letter objecting the request of having wedding receptions due to the cars, loud music and alcohol which could lead to criminal activity and safety issues. Rail road crossing is also a concern. Want to protect the farms.
11. Bruce Speicher – 11881 Gumwood Rd. – Believes the request is a good plan. Doesn't foresee anything bad coming from the plan. There are cameras on the property. While looking at the video it looks like that are currently on average of 50 trips per day. Contacted Mike Cook who lives on SR 331 and 9B Rd to see if there was an increase of traffic since the other two venues opened. He has only noticed more horse and buggies. He also believes it is a perfect location for this venue.
12. Gene Cooper – 18707 Michigan Rd. – Believes it will benefit the community and would rather see someone local with positive visions.
13. Jordan Atkis – 214 W. Broadway St. Etna Green – Is the minister of the Etna Green Church of Christ. As a member of the community he can't think of a better opportunity to families. Could see taking advantage of this facility.
14. Ted Westaver – 627 W. Walnut St. Etna Green – Pastor of a church in Bourbon. Grew up in the area and doesn't want to see the area die away. Believes that the vision is positive for the area and can also see his church utilizing the location as well.
15. Tammy Houin – Diamond Drive - Travels distances to retreat centers and believes this location would be perfect for such. Venues such as this are very busy and sees a need for another venue.
16. Mike Ray – 10880 Fir Rd., Bourbon – Doesn't see any reason to deny the request.
17. Walt Pickerell – 11348 Maple Rd. – With such a high divorce rate and seeing what it does to kids as a retired school teacher, believes a retreat center and counseling could positively affect lots of people's lives.
18. Dan Stichter – 912 N. Washington, Bourbon – Knows the property well as he spent a lot of time there is a kid. Believes it will be an asset to the community as well as preserving the land use.
19. Mike Delp – 1707 S. Michigan Rd. – Doesn't see any harm to the roads. Believes the proposal is a good new business for families that need help.
20. ? Cooper – 1420 E. Colfax Rd. South Bend – As a daughter of the Cooper's who grew up in the area and a family therapist believes that restoring relationships of families is what their family is passionate about.

21. Paul McCalley – Lives adjacent to the property. The train tracks going north has only room for one vehicle. Believes that the traffic coming from the party barn could cause safety issues for the people driving on Lincoln Highway. Request the board to filter out those comments from people that are not residents of the immediate area. It was not presented at the first hearing that the Cooper's want to have a full time special needs school at the property. Doesn't understand why they don't utilize their own current property that is not in this local area. Moved here to raise children and take care of his elderly parent. Feels their safety is at risk.
22. Steve Roberts – 11962 Gumwood Rd. – Believes that it is a good idea but not for this area. Talked with the people that live around Back Forty and if they had to do it over again they wouldn't have agreed with it. Should be left as a farming community.
23. Gwen Fuchs – 11975 Gumwood Rd. – Not good for the area. Believes it is a good idea but not for the area. Has a concern for safety.
24. Adam Motz – 11180 Gumwood Rd. – Is a farmer and wonders how would re-zoning change the area. Questioned why this proposal isn't on their own land. Also questioned drainage, setbacks and how pesticide spraying could affect this.
25. Delores Doll – Neighbor believes outsiders opinions and impressions shouldn't be allowed to be factored in.
26. Charlotte Barnhart - 5974 12 B Rd. – Concern for safety as well as drainage.
27. Becky Carswell – 11750 Gumwood Rd. – Against any taxes that could go up because of this request. Doesn't understand how there could be so many different uses on one property.

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

Mr. Klotz clarified that the project the Cooper's are doing or the character of the Cooper's or Speicher's is not what is in question.

The board questioned the approvals of the other two local venues. In the past couple of months two new venues have been approved of about the same size.

Mr. Houin closed saying that this hearing wasn't for the Cooper's to explain their plans. They appreciate the support but respect the concerns as well. There is no desire for the board to approve or reject the Special Use Request, but to reconsider taking a second look at the request.

Mr. Voreis made a motion to approve the reconsideration of <u>17-BZA-38 COOPER, Brent & Lorie -</u> for a Special Use to allow a Christian Retreat and Event Center with occasional weddings and receptions, located at 11881 Gumwood Rd., Bourbon, IN Bourbon Twsp., Zoned A-1, seconded by Mr. Bennett. Motion carried with a voice vote 4-0 with Mr. Klotz voting against.

The new hearing for this case will be January 9, 2018.

Marshall County Board of Zoning Appeals
December 12, 2017

Violations

Tolsen	8674 19th Rd – There have been two bids received for the cleanup of the property. Langfeldt Exc – $3,600 Lenker's _ $3,750 Mr. Gustafson made a motion to approve the bid from Langfeldt Excavating, seconded by Mr. Voreis.
Borton, Tony	2019 Rose Rd. No Response to request to clean up garbage. Turn over to attorney.
Reiss, Tim	15878 Nutmeg Road – Un-plated vehicles and haven't received a response. Turn over to attorney.

There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Respectfully submitted

Trent Bennett