January 28, 2021
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, January 28, 2021, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, James Berger, Craig Cultice, David Hostetler, Matt Miller, Jon VanVactor, Dan Voreis, and Stan Klotz. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Member absent was Bob Yoder.

The first item of business was the election of officers for the Marshall County Plan Commission for the year 2021.

Mr. Klotz welcome new Plan Commission member, Jon VanVactor.

President – Mr. James Berger made a motion to nominate Mr. Stan Klotz as President of the Marshall County Plan Commission for 2021, seconded by Mr. Dan Voreis. Motion carried by acclamation.

Vice President – Mr. James Berger made a motion to nominate Mr. David Hostetler as Vice-President of the Marshall County Plan Commission for the year 2021, seconded by Mr. Craig Cultice. Motion carried by acclamation.

Secretary - Mr. Craig Cultice made a motion to nominate Mr. Yoder as the Secretary of the Marshall County Plan Commission for the year 2021, seconded by Mrs. Terri Barnhart. Motion carried by acclamation.

Technical Review Committee - Mr. Dan Voreis made a motion to nominate Mrs. Barnhart, Mr. VanVactor, and Mr. Yoder as members of the Technical Review Committee for the Plan Commission for the year 2021, seconded by Mr. James Berger. Motion carried by acclamation.

Alternates for the BZA - Mr. Craig Cultice made a motion to nominate Mr. Dan Voreis, Mr. Bob Yoder, and Mr. David Hostetler as alternates for the Marshall County Board of Zoning Appeals for the year 2021, seconded by Mr. James Berger. Motion carried by acclamation.

Plymouth Plan Commission Liaison – Mr. Matt Miller made a motion to nominate Mr. Stan

Klotz to the Plymouth Plan Commission Liaison for the year 2021, seconded by Mr. James Berger. Motion carried by acclamation

Board Attorney – Mrs. Terri Barnhart made a motion to nominate Mr. Derek Jones as Attorney for the Marshall County Plan Commission, seconded by Mr. David Hostetler. Motion carried by acclamation.

The second item of business was the review of the minutes from the December 17, 2020, meeting. **Mr. Hostetler moved and Mr. Cultice seconded the motion to approve the minutes as written. The motion passed by acclamation with Mr. VanVactor abstaining.**

Board Attorney Presentation

Mr. Fred Jones appeared before the board to discuss Indiana Code procedures for Zoning Ordinance Amendments. Due to the length of the amount of information Mr. Jones asked the board if he could provide them with documents to read and come back to next months meeting to discuss. The board was in agreement.

The next item on the agenda was 20-PC-14 Marshall County Plan Commission – Article 6 010 A and Article B Shipping Containers.

UPDATE FROM COUNTY COMMISSIONERS- At the December 21st, 2020 meeting, the County Commissioners initially elected to propose an amendment to the proposal from the Plan Commission to permit exceptions for Emergency Services. This was revised at the January 19th County Commissioners meeting due to the public reaching out to elected officials whom then recommended denial of the proposal. The Technical Review Committee after discussion has come to the agreement with staff to affirm the Commissioners recommendation of Denial and pursue the matter at a later date after additional research and determination of what conditions would be appropriate for shipping containers.

Since the board discussed this at great length at many meetings Mr. Hostetler asked what was so unfavorable about what the Plan Commission recommended that the Commissioners kicked it back to the Plan Commission.

Mr. Klotz stated that there was a lot of push back from the southern part of the county. A lot of fire departments are using them and they didn't see how they could tell one they could use them and someone else they can't. Mr. Klotz told the other Commissioners that the Plan Commission office has the option to handle it as a violation on a case by case basis and that's how the other two commissioners wished to proceed.

The wishes of the Commissioners would be to put a pause on this discussion and approve their denial to amend the ordinance and reevaluate over the next six months to year and bring it back after additional research has taken place looking at other jurisdictions and what they are doing and how they are regulating shipping containers. Or if there are any conditions that might be appropriate for a county like Marshall. These are the wishes of the Commissioners.

Another comment by Mr. Klotz was that if shipping containers are banned and they are used to

store personal items do we want all that stuff out in people's yards for everybody to see.

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

Mr. Cultice made a motion to do more research on this and address at a later date, seconded by Mr. Berger. Motion carried with a voice vote 7-1 with Mr. Hostetler voting against.

The next item of business was 21-PC-01 NORTH CENTRAL COOPERATIVE - A request for a 2 lot Minor Subdivision Tract I 8.64 ac and Tract II 18.73 ac; located at 8550 Lincoln Hwy Plymouth, IN Center Twsp., Zoned C-2. Mr. Brian Wuthrich of North Central Coop 1203 E. Market St. Nappanee was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to subdivide the existing parcel into 8.61 and 18.73 acre parcels. Tract I has an existing series of buildings on the property.

The person purchasing the building has a construction company and fencing business. The other parcel will be owned by someone else.

Mrs. Barnhart made a motion to open for public hearing, seconded by Mr. Berger. Motion carried by acclamation.

1. Pat Kuskey – Representing her mother who owns the property just west of the co-op. Questioned the acreage amount. She has documentation between the co-op and her parents. There is one tile that runs from east to west and that tile is for their retention system that if there is an overflow and her parents gave them permission to cross their property and drain into the ditch. Otherwise, that washes out all the crops they have. Mr. Cultice asked if that document had ever been recorded and Ms. Kuskey said she didn't think so. Ms. Kuskey stated that she gave a copy of this agreement to Mr. Adley for the record. Believes any new building done will cause problems that will affect them.

The board explained to Ms. Kuskey that if the new owner decides to build, they will have to meet all requirements for construction before any building can take place. Also, all this board is here to do on this case is to approve or deny the splitting of the property not whether they can build on the property.

2. Brian Clayton – Ceres Solutions formerly North Central Coop- Hasn't had a long-time experience with the property but what he does know is there is a retention area that surface water goes to where the buildings are in the corner of the lot and stays there until it evaporates away. If it connects to a tile, he is unaware of it.

Mr. Cultice commented that if there is a tile it could be to everyone's benefit to put a retention pond they could overflow to that pipe. To find it and identify it and maybe put an easement on there for a mutual drain would be to everyone's best interest.

3. Adam Motz – 11180 Gumwood Rd. Bourbon – Wanted clarification of the request. Asked if the splitting will change the zoning.

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

The board discussed ground contaminants and drainage. The board was reminded that the property was sold "as is" plus this request is only about the splitting of the land.

Mr. Miller made a motion to approve 21-PC-01 NORTH CENTRAL COOPERATIVE - A request for a 2 lot Minor Subdivision Tract I 8.64 ac and Tract II 18.73 ac; located at 8550 Lincoln Hwy Plymouth, IN Center Twsp., Zoned C-2, seconded by Mr. Hostetler. Motion carried with a voice vote 7-1 with Mr. Voreis voting against.

Violation – Clean up of 9283 4th Rd.

This violation case has gone through the proper channels of the request to clean up, failure to comply, notifications and court. The court awarded the Plan Commission the rights to move forward with clean up.

We receive two bids for cleanup. They are as follows:

1. Langfeldt Excavating $ 4,666
2. Chain O Lakes $ 1,800-2,000

The clean up will take place on all three parcels.

Mr. Miller made a motion to accept the bid from Chain O Lakes Services LLC, seconded by Mrs. Barnhart. Motion carried with a voice vote 8-0.

Rick Keller 3908 W. Shore Bremen
Mathew Vansoest 3751 Lakeshore Dr., Bremen

Wanted to present to the board the planned activities for the area around Lake of the Woods and how they plan to prosper that area and their quality of life. Annual clean up in the spring around the roadways, trash pick up at the Lake Community Center, community dinners, annual walk run and roll event for health and wellness issues, fireworks show around the lake, game night and trunk or event. Would like the support of the Plan Commission as well as other county entities to help deal with numerous blighted properties around the lake along with abandoned cars etc.

Thanked the county for the work being done on 4th Road and pavement areas around the lake.

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

Respectfully submitted

Bob Yoder

February 25, 2021
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, February 25, 2021, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, James Berger, Craig Cultice, David Hostetler, Jon VanVactor, Dan Voreis, Bob Yoder and Stan Klotz. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Member absent was Matt Miller.

The first item of business was the review of the minutes from the January 28, 2021, meeting. Mr. Hostetler moved and Mr. Berger seconded the motion to approve the minutes as written. The motion passed by acclamation.

The second item of business was 21-PC-02 MILLS, Angela - A request for a Vacation of the alley west of Lot 5 Teegarden; located adjacent to 16478 1st Rd., Walkerton, Polk Twsp., Zoned T-1. Ms. Angela Mills of 978 N. Queen Rd. Walkerton was present to represent her request. Mr. Adley presented the findings of fact.

The Applicant is seeking to vacate between their two properties and have received authorization from the Township Trustee to also vacate the alley between their and the Townships property. Please see map for details.

Ms. Mills was born and raised in Teegarden and wasn't aware there was an alley there. Wanted to make sure the alley didn't diminished the value of the building in its location. As far as the township trustee they are willing to give up their portion of the alley and she would like the entire alleyway as it abuts up to the pond.

The board discussed the Trustee's portion and Mr. Adley explained that their portion could easily be given to Ms. Mills through a quitclaim deed.

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

Mr. Yoder made a motion to approve 21-PC-02 MILLS, Angela - A request for a Vacation of the alley west of Lot 5 Teegarden; located adjacent to 16478 1st Rd., Walkerton, Polk Twsp., Zoned T-1 and pass on to the County Commissioners with a favorable

recommendation, seconded by Mr. Hostetler. Motion carried with a voice vote 8-0.

The third item of business was 21-PC-04 BEHRENS SUBDV - A request for a 2 Lot Minor Subdivision (Behrens East Shore Drive) 4302 E. Shore Dr., Bremen, German Twsp., Zoned L-1. Mr. Detrick Behrens of 29675 CR 22, Elkhart, IN was present to represent his request. Mr. Adley presented the findings of fact.

The subject property is zoned L-1 which permits lots as small as 6,000 square feet provided that they are serviced by public sewer. Lot 1 will be 9,006 sqft. and Lot 2 will be 6,004 sqft. and will meet the minimum lot requirements as identified by the Marshall County Zoning and Subdivision Ordinances.

Recommendation: Based on the information provided and review by the Technical Review Committee staff and TRC would recommend approval of the proposal.

Pleasant Point Beach Subdivision was created in 1927. In 1931 Pleasant Point Beach Outlots were created in 1931. Within this there are lots 1-7. Lot #7 of Pleasant Point Beach Outlot is the parcel that is being brought before the board tonight.

Prior to the meeting there were several calls questioning if the proposed will allow access to the lake. Due to a short amount of time to do thorough research conclusive evidence was not found that the outlots have access to the lake.

The Behrens purchased the property 17-18 years ago and have rented out the house. They feel it's time for them to sell the house and in doing so they thought they would offer another small lot for sale for the purchaser of the house or someone else. The remaining property they plan to retain.

The improvements are all on lot 1 and the proposed setbacks meet all requirements. Lot 1 is currently hooked up to the Lake of the Woods Sewer District. As far as the driveway the plan is to have a shared access.

Mrs. Barnhart made a motion to open for public hearing, seconded by Mr. Cultice. Motion carried by acclamation.

1. Lowell Michaels 4243 Lake Shore Wanted to know what Mr. Behrens intentions were with these lots as well as the lots he owns on Flat St. Also, would like to know if he intends to funnel the properties through his lots on flat Street that would allow the proposed lots to have lake access. Mr. Michaels lives on an easement and already has enough grief and doesn't want anymore. Wants to know if there is such a thing as funneling in Indiana.
2. David Klosterman 8249 Faith St. Same concerns as Lowell's and also that this will set a precedence to others that are talking about creating a subdivision near his home. Lives in Englewood Subdivision. Knows that the owners of the easement want to start a subdivision across from Faith Street and give them access. The bylaws don't state that. If this is approved it will open up a precedent for others to do the same. There is not room.

3. Bob Suhanosky 4307 Lake Shore Has the same concerns as others and believes he's part of the Houin's wanting to subdivide.
4. Tiffany Prendergast 4398 4B Rd What are the plans? Is the remaining ground going to be turned into a subdivision later?
5. Harold Addington 4335 E. Shore Sent a letter and has a concern for funneling and the new owns being allowed access to the easement. Helps take care of the easement on Flat St. and there are already enough people accessing this easement.
6. Wayne Dickerhoff 4628 Lakeshore Dr. Sent a letter and is not in favor of the request.

The Lake of the Woods Sewer District has presented to the Plan Commission a future proposal (Preliminary Plat) from Herman & Connie Houin. The project has not been presented to be put on the agenda, nor considered at this time. This is just from the Sewer District. (See Attached A).

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

Mr. Yoder agreed with Mr. Adley that the questions whether the outlots have access should require a legal response.

Mr. Behrens only wants to get rid of the house and another lot. It's not income producing and they just want out from under it. He understands the Houin's have something going north of him, but he isn't involved with that.

Mr. Cultice asked if they had any intentions to allow the proposed new owners access to the lake through the easement. To Mr. Behrens knowledge he doesn't know if there is access for the outlots. However, he does know he has access to the easement through his lots within the subdivision. If his children someday own the lots on Flat Street yes they will have access to the easement.

Mr. Adley doesn't have conclusive evidence that the outlots have access to the easements within the Pleasant Pointe Beach Subdivision. With the information that has been provided and what has been spoken tonight all that Mr. Behrens wants to do is split off these two parcels. There is no evidence whatsoever that he plans to funnel.

Mr. Behrens again stated that without researching it further and getting a lawyer he doesn't know if the outlots have legal access to the lake.

The board was in consensus for themselves as well as for the people in attendance that they need to know if these outlots have access to the lake.

Mr. Berger made a motion to table the request <u>21-PC-04 BEHRENS SUBDV -</u> A request for a 2 Lot Minor Subdivision (Behrens East Shore Drive) 4302 E. Shore Dr., Bremen, German Twsp., Zoned L-1, seconded by Bob Yoder. Motion failed 4-4.

Mrs. Barnhart asked if there is a buyer for the lots and Mr. Behrens said no.

Mr. Cultice made a motion to approve <u>21-PC-04 BEHRENS SUBDV -</u> A request for a 2 Lot Minor Subdivision (Behrens East Shore Drive) 4302 E. Shore Dr., Bremen, German Twsp., Zoned L-1, seconded by Mr. Voreis. Motion carried with a voice vote 8-0.

Mr. Adley stated that staff would work together to find out the rights and access to the easements.

Other Business

There are three proposed cases that are coming before the BZA that the Plan Director questioned whether he might administrative rights to approve without going to the board and due to the size of the operation.

The first two are going to make crafts in addition to selling fresh cut flowers on their own property. One in an existing building and the other is going to purchase a pre-built shed to work in. The third request is planning to grow and sell plants and flowers and sell bagged fertilizer out of a pre-built shed.

After a lengthy discussion the board all felt that this is considered Agri tourism and with it all being small scale a variance is not needed and the Plan Director should have administrative rights to approve these.

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

Respectfully submitted

Bob Yoder

April 22, 2021
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, April 22, 2021, in Room 203 of the Marshall County Building. Present were: Commission Members Craig Cultice, David Hostetler, Jon VanVactor, Dan Voreis, Bob Yoder, and Stan Klotz. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Terri Barnhart, James Berger, and Matt Miller.

The first item of business was the review of the minutes from the February 25, 2021, meeting. Mr. Hostetler moved, and Mr. Berger seconded the motion to approve the minutes as written. The motion passed by acclamation.

The second item of business was 21-PC-03 YODER, Levi & Katie - A request for 12 lot Final Major Subdivision (Katie Yoder Subdivision); located at 917 4B Road, Nappanee, IN German Twsp., Zoned A-1. Glenn Yoder & Richard Yoder were present to represent their request. Mr. Adley presented the findings of fact.

The total property had received preliminary approval under 20-PC-17. There are 3 existing parcels that are being considered to subdivided into a variety of lot sizes, but all remaining above the minimum lot threshold.

RECOMMENDATION: Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of the proposal with the condition that the Plan Director and Surveyor's comments for shared driveways are managed. The application was tabled from March to April to accommodate a design change by the owners of the property to align 3 of the western property lines rather than having a jog. Staff has no issue with the change in property line and the driveways have been clarified by the Surveyor of Record.

When the applicants found out they were losing 40' along the road they decided to change the layout and even up lots 1,2 and 3.

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

1. Harley Yoder – 2881 E. County Line Rd. – Is family and in favor of the request.
2. Furry Yoder – 1997 2nd B Rd. – Is a sibling supporting the request

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

Mr. Yoder made a motion to recommend approval of 21-PC-03 YODER, Levi & Katie - A request for 12 lot Final Major Subdivision (Katie Yoder Subdivision); located at 917 4B Road, Nappanee, IN German Twsp., Zoned A-1 and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Mr. Voreis. Motion carried with a voice vote 6-0.

The third item of business was 21-PC-05 FRYE, Nancy - A request for a one lot minor subdivision (Frye Minor Subdivision); located at: Lincoln Hwy (50-41-30-000-108-000-017) West Twsp., Zoned T-1. Ms. Nancy Frye was present to represent her request. Mr. Adley presented the findings of fact.

The applicant owns a singular property that is bisected by existing property, giving it the illusion of separate parcels, but these "two parcels" share the same parcel number. This subdivision is righting a "subdivision" of property that should been done long ago.

RECOMMENDATION: Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of the proposal.

Ms. Frye plans to move and she needs the properties separated.

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

Mr. Hostetler made a motion to approve 21-PC-05 FRYE, Nancy - A request for a one lot minor subdivision (Frye Minor Subdivision); located at: Lincoln Hwy (50-41-30-000-108-000-017) West Twsp., Zoned T-1, seconded by Mr. Yoder. Motion carried with a voice vote 6-0.

The fourth item of business was 21-PC-06 FORSYTHE, Robert & Colleen - A request for an amendment to change parcel zoning from C-1 to T-1; located at 320 S. Michigan St. Lapaz, IN North Twsp., Zoned C-1. Ms. Coleen Forsythe and Mr. Heath Thornton were present to represent their request. Mr. Adley presented the findings of fact.

The subject property is zoned C-1 General Commercial is being sought to be rezoned to T-1 Town Residential. The applicant is seeking to do this because "lender will not loan on C-1 in order to sell property". Given the historic use of the property as well as current use as residential, the labeling of C-1 does not meet the needs of the of the property owner or Town. The property originally front US 31, but now that US 31 has been relocated to go around town, the spread of C-1 should be reduced.

RECOMMENDATION: Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of the proposed rezoning to Town Residential.

After owning the property for approximately 20+ years they would like to sell, and the

commercial zoning is keeping the proposed buyers from getting residential mortgages.

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

Mr. Hostetler made a motion to recommend approval 21-PC-06 FORSYTHE, Robert & Colleen - A request for an amendment to change parcel zoning from C-1 to T-1; located at 320 S. Michigan St. Lapaz, IN North Twsp., Zoned C-1 and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Mr. Voreis. Motion carried with a voice vote 6-0.

Lake Lots Side Setback

Ordinance

- 10' or 10% of the lot width, whichever is less.
- Question is derived from 10% and what the ordinance intent was.

With lake residential lots being odd shaped the Plan Commission Office needed clarification of where the 10% is derived from. Was its intent roadside, lakeside, average from property lines, incremental or building line?

Reviewed by the Technical Review Committee, the recommendation on the interpretation of the ordinance is that the incremental or average building setback lines be used. Incremental would provide for the most accurate setbacks due to the varying lot shapes of lake lots but is more labor intensive. TRC would further go on to discuss revising the ordinance to make the determination obvious and apparent as well as to include a minimum of 5' to be able to maintain structures.

After the discussion, the board felt it would benefit the property owner for the 10% to be considered as the incremental method as well as the 5' minimum to maintain structures. This is not an ordinance change just a clarification of the intent of the ordinance.

Mr. Hostetler made a motion to advise the incremental method with the 5' minimum in a L-1 zone, seconded by Mr. VanVactor. Motion carried by acclamation.

Other Business

Mr. Adley presented the 2020 Marshall County Plan Commission & Building Department Annual Report. The 15-year review shows in 2011 at a low of 317 permits with an upstream topping out at 997 permits in 2020. The valuation in projects have also had a steady increase of over $70 million. Out of 29 violation cases 18 of them have been completed. There has been significant process.

Respectfully submitted.

Bob Yoder

May 27, 2021
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, May 27, 2021, in Room 203 of the Marshall County Building. Present were: Commission Members Craig Cultice, David Hostetler, Jon VanVactor, Dan Voreis, Bob Yoder, Terri Barnhart, James Berger, Matt Miller and Stan Klotz. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties.

The first item of business was the review of the minutes from the April 22, 2021, meeting. Mr. Hostetler moved, and Mrs. Barnhart seconded the motion to approve the minutes as written. The motion passed by acclamation.

The second item of business was 21-PC-07 HOUIN, Herman & Connie - A request for a 18 lot primary major subdivision (East Shore Estates, LLC) on parcel # 50-43-07-000-014-000-005, East Shore Dr., Bremen, IN Zoned L-1. The applicant requested to table this case to June 2021.

The third item of business was 21-PC-08 SCHMELTER, Daniel & Nancy - A request for a 1 lot minor subdivision to combine parcels; located at: 16606 Pretty Lake Rd., (includes adjacent parcel to the west) Plymouth, IN Zoned L-1. Mr. & Mrs. Daniel Schmelter of 16606 Pretty Lake Rd., Plymouth was present to represent their request. Mr. Adley presented the findings of fact.

The applicant has agreed to purchase adjacent ground from the Pretty Lake Golf Course in order to expand their property. The parcel was subdivided off in order to create the opportunity to combine the parcels through the proposed minor subdivision. The original parcel was .57 acres and .22 acres were purchased, then through the combination the new total lot size would be .79 acres.

The applicant would like to bring in a shed to accommodate storage of outdoor items. This shed would have been prohibited due to the layout of his lot. The Country Club was willing to sell a portion of the land to accommodate what he was wanting to do. Since then, the Schmeltzer's cleaned up the property and cleared up a lot of brush.

Mr. Cultice made a motion to open for public hearing, seconded by Mr. Voreis. Motion carried by acclamation. There being nobody to speak for or against Mrs. Barnhart moved and Mr. Berger seconded the motion to close the public hearing.

Mr. Berger made a motion to approve 21-PC-08 SCHMELTER, Daniel & Nancy - A request for a 1 lot minor subdivision to combine parcels; located at: 16606 Pretty Lake Rd., (includes adjacent parcel to the west) Plymouth, IN Zoned L-1 and forward to the Marshall County Commissioner's with a favorable recommendation, seconded by Mr. Voreis. Motion carried with a voice vote 8-0.

Other Business

In response to bonding requirements and Mrs. Millars concerns from the County Commissioner's meeting Mr. Adley presented a timeline to the board. This timeline included a breakdown of dates and conversations between himself, the Millars, the County Attorney and the Millar's attorney. Mr. Adley reaffirmed to the board that bonding and contractor registration is a duty of the Building Commissioner. His role in this was only to assist in the gap when there was no Building Commissioner.

Subdivision Procedures

Subdivisions and access to roadways of different types: Local, Collector, and Arterial

The Houin's brought before the TRC a subdivision proposal. After review of the Subdivision Ordinance a section has presented questions and staff is requesting clarification from the board.

Within Minimum Development Standards 2.11.2.b Access Limited – Individual lots in residential subdivisions shall not have driveway access from an arterial or collector road.

Street Parallel to Railroad or Roads – Where a subdivision borders on or contains a arterial or collector street, the Plan Commission may require a street approximately parallel to an on each side of such right of way at a distance suitable for the appropriate use of the intervening land.

The Houin Subdivision is on East Shore Drive at Lake of the Woods and East Shore Drive is a collector road.

> *Major Subdivision – A subdivision of a parcel of land into more than three residential, commercial, or industrial lots or any size subdivision requiring any new street.*
>
> *Minor Subdivision – The subdivision of apparent parcel into any combination of not more than three contiguous or noncontiguous lots that create new building sites, and which does not involve the construction or extension of public or private streets.*

The Plan Director asked the board if their understanding and intention of this statement:
…in residential subdivisions shall not have driveway access from an arterial or collector road ….if that pertains to both minor and major or just major.

There is currently discussion between the Houin's and Lake of the Woods Sewer District regarding their sewer districts requirements.

This establishment of access could drastically affect the design of the Houin's proposed

subdivision. However, there is always the option of requesting a waiver of this rule.

The board had concern that some might think they will do a couple lots here and wait and do a couple more lots at a later date. The Plan Director clarified that this process is similar to splitting in that it goes back to the parent tract. For example, if someone created two parcels with one residual parcel they are capped off at the 3 which is the maximum for a minor subdivision. If they come back to do another one lot it would be considered a one lot major subdivision.

While discussing the sewer pipe Mr. Webster of the City Plymouth stated that Plymouth's average pipe cost is $200 a foot. If that is the case for Lake of the Woods Sewer District it may be cost prohibitive, and this case may not proceed.

Mr. Yoder's thoughts were that a minor sub could have direct access to the road, but a major sub would require a road with access points.

Mr. Cultices' view was the Subdivision Ordinance reads "…individual lots in a residential subdivision shall not have driveway access…". There is no clarification of both minor and major. He believes they need to get a waiver. Plus, he would like to have the Highway Superintendent's input and whether there is a safety issue in this vicinity.

The board suggested that the Highway Superintendent be contacted to offer his input on this proposal.

Bids

There was supposed to be two bid openings tonight. One for Queen Road and one for Rose Road. As of 4pm today there were no bids submitted. The board requested that the bids be readvertised for next months meeting.

Interior Lot Line Discussion

After a case at last months Board of Zoning Appeals meeting discussion was brought forward about the requirement to combine parcels in order to build on a parcel that cannot meet developmental standards.

The combination of parcels can be an expensive process and it was brought up that Kosciusko County has a procedure where they allow a deed to be re-created that would include a statement at the bottom of the deed prohibiting the parcels from the being sold separately and then recorded. This would eliminate that cost, but the board wasn't sure of its legality.

For a time, Marshall County had a Contiguous Lot Form that allowed people to build across a property line with this form filled out and recorded. However, back in 2019 this procedure was reviewed and removed after vote by the Plan Commission and Commissioners.

There was a case near Lake of the Woods where a structure crossed the property line and one of the parcels went to tax sale for unpaid taxes. It caused legal issues in addition to a lengthy

process of cleanup of the property.

Before the board decides, they asked that the Plan Director get legal opinions on the matter.

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

Respectfully submitted.

Bob Yoder

July 22, 2021
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, July 22, 2021, in Room 203 of the Marshall County Building. Present were: Commission Members David Hostetler, Jon VanVactor, Dan Voreis, Bob Yoder, and Stan Klotz. Plymouth Liaison, Fred Webster, Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were Terri Barnhart, James Berger, Craig Cultice, and Matt Miller.

Minutes of the May 27, 2021, meeting was presented. Mr. Hostetler moved, and Mr. Voreis seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item on the agenda was 21-PC-09 MILLER, Homer & Freda - A request for a one lot minor subdivision; located at: 2013 & 2041 Beech Rd. Nappanee, IN German Twsp., Zoned C-2. Mr. Homer Miller of 2616 2 B Road were present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to purchase some property from the adjoining neighbor to make their property larger. The property is going through the subdivision process due to the fact that the two properties are zoned C-2 Highway Commercial. The current use of the rear property is all agricultural for horses.

Back in 2005 Homer and Freda Miller purchased the acreage behind his from the Whetstones. At that time there was no paperwork done to transfer ownership. When Homer & Freda decided to sell the property to Homer Miller they found the non-transferred property. The plan of the new owner will be to combine both parcels.

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

Mr. Adley explained to the board this process here will allow this process to continue and the property to be combined.

Mr. Voreis made a motion to approve 21-PC-09 MILLER, Homer & Freda - A request for a one

lot minor subdivision; located at: 2013 & 2041 Beech Rd. Nappanee, IN German Twsp., Zoned C-2, to forward to the Marshall County Commissioners with a favorable recommendation seconded by Mr. Hostetler. Motion carried with a voice vote 5-0.

The second item on the agenda was 21-PC-10 HOUIN, Herman & Connie – Prior to the hearing the applicants requested to table the request to August.

Other Business

Bid Openings

- 2019 Rose Road

Jerry Reed Excavating	$2,500
Hunter Transit	$2,800

Mr. Yoder made a motion to approve and accept the clean-up bid from Jerry Reed Excavating in the amount of $2,500, seconded by Mr. Voreis. Motion carried with a voice vote 5-0.

- 814 Queen Road

Jerry Reed Excavating	$2,500
Hunter Transit	$2,800

Mr. Hostetler made a motion to approve and accept the clean-up bid from Jerry Reed Excavating in the amount of $2,500, seconded by Mr. Voreis. Motion carried with a voice vote 5-0.

- 17688 Vine Street

This property will be discussed at the August meeting.

Air BNB/Boondocking

Air BNB and Boondocking are similar as they are an alternative to a hotel. Boondocking is an Air BNB equivalent to camping. We currently do not have any regulations in Marshall County for Air BNB.

Boondocking is a warehouse of site locations to camp. You advertise your location through their website. The operator receives a benefit of operating their location in allowing them to spend so much time at other locations if they rent it out for free.

After a lengthy discussion the board felt that the enforcement of this would be a nightmare. We don't have the time or staff to enforce it.

Cabins

There is an increase in the amount of people wanting to place cabins on their properties. It's basically a glorified tent. There are no services no water no electric or sanitary. In our eyes it's an accessory structure. The Planning Departments hesitation would be it turning into a permanent housing location.

The discussion of the board was if the structure is permitted it will meet the requirements of the setback location, meet building code, and will be assessed appropriately. Other than that, their thoughts were that as long as its for personal use the board doesn't have a concern.

2022 Budget

The 2022 proposed budget was submitted to the Auditor's Office. There was an increase in wages of $1,600 for the department head and administrator. Longevity was increased as well as a $4,000 increase in legal services. There was also a proposal to increase the code enforcement officer of $4,000 per year to allow the position to work 2 days per week instead of a day and a half.

The Commissioner's have discussed increasing Per Diem. The current Per Diem rate just isn't enough. Mr. Adley agrees and if approved by the Council will gladly pursue getting the same increase for the Board of Zoning Appeals as well as the Plan Commission.

Mr. Hostetler made a motion to approve the proposed 2022 Plan Commission Budget, seconded by Mr. Voreis. Motion carried by acclamation.

Combination Form

This discussion will take place in August.

Other

Mr. Klotz stated that there are solar people going around surveying in Culver and wanted an update of what is going on. Mr. Adley met with a solar company a couple of weeks ago. It was his understanding they were looking to do some analysis on properties they have under contract and part of that requires surveying. As to the specifics Mr. Adley doesn't know. Before anything gets started at the county level there will be at least a couple of years of background work done.

Live Public Meeting's

Mr. Klotz stated that he received a call requesting that the board meeting's be online to view them. The board discussed the pros and the cons. With some of the concerns being anyone speaking at the meetings will also be livestream and if there is allowed meeting participation of board members via zoom there needs to be better software that allows the person to communicate and hear what is going on.

Currently the Commissioner's and Council meetings are live. This currently only allows users to watch the live video. It doesn't allow you to go back and watch it at a later date and time. It also doesn't allow public feedback. There has also been a recent resolution that allows electronic meetings which is for the board members not the public. Technically how this is supposed to happen Mr. VanVactor had no idea. Nothing has been decided on how that will happen.

With the unpredictability of the current equipment and all the unknows the boards consensus was that we should wait to proceed with live meetings until there is guidance from the Commissioners, County Attorney, and the IT Department.

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

Respectfully submitted.

Bob Yoder

August 26, 2021
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:00 p.m. on Thursday, August 26, 2021, in Room 203 of the Marshall County Building. Present were: Commission Members James Berger, Craig Cultice, Matt Miller, David Hostetler, Jon VanVactor, Dan Voreis, Bob Yoder, and Stan Klotz. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent was Terri Barnhart.

Minutes of the July 22, 2021, meeting was presented. Mr. Voreis moved, and Mr. Hostetler seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item of business was 21-PC-10 HOUIN, Herman & Connie - A request for a Waiver of 2.15 Public Uses and Open Spaces, 6.12 Sidewalks, Pathways and Pedestrian Ways, and 69 Street Designs; located at: 50-43-07-000-014-000-005, German Twsp. Zoned L-1. Connie Houin of 547 Ballantyne Rd. Gross Point Shores, Michigan was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is in the process of designing a subdivision at and near the intersection of 4th Road and East Shore Drive at Lake of the Woods. The subdivision is proposed in two parts, the first being only along East Shore Drive North of 4th Road consisting of 4 lots and the second part beginning at the southeast corner of 4th Road and East Shore Drive being 14 lots extending to approximately Faith Street. The three waivers that the applicant is proposing waiver of are; 2.15 Public Uses and Open Space, 6.12 Sidewalk Pathways and Pedestrian Ways, and 6.0 Street Design Standards. The standards 2.15 indicates "All proposed major subdivisions shall allocate adequate areas for park, school, recreational and other public and semipublic sites, wherever necessary in conformity with the Comprehensive Plan and in accordance with the following open space requirements:..." The Subdivision Regulations further go on to indicate " 7. Conveyance -- These areas shall be made available by one of the following methods: a. Dedication -- Dedication to public use; b. Deed Restriction -- Reservation for the use of owners of land contained in the plat, by deed restriction or covenants which specify how and under what circumstances the area shall be developed and maintained; or c. Reservation -- Reservation for acquisition by the County or an agency thereof." The opens space intention in short is to accommodate public space for various forms of recreation for members of the subdivision and the local area depending on the given dedication process identified above. Standard 6.12

indicates that sidewalks for Major Plats "...may be required based upon the recommendation of the technical review committee along both sides of all streets and along the development side of existing county roads." The majority of subdivisions surrounding Lake of the Woods do not have sidewalks within their perimeter. Standard 6.0 makes reference to how streets are designed and indicates under 6.03.8 that "Where a subdivision borders on or contains a railroad right-of-way, limited access highway right-of-way, arterial or collector street, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of the approach grade of any future grade separation structure." Under 2.11.2.b, "Individual lots in residential subdivisions shall not have driveway access from an arterial or collector road." Also under 2.11.2.c "The Plan Commission may require that perimeter lots in residential and non-residential subdivisions be served by a combined access or frontage road in order to limit a possible traffic hazard on such road. Driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on such roads." The above regulation references that new lots created are not permitted to access a collector road such as East Shore Drive, but are able to access a local road such as 4th road. The roads are classified through the Marshall County Functional Classification system/map, which has a relation to the amount of traffic that an individual road segment carries.

Mrs. Houin and her husband do not live in the area but own over 700 acres of farmland around the Bremen area. They have had several people approach them about selling ground to build in the wooded area on east side of East Shore Drive at Lake of the Woods. Since the wooded area wasn't being farmed, they have looked into subdividing it. They are proposing 14 lots south of 4th Road that runs 1,200' along East Shore Drive. The lots will be 80-90' in width and 200' in depth. They are requesting three waivers.

1. Sidewalks – 6.12 Sidewalks may be required.
   It is not a mandatory standard and there are no other sidewalks around Lake of the Woods. The sidewalks would not connect to any other subdivision. It would simply force any walkers into the road. It is a residential subdivision in a rural environment. Sidewalks would require additional liability in maintenance, plowing, and additional cost with the installation.
2. Public Uses and Open Spaces –
   The Technical Review Committee already agreed to waive this request. This is a rural setting not a town setting. This subdivision will not require additional schools. The recreational area is at Lake of Woods across East Shore Drive, the marinas and the amenities around the lake are available to those people to enjoy.
3. Roads – 6.03 (3)
   Is a permissive standard. It speaks to roads, screening, and deeper lots to provide adequate protection of residential properties. Believes there are other ways to provide adequate protection of residential properties besides having a road placed. The roads would be an additional cost of $250,000 for these 14 lots. They designed the lots so there would be room for turnarounds and circle driveways and no need for backing out onto the road. Deed restrictions are contemplated and would be available. 2.11 2c Combined access and frontage – Again this is a permissive standard and does not require only a road as an option. It speaks to other options available to the Plan Commission to work with developers so additional lots can be built. 2.11 certainly states that individuals

in a residential subdivision shall not have driveway access onto a collector road. They are asking for a waiver of the requirement of the road for the 13 lots. Lot number 1 would be accessed off 4th road.

The planned route of traffic would most likely be going to 4th road and then Plymouth Goshen Tr. The proposed subdivision is adjacent to 4th road. The likelihood of them traveling to 3A Road is unlikely. There are 10 homes on 3A road and 3 homes on 4th road. The applicants would like to be treated the same as others in the area. There are presently 19 driveways from homes on East Shore Drive north of 4th Road and 14 driveways south of 4th road to 4A road. The majority of the homes on east shore and the subdivision on the lakeside of East Shore Drive are seasonal homes. They don't anticipate the new buyers to be any different. One of the proposed purchasers would like to buy 4 lots and leave it wooded with no driveways. Their plan to have deeper lots would speak to reducing concerns of safety.

There has been discussion of increasing the lots from 14 to 26 lots if they are required to put in a road to make this subdivision financially feasible. The subdivision would grow and the community would grow. They are trying to balance the need for lots in the community, to bring people into the community, to build up the school system, and to build up the workforce.

Their intent has always been to farm the farm ground. The wooded area is not being farmed and people want to build in it and would like to allow for it if its feasible.

During a concern at the TRC meeting it would brought up about safety of school bus pick ups. After speaking with the bus drivers and school district the busses don't leave East Shore Drive and they don't enter subdivisions.

Also, potential buyers would like to have their homes facing the lake. They are building in an area where they would like that view not a farm field.

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

1. Marvin Houin 7563 Plymouth Goshen Tr. Bremen
   Read a letter that was submitted to the board. Supports all requests by the applicant. At the end of 4th road there is a state property that can be used by the community for recreational purposes. Believes sidewalks are impractical and would be a waste of time and money for everyone. He also understands the desire for purchasers of the property that they would want a home facing the lake. He also doesn't believe it would be a hazard to put in driveways along East Shore Dr. In his opinion the traffic is greatly reduced after Labor Day except on weekends. The school busses do not enter side streets or any subdivisions. There is no need to add an additional road for the county to have to take care of. It would also be very difficult for a truck to turn around. In the 1990's Mr. Houin along with his father in law Cal Ralston were instrumental in completing the lake sewer district around the lake.

It is important to them to again support the community. Heard there was a concern that the existing sewer system wasn't built to withstand this subdivision but said that is not correct. They built it for the future, not the past. He has personally been asked to sell land to build a house.

2. Mary Behrens

   Wants the Houin's to be able to develop their property as they want. She is however, in favor of not allowing them to put a road in their subdivision.

3. Bob Stife — 4109 E. Shore Bremen

   Is not in favor of putting any new roads in. The county is already having a hard time keeping up the existing roads. More roads would cause a housing development and would reduce farmland. Not in favor of the sidewalks. Is in favor of the requests to be granted to the Houins.

4. Jeff Saucier — 3771 E. Shore Dr.

   Has looked at the subdivision ordinance and haven't heard anything about water run off, sewers, and well water. Has this subdivision already been approved? The applicants have only spoken about the properties south of 4th road, what about the other 4 lots north of 4th road?

The Plan Director clarified the request to everyone in attendance. Tonight's meeting for this request is a series of waivers. A waiver is a similar process like a variance in setbacks, but for building a subdivision. The Houin's are in the process of designing a subdivision but without whether a waiver is granted they can't complete the design aspects in association with that proposed subdivision. There have been preliminary talks of a subdivision, but no official application has been received yet. As soon as this hearing is over the Houin's will be able to move forward with their next steps in developing that subdivision. Water, sewer, and drainage will all be discussed during the subdivision development hearings. Notifications will again go out at that time. tonight's discussions are only for the waivers.

5. Scott Shuppert — 3878 E. Shore Dr. Bremen

   He owns the property on the north side of 4th road. If there is going to be an access road on 4th road that will surround his property with roads and will devalue his property. Wants them to do what they want with their property but doesn't want it to devalue their properties and others.

6. John Watson — 8477 Chicago St. Bremen

   Opposes anymore driveways coming out on East Shore Dr. It is a safety hazard. There is a lot of pedestrian traffic, bicycle and golf carts. Fourteen additional driveways will be a hazard. Has been a police officer and trained in traffic management. This is not what should happen. A road would alleviate this problem. Believes it will be a private road not a county road or responsibility. It will also create additional water. This area does not need more water.

7. Kevin Hines — 8369 Fortune St. Bremen
   President of the Lake of Woods Sewer Board. There have been no determinations by the sewer board that there is not enough capacity.
8. Shirley Thomas — 8432 Chicago Ave Bremen
   Bought their place last summer. Did not realize when they bought it with all of the flooding and that the water comes down Chicago Ave. If they wanted a city like lifestyle they would have bought in downtown Bremen. They like the country lifestyle where they know their neighbors. Why would you put $200-300,000 homes in that area when they can't even keep the roads up? They have had to fix their vehicles 5 or 6 times since they've lived there. The other side of the lake has been chip and sealed but not their side.

   Mr. Klotz shared that by the end of the fall 3A, North Shore and East Shore will all be repaved.
9. Bill Harner — 4351 E. Shore Dr. Bremen
   Who will be responsible for this project when it comes to rules and laws. The pond on that property is on a wetland and it's under DNR's rules. Also, that area is very rich in artifacts. 4th road is a very dangerous road. The county is going to have to upgrade that road especially where the guard rail is. The traffic is already heavy. Will these lots be using easements to the lake? That is funneling and DNR will not accept that. That will overrun the easements with many more boats and jet skis. Will also ruin the values of the properties of the lakefront owners. They are a small community and want to keep it that way. If the Houin's want to go from being farmers to developers maybe the lake people will want to re-think their relationship with the farmers. They have a two-level lake to allow the farmers to farm their fields. If they are going to do a subdivision he wants the road and sidewalks. Believes the Houin's aren't looking out for people of the Lake of the Woods.

10. Michael Zimmerman — 4069 E. Shore Dr. Bremen
    Lived at this lake for 52 years. Urges the board to deny the variance. The traffic does not diminish after Labor Day. There doesn't need to be anymore roads off of Lakeshore Dr. Rules for subdivisions exist for a reason they ask that this board makes them comply. The applicants do not even live in the area but Mr. Zimmerman and many others do. The people that live in this area will be the ones that will have to live with the decisions of this board. Maximizing profitability seems to be the main goal. It costs a lot of money to put in roads so they don't want to put the roads in. For the safety of the people at the lake and the rules of the subdivision that's why you make the rules. Make them put the roads in. There is no marina at Lake of the Woods. The majority of homes around the lake are year-round homes not seasonal

homes. If the road for the proposed subdivision is a county road it will be plowed by smaller trucks subcontracted out by the county. Those big trucks do not go down these subdivision roads. There is a state access off of 4th Road. However, there are 4 accesses in Englewood Park Subdivision that were established in 1948 for the use of the people in this subdivision. Mrs. Houin has informed everyone in that subdivision they must now pay her and her husband in order to use the lake accesses for anything other than pedestrian traffic between their properties and the lake. There is currently discussions with attorneys by people in this subdivision to litigate this. Mrs. Houin has made it clear that she plans to funnel all of those lots into those 4 lake accesses not the state one which was in writing.

11. James Hartman — 4131 Lakeshore Dr. Bremen
Is against the waiver of the Houin subdivision. The roads are falling apart and they don't need more traffic around the lake. These owners have literally ruined the easements. In this area neighbors haven taken care of the easements for over six years.

12. Mildred Sullivan — 8403 Dart St Bremen
Objects this zoning amendment. Chose to live on a small lake that is surrounded by farm fields. Does not want a housing addition. It will increase traffic to Lakeshore Drive. The roads are bad enough as it is. Fears once one field is approve and built on, then later another will be added and so forth. Questions how these new properties would tie into the sewer system. Whose expense would it be? Would this increase the rate of others? Can this system handle additional housing development and if not again who pays to expand it? Doesn't feel this would be in the best interest of the current citizens of Lake of the Woods.

13. Debra McClain — 17381 Darden Rd. South Bend
Owns property within two parcels of the request. Is in favor of the request. There are no other wide walks around the lake. A road requirement would have the front of the homes facing away from the lake and towards a farm field. There are already driveways off East Shore Drive and they have not created traffic hazards or congestion of the road. Open space requirement is not needed as there is public access to the lake very close. There are also, open farm fields present.

14. The Mikels — John, Sue and James Mikel
They oppose the issuance of a waver. This road is highly trafficked with automobiles, trucks, school busses, golf carts, farm equipment and vehicles pulling boats to the public access. The pedestrian traffic is already significant. The waiver would be a

major incumbent to traffic and a serious hazard to pedestrians. This is a matter of public safety; no waiver should be granted on this very busy section of the road.

15. Diane Houin — 7563 Plymouth Goshen Tr. Bremen
Neighboring property owner and supports the requested waiver. There are no sidewalks around the lake, making a sidewalk in just this section of lots impractical. A road requirement makes the front of the houses closest to the lake facing a farm field instead of the lake. Allowing driveways off of East Shore Drive does not create a hazard or overcrowding of the road. Many homes are summer residence and for a good portion of the year the traffic is even greatly reduced. The residents are given access to the lake, making an open space not needed. School busses do not enter any of the side roads The county does not need another road added to their load.

16. Jenny Bennitt — 7744 Plymouth Goshen Tr., Bremen(Todd & Jenny)
Their property lies southeast of the proposed subdivision. Believes the subdivision Ordinance has been put in place as a means to provide the best outcome for future property owners along with surrounding landowners and they oppose the request. What guarantee do they have that the remaining acreage will not be developed in the future? East Shore is already highly traveled and additional driveways would pose possible safety issues. More houses will also create more noise and will take away from one of the reasons they live in the country. Their view will also be hindered.

17. Steve Burkins — 7635 4th Rd., Bremen (Steve & Kristi)
Do not believe the proposed waivers should be granted. Would like to have more information on lot sizes, what size and where would the open space be, what would the open space look like and used for, and how have other subdivisions of similar sizes in similar locations in Marshall County been treated?

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

Understands there are questions regarding general areas that will be addressed in the overall planning process that doesn't have anything to do with the waivers such as the water drainage. The farm has not been declared a wetland.

Comments by Mrs. Houin:

1. The lots that they own on Lake of the Woods are not part of this project. This project is across the street on the east side of East Shore.
2. If the Planning Commission would like to focus solely on the lots south of 4th Road that's

what they are looking at developing. The other 4 lots north of 4th Road they are willing to forego at this point.

3. There will be more lots added to the subdivision if the road is required by the Planning Commission. The major concern seems to be the number of lots. If this waiver isn't passed it will go from 14 lots to 26 lots. The intention was not to develop. They come from strong farming backgrounds. They want to continue to farm the farm ground. They want to provide the community with attractive lots to build stronger schools and a stronger workforce.
4. You need to be an owner in Englewood Park Subdivision in order to use those easements. This is across the road and has nothing to do with Englewood Park Subdivision.

Mr. Miller asked if these lots would have access to the lake. Mrs. Houin stated that you would have to be an owner of a lot in Englewood Park Subdivision in order to have access to those easement lots. Its for pedestrian access as the amendment says.

Mr. Hostetler asked for a clarification on the open spaces request. The Plan Director stated in subdivisions you are to have a set aside of certain percentage of ground of that subdivision for open space for the public or members of that subdivision. For instance, like a small park. From the TRC perspective looking at the context of the subdivision in relationship to Lake of the Woods they recommended that waiver be granted because of the lifestyle of the lake itself.

Mr. Voreis moved to deny all three waiver requests 21-PC-10 HOUIN, Herman & Connie - A request for a Waiver of 2.15 Public Uses and Open Spaces, 6.12 Sidewalks, Pathways and Pedestrian Ways, and 69 Street Designs; located at: 50-43-07-000-014-000-005, German Twsp. Zoned L-1, seconded by Mr. Yoder to deny. Motion carried to deny 7-1 with Mr. Hostetler voting against.

The second item of business was 21-PC-11 ABBOTT, Donald - A request for a zoning change from A-1 to C-2 to entice commerce for this area to promote business growth of business; located at: 50-52-28-000-024-001-009, 50-52-28-000-025-001-009, 50-52-28-000-026-001-009, and 505228000027001009 on US 6, North Twsp. Mr. Don Abbott of 12307 US 6, Plymouth and Greg Hilderand of Marshall County EDC of 17996 14th Rd. Culver was present to represent his request. Mr. Adley presented the findings of fact.

The subject properties are located between an abandoned railroad right of way and the southbound off ramp of US 31 intersecting with US 6. The property has approximately 600' of frontage from the western most property line to the centerline of the off ramp. The owner is seeking to develop this property as well as the property that he owns on the south side of US 6. The zoning surrounding the property is a mixture of A-1 and C-2. The development capability of the subject parcel is subject to potential access restrictions by the Indiana Department of Transportation along with other County development standards. The expansion of commercial zoning and access to the East should be controlled and managed in order to protect the safety of travelers both from and moving through the area. The Town of Lapaz is in favor of the re-zoning and the benefits that going along with commercial development.

Mr. Abbott read a letter stating that US 31 from Rochester to South Bend is over 50 miles. There isn't a hotel or motel in all that distance. There is also not a truck stop in over 60 miles before the Michigan State line. There is only one gas station in that stretch in Argos. At this intersection

there is approximately 56,000 vehicles per day. Logically there is a great need to gas and lodging. In order for surrounding C-2 properties west of these properties to prosper there needs to be an anchor to draw travelers off the road and west to the other businesses. Rezoning is necessary as a first step to attract potential buyers and developers.

Marshall County Economic Development Corporation supports this request and feels the visibility from US 31 will need to go with the rest of the commercial development for visibility and to be appealing to travelers.

Mr. Abbott explained that when the Highway sold the area they sold it as a whole.

Mr. Cultice recognized and shared that there is a wetland in the corner.

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

1. Ronnie McCartney 2083 Michigan Rd. Plymouth
   This property is key to the development of New and Old 31. The exiting traffic usually wants to see commercial activity before they are past the exit ramp. Fully in support of the development in this area and become a more viable community.

2. Scott Stewart 292 Meadowlane Dr. Plymouth
   Has recently moved into his property and wasn't expecting a motel in his backyard. Doesn't want to prevent him doing something on his property, but doesn't want development on the south side in his back yard. Are there already people in mind to purchase it and develop it? They live in a low lying area where there is a lot of water. If they develop it where is all that water going to go?

3. Steve Scott 65450 Sycamore Rd. North Liberty Rd.
   He and his mother are owners of approximately 24 acres. The proposed plan is directly south of the property he owns. While in favor of growth this change will directly affect the value of his ground that is used for hunting or enjoyment of building a future home. Lived on the parcel for over 40 years and have been through a lifechanging experience when the State came through and cut up the property and make room for this highway. The proposed will devalue my value. Any change in zoning will cause more harm than good. Please deny the request. If Mr. Abbott would like to sell the property he would be interested in purchasing it with no request for zoning change.

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

When the Stewarts moved in the property surrounding his was already zoned C-2 commercial. Believes it looks better now than before it was purchased. As far as Mr. Scott his property was also cut in half when the highway came in.

Mr. Miller made a motion to approve with a favorable recommendation 21-PC-11 ABBOTT, Donald - A request for a zoning change from A-1 to C-2 to entice commerce for this area to promote business growth of business; located at: 50-52-28-000-024-001-009, 50-52-28-000-025-001-009, 50-52-28-000-026-001-009, and 505228000027001009 on US 6, North Twsp with a favorable recommendation to the Marshall County Commissioners, seconded by Mr. Cultice. Motion carried with a voice vote 8-0.

The third item of business was 21-PC-12 Marshall County Membership Corp - A Petition for a PUD to update covenants and bylaws; located at: 7719 Redwood Rd., Plymouth IN, West Twsp., Zoned A-1. Chris Walter and Carrie Neal were present to represent their request. Mr. Adley presented the findings of fact.

Over the course of the history of Yogi Bear Park, there have been numerous revisions to the PUD which acts as the covenants and by-laws. These revisions along with major improvements to the park (community buildings, park drainage, etc. have all been approvals through the Marshall County Plan Commission. There have been several updates to the regulations that govern the park, that have not been approved by the Plan Commission in association with the PUD approval. Amendments to the PUD require 2/3 to pass (207) There were amendments in 2016 and 2019-2021. Topics covered under the 2016 amendment, topics included; Board of Directors-Vacancies, Board of Directors-Disqualification and Resignation of Directors, and Officers-Secretary. Nothing was approved through the Park Membership in 2017 and 2018. In 2019 the following topics were approved; Sheds-(general size increases), Vehicles-(title change only), Trees-(removal), and Permits. In 2020 the following changes were approved by the Membership; Meetings- (remote appearance and pace of meetings), Membership, Designation of Voting Member, Violation of Covenants (lot numbers, trash, underage drinking, and driving). Covenants that have been voted on in 2021 include; Sheds, Awnings, Small Motorized Vehicles, Harassment and Discriminations, Quiet Hours Policy, Loud Music, Offensive Music, Camper and Boat Storage, Violation of Covenants, Nuisances, and Structures. 2021 items that did not pass included sections on Small Motorized Vehicles, Violations of Covenants, Nuisances and Structures. Out of all the above amendments over the last several years, the one of greatest interest was the proposed change for Article 4 Structures. Per the application write-up "No Current Covenant Exists - Note: Addition to conform covenants to meet Marshall County standards for drainage. We already follow this rule for Marshall County. We are just adding in writing for ease of enforcement." The proposal read as: "Impervious coverage of individual sites by any type of structure, gravel, stone or anything that is not grass, dirt or mulch shall not exceed sixty percent (60%) total coverage on each individual site regardless of what is allowed under any other section of the Covenants." Doing an analysis with Park Staff and calculating maximum lot coverage as well as total park coverage, the 60% coverage for individual lots would have an impact of nearly 1.6 million square feet of impervious coverage which has a relationship to stormwater management within the park and impact downstream.

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

Mr. Berger made a motion to approve 21-PC-12 Marshall County Membership Corp - A Petition for a PUD to update covenants and bylaws; located at: 7719 Redwood Rd., Plymouth IN, West

Twsp., Zoned A-1, seconded by Mr. Hostetler. Motion carried with a voice vote 8-0.

The fourth item of business was 21-PC-13 BUCHTEL, Jay & Linda and Scott & Shelley - A request to create a one lot minor subdivision; located at: Parcel #'s 50-31-22-000-007-000-017and 50-31-22-000-156-000-017 on Rose Rd., West Twsp. Zoned L-1. Mr. Jay Buchtel was present to represent his request. Mr. Adley presented the findings of fact.

The applicant currently owns 3 smaller parcels and would like to combine them into 1 larger parcel. The owner would like to create a new home on the property and will be easier to develop without the interior lot lines. The subject parcels are adjacent to a Department of Natural Resources parcel which contains public lake and boat access.

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

Mr. Cultice expressed that he hopes the DNR doesn't put up a fence along the property line where Mr. Buchtel's driveway is. The applicant stated eventually he plans to put up a fence there and will then enter his property from Rose Rd.

Mr. Hostetler made a motion to approve 21-PC-13 BUCHTEL, Jay & Linda and Scott & Shelley - A request to create a one lot minor subdivision; located at: Parcel #'s 50-31-22-000-007-000-017 and 50-31-22-000-156-000-017 on Rose Rd., West Twsp. Zoned L-1and forward to the Marshall County Commissioners with a favorable recommendation, seconded by Mr. Voreis. Motion carried with a voice vote 8-0.

Bid Opening – 17688 Vine St. Tyner

About two dozen email notifications went out. One bid was received for this project. The size of the property is 2 acres.

1. Jerry Read Excavating $14,500

When asked about collection the Plan Director said that fees will be addressed when they go back to court.

Mr. Voreis made a motion to accept the bid from Jerry Read Excavating of $14,500, seconded by Mr. Cultice. Motion carried with a voice vote 8-0.

Mr. Hutchison demanded to speak on his behalf during the bid opening. Due to this case having been to court and been through the process no additional comments were heard.

Air BnB/Boondocking

Air BNB and Boondocking are similar as they are an alternative to a hotel. Boondocking is an Air BNB equivalent to camping. We currently do not have any regulations in Marshall County for Air BNB.

Boondocking is a warehouse of site locations to camp. You advertise your location through

their website. The operator receives a benefit of operating their location in allowing them to spend so much time at other locations if they rent it out for free.

After a lengthy discussion the board felt that the enforcement of this would be a nightmare. We don't have the time or staff to enforce it.

The consensus of the board was to wait until there are specific problems and then address it due to not enough time and staff.

Cabins

There is an increase in the amount of people wanting to place cabins on their properties. It's basically a glorified tent. There are no services no water no electric or sanitary. In our eyes its an accessory structure. The Planning Departments hesitation would be It turning into a permanent housing location.

The discussion of the board was if the structure is permitted it will meet the requirements of the setback location, meet building code, and will be assessed appropriately. Other than that, their thoughts were that as long as its for personal use the board doesn't have a concern.

The board was in favor of people using their properties for personal enjoyment. As long as the building is not used for permanent housing and for recreation only the board doesn't see a problem with it.

Combination Statement

In 2016 (16-PC-13) The Plan Commission approved allowing Contiguous Lots – Any construction for any single family residence or accessory building or septic systems upon any adjacent contiguous parcels owned by the same party must have a recorded Contiguous Lot Form recorded with the Marshall County Recorder's Office.

The concern initially was that "we do not want them sold separately if a structure or a septic system is built across a property line."

Then in 2019 the deletion of Article 3.150 Building on Contiguous Lots was approved by the Plan Commission and County Commissioners.

Kosciusko County allows a restrictive covenant. This deed is for the purpose of combining the above tracts into a single tract for zoning and tax purposes. These tracts may not be sold separately without the approval of the Kosciusko County Board of Zoning Appeals.

The Plan Commission sought consideration from multiple department heads affected by this decision and legal consideration. Everyone believes that continuing to combine properties through survey's and deeds is the best and cleanest way.

The board's attorney was not in support of changing what we have. The concern of changing to the restrictive covenant would be going back to where we were. Its more of a band-aid

based approach where it's not truly creating it.

After discussion the board believes that much of the concerns is financial driven. They understand the frustration but agree with the boards attorney to keep things the way they.

Other Business – Solar

Mr. Klotz informed the board that there is a company that is installing I Beams to see if the ground will support the future solar panels. They have brought in a mini excavator and a soil boring machine that has brought in a lot of speculation and concern of what is happening.

There are 15 temporary sites located throughout the acreage that is under contract. The equipment showed up a day ahead of the planned meeting with Mr. Adley. At the time the equipment showed up the Plan Commission was unaware. They are testing the depth as it goes into the ground and the lateral load to see how strong the beam is going side to side in the soil. This testing is very important to see how far the pilings need to go into the ground to be secure.

The board agreed that they are under their rights to do the testing.

Other Business – Groundwork on Michigan Road

There has been some land clearing done on the Carman Farms property on the east side of Michigan Road on the old Tri Golf Course. Mr. Yoder had a concern about water and where it will now go to. Mr. Cultice and Mr. Peters of the Highway Superintendent went to the property. They informed them that they need to put the swale back. So, they went back and changed the contours of the area a little bit. The Highway Department will have the final say on this. The neighbor said there is a 6" pipe and when we had the hard rain it flooded all the properties to the north. They put the swale back in and some straw, but Mr. Cultice doesn't think it's enough.

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

Respectfully submitted.

Bob Yoder

October 28, 2021
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:30 p.m. on Thursday, October 28, 2021, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, Craig Cultice, Matt Miller, David Hostetler, Jon VanVactor, Dan Voreis, and Stan Klotz. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties. Members absent were James Berger and Bob Yoder.

Minutes of the August 26, 2021, meeting was presented. Mr. Miller moved, and Mr. Hostetler seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item of business was 21-PC-07 HOUIN, Herman & Connie - A request for a 24 lot primary major subdivision (East Shore Estates, LL)on parcel # 50-43-07-000-014-000-005, East Shore Dr., Bremen, IN Zoned L-1.

The applicants requested that this application be tabled. Motion carried.

The second item of business was 21-PC-14 MARSHALL COUNTY MEMBERSHIP CORP - A request for an amendment to the MCMC Jellystone Park PUD modifying lots 142 & 143 and adding lots 1430, 1431 and 1432, located at: 7719 Redwood Rd., Plymouth, IN West Twps., Zoned A-1. Chris Welter 16494 Lincoln Hwy, Plymouth, IN and Dan Sellers were present to represent Marshall County Jellystone. Mr. Adley presented the findings of fact.

This is the latest in a long line of PUD amendments to Yogi Bear Park (Marshall County Membership Corporation). The applicant has recently tore down the office that was located on Redwood Road, and with that structure down, the desire is to adjust the lot sizes for Lots 142 and 143 then extend the road and add 3 new lots. The access to relocated lot 143 and the 3 new lots would all be internally and would not be accessed from Redwood Road.

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

Mr. Hostetler made a motion to approve 21-PC-14 MARSHALL COUNTY MEMBERSHIP CORP - A request for an amendment to the MCMC Jellystone Park PUD modifying lots 142 & 143 and adding lots 1430, 1431 and 1432, located at: 7719 Redwood Rd., Plymouth, IN West Twps., Zoned A-1, seconded by Mr. Cultice. Motion carried with a voice vote 7-0.

Marshall County Plan Commission
October 28, 2021

The third item of business was 21-PC-15 MARSHALL COUNTY PLAN COMMISSION - A request to update the Marshall County Zoning Ordinance Article 6 010 A and Article 13 Shipping Containers.

Mr. Adley presented the findings of facts and the surrounding areas ordinances.

2021 Proposal Option

- Allow 1 car container within A-1, C-1, C-2, I-1 and I-2 districts regardless of parcel size with the conditions that it would be maintained as the same color as adjacent structure, kept in good repair (ie no rust, holes, or worn paint, etc) and a second container is permissible for lots greater than 5 acres.
- 6.010 A: A use, building, or structure, the use of which is customarily incidental and subordinate to the use of the primary building or primary use of the land on which the accessory use building, or structure is located. By way of example only, some type accessory uses, buildings, and structures include: garages, carports, porches, decks, awnings, canopies, mini barns, storage sheds outdoor fireplaces outdoor furnaces, children's playhouses swings, game courts, fences, swimming pools, hot tubs grain bins, grain dryers, and storage buildings. Some uses that shall not be considered accessory uses, buildings, or structures include mobile homes, manufactured homes, construction trailers, recreational vehicles, and semi-trailers.
- *G. Shipping Containers – Allow 1 cargo container within A-1, C-1, C-2, I-1 and I-2 districts regardless of parcel size with the conditions that it would be maintained as the same color as adjacent structure, kept in good repair (ie. No rust, holes or worn paint, etc.) and a second container is permissible for lots greater than 5 acres. Containers are to only be used for cold storage.*
- 13.010: A use, building or structure, then use of which is customarily incidental and subordinate to the use of the primary building or primary use of the land on which the accessory use, building, or structure is located. By way of example only, some typical accessory uses, buildings, and structures include garages, carports, porches, decks, awnings, canopies, mini barns, storage sheds, outdoor fireplaces, outdoor furnaces, children's playhouses, swings, game courts, fences, swimming pools, hot tubs, grain bins, grain dryers, and storage buildings. Some uses that shall not be considered accessory uses, buildings, or structures include mobile homes, manufactured homes, construction trailers, recreational vehicles, and semi-trailers.

2021 Proposal Breakdown

1. Zoning districts A-1, C-1, C-2, I-1, I-2
2. Allow (1) shipping container regardless of parcel size
3. Maintained as the same color as adjacent structures & kept in good repair
4. A second container is permissible for lots greater than (5) acres
5. Used for cold storage only

The board asked for clarification if the size of the storage shed matters and if the container could be in the front yard. The Plan Director stated that the size of the container doesn't matter and the location would require the container location meet current setback requirements for that zone type.

During discussion it was asked how we address existing shipping containers. The Plan Director stated that this ordinance clarifies the permissibility of having those structures. He considers the existing storage containers to be in violation of the ordinance and this ordinance would allow them to be there provided they meet the above requirements. If they don't meet the requirements, they would have to comply or apply for a variance.

As far as foundation requirements the plan director stated that they would have to meet applicable building codes.

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

1. Robert Demis spoke to the board about the proposed statute of the shipping containers in regard to the one he has on his property. Mr. Demis said setbacks will affect his property and the fact they will be for cold storage only hurts his business.

Mrs. Barnhart moved to close the public hearing, seconded by Mr. Cultice. Motion carried by acclamation.

Mr. Hostetler made a motion to approve 21-PC-15 Marshall County Zoning Ordinance Article 6 010A and Article 13 Shipping Containers and forward to the Marshall County Commissioners with a favorable recommendation. Mr. Voreis seconded the motion. Motion carried with a voice vote 7-0.

The fourth item of business was 21-PC-16 MAHER, Michael - A request from Goeglein Homes for a 2-lot minor subdivision; located at 17622 Vine St., Plymouth, IN Polk Twsp. Zoned T-1. Mr. Brad Goeglein 3062 US 30 Warsaw was present at the meeting for the case. Mr. Adley present the findings of fact.

Mr. Geoglein said it will be 2 new homes. The applicant is seeking to subdivide a 5.784 acre parcel into two parcels 3.135 and 2.649 acres more or less. The parent tract had previously subdivided off a smaller tract with an existing residence west of the subject property. The parcel is currently zoned T-1 Town Residential and will meet associated development standards.

Mr. Miller moved to open for public hearing, seconded by Mrs. Barnhart. Motion carried by acclamation.

1. Chris Chastain 17549 4B Rd., addressed the board and asked type of building was going into the area.

Mrs. Barnhart moved to close the public hearing, seconded by Mr. Miller. Motion carried by acclamation.

Mr. Geoglein informed the board that it is a single family home modular. Mr. Geoglein is asking for two lots incase he wants to put another home. Mr. Geoglein will be doing soil testing after approval to check for availability of two septic systems.

Mrs. Barnhart made a motion to approve as presented 21-PC-16 Maher, Michael request from Geoglein Homes for a 2-lot minor subdivision located at 17622 Vine St., Plymouth, IN Polk Twp., Zoned T-1. Motion seconded by Mr. Miller. Motion carried with a voice vote 6-0-1 with Mr. Hostetler abstaining.

Mr. Adley read a letter that came into the office a few days after the meeting regarding case 21-PC-07 Houin so it can be put into record and filed.

2022 Proposed Plan Commission Meeting Schedule

Mr. Adley gave the board a copy of 2022 schedule. Mr. Adley reminded the board the meetings are the 4th Thursday except for a few months changed due to the holiday at 7:30 p.m. Mr. Hostetler moved to approve the 2022 calendar with the amendment of December being the 15th. Motion was seconded by Mrs. Barnhart. Motion carried by acclamation.

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

Respectfully submitted.

Bob Yoder

November 18, 2021
Regular Meeting of the
Marshall County Plan Commission
112 W. Jefferson St. Room 203
Plymouth, IN 46563

MINUTES

President, Stan Klotz, called the Marshall County Plan Commission meeting to order at 7:30 p.m. on Thursday, November 18, 2021, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, Craig Cultice, James Berger, Matt Miller, Dan Voreis, and Stan Klotz. Plan Director Ty Adley, and Lori Lowry Administrative Assistant were present along with interested parties.

Minutes of the October 28, 2021, meeting was presented. Mr. Miller moved, and Mrs. Barnhart seconded the motion to approve the minutes as submitted. The motion passed by acclamation.

The first item of business was 21-PC-07 HOUIN, Herman & Connie - A request for a 24 lot primary major subdivision (East Shore Estates, LL)on parcel # 50-43-07-000-014-000-005, East Shore Dr., Bremen, IN Zoned L-1.

The applicants requested that this application be tabled. Motion carried.

The second item of business was 21-PC-17 SCHMALTZ, Jeffrey & Patty - A request for a Vacation of the north and south alley west of lots 31, 32 and 33 of OP Teegarden Plat, Polk Twsp. Mr. & Mrs. Jeffrey & Patty Schmaltz were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to vacate a 12' unimproved alley in Teegarden. The applicant owns the residence at 828 Center Street as well as the three lots opposite the unimproved alley with the intentions of combing the property together because of septic issues. They have received authorization from the Drainage Board to cross a county tile that runs at an angle across lots 31, 32, and 33. East Street at some point in time was vacated along with half of North Street, Polk Street and Taylor Street East of Center Street.

Based on the information provided and review by the TRC, staff and TRC would recommend approval of the vacation of the alley between North and Polk Street between lots 28-33.

Mrs. Barnhart moved and Mr. Berger seconded the motion to close the public hearing. Motion carried by acclamation.

1.	Georgia	4313 W. 100 N. Warsaw	Has no problems with the request.
2.	Dennis Hornsby	802 Center St. Walkerton	Has no objection to vacating the alley.

Mrs. Barnhart moved and Mr. Miller seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Berger made a motion to approve 21-PC-17 SCHMALTZ, Jeffrey & Patty - A request for a Vacation of the north and south alley west of lots 31, 32 and 33 of OP Teegarden Plat, Polk Twsp with a favorable recommendation to the Marshall County Commissioner's, seconded by Mrs. Barnhart. Motion carried with a voice vote 6-0.

Other Business

Before going to the County Attorney to get advice on the subject Mr. Klotz brought up discussion and wanted the boards thoughts about grandfathering storage containers even though it had already passed the Plan Commission.

Mr. Miller had a concern about what you were considering grandfathering….right of way setbacks, property lines or grandfathering everything that is out there. Grandfathering everything that is out there he has a problem with.

Mr. Klotz personally didn't want to see them in front of the houses.

Mrs. Barnhart felt that if they are in violation, they have the option to go in front of the Board of Zoning Appeals for a variance.

The proposed conditions currently in front of the County Commissioners are: zoning district requirements, 2nd structure based on acreage, setbacks, and maintenance and in good condition.

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

Respectfully submitted.

Bob Yoder