January 25, 2018
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, January 25, 2018, in Room 203 of the Marshall County Building. Present were: Commission Members Rance Glingle, Craig Cultice, Terri Barnhart, Mike Delp, James Berger, Bob Yoder and Stan Klotz. Plan Director Ralph Booker, Secretary Lori Lowry and interested parties. City of Plymouth liaison present was Mr. Feece. Members absent were Dan Voreis and Don Morrison.

ELECTION OF OFFICERS

Mr. Delp made a motion to elect Mr. Klotz as President of the Marshall County Plan Commission, seconded by Mr. Cultice. Motion carried by acclamation.

Mr. Berger made a motion to elect Mr. Glingle as Vice President of the Marshall County Plan Commission, seconded by Mr. Yoder. Motion carried by acclamation.

Mr. Delp made a motion to elect Mr. Yoder as Secretary of the Marshall County Plan Commission, seconded by Mrs. Barnhart. Motion carried by acclamation.

The first item of business was the review of the minutes from the December 28, 2017, meeting. **Mr. Berger moved and Mr. Glingle seconded the motion to approve the minutes as written. The motion passed by acclamation.**

Due to personal reasons Mr. Voreis requested that he not be elected to the Board of Zoning Appeals.

Two Plan Commission members to serve as BZA representatives for 2018 are Mr. Klotz and Mr. Berger. Motion carried by acclamation.

The following Technical Review Committee members are to be retained for the year 2018: Mrs. Barnhart, Mr. Delp, Mr. Cultice and Mr. Yoder. Motion carried by acclamation.

Plan Commission members Mr. Glingle and Mrs. Barnhart to serve as alternates to the Marshall County BZA.

Marshall County Plan Commission
January 25, 2018

CODE ENFORCEMENT OFFICER

A proposed Code Enforcement Officer job description has been sent to Wagner Irwin & Sheely and we are awaiting their response before approaching the County Council. The wording of the job description was taken out of the Plan Director's job description.

There was discussion from the council that they would like to see this position as tax neutral as possible by adding more fines.

Discussion by the board was that this office was asked to increase permit fees by the council and it was done. Additional funds have been generated and the board believes we have already accomplished the job with the permit fees. Which is the reason this office asked for an additional employee, because there are already funds generated that makes the position tax neutral. There are already a lot of people that are down and out. Unless a judge imposes an extra fine the consensus was to leave everything as is.

There is an abundance of properties in the county that need cleaned up and needs to be done consistently.

Mr. Klotz brought up the unsafe building code and wants the board to consider adding it to the Marshall County Zoning Ordinance.

FENCE PERMITS

Currently the way the ordinance reads the Technical Review Committee will have to review fences in the lake and town districts. The Plan Director brought this before the board to see if that is what they want and if not, an ordinance change will be necessary listing fences as an exemption of review by the Technical Review Committee. The board agreed that this be brought back before them for a public hearing.

2017 ANNUAL REPORT

In 2017 new construction in Marshall County increased to 815 permits from the 2016 total of 644 permits. The total estimated value of construction increased to $58,529,793 versus $25,984,098 in 2016.

In 2017 the income from permits, contractor registration and fees totaled $105,807.60 compared to last years $90,241.

There was a total of 45 Board of Zoning Appeals cases heard, 24 Plan Commission cases heard, 45 TRC meetings had, and 30 violation reports.

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,

Bob Yoder

Marshall County Plan Commission & Building Department
112 W. Jefferson St. Room 302
Plymouth, IN 46563
574/935-8540

March 22, 2018
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, March 22, 2018, in Room 203 of the Marshall County Building. Present were: Commission Members Rance Glingle, Craig Cultice, Terri Barnhart, Mike Delp, James Berger, Bob Yoder, Dan Voreis, Don Morrison and Stan Klotz. Plan Director Ralph Booker, Secretary Lori Lowry and interested parties. City of Plymouth liaison present was Mr. Feece.

The first item of business was the review of the minutes from the January 25, 2018 meeting. Mr. Delp made a motion to approve the minutes as presented, seconded by Mr. Craig Cultice. Motion carried by acclamation.

The second item of business was 18-PC-01 KOONTZ, Michael – A request for a Site Plan Review of a 100' communication tower to service the area: located at 17360 River Ridge. Rd., Tippecanoe Twsp. Zoned A-3. Mr. Mike Koontz , Mr. Gene Crusey, and Mr. Gavin Brookins were present to represent his request. Mr. Booker presented the findings of fact.

The applicant wishes to place a 100' tower to gain access to the internet. There is no internet service in the area. The applicant wishes to place this tower just south of his excavating business which was permitted by the BZA. The only home that will be in direct view is just south of 17B Road. The service provider on the tower will be providing internet service to not only the applicant, but to the local residents. The site plan will be on the March 22, 2018 Plan Commission agenda if you give it your approval. My review of the site plan is that it meets the zoning ordinance requirement.

The last couple houses in the subdivision and the new pole barn cannot get internet. The current customers have very poor service which makes it very difficult for each one of them. Frontier was asked if they could do something to speed up their service and they were told no. Surf Air said that their minimum package is 15 mg per second. That would be 10x faster than current. There is also a possibility of running fiber up to the homes in the future.

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

1. Natalie Brookins – They are constantly needing these services because she and her husband work from home as well as the kids do their homework over the internet. It's a luxury, but also the way the world is moving.
2. Dale Poisel – Lives directly across the street. Went over and spoke with Mike and told him that he didn't like the location and would like it moved to the back side of the barn and also didn't like that he wasn't following the rules set by the board in keeping the place neat. Brought pictures showing the view from his place. Didn't know the BZA meeting took place thought it was postponed. Mr. Poisel called the company and suggested putting it on his property as it would be higher and out of site and the company didn't return the call. Later found out the meeting already took place. Doesn't want to look out at the tower as well as the fence around the tower. Is not against the tower doesn't want something else across the street from him.

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

Mr. Booker explained to everyone that the Plan Commission doesn't approve the tower just the site plan. If Mr. Poisel wants to see it in a different location or believes that he has additional information that wasn't in the first meeting he has every right to ask the board for a reconsideration at the April 10th meeting. This board cannot change the location of the tower.

Mr. Koontz stated that the best angle is the location where it was proposed. Plus, if the building were moved to a different location there is a possibility it would bother others.

Mr. Brookins advised the board that at the BZA meeting there was discussion about the aesthetic view of the building and the board agreed to the building with the requirement that a berm be built along with shrubbery. It's his belief that the visual screening of the berm will help with the view.

Mr. Yoder made a motion to approve <u>18-PC-01 KOONTZ, Michael –</u> A request for a Site Plan Review of a 100' communication tower to service the area: located at 17360 River Ridge. Rd., Tippecanoe Twsp. Zoned A-3, seconded by Mr. Cultice. Motion carried with a voice vote 8-1 with Mr. Delp voting against.

The third item of business was <u>18-PC-02 WENZEL IND –</u> A request for a replat of lots 5 & 8 to form lot 10, Country Knoll Subdivision, located at Country Lane, Plymouth, Center Twsp., Zoned R-2. Mr. Del Wenzel was present to represent his request. Mr. Booker presented the findings of fact.

The applicant is applying to create a new Lot 10 from lots 5 and 8. The applicant came before the Plymouth BZA on August 1, 2017 and received variances on the minimum lot size and width. A Variance of Development Standards request to reduce the minimum lot size of one acre to one acre to one half an acre, minimum lot width from 210' feet to 140' feet and reduce the minimum lot frontage of 50' on parcels 50-32-06-000-229-000-018 and 50-32-06-000-226-000-018, 9515 and 9525 Country Lane, Plymouth, IN 46563, zoned R-2, Suburban Residential District. The Plymouth Technical Review Committee (TRC) has met on February 20 2018. The main concerns were the drainage of the new lot and its availability of obtaining a septic permit. The County TRC will meet on March 16, 2018. The Plymouth Plan Commission gave approval of this plat on March 6, 2018 and have forwarded it to the Marshall County Plan Commission.

Mr. Booker presented information to the board that gives the Plan Commission authority to deny a plat.

The concern is should the board create a parcel without the approval of a septic on the property. Mr. Booker feels it would be advantageous for the board to table the request until the applicant is able to obtain an approved septic permit.

Mr. Wenzel stated that he has already went to a soil scientist and was approved in 1994 for a septic as well as a second location. That report wasn't available at the meeting.

Mr. Delp stated that after what the Health Department expressed is why he denied the request at the TRC meeting. He isn't in favor of approving the request with the new regulations that have been put in place.

Other members felt the same especially with the need to have a second site being protected in case of the failure of the first site.

Mr. Feece commented that he feels like the City of Plymouth would have tabled the meeting as well if they would have known there wasn't an actual septic approval in place.

Mrs. Barnhart made a motion to open for public hearing, seconded by Mr. Delp. Motion carried by acclamation. There being no one to speak for or against Mr. Glingle moved and Mr. Cultice seconded the motion to close the public hearing.

Mr. Cultice had a concern that on the western edge of the cul de sac has a cut for the storm water for the street and doesn't see an easement on the plat for the drainage. Mr. Wenzel said it wouldn't be a problem to get that easement put on the plat. Mr. Cultice recommended that the easement be 15' and if it needs get split between two parcels then 7 ½ feet on each side.

Mr. Yoder made a motion to table the request to give the applicant time to get approval from the Health Department on lots 10 and 5 as well as a consideration to put an easement for drainage between lots 7 and 8 with 7 ½' on each side for maintenance of the drainage, seconded by Mr. Barnhart. Motion carried with a vote 9-0 to table the request.

Other Business

Preparation for the 2020 Census has started. One of the duties for the Plan Director in the census is to review every parcel's address and correct if needed. This is important as to all government funding is based on parcel count/information.

Plan Director Letter of Resignation

Mr. Booker presented his letter of resignation to the Plan Commission with an approximate termination date of June 30, 2018.

Mr. Delp made a motion to accept the resignation of Mr. Booker effective June 30, 2018, seconded by Mr. Berger. Motion carried by acclamation.

The board thanked Mr. Booker for his dedication to the community and that his service has been unmatched.

Mr. Yoder made a motion to advertise the Plan Director's position for a minimum of thirty days and to approve any costs associated with the advertisement in order to get a qualified person to fill the position, seconded by Mr. Cultice. Motion carried by acclamation.

Mr. Booker presented his calendars.

Expiration of Permit Discussion

Information was brought to the board that there needs to be a firm deadline on building permits. Mr. Booker stated that there is a state deadline which is to start in 3 years and finish within 10 years which has been told at the Plan Director's conferences.

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

Marshall County Plan Commission & Building Department
112 W. Jefferson St. Room 302
Plymouth, IN 46563
574/935-8540

May 24, 2018
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, May 24, 2018, in Room 203 of the Marshall County Building. Present were: Commission Members Craig Cultice, Terri Barnhart, Mike Delp, James Berger, Dan Voreis, Don Morrison 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 April 26, 2018 meeting. Mr. Delp made a motion to approve the minutes as presented, seconded by Mrs. Barnhart. Motion carried by acclamation.

The second item of business was 18-PC-02 WENZEL IND – (WITHDRAWN) A tabled request for a replat of lots 5 & 8 to form lot 10, Country Knoll Subdivision, located at country Lane, Plymouth, Center Twsp., Zoned R-2.

The third item of business was 18-PC-03 ANDERSON, Lloyd & Theresa – A request for a Vacation of the easement between lots 19&20 of Rolling Meadows Subdivision 1st Addition, Parcel ID 50-31-23-000-196-000-017, West Twsp., Zoned L-1. Mr. & Mrs. Lloyd & Theresa Anderson were present to represent their request. Mr. Booker presented the findings of fact.

In November 1984 the plat Rolling Meadow Subdivision First Addition was approved by the Marshall County Plan Commission. It was approved by the Commissioners in December 1984. This subdivision contained lots 13 to 20 on the south side of Mill Pond Trail. Lots 1 and 12 were part of Rolling Meadow Subdivision which was on the Lake side of Mill Pond Trail. An area 102.8-foot-wide between lots 19 and 20 was established as an Easement for Ingress and Egress. According to the November 29, 1984 Plan Commission minutes this was to provide a future street to access any expansion of the subdivision to the south. Since then the applicant has no desire to add additional lots to the south. The TRC has reviewed the request and passed with a favorable recommendation.

In the past there were intentions to add another row of lots, but it never happened. Since there are no intentions to ever subdivide they would like to vacate the easement.

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

1. Mike Splix – 16870 Millpond Tr. - Neighboring property owner has mowed the property for over 20 years and is greatly in favor of vacating this parcel.

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

Mr. Delp made a motion to approve and pass with a favorable recommendation to the Marshall County Commissioners 18-PC-03 ANDERSON, Lloyd & Theresa – A request for a Vacation of the easement between lots 19&20 of Rolling Meadows Subdivision 1st Addition, Parcel ID 50-31-23-000-196-000-017, West Twsp., Zoned L-1, seconded by Mr. Cultice. Motion carried 6-0.

The fourth item of business was 18-PC-04 CROSSROAD AT 6 AND 31 AND GRAMM HOLDING COMPANY – A request for a re-plat of Lot 2 of 6 and 31 Subdivision into Lot 2 A of 1.47 acres and Lot 2B of 14.22 acres, Parcel ID 50-52-95-404-422-002-010, North Twsp., Zoned C-2 Highway Commercial District. Mr. Richard Graham was present to represent his request. Mr. Booker presented the findings of fact.

In April 2017 the applicant had a minor subdivision approved which eliminated several parcels and created a parcel for the telecommunication tower in Lapaz. Now the applicant wishes to divide off a 1.47-acre parcel on the east side of a 15.69-acre parcel. This parcel would be just west of the automotive store on the north side of US 6 which is owned by the applicant. The applicant will not be adding a new driveway but use the driveway to the east. The property would be used to expand the automotive store.

The proposal is to add on additional bays to the existing building. There is a need for widening the property so they can accommodate semis better on the property. By having additional area, it will allow semis to turn more easily on the property. Currently the only way for vehicles traveling from the west has to go down past the business and turn around and come back to access the business driveway. By re-platting this parcel it will allow the business to utilize the existing driveway that was first used by a house that is no longer there. This will allow people to enter the business from the west without having to do the loop.

Mr. Booker asked the applicant why they wouldn't consider taking the existing 1.47 acres and combine it with the property to the east where Cornerstone is at? With this new information about creating an addition on the existing building it would be building over a property line which isn't allowed. By owning both properties Mr. Graham thought that building over the property line was okay. The applicant was advised that if he proceeded with the existing request the only way he could get a permit to build would be to sign a Contiguous Lot form or do another replat at that time.

Mr. Hans Musser with Jones Petri and Rafinski Survey Company came before the board as the surveyor for the applicant and stated that it's feasible to combine the east parcel to Lot A. They would just need to do additional survey work by the director of their applicant. There was a question about the utility easement and it was said that it will be made part of the combined parcel.

After discussion the board agreed that the applicants best route to take would be table the request and come back before the board in June with a proposal of the two lots combined.

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

1. Chet ? – 519 Sycamore, Dyer – (Represent Speedway Gas Station) – Came out of curiosity to hear the plans as the also have traffic congestion.

Mr. Delp moved and Mr. Cultice seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Gramm requested that the board table this request until June 28, 2018. Motion carried by acclamation.

Mr. Booker presented his calendars to the board.

<u>Other Business</u>

The board will convene for an executive session on May 29, 2018, at 7:00 pm in Room 300 to interview the candidates for the Plan Director's Position.

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

Marshall County Plan Commission & Building Department
112 W. Jefferson St. Room 302
Plymouth, IN 46563
574/935-8540

June 28, 2018
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, June 28, 2018, in Room 203 of the Marshall County Building. Present were: Commission Members Rance Glingle, Craig Cultice, Terri Barnhart, Mike Delp, James Berger, Bob Yoder, Dan Voreis, Don Morrison 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 May 24, 2018 meeting. Mr. Delp made a motion to approve the minutes as presented, seconded by Mrs. Barnhart. Motion carried by acclamation.

The second item of business was 18-PC-04 CROSSROAD AT 6 AND 31 AND GRAMM HOLDING COMPANY – (TABLED) A request to re-plat Lot 2 and 6 and 31 Subdivision into Lot 2 A of 1.47 acres and Lot 2 B of 14.22 acres, Parcel ID 505295404422000 2010, North Twsp., Zoned C-2 Highway Commercial District. **Mr. Glingle made a motion to table this case at the request of the applicant, seconded by Mr. Berger. Motion carried by acclamation.**

The third item of business was 18-PC-05 SWIHART, Beverly – A primary/secondary approval of Swihart's Subdivision, a two (2) lot subdivision which includes an 88.12 acre parcel and a 6.70 acre parcel, located at: 12234 S. Michigan Rd., Plymouth, Center Twsp., Zoned C-2. Mrs. Lynn Erickson of McKesson title was present to represent the applicant. Mr. Booker presented the findings of fact.

When US 31 was created this parcel was divided with 6.37 acres on the west side and the remainder on the east side. This is being done so each parcel could be sold separately. Since this is zoned C-2 Highway Commercial it has to be platted. The applicant has chosen to include Lot 8 of Taber's Partition along 12th Road to the eastern parcel. Thus, the eastern lot will not be landlocked. The County TRC met on the 20th and found no issues with the subdivision.

Mrs. Erickson commented that the applicant would like to retain the larger parcel and be able to sell the smaller parcel with the house as she no longer lives in the area which makes it difficult to maintain.

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

1. Julie Stockman – Sent a letter stating she was not in favor of the request and wants to keep the land rural for the animals.

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

Mr. Voreis made a motion to approve 18-PC-05 SWIHART, Beverly – A primary/secondary approval of Swihart's Subdivision, a two (2) lot subdivision which includes a 88.12 acre parcel and a 6.70 acre parcel, located at: 12234 S. Michigan Rd., Plymouth, Center Twsp., Zoned C-2, seconded by Mr. Yoder. Motion carried with a voice vote 9-0.

2019 PROPOSED PLAN COMMISSION BUDGET

Mr. Booker presented the proposed 2019 Plan Commission Budget with a few increases from 2018. There is a 18% increase with the majority being a part time office person. Mr. Delp made a motion to approve the proposed budget, seconded by Mr. Berger. Motion carried by acclamation.

RALPH BOOKER'S LAST MEETING

Ralph thanked the board for the opportunity he's had to serve the community as the county's Plan Director. What initially began as a two year stay to work on the county's Zoning Ordinance extended to twelve years.

Mr. Booker was presented a plaque for all his years of service with Marshall County.

OTHER

There will possibly be in the next couple months an executive session to allow the new plan director time to discuss with the board possible questions and/or changes he would like to make.

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 26, 2018
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 Tuesday, July 26, 2018, in Room 203 of the Marshall County Building. Present were: Commission Members Mike Delp, Terri Barnhart, Craig Cultice, Stan Klotz, Bob Yoder and James Berger. Others present were Plan Director Ty Adley, Secretary Lori Lowry and interested parties. City of Plymouth liaison present was Mr. Feece. Members absent were Mr. Glingle, Mr. Morrison and Mr. Voreis.

The first item of business was the review of the minutes from the June 28, 2018 meeting. **Mr. Berger moved and Mr. Cultice seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second item of business was 18-PC-04 CROSSROAD AT 6 AND 31 AND GRAMM HOLDING COMPANY – (TABLED) A request to re-plat Lot 2 of the 6 and 31 Subdivision into Lot 2 A of 1.47 acres and Lot 2 B of 14.22 acres, Parcel ID 505295404422000 2010, North Twsp., Zoned C-2 Highway Commercial District. A motion was made a seconded to table the case one more time to see what the applicant's wishes are.

The second item of business was 18-PC-06 HENSLEY FABRICATING & EQUIPMENT CO - A Request to Amend Zoning from the current A-1 to I-1 for a proposed additional building site located on Parcel 50-23-13-000-021-000-012, 17 B Rd., Tippecanoe, IN that is owned by Rodney & Larrie Kreft. Mr. Greg Hensley was present to represent his request. Mr. Ty Adley was present to present the findings of fact.

The property is located abutting 17B Road and State Road 331 and across the street from the existing Hensley manufacturing operation. It is presently zoned A-1 Agriculture. The property is currently being used as farmland to grow crops.

Mr. Hensley has been in the area since 1962 and plans to continue to maintain the area. When the property became available it peeked Mr. Hensley's interest. The current property is tight and there is no more room to build. This would allow construction of a new structure for the growing business. This whole property wouldn't be used just for the business. They would continue to farm out a large portion of the ground.

Hensley Fabricating constructs new feed trailers and repairs older ones for the top four chicken producers in the world all out of Tippecanoe, Indiana. They have a patent on a

product which gives them the leading edge. They export to Canada as well as Mexico. This property is needed for growth. Currently the property is at max capacity and are trying to get by. A few additional employees would be hired if this property is acquired.

The proposed layout of the new building would be in line with the existing building and the driveways would like up.

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

1. Jake Elliott – 17178 Birch Rd. – Has served on this Plan Commission and BZA for over 17 years and understand the process. Also, has lived in the Tippecanoe area for a long time and has noticed that Mr. Hensley always keeps up his property and is well groomed. Feels this addition will be an asset to him and his business.
2. Johnny Tackett – 3204 17b Rd. - Is against the request as it will interfere with wild life in that area and makes area properties devalue in property value.
3. Concerned Neighbor – Is against the request as it will increase noise and activity in this area as well as additional traffic crossing SR 331.

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

With there being a cemetery adjacent to the parcel the plan is to plant trees along the property line to help prevent any possible disturbance. Currently when there is a funeral the business shuts it's PA system down to respect the family during that time.

Prior to the meeting there has been no contact with INDOT. The plan was to wait and see if the request was approved first. In regards to additional employees he would like to hire 4-6 if he can find them. The proposed building would house the same business. They need to spread out more. While crossing the road they will for sure take extra precautions and have training as well.

Mr. Delp made a motion to approve the request and forward to the County Commissioner's with a favorable recommendation <u>18-PC-06 HENSLEY FABRICATING & EQUIPMENT CO -</u> A Request to Amend Zoning from the current A-1 to I-1 for a proposed additional building site located on Parcel 50-23-13-000-021-000-012, 17 B Rd., Tippecanoe, IN that is owned by Rodney & Larrie Kreft, seconded by Mr. Berger. Motion carried with a voice vote 6-0.

The County Commissioner's meeting date for this case will be August 20th.

<u>Conference Request</u>

Mr. Adley requested permission to attend the OKI Fall Conference in Cincinnati on October 3rd – 5th. **Mr. Yoder made a motion to approve the request, seconded by Mrs. Barnhart. Motion carried by acclamation.**

Marshall County Plan Commission
August 24, 2017

2019 Proposed Plan Commission Budget Revision A

Over the past several years the duties of the Plan Commission continue to increase. We've grown from 440 permits to nearly doubling in size in 2017 to 815 permits. The office is on target to be even more successful in terms of permits and revenue for the county's general fund. Next year we are estimating approximately $120,000 plus of revenue sent back to the general fund.

The Comprehensive Plan is a document that needs to be updated every 20-30 years and we are currently approaching our 20-year mark. It was originally written in 1974 and revised and updated in 2004.

Pre-recession there were approximately 400 permits every year and post-recession the amounts have steadily increased. Along with this increase in permits comes an increase in revenue. Over the past two years this office has profited over our expenses. Permits are just one aspect of responsibilities of the department and commission. Cases of both the Plan Commission and Board of Zoning Appeals have also increased. The violations range from approximately 24 – 45 a year.

Registered Contractors is a huge undertaking of office time in order to accommodate all of the permits. There has been a steady increase from 375 to over 550 contractors. These active registered contractors can time out at anytime their insurance, worker's compensation or bond expire.

To handle this workload the staff are only allotted 70 hours total each week and every week there seems to be a deficit. Additional staff is needed to meet all the demands. Without additional staff the permit times between submission and approval will continue to increase.

If there is still an interest of the board to process violations those hours are in addition to the already overage of hours worked.

The additional code enforcement officer we are estimating at $18 per hour which is based off the WIS Study and is calculated for three days which estimates to $20,000 for the code enforcement officer position.

The office manager person would be able to assist in the supervision of the office because we are looking to expand those duties. Operating off of what the Sheriff's Department used to have as an office manager we used their salary range from 2016 to todays dollars which we would recommended at a salary of $21.26 per hour.

The additional added dollars to travel and mileage is because of additional mileage while having a code enforcement officer.

An adequate vehicle to get around the county is being requested for the amount of $40,000.

A question was asked if there would be a trade in to reduce the cost of a new vehicle. It was stated that the vehicle being used is a commissioner's car that is part of a motor pool for the entire county. With the amount of time being on the road the Plan Director feels it's necessary to have the departments own vehicle.

The goal of presenting this request is to inform the County Council the duties of the office and the importance. We will also be backing up the information with facts and figures of where the office has been and where it's at today.

Mr. Delp commented that he is behind a part time code enforcement position and was his opinion that there could be an increase in the economy, but there is always a possibility of a downturn. Then with that downturn something would need to happen to adjust. Mr. Adley responded by explaining there will be downtimes and at those times focus will be re-adjusted from current issues to future proposals. For example, the comprehensive plan and the zoning ordinance. The plan is to pursue this position as a full time, but this office needs to start somewhere.

Mr. Delp made a motion to present the revised 2019 Plan Commission Budget, seconded by Mr. Berger. 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

September 27, 2018
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 Tuesday, September 27, 2018, in Room 203 of the Marshall County Building. Present were: Commission Members Bob Yoder, Terri Barnhart, Craig Cultice, Don Morrison, Dan Voreis, James Berger and Stan Klotz. Plan Director Ty Adley, Secretary Lori Lowry and interested parties. Members absent were Mr. Delp and Mr. Glingle.

The first item of business was the review of the minutes from the July 26, 2018, meeting. **Mrs. Barnhart moved and Mr. Cultice seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second item of business was 18-PC-04 CROSSROAD AT 6 AND 31 AND GRAMM HOLDING COMPANY - A tabled request to replat Lot 2 and 6 and 31 Subdivision into Lot 2 A of 1.47 acres and Lot 2B of 14.22 acres, Parcel ID 5-52-95-404-422-002-010, North Twsp., Zoned C-2 Highway Commercial. Mr. Jim Conklin and Mr. Hans Musser were present to represent their request. Mr. Adley presented the findings of fact.

In April 2017 the applicant had a minor subdivision approved which eliminated several parcels and created a parcel for the telecommunication tower in LaPaz. Now the applicant wishes to divide off a 1.47-acre parcel on the east side of a 15.69-acre parcel. This parcel would be just west of the automotive store on the north side of US 6 which is owned by the applicant. The applicant will not be adding a new driveway, but use the driveway to the east. The property would be used to expand the automotive store.

Since the previous meeting, May 24th, 2018, the applicant has reviewed the proposed subdivision to take into consideration the thoughts and discussions of the Planning Commission, prior Director Ralph Booker, and current Director, Ty Adley. Based on the associated discussions and comments the plat reflects those concerns. The subdivision of Lot 2A (Western Tract) and Lot 3 (Eastern Tract) to create Lot 2 B. The 15' drainage and utility easement has been relocated. The two subdivided areas will be combined together in order to form one lot for the subject automotive business and will thus put the residence on one lot for the subject automotive business and will thus put the residence on its own parcel. There are no new curb cuts proposed thus addressing the concern of the Technical Review Committee. The proposed lot lines for the existing

structures will meet setbacks. Based on staff's review of the reviewed plat, we would recommend approval based on the information provided.

The driveway will be a shared driveway between the resident and the automotive shop. The plan will be to sell the residence and the 14 acres on the west and keep the automotive shop.

The statement about wetlands has not been put on the plat and was requested by the previous plan director, but Mr. Musser didn't believe it was a requirement. County Surveyor, Craig Cultice believes it would be advantageous and a protection to any buyer that a statement be shown on the plat that there may be possible wetlands.

Mrs. Barnhart made a motion to open for public hearing, seconded by Mr. Berger. Motion carried by acclamation. There being no one to speak for or against Mr. Yoder moved and Mr. Morrison seconded the motion to close the public hearing.

Mr. Cultice made a motion to approve <u>18-PC-04 CROSSROAD AT 6 AND 31 AND GRAMM HOLDING COMPANY -</u> A tabled request to replat Lot 2 and 6 and 31 Subdivision into Lot 2 A of 1.47 acres and Lot 2B of 14.22 acres, Parcel ID 5-52-95-404-422-002-010, North Twsp., Zoned C-2 Highway Commercial with the following stipulation: A statement of possible wetlands be placed on the plat, seconded by Mr. Voreis. Motion carried with a voice vote 7-0.

The third item of business was <u>18-PC-07 CLEVELAND, Gary & Mary –</u> A request for a Site Plan Review that has been forwarded from the Technical Review Committee as it pertains to a proposed addition on the lakeside portion of the home, located at 16052 Cook Lake Tr., Plymouth, IN West Twsp., Zoned L-1. Mr. & Mrs. Gary & Mary Cleveland were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to construct an addition onto their home which is located on this L-1 zoned property. The project was entertained by the Technical Review Committee whom has elected to refer the project to the Planning Commission on the recommendation of denial.

Based on the reviews of the project by the Technical Review Committee, we found that the project should be denied. In order for a project to be approved, it must be able to pass planning, building and health codes. Once each department finds that their respective codes have been adhered to, then the project would be allowed to commence. After reviewing the Cleveland property, it was discovered they utilize two dry wells for sewage disposal. Dry wells provide no form of sewage treatment and are utilized for sewage disposal into ground water. Since the project that is being proposed by the Cleveland's application indicates an increase in the footprint of the home by the addition of a room and therefore taking up valuable property for the repair or replacement of an on-site sewage system, this could include room to set tanks or move the well that services the house. The health department objects until such a time as a new system for sewage treatment is constructed on the property or a community solutions for the treatment of the sewage on the lake has been discovered.

In 1979 the Cleveland's put in a new septic system that was approved by the Health Department. Because of the clay ground they needed to go large so they put in two 1,800 gallon dry wells with a 1,000 septic. Once they started to dig they found that the majority of the ground was sand and not clay. Since then there has been no problems with the septic.

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

1. Colby VanDusen – Believes the addition will add to the value of the home and the entire area.
2. Thomas Martin – Lives east of the Cleveland's. It will not inhibit their view of the lake. Has no objections to the request.
3. Mary Yates – Neighboring property owner and will improve the area and is in favor of their request.
4. Christine Stinson – Administrator of the Marshall County Health Department. The current system doesn't meet the current requirements because they are dry wells and drywells contaminate the water. If this request were to be allowed it would possibly take up valuable property that will need to be utilized to update the existing system.

Once a fix is found for the septic system the Health Department will not have an issue on re-visiting this request.

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

Mr. Cultice commented that it wouldn't make sense to spend $40,000+ on this addition when the existing system will fail.

Mrs. Cleveland explained to the board that there will be no type of water in the addition. There will be no bathroom or plumbing.

The Health Department is in a "find and fix phase." Once an issue is found it needs to be fixed. They are not out trying to find problems. There will be action taken against this property. They will have to put in an adequate system. If they can't put in an adequate system they will be on a pump and haul until a solution can be found.

A lengthy conversation was had by the board discussing the options and found that the priority is the septic system first and foremost.

The board explained that if the request is denied it cannot be re-applied for one year. There is an option to table the request to allow them time to discuss their options with the Health Department and septic person.

The Cleveland's requested to table the request. Mr. Yoder made the motion and Mrs. Barnhart seconded the motion to table this request.

Marshall County Plan Commission
September 27, 2017

Request to create a task force to evaluate lake water quality as it is affected by smaller lots served by onsite septic systems

The Marshall County Plan Commission and Board of Health are experiencing a significant amount of growth desired in areas that are served by private septic systems. The county has been rural in nature since its first settlers came through and the smaller communities were created. Many of these initial settlements are what we know today as Rural Villages (Marshall County Comprehensive Plan) examples include Burr Oak, Tippecanoe, and Tyner. Many of these settlers and initial farmers owned lake cottages around Marshall Counties' abundant lake frontage. As Marshall County has continued to develop and grow, the once cottages that dotted the many lakes are now fulltime residences. At the time when these different areas were initially developed, planning and health standards were not as advanced. Over the course of time these standards have made leaps and bounds to take into better consideration what impacts the health if not just the environment, but the health of our residents and citizens that we serve.

The health concern with these septic systems and the smaller lots within the various communities is that when a system fails there is often not enough space to put a new one on the same lot or the soil analysis may not permit a traditional system. We are also finding, many of the property owners believe they have a septic system that is not in failure, but in fact, is in failure. The use of a "dry well" or a "seepage pit" does not meet the definition of a approved OSS because they pollute ground water. We have found many systems that are a septic tank with a direction connection to a field tile or drainage way. This is also illegal and polluting the Waters of the State in Violation is the Clean Water Act. Engineered septic systems can cost anywhere into $20-30,000. There also is the difficulty of finding adequate space for the system. As these communities continue to see new people move into the historic cottages, homeowners often want to renovate, add on or construct a new home. The problem is that many of these systems are often failing or do not meet today's standards.

The Health Department and the Plan Director would like the backing of our respective boards, we cannot in good conscience continue to allow citizens to further develop and endanger their health and that of their neighbors. The plan is to create a task force for an estimated 12-18-month period to evaluate the lake water quality as it is affected by small lots served by onsite septic systems. The evaluation would lead to a proposal of options for the County to consider to better water quality and address the health concern of small lots served by onsite septic systems. The task force would be composed of members of the Commissioners, Council, Health Department Administrator, Plan Commission, Purdue Extension Agent, Building Commissioner, Soil and Water Conservation District Representative as well as other community members as desired or needed. It is anticipated that the group would be between 7-12 members headed up by the Health Department Administration and Plan Commission Director.

Christine Stinson, Health Administrator, explained to the board that the Health Department will completely take lead of this task force. It was her hope that the Plan Commission would give support in creating this task force to look into community solutions for these problems. It's her opinion that this does affect the Planning

Commission and the ability to allow growth and development in Marshall County. This problem isn't just one departments issue. These parcels were parceled down by planning. There is a correlation between both departments and they should stand united, said Ms. Stinson. The Health Board totally and completely stands behind the creation of this task force and would like the Plan Commission's support and for someone of the Plan Commission to sit on this task force.

A discussion was had by the board and Mr. Voreis made a motion to move forward with a favorable recommendation from the Plan Commission, seconded and motion carried.

2019 Plan Commission Budget Update

To date the council has approved $10,000 for a part time code enforcer. Will update at the next meeting.

Violations

Fifteen (15) violations letters were sent out. There are currently funds available for property clean up when needed. The bid to clean up the property in Tyner was advertised twice without any response. Will put out for bid again.

The Plan Director requested the boards opinion on how they would like updates presented on violations. The board agreed that a brief update would be sufficient.

Certification

AICP Certification was recently obtained by Ty Adley, Plan Director.

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 25, 2018
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 Tuesday, October 25, 2018, in Room 203 of the Marshall County Building. Present were: Commission Members Bob Yoder, Terri Barnhart, Craig Cultice, Dan Voreis, and Stan Klotz. Plan Director Ty Adley, Secretary Lori Lowry and interested parties. Members absent were Mike Delp, Rance Glingle, James Berger, and Don Morrison.

The first item of business was the review of the minutes from the September 27, 2018, meeting. **Mrs. Barnhart moved and Mr. Cultice seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second item of business was 18-PC-07 CLEVELAND, Gary & Mary – A request for a Site Plan Review that has been forwarded from the Technical Review Committee as it pertains to a proposed addition on the lakeside portion of the home, located at 16052 Cook Lake Tr., Plymouth, IN West Twsp., Zoned L-1.

This case has been deferred to the November 15, 2018 meeting.

The third item of business was 18-PC-08 TROYER, Joshua & Monica – A request for a zoning change from 3-2 to 1-1, located at 2022 Beech Rd., Nappanee, IN 46550, German Twsp. Mr. Joshua Troyer was present to represent his request. Mr. Adley presented the findings of fact.

The subject property is used for residential purposes and based on the current zoning C-1 the house could not be rebuilt due to the new structure having to meet the current zoning requirements.

The subject property can be found under the Agricultural land use category as well as within a Corridor Commercial designation. The agricultural land use category indicates that "land that is meant to remain largely rural, with uses to allow for some residential development." The Corridor Commercial designation indicates "it is appropriate to provide for the development of a collection of commercial uses serving both county residents as well as those traveling through the area."

Mr. Troyer would like to sell the property and because of the commercial zoning it was a requirement from the buyer's lender that they receive a zoning change to agricultural that allows for residential rebuild if a fire were to ever happen.

Due to the limitations that pertain to the "Grandfather Clause" it limits building on the exact same footprint without adding on to the house as well as not being able to add accessory structures because it's not permitted within that zoning district. It's a legal non-conforming use.

Mrs. Barnhart 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. Cultice seconded the motion to close the public hearing. Motion carried by acclamation.

Mr. Yoder made a motion to approve 18-PC-08 TROYER, Joshua & Monica – A request for a zoning change from 3-2 to 1-1, located at 2022 Beech Rd., Nappanee, IN 46550, German Twsp and pass to the Marshall County Commissioners with a favorable recommendation, seconded by Mrs. Barnhart. Motion carried with a voice vote 5-0.

TASK FORCE NOMINEE FROM PLAN COMMISSION

Mr. Dan Voreis was nominated from the Plan Commission to the Marshall County Sewage Task Force. Motion carried by acclamation.

2019 PLAN COMMISSION BUDGET

The Plan Commission received $10,000 to go in the budget for code enforcement. This will allow for approximately one day's worth of assistance per week. Another $5,000 was received for the cleanup of properties.

VIOLATIONS

Last month we had approximately ten violations with three requesting extensions. The remaining will be forwarded to the board's attorney. There have been additional violation inspections this month with letters to be sent out.

OKI CONFERENCE

A discussion at one of the sessions were medical marijuana and what opportunities or issues that may or may not result in. It's important that we keep apprised of other states experiences and how it could affect our community as it's a major farming county. If this gets approved in the State of Indiana Marshall County should be proactive so that we can manage and control any adverse effects that it may or may not have.

We also looked at items going through the state legislature and how it could affect us.

RECOMMENDATION OF REQUIRED SURVEYS

When requests are brought before the board to allow for a setback reduction we as a board are taking the owner's word for where their physical property lines are. In many instances they are just guesses. We are looking into making it a requirement that the applicant get a survey of the property prior to requesting a variance of setbacks.

After the boards discussion everyone agrees that this should be a requirement. Mr. Adley will bring back to the board more information next month to discuss before a public hearing is scheduled.

OTHER

Would like to continue strengthening relations with other jurisdictions as well as our own local departments

Discussion was brought up concerning small lots that have an existing septic system wishing to add or add on to an existing structure may have a delay or retention of a permit due to the requirements of the Health Department. The Plan Commission's stance is to support the Health Department ensuring the health and safety aspects of development are taken into consideration. This boards concern is that the public be made aware of possible difficulties in getting a permit for new structures on these small parcels with a septic system.

Grandfathering – Due to recent cases concerning grandfathering Mr. Adley brought to the board a clarification of legal and illegal non-conforming uses.

Fences – Recent events brought the office to research standards and definitions to interpret what the ordinance requires as far as fence permit standards in a L-1 zone. The side yard will be from the foundation horizontally to the property lines. The rear yard will be from the foundation to the rear lot line. Currently there are no standards for the front yard.

The rear yard setback is to be 45' from the property line not the waters edge. The fence can only be 3 ½ ' in height and 75% open. The side yard fence requirement is a maximum height of 6'.

With the Town of Culver having recent discussions on fence and side yards the board asked Mr. Adley to report back to the board his findings.

Campground located on 12th Rd. – A violation notice was received that the campground has built a fence with the structure facing outwards which is a violation of the ordinance. The Plan Director requested a clarification on what the board sees as a front and rear yard setback for the fence on this lot being used as a campground. After a lengthy discussion the board agreed the rear (lakeside) setback should be 45' from the property line and the front yard (road)setback should be 30' from the centerline, but no

less than 10' from the ROW. It was also of the boards opinion that since the structures are movable they need to meet the setbacks and comply.

Lori Hoshaw 16945 12th Rd. Plymouth – Neighboring property owner requesting clarification on the fencing rules as to where the starting and ending point can be. With allowing the side yard fence 45' from the lake it has limited her view from the lake. The front yard setback on the fence is also limiting her view of watching for the bus.

Peter Peuquet 3295 Lakeshore Dr., Bremen – Reminded the board that they approved a fence last year with a variance allowing a replacement of an existing fence in the rear yard that was 6' which he believes shouldn't have happened. Doesn't want this to set a precedence. Agrees with the rear yard setback being from the foundation to 45' from the property line and not the waters edge.

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 15, 2018
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 Tuesday, November 15, 2018, in Room 203 of the Marshall County Building. Present were: Commission Members Craig Cultice, Mike Delp and James Berger. Plan Director Ty Adley and interested parties. Members absent were Stan Klotz, Rance Glingle, Don Morrison, Terri Barnhart, Dan Voreis, and Bob Yoder.

Due to there not being quorum for the meeting the meeting was rescheduled for December 6, 2018.

Respectfully submitted

Bob Yoder

December 6, 2018
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 Tuesday, December 6, 2018, in Room 203 of the Marshall County Building. Present were: Commission Members Craig Cultice, Mike Delp, Rance Glingle, James Berger, Don Morrison, Dan Voreis, Bob Yoder and Stan Klotz. Plan Director Ty Adley, Secretary Lori Lowry and interested parties. Member absent was Terri Barnhart

The first item of business was the review of the minutes from the September 27, 2018, meeting. **Mrs. Cultice moved and Mr. Berger seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second item of business was 18-PC-07 CLEVELAND, Gary & Mary – A tabled request for a Site Plan Review that has been forwarded from the Technical Review Committee as it pertains to a proposed addition on the lakeside portion of the home, located at 16052 Cook Lake Tr., Plymouth, IN West Twsp., Zoned L-1. Mr. Andrew Perkins, Attorney along with Mr. Gary Cleveland was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to construct an addition onto their home which is located on L-1 zoned property. The project was entertained by the Technical Review Committee whom has elected to refer the project to the Planning Commission on the recommendation of denial.

Based on the review of the project by the Technical Review Committee, it was found that the project should be denied. In order for a project to be approved, it must be able to pass Planning, Building, and Health codes. Once each department finds that their respective codes have been adhered to, then the project would be allowed to commence. After reviewing the Cleveland property, it was discovered they utilize two dry wells for sewage disposal. Dry wells provide no form of sewage treatment and are utilized for sewage disposal into ground water. Since the project that is being proposed by the Cleveland's application indicates an increase in the footprint of the home by the addition of a room and therefore taking up valuable property for the repair or replacement of an onsite sewage system, this could include room to set tanks or move the well that services the house, the health department objects until such a time as a new system for sewage treatment is constructed on the property or a community solution for the treatment of the sewage on the lake has been discovered.

Marshall County Plan Commission
December 6, 2018

At the conclusion of the September 27th meeting there was a recommendation to table the request to allow the Cleveland's time to discuss their options with the Health Department and a septic professional.

It was discovered between the September 27 and December 6th, 2018 Plan Commission meetings the Cleveland's had built a retaining wall. Per the ordinance retaining walls do not require a building permit.

Mr. Klotz asked if the proposed structure was going to built on top of the retaining wall and Mr. Adley's response was yes.

It was Mr. Perkins opinion that his client's issue is with the site plan review for a four seasons small room addition. They are not proposing to have a bedroom or new plumbing. Which wouldn't have a direct impact on the drywell system. The TRC's concern for the footprint where the four seasons room is planned COULD be used instead to repair or replace the existing onsite sewage system or move the well. A couple of issues they have with the "could be used suggested". 1. While that may have been true during the time of the TRC meeting it is no longer true. After being informed that no permit is not required for a retaining wall his clients built a retaining wall in this space and backfilled it. Practically this means if the existing permit is not approved, they will have a patio and if it is approved the space will serve as a foundation for the four seasons room. The space is no longer a candidate for being used for a new septic system because there is a retaining wall and a patio there. 2. The TRC announced to a resource decision which they believe is not an appropriate consideration for the Plan Commission.

A possibility of a community sewage system was raised. The construction of something like this would be years away. Mr. & Mrs. Cleveland would agree to a permit conditioned on their hooking up to such a system should it become available in the future.

Again, it is their standing that the request is four seasons room which has no impact on the existing system.

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

1. Christine Stinson – Health Department Administrator – The Health Department continues to stand in opposition to this request until they have a functioning septic system on the property. They cannot allow systems to go in failure once the Health Department becomes aware, they have to continue until the system is in compliance.

The board asked if any portion of a septic or well could be placed in the area where the foundation was built.

Mrs. Stinson stated that without having been to the site she's unable to answer that question. The applicants need to bring plans to the Health Department to discuss possible solutions to this problem.

The board asked Mrs. Stinson if that system has failed.

> Mrs. Stinson responded "yes". The definition of a drywell is failure and does not meet the code. Anytime you put septic effluent into ground water that is the definition of failure. At the depth of those drywells they are in ground water. (410 IAC 6-8.3) No person can allow or permit to have septic effluent on the surface of the ground to discharge into the waters of the state or contaminate groundwater.

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

In a response posed to Mrs. Stinson if a septic system could be placed on this side of the lake and her response was, "I don't know". Mr. Perkins feels the TRC's basis for denial assumes the answer is yes.

The board asked if there was any research or anything done to see if another system was possible. Was that effort ever undertaken. Mr. Cleveland's response was, "no". He responded that he is 30' above the lake. Then asked where his water goes that is put into the drywell. Mr. Cleveland's response was "in the sand".

Mr. Delp commented that he had visited the site and is not sure how a septic could placed in the area of the proposed four seasons room. As well as a thought if this issue could be grandfathered.

Mr. Klotz commented, "If the system has failed, I could understand that, but there is always an option of pump and haul. It may not be the best option, but it is an option. It's not our job to tell them what to do with their property. This has no bearing on the septic system."

Mr. Voreis doesn't see allowing them to expand when it's been proven the drywells are not efficient.

Mr. Yoder questioned if this is a retaining wall built without a permit how do we know it is structurally sound to have a structure built on top of it. Mr. Adley responded that retaining walls aren't required to be permitted. If they receive approval to put a structure on top of the retaining wall there most definitely will be special inspections to evaluate how it was constructed.

Mrs. Stinson wanted to clarify that there is no such thing as a grandfather clause with regard to septic systems. By definition a drywell is failure.

At the last meeting the board requested that the Cleveland's contact the Health Department and search for a solution. When those steps were not taken it concerned the board.

While the Health Department is aware of the situation regardless of whether the addition is built the Health Department is required to take action.

Mr. Yoder believes that we all need to be reminded that we have codes. During the process of reviewing a permit application this is part of the review that has to take place before our Plan Director can issue a permit. We are about ready to take into action what we wouldn't let our own Plan Director do. Because of being unsure the Plan Director was asked to read the requirements from the Zoning Ordinance.

> *Chapter 11 Section 60 Improvement Location Permit (A) General Requirements. No structure shall be erected, moved or added to without an Improvement Location Permit issued by the Plan Director. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this Ordinance, the Subdivision Control Ordinance and other applicable regulations of Marshall County. When applicable, consistent with Article 7, Site Development Plans of this Ordinance, Site Development Plan review and approval shall be completed prior to the receipt of an Improvement Location Permit.*

This states that to approve an Improvement Location Permit it must meet all regulations including the zoning ordinance, subdivision ordinance as well as all other applicable ordinances in Marshall County which would include the building standards (IRC) as well as the Health Department Code.

Mr. Berger made a motion to approve 18-PC-07 CLEVELAND, Gary & Mary – A request for a Site Plan Review that has been forwarded from the Technical Review Committee as it pertains to a proposed addition on the lakeside portion of the home, located at 16052 Cook Lake Tr., Plymouth, IN West Twsp., Zoned L-1, seconded by Mr. Berger. Motion denied 3-5 with Mr. Cultice, Mr. Delp, Mr. Morrison, Mr. Voreis and Mr. Yoder voting against.

The third item of business was 18-PC-09 FOUST, Adam & Katherine – A request for a one lot Minor Subdivision approval of Kave Acres, located at 10765 Muckshaw Rd., Plymouth, IN Center Twsp., Zoned R-2. Mr. Adam Foust and Mr. Dennis Ogilvie were present to represent their request. Mr. Adley presented the findings of fact.

The applicant owns 12.5 acres in seeking to subdivide off 3.62 acres on the east end of the property. The parent parcel will remain having direct access via the existing frontage, but the new parcel will be serviced by a 40' easement.

The City of Plymouth approved this subdivision with the requirement that the easement be maintained privately by the lot owners.

With the easement no longer being public the requirement of a 50’ easement as per the Subdivision Ordinance is not required, but needs to be adequate in size.

The applicant has heard concerns of the request about it being a subdivision. It’s understood that is the technical term of the process. The intention of this 14-acre parcel is only to split it once which should not crowd anyone.

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

Mr. Delp made a motion to approve 18-PC-09 FOUST, Adam & Katherine – A request for a one lot Minor Subdivision approval of Kave Acres, located at 10765 Muckshaw Rd., Plymouth, IN Center Twsp., Zoned R-2, seconded by Mr. Yoder. Motion carried 8-0 by voice vote.

The fourth item of business was 18-PC-09 PETERS, Harold – A request for a Waiver from the Marshall County Subdivision Ordinance 6.03.13 Access Easement, located at 12831 Rose Rd., Plymouth, IN West Twsp. Zoned A-1. Ms. Jennifer Tyler and Ms. Donna Winn were present to represent their request. Ms. Winn was representing her late father Harold Peters.

The Subdivision Regulation permits up to 3 parcels to use a private access easement. The waiver is seeking to permit a 4th parcel to be created and accessed via the easement. Once parcel does have frontage on an adjacent street, but there are wetlands that cut across a portion of the property potentially restricting access to 13th Road.

The request is to allow Ms. Tyler to be able to create a parcel on family ground and build a home.

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

Mr. Glingle made a motion to approve 18-PC-09 PETERS, Harold – A request for a Waiver from the Marshall County Subdivision Ordinance 6.03.13 Access Easement, located at 12831 Rose Rd., Plymouth, IN West Twsp. Zoned A-1, seconded by Mr. Cultice. Motion carried with a voice vote 8-0.

2019 Plan Commission Meeting Schedule

Mr. Delp made a motion to approve the 2019 Plan Commission meeting schedule, seconded by Mr. Cultice. Motion carried by acclamation

2019 Plan Commission Technical Review Meeting Schedule

To be more efficient the Plan Director proposes to move the Technical Review Meeting s to the 1st and 3rd Friday's. Mr. Delp made a motion to approve the 2019 Plan Commission Technical Review Meeting schedule, seconded by Mr. Berger. Motion carried by acclamation.

Lake Residential Area Discussion Pertaining to Fences

After discussion with other Plan Directors and their view on definitions of side yard, rear yard and front yard there were some discrepancy's and more in-depth definitions. The Plan Director suggests that there be an update to our ordinance to allow for more clarity.

Front yard for all of Marshall County unincorporated is the street side and the rear yard is lakeside.

The Marshall County Plan Commission requested that the Plan Director bring back to the board his full recommendation.

Marshall County Plan Commission
December 6, 2018

Survey Requirements for Projects

To better assist the Board of Zoning Appeals and the Plan Commission it was discussed the need for a plot plan by a surveyor if a reduction in setbacks are requested. This will give the boards the ability to make a decision based on facts and not guestimates.

The Marshall County Plan Commission requested that the Plan Director bring back to the board his full recommendation.

Executive Session

The Plan Director requested an executive session to discuss plans and evaluations for the year 2019. The board requested the executive session be scheduled for January 24th at 6:30p.m.

Due to the length of service the board decided to forgo the evaluation for a later date.

Violation

Lori Hoshaw of 16945 12th Rd. Plymouth, IN appeared before the board to discuss the adjacent property 16999 12th Rd. Plymouth IN and its fence violation status and wanted clarification as to when the violation will be brought into compliance. It is understood that the property owner has 6 months (April 16, 2019) to install the new fence and be in compliance. The question is on the violation of the existing fence and what can be done. After a discussion the board requested that the Plan Director contact Mr. Lukenbill to get clarification as to how the board should proceed.

While going back to 1998 there is imagery that shows the travel trailers in the same location next to the property line. The imagery also shows how the property has been cleaned up as well over the years.

As far as issues with the septic system since the property is a campground the State Health Department dictates the septic rules and regulations not at the local level.

The board requested that Mr. Lukenbill draw up a letter requiring the campground to remove the fence in violation in 30 days. The following questions were proposed by the Plan Commission to Mr. Lukenbill for clarification.

1. Fence Standards pertaining to this specific campground – Requesting information on height and opacity of the side yard fence.
2. Replacement Trailers – Do they need to meet current standards?
3. Do the existing trailers need to meet current setbacks?

The setback for the fence from the water and the road have already been discussed at a previous meeting and agreed upon. Forty-five feet from the water and thirty feet from the centerline but no less than 10’ from the right of way.

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

December 20, 2018
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 Tuesday, December 20, 2018, in Room 203 of the Marshall County Building. Present were: Commission Members Terri Barnhart, Craig Cultice, Mike Delp, Rance Glingle, James Berger, Don Morrison, Dan Voreis, Bob Yoder and Stan Klotz. Plan Director Ty Adley, Secretary Lori Lowry and interested parties.

The first item of business was the review of the minutes from the December 6, 2018, meeting. **Mrs. Berger moved and Mr. Glingle seconded the motion to approve the minutes as written. The motion passed by acclamation.**

The second item of business was 18-PC-11 ROSS, Brian & Lorette – A request for a one (1) lot Minor Subdivision dividing a 6.25-acre parcel into a 5-acre parcel B and 1.25 acres Parcel D; located at 14553 3rd Rd., Plymouth, IN Zoned A-1, North Twsp. Mr. Brian Ross was present to represent his request. Mr. Adley presented the findings of fact.

The subject property was a parent tract of 76.37 acres and had previously been split 3 times which is the permissible limit for administrative splits.

The property was originally Mr. Ross's parents. While Mr. Brian Ross has built a new house down the road, he has no need for an additional house. Therefore, he would like to split off his parents' home from the property so he can sell the home and keep the acreage. The second lot is buildable.

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

1. James Bradley – Lives adjacent to the property and doesn't have any problems with the request.
2. Kenny Hygema – Neighboring property owner and doesn't have any problems with the request.
3. Roy ? – Purchaser of the home and is in favor of the request.

Mr. Delp made a motion to approve 18-PC-11 ROSS, Brian & Lorette – A request for a one (1) lot Minor Subdivision dividing a 6.25-acre parcel into a 5-acre parcel B

and 1.25 acres Parcel D; located at 14553 3rd Rd., Plymouth, IN Zoned A-1, North Twsp. , with the condition that proposed Lot D meet flush with the western boundary of Lot B, thus not creating an irregularly shaped lot and that the new lot meet applicable setback requirements, seconded by Mr. Morrison. Motion carried with a voice vote 9-0.

Stop Sign Vandalism

Mr. Delp wanted the guests and board to be aware that there has been stop sign vandalism in the county. For safety reasons please be cautious when driving as there might be stop signs gone where there should be one.

Hutchison Violation

Mr. Thomas Hutchison was present for a discussion on the violation at his property 17688 Vine St., Tyner, Indiana. Mr. Adley presented one bid that was received for the clean up of this property. The bid was from Langfeldt Excavating in the amount of $8,876.00.

The board was given an update showing current photos. Junk, debris and lawn mowers etc are still a nuisance. There has been some clean up on the property since the last visit.

Mr. Hutchison explained that he hasn't been able to clean a lot of the property up because he hasn't had access to the rear of the property because there was a dispute with the neighbor about the property line. This has currently been resolved and new gravel has been put down in the drive. The wet ground has also been a huge hinderance.

The dumpster in the back of the property cannot be removed until the company can safely get it removed without getting stuck. Many of the vehicles have been removed as well as junk. Started to add on to the building to store some of the items in, but there has been issues with the construction which has held up moving items into it.

Mr. Hutchison is on disability and has had little funds to pay to clean up. Then when the flood came it damaged the house and it's been unlivable.

Believes there is only one to two weeks of work to clean up the property. Requested additional time to clean up. Was asked if he had an additional 4 days to clean up if he could have the majority done and his answer was yes.

Mr. Delp made a motion to extend clean up time until the next meeting and the Plan Director will visit the property right before the meeting to bring the board up to date and if the cleanup is not satisfactorily cleaned up by that date the bid that was opened tonight will immediately be activated, seconded by Mr. Yoder. Motion carried 7-2 with Mr. Voreis and Mr. Klotz voting against.

Fencing Discussion/Campground

As per the request of the board from the December 6th meeting documentation has been turned over to the board's attorney for legal clarification. The septic side of discussion all falls on the State Board of Health as well as the local Health Department.

Marshall County Plan Commission
December 20, 2018

Board Members terms expire and retirement

Mr. Don Morrison was recognized for many years of service with the county and Plan Commission as well as Mr. Rance Glingle for his terms on the board.

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