

October 8, 2024  
Regular Meeting of the  
Marshall County Board of Zoning Appeals  
112 W. Jefferson St. Room 203  
Plymouth, IN 46563

## MINUTES

President, Jeff Gustafson, called the Marshall County Board of Zoning Appeals meeting to order at 7:00 p.m. on Tuesday, October 8, 2024, in Room 203 of the Marshall County Building. Present were Commission Members Jeff Gustafson, Jim Kephart, and Michelle Mieras. Also present was Ty Adley, Marshall County Plan Director, Lori Lowry and interested parties. Members absent were Dave Hochstetler and Trent Bennett.

Mr. Miller made a motion to re-approve the minutes of the July 9, 2024, meeting, due to the vote count being off on one case, seconded by Mr. Kephart. Motion carried by acclamation.

Mr. Miller made a motion to approve the minutes of the August 13, 2024, meeting, seconded by Mr. Kephart. Motion carried by acclamation.

Mr. Miller made a motion to approve the minutes of the September 10, 2024, meeting, seconded by Mr. Kephart. Motion carried by acclamation.

The first item of business was 24-BZA-41 DENK, Brian & Kathy - A request by WA Zimmer Co for a reduction in lakeside setback from the required 45' to 10' from the flood plain line and a reduction in side yard setback from the required 10'/10% lot width to 6'; located at: 9043 Birch Dr. Bremen, North Twsp., Zoned L-1. Mr. Brian Dink of 9043 Birch Dr. Bremen and Aaron of WA Zimmer was present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to construct an addition on the rear side of their house on top of an existing concrete patio. The associated building permit is for "13' x 20' patio cover attached to rear house setting on new concrete post and piers". The patio is approximately 45' from the lake/lot line and the majority of that space is encumbered by the floodplain. The improvement would be approximately 10' from the floodplain as requested.

RECOMMENDATION Based on the information provided and review by the Technical Review Committee, staff and TRC would recommend approval

The plan is to put a roof over the existing patio along with patio screens.

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

**Mr. Miller made a motion to approve 24-BZA-41 DENK, Brian & Kathy - A request by WA Zimmer Co for a reduction in lakeside setback from the required 45' to 10' from the flood plain line and a reduction inside yard setback from the required 10'/10% lot width to 6'; located at: 9043 Birch Dr. Bremen, North Twsp., Zoned L-1, seconded by Mr. Kephart. Motion carried with a voice vote 3-0.**

The second item of business was 24-BZA-42 BORKHOLDER, Eddie Ray & Diana - A request for a Variance of Use to allow an existing building to be used for a warehouse/office for retail, call-in & mail order company that sells seed, herbicides, trail cameras, scents, and other deer hunting and land management items; located at: 8126 6th Rd. Plymouth, IN German Twsp., Zoned A-1. Mr. Andrew Miller and Mr. ? Burkholder were present to represent their request. Mr. Adley presented the findings of fact.

The applicant has recently been operating a business from the property and is in need of pursuing BZA approval in order to continue operations. The applicant is seeking to permit a commercial land management business that has warehousing and office components. The business retail in the form of call in and mail order. They offer items such as seed, herbicides, trail cameras, scent and other associated hunting and land management items. The business has 4 full time employees and began back in 2018. Over that time they have slowly grown to occupy more and more of the existing building. They are currently in the market for expansion and possibly moving to a new facility location. In the meantime, they would like to seek approval for the existing facility.

#### 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 there are fuel safety measures to keep the tanks from leaking into the adjacent ditch.

The business is growing and their plan is to make this business right first. They plan to find another location that is more suitable for their walk-in customers. The plan is to continue to keep this location as well for storage of items.

Due to the recommendation of the Technical Review Committee the board discussed a second containment system and the possibility of moving the tanks further away from the ditch. The size of the gravity flow tanks is one 500 gallon and three – three-hundred-gallon tanks. The consensus of the board was if they moved the tanks to the east side of the property they would be okay with not having a second containment system.

Mr. Kephart 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. Miller moved and Mr. Kephart made a motion to close the public hearing. Motion carried by acclamation.

**Mr. Miller made a motion to approve 24-BZA-42 BORKHOLDER, Eddie Ray & Diana - A request for a Variance of Use to allow an existing building to be used for a warehouse/office for retail, call-in & mail order company that sells seed, herbicides, trail cameras, scents, and other deer hunting and land management items; located at: 8126 6th Rd. Plymouth, IN German Twsp., Zoned A-1, seconded by Kephart, with the stipulation that the gas tanks be moved to the east side of the existing barn which will be further away from the ditch. Motion carried with a voice vote 3-0.**

The third item of business was 24-BZA-43 BORKHOLDER, Lavon & Arlene - A request for a Special Use to allow a 12'x28' building to be used to kiln dry lumber on existing business; located at: 492 US 6, Nappanee, IN German Twsp., Zoned A-1. Mr. Arlen Borkholder and Mr. Josh Schwartz were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to build a 12x28' building to be able to house a kiln in order to dry wood for his woodworking business. The business was approved previously. The expansion warrants the need for additional approval and why it is back before the BZA.

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

The proposed building will be on the north side of the existing building, but it will be free standing and not an addition.

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

**Mr. Kephart made a motion to approve 24-BZA-43 BORKHOLDER, Lavon & Arlene - A request for a Special Use to allow a 12'x28' building to be used to kiln dry lumber on existing business; located at: 492 US 6, Nappanee, IN German Twsp., Zoned A-1, seconded by Mr. Miller. Motion carried with a voice vote 3-0.**

The fourth item of business was 24-BZA-44 BORKHOLDER, Lavon & Arlene - A request for a Variance of Developmental Standard to allow a west side yard setback reduction of 4' from the required 15' to build a 12'x28' building for the existing woodworking business; located at: 492 US 6 Nappanee, German Twsp., Zoned A-1. Mr. Arlen Borkholder and Mr. Josh Schwartz were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to expand their business (24-BZA-43) and place the new building 4' from the side property line when the minimum distance is 15'. They want to stay 3' from the existing building.

RECOMMENDATION Based on the information provided and review by the Technical Review Committee, Staff and TRC would recommend approval of a reduction of setback from 15' to 5' and not the 4' as requested. Should the BZA find that there is sufficient evidence to go closer than 5', TRC recommends that a survey be required to site the new building.

The board had a concern about the proposal being so close to the property line. They strongly encouraged the applicants make sure they know where their property line is. A survey could be very beneficial in the long run.

Mr. Kephart 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. Miller moved and Mr. Kephart seconded the motion to close the public hearing.

**Mr. Miller made a motion to approve 24-BZA-44 BORKHOLDER, Lavon & Arlene - A request for a Variance of Developmental Standard to allow a west side yard setback reduction of 5' from the required 15' to build a 12'x28' building for the existing woodworking business; located at: 492 US 6 Nappanee, German Twsp., Zoned A-1, seconded by Mr. Kephart. Motion carried with a voice vote 3-0.**

#### Other Business

The next scheduled meeting is a special meeting planned for November 7<sup>th</sup>. As soon as there are more details the Plan Commission office will get that to you. The Rules of Procedure were passed out to the board. The director explained if the board had any questions regarding the procedures to reach out to him anything through next week.

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

Respectfully submitted,

David Hostetler