

March 10, 2020  
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 7:30 p.m. on Tuesday, March 10, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, James Berger, Dan Voreis, Mark Wickizer and Jeff Kutch, Plan Director Ty Adley, Secretary Lori Lowry and interested parties.

The first item of business was the review of the minutes from the January 14, 2020, meeting. Mr. Wickizer made a motion to approve the minutes as written, seconded by Mr. Berger. Motion carried by acclamation.

The second item of business was 20-BZA-03 ABAIR, Jeffrey - A request for a Variance of Developmental Standard to reduce the side yard setback from the required 10'/10% to 5' in order to build a 40x30 pole barn; located at 16015 Menominee Dr., Plymouth, IN West Twsp., Zoned L-1. Mr. Jeffrey Abair was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to construct a new 30x40x10' pole barn. Due to the septic system being located at the rear of the home, they are looking to place the accessory structure in the front yard on the east side of the home. The site plan as submitted does not indicate a drive for the proposed structure. The estimated total lot is 27,732 square feet and has an existing coverage estimate of 3,828 square feet and with the proposed 1,200 square foot building. This adds up to 5,028 square feet out of the total permissible impermeable area of 8,319 square feet. This would leave up to approximately 3,300 square feet of available coverage.

During the discussion Mr. Abair stated that with the proposed plan he would be 6' from the house. In preparation for the project he has removed a couple trees to make this project work. When the board asked if he could move the structure forward so he wouldn't need the variance he said that he would have to tear down a very large tree and didn't want to have to do that.

In the back yard the area is covered by a septic system because the septic in the front yard previously failed.

The board asked if Mr. Abair would be willing to cut the width and make the building longer. He said that he could make the building longer, but would prefer to keep it the same size. He said

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that he could with a 30x40 building but would like a 30x45. Because of the angle of the house and the proposed garage being parallel it would just be the front corner of the house that would be the closest to the property line.

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

The Technical Review Committee requested denial 3-1 and wanted to make sure that property lines be verified. Mr. Abair stated that he doesn't have a survey.

**Mr. Wickizer made a motion to approve 20-BZA-03 ABAIR, Jeffrey - A request for a Variance of Developmental Standard to reduce the side yard setback from the required 10'/10% to 5' in order to build a 40x30 pole barn; located at 16015 Menominee Dr., Plymouth, IN West Twsp., Zoned L-1 with the following stipulations:**

1. A 30x40 garage to be parallel with existing house no less than 5' from the property line at the closest point.
2. Survey

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

The third item of business was 20-BZA-04 ALBERT, David – A request by Culver Sand Hill Farm to allow multifamily residential as a permitted use for said parcel, located on Parcel # 50-52-95-402-413-000-010 South Michigan St. Lapaz, North Twsp., Zoned C-2. Mr. David Albert and Mr. Kevin Berger was present to represent their request. Mr. Adley presented the findings of fact.

In accordance with the Stellar Initiative, the Quality of Life(QoL) Plan set out a Housing Development in the Town of Lapaz. The proposal is to create a 20-24 unit Low Income Housing Tax Credit apartment building, per the plan. The current proposed site plan has a future commercial building built up to the road and two townhome style structures in the middle of the property with a community building. The drainage would be going to the eastern portion of the property. The proposal has amended slightly in design from the QoL Plan, but the intentions are still the same.

Mr. Berger stated that the reason he is requesting a variance rather than re-zoning is because the project hasn't been approved by the state and didn't want to change the zoning if it doesn't go through.

With the various state programs, they would like to have somewhere between 8-24 units. Since the lot is bigger than needed there may be area along the road to put up a commercial structure.

Ownership of the facility is between the investors and Mr. Berger has only 1% ownership. Maintenance will be done by a facility they've used before.

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The proposed facility will be income based.

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

1. Mr. Roger Ecker – Lapaz Town Council President – Is in favor of the request. Would like growth in the town and hopes to score well in the Stellar program.

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

**Mr. Kutch made a motion to approve 20-BZA-04 ALBERT, David – A request by Culver Sand Hill Farm to allow multifamily residential as a permitted use for said parcel, located on Parcel # 50-52-95-402-413-000-010 South Michigan St. Lapaz, North Twsp., Zoned C-2, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.**

The fourth item of business was 20-BZA-05 ALBERT, David - A request by Culver Sand Hill Farm to reduce the front yard setback from the required 50' to 20' to allow for a multifamily residential structure, located on Parcel # 50-52-95-402-413-000-010 on S. Michigan St., Lapaz, North Twsp., Zoned C-2. Mr. David Albert and Mr. Kevin Berger was present to represent their request. Mr. Adley presented the findings of fact.

The subject parcel is a corner lot at the intersection of Michigan Street and Troyer Street. The applicant has is seeking to reduce the scale and make the streetscape more walkable. The 50' setback would reduce the buildable space, which makes a difference when the parcel is approximately 200' across. There being no further business, a motion was made to adjourn and seconded. The Motion was passed by a voice vote.

Mr. Adley clarified that being the lot is on a corner there are two road setbacks one to the north and one to the west which is why a variance is needed from the 50' setback to 20'. In comparison to downtown where all the storefronts are close to the roadway their plan is similar and hopes to look uniform and be welcoming. When addresses are issued, they will be on Troyer Street.

During the original application pictures were submitted from the Culver Sandhill Project. Since new pictures and plans were proposed at the meeting. The current plan is to have more town homes with porches and patios. When asked about the commercial building, Mr. Berger stated that he can't see putting in a commercial building until the town gets existing storefronts filled.

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

2. Mr. Roger Ecker – Lapaz Town Council President – Is in favor of the request. Would like growth in the town and would also improve the growth of the schools.

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

**Mr. Kutch made a motion to approve 20-BZA-05 ALBERT, David - A request by Culver Sand Hill Farm to reduce the front yard setback from the required 50' to 20' to allow for a multifamily residential structure, located on Parcel # 50-52-95-402-413-000-010 on S. Michigan St., Lapaz, North Twsp., Zoned C-2, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.**

Mr. Berger invited the board to go to Culver and see Sandhill Farms.

The Board of Zoning Appeals next meeting is scheduled for April 14<sup>th</sup> at 7:30 pm and there will be six cases.

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

Respectfully submitted

Mark Wickizer