

June 9, 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, June 9, 2020, in Room 203 of the Marshall County Building. Present were: Commission Members Jeff Gustafson, David Hostetler, Matt Miller, Mark Wickizer and Jeff Kutch, Plan Director Ty Adley, Secretary Lori Lowry and interested parties.

The first item of review is the minutes from the May 12, 2020 meeting. Mr. Miller made a motion to approve the minutes as presented, seconded by Mr. Wickizer. Motion carried by acclamation.

The second item of review is the minutes from the May 14, 2020 meeting. Mr. Wickizer made a motion to approve the minutes as presented, seconded by Mr. Wickizer. Motion carried by acclamation.

The third item of business was 20-BZA-18 DAVIS, William - A request for a Variance of Developmental Standard to reduce the lakeside setback from the required 45' to 32' and the north side yard setback from the required 10' 10% to 6' in order to add on a screened in porch; located at: 3681 Lakeshore Dr., Bremen, IN Zoned L-1. Mr. Wm. Davis and contractor Mr. Matt Coffel were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to construct a screened in porch on the lakeside of the property. The proposed construction would be taking place within the rear yard setback and thus is before the Board.

Mr. Coffel stated that he recently heard from the surveyor that the existing property line to the structure is 10'4 to the north property line. Therefore, there is no need for a side yard setback reduction.

Mr. Coffel stated that adjacent property lakeside setbacks range from 27'-32'. Even with the addition the neighboring property owner will not lose view from the lake. There is 20' between the houses.

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

1. Marcia Heintzberger – 3669 Lakeshore Dr. Bremen – Lives two houses away. Didn't understand the north side yard setback. The board explained that the proposal isn't getting any closer to the side yard setback. Questioned how far the proposed addition

Marshall County Board of Zoning Appeals
June 9, 2020

- will come out. The board explained that the proposed addition will come out 2' further than the existing deck. The existing deck will be replaced, but will be the same size.
2. Casandra Schafer – 3675 Lakeshore Dr., Bremen – Own's the brown house adjacent to the proposed addition. Has a concern about the reduction in view and decrease in property value.
 3. James Prast – 3717 E. Lakeshore Dr., Bremen – Concern over lost lake views. Once the addition goes up, he will no longer see the brown house.
 4. Sherry Cazangiu Nash – 3675 Lakeshore Dr. Bremen – Does not want to lose the existing view of the lake they have had since 1965. Believes it will also hinder property values.
 5. Lesly Cazangiu Brock – 3675 Lakeshore Dr., Bremen - Does not want to lose the existing view of the lake they have had since 1965. Believes it will also hinder property values.

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

Mr. Coffel explained again that there will be no encroaching into the north side yard setback as it already meets the setback requirements. The request will only go out 2' further past the existing deck. It will only be a screened in porch and will be able to see through. It will not be a solid structure.

The board explained that the ordinance is there for a reason and wondered if there was another location, they could put this screened in porch that wouldn't impede the neighbors view.

The applicant stated that by putting the screened in porch where the deck is would limit any sunlight from coming in the house.

Mr. Wickizer asked if the applicant would consider a reduction in addition size to 8' and Mr. Davis said, yes.

Mr. Kutch made a motion to deny 20-BZA-18 DAVIS, William - A request for a Variance of Developmental Standard to reduce the lakeside setback from the required 45' to 32' and the north side yard setback from the required 10' 10% to 6' in order to add on a screened in porch; located at: 3681 Lakeshore Dr., Bremen, IN Zoned L-1, seconded by Mr. Wickizer. Motion carried 4-1 to deny the request with Mr. Hostetler voting against.

The fourth item of business was 20-BZA-19 KLEESPIE, Isaac - A request for a Special Use by Dennis & Josie Elliot to allow a single wide trailer in a T-1 zoning, located at: 3162 18B Rd., Tippecanoe Twsp., Zoned T-1. Mr. Isaac Kleespie was present to represent his request. Mr. Adley presented the findings of fact.

The applicant is seeking to place and live in a single wide mobile home with the T-1 Residential district. The only mobile home type that is permitted within the district is double wide's.

Mr. Kleespie acquired this property after the death of a family member. There was a single wide trailer on the property with a freestanding roof over it. Once it was acquired, he tore down the structures and removed them off the property. He had no understanding that he couldn't

replace what was already there. He had someone interested in the property and they would like to place another side wide on the property.

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

1. Elaine Elliott – 19988 Hickory Rd., Argos – Is the proposed purchaser of the lot that wants to place a single wide on the parcel. The trailer that was purchased is larger than the one that was there. The size is a 16x80 and meets all the requirements of the ordinance. It is a 3 bedroom 2 bathroom trailer. It will also meet the requirements of the existing septic tank that's on the property as she's already checked with the Health Department. The year of the trailer is 1998. Doesn't understand why her family is being considered "riff raff".
2. Lois King – Mother owns the property to the west – Representing their home of over 50 years. Were told 20 years ago at a hearing that once the trailer was moved out that another trailer couldn't be moved back on that property. Doesn't see how a bigger trailer will even fit on the property. The Plan Commission office did receive a call from the King's, but twenty years is a big-time frame to try to find said statements.
3. Noretta – Owns the neighboring property to the west – Requesting that the board doesn't allow another trailer on the property. Also said there is no room for another trailer.
4. Rodney Howell – Mother owns the property to the west – The proposed will decrease the property values of their mother's property.
5. Bonnie Barrett 3195 18 B Rd Tippecanoe – Doesn't want her property values to go down. It's a single wide trailer that they are proposing and single wide's aren't allowed.
6. Walker Barrett 3333 Walker Dr. – There are no other trailers on that section of town until you cross the river. Is against it as it's never been kept up. Has bought several properties in the area to help clean the town up. Is a part of the Tippecanoe Improvement Association trying to clean properties up in their town. Believes because there is no police in their town it brings "riff raff". Trying to improve this town please don't approve this.

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

Mr. Kleespie stated that the Elliott family has been around Tippecanoe for very long period of time. Believes it is wrong for people to say that this family would not take care of the property. He could end up selling the property to someone who puts a double wide on the property that could have no ties to the community and make everything go bad too. Believes that everybody wants green grass next to them. There has been additional cleaned up since these pictures were taken.

The board stated that their decision didn't have anything to do with comments such as "riff raff".

Mr. Kleespie stated that he wants someone who take care of this property and keeps it clean.

Mr. Miller made a motion to deny the request 20-BZA-19 KLEESPIE, Isaac - A request for a Special Use by Dennis & Josie Elliot to allow a single wide trailer in a T-1 zoning,

Marshall County Board of Zoning Appeals
June 9, 2020

**located at: 3162 18B Rd., Tippecanoe Twsp., Zoned T-1, seconded by Mr. Wickizer.
Motion carried by voice vote 5-0.**

The fourth item of business was 20-BZA-20 MILLER, Marlin - A request for a Special Use to allow a home-based business of tool sharpening; located at: 5649 SR 331, Bremen, IN 46506 Zoned A-1. Mr. Marlin Miller was present to represent his request. Mr. Adley presented the findings of fact.

The applicant has been in operation for over 30 years sharpening tools and from staff records has not been approved previously.

The basic operation is pick up and delivery. The only other person at the site working is the applicant's son. There are no posted hours. There is a drop box at the location if someone drops off something that needs sharpened. There is a port a pot at the site if there was someone that comes to the site other than applicant and son.

The current building is used for production and storage. Everything gets dirty which is why they are proposing a new building to be used for cold storage.

Tools being sharpened are sawblades, carbides, saws tools, routers etc. Most are for industrial use rather than home use.

TRC's didn't necessarily have a concern they just wanted to make sure their septic was located and it wasn't near the proposed site.

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

1. Eddie Ray Borkholder – Is in favor of the request.

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

Mr. Kutch made a motion to approve 20-BZA-20 MILLER, Marlin - A request for a Special Use to allow a home-based business of tool sharpening; located at: 5649 SR 331, Bremen, IN 46506 Zoned A-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The fifth item of business was 20-BZA-21 MORIE, Anthony - A request for a Variance of Developmental Standard to reduce the ROW setback from the required 50' to 38' and the east side yard setback from the required 15' to 5' in order to build a garage; located at: 10267 8A Rd., Plymouth, IN Zoned A-1. Mr. Anthony and Mrs. Virginia Morie were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to construct a detached garage in the front and side yards of property. The building is proposed to be 38' from the road and 5' from the eastern property line.

The applicant has three vehicles and would like to have a building they can all be stored in. The tree close to the road will be removed. Derek Dodson will be building the garage.

Marshall County Board of Zoning Appeals
June 9, 2020

There is a lane next to the property line that gives access to four different families.

When asked why they didn't attach it to the house they said there is another big maple tree in the way that they didn't want to remove plus there is concrete already there. Also, if they did the addition onto the existing garage it wouldn't allow them enough room to store all three cars in it. The proposed garage will be 30x30.

There is a white I-beam on the property that they believe is the property line.

The board asked if the applicant would consider attaching the structure with a 25' garage. He didn't really want a long looking house and felt this would be the best option for them.

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

1. Nick Payne – Neighbor in favor of the request.

Mr. Wickizer made a motion to approve the request, seconded by Mr. Miller. Motion carried by acclamation.

Has talked with some adjoining neighbors and they have no problem with the request.

Mr. Miller made a motion to approve 20-BZA-21 MORIE, Anthony - A request for a Variance of Developmental Standard to reduce the ROW setback from the required 50' to 38' and the east side yard setback from the required 15' to 5' in order to build a garage; located at: 10267 8A Rd., Plymouth, IN Zoned A-1, with the condition that the applicant meet the 5' setback, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0.

The sixth item of business was 20-BZA-22 FRANGER GAS CO INC - A request for a Special Use to allow the properties 50-24-29-000-011-000-012 and 50-24-28-000-008-000-012 to be used for propane storage; located at 1260 20th Rd., Tippecanoe, Tippecanoe Twsp., Zoned A-1. Mr. Scott Thompson and Mr. Ben Franger of Franger Gas were present to represent their request. Mr. Adley presented the findings of fact.

The applicant is seeking to store propane on the property for their storage and distribution needs.

There has been propane shortage in the past and would like to have a facility to store and have access to it when needed the most. The 30-year plan is to put in a railroad spur. The current request is to put storage tanks on the property to truck in and truck out.

To acquire the property from RVH Trucking the property will need to be subdivided and the property line moved so it is not running through their existing building. Plus, there is a small piece of property that will be included and cleaned up.

The applicant has already obtained a driveway permit and it will be graveled with a circular drive to the tanks that will allow transport trucks of 80,000 pounds. The remainder will be grassy area. The delivery trucks will not be left there. It will only be storage tanks. There will be little bobtails loaded there, but will also load transports to take to the other facilities if there are shortages.

The other facility that has the railroad spur is not owned by Franger Gas. They would like to obtain this location in case something happens in the future and they lose that location. This would give them the opportunity to have their own rail. Right now, there is no intention to do that.

Franger Gas' business is to install tanks. They have built the entire Mentone facility. They have built over 150 tanks themselves. Updated internal valves are used. There are also complete shut off nitrogen system so each valve is connected. If there is any pressure that lets go everything closes. If RVH trucking sees that there is a problem there is a E Stop buttons that can shut down automatically. They have the most advanced safety features that are available to the propane industry today. Also, are regulated by the state and what they have are above and beyond what they require.

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

1. Mike Yeazel – 20503 Birch Rd. – Lives about a half mile from the facility. Is also the fire chief at the Mentone Fire Department. Has several concerns about the proposal. The other operation is set up to hold about a million gallons in storage tanks on the ground and they currently hold 165,000 in their tanks with their safety system. They store about a million gallons in the rail cars. Has a fear that the new site will be the same way. They feel that they do that to negate the cost of safety procedures in setting the safe tanks. It's estimated that they turn about 200,000 gallons of propane a day at the Mentone facility. This equals about 20 trucks a day. Has a concern about the traffic and the amount of traffic and weight on the roads. Isn't against progress only has a concern for safety. Questioned the water supply as well.
2. June Yeazel 20503 Birch Rd. – This area is filled with residential houses. Has a concern for safety.

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

Mr. Thompson stated that they have fire departments in every year for training. The Mentone Rail Facility has four propane tanks not two. There are two 60,000 tanks and two 30,000-gallon tanks. There were eighteen propane tanks put on the original permit for Mentone Propane Company. The Kosciusko County Board suggested that they apply for anything and everything they might need. There are no intentions to add anything to that facility. Could someone get on top of those rail cars, yes. Could someone get propane out of the cars, yes but they would have to know how to do it correctly. The railroad is federated by the Federal Railroad Association who is at the facility every year. Since everything is in line and organized, they went from monthly inspections to quarterly inspections. At the start of applying for this request Franger Gas had no intention of the rail. He wanted to follow what they do in Kosciusko County. The application included not only what they want currently, but what could happen possibly in the future.

The proposed facility will not have anhydrous ammonia it will only have propane. Currently all they are wanting approval for is nine storage tanks that will truck in and truck out when needed.

Marshall County Board of Zoning Appeals
June 9, 2020

Maximum truckloads in are 70 loads. Part of the reason this location was chosen was because it was next to a trucking company that already uses the road heavily.

Mr. Thompson stated that because they sell wholesale, they train the fireman in all the surrounding states in which they sell.

The board stated that they have been warned to minimize the amount of businesses that involve heavy traffic on the roads.

Mr. Miller made a motion to approve 20-BZA-22 FRANGER GAS CO INC - A request for a Special Use to allow the properties 50-24-29-000-011-000-012 and 50-24-28-000-008-000-012 to be used for propane storage; located at 1260 20th Rd., Tippecanoe, Tippecanoe Twsp., Zoned A-1, seconded by Mr. Hostetler. The vote was 2-2 and Mr. Gustafson felt that they needed additional information about the roads before making a decision. **Mr. Miller rescinded his motion.**

Due to road concerns **Mr. Miller made a motion to table 20-BZA-22 FRANGER GAS CO INC - A request for a Special Use to allow the properties 50-24-29-000-011-000-012 and 50-24-28-000-008-000-012 to be used for propane storage; located at 1260 20th Rd., Tippecanoe, Tippecanoe Twsp., Zoned A-1, seconded by Mr. Wickizer. Motion carried with a voice vote 5-0 to table UNTIL THE July 14, 2020 meeting.**

The seventh item of business was 20-BZA-23 SHEPHERD, Dale - A request for a Variance of Developmental Standard to reduce the ROW setback to 1' from Main St. and allow for additional impervious surface of existing plus a 18' pool, located at: 105 Walnut St. Lapaz, North Twsp., Zoned T-1. Mr. Dale Shepherd was present for his request. Mr. Adley presented the findings of fact.

The applicant is seeking to construct/place an 18' above ground pool 1' from the property line within their yard. The increase of impervious surface coverage from 68.2% to 73.5% when the T-1 maximum coverage is 30%.

Mr. Shepherd had bought a pool for their house and then they decided to move. They are taking care of their grandkids and would like to have this pool for them. Offered even going to a smaller pool if the board would agree.

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

The board understood that even with a smaller size pool they are way over the limitation of impervious surface coverage. As far as storm water Mr. Adley stated that he isn't aware of storm water drains.

Mr. Kutch made a motion to approve 20-BZA-23 SHEPHERD, Dale - A request for a Variance of Developmental Standard to reduce the ROW setback to 1' from Main St. and allow for additional impervious surface of existing plus a 18' pool, located at: 105 Walnut St. Lapaz, North Twsp., Zoned T-1, seconded by Mr. Hostetler. Motion carried with a voice vote 4-1 with Mr. Gustafson voting against.

Eddie Ray Borkholder – Cornerstone Moulding

Would like to propose adding on a small addition to the existing business. When looking up previous approvals someone stated that there weren't to be anymore additions. Mr. Borkholder wanted to know if the board would consider hearing their request. There is currently concrete in a notched-out area of southeast corner of the building. They would like to square up that area and not extend out past the concrete area. There will not be a change in the business or increasing employee count.

The board agreed that they would be more than willing to listen to his request.

2021 Board of Zoning Appeals Budget

Mr. Adley present the 2021 Board of Zoning Appeals Budget. There will be no changes to the proposed budget from 2020. **Mr. Wickizer made a motion to approve the proposed 2021 budget, seconded by Mr. Kutch. 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

Mark Wickizer