

PLYMOUTH BOARD OF ZONING APPEALS

July 5, 2022

The Plymouth Board of Zoning Appeals met in regular session in the Council Chambers of the City Building, 124 North Michigan Street, Plymouth, Indiana on July 5, 2022, at 7:39 p.m. Board President Art Jacobs called the meeting to order for Board Members Mark Gidley, Linda Secor, and Fred Webster. Board Members Alan Selge, Keith Wickens, and John Yadon were absent. Others present were City Attorney Sean Surrisi, Building Commissioner Keith Hammonds and Plan Consultant Ralph Booker.

Board Members Gidley and Webster moved and seconded to approve the minutes of June 7, 2022. The motion carried.

The following legal notice was advertised in the Pilot News on June 23, 2022:

**NOTICE OF
PUBLIC HEARING**
The Board of Zoning Appeals of
the City of Plymouth, Indiana

**116
Legals**

will hold a public hearing on July 5, 2022 at 7:30 p.m. in the Council Chambers of the City Building, 124 N. Michigan St. (Garro St. entrance), Plymouth, Indiana on the following matters:

BZA 2022-14: American Containers, 2526 Western Ave., Plymouth, IN 46563: A Variance of Development Standards request to have a ten (10) front yard setback to construct a building addition at 2526 Western Ave., Plymouth, IN 46563 on parcel 50-42-29-403-001.000-019, zoned I, Industrial District.

BZA 2022-15: Cassandra S. Masterson, 222 S. Walnut Street, Plymouth, IN 46563: A Special Use request in order to operate Little Way Montessori School, at 222 S. Walnut Street, Plymouth, IN 46563 on parcel, 50-32-93-301-383.000-019 zoned R-3, Traditional Residential District.

Information on these matters may be obtained at the office of the Clerk-Treasurer, 124 N. Michigan St., Plymouth, IN, and telephone #574-936-2124. Written objections to the proposal filed at the Clerk-Treasurer's office will be considered and oral comments will be heard. The hearing may be continued from time to time as may be found necessary.

If you are disabled and need special accommodations, please call the ADA Coordinator at 574-936-2948.

Kyle Williams, Recording Secretary, Board of Zoning Appeals, June 23, 2022

June 23, 2022 PN336481 hspaxlp

BZA 2022-14: American Containers, 2526 Western Ave., Plymouth, IN 46563: A Variance of Developmental Standards request to have a ten (10) foot front yard setback to construct a building addition at 2526 Western Ave., Plymouth, IN 46563 on parcel 50-42-29-403-001.000-019, zoned I, Industrial District.

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He read the applicant's letter aloud. See attached letter below.

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Plants in: Plymouth, Indiana * Carrollton, Georgia * Stockton, California

2526 Western Avenue
Plymouth, IN 46563
Phone (574) 936 - 4068
Fax (574) 936 - 4036

620 Beulah Church Road
Carrollton, GA 30117
Phone (770) 834 - 0621
Fax (770) 834 - 2121

3932 Budweiser Court
Stockton, CA 95215
Phone (209) 460 - 1127
Fax (209) 460 - 1126

Plymouth Zoning Board
4/14/22

American Containers, Inc. requests a road set back variance to expand its manufacturing operation in Plymouth, Indiana.

Original request submitted asked for a change from a 50' front set back to a 25' front set back. American Containers Management misunderstood that the requirement is measured from the edge of the right of way vs. the edge of the road. We request the variance be a 10' front set back from the right of way creating a building set 30' from the edge of the road. All safety concerns are still satisfied including visual clearance for trucks to exit the existing dock area.

As noted in our application details, in order to design and build the most efficient production layout we require a lessened road set back to construct our approximately 35,000 SF (including 3,600 SF of office space) addition. The added capacity will allow our plastic corrugated division to increase production to meet the growing demands from pharmaceutical customers Pfizer, Merck, Mederna, Gerresheimer, Corning and Amgen. It is our intention to add production process equipment, additional jobs, and further solidify our long-term commitment to the industrial base in Plymouth, Indiana.

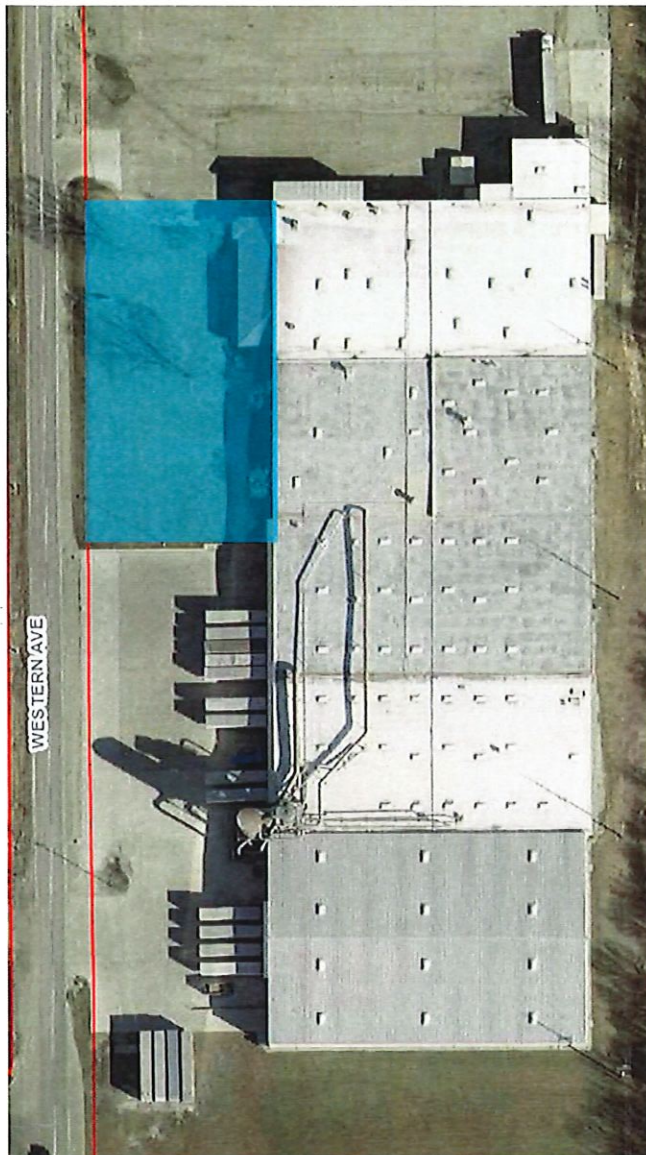
Our intent is to ask for this variance, and the consideration and support of the Plymouth community leadership.

We will await the findings of the Board of Zoning Appeals as it carries out its review process.

Respectfully

Michael A. Isban
President
American Containers, Inc.

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Key:

Proposal: Blue

View of Semi Driver from Western Avenue



Michael Isban (2437 Thompson LN., South Bend, IN 46556):

Isban wished to apologize for having to appear a second time and having some misinformation provided the first time. He states that they are asking for a reconsideration of the dimension for the setback. He explains that the dimensional presentation was incorrect on their part and that was his fault and responsibility in communicating with Majority Builders. He states that they talked about allowing for the maximum amount of footage possible to expand their facility. He states that he did not realize that was from the right-of-way and that he thought it was from the edge of the road.

He states that they are now about 14-15 feet short of what they need for proper dimensional spacing in the production facility to make it as efficient as possible. He explains that as a result,

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they provided a view of the truck access. He states that from their American Containers Sign, the building will end 4.7 feet closer to the road. He states that is still 30-31 feet off of the roadway itself. He explains that is the differential that they are wishing to apply for.



Webster asks Isban for clarification that they will still be 30 feet back from the pavement.

Isban agrees.

Webster notes the fire hydrant there and asks for clarification that there is water running through there.

Booker states that there was not a lot of comments at the Technical Review Committee meeting.

Webster adds that there was some comment with a 25-foot setback. He states that the comments were mainly about the visibility of the trucks pulling out and should the road ever want to be expanded.

Gidley asks for clarification if that was at the first TRC meeting or the second TRC meeting.

Webster responds by stating that was during the first one.

Surrisi states that from his understanding of the pictures that they showed the first time around it demonstrated that they were in the right spot.

Jacobs asks what would happen if they ever had any city desires to expand that road.

Surrisi states that they talked about that at the second TRC meeting and the Street Superintendent Marquardt didn't foresee anything in the future. He states that the only thing may be widening the road for a turn lane possibly 20 years from now. He adds that the constriction point would be the overpass of US 30 so without spending millions of dollars they wouldn't be able to widen it without doing that first.

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Booker states that the question there is who owns the area underneath the overpass. He reiterates that the chokepoint is the overpass so they can't make it too much wider.

Surrisi adds that Isban had called them after he had realized that there was a mistake made in the first presentation. He states that the pictures that were presented in the first presentation were an actual representation of where the building needs to be and that is what they thought. He explains that the numbers were just incorrect the first time around.

Webster makes reference to the trailers at the north end of the lot and asks if those are owned by Mr. Isban.

Isban agrees.

Webster asks if there is any way they can rearrange this and put their employee parking on the south end so they can expand out to the north instead of coming out that close to the road.

Isban responds by stating that is what they addressed with Majority Builders but the difference is about half a million dollars of soil and bringing it up to grade. He explains that they are already up to grade in the existing front lawn area.

Webster asks Jacobs if they would have any problems pulling up to that building if a fire were to happen in that building.

Jacobs responds by stating there would be no problem but they would not want to have a fire in that building.

Board Members Webster and Gidley moved and seconded to open the public hearing. The motion carried.

There were no comments from the public at this time.

Board Members Webster and Gidley moved and seconded to close the public hearing. The motion carried.

Board Members Gidley and Secor moved and seconded to approve BZA 2022-14 with the explanation as presented. The motion passed by roll call vote.

Yes: Gidley, Secor, Jacobs

No: Webster

BZA 2022-15: Cassandra S. Masterson, 222 S. Walnut Street, Plymouth, IN 46563: A Special Use Request in order to operate Little Way Montessori School, at 222 S. Walnut Street, Plymouth, IN 46563 on parcel, 50-32-93-301-383.000-019, zoned R-3, Traditional Residential District.

Plan Consultant Booker explains that the applicant had withdrawn their application.

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Other Business:

Webster explains that in the Plan Commission meeting he had brought up the problem of getting enough people for a quorum. He explains that tonight they have the two alternates sitting on the board again. He states that his proposal was to follow in the county's footsteps and give them a form of stipend or pay and maybe they can get people to show up that way.

Jacobs wished to speak from his volunteerism, and states that he does not think that pay would help. He states that they can get paid but they volunteer on this organization. He adds that he volunteers for another large organization of the city and they pay more. He states that he does not think pay does it anymore. He believes that it is more important to hold members accountable. He states that as Board President that maybe there should be bi-laws that state if someone misses and nobody is informed that they tell them they can get somebody else.

Gidley states that he brought that up at the other meeting and Booker was going to look up if there are rules that state if you miss however many days that you are asked if you want to stay on or be replaced.

Booker explains that the county has rules and procedures but he is uncertain if the city has rules and procedures.

Jacobs states that they are in the community to help the community and when he was asked by Mayor Senter to participate on this board that money was not an option. He states that he does not know if you can pay him enough money to make a difference to him. He states that his time is more important than any money they are going to pay him. He states that is him and he is involved in a large volunteer organization for the community and the city has taken great strides to give more for that but he does not see it helping that much. He restates that it comes down to holding people accountable and following through with their process.

Webster states that Jacobs does belong to a large volunteer organization to the city but he does get a check once a year. He states that as Township Trustee he used to have to write that check regardless if it was not a lot.

Jacobs states that they used to but it has not helped them to raise volunteerism. He states he does not know what Webster is thinking about proposing for them but would that make a difference on the people who are not here.

Webster states that if they show up, they get it. He states that if they do not show up, they do not get it. He explains that it is the incentive to show up. He states that even now it is getting harder and harder to even get people to sit on boards. He adds that they just don't want to bother with them.

Jacobs states that it is either in your desire for the community or it is not. He states that he is okay with the decision either way to offer pay and see if it helps. He explains that he was the first person to bring it up when people were not coming. He states that he went to Surrisi and asked him to tell the mayor to replace them. He states that it is not like you are mad at the people.

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Webster explains that it takes time to replace somebody given that you now have to find somebody.

Jacobs states that if they do not show up and you are paying them.

Webster interjects and states that you are not paying them if they do not show up. He restates that they do not get anything if they do not show up.

Jacobs gives an example of if the four of them show up to just get paid and the others don't get paid. If that pay does not drive them to come then it won't help the Board in the long run.

Webster states that they should be replaced then but it takes time to find somebody to take that place. He explains that somebody can come in for one or two meetings and just decide they don't want to deal with this.

Jacobs asks Webster if he thinks that paying them is going to make a difference in that.

Webster states that it works for the county as they seem to not have any problems with people showing up.

Gidley was thinking about that and states that he wants somebody on this board who is not here to get \$50. He states that he wants somebody here who is going to contribute and cares about the community and gets involved in the cases. He states that he knows Jacobs and himself go out and look at these cases before the meeting. He states that he knows there are people who come to these meetings that don't know what is in the board packet until they get here and that is a shame. He understands where Webster is coming from and can see the value in it to some degree. He states that for people to not show up tonight and not even bother to call and say they are not coming.

Jacobs asked around if anyone was told if anyone would not be here and he would ask for that as well. He explains that they would push a procedure out saying that if you cannot be here to at least let them know. He states that is all they ask so they know if they have three or four or if they have to ask Webster and Secor to stay.

Gidley states that in Webster's defense that it is not fair that they have to constantly ask Secor and Webster to sit up here and he appreciates the fact that they hover around long enough for them to decide. He thanks them both for being willing to do this, but it shouldn't have to happen that way as often as it does.

Booker adds that there wouldn't have been a meeting tonight if they did not.

Jacobs states that there are many times they wouldn't have had a meeting if those two were not here.

Webster states that the only thing he asks is that if the city could consider this. He asks if they can push this forward to let the city council consider this.

Jacobs asks how much they are asking for. He doesn't know if it was discussed yet or not.

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Surrisi states that the discussion earlier was what Bill Walters had discussed.

Walters restates from the prior meeting that he is in a unique situation because he is the only member of the Board of Public Works and Safety who is not a city council member. He states that the city passed an ordinance to pay him because every council member gets paid for being a councilman as well as a member of the Board of Public Works and Safety. He states that he did not ask for that ordinance. He states that was done by either the mayor, the city attorney, or whoever. He states that he accepted it but he would say that he would show up to meetings if he was not paid a dime. He states that he wanted to be on that board because he believed that it was important to both him and the city. He states that when he was asked to go the Plan Commission years ago that he knew that it was not paid anything. He states that regardless he tries to show up every meeting that he possibly can. He states that if he was on the Board of Zoning Appeals that he would whether he got paid or whether he didn't. He states that there is the incentive maybe for some people if they get paid to come to meetings.

Jacobs asks how much Walters gets paid.

Walters responded by stating that it started at \$35.00 but this year he got a huge raise of about \$1.20 or something like that. He states that it is not enough to be a huge incentive but that \$35.00 is for basically 24 meetings a year.

Jacobs states that they only have 12.

Walters states that he is not going to starve if he doesn't have it and he is not going to take long vacations if he does have it.

Webster states that is a token because he is using his time.

Walters agrees and brings up the point Webster did in the Plan Commission meeting of if they are doing their due diligence then they are investigating these cases before they get here. He states that when he gets the packet the week before the meetings that he immediately goes through that packet to see what is there. He states that for something that he does not understand or if he can't picture in his mind what it is all about then he goes and looks at it to find out. He states that if you don't know what the question actually is from receiving that packet then you are not prepared for the meeting anyway whether you get paid or don't. He states that them as volunteers for the City of Plymouth are doing a service out of the goodness of their own heart. He is unsure if a stipend will help or not but it may for some people but it may not.

Jacobs wished to state that he appreciates the comments and thoughts. He states that he is okay if they push through with this but he thinks that there should be something in place where you are expected to make "x" number of meetings and you are expected to let people know when you won't be here. He states that he thinks it is pretty disrespectful to the ones that did show up for somebody to not even say that they cannot make it. He states that for the times that he cannot make this that he had sent an email stating that he cannot be there.

Webster states that he has even seen those a couple weeks ahead.

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Jacobs states that it shouldn't just be the mayor or the city attorney's responsibility but rather it could be the board's responsibility to find someone in the community who would be good to be on these boards. He states that he understands that it is the mayor's responsibility to appoint them.

Webster states that some of them sit at the pleasure of the mayor.

Jacobs states that they can give a list to him of candidates.

Webster states that tomorrow morning if the mayor didn't like what he said at the meeting, then he can be gone.

Surrisi states that everyone serves terms on these.

Webster states that the Airport Board had a turnover a few years ago.

Jacobs states that he can see it if someone is causing a problem but he is okay with whatever they want to accomplish.

Webster states that it was his suggestion from going to the county meetings and seeing them have a full house almost every time.

Jacobs asks if they should make a motion to see how much they should get.

Webster states that they should leave that up to the city council.

Gidley states that Webster is appointed by them to go the county meeting.

Webster agrees and states that he does not get to vote.

Surrisi states that they can at least pose the question to the city council Monday given that it may appear in the news.

Jacobs states that it is a privilege to participate on this board because they really control people's destiny in their businesses. He states that if they would have said no tonight that it would have made a big difference in that person's business. He states that by saying yes, they make a big difference in city and the way that road looks. He states that it really is a privilege to serve your community. He states that he knows there are a lot of people who feel that way.

Webster states that basically everyone else in the room is compensated to be here. He states that they are the only ones making a decision but they are not receiving a token of appreciation for anything.

Jacobs states that references back to what he said earlier about this being a privilege he feels to make those decisions.

Webster states that he thinks times have changed.

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Jacobs states that he does not disagree with that.

Gidley states that there isn't a club in town that won't tell you they can't get people to join and volunteer because they won't. He adds that his wife is in a sorority here in town that used to have 60 members and now they are lucky if they have 20 members because nobody will show up.

Webster asks Hammonds how much the Masons have dropped in the past 15 years.

Hammonds states that their numbers have dropped but their meetings have about 30-40 people at every meeting.


Jacobs states that he bets they still hold them accountable if they do not participate or are doing things.

Hammonds states that officers have to show up and they do not have a choice. He states that they make that commitment the day they can get in line.

Jacobs believes that as a society people have been allowed not to hold to what they have committed to. He states that we let it slide while they make up excuses and we state it is okay with a pat on the back. He asks how much money would really make a difference.

Board Members Webster and Gidley moved and seconded to pass this on to the city council that the Board of Zoning Appeals should receive some kind of stipend if and only if they show up to a meeting starting January 1st, 2023. The motion carried.

There being no other business, Board Members Webster and Secor moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:10 p.m.



Kyle Williams— Recording Secretary