

PLYMOUTH BOARD OF ZONING APPEALS

August 2, 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 August 2, 2022, at 7:45 p.m. Board President Art Jacobs called the meeting to order for Board Members Mark Gidley, Alan Selge, and Paul Wendel. Alternatives Linda Secor and Fred Webster were in attendance but not needed. Board Member Keith Wickens was absent. Others present were City Attorney Sean Surrisi, Building Commissioner Keith Hammonds and Plan Consultant Ralph Booker.

Deputy Clerk-Treasurer Williams administered the Oath of Office to Paul Wendel.

Board Members Jacobs and Selge moved and seconded to appoint Mark Gidley as Vice-President, due to John Yadon being removed from the Board.

Board Members Gidley and Selge moved and seconded to approve the minutes of July 5, 2022. The motion carried.

The following legal notice was advertised in the Pilot News on July 20, 2022:

City Building, 124 N. Michigan St. (Garro St. entrance), Plymouth, Indiana on the following matters:

BZA 2022-16: Plymouth Community Schools, 611 Berkley ST., Plymouth, IN 46563: A Variance of Development Standards request to eliminate greenery requirements on the north and east borders of a new solar array and a Variance of Development Standards to have a Medium Solar Array in a R-2 Traditional Residential District at 1500 Lake Ave., Plymouth, IN 46563 on parcel 50-32-05-103-072.000-019, zoned R-2 Traditional Residential District.

BZA 2022-17: Plymouth Community Schools, 611 Berkley ST., Plymouth, IN 46563: A Variance of Development Standards request to eliminate greenery requirements to allow existing trail trees to be the east border of a new solar array and a Variance of Development Standards to have a Medium Solar Array in a R-3 Suburban Residential District at 905 E. Baker ST., Plymouth, IN 46563 on parcel 50-42-92-200-682.000-019, zoned R-3 Suburban Residential District.

BZA 2022-18: Marshall County REMC, 11299 12th RD, Plymouth, IN 46563: A Variance of Development Standard request to install a 4-foot 10 inch high by 6-foot-long sign at 11299 12th RD, Plymouth, IN 46563

on parcel 50-32-22-000-002.000-018 zoned R-1, Rural Residential District.

BZA 2022-19: Mary Prochaska, 707 Lake Ave, Plymouth, IN 46563: A Special Use request in order to operate Little Way Montessori School, at 707 Lake Ave., Plymouth, IN 46563 on parcel 50-32-05-401-891.000-019 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, July 20, 2022

July 20, 2022 PN337132 hspaxlp

NOTICE OF PUBLIC HEARING

The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on August 2, 2022 at 7:30 p.m. in the Council Chambers of the

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BZA 2022-16: Plymouth Community Schools, 611 Berkley ST., Plymouth, IN 46563: A Variance of Development Standards request to eliminate greenery requirements on the north and east borders of a new solar array and a Variance of Development Standards to have a Medium Solar Array in a R-2 Traditional Residential District at 1500 Lake Ave., Plymouth, IN 46563 on parcel 50-32-05-103-072.000-019, zoned R-2 Traditional Residential District.

Gidley states that by the way this is worded, there are two variance requests in this single case. He explains that they should be separate.

Bruce Breeden from Telamon states that they filed four cases.

Gidley states that should be four cases then.

Jacobs states that they only have two and they are lumped together.

Gidley restates that this case and the next one should be separated into two.

Booker states that they can make two votes.

Gidley states that when they make a motion, they will make one on the greenery and one on the approval to make the array.

Booker suggests doing the one to make the array first and the greenery second. He then states his apologies on not making them two separate cases.

Jacobs understands and states that is how they will move forward with these two cases then.

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He read the applicant's letter aloud. The applicant's letter of intent covers all four variance requests with BZA 2022-16 and BZA 2022-17. See attached letter below.

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To: Members of the board of Zoning Appeals,
Keith Hammonds, Building Commissioner
Whomever It May Concern

From David Schoof, Director of Facilities,
Plymouth Community School Corporation;
Bruce E. Breeden, Ed.D., V.P.
Telamon Energy

Date: July 11, 2022

Subj: Partial Variance Request for Solar Arrays Located at
Riverside Intermediate School &
Washington Elementary School

Greetings;

Superintendent Mawhorter, members of the Plymouth Community School Board and staff are excited to be able to offset our electrical spend by installing solar arrays at Riverside Intermediate and Washington Elementary Schools. Additionally, the school community is supportive of the community's requirements to install such.

Therefore we agree to add the community required greenery border around both areas but would request permission to exclude certain areas from the border requirement. As the attached diagram shows at Washington Elementary school we propose adding greenery on the East, South, and southeast borders. However, due to the location of the Railroad Tracks on the North side and the woods on a segment of the East side we are requesting these areas not include the Greenery (staggered 5 foot pines).

Concerning Riverside Intermediate School: The city of Plymouth requested Plymouth Community Schools donate a segment of the bordering property to be developed as a community trail. The Board of School Trustees approved this request and deeded the segment to the city. We are requesting the trees planted along the walking trail be counted as the border for the solar array on the East and North borders. We agree to plant the staggered pines on the West and South sides of the array. Please reference the attached diagram.

We thank for taking the time to consider these requests.

Sincerely;

David Schoof;

Director of Facilities, PCSC

Bruce Breeden;

V.P. Telamon Energy



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Bruce Breeden (505 Village Drive East, Carmel, IN 46032):

Breeden states that Telamon Energy was employed by the school corporation to design and layout the designs for the solar array as well as perform the analysis of the sightings they are going to see. He states that one of the things they purposefully did first was meet with City Attorney Surrisi and got the guidelines for the city. He points out in both situations they moved them as far north away as you could possibly go. He states that during the Technical Review Committee last month, it was brought up that there is a special part of the ordinance that states no one can see the array from the front driveway. He explains that he has driven that twice since and that is a true statement as you will not be able to see either solar array once they have it fenced in and the shrubbery planted in front of it. He explains that portion will be done last and the array, if approved, will be built immediately. He states that during the first of October, which is the perfect time for plantings is when it will be put in. He explains that both arrays will be fully fenced and in addition, Plymouth Community Schools has decided to put natural Indiana grasses and flowers underneath the brown area that was killed off. He states this prevents them from currently having to mow it and provides a pleasing eyesight instead of weeds growing all over the place.

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Dave Schoof (2616 Wolfs Point Drive, Rochester, IN 46975):

Schoof states that this gives them an opportunity to potentially minimize the mowing for the print they are currently taking care of which is 212 acres. He adds that this accounts for approximately 80 percent of their electrical consumption at this location. He states renewable energy is the future and they are just trying to position the district in the best possible application for this. He states that the Riverside Project accounts for nearly 90% of the power requirements and they conservatively estimated that life cycle to be around 20 years, but they are seeing more than that. He adds that he thinks it is starting to come into the community here and just looking at a project at the Wastewater Plant as well. He states that with the inflation they are seeing and the future rising cost of electricity, that going to a renewable source is a positive move for not only the district but for the general Plymouth community as well.

Jacobs asks about the greenery requirements.

Schoof states that on the picture provided Breeden indicated that in the green area they would plant a hedge of pines. He states that on the east side they have a large, wooded area there that is already existing. He explains that they could put the greenery on that side, but it is not really visible from anywhere. He adds that along the north there is already a thick layer greenery along the tracks.

Jacobs asks if they will see it along Oak Road.

Schoof and Breeden respond by stating that it will run all the way along Oak Road.

Schoof adds that the city has a large water main along the north side with the easement there and they have shifted the array over slightly for that. He states that if they want access to that easement, they wouldn't be able to get to that if the greenery requirements were on the north side.

Breeden states that as for the life of the solar panels, they are warranted for 25 years but they will last for 35 years. He explains that until mid-century they will provide that much energy for the people.

Gidley states that the project is already started.

Jacobs adds that they have killed the grass.

Gidley asks if some of the array is there already. He reclarifies what is sitting outside of Riverside.

Breeden responds by stating that it was delivered yesterday in anticipation.

Gidley states that his question is why they are applying for a variance for something that is already ordered and delivered. He asks what the timing is, why are they just now asking for approval for a variance on something that has essentially already started construction.

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Surrisi responds by stating none of the variances that are being requested would affect the viability of the project. He explains that they can go ahead and build the rest of the greenery if this were to pass.

Gidley states that he is not talking about the greenery requirements but rather the project.

Booker states that Hammonds has not issued any permits on this.

Breeden states that if this were to not be approved then the equipment would just go back and the only thing Schoof did was get ahead of weather and kill off the grass at the two properties. He explains that is just lawn maintenance that they can do, and they do not need a permit to kill off those two areas.

Jacobs states that they know that.

Surrisi adds that he misspoke with that, and it would take a rezoning of his property from R-3 to Institutional use to do that but that is certainly something that he wouldn't think would be an issue.

Gidley asks for clarification that no permit has been issued.

Hammonds responds by stating that none have not.

Jacobs states that less so for the Schoof and Breeden but they have been getting a lot of projects that have been started and then are coming in. He explains that makes it harder for the Board to say yes or no if it has already been started.

Breeden states that they understand that, and they were not aware that when the schools were plotted that the zoning was not changed from R-3 and R-2 at that time. He states that is very rare in Indiana and that they have 58 arrays up and every school that he has been around is rezoned and is not zoned as residential.

Booker explains that schools can be in a residential with a special use permit.

Breeden states that he is right that they can be. He explains that Surrisi and Hammonds had brought that up to them recently so that is why they have the second applications for the variance.

Gidley states that they are just trying to prevent another situation like they had in the past.

Surrisi states that they counseled them that this would be the most efficient step in going faster rather than going for the rezoning which he thinks that the Plan Commission and the City Council would certainly approve the rezoning.

Gidley states that the ideas for these projects came before the Board's months ago so that is why he is confused on why they are just now doing the variance. He adds that also seeing the

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equipment sit behind Riverside that it seemed like they were heading down another path where they were going to have a project started but no variance permitted yet.

Board Members Selge and Wendel moved and seconded to open the public hearing. The motion carried.

Fred Webster (320 Roy Street, Plymouth, IN 46563):

Webster asks, what is the cost of this project?

Schoof responds by stating that it is a \$1.2 million project.

Webster asks why the Superintendent is not here tonight.

Schoof responds by stating that he is at a Board meeting currently that is going on at the same time.

Webster asks why not the Assistant Superintendent or anything. He states that if they are spending this much money then they should have a representative from the administration here.

Schoof states that he is the Director of Facilities.

Jacobs states that Schoof does run the facilities for them.

Doug Feece (12221 11th Road, Plymouth, IN 46563):

Feece asks if the school owns the other side of the fence.

Gidley states that the Railroad owns that.

Jacobs asks for clarification if he is speaking in favor or against.

Feece responds by stating that he is in between. He states that if the school doesn't own that and the city allows them to not put greenery requirements on the north side then what happens if the railroad decides to come through and take the trees down. He asks if the school would be require to put greenery in then.

Jacobs clarifies that if the railroad did come in and clear that out, then what would Schoof's thoughts be about putting greenery there.

Schoof states that they would agree to that because in all of their projects they try to put the very best foot forward.

Gidley asks if Schoof would have enough room with the utility easement so they may have to change to some other kind of greenery aside from pine trees.

Schoof agrees and states that they can look at various options.

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Marcy Prochaska (301 Skylane Drive D-2, Plymouth, IN 46563):

Prochaska believes that solar is an excellent step for the district and she is happy to see the project realized.

Randy Longanecker (880 Baker Street, Plymouth, IN 46563):

He states that he is an electrician by trade and has done a lot of work for Plymouth Community Schools and Schoof does an outstanding job of looking for everything that he can do for betterment of the school, the community, and the budget. He restates that he does a great job and that he supports the school.

Angela Rupchock-Schafer (815 Bailey Street, Plymouth, IN 46563):

She states that she would like to add that she likes the sustainability of this project and the fact that they are going to have native plantings, so she really appreciates that.

Board Members Selge and Wendel moved and seconded to close the public hearing. The motion carried.

Jacobs adds that he was interested about the tracks, and he appreciates that being brought up as it was a good point.

Wendel asks if that should be added to the verbiage.

Jacobs responds by stating that he thinks they could, but he has good faith. He adds that it comes down to whoever makes the motion.

Gidley states that he wants each motion done separate and agrees with Wendel. He states that Schoof has always been good when he comes here but for in the future when Schoof is gone ten years from now and the railroad were to come through there and cut it down then they need to have it in the record that it was offered.

Board Members Gidley and Selge moved and seconded to approve the granting of the variance for construction for BZA 2022-16 as presented. The motion passed by roll call vote.

Yes:	Gidley, Selge, Wendel, Jacobs
No:	None
Absent:	Wickens

Board Members Gidley and Wendel moved and seconded to approve the greenery request as presented in this diagram with the understanding that if the railroad were to clear that section of greenery on the north side of the array that the school would replace that with greenery on their side of the fence line for BZA 2022-16. The motion passed by roll call vote.

Yes:	Gidley, Selge, Wendel, Jacobs
No:	None

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Absent: Wickens

BZA 2022-17: Plymouth Community Schools, 611 Berkley ST., Plymouth, IN 46563: A Variance of Development Standards request to eliminate greenery requirements to allow existing trail trees to be the east border of a new solar array and a Variance of Development Standards to have a Medium Solar Array in a R-3 Suburban Residential District at 905 E. Baker ST., Plymouth, IN 46563 on parcel 50-42-92-200-682.000-019, zoned R-3 Suburban Residential District.

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He read the applicant's letter aloud in the prior case of BZA 2022-16. See attached letter above. He adds that more than half the trees along the trail are not there anyway. During the presentation Booker addresses several trees that have died along Greenway Trails. He states that if this were to be approved, he would suggest those trees be replaced.

Gidley asks whose trees are those. He questions if the school gave that ground to the city so that would make it the cities trees now.

Hammonds responds by stating that is correct.



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Bruce Breeden (505 Village Drive East, Carmel, IN 46032):

Breeden states that the only thing he would add is that the school corporation added the pines that are now about 20 feet tall east of the path. He states that then the city asked for the school to donate that piece of ground to the city and they did so. He states that the city also planted the hardwoods which are on the west side of the trail. He states that they are right that the hardwoods only go about halfway back. He explains that is because when the soccer balls go through, they do not go to the backside of those houses. He states that the array is way north of where those hardwoods are planted. He states that as for the grasses they will be the same as Washington Elementary Schools as to where they will be Indiana native grasses.

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

Angela Rupchock-Schafer, Randy Longanecker, and Marcy Prochaska who spoke in favor of the prior solar array variance request restated their prior points and once again spoke in favor of this project.

Board Members Selge and Wendel moved and seconded to close the public hearing. The motion carried.

The Board discusses for an extended period of time what trees are missing along the east side of where the array will be located. As referenced in the image above, 114.8 feet of the east side is not part of the shrubbery. The request is to have existing trail trees be the east border. With the prospect of future development on the other side of the trail trees and the responsibility of whose party owns that existing side, is the reason for the extended discussion.



Selge asks if shrubbery is going to be added to the stretch along the path back towards the woods.

Breeden asks if he is talking about the north side.

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Jacobs responds by clarifying that it is along the east side.

Breeden states that there are already 20-foot pines there on city property and that is why they were not duplicating with another set of pines on the other side of the trail.

Schoof states that he felt when the area was maturing, and everything is fully grown that it would be overly congested with trees. He explains that they can do it, but they do not want to overdo it.

Gidley asks if Schoof is relying upon city planting to be their plantings.

Schoof states that he believes they were looking for the best outcome for the project. He states that he doesn't think that it would be the cost of a couple trees but making the area look the very best that they could. He states that he agrees with what they are saying with there being a gap in some of the trees and it is not necessarily the school's property but if it came down to making the area look its best then maybe they should have those trees in there to keep it consistent and uniform.

In reference to the image the board was looking at, Surrisi states that if he is not mistaken the image is of a view looking north so the trees in discussion are on the west side of the trail and the shadows are the taller trees on the east side.

Selge states that there are two taller trees.

Schoof states that there are a few trees there where the array is and they are already mature at this point.

Gidley addresses that there are a few gaps.

Schoof agrees.

Selge states that there is a big gap as he was there today when he checked it out.

Jacobs asks if Schoof would have any problem with filling in those trees to level it out.

Schoof states that he can get with Park Superintendent Hite to keep a consistent vision with what they are trying to do with the school and the walkway. He states that he feels like that would be the best outcome instead of putting something else in there as it would overcrowd the area. He states that maybe he could work with the Parks Department.

Jacobs asks if they would be willing to do that.

Schoof enthusiastically agrees.

Gidley asks based on the species of those trees that are to the east if they can get tall enough that they would shade the solar array.

Breeden responds by stating that when they are sixty to eighty feet tall which is going to be 25 years from now.

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Gidley asks if they are going to be a shade problem.

Breeden responds by stating that he believes those trees are maples. He states that if they are hard maples, they are going to grow very slow but if they are soft maples, they are going to go up to forty feet tall and they are going to split and fall anyway.

Jacobs clarifies that it won't be a problem for them then.

Board Members Selge and Wendel moved and seconded to approve the granting of the variance for a medium solar array in an R-3 Suburban Residential District for BZA 2022-17. The motion passed by roll call vote.

Yes: Gidley, Selge, Wendel, Jacobs

No: None

Absent: Wickens

Gidley asks Surrisi if they grant this with the understanding that the Parks Department is going to assist with putting trees in if they are tying the hands of the Parks Department without their knowledge.

Surrisi states that if Schoof is willing to pay for them that he can't imagine the Park is going to decline having the trees there.

Gidley asks Schoof if he is willing to pay for them or is he wanted to split the price.

Schoof states that they are going to be doing this project in the best interest of the community and he would not say that the trees there prior necessarily died because of anything that they have done there but for the best outcome he would be willing to. He states that in the area where the array is he would be fine with taking care of that. He states as for the other areas where they have died off, he would look towards the Parks Department.

Gidley states that by his count he thinks there would need to be three trees added to make it right.

Schoof states that they have a great partnership with the city and the Parks Department that they would help take care of that.

Selge asks for clarification on what was decided.

Jacobs responds by clarifying that they will put three trees in along where the array is going and they will do the greenery as referenced in the picture above. He states that the motion can be as the picture and a couple of extra trees.

Board Members Selge and Gidley moved and seconded to approve the removal of greenery requirements as referenced in the picture above and to allow for existing trail trees to be added to become the east border. The motion passed by roll call vote.

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Yes: Gidley, Selge, Wendel, Jacobs
No: None
Absent: Wickens

BZA 2022-18: Marshall County REMC, 11299 12th RD, Plymouth, IN 46563: A Variance of Development Standard request to install a 4-foot 10 inch high by 6-foot-long sign at 11299 12th RD, Plymouth, IN 46563 on parcel, 50-32-22-000-002.000-018 zoned R-1, Rural Residential 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.



To Whom It May Concern:

Marshall County REMC gives Vanadco Signs permission to apply for a variance for a Marshall County Fiber Sign to be placed at 11299 12th Road Plymouth, IN 46563, Parcel ID: 503222000002000018.

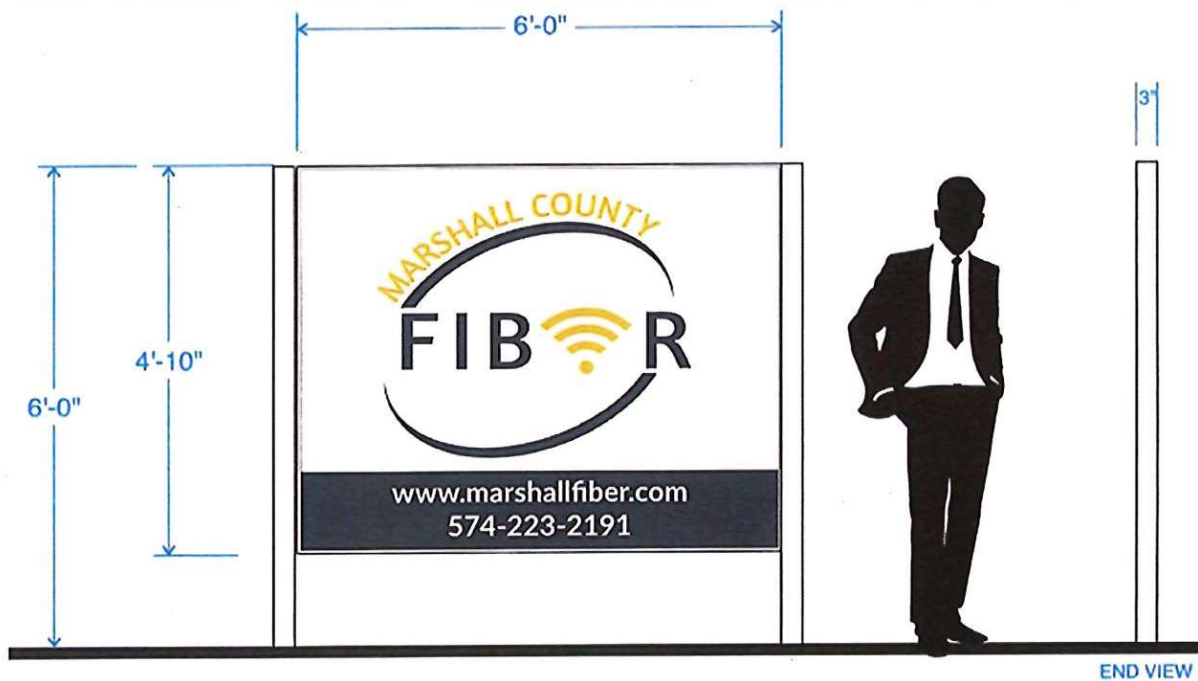
Best regards,

Dave Lewallen
CEO
Marshall County REMC

Letter of Intent

The REMC building located at 11299 12th road Indiana would like to install a 4'10"x6'w non illuminated post panel sign, total height being 6', 29sq ft total sign space. The sign would be off the right of way, in the yard, perpendicular to the road. No signs are currently permitted in rural residential areas. This sign would not be overly obtrusive or cause any visibility issues regarding HW31. Also, because this sign has no illumination, there would be no additional light pollution. REMC would like to use this sign to display their Fiber services.

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Tim Overmyer (10705 ST RD 10, Argos, IN 46501):

Overmyer states that it is 6 foot up to the top and less than 32 square feet. He states that it is also nonilluminated, so it is just an aluminum double-faced sign. He explains that the only issue is that it is zoned residential.

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Board Members Selge and Wendel moved and seconded to open the public hearing. The motion carried.

There were no comments from the public at this time.

Board Members Selge and Wendel moved and seconded to close the public hearing. The motion carried.

Board Members Gidley and Selge moved and seconded to approve BZA 2022-18 as presented. The motion passed by roll call vote.

Yes: Gidley, Selge, Wendel, Jacobs

No: None

Absent: Wickens

BZA 2022-19: Marcy Prochaska, 707 Lake Ave, Plymouth, IN 46563: A Special Use request in order to operate Little Way Montessori School, at 707 Lake Ave., Plymouth, IN 46563 on parcel, 50-32-05-401-891.000-019 zoned R-3, Traditional Residential 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.



Little Way Montessori School
PO Box 1232
Plymouth IN 46563
(574) 540-5466

Letter of Intent

5/19/2022

We intend to use the property at 707 Lake Avenue in order to operate our early childhood education program there. The full legal description of this property is LOT 66 CABELLS ADD WEST 35 OF E 126.

Little Way has been providing high fidelity Montessori education for children ages 2.5-6 since the 2019-2020 school year. I am the lead teacher of the program and hold a certificate from the Center for Guided Montessori Studies, a MAACIE-approved Montessori teacher education program. Prior to founding Little Way, I interned at Marquette Montessori Academy, part of the South Bend public school system, and co-taught at Chesterton Montessori School. I also have a Master's in Teaching from Virginia Commonwealth University and earned undergraduate degrees in English and Linguistics from the College of William and Mary.

Montessori education is hands-on and holistic. Children work independently within the boundaries of grace and courtesy in a mixed-age group that fosters leadership and supports individual differences. Teaching staff offer individualized instruction and adjust the environment to meet the needs of each child. We spend some time outside every day except when the temperature with wind chill is below 20°.

Our maximum capacity with one classroom assistant is 20 children; we currently have 15 enrolled for the coming school year. Parents will drop off and pick up children at the property and may also attend occasional special events such as prospective family open houses or parent education evenings. The program hours are 8-11:30am, Monday through Friday, with another 15 minutes before and after for drop off and pick up. We follow the same calendar as Plymouth Community Schools. Because the program is less than 4 hours daily, we are a legally license exempt provider.

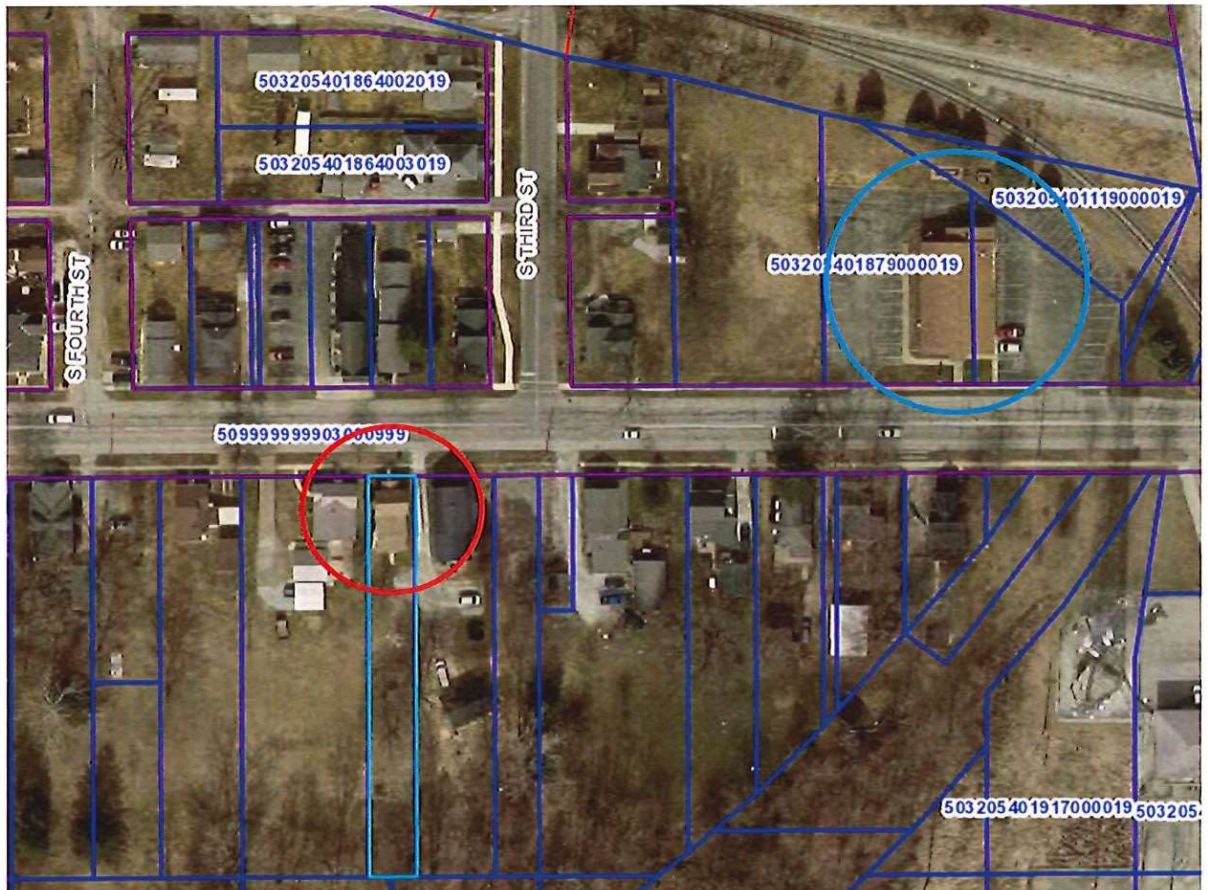
On behalf of our families and staff, thank you for your consideration.

Marcy Prochaska

Marcy Prochaska, Director



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Key:
Home requesting Special
Use – Red
Old VFW Building - Blue

Referenced
No Parking Sign

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Booker states that there is a driveway there, but it is on the other property. He adds that the home was also built back in 1910 according to the county.

Gidley addresses during the report that he sees a "No Parking" sign. He asks if there are more of those there along the side where the home is.

Booker states when he was there that was the only one.

Gidley asks for clarification that the driveway on the side of the home is not their driveway.

Jacobs states that the one on the side of the home is not.

Gidley asks if they share that.

Booker states that he does not know but what he does know is that it is on the other property, but he does state that is the only way they could get onto the back of the house.

Marcy Prochaska (301 Skyline Drive D-2, Plymouth, IN 46563):

Prochaska states that she wishes to address the questions that came up first. She states that as for the driveway is that it is mostly on the neighbor's property but partially on her property. She explains that there is a mutual easement, and she included a copy of that in her packet with the application.

She states that as for the no parking sign is because Third Street is there, so they do not want anyone parking where that intersection is but otherwise it is free parking along the street. She states that from the shared drive and to the west, parking is aloud.

Selge asks for clarification that people can then stop there and let their kids off.

Prochaska agrees and states that their school has been located at churches previously. She states at first, they were at Saint Thomas and then at the UCC, which are both located on Center Street. She states that at both locations, parents would pull over to the side like they were parking on the side of the road, and they would walk their children up or they would come and get them.

Jacobs asks if they will have events at the school as well.

Prochaska states that potentially they will, and those events would be in the evening. She states that in that case they could have a few cars parked in the yard with others lined up along the street. She adds that they also may pursue having events at another location such as the library if need be.

Selge asks where the classroom is going to be in that home.

Prochaska states that it is not going to be a house anymore and that it is only going to be a classroom. She states that looking at that front door, everything to the left is open straight to the

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back and then there is a restroom. She states on the right side is a front bedroom that will also be used for classroom and further back there is kitchen space. She adds that upstairs will be storage.

Selge asks if they will be knocking walls out.

Prochaska states that they will not be knocking walls out. She states that between the living room and the dining room there is a large opening and then they can take the doors off for the bedroom to have access as well. She explains that Montessori classrooms are often homelike given that the first ones were in homes, so it does not need to be a traditional rectangular classroom for success.

Gidley asks if there are any structural requirements from the State for them to be in a house versus a Church.

Prochaska responds by stating that there isn't. She states that she is a legally licensed exempt provider so none of those state licensing requirements apply. She states for the ones that she can comply with she does for best practice, but she does not have to meet any of those requirements. She states that they did install new HVAC when they moved into the house when it was their dwelling, the roof is new, and they have just put in new windows and doors, so the structure is very solid.

Jacobs asks if there will be any overnight involvement with kids.

Prochaska responds by stating there will not.

Gidley asks if they plan on having their playground out in back.

Prochaska states that they are not going to have a typical school playground, but she may acquire something that a homeowner may have such as a backyard playset. She states that other than that it would just be open. She explains that previously with the churches they had very small places to play outside, and it was fine as the kids would just play out in the grass.

Gidley asks if the kids will be on the sidewalk out in front.

Prochaska states that they will not, and they will be playing out back.

Wendel asks what type of signage will be used.

Prochaska states that she has a small sign that is about the size of a stop sign and that would probably be at the intersection of her steps and the sidewalk. She states that it will either be that or closer to the porch.

Hammonds states that per ordinance that it would only be able to go on the house.

Prochaska states that she will find a way to put it on the house.

Wendel asks if she could adjust her hours a little bit. He states that his only concern and it is like what he notices at his residence. He states that he lives across from the Junior High School and

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the old Junior High School and he knows what school traffic is like. He states that with traffic at Washington it can get busy early in the morning. He states that twenty cars may not seem like a lot, but it could be with busses rolling through there and if she could even start at 8:15.

Prochaska states that she could consider that, and she will talk with the families.

Wendel states that even at the new Junior High it is still a nightmare every morning. He describes hearing the horns every day.

Prochaska states that they are a good distance from Washington so she does not think it will have that much of an impact.

Wendel states that they are still going to get a lot of traffic on that road.

Selge asks if the road is wide enough for people to park on the side to let their kids off and not block traffic.

Jacobs states that they park on both sides of the road typically all the time.

Board Members Selge and Wendel moved and seconded to open the public hearing. The motion carried.

Bernie Hartsough (412 N. Center Street, Plymouth, IN 46563):

Hartsough states that she has known Prochaska for a few years, and she runs a quality program. She states that she was a teacher before she became a priest for many years from all ages. She states that Montessori Education is a very good early childhood education. She explains that it prepares children for kindergarten and this community needs that as it does not have Montessori Schools. She states that it is a very specific type of early childhood education. She states that the families that attend because it is a hands-on quality education. She explains that she is in favor of it and her hope and prayer is that this is approved.

Maggie Kubley (136 N. Michigan Street, Plymouth, IN 46563):

Kubley believes by having more childcare and early childhood education opportunities to offer for families of Plymouth, the better. She believes this is especially so in this current climate of struggling to find people to take these early education jobs. She explains that since there is someone here who is so committed to doing it is great.

Jacobs states that as far as having the type of school they are all in favor of that as well. He explains that what they are looking at is the safety, the use, and things like that. He restates that it isn't for whether they are for the school itself at all.

Prochaska adds that she has exhausted every possibility for other locations, and she was notified in April that their lease would not be renewed by the UCC. She explains that the real estate market is terrible as there is not much currently available to rent. She states that she moved her family into an apartment to keep this school running and this is her last hope at continuing the program.

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Jacobs appreciates that and her dedication.

Jack Davis (14083 Lawrence Lake Drive, Plymouth, IN 46563):

This letter of support was read aloud by Plan Consultant Booker.

To The City of Plymouth Board of Zoning Appeals

Jack Davis
14083 LAWRENCE LAKE DR.
Plymouth, IN 46563

I'm sorry I had to leave before Ms. Prochaska's request came up.
I would like to share my support for her request for the following reasons

1. As President of Plymouth Economic Development Corporation I have worked with Ms. Prochaska on various locations and operations of her childcare and educational program. She has always worked hard to make things work in a positive way for all involved.
2. Plymouth as most communities has a child care ^{preschool} ^{educational} issue. We can use all the high quality opportunities for families as possible. This could be another great alternative for our Plymouth families.

Thank you for your consideration

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2. Plymouth as most communities has a child care issue. We can use all the high-quality opportunities for families as possible. This could be another great alternative for our Plymouth families.

Thank you for your consideration."

Charles & Carol Woods (10803 Nutmeg Meadows Drive, Plymouth, IN 46563):

Woods explains that his wife Carol purchased the old VFW building on 606 Lake Street, and it is presently being used for storage. He adds that it was bought as an investment piece of property. He states that there was a social club there for 70 years and part of the possible resale of that is the possibility of it getting a liquor license in the future. He adds that they have no intention of opening a bar or anything along that line. He states that he does know there is an ordinance of some kind

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that specifies the distance between a school and the place that possess a liquor license. He clarifies that there is no objection to Little Way Montessori school but they just want to preserve the right and to not put any obstacles in the way of selling the building in the future by preventing it from getting a liquor license.

Hammonds states that because the building has been vacant for so long that the grandfather clause is gone so it is back to residential zoning. They would have to get a variance if they wanted to open that back up in that building.

Jacobs clarifies that the question would be if they did do that whether having this school here would prevent them from being able to do that as it is close to a school.

Woods agrees that is his concern. He reclarifies if this would prevent someone from getting a liquor license in the future by changing a situation that was not there when they purchased it.

Wendel asks if the building and the lot next to it are separate or together.

Woods responds by stating that there are five lots there.

Wendel asks Hammonds if he knows what the distance requirement is from a school.

Hammonds responds by stating that he does not know exactly but he believes it is 300 feet.

Surrisi states that he is going to try to look that up, but he does add that there could be the possibility of putting this in the Riverfront District. He states that earlier this year the City Council had established a Riverfront District which is a special designated area within a certain distance from a river where liquor licenses are available regardless of the quota available to the community. He adds that it also gets rid of all the other restrictions and currently the map of that extends all the way down to encompass the old railroad depot on West Laporte Street so it wouldn't be that much of a stretch to move it across the railroad tracks to encompass their property as he believes it still meets all the distance requirements from a river. He states that could be a possibility that would be available with the City Council's cooperation.

Woods states that all they are asking is to preserve the opportunity as there is no objection to Little Way Montessori School.

Jacobs states that he wants to be clear that they cannot preserve it.

Woods states that if it is put in the record and that there are options.

Bill Walters (822 W. Laporte Street, Plymouth, IN 46563):

Walters states that Lake Avenue is State Road 17. He states that there is semi traffic, big truck traffic, school bus traffic, etc. He explains that he is a little concerned about the traffic but adds that he believes the idea of a Montessori School is wonderful. He states that it is something that can really be used and is needed. He states that he is a little concerned about the safety of people stopping there and pulling back out into traffic. He states that he is also concerned about there being

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15-20 children there in that backyard without a fence. He states that he believes that it is potentially a safety issue as well. He restates the idea of a Montessori School is a wonderful idea and to have it in his neighborhood is still a wonderful idea but he is a little concerned about safety.

Roscinda Rinehart (907 W. Jackson Street, Plymouth, IN 46563):

Rinehart states that she happens to be the assistant and that they are east of Fifth Street, so Walters is right that they are on 17. She states that they are not in the busier part of 17. She asks if there is a time differential on the VFW building as the school is only going to be there in the morning hours.

Jacobs states that there are solutions for them, and they have already addressed them. He clarifies that this does not mess with them in the future as they will just have to apply for different things.

Rinehart states that she does feel that the flow of traffic in front of the home can be very functional. She adds that they are right before where it starts the no parking, so people are not on a normal basis pulling in over there unless they want to drop their child off. She states that when they do, they will be right there ready for them. She states that she does agree on the fencing, they are also concerned about it. She adds that it is almost time for school to start and she is excited to do this.

Surrisi adds that he just looked up the statute in the alcohol laws and I will list it below.

Indiana Code Title 7.1. Alcohol and Tobacco § 7.1-3-21-11

(A) a wall of the premises is situated within two hundred (200) feet from a wall of a church or school;

Surrisi adds that there is a board that the city has created for the purpose of facilitating a potential brewery that never materialized. He states that it is a Historic Preservation Board that can designate properties as a historic property and they did that with the Pathfinders Building, where the old Salvation Army used to be, where the brewery was going to be, and it was only two properties away from a church. He states that when it is designated a historic building by a local board then none of those restrictions apply so that option may also be available.

Curtis Marie Harrell (719 Lake Ave, Plymouth, IN 46563):

This letter of concern was read aloud by Plan Consultant Booker.

- "1. Do they want to move from their location?*
- 2. What's the age group? How many helpers?*
- 3. A place of business or home also?*
- 4. Will they put a fence up or aren't the children allowed outside? How many children?*
- 5. Very little safe parking, as there is some businesses with large equipment that go in and out. Always people, dogs, and a lot of traffic as it's a very busy street. Is this dangerous?"*

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Plymouth City Hall
124 N. Michigan St.
Plymouth, Indiana 46563

RE: BZA 2022-19
Mary PROCHASKA
707 LAKE Ave.
Plymouth, Ind, 46563
Parcel 50-35-05-401-891 ~
2008-09 zoned
R-3 Traditional
Residential
District

1. Do they want to move from their location?
2. What's the age group? How many helpers?
3. A place of business or home also?
4. Will they put a fence up or aren't the children allowed outside? How many children?
5. Very little safe parking, as there is some businesses with large equipment that go in and out. Always people, dogs, and a lot of traffic as it's a very busy street. Is this dangerous?

Curtis Marie Nawall
719 Lake Ave.
Plymouth, Ind 46563

Geri Liesberger (705 Lake Ave, Plymouth, IN 46563):

Liesberger states that she is right next door with the driveway. She states that she has nothing against the school, but her concern is parking, access to her driveway and blockage of the driveway. She clarifies that she does not want her property turned into a parking lot.

Gidley asks for clarification that there are only going to be two employees.

Prochaska responds by stating that is right and that the parents would only be using street parking.

Gidley asks for clarification that she would not allow drop off in the driveway.

Prochaska responds by stating that is right because that is a shared driveway so she will make it clear to the families that it is drop off at the street only.

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Liesberger asks for clarification that there is no blocking of the driveway whatsoever because that has been a problem in the past.

Jacobs responds by clarifying that would be a police matter if someone were to block the driveway.

Prochaska states that anytime she has had a contractor come and do anything that they have been redirected to the back.

Liesberger states that is her concern because she does not want people driving up and down, four to six cars a day because that is wear and tear on her driveway.

Selge asks if Prochaska can assure her that this will not happen.

Prochaska responds by assuring Liesberger no blockage of the driveway as parents will not be dropping off or picking up in the driveway.

Wendel explains that there will be no turning around on SR 17 so parents will have to go up and turn on Third Street. He states that she will have to tell them that because people will do a U-Turn right in the street.

Board Members Selge and Wendel moved and seconded to close the public hearing. The motion carried.

Gidley explains that his daughter use to live a couple doors down from Walters on Fifth Street and the traffic on Fifth Street is not as heavy as the traffic on Third Street as you must drive over the tracks. He states that there are not a lot of trains anymore but occasionally there will be a train there so people try to avoid coming off Jefferson over the tracks. He states that most of the traffic is under the viaduct and the idea that there is more traffic at Fifth Street he doesn't believe as there is more at Third Street. He states that most of the traffic coming off Third Street up Lake Avenue turns and goes towards the school.

Jacobs states that his thoughts and concerns for himself are twenty people getting dropped off at the same time on the road. He states that is a tough area and he drives firetrucks and ambulances through there and it is busy. He states that he wants the school, and he does not know the solution, but he is concerned with that.

Wendel agrees that is his concern as well. He adds that with Walter's statement earlier about this being a State Road, if they can make those 8:15 or even 8:30 it would be better. He explains that at Lincoln Junior High at 7:30 in the morning and there will be cars lining up.

Prochaska states that she has taught schools for many years, not in a residential area, but she suggests that she could do staggered drop off.

Rinehart states that if each parent is assigned a time, then it will be a well-choreographed drop off as one will be at 8:00, 8:05, 8:10, etc. She states the parents could pull over and the parents will be instructed to not get out of the car so they will walk the children in.

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Prochaska states that they can also do what they used to do at Airports, when cars were backed up, they would go around the block again.

Jacobs states that regarding the parking, what about the people who must go to work. He asks how the parents will handle that. He explains that he is aware that schools handle that with early drop off.

Rinehart responds by stating that this is not a daycare and that it is a preschool. She states that the people who usually drop off are stay at home parents that drop the children off. She adds that she likes the idea of the staggered drop off. She states that if they meet them at the curb, the parents don't want to get out anyway as they have younger children in car seats, especially in winter. She states that if they did that and met them that she believes that will alleviate the back-up.

Selge states that some of the questions in the letter from Harrell.

Gidley states that they were answered.

Jacobs asks what questions he believes was not answered.

Selge responds by asking if they decided or not that they were going to put a fence up.

Prochaska responds by stating that she does not have a plan for a fence right now, but the previous locations did not have fencing either. She explains that they work hard with the kids on safety rules and if they are playing in the back yard that it is going to be hard for a kid to get away from them and go towards the street.

Jacobs asks who determines twenty children and who sets the limit.

Prochaska states that is one of the licensing requirements that she can comply with.

Gidley states that this is one of those cases where it's neighbors having to get along with neighbors. He explains that you must be willing, like the lady in the back sharing her driveway, so you must be sure that nobody blocks her driveway.

Prochaska states that she would like to point out that it is a mutual easement, so it is not either of their driveway.

Gidley states that even so you can't have a parent park a car there.

Prochaska responds by stating that she is not saying that, but she wants to make it clear that it is not her driveway and that it is their driveway.

Liesberger states that it is on her property.

Prochaska restates that there is a mutual easement.

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Gidley states that Prochaska has the right to use it, but it is on her property. He restates that it is one of those situations where people have got to agree to be neighborly. He states that the five people that sit on this board focus on being neighborly. He explains that a lot of disputes that they run into are from people who have not even spoke to one another yet and if they just would then it can probably be settled. He states that the police department is not the solution but if there is a problem with someone parking in the shared driveway then go next door and talk it out. He reiterates that you cannot rely upon the police department to solve every neighborly dispute. He explains that if they approve this that you have to self-police. He does add that he is deeply concerned about the kids getting out in front. He states that he does not want to see kids playing out on the sidewalk and they need to be in back.

Booker states that because this is a special use that the Board can put those stipulations in the motion.

Gidley states that it may be endless as there would be a lot to think of in one day.

Booker states that if they want it enforced that it must be in the motion and if it is not in the motion that it will not be enforced.

Hartsough asks what if she put a fence in the back.

Prochaska states that she had not planned on permanent fencing at this point, but she was planning on border edging as a visual cue for the children. She explains that it would be enforced as a line that they were not to cross. She adds that children this young need visual cues and respond well to them for the most part. She adds that she would entertain even if it were just across the side to prevent them from getting to the front but that is something to discuss with the other neighbor.

Gidley asks Hammonds if there were any fence problems.

Hammonds responds by stating that there is nothing that he sees.

Wendel adds that there is no size limit on the fence if it is big enough for the children.

Board Members Wendel and Selge moved and seconded to approve BZA 2022-19 with the stipulations that drop off time starts at 8:15, and to have an enclosed fenced in back yard play area within 60 days. The motion passed by roll call vote.

Yes:	Gidley, Selge, Wendel
No:	Jacobs
Absent:	Wickens

Discussion on Rules and Procedures:

Booker reads aloud the Rules and Procedures they were passed in 2019.

Filing of Proposals

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Proposals to the Plymouth Plan Commission shall be submitted to the Plan Commission Office, City of Plymouth Clerk's Office, 124 N. Michigan Street, Plymouth, Indiana, 46563, until the end of the day on the 15th day of the month or the previous business day. The Proposal shall be submitted on the appropriate forms as provided at the Plan Commission Office for:

Variances of Developmental Standards
Variances of Use
Special Uses
Administrative Appeals

Proposals must include a site plan, legal description of the property, and any other pertinent information necessary to review the matter. The BZA shall hear each proposal filed within 60 days of its filing.

Notice of Hearing

The BZA shall give notice of public hearings at least 10 days prior to the date set for the hearing by legal notice in the Pilot Newspaper. The Plan Director shall also send a notice of a public hearing to abutting property owners and other persons he deems to have an interest in the matter by regular mail prior to the hearing. The cost of the legal advertising shall be paid for by the BZA.

Staff Report

The Plan Director shall prepare the agenda for the regular BZA meetings and submit a written staff report on each proposal at least 5 days prior to the BZA members.

Conduct of Hearing

1. Appeals before the BZA will be heard in the order of filing, except, at the discretion of the Plan Director, cases involving the same property or owner may be heard in sequence.
2. The President or presiding officer shall introduce each proposal and may request a report from the Plan Director on the proposed matter. The President shall then allow the petitioner, or his representative, to present the proposal. The BZA shall not take action on a proposal if the petitioner or an agent of the petitioner is not present. The presentation of the proposal shall be limited to 5 minutes, unless otherwise permitted by the BZA.
3. If there are any questions by the BZA, they may ask the petitioner prior to the opening of the public hearing.
4. The President will entertain a motion to open the public hearing, and if approved, will open the hearing.
5. The President will recognize persons interested in speaking in favor of the granting of the proposal. Those persons will be given 5 minutes each to speak unless otherwise permitted by the BZA.
6. The President will then recognize persons interested in speaking against the granting of the proposal. Those persons will be given 5 minutes each to speak unless otherwise permitted by the BZA.
7. Statements by a group representative of an area or interest in the matter shall be given by a representative of that group. Additional comments by members of that group will only be heard if they represent another point or new information.
8. The President may permit the petitioner to answer any questions or offer rebuttal to

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comments made by the public. The petitioner will be given 5 minutes to do so unless otherwise permitted by the BZA.

9. The President may permit additional comments from the public as necessary to clarify any issues. Those persons will be given 5 minutes each to speak unless otherwise permitted by the BZA.
10. The President will entertain a motion to close the public hearing, and if approved, will close the hearing.
11. The President will then allow the BZA to discuss the proposal and entertain motions for approval, denial, or other recommendations.
12. The voting by the BZA shall be in alphabetical order by last name except for the President, who shall vote last.
13. A majority vote by at least 3 BZA members is required to act on a case.

Findings of Fact

On each proposal that requires certain written findings by Ordinance or State Code, the BZA will complete the appropriate Findings of Fact form as required. For a proposal to be approved, at least 3 members must find that all requirements for that request have been met. The Plan Director will keep all signed Findings of Fact forms in that case file.

Action by BZA

Action on proposals before the BZA will be in accordance with Indiana Code, 36 series, and other appropriate laws. Approvals, action, and recommendations require the vote of at least 3 members. If a petition is denied, it will not be considered again by the Commission for a period of 1 year from the date of denial by the BZA.

Jacobs asked if they had to accept them.

Booker states that they do not have to accept them, but the Plan Commission is going to have City Attorney Surrisi and himself come up with a recommendation about attendance.

Jacobs states that he heard that as he sat in for the prior meeting.

Booker states that he can do something similar for them.

Jacobs states that he would like to see them follow with what they do that way it keeps running the same.

Booker states that if they put that in that they will have to vote on it next month.

Jacobs agrees

Other Business:

Gidley asks if Wendel replaced Yadon.

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Surrisi agrees.

Gidley addresses that Wickens has stated that he is moving to Indianapolis and if they are looking for someone to replace him.

Surrisi responds by stating that next month is going to be his last meeting he believes.

Selge asks who they need to contact if they can't make a meeting.

Jacobs responds by stating it would be best to reply to all in the email sent to the board prior to every meeting so they are aware of who is not going to be there. He states that if you can't attend then it would give everyone notice to whether or not they can hold the meeting.

There being no other business, Board Members Selge and Wendel moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 9:18 p.m.

Kyle Williams
Kyle Williams— Recording Secretary