

PLYMOUTH BOARD OF ZONING APPEALS
September 6, 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 September 6, 2022, at 7:30 p.m. Board President Art Jacobs called the meeting to order for Board Members Mark Gidley, Alan Selge, Brandon Richie, and Paul Wendel. Alternatives Linda Secor and Fred Webster were in attendance but not needed. Others present were Mayor Mark Senter, City Attorney Sean Surrisi, County Commissioner Stan Klotz and Plan Consultant Ralph Booker.

Deputy Clerk-Treasurer Williams administered the Oath of Office to Brandon Richie.

Board Members Wendel and Gidley moved and seconded to approve the minutes of August 2, 2022. The motion carried.

The following legal notice was advertised in the Pilot News on August 24, 2022:

116 Legals	
NOTICE OF PUBLIC HEARING The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on September 6, 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 2022-20: Michael Birt, Chase Properties, 333 Richmond RD., Suite 320, Beachwood, OH 44122: A Variance of Use request to have a pole	sign of 212.32 square feet, at 1547 N Oak DR., Plymouth, IN 46563 on parcel, 50-42-29-303-022.001-019 zoned C-3, Corridor Commercial 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, August 24, 2022 <small>August 24, 2022 PN338019 hep:arp</small>

BZA 2022-20: Michael Birt, Chase Properties, 333 Richmond RD., Suite 320, Beachwood, OH 44122: A Variance of Use request to have a pole sign of 212.32 square feet, at 1547 N Oak DR., Plymouth, IN 46563 on parcel, 50-42-29-303-022.001-019 zoned C-3, Corridor Commercial 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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P: 216.464.6626
F: 216.464.6346
3333 Richmond Road #320
Beachwood, OH 44122
www.chaseprop.com

City of Plymouth
Board of Zoning Appeals
RE: Application for Variance from Development
Standards

To Whom It May Concern:

Chase Properties II Ltd is requesting a variance to the sign code in order to enlarge the existing square footage of the existing pylon in order to properly allow for our tenants to market themselves and gain visibility along New U.S. Highway 30.

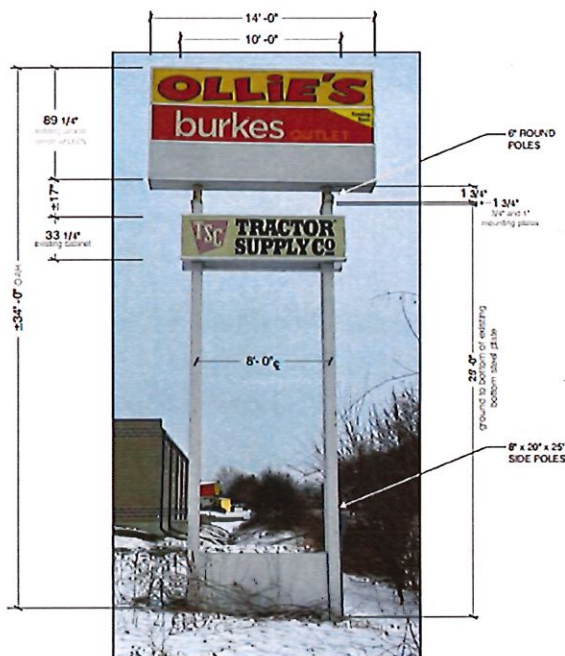
Specifically, we are requesting a variance from the total square footage permitted on the pole sign. The existing sign is approximately 91 square feet. The proposed elevation would add approximately 103 square feet.

We currently have six retail tenants who have 'rights' to place their sign on the pylon. We are working on Lease Agreements with two additional national tenants and negotiating a sale of an outparcel with another. The proposed design would allow for nine tenant panels.

I have attached design drawings showing the existing and proposed elevations for your review and consideration.

Sincerely,

Mike Birt
Vice President of Construction & Property Management
Chase Properties II Ltd



EXISTING PYLON SIGN
NTS



PROPOSED PYLON SIGN - COLOR OPTION 1
NTS



PROPOSED PYLON SIGN - COLOR OPTION 2
NTS

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Booker states that a couple months ago they could only allow four tenants on a sign and now it is changed to allow for any member in a particular entity to have a sign. He explains that won't be a question for this case.

Jacobs states that theoretically they could keep adding going down if they want.

Booker states that view from the highway would be poor as it would be too low.

Michael Birt (333 Richmond RD., Suite 320, Beachwood, OH 44122):

Birt states that there are three preexisting tenants operating currently who have rights to put their sign on their if they put on any modifications. He states that they are in final lease negotiations with two national retail tenants. He states that they are stalled with negotiations with the last tenant because if they can't get their name on the panel, they are walking away from the deal. He states that the other tenants that are on the street, such as Arby's, Wendy's, etc, have one large sign for their stores while Chase Properties currently has one large sign for 20 stores. He states that they wouldn't want to keep bringing the sign down as it would affect visibility and what is proposed tonight would take care of all the national tenants out there. He adds that there are still a few Mom & Pop shops still out in the shopping center and there are still more smaller stores that they are trying to backfill. He states that this will take care of all the larger stores and the national retail tenants who are looking to sign up.

Gidley asks for clarification that this isn't any higher and it is the same pylon.

Birt responds by agreeing and states that they have two different color options there.

Gidley restates that it is the same pole it is already on. He asks who manages the trees and shrubs along the road there. He asks if it is INDOT or Chase Properties.

Birt responds by stating that he believes that it is not their property. He states that he has been trying to get ahold of someone to talk to because they would be glad to maintain it.

Gidley states that it keeps getting taller and taller and blocking the view. He adds that even Lowe's has the same problem and he is unsure why they do not address it.

Birt restates that they would be glad to maintain it if they had the rights to go on there.

Gidley asks Surrisi who they would have to contact.

Surrisi responds by stating that he believes the local INDOT office here in town.

Booker states they could also contact the one in Laporte.

Gidley asks if they should contact the one in Laporte or here.

Mayor Senter responds by stating that they should contact the one in Laporte because you won't get anyone to answer the door here.

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Gidley clarifies that it is the Laporte District of INDOT who they should contact. He states that he has seen other developments where those trees and shrubs are completely taken down but this one seems to get bigger and bigger. He assures but that he is not putting the blame on him but he asks who is ignoring it.

Birt states that one of their tenants, the Rue 21 store had asked them to take care of it. He states that he will contact the Laporte District of INDOT.

Gidley states that they have announced that they are leaving.

Birt agrees and states that they have been working on the backfill of open places.

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

There were no comments at this time.

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

Board Members Gidley and Wendel moved and seconded to approve BZA 2022-20 as presented. The motion passed by roll call vote.

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

Longanecker from the City Council wished to make a comment. He states that he does appreciate Birt showing up because they have had meetings before where people just do not show up.

Jacobs adds that the case dies for the Board of Zoning Appeals if nobody shows up.

Gidley adds that if someone does not represent then they do not vote.

Discussion on Rules and Procedures:

Booker states that last month they talked about an attendance policy to put in the Rules and Procedures so the City Attorney and himself got together and worked on this proposal.

"The appointing authority of members of the Plymouth Board of Zoning Appeals (BZA) will be notified when a member has three (3) unexcused absences in a row from any regularly scheduled BZA meeting. Upon receipt of such notice, the appointing authority shall consider if the member needs to be replaced."

Booker states that if it is approved tonight then he will get it in the rules and procedures and then they will try to get them a copy by the next meeting.

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Board Members Jacobs and Richie moved and seconded to adopt the attendance policy to their Rules and Procedures as presented. The motion carried by roll call vote.

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

Other Business:

Gidley states that it has been a while since they have received a code enforcement report.

Surrisi states that he will get them one.

Jacobs states that if they allow someone to get a parking lot in city limits, do they have a year to make it pavement.

Surrisi responds by stating that he believes so.

Jacobs states that the Florists on the south of town put in a parking lot on their side and it is still gravel.

Wendel adds it is on the north side of the building.

Gidley states that the Auto Park on the north side of town hasn't paved or landscaped theirs either. He states that when they added that new lot to the side of them, they were supposed to pave it. He states that one of the things they have to get done is the driveway up to the road has to be paved and it can not be gravel. He states that one of the requirements they had was that they landscape. He adds that they didn't make it really strict aside from saying they need to landscape along the front and they haven't done that yet.

Jacobs asks what they do about those that don't follow the variances and let it go away after a couple years.

Surrisi responds by stating that if they haven't done it Hammonds will send them a letter saying they are out of compliance with the variance request. He states that he doesn't know if they ever had a situation where they followed up on replacement of plantings. He gives the city as an example; he states that they were given a variance for the parking lot on the corner of Water and Garro Street. He states that the bushes have since died and they have not been replaced yet.

Jacobs states that part of him says, why do they go through all the motions of these variances if the city and the people of the city don't uphold to it. He states that the whole idea behind the Board of Zoning Appeals is to keep the city up.

Booker states that he isn't a lawyer but the Board of Zoning Appeals has the right to rescind the variance if they are not complying or they have the right to take them to court.

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Surrisi states that he will speak with the Building Commissioner tomorrow about following up on all of those items.

Jacobs states that they are putting the time in to do the right thing for the citizens of Plymouth that they need to follow up and keep it that way. He states that it doesn't do any good to have it put in and let it go away.

There being no other business, Board Members Wendel and Richie moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 7:57 p.m.



Kyle Williams— Recording Secretary