

PLYMOUTH BOARD OF ZONING APPEALS

October 4, 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 October 4, 2022, at 7:30 p.m. Board President Art Jacobs called the meeting to order for Board Members Mark Gidley, Brandon Richie, and Paul Wendel. Alternative Fred Webster was in attendance but not needed. Alternative Linda Secor stood in for Alan Selge as he was absent. Others present were Building Commissioner Keith Hammonds, City Attorney Sean Surrisi, and County Commissioner Stan Klotz. Plan Consultant Ralph Booker attended virtually.

Board Members Gidley and Wendel moved and seconded to approve the minutes of September 6, 2022. The motion carried.

The following legal notice was advertised in the Pilot News on September 21, 2022:

<p>NOTICE OF PUBLIC HEARING</p> <p>The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on October 4, 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:</p> <p>BZA 2022-21: Jim Langfeldt, 1980 W. Jefferson St., Plymouth, IN 46563: A Special</p>	<p>Use for Self-Storage units at 777 N. Oak Drive, parcel 50-32-06-202-105.003-019, zoned C-3, Corridor Commercial District.</p> <p>BZA 2022-22: Jim Langfeldt, 1980 W. Jefferson St., Plymouth, IN 46563: A Variance of Development Standards for a ten (10) foot north side yard setback at 777 N. Oak Drive, parcel 50-32-06-202-105.003-019, zoned C-3, Corridor Commercial District.</p> <p>BZA 2022-23: William Bradley and Mark Combs, 302 W. New York St., Knox, IN 46534: A Variance of Development Standards request to eliminate a sidewalk as required by Article 6, Section 190, Public Improvement Standards, on the south side of a property being developed on parcel 50-32-93-202-213.002-019, at the corner of Columbus Drive and Jefferson Street, zoned C-1, General Commercial District.</p>	<p>BZA 2022-24: Terry Houin, 1001 N. Center St., Plymouth, IN 46563: A Variance of Development Standards for a zero (0) foot side yard setback to replace an existing garage with a larger garage located at 1001 N. Center St., Plymouth, IN 46563, parcel 50-42-92-303-174.000-019, zoned R-3, Traditional Residential District.</p> <p>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.</p> <p>Kyle Williams, Recording Secretary, Board of Zoning Appeals, September 21, 2022 September 21, 2022 PN338982 hspaxlp</p>
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BZA 2022-21: Jim Langfeldt, 1980 W. Jefferson St., Plymouth, IN 46563: A Special Use for Self-Storage units at 777 N. Oak Drive, parcel 50-32-06-202-105.003-019, zoned C-3, Corridor Commercial District.

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

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September 1, 2022

City of Plymouth
Board of Zoning Appeals

RE: Application for Variance from Development Standards

To Whom It May Concern:

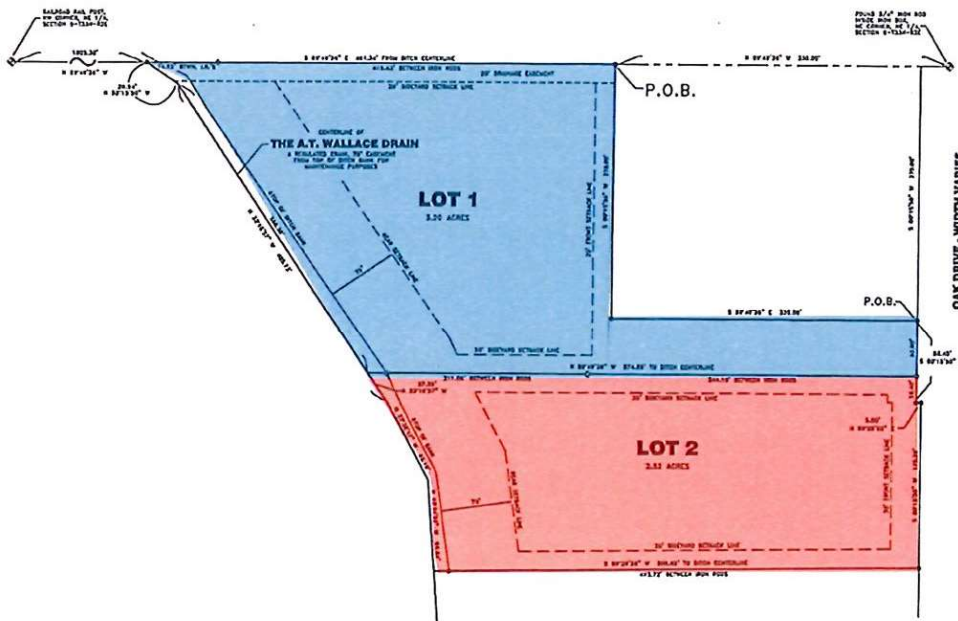
Langfeldt & Payne, Inc dba Mr. Storage is requesting a Special Use in the C-3 Corridor for Self Storage Units. In addition, we are requesting a variance from development standards to build storage units inside the 20 foot setback between 813 N. Oak Drive and 777 N. Oak Drive. Both properties are owned and operated by Mr. Storage.

Specifically, we are requesting a variance from the 20 foot side setback between 777 N. Oak Drive and 813 N. Oak Drive to a distance of 10 feet. (see attached picture for details). Our plan is to have storage buildings in the center of this parcel. This would be in line with the aesthetics of the area with storage buildings set back off of Oak Drive. The proposed layout would have a comfortable distance from the Wallace Ditch and the Windmill Park residents.

I have attached design drawings showing the proposed building locations for your review and consideration.

Sincerely,

Ed & Jim Langfeldt
Mr. Storage owners



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Ed & Jim Langfeldt (1980 W. Jefferson St., Plymouth, IN 46563):

Wendel asks if the land on Lot 2 has already been dug out to the 10-foot setback.

Ed Langfeldt states that is true.

Wendel states that he is new to this board and to the other board. He asks if they are asking for a building permit, shouldn't the land stay undisturbed until this is approved.

Jacobs responds by stating that they can move all the dirt they want as they haven't built anything.

Wendel states that they are anticipating it.

Jim Langfeldt states that they were in contact with Dan Sellers with Territorial Engineering and he advised them that if the area is under an acre that they were able to do what they want.

Wendel asks if it is safe to assume that they are going to move their gates out to the front were the buildings start.

Ed Langfeldt responds by stating that there is 175-foot lot in front of the storage.

Wendel states that he was out there yesterday and clarifies just to where to top of the building is going to be. He asks if it will be paved from there to the road.

Jim Langfeldt agrees.

Gidley asks Hammonds if they have applied for a building permit.

Hammonds responds by stating that they have not.

Gidley asks for clarity that he has not issued a building permit.

Hammonds agrees.

Wendel asks if they need one.

Hammonds responds by stating that they do not as they have not done any building.

Surrisi states that if they do not move more than an acre that they do not need to get stormwater permits either.

Hammonds explains that if it is over an acre of property and they are disturbing over 4000 square feet of hard surface then they would have to go get an erosion plan and a drainage plan. He clarifies that if it is less than an acre, then they do not need either one.

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Jacobs asks for clarification that the access to this will be off the current access road they have already.

Jim Langfeldt agrees and states that they had Jim Easterday put together their legal documents to allow an easement from 813 to 777 Oak Drive so the access comes down that road.

Wendel asks if they own the empty lot with the mobile home on it.

Jim Langfeldt responds by stating that there is a portable storage building that is 10 x 20 and that is the parcel that they are speaking on.

Wendel clarifies the mobile home south of the property.

Jim Langfeldt readjusts his answer and states that 757 Oak Drive is not their property.

Gidley asks for clarification that person was notified.

Hammonds responds by stating that everyone within 300 feet of the property had received a letter.

Gidley asks if the unit that they have out by the drive is just a display unit.

Jim Langfeldt responds by stating that it is occupied.

Board Members Wendel and Richie 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 Richie moved and seconded to approve BZA 2022-21 as presented. The motion passed by roll call vote.

Yes: Gidley, Richie, Secor, Wendel, Jacobs

No: None

Absent: Selge

Kathy Bottorff asks if this includes sidewalks out in front of that.

Hammonds responds by stating that their zoning ordinance states that they have to put sidewalks unless the Plan Commission or the Board of Zoning Appeals states that they do not. He clarifies that if they are developing that they do have to put a sidewalk in.

Jacobs asks if they were aware of that.

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Jim and Ed Langfeldt respond by stating that they were not.

BZA 2022-22: Jim Langfeldt, 1980 W. Jefferson St., Plymouth, IN 46563: A Variance of Development Standards for a ten (10) foot north side yard setback at 777 N. Oak Drive, parcel 50-32-06-202-105.003-019, zoned C-3, Corridor Commercial District.

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. The applicant's letter was read aloud during the prior case. See attached letter above. Booker clarifies that both lots in question are owned by Mr. Storage.

Gidley states the only question he had was for Jacobs and it was already answered. He states that his question was if the driveway was wide enough for fire equipment and he says it is so the 10 foot does not seem to be an issue.

Ed Langfeldt states that it is a 60-foot-wide easement.

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

Doug Feece (1604 W. Jefferson St., Plymouth, IN 46563):

Feece states that the Langfeldts have always taken care of their property and he does not see this as being problem. He states that the other thing he would like to add is that when the bank went in there that they added onto their case that they had to put sidewalks in when the city decides to put sidewalks in down Oak Drive. He states that it wouldn't be fair if they didn't tell the Langfeldts the same thing. He states at that time it was also why would they put sidewalks to nowhere. He explains that they do need sidewalks out there and that he would be the first one to propose that. He states that year-round they have people walk down Oak Drive and it is dangerous.

Jacobs asks if the city has any plans on putting sidewalks down there.

Surrisi responds by stating that the city has just received a \$144,000 grant through the READI Grant Program to help support a trail on Harrison Street and the City Council just approved \$220,000.00 for engineering work to design that trail that they are going to start later this Fall. He states that will put a trail on the south side of Harrison Street. He adds that how it crosses Michigan Street has yet to be determined yet. He explains that it will go all the way from the Conservation Clubhouse to Packard's Woods and then beyond Packard's Woods to Oak Drive. He states that it is probably going to be another year or year and a half before this gets built but they are at least going to have a sidewalk that gets to Oak Drive that is not too far from there. He states that there are no immediate plans on how to connect that or how they are going to get people up and down Oak Drive. He states that it is closer than it has ever been.

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

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Gidley states that he does not have a problem with the 10-foot setback but he wants to go back to the question that Bottorff asked about the sidewalks and what Feece mentioned about Beacon. He asks if they actually told Beacon that they would be responsible for putting a sidewalk in some day.

Hammonds responds by stating that they did.

Gidley states that he believes this property should be subject to the same regulations.

Jacobs states that it already is.

Surrisi believes that they are stating two separate things. He states that it is subject to the ordinance that states that they have to put sidewalks.

Gidley clarifies that he just wants them to be aware that they are now subject to that requirement and that someday when sidewalks go in that they will have to put some in.

Jim Langfeldt states that they would love to put sidewalks in because they are safe and they see a lot of unsafe people go up and down both sides of that street. He states that his father feels as if the sidewalk needs to be on the other side because he would like the Board to consider where folks will be moving from and to. He states that they are not on their side of the street so the sidewalk needs to go on the other side of the street.

Gidley states that he does not disagree with them because if the Harrison Street Trail is going to come out to Oak Drive, then the logical spot to have it is on the east side of the road.

Wendel adds that there are a lot of tombstones there right where the sidewalk would go. He states that they are awfully close to the road.

Gidley states that he did not think about that.

Ed Langfeldt states that if you go to the west side of the street then that is where all the utility poles are. He states that they would have to go around the utility poles.

Jacobs states that he does not think that the Board of Zoning Appeals has anything to say about the sidewalks.

Surrisi states that no matter what they do the ordinance applies to them and states that they have to put the sidewalks in. He states that if they wanted relief from that then the Technical Review Committee would have to weigh in on that and then it would have to be sent to the Plan Commission.

Gidley asks for clarification that it is a totally separate case from what they have here.

Surrisi agrees.

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Ed Langfeldt states that they were aware that when they developed 813 Oak Drive that the ordinance was there. He states that it was mentioned when they got that project approved but since Beacon never started that project.

Jacobs clarifies that what was said is that when the city decided to put sidewalks in that they would have to put sidewalks in. He believes that the smarter thing would be that when they decide to do that, they get a group of people together and talk about which side of the road it should be on versus just saying this is where the sidewalks go.

Hammonds states that it wasn't a mandatory sidewalk in their ordinance before.

Surrisi states that just this last year they changed the ordinance that makes it mandatory.

Ed Langfeldt asks if they are going to put sidewalks on both sides of the street.

Jacobs states that they are not doing anything here. He states that they are not the ones to decide that.

Surrisi states that it is a major undertaking and they have not decided that yet as there are so many utilities and things there that they would need a comprehensive study to decide what they are going to do. He explains that it is a long-term goal to have some kind of connectivity there.

Jacobs brings it back to the motion at hand.

Board Members Richie and Wendel moved and seconded to approve BZA 2022-22 as presented. The motion passed by roll call vote.

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

Surrisi instructs the Langfeldts that if they wish to get relief from the sidewalk requirement that they should speak to Building Commissioner Hammonds.

BZA 2022-23: William Bradley and Mark Combs, 302 W. New York St., Knox, IN 46534: A Variance of Development Standards request to eliminate a sidewalk as required by Article 6, Section 190, Public Improvement Standards, on the south side of a property being developed on parcel 50-32-93-202-213.002-019, at the corner of Columbus Drive and Jefferson Street, zoned C-1, General 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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Letter of Intent 9-13-2022

I William Bradley am requesting relief from (Article 6 CH 190-Sect B) on installing sidewalk on the South side of Property at 558 Columbus Dr. Plymouth IN 46563.

The newer ordinance requires that sidewalk be added when new construction is being done. We had worked the sidewalk into our plan (see site plan) on the South property line and our West property line. The feedback to our site plan engineer is that the city is not in favor of moving above or underground utilities for the sidewalk to be installed. Although we were prepared to have it installed on the South side along with the West. If the city is not in favor of moving underground utilities we will not dispute it. We will as for relief from Article 6 CH 190-Sect B and that we be granted a variance to not install sidewalk on our South property line.

William Bradley
President
Compass Coffee Corporation

We do see it as a hazard if it was added since foot traffic would be led to that offset intersection without a good place to cross SAFELY

Thank You,
William Bradley
President of Compass Coffee Corporation

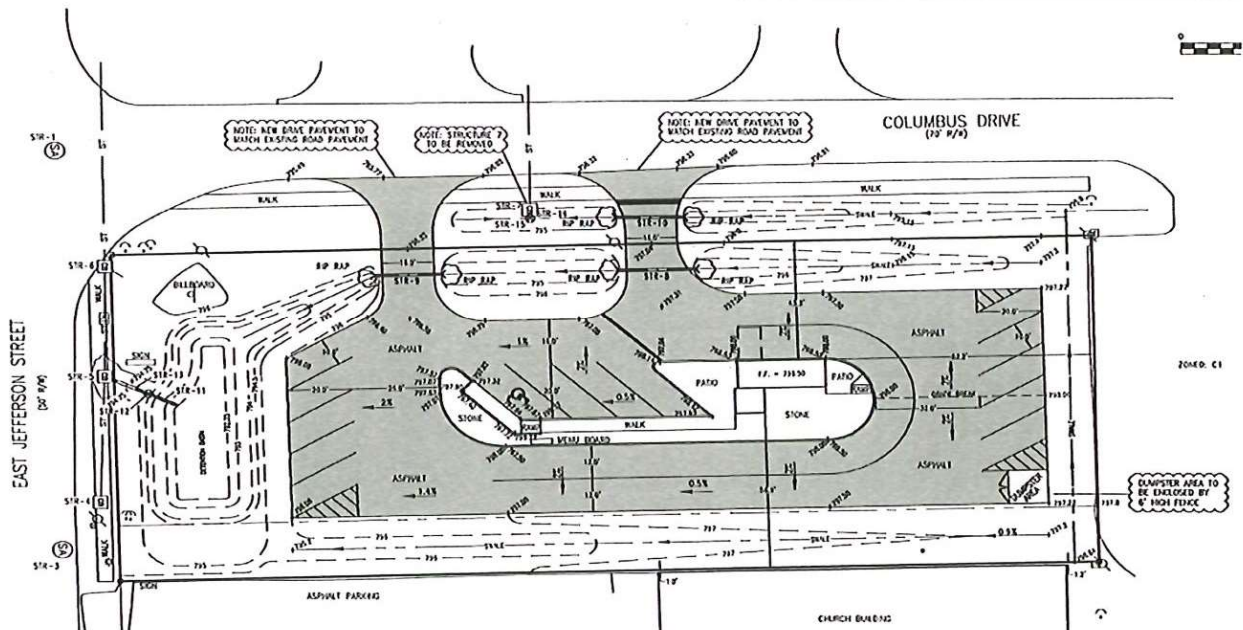
Typed:

Letter of Intent

9-13-2022

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Thank You,
William Bradley,
President of Compass Coffee Corporation



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Booker states that they did have a TRC meeting on the 25th of September. He explains that Utility Superintendent Davidson stated that the city is willing to move its underground utilities at no charge. He states that Street Superintendent Marquardt has been in discussion with NIPSCO and they are willing to relocate the poles. He states that there has been some discussion about trying to work with the applicant to try to get the sidewalk there. He adds that he is unsure if the applicant knows this yet but that was what was discussed at the Technical Review Committee.



William Bradley & Mark Combs (558 Columbus Drive, Plymouth, IN 46563):

Jacobs asks if they are willing to move those utilities if they would be willing to put a sidewalk in.

Bradley responds by stating that they would be but they would still like to address some things. He explains that they tried to do their due diligence by putting in this request on the 13th of

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September so this is news to them that they worked things out behind the scenes. He explains that they have budgeted for the sidewalk on the south side with Stones Excavating. He states that when they originally went to the TRC to see how they would put their driveway in they looked at coming in off of Jefferson Street. He explains that when you look at N. Kingston Road you notice that intersection is jacked up as it is so short. He states that if you look at where their property ends, it goes right into N. Kingston Road. He states that even if you extend the sidewalk for it that you would have to go down and across to the neighbor's property to safely have pedestrians cross where there is no offset. He states that you are actually going up into an incline where Dollar General's median is so you would either have to have that cut out or redone on the south side directly across from that home or residence where it actually slopes down and then you would have to come back up.

Jacobs states that the problem with that area is the lack of sidewalks for kids to walk down. He states from the Junior High to the High School is that they have kids going down there. He states that even if they have to cross right there that it would be safer to have a sidewalk in his mind.

Bradley states that they do not disagree. He states that on the west side, their property line is 300 ft. He states that they have sat out there multiple days doing work with the engineers and when you watch the kids come out of school that seems to be the busiest time. He states that there could be foot traffic at other times for sure but with the school buses coming through you will see kids coming down the gravel path where the soccer fields are.

Jacobs explains that they do that because the city has not given them anywhere to go so right now, they are just free flowing. He states that is where it is not so much on Compass Coffee but more on the city. He states that they have two corridors in his mind that they do not know what they are doing with. He states one is Oak Drive and the other is this area. He states by not giving the kids or people in general a way to go that they are just going.

Bradley states that they are in favor of the 300 ft on their west side for sure.

Jacobs asks why not on the south side.

Bradley responds by stating that he would challenge that with the way that intersection is with N. Kingston Road there. He states that a secondary proposal for them would be if they went further up that they would offer to pay, like it is at the beach in Culver, to put a pedestrian crossing. He states that you see all the kids come down through up to Martin's and the sidewalk ends right at the outlet entrance to Martin's. He states to have them come across the street right now, there is no crossing. He states that they can put the sidewalks in on their property but right now they would have to run across the street while there is traffic running in and out of there. He explains that they would rather pay to put in the correct pedestrian crossing to make it safe to cross rather than putting in the money for the sidewalk. He explains that what they do once they hit the Martins outlet entrance that they cut across the parking lot. He adds that he has yet to see anyone cross the street.

Combs states that they want to do a study to figure out where the sidewalks actually need to be. He believes it needs to be on the other side of the street but they are willing to do the long side.

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Jacobs states that from what they are saying, he is unsure if it is even good on the long side. He asks Surrisi if they have given in thought in that corridor area to sidewalks.

Surrisi responds by stating that there has been a lot of talk about it and the complete streets committee did an installation down by the coffee lodge last Fall to see how that affected traffic. He states that there hasn't been a major study or any planning in regards to the area in discussion and expresses that it is a major project.

Combs states that they do not want to put in a sidewalk that realistically doesn't make sense. He states that if they are going from Lincoln Junior High School to Plymouth High School and they are crossing through Casey's and Martin's through that corridor that it would make more sense to provide a proven path there then to put in a sidewalk just because it says it in the ordinance.

Gidley asks if they will have any walk-up business.

Bradley responds by stating that they will. He explains that it is going to be a Biggby Coffee shop and they are going to have a big 20 x 20 ft. patio area with several tables for the kids to come over. He restates that they are all for having an approved walking path but they do see it as a hazard on the south side. He states that if this is unapproved and they have to pay to put it in just because the ordinance says so that they will do it. He states that if they were looking at it for safety that they would rather propose putting a pedestrian crossing that would have traffic slow down to get across to the sidewalk on the 300 ft. of their west property line to have a safe crossing area.

Jacobs states that the problem he sees is that there are no sidewalks in that corridor and they were able to get the Dollar General to get sidewalks on the front of their property. He clarifies that he has no idea if the south side of the property is a good place for a sidewalk or not. He states that no matter what, anywhere you put kids in here is not good.

Wendel adds that they are going to walk where they want to walk.

Jacobs states that they don't have anywhere for them to flow now.

Bradley states that's what they are saying. He states that if they look at the edge of their property line that it ends up in the center line with N. Kingston Road. He states that unless the city is going to put a sidewalk to extend to the other line that it would just leave kids at the center of an intersection. He restates that intersection is a bad intersection anyway.

Gidley states that the problem with that one intersection at Columbus Drive and Jefferson Street is that buses have to make that big sweeping turn there. He states that is why that big arc is in there.

Wendel adds that it is like a race track after school too. He explains that maybe the Complete Streets Committee needs to look into this.

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Richie states that maybe this is not on them but what is the possibility of the school putting a crosswalk there with a crosswalk guard. He explains that when you go up the street a little way that they have one.

Wendel adds that they do have one near his block and Pennsylvania Avenue.

Richie agrees that it is only a little up the road there.

Wendel states that is still not going to deal with the kids coming from the Junior High School.

Richie agrees and states that there are a lot of kids that walk that way.

Wendel asks for clarification which side they were going to put their drive through on.

Bradley responds by stating that they made it come off of Columbus Drive so that they would not add to the bad intersection. He explains that initially entering off Jefferson Street was their first choice but when they went to the Technical Review Committee, they wanted to make sure they did this right. He states that they came in with three plans and they liked the one that came in off Columbus Drive so that they would not add to the traffic on Jefferson Street.

Jacobs states what they are looking at is the future. He states that if they don't do this sidewalk then nobody will do sidewalks and it will never be done. He restates that he isn't sure if that is the best spot for it and maybe it should go on the other side of the street, but he doesn't know that. He states that at some point they have to address it as it is in the ordinance. He states that right now the kids have nowhere to go. He states that he was watching it as well and the kids come across that open lot and go. He explains that they are coming through multiple different ways as they have no direction to go.

Wendel states that he was thinking last night about a new coffee shop in that area. He states that instead of going into Martins to get to Starbucks that people are going to beeline to Biggby Coffee. He states there is going to be more foot traffic at that direction. He states that he does not drink coffee himself but he would rather go for the path of least resistance.

Combs adds that they have other drinks as well.

Bradley wished to restate that they are not opposed to sidewalks but they want to make sure they do what is safest and what is best.

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

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

Rupchock-Schafer states that as a member of the Complete Streets Committee she really wants to support the installation of both sidewalks. She references what Jacobs said earlier that they have to start somewhere and this is a perfect place to do so. She states that she would like sidewalks on both sides of the street if possible.

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Richie asks what is on the direct south side of the street.

Surrisi responds by stating a residential home.

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

Wendel states that since the city is planning to meet you halfway by pulling all the utilities out free of charge that they have to see a sidewalk in there. He states that eventually it is going to go down to the other places like Oliver Ford but he thinks they need to see it in there.

Bradley wanted to clarify that they applied on the 13th and hadn't heard anything about that. He adds that they have already put it into their budget so it works.

Feece asks if they said that the Plan Commission is supposed to deal with this or is he not seeing something.

Hammonds responds by stating that the way it was put in the zoning ordinance is that the Plan Commission has the say during the development. He states that they never went to the Plan Commission and instead went to the Technical Review Committee.

Jacobs asks if the variance is for them.

Feece responds by stating that he does not care. He states that it just seems like it was a double standard.

Hammonds agrees. He states that the way it is put in the ordinance it read that when the Plan Commission approves the plots that they tell them then yes or no. He states that per the zoning ordinance that you have to so the Board of Zoning Appeals has the option to tell them yes or no after.

Richie asks who is responsible for the sidewalk to extend in front of the church right next door.

Jacobs responds by stating that nobody is responsible right now. He states that they were there before the ordinance.

Wendel states that if they plan to do any changes that they will have to put a sidewalk in.

Richie asks who is going to put it in right now. He asks if the sidewalk on the south side is just going to end.

Jacobs responds by stating that it will. He asks people to help him understand this as the president of the Board of Zoning Appeals. He explains that this is why they have these zoning things, if they do not start now, how do they get going. He states that he understands the frustration of being the first but it comes down to if they need it or they don't need it. He states that what he asks himself a lot is what the city is trying to accomplish.

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Hammonds states that Dollar General was first here.

Jacobs states that he is just saying. He states that if that is not where they want the foot traffic then they shouldn't make them put it in there. He states that if that is where foot traffic is and where they want it to be then that is what they are supposed to decide. He states that they just need that direction.

Richie responds by stating that he understands that it has to start somewhere.

Jacobs states that if all of a sudden, they develop something somewhere else and the city decides to do something different then that is a waste of a sidewalk.

Richie states that he understands that his questions sound like pointless questions but he is trying to go somewhere with them. He asks if the church is active.

Surrisi responds by stating that he believes they have a small congregation.

Richie states that he does know that at one moment in time the children of the owner were looking at selling the building. He explains he knows because he was contacted at one point but then they were told that Oliver Ford gets first dibs on the property due to an agreement the owner had with Oliver Ford.

Surrisi states that he has heard some of that and he knows when the Knights of Columbus asked for a variance six months ago that the Pastor of that church came in to speak on that variance. He states to his understanding that there is still an active congregation of at least a handful of people whom attend.

Richie states that he was just thinking about a timeline until another part of that sidewalk gets built. He states that if the church ends up selling that property, does the next person who purchases it have to build a sidewalk.

Surrisi responds by stating not unless they change it. He explains that if they have to get approvals to make a change then they would.

Jacobs states that if Oliver Ford wanted to tear it down, redo, and clean up the property then they would have to put one in as well.

Booker agrees.

Gidley states that one of the problems that they have to address going forward with these sidewalks is that their stormwater retention plan is putting the storm basins out by the road where the sidewalks ought to be. He states that Casey's stormwater retention is right there at the corner and you cannot put a sidewalk there. He states that up by Oliver Ford, their stormwater retention basin is right by the road so you cannot put a sidewalk there. Centier Bank is the same way, their stormwater retention is right on Jefferson Street. He states that this new supportive housing facility can't go onto Oak Road because their retention pond is there. He states that going forward on new

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development they are going to have to require that stormwater retention is in the back or on the side. He states that it can't be out along the road or have enough room that there can be a sidewalk.

Jacobs asks if they can put in a motion to not have the sidewalk now but to put one in when the area develops sidewalks.

Hammonds states that they can as they did that with Beacon Credit Union.

Richie states that if they do that same ordinance with them to state that once the area starts to be developed that they will have to foot the bill for that sidewalk. He asks if that would be the same thing.

Hammonds responds by stating that the issue they would have there is that Utility Superintendent Davidson is willing to move the stuff now. He explains that this is just his opinion and that they would have to talk to Davidson. He asks if he will be willing to move the sidewalk 5-6 years down the road after development has already started.

Richie responds by stating for that other stuff to be developed down the road, won't all that stuff have to be moved as well.

Hammonds responds by stating that they are not responsible to move that in the future.

Gidley adds that a lot of that doesn't go out that far because some of those properties further out are not in city limits.

Board Members Gidley and Wendel moved and seconded to deny BZA 2022-23 as presented to require the sidewalk. The motion passed by roll call vote.

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

Jacobs explains that the sidewalk does need to be put in. He states that he hopes the city does develop that area better for their business. He states that he is unsure whose responsibility it is to look into those sorts of things in the city but it would be good to let that group know.

Surrisi responds by stating that the Complete Streets Committee has taken the lead in looking at these sorts of things. He explains that they do not have a budget or the power to do that stuff right now but they address matters like this to the council and people who do.

Rupchock-Schafer adds that the Complete Streets Committee should have a budget.

BZA 2022-24: Terry Houin, 1001 N. Center ST., Plymouth, IN 46563: A Variance of Development Standards for a zero (0) foot side yard setback to replace an existing garage with a larger garage located at 1001 N. Center St., Plymouth, IN 46563, parcel 50-42-92-303-174.000-019, zoned R-3, Traditional Residential District.

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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.

Letter of Intent

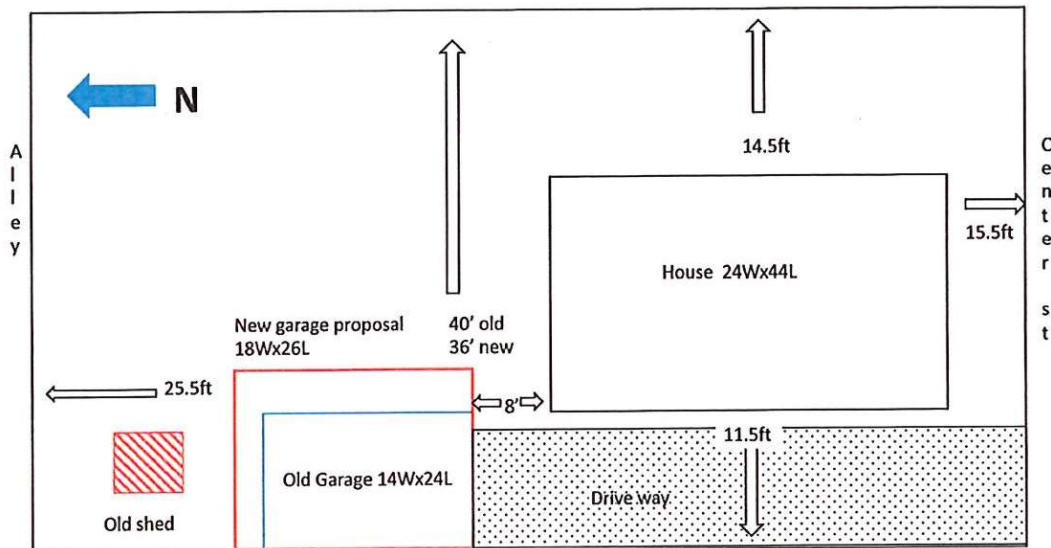
We are seeking a setback variance for 1001 N Center St to allow us to build new garage with a slightly larger footprint than the current dilapidated garage. Current garage is placed on the West lot line approximately in the middle N-S of the lot. We would like to place the new garage in the same location along the West lot line and expand 2' more to the North and 4' more East towards the center of the property. This slightly larger footprint would allow adequate room for 1 x vehicle parked inside as well as storage for yard equipment allowing us to remove the old metal shed.

Current structures to be replaced.

14'x24' single car garage (rotten roof, cracked foundation) 8'x8' metal shed

Proposed new structure

18' x 26' single car garage with a roof line to match the house. garage will have metal siding and metal roof as well as a new concrete slab foundation. (renderings attached)



Booker explains that if the applicant was replacing the building in the exact same location that they would not need a variance. He states that because he is expanding the building that he will need a variance.

Terry Houin (1001 N. Center St., Plymouth, IN 46563):

Jacobs restates what Booker just explained. He asks if they just purchased the home and remodeled everything.

Houin states that they have been trying to remodel the home for the last year and a half to get it up to standard to move into it. He states that a new garage would allow them to park a car as well as store yard equipment, tools, etc.

Gidley asks for clarification that the applicant is going to live there.

Houin agrees.

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

There were no comments at this time.

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

Board Members Wendel and Richie moved and seconded to approve BZA 2022-24 as presented. The motion passed by roll call vote.

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

Other Business:

Jacobs spoke from his perspective as a volunteer at the Fire Station. He states that he was under the assumption that there would be no men at Serenity Place when they decided to put that in. He states that he thought it was only supposed to be for women and children only.

Rupchock-Schafer states that it is for families.

Jacobs states that when they had that case on this board that he thought that was one of the big discussions that they had. He states that he can say that they are getting a lot of calls there now and it is not good.

Surrisi states that Garden Court owns it and it is managed by Bradley Company. He explains that they will reach out to them.

Jacobs urges Surrisi to speak to the Fire Chief about this. He states that it is not what he thought it was going to be.

Gidley brings it back to the sidewalk issue. He states that there is a lady riding a three-wheel cart that lives there that is traveling up and down Oak Drive, up and down Jefferson Street, down to the Dollar General down there. He adds that she has been seen clear out at the hospital on that three wheeled cart. He states that is just another case of needing a sidewalk.

Jacobs states that they have had people on Oak Drive hit. He explains that when his family and him were coming home the other night that there was someone, wearing all black and earphones, walking in the street. He states that it was dark and it would have been very easy not to see him.

Gidley asks if the city painted a crosswalk across Jefferson Street.

Wendel responds by stating that they did but it is no longer there.

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Rupchock-Schafer states that it was part of one of the Tactical Urbanism projects.

Gidley explains that the painted lines are still in the street.

Wendel asks if they are going to remain there.

Surrisi responds by stating that until they wear away.

Gidley states if that is the case that unfortunately it is now an implied crosswalk.

Surrisi states that technically it is but it was never a crosswalk when they did the installation of the barricades there. He states that there wasn't anything there to slow people down other than the narrowing of the road.

Wendel asks what those are there for. He states that he knows they are doing one on the corner of Michigan and Garro Street and it looks like a mess to him.

Surrisi responds by stating that it is a temporary way to get an idea of what it would be like to make a permanent installation. He states that for example on the corner of Michigan and Garro Street that it gives an idea of what it would be like and if it would be a good idea to invest in building out the curbs. He states that the intention there is to make it easier for pedestrians to cross the street as it shortens the distance that they have to cross.

Wendel states that in the case of Serenity Place, what would it take to make that permanent.

Surrisi responds by stating that would take more than this would. He states that they would need some type of sidewalk to lead them to.

Secor asks if the trial on Michigan and Garro will just be for this location or would they have it at other intersections.

Surrisi responds by stating that ideally it would be at three or four of the blocks here in downtown if they ever do it permanently.

Wendel asks if this is something that they have to do prior to asking for grants.

Surrisi responds by stating that he does not believe that is the case. He states that this is just for the city to get an idea. He adds that they are going to have a survey with a QR Code that you can scan when you are walking out there to let them know what they think of it.

Rupchock-Schafer states that this is to get public trust and input while doing a non-permanent change to see how the community experiences it before they invest in a permanent change to the infrastructure.

Gidley asks if that is a thing on their committee.

Rupchock-Schafer agrees.

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Gidley recalls that he believes he read that crossing at those corners now is reduced from 26 steps to 12 steps. He clarifies that you are out of the street and out of traffic quicker and in half the time.

Rupchock-Schafer agrees and states that when her children walked home that they stated it was a safer experience and they were not afraid of anyone clipping them as they were crossing the street today.

Jacobs asks Hammonds if he could get him the information on handicap parking lots and what is required everywhere in the city unless they have a variance. He states that for the width, the space, and handicap ramps. He states that if he can have it in writing from him that he would appreciate that. He clarifies that he is going to start delivering it to a few businesses. He explains that it is getting harder for his family to get around town.

Hammonds states that for places that have been there forever like Walmart that he would be unsure how they would go back and change those.

Jacobs states that for example, Applebee's just repainted their lines and made them smaller again. He states that they can't get their ramp down and if there are two cars parked there that it needs to be wider.

Gidley states that he was never aware how critical this is to people in wheelchairs until serving on the Board of Zoning Appeals with Jacobs. He states that unfortunately there are people who use those parking spaces who do not know how to use them correctly. He states that he is unsure if the city could help him at Walmart but he believes public opinion certainly can. He states that if he wants to get out in front that he will get out in front with him. He states that when he goes to Walmart and sees how people park in those spaces that it makes it impossible for people like him and his family to use them.

Jacobs explains that they park right in the crossed in areas. He states that his mother won't drive because of that. He states that if she comes out of Walmart that she has to wait for somebody to move just to get into her car.

Surrisi believes that is something to take up with the management if it is not up to ADA standards. He explains that there are lawyers out there that specifically take these cases. He states that sometimes just writing a letter or talking to management will help.

Kathy Bottorff states that sometimes it just comes down to educating the public and she is willing to help with that.

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 8:43 p.m.



Kyle Williams— Recording Secretary