

PLYMOUTH BOARD OF ZONING APPEALS

February 7, 2023

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 February 7, 2023, at 7:30 p.m. Board President Art Jacobs called the meeting to order for Board Members Mark Gidley, Brandon Richie, Alan Selge and Paul Wendel. Alternative Fred Webster was in attendance but not needed. Alternative Linda Secor was absent but not needed. Others present were Mayor Mark Senter, Building Commissioner Keith Hammonds and Plan Consultant Ralph Booker. The public was not able to see and hear the meeting through Microsoft Teams.

Board Members Gidley and Wendel moved and seconded to approve the minutes of January 3, 2023. The motion carried.

The following legal notice was advertised in the Pilot News on January 20, 2023:

**NOTICE OF
PUBLIC HEARING**
The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on February 7, 2023 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 2023-03: Brenton and Brooke Patterson, 13437 Nutmeg Ridge Drive, Plymouth, IN 46563: A Variance of Development Standards to build a shed 4.5 feet from the rear property line instead of the required 20 feet on parcel 50-32-08-000-108.000-018 located at 13437 Nutmeg Ridge Drive, Plymouth, IN 46563, zoned R-2 Suburban Residential District.

BZA 2023-04: Nickiba, LLC, 535 Eagle Brook Lane, Naperville, IL 60565: A Special Use and Variance of Developmental Standards request to renovate the existing warehouse for use as a package liquor store and replace the existing pylon sign and two-pole base with a single two-pole sign structure, at 500 W Jefferson Street, on parcel 50-32-05-201.006-000-019 zoned DC, Downtown Neighborhood Overlay 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, January 20, 2023
January 25, 2023 PN342611 hspaxlp

BZA 2023-03: Brenton and Brooke Patterson, 13437 Nutmeg Ridge Drive, Plymouth, IN 46563: A Variance of Development Standards to build a shed 4.5 feet from the rear and side yard property lines instead of the required 20 feet and 15 feet on parcel 50-32-08-000-108.000-018 located at 13437 Nutmeg Ridge Drive, Plymouth, IN 46563, zoned R-2 Suburban 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. He can attest to the hill in the diagram below.

Booker states that there are some sheds to the west on other people's property in which they probably did not get a building permit for as there was a time in which they did not require building permits for sheds. He adds that there are no buildings to the south of this property at all.

Gidley asks if the applicant came to him with a request. Hammonds responds by stating that the applicant came to him. Gidley asks if there was a request for the additional concrete or was that needed at the end of the driveway. Hammonds responds by stating that it was not needed.

PLYMOUTH BOARD OF ZONING APPEALS
February 7, 2023

To: The Board of Zoning Appeals

From: Brooke Patterson
13437 Nutmeg Ridge Dr
Plymouth, IN 46563
January 13, 2023

To Whom It May Concern,

Permission for variance in shed placement (R2 ordinance).

I am writing to request permission for a variance in placement of my outdoor shed. Due to placement requirements it would require the shed to be on a hill causing the shed to be uneven, forcing the shed to be moved into the middle of our backyard to avoid the slope. We would be losing valuable yard space where we want to plant a garden and have a play place for our children.

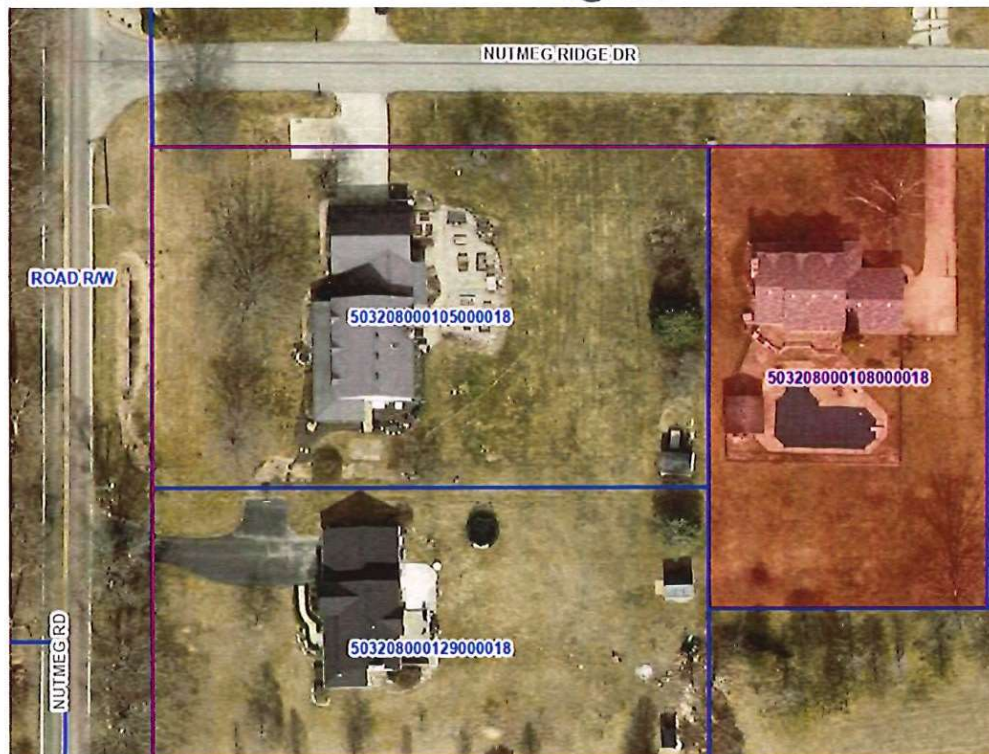
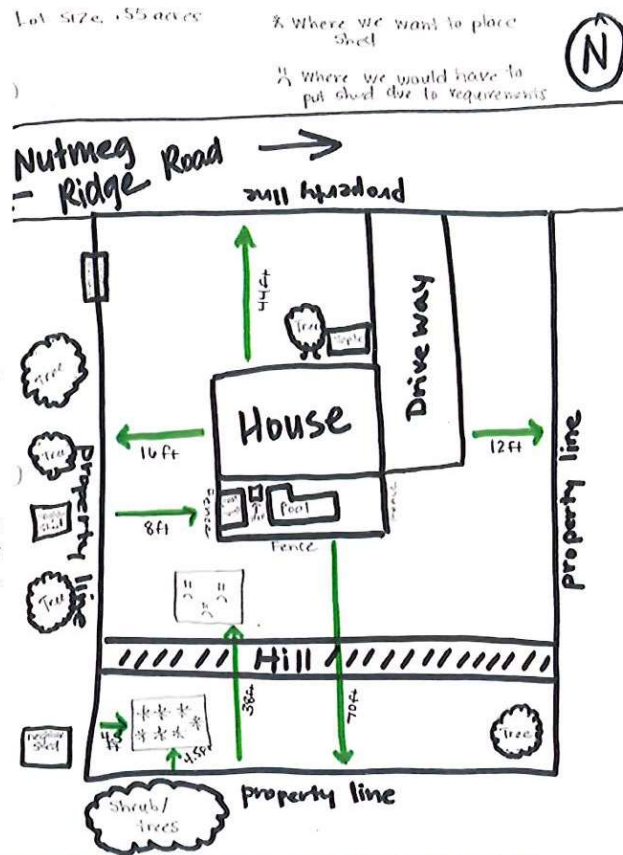
We would like to place the shed at the top of the hill. It would be 4.5 feet from the back of our property (20ft required) and 4.5 from the side of our property (10ft required). Located directly behind the hill is shrub and trees, so it wouldn't be impeding or blocking anything located in the area.

Thank you in advance.

Sincerely,

Brooke Patterson

Brooke Patterson
574-540-6966
Ordinance R2



PLYMOUTH BOARD OF ZONING APPEALS

February 7, 2023

Gidley points out there is a shed at the end of the driveway that is not on the maps provided.

Hammonds responds by stating that it was not.

Booker states that sheds only require a permit if they are over 8' x 12' so smaller sheds do not need a permit.

Brenton and Brooke Patterson (13437 Nutmeg Ridge Drive, Plymouth, IN 46563)

Mrs. Patterson states that the shed they are talking about is the shed that they are wanting to move back there. She states that they were getting ready to put concrete down but they were told that they needed a permit so they wanted to wait for this to be approved first.

Gidley asks if this shed is going to be line up to an adjacent shed to the west of them.

Mr. Patterson responds by stating that is the shed.

Mrs. Patterson explains that it may be close to the gray one.

Wendel states that makes more sense because he thought they were adding a third shed.

Selge asks why they do not want to put it where the ordinance says.

Mrs. Patterson responds by stating that it would force it to be on the hill so that would force them to move it closer to the pool fence.

Gidley adds that there is a significant hill there.

Selge asks for clarification that they are avoiding the slope.

Mrs. Patterson responds by stating that they are going to get rid of their fire pit so they can put it on that location.

Mr. Patterson states that they spoke with their neighbors about this already and they said it was okay if that means anything.

Jacobs asks how close they figure their neighbors are.

Mr. Patterson responds by stating that he thinks they are really good friends and they brought him food.

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

Booker read aloud this letter of support from Frank & Sheila Gardner.

PLYMOUTH BOARD OF ZONING APPEALS

February 7, 2023

February 7, 2023

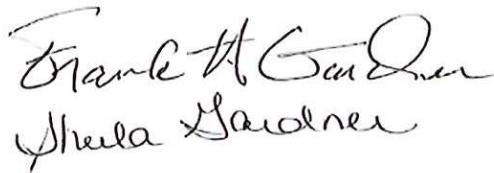
Board of Zoning Appeals
Plymouth City Hall
124 N. Michigan St
Plymouth, IN 46563

Re: BZA 2023-03

This is written support for Brenton and Brooke Patterson to have their shed in their desired location.
They have worked very hard fixing up the property and we are pleased to have them as neighbors.

Thank you.

Frank & Sheila Gardner
10660 Nutmeg Rd
Plymouth, IN 46563

Handwritten signatures of Frank and Sheila Gardner in cursive script.

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

Board Members Richie and Wendel moved and seconded to approve BZA 2023-03 as presented. The motion passed by roll call vote.

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

BZA 2022-04: Nickibaba, LLC, 535 Eagle Brook Lane, Naperville, IL 60565: A Special Use and Variance of Developmental Standards request to renovate the existing warehouse for use as a package liquor store and replace the existing pylon sign and two-pole base with a single two-pole sign structure, at 500 W Jefferson Street, on parcel, 50-32-05-201.006-000-019 zoned DC, Downtown Neighborhood Overlay District.

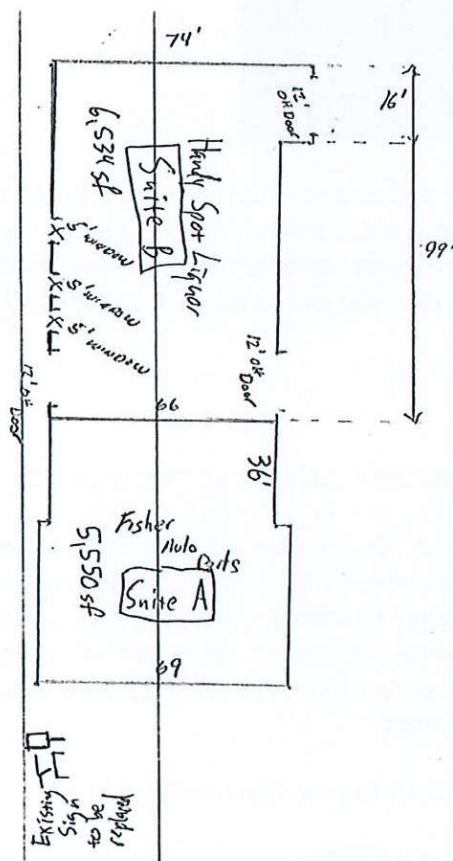
Gidley adds that the gentleman passed out his business cards before the meeting started and he checked with the state business entity website and the name is not titled correctly on the case. He explains that it should be Nickibaba instead of Nickiba.

The application provided listed the applicant as: Applicant: Nickibaba, LLC

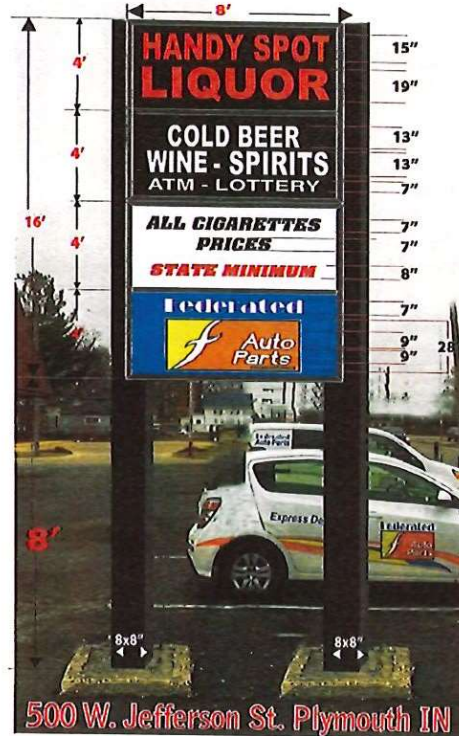
February 7, 2023

Letter of Intent

Petitioner is submitting a Special Exception Application and an Application for Variance of Development Standards. As further described in the applications and depicted in the attachments thereto, Petitioner will renovate the existing warehouse portion of 500 W. Jefferson Street (hereinafter "Suite B") for use as a package liquor store. Petitioner will also replace the existing pylon sign and two-pole base (with no top) with a single two-pole sign structure which will provide panels for Petitioner's business as well as the existing auto parts store. Petitioner would execute commitments confirming that all construction will meet be done pursuant to the site plan and renderings, and Petitioner will together in good faith with all necessary parties to agree on the substance and exact language for any reasonably requested commitments.



PLYMOUTH BOARD OF ZONING APPEALS
February 7, 2023



Booker states that his memory is that this would be at the back of the old Oliver Ford Dealership. He states that the Hoffman Auto Parts would still stay in the front of the building in "Suite A" so there will be no change there. He states that in the rear there will be "Suite B," the Package Liquor Store. He states that there is a gas station to the west and to the east, he knows it as the "Amish Crack Store."

Gidley explains that is the Rise N' Roll.

Booker states that when the City of Plymouth created their zoning map, they originally created eight overlay districts. He lists the Airport Overlay District, Downtown Neighborhood Overlay Districts 1-4, Historic Neighborhood Overlay District, Neighborhood Commercial Overlay District and Wellhead Protection Overlay District. He states for this case, this building was decided to be within Downtown Neighborhood Overlay District Type 2. He explains the Neighborhood General area is a primary, but not exclusive, location for neighborhood residences, with commercial activity typically located either on corner lots or in ancillary buildings. He believes that currently "Suite B" is being used as storage.

Booker asks for clarification which side the Handy Spot Liquor sign would be on.

Calvin Bailey (16290 Pretty Lake RD, Plymouth, IN 46563):

Calvin Bailey responds by stating that it would be on the east and west side.

Jacobs asks for clarity that it won't be on the street side but instead on the west side.

PLYMOUTH BOARD OF ZONING APPEALS

February 7, 2023

Wendel responds by stating that it will be on the east side where First Street is.

Bailey states that it will be on both sides.

Selge asks if the signs that they are asking for meet the standards.

Hammonds responds by stating no. Ralph adds that is why they are asking for a variance.

Gidley asks which ones do not meet.

Hammonds responds by stating that the first issue is that zoning does not allow for pole signs. He states that they are adding three signs to that pole sign making it four signs on that pole and they only allow four but the applicant also wishes to add two more to the building.

Gidley states that there are multiple variance requests in this request.

Hammonds states that you would have to approve them all. Booker adds that they can all be approved collectively in one motion.

Gidley states that he did not see anything where that long 35-foot sign would be on the west side as he only saw the picture for the east side. He states that now it is on both. He asks if the 35-foot sign is in compliance.

Hammonds responds by stating it is in compliance but the number does not comply at this point. He states that the only other issue that he has is that it is required for every 300 square foot of building requires a parking space and a parking space for each employee working on the largest shift. He states that if you calculate that out it would come out to 18 parking spots. He states that right now they have parking spaces out in front of Hoffman's and some on the east side. He states that he would not want to see those 18 parking spots on that east side. He states that our current ordinance does not allow backing up across traffic without a variance.

Gidley asks if the parking spaces to the left of that entrance door are in compliance or not.

Hammonds responds by stating that the ones that are already there are grandfathered in.

Gidley asks if the new entrance is going to be were the overhead door is.

Jacobs responds by stating that they can ask the applicant that.

Nick Singh (535 Eagle Brook Lane, Naperville, IL 60565)

Singh states that they own 17 stores in the State of Indiana and all of the stores look the same. He states that they have a store in Bremen and two in Valparaiso. He states that they try to keep everything the same and, on this building, they are looking at both east and west side entrances. He states that on the west side, they have the whole parking lot to park their cars.

PLYMOUTH BOARD OF ZONING APPEALS

February 7, 2023

Jacobs asks if they will be using the parking lot there on the east side.

Singh responds by stating that 90% of the parking will be on the west side of the building.

Gidley asks if both entrances will look the same.

Singh responds by stating that they will both look the same. He states that the overhead doors will be replaced with entrances and those will be the storefront.

Gidley asks if this is two suites then.

Bailey responds by stating that is correct, it will be A & B so Hoffman's will stay there.

Gidley asks if they still have anything stored in there.

Bailey responds by stating that they do but they are planning on relocating.

Gidley asks where the beer truck is going to stop.

Singh responds by stating that it will stop on the west side of the building or the back end of the building where they have overhead doors.

Gidley asks for clarification that the overhead door on the back is going to stay because they do not want the trucks parked on First Street.

Singh responds by stating that they would park on the west side in the parking lot.

Selge asks if that will then block the parking lot.

Bailey responds by stating that it is a pretty good-sized parking lot on that side.

Singh adds that the parking lot on that side is about the same size as the building on the west side. He states that they could also go around to the back if they have to.

Jacobs states that the one thing he is concerned about is that there is no ordinance to allow them to park on the east side and that they may put that in their motion because even though it was grandfathered, they are now changing it. He explains that they do not want people backing out into the street.

Wendel adds that they can do angled parking.

Bailey adds that they could also do parallel parking.

Selge asks if they will be painting them up.

Singh responds by stating that they will paint them up on the east side and the rest of the people can park on the west side.

PLYMOUTH BOARD OF ZONING APPEALS

February 7, 2023

Mayor Senter asks Singh if he also owned the business where the Old People's Drug Store was.

Jacobs clarifies it as the "Smoke Shop."

Singh responds by stating that is not his. He states that they own the liquor store down the road.

Jacobs asks for clarification that they are moving Party Pack to Jefferson Street.

Singh responds by stating that they are. He states that the area is too congested and they have too many accidents happen there.

Jacobs asks if they have to get a State Permit to move to that location.

Singh responds by stating that they already have all that. He states that you could move anywhere within the same city and the same county as long as it is permitted.

Wendel asks if it is far enough away from the school.

Singh responds by stating that it is supposed to be only 200 feet but there is no school around.

Wendel asks about Saint Michaels.

Singh responds by stating that they are far enough away.

Wendel asks about the sign.

Singh responds by stating that they wish to merge both businesses together into one sign.

Jacobs asks how far off the ground is the first sign.

Singh responds by stating that it will be eight feet off the ground that is required and the 16 feet on top so in total it will be 24 feet in height.

Wendel asks Hammonds what his concern was.

Hammonds responds by stating that it would be the number of signs.

Jacobs states that they are only allowed four and they are wanting to put six.

Hammonds states that he does not see a big deal. He states that the ordinance asks for four and they are only adding two extras but they just have to be sure to put that into their motion.

Richie asks if he is missing something here. He asks how many businesses are going to be in that building.

Jacobs responds by stating there will be two.

PLYMOUTH BOARD OF ZONING APPEALS

February 7, 2023

Richie asks why there is going to be four signs.

Jacobs responds by stating that each sign is advertising different things on them so the top three are advertising the liquor store stuff and the bottom one is the Auto Parts store.

Gidley asks if each panel counts as a sign on that.

Hammonds responds by stating that it does.

Gidley states that even though three of the four are related to this business that it still counts as three signs.

Hammonds states that another thing that he has for the owner is that when "Suite B" was referenced that they cannot do that. He states that they have to go down to GIS Coordinator and have him assign them an address and more than likely they are going to make it "Suite 101 and Suite 101-1" so you cannot use A and B and you have to get a number assigned to you from our GIS Coordinator.

Jacobs asks if there will be any concern with fire load or anything of the like.

Hammonds responds by stating that he does not believe fire load will be a big deal for that business.

Jacobs states when Oliver Ford was there that was always one of their concerns.

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

Calvin Bailey (16290 Pretty Lake RD, Plymouth, IN 46563):

Bailey states that he also owns Bailey's Home Furnishings out on 921 W. Jefferson Street. He states that he was surprised to see this building develop since he has owned it. He believes that it would be a great opportunity both for him and the City to see the improvements. He states that they have talked a lot about the east side but he sees the west side being more like a strip mall. He states that him and the owner of the Pak-A-Sak talked about removed the black chain link fence between the gas station and there and it would be more like a strip mall look. He states that between the signage, the new glass and part of his commitment to the building that it would aesthetically be a nice looking building where it will look a whole lot better.

Gidley asks if they have drawings already for what that would look like.

Bailey responds by stating that they do not have drawings but rather they have estimates.

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

Webster states that one thing that has not come up in this whole thing is if there is any chance down the road that they will be flashing sign or anything like that because they have had issues with that in the past. He states that is a corridor on the west side.

PLYMOUTH BOARD OF ZONING APPEALS

February 7, 2023

Singh responds by stating that there will be no flashing signs or TV advertisements.

Webster states that's all he wanted to know.

Booker states the ordinance does address electronic message signs and if he met the requirements then he could do it.

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

Gidley asks Bailey if they were to make parallel parking along the east side of the building if they would know how many parking spaces they would have. He states that he believes their parking spaces are required to be 20 feet long and 10 feet wide. He states that between the current overhead door and the front of the building, how many increments of twenty feet are in there.

Bailey responds by stating that the box trucks back up to that door so they are approximately twenty feet long and they are off the road so he would guess 22-24 feet.

Gidley asks how many they could fit in parallel to the building, not perpendicular.

Singh responds by stating that he has already measured and three parallel spots would fit.

Bailey states that angled parking could be used as well.

Wendel states that he would not like the parking to be any further north of the current overhead door on the east side of the building. He asks if they will be leaving the fence along Madison Street. Bailey agrees.

Board Members Wendel and Richie moved and seconded to approve BZA 2023-04 with the stipulation that there will be angle parking along First Street and to allow six total signs for this parcel. The motion passed by roll call vote.

Yes: Gidley, Richie, Selge, Wendel and Jacobs

No: None

Absent: None

There being no other business, Board Members Selge and Richie moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:13 p.m.



Kyle Williams—Recording Secretary