

PLYMOUTH BOARD OF ZONING APPEALS

March 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 March 7, 2023, at 8:08 p.m. Board Vice-President Mark Gidley called the meeting to order for Board Members Alan Selge, Paul Wendel and Alternate Member Fred Webster. Board President Art Jacobs and Board Member Brandon Richie were absent. Alternate Linda Secor was absent. Others present were Building Commissioner Keith Hammonds and Plan Consultant Ralph Booker. The public was able to see and hear the meeting through Microsoft Teams.

Board Members Selge and Wendel moved and seconded to approve the minutes of February 7, 2023. The motion carried.

The following legal notice was advertised in the Pilot News on February 23, 2023:

NOTICE OF PUBLIC HEARING		116 Legals	116 Legals
The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on March 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:		a triplex, at 315 Lake Ave., Plymouth, IN 46563, on parcel 50-32-93-301-374.000-019 zoned R-3 Traditional Residential District.	tial unit, to split a 10.8-acre lot into two (2) lots, at 14559 5C RD, on parcel, 50-42-18-000-015.000-009 zoned R-1, Rural Residential District.
BZA 2023-05: Benjamin Oviedo, 800 Lake Ave., Plymouth, IN 46563: A Variance of Use to convert a duplex into		BZA 2023-06: Steven C. and Mary Beth Engel, 14559 5C RD., Plymouth, IN 46563: A Variance of Developmental Standards request from the minimum lot area per residen-	BZA 2023-07: 3 Cramer LLC, 16350 Pretty Lake RD., Plymouth, IN 46563: A Variance of Use to build 150 self-storage
116 Legals	116 Legals	116 Legals	116 Legals
units on Broadway Street, parcel 50-42-32-403-102.000-019, Zoned I Industrial 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, February 23, 2023 February 23, 2023 PN343473 hspaxp

BZA 2023-05: Benjamin Oviedo, 800 Lake Ave., Plymouth, IN 46563: A Variance of Use to convert a duplex into a triplex, at 315 Lake Ave., Plymouth, IN 46563, on parcel 50-32-93-301-374.000-019 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. He explains that the applicant is already doing substantial renovation and, in his opinion, he believes this building really needs substantial renovation. He states there is an alley that goes through the south side of the property that could be used as access to the property as there is no access off the street. He states if the owner does not expand the property any further then it is that there is a good half of the property or more that is not being built upon and it looks to him like there could be sufficient space for parking.

Hammonds states that it had been built as a duplex but it has been empty for years so that grandfather clause for the duplex has gone away. He states if the triplex is disapproved then if he wants to make it a duplex that he would still have to get approved.

Booker states he has lost his grandfather status but a duplex is a special exception so they would have to come back to make it a duplex.

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Letter of Intent

Parcel ID: 503293301374000019

To whom it may concern,

I am seeking a variance for the property located at 315 and 317 Lake Ave., which is currently set up as a duplex. The proposed conversion of a duplex to a triplex would allow the property owner to continue remodeling the property with the intent of a triplex. With the completion of the project, the property would be in character with homes and businesses in the surrounding area.

1. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
2. The approval of variance will have no negative impact in the surrounding area. The strict application of the terms of the zoning ordinance would cause undue and unnecessary hardships for the owner in regards on how the property would be remodeled.
3. The addition made in the past year has added a sufficient amount of space to the property making it possible to covert from a duplex to a triplex. With approval of the variance further remodeling can continue, further developing the community as a whole. As the structure already exists what will be heavily affected is the remodeling of the structure inside.

It is fully my intent to further improve the property to fit in with community and provide housing in the surrounding area. The requested variance will only serve to benefit the general welfare and value of the community.

Thank you for your consideration,

Benjamin Oyiedo

Property Owner



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Gidley asks if the building permit was issued for a duplex or a triplex.

Hammonds responds by stating a building permit was done just for the demolition, the beams, and putting a new roof on it to save the building itself.

Gidley asks if there is a new second floor addition on the back. He states that it was a single-story section on the back and now there has been a second story put on it. He asks if that was in the plans that was issued with the building permit.

Hammonds responds by stating that it wasn't. He restates it was for a demo and to put a new roof on it to save the building.

Booker states they would also have to provide HVAC for each. Hammonds adds they would also have to be separate. Hammonds explains there would also have to be six parking spaces in the back so there was two parking spaces for each resident.

Webster states there is no parking on Lake Avenue.

Benjamin Oviedo (800 Lake Ave., Plymouth, IN 46563)

Oviedo states the property also adjacent to that property also belongs to him. He states if they are both added together that there would also be more than enough parking plus ample play room for children or whoever. He states that he is thinking about making a small park with picnic tables for whoever resides there. He explains there is ample room for parking and he does recall he did add the extension that he did make onto the building permit. He states the back was deteriorated and he tore it down and went two stories up.

Booker states that it is fine to put the two properties together but the applicant would have to do a replat which could be signed by the Building Commissioner.

Oviedo states that it was technically already one property.

Booker states that he may be paying a tax payment on one property but it has never been one property. He states as far as they are concerned it is two separate parcels.

Oviedo states he can become confused sometimes because he used to have two parcels and he used to get two different bills. He states he now has one parcel and one bill.

Booker explains for tax purposes they allow people to combine parcels.

Oviedo states that he never did that so someone else did.

Booker states that he was never happy about that but the State allows it. He states he would have to go to the surveyor and get a replat. He states that he would not need a public hearing because he would be putting two properties together and the Building Commissioner can sign off on that.

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Gidley asks Oviedo what he is going to do to the exterior and how many square feet each unit is going to be.

Oviedo states that he is looking at around 700-800 square feet per each unit.

Webster asks about drawing that was provided with the application.

Oviedo responds by stating that is not accurate any more as that was the original drawing. He explains the back end where there used to be a lean-to flat roof, that it was too flat and it would hold water so he tore it down and put in eight foot walls and went two stories up with it instead of one story. He states that it has a full foundation under there.

Wendel asks if the foundation is okay. Oviedo agrees. Wendel states he knows that house has sat empty forever.

Gidley states that he does not remember anyone living there and he has lived here 57 years.

Webster adds that a former coworker used to live there many years ago. He states in having three different units if he is going to three different entrances and exits.

Oviedo responds by stating that they will and that he will work with the new Building Commissioner.

Webster asks if they will have a stoep out there and a sidewalk leading to Lake Avenue or back to where they park. He assumes he will be parking everyone off the back of the alley.

Oviedo responds in agreeagance and states there is no parking whatsoever off Lake Avenue. He states that the building is technically not even five feet off the sidewalk.

Webster asks how many bedrooms per apartment.

Oviedo responds by stating two bedrooms per apartment that will be about the same size.

Wendel asks if they will be all different utilities.

Oviedo responds by stating that he will be working hand in hand with the Building Commissioner to make sure everything is up to code. He states that he has gutted it entirely out to the 2 x 4's to allow for new electrical and HVAC for the same reason.

Webster states that when he gets his stuff around, would he want to go to the Technical Review Committee (TRC).

Booker responds by stating that it is zoned residential so it will not need to come to the TRC.

Webster asks even for building stuff.

Oviedo asks if it would be the same to ask to rezone for triplex instead of duplex.

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Booker responds by stating this is not a rezone.

Webster asks if he has one water line coming into the house or two.

Oviedo responds by stating he believes there is two as it had two gas meters and two electrical meters come into the house.

Webster states that if you were going to put three units in that he would tell him to run one line in and split it before they get there. He states that is why he brought up the TRC. He recommends touching base to see what is best. Oviedo agrees.

Gidley asks if he plans on putting Vinyl siding on it. Oviedo agrees. Gidley asks about all new windows.

Oviedo responds by stating he has all new windows and that is why he is here now. He states that is also why the building is wrapped currently to make it weather proof. He states that he does not know how to move it forward currently until he gets permission to see how the layout will be. He clarifies that he is going to work his blueprint around if he gets permission for a duplex, triplex or a house. He states that he can't put three kitchens in a single house. He states all the construction depends on the outcome of this meeting.

Hammonds states that each window has to be egress windows.

Oviedo adds that he has been through this before. Hammonds agrees. Oviedo states that he had to take windows out and had to replace them before.

Gidley explains that he would hate to see people get in so far and find out they aren't in code so he wants him to be in code with whatever they do.

Webster asks if all the furnaces are going to be in the basement.

Oviedo responds by stating that he is not too sure as it depends which way he wants to go with heating and cooling. He states there is ample room in the attic as it is large and he does not plan on making it living space so he could put one up there and two in the basement. He states that way they can each have their own individual access for their utility room with their furnace and water heater for them.

Gidley asks if he is going to gravel the parking or pave it.

Oviedo responds by stating he is going to gravel it now and hopefully in the future he will pave it.

Gidley states that he does not want anyone to park in the grass. He does not think it is fair to the neighbors to have a muddy mess next door.

Oviedo responds by stating he agrees as well. He states by no means as he owns two properties here in town and that is one of the things he absolutely hates.

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Hammonds states per our ordinance they also have to have two parking spots per resident so in total six parking places.

Wendel adds that yard is plenty big.

Oviedo states that he does not want to use that adjacent property for parking and he would want to leave it as grass.

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 Wendel and Webster moved and seconded to close the public hearing. The motion carried.

Gidley asks Hammonds if he will have to issue a new building permit.

Hammonds responds by stating that he will have to go back and look at it as it depends what they put in the description.

Gidley asks if he will get with him on if he is going to have to reapply. Hammonds agrees.

Board Members Webster and Wendel moved and seconded to approve BZA 2023-05 as presented. The motion passed by roll call vote.

Yes: Gidley, Selge, Webster and Wendel

No: None

Absent: Richie and Jacobs

BZA 2023-06: Steven C. and Mary Beth Engel, 14559 5C RD., Plymouth, IN 46563: A Variance of Developmental Standards request from the minimum lot area per residential unit, to split a 10.8-acre lot into two (2) lots, at 14559 5C RD, on parcel, 50-42-18-000-015.000-009 zoned R-1, Rural Residential District.

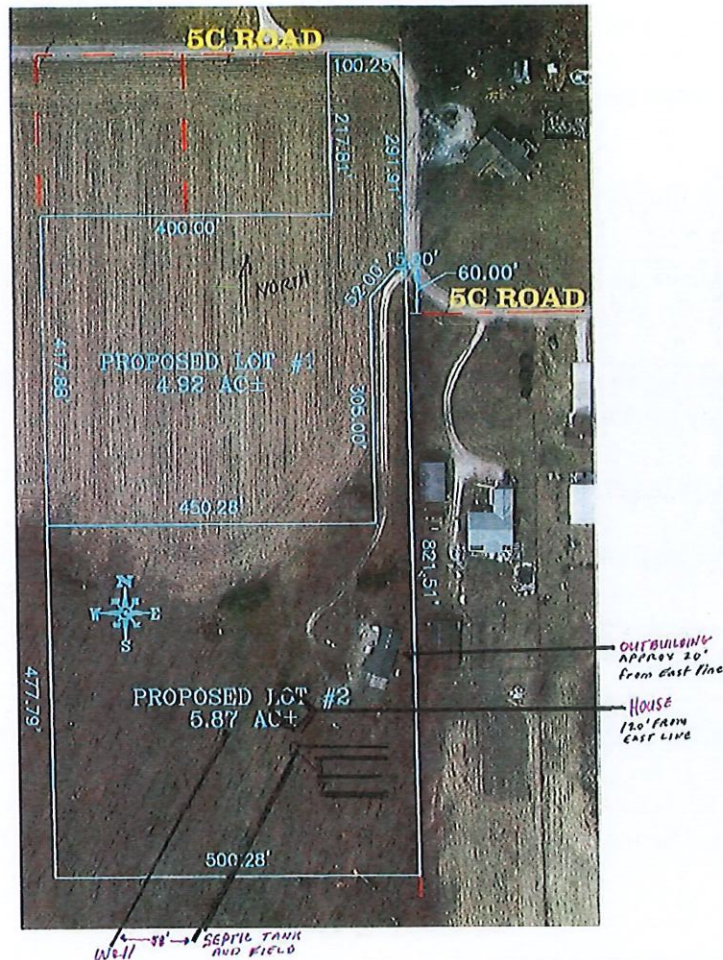
Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He read the applicant's letter aloud. See attached letter below. Booker explains that the minimum lot area per residential unit is 5 acres and when that passed everything started out fresh. He explains that if this would have been 15 acres then this would have been okay. He states the reason that was done was to decrease the density in the rural area. He states you can see a bunch of residential properties here that probably existed before the ordinance. He states if this was allowed, and he is aware that this isn't what the applicant wishes to do, but one new home could be built on the north lot. He states their intention is to keep it as crop ground but there could be another house built there. He states they are here to see if that density would be negative to the community.

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Describe the details of your request (please list Zoning Ordinance section number[s]):

*Asking to split parcel # 504218000015000009 (10.8 ac)
into 2 parcels. LOT 1 would be 4.92 ac. and lot 2 would be
5.87 ac. Lot # 2 has owner's home and outbuilding
located on it.*



Steven & Mary Engel (14559 5C RD., Plymouth, IN 46563):

Mr. Engel introduces himself and his lovely wife. He states they are here to change some things hopefully for the better for everyone. He states that he is going to retire and wants to move out of state. He explains they want to make the home more affordable by not having to include the farmland with the house and woods. He states they also own adjoining farmland and they want to preserve as much tillable as possible because they intend to continue farming it. He states they would really like to keep it and they have farmed it all this time. He adds they have been nothing but good farmers who have been fair with him.

Gidley clarifies they own land adjacent and they wish to split this off so that other 4.92 stays farmland. He asks if that whole parcel was sold as one then that may not happen that they could

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convert it to someone else. He asks if they want to make it more marketable then selling it as one piece. The Engels agree.

Webster asks for clarification that they are not putting dairy in there.

Hammonds jokingly says he already issued the permit and they already started on that.

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

There were no comments from the public at this time.

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

Board Members Webster and Wendel moved and seconded to approve BZA 2023-06 as presented. The motion passed by roll call vote.

Yes: Gidley, Selge, Webster and Wendel

No: None

Absent: Richie and Jacobs

Booker states that since this has been passed that this will come before the Plymouth Plan Commission next month.

Building Commissioner Hammonds introduces Dennis Manuwal as his replacement.

There being no other business, Board Members Webster and Wendel moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:35 p.m.



Kyle Williams— Recording Secretary