

## PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019

The Plymouth Board of Zoning Appeals met in Regular Session in the Council Chambers, 124 N. Michigan Street, Plymouth Indiana on January 2, 2019 at 7:30 p.m.

Board President Mark Gidley presided for Members Art Jacobs, Keith Wickens, and John Yadon. City Attorney Surrisi and Plan Consultant Ralph Booker were also in attendance. Board Member Alan Selge and Building Commissioner Keith Hammonds were absent.

Board Members Jacobs and Yadon moved and seconded to approve the minutes from the October 2, 2018 regular meeting, since they have been reviewed and found to be correct. The motion carried.

President Gidley proposed a slate of 2019 board officers as follows:

- President – Art Jacobs
- Vice President – John Yadon
- Secretary – Alan Selge

Board Members Jacobs and Yadon moved and seconded to accept the proposed slate of 2019 officers. The motion carried by roll call vote.

|         |                                |
|---------|--------------------------------|
| AYES:   | Gidley, Jacobs, Wickens, Yadon |
| NAYS:   | None                           |
| ABSENT: | Selge                          |

Newly elected president Art Jacobs reviewed dates and times for the Board of Zoning Appeals meetings in the calendar year 2019.

Jacobs and Wickens moved and seconded to retain the current schedule of the first Tuesday of each month at 7:30 p.m. or immediately following the Plymouth Plan Commission meeting with the exception of the November, 2019 meeting. The November meeting falls on Election Day; therefore, the motion is to move that meeting to Wednesday, November 6, 2019. The motion carried.

The following legal notice was advertised in the Plymouth Pilot Newspaper on December 21, 2018:

# PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019



## NOTICE OF PUBLIC HEARING

The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a hearing on January 2, 2019 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 2019-01:** Landon Krieg (Garry and Marcia Lauber, owners), 213 Shalley Dr., Plymouth, IN 46563. A request for a Special Use to operate a Home-Based Business, Krieg Carpentry, on a .19 acre lot located on parcel 504292304512000019 at 213 Shalley Dr., zoned R-3, Traditional Residential District. Information on these matters may be obtained at the office of the Clerk-Treasurer,

124 N. Michigan St., Plymouth, IN and telephone #574-936-2124.

Written objections to the proposal filed at the Clerk-Treasurer's office will be considered and oral comments will be heard. The hearing may be continued from time to time as may be found necessary.

If you are disabled and need special accommodations, please call the ADA Coordinator at 574-936-2948.

Abby Collins, Recording Secretary, Board of Zoning Appeals, December 21, 2019.

December 21, 2019 PM 204251  
TMS/2019

**BZA 2019-01:** Landon Krieg (Garry and Marcia Lauber, owners), 213 Shalley Dr., Plymouth, IN 46563. A request for a Special Use to operate a Home-Based Business, Krieg Carpentry, on a .19-acre lot located on parcel 504292304512000019 at 213 Shalley Dr., zoned R-3, Traditional Residential District.

Plan Consultant Booker reviewed the Findings of Facts and listed the developmental standards for a home-based business. Booker did note that there is a side door on the house that indicates it is the entrance for the business. He said the business is registered with Marshall County as a general contractor.

Booker read aloud the following correspondence:

PLYMOUTH BOARD OF ZONING APPEALS  
January 2, 2019

**Abby Collins**

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**From:** Lisa Plantz <lplantzppd@plymouthin.com>  
**Sent:** Thursday, November 15, 2018 11:19 AM  
**To:** Abby Collins  
**Subject:** RE: Citizen Complaint - 217 Shalley Drive

Abby,

I did receive a complaint from Mrs. Bulgar a few months ago. Mark Owen went and spoke with her and to Mr. Krieg. We do not feel from a Code Enforcement standpoint there is anything we can do. The truck on the street is moved every day. The trailer in the backyard is properly registered. Mark did explain to Mrs. Bulgar that there is code enforcement violation there.

Mr. Krieg does have a sign in "his" front yard Krieg LLC. and Mark stated he has what appears a separate door for his business to the residence and does have an office there.

**Lisa Plantz**  
**Code Enforcement**  
**City of Plymouth**  
**Phone: 574-936-2126 Ext#1240**  
**Email: lplantzppd@plymouthin.com**



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**From:** Abby Collins [mailto:hr@plymouthin.com]  
**Sent:** Thursday, November 15, 2018 10:43 AM  
**To:** Doug Feece; Mark Gidley; Lisa Plantz; Ralph Booker; Keith Hammonds  
**Cc:** Dave Bacon; Jeanine Xaver; Sean Surrisi; Keith Wickens  
**Subject:** Citizen Complaint - 217 Shalley Drive

Good morning,

Please see attached letter and photographs. We received this in the mail this morning – one addressed to Ralph and one addressed to Keith Wickens/BZA. It sounds like maybe she has spoken with Keith Wickens and maybe that's why she sent a copy for him.

Lisa, I copied you and Dave because I'm not sure if you have been contacted about this complaint yet. Is this something you can look into or should we escalate to Keith Hammonds and the Plan Commission?

PLYMOUTH BOARD OF ZONING APPEALS  
January 2, 2019

Mrs. Bulger did not leave a phone number in her letter and we do not have a contact number in our utilities database. Her phone number in the phone book is 574-936-8603.

I do have contact numbers for both Landon Krieg (952-9077) as the tenant and Garry Lauber as the property owner (936-5222 and cell 780-5756). If there is anything I need to do on my end for this, please let me know.

Thanks,

Abby Collins  
City of Plymouth  
Phone: 574-936-2124  
Fax: 574-936-4371  
Email: [hr@plymouthin.com](mailto:hr@plymouthin.com)

It was decided that the applicant should be allowed to speak first and correspondence from the public will be read into the record after that.

Applicant Landon Krieg, of 213 Shalley Drive, spoke to the board regarding his business and operations. He said he does have a trailer parked in front of the house that is moved daily for work purposes. He also noted that there is a flatbed trailer parked in the back of the house that is fully insured and is moved every 30 days. Krieg also discussed the dumpster that he has contracted with Republic Services. He said both the city and Republic Services said there are no issues as long as power lines are not in the way. Krieg said he has only had one customer come to his home for a work-related item and that was a unique situation. He also said employees do not come to the house. He stated that he tries to keep his yard as well-maintained as possible – he does have children that often play outside. Work-related materials used to be left out before he contracted to have the dumpster located at the house. He does bring some materials home to put in that dumpster for smaller jobs.

Gidley asked if he had a sign in the yard. Krieg said he used to have a sign, but has since removed that sign. Krieg said he does have a sign on the door to his office for tax purposes.

Gidley asked if he could park the trailers at another location. Krieg said he does not have another location to park them.

Gidley asked about the gravel that he put in the yard along the alleyway. Krieg said it is there for the dumpster. Republic Services asked that he put the gravel down to make it easier for pickup.

Yadon asked if there is zoning enforcement that covers mobile signs because the trailer in front of the house does have Krieg Carpentry on the side. Krieg said the signage on the trailer is due to regulations in another county that required trailers to be signed. He also uses it as an advertisement. The signage was put on about four weeks before Christmas. Booker said the zoning ordinance does not address mobile signs.

City Attorney Surrisi went on to explain that whether or not the permit to have a home-based business is approved or denied, it will not have any bearing on the trailer parked on the front street or the trailer in the backyard so long as they are moved at the appropriate intervals. The only impact would be whether the office and operations can be conducted at this property. He said it can still be the address for his LLC because he lives there, but the visible signs of a business might not be affected with the ruling tonight.

## PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019

Booker did review the ordinance for prohibited signs: vehicle signs – signs placed on vehicles parked on public property primarily for the purpose of displaying the sign for commercial use. Prohibited signs do not include those displayed on vehicles parked on the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are used for transporting persons or properties and vehicles parked at the driver's place of residence during non-business hours or for incidental purposes.

Yadon asked how often the dumpster is emptied. Krieg said once per week. Yadon asked if any of his jobs require pre-cuts of materials. Krieg said no. All work is performed on the job site.

Jacobs opened the privilege of the floor to the public.

Kevin Leffert, 212 Elliott Avenue, said his issue is with the dumpster. The large dump truck that is picking up garbage is destroying the alley and dragging screws, anchors, and debris along his driveway. Jacobs asked City Attorney Surrisi if the dumpster is allowed. Surrisi asked Mr. Krieg if he pays for garbage services with his city water bill. Krieg said he does and contracts separately for the additional dumpster. He contacted the city about restrictions. He was told as long as there is something to set it on and no power lines in the way when it is dumped, then there would be no issue. He also contacted Republic Services. They checked and said there are no issues.

City Attorney Surrisi said there is no city ordinance that prevents the use of dumpsters.

Leffert asked if there is a reference to determine if the slab of concrete that the dumpster is being placed on is adequate or not. Krieg said the slab of concrete is about 8-ft x 8-ft. There was additional discussion about the wear and tear on the alley from the garbage truck. Mr. Krieg said he has been made aware of some instances where nails or other materials were found in the alley or street. He has picked those up when he is made aware of the situation.

Leffert also expressed safety concerns regarding the trailer parked along the street due to the inability to see traffic.

Deborah Calhoun, 212 Shalley Drive, expressed concerns about congestion in the area due to vehicles parked along Shalley Drive. Jacobs said that the truck and trailer are not part of this discussion because those are code enforcement issues that have been checked out and are in compliance.

Surrisi noted that if residents in this area have concerns about traffic flow and parking in this neighborhood, a request can be submitted to the Board of Public Works and Safety to investigate those concerns.

Jenrick Platt, 202 Shalley Drive, voiced his support of the request. He lives across the street and is an employee of Krieg Carpentry. He supports Mr. Krieg trying to run his small business at his home.

Rhonda Aitkin, 221 Shalley Drive, said she moved to her home in 1990. She asked that if the property was approved as a home-based business to a renter, what does that mean for the future. Does the code for a home-based business stay with the property? Booker and Jacobs stated that they could make the stipulation of it just being for this specific individual.

## PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019

Jim Baldwin, 123 Harrison Street, stated that the trailer would not be on the street if Mr. Krieg did not have a business. He feels that the trailer violates the intent of the law. He said his wife has a problem maneuvering around the large trailer and it is also dangerous to pedestrian traffic. He feels that someone who isn't familiar with the area will hit someone someday. He thinks they should not approve a business simply because they are encouraging the trailer. Mr. Baldwin also stated that it is a question of politeness and that people should be conscientious of others when parking in a small street neighborhood.

Mike Delp, 1707 S Michigan Street, stated that he used to be on the City Plan Commission and is now on the County Plan Commission. He said that when he was on the City Plan Commission, a business was required to have fencing around a dumpster and asked if that still held true. He clarified that parking is open to anyone on the street to park wherever they want. One does not have a right to the parking right in front of their house. He feels they are pushing the point with the huge trailer and not the home-based business. He said that the Board of Works can also restrict parking in the alley and in front of 213 Shalley Drive as it is hard to see coming out of the alley.

Mike Erdelyi, 221 Shalley Drive, said he doesn't have a great objection with the trailer, but he has seen many days when the trailer is not moved and has seen lumber stacked around the yard and up against the garage. They were told that all the work was done off-site when clearly they have seen it done at the residence. He feels there is some discrepancy with what they are being told. He also feels it is a quiet neighborhood and it does not seem to be jiving with the intent of the residential neighborhood.

Garry Lauber, 11701 9<sup>th</sup> Road, said he has spoken with Mr. Krieg about the home-based business and doesn't have a problem with it. He has also spoke with Building Commissioner Hammonds regarding the parking of the different vehicles and the code for this subject. Mr. Hammonds stated that Mr. Krieg just needed to get a special permit to have it there. Lauber said it seems a lot to have to have a special permit to have a home-based business, but if he worked for NIPSCO or another business that required him to drive a large truck, he could park it wherever he wanted. He reiterated that he does not have a problem with what Mr. Krieg is doing.

The following correspondences were read into the record:

PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019

To: Plymouth City Council

From: Bonnie L. Bulger

Date: December 24, 2018

RE: Special zoning permit for residence at 213 Shalley Drive

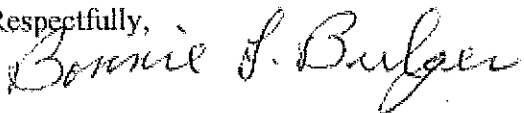
I have enclosed a copy of my letter of November 12, 2018, that clearly outlines my complaints regarding the business next door to me, Krieg Carpentry, LLC. I will be unable to attend the meeting on January 2, 2019, and ask that you present the enclosed letter on my behalf.

None of the issues stated in the letter have changed and a few more problems have been noted. There is a problem with school bus #6 making the turn because of the large business trailer that is parked in the street. The trailer in the street has also caused a parking problem when I have visitors. Finally, mine, and my neighbors' only access to and from our garages is via the alley behind our homes. This alley is now in terrible condition from the garbage truck that comes weekly to empty Mr. Krieg's dumpster. This has never been an issue because we are required to take our trash cans to the street. Rezoning or granting a special permit for this business will only give Mr. Krieg permission to continue to interfere with the reasonable enjoyment of my property, and the safety of the neighborhood.

I question the reasoning of permitting a renter to change the environment of an entire neighborhood of property owners. I own my property, therefore I have an interest in changes within the neighborhood that have the potential to hurt my property value. I do not believe that a renter shares this commitment with the neighboring homeowners.

*I thank you for the opportunity to address the Council and for the presentation of my written documents at your meeting.*

Respectfully,



Bonnie L. Bulger

PLYMOUTH BOARD OF ZONING APPEALS  
January 2, 2019

November 12, 2018

Garry Lauber  
11701 9<sup>th</sup> Road  
Plymouth, IN 46563

Bonnie Bulger  
217 Shalley Drive  
Plymouth, IN 46563

Office of the Mayor  
Mark Senter  
124 N. Michigan St.  
Plymouth, IN 46563

Plan Commission and Board of Zoning Appeals  
Ralph Booker, Planning Consultant  
P.O. Box 492  
124 N. Michigan St.  
Plymouth, IN 46563

Board of Zoning Appeals  
Keith Wickens  
P.O. Box 492  
124 N. Michigan St.  
Plymouth, IN 46563

To all the above addressed individuals:

I am writing in regard to ongoing issues with the property next door to me, 213 Shalley Drive. This rental property is owned by Garry Lauber, address listed above. The renter, Landon Krieg, is the owner of Krieg Carpentry LLC, and this property is the home for his carpentry business. I have attempted to reach Mr. Lauber to discuss my concerns, but he has yet to respond.

My husband and I retired over 16 years ago in Plymouth, in a nice, quiet neighborhood on Shalley Dr. *My husband has since passed and I have remained in my home.* I am a responsible homeowner and tax payer. My home has always been well kept and in keeping with the excellent condition of the other homes in the neighborhood. Until recently, this has been the case for all of the homeowners in the neighborhood. I have spent tens of thousands of dollars to create a home environment that I can enjoy year round. I added a sunroom to the back of my home, an enclosed front porch, and this summer, a beautiful new wood picket fence around my back yard. In the past, a good part of my day was spent on the front porch watching children walk to/from school, watching people walk their pets, and visiting with neighbors, as well as time in my sunroom with my dog, watching the birds, squirrels and rabbits. As I proceed, you will learn how the carpentry business next door has interfered with the peaceful enjoyment of my home.



## PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019

Enclosed you will find photographs of the property for which I am referring. First, the two trailers on the property are very large. The large, long, box trailer blocks my view in the front of the house, and the flatbed trailer in the back is an eye sore. Photo #1 is of the large enclosed trailer that is parked in the road in front of my home. Many times, if the Krieg's personal auto is parked in front of their home, the trailer is backed up so far, it blocks my entire home and view from my front porch. My home is the small, tan, brick home in the photo. Photo #2 is of the large flatbed trailer that is parked in the neighbor's back yard. This is the unsightly view from my sunroom. *Although it does not totally obstruct my view, it is certainly not the view I hoped for when I had my sunroom built.* In addition, this photo shows the large dumpster that is used for construction waste. Photo #3 shows a burning barrel and fire pit that are routinely used to burn construction waste. This photo also illustrates the proximity of my sunroom, (tan brick home and garage in background), to the construction clutter in their back yard.

Not only do the above issues affect my ability to enjoy my property, but I firmly believe they reduce the property values of the surrounding homes. I listened to a program on Plymouth radio that was hosted by Ralph Booker, Planning Consultant for the city, that made very specific statements regarding many of the issues I have listed in the above text. He was emphatic that these are infractions and are not permitted. *Yet, I am told by Keith Wickens that Mr. Krieg is doing nothing wrong* and there is nothing that can be done. It is also apparent that the owner of the home, Garry Lauber, has demonstrated no intention of addressing this issue, as he has yet to respond to me. I am appalled that any citizen, renter or homeowner, can be allowed to act in a way that negatively impacts a neighbor's quality of life home value.

I am hopeful that by putting my concerns in writing, someone might take this situation seriously and address these issues. I look forward to hearing from each of the individuals addressed in this letter, or better yet, from the collective group that comes up with a resolution to this problem.

Respectfully,

Bonnie L. Bulger

PLYMOUTH BOARD OF ZONING APPEALS  
January 2, 2019

**From:** May, Michael (Mike) <maym@nibco.com>  
**Sent:** Wednesday, December 26, 2018 3:41 PM  
**To:** Abby Collins  
**Cc:** hr@plymouthin.com; Mike May  
**Subject:** RE: City of Plymouth: Board of Zoning Appeals Communications

Hello Abby, listed below is my input regarding BZA Case 2019-01 (Krieg at 213 Shalley Drive)

To Whom it may concern:

I am writing this email to provide input for the council's consideration regarding BZA Case 2019-01 (Krieg at 213 Shalley Drive). I **disapprove** of zoning change that would allow Landon Krieg to run his construction business out of this rental property. While I am glad Landon has chosen to take a legal approach to this request, that being said, he has already been running said business out of this location for nearly a year. During this period, there has been a long list of issues. I feel that if this was made legal, I cannot fathom what new paradox would be formed and what else I would have to put up with as a seek to live next to neighbors that are respectful of others.

These issues include the following:

1. Excessive noise from tools that run till early into the morning
2. Excessive clutter, Landon now parks two large trailers at the residence. One has become what seems to be a permanent fixture in the backup directly facing my house.
3. Excessive odors from burning construction materials in a burn barrel that has used over the last year.
4. Excessive yard damage that comes from the removal of an industrial sized dumpster that faces my house directly.
5. Appearance issues from construction materials, rusty barrels and other yard waste that seem to stay in the yard for months.

While I believe in the rights of every person, they should not come at the sacrifice of others. I want to come from work and relax inside and outside of my house, not come to a construction zone.

PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019

Rhonda Aitken-Erdelyi  
221 Shalley Drive  
Plymouth, Indiana 46563

December 28, 2018

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

RE: BZA 2019-01 Request for Special Use to operate a Home Based Business, Krieg Carpentry at 213 Shalley Drive, Plymouth, Indiana

To Whom It May Concern:

As a property owner located within 300 feet from the property in question, I strongly oppose rezoning to operate a business on Shalley Drive. I have owned my property and lived on Shalley Drive for almost 30 years. This is a quiet RESIDENTIAL neighborhood on a narrow street with parking on both sides.

The business of Krieg Carpentry has already proven to be loud with a diesel vehicle running in the early hours and one dual-cab, long-bed truck with an enclosed trailer taking up parking for 3 vehicles. As this business grows, it's fair to assume more parking space would be encroached upon by this business with employees and business equipment.

The property of 213 Shalley Drive also T's at the intersection with Bailey Street making negotiating the turn from Shalley Drive to Bailey Street difficult for school buses and other extended-length vehicles.

The fact that this property is currently a rental property also leaves the future of a commercially zoned property a concern. Landon Krieg, the business owner, has expressed his intent to move in the not-so-distant future to several neighbors so making this change in zoning only to desert it seems ill-fated for the residents of Shalley Drive who chose to live in this neighborhood for the quiet, low-traffic street and not near an industrial park.

The business has also set up a dumpster service in the alley between Shalley Drive and Elliott Street next to its trash-ridden back yard. Now the alley, which serves all residents, not just this business, has been torn up due to the garbage truck in the alley, a garbage truck which never went down the alley until this business.

PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019

I am hopeful the Plymouth Board of Zoning Appeals will take into consideration the concerns and opposition of this request for a business on Shalley Drive by those who have shared comments, all of whom have been here longer than the Kriegs, and consider the long-term effects this decision will have on those who care deeply about this neighborhood.

Please advise if there is anything further I can do to oppose this business zoning decision.

Thank you.

Sincerely,

*Rhonda Aitken-Erdelyi*

Rhonda Aitken-Erdelyi

## PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019

This letter is in response to the letter we received concerning BZA 2019-01: Landon King Home based carpentry business.

This residential neighborhood, with small lots and narrow streets, is not able to handle a construction business out of this rental home. When we purchased this home, we were told it wasn't zoned for businesses.

The huge black trailer blocks a driver's view coming up Shalley & forces to move into the oncoming lane. Even the school bus can barely make the turn onto Bailey Street.

Students walk in the street as there is no sidewalk on the south side of the street. Dangerous!

There is a huge dumpster in their back-yard along with a 50 gallon drum. The drum is used to burn stumps from their business & the flames are several feet above the top rim. Also, there is no one there or a water hose in case it flares out of control.

Since this notice has been mailed out, they've suddenly tried to clean up the property. But it'll revert back as before.

So, please consider how these business problems have divided our homes & how it's not an area made to have this equipment parked on these narrow streets. Narrow

PLYMOUTH BOARD OF ZONING APPEALS  
January 2, 2019

December 27, 2018

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

Ref: BZA 2019-01

Dear Members of the Board of Zoning Appeals:

Thank you for providing the opportunity to respond to your request for written comments on BZA 2019-01. I urge you to vote **against** the request for Special Use at 213 Shalley Dr.

Here is my analysis of how this Special Use request **fails to meet** the decision criteria from the current **Zoning Ordinance Article 9-040 A**:

1. **General Welfare:** due to the presence of a large black utility trailer on the street in front of 213 Shalley, I have observed on numerous occasions that it is difficult for the PCSC buses to negotiate the left turn from Shalley onto Bailey. Prior to the arrival of this utility trailer an open bed trailer had been parked in front of the house with construction debris including an old toilet
2. **Adjacent Property:** our neighborhood is currently zoned R-3, which is Traditional Residential. A home based business does not enhance the neighborhood especially with a large black utility trailer hitched to a pickup truck parked on the public street impeding the view and creating obstacles for passing motorists including buses.
3. **Practical Difficulty:** as is true in many older traditional neighborhoods, my driveway is actually the **unpaved** alley. With the recent addition of a large dumpster at the rear of 213 Shalley and the traffic of a heavy garbage truck to remove the imported contents periodically, that egress point has become almost too muddy and rutted to use as an exit point. I have stopped using that segment as an entrance/exit. It is noted that the renter, Landon Krieg, has attempted to repair this area with rock. Over for page 2

## PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019

4. **Unnecessary Hardship:** as a homeowner in this traditional neighborhood of Plymouth Indiana, I am experiencing decreased quality of life, emotional turmoil and distress because I know this action by a renter (who has no long-term investment) has upset many members of our Shalley Dr. neighborhood. This action is not morally just nor in the best interests of the homeowners (of which I am one) who have lived here for many years.
5. And finally, from the **Comprehensive Plan Vision Statement** page 4, here is an excerpt

### **Strong Neighborhoods**

**Safe, clean and well-maintained properties, connected to each other and the broader community, with a variety of housing options to serve our diverse population. Neighborhoods that make Plymouth shine as a brighter spot on the map.**

I do not believe that a Home Based Business with continual utility trailer traffic meets the above vision.

Landon Krieg is a renter and not the owner of this property. I therefore challenge the legitimacy of operation of a home-based business on someone else's property.

Thanks for your consideration of all the above and your continued service to the City of Plymouth as a member of the Board of Zoning Appeals.

Best regards,



Loretta A Peters

Trustee of 219 Shalley Dr.

Plymouth IN 46563

## PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019

1-01-2019

John Thomas Bloom and Linda Bloom oppose  
Special Use for Home Based Business  
at meeting Thursday.

### Reasons of Opposition

1. Has existing Property - when he goes  
the Home Business stays
2. Shalley is next to Public Park
3. Shalley is too narrow for lots of  
traffic
4. Shalley is residential home for  
retirees
5. Shalley is not meant to store goods  
it is not a warehouse
6. School buses use Shalley Twice daily
7. Shalley's alley Requires three 90°  
turns to transverse. Alley is  
already being torn up.
8. The residents house is not made  
as a store house, show room, or  
manufacturing
9. Master Plan of Plymouth is being  
violated - only Lawer offices, or  
Doctors offices, or Beauty Salon is  
listed in Master Plan.



PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019

- 2 -

10. Other places are designated for storage, manufacture, etc. in Master Plan. Why the exception?
11. Let this happen now, and the next request made will be that much harder to turn down.

There is no reason the board should grant this request.

Linda and I am sorry not to be there.

John + Thomas Bloom  
225 Shilley  
Plymouth, MN

574-767-1180

pbloom@the@gmail.com

574-767-1177

Linda Bloom

Attorney Surrisi commented about Code Enforcement 97.40 – Burnings Generally Prohibited.

No person shall start, kindle, cause, allow or maintain any form of leaf burning, wood burning, or rubbish or trash burning of any kind on private or public property, except as specifically authorized by this subchapter.

## PLYMOUTH BOARD OF ZONING APPEALS

January 2, 2019

There are exceptions listed in Code Enforcement 97.41 and penalties set forth in Code Enforcement 97.99, including a \$50.00 fine as administered by the Ordinance Violation Bureau and/or a fine not to exceed \$2,500.00.

Gidley informed the board that the neighborhood is a designated historic district that the City's plan tries to protect. He said there has been a business operating at the residence illegally for a year and the landlord did not tell the tenant that he should not be doing that. He feels that this all boils down to respecting your neighbor. He stated that he believes it is injurious to the public welfare because there are customers going to the door. Having the construction trailer, the construction trash, the dumpster and the flatbed on the premises also makes it injurious to the neighborhood. He also stated that it is against the enjoyment of the people of the neighborhood.


Board Members Jacobs and Wickens moved and seconded to deny BZA 2019-01 for a special use home-based business. It passed by roll call vote.

|         |                                |
|---------|--------------------------------|
| AYES:   | Gidley, Jacobs, Wickens, Yadon |
| NAYS:   | None                           |
| ABSENT: | Selge                          |

Booker informed Mr. Krieg that if he feels that the decision was done unfairly, he has 30 days to appeal it to the Circuit Court of Marshall County.

Board Member Gidley mentioned to the commission that he has asked Building Commissioner Hammonds about the red brick building on Garro Street, next to the Neighborhood Center. His understanding is that Hammonds has corresponded with the owner numerous times and that the City was going to take action themselves, if the owner didn't take action within the next ten days (which was sometime before New Year's). Gidley also reported on a boat that has been parked on Pennsylvania Avenue that never gets moved within the 72-hour period. He would like the Code Enforcement Officer to stop by to look at the situation. Gidley is hoping to have updates from Hammonds at the next BZA meeting.

There being no further business, Board Members Wickens and Gidley moved and seconded to adjourn the meeting. The motion carried and the meeting was declared adjourned at 8:55 p.m.

  
\_\_\_\_\_  
Abby Collins  
Recording Secretary