

PLYMOUTH BOARD OF ZONING APPEALS
MARCH 5, 2019

The Plymouth Board of Zoning Appeals met in regular session at 124 N Michigan Street, Plymouth, Indiana on March 5, 2019 at 7:48 p.m. Board Vice President John Yadon called the meeting to order for Board Members Mark Gidley, Alan Selge, and Keith Wickens. Board Member Art Jacobs was absent.

Board Members Selge and Wickens moved and seconded to approve the minutes of last regular meeting of February 5, 2019, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on February 22, 2019:

**NOTICE OF PUBLIC
HEARING**

The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on March 5, 2019 at 7:30 p.m. in the Council Chambers of the City Building, 124 N. Michigan

**116
Legals**

St. (Garro St. entrance), Plymouth, Indiana on the following matters:

BZA 2019-04: Jaime Fonseca, 505 W. Marshall ST. Argos, IN. 46501: A Variance of Use to have a tattoo shop located at 212 N. Michigan ST., zoned C-2, Downtown Commercial District.

BZA 2019-05: Signtech Sign Services, P.O. Box 835, Goshen, IN 46527: A Variance of Development Standard to replace an existing four (4) foot by eight (8) foot sign with a new 31" by 93.5" 20.12 square foot electronic message center located at 1829 W. Jefferson St., Plymouth, IN., zoned C-3, Corridor Commercial District.

BZA 2019-06: Paul and Christine Hundt, 3402 Lincolnway West, South Bend, IN 46628: A Variance of Use for a facility for the production and sale of ready-mix concrete and construction supplies located at 11120 and 11180 11th RD parcels 503210000012000018, 503210000010000018, and 503210000018000018 zoned C-3, Corridor Commercial District.

BZA 2019-07: City of Plymouth, 124 N. Michigan St., Plymouth, IN 46563: A Variance of Use to construct four (4) single family homes near 220 North Water Street on parcels 503293104951000019, 503293104955000019, and 503293104950000019, zoned C-2, Downtown Commercial

**116
Legals**

District.

BZA 2019-08: City of Plymouth, 124 N. Michigan St., Plymouth, IN 46563: A Variance of Developmental Standard to construct four (4) single family homes with a lot width of 25 feet 7 inches, a side yard setback of 2 feet 5 inches on one side and a 1 to 3.95 width to depth ratio, near 220 North Water Street on parcels 503293104951000019,

503293104955000019, and 503293104950000019, zoned C-2, Downtown Commercial District.

Information on these matters may be obtained at the office of the Clerk-Treasurer, 124 N. Michigan St., Plymouth, IN, 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, February 22, 2019

February 22, 2019 PN296524 hpaxlp

BZA 2019-04: Jaime Fonseca, 505 W. Marshall ST. Argos, IN 46501: A Variance of Use to have a tattoo shop located at 212 N. Michigan ST., zoned C-2, Downtown Commercial District.

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Ralph Booker reviewed the findings of fact.

Applicant Jaime Fonseca was present to discuss his request and answer questions. He explained that he is moving from his current location due to an issue with the landlord. When the opportunity to work in this space in Plymouth came about, Mr. Fonseca was told that there was a grandfather clause and that he would not need to apply for this variance, however that is not the case. He has already completed renovations and improvements to this location.

Gidley said one of the concerns in the past has been the vulgarity of signage and wanted to ensure that they would not be displaying anything demonic or vulgar. Fonseca said the sign will only have the name of the business and that it is a tattoo and piercing shop. He does not have a logo.

Yadon asked if there have been any issues at their current location including the need to contact the police or with state regulatory requirements. Fonseca said no, there have been no issues.

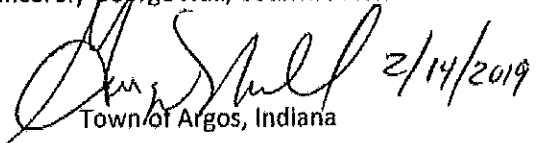
Gidley asked Fonseca about their plans to dispose of used tattoo needles. Fonseca said that they have Sharps Containers which can be dropped off at the hospital and they will dispose of them. The needles have a safety mechanism where the needle has a safety clip that clicks into place and you cannot remove it. There was additional discussion about county and state inspection requirements. Fonseca said that the Marshall County Health Department told him that they would not conduct an inspection unless they receive a complaint. All employees are required to take a bloodborne pathogen class and receive certification on an annual basis.

The following correspondence was read aloud for the record:

To whom it may concern:

I would like to give this letter of recommendation on February 14th, 2019 for Jaime Fonseca owner of Ink Studio Tattoo Shop. Jamie has been a great Downtown Business owner in Argos. I have never heard any complaints from anyone about his Studio. Jamie has never been late on any utility bills to the Town. Jamie's facility was always clean and presentable. I believe that allowing his request to open a shop in Plymouth would not be a degradation to the town, but only another asset. Thank you for accepting this letter and I hope that it helps in making your decision.

Sincerely George Null, Council President



Town of Argos, Indiana
574-930-0827

2/14/2019

Board Vice President Yadon opened the privilege of the floor to the public.

Cassidy Quimby, 107 Logan Street, Argos, addressed the board. He said he is part of the Argos Redevelopment Commission. He spoke in favor of the case and noted that this business is professional and there have been no issues. He feels this would be an asset to the city.

Brian VanDuyne, 206 N Michigan Street, Plymouth, spoke in favor of the case. He is a business owner in downtown Plymouth. He had an opportunity to meet Mr. Fonseca and visit his business in

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Argos. There were only positive comments and he feels this would be an asset to downtown as well.

Jeremy Price, 218 N Michigan Street, Plymouth, also spoke in favor of the case.

Kerry Coz, 15980 Jarrah Road, Argos, works for Mr. Fonseca and spoke about the health and safety procedures that the shop follows.

Motion: Approve application as presented, **Moved by** Mark Gidley, **Seconded by** Keith Wickens
Motion passed unanimously by roll call vote.

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

BZA 2019-05: Signtech Sign Services, P.O. Box 835, Goshen, IN 46527: A Variance of Development Standard to replace an existing four (4) foot by eight (8) foot sign with a new 31" by 93.5" 20.12 square foot electronic message center located at 1829 W. Jefferson St., Plymouth, IN., zoned C-3, Corridor Commercial District.

Plan Consultant Booker reviewed the findings of fact and detailed the applicant's request. The size will actually be smaller than the current sign, however they are requesting that the new sign be electronic.

There was additional discussion about the current sign. The original approval was for 96 ft² and the sign installed is larger than that. Todd Lehman, 1508 Bashor Rd, Goshen, spoke on behalf of Signtech Sign Services. He is unsure why the current sign did not meet the size that was approved. It was determined that the current sign is 113ft² and the proposed new sign will be 100.12ft².

Yadon opened the floor to the public. There were no comments.

Motion: Approve application as presented, **Moved by** Keith Wickens, **Seconded by** Alan Selge
Motion passed by roll call vote.

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

BZA 2019-06: Paul and Christine Hundt, 3402 Lincolnway West, South Bend, IN 46628: A Variance of Use for a facility for the production and sale of ready-mix concrete and construction supplies located at 11120 and 11180 11th RD parcels 503210000012000018, 503210000010000018, and 503210000018000018 zoned C-3, Corridor Commercial District.

Plan Consultant Booker reviewed the findings of fact and the applicant's letter of intent.

James Easterday, attorney and representative for the Kuert Concrete and the Hundt's, was present to discuss the application and answer questions.

Gidley voiced concern regarding the state's potential to make US 31 limited access in the future. He wants the business to be aware that access off of US 31 to 11th Road may go away in 5-10 years.

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Easterday said he requested that one of the city council members contact the state regarding this concern. The state relayed back that at this point, they have done everything that was currently planned for Marshall County, so limited access to the remaining roads along US 31 are not part of the current project. The only exception to that is State Road 10.

Yadon opened the privilege of the floor to the public. He asked anyone opposing the facility come forward and speak. There were no comments.

Plan Consultant Booker read the following letters of support:



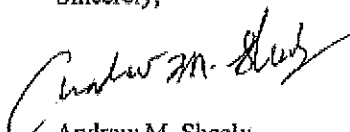
February 7, 2019

To Whom It May Concern:

I am writing in enthusiastic support of Kuert Concrete building a concrete plant in the Marshall County Area. I am Andy Sheely, owner of P & S Concrete, located in Plymouth, Indiana. We are a 3rd generation family owned business. I personally have been pouring concrete for the past 26 years in the Plymouth area. A large portion of our business taking care of the Marshall County community and all their concrete needs. For quite sometime our largest problem has been getting concrete when we need it, and with the growing demand for concrete in this area it backs up our jobs because it cannot be supplied quick enough! I was overwhelmed with excitement when I heard that Kuert Concrete was trying to put in a plant here in Plymouth! We have needed another, ready mix supplier for years. There is just too much to be done and not enough plants or trucks to keep up. We have done business with Kuert Concrete as well as with Ozinga Concrete for years and I strongly believe Kuert Concrete would be one of the best additions for drawing business to Plymouth community. They are family owned and operated. This would increase more work being completed and more jobs being hired in our area. We strongly recommend you take this information and see how important the addition of this good company will be for the community. Please help us get this plant going, our spring season is just around the corner. I thank you for your time and enthusiastically recommend Kuert to join our Marshall County community!

If there are any questions regarding this matter please call at 574-936-8900.

Sincerely,



Andrew M. Sheely

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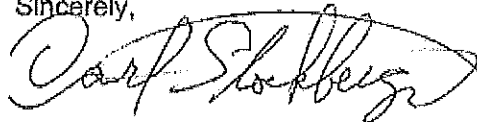
Plymouth Board of Zoning Appeals
124 N. Michigan Street
Plymouth, IN 46563

RE: Kuert Concrete Project

I am an adjacent property owner to the proposed site for the Kuert Concrete facility on 11th Road, Plymouth, Indiana. I have reviewed their project plans and believe that this project fits the character of the area very well. I do not believe the project would have any adverse effect on the neighboring properties. The Kuert Concrete project would be an appropriate use considering the current industrial nature of my property and that owned by IMI.

I have known the Kuert Concrete group for many years and find them to be very professional and an asset to the community. I wholeheartedly support this project.

Sincerely,



Carl Stockberger

Mike Delp, 1707 S Michigan Street, voiced his support for the application. He is a Marshall County Commissioner and noted that if INDOT does plan on closing access to 11th Road, they will need to discuss that with the county prior to making any changes. With the other businesses in the area, some kind of access will need to be granted and can be addressed if INDOT proceeds with the closure.

Wickens voiced his concern about children playing soccer at the soccer fields in that location. He also said that if there is not a truck entrance sign on US 31, he thinks it would advantageous to install one. Delp said he does not think a sign is there but supports the installation of one. He will follow-up with the state about this request. There was additional discussion about the soccer program. The group practicing there has moved their practices to another location.

Andy Sheely, 10995 3B Road, wanted to add to the letter of support that he submitted. He said the current locations to get concrete from extends to Rochester, Knox, South Bend, Warsaw, Wheatfield, etc, and the construction crews have time limits due to weather conditions and cannot get concrete fast enough. He said this business is greatly needed in this area.

Motion: Approve application as presented, **Moved by** Mark Gidley, **Seconded by** Alan Selge
Motion passed by roll call vote.

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

BZA 2019-07: City of Plymouth, 124 N. Michigan St., Plymouth, IN 46563: A Variance of Use to construct four (4) single family homes near 220 North Water Street on parcels 503293104951000019, 503293104955000019, and 503293104950000019, zoned C-2, Downtown Commercial District.

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Gidley questioned whether the case should be considered tonight or not. The original notice to neighboring property owners was sent out greater than or equal to 10 days prior to the public hearing, however that letter had a date error – it said the public hearing would be February 5th instead of March 5th. A corrected, second letter was mailed out as soon as the error was recognized, however that was only 8 days prior to this public hearing. City Attorney Surrisi suggested that those in attendance tonight be heard regarding the case and the board could consider tabling a final decision until a later date when proper notice can be sent again.

It was decided that the case would be presented and the public in attendance would be able to speak regarding the case, however a vote will not take place and the case tabled until a special meeting can be arranged.

Plan Consultant Booker reviewed the findings of fact and detailed the applicant's request. He read the following letter aloud:

RE: Water Street Site Variance of Use

Dear Board of Zoning Appeals:

The City of Plymouth, in partnership with Habitat for Humanity of Marshall County, is requesting consideration of variance for development of four (4) new single-family homes located in downtown Plymouth. The homes would be developed primarily with funds from the Indiana Housing and Community Development Authority, and would provide both one (1) market rate and three (3) affordable units for homebuyers in Plymouth, Indiana.

The project is located at the approximate address of 220 North Water Street (parcel IDs include: 503293104955000019, 503293104951000019, and 503293104950000019). The site is currently zoned C-2. This requires a variance to allow housing in a C-2 district. Housing is common in the C-2 district, however, it is not listed as an approved use.

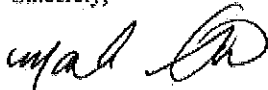
Additionally, the project proposes to utilize an under-utilized parking lot for the housing development. Residential lots in downtown Plymouth are typically 22' x 126'. This project seeks to emulate that traditional development pattern. Specifically, variances requested include:

- 1) Variance of required lot width from 150' to 25'-7"
- 2) Variance of required side yard setback from 20' to 2'-5" on one side

The three lots listed above will be divided (see attached site plan) and subdivided into four lots with two duplex buildings which include 4 three-bedroom townhomes, each approximately 1,400 square feet (floor plans attached) in size.

If you have any questions about the proposed project, please don't hesitate to contact Dean Byers, Executive Director of Habitat for Humanity of Marshall County at (574) 952-1560 or Brent Martin, the project's architect, at (574) 269-1596.

Sincerely,



Mark Senter
Mayor, Plymouth Indiana

Gidley asked if during this process, anyone has discussed the Comprehensive Plan and how that fits into this project. He noted that two of the three key points in the 2013 Comprehensive Plan focused on revitalization of western downtown, so his question is why an area in western downtown is not being considered for this type of project. City Attorney Surrisi said there have been recent discussions about requesting Brownfield Grant funding to continue work that has already been started in the western downtown area. He said when this was presented to the city by Habitat for

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Humanity, the western downtown area was not discussed. Surrisi said that the current proposed location does meet some of the comprehensive plan's objectives.

Wickens asked about the flood plain in this area.

Brent Martin, 15413 12th Rd, architect for the project, said that a survey was conducted by Territorial Engineering and the area where the building is being proposed does not fall in that floodplain.

Dean Byers, Executive Director for Habitat for Humanity, addressed the board and explained how the project came about. Christine Deutscher, 67187 Quinn Trail, Lakeville, of Neighborhood Development Association and as the grant writer spoke about the financing aspect of the project.

Martin addressed the parking and noted that 44 spaces will be used for the project. He does not think using these 44 parking spaces will adversely affect downtown according to the recent downtown parking study that was conducted with the help of MACOG.

Board Vice President Yadon opened the privilege of the floor to the public.

The following correspondence were received:

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To : Members of Plymouth Board of Zoning Appeals

Re: BZA 2019-07 and BZA 2019-08

As a downtown business owner and property owner, these requests are understandably of interest to my employees, me, and many other business and property owners in Plymouth. I do not take a position for or against either of these at this time, but feel a decision of this significance (to permanently affect one of the largest public parking areas in downtown Plymouth) should not be made too quickly. I ask that a vote on these two issues be delayed until next month's meeting in order to give us more time to consider the impact, and to have time to further gather information from those proposing this variance.

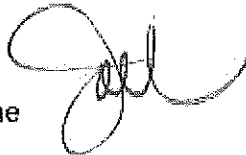
Some may say we have had time to consider this. The facts are, however, that I had not heard of it until I received a letter February 25, 2019, sent on February 22, 2019 informing me of this issue. In that letter, the date of the meeting was set as February 5, 2019. When I inquired about this, I was told a new letter was being sent out. On February 28 I received a corrected letter sent February 26 with the correct meeting date of March 5, 2019. So my valid letter was sent 7 days and received 5 days prior to the actual meeting.

I did see an article in the Pilot News about the proposal, but this was about 6 days prior to the meeting. I have made an attempt to find out what I could by reading the proposals in the city office waiting area, and by emails with Brent Martin. This has helped, but there are others in the city who stand to be more affected than me by this proposal. I think it would be helpful for them, and those behind this plan, to have a chance to communicate and listen to each other.

Plymouth is fortunate to have people like Dean Byers and Brent Martin who champion the cause of those in need of better housing and better circumstances. However, parking availability is always a concern for downtown merchants. This would permanently remove some of that parking. Whether it would have enough of an adverse effect on business is what is in question. My hope is that with a little more time for listening and discussing, we could come to an understanding that benefits business, the city, and the people in need of this housing. There are many questions and concerns that need to be address and cannot take up the valuable time of this board right now.

Sincerely,

Joel Schumacher
Schumacher Family Medicine



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Dear Mayor and other City Leaders:

I am furious about the proposed building project on Water Street. Here are some of my thoughts:

They are proposing to squash an oversized building into a too small lot and taking away VITAL PARKING SPACES yet making a need for 8 more parking spaces for the residents of the homes. The garages will be used for storage.

The parking lot is needed for recreational parking for the new Park, parking is needed for employees, and others on a daily basis. The new walking bridge is there, this requires parking. I thought the Mayor has a committee trying to get more parking in downtown not less.

We are starting to make downtown alive again and this bldg. is out of place and taking up space that is needed. Actually, I think esthetically the building is out of place. There is not a yard for the children to play in safely.

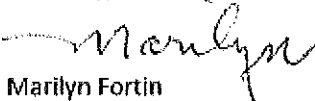
The city received Government money to take down houses in the flood zone and now someone wants to build there?

If in fact we need housing in Plymouth, what about looking on the west side of town where many of the areas look like the slums? Our town is not pretty. Clean those areas up with a new housing project with lots of space. If they feel they need a parking lot to use, what about the lot by the Neighborhood Center or somewhere around the new community bldg. where all the weeds are growing.

I can see no benefit to their present plan. There simply is no room.

We have lived in Plymouth 50 years and love the town and are very much opposed to this plan. We hope you will veto this proposal. Another thing, why should they get land for free?

Sincerely,



Marilyn Fortin
Plymouth, IN

Pat Knight, 304 N Water Street, does not like the design of the building. She feels it would look nice in a large city setting, but not in Plymouth. She would like to see a building with a front porch where people can socialize and deter residents from putting their garbage and recycling bins in the front of the house. Knight also voiced concern about having a brick wall face the west. She is not concerned about the loss of parking or having new neighbors in the area.

Mike Delp, 1707 S Michigan Street, voiced his support. He does not think the parking is an issue. He likes the architecture of the proposed buildings, as well as the location.

Nancy Ferris, 228B Water Street, owns a business on the north side of the proposed housing development. She spoke against the case and discussed the need for these parking spaces. She noted that during working hours the lot is not always filled, but in the summer time when things are going on downtown or at River Park Square, the lots are filled to maximum capacity. Ferris also discussed the Street Department's use of the parking lot to haul and pile snow in the winter. She also mentioned the need for the parking spaces for large trucks that utilize this area for parking, as it is the largest parking lot in the downtown area, so that those visitors can frequent downtown restaurants and shops.

Dave Morrow, 920 Angel Street, and Plymouth Park Board president voiced his opposition for the case. He said he prefers the city stay in line with the zoning ordinance and build Plymouth out in an

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orderly fashion as it was intended. Morrow also noted that phase III of the River Park Square project already had intended use for this land. He said it might not be for another 25 years, but it is in the Park Board's long-term plans. Morrow also disagrees with taking parking spaces away from the downtown area. He noted that the parks and recreation section of the Comprehensive Plan states that the city will continue to enforce the ban on construction of homes and other permanent structures in the floodway areas, particularly around the Yellow River. It also states that the city will continue to acquire river front land for the purposes of converting it to parks and open spaces. Morrow voiced concern about how close the structure would be to the floodplain. Lastly, he said he does not personally believe that the city should be giving land to private developers and thinks if this is a good project then the housing development will work in another location within the city.

Don Ferris, 228B Water Street, voiced concern about delivery trucks going in and out of the parking lot with children living in the proposed houses.

David Dinius, 11213 Gumwood Road, Bourbon, voiced his support for Habitat for Humanity and said that all three communities need to be involved for the grant. He is in support of another location, he just wants to see the project move forward.

Joel Shumaker, 116 E Washington Street, Plymouth, said he is neutral about the project. He does have concerns about losing parking spaces and the condition of the parking lot, but appreciates Mr. Martin and Mr. Byers for being champions for the city and proposing these housing developments that are needed in the community.

Tom Houin, 200 N Michigan Street, Plymouth, said he does not think there is currently adequate parking in the downtown area and he does not think there should be more houses in the area.

Eric Anderson, 401 E Garro Street, Plymouth, does not think parking spaces, which are needed for events that are happening downtown, should be used for this project.

Brian VanDuyne, 206 N Michigan Street, Plymouth, asked if there were any letters of recommendation. Booker said no, he did not receive any correspondence other than what was read previously from the city. He also clarified that the 10 parking spaces on the north side of the parking lot are private property, not public parking.

Doug Feece, 12221 W 11th Road, said he feels the downtown area needs the parking spaces. He noted that two buildings were torn down across the street in order to add more parking downtown.

Vice President Yadon summarized that there seems to be differing opinions as to whether or not there is adequate parking in the downtown area.

Jeremy Price, 218 N Michigan Street, asked when the downtown parking study was conducted. City Attorney Surrisi said it was started in the spring of last year and the findings were released in July 2018. Price questioned if the MACOG study understood the needs of the people of Plymouth. He noted that there are a lot of variables when it comes to this kind of study.

Board Member Gidley said parking has been an issue for many years. He feels the current parking lots need to be improved by paving them and adding adequate lighting, so citizens feel safe.

Gidley asked Martin if any other parcels of land have been looked at for this project. Martin said

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that the grant specifies that a certain percentage of the project needs to be donated, so they have been exclusively looking at city-owned property that can be donated to meet that criteria. Byers said they have researched areas in the city and have found nothing adequate for this project and no owners that would be willing to work with them or land for sale to build on.

David Fortin, 9012 State Road 17, Plymouth, does not feel this valuable land should be taken away from the citizens or the growing vibrance of the downtown area in order to benefit a few people. He said the city's comprehensive plan has housing just like what is proposed on the west side of Plymouth, not in this location.

Marilyn Fortin, 9191 Suter Road, Plymouth, said she feels they are putting these large houses in an area that is too small and consuming vital parking spaces that are needed to help retain a vibrant downtown. She said the city received government money to take down houses in the flood zone and now they are proposing to build houses near the flood zone. She feels it would be more appropriate to look on the west side of downtown and try to clean up some of the more unkempt areas.

Ben Fisher, 700 Second Street, asked for a definition of "affordable housing". Deutscher said the houses must be sold to pre-qualified candidates, otherwise they will revert to rental units per the grant that is being used for this development. She gave an example that if the market value for the unit is \$120,000, the grant would subsidize \$40,000 and the homeowner could purchase that for \$80,000. The homeowner would have to meet the income requirement of 80% AMI, which for a household with 2 adults and 2 children the annual income would be \$50,000 or less. The question was raised about how many homes/families in Plymouth would this encompass. Deutscher said Habitat for Humanity does have a listing of families that they work with that would qualify for this type of housing.

Gidley said 60% of the houses in the city are rental properties. He feels there is a need for owner-occupied housing in the city. Fisher agreed and said he does agree with the project, but not the location.

There were no other comments.

Motion: Table Application, **Moved by** Keith Wickens, **Seconded by** Mark Gidley
Motion passed by roll call vote.

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

The special session is scheduled for March 19, 2019 at 7:30 p.m. in the City of Plymouth Council Chambers.

Commissioners Selge and Gidley moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 10:07 p.m.


Abby Collins – Recording Secretary

