

PLYMOUTH BOARD OF ZONING APPEALS

February 2, 2021

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 2, 2021 at 7:43 p.m. Board President Art Jacobs called the meeting to order for Board Member Mark Gidley, Alan Selge and Fred Webster. Others present were City Attorney Sean Surrisi, Plan Consultant Ralph Booker and Building Commissioner Keith Hammonds. Members Wickens and Yadon and alternate member Secor were absent.

Board Members Gidley and Jacobs moved and seconded to approve the minutes of last regular meeting of December 1, 2020, as presented. The motion carried.

Commissioners Gidley and Selge moved and seconded to retain the current slate of officers, which is as follows:

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

The motion for the election of the 2021 Board of Zoning Appeals officers passed by roll call vote.

Yes: Gidley, Jacobs, Selge, Webster

No: None

Absent: Secor, Wickens, Yadon

President Jacobs reviewed dates and times for the Board of Zoning Appeals meetings for the calendar year of 2021. Gidley and Selge 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. The motion carried.

The following legal notice was advertised in the Pilot News on January 22, 2021:

NOTICE OF PUBLIC HEARING
The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on February 2, 2021 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 2021-01: Thomas and Monica Coffey, 12682 Plymouth Goshen TRL, Plymouth, IN 46563 – A Variance of Use to raise two (2) Scottish Highland cattle located at parcel 504292000003000018, 12682 Plymouth Goshen TRL, Plymouth, IN 46563, zoned R-2 Suburban Residential District.
BZA 2012-02: Kuerf Concrete, 11180 11th RD., Plymouth, IN 46563: A Variance of Developmental Standards to increase the maximum height of a structure from forty-five (45) feet to seventy (70) feet to construct a permanent concrete plant on their property located on parcel 503210000010002018, 11120 11th RD, Plymouth, IN 46563, zoned C-3, Corridor Commercial District.

BZA 2021-03: Bob's Automotive LLC 1520 Hoham Dr., Plymouth, IN 46563: A Variance of Development Standards to have one (1) eight (8) by eight (8) foot sign on an existing frame and a eight (8) by sixteen (16) sign on the east side of the main building and a eight (8) by sixteen (16) sign on the south side of a separate pole building on parcel 503206403182000019, 2482 W. Lake AVE., Plymouth, IN 465463, zoned R-2 Suburban Residential District.
BZA 2021-04: Zaremba Land Development, LLC, 14600 Detroit Ave., Suite 1500, Lakewood, OH 44107: A Variance of Development Standards to reduce parking space width from ten (10) feet to nine (9) feet, reduce parking spaces from the required thirty-nine (39) spaces to thirty-three (33) spaces, reduce the front set

116 Legals
back from thirty (30) feet to ten (10) feet, allow areas adjacent to parking lot to count towards interior landscaping standards, and to allow parking to be within the required front yard on parcel 503293202096000019, 320 N. Kingston St., Plymouth, IN 46563, zoned C-1, General Commercial 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.
Kathryn Hickman, Recording Secretary, Board of Zoning Appeals, January 22, 2021.
January 22, 2021 PWS20591 hspaxlp

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BZA 2021-01: Thomas and Monica Coffey, 12682 Plymouth Goshen Trl., Plymouth, IN 46563 – A Variance of Use to raise two (2) Scottish Highland cattle located at parcel 504292000003000018, 12682 Plymouth Goshen Trl, 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.

To whom it may concern:

We are writing this letter of intent to purchase and house a miniature Scottish Highland/Dexter crossbreed at our property located at 12682 Plymouth Goshen Trail, Plymouth, IN 46563.

This crossbreed is specifically bred to stay miniature in size, approximately 36"-40" high. The characteristics of a Highland make it an especially hardy creature that does not require a shelter, other than possibly a windbreak which is already provided by the trees surrounding our property. Additionally this animal can survive on ½ an acre of pasture and supplemented with hay during the winter months. Water would be provided in a trough so no digging of a pond would be required.

Our purpose in obtaining this animal would be for personal use and enjoyment and would be treated as a pet, as they are docile by nature. While this is a newly growing trend in the country, there are established breeders who have been honing the genetics of these two breeds to create a healthy animal with good temperament that allows socialization with people (and therein comes in the "pet" aspect) all in a miniature size conducive to small properties. These animals thrive alongside their owners.

We have been working with two particular breeders who have been in the business of breeding these minis for over 15 years, Lakeport Dexter/Highland Farm in Lakeport, MI and Wee Hoofs in Evansville, MN. We've described to them the exact space we have available and purpose we are seeking one of their animals and they have both placed us on their waiting lists for future calves that would be specific to our needs. Should we be granted approval for a variance of use, the breeder in Minnesota has a bull she is wanting to rehome due to the fact they have two younger bulls they're implementing into their breeding program. This animal would be steered prior to delivery as we have no desire or intention to breed him.

Should we be granted approval, we would make arrangements for the steer in Minnesota to be transported as long as it hasn't sold. If so, then we wait to see if others on the wait lists pass on the calves born in the next few weeks, which would then allow us an opportunity to purchase one that fits our wish list and our budget.

Thank you in advance for your consideration on this matter.

Respectfully,

Tom & Monica Coffey

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Booker stated that this property was adjacent to the new Centennial Crossings Subdivision on Plymouth-Goshen Trail and was a 2-acre property. Some of the fences on the property would need repaired in order to house the cattle. Booker talked about Highland cattle and how they are a small breed cattle which is originally from Scotland.

Thomas and Monica Coffey of 12682 Plymouth Goshen Trl. were present to talk about the application and answer questions from the board.

Board Member Gidley asked what the size of the cattle that they were looking to get. Monica Coffey stated that they were looking to get a cow with a hook height of 36-43 inches which would weigh around 500-700 pounds.

Jacobs asked the applicants if they would be breeding the cows. Monica Coffey stated that no they would not be looking to breed their cows. They were looking to get two bulls and have them steered.

Gidley asked if these cows would be a pet. Mrs. Coffey confirmed that these cattle would be pets. As for the fence issue, they would be getting corral panels or high tensile wire fencing.

Gidley asked if these cows would require a shelter. Mrs. Coffey stated that these cattle are known to not use the structure even when they are given one.

Gidley stated that they would not be allowed a second driveway to the cattle area and would have to use the current driveway. A new drive would not be allowed without a permit.

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

There was a letter received from a neighbor that he read aloud. See attached letter below.

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To Whom it May Concern,

Thomas & Monica Coffey
I have my permission to have
their Scottish Highland cattle.
I'm very excited to have
these cattle next door to me. They
are the nicest neighbors & are
good to their neighbors.
Chris Engle

Daniel Miller of 12739 Plymouth Goshen Trail, spoke for the request. He stated that he lived right across the road from the property and that he would rather see cows than what they are currently building out there.

There being no other comments, Board Members Selge and Gidley moved and seconded to close the public hearing. The motion carried.

Board Members Gidley and Selge moved and seconded to approve BZA 2021-01 as presented. The motion passed by roll call vote.

Yes:	Gidley, Jacobs, Selge, Webster
No:	None
Absent:	Secor, Wickens, Yadon

BZA 2021-02: Kuert Concrete, 11180 11th Rd., Plymouth, IN 46563: A variance of Developmental Standard to increase the maximum height of a structure from forty-five (45) feet to seventy (70) feet to construct a permanent concrete plant on their property located on parcel 503210000010002018, 11120 11th Rd, Plymouth, IN 46563, zoned C-3, Corridor Commercial District.

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

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Corporate Office

3402 Lincolnway West
South Bend, Indiana 46608
Phone: 574-232-9911
Fax: 574-232-9977
www.kuert.com

Supply Center

3113 Lincolnway West
South Bend, Indiana 46608
Phone: 574-239-0056
Fax: 574-239-0005
www.kuertsupplycenter.com

Kuert Outdoor Living

2829 West Wilden Avenue
Crown Point, Indiana 46032
Phone: 574-332-7557
Fax: 574-334-1000
www.kuertoutdoorliving.com

South Bend Plant

3113 Lincolnway West
South Bend, Indiana 46608
Tel: 574-239-0056
Phone: 574-239-0053
Fax: 574-239-0028

Crown Point Plant

16370 U.S. 30
Crown Point, Indiana 46036
Phone: 574-293-0430
Fax: 574-293-0530

Warsaw Plant

135 West C.R. 400 North
Warsaw, Indiana 46582
Phone: 574-453-2340
Fax: 574-453-1486

Rochester Plant

1101 West 13th Street
Rochester, Indiana 46785
Phone: 574-226-2884
Fax: 574-223-5887

January 11, 2021

To the Board of Zoning Appeals,

Kuert Concrete, Inc. recently became a member of the Plymouth business community when it purchased property at 11120 11th Rd. in 2019, setup a portable concrete plant on the site, and began manufacturing and delivering ready-mix concrete from the new site.

The portable concrete plant was meant as a temporary solution until a permanent, stationary concrete plant and supporting structures could be constructed. Kuert Concrete would like to begin the process of long-term site development and that process would begin with the construction of a stationary concrete plant. Kuert Concrete is seeking a variance from the development standards that would allow a concrete plant to be constructed that would exceed the current maximum allowable height of 45 feet. We are respectfully requesting a variance to increase the maximum structure height to 70 feet.

The proposed variance will not alter the current activities at the property and all activities will continue to be conducted within all applicable regulations and standards so as not to interfere with or be injurious to the general welfare of the community. The variance will not adversely affect the value of the surrounding properties as concrete production activities will continue to in the northern portion of the property, removed from surrounding residential properties. The strict application of the zoning ordinance would prevent construction of a permanent, stationary concrete plant and building enclosure that would allow the storage and production requirements necessary to operate a full-time, year-round concrete plant.

Thank you for your time and consideration of this variance application.

Respectfully,

Bradford Webb
VP Operations – Kuert Concrete, Inc.

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Bradford Webb of Kuert Concrete on 11180 11th Rd was present to talk about the application and answer questions from the board.

Gidley stated that it seemed that they have dust under control.

Webster asked if there were any FAA issues. Ralph stated that there were no FAA issues with this proposal.

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

There were no comments from the public at this time.

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

Board members Gidley and Selge moved and seconded to approve BZA 2021-02 as presented. The motion passed by roll call vote.

Yes:	Gidley, Selge, Webster
No:	None
Absent:	Secor, Wickens, Yadon
Abstain:	Jacobs

BZA 2021-03: Bob's Automotive LLC 1520 Hoham Dr., Plymouth, IN 46563: A variance of Development Standards to have one (1) eight (8) by eight (8) foot sign on an existing frame and an eight (8) by sixteen (16) foot sign on the east side of the main building and an eight (8) by sixteen (16) foot sign on the south side of a separate pole building on parcel 503206403182000019, **located at 2482 W Lake Ave.**, 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.

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Letter of Intent

January 13, 2021

To: City of Plymouth
Board of Zoning Appeals
124 N Michigan Street
Plymouth, Indiana 46563

RE: Compliance with Zoning Ordinance Sec. 11-020-(A)(5)(b)

Dear Board Members:

The subject property has commercial improvements erected upon it. These improvements and their use pre-dates the adoption of the Zoning Ordinance. The planned use of the property is an automotive repair business, which the current improvements are well suited for that operation. No changes are planned to the size of the buildings.

The variance request is to increase the size of signage on the property. Currently there is a sign frame of eight square feet with electric service run to it. The applicant desires to use it as the prior occupants of the property have since the sign's erection. In addition, the applicant wants to promote its business so its customers and potential customers can find the business. The signs would not distract the motoring public and they would not be flashing sign but illuminated so in the early morning and late afternoons of winter the public can find their destination.

The applicant does not intend to make changes of the fundamental use of the property. It has been used commercially since the improvements were constructed. According to the Marshall County Assessor's Property Record Card, the masonry building was constructed in 1958 and the west pole building was erected in 1975. As the Ordinance was adopted in 2008, both of these buildings were in existence at the date of the ordinance and it appears the property was miss-zoned according to its use at its inception.

As the use of the property is not changing, the neighboring properties are not going to be adversely affected and not affect the public health and safety. Strict application of the ordinance would have a great adverse effect on the applicant as it would require and complete change of use and not allow the applicant to continue with the intended use and purpose of the property.

Respectfully submitted,



Wayne Laucis

Booker stated that this property was indeed grandfathered in as a commercial building. Also, it is currently being assessed as a commercial property.

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Building Commissioner Keith Hammonds stated that the applicants are asking for an 8 foot by 8-foot sign. The city ordinance states that signs can be no larger than 32 square feet. So, they would not only need a variance for the sign, but also for the size. Also, the current frame already sits in the right of way of INDOT.

Roy Roush, the attorney of the applicant of 2482 W Lake Ave. was present to talk about the application and answer the questions from the board. He stated that his client had purchased the property from Langfeldt Property. A previous tenant of the property had used the sign commercially and the current owners would now like to use the sign as it had been used previously.

Jacobs asked if there had been a variance approved on the sign or frame previously. Hammonds stated that the sign or frame had not been previously approved. It also encroaches the right of way by 1 foot and 7 inches. This would need to be moved out of the right of way.

Gidley asked what the dimensions of the frame were and if their sign would be bigger than the frame. The applicants stated that the current frame would fit the 8 foot by 8-foot sign and it would not be larger than the frame. Yet, the commercial zoning only allows for 32 square foot signs.

Gidley asked Hammonds what would require the variance on the signs on the side of the building. Hammonds stated that the sizes are fine, they would just need a variance to have the signs due to the zoning.

Jacobs expressed concern on the sign causing a potential hazard for customers exiting the property. Gidley also expressed concern on the fact that it may cause an increase of people running school bus stop arms due to an obstruction of view. This area is already a hazardous area for people running school bus stop arms.

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

JC Daugherty of 2500 Lake Ave., spoke against the request. He stated that when he tries to exit his driveway he cannot see past the sign. The frame had not been there long and the past few residents of this property did not use the sign. Most recently the property was used as a residence. When just the top portion of the sign was used it allowed for visibility of the curve.

The applicant asked what if they were to just use the top portion of the sign.

Jacobs asked Hammonds if there was a height limit on signs. Hammonds stated that the maximum height would be eight feet tall. In turn the top section of the sign would be too high. This could be allowed if included in the variance. The sign would still need to be moved even if the variance were to be approved. Jacobs believed that if they were to allow the height it would add a safety factor for the curve.

The applicants asked if they could bracket the sign off the side of the building. Hammonds stated that this would require another meeting for a new variance.

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

Board Members Gidley and Selge moved and seconded to approve 2021-03 as long as the existing frame is moved out of the right of way and that the sign is made to fit the top portion of the frame only (4'x8' maximum) to allow for neighbors to safely exit their driveway. The signs on the side of the building are allowed as presented. The motion carried by roll call vote.

Yes: Gidley, Jacobs, Selge, Webster

No: None

Absent: Secor, Wickens, Yadon

BZA 2021-04: Zaremba Land Development, LLC, 14600 Detroit Ave., Suite 1500, Lakewood, OH 44107: A Variance of Development Standards to reduce parking space width from ten (10) feet to nine (9) feet, reduce parking spaces from the required thirty-nine (39) spaces to thirty-three (33) spaces, reduce the front setback from thirty (30) feet to (10) feet, allow areas adjacent to parking lot to count towards interior landscaping standards, and to allow parking to be within the required front yard on parcel 503293202096000019, 320 N. Kingston St., Plymouth, IN 46563, zoned C-1, General Commercial District.

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

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January 13, 2021

Zoning Board of Appeals
124 North Michigan Street
P.O. Box 492
Plymouth, IN 46563

RE: Proposed Dollar General
Development Variance – Part of 320 N. Kingston Street (Parcel ID: 503293202096000019)

Dear Board Members:

On behalf of Plymouth Associates Limited Partnership, and Zaremba Group, LLC, please consider our petition to the Zoning Board of Appeals for variance request of the following:

1. Parking Space Width Reduction from 10-ft wide to 9-ft wide (Article 6, (D), (2); Page 183)
2. Parking Count Reduction from 39 spaces to 33 spaces (Article 6, Table 6-E; Page 187)
3. Building Front Setback Reduction from 30-ft to 10-ft (Article 3, C-1 Standards; Page 34);
4. Allow areas adjacent to parking lot to count towards interior landscaping (Article 6, (3) (b); Page 164)
5. Allow parking to be within the required front yard (Article 3, (140), (3); Page 51)

Reducing the required 10-ft parking space width to 9-ft will allow us to provide more parking to closely meet the required parking count as much as possible. As shown on the preliminary site plan, the site is located on a corner lot that requires two front yards. The building and parking locations are necessary to provide sufficient parking, drive aisle widths for customers and delivery trucks.

Furthermore, given our tenant's extensive experience in the retail market and understanding of their necessities, they have determined that thirty-three parking spaces fully meet their needs even during the busiest periods. Reducing the number of required parking spaces will contribute to more green space and reduce the amount of storm water runoff impacting the site.

Please consider our variance request and schedule a meeting with the Zoning Board of Appeals as soon as possible. Feel free to contact me at (269) 830-1311 to discuss further or if additional information is required.

Sincerely,

AR ENGINEERING, LLC.

Enclosure: Preliminary Site Plan, Variance Application, Legal Description, Fee \$100.00, Owner Auth Letter

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Booker stated that this property is currently zoned General Commercial. There is a residential area to the west side of the property.

Jacobs asked how the property owner of the shopping center was able to sell parking spaces. Surrisi stated that the Technical Review Committee reviewed this and believed that this is possible, but it would just tie the owner's hands with possible future uses of the building.

Booker added that if the variances were to occur at this meeting the owner and Zaremba would be coming in next month to section off this piece of land.

John Wojtila of Zaremba Land Development and Whitney Pizzala of AR Engineering LLC were present to talk about the application and answer the questions of the board. They stated that the proposed building is a 10,640 square foot building and will be set back a bit further from E. Jefferson St. than the existing shopping center building.

Surrisi asked if this was a similar situation as the previous Dollar General stores that were built in town where the developer buys the land and creates the building. Once it is a turn key building it is then handed off to Dollar General. Wojtila stated that this is a similar situation in terms of them developing the area and Dollar General will be a tenant until it is eventually sold to them.

Gidley asked about the 10-foot green strip and if this strip will be heavily landscaped and what would be included in their landscaping. Wojtila stated that they had not done a full landscaping plan, but the 10-foot strip will be landscaped with evergreens around the dumpster area.

Gidley questioned how large the current green strip is off of Kingston Road. Wojtila mentioned that this green strip is currently only 4 feet and would be 10-foot strip as they are proposing.

Gidley asked what the style of the building would be. Wojtila stated that this has not yet been designed, but typically the front is block up to 10 feet with a metal panel on top and the other three sides are metal. Yet, they would be open to alternative designs if the board requested. They have laid out their plans for the building with sensitivity to the current shopping center. Currently, the owner of the shopping center is in talks with an internal storage facility which would occupy 20,000 square feet. This would leave 29,000 square feet after taking out the existing church area.

Booker stated that if the owner is wanting to put a self-storage facility in the building, they would need to come in before the board and get a variance for that as the ordinance prohibits self-storage in that zoning region. Wojtila stated that they had brought that to the owner's attention previously.

Gidley asked why the building was so close to Kingston and why they had not placed it closer to the shopping center. Wojtila stated that they were doing this in order to keep all of the parking together while also allowing ease for truck deliveries to this location. Gidley asked how far the building is from the road way. The applicants stated that it would be about 15 feet from the road. Gidley mentioned that the current setback for the front yard is 30 feet and in turn the proposed building would be 15 feet closer.

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Wojtila stated that if the board would want the parking spaces to go from 9 feet to 10 feet wide, they would just ask for 30 parking stalls instead of 33.

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

Surrisi mentioned that the Technical Review Committee looked favorably at this project due to the possibility of fixing some of the drainage issues that are common with this area. Wojtila stated that they had talked to the owner of the property and they had stated that they will be trying to address the poor drainage in the area. They already had a surveyor come out and do an extensive survey on the drainage.

There being no further questions or comments from the audience, Board Members Selge and Gidley moved and seconded to close the public hearing. The motion carried.

Gidley stated that he was disturbed by how close the building is to Kingston and that it is a metal sided building. He would be fine with 30 spaces at 10 feet wide. He believes that the entrance and back of the building should be at minimum split face block. The sides could be split between split face and metal. He was also concerned about the sight lines at the intersection due to the number of busses that turn on this intersection. Surrisi stated the Technical Review Committee had talked about the sight lines and they believed that the application had fulfilled that standard.

Gidley asked if the current large green sign would be coming down and if the applicants would be putting a Dollar General sign in its place. The applicants confirmed this and stated that the signage is done by a different group. They are increasing the green strip which would be improving the condition due to moving the sign away from the edge of the pavement.

Jacobs asked the applicants if doing a split face block like Gidley had suggested would be feasible. Wojtila stated that it is feasible and they would commit to putting a different colored split face block all the way up on the front and back with a four-foot base and a metal panel on top for the sides.

Jacobs asked Surrisi what would keep the owner from putting whatever he wanted within his buildings. Surrisi stated that the parking would limit what could be put in the building due to the parking limitations in the area.

Board Members Gidley and Selge moved and seconded to approve 30 parking spaces that are 10 feet wide; reducing the front set back from 30 to 10 feet as long as front and back of building are split face block, that are colored, to the top with the sides of the building being split face block 4 feet up with metal on the top; and to allow interior landscaping and parking to be within the required front yard. The motion carried by roll call vote.

Yes: Gidley, Jacobs, Selge, Webster

No: None

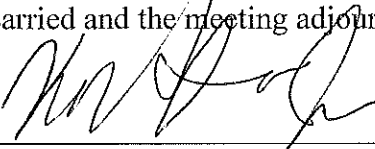
Absent: Secor, Wickens, Yadon

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Building Commissioner Hammonds did not have anything to report on 1220 Lincolnway East. It seems that nothing had been done since the last meeting. Another progress report will be done in March.

Board Members Webster and Selge moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 9:31 p.m.



Kathryn Hickman Jung – Recording Secretary

