

PLYMOUTH BOARD OF ZONING APPEALS

April 6, 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 April 6, 2021 at 7:54 p.m. Board President Art Jacobs called the meeting to order for Board Member Mark Gidley, Alan Selge and Linda Secor. Others present were City Attorney Sean Surrisi, Plan Consultant Ralph Booker and Building Commissioner Keith Hammonds. Members Wickens and Yadon and alternate member Webster were absent.

Board Members Gidley and Jacobs moved and seconded to approve the minutes of last regular meeting of February 2, 2021, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on March 25, 2021:

116 Legals	
NOTICE OF PUBLIC HEARING The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on April 6, 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 2021-05: Jeffry and Charis May, 9977 Deer Trl, Plymouth, IN. 46563: A Variance of Developmental Standards from the required twenty (20) foot rear setback to construct a small pavilion/picnic area two	(2) feet from the rear property line at parcel 50-32-06-000-149.000-018, 9977 Deer Trl, Plymouth, IN. 46563, zoned R-2, Suburban Residential District. BZA 2021-06: Rodney Jacobs/Caker Properties, 401 E. Jefferson St., Plymouth, IN 46563: A Variance of Developmental Standards to construct a twelve (12) foot three (3) inch tall sign with 42.3 square feet of sign space on parcel 50-32-93-102.861-000-019 located at 401 E. Jefferson 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, March 25, 2021 March 25, 2021 PN322507 hspaxlp

BZA 2021-05: Jeffry and Charis May, 9977 Deer Trl, Plymouth, IN 46563: A Variance of Developmental Standards from the required twenty (20) foot rear setback to construct a small pavilion/picnic area two (2) feet from the rear property line at parcel 50-32-06-000-149.000-018, 9977 Deer 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.

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Letter of Intent

Jeffrey and Charis May

2/17/2021

9977 Deer Trail

Plymouth, IN 46563

City of Plymouth Board of Zoning Appeals,

My wife and I would like to construct an 18'x28' (approximately) pavilion for the backyard according to the projected site plan. The current ordinance will not allow us to construct the pavilion in the current location. This would not be symmetrical with the property and would be too close to the house.

We are requesting a variance allowing us to construct the pavilion in line with the current fence location. We plan to replace the current wood fence with a maintenance-free vinyl privacy fence. We're trying to get plans ready to accommodate both projects for this coming year.

It is our hope that you will grant our request. Thank you for considering our request!

Sincerely



Jeffrey and Charis May

Booker stated that the pavilion/picnic area would be within the inside of the current fence area.

Jeffrey and Charis May of 9977 Deer Trl, Plymouth were present to talk about their application and answer the questions of the board. Jeffrey May stated that they would like the new fence to be a part of the wall of the pavilion/picnic area.

Jacobs asked if the property line was in the middle of the applicant's and the neighbor's fence. Booker stated that it seems that the applicant's fence may be set back more than two feet from the property line. Booker added that previously Board of Zoning Appeals did not like structures to be on the property line due to potential problems with neighbors. The property line would need to be determined in order to stay within the potential variance.

Gidley asked if the wall of the pavilion would be replacing the fence in this case. The applicants confirmed this.

Jacobs asked what the pavilion would have as the wall. Mr. May stated that the wall would be made of metal siding for the pavilion and a six-foot vinyl privacy fence.

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Gidley asked if there were any concerns in terms of a fire. Jacobs stated that since it is an open structure there was nothing that concerned him at that time.

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

There were no comments from the public.

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

Jacobs asked what height will the peak of the structure be. Mr. May stated that the peak would be 12-15 feet tall.

Board Members Selge and Secor moved and seconded to approve BZA 2021-05 as presented with the two feet from the property line as long as the structures stays in line with the fence. The 1-foot overhang must stay 2-feet from the property line and the structure's gutters must drain toward the applicant's yard. The motion passed by roll call vote.

Yes: Gidley, Jacobs, Selge, Secor

No: None

Absent: Webster, Wickens, Yadon

BZA 2021-06: Rodney Jacobs/Caker Properties, 401 E. Jefferson St., Plymouth, IN 46563: A Variance of Developmental Standards to construct a twelve (12) foot three (3) inch tall sign with 42.3 square feet of sign space on parcel 50-32-93-102.861-000-019 located at 401 E. Jefferson 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.

Letter of Intent

Ameriprise Financial would like to install a pylon sign at 401 E. Jefferson St. This address is currently zoned as C1-general commercial. C1 zoning does not permit pylon signs. The proposed pylon sign would be a total of 12'3" in height and a total 42.3sq ft of sign space. Ameriprise would prefer to have a pylon sign due to visibility concerns. This sign would be installed in an existing park spot on the property, 10' back from the cities right of way. The idea with a taller sign is that existing customers and potential customers will have better visibility for entering and exiting the parking lot.

Booker stated that he went and took a look at the signs down the road and most were monument signs, but there were some pole signs in the area as well. Many of the pole signs in this area were

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grandfathered in. The sign that is being proposed would also be an electronic messaging center as well as the physical sign.

Jacobs asked where the right of way was for this area and where the 10-foot setback would be. Lauren Overmyer, the representative for the applicant, stated that they were told that the poles were the start of the right of way.

Lauren Overmyer of Vanadco Signs was present to talk about the request and answer questions from the board. She stated that she would make sure that the sign is set back the appropriate distance from the right of way.

Gidley asked if a monument sign was considered for this area. Overmyer stated that a monument sign was considered. Gidley asked who made the decision to go with a pole sign instead of a monument sign. Overmyer stated that the purchaser of the sign requested a pole sign rather than the monument sign. She typically tries to abide by the rules of the area when selling these signs since it is typically easier and more accepted.

Gidley asked why this sign needed to be an electronic message center. Overmyer stated that it seems like the electronic messaging center is the way that many businesses are going right now. As they see it as a fun and exciting way to get their messages out to the community. She added that she believes that this sign will rotate messages from other businesses in the building. Also, the top of the sign may not have Ameriprise on the top, but may have the name of the banquet center on it as Rodney Jacobs owns it as well. This should not affect the variance though.

Overmyer stated that if the board were to look at Culligan's sign across the road the sign that is being proposed would not be as high, but would be at an eye level when driving. Also, a complete block sign may reduce the ability to see when exiting the property. Gidley stated that as long as it was behind the FedEx box it should leave enough room to see.

Gidley asked if the Culligan sign was a pole sign before. Overmyer stated that this sign was a pole sign before. All that her company did was put in an electronic messaging center on the sign. Their pole sign was grandfathered in.

Selge asked what variance were they asking for. Overmyer clarified that they were just looking for a variance for a pole sign in a C-1 area. Booker added that pylon signs are typically used where traffic is faster. Monument signs are typically used where traffic is slower. In this case most of the pole signs that were put in this area and grandfathered in were when the street was US 31.

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

Jo Ann Peelle of 507 Randolph Dr., Plymouth asked if the sign would be flashing or bright and bold. Overmyer stated that it would be the same type of sign as Culligan and the zoning ordinance prevents flashing. The sign will move messages every five seconds or so, but should not flash. Peelle stated that she was concerned about the possible distraction that this type of sign may cause.

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Overmyer stated that the sign should have no flashing, and the sign auto dims in the evening and during cloudy days to prevent an overly bright sign. If there was inappropriate use of the sign a complaint could be filed.

Booker added that even if they do not get the variance for the pole sign, they would still be allowed to use the electronic messaging system on the monument sign. He asked if the sign could flash. Overmyer stated that it could, but she never teaches anyone how to make the sign flash.

Doug Feece of 12221 W 11th Rd., Plymouth asked if the city should change the ordinance in this area or should they keep it in this type of case. There are many signs that are grandfathered in, but when they created the ordinance, their hope was that eventually it would look uniform down the road with the monument signs.

Heather Breeding of 509 Randolph St., Plymouth stated that she was most concerned about the sign impeding visibility, and likes that the sign would be up high and not ground level. She added that she believes that the electronic messaging center does seem like the way to go.

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

Jacobs stated that this does seem like something that the board should look at within the zoning of this area within the ordinance.

Overmyer asked if there was a specification as to how high a monument sign could be. Booker stated that monument bases cannot exceed 3 feet in height and the overall height of the monument cannot exceed 8 feet. The face area cannot exceed 32 square feet. Overmyer stated that if this were denied they would have to come in for the square footage of the sign.

Gidley stated that he does not believe that the sign should be a pole sign and was not sure if he would want an electronic messaging board. Surrisi stated that as long as the sign meets all of the standards of an electronic messaging board it would be permitted without the variance.

Surrisi asked if the 42.3 square feet sign was part of this application. The board confirmed this. Surrisi stated that as long as the 42.3 square foot for the face area of the sign that they could approve the square footage, but deny the pole sign.

Jacobs asked why the sign would need to be 42.3 square feet. Overmyer stated that the electronic messaging centers come in prefabricated sizes which would bring this sign to the total square footage of 42.3.

Gidley asked how tall the physical sign would be. Overmyer stated that it would be 5 feet 1 inch itself and the base would be 8 feet wide. She stated that she had a drawing for the monument sign, but not with her, that should would gladly distribute to the board members after the meeting if they would like.

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Board members Gidley and Selge moved and seconded to approve a monument sign with a square footage of 42.3 square feet that does not exceed 8 feet tall. The motion passed by roll call vote.

Yes: Gidley, Jacobs, Selge, Secor

No: None

Absent: Webster, Wickens, Yadon

Building Commissioner Hammonds reported on 1220 Lincolnway East. He stated that he had been in touch with the owner and they had the 2nd floor gutted and were expecting to have it completed in one month. They also expected to have the bottom floors done in 3 months.

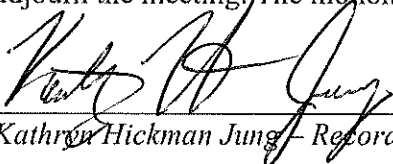
Gidley asked if they seeded the second entrance after taking out the hard surface, or if they just seeded over the hard surface. Hammonds stated that the city took out the hard surface and seeded it.

Feece asked if anything was being done about the mud hole on West Jefferson where the old junk garden was. Gidley stated that he believed that there was an agreement that when the building came down that they were to make sure that the hole was filled in so that the water was not just sitting there.

Surrisi stated that he and the mayor spoke to the owner not too long after the building came down about that. Since nothing has been done, Surrisi said they will reach out to the property owner the next day.

Deputy Clerk-Treasurer Hickman Jung asked about the previous variance for Bob's Automotive if the entire frame needed to be moved not just the sign since at the previous meeting the motion was that the entire structure needed to be moved out of the right-of-way. Jacobs stated that he would like to ask the homeowner about his vision exiting their driveway. He stated that he would like Keith to follow up with both the neighbor and the owner of Bob's Automotive about the movement of the sign.

Since there was no other business, Board Members Selge and Secor moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:55 p.m.


Kathryn Hickman Jung - Recording Secretary