

PLYMOUTH BOARD OF ZONING APPEALS
September 7, 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 September 7, 2021 at 7:47 p.m. Board President Art Jacobs called the meeting to order for Board Members Mark Gidley, Alan Selge, Fred Webster and John Yadon. Others present were City Attorney Sean Surrisi, Plan Consultant Ralph Booker, Building Commissioner Keith Hammonds. Board member Wickens was absent.

Board Members Selge and Webster moved and seconded to approve the minutes of the last regular meeting of July 6, 2021, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on August 26, 2021:

<p style="text-align: center;">NOTICE OF PUBLIC HEARING</p> <p>The Plan Commission of the City of Plymouth, Indiana will hold a hearing on September 7, 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:</p> <p>BZA 2021-14: Norfolk Properties, LLC c/o Dan Falk, 2303 N Oak Rd, Plymouth, IN 46563: A Variance of Development Standards from Article 6, Section 140, Landscaping Standards, G. Parking Lot Landscaping Requirements, to not</p>	<p style="text-align: center;">116 Legals</p> <p>provide any of the following for a parking lot; 1. Landscaping along the Right of Way, 2. Perimeter Landscaping on the north side of the lot, 3. Interior parking lot landscaping requiring greenspace islands, and with only a zero (0) foot setback on parcels 50-42-91-000.029.000-018 and 50-42-91-000.030.000-018, 7653 Michigan Rd, Plymouth, IN 46563 zoned C-3 Corridor 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</p>	<p style="text-align: center;">116 Legals</p> <p>necessary. If you are disabled and need special accommodations, please call the ADA Coordinator at 574-936-2948. Kathryn Hickman, Recording Secretary, Plan Commission, August 26, 2021 <small>August 26, 2021 PN328928 hepaxlp</small></p>
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BZA 2021-14: Norfolk Properties, LLC c/o Dan Falk, 2303 N. Oak Rd. Plymouth, IN 46563: A Variance of Development Standards from Article 6, Section 140, Landscaping Standards, G. Parking Lot Landscaping Requirements, to not provide any of the following for a parking lot; 1. Landscaping along the Right of Way, 2. Perimeter Landscaping on the north side of the lot, 3. Interior Parking lot landscaping requiring greenspace islands, and with only a zero (0) foot setback on parcels 50-42-91-000.029.000-018 and 50-42-91-000.030-000.018, 7653 Michigan Rd. Plymouth, IN 46563 zoned C-3 Corridor Commercial District.

Plan Consultant Booker announced for public record that he had driven for Auto Park occasionally as one of their part time drivers.

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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TERRITORIAL ENGINEERING, LLC

7908 North Slate Road 23 · Walkerton, IN 46574 · Telephone 574-586-3448 · Fax 574-586-2992
teeng@te-llc.com


**Variance from Development Standards
Letter of Intent
For Norfolk Properties, llc
8/12/21**

Dear Board of Zoning Appeals,

Norfolk Properties, LLC has acquired the former Country Auto (now AutoPark) and the former Kindt parcel on Michigan Rd, just north of Hoham Drive. They are planning on constructing an asphalt parking lot on the former Kindt parcel to display vehicles along Michigan Road. They are requesting two variances from development standards; Deletion of greenspace islands and reduction of the side-yard setback for pavement to 0 feet along the North Property line. They intend a front setback of approximately 13' from the property line to match the existing asphalt on the south side of the ditch. This setback would be approximately 39' from the edge of the Michigan Rd asphalt shoulder. They intend to ask for a variance to the ditch setback from the County Drainage Board. See attached site plan for more information.

If there are any questions or concern, please contact us at your convenience.

Sincerely,



Daniel L. Sellers, P.E.

Territorial Engineering

Booker stated that another variance would be the landscaping requirement as well. There was supposed to be landscaping along the right of way. He stated that what they planned on doing was to place an asphalt parking lot on this piece of land along the front portion with a drainage and detention pond at the back of the property. They would also just like to have grass along Michigan Road. He added that at the moment this was just an empty lot with The Autopark on one side and another car sales lot on the other.

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Representatives of the applicant were present to discuss their request and answer the questions of the board. The representatives were Dan Sellers of Territorial Engineering of 921 Wilson Circle, Plymouth and Richard Styka of 1100 E. Jefferson St., Plymouth.

Sellers stated that the intention of this variance was to get more parking spaces for cars with more sight visibility to better showcase their cars.

Styka stated that this was a narrow and long lot, and it all would come down to safety in the area. With this proposal they would be closing and moving some entrances in order to get farther from the stop light. He also mentioned that they were interested in opening a car detailing and car wash station at the back of this lot later on, at which point they would have to come back before the board for other approvals. He added that their reasoning for not having the islands or landscaping was to help car carriers enter the lot and unload safer, with the parking lot only taking up about a third of the lot.

Webster asked if the greenspace was part of the drainage plan. Styka stated that it was.

Webster asked if they were still looking at getting a bridge approved by the drainage board for over the ditch. Styka stated that they were, and it would all go back to the safety idea. They were in the process of getting this approved by IDEM and a few other entities, as they have county approval for it.

Webster asked if the lots were more built up than the road to help prevent the stealing of pieces of the new cars. Styka stated that it always seemed like the stealing of pieces of the cars came and go like rashes, because of this just having grass between the lot and the road would make it more difficult to steal items due to the visibility.

Gidley asked about the idea of the car wash in the future and if this would be a public use carwash, or a carwash for Auto Park. Styka stated that their intention would be for public use. Gidley asked if this would be deep into the lot. Styka stated that it would be, but it would be a totally different case that would be brought before the board.

Gidley expressed concerns about this area being a gateway into Plymouth and how they were trying to set a precedence as to how this area would look. He stated that he understood that tall bushes or trees would hinder the view of their cars, but low maintained shrubs would not and would dress up the gateway. Since most of the properties along this area were built years ago many do not have this type of landscaping, but he would like to see this area start to get dressed up as they intended with these requirements. Styka stated that they have nothing against the landscaping, but they were looking toward their future plans, and did not want to plant anything that would eventually need to be torn out.

Gidley asked if they would be willing to compromise and have low shrubs instead of the other specific requirements. Styka stated that they were trying to line up the existing lot, and the setback would hinder their plans and asked if they were talking about flowering areas, or something else. Gidley stated that they were looking just for a lawn with just a few low shrubs like a boxwood that could be trimmed down.

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Jacobs stated that he agreed with Gidley and that he would start now with that requirement of landscaping otherwise there is no guarantee that any change like that would ever occur.

Webster asked what utilities were ran on that property. Styka stated that many of the utilities hop scotches over the property, but there is a gas line that they believe runs along the property.

Yadon asked if the setbacks would interfere with any future sidewalks that would need to be put in. Styka stated that they are currently outside of the city limits, but if the property were to be annexed they would definatly consider sidewalks. He added that being annexed was in their plans of development, but the county drainage ditches would be the main issue that would need to be dealt with.

Webster stated that his only concerns with the landscaping would be inhiging the ability of seeing traffic when entering or exiting these lots. He stated that whatever landscaping that they end up doing to please be conciencious about the height of that. Styka stated that they would have no issues limiting the shrubbery to 2 feet high or something like so that they would not inhibit the ability to see traffic.

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

Kenneth Wainscott of 7575 Michigan Road spoke for and against parts of this request. He stated that he owned the other car lot next to the lot in question. He stated that he was concerned about the zero-setback next to his property as he had septic problems in the past. At the time the city put in a lift station and grinding pump. The line may run between the two properties. To this, Styka stated that the only known utility was a gas line in that area. They stated that they were going to dig an exploratory dig to see if the gas line is still active before moving forward.

Gidley asked the representatives of Norfolk Properties if they wanted their asphalt to but up against Wainscott's property. Styka stated that they did.

Webster asked if Wainscott would be willing to be annexed. He stated that he had no problem with this.

Doug Feece of 1604 W. Jefferson St. spoke against the request. He stated that it looked like in the arial photos of the property that there was a trailer or storage building of Wainscott's that is placed right on and slightly over the property line. Wainscott stated that if you run the deeds line, the property line would run directly behind the shed, as the lines run at an angle. They were not able to find the back stake from the survey that was done previously.

Booker stated that a concern for a zero setback would be that in order to build or maintain any property at a zero set back, you would have to go onto someone else's property to do that work. He stated that he would like to see at least five feet of setback from another property line.

Wainscott added that he stated that he would be against the zero setback to his property.

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

Jacobs stated that it looked like there were three segments that would need to be thought of and possibly approved independently. This breakdown can be found below.

1. Landscaping along the Right of Way along Michigan Road
2. North Side of lot Landscaping Zero-foot setback
3. Interior Landscaping and Islands

Members Gidley and Selge moved and seconded to require landscaping along the right of way along Michigan Road of 7 bushes every 5 feet of every 35 feet of property along the right of way. The bushes should be no more than 2 feet in height no trees will be required. The motion passed by roll call vote.

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

Gidley voiced that he had no issues with the no landscaping, but he had a problem with the zero setback as there are too many unknowns with possible utilities on the wrong property.

Yadon asked if for the city would be liable if they were to approve this and the utilities were to get damaged when they dig. City Attorney Surrisi stated that they would not be and it would be between the owners.

Members Selge and Gidley moved and seconded to allow for no landscaping on the north side of the lot, but must retain the 10-foot setback from the neighboring property. The motion passed by roll call vote.

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

Members Selge and Webster moved and seconded to approve no interior landscaping or islands. The motion passed by roll call vote.

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

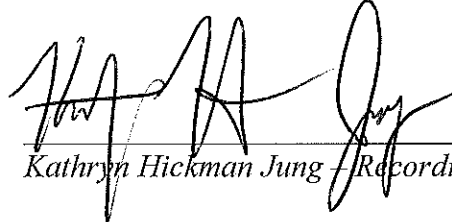
Booker announced that if the applicants believed that any of the decisions made by the Board of Zoning Appeals were improper, they could take it to the circuit court within 30 days of the decision. If they wanted to bring the same request before the Board of Zoning Appeals, they would need to wait one year before the request could be heard again.

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Building Commissioner Hammonds reported on 1220 Lincolnway East. He stated that about three weeks ago, the owner was out front loading up all of his gear. He stated that he was intending to sell the building. Hammonds stated that it would be his duty to inform the new owners about the current agreement with the city as it would remain in effect.

There being no other business, Board Members Selge and Yadon moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:52 p.m.



Kathryn Hickman Jung / Recording Secretary