

## PLYMOUTH BOARD OF ZONING APPEALS

November 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 November 2, 2021, at 7:50 p.m. Board President Art Jacobs called the meeting to order for Board Members Mark Gidley, Alan Selge, and John Yadon. Others present were City Attorney Sean Surrisi, Plan Consultant Ralph Booker, Building Commissioner Keith Hammonds. Board member Wickens was absent.

The Board Members decided that since two of the members did not receive the minutes that they would hold off on approving the minutes until the next regular meeting.

The following legal notice was advertised in the Pilot News on October 21, 2021:

### NOTICE OF PUBLIC HEARING

The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on November 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 2021-22:** Matthew and Alicia Davis, 12361 Diamond DR., Plymouth, IN 46563: A Variance of Development Standards to have an exterior business sign three (3) foot off the exterior wall on parcel 50-32-93-103-358.000-019 located at 105 W. LaPorte Street., Plymouth, IN 46563, zoned C-2 Downtown Commercial District.

**BZA 2021-23:** Kevin Berger, Easterday Construction, 402 N. Slate St., Culver, IN 46511: A Variance of Development Standards to reduce the front yard setback from twenty (20) feet to fourteen (14) feet to construct forty (40) single family town-

### 116 Legals

homes on parcel 50-42-33-400-002.045-019, Baker Street., Plymouth, IN 46563, zoned R-2 Suburban Residential District.

**BZA 2021-24:** Kevin Berger, Easterday Construction, 402 N. Slate St., Culver, IN 46511: A Variance of Development Standards to reduce the minimum lot width from sixty-four (64) feet to sixty-one (61) feet to construct forty (40) single family townhomes on parcel 50-42-33-400-002.045-019, Baker Street., Plymouth, IN 46563, zoned R-2 Suburban 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

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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, October 21, 2021

October 21, 2021 PN328881 hspaxlp

**BZA 2021-22:** Matthew and Alicia Davis, 12361 Diamond DR., Plymouth, IN 46563: A Variance of Development Standards to have an exterior business sign three (3) foot off the exterior wall on parcel 50-32-93-103-358.000-019 located at 105 W. LaPorte Street., Plymouth, IN 46563, zoned C-2 Downtown 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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BZA Board,  
I Matt Davis am writing this letter  
of intent requesting variance to install a  
hanging sign extending no further than 3ft off  
the wall and will be installed higher than the  
8ft Requirement. Please see attached paperwork  
for my request and thank you for your  
consideration!  
Matt Davis

Booker stated that this was the old Standard Plumbing building. The ordinances allow for canopy signs, which are utilized by many properties near the subject property.

Matt and Alicia Davis were present to talk about their request and answer the questions of the board. Mr. Davis stated that they had purchased the building recently, and were intending to make it into a women's boutique. They wanted to keep the outside vibrant and appealing to the eye.

Jacobs asked if the variance was just for an extra foot off of the exterior wall of the building. Hammonds stated that this was the case as the ordinance only allows for a wall sign to go two feet off of the exterior wall of a building.

Gidley asked about similar signs around town and if the sign would be internally lit or if it would have a light on it. M. Davis stated that it would not be internally lit and would not have a light on the sign.

Selge asked if the variance was for the height of the sign as well. Booker stated that it was not, but was just the extra foot off of the exterior wall of the building.

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

Delenor Wenzel, of 9595 Deer Trail, offered his support for the variance on the sign.

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

Members Wickens and Gidley moved and seconded to approve BZA 2021- 22 as presented. The motion passed by roll call vote.

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

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**BZA 2021-24:** Kevin Berger, Easterday Construction, 402 N. Slate St., Culver, IN 46511: A Variance of Development Standards to reduce the minimum lot width from sixty-four (64) feet to sixty-one (61) feet to construct forty (40) single family townhomes on parcel 50-42-33-400-002.045-019, Baker Street., 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.

October 15, 2021

LETTER OF INTENT  
PLYMOUTH RIVERSIDE COMMONS PROJECT  
RIVERSIDE MEADOWS PLANNED UNIT DEVELOPMENT BAKER STREET  
PLYMOUTH, INDIANA

Dear BZA members,

Easterday Construction Co., Inc. along with Riverside Commons Apartments, LP plans to construct a total of forty (40) single family townhomes to be located in Plymouth, Indiana. The intent is to construct these townhomes in line with the Riverside Meadows Planned Unit Development along Baker Street. The property is presently vacant and ready for development.

We seek two (2) variances. The first is in regards to the front yard setback from twenty (20) feet to fourteen (14) feet. This will allow for more community space between the townhomes and is not significantly less than the current front yard setback requirement.

The second is a variance of minimum lot width from sixty-four (64) feet to sixty-one (61) feet. The onsite spacing and allowable parking for townhomes does not leave much room for adjustment and this change will allow enough community space to be included between townhomes.

We believe our plan comports with the Plymouth Comprehensive Plan which shows this area being developed into multifamily residential areas, and we feel the proposed set back and lot width are in keeping with the proposed neighborhood development in the comprehensive plan.

Respectfully submitted,

SRKM Architecture. LLC

Booker stated that the lot in question was across from New Song Church and would be developed into 40 single family town homes. He stated that this was going to be part of the Riverside Meadows Planned Unit Development that had been established previously. The reason for the variance was

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because they wanted to reduce the setbacks from the original setbacks in the Planned Unit Development. He added that there were already sidewalks on a couple sides of the future development already, and more would be installed.

Kevin Berger and Brent Martin were present to talk about his requests and answer the questions of the board.

Yadon asked if the setback was in addition to the right of way. Booker stated that this would be from the property line.

Gidley asked how many individual lots this would be. Booker stated that it would just be one lot. Berger stated that the main concern was the parking standards which are for 64 feet. Since the parking for this was not the standard parking lot, and was instead going to use garage doors, they were asking for this distance to be reduced to 61 feet between the garage doors.

Gidley asked if they would allow for parking in front of the garage door. Berger stated that they would. Gidley voiced concern about the about backing up, and asked if the garage doors would be staggered compared to the garage doors across the way. Berger stated that they would be staggered.

Gidley asked since they just had their ground breaking recently, when did this issue become obvious to them that they would need to come get variances. Berger stated that this was brought to their attention about a year ago by a letter through the TRC that these variances were needed.

Selge asked how many stories these buildings would be. Berger stated that these would be two stories.

Jacobs asked what the width of the parking spaces were. Berger stated that they would be 50 feet. Jacobs asked what the depth of the parking spaces would be. Berger stated that in the drawings, the landscaping area next to parking spaces were 18 feet so that would be the depth from the garage door to the road.

Berger stated that they intend for this housing to be single family. He also would like to add speed bumps on the road through the development in order to slow down traffic to protect kids in that area. Jacobs voiced concern about narrowness in these types of areas, as it could cause visibility problems.

Gidley voiced concern on if the possibility of a pickup being parked outside of the garages and it sticking out past the end of the parking space.

Jacobs asked what the depth of the garage was in this development. Berger stated that the garage was 21 feet deep and 12 feet wide.

Selge asked if the house was the same width as the garage. Berger stated that the house included a part of the side of the garage, but they would be small due to being townhomes.

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Gidley asked if there would be any common parking in that development. Berger stated that there would only be two parking spaces per dwelling unit.

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

City Attorney Surrisi stated that this was one of the featured projects in the Marshall County Crossroads and Stellar Communities efforts. He stated that the city was for this project as it would meet the need for housing in the community.

John of 1220 Solomon Lane spoke against the request. He asked who owned the property as the property states that Solomon Development Corporation owns the property. He stated that he had the auditor look it up, and there were no corporations in Indiana under that name. Berger stated that Solomon Development Corporation was a partnership with Dr. Stillson and Bill McQueen. Now Riverside Commons Apartments LLC had purchased it from Solomon Development Corporation. Berger added that he was the general partner of Riverside Commons Apartments LLC.

John stated that he had heard that they would be spending 90 million dollars on this project. He asked if this was true. Berger stated that they were spending 9 million dollars on the project. Which would total about \$225,000 per unit. John stated that that \$225,000 could be used to build a complete single-family home for that amount. From his understanding these homes were going to be used for poor people, and this seemed like a very large expense for low-income people living there.

John asked the board their definition of morals as it was stated in the Findings of Facts that were presented. Jacobs stated that for him, something immoral would be something unethical or not good for the community.

John stated that all of the people who he knows out at Solomon Ct. are church going people, and the people that they are trying to attract to this area are not those kinds of people. Gidley stated that just because people are poor, does not mean that they do not go to church. They may not go to the same church as the people he was speaking about, but he suggested that John stop with these types of questions.

John stated that he believed that the development would adversely affect the surrounding properties. This would be due to the fact that it would be changing the area from strictly single-family homes to a mixture. He stated that he was representing Dawn and Dona Siefer. Jacobs asked if he had a letter or if these two were present tonight. John stated that he did not have a letter and they were unable to make it tonight. Jacobs stated that he would have to represent himself unless he had a letter from the two people to submit to the board.

Booker asked if John was against either of the variances. John stated that he was not, he was just against the development. He was also concerned about how the ground was already broken and these variances were not approved. This would not be the correct method of action. Gidley stated that the project had already been approved. Surrisi added that if the variances were to not pass, they would still build the development.

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John stated that he also had concerns about there not being sidewalks on the North or West side. Jacobs stated that this would not be up to the board as this plan had been previously approved by another board. They could only look at the variances that were put in front of them currently.

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

Members Yadon and Selge moved and seconded to approve BZA 2021-23 and BZA 2021-24 as presented. The motion passed by roll call vote.

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

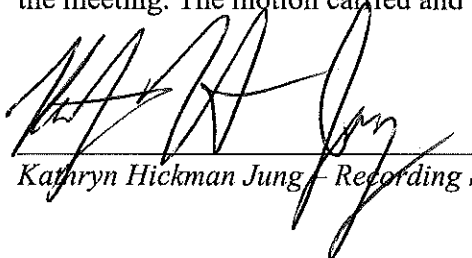
Yadon asked about the west side of the Dollar General Building if the block had been placed all the way up. Building Commissioner Hammonds stated that it was all the way up. He added that the next day he would be going to do the final inspection. He was aware that the sidewalks were not in yet, but would be put in soon.

Gidley asked about the lamp post that was pushed over in the parking lot behind the new Dollar General off of Kingston. Hammonds stated that he was unable to get ahold of the owner of the lot where the lamp post is yet, but the contractor at Dollar General stated that they would clean that up for the city.

Building Commissioner Hammonds reported on 1220 Lincolnway East. He stated that the property was still up for sale. Nothing had been done since. As of December 1, 2021 the property would revert back to a single family residence.

Gidley asked about the update as to when the shipping containers full of furniture would be removed from in front of the Holiday Inn. Surrisi stated that he did not get around to asking the mayor to get an update on the status of that. He stated that he would work to get that for the board.

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 8:31 p.m.



Kathryn Hickman Jung - Recording Secretary