

PLYMOUTH BOARD OF ZONING APPEALS

December 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 November 2, 2021, at 7:32 p.m. Board President Art Jacobs called the meeting to order for Board Members Mark Gidley, Alan Selge, Linda Secor, and Keith Wickens. Others present were City Attorney Sean Surrisi, Plan Consultant Ralph Booker, Alternate Member Fred Webster. Board member Yadon was absent.

Board Members Selge and Gidley moved and seconded to approve the minutes of October 5, 2021 and November 2, 2021. The motion carried.

The following legal notice was advertised in the Pilot News on November 24, 2021:

**NOTICE OF
PUBLIC HEARING**
The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on December 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:
BZA 2021-25: Randy Savoie, 1000 W. Jefferson St., Plymouth, IN 46563: A Variance

116 Legals

of Development Standards to construct a twelve (12) by sixteen (16) shed five (5) feet from the east property line and thirteen (13) feet from the northern property line instead of the required twenty (20) feet on parcel 50-32-05-102-333.000-019, located at 1000 W. Jefferson St., Plymouth, IN 46563, zoned C-1 General Commercial District.
BZA 2021-26: Plymouth Center Limited Partnership, 333 Richmond Rd, Suite 320, Beachwood, Ohio 44122: A Variance of Development Standards to have a zero (0) foot side yard

setback instead of the required twenty (20) feet and lot coverage to 92 % instead of the maximum of 70% in order to create a two (2) lot minor subdivision on parcel 50-42-29-303-008.000-019, at 1500 Pilgrim LN., 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 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, November 24, 2021
November 24, 2021 PN330035 hspaxip

BZA 2021-25 was delayed until later in the meeting as the applicant had not arrived by the start of this meeting.

BZA 2021-26: Plymouth Center Limited Partnership, 333 Richmond Rd, Suite 320, Beachwood, Ohio 44122: A Variance of Development Standards to have a zero (0) foot side yard setback instead of the required twenty (20) feet and lot coverage to 92 % instead of the maximum of 70% in order to create a two (2) lot minor subdivision on parcel 50-42-29-303-008.000-019, at 1500 Pilgrim LN., 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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TERRITORIAL ENGINEERING, LLC

7908 North State 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 Plymouth Center Limited Partnership
(Proposed Minor Subdivision)

11/10/2021

Dear Board of Zoning Appeals,

Plymouth Center Limited Partnership (Chase Properties) is wanting to plat a minor subdivision consisting of 2 Lots located in the Pilgrim Place Shopping Center on Pilgrim Lane. Lot #1 would be a portion of the building currently occupied by Tractor Supply Corporation (TSC) along with the parking lot in front of TSC altogether consisting of approximately 3.10 acres. Lot 2 would be the large grass island between TSC and Lowes consisting of 1.36 acres.


The Plat of the Proposed Minor Subdivision will necessitate a variance from development standards to accommodate existing improvements located on proposed Lot #1 (TSC).

The existing lot coverage within the proposed Lot boundary lines is approximately 92% which exceeds the zoning maximum standard of 70%.

According to the Zoning ordinance the sideyard setback is 20' for the building. The proposed boundary lines of Lot 1 would leave a 0' side yard setback along the proposed west line. The proposed west line would run through a common separation wall of the building in a similar fashion to the boundary splits of properties located in downtown Plymouth.

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

Sincerely,



Daniel L. Sellers, P.E.
Territorial Engineering

Booker stated that the board was just approving the setback and lot coverage. Once this was approved, the plat would be presented at the next Plan Commission meeting. The zero set back would be due to the buildings being connected to each other. As for lot coverage, the amount covered includes any ground covered by a hard surface such as a parking lot or building.

Daniel Sellers of Territorial Engineering was present to discuss the request and answer the questions of the board.

Jacobs asked what the plan was for this site. Sellers stated that he was not sure what they were planning to do with the area, he believes that this was just being done to make the area more marketable.

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

Selge asked why these were necessary. Booker stated that this was an existing situation, but in order to subdivide the land they would need a variance to fit the City Ordinances.

Gidley asked if Territorial Engineering suggested the variances, or if the owners asked for the variance. Sellers stated that the variance was needed in order to subdivide the property.

Members Selge and Gidley moved and seconded to approve BZA 2021- 26 as presented. The motion passed by roll call vote.

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

BZA 2021-25: Randy Savoie, 1000 W. Jefferson St. Plymouth, IN 46563: A Variance of Development Standards to construct a twelve (12) by sixteen (16) shed five (5) feet from the east property line and thirteen (13) feet from the northern property line instead of the required twenty (20) feet on parcel 50-32-05-102-333.000-019, located at 1000 W. 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.

City of Plymouth Board of Zoning Appeals,

I am wanting to construct a 12' x 16' utility shed at 1000 West Jefferson Street, Plymouth Indiana to be used for the storage of yard maintenance tools, general tools and supplies for our business.

We are currently storing these things in a storage unit and we need to move them because of the cost of the units.

The shed will have a black steel roof and grey steel siding to match the existing building.

Thank you,

Randy Savoie

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Booker stated that the shed was already built at this location. It may have been constructed farther since the photos that he was presenting were taken. He stated that he believed that this structure was not permanent as it seemed like it was on skids.

Randy Savoie was present to talk about his request and answer the questions of the board.

Selge asked why the shed was already on the property. Savoie stated that he had done a permit to do the addition on the back of the building, and they had discussed adding the shed. He had assumed that the shed was on the permit. Building Commissioner Hammonds called him and made him aware that this was not a part of the permit, and would need a variance due to being too close to the alley. Savoie stated that he did go ahead and close up the shed and put a garage door on the front to protect it from the weather.

Selge asked if this would prevent the neighbors from getting in the garage, as it looked like the neighbors used to drive through this area to get to their garage. Jacobs stated that it did look like the neighbors used this area to get to their garage. Savoie stated that it did make it tight for the neighbors to get into their garage, but he used to have barrels placed in this area before the shed was placed. He did not see any issues with them getting into the garage.

Selge asked if they needed to get a variance for the addition. Booker stated that they did not need one as it was an addition to an existing building. Savoie added that the shed was on bricks, and was moveable.

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

Jeff Birchmeier of 11100 Shady Lane Dr. spoke against the request. He stated that he owned the property directly to the East of the property in question. He stated that the issue he had with this was how the variance was filed, the closeness to the North side of the property and how close they were to the property line.

Jacobs stated that the property line that was being presented was just a guide to show the board how close this would be, but was not exact. Birchmeier stated that the property line itself runs right about at the utility pole that sets right about on that line. He stated that the shed was not 13 feet off of the alleyway. He stated that there was no way that it could be moved south any, it was a hinderance to get in an out of his property, and it would be a problem when the city comes down the alleyway to plow, and he would have to deal with that tightness when he went in to plow out his tenants.

Selge asked if he lived in the property next door or rented it. Jacobs stated that he rented this property out.

Birchmeier stated to look at the size of the parcel that was in question, and why this shed would need to be stuffed right back in the corner in question.

Jacobs stated that he was trying to see how the shed would hinder Birchmeier or his tenants. Birchmeier stated that he could deal with it, but it would be tight.

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Jacobs stated that Birchmeier should not be plowing on Savoie's land or doing anything with his property. Birchmeier stated that he understood this.

Gidley stated that the overhead picture that had been shown earlier was not an accurate picture as it did not include the addition. Jacobs stated that there was an addition, and the shed would be closer to the alley than that image showed.

Gidley stated that it looked like Birchmeier's tenants were cutting across Savoie's lot to get into the garage. Birchmeier stated that this was good for years as they had an agreement with Tim Quick that they could use that corner. From his understanding Quick had sold this property to Savoie. Savoie stated that they rent the property from Quick, but he had approved all of this work to be done.

Birchmeier asked how they could get the variance if they didn't own the property. Jacobs stated that they could apply for the variance if Quick had signed off on it. Savoie stated that Quick had signed off on the variance.

Birchmeier stated that this was still not 13 feet off of the property line, which was his main issue. Especially with the lot size in question.

Jacobs stated that he was still having a hard time seeing how this was a hinderance to him. Birchmeier stated that there was a telephone pole there, and it made it really tight, and he doesn't want to see the shed get hit.

Savoie asked if he did have to move the shed could he put up a fence up on the lot line. He stated that they have had plenty of issues with the renters driving through really fast. He stated that to protect the shed he was going to put a fence up. Jacobs stated that it would be allowed as long as he followed the ordinance and got the permit for it, it was fine.

Jacobs asked how far off the lot would it be. Savoie stated that it depends on where you are to measure from as he does not know exactly where the lot lines were. Booker stated that it was typically from the edge of the pavement. Savoie stated that he was most likely not 13 feet off the property line, but was more like 12 feet. Booker asked if they would be able to move the building south. Savoie stated that he could not.

Jacobs clarified that if they were to give Savoie 13 feet, they would have to be at 13 feet or more off the property line. He stated that they did not want to assume as this could get Savoie in trouble. Savoie stated that he could turn the shed a quarter of a turn to where the garage door faced the alley. That way it would be farther away from the alleyway, and would give the neighbors more room. He stated that he would prefer not to have the shed face the alley, as he could not see the door with his cameras, but he wanted to work with them. The original reason that he wanted in that area, was that he didn't want the shed to be visible from the road.

Jacobs stated that he could bring the shed out to be even with the front of the addition, to give the neighbors more room too, even though he could still put up the fence. He asked the Birchmeier's what they as neighbors were trying to accomplish.

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Birchmeier stated that he had received a phone call from his female tenant who was being verbally berated by Savoie. Jacobs stated that the board had nothing to do with this situation.

Surrisi stated that if the board were to make a decision tonight with 13 feet from the property line, that the shed would have to be placed in a way that it was 13 feet away from that property line. Birchmeier stated that this was his issue because there was no way that the shed was 13 feet from the property line. Jacobs restated that if they were to give him 13 feet this would need to be followed. Savoie stated that he understood this, and would be willing to turn the shed.

Birchmeier asked why the shed was not turned in the first place. Savoie stated that was because he didn't know that it was going to be an issue. Birchmeier stated that Savoie did know that it would be in violation against his property as it was only 5 feet off of the property line. Savoie stated that he did not know that as he had come in 5 feet off of his property line.

Angie Birchmeier of 11100 Shady Lane Dr. asked who would be the one to enforce the decision made by the board tonight. Jacobs stated that Building Commissioner Hammonds would be following up on that. A. Birchmeier stated that she has gone onto the property to collect rent, and it was tight. She added that the telephone pole and the garage had been there, and that was to no fault of anyone. Her main concern was how tight it was.

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

Selge asked if the shed was up against the addition. Jacobs stated that it was not. Savoie stated that it was 3 feet off of the addition, so that he could walk through that area, and add gutters onto the addition.

Gidley stated that he believed that the shed should be turned that quarter turn to stay within the 13 feet, but the neighbor should not be cutting the corner to get into the garage.

Members Gidley and Selge moved and seconded to approve BZA 2021-25 as long as the applicant turned the shed ¼ turn and moved it 5 more feet West to keep the shed at least 10 feet from the neighboring property. The motion passed by roll call vote.

Yes:	Gidley, Selge, Jacobs, Secor
No:	Wickens
Absent:	Yadon

Savoie asked how long he would have to move the shed. Jacobs stated that this would need to be done within 10 days of this meeting. Savoie stated that he would be sure to get it moved by then.

There being no other business, Board Members Selge and Secor moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:26 p.m.

Kathryn Hickman Jung – Recording Secretary