

## PLYMOUTH BOARD OF ZONING APPEALS

March 1, 2022

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 March 1, 2022, at 7:34 p.m. Board Member Mark Gidley called the meeting to order for Substitute Board Members Linda Secor and Fred Webster. Board Members Art Jacobs, Alan Selge, Keith Wickens, and John Yadon were absent. Others present were City Attorney Sean Surrisi, Plan Consultant Ralph Booker, and Building Commissioner Keith Hammonds.

Board President Art Jacobs was not in attendance and was not available to receive his oath of office. Art Jacob's Oath of Office will administered at the following meeting which will occur on April 5, 2022.

Board Members Webster and Secor moved and seconded to approve the minutes of January 4, 2022. The motion carried. There was no February meeting.

The following legal notice was advertised in the Pilot News on February 18, 2022:

<b>NOTICE OF PUBLIC HEARING</b> The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on March 1, 2022 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: <b>BZA 2022-03:</b> Plymouth Columbus Club, 901 Columbus Drive, Plymouth, IN 46563: A Variance of Developmental Standards to have an electronic message sign and a pole sign on parcel 50-32-93-202-213.001-019, located at 901 Columbus Drive., Plymouth, IN 46563, zoned C-1, General Commercial District	<b>BZA 2022-04:</b> Mark C. and Joyce L. Faulstich, 7495 SR 17, Plymouth, IN 46563: A Variance of Development Standards to create a building lot less than the required 210 feet width and less than the 1 to 3 width to depth ratio on parcel 50-31-01-000-009.000-017 located just west of 7509 SR 17, Plymouth, IN 46563, zoned R-2, Rural 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 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. Kyle Williams, Recording Secretary, Board of Zoning Appeals, February 17, 2022 February 18, 2022 PN332400 hspaxlp
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**BZA 2022-03:** Plymouth Columbus Club, 901 Columbus Drive, Plymouth, IN, 46563: A Variance of Developmental Standards to have an electronic message sign and a pole sign.

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He explains that this variance is to get an electric message sign and to keep the height of 10 feet. He explains that they are wishing to upgrade what they currently have with something newer. He adds that it will be easier for them to advertise everything from pancakes to bingo in a more seamless fashion.

PLYMOUTH BOARD OF ZONING APPEALS

March 1, 2022

**Ed Rodriguez (11746 Lawndale Ave, Plymouth, IN 46563):**

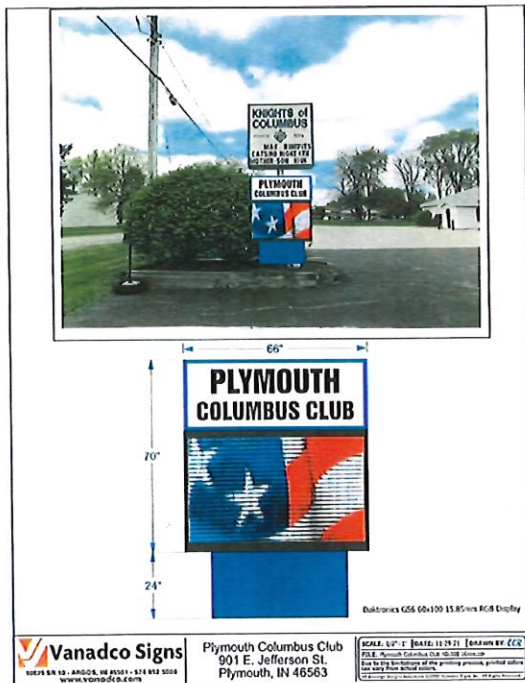
Mr. Rodriguez wishes to clarify that the reason the sign was lowered in the application photo was because the ordinance required that the sign be lowered but he explains that their intent was to use the existing framework with the pole and the power to place the electronic sign at the 10-foot height.

Board Member Gidley asks if it will be a message sign like what they have currently. Mr. Rodriguez agrees.

He states that the Knights of Columbus donate a tremendous amount to the money to the community and that the sign is imperative to get the word out for their pancake breakfast, fish fries, hall rentals, etc. He feels that if they were to lower the sign the exposure would not be as effective even if the existing bush were to be removed. He explains that his banquet hall has competition with Christos and other hall rentals.

Board Member Gidley asks if this sign will have a dimming feature at night so that the light doesn't bother people while they are driving. Mr. Rodriguez explains that he is unaware since this technology is extremely new to them.

Gidley adds that Vanadco Signs usually knows that we require that but asks if Building Commissioner Hammonds knows or not. Mr. Hammonds states that he hasn't spoken with them but states that they know. City Attorney Surrisi adds that it is a Daktronics sign, which they have at the Aquatics Center, and that this name brand has that technology. Mr. Booker adds that whatever sign they put up, that they will have to abide by the zoning ordinance regardless.



“A Variance of Developmental Standards to have an electronic message sign and a pole sign.”

Replacing existing monument pole sign with electronic pole sign.

\*Retaining existing height



PLYMOUTH BOARD OF ZONING APPEALS

March 1, 2022

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

**In Favor:**

Sean Surrisi (455 Liberty Street, Culver, IN 46511): He would like to speak on behalf of himself when he states that the Knights of Columbus has graciously allowed the city to use their facility as one of the two Plymouth vote centers within the city limits for many years. He adds that the city will be using the facility again this year and it is a great location. He states that he is in support of this.

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

Members Webster and Secor moved and seconded to approve BZA 2022-03 as presented. The motion passed by roll call vote.

Yes:           Gidley, Webster, Secor  
No:           None

**BZA 2022-04:** Mark and Joyce Faulstich, 7495 SR 17, Plymouth, IN, 46563: The applicant wants to create a new lot for a family member on their existing property.

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.

My wife, Joyce, and I wish to have a home built on our property for our son and his family. Mark J. Faulstich, our son, has retired from the US Air Force after 20 plus years of service at the rank of Lieutenant Colonel and now he and his family want to move to the community he grew up in.

The property frontage facing State Road 17 that we would like to use is only 168.5 feet wide even though it goes back much farther. We want to deed 2.25 acres more or less to him and his wife, Kara. This does not meet the 210 minimum width but the property is rural in nature with 35 acres of wild life land behind it and would make a beautiful home site.

Thank you for considering a variance for our situation.

Mark C. Faulstich

*Mark C. Faulstich*

Joyce L. Faulstich

*Joyce L. Faulstich*

PLYMOUTH BOARD OF ZONING APPEALS  
March 1, 2022



Mr. Booker adds that they have already secured a driveway permit from INDOT. He states that there is plenty of room for the proposed home but by variance standards in R-1 Residential, the property does not meet the 210 minimum width, so that is why they are coming before the board this evening.

**Mark Faulstich (7495 State Road 17, Plymouth, IN 46563):**

Faulstich explains that he knows he will need a plat since this is a second cut to the original property. He says that he is unsure whether or not Plymouth Land Survey is going to go from the right-of-way or from the center of the road. He says that his property is from the center of the road and so is his other son who is in the second home.

Board Member Gidley says that his take on this is that the depth isn't as critical as the width. He does think that properties outside the city limits are platted to the center of the road. Meaning that his would be to the center of the road.

Mr. Faulstich states that he didn't think to measure the width since there were railroad irons buried from way back on the neighbor's corner. He says that he knew it was twenty rod so he subtracted that off of Jason's survey and came up with 168.5 feet. He says that when Mr. Booker used the GPS that it looked wider than that.

Gidley says that Mr. Faulstich is showing his age given that most young people don't understand what rod means on a legal description.



## PLYMOUTH BOARD OF ZONING APPEALS

March 1, 2022

Mr. Faulstich states that to go further back and get the 210 that they could but that he heard that NIPSCO has a policy that if you go over 300 feet that they would require a second junction box which would increase their price another three to four thousand. He states that this is why he put those arrows on the picture above.

Gidley asks for clarity that the proposal is to come to that red box. Mr. Faulstich agrees so that they can get it down closer to the road and get into spending extra money when it can be avoided.

Gidley asks who owns the property to the left. Mr. Faulstich says that all of that is Fred Jones which is Fa-Ra Farms Inc. Gidley then asks if the tree line is on his property or Mr. Jones. Faulstich says that it acts as a fence line which falls on Mr. Jones property but he adds that they overhang onto his property. He explains that a majority of Mr. Jones' farm is trees.

Mr. Booker states that if this does get approved that he will still have to come before the Plan Commission before the property can be divided. Mr. Faulstich states that he has spoken with Plymouth Land Survey already and they gave him the cost for everything but figured he should get this done first since it is the first step.

Gidley asks if there are any potential septic issues. Faulstich explains that the septic will be behind so there should be no issues.

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

### **In Favor:**

Jason Faulstich (7509 State Road 17, Plymouth, IN 46563): He states that it is his brother that would like to build on the property. He states that the existing tree line offers privacy. He would live next door and he has no issue with it. Gidley says that the important thing here is that everyone shares a drive cut. He says this if there would have been another cut then it would have been a lot harder.

Donald Schultz (1527 Lake Avenue, Plymouth, IN 46563): He states that he is one of the owners of the cattle farm across the road and he is in favor of this. He says that the bad part about this for him is that he loses two acres of his hayfield. He says that despite that he is glad to give it up to have Mr. Faulstich move there because they are the best neighbors anybody could ask for.

Mr. Booker adds for clarification that they could technically gave the variance that they could build the home there without dividing the property because it meets the less than 220 feet so he doesn't need to. He states that it is their decision to divide it all.

Board Members Webster and Secor moved and seconded to close the public hearing. The motion passed.

Board Members Webster and Secor moved and seconded to approve BZA 2022-04 as presented. The motion passed by roll call vote.

PLYMOUTH BOARD OF ZONING APPEALS  
March 1, 2022

Yes:           Gidley, Webster, Secor  
No:           None

**Other Business:**

Mr. Booker says that he explained this to the Plan Commission earlier today, that there should be a discussion about electric message signs. He states that maybe the city needs to reconsider the ordinance on them. He explains that the industry is changing rather quickly and that the Board has kept up rather well on this but a majority of the signs that people want anymore are electronic message signs. He adds that he doesn't hold an opinion on this one way or another but thinks that we may want to consider this while we go through the summer.

Gidley states that as often as these signs come up, and that since the city approves so many that Mr. Booker is correct. Mr. Booker states that he was always told when you give variances to something every time, why would you keep wasting people's time and the Board of Zoning Appeals time and just go ahead call it a fact.

There being no other business, Board Members Webster and Secor moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:02 p.m.

  
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Kyle Williams— Recording Secretary