

PLYMOUTH BOARD OF ZONING APPEALS

April 5, 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 April 5, 2022, at 7:38 p.m. Board President Art Jacobs called the meeting to order for Board Members Mark Gidley, Alan Selge, and Keith Wickens. Board Member John Yadon was absent. Others present were City Attorney Sean Surrisi and Plan Consultant Ralph Booker.

Board President Art Jacob's Oath of Office was administered by Deputy Clerk-Treasurer Kyle Williams.

Board Members Gidley and Selge moved and seconded to approve the minutes of March 1, 2022. The motion carried.

The following legal notice was advertised in the Pilot News on March 23, 2022:

**NOTICE OF
PUBLIC HEARING**

The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on April 5, 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:

BZA 2022-05: Charles D. and Kasi L. O'Neal, 701 Second ST., Plymouth, IN 46563: A Variance of Developmental Standards to build a secondary building before a primary building on parcel 50-32-05-403-055.000-019, located across from 701 Second ST., Plymouth, IN 46563, zoned R-2, Suburban Residential District

BZA 2022-06: Martin Vigil, 914 W. Garro ST., Plymouth, IN 46563: A Special Use request to construct a 2-family duplex on parcel 50-32-05-201-693.000-019 located at 818 W. Madison ST., Plymouth, IN 46563, zoned R-3, Traditional Residential District.

BZA 2022-07: Tad and Carrie Heflick, 404 N. Liberty ST., Plymouth, IN 46563: A Variance of Use to construct a single-family dwelling and an accessory building on parcel 504230000006002018 located on the south side of 7th RD just west of Oak RD, Zoned I, Industrial 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, March 23, 2022

March 23, 2022 PN333474 hspaxlp

BZA 2022-05: Charles D. and Kasi L. O'Neal, 701 Second ST., Plymouth, IN 46563: A Variance of Developmental Standards to build a secondary building before a primary building on parcel 50-32-05-403-055.000-019, located across the street from 701 Second ST., 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. Booker adds that this applicant is at the end of a dead-end street so there is expected to be no future development past this point.

PLYMOUTH BOARD OF ZONING APPEALS
April 5, 2022

Hello,

Submitting this letter of intent for Lot 31 on S. Second Street in Plymouth IN.

My wife and I have lived at 701 S Second Street for the past 13 years and have spent a great deal of time and money to improve our current property.

We had a great relationship with our Neighbor Cheryl Freeman and discussed the possibility of purchasing the lots directly across the street from our house over the years. In 2018 Cheryl decided to move to an assisted living area and sold 3 of the lots on the front west side of her property for development, initially 3 rental homes, the developer wanted to buy all 5 lots but Cheryl shared that she committed to asking me first.

My wife and I purchased the 2 lots in 2018 in hopes of someday building a garage/workshop and making Plymouth, and our dead end Second street home, our retirement home.

We have spent over \$100,000 on home improvements over the last decade including a new concrete driveway this past fall. We also installed the fence that breaks the 2 lot property line for us and our neighbors. We have invested a lot into these properties.

We are asking for the variance to the 1 lot directly across the street from our house to build a garage/workshop. This will be a professionally built, high quality structure with a porch and gable roof line. We also are looking to re-side our home, put on a new roof and gable front to join the look of our home and garage/workshop. The new structure will also allow space for a future home to be added if desired or sold as well as we own the empty lot next to this proposed build.

We want to retire and stay in the Plymouth community as we love it here, but also want to have the property wants for our future, and why we bought the lots in the first place.

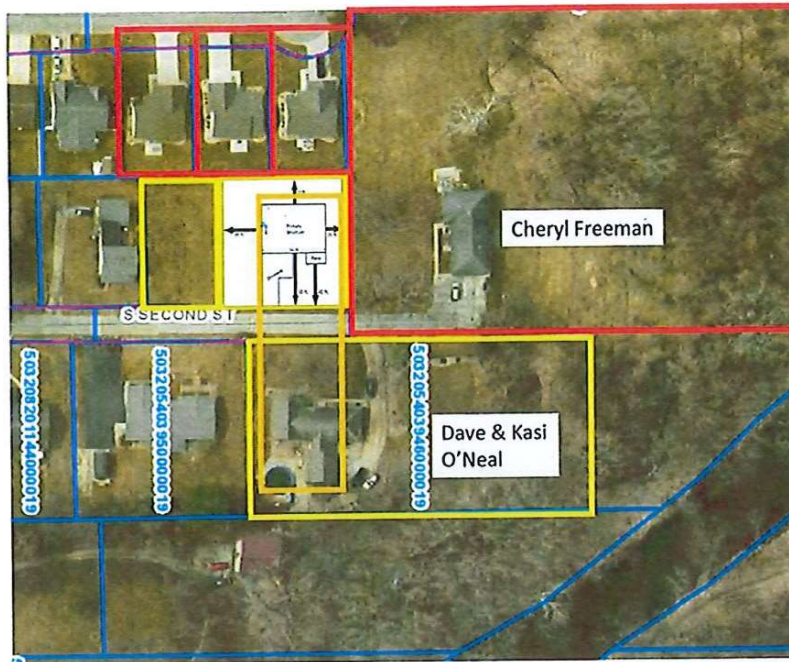
Appreciate your time and any questions. I have also provided pictures of the land prior to the new homes being built. There was an old, dilapidated barn on the 1 lot that sat there for decades. The barn was torn down and foundation removed as it sat on 2 lots partially when the land was sold.

Thanks for again,

Dave & Kasi O'Neal

*Additional documents provided below from the applicant.

PLYMOUTH BOARD OF ZONING APPEALS
April 5, 2022

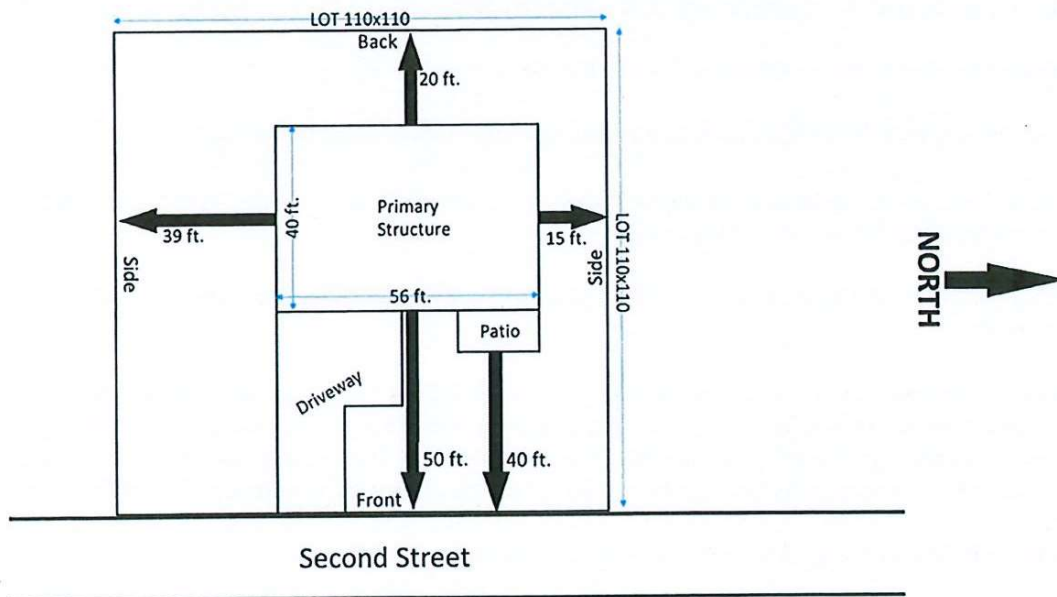


Cheryl Freeman Owned the house at the end of the road and the 5 lots in front of her house. 3 lots were sold to build 3 rental houses which some are now sold as residents.

I spoke with Cheryl years ago as we were neighbors for over a decade and let her know Kasi and I would like to buy the lots across the street from our house if she ever sold them.

Kasi & I purchased the two lots across the street from our house.

The proposed structure sits directly across the street and in line with our house.



Board Member Gidley asks if the remaining lot is big enough to build a house on. He clarifies the smaller of the two across the street. Booker states that you would have to combine both lots together to build a house on that lot.

PLYMOUTH BOARD OF ZONING APPEALS
April 5, 2022

Board President Jacobs asks given where they want to put the secondary structure, if there would be room to put a home. Booker says there would be if they put both plats together. He adds that it wouldn't be a big home but the houses in the surrounding area aren't that big anyway.

Dave O'Neal (701 Second St, Plymouth, IN 46563):

Mr. O'Neal states that he would like to keep the two lots separated if he could but he would understand if he had to put them together. He states that his main thing is to build that secondary structure. He states that technically you could put a small building in front of the garage/workshop. He adds that he is open to whatever the board needed to do but reclarifies that he would like to keep the two lots separate if they could.

Booker states that the front yard setback on that property is 20 feet.

Gidley asks what the front yard setback is for a secondary building. Booker states that it would be the same. Gidley then says that you could put nothing on the front of that building.

Booker clarifies that the owner could but only to the south of the garage/workshop.

Mr. O'Neal clarifies that the secondary building is 56 feet away from the road.

Booker states that the road may not be the property line.

Board Member Selge clarifies that it is 50 feet from the property line.

Booker says that the setback is from the property line, not necessarily the road.

Mr. O'Neal asks in regards to the home that is at the corner of second street given that it does not appear that they follow the zoning ordinance.

Selge states that the home is at least 50-60 years old and was probably set before the prior zoning ordinance.

Booker says to put both of the lots together that he would not have to go through the Plan Commission but he would have to get a replat and go through a surveyor and have the Building Commissioner sign the new plat. He adds that it wouldn't be cheap but he would not have to go through any public hearing because he would in turn be reducing the number of buildable lots.

Selge asks Mr. O'Neal what he plans to use the secondary building for.

Mr. O'Neal hopes to have a workshop there for himself and a two-car garage because he only has a small garage at the back of his home and his pickup truck can't fit in his current garage. He says that he does not wish to do anything commercial out of it.

Selge asks for clarity that he will not be operating any business out of that. Mr. O'Neal states that he does not plan to operate a business out of the secondary building.

PLYMOUTH BOARD OF ZONING APPEALS

April 5, 2022

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

There were no comments from the public.

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

Board Member Wickens moved to approve BZA 2022-05 as presented but his motion died as there was no second.

Board Members Gidley and Selge moved and seconded to approve BZA 2022-05 with the requirement that there be a replat and that the two lots be joined to create one larger lot. The motion passed by roll call vote.

Yes: Gidley, Selge, Wickens, Jacobs

No: None

BZA 2022-06: Martin Vigil, 914 W. Garro ST., Plymouth, IN 46563: A Special Use request to construct a 2-family duplex on parcel 50-32-05-201-693.000-019 located at 818 W. Madison ST., Plymouth, IN 46563, zoned R-3, Traditional Residential District.

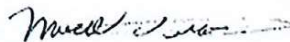
Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He read the applicant's letter aloud. See attached letter below.

**Letter of Intent
In Support of Request for Variance Petition
818 W. Madison Street, Plymouth, IN 46563**

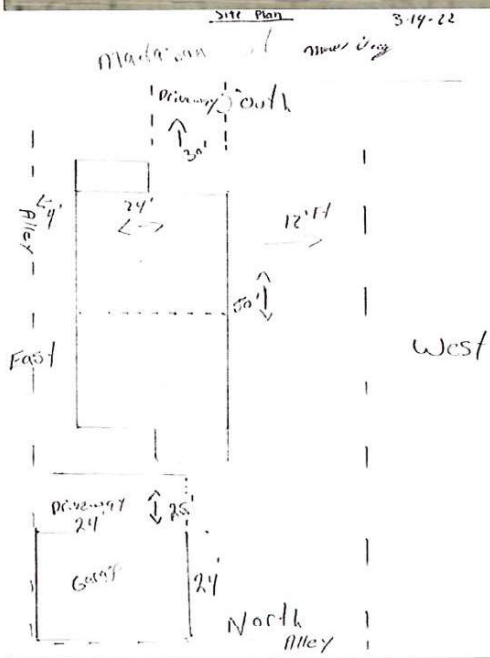
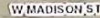
This letter of Intent is in support of my request for a variance to demolish house at the above location and construct a duplex.

Thank you for your consideration.

Respectfully submitted,



Martin Vigil



Mr. Booker found out with Building Commissioner Keith Hammonds after this was applied for that this does not meet the developmental standards of the district. He states that you would need an 8000 square foot lot to put a two-family structure on it. He explains that he had done an approximate estimate on Beacon and found the property to not come up anywhere close to 8000 square feet. He says he came up with 5741 square feet. He states that this would have to be a separate issue that would have to be discussed tonight.

PLYMOUTH BOARD OF ZONING APPEALS
April 5, 2022

Mr. Booker states that from discussion with the applicant the garage will not be part of the use for the people in the new two-family home. He plans to keep the garage and rent it out respectfully.

Matin Vigil (914 W. Garro St., Plymouth, IN 46563):

Mr. Vigil was here to answer any questions from the Board.

Selge asked if the homes adjacent to the property were owned or rented.

Mr. Vigil believes that the trailer on the west side is rented and the home on the east side is owned.

Jacobs asked how he would build it. He asks what direction it would face.

Mr. Vigil states that it would come up to the front right around where the tree is at and face towards the street like a double wide but it will have a little porch so that it won't look like a double wide. He said in the back it would be the same way but on the opposite side.

Gidley asked where the access to the home would be. He asks if both front doors would be on the front.

Mr. Vigil says that the front door for the back home would be on the back.

Gidley asks for clarity on him keeping the garage but having the access point for the back be through the alley. Mr. Vigil agrees.

Jacobs asks for clarity that one comes in through the front and the other comes through the rear. Mr. Vigil agrees.

Selge asks how many square feet.

Mr. Vigil says that it would be 24 x 50 so it would be 1250 square feet total so 625 square feet per unit.

Selge asks how the renter would get to the back part of the home.

Jacobs clarifies that there is an alley along the side and the back. Mr. Vigil agrees.

Booker states that it is a platted alley and that he does not own the alley.

Jacobs asks for the setback to the alley.

Mr. Vigil says that when he spoke with Keith that it was to be 4 feet away from the alley.

Mr. Booker states that it is 4 feet or 10% of the width or whichever is less.

Selge asks if the current house meets the setbacks or not.

PLYMOUTH BOARD OF ZONING APPEALS
April 5, 2022

Booker says that it didn't but the home was built before the regulations.

Selge asks since it will be torn down if Mr. Vigil was planning on going 4 feet from the property line.

Mr. Vigil says that where it is sitting now that he will have to move it over 4 feet since it is on the property line now.

Selge asks wouldn't he need a variance because it is not the standard amount of footage that it would require.

Booker states that he discussed that with City Attorney Surrisi and they believe that since the public notice was sent out that the Board may deal with both issues at this hearing.

Gidley asks for clarity that this would take both a variance and a special use. Booker agrees.

Booker believes that there could be two votes, one for the variance and one for the special use.

Selge asks for clarity that this one is currently asking for a variance. Booker agrees.

Booker says that a two-family residence is allowed in this district as long as permission is secured from the Board of Zoning Appeals and meets the five findings of facts that were already discussed.

Jacobs asks for Booker to repeat what he said.

Booker says that a special use or exemption is allowed in this district to have two-family residential which is required from the Board of Zoning Appeals as long as it meets the five findings of fact.

Selge asks if the Board says no and he were to build a home for one family that he wouldn't have to even ask the Board for anything. Booker agrees.

Booker says that he believes that you only need 5000 square feet for a single-family residence.

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

Kathy Bottorff, Muckshaw Road, Plymouth, IN 46563:

She asks if the city had an ordinance that requires two parking spaces per unit off street parking.

Booker and the Board agree that is correct. Jacobs states that it would be a total of four.

Ms. Bottorff asks if that is set in the design for this house.

Mr. Vigil says that there is enough room in the back for two and enough room in the front for two.

PLYMOUTH BOARD OF ZONING APPEALS
April 5, 2022

Jacobs asks if Ms. Bottorff has anything in favor of or against the proposal. She says that she does not.

Selge asks what the width of a driveway would be on that lot.

Gidley interrupts and asks if he is going to put two off street parking in the front yard.

Gidley then asks what Selge asks.

Mr. Vigil says that is a good question.

Booker and Jacobs say that parking spaces have to be 10 x 20.

Jacobs asks about parking in the front of a residence like that.

Jacobs asks out of curiosity that if someone who owns a property in the same area wanted to make a parking lot in the front yard, could they do that.

City Attorney Surrisi states that he does not know the zoning answer but as far as the city code that there is nothing to prohibit that and the mayor has a committee that is actually meeting next week to consider whether or not the Council wants to consider an ordinance that would prohibit parking on your grass or in your front yard.

Booker found the minimal isle or driveway width standard shall apply 25 feet wide for 90-degree parking and 20 feet wide for 60-degree parking and 20 feet wide for 45-degree parking and 15 feet wide for parallel parking.

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

Booker says that he has found some more facts. Jacobs requests them.

Booker says that there is one for minimal width at the property line for single and two family residential is 22 feet. He says that minimum distance from the interior lot line for single and two family is 0 feet. He adds that minimum distance from a street intersection is 30 feet. He states that space between two drives on the same property is 24 feet and the radius for the curvature is 15 feet as the maximum. He states that it looks like the minimum width of the property line is 22 feet.

Jacobs asks for a clearer explanation.

Booker says that at the front it would have to be 22 feet wide.

Jacobs states that they have the room to do that but there is nothing there stopping him from parking in the front.

Booker says that a lot of people park in front of their house.

PLYMOUTH BOARD OF ZONING APPEALS
April 5, 2022

Jacobs wasn't talking about in the street.

Booker says that he doesn't believe so.

Selge asks if Surrisi stated that they are proposing an ordinance to not park in their yards.

Surrisi explains that it involves parking in the grass, in the front yard, and that it has caused heated debate on both sides. He states that there are people who think that they should be able to do it and there are those who think that it is awful that people do park in grass and the City Council has kicked that around for the last year and a half.

Booker asks if that would involve a place like the one currently being presented. He provides the example of parking in the grass as what they are against while a designed parking space in the same spot they would not be against. Surrisi agrees.

Surrisi states that some people say that there are some people who just pull their car up to the front door, ruin the grass, and break down the front yard. He states that the Council is going to weigh whether they want to regulate that or not.

Booker asks if this was denied if the applicant was still going to tear the house down.

Mr. Vigil states that he would have to since the home is in very bad condition.

Gidley believes that this should only be one house and one family on that lot because of the size of the lot and he is going to be honest that he does not like the idea of the second unit being accessed from the back.

Board Members Gidley and Selge moved and seconded to deny BZA 2022-06 as presented. The motion passed by roll call vote.

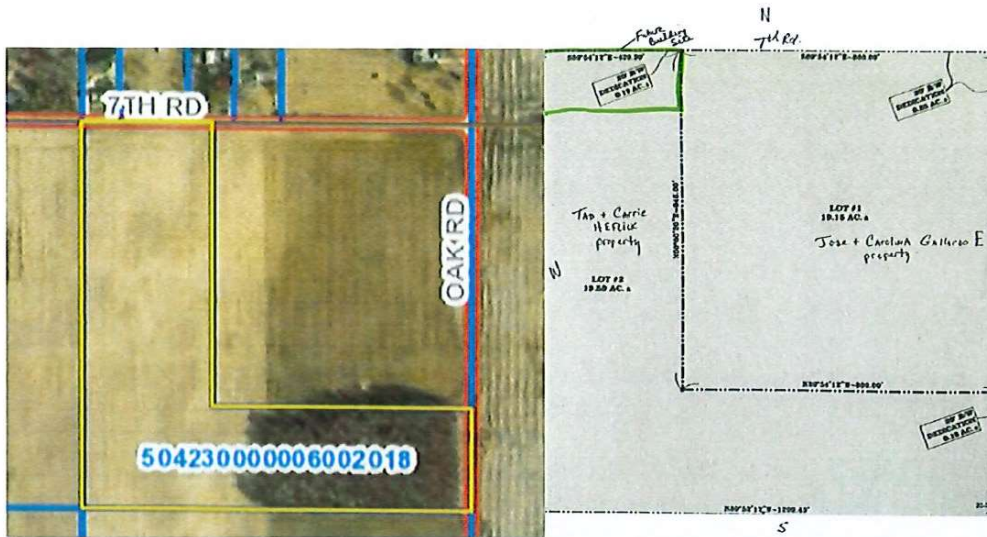
Yes: Gidley, Selge, Wickens, Jacobs

No: None

BZA 2022-07: Tad and Carrie Heflick, 404 N. Liberty ST., Plymouth, IN 46563: A Variance of Use to construct a single-family dwelling and an accessory building on parcel 50-42-30-000-006.002-018 located on the south side of 7th RD just west of Oak RD, zoned I, Industrial District.

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He states that this property was recently divided within the year and this was all one lot and it was separated into two lots. He states that the reason the applicant is here is that the zoning for this district is industrial. He adds that in the city ordinance it does not allow for residential activity within an industrial district. He states that there are several residential homes across 7th Road and that they fall within R-1 zoning.

PLYMOUTH BOARD OF ZONING APPEALS
April 5, 2022



Selge asks for clarity if they plan to build on the L-shaped lot or the square one. Booker clarifies that it is the L-shaped one.

Booker had asked Marshall County EDC what their opinion on this was via email.

Hello Ralph,

The property is on the northern edge of the industrial zone, land across from it on 7th Road is zoned R-1. The diagram in the application shows that the building site would be along 7th Road. When the possibility of Veterans Parkway being extended to Commerce St. and Jack Greenlee Dr. looked to be more immediate, the fact that this area was zoned industrial generated some interest because of the potential to have easy access to both US 31 and US 30. The continued discussions on how best to handle US 30 as a limited access freeway and where and how to remove stoplights, is mitigated for Pioneer Dr. by INDOT having a garage on Jack Greenlee Dr.

While immediate plans to continue construction of Veterans Parkway have been placed on hold, MCEDC still believes that the development of the extension and having this area remain zoned industrial is in the best interest of the county and city.

Granting a zoning variance for this residence along the northern edge of the zoning, given that there are residences in the immediate vicinity, would be acceptable. The potential builder/resident should be reminded that the area surrounding this lot would and should remain industrial.

Thanks,
Greg

Selge asks if the square lot is also going to have a house on it.

Booker and Jacobs explain that they are unaware of what the future may bring but the square is also zoned industrial.

Booker explains that the expansion of Veteran's Drive is dead at the moment and he believes that it will be around several years before the construction were to begin again for that.

Surrisi states that Greg Hildebrand had reached out to him and the county leadership as well to get their opinion and they agreed that in terms of maintain the industrial zoning out in this area would perhaps be good in the longer-term plans of development but they did not see this housing development here as any impediment.

Tad Heflick (404 N. Liberty St., Plymouth, IN 46563):

PLYMOUTH BOARD OF ZONING APPEALS
April 5, 2022

Mr. Heflick was there to answer questions from the Board.

Selge asks why the L-Shape and not the other one.

Heflick says that originally when they split the area off and had it subdivided that the gentlemen wanted the whole thing. He adds that it was his grandfather's farm and the gentlemen next to them didn't want the woods so that explains why it was an L. He explains that it was a 20-acre by 20-acre split.

Selge asks for clarity that the dark spot in the bottom is the woods. Heflick agrees.

Gidley states to Heflick so that he is aware that there is going to be an industrial park around him and the Board of Zoning Appeals can't protect him from that.

Surrisi doesn't foresee of that area being developed within the next 15-20 years.

Selge asks where the Veteran's Drive is being proposed.

Booker says that it will go over to Commerce Street where the new INDOT facility is.

Jacobs asks if Heflick knows what the gentlemen wishes to do with the lot that he bought.

Heflick states that he has no idea but that he wanted the farm land.

Selge explains that somebody could put a big factory next to him, even a big stinky factory.

Gidley asks if the city had an agreement with Pretzels to not have something within a certain range of Pretzels that would give off an odor.

Surrisi explains that the city doesn't but PIDCO has some convenience that they agreed to with odors that could "make a flavor" with the Pretzels.

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

In Opposition: (Letter from Concerned Area Neighbor)

PLYMOUTH BOARD OF ZONING APPEALS
April 5, 2022

Plymouth City Hall
124 N. Michigan St
Plymouth, IN 46563

Re: BZA 2022-07: South Side of 7th RD., just West of Oak Rd.

To Whom It May Concern:

I wish to object to the above planning application on the following grounds:

The loss of our natural open countryside views would be lost forever to the detriment of us and our future generations

The infrastructure cannot take more traffic, more sewage, more light pollution, more flooding and construction traffic on our narrow congested lanes. As a NO Truck Route now we experience heavy traffic of trucks due to the closely located Pretzel Company and the Pioneer Company. The traffic in this area is out of control along with the speed they travel down here.

Sincerely,

Concerned Area Neighbor

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

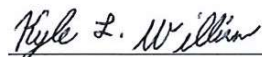
Board Members Gidley and Selge moved and seconded to approve BZA 2022-07 as presented. The motion passed by roll call vote.

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

Other Business:

There was no other business at this time.

There being no other business, Board Members Selge and Gidley moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:42 p.m.



Kyle Williams— Recording Secretary