

PLYMOUTH BOARD OF ZONING APPEALS

June 7, 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 June 7, 2022, at 8:19 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, Building Commissioner Keith Hammonds and Plan Consultant Ralph Booker.

Board Members Selge and Gidley moved and seconded to approve the minutes of May 4, 2022. The motion carried.

The following legal notice was advertised in the Pilot News on May 25, 2022:

NOTICE OF PUBLIC HEARING

The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on June 7, 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 2022-10: Juan Luva, 1927 Jim Neu DR., Plymouth, IN 46563: A Variance of Developmental Standards to construct a privacy fence along Stanley Dr, on parcel 50-42-31-402-058.000-019,

116 Legals

1927 Jim Neu Dr., Plymouth, IN 46563, zoned I, Industrial District.

BZA 2022-11: Maria Gonzalez, 13577 Juniper RD, Plymouth, IN 46563: A Variance of Development Standards request to construct a secondary structure (a 30 x 60 accessory building) before a primary structure, at 13491 5D RD, Plymouth, IN 46563 on parcel, 50-42-20-000-008.002-009 zoned R-1, Rural Residential District.

116 Legals

BZA 2022-12: Norfolk Properties LLC, 2303 N. Oak RD, Plymouth, IN 46563: A Variance of Development Standards to install more than four (4) signs at parcel

50-42-30-404-007.000-019, at 2303 Oak RD, Plymouth, IN 46563, zoned C-3, Corridor Commercial District.

BZA 2022-13: Neal Worden, 127 West Berry St., Suite 700, Ft. Wayne, IN 46802: A Variance of Use to have offices to provide technical support, ad-

116 Legals

ministration, customer service, and sales of spare parts and a warehouse to store, ship, and receive parts and spare parts as well assemble and refurbish equipment consisting of an electronic ink formulation dispenser, an electronic color mixer, and an electronic color proofer at 2940 Miller Drive, Plymouth, IN 46563, parcel 50-41-36-000-018.000-020, zoned C-3 Corridor Commercial District.

Information on these matters

116 Legals

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, May 25, 2022

May 25, 2022 PN335390 hspaxlp

BZA 2022-10: Juan Luva, 1927 Jim Neu DR., Plymouth, IN 46563: A Variance of Developmental Standards to construct a privacy fence along Stanley Dr, on parcel 50-42-31-402-058.000-019, 1927 Jim Neu Dr., Plymouth, IN 46563, zoned I, Industrial District.

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Plan Consultant Booker reviewed the findings of fact and the request from the applicant. The applicant did not provide a letter of intent. See attached detail of request from application. He states that this is considered a front yard as it is along the road. The applicant has two front yards, one on Jim Neu Drive and one of Stanley Drive.

1. Describe the details of your request (please list Zoning Ordinance section number(s)):

would like to put in ~~a~~ fence on an existing fence. Do to the surroundings its impossible to enjoy ~~my~~ my backyard.



Juan Luva (1927 Jim Neu Dr., Plymouth, IN 46563):

Mr. Luva states that he hasn't started replacing the fence at all as it would be useless if this was not approved as one side would lack a privacy fence. He states that it has been a chain link fence for years. He states that he was told that he can not put anything in the front yard along Jim Neu Drive and then there was this issue along Stanley Drive. He states that he is asking for permission for this.

Board Member Gidley asks for clarification that this new privacy fence is going to replace the existing one. He asks if it will be going any further north.

Luva states that it will be right up to the middle of the house.

Board Member Selge asks if there are any windows on that side of the house.

Luva states that there is a garage on that side of the house.

Gidley asks if he can see the photo from Booker's report that goes from the back of the fence facing the stop sign. He then asks if a taller fence there will impair the vision of the stop sign.

Building Commissioner Hammonds states that it will not.

Gidley asks if there are any survey stakes there at all.

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Hammonds states that he did not see any.

Gidley asks if they are certain that the current chain link fence is in the right place.

Hammonds states that he can not swear that but he can only go by what the GIS states. He states that based off the GIS it is exactly on the property line.

Booker states that a fence can be put on the property line.

Gidley states that as long as they don't impair the vision of the stop sign then it is fine.

Board President Jacobs states that he drove out there to make sure that he could see the stop sign from the road before the meeting.

Booker states that the only question that he had put in his report is if the fence could be moved over a couple feet.

Jacobs asks if it would be a possible to do that to give a little bit more room.

Luva states that it would depend what the footage would be.

Board Member Wickens asks that since this is considered a front yard the factor is the height of the fence.

Hammonds states that the height is one and also that it is a privacy fence.

Gidley asks what he is using for the fence.

Luva states that he is wanting to put up a 6-foot wooden fence and he will be buying panels from Lowe's.

Selge asks for clarification that it will stop mid-way alongside the garage. Luva agrees.

Gidley states that it looks like all the utilities are on the other side of the road but it may be best to call Holey Moley before he digs any holes in the area.

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

Doug Feece (12221 11th RD, Plymouth, IN 46563):

Mr. Feece states that he is neutral on the proposal. He states that the utilities are on the other side so the utilities possibly show the city right-of-way on Luva's side. He asks if the fence is in the city right-of-way because you usually go by how far back they are on the other side. He states that it may be best to move the fence back a little bit because he would hate to see him spend all that money for a new fence just to have something buried beneath.

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City Attorney Surrisi states that Holey Moley is also known as Indiana 8-1-1, the call before you dig people, so any utilities that have utilities in the area will get a notification to go out and mark them. He suggests that Mr. Luva do that.

Luva states that a brand-new pole was placed in the area so they just checked the area there for electricity in the ground and they saw nothing there.

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

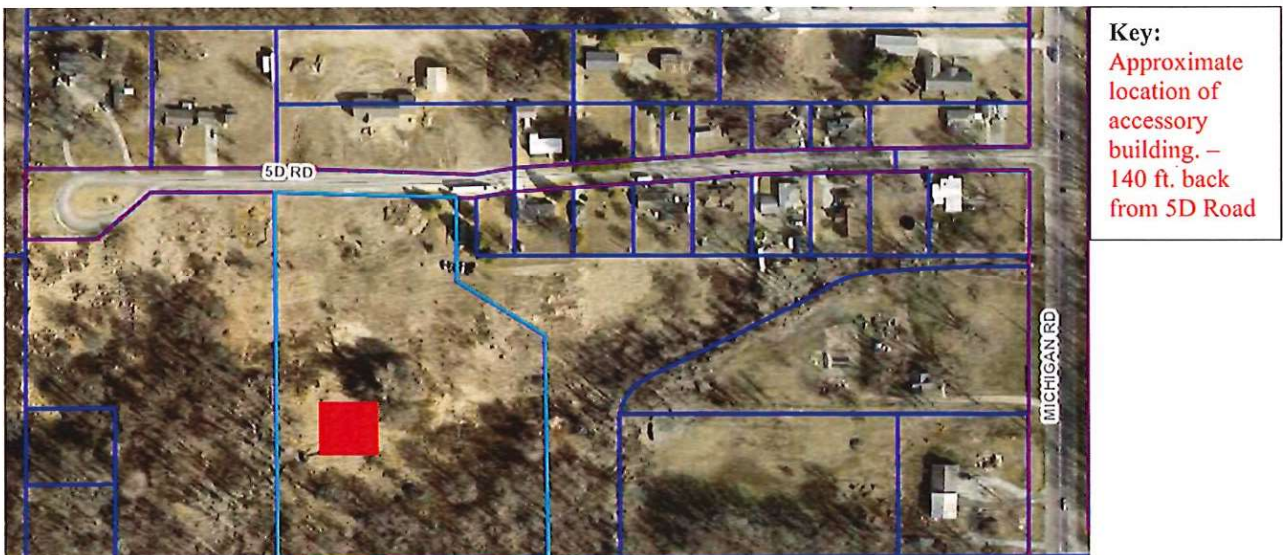
Board Members Gidley and Selge moved and seconded to approve BZA 2022-10 while encouraging Juan Luva to call 8-1-1 to make sure there are no utilities down that side. The motion passed by roll call vote.

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

BZA 2022-11: Maria Gonzalez, 13577 Juniper RD, Plymouth, IN 46563: A Variance of Developmental Standards request to construct a secondary structure (a 30 x 60 accessory building) before a primary structure, at 13491 5D RD, Plymouth, IN 46563 on parcel, 50-42-20-000-008.002-009 zoned R-1, Rural 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.

Hello, my name is Maria Gonzalez. We are requesting to build a storage room/garage. because we need somewhere secure to store our belongings, equipment, and supplies. That would include our lawn mowers, tractor, small plows, small toolsets, etc. Our dream was to build a house, but at the moment we don't have enough money to build one. Our goal is that within 1-3 years we can build our house to move in. At the moment we are wanting to build a storage room/garage 30*60 to keep our things safe and secure. Thank you so much.



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Maria Gonzalez (13577 Juniper RD, Plymouth, IN 46563):

Mrs. Gonzalez states that right now with money being an issue that they can not afford to build a 30 x 60 accessory building. She states that they are trying to save more money on build their home. She states that they have decided to go with something cheaper that they can afford. She states that her father mentioned 20 x 40 12 feet high.

Jacobs asks for clarification that this is something smaller that they can afford. Gonzalez agrees.

Gidley asks if it is going to be a pole barn. Gonzalez states that she is unsure.

Hammonds states that it is with the dimensions.

Gidley asks if they approve this, how many years do they have before they build the house.

Hammonds states that the Board of Zoning Appeals sets the limit. Jacobs agrees.

Gidley states that if they approve it with some stipulation, whatever that may be, how does it get confirmed that they didn't wait an extra two years to build it. He then asks if they go over the limit set then how does that get caught. He also asks if there are any ramifications for not getting it done.

Hammonds states that if it is made into motion here that is the only way it can get caught. Booker adds that it would be their due diligence to keep track of it.

Gidley asks for clarification that Hammonds is only going to be working for the city for the next two years.

Hammonds says 10 months.

Gidley asks what system is in the department to help his predecessor know of this motion.

Hammonds states that what he has been doing when he gets them in is attaching any minutes to the permit. He states that whenever anything is approved that it is attached to the addresses file.

Gidley asks for clarification that it would be attached to the permit for this building.

Hammonds agrees and states that whenever they pull up the permit for the house that these minutes will be attached to the property.

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

Gonzalez asks for clarification on how many years they have before they can build.

Jacobs states that they have not made any type of stipulation yet and then asks how long they believe it will take before they can build their house.

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Gonzalez states that it would be somewhere between 1-2 years hopefully.

Gidley asks that if the board agrees on two and it takes them four then could someone in the board decline it. Hammonds agrees.

Booker states that the applicant may have to come back and ask for an extension on the time if they were to not be in the position to build a home at the end of the set time.

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

Jacobs asks if this property is in the two-mile zone. Booker agrees.

Gidley states that the two-mile zone is there for the protection of the city. He then asks for clarification on when they feel the most comfortable that they are going to have this house built by.

Gonzalez restates 1-2 years.

Gidley asks if they have spoken to the county about a septic permit yet. He states he wants to make sure this building is going to be built.

Hammonds states that he does not know.

Gidley states that before she gets the permit to build the barn that she should go to the County Health Department and tell them they want the property checked for the location of a septic tank.

Board Members Wickens and Gidley moved and seconded to approve BZA 2022-12 with the stipulation that the property owner apply for their building permit for the home within 36 months. The motion passed by roll call vote.

Yes: Gidley, Selge, Wickens, Jacobs

No: None

BZA 2022-12: Norfolk Properties LLC, 2303 N. Oak RD, Plymouth, IN 46563: A Variance of Developmental Standards to install more than four (4) signs at parcel 50-42-30-404-007.000-019, at 2303 Oak RD, 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. Booker would like to add that he has part-time driven for Auto Park before and that he drove five days for them last week. He states that he does not have any bias here but would like to have that added to the record. Attached are examples of what they would like to have on the south and east elevations.

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Letter of Intent for City of Plymouth BZA

5/11/2022

City of Plymouth
Center Township

Address of subject property: 2303 N Oak Rd, Plymouth IN 46563

Auto Park Chevrolet, Buick & GMC is filing this variance to request approval for installing signage on the EAST and SOUTH elevations of their building. The East elevation signage being proposed are as follows:

- A 242in X 30in wall sign displaying "AUTO PARK"
- A 147.78in X 39in wall sign displaying the Chevrolet symbol
- A 96in X 10.75in wall sign displaying "CHEVROLET"
- A 106.25in X 17in wall sign displaying "BUICK"
- A 71.6in X 17in wall sign displaying "GMC"

The South elevation signage being proposed are as follows (the same as the east elevation):

- A 242in X 30in wall sign displaying "AUTO PARK"
- A 147.78in X 39in wall sign displaying the Chevrolet symbol
- A 96in X 10.75in wall sign displaying "CHEVROLET"
- A 106.25in X 17in wall sign displaying "BUICK"
- A 71.6in X 17in wall sign displaying "GMC"

This is more signage than the ordinance set in place allows, but with the available square footage on the facades of this building allow for Auto Park to display their products in a safe and tasteful manner. Auto Park needs the signage to be the size that it is proposed to be view-able from the main road that Auto Park is located in front of. The signage also needs to be high on the building as proposed to be view-able as well from the main roads that the South and East elevations face.

SOUTH ELEVATION



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Gidley asks Hammonds if the banners on the poles are considered signs. Hammonds states that he does not consider them to be signs. He states that they are usually considered temporary signs.

Gidley states that he is thinking clear back when they did Applebee's remodeled. He states that in the discussion they had whether or not the awnings over the windows were signs or not. He states that at the time they were not considered signs even though they had the Applebee's logo on them. He asks if any part of that proposal is influencing any part of this proposal. Hammonds states that it is not as these signs would be added to the building.

Gidley asks if there would be any new pole signs. Hammonds states that there will not be any new pole signs.

Todd Laimen (1508 Badger RD., Goshen, IN 46526):

Mr. Laimen states that this all stems from Chevrolet moving in. He states that originally, they were not part of the dealership. He states that designs changed dramatically because Chevrolet wanted to be the dominant but Auto Park recognized that their name was more recognized or as recognized as Chevrolet so that is why it reverted back. He states that Chevy wanted blue on the building so the black area will be painted blue. He states that Auto Park along the upper right corners is done that way so that it is readable from Oak as well as US 30.

Jacobs asks how many total signs they were looking to put on the building given that it states, "more than four (4)."

Laimen states that all together ten.

Jacobs clarifies that it will be five on each side then. He then asks if they would be looking to do any more than that.

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Laimen states that the existing signs in the photo are removed.

Jacobs clarifies that he was asking about any additional signs beside what they already have.

Laimen states that according to Chevrolet the logo is considered a sign.

Jacobs asks if that it means they are asking for eight given that they are going to be doing the same thing on both sides. Laimen agrees.

Jacobs clarifies the reason that they want to get the amount correct is that if they approve, "more than four (4)," then if next year they want to add more signs that they would already be approved.

Laimen states that if they do count Chevrolet as a unit then there would be eight signs.

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

There were no comments from the public at this time.

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 2022-12 as presented with the limit of eight, four per each side. The motion passed by roll call vote.

Yes: Gidley, Selge, Wickens, Jacobs

No: None

BZA 2022-13: Neal Worden, 127 West Berry St., Suite 700, Ft. Wayne, IN 46802: A Variance of Use to have offices to provide technical support, administration, customer service, and sales of spare parts and a warehouse to store, ship, and receive parts and spare parts as well assemble and refurbish equipment consisting of an electronic ink formulation dispenser, an electronic color mixer, and an electronic color proofer at 2940 Miller Drive, Plymouth, IN 46563, parcel 50-41-36-000-018.000-020, 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. He states that this is in the location of the old Sear's building that adjoined the BMV License Branch. He states during the time of this meeting there is a Fireworks stand in the building.

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May 13, 2022

Board of Zoning Appeals
City of Plymouth Indiana
111 North Center Street
Plymouth, IN 46563

RE: Petition for Variance of Use
2940 Miller Drive
Plymouth, IN 46563

Dear Board of Zoning Appeals:

As the broker representative of the owner (New Odyssey Development, LLC) of the real estate known as the Pine Creek Center, located at 2940 Miller Drive, I am petitioning for a Variance of Use to allow a potential tenant to relocate their business from the Chicago area to the vacant 9,835 square feet on the west side of the building, formerly occupied by Sears. The potential tenant is a leading provider of precision ink formulation dispensing solutions used by printers of all type in North America, Europe, South America, and Africa. They intend to utilize the location as their corporate offices, providing technical support, administration, customer service and sales of equipment and spare parts to customers, which are primarily the distributors and ink manufacturers in their dealer network of ink suppliers and graphic arts distributors. I believe that this use would be classified as a durable goods merchant wholesaler and would be allowed in the current C-3, Corridor Commercial District of the parcel.

Additionally, the tenant assembles and refurbishes electronic equipment for the printing industry know as an ink formulation dispenser, a color mixer, and a color proofer. I believe that the assembly and refurbishing of this equipment would qualify as a Special Use in the C-3 zoning.

The existing suite will require little alteration to accommodate this use and will not cause any increase in customer traffic to the location nor any damages to adjoining real estate, since there will be no outside storage, no manufacturing at the location, no smoke or obnoxious smells. The tenant will also be bringing new jobs to the location and the owners are in the process of relocating back to Indiana. With the current oversupply of retail space in the market, combined with an undersupply of office/warehouse space, this variance will provide an economic benefit to the owner, accommodate the needs of a new business in the area and benefit the community. We are requesting that this Variance of Use be granted.

Thank you for your time in this matter.

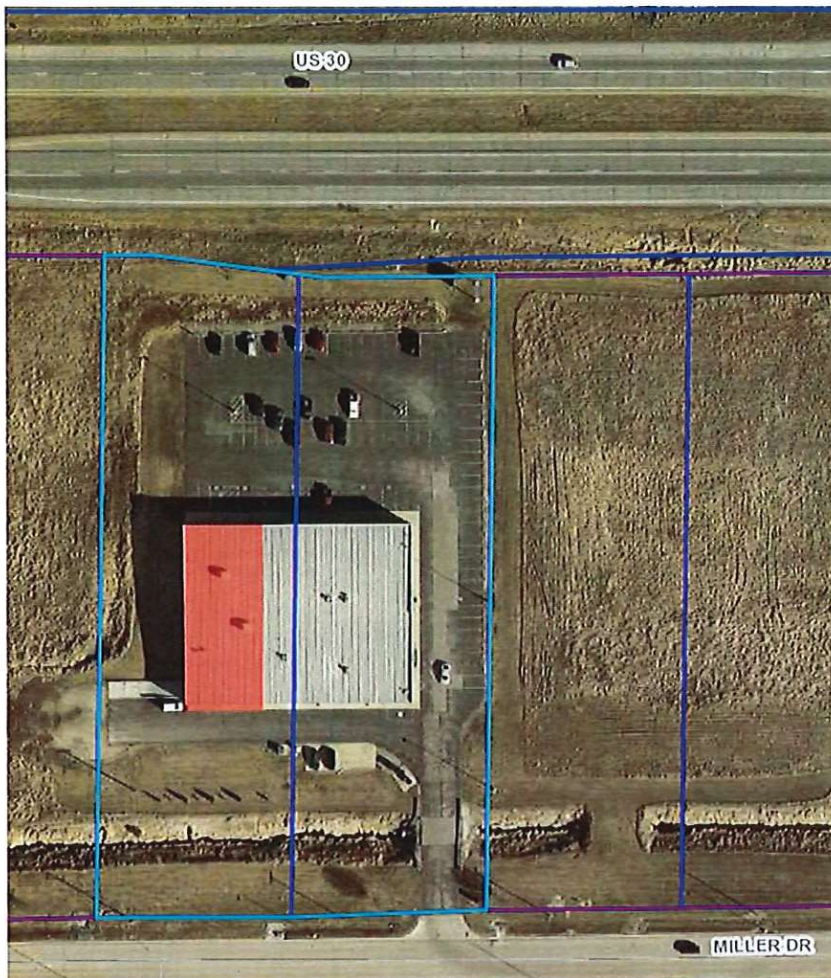
Sincerely,

A handwritten signature in blue ink that reads "Neal R. Worden". The signature is fluid and cursive, with a long horizontal stroke at the end.

Neal Worden
Xplor Commercial Real Estate
127 West Berry Street, Suite 700
Fort Wayne, IN 46802

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Key:
Proposed Location - Red



Gidley asks who owns the storage container behind the building.

Mr. Worden states it is owned by the fireworks company that is currently renting a portion of the building. He states that they have to store so much out legally so they can't have it all in the building.

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Neal Worden (127 West Berry Street, Suite 700, Fort Wayne, IN 46802):

Mr. Worden states that New Odyssey Investments LLC purchased this building about a year and a half ago and they have had a 9800 square foot space that has been vacant since they got it but it seems that it has been vacant for closer to eight years now back when Sears was in that space. He states that in the process of marketing the real estate they came across a tenant who was willing to come to the area and they could not find them some warehouse space and thought that this location had potential. He adds that it fits their size and they can alter it slightly to fit their needs.

Jacobs asks if he knows if any of their inks are flammable.

Worden states that they do not have inks in the building. He states that they produce the inks that make the color for printers but there is no ink inside.

Jacobs asks if this is just the assembly of the injection molded plastics.

Worden states that if you were to go to Lowe's and you would see the paint mixed by the dispensing of pigments. He states that this is basically the same thing for the printing industry. He states that instead of ordering separate colors that they provide the machine that sits on the production floor that does it.

Jacobs asks for clarification that they just assemble the machine.

Worden agrees. He states that they have parts and provide technical support for their clients.

Selge asks how many employees there would be.

Worden states that they have a total of six employees. He adds that they recently downsized and that two of them will be coming with him and that they will be hiring about 3 or 4.

Selge asks for clarification that they will only need six.

Worden states that six would be at the most.

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

City Attorney Surrisi states that Laura Walls with Marshall County Economic Development Commission (MCEDC), Mayor Senter, and himself had an opportunity to meet with Mr. Worden a couple weeks ago and was very excited about the opportunity of recruiting a new business from Illinois. He states that he personally is really happy to put this long vacant building back to use.

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

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Board Members Gidley and Selge moved and seconded to approve BZA 2022-13 as presented. The motion passed by roll call vote.

Yes: Gidley, Selge, Wickens, Jacobs

No: None

Building Commissioner Keith Hammonds:

Gidley asks if the house just outside the city limits on Lincoln Highway that he knows has come up before about being unsafe that the roof is looking worse.

Hammonds states that someone is currently working on the roof.

Gidley believes that someone should go investigate.

Hammonds states that he will get somebody on it.

Gidley also asks if someone can mow in front of the "Welcome to Plymouth" sign on the east side of town.

Jacobs wanted to thank Gidley for bringing up the process of following up when they put restrictions on variances because he always wondered about that. Jacobs then asked Hammonds given that he has 10 months left if he thinks that the process should be altered in any way.

Hammonds states that as long as he has a copy of the minutes from the meeting when they are done.

Gidley asks if he always gets the minutes of the meeting so he can attach them. Hammonds agrees.

Gidley asks how he attaches it. Hammonds states that he uploads the pdf to it.

Jacobs asks if it is up to him to go check or if it comes up with a timeline for him. Hammonds states that it does not come up with a timeline but if someone comes in for a permit that the address pulls up everything that has ever been done at that property.

Jacobs clarifies that his question is that in three years, who informs the Board that they are not doing what was asked.

Hammonds states that when they go get the permit it pulls up the pdf and that he would not give them the permit.

There being no other business, Board Members Selge and Wickens moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 9:22 p.m.



Kyle Williams— Recording Secretary