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 August 6, 2024, at 7:30 p.m. Board President Art Jacobs called the meeting to order for Board members Mark Gidley, Paul Wendel, and Alternate Linda Secor. Board member Brandon Richie attended virtually. Board member Alan Selge was absent. Alternate Fred Webster was not needed. Others present were Building Commissioner Dennis Manuwal, Jr., City Attorney Jeff Houin, Plan Consultant Ralph Booker, and Mayor Robert Listenberger. The public was able to see and hear the meeting through Microsoft Teams.

Board members Wendel and Gidley moved and seconded to approve the minutes of July 2, 2024. The motion carried.

The following legal notice was advertised in the Pilot News on July 25, 2024:

116 Legals

mouth, Indiana on the following

BZA 2024-11: Cashen Creek, LLC, 14755 3B RD, Plymouth, IN 46563: A Variance of Development Standards to have a variance from the surfacing reguirements of Article 6, Section 180, D. Parking Development Standards, 4. Surfacing Requirement, which requires a parking lot be paved with concrete or asphalt within one (1) year, and leave the existing parking lot to be gravel, on parcel 50-32-93-304-446.000-019, located at 627 S. Michigan Street, Plymouth, IN 46563, zoned R-3, Traditional Residen-

NOTICE OF

PUBLIC HEARING

The Board of Zoning Appeals of

the City of Plymouth, Indiana will hold a public hearing on

August 6, 2024 at 7:30 p.m. in

the Council Chambers of the

City Building, 124 N. Michigan St. (Garro St. entrance), Ply-

BZA 2024-12: (AK Industries) S&S Properties LLC, 1440 Stanley Drive, Plymouth, IN 46563: A Variance of Development Standards to construct access drives within the site with gravel in lieu of the requirements of surfacing requirements of Article 6, Section 180, D. Parking Development Standards, 4. Surfacing Requirement, which requires a parking lot be paved with concrete or asphalt within one (1) year, on parcel

50-42-31-402-035,000-019, located at 1440 Stanley Drive, Plymouth, IN 46563, zoned I,

Industrial District. BZA 2024-13: Abyplymouth Inc, 200 S. Frontage Road, Suite 330, Burr Bidge, IL. 60527: A Variance of Development Standards to have seven (7) signs in lieu of the limit of four (4) signs as required by Article 6, Section 200, E., b., special accommodations. Number of signs, on parcel 50-42-92-101-275.000-019, located at 2110 N. Michigan Kyle Williams, Recording Sec-

BZA 2024-14: Colvin Enterprises, 1815 N. Michigan Street, Plymouth, IN 46563: A Variance of Development Standards on a new parking lot, to reduce parking space dimensions to nine (9) feet in width, from the requirements of ten (10) feet as required in Article 6, Section 180, D. (2) parking space dimensions, on parcel 50-42-92-103-015.000-019, located at 1815 N. Michigan Street, 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 please call the ADA Coordinator at 574-936-2948.

Street, Plymouth, IN 46563, retary, Board of Zoning Apzoned C-3, Corridor Commer-clal District. peals, July 25, 2024 July 25, 2024 PN358085 hspaxlp

BZA 2024-11: Cashen Creek, LLC, 14755 3B RD, Plymouth, IN 46563: A Variance of Development Standards to have a variance from the surfacing requirements of Article 6, Section 180, D. Parking Development Standards, 4. Surfacing Requirement, which requires a parking lot be paved with concrete or asphalt within one (1) year and leave the existing parking lot to be gravel, on parcel 50-32-93-304-446.000-019, located at 627 S. Michigan Street, 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).

Cashen Creek Florist 627 S Michigan Street Plymouth, IN 46563 574-936-3165

City of Plymouth

Board of Zoning Appeals

Plymouth, IN 46563

July 12, 2024

RE: Request for Variance of Use for Plymouth Zoning Ordinance Article 6-180-D-4

To Whom It May Concern:

Lam seeking a variance for the ordinance pertaining to our parking lot, located at 627 S Michigan Street, Plymouth, IN . We are asking to be able to keep the gravel which we have in place currently.

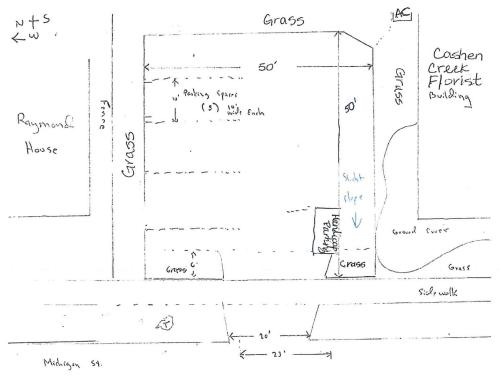
The quotes we have received for the project, based on the requirements of the ordinance, are cost prohibitive and is more funds than I have available. Because the parking lot size is small it does not affect the city or neighborhood if it remains gravel. I installed the parking lot as a convenience and safety to our customers to alleviate the dangers of on street parking on South Michigan Street. I have already improved many things at this property and am asking the city to grant this variance as by not doing so will be detrimental to my business.

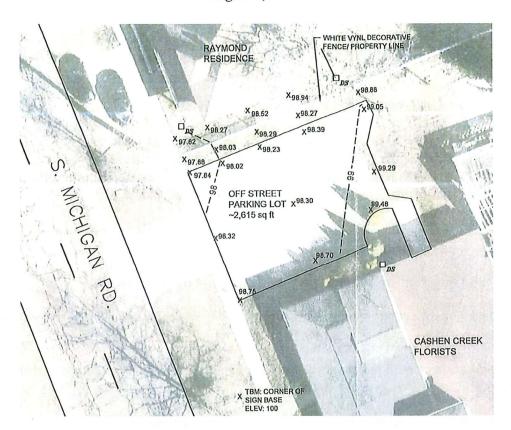
Best Regards,

Buch M. Cush

Beth M Cashen

Owner





Wendel asked if there were any letters received on the request.

Booker replied that there were no correspondences received on any of the cases for that night.

Jacobs asked for the petitioner or representative to step forward. It was discovered at that time that the representative was not present.

Booker stated there was an option to table the request as they could not hear the request from the applicant.

Jacobs stated he would like to.

Gidley asked Manuwal if there was a building on the property where the parking lot was.

Manuwal replied that there was a building there years ago.

Gidley asked if Cashen put the parking lot in. Manuwal agreed. Gidley asked if the concrete apron off of the street up to the sidewalk was put in by them as well. Manuwal agreed. Gidley asked if they were notified as part of the process that they had to pave the parking lot.

Manuwal replied that he was unsure, as it happened before his time.

Jacobs asked if it had come before the board. Booker agreed. Jacobs stated that when they approved it, they were told that it had to be paved within a year.

Board members Gidley and Wendel moved and seconded to open the public hearing. The motion carried.

Patricia Moberly (111 Webster Ave., Plymouth, IN 46563)

Moberly shared that she did not know the Cashen family at all but said they had done the city a favor by taking over when the Felke family sold the building. She said that she was worried it would sit vacant with nobody purchasing the property. She stated they had done a nice job and had been nice neighbors, and she said she had no problem with the gravel parking lot.

Board members Gidley and Wendel moved and seconded to close the public hearing. The motion carried.

Gidley asked if they were notified that they needed to be at the meeting.

Deputy Clerk Treasurer Williams replied that they were notified when they dropped off their application.

Wendel asked if they could make a motion to approve or disapprove the request at that time or if they had to wait.

Houin replied that they could table the consideration if they wished to.

Booker stated that if there was no consideration at all, then she would still have to pave it.

Jacobs stated he would not want her to have to wait a year to hear the consideration.

Booker explained that if it were tabled, there would not need to be new notices sent to neighbors.

Gidley said he would like to ask the applicant questions before making any decisions.

Board members Gidley and Wendel moved and seconded to table BZA 2024-11. The motion passed by roll call vote.

Yes:

Gidley, Richie, Secor, Wendel, and Jacobs

No:

None

Absent:

Selge

BZA 2024-12: (AK Industries) S&S Properties LLC, 1440 Stanley Drive, Plymouth, IN 46563: A Variance of Development Standards to construct access drives within the site with gravel in lieu of the requirements of surfacing requirements of Article 6, Section 180, D. Parking Development Standards, 4. Surfacing Requirement, which requires a parking lot be paved with concrete or asphalt within one (1) year, on parcel 50-42-31-402-035.000-019, located at 1440 Stanley Drive, Plymouth, IN 46563, zoned I, Industrial 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).

To: The Board of Zoning Appeals, City of Plymouth, Indiana

From: Jones Petrie Rafinski on behalf of AK Industries 325 S. Lafayette Blvd. South Bend, IN 46601 574-232-4388

The undersigned appellant respectfully shows the board:

 AX Industries is the developer of the following described real estate located within the City of Plymouth, Center Township, Marshall County, State of Indiana, to-wit:

Address

1414 Stanley Drive, Plymouth, IN 46563

Legal Description:

Please refer to the attached legal description.

- 2. Describe the details of your request:
 - a. AK Industries respectfully requests to construct access drives within the site from utilizing gravel, to match the existing conditions, in lieu of asphalt pavement. Use variance is requested for Zoning Ordinance Section Number 180, D, 4 Parking, Parking Access and Loading Standards.

As part of the request, the owner will define and improve the entry drives on Stanley Drive, these will be constructed of concrete and defined with curb.

The parking spaces will be located and utilize existing concrete surfacing

- 3. Explain how enforcement of the Ordinance would unreasonably prevent you from you from using your property:
 - a. Gravel surfacing will match the existing material which has successfully been used, asphalt surfacing would not be able to support the heavy equipment and materials being delivered to and from the site and will be a long term maintenance concern.
- Describe the unique characteristics of your property with respect to lot size, shape, topography, and other physical limitations that make enforcement of the Ordinance Impractical. Were any of these limitations created by you or by past property owners?
 - The existing facility has operated with gravel pavement for access since its inception.
- 5. What other options have you considered and why were they not chosen?
 - Owner is proposing installation of a concrete apron within the right of way, defined with curbing at the new proposed Stanley Drive (Ingress/Egress road).

Asphalt pavement was not chosen due to the long term maintenance concerns.

- Explain how granting this variance is consistent with protecting the public interest; in particular, explain how it will impact sensitive public resources and/or adjacent properties.
 - Installation of concrete drives within the right of way will define the entrance and reduce tracking of stone onto the public roadway.
- 7. How is granting this variance consistent with the spirit and intent of the Ordinance; in particular, how will it meet the purpose of the zoning district(s) in which your property is located?
 - a. Owner understands the need to assist the City with maintenance of existing roadways and believe a plan acceptable to the City can be developed in fleu of the Ordinance required asphalt pavement for new driveways.

By granting the variance it will allow the owner to continue to operate the manufacturing facility as they do today, which is consistent with the Industrial zoning district.

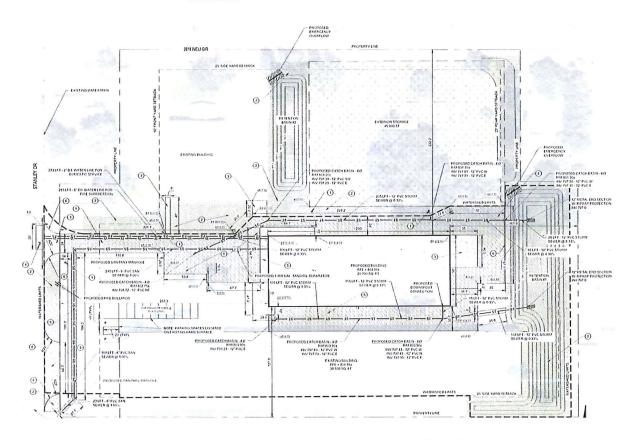
- 8. Variance Questions:
 - a. Will approval of the use variance be injurious to the public health, safety, morals, and general welfare of the community?
 - 1. No, it will not.
 - a. The current site already consists of gravel pavements and thus the approval of the use variance will not adversely affect the community. Construction of the gravel pavement will only match existing conditions currently on site.
 - b. Will the use variance adversely affect the use and value of the area adjacent to the property?
 - No, the use and value of the adjacent properties will not be affected in a substantially adverse manner.
 - c. Does strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property?

 1. Yes, as currently the site consists of gravel pavements and an Ordinance required asphalt
 - Yes, as currently the site consists of gravel pavements and an Ordinance required asphalt pavement would result in patches of asphalt that would not match the existing conditions on site
 - d. Does the strict application of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought?
 - Yes, as this is a continuation of the appellant using gravel pavernent to match existing conditions on site.
 - e. Will the approval interfere substantially with the Comprehensive Plan?
 - No, the project will not interfere with the Comprehensive Plan.

WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the

Authorized Representative
AK Industries

Contact Person: Brian Sutanto – Jones Petrie Rafinski (JPR) 325 South Latryette Boulevard (574) 232 4388



Andrew Cunningham (325 S. Lafayette Blvd., South Bend, IN 46601)

Cunningham of Jones Petri Rafinski (JPR) was there to represent AK Industries, along with representatives of AK Industries and the contractor, Ancon Construction. He explained that the existing building ran along the existing property line, and just to the north of it, in the bold outline, was the proposed building that would be constructed as part of the project. He pointed out in the report that the existing site consisted mostly of gravel throughout and said there was an existing concrete apron just to the north of the existing building. He said they would be using the existing apron to place and define parking and restriping it to ensure they could park all their vehicles on their largest shift. He stated they also planned to clean up the drive off of Stanley Drive, as gravel ran along the whole width of the site on the western portion up against Stanley Drive. He explained that they were going to define them into two driveways, one on the north side and one on the south side, with the loading docks. He stated they would be constructed with concrete pavement and curbs

in order to prohibit any kind of tracking of gravel off the site into the right-of-way, so just the drive aisles were utilizing gravel and nothing would be tracking off site. He stated the existing retention basin on the east side of the site would be enlarged to handle all the increase in impervious surface. He said they would also be taking care of the existing storage area up to the north in terms of drainage by adding a second retention basin there to capture any runoff.

Gidley asked if the inlet shown in Booker's report fed into one of the basins.

Cunningham explained that the inlet referenced discharged into the eastern basin. He also explained that they would capture the water in catch basins in four locations and take it to the retention basins. He stated they would also construct curbs along the eastern side so that the gravel drives would not wash into the basin and instead remain contained within the curb area.

Wendel asked if there were any exits onto Jim Neu Drive.

Cunningham replied that there were no formal drives onto Jim Neu Drive, just onto Stanley Drive.

Gidley asked for clarification that the western drive would be divided into a north and south drive. Cunningham agreed. Gidley asked how far back there would be concrete.

Cunningham replied that there would be concrete all the way back to the right-of-way line. He stated they were going to add some bollards around the fire hydrant to protect them, and he said everything in between the drives would be reseeded with turf grass. He stated that for most of the site where there was no gravel access or concrete, it would be reseeded because they would end up touching most of the site by putting a new building in and installing drainage.

Wendel shared that he did trucking for thirty years, and it sounded good to him as they would not be taking much gravel onto the road with 12 feet of concrete in front of it.

Board members Secor and Richie moved and seconded to open the public hearing. The motion carried.

Robert Listenberger (932 Angel St., Plymouth, IN 46563)

Mayor Listenberger stated it was a reasonable request, and they put a well-thought-out plan there. He said they had been a great partner to the city.

John Sabo (16464 Pretty View Dr., Plymouth, IN 46563)

Sabo shared that he was the president of AK Industries. He explained they had been good corporate members of the Plymouth Community for 43 years, and they would be celebrating it within the month. He stated they employed 200 Plymouth residents, and they chose to expand their facility as much as possible as opposed to building elsewhere and looking for other sites. He stated that Plymouth had been really good to them, and they had been very good to Plymouth. He explained they had done everything they possibly could to work with the ordinances whenever possible. He believed in the long term that it would cause the city no harm whatsoever, but it would help them immensely with the overall budget of the project.

Board members Secor and Richie moved and seconded to close the public hearing. The motion carried.

Board members Wendel and Gidley moved and seconded to approve BZA 2024-12 as presented. The motion passed by roll call vote.

Yes:

Gidley, Richie, Secor, Wendel, and Jacobs

No:

None

Absent:

Selge

BZA 2024-13: Abyplymouth Inc., 200 S. Frontage Road, Suite 330, Burr Ridge, IL, 60527: A Variance of Development Standards to have seven (7) signs in lieu of the limit of four (4) signs as required by Article 6, Section 200, E., b., Number of signs, on parcel 50-42-92-101-275.000-019, located at 2110 N. Michigan Street, 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).



To:

City of Plymouth, Board of Zoning Appeals

From:

Aby Groups

Date:

July 15th, 2024

Subject:

Variance from Development Standards

Hello Plymouth City Staff,

On behalf of Aby Groups, Woolpert is requesting a signage variance for a proposed Popeyes restaurant development project located at 2110 N Michigan Street, Plymouth IN 45653. The property is zoned as C-3, Corridor Commercial District. The variance we are requesting is to allow a total of 7 signs on the property. The current zoning code allows 4 total signs for C-3 zoned parcels.

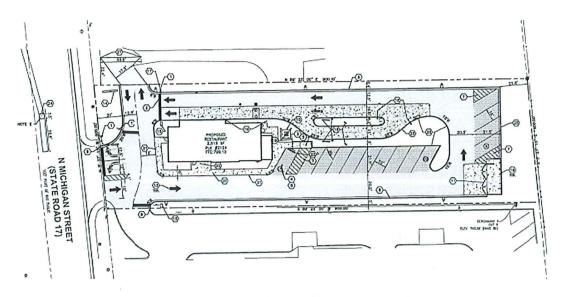
Popeyes corporate policy is such that all new Popeyes restaurants adhere to the national brand standards for signage. Enforcement of the current ordinance will prevent these standards and it will decrease the exposure of the restaurant to potential customers. The proposed signage meets all other code requirements, and this variance will not adversely affect neighboring properties as it allows for an aesthetically pleasing design and provides similar signage characteristics to other businesses along the C-3 Commercial corridor. Other reasons supporting our variance request are stated within the application for review and consideration.

If there are any questions, please do not hesitate to reach out. Thank you.

Kind Regards,

Woolpert

Meredith Gebhart
Engineer in Training
D: 630.693.6321
meredith gebhart@woolpert.com

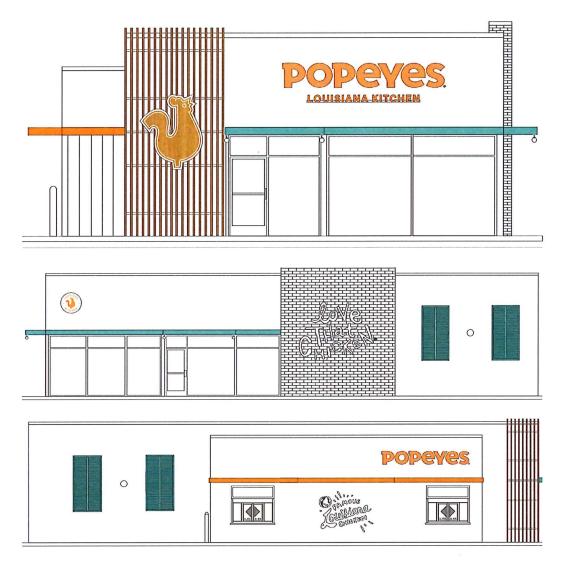


Chris Perry (3333 Warrenville Rd., Suite 200, Lisle, IL 60532)

Perry stated they worked alongside the Abygroups throughout the midwest, consisting mostly of Indiana, Michigan, and Illinois, as far as their expansion program. He stated they were looking to continue to expand throughout the Midwest as well as throughout the country. He said that Popeye's had been doing really well as far as the chicken wars go during the last couple of years with Chick-Fil-A and a few other groups. He stated that, as far as the project went, they had been through engineering and stormwater approvals. He added that they had gone through INDOT and received their INDOT permit for the entrance drive, and he said they were working closely with the group that would be developing the Dunkin Donuts just north of them as far as coordinating the access point. He stated they were working on an access easement for the Dunkin site and the Realtor's office further north. He stated, regarding the variance, that the design for the new Popeye's store had done a great job at improving the design and the look to get more of the Lousiana look into it. He said some of the signs on the building were not traditional signs and were more like graffiti or artwork that fit within the building. He said that, as far as the code goes, they were allowed to have one sign per side of the building and explained that they had two signs on the north, on the west, and on the south, totaling six signs, along with one monument sign on the frontage. He explained, regarding the three sides of the building, that each would have a generic Popeye's sign, but then would have some artwork, or in some cases, grafitti, on the side of the building that they would request the variances for.

Jacobs asked if they had a rendering, as he had tried to look online.

Perry provided some renderings to the board (see renderings below).



Perry commented that they had their main sign on the front and had their chicken, which had been part of a lot of their marketing materials. He explained that on the side that would be facing Culver's, they had their typical Popeye's logo and a sign on the brickwork that read, "Love that Chicken," which was a slogan they had been using for a number of years. He stated that on the north side of the building, they had a Popeye's sign and artwork that said, "Famous Lousiana Chicken." He explained that what they were seeing were three typical signs and three additional signs that were more graphic or considered artwork that they built into their designs. He stated they would really like to get the project moving, start construction in the fall, and open up in the early spring.

Board members Gidley and Secor moved and seconded to open the public hearing. The motion carried.

Mayor Listenberger commented that he was more of a Kentucky Fried Chicken guy, but he was in favor of it.

Board members Gidley and Secor moved and seconded to close the public hearing. The motion carried.

Board members Richie and Wendel moved and seconded to approve BZA 2024-13 as presented. The motion passed by roll call vote.

Yes:

Gidley, Richie, Secor, Wendel, and Jacobs

No:

None

Absent:

Selge

BZA 2024-14: Colvin Enterprises, 1815 N. Michigan Street, Plymouth, IN 46563: A Variance of Development Standards on a New Parking Lot, to reduce parking space dimensions to nine (9) feet in width from the requirements of ten (10) feet as required in Article 6, Section 180, D. (2) parking space dimensions, on parcel 50-42-92-103-015.000-019, located at 1815 N. Michigan Street, 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).

> Plymouth Board of Zoning Appeals (BZA) 111 N Center Street Plymouth, IN 46563 July 15, 2024

RE: Letter of Intent for Parking Stall Width Variance (Plymouth Zoning Ordinance 180.D.2)

To Whom It May Concern:

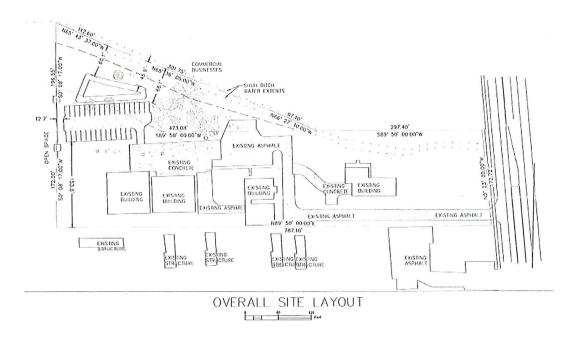
This Letter of Intent details the need for a reduction of the Parking Stall Width per Zoning Ordinance 180.D.2 from the typical ten-foot requirement to a nine-foot width. The proposed parking lot is situated on an already developed property and will be used solely for company-owned vehicles This parking lot will provide better access to onsite structures along with a more secure location for the parking of company-owned vehicles overnight. Vehicles are currently parked in a lot directly adjacent to Michigan Street and on addition to provide employee parking closer to the garage/warehouse area onsite, this lot will also provide a more secure over night parking area for company-owner vehicles. The proposed lot will not be used for public access to the property and is intended only for the use of company-owned field trucks.

To feasibly install the necessary thirty stalls, the parking lot adhering to the standard ten-foot-wide would add up to approximately 1,100 square feet of asphalt surface and would require the removal of large, long-existing trees within the subject site. Additionally, the parking lot lays within seventyfive feet of the top of the bank of the Shuh Ditch, a regulated drain, and the reduction of hardscape and installation of detention is needed to provide enhanced stormwater runoff management. The reduction to 9-foot stalls is a necessity as it reduces the hardscape area, both within and outside of the regulated drain affected area, protects existing trees and landscaping as much as possible and does not impede on the City's ability to enforce these requirements on parking lots accessed by the public. As this is a private lot for company vehicles only, the 9-foot minimum parking stall width will provide the space necessary for parking company vehicles and limits the potential hardscape area and therefore the detention sizing and affect of stormwater on downstream properties.

The approval of a 9-foot stall width will have negligible affects, if any at all, on the General Welfare of the Public and the value of adjacent properties and does not substantially interfere with the Comprehensive Plan. Additionally, the typical width of stalls as required creates an unnecessary hardship on the property owner as the lot is to be used only for company-owned vehicles, not public parking, and assists in the City's overall goal to reduce hardscape areas wherever necessary for stormwater system enhancement. The reduction also provides protection of existing trees and limits the disturbance within the area of the regulated drain

Wherefor, we respectfully request the Board grant our request and provide a variance order allowing parking stalls that are nine feet in width as opposed to the code-required ten-foot-wide stalls

Robert McClellan, PE, MBA



Burke Richeson (1619 N. Oak Dr., Plymouth, IN 46563)

Richeson stated he was the in-house consul for the real estate developer and a representative for Colvin Enterprises. He said he worked with their Chief Engineer, Rob McClellan, and put the renderings together (see rendering above). He explained that his client went to them, wanting to move the parking lot they currently have on Michigan Street, as there had been issues with vandalism and vehicles being right out front, so they wished to move them to the back. He said they had a little bit of real estate back there to work with, and he felt that the nine-foot-wide lanes were wide enough for the vehicles he used, with the hope of having that many stalls with that much space without extending the hard surface out any further.

Jacobs stated they had 20×10 parking stalls normally, but it seemed like a lot of people had a problem with it. He asked if it was the client's recommendation or if it was a recommendation from them.

Richeson replied that they specifically asked them about making the parking stalls 9 feet wide, so they were aware that they would have to go before the Board of Zoning Appeals (BZA).

Jacobs stated that it seemed like a lot of people had a problem with the parking stalls, so he was curious if it normally created some type of hardship.

Richeson replied that what they had in that situation was that they knew the exact amount of space they wanted to use and the number of stalls they needed. He stated that they were looking to see how much they could use in that area without going too far. He said it sounded like one foot was the difference, but when they put it out over 30 stalls, 30 feet made a big difference. He explained that if it were larger, it would take up more space and cause them to have to remove trees. He said, regarding the Michigan Street lot, that they had left it open and their client had thought about removing the lot and replacing it with grass similar to the rest of the field. He said they were more

focused on the development first before working their way into that. He added that taking it out may be a real possibility.

Jacobs clarified that it was not exactly an addition to, but rather a transition.

Richeson replied in agreement, as the Michigan Street lot was just too accessible.

Board members Secor and Wendel moved and seconded to open the public hearing. The motion carried.

There were no comments at that time.

Board members Wendel and Gidley moved and seconded to close the public hearing. The motion carried.

Board members Secor and Gidley moved and seconded to approve BZA 2024-14 as presented. The motion passed by roll call vote.

Yes:

Gidley, Richie, Secor, Wendel, and Jacobs

No:

None

Absent:

Selge

Other Business:

Jacobs felt that they had parking stall width issues that came up quite a lot.

Gidley stated, regarding private parking lots, that nine feet was fine, but for a parking lot like Walmart, ten feet made more sense.

Wendel commented that the City of Plymouth was putting in a new street in front of his house, and they were only allowing eight feet of parking. He stated that he did not see anything go before the board.

Houin replied that, regarding street parking, it was different from off street parking.

Jacobs asked what the size requirement was for on-street parking.

Houin replied that he did not believe there was a specific requirement for on-street parking.

Jacobs stated he knew there were plenty of people who drove big trucks, which was why he liked 20 x 10 parking stalls. He commented to Manuwal that he really appreciated the Building Commissioner report, as he was amazed by some of the things he saw in it. He asked if the city was reimbursed when they had to mow someone's grass.

Manuwal replied that they got billed.

Secor asked if he had to receive a complaint to check or if he drove around and checked.

Manuwal replied that most of the time he received a complaint. He stated that if he happened to see it driving to a job site for an inspection, he had to remember where he saw it.

Gidley asked Manuwal if he had a chance to speak to the person about their chickens.

Manuwal replied that everyone who had chickens was filling out a variance request, as far as he knew.

Booker commented that there was already one for the following month. He stated the one they had the application for was from McQueen's Addition.

Manuwal commented that it was becoming common as the realtors had been telling people outside the city limit that they could have chickens.

Wendel stated that he thought there was a rule not to have them in subdivisions. Gidley agreed.

Booker replied that the ruling was only in R-1, but if the subdivision was in R-1, they would still have to ask for a variance. He stated it was not in R-2, R-3, or R-4, but said some of the R-2 could be in extraterritorial jurisdiction.

Manuwal shared that after speaking with the people at McQueen's Addition, he had contacted the Marshall County Board of Realtors and asked them politely to read their zoning ordinance, as he was tired of realtors telling their clients that they could have chickens there. He mentioned the people at McQueen's Addition, specifically, and asked the realtor because if they could not have chickens there, they would not have bought the house.

Wendel commented that the realtor was going to tell them whatever they wanted to hear.

Booker commented that the next meeting was going to be a fowl meeting!

There being no other business, Board members Wendel and Secor moved and seconded to adjourn the meeting. The motion carried, and the meeting adjourned at 8:28 p.m.

Hyle 2 Williams

Kyle Williams, Recording Secretary