

PLYMOUTH BOARD OF ZONING APPEALS
JUNE 4, 2019

The Plymouth Board of Zoning Appeals met in regular session at 124 N Michigan Street, Plymouth, Indiana on June 4, 2019 at 9:04 p.m. Board Vice President John Yadon called the meeting to order for Board Members Mark Gidley, Keith Wickens, and Greg Compton. Board Members Art Jacobs and Alan Selge were absent.

Board Members Gidley and Wickens moved and seconded to approve the minutes of last regular meeting of May 6, 2019, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on May 24, 2019:

NOTICE OF PUBLIC HEARING
The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on June 4, 2019 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 2019-17: Sarah Gouker, 59533 Saturn Dr, South Bend, IN 46614 and Derek Hardy, 11493 Michigan RD, Plymouth, IN 46563: A Variance of Development Standards to allow horses at parcel 503295000201000018 located at 11493 Michigan Rd., Plymouth, IN 46563, zoned R-2 Suburban Residential District.

BZA 2019-18: Leigh Elliott, 11492 Michigan RD, Plymouth, IN 46563: A Variance of Developmental Standards to reduce the side yard setback to five (5) feet from the required fifteen (15) feet to build a 30 by 50-foot pole building at 11492 Michigan RD. on parcel 503295000112000018, zoned R-2, Suburban Residential District.

BZA 2019-19: Pretzels Plymouth, LLC, 2910 Commerce ST., Plymouth, IN 46563: A Variance of Development Standards regarding Article 6, Section 140 Landscaping Parking Lot (G.1) requirements for landscape strip along the right of way, and requirements for interior parking lots (G.3), located at 2910 Commerce St, parcels 504125000014002020 and 504125000002000020, zoned I, Industrial 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. Abby Collins, Recording Secretary, Board of Zoning Appeals, May 24, 2019
May 24, 2019 PN300425 hspaxlp

BZA 2019-17: Sarah Gouker, 59533 Saturn Dr, South Bend, IN 46614 and Derek Hardy, 11493 Michigan RD, Plymouth, IN 46563: A Variance of Development Standards to allow horses at parcel 503295000201000018 located at 11493 Michigan Rd., Plymouth, IN 46563, zoned R-2 Suburban Residential District.

Plan Consultant Ralph Booker reviewed the findings of fact and the request from the applicant. He noted that there are already two horse stalls in the barn that is currently located on the property, so the infrastructure is in place to house two horses.

The applicant was not present to discuss request. It was decided to move forward and hear comments from the public.

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Yadon offered the privilege of the floor to the board members and the public.

Charles Ray, 11600 S Michigan Rd, voiced concerns about the smell from horses and his pastime of shooting clay birds on his property. There was discussion about the odor from horses compared to other farm animals. Booker said the odor from two horses would be minimal, especially since the pasture and stalls sit back off the road and to the rear of the property.

There were no additional comments.

Motion: Approve application with the stipulation that there cannot be more than two horses,
Moved by Greg Compton, **Seconded by** Mark Gidley.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Mark Gidley, Greg Compton, John Yadon, Keith Wickens.

BZA 2019-18: Leigh Elliott, 11492 Michigan RD, Plymouth, IN 46563: A Variance of Developmental Standards to reduce the side yard setback to five (5) feet from the required fifteen (15) feet to build a 30 by 50-foot pole building at 11492 Michigan RD. on parcel 503295000112000018, zoned R-2, Suburban Residential District.

Booker reviewed the findings of fact.

The applicant, Leigh Elliott, was present to discuss the request. He explained that he picked this location on his property in order to take advantage of the concrete slab that is already existing. Gidley asked why he is not able to meet the side yard setback. Elliott said that it would not allow enough room based on where the concrete slab is currently located.

There was discussion about needing both a variance for the side yard setback and that it will be placed forward of the front of the house. Both requests were part of his application. Compton said he would prefer that the structure be placed as far back on the property as possible while still utilizing the concrete.

Yadon asked if this would be used for a business. Elliott said no, it is for personal use.

Yadon offered the privilege of the floor to the board members and the public. There were no comments.

Motion: Approve application including the variance for both the side yard setback and approval to place the accessory structure forward from the primary structure and require that he place the structure as far back as possible so the door aligns with the cement.

Moved by Greg Compton, **Seconded by** Mark Gidley,

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Mark Gidley, Greg Compton, John Yadon, Keith Wickens.

BZA 2019-19: Pretzels Plymouth, LLC, 2910 Commerce ST., Plymouth, IN 46563: A Variance of Development Standards regarding Article 6, Section 140 Landscaping Parking Lot (G.1) requirements for landscape strip along the right of way, and requirements for interior parking lots (G.3), located at 2910 Commerce St, parcels 504125000014002020 and 504125000002000020, zoned I, Industrial Residential District

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Booker reviewed the findings of fact and letter of intent from the applicant.

Applicant, Paul Schaum, was present to discuss the request and introduced Ryan Reynolds and Calvin Tims from Engineering Resources. Ms. Reynolds explained that water will be collected on the east side of the building and will flow to a detention pond, which will then exit to the south. The issue with the landscaping is that it cannot be in the same spot as the detention pond. The proposal is to move the landscaping out to the edge of the detention pond, which would then be in the drainage easement.

Gidley asked if the detention area will be grassy. Reynolds said yes, it will not hold water. Tims stated that there will be a small strip of gravel for the sub-drain, but it will be mostly grass.

Reynolds then explained that the parking to the west of the retention pond will be employee/passenger parking and all zoning specifications will be met in this area. The applicant is requesting that the parking lot in the back be constructed without the required islands and landscaping because this area will be used for trucks and storage. It will be challenging for the trucks to maneuver with parking lot islands in the way.

Lastly, Reynolds asked that the board waive the requirement to have plants in the parking lot islands closest to the building, due to the nature of the food business. Regulations are cracking down on the proximity of bug- and rodent-attracting plants near food production.

Yadon offered the privilege of the floor to the public.

Robert Casey, 7400 Pine Road, asked if any of the water will cross Pine Road to the east. Reynolds and Tims said no. Everything will be collected in the existing retention pond and the newly proposed dry detention basin and it will enter existing city structure that outlets to the south on Pioneer. Casey also asked where the wastewater will go. City Attorney Surrisi said that they are on city utility services. Casey mentioned flooding in a corner of his field when INDOT built their substation several years ago and he wanted to ensure that the retention and detention ponds would collect excess drainage, as not to affect his alfalfa fields.

Motion: Approve application as presented,

Moved by Mark Gidley, **Seconded by** Keith Wickens.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Greg Compton, Mark Gidley, John Yadon, Keith Wickens.

Commissioners Gidley and Compton moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 9:48 p.m.



Abby Collins – Recording Secretary