

PLYMOUTH BOARD OF ZONING APPEALS
APRIL 7, 2020

The Plymouth Board of Zoning Appeals met in regular session at 124 North Michigan Street, Plymouth, Indiana on April 7, 2020 at 7:31 p.m. As allowed by Governor Holcomb's Executive Order #20-04 and 20-09, members of the board, public, and media did meet electronically. Board President Art Jacobs called the meeting to order for members Mark Gidley, Alan Selge, Keith Wickens, and John Yadon.

The first order of business was the election of officers. Commissioners Gidley and Yadon moved and seconded to retain the current slate of officers, which is as follows:

- President – Art Jacobs
- Vice President – John Yadon
- Secretary – Alan Selge

The motion for the election of the 2020 Board of Zoning Appeals officers carried.

President Jacobs reviewed dates and times for the Board of Zoning Appeals meetings in the calendar year 2020. Selge and Wickens moved and seconded to retain the current schedule of the first Tuesday of each month at 7:30 p.m. or immediately following the Plymouth Plan Commission meeting with the exception of the June, 2020 and November, 2020 meetings. Both meetings fall on election days and will therefore be moved from the first Tuesday to the first Wednesday of those months. The motion carried.

Board Members Gidley and Selge moved and seconded to approve the minutes of last regular meeting of December 3, 2019, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on March 27, 2020:

NOTICE OF PUBLIC HEARING
The Board of Zoning Appeals of the City of Plymouth, Indiana, will hold a public hearing on April 7, 2020 at 7:30 p.m. in the Council Chambers of the City Building, 124 N. Michigan St. (Garage St. entrance), Plymouth, Indiana on the following mat-

116 Legals
BZA 2020-01: Owner, Marshall County Solid Waste, 316 Gilmore St., Plymouth, IN 46563. A Variance of Development Standards to allow a ground mounted solar array, less than 350 square feet, to be located in the front yard at parcel 50-42-31-203-048 000-019 located at 1900 Walter Glauz Dr., Plymouth, IN 46563.
BZA 2020-02: Owner, Cashen Creek Forest, LLC, 827 S. Michigan St., Plymouth, IN 46563. A Variance of Development Standards to install a 12 foot 10 inch, by 1 foot digital message sign on the front of their building to replace an existing awning, located on parcel 50-32-43-304-446 000-019, address 627 S Michigan St., Plymouth, IN 46563, and zoned R-3, Traditional 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,

116 Legals
Please call the ADA Coordinator at 574-936-2948. Abby Collins, Recording Secretary, Board of Zoning Appeals, March 27, 2020
March 27, 2020 PM11 1125 10:24 AM

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BZA 2020-01: Owner, Marshall County Solid Waste, 1900 Walter Glaub DR. Plymouth, IN 46563: A Variance of Development Standards to allow a ground mounted solar array, less than 350 square feet, to be located in the front yard at parcel 50-42-31-203-048.000-019 located at 1900 Walter Glaub DR., Plymouth, IN 46563, zoned I, Traditional Industrial District.

Plan Consultant Ralph Booker reviewed the findings of fact and the request from the applicant. Booker read aloud the letter in the application:



1085 N 850 W · Shipshewana, IN 46565 · Ph# 260-768-7936 · Fax# 260-768-7215 · Email: info@wellspringllc.us

LETTER OF INTENT

To whom it may concern;

Wellspring Components, a solar installer, humbly asks now for a variance in zoning and planning regulations on the behalf of the Marshall County Solid Waste Management District, located at 1900 Walter Glaub Dr. in Plymouth Indiana, legally known as Lot 4 of the PINCO Industrial Subdivision, for the purpose of installing a ground mounted solar. Upon inspection of the initial permitting request, it was determined that the location being in the front setback is out of compliance with the current regulations and ordinances.

We have exhausted all options to bring this system into compliance and all other options cause undo hardships.

We feel that this original location will not bring hardship to our neighbors' and will not destroy the spirit of the zoning. Our variance proposal is in an industrial zone. Approval of this variance will not incur undo hardship for the future uses of this property.

In the environmental spirit of the mission of the Marshall Co Solid Waste, we feel that demonstrating the Solar as a viable option to switch from being a consumer to a producer/consumer of electricity, having the smaller solar array will invoke curiosity. This Array will be less than 350 square feet, located more than 185 feet from the Right of Way, and 183 feet from our neighbor to the North, and greater than 300 feet from our neighbor to the South.

At this time, we ask for the approval of this Variance to permit Marshall Co Solid Waste Management District to place a solar array in the front setback of their property.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Jason A. Eisenman".

Jason A Eisenman
Sales Manager
Wellspring Components, LLC
1085 N 850 W
Shipshewana, IN 46565

A handwritten signature in black ink, appearing to read "Marianne Peters".

Marianne Peters
Executive Director
Marshall County Solid Waste Management District
1900 Walter Glaub Drive
Plymouth, IN 46563

Booker noted that solar fields are typically not in front of buildings, however this is zoned Industrial and there is over 180 feet between the road and the beginning of this solar field.

Yadon asked if NIPSCO required that the field be placed in this location. Booker said he does believe that is correct and that this area would allow easy access for maintenance and connection.

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Jason Eiseman, of Wellspring Components, LLC and representative for the applicant, said that this side of the building already has the service entrance to the building and the area receives enough sunlight for the solar system.

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

Fred Webster, 320 Roy Street, asked how many kilowatts the system will generate. Eiseman said 7.6 kilowatts, A.C.

There were no additional comments.

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

Motion: Approve the variance as presented.

Moved by John Yadon, **Seconded by** Alan Selge.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mark Gidley, Alan Selge, Keith Wickens, John Yadon. Art Jacobs

BZA 2020-02: Owner, Cashen Creek Florist, LLC, 627 S. Michigan ST., Plymouth, IN 46563: A Variance of Development Standards to install a 12 foot 10 inch, by 1 foot digital message sign on the front of their building to replace an existing awning, located on parcel 50-32-93-304-446.000-019, address 627 S Michigan ST., Plymouth, IN 46563, and zoned R-3, Traditional Residential District.

Plan Consultant Ralph Booker reviewed the findings of fact and the request from the applicant. Booker read aloud the letter in the application:

March 13, 2020

Dear City of Plymouth, Board of Zoning Appeals.

We would like to request a Variance from development standards. The request would be to place a digital message sign on the front exterior of the building, measuring 12' 10" x 1', that has three light colors red, white and pink.

The precedence has already been set by the Trinity United Methodist Church having a larger, brighter and more colorful sign that is only one block away from our location.

Thank you,



Beth Cashen

Cashen Creek Florist LLC

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Building Commissioner Hammonds said the sign was recently installed and he started to receive complaints about it, which prompted the variance.

Applicant, Beth Cashen, was present to discuss the request. She said that they were told the sign was fine to have on the inside of the building, however they would prefer to have it on the outside.

Gidley asked if the sign can dim down at night. Cashen said she does not think the sign has that feature, but they have started to shut the sign off at night when they are not in the shop.

Yadon asked Building Commissioner Hammonds if the sign needed approval before it was placed inside the window. Hammonds said yes. Cashen said she spoke with Hammonds before the sign was purchased and he said it was fine as long as it was inside, so she did not expect to hear from him when he told her that she would then need a variance. Hammonds said he did not know that they were putting in an LED light; he thought it was just a regular sign.

City Attorney Surrisi read aloud the following correspondence:

To: Plymouth Board of Zoning Appeals and Sean Surrisi, Plymouth City Attorney

We are writing in regards to the "Notice" we received of the up-coming hearing set for Tuesday, April 7, 2020 for the request of Cashen Creek Florist, LLC for a variance of Development Standards regarding a sign. Both my husband and I are strongly against this request.

Our house is located directly across from this sign and it has been very disturbing, even though they have adjusted the intensity and bizarre, psychedelic movement and flashing that caused us to have to cover our bedroom windows with black plastic in order to sleep. Our home has a lovely large front porch which we use a lot in the warm weather. And this sign is very offensive.

Our realtor neighbor to the North of us confirms that this effects the value of our property in a negative way. We also own the house South of our, 640 S Michigan St. and it effects this property as well.

It should be noted that there is already a sign which does meet the zoning standards for this residential district only because it was grandfathered in because of Felke's. Felke's was always considerate of the neighborhood where it did business.

This 12 ft, 10 in by 1 ft digital moving message sign serves no purpose for traffic driving by as they can't read this moving sign as they drive by in front of the building. The old sign can be seen as you drive up or down the street because it is facing traffic.

Thank you for your consideration.

Sincerely,

Robert and Bernadine Schultz

April 6, 2020

To: Plymouth Zoning Board of Appeals

City of Plymouth Attorney – Sean Surrisi

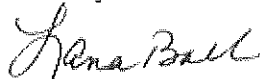
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I am writing in regards to the appeal that was made concerning the light at the Cashen Creek Florist located at 621 S. Michigan St, Plymouth, Indiana. I live directly across from that business and I am writing you today to express my absolute anger over that blinking LED sign. When that sign was on it was a source of anxiety and my ability to come home, relax and sleep without feeling like I was living in Times Square in New York City or in a middle of a drug raid with police cars in my home. The multi, ever-changing lights were so extremely bright that not only could I not enjoy my living room, nor could I sit down and enjoy a meal in my dining room, it also came through my master bedroom and guest bedroom preventing me from being able to get any sleep.

I strongly urge you to keep this business from turning on this light. Other neighbors have expressed their anger and are very upset by it as well. I have lived at this location for 17 years and when Felke Florist owned this business they took their neighbors in this neighborhood into consideration first. When a business is "Grandfathered" in they should be going out their way to blend in with the residential neighborhood and not try to deteriorate it.

As a licensed and practicing realtor for the past 28 years, I know if the light would continue to be on, it would greatly diminish our home values and what is considered to be a highly desirable place to live in Plymouth would move to the undesirable category. We work very hard to maintain and improve our properties in this neighborhood. I know the Zoning Board can appreciate that this is very necessary to keep these areas strong not only for ourselves as homeowners but for the vitality of the city of Plymouth.

Sincerely



Lana Ball

634 S. Michigan St.

Plymouth, Indiana

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

Bernadine and Robert Schultz, 638 S Michigan Street, spoke against the request.

Jacobs asked how they would feel if the sign was shut off at night time. Ms. Schultz said the business has started to shut it off at night since code enforcement got involved, but she feels the sign is very offensive.

Selge asked if the sign is bothersome during the day. Ms. Schultz said yes.

Lana Bell, 634 S Michigan Street, spoke against the request.

Mark and Brittany Nelson, 630 S Michigan Street, spoke against the request.

Cashen said that the business is not trying to disrupt the neighborhood, they are simply trying to bring the business into the 21st century. She thought the sign was within the rules when it was installed.

There were no additional comments.

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

Gidley said he is bothered by the initial misunderstanding of what the sign was and what it ultimately ended up being because a business owner has now invested in a sign that they cannot use. He also understands the concerns of the neighbors and feels that after a certain time at night the sign should not be on. Gidley agrees that the sign is probably not effective in catching the attention of passerby's due to the way it is facing.

Jacobs asked Building Commissioner Hammonds if the city can control what a business has on the inside of their window. Hammonds said yes, and the ordinance also dictates how much of the window a business can cover. He confirmed that because the sign is a message center, it violates the city's ordinance.

Motion: Deny the variance as presented.

Moved by John Yadon, **Seconded by** Keith Wickens.

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

Yes: Mark Gidley, Keith Wickens, John Yadon. Art Jacobs

Board Members Wickens and Yadon moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:26 p.m.



Abby Collins – Recording Secretary