

PLYMOUTH BOARD OF ZONING APPEALS
MAY 12, 2020

The Plymouth Board of Zoning Appeals met in regular session at 124 North Michigan Street, Plymouth, Indiana on May 12, 2020 at 7:32 p.m. Board President Art Jacobs called the meeting to order for member Linda Secor. As allowed by Governor Holcomb's Executive Order #20-04 and 20-09, Board Members Mark Gidley and Alan Selge, along with the public and media, did meet virtually. Board Members Keith Wickens and John Yadon were absent.

Board Members Selge and Secor moved and seconded to approve the minutes of last regular meeting of April 7, 2020, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on May 1, 2020:

**116
Legals**

**NOTICE OF
PUBLIC HEARING**

The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on May 12, 2020 at 7:30 p.m. in the Council Chambers of the

**116
Legals**

City Building, 124 N. Michigan St. (Garro St. entrance), Plymouth, Indiana on the following matters:
BZA 2020-03: Habitat for Humanity, P.O. Box 524, ahn, 316 Gilmore St., Plymouth, IN

**116
Legals**

4656333Plymouth, IN 46563: A Variance of Development Standards to allow a front setback from twenty (20) feet to eight (8) feet and a minimum lot width from sixty (60) feet to forty-five (45) feet to construct

**116
Legals**

four (4) homes at parcel 50-32-93-103-029.000-019 located at 415 Garro ST., Plymouth, IN 46563, 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, please call the ADA Coordinator at 574-936-2948.
Abby Collins, Recording Secretary, Board of Zoning Appeals,
May 1, 2020

May 1, 2020 PLYMOUTH NEWS

BZA 2020-03: Habitat for Humanity, P.O. Box 524, Plymouth, IN 46563: A Variance of Development Standards to allow a front setback from twenty (20) feet to eight (8) feet and a minimum lot width from sixty (60) feet to forty-five (45) feet to construct four (4) homes at parcel 50-32-93-103-029.000-019 located at 415 Garro ST., Plymouth, IN 46563, 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:

April 15, 2020

LETTER OF INTENT
HABITAT HOMEOWNERSHIP PROJECT
400 BLOCK WEST GARRO STREET
PLYMOUTH, INDIANA

PLYMOUTH BOARD OF ZONING APPEALS
MAY 12, 2020

Dear BZA members,

Marshall County Habitat received a grant from the Indiana Housing and Finance Authority (IHCA) to construct a total of ten (10) single family homes for low and moderate income families, four (4) of which are to be located in Plymouth, Indiana.

Our intent is to construct these four (4) homes on West Garro Street. The property is presently abandoned, having once been used as a warehouse.

We seek two (2) variances. The first is in regards to the front yard set back from twenty (20) feet to eight (8) feet. This distance comports with the surrounding residential properties which are set back from the property lines various distances, from as close as 2 feet to as much as 15 feet or more. The second is a variance of minimum lot width from sixty (60) feet to forty-five (45) feet. Once again, the existing residential lots have a variety of widths from as small as 30 feet to more than 60 feet.

We believe our plan comports with the Plymouth Comprehensive Plan which shows this area being developed into a traditional neighborhood district, and we feel the proposed set back and lot width are in keeping with the proposed neighborhood development plan in the comprehensive plan. A review of the enclosed site plans illustrates the development will be an asset to the surrounding neighborhood.

Respectfully submitted,

Marshall County Habitat for Humanity

Booker reviewed the two options: one where the houses are accessed through the alleyway in the back and a second option where there is access using two driveways along Garro Street. He stated that the city had secured Brownfield grant funding for assessment of contaminants in this area. It was found that there is arsenic and polycyclic aromatic hydrocarbons (PAH) in the soil. The arsenic may be naturally occurring and is not ultimately an issue as long as groundwater from the site is not used. The piles where the PAH was found could be removed and disposed of at an appropriate disposal facility. Booker said that according to the Brownfield study results, there are mechanisms that could resolve both issues and would not limit this project.

Applicant Dean Byers, Executive Director of Habitat for Humanity, 1708 Westgate Avenue, Plymouth, and architect for the project Brent Martin, 15413 12th Road, Plymouth, were present to discuss the request. Martin added that about 10 days ago he met onsite with City Attorney Surrisi, Utility Superintendent Davidson, Street Superintendent Marquardt, and City Engineer Gaul to discuss this section of Garro Street, which is on city's improvement list in 2020. As part of the construction for this project, they will be cutting utilities into Garro Street. It was proposed that these improvements be moved out to 2021 so the project is not cutting into newly installed street. They also discussed the abandonment of the railroad right-of-way to the west. The tracks are gone and ties are in a pile. The city is working towards finding the true title owner of the railroad land to discuss the request to put a utility drive behind the houses using their right-of-way. Martin said that if they cannot accomplish that by early 2021 when garage pads are poured, then option B is to install driveways off of Garro Street. This is not ideal, as driveways crossing sidewalks are a hazard, but the hope is that if this is the only option, then there would be two shared driveways rather than four individual driveways.

PLYMOUTH BOARD OF ZONING APPEALS
MAY 12, 2020

Commissioner Gidley asked who will maintain the driveway located on the railroad's right-of-way and behind the houses. Martin said that the city's comprehensive plan calls for that right-of-way to become a city street. He said it is unknown when this city-wide transition would occur, so each individual property owner will have to maintain the area behind their home.

Gidley asked what the city's project along Garro Street entails. Martin said the city's intention is to install concrete curbs and gutters and to potentially use Community Crossings grant funding for the installation of the sidewalks. He said the houses will sit rather far back from the curb because there is about 10 to 13 feet of parkway between the sidewalk and curb. The variance is not for an 8-foot setback from the curb; it is an 8-foot setback from the sidewalk.

There was additional discussion about the odds of obtaining approval from the railroad within the next twelve months and the likelihood that Option B would be the layout used. Martin said he would prefer the two shared driveways versus four individual driveways. There would likely be a shared-driveway clause in the ownership agreements.

Gidley voiced concern about the red brick building across the street. He feels it is a safety hazard with kids running around. Building Commissioner Hammonds said the building was boarded up. That is the only action that has been taken on that building.

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

Dennis Cripe, 10807 Nutmeg Meadows, Plymouth, spoke against the request. He said Habitat for Humanity does a great job, but he is concerned about the abuse of his parking lot, which is located to the east of this site. He suggested the installation of a privacy wall. Cripe also feels that four houses on that lot is too much and it will be too tight.

Martin noted that the plans for these houses include four off-street parking spaces as required by ordinance; two spaces in the front and two spaces in the back inside the garage.

Building Commissioner Hammonds asked why they cannot have a 20-foot setback. Martin said the shorter setback fits with the neighborhood and allows for the installation of the garages in the back. Without this set back, the garages could not be built due to the practical difficulty of drainage easement that must be installed. Once the curb is installed, there will be about a 23 to 24-foot setback from the curb to the houses.

There were no additional comments.

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

Commissioner Jacobs said he can understand the aesthetics of the proposed layout. He feels a 20-foot setback would almost look out of place in this area; however, the ordinance standards were put in place for a reason. He said he can see the value in putting up a privacy fence and feels if these houses look like the Habitat homes in Harrison Street, the property values of the buildings surrounding this area will most certainly increase.

PLYMOUTH BOARD OF ZONING APPEALS
MAY 12, 2020

Secor asked if the setback could be adjusted to 10-feet or 12-feet back as a compromise. Martin said he does not know that specifically as drawings have not been created for this scenario. He mentioned that the board just approved a 5-foot setback on LaPorte Street for the property immediately to the south of this location.

Gidley said he does not have a problem with the 8-ft setback because he understands that there is a tree lawn, sidewalk, and then the 8-foot setback. His major concern is the safety of the occupants living there if the city does not start addressing some of the structures around the city.

Motion: Approve both variances as presented.
Moved by Mark Gidley, **Seconded by** Alan Selge.

Jacobs asked if the motion should require the installation of a fence along the parking lot. Gidley said he does not think a fence will stop people from using the parking lot.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).
Yes: Mark Gidley, Alan Selge, Linda Secor, Art Jacobs

Building Commissioner Hammonds discussed the concern regarding the red building across the street from the case that was just approved. At this point in time, he does not have the budget to cover the demolition of this building. A structure on East Jefferson Street was torn down and used \$12,000 of his \$30,000 budget. The city is preparing for the same scenario for a structure on Lake Avenue.

Hammonds also requested the board's approval to give the owner of 1220 Lincolnway East a notice to either begin improvements on their building or forfeit the 2017 variance of use, BZA 2017-11, to have a multi-family apartment building. He said the variance was granted three ago and nothing has been done with the property since that time. Hammonds feels the owner should either begin the work he said he was going to do when the variance was granted, or the property should convert back to zone R-3 and the variance of use as a multi-property building should expire.

Motion: Give the owner a 60-day notice to comply with the variance he requested or the variance will expire.
Moved by Mark Gidley, **Seconded by** Alan Selge.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).
Yes: Mark Gidley, Alan Selge, Linda Secor, Art Jacobs

Board Members Selge and Secor moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:18 p.m.


Abby Collins – Recording Secretary