

PLYMOUTH BOARD OF ZONING APPEALS  
JULY 7, 2020

The Plymouth Board of Zoning Appeals met in regular session at 124 North Michigan Street, Plymouth, Indiana on July 7, 2020 at 7:32 p.m. Board President Art Jacobs called the meeting to order for members Linda Secor, and Fred Webster. Board Members Mark Gidley, Alan Selge, Keith Wickens, and John Yadon were absent.

Board Members Webster and Secor moved and seconded to approve the minutes of last regular meeting of June 3, 2020, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on June 26, 2020:

<p style="text-align: center;"><b>NOTICE OF PUBLIC HEARING</b></p> <p>The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on July 7, 2020 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:</p> <p><b>BZA 2020-05:</b> Jack Stanifer 14719 Oak Ct., ahn, 316 Gilmore St., Plymouth, IN 46563: A Variance of Development Standards to allow a eleven (11) foot privacy fence instead of the required height of seven (7) feet on parcel 50-32-06-000-198.000-018 located at 14719 Oak CT., Plymouth, IN 46563, zoned R-2, Suburban Residential District.</p>	<p><b>BZA 2020-06:</b> HBQ Properties, LCC, 113 E Laporte St., Plymouth, IN 46563: A Variance of Development Standards from Article 6, Parking, Parking Access, and Loading Standards to use dust free granular surfaces in lieu of hard surface payment for service vehicle drives and parking areas. Hard surface will only be used on public access areas. This is on parcel 50-32-05-201-709.000-019 located at 530 N Fifth ST., Plymouth, IN 46563, zoned C-1, General 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</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;"><b>116 Legals</b></div> <p>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, June 26, 2020 <small>June 26, 2020 PN314163 hspaxlp</small></p>
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**BZA 2020-05:** Jack Stanifer 14719 Oak Ct., Plymouth, IN 46563: A Variance of Development Standards to allow a eleven (11) foot privacy fence instead of the required height of seven (7) feet on parcel 50-32-06-000-198.000-018 located at 14719 Oak CT., Plymouth, IN 46563, zoned R-2, Suburban 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:

The reason I am asking for a variance on a privacy fence height is due to the unlevel ground (property) in by backyard. SR 17 is approximately 6 ft higher than my lawn level in my backyard. I am asking to raise my fence height to 11 ft so I can have the same privacy as most people have with a 7 ft fence on their property. Myself or previous owners have no created this 6 ft difference it has been this way for a very long time. I am asking for this to just have privacy for my backyard and pool area. Once again if my yard was not 6 ft lower than SR 17 road bed I would not be asking for this variance. S/ Jack Stanifer

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Booker confirmed that the area in question does lie below State Road 17. He said the bottom section of the fence will be left open and the top will have the privacy fence.

Applicants Jack and Katie Stanifer addressed the commission. They reiterated that this is for privacy for the pool and back deck area. Jack said the 11 ft height is needed because otherwise people would still be able to see over the fence if they were driving along State Road 17. This is due to the house being so far below the highway. He said the bottom section will be open so they can mow and the top two sections will be lattice fence.

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

Doug Feece, 12221 11<sup>th</sup> Road, spoke against the request. He said the restrictions and laws were put there for a reason. He feels the applicant should put a privacy fence around the pool.

Ms. Stanifer noted that putting a fence around the pool will not help because the property is still at least 6 feet below the highway, so passerby's will still be able to see down into the pool area.

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

Secor said she can see the issue with having people watching your family as they play in the pool. Building Commissioner Hammonds noted that he was originally against the fence, but now that he knows they will be putting lattice up, he is in favor of the variance.

Jacobs verified that the applicants will not be using the fence for signage. The applicants both said they will not put any kind of sign on the fence.

**Motion:** Approve variance application as presented, keeping the bottom open with lattice in the top two sections, and no billboards or signs can be put on the fence.

**Moved by Jacobs, Seconded by Secor.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 3).

**Yes:** Secor, Webster, Jacobs.

**BZA 2020-06:** HBQ Properties, LCC, 113 E Laporte St., Plymouth, IN 46563: A Variance of Development Standards from Article 6, Parking, Parking Access, and Loading Standards to use dust free granular surfaces in lieu of hard surface payment for service vehicle drives and parking areas. Hard surface will only be used on public access areas. This is on parcel 50-32-05-201-709.000-019 located at 530 N Fifth ST., Plymouth, IN 46563, zoned C-1, General Commercial District.

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

Board Members,

Bowman's Tin Shop is planning to construct new facilities that will be an enhancement to the community. The new facilities will include hard surfaced paved entrance drives and parking for public access to the building. Areas of the site that are for business vehicles which are used to

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travel to client locations will have restricted to access via fencing and gates. It is requested to allow the use of clean stone or graded recycled concrete in lieu of hard surface pavement for Parking and Drives in area limited to Business vehicles.

1. General Welfare: The approval will not be injurious to the public health, safety, morals, and general welfare of the community; Storm Water Volume will be decreased and a more natural surface will be more consistent with the existing conditions.
2. Adjacent Property: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; the area is fence off from the general public.
3. Practical Difficulty: The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property in that it will increase the volume of storm water runoff thereby requiring a larger detention area; allow for less permeable area for natural ground water recharge and is less conducive to turning for service trucks and trailers.

Respectfully,  
Heath Bowman

The applicant's representative, Chet Gamble 3996 Liberty St, Bremen, Indiana, is the architect on project. He said the paved area would include the drive from Fifth Street to the fence line. The area that would not be hard surface would be mostly screened by the building. Gamble added that a clean limestone surface is more acceptable for recharging the ground water and the applicant is asking for this variance in the areas where only service vehicles will drive.

Applicant, Heath Bowman, 10160 Squire Dr, Plymouth, was present to discuss the variance request and answer questions.

Webster asked how much it would change the retention area if in the future he decided to pave the area. Gamble said it will make it a little bigger, but not much bigger. Webster just wanted to make sure there is enough drainage should the gravel be taken out and hard surface go in.

Jacobs asked what their plan is should dust start to become an issue. Bowman said that they would address it at that time, but the gravel is there now and there have not been complaints from the neighbors. The business is currently utilizing that gravel drive on a daily basis.

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

Rebecca Atkins, 802 W Jefferson Street, said her home is right behind this location. She and her neighbors do not have an objection to the proposal, but do have questions. She asked if the they would have more equipment at the business than what is currently there. Bowman said yes. Atkins asked how they will park the additional equipment. Bowman said however he wants. Atkins asked that he be a good neighbor and respect the homes that are in this area. She is concerned about his basic attitude and general negativity towards the homeowners in the area.

Doug Feece, 12221 11<sup>th</sup> Road, asked about the landscaping. Building Commissioner Hammonds said screening landscape would be a requirement if it was zoned differently, but because this parcel and the surrounding parcels are zoned commercial, the business does not have to screen between properties.

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Bowman said he is not trying to stir up the neighbors and he has tried to make peace. He stated that he does not care what a homeowner's opinion is on how to run his business.

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

**Motion:** Approve variance application as presented.  
**Moved by** Webster, **Seconded by** Secor

The motion for approval carried.

In other business, Paul Oviedo, 1118 N Center Street, was at the meeting to request an extension on the variance of use at this property located at 1220 Lincolnway East. He said all the tenants have moved out and he is ready to begin work. He was set to begin work in March 2020, but when the Covid-19 pandemic started, the renovations got put on hold. Oviedo said he anticipates it will take 3-6 months to complete the renovation.

Board Members Jacobs and Webster moved and seconded to approve a 90-day extension from July 18<sup>th</sup> to get the building up to code and in compliance with the approved variance, as long as Oviedo gets a building permit within a week and gets started on the project. It was also noted that he must work hand-in-hand with Hammonds and no tenants can move in until it is brought up to code. The motion carried.

Board Members Webster and Secor moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:17 p.m.

  
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Abby Collins – Recording Secretary