

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

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 September 5, 2023, at 7:33 p.m. Board President Art Jacobs called the meeting to order for Board Members Mark Gidley, Brandon Richie, Paul Wendel and Alternate Member Linda Secor. Alternate Fred Webster was in attendance but not needed. Board Member Alan Selge was absent. Others present were City Attorney Sean Surrisi and Plan Consultant Ralph Booker. Building Commissioner Dennis Manuwal Jr. attended virtually. The public was able to see and hear the meeting through Microsoft Teams.

Board Members Richie and Wendel moved and seconded to approve the minutes of August 1, 2023. The motion carried.

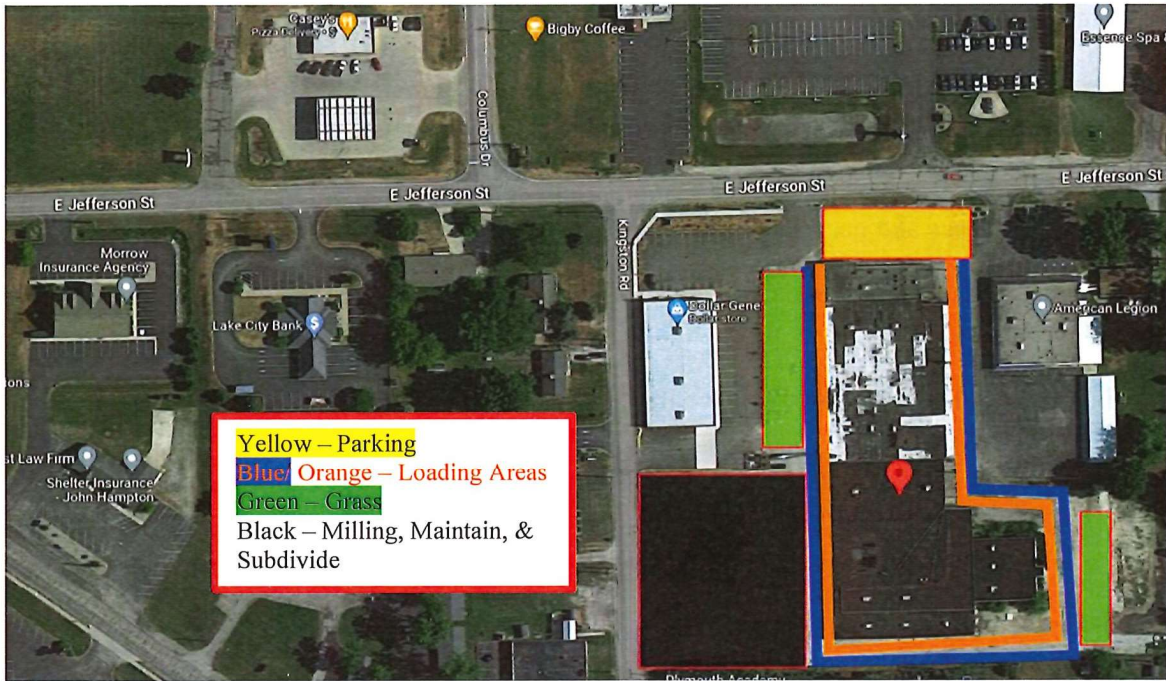
The following legal notice was advertised in the Pilot News on August 24, 2023:

116 Legals	116 Legals	116 Legals
LLC, 900 Linden Ave., Suite 100, Rochester, NY 14625: A reconsideration of a Variance of Use request to repurpose an existing building to have indoor climate controlled self-storage units along with some retail on parcel 50-32-93-202-100.000-019, at 320 N. Kingston RD, Plymouth, IN 46563, zoned C-1, General Commercial District. BZA 2023-19: Laura Mann/Laura's Butterfly Boutique, LLC, 118 N. Michigan St., Plymouth, IN 46563: A Variance of Development Standards to have an extended lighted sign on parcel 50-32-93-104-972.000-019, 118 N. Michigan St, Plymouth, IN 46563, zoned C-2, Downtown Commercial District. BZA 2023-20: Virginia Munoz, 19820 Bluff Dr., Goshen, IN 46526: A Special Use request	to have a two-family residential by converting an attached garage (for parents) on parcel 50-32-93-103-250.000-019, 201 N. Walnut St, Plymouth, IN 46563, zoned R-3, Traditional Residential District. BZA 2023-21: David and Stephanie Snider, 13366 5D RD, Plymouth, IN 46563: A Variance of Development Standards to build an attached garage with a side yard setback 7.8 feet from the west property line on parcel 50-42-17-000-082.000-009, 13366 5D RD., Plymouth, IN 46563, zoned R-1, Rural Residential District. BZA 2023-22: Susan A. Sullivan, 317 W. Monroe St., Plymouth, IN 46563: A Variance of Use to allow a design build business within the residence located on parcel 50-32-93-101-100.000-019,	317 W. Monroe 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. Kyle Williams, Recording Secretary, Board of Zoning Appeals, August 24, 2023 August 24, 2023 PHS40074 hspadp

BZA 2023-11: Star Plymouth LLC, 900 Linden Ave., Suite 100, Rochester, NY 14625: A reconsideration of a Variance of Use request to repurpose an existing building to have indoor climate controlled self-storage units along with some retail on parcel 50-32-93-202-100.000-019, at 320 N. Kingston RD, Plymouth, IN 46563, zoned C-1, General 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
September 5, 2023



BOARD OF ZONING APPEALS
PLYMOUTH, INDIANA

Appellant (Please Print)	Address
Star Plymouth, LLC	900 Linden Ave., Suite 100
Phone Number 561-500-1000	Rochester, NY 14625

TO BOARD OF ZONING APPEALS, FOR THE CITY OF PLYMOUTH, INDIANA

I hereby appeal from the decision of the Building Commissioner and/ or Zoning Board of Appeals for the reasons stated below and attach hereto drawings showing location, etc:

- All water issues will be addressed.
- Facade will be painted and if painting is not visually acceptable after 3 yrs in the reasonable judgment of the building department then it will either be wrapped or covered with stucco.
- Parking area on westside of property will be subdivided in preparation of selling the lot within 3 years.
- Fencing also to be added to prevent unwanted traffic.
- Paved areas around the building will be repaved and converted into a drive aisles and loading areas.
- North paved area will be repaved and stripped for parking.
- Any paved areas not used for parking or drive aisles will be converted into grass areas.
- Sidewalk on Kingston Rd will be delayed up to 3 years pending subdivision and sale of new lot.

See attached map.

J. Matthew Parrinello
Appellant

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

Scott Cresswell (1915 Factors Walk, Ionia, NY 14475):

Cresswell states his map is a little choppy there with color coats but effectively as stated what their plan is to subdivide off the box right below the Dollar General store for purposes of selling that to a developer to develop. He states in part of their development for that site they would determine their curb cuts but then the requirements for putting in the sidewalk. He states it will take them about 2-3 years to get that parcel subdivided as well as marketed appropriately to find a buyer and get someone interested in building that out. He states as you move towards the property the green areas on both sides of the building represent areas that will no longer be needed for parking or drive lanes so they will convert that back into green space. He states that makes the most sense and from an economic standpoint it is the easiest thing to do. He states the yellow at the top of the building at the north end is going to be where the office and main parking will be for the storage facility. He states people will pull in and go into the office there to rent their locker. He states the blue/ orange will be a combination of parking and drive areas so people can drive to the closest door that they would then enter the building and unload their goods inside. He states they are not opposed to the sidewalks and understand the need and the city's desire to have sidewalks. He states they just think that it does not make sense to fix that parking lot and put in sidewalks to just have a developer come in and be ripping all that stuff out to build something there. He states it does not make sense but they are obviously committed that if they cannot find someone to do that to make everything look nice. He states part of the plan right now is that he recognizes there is a little bit of a mudhole so the idea is they talk to the contractors who will be doing the paving around the building and they will take those millings and put them back into that old parking lot and they will roll that smooth to get rid of all that ugliness and mud. He states a kit if that candidly has been partially a problem created by what he has seen firsthand being at the property, the dollar general trucks. He states they pull in and use that as a very tight turnaround to turn their trucks around. He explains that trucks and pavement do not bode well together as it is pretty easy for them to be torn up especially on a warm day like it was today. He states they do not have an easement to that parcel so they plan to put a fence there to keep them from getting it further torn up after they get it temporarily improved.

Jacobs asks if he puts sidewalks in why they would have to tear it up if they put something there.

Cresswell responds by stating depending who the buyer is that his thought is you could have two types of buyers for that parcel. He states you could have another commercial buyer that would want to put another Dollar General type property back there or you could end up with a developer that because it is right on the edge of a very nice neighborhood you could end up with a developer who would want to put 3-4 residential lots in there. He adds he is not too familiar with residential lot sizes. He explains your curb cuts and sidewalks will be different depending on who the buyer is. He states it is something that he thinks is premature and he is not against doing it if they cannot find someone to take that property.

Jacobs asks what timeframe they are asking for.

Cresswell responds by stating they are asking for up to three years to get that done. He states the other issue that he believes everyone had would have been the very tiny strip between the entrance to the American Legion, the Dollar General, and the entrance they would be using to pull into the facility. He explains there would only be a very tiny amount of sidewalk there and he

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

does not see a purpose for it as they have the paved area there. He states ultimately if you want the sidewalk there that they would comply. He states lastly there has been conversation about what he refers to as the diamonds that are on the building. He states in the 70's they probably looked very nice but today they may not look so nice. He states their intent with their painting contractor, who is a local painting contractor Proton Painting, is to use a special paint and adhesive to paint those and get a really nice look for them. He states the cost to just to paint those diamonds is \$13,000 while the cost to wrap those diamonds comparably into some type of metal covers would be the price, they got of \$65,000. He states that is extremely outside of his budget right now and he believes the paint will look great but if it doesn't look good a couple years from now and the city says we had our shot at painting it but it is chipping and looks ugly then at least he has a couple years under his belt and he is making money. He states then he would be in a position to wrap that in metal.

Jacobs asks Surrisi how they would say he can paint it and if in three years if it doesn't look good that he would have to wrap it. He asks if they have the ability from this board to do that.

Surrisi responds by stating you could put those conditions on it but you would just want to put it on the radar of the Building Commissioner to keep an eye on it and have him go out two years from now and have a review. He states if you do not like what you see then you can tell Cresswell and have him come back and discuss it with you.

Booker adds you could also have a written commitment recorded in the Recorder's Office.

Surrisi adds that could be added to your approval as well.

Jacobs states in describing the sidewalks and the parking lot that if in three years you do not get that subdivided like you wanted if you would go back and pave it then.

Cresswell responds by stating they would go back and pave it or turn it into green space and put the sidewalk in. He states they would do something with it but his thought at that point in time would be to turn it into greenspace and rip out the existing pavement that is there. He states they would then put the sidewalk in and hopefully it could turn into a place where kids could play safely there.

Gidley asks if he is going to fence the back of that to the east but not along the street.

Cresswell responds by stating that is not the intent. He adds there is already a fence along the property. He states along the bottom there is basically a fence so the plan was to fence off the Dollar General from his side of the property.

Jacobs asks if it is just the north side.

Cresswell responds by stating down a little to the bottom and a little bit of the side. He states that entrance off of East Jefferson Street they own but he has an easement to use it. He states they are limited to coming in and they have their own exit right behind the building. He states what they have been doing is pulling in and turning around there.

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

Gidley adds they have been overnight parking there as well.

Cresswell agrees and states if they put a fence in there and get some activity going that it will cut down on the overnight parking and such.

Gidley states the only thing he is concerned about with not doing the sidewalk there right away the school traffic. He states he didn't want him to fence out clear to the road and then indirectly force people already walking there out into the street. He states he would at least want people to get off the street even though there isn't a sidewalk there and get to the sidewalk that is next to the Dollar General.

Cresswell states his intent is with the Dollar General trucks coming through is to limit access coming through onto his property. He states all he has to do is put a fence about three quarters down and he will accomplish what he needs to in keeping them from causing damage to that parking lot.

Gidley knows probably from sitting through the meetings on Microsoft Teams and today that sidewalks are a big deal. He states the sidewalk next to the Dollar General is important given the sidewalk at Biggby's Coffee as it has really picked up in activity. He states people are really using those sidewalks and that is why it is important at some point if they agree to get that on that piece of property.

Cresswell states he does not dispute that at all but he just wants a little bit of time.

Gidley states what he would suggest is getting with Booker or Surrisi to find out what the process is to subdivide that property and what you can sell it as given the zoning.

Booker states it is zoned C-1 and residential is not allowed there. He states you would either have to get it rezoned or come back to this board to have residential there.

Cresswell states he understands that. He explains they are going to get it subdivided and market it for multiple use assuming the committee wouldn't have an issue.

Secor asks if adding a sidewalk would make it more marketable for either one.

Cresswell responds by stating he does not think it does because as he previously stated if you cut it up for houses then a developer would have to decide the driveways. He states if it is a business then you also do not know how many curb cuts, they are going to want and where their curb cuts are going to need to be until they figure out the layout of their building. He states he does not want you to think he is against the sidewalk as he is more against being frugal with his money and having time to do what he is asking so they are not putting in something that will just be torn out and ripped up. He states it is like repaving the parking lot because why would he if someone is just going to dig a hole and build a building or multiple buildings there.

Jacobs asks if he will need three years or if he believes he could get it done in two years.

PLYMOUTH BOARD OF ZONING APPEALS
September 5, 2023

Cresswell responds by stating they could cut it down to two years. He states he is fine with whatever you think.

Wendel asks if six-months works.

Cresswell responds by stating he does not know the process well as he has never worked with the town here but some towns have a process for subdividing that takes a couple meetings. He states he would have to hire somebody to do it and it will take a while and some times of year are better for marketing. He states next Spring or Summer he would like to be able to market it.

Surrisi states given the schedule they are seeing with surveyors that if he knew he wanted to subdivide that today then that six-month period with the surveying, Technical Review Committee, Plan Commission that the six-month period would be the bare minimum.

Jacobs believes that is why two years would be more efficient. Cresswell agrees.

Gidley appreciates Cresswell for coming all this way from New York.

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

Kenneth Ziessler (14673 Lincoln Highway, Plymouth, IN 46563):

Ziessler states he is representing the American Legion. He gestures at the blue line on the east side of the building. He states he was told today that you have been out there and that it is a very narrow line. He asks if that is their entrance in and out of the building.

Cresswell responds by stating it is just a drive around for people to drive around the facility. He states if someone comes in with their goods then naturally people will pull to the closest door. He states there is a loading dock door on the back which they are going to allow people to use if they have a big truck. He states for the most part people will unload on what he will call the front side of the building.

Jacobs asks for him to explain the front side of the building.

Cresswell responds by stating the west side. He states progression wise they could just drive around the back of the building and then drive out to leave.

Ziessler asks if he is only going to utilize one of the four garage doors that are back there. He states it is 12 feet from his end of the building to the property line. He states he is getting ready in the winter to do a new parking lot and he doesn't want trucks up and down all the time on his pavement. He states it is a lot of time to save the money to get that fixed and he doesn't want it worn down by more traffic. He mentions that is one of his biggest concerns along with the flooding that is back there.

Cresswell responds by stating part of the reason why it is flooding is because all of the pavement over there is all busted up as he is sure you are aware. He states if they get the pavement fixed and

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

get a natural flow then they can get the water flowing back to the retention pond which is exactly where it needs to flow to.

Ziessler adds that it is also pouring off the roof.

Cresswell agrees and states that is why he is putting a brand-new roof and gutters on there. He explains all of the items will be addressed. He states he understands his concern there and he has yet to finish his architectural drawings that he has to submit to the city with what he would call his safety plan. He states his guess is there are going to have to be doors along the back of the building that are still going to be required from a fire and safety standpoint but they are not going to be used in his mind other than the loading dock area. He states they would not be spots for everyday flow of traffic. He adds that he does not mean to sound rude but to let him educate you about storage facilities. He states most people who rent a storage facility, from the statistics on the 30+ properties that he has is that they show up, load their goods in, and you do not see them on average except people visit their storage locker between one and three times a year. He states a busy day at one of his larger stores, with this location he would consider small, is about 5-6 vehicles a day. He explains it is not like a retail store where people are coming and going every day. He states you rent your locker, come in, put your stuff in your locker for either months or years. He explains people are not visiting every day so if anything, you are going to have extremely less traffic. He adds he would love to talk to his \$100,000 paving guy because the best number he has for paving is over \$200,000. He states maybe they could coordinate and use the same paver.

Jacobs asks if there is anything else he wishes to add.

Ziessler responds by stating his concerns were about traffic flow and he does not want to sound like a butt or anything but with 14 years in the military he has put a lot of stuff in storage units. He states people do not care where they are driving because it is not their property. He states he still worries about his parking lot as that is a lot of money for them. He states with 12 feet you are only getting one vehicle through there. He clarifies he is not opposed to you having a business.

John Oliver III (11219 Timber Lane, Plymouth, IN 46563):

Oliver states he is your neighbor across the street at the car dealership. He states we could all agree in the black box where the pavement is all torn up right now if that was sold and turned into something for retail use. He adds he is unsure if housing would work there. He states that parking lot is torn up and he believes that is a lot of the reason for the drainage problem there. He states it went from pavement to gravel basically. He asks if there was a possibility of turning it into green space.

Cresswell responds by stating there is a possibility if he couldn't sell it.

Oliver asks aesthetically as it may be more pleasing to the neighborhood.

Cresswell responds by stating it is an expensive thing to do that he believes from his perspective is a little premature. He states if they are talking about in two years if he has to put a sidewalk in that he will turn it into green space.

PLYMOUTH BOARD OF ZONING APPEALS
September 5, 2023

Oliver states a sidewalk would at least be needed as they had Biggby Coffee put in a sidewalk and they have seen the increased traffic from the Junior High School. He states from living across the street there that Kingston Road has turned into a walkway now for Junior High kids going to Biggby Coffee. He states they are almost forced to have to cut through that parking lot and he is unsure if you want that.

Jacobs touches on Oliver's comment that they did not make Biggby Coffee put in a sidewalk but rather follow the ordinance.

Oliver states the sidewalk there needs to happen and not so much in front on Jefferson Street but those are the guidelines. He states his other point is the painting of the stone on the building. He adds that Randy Longanecker said in his years in construction that painting those is not going to work. He states he is afraid that two-three years down the road that nobody will be here to enforce this rule when the paint chips off the rock in which Longanecker said it will not work. He states they are looking at something that will improve the neighborhood. He states in two to three years the administration here is going to change but your neighbors aren't and they just want this to look nice. He asks if he can appreciate that.

Cresswell responds by stating absolutely as he wants all of his properties to look nice and all of his properties do look nice. He explains he is just trying to do it in the most economical way that he believes is going to work. He states he spoke to the people at Sherwin-Williams Painting and his painting contractor and they believe it is going to hold up. He explains that is why he is saying if it is not going to then they will address it in a different way.

Surrisi adds that Booker had mentioned that one option they have beyond what they want to do internally is they can make an approval with written commitments which is a formal process that is addressed under the State Statutes and in our Zoning Ordinance. He states for the extra limitations you put on that they do get recorded with the property in the recorder's office and there for everyone to see.

Gidley asks if they were going to sell it then the requirements would carry on to the next buyer.

Surrisi responds if they are talking about the sidewalk then he is unsure. He states the written commitment would be written with respect to the sidewalk would be if Cresswell doesn't sell it that within two years, he would have to put the sidewalk in. He states if someone buys it and wants to develop it then they would be subject to the regular requirements. He states you may want to write it in such a way so that it prompts the new owner to put in a sidewalk when they develop the property.

Amalia Richey (321 N. Kingston Road, Plymouth, IN 46563):

Mrs. Richey states that she lives to the west of this property and has lived there for 16 years. She states she wants to make people aware that since the Dollar General building has been built that the semi-truck driver has been having to use part of the roadway on Kingston Road so it does block some traffic there. She states her concern with him wanting to sell the property across from her house to a business is that she is against that as they are already having issues with Dollar

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

General's loading situation. She states she is all for keeping it a parking lot or turning it into a lawn there. She states there are residents all to the west and south of that property so she would like to keep it as not congested with traffic. She states there is already increased traffic behind the Dollar General building that they have noticed since it has been there. She states as far as the parking lot she does see the semi-truck driver take a break in the parking lot but that whole issue is from a prior flooding over the years. She states as far as fencing that building, she is all for beautifying that building as she has seen it deteriorate over the years. She believes more focus should be on being economical but also being smart with making it look beautiful and not just putting a band aid over things on there. She states the window still has duct tape on it and there signs up on the rock of the building and if that is going to be removed.

Jacobs states they are advertising that they will be removing the advertising on the stars and new windows.

Cresswell adds that his front door window just got broke last week so that will have to be fixed.

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

Jacobs states since it is one big building how he is supposed to control what people store in there. He asks what would happen if he came in there with two 55-gallon drums of oil.

Cresswell responds by storage by code he has to sprinkler the whole building from a security standpoint. He states they also have inside and outside 24/7 camera system that they run and everything is key padded.

Jacobs states he understands that and asks if there is a list of things they cannot store in there.

Cresswell responds in agreeance and states in their lease it tells them what they can and cannot store in there.

Jacobs states just because you have a sprinkler system, it does not mean he can store anything in there.

Cresswell understands and states he was listing all the safety items.

Jacobs appreciates that but was curious on what they had to go through.

Cresswell states you cannot store full gasoline cans or 55-gallon drums and if they were to see somebody toted that kind of material in on the camera system then they would be instructed to remove it.

Jacobs gestures to the back side or the east side of the building. He states you do have a loading dock for people to be loading in through loading docks. He states you mentioned fire and fire doesn't need overhead loading docks for that. He states they use man-entrance doors for that and prefer not to use overhead doors.

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

Cresswell states on the north side of the building where the yellow is that there is a loading dock for the building and it is his guess that it won't get used often but they will make it accessible to someone that hires a big moving company and they show up with their trucks. He states his experience is where they have loading docks that they get used maybe once a month. He states the other exits on the backside of the building will be for fire and safety. He states the old dental building as well is not part of this. He explains he will not be converting that old dental building into storage because the way it was built, it was horribly built and it doesn't work at all.

Jacobs asks if it is just a kick-out or if it is more than just a kick-out.

Cresswell responds by stating it is just a kick-out. He states he will have to do something with that and one of his partners is going to fly out in a couple weeks and meet him there to have some conversations on what they will do with that space because it was poorly built and is in terrible shape.

Jacobs asks Booker on the east side with American Legion if they can't be on their driveway no more than the Dollar General can pull into their driveway and turn around. Booker agrees. Jacobs states the American Legion could put up a fence the same way. He states he just wants to make everyone aware but he doesn't think he is wanting to use your American Legion land to turn around or anything. He asks if a semi will be able to go all the way around that building.

Cresswell responds in agreeance and states it is wide enough.

Gidley states he has a question on the stormwater. He asks if there is an agreement with the owner of the Dollar General store to help maintain. Cresswell disagrees. Gidley asks if he is solely responsible for the maintenance of that drainage.

Cresswell responds in agreeance and states all the stormwater that rolls off the American Legion, because their back lot is about two feet higher than his along with the residents. He states the responsibility is all on him.

Jacobs asks if it all flows back into him.

Cresswell agrees and states there was a concern about the alarm going off and that has been repaired at not small bill but it has been fixed. He expresses that everyone's water ends up on his property.

Jacobs asks how the water retention is on the front of the building. He states he is aware that the water flows out to the back but you mentioned getting the pavement fixed that it would naturally flow over there.

Cresswell responds by stating the water on the front side of the building, depending on where it comes off the roof will flow one of two ways. He states the way he is going to fix the pavement on the south end of the building is that it will all flow down to the retention pond. He states if it is in the front then a good chunk of that flows towards the road and out towards Kingston Road. He states there are a couple catch basins.

Gidley states it flows around the south of the building.

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

Jacobs asks for clarification that there are catch basins on the front that take the water somewhere else. Booker agrees. Jacobs states they will have to keep them open.

Booker states they were all plugged up before.

Jacobs states he was curious as he has seen the water out there as well.

Richie believes it would be a good idea to make plans for green space now because he does not see any commercial business wanted that piece of property with no frontage on Jefferson Street. He states Kingston Road is not as trafficked and he is unsure what would fit in that small area.

Wendel adds that it is a lot bigger than he thinks.

Richie explains that nobody would see them.

Cresswell states he could provide sign frontage as part of the purchase so he could provide a sign easement on his parcel. He sees the property more as a retail property as the whole area is a nice area as outlined by the woman who has lived across the street for 16 years.

Richie asks if you can fit a couple houses there.

Surrisi responds by stating you could fit city lots.

Gidley states he was in that lot today and it is bigger than you think.

Jacobs states if you look at Dollar General compared to it that you could fit two Dollar Generals in there.

Surrisi adds there could be the prospects for a commercial business that is not foot trafficking customers in.

Cresswell adds there could also be a car dealer that would be willing to purchase it but he hasn't called him yet.

Richie states he couldn't see residential because who would want to live behind a Dollar General and in no offense by the American Legion.

Booker states it would be hard to get residential in there as it would have to be rezoned or they have to get a variance of use. He states as this is a commercial property there is a whole list of items that you could put in there now without any approval aside from a site plan and approval from the Technical Review Committee.

Jacobs gestures back to the building. He states he drives pretty large fire trucks and he couldn't drive his truck around that back side so he is unsure how a semi would. He states he has been out there and he could not get around that. He states if a semi does come in, then he will probably have to be backing out.

PLYMOUTH BOARD OF ZONING APPEALS
September 5, 2023

Ziessler adds there is a telephone pole you would also hit.

Cresswell states the only way you could have people getting a semi in there is by backing in.

Jacobs states they would then have people backing off of Jefferson Street.

Wendel addresses Ziessler and mentions a couple meetings ago the American Legion wanted to purchase that property.

Ziessler responds by stating they did years ago.

Wendel asks if that is something that would still be an option because maybe you two can discuss a little.

Ziessler states if you wanted to split that building where the load bearing wall where the grocery store is to the north that he would be willing to purchase it.

Jacobs asks what type of fencing he is going to use as it will be up for a couple of years.

Cresswell figured he would come and talk with the people at the city and get guidance as that is how he likes to do things. He doesn't like to assume and would have to follow whatever the rules are.

Booker adds he would have to get a fence permit anyways.

Richie would want the motion to have two years to resolve the issue with the partitioned property for whether or not that becomes green space and the sidewalk on the west side. He also lists two years for judgement of the façade paint. He asks how review would go for the façade paint.

Wendel responds by stating he likes the idea of reviewing every year.

Gidley states from the very beginning the letter you sent us set the tone for everything you asked us for. He explains it was described as being a first-class. He states everyone in the room has been so frustrated with the condition of that building for the last thirty years but he wants to compromise. He believes something is better than nothing and maybe painting the stone diamonds will look great but if it doesn't you agreed to fix it. He states you may not have seen how bad the water gets but for those of us that have lived here for a long time has seen the water in the parking lot run into the front door of those buildings and stand there for days because it could not get away. He believes it is time for a compromise after what they originally did.

Board Members Jacobs and Wendel moved and seconded to approve BZA 2023-11 with the following stipulations listed below. The motion passed by roll call vote.

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

- All water issues are to be addressed.
- The façade will be painted and fixed if painting is not visually acceptable after 2 years, then in the reasonable judgement of the Building Commissioner the façade will be required to either be wrapped or covered with stucco.
- The façade will be inspected yearly.
- The parking area on the west side of the property that the applicant wishes to subdivide will need to either be paved or turned into green space within two years unless the applicant can sell the property.
- The north paved area will be repaved and stripped for parking.
- The sidewalk on the west side, Kingston Road, will wait two years unless the applicant can sell the property.
- The sidewalk on the north side, Jefferson Street, will need to be installed.

Yes: Gidley, Richie, Secor, Wendel and Jacobs

No: None

BZA 2023-19: Laura Mann/Laura's Butterfly Boutique, LLC, 118 N. Michigan St., Plymouth, IN 46563: A Variance of Development Standards to have an extended lighted sign on parcel 50-32-93-104-972.000-019, 118 N. Michigan St, Plymouth, IN 46563, zoned C-2, Downtown 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.

August 7, 2023

RE:

V&V RENTALS LLC

502 E Jefferson St

Plymouth IN 46563-1830

To Whom It May Concern:

As the deeded owner of 118 N. Michigan Street, Plymouth, Indiana 46563, I support and give permission to Laura Mann from Laura's Butterfly Boutique to install a lighted sign at her storefront.

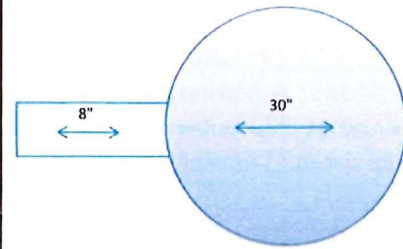
I believe the sign will be aesthetically pleasing to the historic downtown and will help identify her business to potential customers. I do not believe there will be any type of negative impact to any other businesses in our downtown. The sign that she would like to install is similar to the signs at Ella & Ava Boutique, the Marshall County Museum, Treat's Squire Shop and the Plymouth Building.

Thank you for your consideration to assist a small business owner and her business.

Sincerely,



PLYMOUTH BOARD OF ZONING APPEALS
September 5, 2023



Wendel asks if there is anything written anywhere about signage downtown.

Booker responds by stating nothing other than what is written in the ordinance in that particular zone.

Surrisi states after the sign for Ella & Ava Boutique was approved that there was some discussion about when they redo the Comprehensive Plan to make some revisions to the zoning ordinance to specifically address and allow for some of these signs given historically that the city itself has their sign sitting off the building. He states there could be some parameters that could be set that would maybe do away with variances for some of these smaller signs.

Jacobs asks if this is the sign that will be extending out from the building. Mann agrees.

Wendel asks if it will be above the awning.

Laura Mann (718 E. LaPorte Street, Plymouth, IN 46563):

Mann responds in agreeance and states that it will be nine feet above the awning to the north of the awning between her store and the Chamber of Commerce.

Jacobs asks if it will be lit all the time.

Mann responds by stating she would like it to be but it does not have to be. She states in that building there is a switch that controls the electric it will be run to so she will be able to turn it off.

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

Jacobs asks if there is anything in the zoning ordinance that says it couldn't. He adds that the marquis at the Rees Theatre runs 24/7.

Surrisi responds by stating it has a dimmer but it is significantly brighter than what this one would be.

Mann responds by stating that picture is a little skewed as it is a light purple so it is not as bright as how it looks.

Richie believes it should be lit up 24 hours a day and that they need more signs. He states he loves going into a town with lights because it feels like it is alive as there is light there. He believes we lack that sometimes.

Gidley states the idea was to that it is in the historic downtown district and at one time there were signs. He lists the barber had a small one, not including the revolving barber pole, but a small sign. He lists there was one at Louis Plumlee's Dentist Office. He lists there was one at the frame shop. He states that was all done when the historic downtown district was put into place to have a more historic look so there would not be brightly lit signs as it is supposed to be historic. He states your sign was supposed to be on your glass or on your awning. He states the last variance they granted on Michigan Street was for the Museum and there was a big discussion about how that could not be lit. He adds that it also had to sit on the corner so it could be seen from both directions because it was at the corner. He states the attempt is to maintain the historic nature of downtown and the historic nature of downtown never had internally lit signs. He states if you had a lighted sign, you either had a sign that had a light shine down on it or up on it. He states the two signs that are referenced, aside from the museum, were grandfathered. He states Treat's Squire Shop already had their sign when the historic downtown district and so did the Plymouth building so there are right now with the exception of the museum, there are no signs on Michigan Street.

Wendel adds the Rees Theatre.

Gidley states that's one of the things where it has historic nature because it was a theatre.

Board Members Wendel and Richie moved and seconded to open the public hearing. The motion carried.

Tuvia Poliskin (317 W. Monroe Street, Plymouth, IN 46563):

Poliskin states he wants to support the fact that they are talking about historic. He states being an architect he has been in front of historic commissions and got approvals. He states the concept of a historic district in present contemporary time to go back in time and say this is the way we should have it is not bringing life to the downtown. He states the concept of the blade signs, he supports them as an architect on buildings and that they work wonderfully. He lists it brings vitality, the eye, energy, and people driving. He states which would be beneficial to the downtown.

Richie agrees and adds that some of this may be generational. He states what is historic to him may not be historic to you.

PLYMOUTH BOARD OF ZONING APPEALS
September 5, 2023

Gidley states when the downtown was revitalized to the way it is now that a time period that was chosen to be represented. He explains that time period does not include internally lit signs.

Poliskin states he agrees with non-internally lit signs. He states non-internally lit signs is like Las Vegas. He states but having blade signs that have spotlights to them is what actually does work in terms of keeping the romance as well as they eye itself because the eye picks up that kind of energy that helps the business be noticed. He states he supports non-internally lit signs.

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

Richie states he has been on the main drive of Las Vegas and he can remember every single thing there so that must have worked. He adds that was many years ago. He states they used to vacation up in Traverse City, Michigan and downtown Traverse City has internally lit signs. He states their downtown is absolutely gorgeous, lively, and family friendly stuff happening all night long. He explains it is not a big downtown but when you drive through it or are walking around that it looks alive. He states it is as if the city is breathing and has a heartbeat. He states the Rees Theatre is lit at night and when you drive through downtown Plymouth and that marquis is lit up that it is one of the most beautiful sights Plymouth has to offer. He believes we need more of that.

Jacobs asks Mann if the sign is already made and ready to go up.

Mann responds by stating it is a gift from her family and it is already made.

Jacobs states if it wasn't made then he would have loved one of the other ideas tonight.

Manuwal adds that Mann will still have to get a sign permit.

Board Members Richie and Secor moved and seconded to approve BZA 2023-19 as presented. The motion passed by roll call vote.

Yes: Richie, Secor and Jacobs
No: Gidley and Wendel

Jacobs believes this may be something they need to discuss more on in the future for what they want and to update that. He states even though they have one now that it does not mean they have to accept them all. He states he liked what everyone had to say about what they are trying to keep.

Booker adds this should be discussed when they go through the new Comprehensive Plan.

BZA 2023-20: Virginia Munoz, 19820 Bluff Dr., Goshen, IN 46526: A Special Use request to have a two-family residential by converting an attached garage (for parents) on parcel 50-32-93-103-250.000-019, 201 N. Walnut St., Plymouth, IN 46563, zoned R-3, Traditional Residential District.

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

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.

Giovani Munoz
201 N. Walnut St.
Plymouth IN 46563
08-14-2023

To whom it may Concern

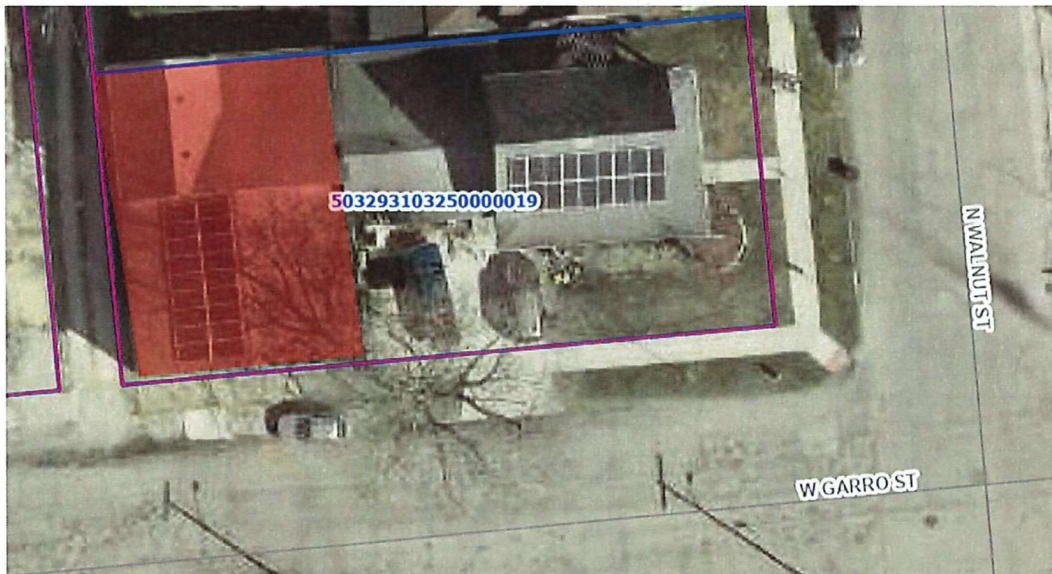
Subject: letter of intent for starting the construction of a new addition to our property.

I Giovani, kindly are writing this letter to you in order to notify you about my intentions. I would like to build a new space for my father's in laws. Jose M. Figueroa 77 years old and Carmen Figueroa 66 years old. They are struggling on going to their bedroom due to the high stairway we house at the house. We don't have any bedroom downstairs where we can accommodate them. They are suffering of back pains. We have an open space inside the house constraint in which we would like to build them their own space. If a variation to the address is needed, we are willing to do whatever it takes to provide them quality housing.

Sincerely Yours;



Giovani Munoz



Wendel asks if this building used to be the old South Bend Tribune. Munoz agrees.

Booker adds the Building Commissioner did provide some comments as seen below.

“This property already has two residents on the parcel, the main house then a small apartment between the house and the garage. I had met the applicant at the property and was given access to the structure and that is when I was told of the small apartment's location. I had thought the apartment was on the second story of the house. The applicant informed me that the part of the garage that is to be remodeled use to be an office for a newspaper. That part still had the

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

plumbing for two separate water closets. If this application is passed it will be turning the parcel into a triplex. I spoke with the applicants and they are willing to compile with all necessary steps from the building department. I have no problems at this time since there will not be any additional parking needs for the use and there is public parking in close proximity.”

Virginia Munoz (19820 Bluff Drive, Goshen, IN 46526):

Munoz clarified that it was her husband Giovanni who wrote the letter of intent. She states the reason they want to do this is because her parents live in the house but it has 13 steps on the stairs and it is very steep. She explains their doctors have been telling them they should not be going upstairs. She states without a bedroom downstairs they want to renovate this garage. She states when they bought the house in 2001 that the owner had already built the entire lot. He explained that the property was the South Bend Tribune before and they also had a mechanic place there as well but she is not sure as it was very oily. She explains they just want to make this accommodating for her parents.

Jacobs asks if someone before you had an apartment in that garage.

Munoz responds by stating there wasn't. She explains in the middle of house between the garage and the main home is where the apartment is. She clarifies the house is a two-story with all the rooms upstairs. She states the center of the property is where the apartment is and the garage on the west side of the property is where they want to remodel.

Jacobs asks who would be moving in to the property where your parents are staying.

Munoz responds by stating it will probably be someone in her family but right now she doesn't have anybody. She explains that sometimes when they come and visit, they need their own space as she has six children. She states when they come and visit it is tight as they only have three rooms.

Gidley asks if this will just be remodeled for your parents and not be made into two units. He asks if it will just be one apartment in that section.

Munoz responds by stating they are wanting to put three bedrooms so her kids can also stay there but it will just be one unit.

Gidley asks for clarification that it will not be rented out to two or three families. He asks if in the worst-case scenario something were to happen to your parents that it would only be one unit.

Munoz responds in agreeance that it would be one unit.

Gidley had assumed this was already occupied and that you were going to put another apartment in the back where the garage door was.

Munoz responds by stating they would want to leave that back as a garage for them to put their vehicle there.

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

Gidley asks if their vehicle is in there now.

Munoz responds by stating she has moved her parent's stuff over there currently so that is currently in there. She explains the backstory on how her parents moved in with her.

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

There were no comments at this time.

Board Members Richie and Wendel moved and seconded to close the public hearing. The motion carried.

Board Members Richie and Wendel moved and seconded to approve BZA 2023-20 as presented. The motion passed by roll call vote.

Yes: Gidley, Richie, Secor, Wendel and Jacobs
No: None

BZA 2023-21: David and Stephanie Snider, 13366 5D RD, Plymouth, IN 46563: A Variance of Development Standards to build an attached garage with a side yard setback 7.8 feet from the west property line on parcel 50-42-17-000-082.000-009, 13366 5D RD., Plymouth, IN 46563, zoned R-1, Rural 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.

City of Plymouth
Board of Zoning Appeals
08/14/2023

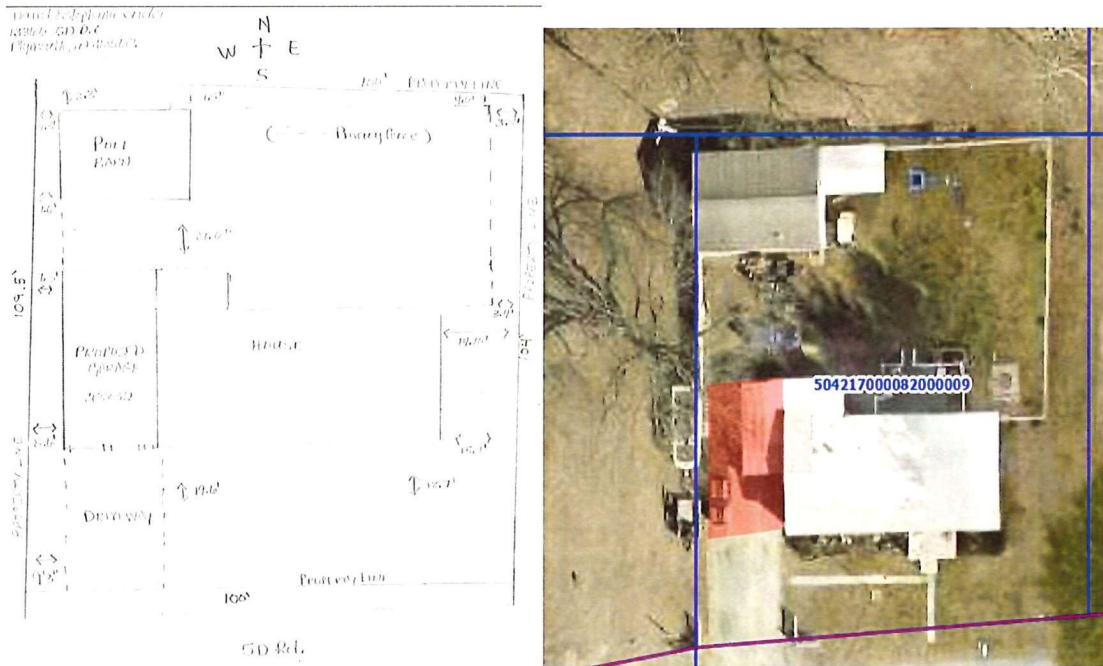
RE: David and Stephanie Snider
13366 5D Road
Plymouth, IN 46563
Parcel 50-42-17-000-082-000-009

Requesting a variance to build a two stall garage on the west side of property. Variance is needed because garage would not be inside 15' required space.

Garage location is needed due to placement of driveway and road. Want garage to line up properly with existing driveway and pole barn.

Thank you for your consideration in this matter.
David and Stephanie Snider

PLYMOUTH BOARD OF ZONING APPEALS
September 5, 2023



David Snider (13366 5D Road, Plymouth, IN 46563):

Snider states there is not much more to add from what Booker stated.

Jacobs asks if that line where the gravel is where they want to build out to.

Snider responds by stating where the 4x4's are at, he is going out to the fence is where the edge of the garage would be.

Jacobs asks if there will be any overhang on that end.

Snider responds by stating he does not think he will be putting any overhang on that end.

Jacobs asks if it will be peaked with the home then. Snider agrees.

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

Timothy Dudley (13456 5D Road, Plymouth, IN 46563):

Dudley states he is the neighbor on the west side. He asks if on the 7.8 feet variance if that includes the overhang.

Jacobs responds by stating he asked if there was going to be any overhang and it was explained there will not be any in that direction.

Dudley explains that was his main concern.

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

Jacobs states it would usually include the overhang.

Dudley asks if the 7.8 feet is from the siding.

Jacobs responds by stating that would be the farthest point out from the building.

Gidley states a lot of the reason for the side yard setback is because of fire protection. He explains they do not want many buildings too close together as fire can jump from one building to the next.

Board Members Wendel and Richie moved and seconded to close the public hearing. The motion carried.

Board Members Gidley and Wendel moved and seconded to approve BZA 2023-21 as presented. The motion passed by roll call vote.

Yes: Gidley, Richie, Secor, Wendel and Jacobs

No: None

BZA 2023-22: Susan A. Sullivan, 317 W. Monroe St., Plymouth, IN 46563: A Variance of Use to allow a design build business within the residence located on parcel 50-32-93-101-100.000-019, 317 W. Monroe St., 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.

To whom it may concern.

I purchased 317 W. Monroe St. two years ago and have lived in it since. The house was built in 1889 as a horse stable. It has had multiple uses since. It has been a duplex, school, Marshall County Historic Museum, and a Boy's Home. The previous owners lived in the house as single-family residence.

I'm requesting a variance for change of use to allow for my design build business to have its office within my residence. There will be no physical changes to the building for this purpose. The offices are located on the ground floor, and I live upstairs. I have three private parking spaces in front of the house which employees can use as well as visiting clients.

Below is the Legal Description:

The East 88 feet of Lot Numbered 138 and the North 19 feet of the East 88 feet of Lot Numbered 137, all in the Original Plat of the Town, now City of Plymouth, as per plat thereof recorded in the Office of the Recorder of Marshall County, Indiana.

Respectfully,



Susan A. Sullivan

PLYMOUTH BOARD OF ZONING APPEALS
September 5, 2023



Booker states while he was out taking photographs he was invited inside. He believes they have three employees in this converted room doing design projects. He states there is another room where a client could come in and discuss their business. He explains the resident does live in the other portion of the house and the parts described are the only parts being used for the business. He explains there is parking for the employees on site but some do park on the street. He states they are asking to have their design business to continue in their property with a variance of use in order to establish that.

Wendel remembers that the parking in front of that used to be diagonal.

Richie states it was angled.

Wendel asks if that went away.

Jacobs responds by stating you cannot back out onto the street. He states that is why they had to change it over by the new Handy Spot Liquor.

Wendel states they do it downtown.

Booker responds by stating you would need a wider street and the Michigan Street is controlled by the State.

Jacobs asks if there needs to be employee parking and if you would need a client to come to the residence that you would need parking for them.

Booker responds by stating they would need one parking space for each employee of the largest shift. He states he hadn't looked into the parking for clients.

Manuwal states on Handy Spot Liquor, you guys did allow angled parking there.

Susan Sullivan & Tuvia Poliskin (317 W. Monroe Street, Plymouth, IN 46563):

Sullivan introduces herself.

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

Poliskin introduces himself and explains this is a design bid build business and an architecture studio. He states the way they structured it when they came here was to move their studio from Seattle, Washington to here.

Wendel asks why you moved from Seattle to Plymouth.

Poliskin responds by stating they go back and forth. He states people always ask them. He states the idea when they purchased the house which they fell in love with and the history of the house was to bring back another use. He states for his employee base he does not want people working with him eight hours a day. He states he has his employees come three days a week in four-hour sessions so it is never going to be in this that busy, and if they were to grow that busy, he would move downtown. He states he staggers the employees so he can focus. He states when it comes to clients coming in it is very rare. He explains he mostly goes to people and every so often he may have a presentation with the client. He also explains it is a design-build business so they will be no construction vehicles there as they handle planning.

Wendel asks if your client base is in Plymouth.

Poliskin responds by stating his major architectural clients are in Seattle.

Sullivan adds they have one in Plymouth.

Wendel asks again why you would move to Plymouth, Indiana then.

Poliskin responds by stating it is Surrisi's fault. He states he came to Plymouth in 2016.

Surrisi states the city recruited Poliskin and his brother after seeing their work in Mishawaka, Indiana. He states Poliskin is actually the designer for River Gate South Apartments.

Poliskin states when Covid hit, he was invited for five months to come here and oversee a project in Mishawaka and Goshen so he came. He states while they were here, they looked for a potential place to move here and this property came to their attention and they fell in love with it.

Richie asks if this property was purchased from Marc Zackheim.

Poliskin responds by stating he does not want to get into that.

Richie explains he knows that house well because he cut his teeth in the social work field and he can tell stories about that house when it was a boy's home. He spent many nights there overnight with many stories about that home and the black eye on that place because of Zackheim.

Poliskin states when they first got there on August 1st and found that steel door with a deadbolt that it was the first thing he took out of that house.

Jacobs asks why come for a variance now if you already have employees there. He asks how long you have had employees there.

PLYMOUTH BOARD OF ZONING APPEALS
September 5, 2023

Poliskin responds by stating he did not know and this is what is interesting because it was the use of the Historical Museum, the Boy's home, a School, etc. He assumed it would make sense to have his studio here and when he went to Manuwal a couple weeks ago because he was going for his Contractor's License in Lake County and Lake County told him they needed to have the Planning Commissioner of the City of Plymouth sign a document so he went to see him. He explained where he was and Manuwal informed him he needed a variance and that is where they are at.

Board Members Wendel and Richie moved and seconded to open the public hearing. The motion carried.

Sean Surrisi (455 Liberty Street, Culver, IN 46511):

Surrisi believes this is an exciting offshoot of the project they did here and that they landed a professional business like this back in the city. He states they have not had an architect here in the city for the last four to five years and they are in a professional desert in many rural communities as far as legal services and medical services. He believes it is good to have architects here.

Robert Listenberger (932 Angel Street, Plymouth, IN 46563):

Listenberger states he grew up in the house right next to this one and he is absolutely in favor of this. He believes you can angle park there and forever it has always been a business in there. He reminds everyone there is Deaton-Clemens Funeral Home, St. Michael's Rectory, and St. Michael's Office. He welcomes them to Plymouth.

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

Jacobs asks what kind of design he does. He asks if he does commercial and residential.

Poliskin responds by stating it explains on his website. He states he is an architect that has been practicing for 34 years. He states he has done multi-family, shopping centers, etc.

Jacobs asks if he will do multi-family.

Poliskin responds by stating he will only do what clients will allow him to do. He states a lot of what he is doing right now is single-family because that is what his clients are. He states it is always about the client and if he believes he can produce the work they are asking for.

Booker asks what the maximum number of employees are working per shift.

Poliskin responds by stating the maximum that would ever work per shift in that space is four. He states he couldn't work more than that. He states he would have more people but they would alternate shifts. He states he tries to allow people to work at home and with him as his business model. He states they need a freedom to be creative and to be responsible adults.

PLYMOUTH BOARD OF ZONING APPEALS

September 5, 2023

Richie states knowing the history of that building, spending time in that building, and knowing what happened at times in that building that it is actually being utilized for something creative and beautiful that he could not approve of this more.

Board Members Richie and Wendel moved and seconded to approve BZA 2023-22 as presented. The motion passed by roll call vote.


Yes: Gidley, Richie, Secor, Wendel and Jacobs

No: None

Other Business:

There was nothing at this time.

There being no other business, Board Members Wendel and Richie moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 9:12 p.m.



Kyle Williams— Recording Secretary