

PLYMOUTH BOARD OF ZONING APPEALS

March 5, 2024

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 March 5, 2024, at 7:30 p.m. Board President Art Jacobs called the meeting to order for Board Members Mark Gidley, Brandon Richie, Alan Selge, and Paul Wendel. Alternates Linda Secor and Fred Webster were not needed. Others present were Building Commissioner Dennis Manuwal Jr., City Attorney Jeff Houin, and Plan Consultant Ralph Booker. The public was able to see and hear the meeting through Microsoft Teams.

Board Members Selge and Wendel moved and seconded to approve the minutes of February 6, 2024. The motion carried.

The following legal notice was advertised in the Pilot News on February 22, 2024:

<b>116 Legals</b>	<b>116 Legals</b>	<b>116 Legals</b>	<b>116 Legals</b>
<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 <b>M a r c h 5</b>, 2024 at 7:30 p.m. in the Coun-</p>	<p>cil Chambers of the City Building, 124 N. Michigan St. (Garro St. entrance), Plymouth, Indiana on the following matters: <b>BZA 2024-02: BEPA LLC, 116 W Jackson/PO Box 450, Monroe, IN 46772: A Variance of</b></p>	<p>Development Standards to have more than four (4) signs to add an additional two (2) foot by six (6) inch sign above the east garage door at 2150 North Oak Drive, Plymouth, IN 46563, parcel number 50-42-32-101-166.000-019, Plymouth, IN 46563, zoned C-3, Corridor Commercial District.</p> <p>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,</p>	<p>please call the ADA Coordinator at 574-936-2948. Kyle Williams, Recording Secretary, Board of Zoning Appeals, February 22, 2024 <small>February 22, 2024 PN353938 hspaljp</small></p>

**BZA 2024-02:** BEPA LLC, 116 W Jackson/PO Box 450, Monroe, IN 46772: A Variance of Development Standards to have more than four (4) signs to add an additional two (2) foot by six (6) inch sign above the east garage door at 2150 North Oak Drive, Plymouth, IN 46563, parcel number 50-42-32-101-166.000-019, Plymouth, IN 46563, zoned C-3, Corridor Commercial District.

Plan Consultant Booker clarifies that this request should state, "A Variance of Development Standards to have more than four (4) signs to add an additional two (2) foot by six (6) **foot** sign above the east garage door at 2150 North Oak Drive."

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.

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**LETTER OF INTENT FOR CITY OF PLYMOUTH, IN / BZA**

*ATTN: City of Plymouth*

*Date: JANUARY 25, 2024*

*To whom it may concern:*

*We are requesting on behalf of our customer, Monteith's Best One, to install a new 2' h x 6' wide single sided illuminated "Valvoline" sign on the East façade of their building.*

*The changes are necessary to display beneficial information to the public.*

*Sincerely,*

*Monteith's Best One  
2150 N Oak Dr. Plymouth, IN  
and  
Signtech Sign Services  
PO Box 835  
Goshen, IN 46527*



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**Todd Lehman (1508 Bashor Rd, Goshen, IN 46528)**

Lehman states the reason for the sign is because the building that did the oil changes was removed. He states the new facility has tire bays and oil change bays. He explains that the two end bays are the ones for the oil change so they want people to know that is where you go to get your oil change on the east side of the building, rather than just picking any door.

Jacobs asks if you could number the doors.

Lehman responds by stating that was not brought up. He states the request was from them and not him.

Selge comments that he gets his oil change there and when he went there, the building was gone so he didn't know where to go. He states a sign would help.

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.

Prior to roll call vote, Williams asked if there should be clarification for six (6) inches to six (6) feet.

Houin responds by stating the actual application is correct with requesting two (2) feet by six (6) feet. He states the error was only on our end.

Board Members Gidley and Richie moved and seconded to approve BZA 2024-02 as presented. The motion passed by roll call vote.

Yes:           Gidley, Richie, Selge, Wendel and Jacobs

No:            None

**Other Business:**

Gidley asks if Southern Tire got their septic permit.

Manuwal responds by stating it has not fully come through but it has State approval.

Gidley clarifies it is the new tire store out by Pilot Truck Stop. He asks for clarification that they cannot open until they have that. Manuwal agrees that they cannot open. Gidley asks if they are close to opening.



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Manuwal responds by stating they will be allowed to put in the portable facilities until they get the permit.

Gidley asks why they are able to do that.

Manuwal responds by stating because they put in a request and the Health Department said they could. He states he foresees their new septic system being installed before they open. He states from the way it sounds; they will have an above ground pump.

Gidley asks if they will be pumping to an all-new system of their own or the Pilot's system.

Manuwal responds by stating an all-new system of their own.

Jacobs asks about the DNR permit for Harman's restaurant.

Manuwal responds by stating it has been approved.

Houin states in your packet you received a copy of a letter that he sent. He states under federal rules, we are required to notify them of the likely increase to flood insurance should they choose or be required to purchase flood insurance. He states he is unaware if he is purchasing flood insurance. He explains the only requirement is that they be notified and ideally that would have been part of this board's action in approving the variance but there was some confusion there, along with a change in administration. He states the only requirement is that the notification letter come from a city official. He states he acted as the city official to sign the letter to provide the notification and he has included that in your packet for your information.

Gidley asks if the letter should have been recorded.

Houin responds by stating it is not required.

Manuwal states in the future if there is another instance of this that it should have been approved and the board should have signed the letter at that meeting.

Jacobs asks if we are the ones who are supposed to access the \$25.00 increase.

Manuwal responds by stating you are not and that your job is to notify him with a letter stating it should go up.

Gidley asks if that is \$25 in increased flood insurance premium rates for \$100 of insurance coverage. Manuwal agrees.

Houin states he read the federal regulations and the regulations suggest that the city recommend that the owner who receives the variance to notify future owners but there is no strict requirement of that. He states the letter is now a public record because it is part of your packet and it was sent through the city by him. He states the only requirement is that they be notified that there is a potential for the increase.

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Manuwal states the reason for that is because when you pass that variance, it is not for the use, but for that property.

Booker states thanks to Houin, the Comprehensive Plan Advisory Committee has created several subcommittees to tackle aspects of the Comprehensive Plan. He states one of the items they will be looking at is the zoning ordinance.

Gidley states there is this notion that he gathered from the Comprehensive Plan that the zoning ordinance may be inhibiting development.

Houin states the specific items that were identified in the Comprehensive Plan that the Steering Committee would like to see as development options that are restrictive of the plan is allowing for accessory dwelling units (ADU). He states that is one option dealing with housing limitations as ADU's can provide increased housing supply as well as an inexpensive housing option for some people, along with an additional income for property owners. He states another item that has been identified is restrictions to lot sizes and minimum square footage. He states in a traditional residential neighborhood (R-3), the minimum lot width required by the zoning ordinance is 60 feet but if you look at the parcels in all those traditional neighborhoods, that the parcel width is 40 feet. He states if you have a vacant parcel in a traditional neighborhood, that it will not be big enough.

Booker comments that he disagrees with that.

Houin states that Booker and himself may have different interpretations, but that is something that the subcommittee will be looking at. He asks what is the actual restriction and should we change the way it is worded for what those restrictions are. He states the idea is that the subcommittee will look specifically at the zoning ordinance and see if there are things that can or should be changed that would encourage more development.

Booker states that parking is another one they will be looking at very closely. He states in St. Joe County, off-street parking is up to the developer.

Houin states for the City of South Bend, if you look through the different zoning classifications in their zoning ordinance, the only required parking spaces are for bicycles. He states it does not require any development to require any parking spaces in any zone. He states if you do install parking spaces, they do have standards you have to comply with.

Jacobs asks why you would follow South Bend.

Houin responds by stating that is just one example. He states South Bend is often cited as one of the newest and most progressive styles of zoning ordinance as it is very simplified and easy to read zoning ordinance with very good diagrams to illustrate points. He states that is just one example of what one of the changes are. He states our zoning ordinance requires a minimum number of parking spaces and the question is how that is determined. He asks what evidence supports that number as a minimum and if that is still justified.

Gidley asks if you envision that to be changed only in specific zoning districts or all of them.



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Houin responds by stating we don't know yet as those are the questions being asked. He states we will be having our first meeting on Friday and will start asking the questions. He states ideally, we come up with recommendations to come back to the Plan Commission.

Gidley states Doug Feece from the Plan Commission always gets upset about Walmart having the garden center in the Spring out in the parking lot as it takes up parking they are required to have. He states in some respects, if Walmart's parking lot is full of landscaping and they do not have enough spots, that is their choice. He states if someone builds next door to them, not like that could happen, but if someone was to build next to someone like that and they were not required to have parking, then all of their customers would be freeloading off of Walmart's parking lot. He states that is the kind of thing we have to be careful about.

Jacobs states it also creates a safety issue with fire and police getting through those parking lots when it is so jammed. He states when they have those items out there, and True Value does the same thing, they will take out several parking spaces, including the handicap, and put flowers out there. He states it is so tight that if they have to get through with a fire truck, that it is difficult. He states that's his perspective when looking at parking. He understands it is nice to allow everyone to do what they want to do but that creates a problem for emergency services when we try to do our jobs.

Houin states that's why we are asking these questions. He states the Steering Committee for the Comprehensive Plan started with the premise of creating a vision of what we want the City of Plymouth to look like and how we get there. He states he does not know if Walmart is a good example of anything that was envisioned in the Comprehensive Plan because it really does not fit the vision of what we want our city to look like.

Gidley states it may not be a good example but it is a case where you are talking about developers not being required to have their own parking but yet we have a situation where they were required to have their own parking.

Houin states he is not saying that we are necessarily saying that developers will not be able to put in parking but we are going to ask how these numbers are determined and are they correct. He states whatever the formula is for commercial developments, that we have formulas that determine how many parking spaces they are required to have. He states his question is how we come up with that number. He adds he has done research on this topic and historically it is something that has been passed along from zoning ordinance to zoning ordinance and nobody can really answer where the number came from. He explains if the answer is that is what we require because that is what we have always required, then that is not a good justification. He states it is appropriate to ask those questions to determine.

Gidley asks if we arrive back at the same answer, then that is acceptable as well. Houin agrees.

Jacobs states that's the same with parking size. He states it seems we have parameters in our ordinance but we never seem to follow it.

Houin states then the question comes down to why we have that size requirement and if we are often granting variances, then should we consider changing it.

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Jacobs states he wishes you could ride with him for a day in his pickup truck with a handicap child.

Houin states his position has always been if you can't park your pickup truck then you shouldn't be driving it.

Jacobs states he can park it but he can't park in one so either he sticks out in front, he sticks out in back, or he has to take two spaces up.

Houin states he has a full-size van and he can park that as well.

Jacobs states they are not the same length.

Houin comments with his bike rack that his is longer.

Jacobs states if that is the case then you couldn't park in a parking spot then.

Houin responds by stating he does.

Jacobs states his bumper is either past the white line or past the front.

Booker asks if it is more than 20 feet long.

Jacobs responds by stating we do not require 20 feet anymore as we give a variance for less than that. He states the ordinance is fine but the problem occurs when we start going less than. He states he would want you to ride a day with him try handicap parking.

Houin states he is not trying to antagonize you or be facetious about this. He states those are the exact types of questions that need to be asked. He responds to Gidley's earlier comment about if the subcommittee comes back and says what we have is appropriate and we should keep this, then that is the answer. He states we should be asking the questions as to why it is the way it is and if there are things that we can change to encourage development and move us towards our vision of what we want Plymouth to be.

Jacobs states if you are looking at the parking right now and you are in a wheelchair with an accessible van, where would you park right now that he has to come to this meeting. He asks if his daughter has to come to this meeting, where is the closest place she could go.

Someone from the audience comments up in front.

Jacobs states it is the only spot and states she also has to park in the street, get out and go down the street to get back onto a sidewalk. He states we dump her into the road. He explains when people look at that stuff, we have to be sure we are looking at the whole gamut. He states at Walmart, he can back right up to the white line and his truck will be hanging out in the front and he can't do anything about it unless he takes up two spots. He understands that Walmart is a bad example but he is using Walmart as an example.

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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 7:59 p.m.

  
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Kyle Williams— Recording Secretary