

PLYMOUTH BOARD OF ZONING APPEALS

September 3, 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 September 3, 2024, at 7:30 p.m. Board President Art Jacobs called the meeting to order for Board members Mark Gidley, Brandon Richie, Paul Wendel, and Alternate Linda Secor. Board member Alan Selge was absent. Alternate Fred Webster was in attendance but was 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 Richie and Wendel moved and seconded to approve the minutes of August 6, 2024. The motion carried.

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

**116
Legals**

R-2, Suburban Residential District.
BZA 2024-19: Steven Craft, 11165 Forest Drive, Plymouth, IN 46563: A Variance of Use to have chickens on parcel 50-32-95-000-128.000-018, located at 11165 Forest Drive, Plymouth, IN 46563, zoned R-2, Suburban 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 22, 2024
August 22, 2024 PN359167 hspaxlp

**NOTICE OF
PUBLIC HEARING**

The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on September 3, 2024 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:

BZA 2024-15: Ionel and Christina Turcin, 11626 Lawndale Avenue, Plymouth, IN 46563: A Variance of Use to have chickens on parcel 50-32-03-000-095.000-018, located at 11626 Lawndale Avenue, Plymouth, IN 46563, zoned R-2, Suburban Residential District.

BZA 2024-16-17: Plumlee Dentistry, 1400 N. Oak Drive, Plymouth, IN 46563: A Variance of Development Standards to allow an eight (8) foot front yard setback along Pidco Drive and to allow an expansion of a legal non-conforming use of more than 25 %, on parcel, 50-42-32-301-108.000-019, located at 1400 N. Oak Drive, Plymouth, IN 46563, zoned I, Industrial District.

BZA 2024-18: Cameron and Brittany Connolly, 10567 Olive TRL, Plymouth, IN 46563: A Variance of Use to raise five (5) hens for egg production on parcel 50-32-07-000-148.000-018, located at 10567 Olive TRL, Plymouth, IN 46563, zoned

BZA 2024-11: Cashen Creek, LLC, 14755 3B RD, Plymouth, IN 46563: A Variance of Development Standards to have a variance from the surfacing requirements of Article 6, Section 180, D. Parking Development Standards, 4. Surfacing Requirement, which requires a parking lot be paved with concrete or asphalt within one (1) year and leave the existing parking lot to be gravel, on parcel 50-32-93-304-446.000-019, located at 627 S. Michigan Street, Plymouth, IN 46563, zoned R-3, Traditional Residential District. (Tabled)

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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Cashen Creek Florist
627 S Michigan Street
Plymouth, IN 46563
574-936-3165

City of Plymouth
Board of Zoning Appeals
Plymouth, IN 46563

July 12, 2024

RE: Request for Variance of Use for Plymouth Zoning Ordinance Article 6-180-D-4

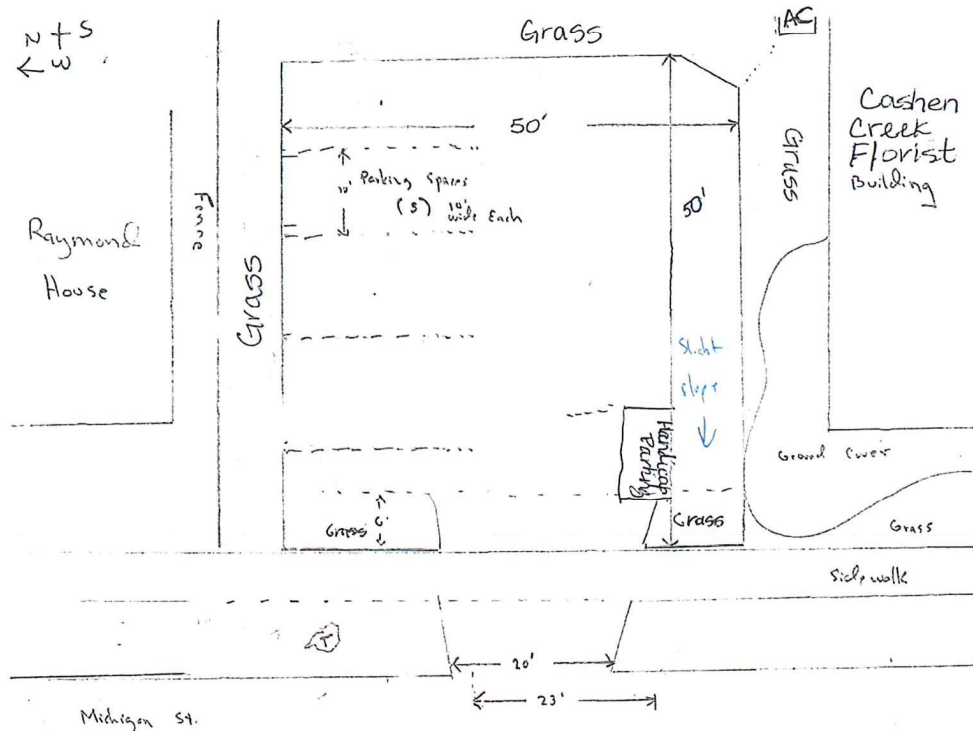
To Whom It May Concern:

I am seeking a variance for the ordinance pertaining to our parking lot, located at 627 S Michigan Street, Plymouth, IN. We are asking to be able to keep the gravel which we have in place currently.

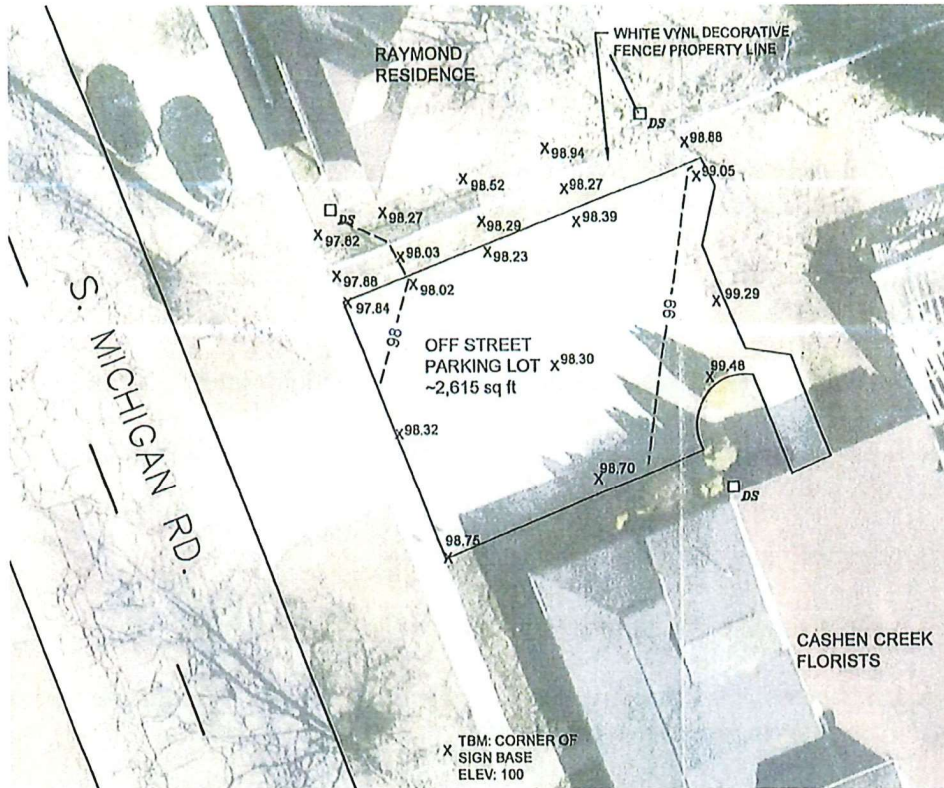
The quotes we have received for the project, based on the requirements of the ordinance, are cost prohibitive and is more funds than I have available. Because the parking lot size is small it does not affect the city or neighborhood if it remains gravel. I installed the parking lot as a convenience and safety to our customers to alleviate the dangers of on street parking on South Michigan Street. I have already improved many things at this property and am asking the city to grant this variance as by not doing so will be detrimental to my business.

Best Regards,

Beth M Cashen
Owner



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Jacobs asked for confirmation that she came there a year ago to ask for a variance to put the parking lot in.

Beth Cashen (14755 3B RD., Plymouth, IN 46563)

Cashen replied that she did not come in because it was already in process before they bought the property and they said she could put it in, so it was renewed.

Jacobs asked if she knew that it had to be paved within a year.

Cashen replied that she thought it was longer than a year. She stated she wanted them to realize that the reason it was there was to help with the safety of the community. She stated they have a lot of widows coming in and fall out in the street and they are aware that getting them off the street was very important. She stated now with the greenhouses in disrepair, that they are trying to get those up and running because they are the only actual nursery in this town and had been in that location for years. She stated the funds are going to try to keep that here in the city so that was what they are trying to do.

Jacobs explained that his daughter was in a handicap wheelchair so he was aware of a lot about the handicap rules and that parking lot does not meet the ADA requirements as it had to be firm, stable, and slip resistant. He stated that was one of the things that concerned him.

Cashen replied they are in the process of getting that finished up so it was safer. She stated she also had a handicap granddaughter so she understood.

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Gidley stated in the corner where there was a handicap spot designated, if she planned on paving that or to firm it up. He asked what her plan was there.

Cashen replied that there was a little trouble with the one step and when she got the property, there was no handicap at all and they are trying to get it put in.

Wendel asked if the business was for sale or the house. Cashen disagreed. Wendel stated he had heard that a couple times.

Cashen replied that everyone knows your business when they don't know your business.

Gidley asked if she was trying to reestablish the greenhouses. Cashen agreed. Gidley asked if she grew flowers outside her current residence.

Cashen replied that they had for about eight years.

Gidley asked if she planned on moving any of that into the greenhouses.

Cashen replied they had plants in the greenhouses now but not in a big productive type of way. She stated it was mostly a spring/nursery type.

Gidley asked if the concrete apron up to the sidewalk from the street already there when she bought it. Cashen disagreed. Gidley asked for clarification that she put the concrete apron in.

Cashen replied in agreement and stated that it was a part of the previous owner's plans.

Gidley asked if it was the Felke's plans.

Cashen disagreed and explained that it was Bob Casey who had done all that work. She stated there were two different owners between her and the Felke family.

Wendel asked in regard to ADA if she planned to put a concrete pad down. He stated he dealt with wheelchairs as well in his line of work and they are not allowed to move through gravel or grass very safely. He eluded to what Jacobs mentioned in that it had to be a firm area that either powered or non-powered wheelchairs can slide into. Cashen agreed.

Secor asked if there was an issue with snow removal in the winter with the gravel.

Cashen replied that she just hired a person.

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

Wendel added that they did have one person who showed up and spoke in favor of this request last meeting.

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Susan Daugherty (1214 Lake Ave., Plymouth, IN 46563)

Daugherty stated she worked for Cashen and that she wished to speak on their commitment to put the business back to where it once was in terms of the greenhouses and what it can bring to their community. She stated they had plans, materials are bought, and with the economy things have taken a lot more funds than often available when they receive quotes back. She stated the other item was with the parking size being small that it was difficult to get quotes back from reputable companies that do blacktops. She stated she does feel for the historic neighborhood that blacktop would be very unappealing to say the least in such a small area. She stated from experience in her job, she worked at a big box retailer in town, and have been in charge of the lawn and garden areas. She explained that by having their product out on a blacktop that it would be detrimental and labor cost intensive because of the heat reflection compared to the gravel beside the greenhouse there. She stated the Cashen's had put a lot of money, time, and effort into the property. She stated the property had changed hands a number of times but they had retained it and they had been a really wonderful family to work for. She stated she was appreciative of her job and wished that they would move forward with this variance so they can move forward with the plans that she had and that they can provide options to the community that she hopes and dreams to do.

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

Secor asked if an extension of time would help.

Cashen replied she would like to have the variance so she can work at her own pace. She stated she would like to pave the parking lot eventually, but it was not feasible at that time, and she did not know how long that would take. She stated no matter how many times she wants to complete something in a certain amount of time that she realizes she was not as young as she used to be.

Jacobs stated the one thing he would say about the parking lot was that it should be 4-6 inches thick, and it must be compacted, solid, and with no slipping.

Gidley believed the ADA location should be brought into compliance with ADA rules if they were to grant an extension. He asked Manuwal if he could work with her to help bring the location into compliance.

Board members Wendel and Gidley moved and seconded to give a one-year extension for the applicant to address the ADA concerns of the parking lot. The motion passed by roll call vote.

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

BZA 2024-15: Ionel and Christina Turcin, 11626 Lawndale Avenue, Plymouth, IN 46563: A Variance of Use to have chickens on parcel 50-32-03-000-095.000-018, located at 11626 Lawndale Avenue, Plymouth, IN 46563, zoned R-2, Suburban Residential District.

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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).

3. letter of intent.

Hello Plymouth, FN. I, Cristina and Leo Turcin, are so happy that we moved here from Missouri. We are enjoying this weather and all our friendly neighbors.

Our request is to keep the chickens and the coop with run. This is our mother's hobby she loves, our 3 daughters enjoy the chickens and soon, collecting eggs.

The coop (shed) is facing North, not to hide the chickens, but to give them a quiet, private atmosphere. Since we are a corner lot at the entrance of the McQueen addition there is plenty of noisy cars going by and dogs. We also have a lot of trees and bushes on this corner lot that help cover the chicken area.

We clean the coop/run multiple times a day, we never let them run wild or on the tennis court. We also covered the chicken run with green tarp on the fence so they are not a disturbance to anyone. The chicken coop/run are yards away from neighbors. They are quiet and cause no harm. We are requesting to keep the chickens, coop, run for the well being of our family.

Thank you for giving us this opportunity to possibly keep our chickens.

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Jacobs prefaced that this was by no means criticism as he was wondering on how they can educate the public better. He asked if she was unaware that they needed to get a variance beforehand to have chickens.

Christina Turcin (11626 Lawndale Ave., Plymouth, IN 46563)

Mrs. Turcin replied they were unaware as they came from Missouri and she specifically told her agent that they wanted a property where they could have chickens and they showed her so many properties. She stated they decided on this property and she knew they wanted chickens. She explained it was told to her that there was no HOA and no restrictions.

Gidley stated that she misinformed her.

Jacobs stated the reason he asked was because he wished to better educate the realtors as they get a lot of cases where the realtor misinforms the buyer. He stated it puts them in a bad spot.

Mrs. Turcin stated that was why they started with chickens as they brought some over from Missouri. She explained that they are actually very quiet.

Jacobs asked if there were any roosters.

Mrs. Turcin replied they had them as chicks and was unaware what ones would become roosters. She stated that recently some were crowing in the morning so they found out which ones were roosters and those are not with us anymore. She stated they are still growing and if they were to

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find any more then they would not keep them as she understands that the neighbors would not like those. She stated they are very flexible and understanding so they would be willing to reduce the number of chickens, move the coop, etc. She commented that it would be very hard to move the coop.

Jacobs asked how many chickens they had.

Ionel Turcin (11626 Lawndale Ave., Plymouth, IN 46563)

Mr. Turcin replied they had 25 chickens currently.

Jacobs asked about the maximum number of chickens they would have at a given time. He asked if 25 would be the maximum number.

Mr. Turcin replied they originally had 28 chickens.

Mrs. Turcin stated their coop was a shed so it would be more weatherproof compared to the normal chicken coop you can see through. She restated the coop would be hard to move if they had to move it.

Jacobs asked who their realtor was.

Mrs. Turcin replied their realtor was Kasey James. She stated she was very sweet.

Jacobs agreed as he knew her.

Wendel asked Booker if there was a limit on the number of chickens you could have.

Booker replied that they were only approved for R-1 and he did not believe they did a limit on the number.

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

Gary Neidig (9663 Meadow Ln., Plymouth, IN 46563)

Neidig shared that he was the neighbor to the north and that he had absolutely no issues with their chickens at this point. He stated he wanted to see if there would be any parameters that would go around it such as quantity. He believed there was an amendment made to the R-1 that limited the amount of space and was unsure if any of those amendments could be applied here as they do not want to have it open ended. He stated he was going to be a little more terse on the roosters but they got rid of them. He commented that he appreciated the fact that they were unsure what ones were roosters until they grew up. He stated that would be one item that he would like as a parameter that roosters would not be allowed in the variance. He stated for the chickens themselves that there was probably some reasonable quantity in the space or else you are creating a small farm.

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Jacobs asked what his thoughts were as a neighbor. He stated they had 28 now, so what were his thoughts with 28 chickens.

Richie commented that they had 25 chickens.

Neidig replied that he never would have known how many they had as they had got them contained enough.

Wendel asked if he had seen them or smelt them.

Neidig replied that he had not noticed any smells. He stated he believed there should be a parameter either to the size or quantity and no roosters. He stated he was fine with these chickens and he was the closest neighbor so he would be there to support them.

Jacobs asked for clarification if they had 28 chickens or 25.

Mr. Turcin replied that they had 25 chickens as it was 28 chickens but they had to remove the three roosters.

Jacobs apologized as he thought had heard 28 chickens.

Neidig recognized this was a trend with people wanting to have poultry so he believed it should be addressed in the zoning on how it would be replicated.

Tyler Puckett (9728 Meadow Ln., Plymouth, IN 46563)

Puckett shared he was the neighbor on the east side of them and that he had no problems with this request as he loved chickens. He stated he wished he could see them.

Jacobs asked if any of these neighbors were paid off with eggs.

Puckett replied that he was not but he wished he was. He stated he loved chickens and that was one thing he missed about living out in the country. He stated this request does not bother him one bit.

Booker read aloud a letter opposed to the request that was received that afternoon.

KLINEDINST NENNETH M & KELLI JO KLINEDINST MITCHELL
JT RS
11599 Lawndale Ave
Plymouth, IN 46563-7602,

No!
Board of Zoning Appeals, 9/3/24
I am against this request
for chickens in our subdivision
Nenneth Klinedinst

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Tammy Hall (11115 Timber Ln., Plymouth, IN 46563)

Mrs. Hall stated she understood back in August when they started talking about 4-H, chickens, etc. that it was to remain in an R-1 zoning, and she was now noticing it branching out to the R-2. She asked at what point in time that it had changed.

Gidley replied that it had not changed and that this was a variance request. He stated the rule still stands but this applicant was asking for a variance from the rules.

Mrs. Hall asked for clarification that you can still ask for a variance in an R-2, regardless of the rule for it to be in an R-1.

Jacobs replied that they can ask for anything and if the board feels that it does not affect the public in any adverse manner that it can be granted. He explained that it was case by case as well so they can grant one and not another, depending on the scenario. He provided the instance if someone had two feet between their houses and the neighbor wanted to put one that they may not allow that, but it all depends. He explained that was why there was the Board of Zoning Appeals.

Mrs. Hall believed that a lot of people read the notice in the paper that were in the R-2 zoning and a lot of people in subdivisions decided that it did not concern them, so that was why she was looking for a clarification.

Wendel replied that they had a clarification on subdivisions.

Booker agreed that the rule for R-1 made it so that it was not allowed in subdivisions, however, what Jacobs said was right. He explained that you can ask for anything on your property. He stated this board was a quasi-judicial board that judges whether that was acceptable in that area or not acceptable in that area. He stated that someone could ask for chickens in the industrial district or downtown Plymouth if they would like to.

Wendel commented that he was thankful nobody was asking for pigs.

Mrs. Hall stated that could be their next thing with their subdivisions. She asked if they would be back and forth with one day being chickens and the next pigs.

Jacobs stated they have already granted chickens in R-2 in other subdivisions, so this was not the first.

Gidley stated that was also granted before the R-1 ruling. He stated there was a woman out on King Road who was told by a realtor that she was not under the jurisdiction of this body. He stated that was what brought that discussion up a year ago as she was misinformed that her property was within the two-mile jurisdiction. He stated there were restrictions put on her as well, but she had acreage. He stated it was not an apples-to-apples comparison between that one and this one. He stated there was also one in a subdivision out on Nutmeg Road.

Jacobs clarified it was Nutmeg Meadows.

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Gidley stated there was restrictions placed on that one as well. He stated their coop was small and there was only five chickens with no roosters. He stated they have no rules for variances and that was his problem with approving any of these that night as they have no standards set for chickens. He stated he did homework before these cases, and he checked other communities. He stated they can have chickens in South Bend, but they can only have six, their coop must be a certain size, they must apply for a permit every year and submit pictures of the coop when you submit the application. He stated in Mishawaka they can't have chickens at all unless they have five acres. He stated in some communities they mandate a test on raising chickens. He listed there was a difference between meat chickens and laying hens. He stated there are rules on butchering on their property. He asked if someone in a subdivision would want their neighbor chopping the heads off chickens in their back yard. He stated there was also the question on what they do with the entrails and feathers and how they dispose of the droppings of chickens. He asked how sanitation was considered in a subdivision.

Mrs. Hall stated those were some of her concerns and at first when she saw the R-1 and now it was going into an R-2. She stated she wanted to be sure they are trying to figure it out and set rules, but she does not want to come back here next year because somebody wanted something new.

Gidley stated it was always a possibility as Jacobs mentioned that everyone was entitled to the opportunity to apply for anything, but this board must make a judgement and each case stands alone.

Kenneth Hall (11115 Timber Ln., Plymouth, IN 46563)

Mr. Hall stated he lives in a different subdivision, but they are getting to that case. He explained they said a few things that bothered him. He stated it was said that there was no rules. He asked what they do not have rules.

Booker replied that they must go by the five standards addressed at the start of the case.

Mr. Hall stated there are no standards so if he wanted to have a call girl escort in his neighborhood, he asked who he had to go to get that.

Gidley began to reply to his question but was interrupted.

Mr. Hall stated to not shake their head at that question. He asked who he would have to go to get a variance for regarding that. He asked who voted on that.

Jacobs stated that variances are voted on by the Board of Zoning Appeals (BZA).

Mr. Hall asked how many people that was.

Jacobs replied with five people.

Mr. Hall asked who voted them in.

Jacobs began to reply to his question but was interrupted.

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Mr. Hall stated he comes from the county so he cannot vote for them. He stated they are making rules for him in the county. The board once again tried to respond to his questions but were interrupted. Mr. Hall stated there was not yes or no but what really bothered him was that people were concerned about their rights. He stated what people need to start getting concerned about was about what was right.

Gidley stated he had served on this board for 16 years.

Hall stated he did not care if he had served for 20 years.

Gidley stated he should start caring about something. It became inaudible with people interjecting. Gidley stated he represented the two-mile zone where Mr. Hall happened to live. He stated he was an appointee by the Marshall County Commissioners that he voted for.

Mr. Hall stated Gidley was not an appointee by him because he cannot vote for him.

Booker explained to Mr. Hall that his argument in this was with the State Legislature as they create the legislation. Mr. Hall stated he didn't want to hear it. Booker stated they enable the legislation that allows for zoning in the extra-territorial jurisdiction and the Marshall County Commissioners pick two people to represent the extra-territorial jurisdiction. He stated if he wanted to change that that he could not change that here but rather with the State Legislature.

Mr. Hall stated he understood that there was a procedure to do that but all he was trying to say was that people who are making decisions for him in the county are people in the city that he cannot vote for.

Jacobs explained that Gidley and him both live in the county. He asked why he came up here and started to take attitude with them because he did. He stated they had not done anything wrong and had tried to listen. Mr. Hall attempted to interject. Jacobs stated he did as he came up here confrontational, so he was going to return that. He stated if he would like to try being nice and talk then he would talk to him but do not give him attitude because that would shut him down quick. He stated he was very open to what was being asked because he had thirty acres in the city limits, and he had to follow the same rules. He stated he could not even get a chicken without asking for this permission. He stated he had to get a variance to get a pole barn on his land before he built his house. He stated he had to follow the same procedures, and they follow what the state tells them. He thanked him for his concerns and thoughts, but to not give him attitude when it was not warranted.

Mr. Hall stated when he spoke, he did not interrupt them.

Jacobs stated he came up to the podium with attitude.

Mr. Hall stated the attitude came because he was interrupted. He stated they would move on from that.

Jacobs thanked him and told him his five minutes were up.

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Mr. Hall stated he would be back for the next public hearing.

Jacobs replied that would be perfect.

Board members Wendel and Secor moved and seconded to close the public hearing. The motion carried.

Houin wished to clarify what the zoning ordinance stated which was the Agriculture Limited, which was allowed in the R-1 zoning district. He explained the definition as follows:

Agriculture Limited

The use of land for animal production is limited to 4-H projects and home consumption with sales limited to the sale of agricultural commodities grown on the same ranch or farm that provides such sale. Livestock shall be limited to one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal per five (5) acres of lot area. No large livestock or poultry are allowed in a major platted subdivision. Poultry must be kept in a fully enclosed secure pen of more than one hundred twenty-eight (128) square feet that includes an enclosed coop providing a minimum of two (2) square feet and an open run area providing a minimum of eight (8) square feet per bird.

Houin explained it was not a limitation on the number of birds, but it was a space requirement for each bird.

Wendel asked for clarification that there was nothing in R-2.

Houin replied in agreement as R-2 does not allow it outright. He explained that was why they were requesting a variance and because it was in a platted subdivision. He stated it would not be allowed in an R-2, unless it was granted by a variance.

Richie stated he grew up in Starke County where slaughtering chickens in your front yard was any Tuesday night. He stated the concern of where it stops was valid because that was important to look at. He stated in saying there are no rules or set standards for variances, that they need to be very specific in setting some standards, whenever or where they grant these and take into consideration the people who must live around them. He explained that himself personally, he would not care if his neighbor were to have 80 chickens, but he grew up where it was different. He stated they need to be very specific on what those standards are when they grant this for R-2 as up to this point, they have not been allowed at all. He stated they could stick by that ruling or get strict, so it does not get out of hand.

Jacobs stated it was tough to put rules on everything as each case was different, hence why this board was in place. He stated there was no ruling here so what they are looking at was if they would allow anything for the R-2.

Houin stated if they were to allow it, they could make it as to where they would follow the same standards as Agriculture Limited in R-1.

Jacobs asked for clarification that there was no limit on the number.

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Houin replied there was no limit on the number, but there was a limit on the minimum space requirement.

Booker stated they could eliminate the roosters as well.

Secor asked if there were any rules for 4-H.

Jacobs replied not in that area.

Richie asked if there was ever an instance where someone came from R-2 and asked for this or were they turned down.

Jacobs replied that it was out on Nutmeg Meadows, and it was approved.

Richie asked what restrictions were put on them.

Jacobs replied no roosters, and he believed the number of chickens was five.

Manuwal commented there was also a row of arborvitae that blocked the view from the road.

Board member Gidley moved to deny the request as presented. The motion died with lack of second.

Gidley stated there was a lot of research that needs to be done before they allow this. He stated it was unfortunate if they were to deny this that they would not be able to come and ask for another variance for a year. He stated that would give them time to come up with some rules that they do not have now if they wish to even pursue making rules if they allow chickens in subdivisions.

Secor asked if they would have time to do something about the chickens.

Houin replied if they were to deny the request then the applicant would be required to remove the chickens.

Secor asked for a timeframe.

Houin replied only if it was put into motion.

Wendel asked if six months would be enough time to sit down and investigate parameters.

Houin replied that the previous amendment that allowed for the agriculture limited took Booker quite a while.

Booker believed that each was on a case-by-case basis. He stated they have based livestock operations before and put parameters around those. He stated they put parameters with input from the neighbors to protect the neighbors on the cases that were approved. He stated there are some locations where it should not be chickens and there are some places that should not have chickens and there are some with neighbors not close so there was not much contesting. He stated they could

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do what Gidley had done and look at other nearby options. He stated they do have "agriculture limited" as a rule.

Jacobs stated even with these rules, someone could still come in and ask for 10 chickens. He stated they would still have the ability to ask for anything that was different but, in this case, it would at least give them grounds. He stated his thought was they have this operation and are maintaining it well, with the neighbors voicing that, if there was anything they could do versus just eliminating them that the board could live with. He asked if they could have a motion that would allow them to have the chickens for a year, so they would have time to figure out what was necessary.

Booker stated it sounds feasible, but they would have to remember to check up on them.

Jacobs stated his thoughts were to do what Gidley was suggesting, as that would give them the opportunity to grant some wishes now, versus having them remove all of them as the neighbors look on this favorably.

Gidley asked what number he was proposing.

Jacobs replied he had no idea what their size was and had no idea how that math worked out.

Houin replied to the way he interpreted that definition was basically that they are supposed to have 10 square feet per chicken with two square feet of that having to be an enclosed coop.

Jacobs asked how large the shed was.

Mr. Turcin replied that the shed was 10 x 12.

Jacobs stated part of his thoughts are they have 25 chickens without issues, if they could grant them that for some period. He stated if the timeframe he proposed passes with no issues, then they can retain the chickens. He stated if they had to do something different, then they would give them time to correct it. He stated if they can meet the sizes of the "agriculture limited," they would allow the stipulation of size.

Deputy Clerk-Treasurer Kyle Williams asked if the applicant would need to come back in one year or if it would be up to the BZA to reach out to the applicant.

Jacobs replied that the BZA would have to reach out to the applicant. He stated his thoughts are if they make it to where they can have more, he would want to let them know that, and if for some reason, it was limited, he would like to talk to them about the limitation.

Richie asked if they could theoretically go to them before the one year and tell them no chickens at all. Jacobs agreed as they could also do that tonight. He stated he would like to give them one year while they work it out. He stated he did not see them going to none. He commented on the other hand, they could broaden it if they consider having more.

Richie asked if someone lived in a subdivision and had a smaller piece of property, and they wanted to have chickens.

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Jacobs replied that it would still need to come before the board as every case was on their own standards and merit.

Gidley believed Richie had a legitimate point that their lot was large so 12 chickens could fit there but for some of the smaller lots in that subdivision, if the coop was not properly placed, it would negatively affect their neighbors.

Jacobs stated that was no different from now in the R-1 if someone were to put chickens near their neighbor. He stated that was why every case stands separately. He stated they have many cases like that and provided examples of signs. He stated signs are worse than chickens and they have had to say yes or no to some signs, but every case stands on their own.

Richie stated he was not saying no chickens, but rather if there should be something in the motion about the size of the lot at all.

Jacobs replied that he did not believe so as each case stood alone.

Gidley agreed that little lots would be an issue.

Houin asked for clarification if this passes and they were allowed to have those chickens and if this board were to take no action to limit that variance, within the next year, that it would automatically become a permanent variance for them.

Jacobs replied in agreement and stated they could come before them and ask for more.

Houin stated he wished to clarify that because he did not want some amendment to be made to the zoning ordinance and then two years from now someone would come back to try to limit them. He stated if this board were to take no further action, within the next year, that it would become permanent.

Jacobs stated if they do nothing with chickens and continue as they had, then they can have twelve. He commented they could also come back a year from now and ask for more as well.

Board members Jacobs and Wendel moved and seconded to approve BZA 2024-15 with the stipulation of no roosters, a year timeframe for review, and allowance of 12 chickens as presented. The motion passed by roll call vote.

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

Jacobs asked Manuwal if a week would be enough time to remove the other chickens.

Manuwal replied that whatever parameter they set, he would enforce it.

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Board members Jacobs and Richie moved and seconded to give the applicant one week to remove the extra chickens. The motion passed by roll call vote.

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

BZA 2024-16-17: Plumlee Dentistry, 1400 N. Oak Drive, Plymouth, IN 46563: A Variance of Development Standards to allow an eight (8) foot front yard setback along Pidco Drive and to allow an expansion of a legal non-conforming use of more than 25 %, on parcel, 50-42-32-301-108.000-019, located at 1400 N. Oak Drive, Plymouth, IN 46563, zoned I, Industrial 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).



Danch, Harner & Associates, Inc.

Michael J. Danch, L.A.
Ron Harner, P.S.

Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

Plymouth Board of Zoning Appeals
111 N. Center Street
Plymouth, IN 46563

July 12, 2024

Dear Board of Zoning Appeals Members:

Please accept this application for approval of an expansion of Plumlee Dentistry at 1400 N. Oak Drive. Doctor Plumlee is excited to be expanding his service to offer an additional dental provider and expand service to the community. In order to move forward with the building additional, we respectfully request consideration for a reduction in our front setback on Pidco, as well as permission to expand a legal non-conforming use beyond the 25% anticipated in the Zoning Ordinance.

This building expansion is designed with the intent of maintaining as much natural light into the building as possible, while effectively using the existing hallways and traffic flow of the building. The expansion would also allow for much needed on-site amenities for the office, including laundry facilities, additional office space, and a conference room. This use is unique in that it is located in the I Industrial District, which is consistent with the intent of the district, but not actually allowed by the Ordinance. Allowing for this expansion will ensure this valuable business remains in the community at a location convenient to the major employment hub of the City. Doctor Plumlee is committed to improving the appearance of the site, including a multi-use path along Oak, consistent with the preliminary planning efforts being conducted by the City, additional landscaping, and improved on-site drainage to mitigate any impact on surrounding properties.

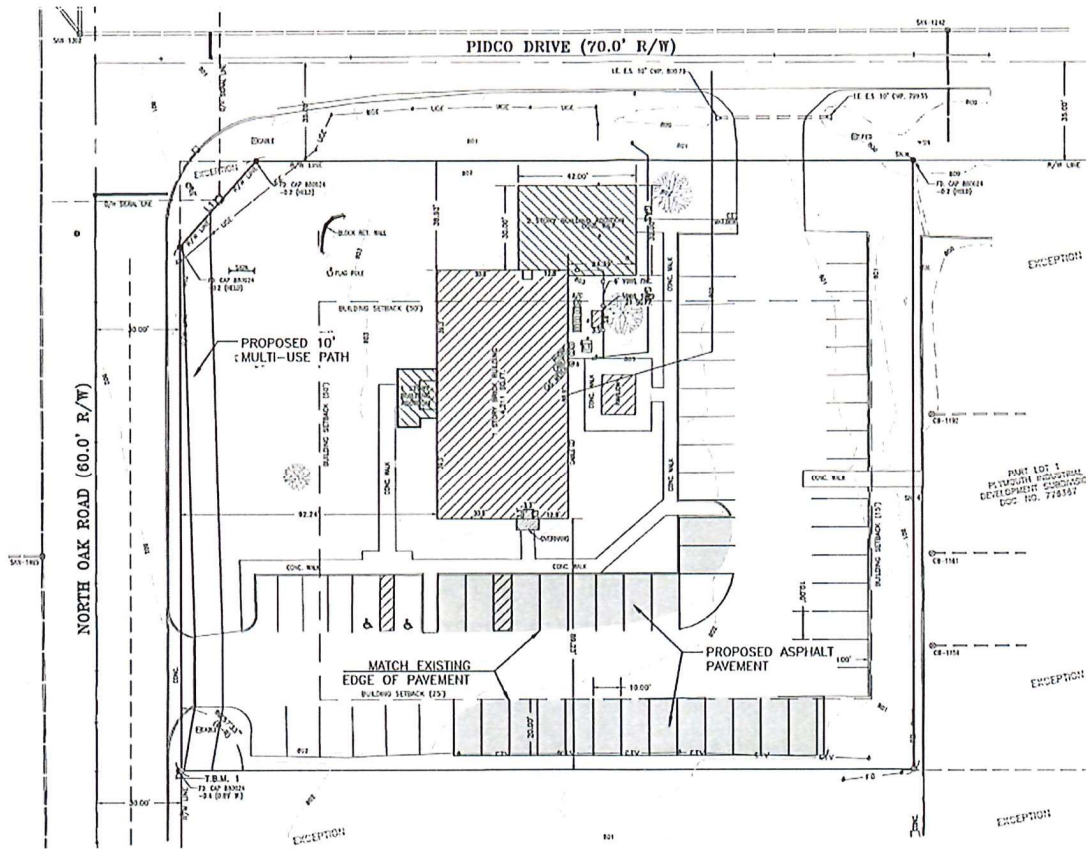
Attached please find the appropriate application, site plan, and support documents for our application. Our full justification and explanation of the request can be found in the attached documentation. We look forward to the opportunity to present to the Board at your next available public hearing and respectfully request your support for this expansion of a local business.

Sincerely,

A handwritten signature in cursive script that reads 'Angela M. Smith'.

Angela M. Smith
Senior Planner

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Angela Smith (1643 Commerce Dr., South Bend, IN 46617)

Smith stated while she had been through the chicken ordinance in South Bend and St. Joseph County that she was happy that she was here not discussing chickens. She stated that Plumlee Dentistry was looking to expand and the stakes that were shown in Booker's report were the property line so it would be 8 foot from the property line. She stated the property line was a significant distance off of Pidco Drive. She stated when Plumlee was designing the building, they wanted to keep the windows and light there so builing in another direction would essentially make all their additions dark, which isn't where you want to be when you have someone working in your mouth on your teeth. She stated in the Industrial District, it talks about in some cases small scale commercial uses, such as dry cleaners, delis, and coffee shops included to serve the employees of the industrial development. She explained she would make the same point for a dentist. She stated if she was taking her lunch break to go get her teeth cleaned, that it would be nice to be close to their place of employment. She stated while a dentist office was not allowed in an industrial district, in this particular case, it was well within the bounds. She explained the rules regarding the expansion of a legal non-conforming use are typically seen when you have a case that was more intense in a less intense district, so if this was an industrial use in a commercial district, then you would not want it to expand as much. She stated in this case with it being a commercial use in a industrial district, it was a less intense use of the area, so the expansion has no real impact on the surrounding district or community. She stated since it was based upon the entire square footage, the increase was around 73% but the footprint was not as large. She stated the area was a rather modest footprint to start. She stated as part of this, they would be expanding the parking to meet the parking

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requirements and addressing all the drainage for the parking area, so not just what they are adding but the parking lot. She believed there was some of the parking area that was not being accommodated at that time. She stated in relation to the sidewalk and their earlier discussions with the city that the multi-use path was mentioned. She stated Plumlee was committed to help with that but it may not be immediately and part of the reason for that as Engineers when reviewing that, they could not figure out how to safely get it to the corner, as there was a substantial amount of infrastructure at the corner. She listed poles, utility box, etc. so it would be detrimental to put it in at this point when the city already had a plan to put that through.

James Easterday (119 W. Garro Street, Plymouth, IN 46563)

Easterday stated in discussions with the city, it looks as though they have a long-term plan they are working towards in trying to figure out how that fits in. He stated was the attorney for Dr. Plumlee.

Gidley asked if they knew what utilities were in the ground there.

Smith replied everything so water and sewer would have to be accommodated through the basement structures. She stated this would have a basement with laundry downstairs, with nothing else other than storage. She stated they could accommodate it through the planned basement. She stated there was electric, water, and gas that comes to this facility.

Easterday commented that it was private and to this facility so it was not public utility.

Gidley stated his concern was the right-of-way (ROW) and what was in the ROW.

Smith replied that all utilities are in the ROW.

Gidley asked for clarification that the building would be eight feet back from the property line. Smith agreed. Gidley asked if they knew how far the utilities were from the property line. He stated he was concerned about future excavation along Pidco Drive.

Smith replied on the site plan, they can see the underground utility lines marked right along the pavement edge, so if they were to ever to expand Pidco Drive that they would have to relocate those utilities. She stated the water comes in a straight lateral and that was far into the ROW. She stated the sewer comes in from another property.

Gidley stated there were no elevations provided and asked if the elevations and the 8 feet back from the property line also include the roof overhang. He stated that the roofline would have to be included in the setback.

John Spalding (106 Lincolnway E., Mishawaka, IN 46544)

Spalding replied that it was too the building footprint and not the drip line so the overhang would be 12 inches beyond that.

Gidley asked for confirmation that they are 7 feet back from the property line. Spalding agreed. Gidley stated they do count that.

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Spalding replied in agreement and stated it was a two-story structure so that was sitting roughly 18 feet above the property.

Gidley asked for confirmation that it was a one-story building now but this would be a two story addition. Spalding agreed. Gidley asked if the pine tree was theirs and if it would be staying. Spalding agreed.

Easterday stated he measured the addition to the pavement and it was about 31 feet. He stated it was obviously not the ROW line, because there was a 7 foot ROW there.

Gidley asked for confirmation that the new parking spaces would be 10 x 20. Smith agreed.

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

Jeff Houin (124 N. Michigan St., Plymouth, IN 46563)

Houin introduced himself as the Plymouth City Attorney and said that Mayor Listenberger was not able to be here tonight due to other obligations, so he had asked him to speak on behalf of the administration. He stated as far as the variance request, the administration supported this and feel it was a good use for the area. He commented they certainly want to see Dr. Plumlee be able to expand their services. He stated he could say personally that Plumlee was his dentist and that he does get nervous riding his bike to his office so that was why the multi-use trail had been a topic of conversation. He stated he appreciated that they included it here and they did that before they could tell them about some of the design plans that the city was working on. He stated they have Engineers conducting a study on Oak Drive running all the way from US 30 to the hospital to find ways to add bicycle and pedestrian infrastructure. He explained they asked for two plans, with one being how quickly and cost effectively they can get something in place. He stated that design would put some compromise infrastructure in place to allow bicycle lanes and pedestrians along Oak Drive. He stated the second version of the plan they asked for, which was the gold version, so if time and money were not an object, and if they were to start from scratch, how should they have built Oak Drive. He stated they are hoping they can do some things very quickly and as they identify grant funding and other opportunities; they can gradually incorporate some of the better plans. He stated the best plan would include bicycle lanes on the street and a multi-use path along the edge of the street. He stated the biggest problem on Oak Drive was that in some places, there was less than two feet of ROW, and that was not enough for a sidewalk, let alone a multi-use path. He explained that was a topic for the Plan Commission and they expect to come back to the Plan Commission with another request from Dr. Plumlee. He stated about a year ago, when Collins were building their new office on Oak Drive, they arranged with them, that rather than installing the sidewalk as part of the development, as it was normally required, they dedicated a 10-foot easement to the city so combined they have about 12 feet of space to work with when they get to the point of installing a plan. He stated they would be proposing that they make the same arrangement with Plumlee Dentistry, so rather than installing a sidewalk or any sort of path on Oak Drive as part of this development that they dedicate a 10-foot easement so they can incorporate it into the plans the city was working on versus putting in a sidewalk that would need to be torn out and redone later.

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Board members Gidley and Richie moved and seconded to close the public hearing. The motion carried.

Richie stated his office was right down the road in that plaza and it was a nice place to have an office between Jimmy Johns and Wings Etc. so it was nice to have a dentist nearby to get a filling at. He stated if they could get a cardiologist down there, then he would never have to leave a half-mile radius. He stated Plumlee Dentistry had wonderful service there and right where they are at was such a great spot for them and easy to get to for those who work on that side of the city. He stated he could not speak highly enough about them.

Board members Wendel and Richie moved and seconded to approve BZA 2024-16-17 as presented. The motion passed by roll call vote.

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

BZA 2024-18: Cameron and Brittany Connolly, 10567 Olive TRL, Plymouth, IN 46563: A Variance of Use to raise five (5) hens for egg production on parcel 50-32-07-000-148.000-018, located at 10567 Olive TRL, Plymouth, IN 46563, zoned R-2, Suburban 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 – Application for Variance of Use
Letter of Intent**

Petitioner: Cameron & Brittany Connolly

Mailing Address: 10567 Olive Trail & Use Variance Address
Plymouth, Indiana 46563

Phone: 574-933-1200

Email: Connolcj@gmail.com

The intent of this application from my wife and I is to request a Use Variance to allow for raising/keeping five (5) hens (no roosters) on our approximately 1.29-acre property. The property is currently zoned R-2 (Suburban Residential District) and we recently found out that raising chickens is not permitted use within the zoning district.

The size of our lot, when coupled with the distances to the surrounding residences, will not pose risks or injury to public health, safety, morals and general welfare of the community. Distances to the five (5) closest residences ranges from approximately 380-feet to 940-feet.

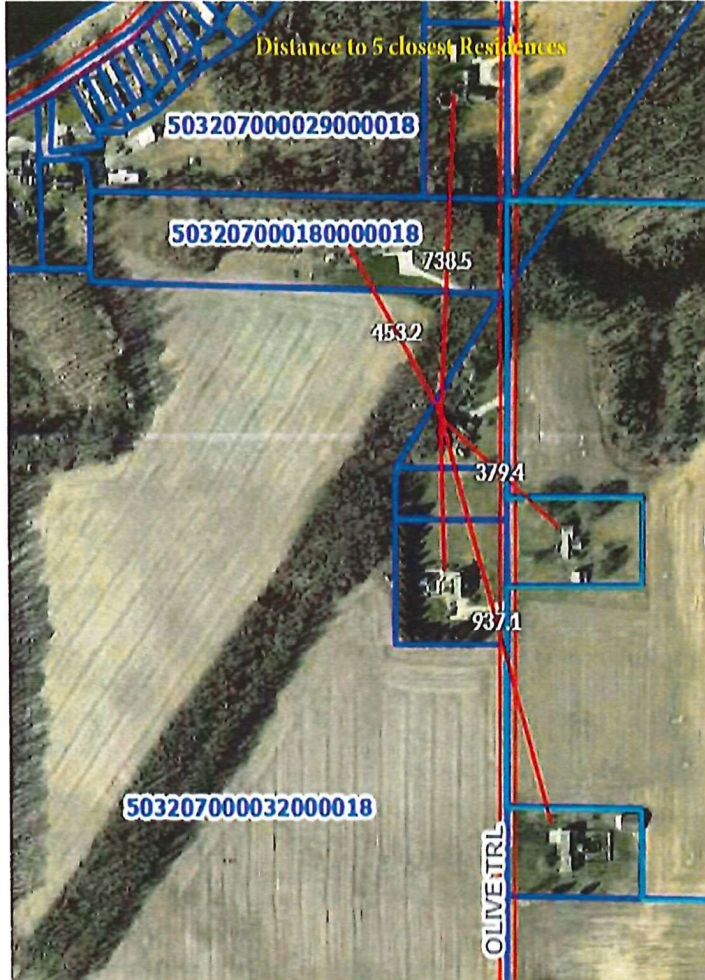
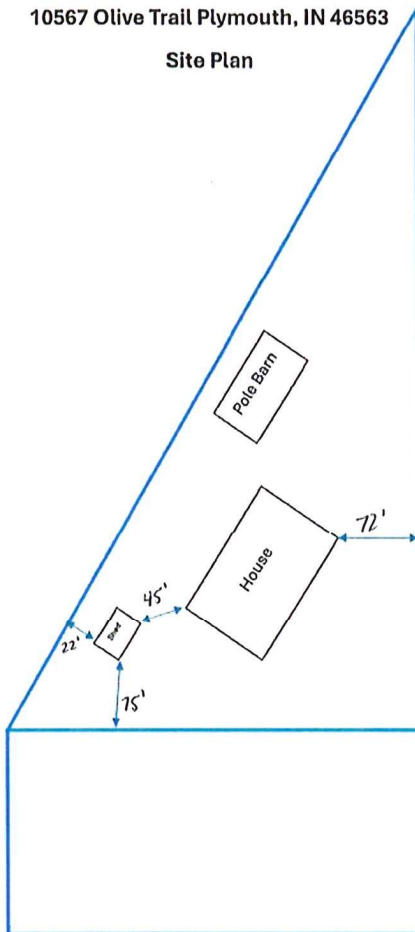
Likewise, as indicated in an aerial submitted as a part of this application, the distances surrounding residential uses demonstrate that would be no depreciative effect on them. There would be no adverse impact on from five (5) hens if the more intense current permitted agricultural uses surrounding them have not negatively impacted them.

The peculiarity in our case stems from being unable to raise five (5) hens on our property while being located within an area containing intense agricultural uses involving crop production with the inherent noise and dust associated with it. Additionally, the area and scattered residences are rural in nature and likely to remain so for the foreseeable future due to the high percentage of floodplain, state owned property and wetlands surrounding it.

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As parents we are actively involved in the education of our children beyond the classroom. It was our intent to use the hens as a teaching tool. Being able to show where food comes from, the responsibilities associated with raising animals and the connections between farm and table. Being unable to raise the hens would not allow us to do this and poses a hardship in educating them.

Our property is currently zoned R-2 Suburban Residential and does not allow chickens. However, the future land use recommendation contained in the City of Plymouth's Comprehensive Plan for our property is R-1 Rural Residential which does allow chickens. The granting of the requested Use Variance will bring our property into agreement with the Comprehensive Plan.



Booker explained during his visit the neighbor to the south came out and visited him while he was on the property and at that time she had no concerns aside from who the guy was that was checking out the property.

Cameron Connolly (10567 Olive TRL., Plymouth, IN 46563)

Connolly stated they mainly wanted to have chickens this year for their children so they can learn about raising chickens. He stated he tried to have it as nice as possible and found out they could not have it without approval.

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Jacobs asked if they only planned on having five at a given time.

Connolly replied they started with eight and lost three. He stated they are not trying to have a ton.

Wendel asked how large the coop was.

Connolly replied the outside area was 15 x 15 and inside the shed was 10 x 12.

Wendel asked if he let them roam. Connolly disagreed.

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

Michael & Bobi Baker (14745 Dixon Lake Trl., Plymouth, IN 46563)

Mike & Bobi Baker
14745 Dixon Lake Tr
Plymouth, IN 46563

RE: BZA 2024-18 – Cameron and Brittany Connolly

To Board of Zoning Appeals,

We are writing this letter in support of Cameron and Brittany Connolly, who are exercising their fundamental right to keep chickens on their property. In an age when individual liberty is increasingly under assault, it is more important than ever to defend our right to make personal choices about how we live and what we do with our own land.

Keeping chickens is not a matter for bureaucratic interference. Chickens provide a source of fresh, healthy food, teach responsibility, and promote self-reliance, qualities that should be encouraged in any community. Yet, we see increasing government overreach in the form of zoning laws, regulations, and restrictions that do little but stifle our freedom to make decisions about our own property.

This kind of government intervention is unnecessary and detrimental to the fabric of our society. Why should the state dictate what we do in our own backyards? The government, with its endless regulations, often acts as if it knows better than the very people it is supposed to serve. But the reality is that no government official knows what is best for the Connolly's and their family better than they do themselves.

The right to own property and to use that property to sustain oneself and one's family is a core aspect of personal liberty. By restricting this right, the government is overstepping its bounds.

Chickens are not just livestock; they are a symbol of self-sufficiency, a connection to our roots, and a step toward independence from the increasingly centralized systems that dominate our lives. We must push back against the growing tide of regulations that seek to control every aspect of our existence. The right to keep chickens on one's property is, at its core, about much more than poultry—it's about freedom.

We urge you to consider this issue through the lens of personal liberty. Let the Connolly's keep chickens without interference, and let us all remember that a government that over-regulates its citizens is one that chips away at the very freedoms it is supposed to protect.

Sincerely,
Mike & Bobi Baker

Michael Baker
Bobi Baker

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Christine Cain (14729 Dixon Lake Trl., Plymouth, IN 46563)

Board of Zoning Appeals, 8-27-2024

On behalf of case BZA2024-18 Cameron and Brittany Connolly 10567 Olive Trl, Plymouth IN 46563, I am in favor of them having chickens and as many farm animals as they want. If anyone is against this they should be reminded that there was a farm in the past at Olive Trail and Glenn Overmyer Dr. and this residence is farther out. If anyone is against this they should also be reminded that at one point in time the city/county was responsible for taking care of Dixon Lake which has not been happening for many years now. So with that being said this location should not be zoned the way it is because they should not have to receive approval for chickens in an area the city doesn't care about to begin with. So approve their request please. Chickens help with mosquitoes.

Thank you,
Christine Cain

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

Gidley stated this was where each one of these cases stood alone. He asked if there was a proposal to change this piece of property.

Houin replied that it was not a proposal at that time. He stated in the Comprehensive Plan discussion about land use, the discussions spoke about getting away from the strict use-based zoning to more of a form-based zoning, which would allow for more flexibility in that area.

Jacobs asked the applicant how many acres he had.

Connolly replied between the two parcels, it would be around two acres.

Gidley stated based upon the distance between them and other properties, characteristics of this two-acre property, the size and the self-limit on the number of chickens, and their coop and pen meet a set of standards that he approved of this request.

Board members Gidley and Richie moved and seconded to approve BZA 2024-18 as presented. The motion passed by roll call vote.

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

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BZA 2024-19: Steven Craft, 11165 Forest Drive, Plymouth, IN 46563: A Variance of Use to have chickens on parcel 50-32-95-000-128.000-018, located at 11165 Forest Drive, Plymouth, IN 46563, zoned R-2, Suburban 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,

We are asking for permission to keep chickens on our property. We purchased chickens and a coop for them several years ago because we thought it was allowed outside city limits. Our house is located at 11165 Forest Drive.

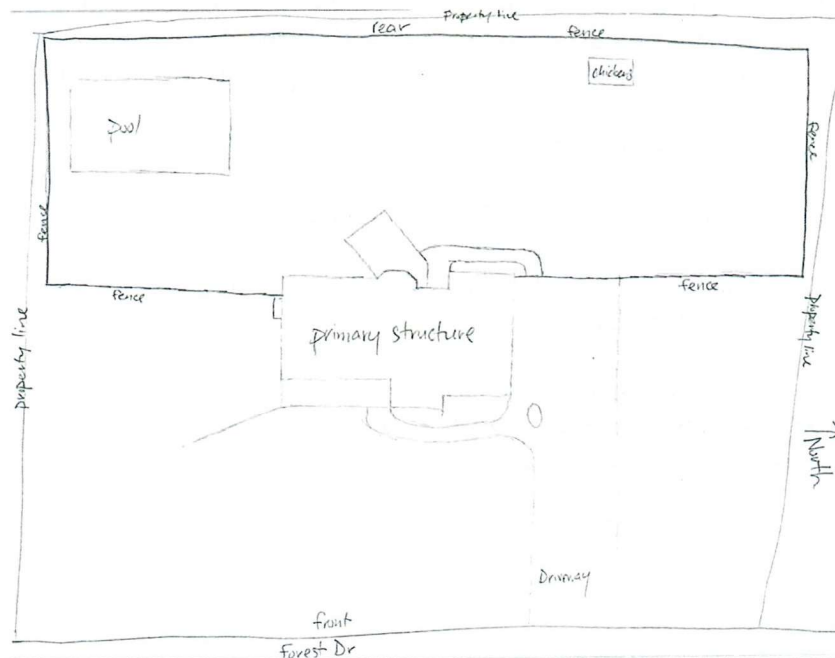
During an inspection for a pool we had installed, we were informed we were not allowed to have chickens on our property. We did install a privacy fence and have an additional enclosure within that fence where we keep the chickens.

We have attempted to rehome them without success. They do provide a lot of value to us and our children, since it gives us the chance to show our girls how to care for the animals. This also gives us hormone free eggs for them as well.

Since this is all contained within a privacy fence away from the property lines and the road, and because it has no negative impact on the neighborhood, we'd like you to grant us a variance to continue keeping the chickens on our property.

Sincerely,

Steven Craft & Brianna Bennett



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Booker explained when the aerial photography was taken, he could not see a privacy fence, but when he visited the site in person, there was a privacy fence.

Steven Craft (11165 Forest Dr., Plymouth, IN 46563)

Craft stated his spouse got the chickens and they have a five-year old and two-year old. He stated they have raised beds in the backyard so they have a system where the chickens provide fertilizer and fresh eggs. He stated the number of chickens was four and he apologized for not including that in the petition. He stated they do not expect to get anymore so they could expect four to be the limit. He stated he could probably have a little more education as the coop was a little small and other things he was picking up from all the chicken discussions tonight. He stated something they had wanted to do was make the coop a little bigger and have a perimeter around the coop where they had walking space. He explained he wanted to be transparent that he was new to owning chickens, as his wife brought home chickens and they originally thought they were allowed. He stated they are outside of city limits and as you drive to their house, you see cows and other animals, so it didn't occur to them that being outside of city limits that it did not qualify them. He stated some of the neighbors may have been upset as the chickens left their yard to roam and it took them quite a while to finish the privacy fence as there was an incident where the chickens got out. He stated it probably was not one instance but that had occurred prior to the privacy fence. He believed that it should not be a major issue now going forward especially since he considered to improve the structure they are living in. He explained that it had occurred to him that it may be small, but they are happy and fine since they let them out within the privacy fence and are out there with them. He stated he still wanted to make the structure larger regardless of if it was in any motion or not. He stated the immediate neighbors he had spoken to personally are all supportive and have no issues. He added he was aware of people complaining but nobody had come to him and he did not believe it was any of his immediate neighbors, but rather people in the neighborhood that had strong opinions about this sort of thing, but they may not be strong against chickens. He stated they are entitled to their opinions and he supported that. He stated the instances where the chickens ended up outside of his yard did happen but it was before the fencing. He stated he wanted to commit to a larger structure for their chickens so when they let them out to roam, that maybe they can be contained within a 10 x 16 area but he may have to do more research to see what was appropriate for four chickens.

Wendel asked if he worried about hawks or owls getting to his chickens.

Craft replied that he did worry as he originally had five chickens.

Wendel stated that he had friends in Culver who had chickens and they daily have problems with hawks and they have a net over their space.

Craft stated they had a big hawk in the neighborhood and originally they had three chickens and his wife came home with two more but they lost one of the two to a hawk. He stated they did not have any roosters and they did not intend on having any roosters.

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

Linda Lippy (11160 Manor Dr., Plymouth, IN 46563)

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Lippy stated that her backyard abuts Craft's property. She stated she had no problem with chickens but like Craft proposed she would like to see a larger coop for them. She stated that as long as there are no roosters and the number was limited, she had no problem with the request.

Ray & Kathy Girres (11158 Forest Dr., Plymouth, IN 46563)

August 24, 2024

To: The Board of Zoning Appeals

From: Ray & Kathy Girres

RE: BZA 2024-19: Steven Craft

We live near the Craft family and have no objection to them having chickens on their property. They have a fully fenced back yard and the front is maintained nicely. This family is an asset to the neighborhood.

Raymond J. Girres 

Kathryn A. Girres 
11158 Forest Dr., Plymouth, IN 46563

Jim & Mary Stuckmeyer (11159 Forest Dr., Plymouth, IN 46563)

August 28, 2024

RE: BZA 2024-19 Steven Craft 11165 Forest Dr Plymouth IN 46563

TO WHOM IT MAY CONCERN

We live next door to the Crafts and want to let you know that we have no objection to them being granted a variance to have chickens. The chickens have been no problem to us and they do a good job of keeping them contained in their yard. They have two small children who love these chickens and I hope that this family will continue to be allowed to have them.

Thank you,


Mary Stuckmeyer


Jim Stuckmeyer

11159 Forest Dr.
Plymouth, IN 46563

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Angie Birchmeier (11100 Shadylane Dr., Plymouth, IN 46563)

Mrs. Birchmeier stated that she did have a letter that Booker would be reading but she wanted to add to this as she had been listening to the rest of the chicken requests. She explained that she had not met Craft, and she did not live right next to him, but she was within the same subdivision. She stated that she does have some concerns about allowing this within the subdivision as they had an issue where farm animals were housed on property close to her property. She stated that it was denied at the time, and she had concern about animals coming in like coyotes and foxes coming into the neighborhood as there are a lot of children in the neighborhood. She stated she was also concerned about the waste and where all that would go as they wanted to ensure everything was clean. She stated she would respectfully request that this be denied.

Craft replied with the fenced in yard that he did not believe wildlife would be an issue or if that would bring coyotes in. He stated that for the waste, they have six raised beds, so the waste was good for the ecosystem, and they eat some of the vegetables that does not get consumed by them and in turn fertilize it. He stated this was more for their kids as they have one on the way and two other kids.

Wendel asked if he had an older son.

Craft replied that he had a 20-year-old son, Tyler, and he was one of the primary workers in the yard.

Kenneth & Tammy Hall (11115 Timber Ln., Plymouth, IN 46563)

August 26, 2024

Top photo was in Nancy Ames yard. Bottom photo was in our yard.

Plymouth City Hall
124 N. Michigan St.
Plymouth, IN 46563

Re: BZA 2024-19 Steven Craft, 11165 Forest Drive, Plymouth, IN 46563

Dear BZA,

I am writing you in regards to the variance of use to chickens. I am very much against this. The chickens have been roaming in our yard as well as our neighbor's yard. (See Photos Attached). They are not responsible with their animals.

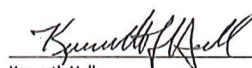
My understanding from the August 1, 2023 amendment that this would be limited to R-1 zoning areas. I feel that if people want to raise chickens, goats, horses, etc., then they should have bought a hobby farm. Not a home in a subdivision. If I were looking to buy a home and seen a chicken coop adjacent to the property, I would not buy it. My husband and I have worked hard to keep our home looking nice just as others have in our neighborhood and we don't want our property values to drop.

If you approve the variance, it will open Pandora's Box.

Kindest Regards,



Tammy Hall
11115 Timber Lane
Plymouth, IN 46563



Kenneth Hall
11115 Timber Lane
Plymouth, IN 46563



PLYMOUTH BOARD OF ZONING APPEALS
September 3, 2024

Lynda Soderlund (11095 Timber Ln., Plymouth, IN 46563)

August 25, 2024

Plymouth City Hall
Board of Zoning Appeals Office
124 N. Michigan St.
Plymouth, IN 46563

To Whom It May Concern,

Re: **BZA 2024-19**
Steven Craft 11165 Forest Drive, Plymouth IN "Chickens"

I am writing in response to the notice received dated 8-22-24.

I am against the proposed variance or rezoning of our residential neighborhood.

There should be NO leniency on this issue. Farm animals belong in the country where the zoning allows for them. That's why there are zoning laws.

Chickens bring disease and rodents.
I am personally aware of an increase of rodents in our neighborhood over the last few years. Of the neighbors that I surveyed on this subject, every one of them have seen a significant uptick in rodent activity this summer. Typically, if there is to be increased rodent activity, it would be more noticeable in the fall after the crops come down. In our yard alone, we load our bait stations (x2) in the spring and in the fall. This year, we have loaded both of them 4 times since the end of June *and* we have had activity in our home. This is not ok!!

I have pictures proving that these chickens have been allowed to roam. This doesn't prove responsible ownership. As a neighbor, I don't appreciate or approve of the variance requested.

Just a few years ago we had to ask a family leave our subdivision due to their family business of raising and selling pigmy goats. What could be next? A petting zoo perhaps?
If we allow the variance or rezoning here we are opening a can of worms.

Please, NOT HERE!

Respectfully,



Lynda Soderlund
11095 Timber Ln.
Plymouth, IN 46563

Jeff & Angie Birchmeier (11100 Shadylane Dr., Plymouth, IN 46563)

August 28, 2024

City of Plymouth
Board of Zoning Appeals
124 N Michigan St
Plymouth, IN 46563

To Whom It May Concern:

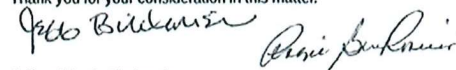
On Tuesday, September 3, 2024 the Board of Zoning Appeals will hear case 2024-19 for Steven Craft, 11165 Forest Drive, Plymouth, IN. Mr. Craft is requesting a variance of use to allow chickens to be housed on his property. As a property owner in the Forest Hills Subdivision, we respectfully request the BZA deny this request.

We have lived in this neighborhood for many years and it is not a neighborhood that is conducive to this type of animal. In the request for the variance, Mr. Craft stated that "the chickens are enclosed within our completed property fence. There is no impact on our neighbors." Unfortunately, that is not true. Until the violation was brought to their attention, neighbors have had these chickens in their yard and have seen them roaming the neighborhood in addition to at least one duck that is present on the property.

While we can appreciate the petitioner's request and desire to give their children the opportunity to learn about caring for animals, there is concern that if allowed this will open up for more fowl and/or farm animals in the future. If permitted, how many fowl would be the limit? Who would police this situation to ensure that no more than the allowable amount are being housed on the property?

In November of 2020, there was a case before the BZA requesting to house farm animals at another location in the Forest Hills Subdivision which was denied. Having set precedent, we would appreciate the Board upholding the peace and tranquility of our neighborhood.

Thank you for your consideration in this matter.



Jeff and Angie Birchmeier
11100 Shadylane Dr
Plymouth, IN 46563

PLYMOUTH BOARD OF ZONING APPEALS
September 3, 2024

David Scheetz (11118 Manor Dr., Plymouth, IN 46563)

Plymouth Board of Zoning Appeals
Plymouth Council Chambers
124 N Michigan
Plymouth, IN 46563

To whom it may concern:

Please Deny the VARIANCE OF USE to have
CHICKENS on parcel 50-32-91-000-128,000-018
located at 1165 FOREST DRIVE Plymouth IN
46563 zoned R-2 Suburban Residential District

My property at 11118 Manor Drive is to
THE WEST OF THE ABOVE PROPERTY AND THE
CHICKENS do get loose and have run on our
PROPERTY. Even with their fenced in area the
chickens still get out of their area.

Respectfully,
David Scheetz
11118 Manor Dr
Plymouth, IN 46563

Booker also explained there was a petition filled out.

| | |
|---|--|
| <p>PETITION AGAINST VARIANCE OF USE TO HAVE CHICKENS LOCATED ON PARCEL 50-32-95-000-128.000-018 11165 FOREST DRIVE, PLYMOUTH, IN 46563 Owner Steven Craft</p> <p>Print Name: <u>Debbie Messon</u></p> <p>Address: <u>11067 Timber Ln</u></p> <p>Signature: <u>Debbie Messon</u></p> <hr/> <p>Print Name: <u>Gary Miller</u></p> <p>Address: <u>10273 Timber Ln</u></p> <p>Signature: <u>Gary Miller</u></p> <hr/> <p>Print Name: <u>Laura West</u></p> <p>Address: <u>11077 Timber Ln</u></p> <p>Signature: <u>Laura West</u></p> | <p>PETITION AGAINST VARIANCE OF USE TO HAVE CHICKENS LOCATED ON PARCEL 50-32-95-000-128.000-018 11165 FOREST DRIVE, PLYMOUTH, IN 46563 Owner Steven Craft</p> <p>Print Name: <u>Ben Withy Vette Wally</u></p> <p>Address: <u>11066 Forest Dr Plymouth IN</u></p> <p>Signature: <u>Ben Withy</u></p> <hr/> <p>Print Name: <u>Steve Scheetz</u></p> <p>Address: <u>11017 Forest Drive Plymouth IN</u></p> <p>Signature: <u>Steve Scheetz</u></p> <hr/> <p>Print Name: <u>Geoffrey Scheetz</u></p> <p>Address: <u>11027 Forest Dr.</u></p> <p>Signature: <u>Geoffrey Scheetz</u></p> |
| <p>PETITION AGAINST VARIANCE OF USE TO HAVE CHICKENS LOCATED ON PARCEL 50-32-95-000-128.000-018 11165 FOREST DRIVE, PLYMOUTH, IN 46563 Owner Steven Craft</p> <p>Print Name: <u>Joseph K. Stone</u></p> <p>Address: <u>11074 Manor Drive</u></p> <p>Signature: <u>Joseph K. Stone</u></p> <hr/> <p>Print Name: <u>Melinda Stone</u></p> <p>Address: <u>11074 Manor Dr.</u></p> <p>Signature: <u>Melinda Stone</u></p> <hr/> <p>Print Name: <u>David A Scheetz</u></p> <p>Address: <u>11118 Manor Dr</u></p> <p>Signature: <u>David A Scheetz</u></p> | <p>PETITION AGAINST VARIANCE OF USE TO HAVE CHICKENS LOCATED ON PARCEL 50-32-95-000-128.000-018 11165 FOREST DRIVE, PLYMOUTH, IN 46563 Owner Steven Craft</p> <p>Print Name: <u>Lisa A Rhoads</u></p> <p>Address: <u>11064 Timber Lane Plymouth IN 46563</u></p> <p>Signature: <u>Lisa A Rhoads</u></p> <hr/> <p>Print Name: _____</p> <p>Address: _____</p> <p>Signature: _____</p> |

PLYMOUTH BOARD OF ZONING APPEALS
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Craft stated he was at a disadvantage as far as petitions go as he questions a lot about legitimacy as a lot of the petition seems like conjecture and he does not know those names, nor could he verify it. He stated someone could have had a party with six of their friends and filled out a petition.

Jacobs asked if they verified the addresses and the names. He stated he knew the people but saw what he was saying on not knowing if they live there.

Craft stated they should have an obligation to show up here or write a letter.

Jacobs stated they do not require that people must show up.

Houin replied a petition was not a standard procedure for BZA requests.

Jacobs asked regarding letters if they ever verify for or against.

Craft stated that you could not see anything from outside the privacy fence so any concerns about property value that there was no noise, odor, or visual indication that there was chickens. He stated he was not aware of any chickens getting out since the privacy fence was completed but it did take him a while to finish it as he did it himself. He stated that he had regretted that as it took forever for one person to complete. He restated that he would commit to building a more appropriate structure.

Wendel asked how tall the fence was.

Craft replied it was a standard 6-foot privacy fence.

Wendel asked if chickens could fly that high because that was how they could have got out.

Mrs. Hall stated if there are items stacked up then that she could imagine them hoping out.

Craft replied that someone could have left the gate open. He stated the most likely thing was that he had kids, and someone left the gate open. He stated that he had dogs and that can often be a problem. He stated they have a Yorkie that was small. He stated the visuals and property value portions of the argument are not legitimate, but he could not speak to rodents increasing as he was not aware of that. He stated he questioned those names, and he knows most of his neighbors as it was not a densely populated area. He stated it could be legitimate people whom he happened to never meet or hear of but he runs the neighborhood Facebook page so he sees a lot of socializing with people he does not directly know he would sometimes see online. He stated it could be possible, but it was a red flag to him.

Gidley stated some of the addresses were in Manor Drive and that was a subdivision that abuts him.

Craft believed that some people are just against the idea of people owning chickens and are not actually affected by him. He stated he could be wrong.

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Gidley stated they had to notify any property owner within 300 feet or two properties. He asked Booker if he had a list of names of people who received the letters that are the same as those who signed the petition.

Booker replied away from the microphone but listed names in the petition. Names of letters are listed below.

- Owner ⇄
- Ⓟ RACZKOWSKI JOHN A & LAURA A
 - Ⓟ WEHR FRANK C & KIMBERLY H / W
 - Ⓟ CANTERO JOSE J 1/2 INT & SANDRA A ROMO INIGUEZ 1/2 INT
 - ✓ Ⓟ STONE JERRY L & MELINDA S
 - Ⓟ BACA JUAN C MENDEZ & GICELA BACA ARRIAGA H/W
 - ✓ ✓ Ⓟ SCHEETZ DAVID A & GUINEVERE J
 - Ⓟ SCHEETZ DAVID A & GUINEVERE J
 - Ⓟ DOWNS CRYSTAL & ERIC DOWNS W/H
 - Ⓟ JIYAMAPA SUNEE TRUSTEE REVOC LIVING TRUST
 - Ⓟ WEHR FRANK C & KIMBERLY H / W
 - Ⓟ LIPPLY LINDA A
 - Ⓟ STONE JERRY L & MELINDA S
 - Ⓟ KLINGERMAN CLINTON E
 - ✓ Ⓟ SCHEETZ GEOFFREY
 - Ⓟ BANTA RALPH P & ADAIR J H/W
 - Ⓟ FOGHT RYAN S & EMILY R H/W
 - Ⓟ CRAFT STEVEN D
 - ✓ Ⓟ STUCKMEYER JAMES R & MARY L
 - Ⓟ MCKENZIE DAVID M & SARAH E
 - Ⓟ JIYAMAPA SUNEE TRUSTEE REVOC LIVING TRUST
 - Ⓟ AKERS THARRIN & KATELYN H/W
 - ✓ Ⓟ GIRRES RAYMOND J & KATHRYN A H/W
 - Ⓟ AMES KEVIN L & NANCY L HW
 - Ⓟ DAVENPORT JON L & NANCY C
 - ✓ Ⓟ WITHEY BENJAMIN & KATHERINE H/W
 - Ⓟ EBY RICHARD W & SAMANTHA H/W
 - ✓ Ⓟ MILLER GREGORY M & GABRIELLE L H/W
 - ✓ Ⓟ MASSON GRANT EDWARD & DEBORAH
 - ✓ Ⓟ SODERLUND PETER H & LYNDAM H/W
 - ✓ Ⓟ HALL KENNETH & TAMMY

Key:

Letters Received

Petition

There were two names in the petition confirmed in the subdivision but did not receive letters regarding the case.

Deputy Clerk-Treasurer Williams added that he did try to require signatures on letters that got sent into the clerk's office, so they can confirm it was who sent the letter in versus someone typing up a story. He explained that most of the letters received in this case were dropped off in person, they called ahead of time, or they called asking if their letter was received in the mail.

Nancy Ames (11122 Forest Dr., Plymouth, IN 46563)

Ames stated she lived across the street from the Craft family and agreed that the chickens roamed the neighborhood, but she had not seen them outside since the fence went up. She stated they would come over to her yard and eat the bird feed off the ground and they did not bother her any. She stated she was not against them having chickens as they have them inside the fence now. She explained that she had been listening for the last two hours so she could tell them because she did not get her letter sent out.

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

Richie stated if edible fowl entered onto his property that he would be excited as that would cut down 50% of his calls to Door Dash, but he understood that people did not want chickens wandering onto their property. He stated he would be curious to find out if there was anything that Craft could do that would appease those around him who had complaints about this request aside from a full removal of the chickens.

Jacobs stated that would be difficult for them now as they must make a motion one way or the other or let it die in lack of a motion.

Wendel proposed the same standard set with the earlier subdivision that they give them one year and then they would decide as he would ensure something gets in writing. He stated they may come back with no subdivisions, but he believed it would be fair to give it time to see how it would play out.

Board member Wendel moved to approve BZA 2024-19 with the stipulation of no roosters, a year timeframe for review, and allowance of 4 chickens as presented. The motion died due to lack of a second.

Secor stated she was unsure due to the comments made by those against the request.

Jacobs asked Houin what would happen if they did not make a motion and did not act.

Houin replied that if there was no action taken, then there would be no variance granted so it was like a denial. He stated if it were to die due to inaction, that they would not be required to wait a year to make a request again, like in the case of a denial.

Richie stated that was the drawback of this, but he understood why they do this case by case as there are positives to it. He stated it would be good to have a blanket R-2 standard.

Mrs. Hall stated the keyword was subdivision as the prior case with Connolly was more of a hobby farm to her. She believed there should be more restrictions for subdivisions.

Gidley stated it was said already that there would be no chickens in subdivisions.

Jacobs stated they just granted one now and they had before.

Gidley stated the prior case with Nutmeg Meadows came before the R-1 "Agricultural Limited." There was a long discussion on when the case was, but it was settled that Nutmeg Meadows occurred before the King Road case for chickens. Outside of the meeting, the variance for chickens out on Nutmeg Meadows occurred on July 6, 2021, while the discussion about chickens started on King Road occurred on July 7, 2023.

Mr. Birchmeier stated they had an issue in the subdivision a couple years ago and asked what the difference was between a hedgehog issue versus what they are talking about that night.

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Jacobs replied the difference was hedgehogs and chickens.

Gidley asked if it was goats and sheep.

Mr. Birchmeier replied that it was hedgehogs and goats.

Jacobs stated with variances that they could say no to everyone, and he does not believe that any American would want that. He stated if he lived beside this case that it probably wouldn't bother him, but he could see why it would bother some of the neighbors and that was okay. He stated it was not about what he felt but what everyone else felt about the case. He stated to make that distinction was why that board was not easy. He stated there are not a lot of parameters, but they work together to communicate. He explained that was why on the other family when they reviewed the case, do they communicate, have them remove the operation, or do they try to figure something out. He stated with the one-year timeframe, they may have to go back and have them remove it but that was their decision.

Gidley stated he believed that generationally more people are attuned to having chickens. He stated he can't speak for his generation, but a lot of people bought homes in subdivisions because there were restrictions and rules.

Jacobs explained as a Firefighter, he could tell them that in fighting fires in Plymouth, they have encountered pigs in people's basements.

Richie stated the thing was they have their own opinions, but this was not about them as they are representing the people around them. He asked what the opinion of most of the people around them was.

Gidley stated if all they did was to have a show of hands then there would be no reason to have a board as this was not about a show of hands but rather about a community that had set a standard. He stated it was a shame that they do not have as many standards for this style of case. He stated the community at large had told them about their opinions on animals.

Jacobs stated what was difficult to him was that it was a family trying to try something, but it was difficult living beside that as well.

Richie stated in an ideal situation they should have the right to have chickens and have his children see that, but it needed to be in the right place.

Jacobs stated what was interesting to him was that even with 30 acres he could not have chickens without asking.

Board member Gidley moved to deny BZA 2024-19 as presented. The motion died due to a lack of a second.

There was a significant amount of discussion without another motion made.

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Jacobs believed it was good to have a public forum about this in our community and allowed another speaker to come forward.

Jeff Youst (11440 Forest Dr., Plymouth, IN 46563)

Youst stated he had one word and that word was precedent. He explained he was not for or against what was going on there. He stated he lived on Forest Drive, so he lives three streets over from him, even though it was in the same subdivision. He stated when he first built his home in 2000, he got a lot of free Domino's pizzas because they could be staring at his home and have no idea where it was. He stated for the precedent, if this was allowed, and someone comes in next year wanting a pony and you deny it, what would stop them from suing the board.

Jacobs replied that they have the right to take it to circuit court. He stated despite the decision, the applicant had the right to try to appeal that.

Booker commented that they have thirty days from the date of the decision to take it to circuit court.

Jacobs explained that whatever the court says goes.

Richie stated the problem was there was not a set precedent definitively as they had approved and denied.

Jacobs explained it came down to the size, lot, quality, but rarely had a decision been made due to strong opinions.

Youst stated he had come to this meeting not knowing his plans and he saw a small coop, but the more he sat and listened, he stated there had been changes over the last 24 years since 2000. He explained he had witnessed some of the nicer homes depreciate because people are not caring like they used to. He stated there was one home that was a single-family dwelling, and he stated there are multiple families there now. He stated people park campers, parking trailers in their driveways all the time, and they show up in the spring and do not leave until the Fall while others stay there all year round. He stated if chickens show up, then more people would believe they can get away with more and that was why there are a lot of things that fall under the word precedent.

Jacobs stated that would mean they had to accept it as they had already set precedent by accepting the earlier case. He stated Youst was right on a lot but for the one on Nutmeg Meadows, even though it was in a subdivision, people showed up entirely in support for them having chickens. He stated they had originally not got a variance for it so he had assumed the neighbors would have been upset but they were all in favor of it.

Richie asked if the rule was to not have chickens in R-2.

Booker replied in agreement that there was no livestock allowed in R-2. He stated the only livestock that was allowed before the recent amendment in R-1, was horses in R-1.

Richie stated for as much as he would love for Craft to have those chickens, that it seemed they are bound by the rule that was set that there was no livestock in R-2.

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Jacobs stated for everything they vote on, there was a rule against it, as a BZA. He stated if there was no BZA, they would be subject to the rules.

Booker stated the BZA was there because there was a blanket ordinance but many rules due to fit everybody, because instead of a square lot, you may have a triangular lot, etc. He stated the one case before this the applicant had almost two acres, but it was zoned R-2.

Gidley stated there was always certain parcels on a zoning map that end up in a certain zoning district, but then you discover it should have been in the neighboring zoning district, and that was what he believed with Olive Trail. He did not believe it should have been R-2, but rather an R-1.

Richie asked Gidley why he made a motion to deny earlier.

Gidley replied that he wanted to be consistent in subdivisions and that was why he did not vote in favor of the first subdivision that evening as he was against chickens in subdivisions. He explained that was the standard they set 6-8 months ago.

Jacobs stated the case dies due to lack of a motion as they could not come to a consensus.

Board members Jacobs and Gidley moved and seconded to give the applicant one week to remove the chickens. The motion passed by roll call vote.

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

Gidley stated the request did not get denied but rather died, so if the rules change, he may not have to come back dependent on the decision.

Craft asked for clarification on the rule for applying for another variance.

Jacobs replied that since they did not vote on this, he had the ability to come back and ask for a variance again, but he would get the same answer if they do not make standards around chickens in subdivisions.

Craft asked if he had to wait a year.

Jacobs replied that he did not.

Gidley explained if they were to come up with rules before a year that he could come back.

Jacobs stated if they decide next month that he could have two chickens in a subdivision, that he could come back as every case stands alone.

Wendel asked if the chickens were big enough to take care of.

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Craft replied that he did not know.

Mrs. Hall stated that they were big enough and she could help with that.

Craft replied that he did not need help.

Other Business:

Manuwal stated he had spoken to other zoning administrators throughout the state, and they do not allow chickens at all to the point where it was practically automatically denied.

Gidley asked if he was not even allowing it to go to a zoning board.

Manuwal replied that he spoke to a zoning administrator in southern Indiana and before he went to the jurisdiction he was in now, livestock cases were constant. He stated it had ate up a lot of time but since moving, they were going through their zoning that it was suggested it needed to be a yes or no.

Jacobs stated it was tough because the first subdivision was for it, and he was aware that shouldn't be the reason to vote in favor as the neighbors could change. He stated for his pole barn, he understood why he had to come before the zoning board, because they did not want people living in their pole barns in the two-mile zone and he understood that. He explained that was why they had to look at each case individually.

Manuwal agreed there were things he had to enforce that he didn't agree with and explained that it was like building codes. He stated building codes are basically a "D-," if you build to code, so you are doing the bare minimum. He stated there are a lot of times where he wanted to go in and deny something, but he could not be due to it just meeting code.

Wendel asked if the city council would have to approve the chickens.

Houin replied that it would have to be a recommendation from the Plan Commission first. He stated if they wanted anything to change that the Plan Commission would first have to discuss it. He stated the Comprehensive Plan Zoning Subcommittee could also discuss it.

There being no other business, Board members Richie and Gidley moved and seconded to adjourn the meeting. The motion carried, and the meeting adjourned at 10:05 p.m.



Kyle Williams, Recording Secretary