

PLYMOUTH BOARD OF ZONING APPEALS

October 1, 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 October 1, 2024, at 7:41 p.m. Board President Art Jacobs called the meeting to order for Board member Mark Gidley, and Alternates Linda Secor and Fred Webster. Board members Brandon Richie, Alan Selge, and Paul Wendel were absent. Others present were City Attorney Jeff Houin, and Plan Consultant Ralph Booker. Building Commissioner Dennis Manuwal, Jr., attended virtually. The public was able to see and hear the meeting through Microsoft Teams.

Board members Gidley and Webster moved and seconded to approve both the minutes of the regular session of September 3, 2024, and the Special Session of September 25, 2024, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on September 19, 2024:

116 Legals

NOTICE OF PUBLIC HEARING

The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on October 1, 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 2024-20: Junior and Dania Hernandez, 1820 Hope Blvd, Plymouth, IN 46563: A

Variance of Development Standards to have a zero (0) foot front setback for a porch which was built without a permit, on parcel

50-42-92-102-307.000-019 located at 1820 Hope Blvd, Plymouth, IN 46563, zoned R-3 Traditional Residential District.

BZA 2024-21: Robert and Lynn Kadlec, 12781 Woodbury DR, Plymouth, IN 46563: A Variance of Development Standards for a five (5) foot west side yard setback and twenty (20) foot front setback to build a garage on parcel 50-42-91-000-055.000-018 located at 12781 Woodbury DR, Plymouth, IN 46563, zoned R-2, Suburban Residential District.

BZA 2024-22: Otis R. Bowen Center for Human Services, Inc, 2621 E. Jefferson Street, Warsaw, IN 46580: A Variance of Development Standards to add an additional wall sign of 31' 1" wide and 3.4' tall on parcel 50-41-36-000-021.001-020, located at 2904 Miller Drive, Plymouth, IN 46563, zoned C-3 Corridor Commercial District.

Information on these matters may be obtained at the office of the Clerk-Treasurer, 124 N. Michigan St., Plymouth, IN, and telephone #574-936-2124. Written objections to the proposal filed at the Clerk-Treasurer's office will be considered and oral comments will be heard. The hearing may be continued from time to time as 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, September 19, 2024
September 19, 2024 PN359755 hepaxlp

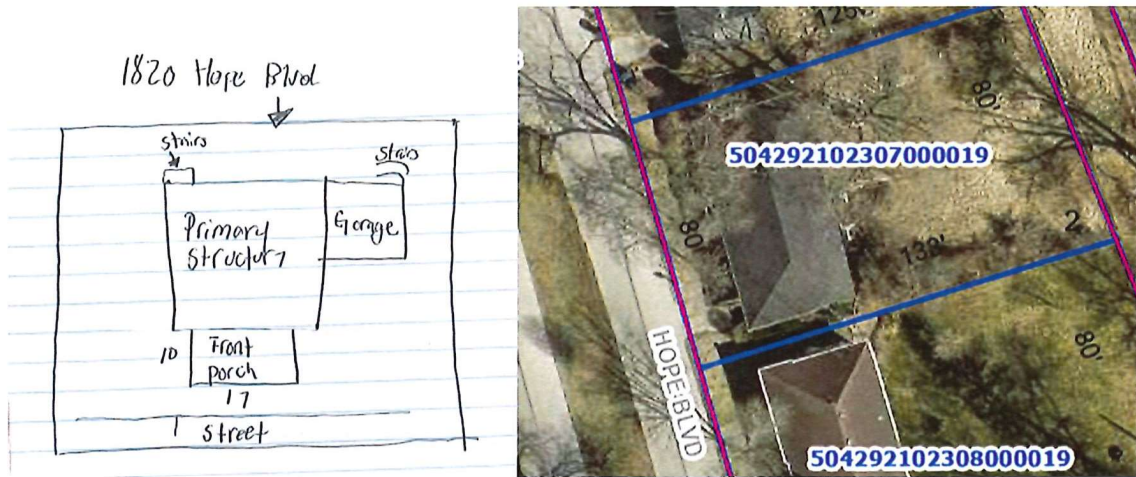
BZA 2024-20: Junior and Dania Hernandez, 1820 Hope Blvd, Plymouth, IN 46563: A Variance of Development Standards to have a zero (0) foot front setback for a porch which was built without a permit, on parcel 50-42-92-102-307.000-019 located at 1820 Hope Blvd, Plymouth, IN 46563, zoned R-3 Traditional Residential District.

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He read the applicant's letter aloud (see attached letter below).

Variance Form.
1. Junior Hernandez, am writing this letter asking for my property line to be pushed back. I built a porch without knowing I needed a permit. The measurements of my porch is 10 ft by 17 ft. I recently found out my property line is only allowed to be 5 ft. I'm asking for my property line to be pushed back an extra 5 feet, since my porch is 10 ft away from the road.
Junior Hernandez'

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Junior Hernandez (1820 Hope Blvd., Plymouth, IN 46563) (Translated by his sister Deisy)

Hernandez stated the property before was rather ugly but it was now looking nice. He stated he did not believe there would be a problem making a porch as the property sat for 14 years with nobody living there. He explained he had worked really hard to make the property look nice.

Gidley replied that he had looked at the older GIS image of the home and he had drove by it that night, and the home does look better on the outside. He commented that Hernandez had improved the property.

Hernandez stated that the inside of the property looks much better as well if they went in.

Jacobs stated they did not have to do that.

Hernandez stated that it took about a year to bring it up to date as it was bad on the inside.

Gidley asked Manuwal if he had become aware of this porch by inspecting the property next door that burned.

Manuwal replied that he did not but rather that he was informed they put a porch on there so he had went out to inspect the porch.

Gidley asked if there were any other properties along Hope Boulevard that got variances.

Manuwal replied not to his knowledge.

Gidley stated down by the end of the street, there was a home with a fence and asked if that was within five feet.

Manuwal replied that he was familiar with the fence he spoke about as it was closer to the road, so they got a permit prior to him becoming the Building Commissioner. He stated the fence was actually moved back from the road.

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Gidley asked if that would be a violation to have a fence that tall on the street side. He stated he was trying to make a connection to something already there and if it got a variance.

Manuwal replied that he did not know if they got a variance before or not as it was before his time.

Gidley stated he did not remember anything about that fence until he saw it that day.

Booker stated the fence could be 42 inches high but it would have to be 75% oblique.

Hernandez stated the house had 20 feet until it got to the road and he only used 10 feet.

Gidley asked if they had to pay a fee to get a variance request. Manuwal agreed. Gidley asked if the variance was granted, if he would go back and charge them for the deck permit. Manuwal agreed. Gidley asked how much that would be.

Manuwal replied for a porch, he believed it would be \$50.

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

There were no comments or signed letters at that time.

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

Gidley believed that in the application it indicated that the applicant spent about \$3,000 for the porch. He explained that it was done without a permit, but the home was nicer than it used to be. He stated that it did change the neighborhood as nobody else had it. He asked if everyone else would want to put a porch on their house and encroach into the setback. He stated he would hate to say to him that he would have to take the \$3,000 porch off, but Manuwal would be charging him a permit fee. He believed that he should not have the ability to put a roof on it, nor should he be allowed to enclose it.

Jacobs agreed as effort was made without knowing.

Secor asked if it would interfere with anything the street department or the city wanted to do being that close in the future.

Houin replied that his understanding from the report was that the porch came right up to the property line. He stated anything that the city would do in the future, including underground utilities, or if there was ever an inclination to install a sidewalk on Hope Boulevard, that all of that would occur within the right-of-way. He stated it would come right up to the porch, but the porch would not interfere with any work the city might do.

Gidley stated what he was afraid of was people just building a porch and plead ignorance saying they did not know they needed a permit. He asked when it would be too much to ask and if \$3,000

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too much if he had to tear it off. He asked where they would set the limit, and he wished to clarify that he was not asking for that to be answered that night.

Jacobs stated he was surprised there was nobody there from the neighborhood.

Webster stated if they were concerned then they would have been there.

Gidley asked Hernandez if he put piers into the cement when he dug down to post in for the deck.

Hernandez replied that he had paid a company to do that. He stated his cousin had a company and came and did it for his dad.

Gidley asked if the person who did the work was local.

Hernandez replied that it was not local.

Booker stated that the porch currently does not block the sightlines, so he believed the stipulations mentioned need to be in any motions for approval.

Board members Gidley and Webster moved and seconded to approve BZA 2024-20 with the stipulation that the porch could never be covered or enclosed. The motion passed by roll call vote.

Yes: Gidley, Secor, Webster, and Jacobs

No: None

Absent: Richie, Selge, Wendel

BZA 2024-21: Robert and Lynn Kadlec, 12781 Woodbury DR, Plymouth, IN 46563: A Variance of Development Standards for a five (5) foot west side yard setback and twenty (20) foot front setback to build a garage on parcel 50-42-91-000-055.000-018 located at 12781 Woodbury DR., 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).

September 12, 2024

City of Plymouth
Board of Zoning
Plymouth IN 46563

Good evening!

We are kindly requesting a variance to build a garage 20' in from our front lot on the north side of our home, entering off of 7B Road. We have some collector vehicles and a boat that need stored during the winter months. Instead of paying for storage, we would like to build a garage on our property. Without approval, we will need to continue to pay someone for storage, which over multiple years could be costly.

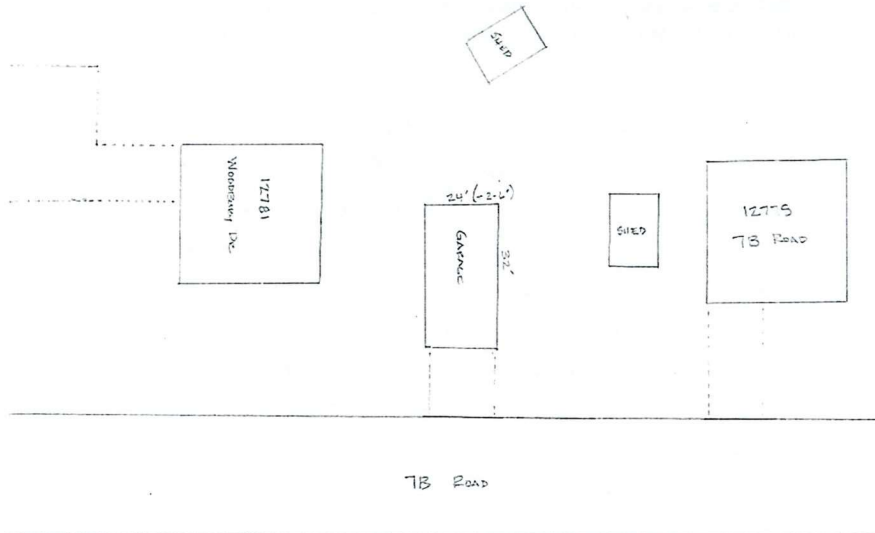
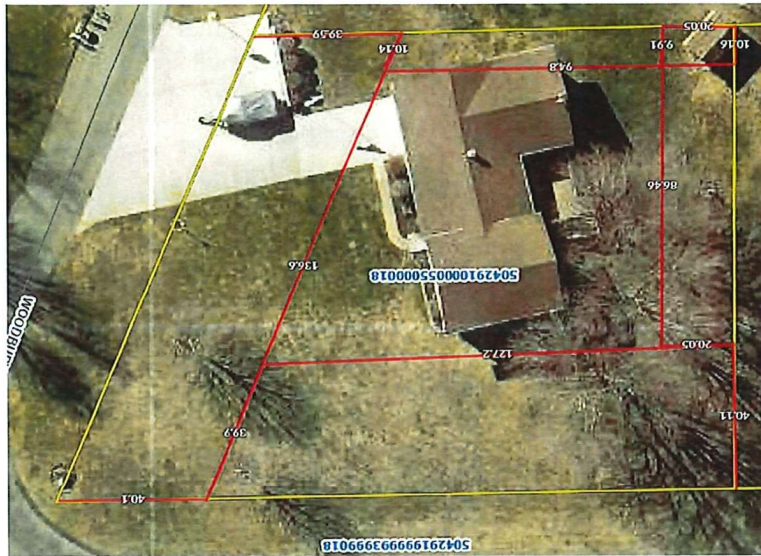
Please consider approval.

Thank you for your time and consideration.



Rob & Lynn Kadlec

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Gidley asked if there was no drawing with measurements on it and if they knew what the size of the building was.

Booker replied that he would have to ask the applicant.

Gidley asked if there was anything provided.

Booker replied that there was nothing that he was aware of. See above drawing from the application.

Webster asked if this was in the two-mile zone. Houin agreed. Webster wanted to be sure as he believed the only area annexed was the Elks Lodge so they could have a liquor license.

Rob Kadlec (12781 Woodbury Dr., Plymouth, IN 46563)

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Kadlec stated he was thinking the garage would be 24 x 32 as that would be the smallest structure he would want. He explained that it would depend on how much space he had there and if he had to cut down trees or not. He stated he would not be connecting it to the house as it would be a concrete patio coming off the back side of their house there.

Gidley asked how close to the road it would be if he did 32 feet deep.

Kadlec replied that the garage would only be 20 feet off the road.

Gidley asked if they would be within 5 feet of the west property line.

Kadlec replied in agreement and stated they walked around the neighborhood and spoke to everyone about it. He spoke of a petition that everyone in the neighborhood signed regarding the variance request that was provided in the application as seen below.

I approve for Robert & Lynn Kadlec, residing at 12781 Woodbury Dr., Plymouth IN 46563 to build a garage on the northwest side of their property, reducing the setback on their (north) front yard and reducing the setback in their back yard.

	SIGNATURE:	DATE:
Samantha Maxon Calhoun, 12782 Woodbury Dr.	<u>S. Calhoun</u>	<u>9-11-24</u>
Curtis W. & Melissa Samuelson, 12796 Woodbury Dr.	<u>M. Samuelson</u>	<u>9-12-24</u>
Nancy J. Bowman, 12874 Woodbury Dr.	<u>Nancy J. Bowman</u>	<u>9-12-24</u>
Maria F. Carrillo, 12775 7B Road	<u>Maria Carrillo</u>	<u>9-12-24</u>
Yasmin Garcia & Jovanny Luva, 12883 Woodbury Dr.	<u>Yasmin Garcia</u>	<u>9-11-24</u>
Roberto Salinas, 12879 Woodbury Dr.	<u>R. Salinas</u>	<u>9-11-24</u>
Tony & Lorianne Faucett, 12861 Woodbury Dr.	<u>Lorianne Faucett</u>	<u>9/13/24</u>
James Wenino, 12849 Woodbury Dr.	<u>James Wenino</u>	<u>9/12/24</u>
Harry & Marian Savage, 12839 Woodbury Dr.	<u>Harry Savage</u>	<u>9-12-24</u>
John Sabo, 12829 Woodbury Dr.	<u>John Sabo</u>	<u>9-11-24</u>
Kyle & Sydney Faucett, 12825 Woodbury Dr.	<u>Sydney Faucett</u>	<u>9-11-24</u>
McKenzie Leed & Jakob Young, 12817 Woodbury Dr.	<u>Jakob Young</u>	<u>9-11-24</u>
James & Melissa Brown, 12809 Woodbury Dr.	<u>Melissa Brown</u>	<u>9/12/24</u>
Mark & Maria Lemert, 12799 Woodbury Dr.	<u>Maria Lemert</u>	<u>9-12-24</u>
Dave & Julie Shook, 12773 Woodbury Dr.	<u>Julie Shook</u>	<u>9/12/24</u>
Harold & Sherry Cox, 12759 Woodbury Dr.	<u>Harold Cox</u>	<u>9-11-24</u>
Indiana Tool & Mfg. Co. Inc.	<u>Michelle Brown</u>	<u>9/10/24</u>

Gidley stated he would be concerned about the west property owner wanting to put a building on the east side of their property.

Kadlec replied that the west property owner already had a large shed off the side of their home.

Webster asked where the septic system was on the property.

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Kadlec gestured toward the front of the property.

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

There were no comments at that time.

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

Board members Webster and Secor moved and seconded to approve BZA 2024-21 as presented. The motion passed by roll call vote.

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

BZA 2024-22: Otis R. Bowen Center for Human Services, Inc, 2621 E. Jefferson Street, Warsaw, IN 46580: A Variance of Development Standards to add an additional wall sign of 31' 1" wide and 3.4' tall on parcel 50-41-36-000-021.001-020, located at 2904 Miller Drive, Plymouth, IN 46563, zoned C-3, Corridor Commercial District.

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He read the applicant's letter aloud (see attached letter below).



440 East Brackenridge Street
Fort Wayne, Indiana 46802
Tel 260/424.2366 Fax 260/424.2368

13 September, 2024

City of Plymouth
Plymouth, Indiana Plan Commission
124 North Michigan Street
Plymouth, IN 46563

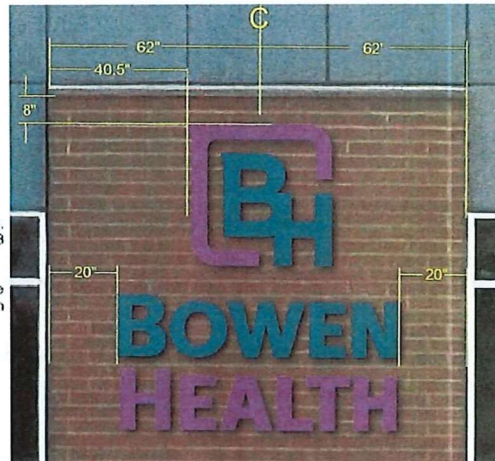
To Whom it May Concern:

We are requesting on behalf of The Bowen Center an increase of one wall sign for the new building. The signage proposed for the property is one more than the Sign Ordinance standards for their C-3 zoning district.

The request adds one additional wall mounted internally illuminated channel letter/logo set to the North façade. The overall size of the signage is 31' 1" wide x 3.4' tall. The additional set of letters on the North façade allows for building recognition from all angles of approach.

Thank you for your consideration.

George Baldus
The Baldus Company
440 E. Brackenridge Street
Fort Wayne, IN 46802
260-424-2366



Hugh Baldus (440 E. Brackenridge St., Fort Wayne, IN 46802)

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Baldus stated this would be for a fifth sign to cover all the façades as far as the exterior. He stated they should have done their homework a little better as they were not aware there was a limit to the signs. He stated that side of the building had already been wired and they have connection points established.

Gidley asked if they have already built the sign.

Baldus replied in agreement and stated they were ready to install it with their grace.

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

Richard Hoffman (3896 W. Small Rd., LaPorte, IN 46563)

Hoffman stated he was the current Facility Director for Bowen Center so he would like the sign to go on the building. He explained that day was the first day where they would be changing their name to Bowen Health. He stated anytime someone approaches a building, especially under stress, or someone coming who was new to that building, that it was good to know that you are at the right location. He stated one thing they had discovered was that they have a lot of people going to the BMV, and they miss and go into their lot.

Jacobs stated that was good for their business as once they go into the BMV, they would want to go back to Bowen Health.

Hoffman stated they would very much love to put the sign up as they already have all the holes and are ready to go.

Jacobs stated they had already wired it, built it, and the ordinance was for four signs. He asked how that got missed and he wished to clarify that he was not criticizing as he had similar issues. He added that he was trying to learn.

Baldus replied that his first call for each job would always be to the municipality to figure out exactly what they are allowed to do. He stated he had a complete rundown of what they were doing, and it was not brought to his attention that it was in excess to the ordinance.

Jacobs asked if that was a couple years ago prior to the construction of the Bowen Center.

Baldus replied that he believed it was around November and could have been as early as September.

Jacobs asked if that was when they got the building permit or when they went to the Technical Review Committee (TRC).

Baldus stated prior to that it would have been a phone call ahead of all that. He explained it would have been a phone call ahead of a bid or ahead of building the signs.

Jacobs asked who he called.

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Baldus replied that they called the Planning Department and believed that in that case, it was a phone call to Booker. He stated if he did not speak to Booker, then it may have been to Manuwal, but that may have been shortly into Manuwal starting.

Gidley asked if this call was when he was going for the bid on the sign job as late as November. He stated that project was planned well before that.

Baldus replied that sometimes they would like to be earlier, but sometimes people do everything else and then realize that they would need signs. He explained he was not saying that was the case for this, but they are also following along other builds such as Columbia City, and other potential builds and doing them in order.

Gidley asked if the Columbia City building had signs on all four sides of the building.

Baldus replied that the building did.

Jacobs asked if they had to ask for a variance there.

Baldus replied that he did not at that municipality. He stated it can sometimes be tricky with covenants as there are some that are brought up that may not supersede what the municipality allows but sometimes, they do. He stated what he had found as the weak point for him would be the entry of who he would be talking to and the records that are present. He stated it happened often with non-conforming signs on if they were or were not put up with a permit as the records don't exist anymore. He referenced some issues about ordinances, having verbal confirmations in writing, etc.

Webster asked if Hoffman came in when they brought all the plans to the TRC meeting. Hoffman disagreed. Webster stated whoever came in on behalf of Bowen Center and sat across the table from all the department heads, Booker, and himself, that they go around the table covering planning, emergency services, transportation, utilities, etc. He stated somewhere along the lines, communications did not get relayed back, and he would like to point that out. He stated he had sat on the TRC from the first meeting they ever had, and he knew that these items get covered. He stated most of the time someone was there with a legal pad and taking notes.

Hoffman apologized and stated that they do not want to have to come back and ask for something that was missed.

Gidley stated he had went by the Bowen Center driving westbound on US 30 and you could see the sign on the front of the building, facing east going westbound, plus they would have the sign they got the variance for that was bigger than their standard. He stated the signs were already up, aside from the one by the highway.

Jacobs clarified that the fourth side was not up yet.

Gidley stated it was already built. He stated he does not buy the idea that people cannot see the building as there was plenty of visibility for their sign from the front and from that great big sign, they already granted a variance for. He stated the argument that people cannot find the building, as they could not see it, that he was not falling for it. He stated he wished to clarify for his vote that

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he did not want anyone to think he was voting one way or another for any reason, but his mother sits on the Bowen Center Board, and he would like to make that a part of the record. He stated he had no financial interest and did not believe he had a conflict of interest, but he wished to make that known.

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

Gidley stated he was not going to vote for this with a 31' sign and he would vote against it. He stated if they had not already built the sign and said they would build a smaller sign, half that size or the square ones like the other sides, that he may have went along with it, but he did not plan on going with a 31' sign when there was already plenty of visibility along that highway for that building.

Secor asked what was done for Popeye's as she was aware they went over the sign limit.

Houin replied that he believed they had two on the north side, two on the west side, two on the south side, and one monument sign. He stated that Best One Tire was also a recent signage limit request as they had separate signs for their separate bays.

Jacobs clarified that each case stood on their own.

Board members Secor and Jacobs moved and seconded to approve BZA 2024-22 as presented. The motion failed by roll call vote.

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

After discussion, it was clarified that Booker stated, because it was a tie vote, that another motion could be made, or it could die due to lack of motion.

Gidley stated he was aware that the sign was already built but he would like them to consider changing the size of the sign as he did not know why it needed to be 31' long.

Board members Webster and Secor moved and seconded to table BZA 2024-22. The motion passed by roll call vote.

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

Deputy-Clerk Treasurer Williams added that the next meeting was November 6, 2024, which was a Wednesday, due to Election Day.

Jacobs believed the larger issues were that they had given a good variance for the sign at the front. He stated at the TRC they try to do their best to educate everyone ahead of the meeting, and he

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understood that neither of them were personally at that meeting. He believed the other issue was the sign not being larger than what was normally allowed.

Baldus and Gidley replied that was not the case.

Gidley stated they have visibility with that great big sign out by the highway and he did not know why they needed a 31' sign.

Baldus stated they are within the ordinance for the size of signs, and he wanted to be clear, so he understood them. He stated if they wanted to deny it based upon the size of the sign, as opposed to having one additional sign, then he was not certain that was congruent.

Jacobs replied that the holdup was the five signs as they had already asked for the variance for the one at the front.

Baldus stated he would like to talk about 4 signs versus 5 signs and not the 31'.

Jacobs believes the size comes in as Gidley felt they can already see the sign.

Baldus replied that he understood but he had heard 31' five times. He stated they are well under the typical standard.

Gidley stated he could understand that part of the variance but couldn't understand they could only have four signs. He stated he was selectively picking what it was he wanted to quote back to him.

Hoffman stated from Bowen Health's perspective, they would take a sign down, which would be the one that faces Miller Drive. He stated they would take it down, replace the brick, and withdraw their application. He believed that would be best for everyone and he felt if they would have known going in that they had to have a variance for five signs that they would have asked for it sooner. He stated a week prior he had a conversation with the CEO about pulling the sign, but sensing what was happening, they are fine with pulling one sign. He explained they had the monument sign coming in and they would fix the brick. He explained they had already drilled the holes and did not want to incur the additional expense, because they do not want to create frustration within the community. He stated he was obligated to do that as far as overseeing the building.

Webster asked if he would be having a chat with whoever showed up to their TRC meeting.

Hoffman replied in agreement that he sure would, and he stated he could not guarantee that those signs were not added later. He explained they were building six of those buildings and they sometimes run together. He stated from their perspective, they want to be good to the community, so they plan on pulling the request.

Webster stated their ordinance could be found online.

Other Business:

Jacobs believed it would be good to address signage because a good number of requests are signs.

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Manuwal replied in agreement and believed they needed to look at their sign ordinance.

Houin stated the Comprehensive Plan Zoning Subcommittee could certainly take a deeper look into the signage section of the zoning ordinance. He explained they could work with the Plan Commission to see if there was reasonable changes that would help address the problem.

Webster stated they were at a couple of TRC meetings.

Jacobs explained that was why it was hard for them as that night they heard two cases where they were already doing the work. He stated he wanted to do better at ensuring they knew that if items are changed that they need to be brought back up. He understood in the heat of building, that changes can come about.

Gidley asked if his frame of reference was his house. Jacobs disagreed. Gidley stated what bothered him was they had professional sign people who deal with ordinances and communities throughout the State, and they should know. He stated it could be completely legitimate, but they put up signs across northern Indiana, and to say that he did not know Plymouth's zoning ordinance was different was bogus as he knew how to look these up.

Webster stated they came into the TRC with all the building plans, and they were told at that meeting they had a limit of four signs as that was not an item that was missed.

There being no other business, Board members Webster and Gidley moved and seconded to adjourn the meeting. The motion carried, and the meeting adjourned at 8:46 p.m.



Kyle Williams, Recording Secretary