

PLYMOUTH BOARD OF ZONING APPEALS

December 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 December 3, 2024, at 7:30 p.m. Board President Art Jacobs called the meeting to order for Board member Mark Gidley, Alan Selge, Paul Wendel, and Alternate Fred Webster. Alternate Linda Secor was in attendance but not needed. Board member Brandon Richie was absent. 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 Wendel and Webster moved and seconded to approve the minutes of the regular session of October 1, 2024, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on November 21, 2024:

NOTICE OF PUBLIC HEARING

The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on December 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 2024-23: Scott and Sharon Cooper, 329 Ewing St., Plymouth, IN 46563: A Variance of Development Standards to have a 2.3-foot side yard setback to build an addition which does not exceed the existing side yard setback, on parcel 50-32-93-403-528.000-019 located at 329 Ewing St., Plymouth, IN 46563, zoned R-3, Traditional Residential District.

BZA 2024-24: Enterprise Holding, LLC, PO Box 855, Bristol, IN 46507: A Variance of Use for an indoor climate controlled self-storage facility on parcel 50-32-93-202-100.000-019 located at 320 N. Kingston Rd., Plymouth, IN 46563, zoned C-1, General Commercial District.
BZA 2024-25: Sherri Stewart, 12563 Emerald Ct., Plymouth, IN 46563: A Variance of Development Standards to have a

116 Legals

two (2) foot side yard setback for an already constructed 12 x 20 foot storage building on skids on parcel 50-32-94-000-148.000-018, located at 12563 Emerald Ct., Plymouth, IN 46563, zoned R-2, Suburban Residential District.
BZA 2024-26: Harman Restaurants, INC., 209 N. Main St., Bourbon, IN 46504: A Variance of Development Standards to have up to eight (8) signs and increase the total square footage of the signs to 300 square feet, on parcel 50-32-93-104-224.000-019, located at 101 S. Michigan St., Plymouth, IN 46563, zoned C-2, Downtown 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, November 21, 2024.
November 21, 2024 PN361172 hspaxlp

BZA 2024-23: Scott and Sharon Cooper, 329 Ewing St., Plymouth, IN 46563: A Variance of Development Standards to have a 2.3-foot side yard setback to build an addition which does not exceed the existing side yard setback, on parcel 50-32-93-403-528.000-019 located at 329 Ewing St., Plymouth, IN 46563, zoned R-3, Traditional Residential District.

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

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Letter of Intent

October 25, 2024

City of Plymouth
Board of Zoning Appeals

Dear Board Members,

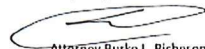
This Letter of Intent is submitted in accordance with the Plymouth Zoning Ordinance to describe the variance being requested and the commitments being made by the applicant.

The variance being requested is a setback variance requesting the eastern side yard setback be reduced from 10' to 2.3'. The basis of this request is that the current existing structure has a side yard setback off the eastern property boundary of 2.3'. The owner of the property wishes to build on an addition to the residence and that addition would maintain the current setback of 2.3 feet but would extend it 12' north on the same boundary line. As can be seen in the site plan, the addition will be added to the rear of the home and will extend to the current existing side wall off the eastern boundary.

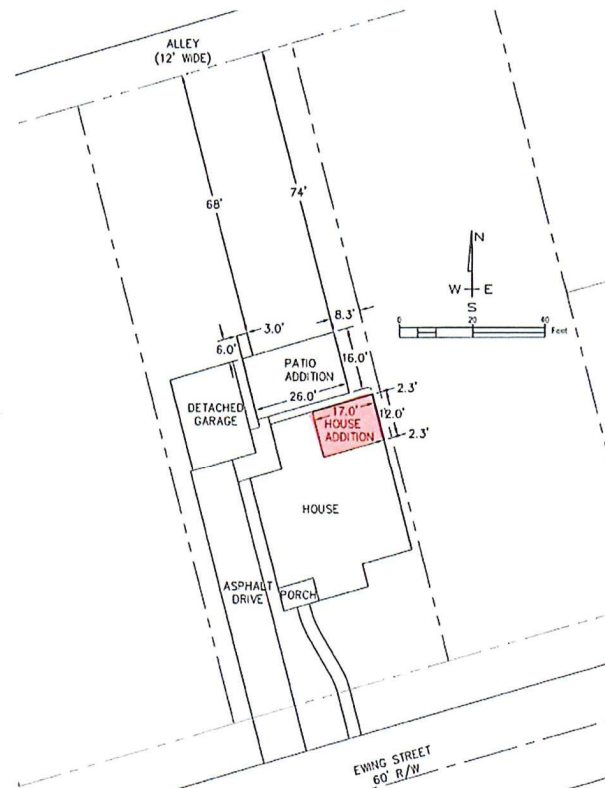
The granting of this request is not injurious to the public health and safety. It is in keeping with the environment created by other improvements in the area. The owner is agreeing to commit to having all new construction meet the fire code standards for residential development within 5 feet of a parcel line. This will include all interior and exterior wall standards, eaves, and roofing materials. The granting of the variance has a de minimis effect on anyone as the side yard setback is already present on the subject parcel and this merely extends that line 12 more feet. The current improvements on the parcel contiguous with the eastern boundary line are set off of the line roughly 15'. Therefore, if the variance is granted and the improvement is completed, the separation between improvements on the 2 parcels will be nearly 20', which is in keeping with the ordinance.

We respectfully submitted this variance request for your review and further request you find the application meets the necessary standards and that you finally approve the application as requested.

Very Truly,



Attorney Burke L. Richeson, 29739-50
In-House Counsel, Collins Equity Group, LLC
Construction Management and Design, Inc.



SITE SKETCH PLAN FOR HOUSE & PATIO ADDITION
AT 329 EWING STREET IN PLYMOUTH, IN

Wendel asked for clarification that the building would not be extended out any further than the existing building.

Booker replied in agreement and that according to the applicant it would stay the same distance from the property line as they would just be filling in that corner of the building.

Burke Richeson (1619 N. Oak Dr., Plymouth, IN 46563)

Richeson stated he was in house counsel for Collins Equity Group and they are the builders on this addition. He stated at the site, the applicant had a state approved in house Day Care Center that they run out of this residence. He stated they received a grant to do some of these additions and what the addition would be used for would be a learning center for the daycare students they would have on the site. He stated this would be used as an educational room. He listed that a permitted use in R-3 was an in-home Daycare Center.

Webster asked how many kids were in the Daycare.

Richeson replied that he did not know the answer to that but that they have operated a Daycare there for around 10-15 years.

Gidley asked if the applicant utilized the Daycare as their primary residence. Richeson agreed.

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Jacobs asked if there would be any windows on the side of the building.

Richeson replied that there would not be any windows on the east side and that the materials would meet all the fire ratings and standards. He stated the benefit would be large for the Daycare Center and that the detriment to anyone around would be fairly minimal.

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

Tyler Shively (333 Ewing St., Plymouth, IN 46563)

Shively stated he was the house just east of the applicant and he wished to state that he gave full affirmation to the Daycare and had no problem with the project. He added that he did not see this as invasive at all.

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

Board members Webster and Wendel moved and seconded to approve BZA 2024-23 as presented. The motion passed by roll call vote.

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

BZA 2024-24: Enterprise Holding, LLC, PO Box 855, Bristol, IN 46507: A Variance of Use for an indoor climate controlled self-storage facility on parcel 50-32-93-202-100.000-019 located at 320 N. Kingston Rd., Plymouth, IN 46563, zoned C-1, General Commercial District.

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



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Our company vision is to purchase vacated/distressed retail stores/big boxes and repurpose them as a modern, efficient and safe place for people and businesses to store their property. Additionally, we take vacant properties in areas of interest and build "ground up" self-storage facilities.

Ground-Up Builds: For our ground up builds we find properties in area we believe will be perfect for self-storage and work hand in hand with municipalities to build a new facility that will be a bright light in the community.

All of our conversion projects are upgraded to bring them back to first class condition.

Depending on each property's needs we conduct the following improvements:

Facade: Façade upgrades (new signs and fresh paint) to make the building recognizable as a first-class storage facility as opposed to a building out of business.

Parking Areas: All potholes are filled and all deteriorating areas are fixed. If needed, we seal coat and stripe areas. Once the defects are corrected and the areas are brought up to a first-class condition, we will maintain said first-class condition year-round.

Exterior Lighting: We will upgrade the exterior lights to new code compliant LED lighting.

Landscaping: Upgrades to landscaping including but not limited to removing all current dead areas, providing new areas, if necessary, and maintaining the landscaping year-round to make sure our outside appearance is as good as our inside appearance.

Access: Our management company, see below, staffs the building from 8AM-8PM. We will install a state-of-the-art security system with keypad access control and security cameras (both on the interior and exterior).

Traffic Flow: Our customer traffic impact on our surrounding neighbors and access corridors will be virtually nonexistent. We anticipate between new customers, leaving customers and revisit customers there will be approximately 200-250 cars per month.

Property Management: Our properties are managed by either Extra Space or Cubesmart. Both Extra Space and Cubesmart, are publicly traded company with over 1500 locations each throughout the United States. Both are well-known brands that operate on a first-class basis both in managing the business and maintaining the property. In our agreements with Extra Space/Cubesmart we are responsible for all property maintenance so neither company defers any maintenance. We are not a hands-off owner as we work with and monitor the property on a daily basis.

We have little traffic, no crowds, no noise, no garbage and no peak hours of operation.

Booker provided a recent recap of the zoning at the property as seen below.

History

- June 6, 2023
- Board Members Richie and Secor moved and seconded to approve
- BZA 2023-11 on the grounds they fix the water issue, mill & resurface the parking lot, fix the drainage on the back side, parking in general, put in sidewalks on the north and west sides, put in parking for the possibility of the relocation of the church, wrap the façade or placing drive-it and stucco, that they make it look like the rendering that was submitted to the board, no rentals of equipment or outdoor based business lighting, landscaping and the inclusion of all stated improvements in the submitted letter to the board as presented. The motion passed by roll call vote.

July 5, 2023

- On July 5., 2023 the applicant requested a reconsideration, but the applicant did not show for the hearing.

August 1, 2023

- On August 1, 2023 the applicant asked again for a reconsideration and apologized for missing the last month hearing. The BZA said they would have a hearing on September 5, 2023.

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September 5, 2023

- On September 5, the motion for the reconsideration was: Board Members Jacobs and Wendel moved and seconded to approve BZA 2023-11 with the following stipulations listed below. The motion passed by roll call vote. - All water issues are to be addressed. - The façade will be painted and fixed if painting is not visually acceptable after 2 years, then in the reasonable judgement of the Building Commissioner the façade will be required to either be wrapped or covered with stucco. - The façade will be inspected yearly. - The parking area on the west side of the property that the applicant wishes to subdivide will need to either be paved or turned into green space within two years unless the applicant can sell the property. - The north paved area will be repaved and stripped for parking.
- The sidewalk on the west side, Kingston Road, will wait two years unless the applicant can sell the property. - The sidewalk on the north side, Jefferson Street, will need to be installed. Yes: Gidley, Richie, Secor, Wendel and Jacobs.

Daniel Mackowiak (3625 Cortland Dr., Elkhart, IN 46514)

Mackowiak stated he was the Chief Financial Officer for the new owners of the building purchased in May of that year. He stated that it was brought up about the façade, sidewalks, parking lot, etc. He stated that the façade was under review and they had a general contractor already hired for that situation and they had reviewed that façade. He stated they were looking at alternatives but they now know that it was a concrete façade and they were thinking about the best way to handle that façade, whether they paint it, shim cover it, or wrap around it but it was still under review. He stated they were looking into what the structural part of it was and how much it could withstand in terms of weight and so on. He listed that the windows and doors were no longer feasible for a storage control unit so they would be taken out and replaced as they would no longer suffice for what they need. He stated that they had a signed contract with Cubesmart and by their design, they limit the amount of access points they like. He listed the main office entrance would be on the west side, three keypad double door entrances on the west side, and then for the back roll-up doors, they would keep four and remove all the others.

Webster asked if Cubesmart would be the owner of this building.

Mackowiak replied that they would not be the owners but they would be the property managers. He stated that Enterprise would own the facility and all Cubesmart would do was manage it from the rental perspective. He stated they are partnering with Cubesmart to handle that particular property.

Gidley asked if that would be the only business on that piece of property.

Mackowiak replied that the only thing they had left open was to deal with the dentist office in back and they had to clean it up from a landscaping perspective. He stated they believed they would want to keep it as a doctor or dentist office once it was all cleaned up and Cubesmart had no issue with using that for any reason. He stated they would hopefully turn that into some extra revenue for them once it was cleaned up.

Gidley asked if they were made aware of the responsibility to maintain the retention pond.

Mackowiak replied they were and mowed it a few weeks ago.

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Gidley described the alarm at the pump there that goes into the retention pond. He stated water travels into the retention pond, goes underground to another retention area far away, and when it does not work right it causes an alarm to go off at the pond there. He stated it had been going off and the neighbors did not know who to contact and the owner at the time, who lived in New York, certainly did not know it was going off.

Mackowiak asked if the particular alarm was set with a particular company.

Gidley replied that they did not know.

Webster stated the entire retention pond was private and the city had no responsibility on that.

Mackowiak stated that he would have to investigate and see where that alarm goes.

Jacobs believed it was a localized alarm that drives the neighbors crazy.

Mackowiak stated they are going to have people on site between now and when they open so there would be people there monitoring that situation.

Webster asked if they would have someone there in office.

Mackowiak replied they would be staffed. He stated that in the initial stages, someone would be there five days a week.

Gidley asked if he was familiar with the discussion about the lot to the west, behind the old Dollar General. Mackowiak agreed. Gidley asked what his plan was for that area.

Mackowiak replied that they were going to take a straight line down from Dollar General and parcel that property off and sell it to a fastfood restaurant or something. He explained they did not need all that parking for a storage facility. He stated they would sell it off and hopefully someone would turn it into something nice.

Wendel stated the previous owner thought about putting houses in there.

Mackowiak stated he did not believe that would be allowed as it was zoned commercial. He stated that either way they planned on parceling the property off and selling it.

Jacobs stated if it did not sell in two years that the prior owner would have had to go in and pave it.

Mackowiak explained that Cubesmart needed forty parking spaces at most so they would not need a parking lot that holds 140 cars.

Jacobs asked what was parked out in the parking lot currently.

Mackowiak replied that he had received a call last week from whoever was doing the sewers on Jefferson Street. He explained they parked everything there because they were going to come back in the Spring. He stated they discussed that with the prior owner and he allowed it so Enterprise

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plans to honor that as well. He stated that it was not in their way and they would be gone by the end of Spring 2025.

Wendel suggested for the parking space on the west side, they could put greenscape instead of asphalt.

Mackowiak replied that they have to look at the whole area and determine what was most efficient as Cubesmart required a particular look as well.

Gidley asked if there were any other local facilities that they had worked on.

Mackowiak replied that they had not at the time as this would be their first attempt at a storage unit. He stated they had a great General Contractor involved who had worked with some of the subcontractors recently over the last 3-4 weeks who had built many of these storage units. He stated the people who would be putting the storage units in do this work all the time for Cubesmart. He stated they have national contracts nationwide so they do not have to worry as they know how to install all the units inside that building.

Webster asked how many units they were expecting in the building.

Mackowiak replied that in total they were thinking about 240 units total once it was complete.

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

Randy Longanecker (880 Baker St., Plymouth, IN 46563)

Longanecker stated that as a resident a block away and a city council member, he would support filling this space. He believed they had seen too many spaces empty in Plymouth and they would be silly to pass up an opportunity to fill a space. He explained he was crucial of some of the things that he wanted to see the last time but he would be in support of this.

Linda Hagan (1060 Warana Dr., Plymouth, IN 46563)

Hagan stated she was south of the property and concerned about the lighting. She asked if the lighting would reach their street and make it so they could not see the sky anymore.

Gidley asked Mackowiak if they would be installing any new lighting on the parking lot.

Mackowiak replied that they would take a look at it when they get to that point as they had not gone to the extent of the full exterior work left to be done but they would look at that for sure.

Jacobs added there were lighting standards in our zoning ordinance to help prevent that from happening.

Gidley added that their light would have to stay on their lot.

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Webster added that their codes were all online.

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

Board members Webster and Gidley moved and seconded to approve BZA 2024-24 as presented. The motion passed by roll call vote.

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

Jacobs asked Manuwal if he had their phone number in case the alarm started to go off again.

Manuwal replied that he had one of the partner's numbers.

Houin added that Manuwal and himself have both been in contact with the applicant.

Webster asked how soon they thought they would be up and running.

Mackowiak replied that they were hoping for January but more than likely it would be in early March. He explained they still had to get building permits complete and they are behind currently at the State level, so that was the drag currently.

BZA 2024-25: Sherri Stewart, 12563 Emerald Ct., Plymouth, IN 46563: A Variance of Development Standards to have a zero (0) foot side yard setback for an already constructed 12 x 20 foot storage building on skids on parcel 50-32-94-000-148.000-018, located at 12563 Emerald Ct., 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).

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Fence is 5/8 in off property line and angles out toward the East as it goes towards the Road North. Was told by Surveyor yrs ago when we applied for attached garage. Because there was around 13 in offset from fence towards towards Rd.

Building sets even with fence line
7ft between building and garage
Front of building even front of garage
2ft 2/3 in away from fence in back of building
6ft 6 in from overhang of building to side of house
10 in overhang from roof
5ft 9 3/4 in from back of door (side) of shed to front of shed.

These are all dimensions I used to compare with Exhibit B. With moving building toward house garage + screwed to gain space from property line to the East and forward to still have access and be able to use fence gate + side door on building.

However I still would like to be able to keep building as it sets right now. It's not on property line or on neighbors property it doesn't hinder or block any views as it is across from neighbors garage with no windows. 3/4 of the time we maintain the land between the 2 properties other than about 5ft from neighbors house.

The building as it sets is very aesthetically pleasing to the eye and is agreed by all neighbor surrounding it + up + down my Road. All of which (but one) don't have problem with it and feel it is a very nice asset to my property + neighborhood.

Purpose of building and why it is placed as such

This building was specifically placed in this particular area to provide shelter for my elderly mothers car and some of her belongings as she is living with me 50% of the time and soon to be living with me 100% of the time as she has dementia that continues to get worse. There were no other options for placement of this building or for the purpose it was placed.

I personally did not know or think a detached object had to be approved or had code enforcement restriction. I also was going off of what the people that sold me the building + placed building assuming they would know this as they place many of these building per year. So my bad on that aspect of it. I believe that if these people are doing this as a business they should be aware of these codes before they sell + place them just anywhere. I think some of the responsibility should be on them.

So please take all things into consideration and Review photo's I have inclosed.

over →
Thanks for your
time + consideration
home + property owner
Sherril Stewart
Sherril Stewart

I Apologize for some of the answers to alot of the questions. I don't think I fully understood what alot of them were asking + therefore didn't understand how to answer.
my Apologies

Booker stated in the past he had this happen many times where a builder comes in and places the building down without any permits, as people assume if it was on skids, that they do not need a permit but it does. He stated the applicant was requesting to keep the building at that location where it was, even with the existing fence that was there. See image below.



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Wendel asked if the fence was on the property line.

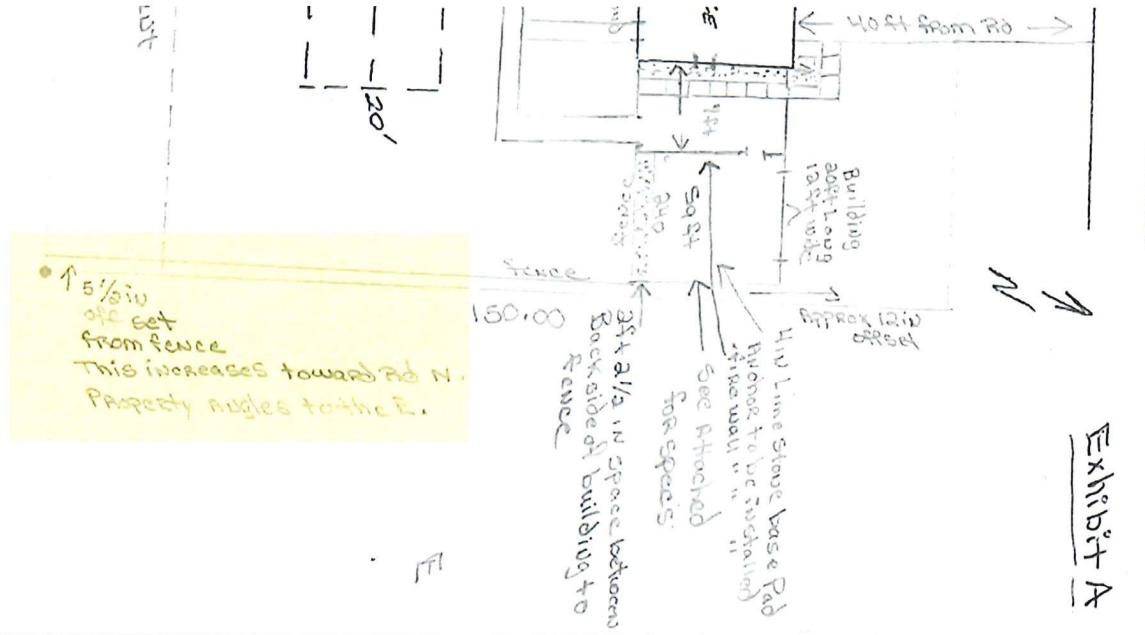
Jacobs replied that the request was asking for a two-foot setback so it was two feet off the property line. He asked Booker if that was correct.

Booker replied that he believed that was what was asked for in the application.

Jacobs asked the applicant if the surveying stake was in line with the fence.

Sherri Stewart (12563 Emerald Ct., Plymouth, IN 46563)

Stewart replied that it was over 5 ½ in. off the back of the fence and she had put dimensions on the diagram provided below. She stated that it angled out to the east where the front stake would be.



Jacobs stated the request asked for a 2 foot side yard setback so the shed would have to be moved over to have a two foot setback.

Stewart explained she did not know where she put that she was requesting a two foot side yard setback.

Booker stated he interpreted a 2 foot side yard setback from the plans.

Jacobs added that was currently in dispute.

Webster asked if the shed was built on another site and dropped off.

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Stewart replied that it was and that there was six inches of limestone underneath it and that the person dropping the shed off explained that they would anchor it down and that it would not be a problem. She added if a firewall had to be placed on it, the person who dropped the shed off said it would not be a problem. She added that may only be the case if the shed had to be moved more toward the garage. She commented that she did apply for a garage permit about 15-18 years ago and it was approved by everyone around them and that may be where the number came from for an attached garage.

Webster asked if there was electric at all in the shed.

Stewart replied that there was not at the time but there was a garage door opener that they could run electric over to.

Webster asked for clarification that at some point they were looking at running electric to the shed.

Stewart replied in agreement just for the garage door opener.

Gidley asked if it was the plan to extend the driveway because it currently goes out to grass.

Stewart replied that she would put additional gravel down.

Webster asked Manuwal for confirmation if she had to pave the driveway for a residential building.

Manuwal replied that they did not for residential.

Gidley asked if the gravel had to join the existing driveway or if the gravel could go all the way out to the street.

Stewart replied that she planned to adjoin it and take out the existing landscaping that was in front of it. She explained there was enough clearance to get the car in but not what she was comfortable with. She stated she spoke to the contractor who put the gravel down to see if they would extend it for her and that it would be a possibility once the weather broke after the winter.

Gidley asked if she had to put the gravel down or if the contractor did.

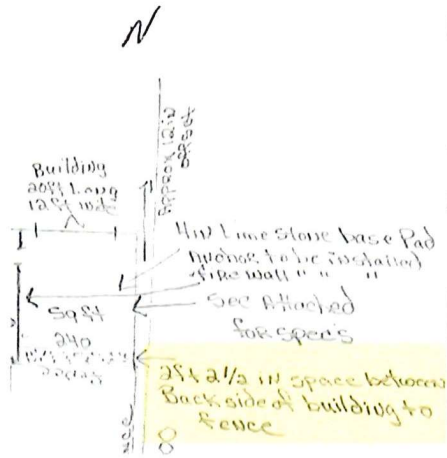
Stewart replied that the contractor had a subcontractor that did the gravel. She stated her plan was to bring it out more forward and angle it over toward her driveway so it would all blend into the driveway.

Manuwal stated that if the garage was to stay where it was at that it would still need to be fire rated.

Stewart explained that would be no problem at all as she already spoke to the person who brought the building in.

Booker stated he may have misinterpreted the diagram as he saw that the 2 ft./ 2 ½ ft. was for the space behind the building. See attached image below.

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He explained what the applicant was really asking for would be a zero foot side yard setback as the actual application did not specify a distance but rather where the building sat.

Jacobs stated that he wanted to be sure if they approved it that it would be what she needs. It was decided at that time to change the two (2) foot side yard setback to a zero (0) foot side yard setback as that was the location of where the the already constructed shed was located.

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

Booker presented a petition that was submitted alongside the request.

Neighborhood Petition + Opinions

We as Neighbors with 300 ft of the property which contains a building in question of proper limits find no reason or have any problem with this building as to where it sits on the property. This building is not obstructing on views of anyone surrounding this building + is visually attractive to the property. We the surrounding neighbors understand such reason as today it was placed in such area for the benefit of her elderly mother whom lives with her 50% of the time and is will reside there permanently in near future to supply storage + a place for her car to be parked out of the weather. Please consider allowing her to keep this building in place as is or within 9 ft surround this area.

Lynn Macmillan 17616 Emerald Ct
 Shonda Robbins 12501 Emerald Ct
 K.A. Boz 12522 Emerald Ct
 Kelly Craft 12585 Emerald Ct
 Anthony Foster 12599 Emerald Ct
 Brian Selinger 12609 Emerald Ct
 Brian Kasper-Dunkle 12638 Emerald Ct
 Emily L. Shaw 12563 Abisino
 Yvonne Harker 12548 Emerald Ct

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Aaron Talcott (12537 Emerald Ct., Plymouth, IN 46563)

Mr. Talcott stated he lived at the east adjacent property. He asked if this was surveyed.

Stewart replied there are survey stakes there.

Mr. Talcott explained from what he could tell was that the fence was on the property line or 6 inches off the property line. He stated if they want to discuss offsets that the fence should be 3 feet off the property line, and they are not on either side or the back. He explained they had another storage building and that he was not aware if it had a variance that was 3 feet off the property line.

Jacobs asked why the fence had to be 3 feet off the property line.

Mr. Talcott replied that it was a part of their subdivision code.

Jacobs explained that the Board of Zoning Appeals does not control their subdivision code.

Mr. Talcott stated when they moved in there was only two rules at the time. He listed that a fence had to be 3 feet off the property line, which was more designed for utility access, and no storage buildings. He added they changed the storage building rules over the years. He explained that the applicant currently had their fences on the property line all the way around, so it was not offset.

Jacobs explained that had nothing to do with the Board of Zoning Appeals.

Mr. Talcott stated that was fine, but they had an existing storage building that was 7 x 16 that was only three feet off the property line so that was not meeting the offsets either. He stated they came and dropped this building and the funny part about it was they had the list of names that said it was okay, but it did not affect any of them. He explained it affected them directly and not once was it mentioned to them ahead of time, during, or since it was put up. He stated that not once it was discussed with them and then they dropped this huge building on the property line. He stated from their point of view they do not like it or want it. He stated from their point of view that it obstructed views. He stated they look to the west and the backyard they see 16 feet of wall and to the front by the garage they see another 20 feet of wall right on the property line. He stated their problem was that nothing was discussed or mentioned as typically when neighbors do something like this, they do but they never did.

Jennifer Talcott (12537 Emerald Ct., Plymouth, IN 46563)

Mrs. Talcott stated Aaron Talcott was her husband, and she had a couple of questions. She asked what would happen if they ever wanted to extend their garage a few feet for storage but there was a building there that would tighten it up there more. She asked what if their neighbor to their east wanted to put a storage building right on the property line. She stated it felt like they were being encroached upon because there was no space. She stated that they do not have a fence in the back, and they have a nice big open yard that they maintain. She stated she was also concerned if that garage were to ever catch on fire and blow onto her house causing her house to burn down. She stated that the neighbors that signed the petition are not affected by this. She stated the ones live on the end of the street and not directly next to the property and they are the ones that do. She stated

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they knew a petition went around from their one neighbor, but they were never asked to look at it for a reason.

Webster asked if the applicant and them speak on a regular basis at all.

Mrs. Talcott replied that she always says hi and asks how they are doing. She stated it was just an awkward situation.

Webster stated that it sounded like an adversarial relationship.

Mrs. Talcott stated that was not the case. She stated that they had lived there since 2005, and they do not cause any issues or anything. She stated she was nervous currently.

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

Wendel stated he saw the storage unit in the backyard and thought it was unsightly. He stated that he was not sure if this board had any sway over that or not.

Booker stated there was a time that the Building Commissioner did not require a building permit for any storage sheds, but he told them that it was wrong, and they changed their mind. He explained that was well before Manuwal though.

Jacobs clarified to not go by the two (2) foot side yard setback as they have well determined that it was not a two (2) foot side yard setback, and it was set on the property line.

Wendel asked how long the fence had been there.

Stewart replied that the fence had been there since she started living there in 1998.

Webster asked for clarification that she had owned the property since 1998. Stewart agreed.

Wendel asked for clarification that the fence was not a problem until they put the garage in front of it.

Mr. Talcott replied in agreement and stated that he did not know that the fence was on the property line until he had to look.

Wendel stated that he would be more upset about the camper parked in someone's driveway that had been there for a year. He asked if someone was living in that as he noticed it right away.

Gidley asked for clarification that it would need a firewall one way or another. Manuwal agreed.

Selge asked for clarification that the building was there for the mother's belongings and car.

Linda Rash (204 Walnut St., La Paz, IN 46537)

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Rash replied that she was the mother. She stated that the gentleman stated that he had not been out there and did not know about it, but he was out there looking down her fence row well before this ever happened. She stated that he found out somehow but did not know how. She stated that her daughter was doing this for her because she knew that eventually she would need assistance and live with her. She stated that she hoped it would not be for a little while as she was 85 so she knew it was down the line. She stated that her daughter was doing this for her, and she tried to do this for the neighbors so that it does not block any view. She stated that it was back about as far as she could get it without bothering them. She explained it could be pulled closer to the garage if the board believed it was necessary. She stated that she was appreciative that her daughter had her in mind for hopefully the next few years.

Gidley asked if there was anything in that garage currently that was hers.

Rash replied that there was nothing in the garage currently and she kept her vehicle parked outside currently. She stated when it gets snowy, she would like to have a garage as she had one at home that she kept her car in all the time.

Booker stated the only idea he had was that it could be moved over or move it to another location. He stated that one thing they did with mobile homes in the county was that they let them have the building until the person that was using it was no longer using it. He stated that afterward it would need to be removed but that was just a thought.

Wendel stated he would want the stipulation that once the mother was no longer with them, for lack of better words, that at the time they would have to remove it. He stated that the shed to him was visually appealing.

Webster asked what would happen if they decided to sell the house and move to another property. He asked if it would have to be removed at that time as well.

Jacobs stated that it would have to be removed.

Stewart stated that she would take it with her.

Wendel asked for clarification that she would take the shed with her and return the ground to its original appearance. Stewart agreed.

Houin suggested better wording for what the motion was. He asked if the motion was to approve the request for the lifetime of Linda Rash, or until the current owner sells the property. Wendel agreed.

Gidley asked if this would require a building permit. Manuwal agreed. Gidley explained that they would have to come in and purchase a building permit. He stated they would also need to have an electric permit when they plan on installing electricity.

Manuwal replied for an accessory structure permit, they could include electrical into it.

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Gidley stated he was concerned with the builders who sell these buildings. He stated they sell these buildings without telling people that they need a building permit. He stated the applicant should have known but the builder should have known as well. He stated he was not trying to put the blame entirely on the applicant.

Manuwal stated that people could go to Lowes and purchase an accessory structure as well.

Board members Wendel and Selge moved and seconded to approve BZA 2024-25 with the stipulation that the shed remain for the lifetime of Linda Rash, or until the current owner sells the property. The motion passed by roll call vote.

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

BZA 2024-26: Harman Restaurants, INC., 209 N. Main St., Bourbon, IN 46504: A Variance of Development Standards to have up to eight (8) signs and increase the total square footage of the signs to 300 square feet, on parcel 50-32-93-104-224.000-019, located at 101 S. Michigan St., Plymouth, IN 46563, zoned C-2, Downtown Commercial District.

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

November 15, 2024 101 S. Michigan St. Site

Dear City of Plymouth Official,

I am applying for a Variance From Development Standards for exterior signage located at 101 South Michigan St. in downtown Plymouth.

The purpose of my request is to adequately mark my building in a visually appealing manner that will enhance the appearance of my property and the downtown as well.

As you are aware, this building is located on high-traffic Michigan Street. I believe it is unique in many ways:

- It is located on a corner and is not attached to any other buildings.
- It is a large building and has four very visible sides.
- It faces Michigan Street to the west and the Rees Theatre and oncoming traffic to the north.
- It overlooks the Yellow River and oncoming traffic from the south
- It has a large brick side to the east facing Riverpark. (I expect many of our patrons will enter the building from the east because of the parking lot, which makes signage on this side imperative.)

I believe for the most part, commercial buildings that are smaller and have only one or two sides of frontage, the current development standards for signage are adequate. But again, my building is unique and without the signage for which I am seeking approval, I believe the building will actually look less attractive. It will be barren in some spots, lacking in appearance so to speak.

In short, I'm seeking a variance in order to enhance my property and I believe that granting one will have a positive effect for downtown Plymouth.

Thank you very much for your consideration.

Sincerely,

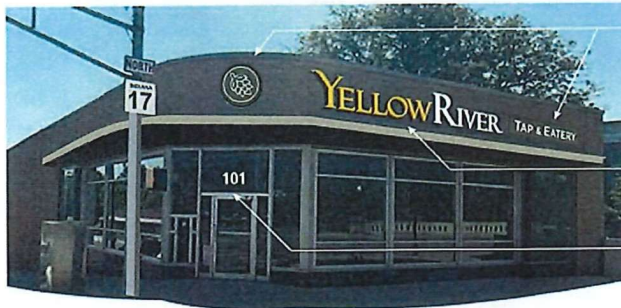
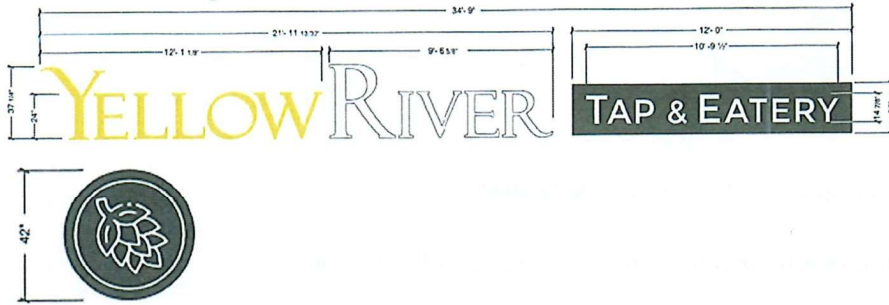
Tim Harman



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To save on questions asked during this request, North American Signs submitted five (5) signs broken out below.

- "Yellow River" on the west side.
- "Tap & Eatery" on the west side.
- Graphics sign on the northwest corner.
- Blade sign on the southwest corner.
- Banner sign on the east side.



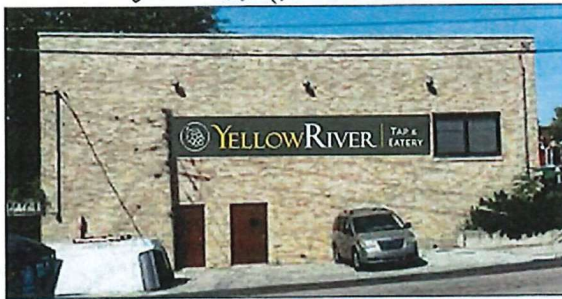
FACE LIT ILLUMINATED CABINETS w/ VINYL GRAPHICS.
* SEE PAGE 2 FOR SIGN DETAILS

REVERSE-LIT CHANNEL LETTERS
* SEE PAGE 2 FOR SIGN DETAILS

FIRST SURFACE WHITE VINYL GRAPHICS

FRONT ELEVATION SIGNAGE - DAYTIME RENDERING

EAST SIDE (28'W x 54" T SIGN)



DIBOND FACE MATERIAL

B PROPOSED EAST ELEVATION SIGNAGE
NTS

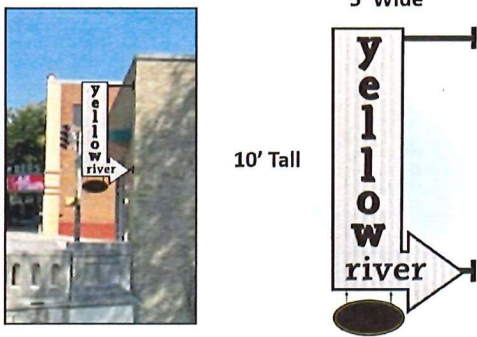


3mm BLACK DIBOND w. VINYL GRAPHICS
SCALE: 3/8" = 1'-0"
SQFT: 126.0

QTY: 1

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Blade Sign – Southwest Corner



Tim Harman (209 N. Michigan St., Bourbon, IN 46504)

Harman gave a presentation that helped to summarize some of the reasons.

EXACT REQUEST:

- 8 Signs Total,
- Including 1 Blade Sign.
- 300 Square Feet Total.



The Current Sign Ordinance is Proper for Most Buildings...

WHY THIS IS AN APPROPRIATE AMOUNT:

- Building has 4 large visible sides,
- On a visible corner.
- Over 300 Ft. in Total Perimeter.
- ENHANCE THE DOWNTOWN!!!



... but it's not appropriate for all.



Booker asked if it was 300 square feet for total amount of signs or just one sign.

Harman replied that it was for the total amount of signs. He explained the sign company had drawn up 278 square feet and it would be possible to scale some of these down but he did believe the signage was visually appropriate for the size of the building.

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Webster asked if the east side of the building would be an entrance for patrons.

Harman replied that it would be.

Webster asked if he would be receiving deliveries on the east side.

Harman replied that all the vendors would be coming in through the east door. He explained that it was a unique building where you are ground level in the basement. He stated there was a lot of square footage of brick surface. He stated there was a total of 311 ft. of total perimeter space according to the Beacon GIS Website.

Gidley asked if the blade sign would be the only sign visible from the south.

Harman replied that the reason they did not put any signs on the south side of the building was that above the deck, there was supposed to be a sun shade that was not on the building yet. He believed it would interfere with the sun shade. He explained that he would like to reserve the possibility of having signs on the north side. He stated there was a lot of brick space that he could fill with a mural or something. He stated the south side also had a couple bare spots so he was asking for 8 signs to have some flexibility for future use. He stated if he had to come back for a future variance, then that would be fine as well, but he believed it would be better to wrap it up with one request.

Webster asked if he was downtown walking around that he would have the ability to enter on the east side of the building. Harman agreed. Webster asked for clarification that they would also be taking deliveries in one of the two doors as well. Harman agreed. Webster asked if there would be a sign above the door saying, "Deliveries Here." He stated that they would not want them parking on Michigan Street.

Harman replied in agreement and stated that he was unsure if a sign over the door was considered a sign or not. He stated he wanted some flexibility in his request. He stated that was ground level and expected half of the people to enter the door on the right and go up the stairs.

Webster stated that he was looking at it from a logistics point of view.

Harman replied that the beer delivery guys would go through the door on the left because the beer cooler would be in the basement but the food vendors would have to go through the front door mostly as they would not want to haul all of it up the stairs so they would come through the north entrance.

Webster asked if they would park on Michigan Street or LaPorte Street.

Harman replied that they typically come very early in the morning.

Webster stated there was a lot of traffic on Michigan Street.

Harman stated that he could see them parking on LaPorte Street and trucking it. He stated it may be better if they face east and park on LaPorte Street due to how the ramp would work.

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Gidley asked about the square footage of the sign on the east side.

Harman replied that it was 128 square feet and that he was going off the sign companies data. He stated that Brian Montgomery, who owns the Coffee Lodge, was the Sales Representative who helped with this. He stated they recently applied for the commercial revitalization grant from the city and they had agreed to put 20% toward the funding of the signs. He stated that he told Montgomery not to build those signs until this was approved.

Booker referenced an earlier statement and stated that informational signs were exempt. He stated if it stated "deliveries" or "entrance" that it would not need approval from this board.

Houin asked if the blade sign would be illuminated.

Harman replied that it was a thought and that he would appreciate approval for an illuminated sign as it would be nothing tacky or ridiculous.

Gidley stated that signs downtown are supposed to be externally lit so part of this was a variance for internally lit signs. He explained the the light should shine on it and not in it.

Harman asked if the Brass Rail sign was lit.

Jacobs reminded everyone that it did not matter what they approved for another individual as every case was standalone. He stated they take each case separately so if they were to approve one individual case, that did not mean they had to for anyone else.

Harman stated that would mean he would be seeking approval for that as well as he was not aware that was an issue.

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

Eugene "Rocky" Talcott (14915 12th Rd., Plymouth, IN 46563)

Talcott stated he was also a merchant downtown about half a block north of Harman. He stated that he wanted to promote this because the inside of the building was phenomenal and would be a unique building for this downtown. He explained that Harman put a lot of time, effort, and money into this to make it something. He stated they are all aware that the building had not been a whole lot for a long time. He welcomed Harman downtown.

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

Gidley stated he agreed with the current count of signs and that he agreed with the color and font. He stated he wished they were externally lit like most buildings downtown, but it appeared the applicant was wishing for them to be internally lit. He stated at the minimum, he would like to see the blade sign externally lit. He stated for the potential signs on the south side above the awning

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and the ones on the north, that he would prefer they be artwork, like the Rees Theatre across the street, as there were plenty of signs. He stated they didn't have to match with the Rees but murals or something like the hops leaf above the front door.

Selge asked for clarification that he agreed on what was shown so far, but not what was anticipated. Gidley agreed. Selge believed they should come for another variance if they wanted three more signs. He stated they still had to open the business so it may be a while before they figure out the other signs. He believed they needed the signs on the back and front.

Jacobs asked for clarification if artwork was considered a sign or not.

Manuwal replied that a mural was classified as a sign.

Houin stated that Manuwal had the authority to interpret the zoning ordinance and if there was a disagreement, they had the option to come to them to overrule it.

Manuwal explained that he tried to ask for other opinions.

Gidley stated they had a similar situation with Popeye's artwork calling that a sign.

Harman agreed with Manuwal that murals are considered signs.

Wendel asked if there would be any lettering on the awning above the deck.

Harman replied that it was a structural design that was metal framing like jousts, so it was four feet deep north south and 20 feet wide with some cross beams in between. He stated it was not entirely for shade, but it was to help put lighting on the deck to illuminate the deck. He explained they could run canopy or something like that to the post to shade the whole thing, but the tree provides a tremendous amount of shade during certain times of the year.

Jacobs asked if they would have any signage on the awning.

Harman replied that he did not have it in the design.

Selge asked if there would be color.

Harman replied that it was black metal framing that would look cool, but it was design for sun and lighting.

Gidley asked if he would be painting the building as the images provided seem darker.

Harman replied that he did not plan on painting, but he would power wash the building. He stated that the brick was in really good shape but there were some spots that needed tuck pointing. He added that it would be a wasted expense.

Board members Gidley and Selge moved and seconded to approve BZA 2024-26 with the current five signs that were proposed. The motion passed by roll call vote.

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

Other Business:

Houin reminded everyone that the Comprehensive Plan Advisory Committee was holding their end of the year recap celebration that Thursday at noon, at the Heartland Arts Center. He explained that everyone was invited but asked that they contact Promotion of the City Coordinator Laura Mann as soon as possible so they could plan food.

He added that the Mayor had to leave early but had made comments at the Plan Commission and he wished to echo those. He stated that this was Ralph Booker's last meeting and Ty Adley started with them that week but could not make the meeting tonight. He stated that he would be working with Booker over the next month to get settled in. He stated the Mayor had great comments thanking him for his time/service and wished him well on his journey.

Booker wished to thank the board for all their work as they made the job easier. He stated he enjoyed this job, but it was time for a change.

Gidley asked if there was a place on the city's water bill so people could get a message on the water bill that stated to not build a storage shed without getting a permit.

Houin asked if he read his water bill. He stated he gets an automatic deduction, and he does not open his most of the time. He replied that it would have to be something discussed with the Clerk-Treasurer as those bills are pre-printed with all the standard information and he was not aware of how far ahead they ordered them but believed there was a stockpile. He explained if it was also an insert that it would have to be discussed with the Clerk-Treasurer.

Manuwal added for the current case outside city limits that an insert would do no good.

Booker stated they either had to set a date for their next meeting in January or for the entire year. He explained the Plan Commission decided to only set their next meeting for January 7th, 2025.

Board members Jacobs and Webster moved and seconded to make the next meeting date and time for January 7, 2025, the first Tuesday at 7:30 p.m. in the City Council Chambers. The motion carried.

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



Kyle Williams, Recording Secretary