

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES

February 8, 2021

Chairperson Troike opened the meeting at 6:30 p.m.

I Pledge of Allegiance- led by Chairperson Troike.

II Roll Call- Bob Troike (Chairperson), Zac Binkley (Vice-Chairperson), Mark Allen(Executive Secretary), Denise Cultice (Member), Martin Bedrock (Attorney), and Mary Beever (BZA Recording Secretary).

III Appointments for 2021 –

- ◆ **Chairperson** – Executive Secretary Allen nominated Bob Troike. Vice-Chairperson Binkley seconded that nomination. With no other nominations the motion carried 4-0.
- ◆ **Vice-Chairperson** - Executive Secretary Allen nominated Zac Binkley. Member Cultice seconded that nomination. With no other nominations the motion carried 4-0.
- ◆ **Executive Secretary** – Member Cultice nominated Mark Allen. Vice-Chairperson Binkley seconded that nomination. With no other nominations the motion carried 4-0.
- ◆ **Attorney** - Executive Secretary Allen nominated Martin Bedrock. Vice-Chairperson Binkley seconded that nomination. With no other nominations the motion carried 4-0.
- ◆ **BZA Secretary** – Member Cultice nominated Mary Beever. Executive Secretary Allen seconded that nomination. With no other nominations the motion carried 4-0.

IV Review of the meeting minutes for January 11, 2021 – Executive Secretary Allen made a motion to approve the minutes as written. Member Cultice seconded that motion. Motion carried 4-0.

V Public Hearing - to consider an area variance request by Patrice Kluth, to place an accessory garage on property zoned R-3, on property owned by Patrice Kluth, Trustee, Patrice Kluth Living Trust and described as follows: Boa Shores Lot 2 Blk 2 S7/T32/R1, 0.05 acres, Parcel number 75-11-07-102-121.000-008, located at Boa Dr. Knox, IN 46534 North West of 3870 S. Cr. 210, Knox, IN 46534.

- ◆ Attorney Bedrock read the request listed above.
- ◆ All notifications were not in order.
 - Secretary Beever stated that a notification for Melissa Long of 3870 S. Cr. 210 Knox, IN 46534 and a James Mitchell of 8316 Schreiber Dr. Munster, IN 46321 had not been returned.
 - Chairperson Troike explained to applicant Kluth her options for proceeding with the hearing or waiting on all notifications to be in order.
 - Applicant Kluth decided to proceed with the hearing.
- ◆ Secretary Beever explained the applicant was before the board because she is wanting to replace a dilapidated shed with a new larger one for her lake equipment and there is no existing dwelling on the property.
- ◆ Applicant Kluth was present and explained her intent to build a newer garage on the property to store her lake equipment in and that she lives kitty corner from this property.
- ◆ Attorney Bedrock advised the board of the restriction on property to not be able to build with out a dwelling being on the property.
 - Secretary Beever stated that there used to be house she believes on the front parcel.
 - Applicant Kluth stated that the house was condemned some years ago and torn down.
- ◆ Vice-Chairperson Binkley asked if the existing shed is on a foundation.

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- Applicant Kluth responded yes, that it is on a concrete slab and right directly on the property line and that she would like to actually move it off of the property line.
- ◆ Executive Secretary Allen asked if she would keep the existing slab.
 - Applicant Kluth stated that she would like to be able to keep it and potentially add a basketball hoop for the kids to play basketball on.
- ◆ Audience in favor of request:
 - Patrice Kluth
- ◆ Audience opposed to request:
 - Byron Walters stated he is opposed if it would block the current public access that is by this property.
 - Rich Gronchowski (called the office earlier that day and spoke with secretary Beever) said he was not in favor of the new accessory structure if it would interfere with the public access near this property.
- ◆ Vice-Chairperson Binkley asked how the garage would be accessed and if she was planning on putting in a driveway.
 - Applicant Kluth stated that she does not intend on putting in a driveway or power and plans to leave it as a grassy area. She went on to state that she would access it through the grass on her golf cart and it would be used to store bicycles and her wave runners. She added that the position of the new garage also would not interfere with the view of the lake from other neighbors. She also stated that by moving the new garage off of the lot line it would also give more room for the people using the public access and wouldn't impede on the existing neighbors or the beach.
 - Vice-Chairperson Binkley asked if the current garage isn't big enough.
 - Applicant Kluth stated that isn't large enough to store her wave runners in. She went on to state the current shed is 16x10 and she is wanting to make the new garage 20x16.
 - Chairperson Troike stated that there is no dwelling and the rules state there must be a dwelling on the property, and that they've had similar variance requests that the board has denied recently.
 - Applicant Kluth stated that she isn't directly across the street but she is very close and that the park property being shaped as it is actually is between her home and this property.
 - Secretary Beever stated that property directly across the street would be considered adjoining property and people are allowed to build. She went on to explain that this property isn't directly across the street.
 - Attorney Bedrock asked if the current shed is able to be renovated.
 - Applicant Kluth stated that it could be but she is wanting to actually place something larger to fit her needs.
- ◆ Attorney Bedrock stated that the current ordinance states you can't build an accessory building without a dwelling on the property first, and that the board has recently denied several of these requests.
 - Applicant Kluth asked attorney Bedrock if she could expand the current shed.
 - Secretary Beever stated that as long as she stayed with in her coverage limits she could put an addition on to it. She went on to state that she could get a permit to remodel it but the applicant was just wanting to replace the entire thing.
 - Applicant Kluth stated that she was wanting to replace the whole shed so it would be more aesthetically pleasing than the old shed.

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- ◆ Chairperson Troike asked the applicant if she had other property with her residence, and if there was room on it to place a shed.
 - Applicant Kluth stated that she bought this property so that it would preserve her lake view, and that it would be easier and positioned better for her to store her lake equipment.
- ◆ Executive Secretary Allen made a motion to close the public comment portion of the hearing. Member Cultice seconded that motion. Motion carried 4-0.
- ◆ Board discussion.
- ◆ Executive Secretary Allen made a motion to deny the request. Vice-Chairperson Binkley seconded that motion. Motion carried 4-0.

VI Public Hearing - to consider a conditional use variance request by Greg Wireman, to place two storage containers on property zoned R-3, on property owned by Warrior Holdings, LLC and described as follows: Birchurst Pt Lot 1 & Bestview Pt Lots 1 & 2 S7/T32/R1, 0.50 acres, Parcel number 75-11-07-201-016.000-008, located at 3698 S. Cr. 210 Knox, IN 46534.

- ◆ Attorney Bedrock read the request listed above.
- ◆ All notifications were in order.
- ◆ Applicant Wireman explained that he was before the board because they needed some additional storage space for equipment associated with his business and wanted to store it in storage containers. He went on to explain that in one of them he is storing piers for the lake, and that in the other one he is storing restaurant equipment. He went on to state that he has already invested a lot of monies into the restaurant and that he isn't at a point yet where he'd be comfortable putting in permanent storage and that eventually he is wanting to put an addition onto the kitchen portion of the restaurant.
- ◆ Audience in favor of request:
 - Greg Wireman
 - Jen Rietow
 - Val Williams
 - Crystal Kackert
 - Donald Kackert
 - Rhonda Ammonds
 - John Liewendowski
- ◆ Audience opposed to request:
 - No one in the audience was opposed to the request.
- ◆ Executive Secretary Allen made a motion to close the public comment portion of the hearing. Member Cultice seconded that motion. Motion carried 4-0.
- ◆ Vice-Chairperson Binkley asked the applicant who the holding company is that owns that property.
 - Applicant Wireman stated Warrior Holdings LLC.
 - Vice-Chairperson Binkley asked if he is part of that company.
 - Applicant Wireman stated yes.
 - Vice-Chairperson Binkley asked if there is any reason why the applicant would not be in favor of building a permanent structure for storage.

(There were audio problems at this time with problems hearing what applicant Wireman was trying to state.)

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- Applicant Wireman stated that they decided to do it this way so in the future if they wanted to expand or remodel the building that these structures could just be moved out and not have to be torn down.
- Vice-Chairperson Binkley asked if the one unit was used for storage of the piers.
 - Applicant wireman stated yes and that the piers are a \$50,000.00 investment and that they have security being stored in the unit.
- ◆ Chairperson Troike asked if it was feasible for him to use the storage units on the other side of the lake that were being put up.
 - Applicant Wireman responded that they would just incur more costs that way of moving them and storing them. He went on to state that the other unit is used for restaurant equipment and it would not be feasible to have to run across the lake for a piece of equipment every time they needed to use it.
 - Chairperson Troike asked if it the units took away parking spaces.
 - Applicant Wireman responded that how they are positioned they don't actually take way any parking spaces and cars can park right up to them.
 - Chairperson Troike stated that he was part of the board when a variance was granted before and there was an issue back then with the parking spaces.
 - Applicant Wireman responded that he was aware of this and that the units are situated where cars can park right up to them.
- ◆ Board discussion.
- ◆ Chairperson Troike asked how long the applicant foresees keeping the units.
 - Applicant Wireman stated it would be hard to say when they would be able to do the addition on to the kitchen. He went on to state that the units could be painted to blend in with the building, and that where they are positioned they are not taking away from a view of anyone.
- ◆ Member Cultice asked if in the future they were able to put on an addition to the restaurant and would have to loose the two box trailers what they would do with their items then.
 - Applicant Wireman responded that the one unit that holds the piers would probably be there a long time but the one that has the restaurant equipment in it would not be needed if they were able to put on an addition to the kitchen.
- ◆ Board discussion.
- ◆ Vice-Chairperson Binkley made a motion to grant the request with the following stipulations:
 - The units must be painted
 - The decision of the BZA is only valid for one year, at which time the applicant must then appeal to the board to ask for an extension of time to keep the units on the property if needed. There shall be no charge to assessed with asking for an extension.
 - Permits for the units must be obtained in the planning commission office for the units.
 - Executive Secretary Allen seconded that motion. Motion carried 4-0.

VII Old/New Business-

- ◆ None at this time.

VIII With no further business to come before the board Executive Secretary Allen made a motion to adjourn, seconded by Member Cultice. Motion carried 4-0. The February 8, 2021 meeting adjourned at 7:25 p.m. local time. This meeting was recorded and will be on file in the zoning office. The next meeting of the Starke County Board of Zoning Appeals is scheduled for March 8, 2021 the latter of 6:30 p.m. or the

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conclusion of the Planning Commission Meeting, in the Starke County Government Building, located in Knox, IN.