

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

## MINUTES

August 9, 2021

Chairperson Troike opened the meeting at 6:31 p.m.

- I Pledge of Allegiance-** led by Chairperson Troike.
- II Roll Call-** Bob Troike (Chairperson), Zac Binkley (Vice-Chairperson) (Absent), Mark Allen (Executive Secretary), Denise Cultice (Member), Martin Bedrock (Attorney), Wallace Williams (Boz) (Building Commissioner), and Mary Beever (BZA Recording Secretary).
- III Review of the meeting minutes for July 12, 2021** – Member Cultice made a motion to approve the minutes as written. Executive Secretary Allen seconded that motion. Motion carried 3-0.
- IV Public hearing** - to consider an area variance request by Pamela Trusty to put in a tiny home and tear down the existing dilapidated home, on property owned by Ronald & Pamela Trusty and described as follows: Sw Sw S26/T33/R3, 4.99 acres, Parcel number 75-05-26-300-022.400-007, located at 1980 W. 200 S. North Judson, IN 46366.
  - ◆ Attorney Bedrock read the request listed above.
  - ◆ All notifications were in order.
  - ◆ Secretary Beever explained that the applicant was before the board seeking a variance to build a tiny home and that according to Chart 1 in the Starke County Ordinance a dwelling in an Ag. zoned area must have a ground floor print of at least 900 sqft.
  - ◆ Attorney Bedrock stated it is in our ordinance for size requirements.
  - ◆ Member Cultice made a motion to open for public comment. Executive Secretary Allen seconded that motion. Motion carried 3-0.
  - ◆ Applicant Pamela Trusty was present. Applicant Pamela Trust and her son Ronald Trusty explained their intent to demolish the old home and replace it with the newer tiny home. Ronald Trusty went on to describe the positioning and type of foundation to the board that would be used. He also stated that it would be a permanent structure.
  - ◆ Bldg. Insp. Boz asked if it was like a park model.
  - ◆ Ronald Trusty responded that it is a Yoder building that they will be remodeling into a home. It's the kind that has a small porch on the home.
  - ◆ Audience member Pam Bau asked if it was coming as a tiny house that had already been made.
  - ◆ Ronald Trusty responded no to her question, and added that he'd be the one doing the remodeling of it.
  - ◆ Bldg. Insp. Boz asked why they were unable to put in a house trailer there that would meet the requirements of size.
  - ◆ Ronald Trusty replied stating that it was considerably much more money to do that and he will be doing most of the work himself with his family. He went on to state that this is what his mother could afford.
  - ◆ Audience member Steve Hussy & Pam Bau asked about a hardship variance. They went on to state that they have apartments near them that they were not fond of going in.
  - ◆ Applicant Trusty showed the board members pictures on her phone of the building.

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- ◆ Bldg. Insp. Boz stated that the planning commission fights these tiny homes everyday to keep these tiny homes out of Starke County and has calls all the time about people wanting to build things like this. He went on to state that if it is a hardship case then it would need to be torn down before anyone else could ever live in it again with that small of square footage.
- ◆ Secretary Beever explained that this is not a hardship variance and explained to them what the circumstances for a hardship would be.
- ◆ Bldg. Insp. Boz stated that in his opinion that this is not a good idea because it would just keep going to the next person and so on.
- ◆ Attorney Bedrock added that this would set a precedent.
- ◆ Member Cultice asked Bldg. Insp. Boz if they put a stipulation that it is only for Pam.
- ◆ Bldg. Insp. Boz stated that he would then want it to be tore down.
- ◆ Someone in the audience asked if it could eventually meet the square footage.
- ◆ Attorney Bedrock stated that this is an accessory building to begin with and that it was not meant to be a dwelling.
- ◆ Member Cultice asked how tall the ceiling was.
- ◆ Ronald Trusty replied that it is 12 feet at the peek and it has a lofted area also.
- ◆ Secretary Beever added that just the other day the office received a phone call about someone wanting to turn semi van trailers into a home.
- ◆ Ronald Trusty asked what made the ordinance say 900 sqft.
- ◆ Attorney Bedrock stated that the planning commission adopted that when that ordinance was made.
- ◆ Secretary Beever stated that chart 1 of the ordinance was adopted 3/5/1979. (At the meeting a date of 6/19/2002 was given by mistake.)
- ◆ Bldg. Insp. Boz stated that most manufactured homes are about that square footage.
- ◆ Ronald Trusty stated that no one wants to see a trailer pulled in by their home either.
- ◆ Secretary Beever said that trailers are actually allowed in that zoning to place on that property.
- ◆ Ronald Trusty asked so you can put hog buildings in over there too because it's zoned AG.
- ◆ Attorney Bedrock stated no you can't put hog building in over there.
- ◆ Applicant Pam Trusty asked if she is zoned AG or not.
- ◆ Secretary Beever responded yes.
- ◆ Applicant Trusty stated then she's allowed to put hogs, pigs, cows, and chickens out on her property.
- ◆ Secretary Beever stated that she'd be allowed to have one head of livestock per acre after two acres in that zoning.
- ◆ Ronald Trusty stated he doesn't know why this is such a big deal and that they just don't have the money do what we require and that they just are trying to make it nice for her. He also went on to state that he doesn't know why it's such a big deal to do something to your own property and that they are just trying to make it nicer and the house there is just making it ugly. He asked the board why they wouldn't rather have a nice building sitting there when people come down 39 in your county instead of a big ugly old house that is sitting there now. He went on to say that the only way that house comes down is if he gets permission to put this new house there and that otherwise that old house is staying there for forever. He went on to state that he is tired of getting

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letters from the county and they are trying to get it cleaned up and to do what's right, and they are trying to stop me from doing what's right because the building isn't big enough according to you.

- ◆ Attorney Bedrock stated that it's according to the ordinance.
- ◆ Discussion by many members of the board and the audience members
- ◆ Audience in favor of request:
  - Jennifer Jordan
  - Pamela Trusty
  - Ronald Trusty
  - Randall Fletcher
- ◆ Audience opposed to request:
  - No one was opposed to the request.
- ◆ Audience members Pam Bau & Steven Hussy had some questions regarding the home and stated they weren't opposed to it but were concerned that it would be setting a precedent in the county.
- ◆ Randall Fletcher added that it took him a long time to make things at his home look good, he went on to add that he didn't necessarily want to set a precedent either in the county but he understands the applicant has been through some hard times.
- ◆ Executive Secretary Allen made a motion to close the public comment portion of the hearing. Member Cultice seconded that motion. Motion carried 3-0.
- ◆ Board discussion.
- ◆ Member Cultice made a motion to grant the request with the following stipulations:
  - a. If and when something should happen to Pamela Trusty the tiny home will have to be removed from the property or it has to meet the 900 sqft district restriction for AG zoned ground floor living area.
  - b. Everything on the property must be cleaned up by March 1, 2021 including the demo of the old home.
  - c. All Permits must be obtained in; A building permit for the new tiny home and a demolition permit for the old home.
  - Executive Secretary Allen seconded that motion. Motion carried 3-0.
- ◆ Secretary Beever explained the cost of the permits to the applicant.
- V Public hearing to consider a use variance request by Sandra Burns, to place a manufactured home on property zoned R-2, on property owned by John Potter and described as follows: Kings Lake Lots 7-8 & 10-15 Blk D S36/T32/R1, 2 acres, Parcel number 75-11-36-104-010.000-008, located at 8320 S. Ridge Rd. Monterey, IN 46960.
  - ◆ Attorney Bedrock read the request listed above.
  - ◆ All notifications were in order.
  - ◆ Applicant Sandra Burns and John Potter were present.
  - ◆ Secretary Beever explained that applicant is seeking a use variance to place a manufactured home in an R-2 Zoned area and according to Table B of the Starke County Ordinance that is not permitted. She went on to state to the board, there is also an issue with there being two manufactured homes on one parcel. She stated that the parcel the home is currently sitting on would have to be split off the current parcel and added to the other parcels the home owner owns

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first before a variance could be granted. Secretary Beever then showed the home owner and the board the situation on the GIS board and explained to the home owner the situation and what she believed needed to be done before the board could approve a variance.

- ◆ Applicant Potter explained his intent that he is just wanting to place the home near his so that his daughter has somewhere to live with their grandchildren.
- ◆ Bldg. Comm. Boz also brought up that the home owner should also get soil borings done prior to the splitting and joining of the properties to see if a septic system is able to be placed on the property.
- ◆ After much further discussion Member Cultice made motion to table the request until the following has been completed:
  - a. A soil test has been done to determine if a septic can be placed on the property.
    - i. Results of soil test will determine if a new parcel needs to be made.
- Executive Secretary Allen seconded that motion. Motion carried 3-0.

## VI Old/New Business-

- ◆ **Tom Jordan** - asking for an extension for variance granted July 14, 2020, for the following property; Parcel number 75-10-23-204-025.000-002 located at 6401 S. Rannells Dr. E. Knox, IN 46534.
  - Secretary Beever stated that he is making progress on the property and due to the rising cost of lumber he was not able to start on the new dwellings as soon as he wanted but was able to get them demoed.
  - Board Discussion
  - Member Cultice made a motion to grant the request of a 6-month extension to obtain the building permits since progress has been made on the property. Motion was seconded by Executive Secretary Allen. Motion carried 3-0.
- ◆ **Warrior Holdings** – variance granted February 10, 2021, six month time frame has lapsed. Parcel number 75-11-07-201-016.000-008, located at 3698 S. Cr. 210 Knox, IN 46534.
  - Secretary Beever stated that the applicant has not come in to obtain the permits for the structures nor have they been painted, and the six month time frame to do so has now lapsed.
  - Board Discussion
  - Member Cultice made a motion to send a letter to the applicant that the storage units be removed from the property within thirty (30) days since they are not in compliance. She went on to state that if the applicant does come into the office that he may obtain the permits for the structures and has 30 days to paint them, and must return in February to ask for an extension. Motion was seconded by Executive Secretary Allen. Motion carried 3-0.

**VII** With no further business to come before the board Executive Secretary Allen made a motion to adjourn, seconded by Member Cultice. Motion carried 3-0. The August 9, 2021 meeting adjourned at 7:44p.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 September 13, 2021 the latter of 6:30 p.m. or the conclusion of the Planning Commission Meeting, in the Starke County Government Building, located in Knox, IN.